

ALASKA LEGISLATIVE COMMITTEE FILES 1903 1904

2175 HCRA HB 172 (FILE 5)

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1 AS 29.20.090(c);

2 (5) a reapportionment ordinance approved by the voters
3 under AS 29.20.090(d); and

4 (6) a reapportionment order of the commissioner made under
5 AS 29.20.090(e).

6 Sec. 29.20.110. EFFECTIVE DATE OF APPORTIONMENT. (a) A change
7 in assembly apportionment or composition under AS 29.20.080 or 29.20.-
8 090 is effective beginning with the first regular election for members
9 of the assembly that is held more than 60 days after the later of

10 (1) approval of a reapportionment ordinance by the voters
11 under AS 29.20.080(a), 29.20.080(e), or 29.20.090(d); or

12 (2) the delivery to the mayor of a reapportionment order of
13 the commissioner under AS 29.20.090(d).

14 (b) The provisions of (a) of this section do not apply to a
15 borough in which a change in assembly composition or apportionment is
16 subject to review and approval or determination of nonobjection by the
17 Attorney General of the United States under the Voting Rights Act of
18 1965, as amended (42 U.S.C. 1971 - 1974). A change in assembly compo-
19 sition or apportionment subject to review under the Voting Rights Act
20 of 1965, as amended, is effective beginning with the first regular
21 election for members of the assembly that is held more than 60 days
22 after

23 (1) receipt by the assembly of approval by the Attorney
24 General of the United States of the proposed change in the composition
25 or apportionment of the assembly;

26 (2) the delivery to the mayor of a reapportionment order of
27 the commissioner under AS 29.20.090(e); or

28 (3) the last day on which the Attorney General of the
29 United States may review a proposed change in the composition or

1 apportionment of the assembly.

2 Sec. 29.20.120. APPLICABILITY OF APPORTIONMENT PROVISIONS. The
3 provisions of AS 29.20.080 - 29.20.110 do not apply to a

4 (1) unified municipality;

5 (2) home rule borough if the borough, by home rule charter,
6 provides for reapportionment of the assembly.

7 Sec. 29.20.130. CITY COUNCIL COMPOSITION. Each first class city
8 has a council of six members elected by the voters at large. Each
9 second class city has a council of seven members elected by the voters
10 at large. The council of a first or second class city may by ordi-
11 nance provide for election of members other than on an at-large basis
12 for all members.

13 Sec. 29.20.140. QUALIFICATIONS. (a) A borough voter is eligi-
14 ble to be a member of the assembly and a city voter is eligible to be
15 a member of the council. A member of the governing body who ceases to
16 be a voter in the municipality immediately forfeits his office.

17 (b) A municipality may by ordinance establish a durational resi-
18 dency requirement not to exceed three years for members of the govern-
19 ing body.

20 (c) A municipality may by ordinance establish district residency
21 requirements for members of its governing body. A member of the
22 governing body who represents a district and who becomes a resident of
23 another district in the municipality continues to serve until the next
24 regular election unless provided otherwise by ordinance.

25 (d) Except by ordinance ratified by the voters, no limit may be
26 placed on the total number of terms or number of consecutive terms a
27 voter may serve on the governing body.

28 (e) This section applies to home rule and general law municipal-
29 ities.

1 Sec. 29.20.150. TERM OF OFFICE. (a) A member of the governing
2 body is elected for a three-year term and until his successor qual-
3 ifies, unless a different term not exceeding four years is prescribed
4 by home rule charter or ordinance.

5 (b) Except when otherwise required by a change in composition or
6 apportionment, if the term of a member of a governing body is changed
7 by charter or ordinance the term of the member holding office when the
8 change becomes effective is not affected.

9 (c) The regular term of office begins on the first Monday fol-
10 lowing certification of the election, unless a different date is pre-
11 scribed by charter or ordinance.

12 (d) This section applies to home rule and general law municipal-
13 ities.

14 Sec. 29.20.160. PROCEDURES OF GOVERNING BODIES. (a) The assem-
15 bly shall elect from among its members a presiding officer and a
16 deputy presiding officer to serve at the pleasure of the members,
17 except that in a borough that has adopted a manager form of government
18 under AS 29.20.460 - 29.20.520 the mayor serves as presiding officer.
19 In a city the mayor serves as presiding officer. If the presiding
20 officer is not present or if the presiding officer is personally
21 disqualified, the deputy presiding officer shall preside.

22 (b) A governing body shall hold at least one regular meeting
23 each month unless otherwise provided by ordinance. If a majority of
24 the members are given at least 24 hours oral or written notice and
25 reasonable efforts are made to notify all members, a special meeting
26 of the governing body may be held at the call of the presiding officer
27 or at least one-third of the members. A special meeting may be con-
28 ducted with less than 24 hours notice if all members are present or if
29 absent members have waived in writing the required notice. Waiver of

1 notice can be made before or after the special meeting is held. A
2 waiver of notice shall be made a part of the journal for the meeting.

3 (c) A majority of the total membership of a governing body
4 authorized by law constitutes a quorum. A member disqualified by law
5 from voting on a question may be considered present for purposes of
6 constituting a quorum. In the absence of a quorum any number of
7 members may recess or adjourn the meeting to a later date.

8 (d) Actions of a governing body are adopted by a majority of the
9 total membership of the body. Each member present shall vote on every
10 question, unless required to abstain from voting on a question by law.
11 The final vote of each member on each ordinance, resolution, or sub-
12 stantive motion shall be recorded "yes" or "no", except that if the
13 vote is unanimous it may be recorded "unanimous".

14 (e) A governing body shall maintain a journal of its official
15 proceedings that shall be a public record.

16 (f) To the extent otherwise permitted by law, a governing body
17 may determine by ordinance its own rules of procedure and order of
18 business.

19 Sec. 29.20.170. VACANCIES. The governing body may provide by
20 ordinance the manner in which a vacancy occurs in any elected office
21 except the office of mayor or school board member. Unless otherwise
22 provided by ordinance, the governing body shall declare an elective
23 office, other than the office of mayor or school board member, vacant
24 when the person elected

25 (1) fails to qualify or take office within 30 days after
26 election or appointment;

27 (2) is physically absent from the municipality for 90
28 consecutive days unless excused by the governing body;

29 (3) resigns and the resignation is accepted;

1 (4) is physically or mentally unable to perform the duties
2 of office as determined by two-thirds vote of the governing body;

3 (5) is convicted of a felony or of an offense involving a
4 violation of the oath of office;

5 (6) is convicted of a felony or misdemeanor described in
6 AS 15.56 and two-thirds of the members of the governing body concur in
7 expelling the person elected;

8 (7) is convicted of a violation of AS 15.13;

9 (8) no longer physically resides in the municipality and
10 the governing body by two-thirds vote declares the seat vacant; or

11 (9) if a member of the governing body, misses three consec-
12 utive regular meetings and is not excused.

13 Sec. 29.20.180. FILLING A VACANCY. (a) If a vacancy occurs in
14 a governing body, the remaining members shall, within 30 days unless a
15 different period is provided by ordinance, appoint a qualified person
16 to fill the vacancy. If less than 30 days remain in a term, a vacancy
17 may not be filled.

18 (b) Notwithstanding (a) of this section, if the membership is
19 reduced to fewer than the number required to constitute a quorum, the
20 remaining members shall, within seven days, appoint a number of quali-
21 fied persons to constitute a quorum.

22 (c) A person appointed under this section serves until the next
23 regular election, when a successor shall be elected to serve the
24 balance of the term.

25 ARTICLE 3. MUNICIPAL EXECUTIVE AND ADMINISTRATOR.

26 Sec. 29.20.220. EXECUTIVE POWER. (a) The executive power in a
27 municipality is vested in a mayor. The mayor of a home rule or uni-
28 fied municipality is elected by the voters. The mayors of other
29 municipalities are elected in accordance with AS 29.20.230.

1 (b) The mayor acts as ceremonial head of government, executes
2 official documents on authorization of the governing body, and is
3 responsible for additional duties and powers prescribed by this chap-
4 ter or by home rule charter.

5 (c) This section applies to home rule and general law municipal-
6 ities.

7 Sec. 29.20.230. ELECTION AND TERM OF MAYOR. (a) The mayor of a
8 borough or first class city is elected at large. The mayor of a
9 borough or first class city serves a term of three years, unless by
10 ordinance a different term not to exceed four years is provided. The
11 current term of an incumbent mayor may not be altered. The regular
12 term of a mayor of a borough or first class city begins on the first
13 Monday following certification of the election.

14 (b) The mayor of a second class city is elected by and from the
15 council, and serves until a successor is elected and qualifies. The
16 council of a second class city shall meet on the first Monday after
17 certification of the regular election and elect a mayor who takes
18 office immediately. The mayor of a second class city serves a one-
19 year term, unless a longer term is provided by ordinance. The mayor
20 of a second class city may serve only while a member of the council
21 regardless of the term established for the office of mayor.

22 (c) Except by ordinance ratified by the voters, no limit may be
23 placed on the total number of terms or number of consecutive terms a
24 mayor may serve.

25 Sec. 29.20.240. QUALIFICATIONS FOR THE OFFICE OF MAYOR. (a) A
26 voter of the municipality is eligible to hold the office of mayor in a
27 borough or first class city. A member of the city council is eligible
28 to hold the office of mayor in a second class city.

29 (b) Residency requirements for the office of mayor not exceeding

1 three years may be prescribed by ordinance.

2 Sec. 29.20.250. POWERS AND DUTIES OF MAYOR. (a) If a munici-
3 pality has not adopted a manager plan of government, the mayor is the
4 chief administrator and the mayor has the same powers and duties as
5 those of a manager under AS 29.20.500.

6 (b) The mayor may take part in the discussion of a matter before
7 the governing body. The mayor may not vote, except that the mayor of
8 a first class city or the mayor of a borough with a manager form of
9 government may vote in the case of a tie. The mayor of a second class
10 city, as a council member, may vote on all matters.

11 Sec. 29.20.260. EXECUTIVE ABSENCE. The borough mayor, subject
12 to assembly approval, shall designate a person to act as mayor during
13 the borough mayor's temporary absence or disability. If a manager
14 plan has been adopted, the assembly shall designate by resolution a
15 borough administrative official to act as manager during the manager's
16 absence or disability.

17 Sec. 29.20.270. VETO. (a) Except as provided in (c) and (d) of
18 this section, the mayor may veto an ordinance, resolution, motion, or
19 other action of the governing body and may strike or reduce appropria-
20 tion items.

21 (b) A veto must be exercised before the next regular meeting of
22 the governing body and must be accompanied by a written explanation of
23 the reasons for the veto. A veto may be overridden by vote of two-
24 thirds of the authorized membership of the governing body within 21
25 days following exercise of the veto, or at the next regular meeting,
26 whichever is later.

27 (c) The veto does not extend to

28 (1) appropriation items in a school budget ordinance;

29 (2) actions of the governing body sitting as the board of

1 equalization or the board of adjustment;

2 (3) adoption or repeal of a manager plan of government.

3 (d) The mayor of a second class city has no veto power.

4 Sec. 29.20.280. VACANCY IN THE OFFICE OF MAYOR. (a) The gov-
5 erning body shall, by two-thirds concurring vote, declare the office
6 of mayor vacant only when the person elected

7 (1) fails to qualify or take office within 30 days after
8 election or appointment;

9 (2) unless excused by the governing body, is physically
10 absent for 90 consecutive days;

11 (3) resigns and the resignation is accepted;

12 (4) is physically or mentally unable to perform the duties
13 of office;

14 (5) is convicted of a felony or of an offense involving a
15 violation of the oath of office;

16 (6) is convicted of a felony or misdemeanor described in
17 AS 15.56;

18 (7) is convicted of a violation of AS 15.13;

19 (8) no longer physically resides in the municipality; or

20 (9) if a member of the governing body in a second class
21 city, misses three consecutive regular meetings and is not excused.

22 (b) A vacancy in the office of mayor occurring six months before
23 a regular election shall be filled by the governing body. The person
24 appointed serves until the next regular election when a successor is
25 elected to serve the balance of the term. If a member of the govern-
26 ing body is appointed mayor, the member shall resign the seat on the
27 governing body. If a vacancy occurs more than six months before a
28 regular election, the governing body shall call a special election to
29 fill the unexpired term.

1 (c) Notwithstanding (b) of this section, a vacancy in the office
2 of mayor of a second class city shall be filled by and from the coun-
3 cil. A mayor appointed under this subsection serves the balance of
4 the term to which appointed, except the mayor may serve only while a
5 member of the council.

6 ARTICLE 4. BOARDS AND COMMISSIONS.

7 Sec. 29.20.300. SCHOOL BOARDS. (a) Each municipal school dis-
8 trict has a school board. Except as provided in (b) of this section,
9 members of a school board are elected at the regular election for
10 three-year terms and until their successors take office. Members are
11 elected at large unless a different method of election has been ap-
12 proved by the voters in a regular election.

13 (b) The assembly is the school board for a third class borough.
14 The mayor is the presiding officer of the assembly and president of
15 the school board. However, the mayor may not veto an action of the
16 school board.

17 Sec. 29.20.310. UTILITY BOARDS. (a) The governing body of a
18 municipality operating a public utility may provide by ordinance for a
19 utility board of five members and define the board's powers and
20 duties.

21 (b) As determined by ordinance, members of a utility board are
22 either appointed by the mayor and confirmed by the governing body or
23 are elected at a regular election. The term of a utility board member
24 is two years and until a successor is selected and qualifies. How-
25 ever, the governing body may by ordinance provide for a different term
26 not to exceed four years. The current term of an elected incumbent
27 may not be altered.

28 (c) Vacancies on a utility board are filled by the mayor.
29 Executive appointments shall be confirmed by the governing body. A

1 person appointed to fill a vacancy on a utility board serves until the
2 expiration of the term for which appointed and until a successor is
3 elected and qualifies.

4 (d) Unless otherwise provided by ordinance, a utility board
5 shall

6 (1) choose its chairman and secretary;

7 (2) appoint the manager of the public utility for a term
8 not longer than five years and set the manager's salary;

9 (3) formulate and enforce the general rules and policies of
10 the utility.

11 Sec. 29.20.320. OTHER BOARDS AND COMMISSIONS. (a) The govern-
12 ing body may by ordinance establish advisory, administrative, techni-
13 cal, or quasi-judicial boards and commissions.

14 (b) Members of boards and commissions, except for members of the
15 board of adjustment and assembly members serving on the board of
16 equalization, are appointed by the mayor and confirmed by the govern-
17 ing body.

18 ARTICLE 5. OTHER OFFICIALS AND EMPLOYEES.

19 Sec. 29.20.360. APPOINTMENT OF OFFICIALS. Unless otherwise pro-
20 vided by ordinance, the municipal clerk, attorney, treasurer, and
21 police chief are appointed by the chief administrator. Unless other-
22 wise provided by ordinance, an official described in this section
23 serves at the pleasure of the appointing authority and, if appointed
24 by the chief administrator, must be confirmed by the governing body.

25 Sec. 29.20.370. MUNICIPAL ATTORNEY. The municipal attorney is
26 the legal advisor of the governing body, the school board, and the
27 other officials of the municipality. The municipal attorney repre-
28 sents the municipality as attorney in civil and criminal proceedings.
29 The school board may hire independent counsel when in its judgment

1 independent counsel is needed.

2 Sec. 29.20.380. MUNICIPAL CLERK. (a) The municipal clerk shall

3 (1) give notice of the time and place of meetings of the
4 governing body to the governing body and to the public;

5 (2) attend meetings of the governing body and keep the
6 journal;

7 (3) arrange publication of notices, ordinances, and resolu-
8 tions;

9 (4) maintain and make available for public inspection an
10 indexed file containing municipal ordinances, resolutions, rules,
11 regulations, and codes;

12 (5) attest deeds and other documents;

13 (6) perform other duties specified in this title or pre-
14 scribed by the chief administrator or by the governing body.

15 (b) The governing body may combine the office of clerk with that
16 of treasurer. If the offices are combined, the clerk-treasurer shall,
17 as required of the treasurer, give bond to the municipality for the
18 faithful performance of the duties as clerk-treasurer.

19 Sec. 29.20.390. MUNICIPAL TREASURER. (a) Except as provided in
20 AS 14.14.060, the treasurer is the custodian of all municipal funds.
21 The treasurer shall keep an itemized account of money received and
22 disbursed. The treasurer shall pay money on vouchers drawn against
23 appropriations.

24 (b) The treasurer shall give bond to the municipality in a sum
25 that the governing body directs.

26 Sec. 29.20.400. DEPARTMENTS. (a) The governing body may estab-
27 lish municipal departments and distribute functions among them.

28 (b) Each municipal department is administered by a department
29 head. With the consent of the governing body, the mayor may serve as

1 head of one or more departments or a single administrator may serve as
2 head of two or more departments.

3 Sec. 29.20.410. PERSONNEL SYSTEM. (a) Except as provided by
4 (b) of this section, appointments and promotions of municipal employ-
5 ees are made on the basis of merit. The governing body may provide
6 for a personnel system and classified service.

7 (b) By ordinance the governing body may designate confidential
8 or managerial positions that are wholly or partially exempt from the
9 classified service. A wholly or partially exempt position is filled
10 by a person who serves at the pleasure of the appointing authority and
11 whose term of employment is determined by the appointing authority.

12 ARTICLE 6. MANAGER PLAN.

13 Sec. 29.20.460. MANAGER PLAN. A municipality may adopt a man-
14 ager plan of government. Adoption of a manager plan may be initiated
15 either by petition or by motion of the governing body. A petition for
16 the adoption of a manager plan is submitted to the governing body.
17 The petition must be signed by a number of voters equal to the follow-
18 ing percentage of the votes cast at the preceding regular election:

19 (1) 25 percent if the municipality has fewer than 7,500
20 persons;

21 (2) 15 percent if the municipality has 7,500 persons or
22 more.

23 Sec. 29.20.470. ELECTION ON ADOPTION OF MANAGER PLAN. On re-
24 ceipt of a petition to adopt a manager plan or on its own motion to
25 adopt a manager plan, the governing body shall provide by ordinance or
26 resolution for a vote on the question at the next election.

27 Sec. 29.20.480. ADOPTION OF MANAGER PLAN. (a) If a manager
28 plan is approved, the governing body shall, within 60 days, adopt the
29 plan by ordinance or resolution.

1 (b) The governing body shall notify the department of the adop-
2 tion of a manager plan.

3 Sec. 29.20.490. APPOINTMENT OF MANAGER. (a) The governing body
4 shall appoint a manager by a majority vote of its membership. A
5 manager is chosen on the basis of administrative qualifications and
6 receives the compensation set by the governing body. A member of the
7 governing body may not be appointed manager of the municipality sooner
8 than one year after leaving office, except by a vote of three-fourths
9 of the authorized membership of the governing body.

10 (b) Subject to the contract of employment, the manager holds
11 office at the pleasure of the governing body.

12 Sec. 29.20.500. POWERS AND DUTIES OF A MANAGER. The manager may
13 hire necessary administrative assistants and may authorize an adminis-
14 trative official to appoint, suspend, or remove subordinates. As
15 chief administrator the manager shall

16 (1) appoint, suspend, or remove municipal employees and
17 administrative officials, except as provided otherwise in this title
18 and AS 14.14.065;

19 (2) supervise the enforcement of municipal law and carry
20 out the directives of the governing body;

21 (3) prepare and submit an annual budget and capital im-
22 provement program for consideration by the governing body, and execute
23 the budget and capital improvement program adopted;

24 (4) make monthly financial reports and other reports on
25 municipal finances and operations as required by the governing body;

26 (5) exercise custody over all real and personal property of
27 the municipality, except property of the school district;

28 (6) perform other duties required by law or by the govern-
29 ing body; and

1 (7) serve as personnel officer, unless the governing body
2 authorizes the manager to appoint a personnel officer.

3 Sec. 29.20.510. INTERGOVERNMENTAL APPOINTMENT OF MANAGER. A
4 borough adopting a manager plan may, on agreement with a city in the
5 borough, provide that the manager of the city serve also as borough
6 manager. A city adopting a manager plan may, on agreement with the
7 borough in which it is located, provide that the manager of the bor-
8 ough serve also as city manager. Appointment and service of the
9 manager shall be as provided in AS 29.20.490 - 29.20.500. Nothing in
10 this section affects the authority of the governing body to provide
11 for other dual officeholding if the dual offices held are compatible,
12 or otherwise to appoint officials and employees in accordance with
13 law.

14 Sec. 29.20.520. REPEAL OF MANAGER PLAN. A municipality may
15 repeal a manager plan in the same manner used for its adoption.
16 Within 60 days after repeal of a manager plan, the governing body
17 shall enact provisions for the reorganization of the municipal execu-
18 tive and administrative functions.

19 ARTICLE 7. MISCELLANEOUS PROVISIONS.

20 Sec. 29.20.600. OATHS OF OFFICE. Before taking office a municipi-
21 pal official shall affirm in writing that the duties of the office
22 will be honestly, faithfully, and impartially performed by the offi-
23 cial. The oath is filed with the municipal clerk.

24 Sec. 29.20.610. BONDING. The manager and the other municipal
25 officials or employees that the governing body may designate shall
26 give bond in the amount and with the surety prescribed by the govern-
27 ing body. Premiums on bonds are paid by the municipality.

28 Sec. 29.20.620. COMPENSATION FOR ELECTED OFFICIALS. The govern-
29 ing body shall by ordinance provide a method of determining the

1 salaries of elected officials. The salary of the mayor may not be re-
2 duced durin, the term of office of the mayor, unless during the term a
3 manager plan is adopted. An elected official may not receive com-
4 pensation for service to the municipality in addition to the salary
5 received as an elected official, unless otherwise provided by ordi-
6 nance. Per diem payments or reimbursements for expenses are not
7 compensation under this section.

8 Sec. 29.20.630. PROHIBITIONS. (a) Subject to AS 14.14.140, a
9 state employee or school district employee may not be denied the right
10 to serve as an elected municipal official because of employment by the
11 state or a school district. For purposes of this section a school
12 district employee is not a municipal employee.

13 (b) This section applies to home rule and general law municipal-
14 ities.

15 Sec. 29.20.640. REPORTS. (a) A municipality shall file with
16 the department

17 (1) maps and descriptions of all annexed or detached ter-
18 ritory;

19 (2) a copy of the annual audit, or, for a second class
20 city, an audit or statement of annual income and expenditures;

21 (3) tax assessment and tax levy figures as requested;

22 (4) a copy of the current annual budget of the municipal-
23 ity;

24 (5) a summary of the optional property tax exemptions
25 authorized together with the estimate of the revenues lost to the
26 municipality by operation of each of the exemptions.

27 (b) Compliance with the provisions of this section is a prereq-
28 uisite to receipt of municipal tax resource equalization assistance
29 under AS 29.60.010 - 29.60.080 and state aid for miscellaneous

1 municipal services under AS 29.60.100 - 29.60.180. If a municipality
2 does not comply with this section, the department shall withhold the
3 allocations until the required reports are filed.

4 (c) This section applies to home rule and general law municipal-
5 ities.

6 * Sec. 7. AS 29 is amended by adding a new chapter to read:

7 CHAPTER 25. MUNICIPAL ENACTMENTS.

8 Sec. 29.25.010. ACTS REQUIRED TO BE BY ORDINANCE. (a) In addi-
9 tion to other actions that this title requires to be by ordinance, the
10 governing body of a municipality shall use ordinances to

11 (1) establish, alter, or abolish municipal departments;

12 (2) provide for a fine or other penalty, or establish rules
13 or regulations for violation of which a fine or other penalty is im-
14 posed;

15 (3) provide for the levying of taxes;

16 (4) make appropriations, including supplemental appropria-
17 tions or transfer of appropriations;

18 (5) grant, renew, or extend a franchise;

19 (6) adopt, modify, or repeal the comprehensive plan, land
20 use and subdivision regulations, building and housing codes, and the
21 official map;

22 (7) approve the transfer of a power to a first or second
23 class borough from a city;

24 (8) designate the borough seat;

25 (9) provide for the retention or sale of tax-foreclosed
26 property;

27 (10) exempt contractors from compliance with general re-
28 quirements relating to payment and performance bonds in the construc-
29 tion or repair of municipal public works projects within the

1 limitations set out in AS 36.25.025; this paragraph applies to home
2 rule and general law municipalities.

3 (b) This section grants no authority but requires the governing
4 body to use ordinances in exercising certain of its powers.

5 Sec. 29.25.020. ORDINANCE PROCEDURE. (a) An ordinance is
6 introduced in writing in the form required by the governing body.

7 (b) The following procedure governs the enactment of all ordi-
8 nances, except emergency ordinances:

9 (1) an ordinance may be introduced by a member or committee
10 of the governing body, or by the mayor or manager;

11 (2) an ordinance shall be set by the governing body for a
12 public hearing by the affirmative vote of a majority of the votes
13 authorized on the question;

14 (3) at least five days before the public hearing a summary
15 of the ordinance shall be published together with a notice of the time
16 and place for the hearing;

17 (4) copies of the ordinance shall be available to all
18 persons present at the hearing, or the ordinance shall be read in
19 full;

20 (5) during the hearing the governing body shall hear all
21 interested persons wishing to be heard;

22 (6) after the public hearing the governing body shall
23 consider the ordinance, and may adopt it with or without amendment;

24 (7) the governing body shall print and make available
25 copies of an ordinance that is adopted.

26 (c) An ordinance takes effect upon adoption or at a later date
27 specified in the ordinance.

28 Sec. 29.25.030. EMERGENCY ORDINANCES. (a) To meet a public
29 emergency the governing body may adopt an emergency ordinance

1 effective on adoption. Each emergency ordinance shall contain a
2 finding by the governing body that an emergency exists and a statement
3 of the facts upon which the finding is based. An emergency ordinance
4 may be adopted, amended and adopted, or rejected at the meeting at
5 which it is introduced. The affirmative vote of all members present,
6 or the affirmative vote of three-fourths of the total membership,
7 whichever is less, is required for adoption of an emergency ordinance.
8 The governing body shall print and make available copies of adopted
9 emergency ordinances.

10 (b) An emergency ordinance may not be used to levy taxes, to
11 grant, renew, or extend a franchise, or to regulate the rate charged
12 by a public utility for its services.

13 (c) An emergency ordinance is effective for 60 days.

14 Sec. 29.25.040. CODES OF REGULATION. The governing body may in
15 a single ordinance adopt or amend by reference provisions of a pub-
16 lished code of municipal regulations. The procedure under AS 29.25.-
17 020 applies to an ordinance adopted under this section, except that
18 neither the ordinance or its amendments must be distributed to the
19 public or read in full at the public hearing. For a period of 15 days
20 before adoption of an ordinance under this section, at least five
21 copies of the code of regulations shall be made available for public
22 inspection at a time and place set out in the hearing notice. Only
23 the ordinance must be printed after it is adopted under this section.
24 The governing body shall provide for an adopted code of regulations to
25 be made available to the public at no more than cost.

26 Sec. 29.25.050. CODIFICATION. (a) Each ordinance shall be
27 codified after it is adopted.

28 (b) Within three years after incorporation of a municipality,
29 the municipal clerk or the clerk's designee shall have prepared a

1 general codification of all municipal ordinances of general applica-
2 bility having the force and effect of law. The municipal code shall
3 be revised and printed at least every five years, unless the code is
4 kept current by regular supplements.

5 (c) In (a) of this section, "codified" means

6 (1) the ordinance has been given a serial number or other
7 permanent identifying number, and, bearing a notation of the date of
8 adoption and the adopting authority, it has been entered by the munic-
9 ipal clerk in a properly indexed book maintained for the purposes of
10 organizing and recording the ordinances; or

11 (2) the ordinance is a provision that establishes a rule of
12 conduct or behavior and that is included, or to be included, in a code
13 of ordinances or other complete system of law enacted and kept current
14 at reasonable intervals.

15 (d) This section applies to home rule and general law municipa-
16 lities.

17 Sec. 29.25.060. RESOLUTIONS. (a) The governing body shall
18 provide for the maintenance of a permanent file of resolutions that
19 have been adopted.

20 (b) This section applies to home rule and general law municipal-
21 ities.

22 Sec. 29.25.070. PENALTIES. (a) For the violation of an ordi-
23 nance, a municipality may by ordinance prescribe penalties not to
24 exceed those imposed for a class B misdemeanor.

25 (b) The municipality or an aggrieved person may institute a
26 civil action against a person who violates an ordinance. In addition
27 to injunctive and compensatory relief, a civil penalty not to exceed
28 \$1,000 may be imposed for each violation. An action to enjoin a
29 violation may be brought notwithstanding the availability of any other

1 remedy. On application for injunctive relief and a finding of a
2 violation or a threatened violation, the superior court shall grant
3 the injunction. Each day that a violation of an ordinance continues
4 constitutes a separate violation.

5 (c) The penalties authorized under this section may be imposed
6 only if copies of the ordinance are made available for distribution to
7 the public at no more than cost.

8 * Sec. 8. AS 29 is amended by adding a new chapter to read:

9 CHAPTER 26. ELECTIONS.

10 ARTICLE 1. REGULAR AND SPECIAL ELECTIONS.

11 Sec. 29.26.010. ADMINISTRATION. The governing body shall pre-
12 scribe the rules for conducting an election and shall appoint an elec-
13 tion board composed of at least three judges for each precinct. A
14 judge shall be a voter of the precinct for which appointed unless no
15 voter is willing to serve.

16 Sec. 29.26.020. NOMINATIONS. (a) Subject to other provisions
17 of this title, the governing body shall provide by ordinance for
18 nominations of elected officials by providing for declaration of
19 candidacy or for petition requiring the signatures of not more than 10
20 voters, or for both.

21 (b) A person may be nominated for and occupy more than one
22 office, but may not serve simultaneously as borough mayor and as a
23 member of the assembly or, in a first class city, as city mayor and as
24 a member of the council.

25 Sec. 29.26.030. NOTICE OF ELECTIONS. (a) Subject to other pro-
26 visions of this title, a municipality shall give at least 20 days
27 notice of an election.

28 (b) This section applies to home rule and general law municipal-
29 ities.

1 Sec. 29.26.040. DATE. The date of a regular election is the
2 first Tuesday of October annually, unless a different date or interval
3 of years is provided by ordinance.

4 Sec. 29.26.050. VOTER QUALIFICATION. (a) A person may vote in
5 a municipal election only if the person

6 (1) is a United States citizen who is qualified to vote in
7 state elections;

8 (2) has been a resident of the municipality for 30 days
9 immediately preceding the election;

10 (3) is registered to vote in state elections; and

11 (4) is not disqualified under art. V of the state constitu-
12 tion.

13 (b) Voter registration by the municipality may not be required.
14 However, a municipality may by ordinance require that a person be
15 registered to vote in state elections in the precinct in which that
16 person seeks to vote in municipal elections.

17 (c) This section applies to home rule and general law municipal-
18 ities.

19 Sec. 29.26.060. RUNOFF ELECTIONS. (a) Unless otherwise pro-
20 vided by ordinance, a runoff election shall be held if no candidate
21 receives over 40 percent of the votes cast for the office of

22 (1) mayor; or

23 (2) member of the governing body or school board if candi-
24 dates run for a designated seat.

25 (b) Unless otherwise provided by ordinance, if candidates for
26 the governing body or school board run at large, a runoff election for
27 a seat shall be held if no candidate receives a number of votes great-
28 er than 40 percent of the total votes cast for all candidates divided
29 by the number of seats to be filled.

1 (c) Unless otherwise provided by ordinance, a runoff election
2 shall be held within three weeks after the date of certification of
3 the election for which a runoff is required, and notice of the runoff
4 election shall be published at least five days before the election
5 date. The runoff election shall be between the two candidates receiv-
6 ing the greatest number of votes for the seat.

7 Sec. 29.26.070. ELECTION CONTEST AND APPEAL. (a) The governing
8 body may provide by ordinance the time and procedure for the contest
9 of an election.

10 (b) Unless otherwise provided by ordinance, an election may be
11 contested only by a voter by filing a written affidavit with the
12 municipal clerk specifying with particularity the grounds for the
13 contest. An election may be contested before or during the first
14 canvass of ballots by the governing body.

15 (c) Unless otherwise provided by ordinance, the governing body
16 shall declare the election results at the first meeting to canvass the
17 election, record the results in the minutes of that meeting, and
18 authorize the results to be certified.

19 (d) A contestant shall pay all costs and expenses incurred in a
20 recount of an election demanded by the contestant if the recount fails
21 to reverse a result of the election, or the difference between the
22 winning and losing vote on the result contested is more than two per-
23 cent.

24 (e) A person may not appeal or seek judicial review of an elec-
25 tion for any cause unless the person is a municipal voter, has ex-
26 hausted all administrative remedies before the governing body, and has
27 commenced, within 10 days after the governing body has declared the
28 election results, an action in the superior court in the judicial
29 district in which the municipality is located. If court action is not

1 commenced within the 10-day period, the election and election results
2 are conclusive and valid.

3 ARTICLE 2. INITIATIVE AND REFERENDUM.

4 Sec. 29.26.100. RESERVATION OF POWERS. The powers of initiative
5 and referendum are reserved to the residents of municipalities, except
6 the powers do not extend to matters restricted by art. XI, sec. 7 of
7 the state constitution.

8 Sec. 29.26.110. APPLICATION FOR PETITION. (a) An initiative or
9 referendum is proposed by filing an application with the municipal
10 clerk containing the ordinance or resolution to be initiated or the
11 ordinance or resolution to be referred and the address to which all
12 correspondence relating to the petition may be sent. An application
13 shall be signed by at least 10 voters who will sponsor the petition.
14 An additional sponsor may be added at any time before the petition is
15 filed by submitting the name of the sponsor to the clerk. Within two
16 weeks the clerk shall certify the application if the clerk finds that
17 it is in proper form and, for an initiative petition, that the matter

18 (1) is not restricted by AS 29.26.100;

19 (2) includes only a single subject;

20 (3) relates to a legislative rather than to an administra-
21 tive matter; and

22 (4) would be enforceable as a matter of law.

23 (b) A decision by the clerk on an application for petition is
24 subject to judicial review.

25 Sec. 29.26.120. CONTENTS OF PETITION. (a) Within two weeks
26 after certification of an application for an initiative or referendum
27 petition, a petition shall be prepared by the municipal clerk. Each
28 copy of the petition shall contain

29 (1) a summary of the ordinance or resolution to be

1 initiated or the ordinance or resolution to be referred;

2 (2) the complete ordinance or resolution sought to be ini-
3 tiated or referred as submitted by the sponsors;

4 (3) the date on which the petition is issued by the clerk;

5 (4) notice that signatures must be secured within 60 days
6 after the date the petition is issued;

7 (5) spaces for each signature, the printed name of each
8 signer, the date each signature is affixed, and the residence and
9 mailing addresses of each signer;

10 (6) a statement, with space for the sponsor's sworn signa-
11 ture and date of signing, that the sponsor personally circulated the
12 petition, that all signatures were affixed in the presence of the
13 sponsor, and that the sponsor believes the signatures to be those of
14 the persons whose names they purport to be; and

15 (7) space for indicating the total number of signatures on
16 the petition.

17 (b) If a petition consists of more than one page, each page
18 shall contain the summary of the ordinance or resolution to be initi-
19 ated or the ordinance or resolution to be referred.

20 (c) Copies of the petition shall be provided to each sponsor by
21 the clerk.

22 Sec. 29.26.130. SIGNATURE REQUIREMENTS. (a) The signatures on
23 an initiative or referendum petition shall be secured within 60 days
24 after the clerk issues the petition. The statement provided under
25 AS 29.26.120(a)(6) shall be signed and dated by the sponsor. Signa-
26 tures shall be in ink or indelible pencil.

27 (b) The clerk shall determine the number of signatures required
28 on a petition and inform each sponsor. A petition shall be signed by
29 a number of voters based on the number of votes cast at the last

1 regular election held before the date the petition was issued equal to

2 (1) 25 percent of the votes cast if a municipality has
3 fewer than 7,500 persons; or

4 (2) 15 percent of the votes cast if a municipality has
5 7,500 persons or more.

6 (c) Illegible signatures shall be rejected by the clerk unless
7 accompanied by a legible printed name. Signatures not accompanied by
8 a legible residence address shall be rejected.

9 (d) A petition signer may withdraw the signer's signature on
10 written application to the clerk before certification of the petition.

11 Sec. 29.26.140. SUFFICIENCY OF PETITION. (a) All copies of an
12 initiative or referendum petition shall be assembled and filed as a
13 single instrument. Within 10 days after the date the petition is
14 filed, the municipal clerk shall

15 (1) certify on the petition whether it is sufficient; and

16 (2) if the petition is insufficient, identify the insuffi-
17 ciency and notify the sponsors at the address provided under AS 29.-
18 26.110(a) by certified mail.

19 (b) A petition that is insufficient may be supplemented with
20 additional signatures obtained and filed within 10 days after the date
21 on which the petition is rejected.

22 (c) A petition that is insufficient shall be rejected and filed
23 as a public record unless it is supplemented under (b) of this sec-
24 tion. Within 10 days after a supplementary filing the clerk shall
25 recertify the petition. If it is still insufficient, the petition is
26 rejected and filed as a public record.

27 Sec. 29.26.150. PROTEST. If the municipal clerk certifies an
28 initiative or referendum petition is insufficient, a signer of the
29 petition may file a protest with the mayor within seven days after the

1 certification. The mayor shall present the protest at the next regu-
2 lar meeting of the governing body. The governing body shall hear and
3 decide the protest.

4 Sec. 29.26.160. NEW PETITION. Failure to secure sufficient
5 signatures does not preclude the filing of a new initiative or refer-
6 endum petition. However, a new petition on substantially the same
7 matter may not be filed sooner than six months after a petition is
8 rejected as insufficient.

9 Sec. 29.26.170. INITIATIVE ELECTION. (a) Unless substantially
10 the same measure is adopted, when a petition seeks an initiative vote
11 the clerk shall submit the matter to the voters at the next regular
12 election occurring no sooner than 45 days after certification of the
13 petition. If no regular election occurs within 75 days after the
14 certification of a petition, the governing body shall hold a special
15 election within 75 days, but not sooner than 45 days after certifica-
16 tion.

17 (b) If the governing body adopts substantially the same measure,
18 the petition is void and the matter initiated may not be placed before
19 the voters.

20 (c) The ordinance or resolution initiated shall be published in
21 full in the notice of the election, but may be summarized on the
22 ballot to indicate clearly the proposal submitted.

23 (d) If a majority vote favors the ordinance or resolution, it
24 becomes effective upon certification of the election, unless a diff-
25 erent effective date is provided in the ordinance or resolution.

26 Sec. 29.26.180. REFERENDUM ELECTION. (a) Unless the ordinance
27 or resolution is repealed, when a petition seeks a referendum vote the
28 clerk shall submit the matter to the voters at the next election
29 occurring no sooner than 45 days after certification of the petition.

1 If no election occurs within 75 days of certification of a petition,
2 the governing body shall hold a special election within 75 days, but
3 not sooner than 45 days after certification.

4 (b) If a petition is certified before the effective date of the
5 matter referred, the ordinance or resolution against which the peti-
6 tion is filed shall be suspended pending the referendum vote. During
7 the period of suspension, the governing body may not enact an ordi-
8 nance or resolution substantially similar to the suspended measure.

9 (c) If the governing body repeals the ordinance or resolution
10 before the referendum election, the petition is void and the matter
11 referred shall not be placed before the voters.

12 (d) If a majority vote favors the repeal of the matter referred,
13 it is repealed. Otherwise, the matter referred remains in effect or,
14 if it has been suspended, becomes effective on certification of the
15 election.

16 Sec. 29.26.190. EFFECT. (a) An ordinance or resolution may not
17 be repealed or amended within one year after its effective date if
18 adopted in an initiative election or if adopted after a petition that
19 contains substantially the same measure has been filed.

20 (b) If an ordinance or resolution is repealed in a referendum
21 election or by the governing body after a petition that contains sub-
22 stantially the same measure has been filed, substantially similar
23 legislation may not be enacted by the governing body for a period of
24 one year.

25 (c) If an initiative or referendum measure fails to receive
26 voter approval, a new petition application for substantially the same
27 measure may not be filed sooner than six months after the election
28 results are certified.

29 ARTICLE 3. RECALL.

1 Sec. 29.26.240. RECALL. An official who is elected or appointed
2 to an elective municipal office may be recalled by the voters after
3 the official has served the first 120 days of the term for which
4 elected or appointed.

5 Sec. 29.26.250. GROUNDS FOR RECALL. Grounds for recall are mis-
6 conduct in office, incompetence, or failure to perform prescribed
7 duties.

8 Sec. 29.26.260. APPLICATION FOR RECALL PETITION. (a) An appli-
9 cation for a recall petition shall be filed with the municipal clerk
10 and shall contain

11 (1) the signatures and residence addresses of at least 10
12 municipal voters who will sponsor the petition;

13 (2) the address to which all correspondence relating to the
14 petition may be sent;

15 (3) a statement in 200 words or less of the grounds of the
16 recall stated with particularity.

17 (b) An additional sponsor may be added at any time before the
18 petition is filed by submitting the name of the sponsor to the clerk.

19 Sec. 29.26.270. RECALL PETITION. (a) If the municipal clerk
20 determines that an application for a recall petition meets the re-
21 quirements of AS 29.26.260, the clerk shall prepare a recall petition.
22 All copies of the petition shall contain

23 (1) the name of the official sought to be recalled;

24 (2) the statement of the grounds for recall as set out in
25 the application for petition;

26 (3) the date the petition is issued by the clerk;

27 (4) notice that signatures must be secured within 60 days
28 after the date the petition is issued;

29 (5) spaces for each signature, the printed name of each

1 signer, the date of each signature, and the residence and mailing
2 addresses of each signer;

3 (6) a statement, with space for the sponsor's sworn signa-
4 ture and date of signing, that the sponsor personally circulated the
5 petition, that all signatures were affixed in the presence of the
6 sponsor, and that the sponsor believes the signatures to be those of
7 the persons whose names they purport to be; and

8 (7) space for indicating the number of signatures on the
9 petition.

10 (b) Copies of the petition shall be provided to each sponsor by
11 the clerk.

12 Sec. 29.26.280. SIGNATURE REQUIREMENTS. (a) The signatures on
13 a recall petition shall be secured within 60 days after the date the
14 clerk issues the petition. The statement provided under AS 29.26.-
15 270(a)(6) shall be completed and signed by the sponsor. Signatures
16 shall be in ink or indelible pencil.

17 (b) The clerk shall determine the number of signatures required
18 on a petition and inform each sponsor. If a petition seeks to recall
19 an official who represents the municipality at large, the petition
20 shall be signed by a number of voters equal to 25 percent of the
21 number of votes cast for that office at the last regular election held
22 before the date the petition was issued. If a petition seeks to
23 recall an official who represents a district, the petition shall be
24 signed by a number of the voters residing in the district equal to 25
25 percent of the number of votes cast in the district for that office at
26 the last regular election held before the date the petition was is-
27 sued.

28 (c) Illegible signatures shall be rejected by the clerk unless
29 accompanied by a legible printed name. Signatures not accompanied by

1 a legible residence address shall be rejected.

2 (d) A petition signer may withdraw the signer's signature upon
3 written application to the clerk before certification of the petition.

4 Sec. 29.26.290. SUFFICIENCY OF PETITION. (a) The copies of a
5 recall petition shall be assembled and filed as a single instrument.
6 A petition may not be filed within 180 days before the end of the term
7 of office of the official sought to be recalled. Within 10 days after
8 the date a petition is filed, the municipal clerk shall

9 (1) certify on the petition whether it is sufficient; and

10 (2) if the petition is insufficient, identify the insuffi-
11 ciency and notify the sponsors at the address provided under AS 29.-
12 26.260(a)(2) by certified mail.

13 (b) A petition that is insufficient may be supplemented with
14 additional signatures obtained and filed within 10 days after the date
15 on which the petition is rejected if

16 (1) the petition contains an adequate number of signatures,
17 counting both valid and invalid signatures; and

18 (2) the supplementary petition is filed more than 180 days
19 before the end of the term of office of the official sought to be re-
20 called.

21 (c) A petition that is insufficient shall be rejected and filed
22 as a public record unless it is supplemented under (b) of this sec-
23 tion. Within 10 days after the supplementary filing the clerk shall
24 recertify the petition. If it is still insufficient, the petition is
25 rejected and filed as a public record.

26 Sec. 29.26.300. NEW RECALL PETITION APPLICATION. A new applica-
27 tion for a petition to recall the same official may not be filed
28 sooner than six months after a petition is rejected as insufficient.

29 Sec. 29.26.310. SUBMISSION. If a recall petition is sufficient,

1 the clerk shall submit it to the governing body at the next regular
2 meeting or at a special meeting held before the next regular meeting.

3 Sec. 29.26.320. ELECTION. (a) If a regular election occurs
4 within 75 days but not sooner than 45 days after submission of the
5 petition to the governing body, the governing body shall submit the
6 recall at that election.

7 (b) If no regular election occurs within 75 days, the governing
8 body shall hold a special election on the recall question within 75
9 days but not sooner than 45 days after a petition is submitted to the
10 governing body.

11 (c) If a vacancy occurs in the office after a sufficient recall
12 petition is filed with the clerk, the recall question may not be sub-
13 mitted to the voters. The governing body may not appoint to the same
14 office an official who resigns after a sufficient recall petition is
15 filed naming him.

16 Sec. 29.26.330. FORM OF RECALL BALLOT. A recall ballot shall
17 contain

18 (1) the grounds of recall as stated in 200 words or less on
19 the recall petition;

20 (2) a statement by the official named on the recall peti-
21 tion of 200 words or less, if the statement is filed with the clerk
22 for publication and public inspection within 20 days before the elec-
23 tion;

24 (3) the following question: "Shall (name of person) be
25 recalled from the office of (office)? Yes [] No []".

26 Sec. 29.26.340. EFFECT. (a) If a majority vote favors recall,
27 the office becomes vacant upon certification of the recall election.

28 (b) If an official is not recalled at the election, an applica-
29 tion for a petition to recall the same official may not be filed

1 sooner than six months after the election.

2 Sec. 29.26.350. SUCCESSORS. (a) If an official is recalled
3 from the governing body, the office of that official is filled in
4 accordance with AS 29.20.180. If all members of the governing body
5 are recalled, the governor shall appoint three qualified persons to
6 the governing body. The appointees shall appoint additional members
7 to fill remaining vacancies in accordance with AS 29.20.180.

8 (b) If a member of the school board is recalled, the office of
9 that member is filled in accordance with AS 14.12.070. If all members
10 are recalled from a school board, the governor shall appoint three
11 qualified persons to the school board. The appointees shall appoint
12 additional members to fill remaining vacancies in accordance with
13 AS 14.12.070.

14 (c) A person appointed under (a) or (b) of this section serves
15 until a successor is elected and takes office.

16 (d) If an official other than a member of the governing body or
17 school board is recalled, a successor shall be elected to fill the
18 unexpired portion of the term. The election shall be held not more
19 than 60 days after the date the recall election is certified, except
20 that if a regular election occurs within 75 days after certification
21 the successor shall be chosen at that election.

22 (e) Nominations for a successor may be filed until seven days
23 before the last date on which a first notice of the election must be
24 given. Nominations may not be filed before the certification of the
25 recall election.

26 Sec. 29.26.360. APPLICATION. AS 29.26.240 - 29.26.360 apply to
27 home rule and general law municipalities.

28 * Sec. 9. AS 29 is amended by adding a new chapter to read:

29 CHAPTER 35. MUNICIPAL POWERS AND DUTIES.

- 1 (11) to borrow money and issue evidences of indebtedness;
2 (12) to acquire membership in an organization that promotes
3 legislation for the good of the municipality;
4 (13) to enter into an agreement, including an agreement for
5 cooperative or joint administration of any function or power with a
6 municipality, the state, or the United States;
7 (14) to sue and be sued.

8 Sec. 29.35.020. EXTRATERRITORIAL JURISDICTION. (a) To the
9 extent a municipality is otherwise authorized by law to exercise the
10 power necessary to provide the facility or service, the municipality
11 may provide parks, playgrounds, cemeteries, emergency medical ser-
12 vices, solid and septic waste disposal, utility services, airports,
13 streets (including ice roads), trails, transportation facilities,
14 wharves, harbors and other marine facilities outside its boundaries
15 and may regulate their use and operation to the extent that the juris-
16 diction in which they are located does not regulate them. A regu-
17 lation adopted under this section must state that it applies outside
18 the municipality.

19 (b) A municipality may adopt an ordinance to protect its water
20 supply and watershed, and may enforce the ordinance outside its bound-
21 aries. Before this power may be exercised inside the boundaries of
22 another municipality, the approval of the other municipality must be
23 given by ordinance.

24 (c) This section applies to home rule and general law municipal-
25 ities.

26 Sec. 29.35.030. EMINENT DOMAIN. (a) A municipality may exer-
27 cise the powers of eminent domain and declaration of taking in the
28 performance of a power or function of the municipality under the
29 procedures set out in AS 09.55.250 - 09.55.460.

1 (b) This section applies to home rule and general law municipal-
2 ities.

3 Sec. 29.35.040. EMERGENCY DISASTER POWERS. (a) A municipality
4 that is wholly or partially in an area that is declared by the Presi-
5 dent or governor to be a disaster area may participate in and provide
6 for housing, urban renewal, and redevelopment in the same manner as a
7 home rule city. The exercise of these powers by a borough shall be on
8 a nonareawide basis, except a borough may exercise the powers trans-
9 ferred to it by a city as provided by AS 29.35.310.

10 (b) Powers granted by this section must be initiated within a
11 period of not more than five years after the date of declaration of a
12 natural disaster by the President or governor, but these powers may be
13 extended for an additional period of not more than three years.

14 Sec. 29.35.050. GARBAGE AND SOLID WASTE SERVICES. (a) A muni-
15 cipality may by ordinance

16 (1) provide for the establishment, maintenance, and opera-
17 tion of a system of garbage and solid waste collection and disposal
18 for the entire municipality, or for districts or portions of it;

19 (2) require all persons in the municipality or district to
20 use the system and to dispose of their garbage and solid wastes as
21 provided in the ordinance;

22 (3) award contracts for collection and disposal, or provide
23 for the collection and disposal of garbage and solid waste by muni-
24 cipal officials and employees;

25 (4) pay for garbage and solid waste collection and disposal
26 from available money;

27 (5) require property owners or occupants of premises to use
28 the garbage and solid waste collection and disposal system provided by
29 the municipality;

1 (6) fix charges against the property owners or occupants of
2 premises for the collection and disposal; and

3 (7) provide penalties for violations of the ordinances.

4 (b) The governing body of a municipality may not prohibit a
5 person holding a valid certificate from the Alaska Public Utilities
6 Commission from continuing to collect and dispose of garbage, refuse,
7 trash, waste material, or provide other related services in an area in
8 the municipality if the certificate authorizes the collection and
9 disposal of garbage, refuse, trash, or other waste material and pro-
10 viding of other services in the area, and the certificate was orig-
11 inally issued before the municipality provided similar services. A
12 municipality may not provide for a garbage, refuse, trash, or other
13 waste material collection and disposal service in an area to the
14 extent it lies in an area granted to a garbage, refuse, trash, or
15 other waste material carrier by a certificate issued by the Alaska
16 Public Utilities Commission to the carrier until it has purchased the
17 certificate, equipment and facilities of the carrier, or that portion
18 of the certificate that would be affected, at fair market value. A
19 municipality may exercise the right of eminent domain to determine
20 fair market value.

21 (c) This section applies to home rule and general law municipal-
22 ities.

23 Sec. 29.35.060. FRANCHISES AND PERMITS. (a) The assembly
24 acting for the area outside all cities in the borough and the council
25 acting for the area in a city may grant franchises, including exclu-
26 sive franchise privileges, to a person, corporation, organization, or
27 utility not certificated by the Alaska Public Utilities Commission and
28 may permit the use of streets and other public places by the franchise
29 holder under regulations prescribed by ordinance.

1 (b) Unless the grant is made on a competitive basis, the grant
2 of an exclusive right to use a public street or right-of-way for more
3 than five years to a utility or a transportation system not certifi-
4 cated by the Alaska Public Utilities Commission or by the Alaska
5 Transportation Commission shall be valid only if approved by a major-
6 ity of the voters at an election.

7 Sec. 29.35.070. PUBLIC UTILITIES. (a) The assembly acting for
8 the area outside all cities in the borough and the council acting for
9 the area in a city may regulate, fix, establish, and change the rates
10 and charges imposed for a utility service provided to the municipality
11 or its inhabitants by a utility to the extent

12 (1) that it is not subject to regulation under AS 42.05;
13 and

14 (2) not otherwise prohibited by law.

15 (b) A municipality may provide for a reasonable deposit for
16 meters and service to be given if interest is paid on the deposit.

17 (c) Unless the utility is owned by the municipality, all rates,
18 charges, and regulations established under this section shall be
19 established by ordinance and shall be reasonable and permit a fair
20 return on invested capital.

21 (d) This section applies to home rule and general law municipal-
22 ities.

23 Sec. 29.35.080. ALCOHOLIC BEVERAGES. (a) A municipality may
24 regulate the barter, sale, importation, and consumption of alcoholic
25 beverages in accordance with AS 04.11.480 - 04.11.506 and AS 04.21.-
26 010.

27 (b) This section applies to home rule and general law munici-
28 palities.

29 Sec. 29.35.090. MUNICIPAL PROPERTY. The governing body shall by

1 ordinance establish a formal procedure for acquisition and disposal of
2 land and interests in land by the municipality.

3 Sec. 29.35.100. BUDGET AND CAPITAL PROGRAM. (a) The governing
4 body shall establish the manner for the preparation and submission of
5 the budget and capital program. After a public hearing, the governing
6 body may approve the budget with or without amendments, and shall
7 appropriate the money required for the approved budget.

8 (b) The governing body may make supplemental and emergency
9 appropriations. Payment may not be authorized or made and an obliga-
10 tion may not be incurred except in accordance with appropriations.

11 Sec. 29.35.110. EXPENDITURE OF BOROUGH REVENUES. Borough reve-
12 nues received through taxes collected on an areawide basis by the
13 borough may be expended on general administrative costs and on area-
14 wide functions only. Borough revenues received through taxes col-
15 lected on a nonareawide basis may be expended on general administra-
16 tive costs and functions that render service only to the area outside
17 all cities in the borough.

18 Sec. 29.35.120. POST AUDIT. (a) The governing body shall
19 provide for an annual independent audit of the accounts and financial
20 transactions of the municipality or, in the case of a second class
21 city, an audit or statement of annual income and expenditures. To
22 make the audit the governing body shall designate a public accountant
23 who has no personal interest, direct or indirect, in the fiscal af-
24 fairs of the municipality. Copies of the audit shall be available to
25 the public upon request.

26 (b) This section applies to home rule and general law municipal-
27 ities.

28 Sec. 29.35.130. EMERGENCY SERVICES COMMUNICATIONS CENTERS. (a)
29 A municipality may establish an emergency services communications

1 center with one or more other municipalities and one or more state,
2 federal, or private agencies that provide emergency service communica-
3 tions to the same geographic area. An emergency services communica-
4 tions center established under this section may be organized and
5 operated as a public nonprofit corporation under AS 10.20.

6 (b) An emergency services communications center under this
7 section may be governed by a board of directors. A member of a board
8 of directors of an emergency services communications center serves
9 without compensation but is entitled to per diem and travel expenses.
10 If an emergency services communications center is organized as a
11 nonprofit corporation, a member of its board of directors may not be
12 employed by the nonprofit corporation.

13 (c) An emergency services communications center may assess the
14 feasibility and desirability of providing emergency services communi-
15 cations for the geographic area in which it is located through one
16 central office. An emergency services communications center may

17 (1) combine or coordinate the existing emergency services
18 communications programs of the participating municipalities and agen-
19 cies;

20 (2) operate a dispatch center to receive all requests for
21 emergency services and dispatch those services;

22 (3) study the need for improvement in the timely delivery
23 of emergency services to residents of the participating municipali-
24 ties;

25 (4) hold public hearings to obtain information concerning
26 the timely delivery of emergency services;

27 (5) apply for and accept federal, state, municipal, and
28 private money, property, or assistance for use in providing the timely
29 delivery of emergency services;

1 (6) enter into contracts to carry out the provisions of
2 this section;

3 (7) employ personnel necessary to carry out the provisions
4 of this section.

5 (d) In this section

6 (1) "emergency services" means services provided by law
7 enforcement agencies, fire departments, ambulance services, and other
8 organizations that are intended to respond to emergency situations of
9 imminent danger to life or property;

10 (2) "state agency" means a department, division, or office
11 in the executive branch of state government.

12 ARTICLE 2. MANDATORY AREAWIDE POWERS.

13 Sec. 29.35.150. SCOPE OF AREAWIDE POWERS. (a) A borough shall
14 exercise the powers as specified and in the manner specified in
15 AS 29.35.150 - 29.35.180 on an areawide basis.

16 (b) A city may not exercise an areawide power once that power is
17 being exercised by a borough. This subsection applies to home rule
18 and general law municipalities.

19 Sec. 29.35.160. EDUCATION. (a) Each borough constitutes a
20 borough school district and establishes, maintains, and operates a
21 system of public schools on an areawide basis as provided in AS 14.-
22 14.060. A military reservation in a borough is not part of the bor-
23 ough school district until the military mission is terminated or until
24 inclusion in the borough school district is approved by the Department
25 of Education. However, operation of the military reservation schools
26 by the borough school district may be required by the Department of
27 Education under AS 14.14.110. If the military mission of a military
28 reservation terminates or continued management and control by a re-
29 gional educational attendance area is disapproved by the Department of

1 Education, operation, management, and control of schools on the mili-
2 tary reservation transfers to the borough school district in which the
3 military reservation is located.

4 (b) This section applies to home rule and general law municipal-
5 ities.

6 Sec. 29.35.170. ASSESSMENT AND COLLECTION OF TAXES. (a) A
7 borough shall assess and collect property, sales, and use taxes that
8 are levied in its boundaries, subject to AS 29.45.

9 (b) Taxes levied by a city shall be collected by a borough and
10 returned in full to the levying city. This subsection applies to home
11 rule and general law municipalities.

12 Sec. 29.35.180. LAND USE REGULATION. (a) A first or second
13 class borough shall provide for planning, platting, and land use
14 regulation in accordance with AS 29.40.

15 (b) A home rule borough shall provide for planning, platting,
16 and land use regulation.

17 ARTICLE 3. ADDITIONAL POWERS.

18 Sec. 29.35.200. FIRST CLASS BOROUGH POWERS. (a) A first class
19 borough may exercise by ordinance on a nonareawide basis any power not
20 otherwise prohibited by law.

21 (b) A first class borough may by ordinance exercise the follow-
22 ing powers on an areawide basis:

23 (1) provide transportation systems;
24 (2) provide water pollution control;
25 (3) provide air pollution control in accordance with
26 AS 46.03.140 - 46.03.240;

27 (4) license day care facilities;
28 (5) license, impound, and dispose of animals.

29 (c) In addition to powers conferred by (b) of this section, a

1 first class borough may, on an areawide basis, exercise a power not
2 otherwise prohibited by law if the power has been acquired in accor-
3 dance with AS 29.35.300.

4 Sec. 29.35.210. SECOND CLASS BOROUGH POWERS. (a) A second
5 class borough may by ordinance exercise the following powers on a
6 nonareawide basis:

7 (1) provide transportation systems;

8 (2) regulate the offering for sale, exposure for sale,
9 sale, use or explosion of fireworks;

10 (3) license, impound, and dispose of animals;

11 (4) provide garbage, solid waste, and septic waste col-
12 lection and disposal;

13 (5) provide air pollution control in accordance with
14 AS 46.03.140 - 46.03.240;

15 (6) provide water pollution control;

16 (7) participate in federal or state loan programs for
17 housing rehabilitation and improvement for energy conservation;

18 (8) provide for economic development;

19 (9) provide for the acquisition and construction of local
20 service roads and trails under AS 19.30.111 - 19.30.251;

21 (10) establish an emergency services communications center
22 under AS 29.35.130.

23 (b) A second class borough may by ordinance exercise the follow-
24 ing powers on an areawide basis:

25 (1) provide transportation systems;

26 (2) license, impound, and dispose of animals;

27 (3) provide air pollution control in accordance with
28 AS 46.03.140 - 46.03.240;

29 (4) provide water pollution control;

1 (5) license day care facilities.

2 (c) In addition to powers conferred by (a) of this section, a
3 second class borough may, on a nonareawide basis, exercise a power not
4 otherwise prohibited by law if the exercise of the power has been
5 approved at an election by a majority of voters living in the borough
6 but outside all cities in the borough.

7 (d) In addition to powers conferred by (b) of this section, a
8 second class borough may, on an areawide basis, exercise a power not
9 otherwise prohibited by law if the power has been acquired in accor-
10 dance with AS 29.35.300.

11 Sec. 29.35.220. THIRD CLASS BOROUGH POWERS. (a) A third class
12 borough may borrow money and issue negotiable or nonnegotiable bonds
13 or other evidences of indebtedness as provided by AS 29.47.

14 (b) Areawide exercise of a power by a third class borough other
15 than education and tax assessment and collection is not authorized.

16 (c) A third class borough may acquire under AS 29.35.300(b) the
17 power to provide for planning, platting, and land use regulation as
18 provided in AS 29.40 for first and second class boroughs, except the
19 power may only be exercised within a service area.

20 (d) A third class borough may acquire under AS 29.35.300(b) any
21 power not otherwise prohibited by law, except the power may only be
22 exercised within a service area.

23 ARTICLE 4. CITY POWERS.

24 Sec. 29.35.250. CITIES INSIDE BOROUGHHS. (a) A city inside a
25 borough may exercise any power not otherwise prohibited by law.

26 (b) On adoption of a borough ordinance to provide for areawide
27 exercise of a power, no city may exercise the power unless the borough
28 ordinance provides otherwise or the borough by ordinance ceases to
29 exercise the power.

1 (c) A home rule city in a third class borough shall provide for
2 planning, platting, and land use regulation as provided by AS 29.35.-
3 180(b) for home rule boroughs. A first class city in a third class
4 borough shall provide for planning, platting, and land use regulation
5 as provided by AS 29.35.180(a) for first and second class boroughs. A
6 second class city in a third class borough may provide for planning,
7 platting, and land use regulation as provided by AS 29.35.180(a) for
8 first and second class boroughs.

9 (d) This section applies to home rule and general law cities.

10 Sec. 29.35.260. CITIES OUTSIDE BOROUGHS. (a) A city outside a
11 borough may exercise a power not otherwise prohibited by law. A
12 provision that is incorporated by reference to laws governing boroughs
13 applies to home rule cities outside boroughs only if the provision is
14 made applicable to home rule boroughs.

15 (b) A home rule or first class city outside a borough is a city
16 school district and shall establish, operate, and maintain a system of
17 public schools as provided by AS 29.35.160 for boroughs. A second
18 class city outside a borough is not a school district and may not
19 establish a system of public schools.

20 (c) A home rule city outside a borough shall provide for plan-
21 ning, platting, and land use regulation as provided by AS 29.35.180(b)
22 for home rule boroughs. A first class city outside a borough shall,
23 and a second class city outside a borough may, provide for planning,
24 platting, and land use regulation as provided by AS 29.35.180(a) for
25 first and second class boroughs.

26 (d) This section applies to home rule and general law cities.

27 ARTICLE 5. ACQUISITION OF ADDITIONAL POWERS.

28 Sec. 29.35.300. ADDITIONAL POWERS. (a) A first class borough
29 acquires an additional areawide power by transfer of the power by a

1 city or by holding an areawide election on the question.

2 (b) A second class borough acquires an additional power by
3 transfer of the power by a city or by holding an election on the ques-
4 tion. For acquisition of an areawide power, the election shall be
5 held areawide. For acquisition of a nonareawide power, the election
6 shall be held nonareawide.

7 (c) A third class borough acquires an additional power to exer-
8 cise in a service area in accordance with AS 29.35.490(b) and (c).

9 Sec. 29.35.310. TRANSFER BY CITY. (a) A city in a first or
10 second class borough may transfer to the borough in which it is lo-
11 cated any of its powers or functions, subject to the approval of the
12 assembly.

13 (b) A first or second class borough shall exercise all powers
14 transferred to it by a city.

15 Sec. 29.35.320. INITIATION OF ACQUISITION OF POWER. (a) An
16 election on the question of adding an areawide power in a first class
17 borough or of adding an areawide or nonareawide power in a second
18 class borough may be initiated in two ways:

19 (1) a number of voters equal to 15 percent of the number of
20 votes cast at the preceding regular election in the area, either area-
21 wide or nonareawide, in which the election is to be held may file a
22 petition with the borough clerk; or

23 (2) the assembly may propose the acquisition of the power.

24 (b) An election on the question of adding a power in a third
25 class borough for exercise in service areas may be initiated in tw
26 ways:

27 (1) a number of voters equal to 15 percent of the number of
28 votes cast at the preceding regular election in a proposed service
29 area in which the power is sought to be exercised may file a petition

1 with the assembly; or

2 (2) the assembly may propose the acquisition of the power.

3 (c) The borough clerk shall certify whether a petition filed
4 under (a) or (b) of this section contains the required number of
5 signatures.

6 (d) Within 30 days after a petition is certified as containing
7 the required number of signatures or the assembly proposes the acqui-
8 sition of a power, at least one public hearing shall be held in the
9 borough on the question. The assembly shall then evaluate the ability
10 of the borough to exercise the power and make its findings public.
11 Within 60 days after its findings have been made public, the assembly
12 shall order an election on the question.

13 Sec. 29.35.330. ELECTION. (a) If more than one power is pro-
14 posed for acquisition under AS 29.35.320, each shall appear separately
15 on the ballot.

16 (b) A vote on the question of adding an areawide power in a
17 first or second class borough shall be tabulated in two separate
18 classifications. One shall consist of all votes cast in all cities
19 located in the borough. The other shall consist of all votes cast in
20 the borough area outside all cities. If the majority of the votes
21 cast in each classification is favorable, the borough shall assume the
22 added power within 30 days after certification of the election re-
23 sults.

24 (c) If a majority of the votes cast on the question of adding a
25 nonareawide power in a first or second class borough or a power to be
26 exercised in service areas in a third class borough is favorable, the
27 borough shall assume the added power within 30 days after certifica-
28 tion of the election results.

29 (d) The borough mayor shall certify the election results to the

1 department.

2 Sec. 29.35.340. EFFECT OF ACQUIRING AN AREAWIDE POWER. (a) On
3 acquisition of an areawide power the first or second class borough
4 succeeds to all of the rights, powers, and duties of any city or
5 service area with respect to that power. The borough succeeds to
6 claims, franchises, and other contractual obligations, liability for
7 bonded and all other indebtedness, and to all of the right, title, and
8 interest in the real and personal property held by a city or service
9 area for the exercise of the power.

10 (b) The assembly may levy and collect special charges, taxes, or
11 assessments including interest for the purpose of amortizing bonded
12 indebtedness previously incurred by a city or service area for exer-
13 cising an areawide power acquired by the borough. When a city or
14 service area had previously incurred bonded indebtedness, all property
15 that was in the city or service area at the time the bonds were issued
16 remains subject to taxation to pay the principal of and interest on
17 the bonds.

18 (c) On acquisition of an additional areawide power the first or
19 second class borough, in consultation with the city or service area
20 personnel, shall arrange for an orderly and equitable transfer of
21 rights, assets, liabilities, powers, duties, and other matters related
22 to acquisition of the areawide powers.

23 (d) This section applies to home rule and general law cities.

24 ARTICLE 6. CONSTRUCTION OF POWERS.

25 Sec. 29.35.400. GENERAL CONSTRUCTION. A liberal construction
26 shall be given to all powers and functions of a municipality conferred
27 in this title.

28 Sec. 29.35.410. EXTENT OF POWERS. Unless otherwise limited by
29 law, a municipality has and may exercise all powers and functions

1 necessarily or fairly implied in or incident to the purpose of all
2 powers and functions conferred in this title.

3 Sec. 29.35.420. ENUMERATION OF POWERS. Specific examples in an
4 enumerated power or function conferred upon a municipality in this
5 title is illustrative of the object and not a limitation on or exclu-
6 sion from the exercise of the power or function.

7 ARTICLE 7. SERVICE AREAS.

8 Sec. 29.35.450. SERVICE AREAS. (a) A service area to provide
9 special services in a borough may be established, operated, altered,
10 or abolished by ordinance. Special services include services not
11 provided on an areawide or nonareawide basis in the borough, or a
12 higher or different level of service than that provided on an areawide
13 or nonareawide basis. The borough may include a city in a service
14 area if

15 (1) the city agrees by ordinance; or

16 (2) approval is granted by a majority of voters residing in
17 the city, and by a majority of voters residing inside the boundaries
18 of the proposed service area but outside of the city.

19 (b) A new service area may not be established if, consistent
20 with the purposes of art. X of the state constitution, the new service
21 can be provided by an existing service area, by annexation to a city,
22 or by incorporation as a city.

23 Sec. 29.35.460. SERVICE AREA BOARDS. The assembly may provide
24 for an appointed or elected board to supervise the furnishing of
25 special services in a service area.

26 Sec. 29.35.470. FINANCING. The assembly may levy or authorize
27 the levying of taxes, charges, or assessments in a service area to
28 finance the special services. If the assembly authorizes the levying
29 of taxes, charges, or assessments, the rate of taxation and the

1 issuance of bonds are subject to assembly approval.

2 Sec. 29.35.480. SERVICE AREAS IN FIRST CLASS BOROUGHES. In a
3 first class borough, the assembly may exercise in a service area any
4 power granted a first class city by law. The assembly may exercise in
5 a service area any nonareawide power that may be exercised by a first
6 class borough.

7 Sec. 29.35.490. SERVICE AREAS IN SECOND AND THIRD CLASS BOR-
8 OUGHS. (a) A second class borough may exercise in a service area any
9 power granted a first class city by law or a nonareawide power that
10 may be exercised by a first class borough if

11 (1) the exercise of the power is approved by a majority of
12 the voters residing in the service area; or

13 (2) all owners of real property in the service area consent
14 in writing to the exercise of the power if no voters reside in the
15 service area.

16 (b) If the exercise of the power is approved by a majority of
17 the voters residing in the service area, a third class borough may
18 exercise in a service area any power that may be acquired by a second
19 class borough under AS 29.35.300(b).

20 (c) A second or third class borough may establish a service area
21 that includes only vacant, unappropriated, and unreserved land owned
22 by the borough. A second or third class borough may establish a
23 service area, with the concurrence of the commissioner of natural
24 resources, that includes only vacant, unappropriated, and unreserved
25 land owned by the state and classified for disposal to individuals.
26 By ordinance a second or third class borough may provide the services
27 in a service area established under this subsection necessary to
28 develop state or municipal land as required by the planning, platting,
29 and land use regulations of the borough.

1 ARTICLE 8. MISCELLANEOUS PROVISIONS.

2 Sec. 29.35.700. DEFINITION. In AS 29.35.200 - 29.35.340 "power"
3 means the provision of a public facility or service, or the exercise
4 of a regulatory power.

5 * Sec. 10. AS 29 is amended by adding a new chapter to read:

6 CHAPTER 40. PLANNING, PLATTING, AND LAND USE REGULATION.

7 Sec. 29.40.010. PLANNING, PLATTING, AND LAND USE REGULATION.

8 (a) A first or second class borough shall provide for planning,
9 platting, and land use regulation on an areawide basis.

10 (b) If a city in a borough consents by ordinance, the assembly
11 may by ordinance delegate any of its powers and duties under this
12 chapter to the city. The assembly may by ordinance, without first
13 obtaining the consent of the city, revoke any power or duty delegated
14 under this section.

15 Sec. 29.40.020. PLANNING COMMISSION. (a) Each first and second
16 class borough shall establish a planning commission consisting of five
17 residents unless a greater number is required by ordinance. Commis-
18 sion membership shall be apportioned so that the number of members
19 from home rule and first class cities reflects the proportion of
20 borough population residing in home rule and first class cities lo-
21 cated in the borough. A member shall be appointed by the borough
22 mayor for a term of three years subject to confirmation by the assem-
23 bly, except that a member from a home rule or first class city shall
24 be selected from a list of recommendations submitted by the council.
25 Members first appointed shall draw lots for one, two, and three year
26 terms. Appointments to fill vacancies are for the unexpired term.
27 The compensation and expenses of the planning commission and its staff
28 are paid as directed by the assembly.

29 (b) In addition to the duties prescribed by ordinance, the

1 planning commission shall

2 (1) prepare and submit to the assembly a proposed compre-
3 hensive plan in accordance with AS 29.40.030 for the systematic and
4 organized development of the borough;

5 (2) review, recommend, and administer measures necessary to
6 implement the comprehensive plan, including measures provided under
7 AS 29.40.040.

8 Sec. 29.40.030. COMPREHENSIVE PLAN. (a) The comprehensive plan
9 is a compilation of policy statements, goals, standards, and maps for
10 guiding the physical, social, and economic development, both private
11 and public, of the first or second class borough, and may include, but
12 is not limited to, the following:

13 (1) statements of policies, goals, and standards;

14 (2) a land use plan;

15 (3) a community facilities plan;

16 (4) a transportation plan; and

17 (5) recommendations for implementation of the comprehensive
18 plan.

19 (b) With the recommendations of the planning commission, the
20 assembly shall adopt by ordinance a comprehensive plan. The assembly
21 shall, after receiving the recommendations of the planning commission,
22 periodically undertake an overall review of the comprehensive plan and
23 update the plan as necessary.

24 Sec. 29.40.040. LAND USE REGULATION. (a) In accordance with a
25 comprehensive plan adopted under AS 29.40.030 and in order to imple-
26 ment the plan, the assembly by ordinance shall adopt or amend provi-
27 sions governing the use and occupancy of land that may include, but
28 are not limited to,

29 (1) zoning regulations restricting the use of land and

1 improvements by geographic districts;

2 (2) land use permit requirements designed to encourage or
3 discourage specified uses and construction of specified structures, or
4 to minimize unfavorable effects of uses and the construction of struc-
5 tures;

6 (3) measures to further the goals and objectives of the
7 comprehensive plan.

8 (b) A variance from a land use regulation adopted under this
9 section may not be granted if

10 (1) special conditions that require the variance are caused
11 by the person seeking the variance;

12 (2) the variance will permit a land use in a district in
13 which that use is prohibited; or

14 (3) the variance is sought solely to relieve pecuniary
15 hardship or inconvenience.

16 Sec. 29.40.050. APPEALS FROM ADMINISTRATIVE DECISIONS. (a) By
17 ordinance the assembly shall provide for an appeal from an administra-
18 tive decision of a municipal employee, board, or commission made in
19 the enforcement, administration, or application of a land use regula-
20 tion adopted under this chapter. The assembly may provide for an
21 appeal to a court, hearing officer, board of adjustment, or other
22 body. The assembly shall provide for an appeal from a decision on a
23 request for a variance from the terms of a land use regulation when
24 literal enforcement would deprive a property owner of rights commonly
25 enjoyed by other properties in the district.

26 (b) By ordinance the assembly may provide for appointment of a
27 hearing officer, or for the composition, appointment, and terms of
28 office of a board of adjustment or other body established to hear
29 appeals from administrative actions. The assembly may define proper

1 parties and prescribe evidentiary rules, standards of review, and
2 remedies available to the hearing officer, board of adjustment, or
3 other body.

4 Sec. 29.40.060. JUDICIAL REVIEW. (a) The assembly shall pro-
5 vide by ordinance for an appeal by a municipal officer or person
6 aggrieved from a decision of a hearing officer, board of adjustment,
7 or other body to the superior court.

8 (b) An appeal to the superior court under this section is an
9 administrative appeal heard solely on the record established by the
10 hearing officer, board of adjustment, or other body.

11 Sec. 29.40.070. PLATTING REGULATION. By ordinance the assembly
12 shall adopt platting requirements that may include, but are not lim-
13 ited to, the control of

14 (1) form, size, and other aspects of subdivision, dedica-
15 tions, and vacations of land;

16 (2) dimensions and design of lots;

17 (3) street width, arrangement, and rights-of-way, including
18 requirements for public access to lots and installation of street
19 paving, curbs, gutters, sidewalks, sewers, water lines, drainage and
20 other public utility facilities and improvements;

21 (4) dedication of streets, rights-of-way, public utility
22 easements and areas considered necessary by the platting authority for
23 other public uses.

24 Sec. 29.40.080. PLATTING AUTHORITY. (a) The assembly by ordi-
25 nance shall establish a platting authority to administer subdivision
26 regulations and to perform other duties as required by the assembly.
27 The platting authority may consist of members of the planning commis-
28 sion or of other municipal residents.

29 (b) The assembly may by ordinance provide for an administrative

1 official to act as the platting authority with regard to abbreviated
2 plats.

3 Sec. 29.40.090. ABBREVIATED PLATS AND WAIVERS. (a) Notwith-
4 standing other provisions of this chapter, the assembly shall by
5 ordinance establish an abbreviated plat procedure for a plat that will

6 (1) subdivide a single lot into not more than four lots;

7 (2) provide legal and physical access to a public highway
8 or street for each lot created by the subdivision;

9 (3) not contain or require a dedication of a street, right-
10 of-way, or other area;

11 (4) not require a vacation of a public dedication of land
12 or a variance from a subdivision regulation.

13 (b) The platting authority shall waive the preparation, submis-
14 sion for approval, and recording of a plat on satisfactory evidence
15 that the subdivision meets the requirements of (a) of this section and
16 each lot created by the subdivision is five acres or larger.

17 Sec. 29.40.100. INFORMATION REQUIRED. A plat shall show

18 (1) initial point of survey;

19 (2) original or reestablished corners and their descrip-
20 tions;

21 (3) actual traverse showing area of closure and all dis-
22 tances, angles, and calculations required to determine initial point,
23 corners, and distances of the plat; and

24 (4) other information that may be required by ordinance.

25 Sec. 29.40.110. PLAT PROCEDURE. (a) The platting authority
26 shall approve or disapprove a plat within 60 days after it is filed,
27 or shall return it to the applicant for modification or correction.
28 Unless the applicant for plat approval consents to an extension of
29 time, the plat is considered approved and a certificate of approval

1 shall be issued by the platting authority on demand if the platting
2 authority fails to act within 60 days.

3 (b) The platting authority shall state in writing its reasons
4 for disapproval of a plat. If the platting authority approves a plat,
5 the plat shall be acknowledged and filed in accordance with AS 40.15.-
6 010 - 40.15.020.

7 Sec. 29.40.120. ALTERATION OR REPLAT PETITION. A recorded plat
8 may not be altered or replatted except by the platting authority on
9 petition of the state, the borough, a public utility, or the owners of
10 a majority of the land affected by the alteration or replat. A plat-
11 ted street may not be vacated, except on petition of the state, the
12 borough, a public utility, or owners of a majority of the land front-
13 ing the part of the street sought to be vacated. The petition shall
14 be filed with the platting authority and shall be accompanied by a
15 copy of the existing plat showing the proposed alteration or replat.

16 Sec. 29.40.130. NOTICE OF HEARING. The platting authority shall
17 fix a time for a hearing on an alteration or replat petition that may
18 not be more than 60 days after the petition is filed. Notice shall be
19 published by the platting authority stating when and by whom the peti-
20 tion was filed, its purpose, and the time and place of the hearing.
21 The notice shall generally describe the alteration or replat sought.
22 The platting authority shall also mail a copy of the notice to each
23 affected property owner who did not sign the petition.

24 Sec. 29.40.140. HEARING AND DETERMINATION. (a) The platting
25 authority shall consider the alteration or replat petition at a hear-
26 ing and make its decision on the merits of the proposal.

27 (b) Vacation of a city street may not be made without the con-
28 sent of the council. Vacation of a street in the borough area outside
29 all cities may not be made without the consent of the assembly. The

1 governing body shall have 30 days from the decision of the platting
2 authority in which to veto a vacation of a street. If no veto is
3 received by the platting authority within the 30-day period, consent
4 is considered to have been given to the vacation.

5 Sec. 29.40.150. RECORDING. If the alteration or replat is ap-
6 proved, the revised plat shall be acknowledged and filed in accordance
7 with AS 40.15.010 - 40.15.020.

8 Sec. 29.40.160. TITLE TO VACATED AREA. (a) The title to the
9 street or other public area vacated on a plat attaches to the lot or
10 lands bordering the area in equal proportions, except that if the area
11 was originally dedicated by different persons, original boundary lines
12 shall be adhered to so that the street area that lies on one side of
13 the boundary line shall attach to the abutting property on that side,
14 and the street area that lies on the other side of the boundary line
15 shall attach to the property on that side. The portion of a vacated
16 street that lies inside the limits of a platted addition attaches to
17 the lots of the platted addition bordering on the area. If a public
18 square is vacated, the title to it vests in a city if it lies inside
19 the city, and in the borough if it lies inside the borough but outside
20 all cities. If the property vacated is a lot, title vests in the
21 rightful owner.

22 (b) If the municipality acquired the street or other public area
23 vacated for legal consideration or by express dedication to the muni-
24 cipality other than as a subdivision platting requirement, before the
25 final act of vacation the fair market value of the street or public
26 area shall be deposited with the platting authority to be paid to the
27 municipality on final vacation.

28 (c) The provisions of (a) and (b) of this section apply to home
29 rule and general law municipalities.

1 (d) The council of a second class city located outside a borough
2 may vacate streets, alleys, crossings, sidewalks, or other public ways
3 that may have been previously dedicated or established when the coun-
4 cil finds that the streets, alleys, crossings, sidewalks, or other
5 public ways are no longer necessary for the public welfare, or when
6 the public welfare will be enhanced by the vacation. If the council
7 determines that all or a portion of the area vacated under this sub-
8 section should be devoted to another public purpose, title to the area
9 vacated and held for another public purpose does not vest as provided
10 in (a) of this section but remains in the city.

11 Sec. 29.40.170. DELEGATIONS. The planning commission and the
12 platting authority may, as authorized by ordinance, delegate powers to
13 hear and decide cases under this chapter, including, but not limited
14 to, delegations to

15 (1) one or more members of the planning commission or plat-
16 ting authority;

17 (2) other boards or commissions;

18 (3) a hearing officer designated by the planning commission
19 or platting authority.

20 Sec. 29.40.180. VIOLATIONS. It is unlawful for the owner of
21 land located in a subdivision to transfer, sell, offer to sell, or
22 enter into a contract to sell land in a subdivision before a plat of
23 the subdivision has been prepared, approved, and filed in accordance
24 with this chapter. It is unlawful for a person to file a plat or
25 other document depicting subdivided land in a public recorder's office
26 unless the plat or document has been approved by the platting author-
27 ity. A person convicted of violating a provision of this chapter, a
28 subdivision regulation adopted under this chapter, or a term, condi-
29 tion, or limitation imposed by a platting authority in the exercise of

1 its powers under this chapter is guilty of a class B misdemeanor.

2 Sec. 29.40.190. REMEDIES. (a) The municipality or an aggrieved
3 person may institute a civil action against a person who violates a
4 provision of this chapter, a subdivision regulation adopted under this
5 chapter, or a term, condition, or limitation imposed by a platting
6 authority. In addition to other relief, a civil penalty not to exceed
7 \$1,000 may be imposed for each violation. An action to enjoin a
8 violation may be brought notwithstanding the availability of any other
9 remedy. Upon application for injunctive relief and a finding of a
10 violation or threatened violation, the superior court shall grant the
11 injunction.

12 (b) Each day that an unlawful act or condition continues consti-
13 tutes a separate violation.

14 Sec. 29.40.200. SUBDIVISIONS OF STATE LAND. (a) The subdivi-
15 sion requirements adopted under this chapter apply to a subdivision
16 plat of undeveloped state land for disposal under AS 38.05 or AS 38.08
17 filed with the platting authority. The platting authority may not
18 disapprove the subdivision plat on the basis of requirements for
19 capital improvements on or to state land included in the subdivision
20 plat. Subdivision ordinances and regulations adopted after the plat-
21 ting authority is notified by the commissioner of natural resources of
22 a proposed sale of subdivided state land under AS 38.05 or AS 38.08 do
23 not apply to the state land in the proposed sale.

24 (b) The platting authority must approve and sign a subdivision
25 plat of state land within 60 days after its receipt from the commis-
26 sioner of natural resources unless the platting authority

27 (1) determines that the plat does not comply with subdivi-
28 sion requirements other than those requiring capital improvements to
29 state land; and

1 (2) notifies the commissioner of each determination of non-
2 compliance within the 60-day period established in this subsection.

3 (c) The commissioner of natural resources may withdraw the sub-
4 division plat and amend it in response to the determination of non-
5 compliance by the platting authority under (b) of this section. The
6 platting authority shall respond within 30 days to the amendment or
7 response from the commissioner of natural resources.

8 (d) Notwithstanding any other provision of law, the provisions
9 of this section apply to all disposals of land under AS 38.05 or
10 AS 38.08.

11 (e) Nothing in this section relieves the Department of Natural
12 Resources of its obligation to provide legal access to a subdivision.

13 (f) As used in this section, "capital improvements" includes but
14 is not limited to access roads, other physical improvements, and their
15 design and engineering.

16 (g) This section applies to home rule and general law municipal-
17 ities.

18 * Sec. 11. AS 29 is amended by adding a new chapter to read:

19 CHAPTER 45. MUNICIPAL TAXATION.

20 ARTICLE 1. MUNICIPAL PROPERTY TAX.

21 Sec. 29.45.010. PROPERTY TAX. (a) A unified municipality may
22 levy a property tax. A borough may levy

23 (1) an areawide property tax for areawide functions;

24 (2) a nonareawide property tax for functions limited to the
25 area outside cities;

26 (3) a property tax in a service area for functions limited
27 to the service area.

28 (b) A home rule or first class city may levy a property tax
29 subject to AS 29.45.550 - 29.45.560. A second class city may levy a

1 property tax subject to AS 29.45.590.

2 (c) If a tax is levied on real property or on personal property,
3 the tax must be assessed, levied, and collected as provided in this
4 chapter.

5 Sec. 29.45.020. TAXPAYER NOTICE. (a) If a municipality levies
6 and collects property taxes, the governing body shall provide the
7 following notice:

8 "NOTICE TO TAXPAYER

9 For the current fiscal year the (city)(borough) has been allo-
10 cated the following amount of state aid for school and municipal
11 purposes under the applicable financial assistance Acts:

12	PUBLIC SCHOOL FOUNDATION PROGRAM ASSISTANCE	
13	(AS 14.17)	\$
14	STATE AID FOR RETIREMENT OF SCHOOL CONSTRUC-	
15	TION DEBT (AS 43.18.100)	\$
16	MUNICIPAL TAX RESOURCE EQUALIZATION ASSISTANCE	
17	(AS 29.60.010 - 29.60.080)	\$
18	STATE AID FOR MISCELLANEOUS MUNICIPAL	
19	SERVICES (AS 29.60.100 - 29.60.180)	\$
20	TOTAL AID	\$

21 The millage equivalent of this state aid, based on the dollar
22 value of a mill in the municipality during the current assessment
23 year and for the preceding assessment year, is:

24	MILLAGE EQUIVALENT	
25	PREVIOUS YEAR	THIS YEAR
26	PUBLIC SCHOOL FOUNDATION PROGRAM	
27	ASSISTANCEMILLS
28	STATE AID FOR RETIREMENT OF	
29	SCHOOL CONSTRUCTION DEBTMILLS

1	MUNICIPAL TAX RESOURCE EQUALI-		
2	ZATION ASSISTANCEMILLSMILLS
3	STATE AID FOR MISCELLANEOUS		
4	MUNICIPAL SERVICESMILLSMILLS
5	TOTAL MILLAGE EQUIVALENTMILLSMILLS"

6 Notice shall be provided

7 (1) by furnishing a copy of the notice with tax statements
8 mailed for the fiscal year for which aid is received; or

9 (2) by publishing in a newspaper of general circulation in
10 the municipality a copy of the notice once each week for a period of
11 three successive weeks, with publication to occur not later than 45
12 days after the final adoption of the municipality's budget.

13 (b) Compliance with the provisions of this section is a pre-
14 requisite to receipt of municipal tax resource equalization assistance
15 under AS 29.60.010 - 29.60.080 and state aid for miscellaneous municipi-
16 pal services under AS 29.60.100 - 29.60.180. The department shall
17 withhold annual allocations under those sections until municipal
18 officials demonstrate that the requirements of this section have been
19 met.

20 Sec. 29.45.030. REQUIRED EXEMPTIONS. (a) The following prop-
21 erty is exempt from general taxation:

22 (1) municipal, state, or federally owned property, except
23 that a private leasehold, contract, or other interest in the property
24 is taxable to the extent of the interest;

25 (2) household furniture of the head of a family or house-
26 hold;

27 (3) property used exclusively for nonprofit religious,
28 charitable, cemetery, hospital, or educational purposes;

29 (4) property of a nonbusiness organization or its auxiliary

1 composed entirely of persons with 90 days or more of active service in
2 the armed forces of the United States whose conditions of service and
3 separation were other than dishonorable;

4 (5) money on deposit;

5 (6) the real property of certain residents of the state to
6 the extent and subject to the conditions provided in (e) of this sec-
7 tion;

8 (7) real property or interests in real property that are
9 exempt from taxation under 43 U.S.C. 1620(d), as amended, as more
10 fully provided in (m) and (n) of this section.

11 (b) "Property used exclusively for religious purposes" includes
12 the following property owned by a religious organization:

13 (1) the residence of a bishop, pastor, priest, rabbi,
14 minister, or religious order of a recognized religious organization;

15 (2) a structure, its furniture, and its fixtures used
16 solely for public worship, charitable purposes, religious administra-
17 tive offices, religious education, or a nonprofit hospital;

18 (3) lots required by local ordinance for parking near a
19 structure defined in (2) of this subsection.

20 (c) Property described in (a)(3) or (4) or (b) of this section
21 from which income is derived is exempt only if that income is solely
22 from use of the property by nonprofit religious, charitable, hospital,
23 or educational groups. If used by nonprofit educational groups, the
24 property is exempt only if used exclusively for classroom space.

25 (d) Laws exempting certain property from execution under the
26 Code of Civil Procedure (AS 09) do not exempt the property from taxes
27 levied and collected by municipalities.

28 (e) The real property owned and occupied as a permanent place of
29 abode by a resident 65 years of age or over is exempt from taxation of

1 the assessed value of the real property. Real property may not be
2 exempted under this subsection that the assessor determines, after
3 notice and hearing to the parties concerned, has been conveyed to the
4 applicant primarily for the purpose of obtaining the exemption. The
5 determination of the assessor is appealable under AS 44.62.560 and
6 44.62.570.

7 (f) An exemption may not be granted under (e) of this section
8 except upon written application for the exemption on a form prescribed
9 by the state assessor for use by local assessors. The claimant must
10 file the application no later than January 15, or a date provided by
11 ordinance that is not later than March 31, of the assessment year for
12 which the exemption is sought. The governing body of the municipality
13 for good cause shown may waive during a year the claimant's failure to
14 make timely application for exemption for that year and authorize the
15 assessor to accept the application as if timely filed. The claimant
16 must file a separate application for each assessment year in which the
17 exemption is sought. If an application is filed within the required
18 time and is approved by the assessor, the assessor shall allow an
19 exemption in accordance with the provisions of this section. If a
20 failure to file by January 15, or a date provided by ordinance that is
21 not later than March 31, of the assessment year has been waived as
22 provided in this subsection and the application for exemption is
23 approved, the amount of tax that the claimant has already paid for the
24 assessment year for the property exempted shall be refunded to the
25 claimant. The assessor may at any time require proof in the form the
26 assessor considers necessary of the right and amount of an exemption
27 claimed under (e) of this section.

28 (g) The state shall reimburse a borough or city, as appropriate,
29 for the real property tax revenues lost to it by the operation of (e)

1 of this section. However, reimbursement will be made to a municipal-
2 ity for revenue lost to it only to the extent that the loss exceeds an
3 exemption that was granted by the municipality, or that on proper
4 application by an individual would have been granted under AS 29.45.-
5 050(a).

6 (h) Except as provided in (g) of this section, nothing in (e) -
7 (j) of this section affects similar exemptions from property taxes
8 granted by a municipality on September 10, 1972, or prevents a munici-
9 pality from granting similar exemptions by ordinance as provided in
10 AS 29.45.050.

11 (i) In (e) - (i) of this section "real property" includes but is
12 not limited to mobile homes, whether classified as real or personal
13 property for municipal tax purposes.

14 (j) One motor vehicle per household owned by a resident 65 years
15 of age or older on January 1 of the assessment year is exempt either
16 from taxation on its assessed value or from the registration tax under
17 AS 28.10.431. An exemption may be granted under this subsection only
18 upon written application on a form prescribed by the Department of
19 Public Safety. The state shall reimburse a municipality for tax reve-
20 nues lost to it because of the exemption required by this subsection.
21 Reimbursement to a municipality equals the amount of registration tax
22 authorized under AS 28.10.431(b) for each vehicle exempted under this
23 subsection.

24 (k) The department shall adopt regulations to implement the pro-
25 visions of (g) and (j) of this section.

26 (l) Two percent of the assessed value of a structure is exempt
27 from taxation if the structure contains a fire protection system ap-
28 proved under AS 19.70.081, in operating condition, and incorporated as
29 a fixture or part of the structure. The exemption granted by this

1 subsection is limited to

2 (1) an amount equal to two percent of the value of the
3 structure based on the assessment for 1981, if the fire protection
4 system is a fixture of the structure on January 1, 1981; or

5 (2) an amount equal to two percent of the value of the
6 structure based on the assessment as of January 1 of the year immedi-
7 ately following the installation of the fire protection system if the
8 fire protection system becomes a fixture of the structure after
9 January 1, 1981.

10 (m) The tax exemption required by 43 U.S.C. 1620(d), as amended,
11 shall be implemented according to the following conditions and inter-
12 pretations:

13 (1) "developed" means a purposeful modification of the
14 property from its original state that effectuates a condition of
15 gainful or productive present use without further substantial modifi-
16 cation; surveying, construction of roads, providing utilities or other
17 similar actions normally considered to be component parts of the
18 development process, but which do not create the condition described
19 in this paragraph, do not constitute a developed state within the
20 meaning of this paragraph; developed property, in order to remove the
21 exemption, must be developed for purposes other than exploration, and
22 be limited to the smallest practicable tract of the property actually
23 used in the developed state;

24 (2) "exploration" means the examination and investigation
25 of undeveloped land to determine the existence of subsurface nonrenew-
26 able resources;

27 (3) "lease" means a grant of primary possession entered
28 into for gainful purposes with a determinable fee remaining in the
29 hands of the grantor; with respect to a lease that conveys rights of

1 exploration and development, this exemption shall continue with re-
2 spect to that portion of the leased tract that is used solely for the
3 purpose of exploration.

4 (n) If the property or interest in the property reverts to an
5 undeveloped state, or if the lease is terminated, the exemption shall
6 be reinstated, subject to the provisions of (m) of this section.

7 Sec. 29.45.040. PROPERTY TAX EQUIVALENCY PAYMENTS. (a) A
8 resident of the state 65 years of age or older who rents a permanent
9 place of abode is eligible for tax equivalency payments from the state
10 through the department.

11 (b) For purposes of determining payments to eligible persons,
12 the department shall calculate at the rate of one percent per mill a
13 property tax equivalent percentage for each municipality that levies a
14 property tax. The property tax equivalent percentage applied to the
15 annual rent charged to the applicant equals the property tax equiva-
16 lency payment payable under this section.

17 (c) To obtain tax equivalency payments the eligible resident
18 must apply to the department for payment for the preceding year by
19 January 15 of each year on forms and in the manner prescribed by the
20 department. Each applicant shall submit with the application rental
21 receipts or, if rental receipts are not available, other evidence
22 satisfactory to the department for determination of the fact of pay-
23 ment of rent and the amount paid.

24 (d) If two or more persons occupy a residence as tenants, not
25 all of whom are eligible for tax equivalency payments under this
26 section, the assessor shall determine equitable partial payments to be
27 made to the eligible tenants. However, tax equivalency payments to an
28 eligible applicant may not be reduced because the spouse is less than
29 65 years of age. If all occupants in a residence are eligible for tax

1 equivalency payments under this section, the occupants shall decide
2 between and among themselves which shall receive payment.

3 Sec. 29.45.050. OPTIONAL EXEMPTIONS AND EXCLUSIONS. (a) A
4 municipality may exclude or exempt or partially exempt residential
5 property from taxation by ordinance ratified by the voters at an
6 election. An exclusion or exemption authorized by this section may
7 not exceed the assessed value of \$10,000 for any one residence.

8 (b) A municipality may by ordinance

9 (1) classify boats and vessels for the purposes of taxation
10 and may establish the assessed valuation of boats and vessels on the
11 basis of their registered or certificated net tonnage;

12 (2) classify and exempt from taxation

13 (A) the property of an organization not organized for
14 business or profit-making purposes and used exclusively for
15 community purposes if the income derived from rental of that
16 property does not exceed the actual cost to the owner of the use
17 by the renter;

18 (B) historic sites, buildings, and monuments;

19 (C) land of a nonprofit organization used for agricul-
20 tural purposes if rights to subdivide the land are conveyed to
21 the state and the conveyance includes a covenant restricting use
22 of the land to agricultural purposes only; rights conveyed to the
23 state under this subparagraph may be conveyed by the state only
24 in accordance with AS 38.05.069(c);

25 (3) exempt personal property from taxation.

26 (c) The provisions of (a) of this section notwithstanding,

27 (1) a borough may, by ordinance, adjust its property tax
28 structure in whole or in part to the property tax structure of a city
29 in the borough, including but not limited to, excluding personal

1 property from taxation, establishing exemptions, and extending the
2 redemption period;

3 (2) a home rule or first class city has the same power to
4 grant exemptions or exclude property from borough taxes that it has as
5 to city taxes if

6 (A) the exemptions or exclusions have been adopted as
7 to city taxes; and

8 (B) the city appropriates to the borough sufficient
9 money to equal revenues lost by the borough because of the exemp-
10 tions or exclusions, the amount to be determined annually by the
11 assembly;

12 (3) a city in a borough may, by ordinance, adjust its prop-
13 erty tax structure in whole or in part to the property tax structure
14 of the borough, including but not limited to exempting or partially
15 exempting property from taxation.

16 (d) Exemptions or exclusions from property tax that have been
17 granted by a home rule municipality in addition to exemptions autho-
18 rized or required by law, and that are in effect on September 10,
19 1972, and not later withdrawn, are not affected by this chapter.

20 (e) A municipality may by ordinance classify and exempt or par-
21 tially exempt from taxation privately owned land, wet land and water
22 areas for which a scenic, conservation, or public recreation use ease-
23 ment is granted to a governmental body. To be eligible for a tax
24 exemption, or partial exemption, the easement must be in perpetuity.
25 However, the easement is automatically terminated before an eminent
26 domain taking of fee simple title or less than fee simple title to the
27 property, so that the property owner is compensated at a rate that
28 does not reflect the easement grant.

29 (f) A municipality may by ordinance exempt from taxation all or

1 part of the increase in assessed value of improvements to real prop-
2 erty if an increase in assessed value is directly attributable to
3 alteration of the natural features of the land, or new maintenance,
4 repair, or renovation of an existing structure, and if the alteration,
5 maintenance, repair, or renovation, when completed, enhances the
6 exterior appearance or aesthetic quality of the land or structure. An
7 exemption may not be allowed under this subsection for the construc-
8 tion of an improvement to a structure if the principal purpose of the
9 improvement is to increase the amount of space for occupancy or non-
10 residential use in the structure or for the alteration of land as a
11 consequence of construction activity. An exemption provided in this
12 subsection may continue for up to four years from the date the im-
13 provement is completed, or from the date of approval for the exemption
14 by the local assessor, whichever is later.

15 (g) A municipality may by ordinance exempt from taxation all or
16 part of the increase in assessed value of improvements to a single-
17 family dwelling if the principal purpose of the improvement is to
18 increase the amount of space for occupancy. An exemption provided in
19 this subsection may continue for up to two years from the date the
20 improvement is completed, or from the date of approval of an applica-
21 tion for the exemption by the local assessor, whichever is later.

22 Sec. 29.45.060. FARM OR AGRICULTURAL LAND AND GREENHOUSES. (a)
23 Farm use land included in a farm unit and not dedicated or being used
24 for nonfarm purposes shall be assessed on the basis of full and true
25 value for farm use and may not be assessed as if subdivided or used
26 for some other nonfarm purpose. A farm use greenhouse, whether clas-
27 sified as real or personal property for municipal tax purposes, shall
28 be assessed on the basis of full and true value for farm use. The
29 assessor shall maintain records valuing the land or greenhouse for

1 both full and true value and farm use value. If the land or green-
2 house is sold, leased, or otherwise disposed of for uses incompatible
3 with farm use or converted to a use incompatible with farm use by the
4 owner, the owner is liable to pay an amount equal to the additional
5 tax at the current mill levy together with eight percent interest for
6 the preceding seven years, as though the land or greenhouse had not
7 been assessed for farm use purposes. Payment by the owner shall be
8 made to the state to the extent of its reimbursement for revenue loss
9 under (e) of this section for the preceding seven years. The balance
10 of the payment shall be made to the municipality.

11 (b) An owner of farm use land or a farm use greenhouse must, to
12 secure the assessment under this section, apply to the assessor before
13 May 15 of each year in which the assessment is desired. The applica-
14 tion shall be made upon forms prescribed by the state assessor for the
15 use of the local assessor, and shall include information that may
16 reasonably be required to determine the entitlement of the applicant.
17 If the land or greenhouse is leased for farm use purposes, the appli-
18 cant shall furnish to the assessor a copy of the lease bearing the
19 signatures of both lessee and lessor along with the completed applica-
20 tion. The applicant shall furnish the assessor a copy of the lease
21 covering the period for which the exemption is requested.

22 (c) In this section "farm use" means the use of land or a green-
23 house for profit for raising and harvesting crops or ornamental
24 plants, for the feeding, breeding, and management of livestock, for
25 dairying, or another agricultural use, or any combination of these.
26 To be farm use land, the owner or lessee must be actively engaged in
27 farming the land, and derive at least 10 percent of yearly gross
28 income from the land. To be a farm use greenhouse, the owner or
29 lessee must derive at least 10 percent of yearly gross income from the

1 greenhouse or from the greenhouse together with other commercial
2 greenhouses or farm use land. This section does not apply to land for
3 which the owner has granted, and has outstanding, a lease or option to
4 buy the surface rights. A property owner wishing to file for farm use
5 classification having no history of farm-related income may submit a
6 declaration of intent at the time of filing the application with the
7 assessor setting out the intended use of the land or greenhouse and
8 the anticipated percentage of income. An applicant using this proce-
9 dure shall file with the assessor before February 1 of the following
10 year a notarized statement of the percentage of gross income attribut-
11 able to the land or greenhouse. Failure to make the filing required
12 in this subsection forfeits the exemption.

13 (d) In the event of a crop failure by an act of God the previous
14 year, the owner or lessee may submit an affidavit affirming that 10
15 percent of gross income for the past three years was from farming.

16 (e) Subject to legislative appropriations for the purpose, the
17 state shall reimburse a borough or city, as appropriate, for the prop-
18 erty tax revenues lost to it by the operation of this section.

19 Sec. 29.45.070. MOBILE HOMES. Mobile homes, trailers, house
20 trailers, trailer coaches and similar property used or intended to be
21 used for residential, office, or commercial purposes and attached to
22 the land or connected to water, gas, electric, or sewage facilities
23 are classified as real property for tax purposes unless expressly
24 classified as personal property by ordinance. This section does not
25 apply to house trailers and mobile homes that are unoccupied and held
26 for sale by persons engaged in the business of selling mobile homes.

27 Sec. 29.45.080. TAX ON OIL AND GAS PRODUCTION AND PIPELINE PROP-
28 ERTY. (a) A municipality may levy and collect taxes on property
29 taxable under AS 43.56 only by using one of the methods set out in (b)

1 or (c) of this section.

2 (b) A municipality may levy and collect a tax on the full and
3 true value of property taxable under this chapter and under AS 43.56
4 as valued by the Department of Revenue at a rate not to exceed that
5 which produces an amount of revenue from the total municipal property
6 tax equivalent to \$1,500 a year for each person residing in its bound-
7 aries.

8 (c) A municipality may levy and collect a tax on the full and
9 true value of that portion of property taxable under this chapter and
10 under AS 43.56 as assessed by the Department of Revenue which value,
11 when combined with the value of property otherwise taxable by the
12 municipality, does not exceed the product of 225 percent of the aver-
13 age per capita assessed full and true value of property in the state
14 multiplied by the number of residents of the taxing municipality. For
15 purposes of this subsection, the average per capita assessed full and
16 true value of property in the state shall be calculated without regard
17 to the assessed value of taxable property under AS 43.58.

18 (d) By February 1 of each assessment year a taxing municipality
19 must inform the Department of Revenue which method of taxation the
20 municipality will use.

21 (e) For purposes of this section, population shall be determined
22 by the commissioner based on the latest statistics of the United
23 States Bureau of the Census or on other reliable population data, and
24 the commissioner shall advise each municipality of its population by
25 January 15 of each year.

26 Sec. 29.45.090. TAX LIMITATION. (a) A municipality may not,
27 during a year, levy and tax for any purpose in excess of three percent
28 of the assessed value of property in the municipality. All property
29 on which a tax is levied shall be taxed at the same rate during the

1 year.

2 (b) A municipality, or combination of municipalities occupying
3 the same geographical area, in whole or in part, may not levy taxes

4 (1) that will result in tax revenues from all sources ex-
5 ceeding \$1,500 a year for each person residing within the municipal
6 boundaries; or

7 (2) upon value that, when combined with the value of prop-
8 erty otherwise taxable by the municipality, exceeds the product of 225
9 percent of the average per capita assessed full and true value of
10 property in the state multiplied by the number of residents of the
11 taxing municipality.

12 (c) The commissioner shall apportion the lawful levy and equi-
13 tably divide the tax revenues on the basis of need, services per-
14 formed, and other considerations in the public interest if two or more
15 municipalities occupying the same geographical area, in whole or in
16 part, attempt to levy a tax

17 (1) the combined levy of which would result in tax revenues
18 from all sources exceeding \$1,500 a year for each person residing
19 within the municipal boundaries; or

20 (2) upon value that, when combined with the value of prop-
21 erty otherwise taxable by the municipality, exceeds the product of 225
22 percent of the average per capita assessed full and true value of
23 property in the state multiplied by the number of residents of the
24 taxing municipality.

25 (d) For the purpose of (b) and (c) of this section, population
26 shall be determined by the commissioner based on the latest statistics
27 of the United States Bureau of the Census or on other reliable popula-
28 tion data. For purposes of (b) and (c) of this section, the average
29 per capita assessed full and true value of property in the state shall

1 be calculated without regard to the assessed value of taxable property
2 under AS 43.58.

3 Sec. 29.45.100. NO LIMITATIONS ON TAXES TO PAY BONDS. The
4 limitations provided for in AS 29.45.080 - 29.45.090 do not apply to
5 taxes levied or pledged to pay or secure the payment of the principal
6 and interest on bonds. Taxes to pay or secure the payment of princi-
7 pal and interest on bonds may be levied without limitation as to rate
8 or amount, regardless of whether the bonds are in default or in danger
9 of default.

10 Sec. 29.45.110. FULL AND TRUE VALUE. (a) The assessor shall
11 assess property at its full and true value as of January 1 of the
12 assessment year, except as provided in this section, AS 29.45.060, and
13 29.45.230. The full and true value is the estimated price that the
14 property would bring in an open market and under the then prevailing
15 market conditions in a sale between a willing seller and a willing
16 buyer both conversant with the property and with prevailing general
17 price levels.

18 (b) Assessment of business inventories may be based on the
19 average monthly method of assessment rather than the value existing on
20 January 1. The method used to assess business inventories shall be
21 prescribed by the governing body.

22 (c) In the case of cessation of business during the tax year,
23 the municipality may provide for reassessment of business inventories
24 using the average monthly method of assessment for the tax year rather
25 than the value existing on January 1 of the tax year, and for reduc-
26 tion and refund of taxes. In enacting an ordinance authorized by this
27 section, the municipality may prescribe procedures, restrictions, and
28 conditions of assessing or reassessing business inventories and of
29 remitting or refunding taxes.

1 Sec. 29.45.120. RETURNS. (a) The municipality may require each
2 person having ownership or control of or an interest in property to
3 submit a return in the form prescribed by the assessor, based on prop-
4 erty values existing on January 1, except as otherwise provided in
5 this chapter.

6 (b) The assessor may, by written notice, require a person to
7 provide additional information within 30 days.

8 Sec. 29.45.130. INDEPENDENT INVESTIGATION. (a) The assessor is
9 not bound to accept a return as correct. The assessor may make an
10 independent investigation of property returned or of taxable property
11 on which no return has been filed. In either case, the assessor may
12 make the assessor's own valuation of the taxable property and this
13 valuation is prima facie evidence of the value of the property.

14 (b) For investigation, the assessor or the assessor's agent may
15 enter a premise during reasonable hours and may examine property on
16 the premise. The assessor or the assessor's agent may examine all
17 property records involved. A person shall, on request, furnish to the
18 assessor or the assessor's agent every facility and assistance for the
19 investigation. The assessor may seek a court order to compel entry
20 and production of records needed for assessment purposes.

21 (c) An assessor may examine a person on oath. On request, the
22 person shall submit to examination at a reasonable time and place
23 selected by the assessor.

24 Sec. 29.45.140. VIOLATIONS. A person who knowingly fails to
25 file a statement required by ordinance or who knowingly makes a false
26 affidavit to a statement required by a tax ordinance relative to the
27 amount, location, kind or value of property subject to taxation with
28 intent to evade the taxation, is guilty of a class B misdemeanor.

29 Sec. 29.45.150. REEVALUATION. A systematic reevaluation of

1 taxable real and personal property undertaken by the assessor, whether
2 of specific areas in which real property is located or of specific
3 classes of real or personal property to be assessed, shall be made
4 only in accordance with a resolution or other act of the municipality
5 directing a systematic reevaluation of all taxable property in the
6 municipality over the shortest period of time practicable, as fixed in
7 the resolution or act.

8 Sec. 29.45.160. ASSESSMENT ROLL. (a) The assessor shall pre-
9 pare an annual assessment roll. The roll shall contain

10 (1) a description of all taxable property;

11 (2) the assessed value of all taxable property;

12 (3) the names and addresses of persons with property sub-
13 ject to assessment and taxation.

14 (b) The assessor may list real property by any description that
15 may be made certain. Real property is assessed to the record owner.
16 The district recorder shall at least monthly provide the assessor a
17 copy of each recorded change of ownership showing the name and mailing
18 address of the owner and the name and mailing address of the person
19 recording the change of ownership. Other persons having an interest
20 in the property may be listed on the assessment records with the
21 owner. The person in whose name property is listed as owner is conclu-
22 sively presumed to be the legal record owner. If the property owner
23 is unknown, the property may be assessed to "unknown owner". An
24 assessment is not invalidated by a mistake, omission, or error in the
25 name of the owner, if the property is correctly described.

26 Sec. 29.45.170. ASSESSMENT NOTICE. (a) The assessor shall give
27 each person named in the assessment roll a notice of assessment,
28 showing the assessed value of the person's property. On each notice
29 is printed a brief summary of the dates when taxes are payable,

1 delinquent and subject to penalty and interest, and the dates when
2 the board of equalization will sit.

3 (b) Sufficient assessment notice is given if mailed by first
4 class mail 30 days before the equalization hearings. If the address
5 is not known to the assessor, the notice may be addressed to the
6 person at the post office nearest the property. Notice is effective
7 on the date of mailing.

8 Sec. 29.45.180. CORRECTIONS. (a) A person receiving an assess-
9 ment notice shall advise the assessor of errors or omissions in the
10 assessment of the person's property. The assessor may correct errors
11 or omissions in the roll before the board of equalization hearing.

12 (b) If errors found in the preparation of the assessment roll
13 are adjusted, the assessor shall mail a corrected notice allowing 30
14 days for appeal to the board of equalization.

15 Sec. 29.45.190. APPEAL. (a) A person whose name appears on the
16 assessment roll or the agent or assigns of that person may appeal to
17 the board of equalization for relief from an alleged error in valua-
18 tion not adjusted by the assessor to the taxpayer's satisfaction.

19 (b) The appellant shall, within 30 days after the date of mail-
20 ing of notice of assessment, submit to the assessor a written appeal
21 specifying grounds in the form that the board of equalization may
22 require. Otherwise, the right of appeal ceases unless the board of
23 equalization finds that the taxpayer was unable to comply.

24 (c) The assessor shall notify an appellant by mail of the time
25 and place of hearing.

26 (d) The assessor shall prepare for use by the board of equaliza-
27 tion a summary of assessment data relating to each assessment that is
28 appealed.

29 (e) A city in a borough may appeal an assessment to the borough

1 board of equalization in the same manner as a taxpayer. Within five
2 days after receipt of the appeal, the assessor shall notify the person
3 whose property assessment is being appealed by the city.

4 Sec. 29.45.200. BOARD OF EQUALIZATION. (a) The governing body
5 sits as a board of equalization for the purpose of hearing an appeal
6 from a determination of the assessor, or it may delegate this author-
7 ity to one or more boards appointed by it. An appointed board may be
8 composed of not less than three persons, who may be members of the
9 governing body, municipal residents, or a combination of members of
10 the governing body and residents. The governing body shall by ordi-
11 nance establish the qualifications for membership.

12 (b) The board of equalization is governed in its proceedings by
13 rules adopted by ordinance that are consistent with general rules of
14 administrative procedure. The board may alter an assessment of a lot
15 only pursuant to an appeal filed as to the particular lot.

16 (c) Notwithstanding other provisions in this section, a deter-
17 mination of the assessor as to whether property is taxable under law
18 may be appealed directly to the superior court.

19 Sec. 29.45.210. HEARING. (a) If an appellant fails to appear,
20 the board of equalization may proceed with the hearing in the absence
21 of the appellant.

22 (b) The appellant bears the burden of proof. The only grounds
23 for adjustment of assessment are proof of unequal, excessive, im-
24 proper, or under valuation based on facts that are stated in a valid
25 written appeal or proven at the appeal hearing. If a valuation is
26 found to be too low, the board of equalization may raise the assess-
27 ment.

28 (c) The board of equalization shall certify its actions to the
29 assessor within seven days. Except as to supplementary assessments,

1 the assessor shall enter the changes and certify the final assessment
2 roll by June 1.

3 (d) An appellant or the assessor may appeal a determination of
4 the board of equalization to the superior court as provided by rules
5 of court applicable to appeals from the decisions of administrative
6 agencies. Appeals are heard on the record established at the hearing
7 before the board of equalization.

8 Sec. 29.45.220. SUPPLEMENTARY ASSESSMENT ROLLS. The assessor
9 shall include property omitted from the assessment roll on a supple-
10 mentary roll, using the procedures set out in this chapter for the
11 original roll.

12 Sec. 29.45.230. TAX ADJUSTMENTS ON PROPERTY AFFECTED BY A NATU-
13 RAL DISASTER. (a) The municipality may provide for assessment or
14 reassessment and reduction of taxes for property destroyed, damaged,
15 or otherwise reduced in value as a result of a natural disaster.

16 (b) An assessment or reassessment under this section may be made
17 by the assessor only upon the receipt of a sworn statement of the tax-
18 payer that losses exceed \$1,000. A reduction of taxes may be made
19 only on losses in excess of \$1,000 for the remainder of the year
20 following the disaster. On reassessment, the municipality shall
21 recompute this tax and refund taxes that have already been paid.

22 (c) The municipality shall give notice of assessment or re-
23 assessment under this section and shall hold an equalization hearing
24 as provided in this chapter, except that a notice of appeal must be
25 filed with the board of equalization within 10 days after notice of
26 assessment or reassessment is given to the person appealing. Other-
27 wise, the right of appeal ceases unless the board finds that the
28 taxpayer is unable to comply.

29 (d) In enacting an ordinance or resolution authorized by this

1 section the municipality may, consistent with this section, prescribe
2 procedures, restrictions, and conditions of assessing or reassessing
3 property and of remitting, refunding, or forgiving taxes.

4 (e) In this section "disaster" means a major disaster declared
5 by the President of the United States under the provisions of the
6 Federal Disaster Act of 1950, Title 42, United States Code, sec.
7 1855-1855g, or other federal law, or a disaster declared by the gover-
8 nor under AS 26.23.010 - 26.23.110.

9 Sec. 29.45.240. TAX LEVY AND RATE. (a) The power granted to a
10 municipality to assess, levy, and collect a property tax shall be
11 exercised by means of an ordinance. The rate of levy, the date of
12 equalization, and the date when taxes become delinquent shall be fixed
13 by resolution.

14 (b) A municipality shall annually determine the rate of levy
15 before June 15. By July 1 the tax collector shall mail tax statements
16 setting out the levy, dates when taxes are payable and delinquent, and
17 penalties and interest.

18 Sec. 29.45.250. RATES OF PENALTY AND INTEREST. (a) A penalty
19 not to exceed 20 percent of the tax due may be added to all delinquent
20 taxes, and interest not to exceed 15 percent a year shall accrue upon
21 all unpaid taxes, not including penalty, from the due date until paid
22 in full. A municipality may impose a penalty not to exceed 20 percent
23 of the tax due upon the late return of personal property assessment
24 forms. A penalty under this section may be imposed according to a
25 formula that increases the amount of the penalty as the length of time
26 increases during which payment is delinquent or assessment forms are
27 not returned.

28 (b) If a taxpayer is given the right to pay the tax in two in-
29 stallments, penalty and interest on an unpaid installment accrues from

1 the date the installment becomes due.

2 ARTICLE 2. ENFORCEMENT OF TAX LIENS.

3 Sec. 29.45.290. VALIDITY. Certified assessment and tax rolls
4 are valid and binding on all persons, notwithstanding a defect, error,
5 omission, or invalidity in the assessment rolls or proceedings per-
6 taining to the assessment roll.

7 Sec. 29.45.300. TAX LIABILITY. (a) The owner of assessed per-
8 sonal property is personally liable for the amount of taxes assessed
9 against the property. The tax, together with penalty and interest,
10 may be collected in a personal action brought in the name of the
11 municipality.

12 (b) Property taxes, together with penalty and interest, are a
13 lien upon the property assessed, and the lien is prior and paramount
14 to all other liens or encumbrances against the property.

15 Sec. 29.45.310. ENFORCEMENT OF PERSONAL PROPERTY TAX LIENS BY
16 DISTRAINT AND SALE. (a) A lien for personal property taxes may be
17 enforced by distraint and sale of the property. The municipality
18 shall provide the procedure for distraint and sale by ordinance. A
19 seizure, levy, or distraint is not legal unless demand is first made
20 of the person assessed for the amount of the tax, penalty, and inter-
21 est, and a sale is not valid unless made at public auction no sooner
22 than 15 days after notice is published. The seizure is made by virtue
23 of a warrant issued by the municipal clerk to a peace officer.

24 (b) If the personal property sold is not sufficient to satisfy
25 the tax, penalty, and interest, and costs of sale, the warrant may
26 authorize the seizure of other personal property sufficient to satisfy
27 the tax, penalty, interest, and costs of sale. If the property is
28 sold for more money than is needed to satisfy the tax, the municipal-
29 ity shall remit the excess to the former record owner upon

1 presentation of a proper claim. A claim for the excess filed after
2 six months of the date of sale is forever barred.

3 Sec. 29.45.320. REAL PROPERTY TAX COLLECTION. (a) The munici-
4 pality shall enforce delinquent real property tax liens by annual
5 foreclosure, unless otherwise provided by ordinance.

6 (b) If the tax on property described in AS 29.45.070 or on a
7 taxable interest in tax-exempt property is not paid when due, a muni-
8 cipality may enforce the tax by a personal action against the delin-
9 quent taxpayer brought in the district or superior court, in addition
10 to other remedies available to enforce the lien.

11 Sec. 29.45.330. FORECLOSURE LIST. (a) A municipality shall

12 (1) annually present a petition for judgment and a certi-
13 fied copy of the foreclosure list for the previous year's delinquent
14 taxes in the superior court for judgment;

15 (2) publish the foreclosure list for four consecutive weeks
16 in a newspaper of general circulation distributed in the municipality
17 or, if there is no newspaper of general circulation distributed in the
18 municipality, post the list at three public places for at least 30
19 days;

20 (3) within 10 days after the first publication or posting,
21 mail to the last known owner of each property as the owner's name and
22 address appear on the list a notice advising of the foreclosure pro-
23 ceeding in which a petition for judgment of foreclosure has been filed
24 and describing the property and the amount due as stated on the list.

25 (b) The list shall be arranged in alphabetical order as to the
26 last name and shall include

27 (1) the last known owner;

28 (2) the property description as stated on the assessment
29 roll;

- 1 (3) years and amounts of delinquency;
2 (4) penalty and interest due;
3 (5) a statement that the list is available for public
4 inspection at the clerk's office;
5 (6) a statement that the list has been presented to the
6 superior court with a petition for judgment and decree.

7 (c) Completion of the requirements of (a) of this section con-
8 stitutes and has the same force and effect as the filing of an indi-
9 vidual and separate complaint and service of summons to foreclose a
10 lien against each property described on the foreclosure list.

11 Sec. 29.45.340. CLEARING DELINQUENCIES. During the publication
12 or posting of the foreclosure list and up to the time of transfer to
13 the municipality a person may pay the taxes, together with the penal-
14 ty, interest, and costs. The collector shall note payment on the
15 foreclosure list.

16 Sec. 29.45.350. LIST TO LIENHOLDER. A holder of a mortgage or
17 other lien on real property may request the clerk to send by certified
18 mail notice of a foreclosure list that includes the real property.

19 Sec. 29.45.360. GENERAL FORECLOSURE. A municipality shall bring
20 one general foreclosure proceeding in rem against the properties in-
21 cluded in the foreclosure list. If the owner is unknown, the property
22 is proceeded against as belonging to "unknown owner".

23 Sec. 29.45.370. ANSWER AND OBJECTION. A person having an inter-
24 est in a lot on the foreclosure list may file an answer within 30 days
25 of the date of last publication, specifying the person's objection.
26 The court shall make its decision in summary proceedings. The fore-
27 closure list is prima facie evidence that the assessment and levy of
28 the tax is valid and that the tax is unpaid.

29 Sec. 29.45.380. JUDGMENT. The court shall in a proper case give

1 judgment and decree that the tax liens be foreclosed. It is a several
2 judgment against each lot and a lien on each lot.

3 Sec. 29.45.390. TRANSFER AND APPEAL. (a) Foreclosed properties
4 are transferred to the municipality for the lien amount. When answers
5 are filed the court may enter judgment against and order the transfer
6 to the municipality of all other properties on the list pending deter-
7 mination of the matters in controversy. The court shall hear and
8 determine the issues raised by the complaint and answers in the same
9 manner and under the same rules as it hears and determines other
10 actions.

11 (b) The court clerk shall deliver a certified copy of the judg-
12 ment and decree to the municipal clerk. The certified judgment and
13 decree constitutes a transfer to the municipality.

14 (c) The judgment and decree stops objections to it that could
15 have been presented before judgment and decree. Appeal from a judg-
16 ment and decree of foreclosure, or from a final order in the proceed-
17 ing, may be taken in the manner provided for appeals in civil actions.

18 Sec. 29.45.400. REDEMPTION PERIOD. Properties transferred to
19 the municipality are held by the municipality for at least one year.
20 During the redemption period a party having an interest in the prop-
21 erty may redeem it by paying the lien amount plus penalties, interest,
22 and costs, including all costs incurred under AS 29.45.440(a). Prop-
23 erty redeemed is subject to all accrued taxes, assessments, liens, and
24 claims as though it had continued in private ownership. Only the
25 amount applicable under the judgment and decree must be paid in order
26 to redeem the property.

27 Sec. 29.45.410. EFFECT. Receipt of redemption money by the
28 municipality releases the judgment obtained under AS 29.45.380. The
29 clerk or the clerk's designee shall record the redemption and issue a

1 certificate containing a property description, the redemption amount,
2 and the dates of judgment and decree of foreclosure. The clerk or the
3 clerk's designee shall collect the recording fee at the time of re-
4 demption and shall file the certificate with the record as part of the
5 judgment roll.

6 Sec. 29.45.420. ADDITIONAL LIENS. If a property included in a
7 foreclosure list is removed after payment of delinquencies or redemp-
8 tion by another lienholder, the payment represented by receipt for
9 payment constitutes an additional lien on the property, collectible by
10 the lienholder in the same manner as the original lien.

11 Sec. 29.45.430. POSSESSION DURING REDEMPTION PERIOD. Foreclo-
12 sure does not affect the former owner's right to possession during the
13 redemption period. If waste is committed by the former owner or by
14 anyone acting under the permission or control of the former owner, the
15 municipality may declare an immediate forfeiture of the right to
16 possession.

17 Sec. 29.45.440. EXPIRATION. (a) At least 30 days before the
18 expiration of the redemption period the clerk or the clerk's designee
19 shall publish a redemption period expiration notice. The notice shall
20 contain the date of judgment, the date of expiration of the period of
21 redemption, and a warning that all properties ordered sold under the
22 judgment, unless redeemed, shall be deeded to the municipality immedi-
23 ately on expiration of the period of redemption and that every right
24 or interest of a person in the properties will be forfeited forever to
25 the municipality. The notice appears once a week for four consecutive
26 weeks in a newspaper of general circulation distributed in the muni-
27 cipality. If there is no newspaper of general circulation distributed
28 in the municipality, the notice is posted in three public places for
29 at least four consecutive weeks. The clerk shall send a copy of the