

ALASKA LEGISLATION COMMITTEE FILES 1903-1904 10072

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(b) Authorizes the mayor of a borough with a manager form of government to vote in the case of a tie. The fact that a mayor may take part in discussions is not stated with respect to the mayor of a city under existing law. (AS 29.23.160, 29.23.260)

Sec. 29.20.260. No change, except for minor rewording for clarity. (AS 29.23.150)

Sec. 29.20.270. This is substantially rewritten in order to combine sections dealing with the mayor of a borough and the mayor of a city.

(a) No substantive change. (AS 29.23.270(a))

(b) The material requiring that a veto be overridden within 21 days after the exercise of the veto or during the next regular meeting is new. Current law does not specify a time period during which a veto may be overridden. (AS 29.23.170(a), 29.23.270(a))

(c) A veto does not extend to actions of a city council sitting as a board of equalization or a board of adjustment, nor may the city mayor veto the adoption or repeal of a manager form of government. Current law is silent as to these issues with respect to a city. (AS 29.23.170(a) and (b), 29.23.270)

(d) No change. (AS 29.23.270(b))

Sec. 29.20.280. (a) Under existing law the governing body has the option of declaring the office of mayor vacant when he is convicted of a corrupt practice. (AS 29.23.130(f), 29.23.255, 29.23.570)

(b) No substantive change. (AS 29.23.180, 29.23.280(a))

(c) No substantive change. (AS 29.23.280(b))

Sec. 29.20.300. The statutory reference to a repealed section is deleted. School board members may be elected by area rather than at-large, if approved by the voters. (AS 29.23.310)

Sec. 29.20.310. No change, except for minor rewording so the usage is consistent throughout the title. (AS 29.23.340)

Sec. 29.20.320. This is new material allowing the governing body to establish boards and commissions. Arguably, this power is implied to exist in current law as part of the ability of a governing body to delegate responsibility. (AS 29.48.010(1))

Sec. 29.20.360. Certain officials shall be appointed by the chief administrator unless otherwise provided by ordinance. Under

current law these officials are appointed by the chief administrator or by the governing body as determined by ordinance. Current law provides that appointments by the chief administrator are subject to confirmation, and this section allows a municipality to provide otherwise by ordinance. (AS 29.23.360)

Sec. 29.20.370. No change, except for minor rewording to achieve consistent usage throughout the title. (AS 29.23.371)

Sec. 29.20.380. No change, except for minor rewording in order to achieve consistent usage. (AS 29.23.380)

Sec. 29.20.390. The statutory reference is added to provide notice that, when a central treasury is established for the school board and the municipality, the treasurer is not custodian of the funds. (AS 29.23.390)

Sec. 29.20.400. Slightly reworded for clarity. (AS 29.23.070)

Sec. 29.20.410. Allows the governing body to provide for a classified service and to designate positions which are wholly or partially exempt from the classified service. (AS 29.23.550)

Sec. 29.20.460. No change, except for minor rewording to achieve consistent usage. (AS 29.23.410, 29.23.420)

Sec. 29.20.470. The last line dealing with notice requirements is omitted because notice requirements for elections are now contained in Sec. 29.26.030. At least 20 days notice shall be provided, while under current law 30 days notice is required before an election to adopt a manager plan. (AS 29.23.430)

Sec. 29.20.480. No change, except for minor rewording to achieve consistent usage. (AS 29.23.440)

Sec. 29.20.490. In the second line the word "solely" and the word "executive" have been omitted, so that the manager is to be chosen on the basis of his administrative qualifications. A member of the governing body may not be appointed manager until one year after leaving office unless authorized by more than a majority vote. Under existing law this limitation applies to all elected municipal officials. (AS 29.23.450, 29.23.460)

Sec. 29.20.500. This is substantially rewritten so that material dealing with duties of a city manager and material dealing with duties of a borough manager are combined. A statutory reference to the section concerning appointment of school employees is added for clarification. The requirement that the manager prepare and make available to the public an annual report on municipal affairs is deleted. AS 29.23.140(10)(A) and (C), requiring the borough manager to administer functions of borough employees and to

administer public works is deleted because those requirements appear adequately covered by (1) and (5) of this section. (AS 29.23.140, 29.23.290)

Sec. 29.20.510. Rewritten slightly for clarity. (AS 29.23.130(e))

Sec. 29.20.520. After repeal of a manager plan, the governing body has 60 days to reorganize the municipal executive and administrative functions. Under existing law, no time period is provided for reorganization. (AS 29.23.480)

Sec. 29.20.600. No change, except for rewording to achieve uniform usage. (AS 29.23.500)

Sec. 29.20.610. No change, except for minor rewording to achieve uniform usage. (AS 29.23.520)

Sec. 29.20.620. A method of determining salaries shall be provided by ordinance, while under current law the governing body fixes by ordinance the salaries of elected officials. The salary of the mayor may be reduced during his term of office if a manager plan is adopted. An elected official may not receive compensation for additional service to the municipality, unless provided otherwise by ordinance. (AS 29.23.530)

Sec. 29.20.630. Material currently contained in AS 29.23.540(a) is deleted. Subject to requirements contained in the title dealing with education, a school district employee, or state employee may not be denied the right to serve as an elected municipal official. Current law allows a municipality to prohibit the right to serve by charter or ordinance. (AS 29.23.540)

Sec. 29.20.640. No changes, except for rewording for consistency and changes in statutory references to reflect renumbering. (AS 29.23.560)

CHAPTER 25. MUNICIPAL ENACTMENTS.

Sec. 29.25.010. The governing body is no longer required to fix the compensation of members of the assembly or council by ordinance, nor is it required to regulate the rate charged by a public utility by ordinance. (AS 29.48.130)

Sec. 29.25.020. This is substantially reorganized, but contains no substantive changes. (AS 29.48.140, 29.48.150)

Sec. 29.25.030. No change, except for minor word changes in order to achieve maximum clarity. (AS 29.48.160)

Sec. 29.25.040. Requires the governing body to see that the adopted code is made available to the public at no more than cost,

while existing law requires the governing body to provide for the adopted code to be sold to the public. (AS 29.48.170)

Sec. 29.25.050. (b) allows the designee of the municipal clerk to prepare a general codification of municipal ordinances and deletes the requirement that the codification be prepared with the assistance of a legal advisor. The rest of the section is unchanged. (AS 29.48.180)

Sec. 29.25.060. This has been made applicable as a home rule limitation. (AS 29.48.185)

Sec. 29.25.070. A penalty not to exceed that imposed for a class B misdemeanor may be imposed for a violation of an ordinance. The maximum fine for a class B misdemeanor is \$1,000 and the maximum sentence of imprisonment is 90 days. Under existing law punishment not to exceed \$500 or imprisonment for 30 days is provided for. A mandatory, nonsuspendable term of imprisonment for 5 days may be imposed for violation of an ordinance. The municipality or aggrieved person may institute a civil action against a person who violates an ordinance, and a civil penalty of up to \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought and, upon a finding of a violation, the superior court shall grant the injunction. Each day that a violation of an ordinance continues is a separate violation. These penalties are authorized only if copies of the ordinance are made available. (AS 29.48.200)

CHAPTER 26. ELECTIONS.

Sec. 29.26.010. A judge shall be a voter of the precinct for which he is appointed unless no voter is willing to serve. The language "the municipality may not alter voter qualification requirements of this title" is deleted as unnecessary. This is no longer a limitation on home rule municipalities. (AS 29.28.010)

Sec. 29.26.020. The language "subject to other provisions of this title" is added because other sections in the title provide a procedure for the nomination of candidates, for example, see secs. 29.06.250 and 29.10.040. (AS 29.28.015)

Sec. 29.26.030. At least 20 days notice of a regular or special election is required. This applies as a limitation on home rule municipalities, whereas under existing law only the notice requirement for a special election applies. (AS 29.28.020(b))

Sec. 29.26.040. No change, except for minor rewording for clarity. (AS 29.28.020(a))

Sec. 29.26.050. This has been reorganized. A municipality may require a person to be registered to vote in the precinct in which he seeks to vote. (AS 29.28.030)

Sec. 29.26.060. The runoff election requirement is limited to the office of mayor, member of the governing body, or school board and the municipality may adopt an ordinance to alter this runoff requirement. A runoff election shall be held three weeks after the date of certification of the original election, rather than within two weeks. (AS 29.28.040)

Sec. 29.26.070. This has been rewritten for clarity. A requirement that the governing body authorize the election results to be certified is added in (c). The provision that expulsion of certain officials is final and not subject to judicial review contained in AS 29.28.050(f) is deleted. In this bill there is no provision denying judicial review in cases involving the declaration of vacancy in office. (AS 29.28.050)

Sec. 29.26.100. No substantive change. (AS 29.28.060)

Sec. 29.26.110. This is new material establishing a process for applying for a petition for initiative or referendum. An application is signed by ten voters who sponsor the petition. If the clerk finds that an application is in proper form and that the four listed requirements are met, he shall certify the application. A decision by the clerk on an application for petition is subject to judicial review.

Sec. 29.26.120. Within two weeks after certification of application a petition is prepared by the municipal clerk. Signatures must be obtained within 60, rather than 90 days from the date the petition is first circulated. Spaces are provided for signatures, the printed name of each signer, the date signature is affixed, and the residence and mailing addresses of each signer. Each petition contains a statement that the sponsor circulated the petition, that all signatures were fixed in his presence, and that he believes the signatures to be those of the persons whose names they purport to be. Spaces are provided for indicating the total number of signatures on a petition. If the petition consists of more than one page, each page contains a summary of the matter to be initiated or referred. Copies of the petition are supplied to each sponsor. (AS 29.28.065)

Sec. 29.26.130. Signatures must be secured within 60, rather than 90 days. The clerk shall determine the number of signatures required on a petition and inform each sponsor. The number of signatures required remains identical to the number required under current law, except that no provision is made for signatures only from persons in services areas or outside cities when the matter to be initiated or referred applies only to the service area or area

outside cities. Illegible signatures must be rejected by the clerk, whereas under existing law they may be rejected. A signer may withdraw his signature before certification of the petition, whereas under existing law he may only withdraw his signature within 7 days after the petition is filed. (AS 29.28.070)

Sec. 29.26.140. All copies of a petition are filed as a single instrument. An insufficient petition may be supplemented only with signatures obtained within ten days after the date the petition is rejected, while under current law there is no requirement that the signatures be obtained during this period. (AS 29.28.073)

Sec. 29.26.150. No change, except for minor rewording for consistency. (AS 29.28.075)

Sec. 29.26.160. "On substantially the same matter" has been added so that it is clear that the waiting period for filing a new petition does not apply if the petition sought to be filed deals with a different subject. (AS 29.28.077)

Sec. 29.26.170. Unless the same measure is adopted, the clerk submits a petition seeking an initiative vote to the voters at the next regular election occurring no sooner than 45 days after certification of the petition, or, if no regular election occurs within 75 days, a special election is held. If the governing body adopts the same measure, the petition is void and the subject is not placed before the voters, while under existing law the governing body may not adopt an ordinance or resolution within 10 days from the date of election. If the vote is favorable, the ordinance or resolution becomes effective upon certification of the election unless a different effective date is provided in the ordinance or resolution, while under existing law an ordinance or resolution becomes effective when the election results are declared. There is no provision for the governing body to reject a petition, as there is in current law. (AS 29.28.080)

Sec. 29.26.180. When a petition seeks a referendum vote the clerk shall submit the matter to the voters in the same manner as provided for an initiative election. Under current law the vote is held during the next regular or special election, or within 75 days of filing the petition. If a petition is certified before the effective date of the matter referred, the ordinance or resolution is suspended, while under existing law the suspension occurs if a sufficient petition is filed within 30 days after passage of the ordinance or before the effective date of the ordinance. If the governing body repeals the ordinance or resolution, the petition is void and no election is held. If a majority vote does not favor repeal of the matter referred, it remains in effect, or, if it has been suspended becomes effective upon certification of the election. Existing law is silent as to the effective date of a suspended ordinance in this situation. (AS 29.28.090)

Sec. 29.26.190. If adopted in an initiative election or if adopted after a petition has been filed, an ordinance or resolution may not be repealed or amended within one year. If an ordinance or resolution is repealed in a referendum election, or after a petition has been filed, similar legislation may not be enacted for a period of one year. Existing law provides that the governing body may not act in any way within two years to modify or negate the effect of a successful initiative or referendum and if an ordinance has been repealed after a petition has been filed, the governing body may not enact similar legislation for one year. (AS 29.28.110)

Sec. 29.26.240. This is broadened to include an official appointed to elected office, because when a vacancy occurs an official may, in certain cases, be appointed. He will be subject to recall just as an elected person would be. An official may be recalled when he has served six months of a term for which elected or appointed, while under existing law there is some ambiguity as to the status of an official who is reelected to the same office. (AS 29.28.130)

Sec. 29.26.250. No change. (AS 29.28.140)

Sec. 29.26.260. This is new material establishing a procedure for applying for a recall petition. The application must contain information concerning 10 voters who will sponsor the petition, the address to which correspondence relating to the application may be sent, and a statement in 200 words or less of the grounds of the recall. Additional sponsors may be added.

Sec. 29.26.270. A recall petition is prepared by the clerk. It contains the names of the official sought to be recalled, the grounds for recall, the date the petition is issued by the clerk, notice that the signatures are secured within 60 days after the date the petition is issued (while under existing law a petition must be filed within 60 days after the date of the earliest signature on it), spaces for signatures, printed name, date of each signature, and residence and mailing addresses of each signor, a statement that the sponsor personally circulated the petition, all signatures were fixed in his presence, and he believes the signatures to be those of the persons they purport to be, and space for indicating the number of signatures on the petition. Copies of the petition are provided to each sponsor. (AS 29.28.150)

Sec. 29.26.280. Signatures are secured within 60 days after a recall petition is issued. Signatures not accompanied by a legible residence address are rejected. The clerk determines the number of signatures required and informs each sponsor. If a petition seeks to recall an official who represents the municipality at large, the petition shall be signed by a number of voters equal to 25 percent of the number of votes cast for that office. If a petition seeks to recall an official who represents a district, the petition shall be signed by a number of voters residing in the

district equal to 25 percent of the number of votes cast in that district for the office. Under existing law signature requirements are identical to the requirements for initiative and referendum. (AS 29.28.150, 29.28.160)

Sec. 29.26.290. Copies of a recall petition are filed as a single instrument. An insufficient petition may be supplemented with additional signatures obtained within ten days after the date on which the petition is rejected, while under existing law there is no requirement that the signatures be obtained during that time period. A petition which does not contain an adequate number of signatures, both valid and invalid signatures, may not be supplemented and this is a new provision not contained in existing law. (AS 29.28.160, 29.28.170)

Sec. 29.26.300. Reworded so that it is clear that the six-month waiting period before a new petition may be obtained applies only to a petition seeking to recall the same official. (AS 29.28.180)

Sec. 29.26.310. No change, except for minor rewording for consistency. (AS 29.28.190)

Sec. 29.26.320. The requirement that an election to recall an official not be held sooner than 45 days after submission of the petition to the governing body is added. The governing body may not appoint to the same office an official who resigns after a petition is filed. (AS 29.28.200)

Sec. 29.26.330. The grounds for recall must be stated in 200 words or less. (AS 29.28.210)

Sec. 29.26.340. The provision that an office becomes vacant upon certification of the election is added. (AS 29.28.230, 29.28.240)

Sec. 29.26.350. When an official is recalled, his office is filled in accordance with the provision dealing with vacancies. If all members of a governing body are recalled the governor appoints three persons and they appoint additional members needed to fill vacancies in accordance with the provisions dealing with vacancies. If all members of the school board are recalled the governor appoints three persons and they appoint additional members to fill remaining vacancies. A person appointed by the governor serves until a successor is elected. After an official is recalled, the clerk conducts an election for a successor. The election is held not more than 60 days from the date the recall election is certified unless a regular election is held within 75 days, in which case the successor is chosen at the regular election. Nominations may be filed until seven days before the last date upon which notice of the election must be published, but they may not be filed until the election is certified. Under existing law the election of successor shall be held at least ten but not more than 45 days from the date

of the recall election and there are no provisions dealing with a situation involving the recall of all members of the governing body or school board. (AS 29.28.250)

Sec. 29.26.360. The sections dealing with recall are made applicable as limitations on home rule municipalities, and are currently limitations under AS 29.13.100(9).

CHAPTER 35. MUNICIPAL POWERS AND DUTIES.

Sec. 29.35.010.

- (1) No change. (AS 29.48.010(2))
- (2) No change, except for rewording due to a change in organization. (AS 29.23.510)
- (3) No change. (AS 29.48.010(1))
- (4) Minor rewording. (AS 29.48.010(5))
- (5) Minor rewording. (AS 29.48.010(3))
- (6) "and impose liens for their enforcement" is added. (AS 29.48.010(7))
- (7) No change. (AS 29.48.010(8))
- (8) "for a purpose authorized under this title, federal law, or other law, or in accordance with such law" is deleted as excessive verbage. (AS 29.48.010(9))
- (9) "facility or service" is added. (AS 29.48.010(11))
- (10) This is added as a general power. Under existing law the power may be exercised by a first class borough on a nonareawide basis, so long as the borough seeks to have it transferred from cities or proposes joint city/borough exercise of the power. A first class borough may exercise the power on an areawide basis if it is assumed. A second class borough may exercise the power on an areawide or nonareawide basis if it is assumed. (AS 29.38.010, 29.48.035(a) and (b))
- (11) No change. (AS 29.48.010(12))
- (12) Minor rewording. (AS 29.48.010(10))
- (13) Minor rewording. (AS 29.48.010(4))
- (14) No change. (AS 29.48.010(6))

Sec. 29.35.020. A municipality may not exercise outside of its boundaries a power which it may not exercise within its boundaries. The word "roads" has been changed to "streets" which is defined for the title. The following have been included within the list of facilities which a municipality may provide outside its boundaries: solid and septic waste facilities, utility services, transportation facilities, wharves, harbors and other marine facilities. A municipality which provides a facility outside its boundaries may regulate its use to the extent that the jurisdiction in which the facility is located does not regulate it. Existing law provides that a municipality may regulate a facility outside its boundaries, and provides no right for the municipality within which the facility is located to regulate it. (AS 29.48.037)

Sec. 29.35.030. Allows all classes of municipalities to exercise eminent domain and declaration of taking. Under existing law a second class city may not exercise the power without formal approval of the Department of Community and Regional Affairs, and must exercise the power by ordinance approved by the voters. This is a limitation on home rule municipalities, and is an existing limitation under AS 29.13.100(29). (AS 29.73.020)

Sec. 29.35.040. This becomes applicable when a disaster is declared by the governor as well as by the President. Since (a) allows a municipality within a disaster area to exercise the powers in the same manner as a home rule city, the subsection providing that differences between areawide and nonareawide powers do not apply has been eliminated as redundant. (AS 29.48.270)

Sec. 29.35.050. This is reorganized and minor changes are made to the wording for clarity. The phrase "provide the charges for collection and disposal shall be paid by the property owner or occupants of the premises" is eliminated as implied within the specified ability to fix charges. (AS 29.48.033)

Sec. 29.35.060. (a) The language "for the construction, operation and maintenance of bus transportation systems and public utilities" is eliminated, so that franchises and permits may be granted without restrictions as to type of franchise involved. This applies only to an entity not certificated by the Alaska Public Utilities Commission. (AS 29.48.050(a))

(b) Unless a grant of a franchise or permanent permit is made on a competitive basis, the grant of any exclusive right to use a public street or right-of-way for more than five years to a utility or transportation system which is not certificated is valid only if approved by vote. Under existing law no franchise is valid unless it is submitted to the qualified voters for approval. The material dealing with use of streets by utilities contained in AS 29.48.040(c) is deleted. (AS 29.48.050(b))

Sec. 29.35.070. The governing body may regulate a utility rate to the extent that it is not subject to regulation by the state and to the extent not otherwise prohibited by law. Under existing law, a municipality may regulate only a municipally owned utility which is not regulated by the state. This section applies as a home rule limitation, and is an existing limitation under AS 29.13.100(17). (AS 29.48.060)

Sec. 29.35.080. Requires municipal regulation of alcoholic beverages to conform to state requirements and is made a home rule limitation. (AS 29.48.035(a)(10))

Sec. 29.35.090. The governing body is required by ordinance to establish a formal procedure for acquisition and disposal of land. The provisions authorizing a municipality to acquire, hold and dispose of real property are deleted as unnecessary. The provisions dealing with the requirements which must be met in the formal procedure established for disposal of land have been eliminated to provide more flexibility. The provisions dealing with restricting land to agricultural use have been deleted. (AS 29.48.260)

Sec. 29.35.100. Under existing law, obligations requiring payment of funds from appropriations of later years must be approved by ordinance. This has been eliminated as misleading in that it could be construed to suggest that bonded indebtedness may be acquired, whether or not for a capital project, so long as the indebtedness is approved by ordinance. AS 29.48.190(d) is eliminated as unnecessary. (AS 29.48.190)

Sec. 29.35.110. This is rewritten for clarity. (AS 29.48.210)

Sec. 29.35.120. No change, except for minor rewording to achieve consistent usage throughout the title. (AS 29.48.220)

Sec. 29.35.130. No substantive change. (AS 29.73.080)

Sec. 29.35.150. Statutory references have been added to reflect reorganization. Subsection (b) is applicable as a home rule limitation, and exists as a home rule limitation under AS 29.13.100(10). (AS 29.33.010, 29.41.010(d))

Sec. 29.35.160. No change, except for minor rewording to achieve consistent usage. This is a home rule limitation, and exists as a limitation under AS 29.13.100(34). (AS 29.33.050)

Sec. 29.35.170. The subsection dealing with collection by a borough of taxes levied by a city is made applicable as a limitation on home rule municipalities. (AS 29.33.030)

Sec. 29.35.180. This is a new statement requiring first and second class boroughs to provide for planning and land use regulation under provisions of Chapter 40 so that this article will contain a complete list of areawide powers. A home rule borough is required to provide for planning, platting, and land use regulation.

Sec. 29.35.200. (a) Allows a first class borough to exercise on a nonareawide basis any power not otherwise prohibited by law. Under existing law a first class borough may exercise on a nonareawide basis any general law municipal power, but before exercising the power, the borough must seek to have it transferred from cities or propose joint city/borough exercise. (AS 29.38.010)

(b) No change. (AS 29.48.030, 29.48.035(b))

(c) Allows a first class borough to exercise on an areawide basis any power not prohibited by law if it has been acquired. Under existing law, a first class borough may acquire additional areawide municipal powers, but only the powers listed in Title 29. The authority to acquire powers which is granted in this bill is broader, since a borough may acquire any power not specifically prohibited by statute whether or not it is identified as a municipal power in Title 29. (AS 29.33.250)

Sec. 29.35.210. (a) Allows a second class borough to exercise certain powers on a nonareawide basis. Under existing law before a nonareawide power may be exercised, the borough must seek to have it transferred from cities or propose joint borough/city exercise of the power, and the requirement is not contained in this bill. (AS 29.38.020)

(1) No change. (AS 29.48.030(a)(12))

(2) No substantive change. (AS 29.48.020(1))

(3) No change. (AS 29.48.020(2), 29.48.035(a)(5) and (b))

(4) Under existing law this power is subject to the section dealing with garbage and solid waste, sec. 29.35.050 of this bill. (AS 29.48.020(5))

(5) Under existing law providing air pollution control is permitted on an areawide basis only. (AS 29.48.035(a)(18) and (b))

(6) No change. (AS 29.48.020(6), 29.48.035(a)(17) and (b))

(7) Minor rewording. (AS 29.48.020(7))

- (8) This is new material.
- (9) No change. (AS 29.48.020(8))
- (10) No change. (AS 29.48.020(9))

Under existing law a second class borough may exercise the following additional nonareawide powers not specified in this bill:

- (1) powers approved at incorporation (AS 29.38.020);
- (2) regulate snow vehicles, subject to other law (AS 29.48.020(4));
- (3) licensing of day care facilities (AS 29.48.035(a)(20) and (b)).

(b)(1) No change. (AS 29.48.030(12))

- (2) No change. (AS 29.48.035(a)(5) and (b))
- (3) No change. (AS 29.48.035(a)(18) and (b))
- (4) No change. (AS 29.48.035(a)(17) and (b))
- (5) No change. (AS 29.48.035(a)(20) and (b))

(c) Allows a second class borough to exercise a nonareawide power not otherwise prohibited by law if the exercise of the power is approved by the voters living in the borough area outside the cities. Under existing law a second class borough may acquire additional nonareawide powers upon approval of the voters. However, the powers which may be acquired are limited to those itemized in Title 29, so under this bill broader authority to acquire powers is provided. (AS 29.38.030, 29.38.040, 29.38.050)

(d) Allows a second class borough to exercise an areawide power not otherwise prohibited by law if the exercise of the power is approved by the voters or transferred by the cities in the borough. Under existing law a borough may acquire only the powers authorized in Title 29. (AS 29.33.250)

Sec. 29.35.220. (a) No substantive change. (AS 29.41.010(c))

(b) No substantive change. (AS 29.41.010(a))

(c) No substantive change. (AS 29.41.010(b))

(d) A third class borough may acquire any power not prohibited by law for exercise in a service area. (AS 29.41.010(b))

Sec. 29.35.250. This expands the authority of the city to exercise powers, since under existing law a city may only exercise listed municipal powers. A city may not exercise a power once that power has been exercised on an areawide basis by the borough. Existing law is in conflict as to whether a city may exercise a power being exercised on an areawide basis by the borough. In one section, existing law provides that the city may not do so, while in another section it provides that a city may exercise the power if the borough by ordinance permits exercise of the power by the city or ceases to exercise the power. (AS 29.33.010(b), 29.43.040(b), 29.48.035(b))

Sec. 29.35.260. (a) A city outside a borough may exercise a power not otherwise prohibited by law. Under existing law, a city is granted only enumerated powers, so this is a broader authorization. (AS 29.43.010)

(b) Minor rewording. (AS 29.43.030)

(c) Requires a home rule city to provide for planning, platting, and land use regulation but it does not have to comply with Chapter 40. General law cities that provide for land use regulation must do so in accordance with Chapter 40. (AS 29.43.040)

(d) This is new making the section applicable as a home rule limitation. Under existing law material contained in (c) is not a limitation on home rule municipalities.

Sec. 29.35.300. Combines material dealing with the acquisition of areawide and nonareawide powers. (AS 29.33.250, 29.41.010)

Sec. 29.35.310. No change, except for minor rewording for consistent usage. (AS 29.33.260)

Sec. 29.35.320. Provides that a petition shall be filed with the borough clerk who certifies whether it contains sufficient signatures. After certification the assembly orders an election to be held within 60 days of the order, while under existing law, the election is held at least 30 days after the order, but not later than the next regular election. (AS 29.33.270, 29.33.280, 29.33.290(a), 29.38.030, 29.38.040, 29.38.050(a), 29.41.010(b))

Sec. 29.35.330. No change, except for minor rewording to achieve consistent usage. (AS 29.33.290(b) and (c), 29.38.050(b) and (c))

Sec. 29.35.340. Reorganized, but no substantive change. (AS 29.33.290(c))

Sec. 29.35.400. No substantive change. (AS 29.48.310)

Sec. 29.35.410. No substantive change. (AS 29.48.320)

Sec. 29.35.420. No substantive change. (AS 29.48.330)

Sec. 29.35.450. (a) Allows a borough to include a city in a service area if the city council agrees by ordinance or if approval is granted by a majority of voters residing in the city and by a majority of voters residing outside the city, but within the service area boundaries. Existing law is silent as to whether a city may be included within a service area. (AS 29.63.090(a))

(b) No change. (AS 29.63.090(d))

Sec. 29.35.460. No substantive change. (AS 29.63.090(c))

Sec. 29.35.470. No substantive change. (AS 29.63.090(b) and (e))

Sec. 29.35.480. No substantive change. (AS 29.63.090(a) and (e))

Sec. 29.35.490. New material has been added to allow owners of real property within a service area to consent in writing to the exercise of a power if no voters reside within the service area. (AS 29.41.010(b), 29.63.090(a) and (e))

(b) No change. (AS 29.41.010(b), 29.68.010(f))

Sec. 29.35.700. This is new and provides a definition of "power".

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

The word "zoning" has been replaced by the phrase "land use regulation" throughout the title in order to confer broader planning powers on municipalities. The term "land use regulation" allows a municipality to use a variety of planning tools which might not necessarily be regarded as falling within traditional "zoning" practices.

Sec. 29.40.010. The assembly may delegate any of its planning responsibilities to a city if the city consents by ordinance. The assembly may, without obtaining the consent of the city, revoke the power delegated. Under existing law, there is no requirement that a city consent to the delegation of planning power. (AS 29.33.070)

Sec. 29.40.020. Membership on the planning commission shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in those cities. Under existing law membership is apportioned so that the number of members from first class cities

reflects the proportion of borough population residing in first class cities, but the population of home rule cities is not taken into account. The planning commission shall prepare measures necessary to implement the comprehensive plan, while under existing law the planning commission is required to prepare a zoning ordinance to implement the plan. Under this bill, the planning commission has authority to utilize methods other than zoning to implement a plan. (AS 29.33.080(a) and (b))

Sec. 29.40.030. This is reorganized and reworded for clarity. After receiving the recommendations of the planning commission, the assembly is required periodically to undertake an overall review of the plan and update it as necessary. Under existing law, the planning commission is required to undertake an overall review of the plan at least once every two years and present recommendations to the assembly. (AS 29.33.085)

Sec. 29.40.040. (a) This is substantially new material. It requires the assembly to implement a comprehensive plan through zoning regulations, land use permit requirements, or other methods. The material dealing with "contract zoning" has been eliminated. The list of items for which zoning may be used in AS 29.33.090(b) and (c) has been eliminated. The material contained in AS 29.33.090(e), allowing a business licensed by the Alcoholic Beverage Control Board to continue to operate before the adoption of the zoning ordinance, is eliminated. (AS 29.33.090(a))

(b) No substantive change. (AS 29.33.110(c))

Sec. 29.40.050. (a) Requires the assembly to provide for an appeal from the application of a land use regulation. Under existing law, the board of adjustment hears appeals. (AS 29.33.110(b))

(b) Allows the assembly to provide for the appointment of hearing officers or of a board of adjustment to hear appeals. Under existing law, the assembly is the board of adjustment, but may delegate its functions. (AS 29.33.110(a))

Sec. 29.40.060. (a) Allows for an appeal from a decision dealing with land use regulation. Under existing law, appeals are limited to decisions from the board of adjustment. (AS 29.33.130(a) and (b))

(b) An appeal from a land use regulation is an administrative appeal. The provision in AS 29.33.130(c), that an appeal stays enforcement proceeding unless the court issues an enforcement order, has been eliminated. (AS 29.33.130(d) and (e))

Sec. 29.40.070. Material in paragraph (4) dealing with dedication of rights-of-way and easements is added. (AS 29.33.150(a))

Sec. 29.40.080. This is new material requiring the assembly to establish a platting authority. Under existing law, the planning commission acts as platting authority. The material contained in AS 29.33.150(b) dealing with subdivisions of state land, is eliminated. (AS 29.33.150(a))

Sec. 29.40.090. (a) This is new and requires the assembly to establish an abbreviated plat procedure for plats meeting certain requirements.

(b) Authorizes waiver of plat requirements if a subdivision meets requirements for an abbreviated plat and each lot is five acres or larger. (AS 29.33.170)

Sec. 29.40.100. Rewritten for clarity. (AS 29.33.180)

Sec. 29.40.110. This is rewritten for clarity. Material dealing with filing a preliminary subdivision plat contained in AS 29.33.160(c) has been eliminated. (AS 29.33.160(a) and (b))

Sec. 29.40.120. Allows a plat to be altered upon petition of the state, the borough, a public utility, or the owners of a majority of the land affected. Existing law allows a plat to be altered only upon petition of the owners of a majority of the land or by the platting board. A platted street may be vacated upon petition of the state, the borough, a public utility, or owners of the majority of the land fronting the portion of the street sought to be vacated. Under existing law, only the municipality or owners of the majority of the land fronting the part of the street sought to be vacated may petition to vacate a street. (AS 29.33.200)

Sec. 29.40.130. Requires the platting authority to publish notice of a hearing for a replat petition. "Published" is defined to require publication once in a newspaper of general circulation or posting in three public places. Under existing law, notice is required to be published once a week for two consecutive weeks. (AS 29.33.210)

Sec. 29.40.140. Rewritten for clarity. (AS 29.33.220)

Sec. 29.40.150. Requires a plat to be acknowledged and filed by the recorder with a certificate that taxes have been paid. (AS 29.33.230)

Sec. 29.40.160. Minor rewording. The material in (a) - (c) has been applied as a home rule limitation. None of this section is a limitation under existing law. (AS 29.33.240)

Sec. 29.40.170. Rewritten for clarity. (AS 29.33.245)

Sec. 29.40.180. A person who violates a land use regulation, condition imposed by a platting authority, or a section of law under the chapter dealing with land use regulation is guilty of a class B misdemeanor. (AS 29.33.190)

Sec. 29.40.190. A civil action may be initiated against a person who violates a section of law of the chapter dealing with land use regulation, a subdivision regulation or a term imposed by the platting authority. An action to enjoin may be brought and the superior court shall grant an injunction upon a finding of violation or threatened violation. In addition, a civil penalty not to exceed \$1,000 may be imposed and each day that an unlawful condition continues constitutes a separate violation. Under existing law, a person who transfers land in a subdivision before a plat has been recorded, and a person who records a plat which has not been approved by the platting board may be punished by a fine of not more than \$500. (AS 29.33.190)

Sec. 29.40.200. Made applicable to home rule municipalities. Under existing law only the material contained in (a) of this section is a home rule limitation under AS 29.13.100(39). (AS 29.33.150(b) - (g))

CHAPTER 45. MUNICIPAL TAXATION.

Sec. 29.45.010. Authorizes a municipality to levy a property tax on real or on personal property. The distinction between areawide and nonareawide property taxes as applied to a unified municipality is eliminated. A property tax may be levied in a service area for functions in the service area. Cross-references to the provisions dealing with the taxing power of cities are added. (AS 29.53.010)

Sec. 29.45.020. No substantive change. (AS 29.73.070(a) and (c))

Sec. 29.45.030. Household furniture is exempt from taxation without regard to the value of the furniture. Property of an auxiliary of a nonbusiness organization is exempt. Under existing law, lots supporting and adjacent to a structure used for religious purposes are exempt from taxation. That exemption is eliminated. Property from which income is derived is exempt if used by nonprofit educational groups for classroom space, or by nonprofit religious, charitable or hospital groups. Under existing law, there is some ambiguity as to whether property, other than property used for classroom space, is exempt. An exemption for real property owned as a permanent place of abode by a resident 65 years of age or over may not be granted except upon written application. Under existing law, there is some ambiguity as to whether any exemption may be granted without a written application. One motor vehicle per household owned by a resident 65 years of age or older is

exempt. A provision for implementation of a federal tax exemption is included. (AS 29.53.020)

Sec. 29.45.040. No change, except that "Department of Community and Regional Affairs" is replaced by "department". (AS 29.73.060)

Sec. 29.45.050. (a) No change, except "regular or special" is deleted since "election" is defined. (AS 29.53.025(a))

(b) Eliminates the requirement that a tax based upon tonnage not exceed five dollars a year for a boat of less than five net tons, and not exceed fifteen dollars a year for a boat of more than five tons. The optional exemption of household furniture over five hundred dollars in value has been eliminated since all household furniture is exempted under this bill. (AS 29.53.025(b))

(c) The reference to "weighted" voting is eliminated. (AS 29.53.025(c))

(d) "Act" has been changed to "chapter". (AS 29.53.025(d))

(e) No substantive change. (AS 29.53.025(e))

(f) Minor rewording. (AS 29.53.025(f))

(g) No change. (AS 29.53.025(g))

Sec. 29.45.060. Provides that a farm use greenhouse be assessed on the basis of value for farm use. "Farm use" includes the use of property for raising ornamental plants. (AS 29.53.035)

Sec. 29.45.070. No substantive change. (AS 29.53.040)

Sec. 29.45.080. No substantive change. (AS 29.53.045)

Sec. 29.45.090. Requires all property upon which a tax is levied to be taxed at the same rate during the year. Reorganized and slightly reworded for clarity. (AS 29.53.050)

Sec. 29.45.100. Statutory references are altered to reflect new numbering. (AS 29.53.055)

Sec. 29.45.110. Statutory reference is altered to reflect new numbering. (AS 29.53.060)

Sec. 29.45.120. "Assembly" is replaced by "governing body". (AS 29.53.070)

Sec. 29.45.130. Allows the assessor to seek a court order to compel production of records, as well as to compel entry. (AS 29.53.080)

Sec. 29.45.140. A person who fails to file a tax statement or makes a false tax statement is guilty of a class B misdemeanor. Under existing law, he is guilty of a misdemeanor punishable by a fine of \$500 or by imprisonment for up to 30 days or both. (AS 29.53.090)

Sec. 29.45.150. "Assembly" is replaced by "governing body" and "borough" is replaced by "municipality". (AS 29.53.095)

Sec. 29.45.160. Minor rewording. (AS 29.53.100)

Sec. 29.45.170. Minor rewording. (AS 29.53.110)

Sec. 29.45.180. Minor rewording for clarity. (AS 29.53.120)

Sec. 29.45.190. Minor rewording for clarity. (AS 29.53.130)

Sec. 29.45.200. (a) Requires an appointed board to be composed of no less than three persons, and eliminates the requirement that the board consist of the number of members of the assembly above the number required for a quorum. Requires the governing body to establish by ordinance the qualifications for board membership. (AS 29.53.135)

(b) Allows the board to alter an assessment only if an appeal is filed as to that particular lot. (AS 29.53.135)

(c) This subsection is new, allowing an appeal directly to the superior court on the issue of whether property is taxable.

Sec. 29.45.210. Provides that if, upon appeal, a valuation is found to be too low, the board may raise the assessment. An appeal to the superior court shall be tried as an administrative appeal, while under existing law an appellant may demand a jury trial. (AS 29.53.140)

Sec. 29.45.220. No change. (AS 29.53.150)

Sec. 29.45.230. Reassessment is permitted when property is affected by a disaster declared by the President, or by the governor. Under existing law, this section applies only when property is affected by a disaster declared by the President. (AS 29.53.150)

Sec. 29.45.240. Minor rewording. (AS 29.53.170)

Sec. 29.45.250. Allows a penalty not to exceed 20 percent of the tax due to be added to delinquent taxes and interest at the rate of 15 percent a year to accrue upon unpaid taxes. Under existing law, a penalty not to exceed 10 percent may be added, and interest at the rate of eight percent shall accrue. A penalty not to exceed 20 percent of the tax due may be imposed upon the late return of personal property assessment forms. Under existing law, only 10 percent of the tax due may be imposed. If a taxpayer may pay a tax in two installments, penalty and interest on the unpaid installment accrues from the date the installment becomes due. Under existing law, if the taxpayer does not pay the first half when due, the entire tax becomes delinquent. A penalty of eight percent is added on delinquent taxes until the due date fixed for payment of the second half, and after the due date of the payment of the second half, the penalty may be increased to 10 percent. (AS 29.53.180)

Sec. 29.45.290. No substantive change. (AS 29.53.200)

Sec. 29.45.300. Property taxes, together with penalty and interest are a lien upon the property assessed, while under this section of existing law, only real property taxes are mentioned as a lien upon the property assessed. However, under AS 29.53.220 it is clear that unpaid personal property taxes are also a lien. (AS 29.53.210)

Sec. 29.45.310. If property is sold for more money than needed to satisfy the tax, the municipality is required to remit the excess to the former record owner. A claim for the excess filed after six months is barred. Under existing law, there is no provision for remitting the excess to the former record owner. (AS 29.53.220)

Sec. 29.45.320. Reworded slightly, and the statutory reference is altered to reflect new numbering. (AS 29.53.230)

Sec. 29.45.330. Minor rewording. (AS 29.53.240)

Sec. 29.45.340. "Borough" is altered to "municipality". (AS 29.53.250)

Sec. 29.45.350. "Such" is altered to "the". (AS 29.53.260)

Sec. 29.45.360. Minor rewording, and the statutory reference is altered to reflect new numbering. (AS 29.53.270)

Sec. 29.45.370. "Tract" is altered to "lot". (AS 29.53.280)

Sec. 29.45.380. Minor rewording. (AS 29.53.290)

Sec. 29.45.390. Minor rewording and reorganization. (AS 29.53.300)

Sec. 29.45.400. The material currently contained in AS 29.-53.310(b), allowing a person holding a lien against part of real property included in a judgment and decree of foreclosure to redeem only that part, has been eliminated. (AS 29.53.310)

Sec. 29.45.410. Receipt of redemption money by the municipality releases the judgment obtained through foreclosure. Under existing law, receipt of redemption by the clerk releases all claims of the municipality to the property. (AS 29.53.320)

Sec. 29.45.420. No change. (AS 29.53.330)

Sec. 29.45.430. No substantive change. (AS 29.53.340)

Sec. 29.45.440. Allows the clerk's designee to publish a redemption period expiration notice. Requires the clerk to send a copy of the notice to holders of liens if the assessed value of property being foreclosed is over \$100,000. Under existing law, notice must be sent if the assessed value is over \$10,000. (AS 29.53.350)

Sec. 29.45.450. Minor rewording. (AS 29.53.360)

Sec. 29.45.460. Allows the designee of the clerk to send a copy of the published notice, while under existing law, the clerk is required to send the copy. (AS 29.53.370)

Sec. 29.45.470. Minor rewording. (AS 29.53.375)

Sec. 29.45.480. No substantive change. (AS 29.53.380)

Sec. 29.45.490. "City or borough" is changed to "municipality". (AS 29.53.385)

Sec. 29.45.500. New material is added to this section so that if, in the absence of suit, it becomes obvious to the governing body that judgment for recovery of taxes would be obtained, the municipality shall refund the amount of taxes plus interest. The governing body is permitted to correct manifest clerical errors at any time. (AS 29.53.390)

Sec. 29.45.550. Minor rewording. (AS 29.43.020)

Sec. 29.45.560. Statutory references are altered to reflect new numbering. All sections under existing law which apply to taxes levied by a city apply under this bill as well. Sec. 29.45.250, dealing with rates of penalty and interest; sec. 29.45.460, dealing with disposition and sale of foreclosed property; sec. 29.45.470, dealing with repurchase by record owner; sec. 29.45.490, dealing with payment of taxes upon public utilization; sec. 29.45.500, dealing with refund of taxes have been added as provisions which a city is subject to. (AS 29.53.400)

Sec. 29.45.570. This is new, applying the provisions dealing with property taxes to home rule municipalities as a limitation.

Sec. 29.45.580. Minor rewording. (AS 29.53.405)

Sec. 29.45.590. No substantive change. (AS 29.53.410)

Sec. 29.45.600. This is new material allowing a petition for second class city incorporation to request that a property tax proposal be placed on the same ballot. The petition may request that incorporation be dependent on passage of the property tax. Under existing law, a petition may combine a request for sales and use tax with a request for incorporation, but no provision exists for combining a request for property tax with a request for incorporation.

Sec. 29.45.650. Interest at the rate of 15 percent, rather than eight percent may be charged on delinquent sales and use taxes, and this is made applicable as a home rule limitation. Material in (e) has been added to allow a lien to be placed on the property to secure the payment of a sales and use tax. (AS 29.53.415)

Sec. 29.45.660. Minor rewording. (AS 29.73.070(b) and (c))

Sec. 29.45.670. The requirement that a sales tax proposition be presented only once a year has been eliminated. Material now in AS 29.53.420(b) is deleted. (AS 29.53.420(a))

Sec. 29.45.700. Allows the borough assembly by ordinance to authorize the city to levy and collect sales and use taxes on sources other than the sources being taxed by the borough. Under existing law, a city within a borough may levy sales and use taxes only upon sources taxed by the borough. The provision that a city outside a borough may levy and collect sales and use taxes in the manner provided for boroughs has been added. (AS 29.53.440, 29.53.450)

Sec. 29.45.710. No substantive change. (AS 29.53.460)

CHAPTER 46. SPECIAL ASSESSMENTS.

Sec. 29.46.010. Minor rewording and the statutory reference is altered to reflect new numbering. (AS 29.63.010)

Sec. 29.46.020. A list of procedures which the governing body may prescribe includes procedures relating to creating special assessment districts, making local improvements, levying and collecting assessments, and financing improvements. Under existing law, the governing body is authorized to prescribe the complete special assessment procedure for local improvements. Statutory references are altered to reflect new numbering. (AS 29.63.015)

Sec. 29.46.030. The heading is altered from "DECISION AND NOTICE" to "CREATION OF DISTRICT". Minor rewording. (AS 29.63.020)

Sec. 29.46.040. Minor rewording. (AS 29.63.025)

Sec. 29.46.050. Objections may be filed any time within 60 days after publication of notice. Under existing law, objections to an improvement plan may be filed not less than 30 nor more than 60 days after publication of notice on a date specified by the governing body. Minor rewording. (AS 29.63.030)

Sec. 29.46.060. Minor rewording for clarity. (AS 29.63.040)

Sec. 29.46.070. Requires a new hearing if the assessment is increased as a result of correcting errors and inequalities in the assessment roll. Objections to the increased assessment are limited to record owners of property on which the assessment was increased. Under existing law, there is no provision for an additional hearing if an assessment is increased as a result of correcting errors. (AS 29.63.050)

Sec. 29.46.080. Minor rewording for clarity, and statutory references are altered to reflect new numbering. (AS 29.63.060)

Sec. 29.46.090. Slightly reorganized, and statutory references are altered to reflect new numbering. The section is applicable as a home rule limitation, and is a limitation now under AS 29.13.100(36). (AS 29.63.065)

Sec. 29.46.100. Minor reorganization and rewording. (AS 29.63.070)

Sec. 29.46.110. (a) This is new material itemizing the costs which may be included in a special assessment.

(b) The total amount of the assessment roll may not exceed actual costs, but actual costs may include reasonable estimates of the costs incurred in connection with issuance of bonds. (AS 29.63.040(a))

Sec. 29.46.120. Minor rewording and reorganization. (AS 29.63.080)

Sec. 29.46.130. This is new material allowing the governing body to issue notes to secure payment of the costs of a local improvement project. The notes are payable out of special assessments for the improvement and the notes are claims against the assessments.

Sec. 29.46.140. Minor rewording. The last line of AS 29.63.085(c), providing that interest on the guarantee funds are a cost of the improvement district, is eliminated. (AS 29.63.085)

CHAPTER 47. MUNICIPAL DEBT.

Sec. 29.47.010. Minor rewording. (AS 29.58.010)

Sec. 29.47.020. Minor rewording. (AS 29.58.020)

Sec. 29.47.030. Minor rewording. (AS 29.58.040)

Sec. 29.47.040. Minor rewording. (AS 29.58.050)

Sec. 29.47.080. Minor rewording. (AS 29.58.070)

Sec. 29.47.090. "Assembly or council" is replaced with "governing body". (AS 29.58.080)

Sec. 29.47.100. "Assembly or council" is replaced by "governing body".

Sec. 29.47.110. No substantive change. (AS 29.58.100)

Sec. 29.47.120. Minor rewording. (AS 29.58.110)

Sec. 29.47.130. Minor rewording. (AS 29.58.120)

Sec. 29.47.140. No change. (AS 29.58.130)

Sec. 29.47.180. Minor rewording. (AS 29.58.150)

Sec. 29.47.190. Minor rewording. The reference to a charter is eliminated since this section does not apply as a home rule limitation. (AS 29.58.160)

Sec. 29.47.200. Minor rewording. The last sentence in (b) is added since this subsection applies to home rule municipalities as a limitation. It is currently a limitation under AS 29.13.100(24). (AS 29.58.180)

Sec. 29.47.240. Rewritten for clarity. (AS 29.58.200)

Sec. 29.47.250. Minor rewording. (AS 29.58.205)

Sec. 29.47.260. This is a new section excluding revenue bonds from the application of the prohibition against a political subdivision of the state making a subscription to the capital stock of a corporation, lending its credit for the use of a corporation, or borrowing money for the use of a corporation.

Sec. 29.47.300. Minor rewording. (AS 29.58.240)

Sec. 29.47.310. No substantive change. (AS 29.58.250)

Sec. 29.47.320. "Assembly or council" is replaced by "governing body". (AS 29.58.260)

Sec. 29.47.330. The statutory reference is altered to reflect new numbering and the fact that sections dealing with payment on bonds are combined into one section. (AS 29.58.270)

Sec. 29.47.340. The requirement that refunding bonds be exchanged at par for bonds being refunded is eliminated, so that refunding bonds may be exchanged at the discretion of the governing body. (AS 29.58.280)

Sec. 29.47.390. This contains new material allowing the issuance of revenue bonds to finance any project and to be secured and payable solely from the revenue and property of the project. The city or borough is not obligated to make payments on the bonds from any other sources. (AS 29.58.200(c))

Sec. 29.47.400. Bonds and notes may be sold in the manner and at the price determined by the municipality. Under existing law, no bonds may be sold at less than par value. (AS 29.58.060, 29.58.140, 29.58.300)

Sec. 29.47.410. Minor rewording. (AS 29.58.170, 29.58.210)

Sec. 29.47.420. Allows the interest rate payable on a bond or note to exceed the usury rate. Under existing law, no bond or note may bear an interest which exceeds the contract usury rate. (AS 29.58.310)

Sec. 29.47.430. No substantive change. (AS 29.58.320)

Sec. 29.47.440. Rewritten for clarity. The statutory reference is altered to reflect new numbering. (AS 29.58.340)

Sec. 29.47.450. This is new material providing that the indebtedness of a service area will remain a debt even though a court subsequently determines that the service area was not validly formed under law.

CHAPTER 55. MUNICIPAL PROGRAMS.

Sec. 29.55.010. "General or home rule" is eliminated since "municipality" includes by definition both a general law and a home rule municipality. (AS 29.48.108)

Sec. 29.55.020. The statutory reference to the preceding section is eliminated as unnecessary. (AS 29.48.110)

CHAPTER 60. STATE PROGRAMS.

Sec. 29.60.010. "Local government services" is replaced by "municipal services". (AS 29.88.010)

Sec. 29.60.020. Material in AS 29.88.015(b) is deleted. Since municipal tax resource equalization is organized as an article, rather than a chapter, the statutory reference is added. (AS 29.88.015)

Sec. 29.60.030. Statutory references are added since this material is no longer located in a separate chapter. (AS 29.88.020)

Sec. 29.60.040. Statutory references are added since this material no longer appears as a separate chapter. (AS 29.88.025)

Sec. 29.60.050. Subsection (a), dealing with limitation on use of payments, is a home rule limitation. Under existing law all of the tax equalization program is a home rule limitation under AS 29.13.100(46). "Assembly or council" is replaced by "governing body". (AS 29.88.030)

Sec. 29.60.060. Statutory references are added, since this material is no longer contained in a separate chapter. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.88.035)

Sec. 29.60.070. Statutory references are added, since this material is no longer contained in a separate chapter. Statutory references currently contained in this section are altered to reflect new numbering. (AS 29.88.040)

Sec. 29.60.080. Definitions of "department" and "municipality" are eliminated since these are now defined with respect to the entire title. (AS 29.88.045)

Sec. 29.60.100. Statutory references are altered to reflect new numbering. Provision for revenue sharing payable to a "Native village government" is altered to "an unincorporated community". (AS 29.89.010)

Sec. 29.60.110. "Local government" is replaced by "municipality". (AS 29.89.020)

Sec. 29.60.120. Subsections (a) and (c) dealing with distribution and use of money, are home rule limitations. Under existing laws all of the program of aid for miscellaneous services is a limitation under AS 29.13.100(47). (AS 29.89.030)

Sec. 29.60.130. "Borough or city" is replaced by "municipality".
(AS 29.89.040)

Sec. 29.60.140. Provides for aid to unincorporated communities rather than to Native village governments. The Department of Community and Regional Affairs shall pay the money to the entity in an unincorporated community most qualified to receive it. No money may be paid to a Native village council unless it waives immunity from suit. If there is no entity in an unincorporated community willing to receive the money, the community receives no entitlement. (AS 29.89.050)

Sec. 29.60.150. The last portion of the section listing possible sources of population data is eliminated. Statutory references are added, since this material is no longer organized as a separate chapter. (AS 29.89.060)

Sec. 29.60.160. Statutory references are altered to reflect new numbering. (AS 29.89.070)

Sec. 29.60.170. Statutory references are added, since this material is no longer organized as a separate chapter. The statutory reference currently contained in this section is altered to reflect new numbering. (AS 29.89.080)

Sec. 29.60.180. Statutory references are added, since this material is no longer organized as a separate chapter. (AS 29.89.090)

Sec. 29.60.230. Made applicable as a home rule limitation.
(AS 29.90.010, 29.90.020(3))

Sec. 29.60.240. Statutory references are added, since this material is no longer organized as a separate chapter. The statutory reference currently contained in this section is altered to reflect new numbering. (AS 29.90.020)

Sec. 29.60.280. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.95.010)

Sec. 29.60.290. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.95.020)

Sec. 29.60.300. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.95.030)

Sec. 29.60.350. Administration of the municipal assistance fund is transferred from the Department of Revenue to the Department of Community and Regional Affairs. (AS 43.20.016(a))

Sec. 29.60.360. No substantive change. (AS 43.20.016(b))

Sec. 29.60.370. No substantive change. (AS 43.20.016(c) and (d))

Sec. 29.60.800. No substantive change. (AS 29.89.100(2) and (3), 29.90.030(2) and (4))

CHAPTER 65. GENERAL GRANT LAND.

Sec. 29.65.010. No change. (AS 29.18.201)

Sec. 29.65.020. No substantive change. (AS 29.18.202)

Sec. 29.65.030. Minor rewording. (AS 29.18.203)

Sec. 29.65.040. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.18.204)

Sec. 29.65.050. The statutory references to repealed sections are deleted as unnecessary in (a). The statutory references contained in this section are altered to reflect new numbering. (AS 29.18.205)

Sec. 29.65.060. Statutory references are altered to reflect new numbering. (AS 29.18.206)

Sec. 29.65.070. No substantive change. (AS 29.18.207)

Sec. 29.65.080. Reworded for clarity. The statutory references contained in this section are altered to reflect new numbering. (AS 29.18.208)

Sec. 29.65.090. "Any" is changed to "a". (AS 29.18.209)

Sec. 29.65.100. The statutory reference contained in this section is altered to reflect new numbering. (AS 29.18.210)

Sec. 29.65.110. The statutory reference contained in this section is altered to reflect new numbering. (AS 29.18.211)

Sec. 29.65.120. Since this material is now organized in a separate chapter, the statutory reference to the sections dealing with general grant land is eliminated. (AS 29.18.212)

Sec. 29.65.130. Since this material is now organized in a separate chapter, the statutory reference is eliminated. The definition of "municipality" is eliminated since that term is now defined for the entire title. (AS 29.18.213)

Sec. 29.65.140. This is a new section indicating that the chapter dealing with general grant land applies to home rule municipalities

as well as to general law municipalities. This material is not a home rule limitation under existing law.

CHAPTER 71. GENERAL PROVISIONS.

Sec. 29.71.010. No substantive change. (AS 29.73.030)

Sec. 29.71.020. This is a new section providing that dedication of rights of way or other areas for public use does not require the municipality to maintain, improve, or provide for municipal services in the area dedicated and does not impose any liability on the municipality for the condition of the area dedicated. The section is applicable to home rule municipalities.

Sec. 29.71.030. No substantive change. (AS 29.73.040)

Sec. 29.71.800. The following definitions are added or changed from existing law:

- (1) "areawide" is defined to include cities in the borough.
- (4) this is added;
- (7) this is added;
- (8) this is added;
- (9) "election" includes both regular and special municipal elections, but does not include a state election, while under existing law, only "regular election" is defined;
- (10) this is added to refer to either a borough or city legislative entity;
- (13) "municipality" includes a home rule or general law borough, city, or unified municipality, while the existing definition includes only general law municipal corporations; (AS 29.78.010(8))
- (14) "nonareawide" includes the area of a borough outside cities in the borough, while under existing law "nonareawide power" is defined; (AS 29.78.010(8))
- (15) "owner" or "record owner" means the owner of record shown in the records of the district recorder; (AS 29.78.010(9))
- (20) minor rewording; (AS 29.78.010(14))
- (21) this has been added;

(23) subparagraph (A) has been reworded and (B) is new;
(AS 29.78.010(16))

(24) this has been added;

(25) minor rewording; (AS 29.78.010(17))

The definition of "municipal election" has been eliminated.
(AS 29.78.010(7))

* Sec. 18. A definition of "municipality" is added for all Alaska Statutes.

* Sec. 20. The statutory references are altered to reflect new numbering. References to merger and consolidation are eliminated as unnecessary.

* Sec. 21. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 22. The statutory references are altered to reflect new numbering.

* Sec. 23. Reworded to delete incorrect statutory references.

* Sec. 24. References to third class boroughs have been eliminated. Subsection (b) has been added containing material currently made applicable by the reference to third class boroughs.

* Sec. 25. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 26. The statutory references are altered to reflect new numbering.

* Sec. 27. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 28. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 29. The statutory references are altered to reflect new numbering.

* Sec. 30. The statutory references are altered to reflect new numbering.

* Sec. 31. The statutory references are altered to reflect new numbering.

* Sec. 32. The statutory references are altered to reflect new numbering.

* Sec. 33. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 34. The statutory references are altered to reflect new numbering.

* Sec. 35. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 36. The statutory references are altered to reflect new numbering.

* Sec. 38. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 39. Minor rewording for consistency.

* Sec. 40. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 41. The statutory references are altered to reflect new numbering.

* Sec. 42. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 43. Minor rewording. Incorrect statutory references are deleted.

* Sec. 44. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 45. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 46. The statutory reference is deleted as unnecessary.

* Sec. 47. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 48. The statutory references are deleted as unnecessary.

* Sec. 49. The statutory references are deleted as unnecessary.

* Sec. 50. The statutory reference is altered to reflect new numbering.

* Sec. 51. The statutory references are altered to reflect new numbering. Some references are eliminated as unnecessary. "Former" is added before citations to sections repealed in this bill.

* Sec. 52. The statutory references are altered to reflect new numbering. "Former" is added before citations to sections repealed in this bill.

* Sec. 53. The word "former" is added before the statutory citation because those sections are repealed in this bill.

* Sec. 54. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 55. "Former" is added before citations to sections previously repealed.

* Sec. 56. Minor rewording. The statutory reference is altered to reflect new numbering.

* Sec. 57. Minor rewording. The statutory reference is deleted as unnecessary.

* Sec. 58. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 59. The statutory references are altered to reflect new numbering. "Former" is added before citations to sections repealed in this bill.

* Sec. 60. The statutory reference is deleted as unnecessary.

* Sec. 61. The statutory references are altered to reflect new numbering.

* Sec. 62. The statutory references are altered to reflect new numbering.

* Sec. 63. The statutory references are altered to reflect new numbering.

* Sec. 64. The statutory references are altered to reflect new numbering.

* Sec. 65. The statutory references are altered to reflect new numbering.

* Sec. 66. The statutory references are altered to reflect new numbering.

* Sec. 67. The statutory references are altered to reflect new numbering.

* Sec. 68. Minor rewording. The statutory references are deleted as unnecessary.

* Sec. 69. The statutory references are deleted as unnecessary.

* Sec. 70. Adds new sections dealing with borough feasibility studies. Authorizes the commissioner of community and regional affairs to contract for a study requested by a person residing in the area to be studied. Sets out requirements for the contract and what a study must include.

* Sec. 71. The statutory reference is altered to reflect new numbering.

* Sec. 72. The statutory reference is altered to reflect new numbering.

* Sec. 73. The statutory reference is altered to reflect new numbering.

* Sec. 74. The new statutory reference is inserted and "former" added before the citation to a section repealed by this bill.

* Sec. 75. The new statutory references are inserted and "former" added before citations to sections repealed by this bill.

* Sec. 76. The statutory references are altered to reflect new numbering.

* Sec. 77. The statutory reference to a repealed section is deleted and language inserted to take the place of the deleted reference.

* Sec. 78. The statutory references are altered to reflect new numbering.

* Sec. 79. The statutory references are deleted as unnecessary.

* Sec. 80. The statutory references are altered to reflect new numbering.

* Sec. 81. The statutory references are deleted as unnecessary.

* Sec. 82. The statutory references are altered to reflect new numbering.

* Sec. 83. All of Title 29 is repealed except for AS 29.03.010 and AS 29.03.020. Additional provisions are repealed to reconcile this bill with other titles.

* Sec. 84. A right or liability of a municipality in existence on the effective date of this Act is not affected by this Act. Ordinances and regulations in effect on the effective date of this Act remain in effect unless they conflict with a provision of this Act. If an ordinance or regulation conflicts, it remains in effect for 180 days. The terms of elected or appointed municipal officials are not affected by the Act and their terms expire as they would have before the effective date of this Act.

* Sec. 85. The chapter on taxation is retroactive to January 1, 1983, the beginning of the tax year.

* Sec. 86. An immediate effective date is provided for the retroactive clause and the chapter on taxation.

* Sec. 87. The rest of the Act takes effect July 1, 1983.

In addition to the material already noted as having been deleted from this bill, the following sections have been eliminated entirely:

- AS 29.18.202 (determination of entitlement for cities);
- AS 29.18.220 - 29.18.460 (development cities);
- AS 29.18.510 - 29.18.610 (Capital City Incorporation Act);
- AS 29.23.395 - 29.23.401 (involvement of young people in local government);
- AS 29.23.470 (appointment of temporary or new manager);
- AS 29.28.220 (election procedure);
- AS 29.33.120 (adjustment procedure);
- AS 29.43.100 - 29.43.110 (curfews)
- AS 29.45.480 (proceeds of tax sale);
- AS 29.48.070 (hearing for regulation of utilities rates);
- AS 29.48.080 (right to participate and compel testimony);
- AS 29.48.090 (further proceedings);
- AS 29.48.100 (application);
- AS 29.48.250 (centralized purchasing);
- AS 29.53.030 (mining claims);
- AS 29.58.220 (payment);
- AS 29.58.315 (bond attorneys, bond and financial consultants);
- AS 29.58.345 (bonded indebtedness for school construction);
- AS 29.58.350 (bond guarantee fund).

TBC:ljb

**PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.**

Introduced: 1/18/83
Referred: Community and Regional
Affairs and Finance

1 IN THE SENATE

BY GILMAN, STURGULEWSKI
AND P.FISCHER

2

SENATE BILL NO. 1

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to municipal government; and provid-
7 ing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 29.03 is amended by adding a new section to read:

10 Sec. 29.03.030. PLATTING AUTHORITY. Subject to AS 40.15.075,
11 the Department of Natural Resources is the platting authority in the
12 unorganized borough in the area outside all cities.

13 * Sec. 2. AS 29 is amended by adding a new chapter to read:

14 CHAPTER 04. CLASSIFICATION OF MUNICIPALITIES.

15 Sec. 29.04.010. HOME RULE. A home rule municipality is a munici-
16 pal corporation and political subdivision. It is a city or a borough
17 that has adopted a home rule charter, or it is a unified municipality.
18 A home rule municipality has all legislative powers not prohibited by
19 law or charter.

20 Sec. 29.04.020. GENERAL LAW. A general law municipality is a
21 municipal corporation and political subdivision and is an unchartered
22 borough or city. It has legislative powers conferred by law.

23 Sec. 29.04.030. CLASSES OF GENERAL LAW. General law municipali-
24 ties are of five classes:

- 25 (1) first class boroughs;
26 (2) second class boroughs;
27 (3) third class boroughs;
28 (4) first class cities;
29 (5) second class cities.

1 Sec. 29.04.040. RECLASSIFICATION OF SECOND CLASS CITIES. (a) A
2 second class city may be reclassified as a first class city by holding
3 an election on the question, if the department determines from the
4 best figures available that the population of the city has reached 600
5 permanent residents. *up from 400*

6 (b) An election on the question of reclassification may be ini-
7 tiated in two ways:

8 (1) a number of voters equal to 15 percent of the number of
9 votes cast in the city at the preceding regular election may file a
10 petition with the council; or

11 (2) the council may propose reclassification.

12 (c) The council shall hold at least one public hearing in the
13 city on the question of reclassification. The council shall then
14 evaluate the ability of the city to assume first class status and make
15 its findings public.

16 (d) The council shall, within 30 days after its findings have
17 been made public, order an election on the question of reclassifica-
18 tion. The election shall be held at least 30 days after the order and
19 not later than the next regular election occurring after the 30-day
20 period. If more than one question is to be voted on at the election,
21 each shall appear separately on the ballot.

22 (e) The council shall certify the election results to the de-
23 partment. If the majority of votes cast is favorable, the city shall
24 be considered reclassified to first class status 30 days after certi-
25 fication of the election results.

26 Sec. 29.04.050. RECLASSIFICATION OF SECOND CLASS BOROUGHS. A
27 second class borough may reclassify as a first class borough in the
28 manner provided by AS 29.35.320 - 29.35.330 for the addition of an
29 areawide power by a first or second class borough, except the petition

1 or proposal requests reclassification instead of requesting addition
2 of a power.

3 Sec. 29.04.060. RECLASSIFICATION OF THIRD CLASS BOROUGHS. (a)

4 A third class borough may reclassify as a first or second class bor-
5 ough in the manner provided by AS 29.35.210 - 29.35.330 for the addi-
6 tion of an areawide power by a first or second class borough, except
7 the petition or proposal requests reclassification instead of request-
8 ing addition of a power. At the time of voting on reclassification of
9 a third class borough to first or second class status, voters shall
10 vote also on whether the borough shall on reclassification retain a
11 combined assembly and school board or elect a separate assembly and
12 board as otherwise provided for first and second class boroughs.

13 (b) If a combined assembly and school board are approved at the
14 reclassification election, the assembly serving at the time of the
15 election continues to serve as the assembly and board on voter ap-
16 proval of reclassification and until terms of assembly members expire
17 as provided before reclassification. If a separate assembly and
18 school board are approved at the reclassification election, a school
19 board shall be elected in conformity with AS 14.12.030 - 14.12.100 at
20 the next regular election, if it occurs within 90 days of the date of
21 the reclassification election, or otherwise at a special election
22 within 90 days of the date of the reclassification election. Expira-
23 tion dates of terms of school board members elected at a special
24 election must coincide with the date of the regular election. Until a
25 board is elected and qualified, the assembly continues to serve as the
26 board.

27 * Sec. 3. AS 29 is amended by adding a new chapter to read:

28 CHAPTER 05. INCORPORATION.

29 ARTICLE 1. REQUIREMENTS.

1 Sec. 29.05.010. INCORPORATION OF A CITY. (a) A community that
2 meets the following standards may incorporate as a home rule or first
3 class city:

4 (1) the community has 600 or more permanent residents;

5 (2) the boundaries of the proposed city include all areas
6 necessary to provide municipal services on an efficient scale;

7 (3) the economy of the community includes the human and
8 financial resources necessary to provide municipal services; in con-
9 sidering the economy of the community, the Local Boundary Commission
10 shall consider property values, economic base, personal income, re-
11 source and commercial development, anticipated functions, and the
12 expenses and income of the proposed city, including the ability of the
13 community to generate local revenue;

14 (4) the population of the community is stable enough to
15 support city government;

16 (5) there is a demonstrated need for city government.

17 (b) A community that meets all the standards established in (a)
18 of this section except (a)(1) may incorporate as a second class city.

19 Sec. 29.05.020. LIMITATIONS ON INCORPORATION OF A CITY. (a) A
20 community in the unorganized borough may not incorporate as a city if
21 the services to be provided by the proposed city can be provided by
22 annexation to an existing city.

23 (b) A community within a borough may not incorporate as a city
24 if the services to be provided by the proposed city can be provided on
25 an areawide or nonareawide basis by the borough in which the proposed
26 city is located, or by annexation to an existing city.

27 Sec. 29.05.030. INCORPORATION OF A BOROUGH. (a) An area that
28 meets the following standards may incorporate as a home rule, first
29 class, or second class borough:

Exclusion?

→ demonstrate?

1 (1) the population of the area is interrelated and inte-
2 grated as to its social, cultural, and economic activities, and is
3 large and stable enough to support borough government;

4 (2) the boundaries of the proposed borough conform gener-
5 ally to natural geography and include all areas necessary for full
6 development of municipal services;

7 (3) the economy of the area includes the human and finan-
8 cial resources capable of providing municipal services; evaluation of
9 an area's economy includes land use, property values, total economic
10 base, total personal income, resource and commercial development,
11 anticipated functions, expenses, and income of the proposed borough;

12 (4) land, water, and air transportation facilities allow
13 the communication and exchange necessary for the development of inte-
14 grated borough government.

(b) An area may not incorporate as a third class borough.

ARTICLE 2. PROCEDURE.

17 Sec. 29.05.060. PETITION. Municipal incorporation is proposed
18 by filing a petition with the department. ^{C+RA.} The petition shall include
19 the following information about the proposed municipality:

20 (1) class;
21 (2) name;
22 (3) boundaries;
23 (4) maps, documents, and other information required by the
24 department;

25 (5) composition and apportionment of the governing body;
26 (6) a proposed operating budget for the municipality pro-
27 jecting sources of income and items of expenditure through the first
28 full fiscal year of operation;

29 (7) for a borough, based on the number who voted in the

Haines
Only

*Sentence?
Structure*

*1st class
Can designate*

1 respective areas in the last general election, the signature and
2 resident address of 15 percent of the voters in

3 (A) home rule and first class cities in the area of
4 the proposed borough; and

5 (B) the area of the proposed borough outside home rule
6 and first class cities;

7 (8) for a first class borough, a designation of areawide
8 powers to be exercised;

9 (9) for a second class borough, a designation of areawide
10 and nonareawide powers to be exercised; *cannot be changed w/o vote*

11 (10) for a first or second class city, a designation of the
12 powers to be exercised;

13 (11) for a home rule or first class city, based on the
14 number who voted in the area in the last general election, the signa-
15 tures and resident address of 50 voters in the proposed city or of 15
16 percent of the voters in the proposed city, whichever is greater;

17 (12) for a second class city, based on the number who voted
18 in the area in the last general election, the signature and resident
19 address of 25 voters in the proposed city or of 15 percent of the
20 voters in the proposed city, whichever is greater;

21 (13) for a home rule municipality, a proposed home rule
22 charter.

23 Sec. 29.05.070. REVIEW. The department shall review an incorpo-
24 ration petition for content and signatures and shall return a defi-
25 cient petition for correction and completion.

26 Sec. 29.05.080. INVESTIGATION. (a) If an incorporation peti-
27 tion contains the required information and signatures, the department
28 shall investigate the proposal and shall hold at least one public
29 informational meeting in the area proposed for incorporation. The

1 department shall publish notice of the meeting.

2 (b) The department may combine incorporation petitions from the
3 same general area.

4 (c) The department shall report its findings to the Local Bound-
5 ary Commission with its recommendations regarding the incorporation.

6 Sec. 29.05.090. HEARING. The Local Boundary Commission shall
7 hold at least one public hearing in the area proposed to be incorpo-
8 rated for the purpose of receiving testimony and evidence on the
9 proposal.

10 Sec. 29.05.100. DECISION. (a) If the Local Boundary Commission
11 determines that a proposed municipality fails to meet the standards
12 for incorporation, it shall reject the petition. If the commission
13 determines that the proposed municipality meets the standards, it
14 shall accept the petition. If the commission determines that the
15 proposed boundaries can be altered to meet the standards, it may alter
16 the boundaries and accept the petition.

17 (b) A Local Boundary Commission decision under this section may
18 be appealed under the Administrative Procedure Act (AS 44.62).

19 Sec. 29.05.110. INCORPORATION ELECTION. (a) The Local Boundary
20 Commission shall immediately notify the director of elections of its
21 acceptance of an incorporation petition. Within 30 days after notifi-
22 cation, the director of elections shall order an election in the pro-
23 posed municipality to determine whether the voters desire incorpora-
24 tion and, if so, to elect the initial municipal officials. If incor-
25 poration is rejected, no officials are elected. The election must be
26 held not less than 30 or more than 90 days after the date of the
27 election order. The election order must specify the dates during
28 which nomination petitions for election of initial officials may be
29 filed.

1 (b) A voter who has been a resident of the area within the pro-
2 posed municipality for 30 days before the date of the election order
3 may vote.

4 (c) Areawide borough powers included in an incorporation peti-
5 tion are considered to be part of the incorporation question. In an
6 election for the incorporation of a second class borough, each non-
7 areawide power to be exercised is placed separately on the ballot.
8 Adoption of a nonareawide power requires a majority of the votes cast
9 on the question, and the vote is limited to the voters residing in the
10 proposed borough but outside all cities in the proposed borough.

11 (d) A home rule charter included in an incorporation petition
12 under AS 29.05.060(13) is considered to be part of the incorporation
13 question. The home rule charter is adopted if the voters approve in-
14 corporation of the municipality.

15 (e) The director of elections shall supervise the election in
16 the general manner prescribed by the Alaska Election Code (AS 15).
17 The state shall pay all election costs under this section.

18 Sec. 29.05.120. ELECTION OF INITIAL OFFICIALS. (a) Nominations
19 for initial municipal officials are made by petition. The petition
20 shall be in the form prescribed by the director of elections and shall
21 include the name and address of the nominee and a statement of the
22 nominee that the nominee is qualified under the provisions of this
23 title for the office that is sought. A person may file for and occupy
24 more than one office, but may not serve simultaneously as

25 (1) borough mayor and as a member of the assembly; or

26 (2) city mayor and as a member of the council. *in ~~the~~ ~~state~~ ~~of~~ ~~Alaska~~*

27 (b) Except for a proposed second class city, petitions to nomi-
28 nate initial officials must include the signature and resident address
29 of 50 voters in the area of the proposed municipality, or that area of

1st Class

1 the proposed municipality from which the officials are to be elected
2 under the composition and apportionment set out in the accepted incor-
3 poration petition.

4 (c) Petitions to nominate initial officials of a second class
5 city must include the signature and resident address of 10 voters in
6 the area of the proposed city.

7 (d) The director of elections shall supervise the election in
8 the general manner prescribed by the Alaska Election Code (AS 15).
9 The state shall pay all election costs.

10 (e) The initial elected officials take office on the first
11 Monday following certification of their election.

12 (f) The initial elected members of the governing body shall
13 determine by lot the length of their terms of office so that a propor-
14 tionate number of terms expire each year, resulting in staggered terms
of office for members subsequently elected.

15 Sec. 29.05.130. INTEGRATION OF SPECIAL DISTRICTS AND SERVICE
16 AREAS. (a) A service area in a newly incorporated municipality shall
17 be integrated into the municipality within two years after the date of
18 incorporation. On integration the municipality succeeds to all the
19 rights, powers, duties, assets and liabilities of the service area.
20 On integration all property in the service area subject to taxation to
21 pay the principal and interest on bonds at the time of integration
22 remains subject to taxation for that purpose.

23 (b) After integration, the municipality may exercise in a former
24 service area all of the rights and powers exercised by the service
25 area at the time of integration, and, as successor to the service
26 area, may levy and collect special charges, taxes, or assessments to
27 amortize bonded indebtedness incurred by the service area or by a
28 municipality in which the service area was formerly located.
29

*Public Utility
Districts?*

1 Sec. 29.05.140. TRANSITION. (a) The powers and duties exer-
2 cised by cities and service areas that are succeeded to by a newly
3 incorporated municipality continue to be exercised by the cities and
4 service areas until the new municipality assumes the powers and func-
5 tions, which may not exceed two years after the date of incorporation.
6 Ordinances, rules, resolutions, procedures, and orders in effect
7 before the transfer remain in effect until superseded by the action of
8 the new municipality.

9 (b) Before the assumption, the new municipality shall give
10 written notice of its assumption of the rights, powers, duties,
11 assets, and liabilities under this section and AS 29.05.130 to the
12 city or service area concerned. Municipal officials shall consult
13 with the officials of the city or service area concerned and arrange
14 an orderly transfer.

15 (c) After the incorporation of a new municipality, no service
16 area in it may assume new bonded indebtedness, make a contract, or
17 transfer an asset without the consent of the governing body.

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

20 Sec. 29.05.150. CHALLENGE OF LEGALITY. A person may not chal-
21 lenge the formation of a municipality except within six months after
22 the date of its incorporation.

23 ARTICLE 3. TRANSITIONAL ASSISTANCE.

24 Sec. 29.05.180. ORGANIZATION GRANTS TO CITIES. (a) To defray
25 the cost of transition to city government and to provide for interim
26 government operations, each city incorporated after July 1, 1983 is
27 entitled to an organization grant of \$50,000 for the first full or
28 partial fiscal year after incorporation.

29 (b) To defray the cost of reclassification, each second class

in the unorg. borough

1 city incorporated before July 1, 1983 that reclassifies as a home rule
2 or first class city after July 1, 1983 is entitled to an organization
3 grant equal to \$50,000 for the first full or partial fiscal year after
4 reclassification.

5 (c) A city entitled to an organization grant under (a) or (b) of
6 this section is entitled to a second organization grant of \$25,000.
7 The Department of Community and Regional Affairs shall disburse the
8 second organization grant within 30 days after the beginning of the
9 city's second fiscal year after incorporation or reclassification, or
10 as soon after that time as money is appropriated and available for the
11 purpose.

12 (d) The Department of Community and Regional Affairs shall
13 disburse an organization grant under (a) and (b) of this section
14 within 30 days after certification of the incorporation election or
15 the reclassification election, or as soon after certification as money
16 is appropriated and available for the purpose.

17 Sec. 29.05.190. ORGANIZATION GRANTS TO BOROUGHES. (a) For the
18 purpose of defraying the cost of transition to borough government and
19 to provide for interim governmental operations, each borough incorpo-
20 rated after July 1, 1983, is entitled to organization grants as
21 follows:

22 (1) \$300,000 for the borough's first full or partial fiscal
23 year;

24 (2) \$200,000 for the borough's second fiscal year; and

25 (3) \$100,000 for the borough's third fiscal year.

26 (b) The department shall disburse the first organization grant
27 to a borough within 30 days after certification of the incorporation
28 election favoring incorporation of a borough, or as soon after that as
29 money is appropriated and available for the purpose. The second grant

1 shall be disbursed within 30 days after the beginning of the borough's
2 second fiscal year, or as soon after that as money is appropriated and
3 available for the purpose. The third grant shall be disbursed within
4 30 days after the beginning of the borough's third fiscal year, or as
5 soon after that as money is appropriated and available for the pur-
6 pose.

7 (c) This section does not apply to a borough incorporated by
8 consolidation or to a unified municipality.

9 Sec. 29.05.200. ORGANIZATION GRANT FUND. (a) The organization
10 grant fund is established in the department. An appropriation made to
11 the fund shall be used for organization grants to municipalities that
12 qualify under AS 29.05.180 or 29.05.190.

13 (b) Before August 31 of each fiscal year the department shall
14 submit a report to the Department of Administration indicating

15 (1) each municipality expected to qualify to receive an
16 organization grant during the next fiscal year;

17 (2) the amount of money needed to cover all organization
18 grants expected to be awarded during the next fiscal year.

19 Sec. 29.05.210. TRANSITIONAL ASSISTANCE TO BOROUGHES. (a)
20 Within 30 days after the date of incorporation of a borough incorpo-
21 rated after July 1, 1983, the department shall determine the popula-
22 tion of the borough.

23 (b) The department shall provide assistance to each borough in-
24 corporated after July 1, 1983, in

25 (1) establishing the initial sales and use tax assessment
26 and collection department if the borough has adopted a sales or use
27 tax;

28 (2) determining the initial property tax assessment roll if
29 the borough has adopted a property tax, including contracting for

1 appraisals of property needed to complete the initial assessment.

2 (c) This section does not apply to a borough incorporated by
3 consolidation or to a unified municipality.

4 * Sec. 4. AS 29 is amended by adding a new chapter to read:

5 CHAPTER 06. ALTERATION OF MUNICIPALITIES.

6 ARTICLE 1. CHANGE OF NAME.

7 Sec. 29.06.010. CHANGE OF MUNICIPAL NAME. (a) The governing
8 body of a municipality may change the official municipal name by
9 adopting an ordinance for the purpose and filing the ordinance with
10 the office of the lieutenant governor. Upon receipt of an ordinance
11 ratified by the voters, the lieutenant governor shall issue an order
12 to the municipality changing its existing name. The name change shall
13 become effective on a date fixed in the order and occurring within 45
14 days after receipt of the ordinance. A copy of the order shall be
15 transmitted to the department.

16 (b) If an ordinance adopted under (a) of this section that
17 results in a change of the municipal name is subsequently repealed,
18 the lieutenant governor shall issue an order reinstating the former
19 name within 45 days after the date of the order, unless a different
20 name is adopted as provided in (a) of this section.

21 (c) When a municipal name change takes effect by means of an
22 order issued under (a) or (b) of this section, a civil or criminal
23 suit, application, petition, hearing or other proceeding to which the
24 municipality is a party and that is pending at or brought after the
25 date the name change takes effect shall proceed in the municipal name
26 as changed by the order.

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

29 ARTICLE 2. ANNEXATION AND DETACHMENT.

1 Sec. 29.06.040. LOCAL BOUNDARY COMMISSION. (a) The Local
2 Boundary Commission may consider any proposed municipal boundary
3 change. It may reject the proposed change, accept the proposed
4 change, or alter the boundaries and accept the proposal as altered. A
5 Local Boundary Commission decision under this subsection may be ap-
6 pealed under the Administrative Procedure Act (AS 44.62).

7 (b) The Local Boundary Commission may present a proposed muni-
8 cipal boundary change to the legislature during the first 10 days of a
9 regular session. The change becomes effective 45 days after presenta-
10 tion or at the end of the session, whichever is earlier, unless dis-
11 approved by a resolution concurred in by a majority of the members of
12 each house.

13 (c) In addition to the regulations governing annexation by local
14 action adopted under AS 44.47.567, the Local Boundary Commission shall
15 establish procedures for annexation and detachment of territory by
16 municipalities by local action. The procedures established under this
17 subsection include a provision that

18 (1) a proposed annexation and detachment must be approved
19 by a majority of votes on the question cast by voters residing in the
20 area proposed to be annexed or detached;

21 (2) municipally owned property adjoining the municipality
22 may be annexed by ordinance without voter approval; and

23 (3) an area adjoining the municipality may be annexed by
24 ordinance without an election if all property owners and voters in the
25 area petition the governing body.

26 (d) A boundary change effected under (a) and (b) of this section
27 prevails over a boundary change initiated by local action, without
28 regard to priority in time.

29 Sec. 29.06.050. ANNEXATION OF MILITARY RESERVATIONS. A military

1 reservation may be annexed to a municipality in the same manner as
2 prescribed for other territory under AS 29.06.040. If a city in a
3 borough annexes a military reservation under this section, the area
4 encompassing the military reservation automatically is annexed to the
5 borough in which the city is located.

6 Sec. 29.06.060. APPLICATION. AS 29.06.040 - 29.06.060 apply to
7 home rule and general law municipalities.

8 ARTICLE 3. MERGER AND CONSOLIDATION.

9 Sec. 29.06.090. MERGER AND CONSOLIDATION. (a) Two or more
10 municipalities may merge or consolidate to form a single municipality,
11 except a third class borough may not be formed through merger or
12 consolidation.

13 (b) Two methods may be used to initiate merger or consolidation
14 of municipalities:

15 (1) petition to the Local Boundary Commission under regula-
16 tions adopted by the commission; or

17 (2) the local option method specified in AS 29.06.100 -
18 29.06.160.

19 Sec. 29.06.100. PETITION. (a) Residents of two or more munici-
20 palities may file a merger or consolidation petition with the depart-
21 ment. The petition must be signed by a number of voters of each
22 existing municipality equal to at least 25 percent of the number of
23 votes cast in each municipality's last regular election.

24 (b) The petition includes

25 (1) the name and class of each existing municipality;

26 (2) the name and class of the proposed municipality;

27 (3) the proposed composition and apportionment of the
28 governing body;

29 (4) maps, documents, and other information that shows that

1 the proposed municipality meets the standards for municipal incorpora-
2 tion.

3 Sec. 29.06.110. REVIEW. (a) The department shall review a
4 merger or consolidation petition for content and signatures and shall
5 return a deficient petition for correction or completion.

6 (b) If the petition contains the required information and signa-
7 tures, the department shall investigate the proposal.

8 (c) The department shall report its findings to the Local Bound-
9 ary Commission with its recommendations regarding the merger or con-
10 solidation.

11 Sec. 29.06.120. HEARING. After receipt of the report by the
12 department on a merger or consolidation petition, the Local Boundary
13 Commission shall hold at least one public hearing in each of the
14 existing municipalities included in the petition, unless officials of
15 the municipalities agree to a single hearing.

16 Sec. 29.06.130. DECISION. (a) If the Local Boundary Commission
17 determines that the proposed municipality fails to meet the standards
18 for incorporation, it shall reject the merger or consolidation peti-
19 tion. If the commission determines that the proposed municipality
20 meets these standards, it shall accept the petition. If the commis-
21 sion determines that the proposed boundaries or the composition and
22 apportionment of the governing body can be altered to meet the stan-
23 dards, it may alter the proposal and accept the petition.

24 (b) A Local Boundary Commission decision under this section may
25 be appealed under the Administrative Procedure Act (AS 44.62).

26 Sec. 29.06.140. ELECTION. (a) The Local Boundary Commission
27 shall immediately notify the director of elections of its acceptance
28 of a merger or consolidation petition. Within 30 days after
29 notification, the director of elections shall order an election in the

1 area to be included in the new municipality to determine whether the
2 voters desire merger or consolidation. The election must be held not
3 less than 30 or more than 90 days after the election order. A voter
4 who is a resident of the area to be included in the proposed muni-
5 cipality may vote.

6 (b) The director of elections shall supervise the election in
7 the general manner prescribed by the Alaska Election Code (AS 15).
8 The state shall pay all election costs.

9 (c) The director of elections shall certify the election re-
10 sults. If merger or consolidation is approved, the director of elec-
11 tions shall, within 10 days, set a date for election of officials of
12 the new municipality. The election date must be not less than 60 or
13 more than 90 days after the election order and it is the effective
14 date for the merger or consolidation.

15 Sec. 29.06.150. ASSETS AND LIABILITIES. (a) When two or more
16 municipalities merge, one succeeds to the rights, powers, duties,
17 assets, and liabilities of the others.

18 (b) When two or more municipalities consolidate, the newly
19 incorporated municipality succeeds to the rights, powers, duties,
20 assets, and liabilities of the consolidated municipalities.

21 Sec. 29.06.160. TRANSITION. After merger or consolidation, the
22 ordinances, resolutions, regulations, procedures, and orders of the
23 former municipalities remain in force in their respective territories
24 until superseded by the action of the new municipality.

25 Sec. 29.06.170. APPLICATION. AS 29.06.090 - 29.06.170 apply to
26 home rule and general law municipalities.

27 ARTICLE 4. UNIFICATION OF MUNICIPALITIES.

28 Sec. 29.06.190. UNIFICATION OF MUNICIPALITIES AUTHORIZED. A
29 borough and all cities in the borough may unite to form a single unit

1 of home rule government by complying with AS 29.06.190 - 29.06.410.

2 Sec. 29.06.200. UNIFICATION PROPOSED. (a) Formation of a
3 charter commission to prepare a unification charter shall be proposed
4 by resolution of the assembly or by petition. A resolution to propose
5 formation of a charter commission may be adopted not more often than
6 once every 12 months.

7 (b) An assembly, a council, or a person living in the area
8 proposed for unification may initiate a unification petition.

9 Sec. 29.06.210. PETITION REQUIREMENTS. (a) A unification peti-
10 tion shall read:

11 "PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICA-
12 TION CHARTER. We, the undersigned, qualified voters of the borough do
13 hereby petition that the following proposition be placed before the
14 voters as provided by law: 'Shall a charter commission be formed (and
15 charter commission members be elected as elsewhere provided on this
16 ballot) to prepare, adopt and submit to the voters for their approval
17 or rejection a proposed charter uniting the borough and all cities
18 within it as a single unit of home rule government having the powers,
19 duties and functions of a unified municipality as authorized by law?
20 Yes [] No []'

21 Inside First Outside First
22 Class or Class or
23 Signature Address Home Rule City [] Home Rule City []"

24 (b) The petition shall be signed by at least

25 (1) the number of voters residing outside all home rule and
26 first class cities in the borough equal to 25 percent of the votes
27 cast in that area in the last regular borough election; and

28 (2) the number of voters residing in home rule or first
29 class cities in the borough equal to 25 percent of the votes cast in

1 all home rule and first class cities in the borough in the last regu-
2 lar borough election.

3 Sec. 29.06.220. REVIEW OF PETITION. The assembly shall review a
4 unification petition within 15 days to determine whether it complies
5 with AS 29.06.210. If the petition does not meet the designated re-
6 quirements, it shall be immediately returned to the person who ini-
7 tiated the petition with a statement indicating which requirements
8 have not been satisfied.

9 Sec. 29.06.230. DUTIES OF CHARTER COMMISSION. The charter
10 commission shall prepare, adopt, and submit to the voters for approval
11 or rejection a proposed home rule charter for the area to be unified.

12 Sec. 29.06.240. COMPOSITION OF CHARTER COMMISSION. The charter
13 commission shall consist of 11 voters, three of whom are residents
14 elected at large from the borough and eight of whom, proportionate to
15 the population as determined by the department, are

16 (1) residents of and elected from the area outside all home
17 rule and first class cities in the borough; or,

18 (2) residents of and elected from home rule or first class
19 cities in the borough.

20 Sec. 29.06.250. CHARTER COMMISSION NOMINATIONS. (a) If the
21 assembly determines that a unification petition meets the requirements
22 of AS 29.06.210, or the assembly by its resolution proposes an elec-
23 tion or formation of a charter commission, the assembly shall issue a
24 call for the nomination of commission candidates, specifying the
25 filing deadline and the procedure for making nominations.

26 (b) Charter commission candidates shall be nominated by petition
27 signed by at least 50 voters of the area from which the candidate
28 seeks election, or by a number of voters from that area equal to at
29 least 10 percent of the number of votes cast from that area in the

1 last regular borough election, whichever is less.

2 (c) Nomination petitions shall be filed with the borough clerk
3 at least 30 days after notice of the call for nominations has been
4 given and on or before a date fixed by the assembly.

5 (d) If at least one nomination of a qualified charter commission
6 candidate for each available seat is not filed, the unification peti-
7 tion or resolution to propose formation of a charter commission is
8 void and no election on the question shall be held.

9 Sec. 29.06.260. QUALIFICATIONS OF CANDIDATES. A person is eli-
10 gible to be nominated as a candidate for the charter commission if
11 that person was a voter of the area from which election is sought for
12 at least one year immediately preceding the date the nomination peti-
13 tion is filed.

14 Sec. 29.06.270. ELECTION OF CHARTER COMMISSION. (a) After
15 receipt of a valid unification petition or adoption of an assembly
16 resolution to propose formation of a charter commission, the assembly
17 shall submit to the voters the question of whether a charter commis-
18 sion shall be formed to prepare a proposed unification charter. The
19 vote shall be held at the next regular borough election scheduled at
20 least 90 days after receipt of the petition or adoption of the resolu-
21 tion. The ballot shall be worded exactly as in AS 29.06.210(a).

22 (b) The election of charter commission members shall take place
23 at the same time as the election on the question of formation of the
24 commission.

25 (c) All costs incurred in conducting an election under AS 29.-
26 06.190 - 29.06.410 shall be paid by the borough.

27 Sec. 29.06.280. REQUIREMENTS FOR APPROVAL OF FORMATION AND
28 ELECTION OF CHARTER COMMISSION. (a) The votes on the question of
29 formation of a charter commission shall be tabulated in two separate

1 classifications. One classification consists of all votes cast in
2 first class and home rule cities in the borough. The other classifi-
3 cation consists of all votes cast in the remaining area of the bor-
4 ough. In order for formation of a charter commission to be approved,
5 a majority of the votes in each classification must favor formation of
6 the commission.

7 (b) If formation of a charter commission is approved, the candi-
8 dates who received the highest number of votes from their respective
9 areas shall serve as members of the commission.

10 Sec. 29.06.290. CHARTER COMMISSION ORGANIZATION AND PROCEDURE.

11 (a) The charter commission shall hold its first meeting within 30
12 days after certification of its election. The commission shall elect
13 from among its members a chairman and a deputy chairman.

14 (b) A majority of the total membership of the charter commission
15 constitutes a quorum. A decision of the commission is not valid or
16 binding unless approved by the number of members necessary to consti-
17 tute a quorum.

18 (c) The charter commission may elect other officials from among
19 its membership, adopt rules governing its procedures that are consis-
20 tent with AS 29.06.190 - 29.06.410 and hire and discharge employees.

21 (d) Meetings of the charter commission shall be open to the
22 public at all times. A journal of commission proceedings shall be
23 kept and made available for public inspection at the borough office.

24 Sec. 29.06.300. VACANCIES. (a) Vacancies on the charter com-
25 mission shall be filled by a majority vote of the commission, except
26 the assembly shall appoint members to fill vacancies if, after a
27 proposed charter is rejected by the voters, more than one-half of the
28 members resign.

29 (b) A person who fills a vacancy on the charter commission must

1 be a voter of the same area as the person succeeded and must have been
2 a voter of that area for at least one year immediately preceding the
3 date the vacancy is filled.

4 Sec. 29.06.310. PER DIEM. The assembly may grant a per diem
5 allowance to members of the charter commission and may reimburse the
6 members for travel expenses incurred in carrying out the duties pre-
7 scribed by AS 29.06.190 - 29.06.410. Costs, fees, and other expenses
8 incurred by the commission are a debt of the borough and shall be paid
9 upon proper verification.

10 Sec. 29.06.320. CHARTER PROVISIONS. The charter shall include

11 (1) provision for

12 (A) adjustment of existing bonded indebtedness and
13 other obligations in a manner that will assure a fair and equit-
14 able burden of taxation for debt service, subject to AS 29.06.-
15 380;

16 (B) the establishment of service areas;

17 (C) if election of members of the governing body is
18 not areawide, the establishment of districts for the election of
19 members of the governing body of the proposed unified municipal-
20 ity and procedures by which to reapportion the election dis-
21 tricts;

22 (D) reapportionment of districts if they are estab-
23 lished;

24 (E) nonpartisan government, and the selection, organi-
25 zation, authority, and responsibilities of the governing body and
26 its executive and administrator;

27 (F) the transfer or other disposition of property and
28 other rights, claims, assets, and franchises of the
29 municipalities to be unified under the charter;

- 1 (G) exercise of the rights of initiative and referen-
2 dum;
3 (2) a method of amending the charter;
4 (3) the date on which the charter, if approved at the
5 charter election, is effective;
6 (4) designation of the proposed unified municipality's
7 official name;
8 (5) other charter provisions that may be included in a home
9 rule charter.

10 Sec. 29.06.330. PUBLIC HEARINGS. Both before and after drafting
11 the proposed home rule charter, the charter commission shall hold a
12 public hearing in each area represented on the assembly. Other public
13 hearings may be held by the commission as it considers necessary.

14 Sec. 29.06.340. FILING OF PROPOSED CHARTER. Upon the adoption
15 of a proposed home rule charter by the charter commission, the charter
16 shall be signed by at least a majority of the total membership of the
17 commission and shall be filed with the borough clerk. A copy of the
18 charter with signatures affixed shall also be filed with the clerk of
19 each city in the borough.

20 Sec. 29.06.350. PUBLICATION AND POSTING OF PROPOSED CHARTER.
21 Within 10 days after filing the proposed home rule charter, the bor-
22 ough clerk shall have it published. In addition, the clerk shall have
23 a copy of the proposed charter posted in at least three public places
24 in each city and each unincorporated community in the borough. Copies
25 of the proposed charter shall be made available by the assembly to the
26 public at both the office of the borough clerk and the office of the
27 clerk of each city in the borough. The clerk shall have notice of the
28 publication, posting, and availability of the proposed charter
29 published.

1 Sec. 29.06.360. ELECTION ON CHARTER. (a) The proposed home
2 rule charter adopted by the charter commission shall be submitted to
3 the voters at a borough election held within 60 days of the date of
4 publication and posting of the proposed charter. The borough clerk
5 shall prepare the ballots for use in the election and shall give
6 notice of the election by radio and television in a manner intended to
7 apprise the entire borough population of the election. The election
8 shall be conducted under procedures applicable to regular elections.

9 (b) A person who is a voter of the borough may vote in the elec-
10 tion on the proposed charter.

11 (c) If a majority of the votes in the area of the borough out-
12 side all home rule or first class cities, and a majority of the votes
13 in all home rule and first class cities in the borough are cast in
14 favor of the proposed charter, the charter is ratified. If the char-
15 ter is ratified, election results shall be certified to the commission
16 and two copies of the charter shall be filed with

- 17 (1) the lieutenant governor;
- 18 (2) the commissioner of the department;
- 19 (3) the district recorder for the area of the borough;
- 20 (4) the clerk of the borough;
- 21 (5) the clerk of each city in the borough.

22 (d) If a proposed charter is rejected, the charter commission
23 shall prepare, adopt, and submit another proposed charter to the
24 voters at a borough election held within one year after the date of
25 the first charter election. If the second proposed charter is also
26 rejected, the charter commission shall be dissolved and the question
27 of unification shall be treated as if it had never been proposed or
28 approved.

29 Sec. 29.06.370. EFFECT OF THE CHARTER AFTER RATIFICATION. Upon

1 ratification, the home rule charter of a unified municipality operates
2 to dissolve all municipalities in the area unified in accordance with
3 the charter.

4 Sec. 29.06.380. ASSETS AND LIABILITIES. A unified municipality
5 shall succeed to all the assets and liabilities of the municipalities
6 it unified. A bonded indebtedness or other debt incurred before
7 unification remains the tax obligation of the area that contracted the
8 debt, except that by ordinance the tax obligation may be assumed by a
9 larger area if the governing body determines that the asset for which
10 the bonded indebtedness or other debt was incurred benefited the
11 larger area before unification, or benefits the larger area after
12 unification. However, bonded indebtedness or other debt for sewage
13 collection systems, water distribution systems, and streets, even if
14 determined to be benefiting a larger area than that which incurred the
15 debt, remains the tax obligation of the area that incurred the debt.

16 Sec. 29.06.390. TRANSITION. Within two years after ratification
17 of the home rule charter, the unified municipality shall revise,
18 repeal, or reaffirm all municipal ordinances, resolutions, and orders
19 in effect in the area of the unified municipality on the date of
20 unification. Each ordinance, resolution, regulation, or order in
21 effect on the date of unification remains in effect until superseded
22 by action of the unified municipality.

23 Sec. 29.06.400. RIGHT TO STATE AND FEDERAL AID. All provisions
24 of law authorizing aid from the state or federal government to a
25 former municipality that was in the area of a unified municipality
26 remain in effect after unification.

27 Sec. 29.06.410. POWERS OF A UNIFIED MUNICIPALITY. A municipal-
28 ity unified under AS 29.06.190 - 29.06.410 has all powers

29 (1) not prohibited by law or charter; and

1 (2) granted to a home rule borough.

2 Sec. 29.06.420. APPLICATION. AS 29.06.190 - 29.06.420 apply to
3 home rule and general law municipalities.

4 ARTICLE 5. DISSOLUTION.

5 Sec. 29.06.450. METHODS OF DISSOLUTION. (a) Two petition
6 methods may be used to initiate dissolution of a municipality;

7 (1) petition to the Local Boundary Commission under regula-
8 tions adopted by the commission; or

9 * (2) the local option method specified in AS 29.06.460 -
10 29.06.510.

11 (b) The department shall investigate a municipality that it con-
12 siders to be inactive and shall report to the Local Boundary Commis-
13 sion on the status of the municipality. The commission may submit its
14 recommendation to the legislature that the municipality be dissolved
15 in the manner provided for submission of boundary changes in art. X,
16 sec. 12 of the state constitution.

17 (c) A borough is dissolved when its entire territory is included
18 in a home rule or first class city or cities. A city is dissolved
19 when all its powers become areawide borough powers.

20 Sec. 29.06.460. PETITION. (a) Residents of a municipality may
21 file a dissolution petition with the department in the form prescribed
22 by the department. The petition must be signed by a number of voters
23 equal to at least 25 percent of the number of votes cast in the last
24 regular election in that municipality.

25 (b) The petition must include

26 (1) the name of the municipality;

27 (2) maps, documents, and other information showing that the
28 municipality meets the standards for dissolution.

29 Sec. 29.06.470. STANDARDS. (a) Except as provided in (b) of

CORRECTION

CORRECTION

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3 the charter.

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7 unification remains the tax obligation of the area that contracted the
8 debt, except that by ordinance the tax obligation may be assumed by a
9 larger area if the governing body determines that the asset for which
10 the bonded indebtedness or other debt was incurred benefited the
11 larger area before unification, or benefits the larger area after
12 unification. However, bonded indebtedness or other debt for sewage
13 collection systems, water distribution systems, and streets, even if
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15 debt, remains the tax obligation of the area that incurred the debt.

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17 of the home rule charter, the unified municipality shall revise,
18 repeal, or reaffirm all municipal ordinances, resolutions, and orders
19 in effect in the area of the unified municipality on the date of
20 unification. Each ordinance, resolution, regulation, or order in
21 effect on the date of unification remains in effect until superseded
22 by action of the unified municipality.

23 Sec. 29.06.400. RIGHT TO STATE AND FEDERAL AID. All provisions
24 of law authorizing aid from the state or federal government to a
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26 remain in effect after unification.

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8 tions adopted by the commission; or

9 * (2) the local option method specified in AS 29.06.460 -
10 29.06.510.

11 (b) The department shall investigate a municipality that it con-
12 siders to be inactive and shall report to the Local Boundary Commis-
13 sion on the status of the municipality. The commission may submit its
14 recommendation to the legislature that the municipality be dissolved
15 in the manner provided for submission of boundary changes in art. X,
16 sec. 12 of the state constitution.

17 (c) A borough is dissolved when its entire territory is included
18 in a home rule or first class city or cities. A city is dissolved
19 when all its powers become areawide borough powers.

20 Sec. 29.06.460. PETITION. (a) Residents of a municipality may
21 file a dissolution petition with the department in the form prescribed
22 by the department. The petition must be signed by a number of voters
23 equal to at least 25 percent of the number of votes cast in the last
24 regular election in that municipality.

25 (b) The petition must include

26 (1) the name of the municipality;

27 (2) maps, documents, and other information showing that the
28 municipality meets the standards for dissolution.

29 Sec. 29.06.470. STANDARDS. (a) Except as provided in (b) of

1 this section, residents of a municipality may petition for dissolution
2 when the municipality is free of debt, or, if in debt, each of its
3 creditors is satisfied with a method of repayment and

4 (1) it no longer meets the minimum standards prescribed for
5 incorporation by AS 29.05, or former AS 29.18.030 if it is a third
6 class borough; or

7 (2) the municipality ceases to use each of its mandatory
8 powers.

9 (b) Residents of a city in a borough may petition for dissolu-
10 tion of the city if the borough consents to assume the city's rights,
11 powers, duties, assets, and liabilities. The consent must be ratified
12 by a majority of borough voters voting on the question.

13 Sec. 29.06.480. REVIEW. (a) The department shall review a dis-
14 solution petition for content and signatures, and shall return a defi-
15 cient petition for correction or completion.

16 (b) If the petition contains the required information and signa-
17 tures, the department shall investigate the proposal.

18 Sec. 29.06.490. REPORT AND HEARING. (a) The department shall
19 report its findings to the Local Boundary Commission with its recom-
20 mendation regarding the dissolution of a municipality .

21 (b) The Local Boundary Commission shall hold at least one public
22 hearing in the municipality proposed to be dissolved.

23 Sec. 29.06.500. DECISION. (a) If the Local Boundary Commission
24 determines that a municipality fails to meet the standards for disso-
25 lution, it shall reject the petition. If the commission determines
26 that the municipality meets the standards, it shall accept the peti-
27 tion.

28 (b) A Local Boundary Commission decision under this section may
29 be appealed under the Administrative Procedure Act (AS 44.62).

1 Sec. 29.06.510. ELECTION. (a) The Local Boundary Commission
2 shall immediately notify the director of elections of its acceptance
3 of a dissolution petition. Within 30 days after notification, the
4 director of elections shall order an election in the municipality to
5 determine whether the voters desire dissolution. The election must be
6 held at least 30 and not more than 90 days after the election order.
7 A person who is a voter of the municipality may vote in the dissolu-
8 tion election.

9 (b) The director of elections shall supervise the election in
10 the general manner prescribed by the Alaska Election Code (AS 15).
11 The state shall pay all election costs.

12 (c) The director of elections shall certify the election re-
13 sults. If dissolution is approved, the director of elections shall
14 declare that the municipality is dissolved effective on the date of
15 certification.

16 Sec. 29.06.520. SUCCESSION. The government succeeding to a dis-
17 solved municipality succeeds to all its rights, powers, duties, as-
18 sets, and liabilities.

19 Sec. 29.06.530. APPLICATION. AS 29.06.450 - 29.06.530 apply to
20 home rule and general law municipalities.

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

22 CHAPTER 10. HOME RULE MUNICIPALITIES.

23 ARTICLE 1. CHARTERS.

24 Sec. 29.10.010. MUNICIPAL CHARTER ADOPTION. (a) A general law
25 borough or first class city may adopt a charter for its own govern-
26 ment. A second class city may adopt a charter for its own government
27 if the department determines from the best figures available that the
28 population of the city is at least 600 permanent residents.

29 (b) At an election to incorporate as a city, an unincorporated

1 community with at least 600 permanent residents may adopt a charter
2 for its own government and incorporate as a home rule municipality.

3 (c) At an election for borough incorporation, an area in the
4 unorganized borough may adopt a charter for its own government and in-
5 corporate as a home rule municipality.

6 (d) A home rule municipality may adopt a new charter.

7 (e) A proposed charter for an existing municipality is prepared
8 by a charter commission. A charter commission election is called by
9 filing a petition with the governing body or by resolution of the
10 governing body. The petition shall be signed by a number of voters
11 equal to 15 percent of the votes cast in the last regular election in
12 the municipality.

13 (f) The proposed charter for an unincorporated community or an
14 area of the unorganized borough shall be filed with the incorporation
15 petition filed under AS 29.05.060.

16 Sec. 29.10.020. MODEL CHARTERS. The department shall prepare at
17 least one model home rule charter for a borough and at least one model
18 home rule charter for a city. The model charters shall be made avail-
19 able to persons interested in filing a petition to incorporate a home
20 rule municipality under AS 29.05.060.

21 Sec. 29.10.030. INITIATIVE AND REFERENDUM. (a) A home rule
22 charter shall provide procedures for initiative and referendum.

23 (b) A charter may not require an initiative or referendum peti-
24 tion to have a number of signatures greater than 25 percent of the
25 total votes cast in the municipality at the last regular election.

26 (c) A charter may not permit the initiative and referendum to be
27 used for a purpose prohibited by art. XI, sec. 7 of the state consti-
28 tution.

29 Sec. 29.10.040. CHARTER COMMISSION CANDIDATES. (a) A candidate

1 for a charter commission shall be a voter of an existing municipality
2 for three years immediately preceding the charter commission election.

3 (b) A charter commission candidate is nominated by a petition
4 signed by at least 50 voters or the number of voters equal to 10
5 percent of the number of votes cast in the municipality during the
6 last regular election, whichever is less. A nomination petition shall
7 be filed with the municipal clerk on or before a date fixed by the
8 governing body.

9 (c) If at least seven nominations for qualified charter commis-
10 sion candidates are not filed, the petition or resolution calling for
11 a charter commission is void and no election on the question may be
12 held.

13 Sec. 29.10.050. CHARTER COMMISSION ELECTION. At a charter com-
14 mission election the voters of an existing municipality shall consider
15 the question "Shall a charter commission be elected to prepare a pro-
16 posed charter?" and shall elect the members of the commission. If the
17 question is approved, the seven candidates receiving the highest
18 number of votes shall immediately organize as a charter commission.

19 Sec. 29.10.060. PREPARATION OF CHARTER BY CHARTER COMMISSION.
20 The charter commission shall, within one year, prepare a proposed home
21 rule charter for an existing municipality. The proposed charter shall
22 be signed by a majority of the members of the commission and filed in
23 the office of the municipal clerk. Within 15 days, the clerk shall
24 have the proposed charter published and make copies available. The
25 commission shall give published notice of and hold at least one public
26 hearing on the proposed charter before the signing and filing of the
27 charter.

28 Sec. 29.10.070. CHARTER ELECTION. The proposed home rule
29 charter for an existing municipality shall be submitted to the voters

1 at an election held not less than 30 days or more than 90 days after
2 the proposed charter is published. The proposed home rule charter for
3 an unincorporated community or area in the unorganized borough shall
4 be submitted to the voters at an incorporation election held under
5 AS 29.05.110.

6 Sec. 29.10.080. CHARTER ADOPTION. (a) If a majority of those
7 voting in an existing municipality favor the proposed charter or if a
8 majority of those voting in an unincorporated area in the unorganized
9 borough favor incorporation of a home rule municipality, the proposed
10 charter becomes the organic law of the municipality effective on the
11 date the election is certified. Thereafter, a court shall take judi-
12 cial notice of the charter. The new home rule municipality shall file
13 the indicated number of copies of the charter with

14 (1) the lieutenant governor -- two copies;

15 (2) the department -- two copies;

16 (3) the district recorder -- one copy;

17 (4) the municipal clerk -- one copy.

18 (b) At the time of voting on the proposed charter in a third
19 class borough, voters shall vote also on whether the borough shall on
20 adoption of the charter retain a combined assembly and school board or
21 elect a separate assembly and board as otherwise provided for home
22 rule boroughs. If a combined assembly and school board are approved
23 at the charter election, the assembly serving at the time of the
24 election continues to serve as the assembly and board on voter ap-
25 proval of the charter and until terms of assembly members expire as
26 provided before adoption of the charter. If a separate board and
27 assembly are approved at the charter election, a school board shall be
28 elected in conformity with AS 14.12.030 - 14.12.100 at the next
29 regular election, if it occurs within 90 days of the date of the

1 charter election, or otherwise at a special election within 90 days of
2 the date of the charter election. Expiration dates of terms of school
3 board members elected at a special election must coincide with the
4 date of the regular election. Until a board is elected and qualified,
5 the assembly continues to serve as the board.

6 Sec. 29.10.090. CHARTER REJECTION. (a) If a proposed charter
7 for an existing municipality is rejected, the charter commission shall
8 prepare another proposed charter to be submitted to the voters at an
9 election to be held within one year after the date of the first char-
10 ter election. If the second proposed charter is also rejected, the
11 charter commission shall be dissolved and the question of adoption of
12 a charter shall be treated as if it had never been proposed or ap-
13 proved.

14 (b) If incorporation of a home rule municipality is rejected by
15 the voters in an unincorporated community or area in the unorganized
16 borough, the proposed charter is rejected.

17 Sec. 29.10.100. CHARTER AMENDMENT. (a) A home rule charter may
18 be amended as provided in the charter except that no amendment is
19 effective unless ratified by the voters.

20 (b) This section applies to home rule municipalities.

21 ARTICLE 2. HOME RULE LIMITATIONS.

22 Sec. 29.10.200. LIMITATION OF HOME RULE POWERS. Only the fol-
23 lowing provisions of this title apply to home rule municipalities as
24 prohibitions on acting otherwise than as provided. These provisions
25 supersede existing and prohibit future home rule enactments that
26 provide otherwise:

27 (1) AS 29.05.140 (transition)

28 (2) AS 29.06.010 (change of municipal name)

29 (3) AS 29.06.040 - 29.06.060 (annexation and detachment)

- 1 (4) AS 29.06.090 - 29.06.170 (merger and consolidation)
- 2 (5) AS 29.06.190 - 29.06.420 (unification of
- 3 municipalities)
- 4 (6) AS 29.06.450 - 29.06.530 (dissolution)
- 5 (7) AS 29.10.100 (charter amendment)
- 6 (8) AS 29.20.010 (conflict of interest)
- 7 (9) AS 29.20.020 (meetings public)
- 8 (10) AS 29.20.050 (legislative power)
- 9 (11) AS 29.20.060 - 29.20.120 (assembly composition and
- 10 repartitionment)
- 11 (12) AS 29.20.140 (qualifications of members of governing
- 12 body)
- 13 (13) AS 29.20.150 (term of office)
- 14 (14) AS 29.20.220 (executive power)
- 15 (15) AS 29.20.630 (prohibitions)
- 16 (16) AS 29.20.640 (reports)
- 17 (17) AS 29.25.010(a)(10) (municipal exemption on contractor
- 18 bond requirements)
- 19 (18) AS 29.25.050 (codification)
- 20 (19) AS 29.25.060 (resolutions)
- 21 (20) AS 29.26.030 (notice of elections)
- 22 (21) AS 29.26.050 (voter qualification)
- 23 (22) AS 29.26.240 - 29.26.360 (recall)
- 24 (23) AS 29.35.020 (extraterritorial jurisdiction)
- 25 (24) AS 29.35.030 (eminent domain)
- 26 (25) AS 29.35.050 (garbage and solid waste services)
- 27 (26) AS 29.35.070 (public utilities)
- 28 (27) AS 29.35.080 (alcoholic beverages)
- 29 (28) AS 29.35.120 (post audit)

- 1 (29) AS 29.35.150(b) (effect of areawide exercise of
2 borough powers)
- 3 (30) AS 29.35.160 (education)
- 4 (31) AS 29.35.170(b) (assessment and collection of taxes)
- 5 (32) AS 29.35.180(b) (land use regulation)
- 6 (33) AS 29.35.250 (cities inside boroughs)
- 7 (34) AS 29.35.260 (cities outside boroughs)
- 8 (35) AS 29.35.340 (acquisition of areawide power)
- 9 (36) AS 29.40.160(a) - (c) (title to vacated areas)
- 10 (37) AS 29.40.200 (subdivisions of state land)
- 11 (38) AS 29.45.010 - 29.45.570 (property taxes)
- 12 (39) AS 29.45.650(c) and (d) (sales and use tax)
- 13 (40) AS 29.46.090 (exemption from special assessment)
- 14 (41) AS 29.47.200(b) (security for bonds)
- 15 (42) AS 29.47.260 (construction)
- 16 (43) AS 29.60.050(a) (limitation on computation and use of
17 payment)
- 18 (44) AS 29.60.120(a) and (c) (state aid for health
19 facilities and hospitals)
- 20 (45) AS 29.60.230 (state aid for hospital and health
21 facility construction)
- 22 (46) AS 29.65.010 - 29.65.140 (general grant land)

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

24 CHAPTER 20. MUNICIPAL OFFICERS AND EMPLOYEES.

25 ARTICLE 1. CONFLICT OF INTEREST AND PUBLIC MEETINGS.

26 Sec. 29.20.010. CONFLICT OF INTEREST. (a) Each municipality
27 shall adopt a conflict of interest ordinance that provides that

28 (1) a member of the governing body shall declare a
29 substantial financial interest the member has in an official action

1 and ask to be excused from a vote on the matter;

2 (2) the presiding officer shall rule on a request to be
3 excused from a vote; and

4 (3) the decision of the presiding officer on a request to
5 be excused from a vote may be overridden by the majority vote of the
6 governing body.

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

9 Sec. 29.20.020. MEETINGS PUBLIC. (a) Meetings of all municipal
10 bodies shall be public as provided in AS 46.62.310. The governing
11 body shall provide reasonable opportunity for the public to be heard
12 at regular and special meetings.

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

15 ARTICLE 2. GOVERNING BODIES.

16 Sec. 29.20.050. LEGISLATIVE POWER. (a) The legislative power
17 of a borough is vested in the assembly. The legislative power of a
18 city is vested in the council.

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

21 Sec. 29.20.060. ASSEMBLY COMPOSITION AND APPORTIONMENT. (a)
22 Assembly composition and apportionment shall be consistent with the
23 equal representation standards of the Constitution of the United
24 States.

25 (b) The assembly of a newly incorporated borough is, after
26 incorporation and until the adoption of an ordinance providing for a
27 change in composition or apportionment, composed of the number of
28 members and apportioned as set out in the incorporation petition
29 approved by the voters. If the borough is already incorporated, the

1 assembly shall be composed and apportioned in a manner that is consis-
2 tent with the requirements of this section and prescribed by charter
3 or ordinance.

4 (c) An assembly may not provide for weighted voting.

5 (d) A member of the assembly may not be elected or appointed by
6 and from the council of a city in the borough.

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

9 Sec. 29.20.070. ASSEMBLY COMPOSITION AND FORM OF REPRESENTATION.

10 (a) The assembly shall provide for its composition and for the form
11 of its representation.

12 (b) Not later than the first regular election that occurs after
13 the report of a federal decennial census, the assembly shall propose
14 and submit to the voters of the borough, at that regular election or
15 at a special election called for the purpose, one or more forms of
16 assembly representation. The forms of representation that the assem-
17 bly may submit to the voters are:

18 (1) election of members of the assembly at large by the
19 voters throughout the borough;

20 (2) election of members of the assembly by district, in-
21 cluding

22 (A) election at large by the voters throughout the
23 borough, but with a requirement that a candidate live in an
24 election district established by the borough for election of
25 assembly members; or

26 (B) election from election districts established by
27 the borough for the election of assembly members by the voters of
28 a district;

29 (3) election of members of the assembly both at large and

1 by district.

2 (c) A form of assembly representation that includes election of
3 assembly members under (b)(2) or (b)(3) of this section shall be sub-
4 mitted to the voters of the borough with a plan of apportionment as
5 required by AS 29.20.080.

6 (d) The assembly shall, within 30 days after certification of
7 the results of the election held under this section, adopt an ordi-
8 nance providing for

9 (1) composition of the assembly;

10 (2) the form of assembly representation that received the
11 most votes; and

12 (3) if applicable, the apportionment of assembly seats in
13 accordance with the form of representation that received the most
14 votes.

15 (e) This section does not apply to a

16 (1) unified municipality;

17 (2) home rule borough if the home rule charter contains
18 procedures for changing assembly composition and form of representa-
19 tion.

20 Sec. 29.20.080. ASSEMBLY RECOMPOSITION AND REAPPORTIONMENT. (a)
21 Not later than two months after the official report of a federal de-
22 cennial census, the assembly shall determine and declare by resolution
23 whether the existing apportionment of the assembly meets the standards
24 of AS 29.20.060. If the assembly submits to the voters a form of
25 representation that includes election of assembly members under
26 AS 29.20.070(b)(2) or (b)(3) the assembly shall submit with the propo-
27 sition a proposed plan of apportionment that corresponds to the form
28 of representation proposed. The assembly shall describe the plan of
29 apportionment in the ballot proposition, and may present the plan in

1 any manner that it believes accurately describes the apportionment
2 that is proposed under the form of representation. If the assembly
3 determines that its existing apportionment meets the standards of
4 AS 29.20.060, the assembly may include the existing apportionment as a
5 proposed plan of apportionment of assembly seats that corresponds to a
6 form of representation that is proposed.

7 (b) The assembly shall provide, by ordinance, for a change in an
8 existing apportionment of the assembly whenever it determines that the
9 apportionment does not meet the standards of AS 29.20.060. At the
10 same time, the assembly may, by ordinance, change the composition of
11 the assembly.

12 (c) If a petition signed by not less than 50 voters requests the
13 assembly to determine whether the existing apportionment meets the
14 standards for apportionment in AS 29.20.060, and the petition contains
15 evidence that the existing apportionment does not meet those stan-
16 dards, the assembly may make the determination requested. The assem-
17 bly shall make a determination required by this subsection within two
18 months of receipt of a petition that meets the requirements of this
19 subsection.

20 (d) An ordinance adopted by the assembly under (b) or (c) of
21 this section shall be submitted to the voters for approval. In order
22 for the ordinance to be approved it must receive the approval of a
23 majority of the votes cast.

24 (e) Within six months after a determination by the assembly
25 under (b) or (c) of this section that the current apportionment does
26 not meet the standards of AS 29.20.060 the assembly shall adopt an
27 ordinance providing for reapportionment and submit the ordinance to
28 the voters. If, at the end of the six-month time period, an ordinance
29 providing for reapportionment has not been approved by the voters, the

1 commissioner shall provide for the reapportionment in accordance with
2 the standards of AS 29.20.060 by preparing an order of reapportionment
3 and delivering the order to the borough mayor.

4 Sec. 29.20.090. APPORTIONMENT APPEALS. (a) A reapportionment
5 ordinance approved by the voters, or a decision of the assembly that
6 the standards of AS 29.20.060 do not require a change in appor-
7 tionment, may be appealed to the commissioner. Fifty voters may submit a
8 petition to the commissioner requesting the commissioner to determine
9 whether the proposed reapportionment ordinance approved by the voters
10 meets the standards of AS 29.20.060 or whether a decision of the
11 assembly that the standards of AS 29.20.060 do not require a change of
12 apportionment is correct. If the petition asks the commissioner to
13 review an ordinance approved by the voters under AS 29.20.080(e), the
14 petition shall be delivered to the commissioner not later than 20 days
15 after certification of the election. If the petition asks the commis-
16 sioner to review a decision of the assembly under AS 29.20.080(c), the
17 petition shall be delivered to the commissioner within 20 days of the
18 decision of the assembly.

19 (b) The commissioner shall review the petition and may make the
20 determination requested. The commissioner shall provide copies of the
21 determination to the persons petitioning for appeal and to borough
22 officials not later than 60 days after the commissioner receives the
23 petition.

24 (c) If the commissioner determines that the proposed reappor-
25 tionment ordinance approved by the voters does not meet the standards
26 of AS 29.20.060, or if the commissioner determines that the decision
27 of the assembly that the standards of AS 29.20.060 do not require a
28 change of apportionment is not correct, the commissioner shall, by
29 order, direct the assembly to prepare a reapportionment ordinance that

1 meets the standards of AS 29.20.060 and submit the ordinance to the
2 voters.

3 (d) When the assembly has been directed by the commissioner to
4 prepare a reapportionment ordinance under (c) of this section, the
5 assembly shall, within two months after its receipt of the commis-
6 sioner's order, adopt an ordinance providing for reapportionment. The
7 assembly shall submit an ordinance adopted under this subsection to
8 the voters at an election held within 60 days after the date of adop-
9 tion of the reapportionment ordinance.

10 (e) If at the end of the time period provided under (d) of this
11 section an ordinance providing for reapportionment has not been ap-
12 proved by the voters, the commissioner shall provide for the reappor-
13 tionment of the assembly in accordance with the standards of AS 29.-
14 20.060 by preparing an order of reapportionment and delivering the
15 order to the borough mayor.

16 Sec. 29.20.100. JUDICIAL REVIEW AND RELIEF. (a) The commis-
17 sioner may request the superior court to enforce a reapportionment
18 order issued under AS 29.20.090(e).

19 (b) Each of the following is subject to judicial review:

20 (1) a plan of reapportionment approved by the voters under
21 AS 29.20.080(a);

22 (2) a determination by the assembly under AS 29.20.080 that
23 the standards of AS 29.20.060 do not require a change in appor-
24 tionment;

25 (3) a reapportionment ordinance approved by the voters
26 under AS 29.20.080(d);

27 (4) a reapportionment order of the commissioner made under
28 AS 29.20.090(c);

29 (5) a reapportionment ordinance approved by the voters

1 under AS 29.20.090(d); and

2 (6) a reapportionment order of the commissioner made under
3 AS 29.20.090(e).

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

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

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

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

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

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

26 (3) the last day on which the Attorney General of the
27 United States may review a proposed change in the composition or
28 apportionment of the assembly.

29 Sec. 29.20.120. APPLICABILITY OF APPORTIONMENT PROVISIONS. The

1 provisions of AS 29.20.080 - 29.20.110 do not apply to a

2 (1) unified municipality;

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

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

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

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

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

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

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

28 Sec. 29.20.150. TERM OF OFFICE. (a) A member of the governing
29 body is elected for a three-year term and until his successor qual-

1 ifies, unless a different term not exceeding four years is prescribed
2 by home rule charter or ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

27 (3) resigns and the resignation is accepted;

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

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

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

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

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

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

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

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

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

23 ARTICLE 3. MUNICIPAL EXECUTIVE AND ADMINISTRATOR.

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

28 (b) The mayor acts as ceremonial head of government, executes
29 official documents on authorization of the governing body, and is

1 responsible for additional duties and powers prescribed by this chap-
2 ter or by home rule charter.

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

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

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

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

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

27 (b) Residency requirements for the office of mayor not exceeding
28 three years may be prescribed by ordinance.

29 Sec. 29.20.250. POWERS AND DUTIES OF MAYOR. (a) If a munici-