

ALASKA LEGISLATIVE COMMITTEES DOJ DO 9 DOO / 2

2211 SCRA HB 172 / SB 333 211

Sec. 29.65.090 [29.18.209]. AUTHORIZATION FOR LAND EXCHANGES. The [DIRECTOR, WITH THE CONCURRENCE OF THE] commissioner, and a [ANY] municipality are authorized to exchange land or interests in land when it is in the public interest. Land or interests in land exchanged under this section must be of approximately equal value, including the nonmonetary value of public benefits. Exchange procedures shall comply with applicable law and municipal ordinances. The notice and review provisions of [AS 38.05.305 AND] AS 38.05.345 apply [ARE APPLICABLE TO] to exchanges of land under this section. The provisions of AS 38.50 do not apply to exchanges of land under this section.

EDITOR NOTE: The statutory reference contained in this section is altered to reflect new numbering.

Sec. 29.65.100 [29.18.210]. PUBLIC PURPOSE AND EXPANSION NEEDS.

(a) Consistent with the best interests of the state, if a municipality does not contain and cannot reasonably acquire sufficient nonfederal land within its boundaries to meet its legitimate needs for public or private settlement or development, it shall be the policy of the state to select federal land reasonably necessary to meet the needs of the municipality and to make the land selected available to the municipality under AS 38.05.315 or (b) of this section.

(b) Where state land is the most logical location for demonstrated municipal expansion for nonpublic settlement and development purposes, and when an exchange of land under AS 29.65.090 [§ 209 OF THIS CHAPTER] is not possible or is not in the public interest, it is the policy of the state to sell or lease the land at public auction. The state may contract with a municipality to act as its agent in an auction of state land under applicable statutes. When a municipality acts as the agent of the state in an auction, the municipality may retain from the proceeds of the auction the expenses that the commissioner [WHICH THE DIRECTOR] determines to be necessary and reasonable.

(c) Nothing in this chapter limits or impairs the authority of the commissioner [DIRECTOR] to transfer land to municipalities, without limit or consideration, for public purposes in accordance with AS 38.05.315. If there is a remaining entitlement of the municipality, land transferred under AS 38.05.315 shall be credited toward fulfillment of the entitlement.

EDITOR NOTE: The statutory reference contained in this section is altered to reflect new numbering.

Sec. 29.65.110 [29.18.211]. ELECTION OF BENEFITS.

(a) A municipality that [WHICH] on July 1, 1978, is engaged in litigation, or that [WHICH] becomes engaged in litigation, regarding a claim to state land under former AS 29.18.190 and 29.18.200 [§§ 190 AND 200 OF THIS CHAPTER] shall elect either to obtain the benefits provided in [§§ 201 - 213 OF] this chapter or to pursue the litigation and [THEREBY] waive any claim to entitlement under [§§ 201 - 213 OF] this chapter. An election shall be made by filing a motion for dismissal with prejudice in the court in which the litigation is pending. If the claim involves a municipality identified in AS 29.65.010 [§ 201 OF THIS CHAPTER] , the municipality shall file its motion for dismissal within 60 days after July 1, 1978. If a [THE] claim involves a city eligible to receive an entitlement under AS 29.65.020 [§ 202 OF THIS CHAPTER] the city shall file its motion for dismissal within 60 days after receiving the certificate of entitlement provided by the commissioner [DIRECTOR] under AS 29.65.020 [§ 202 OF THIS CHAPTER]. Failure of the municipality to file a motion for dismissal during the time period provided in this subsection is [SHALL BE] considered a waiver of entitlement under [§§ 201 - 213] this chapter.

(b) A municipality that [WHICH] was eligible to file land selections under former AS 29.18.190 and 29.18.200 [§§ 190 AND 200 OF THIS CHAPTER] and that [WHICH] does not enter into litigation over a claim to rights under those sections before the expiration of the time period within which it could make an election under (a) of this section is [SHALL BE] considered to have elected to receive benefits under [§§ 201 - 213 OF] this chapter and to have waived any claim that [WHICH] might have been raised under former AS 29.18.190 and 29.18.200 [§§ 190 AND 200 OF THIS CHAPTER].

(c) The provisions of [§§ 201 - 213 OF] this chapter do not affect the rights [, IF ANY] of a [ANY] party to litigation regarding the former AS 29.18.190-29.18.200 or 29.18.420 [WHICH LITIGATION IS] maintained by a municipality that [WHICH] has elected not to obtain the benefits provided by [§§ 201 - 213 OF] this chapter.

EDITOR NOTE: Since this material is now organized in a separate chapter, the statutory reference to the sections dealing with general grant land is eliminated.

Sec. 29.65.120 [29.18.212]. ADMINISTRATION. The commissioner may adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) necessary to carry out the purposes of [AS 29.18.201 - 29.18.213] this chapter.

EDITOR NOTE: 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.

Sec. 29.65.130 [29.18.213]. DEFINITIONS. In this chapter [AS 29.18.201 - 29.18.213], unless the context otherwise requires,

[(1) REPEALED BY § 45 CH 85 SLA 1979.]

(1) [(2)] "approved selection" means a municipal land selection that [WHICH] has been approved in writing by director for transfer by patent to a municipality;

(2) [(3)] "commissioner" ["DIRECTOR"] means the commissioner [DIRECTOR] of [THE DIVISION OF LANDS, DEPARTMENT OF] [N]natural [R]resources, or the commissioner's [HIS] designee;

(3) [(4)] "general grant land" means land patented or tentatively approved to the state from the United States under sec. [§] 6(a) or (b) of the Alaska Statehood Act;

(4) [(5)] "mental health land" means land granted under Title II, sec. [§] 202 of P.L. 84-830, as amended before or after July 1, 1978;

(5) [(6)] "municipal land selection" means a request by a municipality, filed in writing with the Department of Natural Resources [DIRECTOR] under authority of former AS 29.18.190 and 29.18.200 or under this chapter [REPEALED BY THIS ACT OR UNDER AS 29.18.201 - 29.18.213] for vacant, unappropriated, unreserved general grant land within its municipal boundaries in partial fulfillment of its municipal entitlement;

[(7)] "MUNICIPALITY MEANS A HOME RULE OR GENERAL LAW CITY OR ORGANIZED BOROUGH OF ANY CLASS, AND INCLUDES UNIFIED MUNICIPALITIES ESTABLISHED UNDER AS 29.68.240 - 29.68.440,]

(6) [(8)] "patent" means a document, issued [BY THE DIRECTOR] to a municipality for a previously approved selection, that conveys and quitclaims all the right, title, and interest of the state without reservation or condition except as may be required by law;

(7) [(9)] "remaining entitlement" means the general grant land entitlement determined in accordance with this chapter [AS 29.18.201 - 29.18.213], reduced by the total acreage of approved selections, including both patented and unpatented parcels;

(8) [(10)] "school land" means those rectangular sections 16 and 36 within each township surveyed on or before January 3, 1959, and confirmed and transferred to the State of Alaska upon its admission under sec. 6(k), Alaska Statehood Act, 72 Stat. 339, and any other land designated solely for school revenues;

[(11) "UNIVERSITY LAND" MEANS ALL SECTIONS 33 RESERVED TO THE UNIVERSITY UNDER 38 STAT. 1214, AS AMENDED (48 U.S.C. 353) AND ALL LAND GRANTED TO OR RESERVED FOR THE BENEFIT OF THE UNIVERSITY:]

(9) [(12) "vacant, unappropriated, unreserved land" means general grant land as defined in (4) of this section, excluding minerals as required by sec. 6(i) of the Alaska Statehood Act, that [WHICH]

(A) has not been set aside by statute for one or more particular uses or purposes;

(B) has not been approved for patent to a municipality under [AS 29.18.201 - 29.18.213] this chapter or former AS 29.18.190 and 29.18.200 [REPEALED BY THIS ACT]; or

(C) is unclassified or, if classified under AS 38.05.300, is classified for agricultural, grazing, commercial, industrial, private recreational, residential, utility, or open-to-entry purposes, or is [WHERE] classified in accordance with an agreement between a municipality and the state providing for state management of land of the municipality.

EDITOR NOTE: 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.

Sec. 29.65.140. APPLICATION. This chapter applies to home rule and general law municipalities.

* Sec. 17. AS 29 is amended by adding a new chapter to read:

CHAPTER 71 [73]. GENERAL [MISCELLANEOUS] PROVISIONS.

EDITOR NOTE: No substantive change.

Sec. 29.71.010 [29.18.030]. ADVERSE POSSESSION. A [HOME RULE OR GENERAL LAW] municipality may not be divested of title to real property by adverse possession.

EDITOR NOTE: 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. This section is applicable to home rule municipalities.

Sec. 29.71.020. DEDICATION OF MUNICIPAL PROPERTY. Dedication of streets, rights-of-way, easements or other areas for public use may not be construed to require the municipality to maintain, improve or provide for municipal services in the area dedicated and the dedication does not impose any liability on the municipality for the condition of the area dedicated.

EDITOR NOTE: No substantive change.

Sec. 29.71.030 [29.73.040]. TAXATION OF MUNICIPALITIES. No state law or regulation may assess or tax, or be construed to assess or tax, a municipality [HOME RULE OR GENERAL LAW CITIES OR BOROUGHES OF THE STATE,] unless the law or regulation expressly provides that the municipality is [CITIES OR BOROUGHES ARE] to be assessed or taxed by the particular law or regulation.

EDITOR NOTE: 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 corporation;

(14) "non-areawide" includes the area of a borough outside cities in the borough, while under existing law "non-areawide power" is defined;

(15) "owner" or "record owner" means the owner of record shown in the records of the district recorder;

(20) minor rewording;

(21) this has been added;

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

(24) this has been added;

(25) minor rewording;

The definition of "municipal election" has been eliminated.

Sec. 29.71.800 [29.78.010]. DEFINITIONS. In this title, unless otherwise provided or the context otherwise requires,

(1) "areawide" means throughout a borough, both inside and outside all cities in the borough; ["BOROUGH" MEANS A GENERAL LAW FIRST, SECOND OR THIRD CLASS ORGANIZED BOROUGH;]

(2) "assembly" means the governing body of a borough; ["CITY" MEANS A GENERAL LAW FIRST OR SECOND CLASS CITY;]

(3) "borough" means a general law borough or a home rule borough; ["CONDITIONAL USE" MEANS EXCEPTION, SPECIAL EXCEPTION, SPECIAL USE, OR SPECIAL PERMIT DESIGNATED IN THE ZONING ORDINANCE;]

(4) "city" means a general law first or second class city or a home rule city; ["CONSOLIDATION" MEANS DISSOLUTION OF TWO OR MORE MUNICIPALITIES AND THEIR INCORPORATION AS A NEW MUNICIPALITY;]

(5) "commissioner" means the commissioner of community and regional affairs; ["MAJORITY" MEANS A SIMPLE MAJORITY;]

(6) "consolidation" means dissolution of two or more municipalities and their incorporation as a new municipality; ["MERGER" MEANS DISSOLUTION OF A MUNICIPALITY AND ITS ABSORPTION BY ANOTHER MUNICIPALITY;]

(7) "council" means the governing body of a city; ["MUNICIPAL ELECTION" INCLUDES BUT IS NOT LIMITED TO ELECTIONS TO CHOOSE CITY COUNCILMEN, BOROUGH ASSEMBLYMEN, SCHOOL BOARD MEMBERS AND UTILITY BOARD MEMBERS;]

(8) "department" means the Department of Community and Regional Affairs; ["MUNICIPALITY" MEANS A GENERAL LAW MUNICIPAL CORPORATION AND POLITICAL SUBDIVISION, WHICH IS A FIRST OR SECOND CLASS BOROUGH OR CITY, OR A THIRD CLASS BOROUGH, INCORPORATED UNDER THE LAWS OF THE STATE;]

(9) "election" means a regular or special municipal election and does not include a state election; ["OWNER", "RECORD OWNER", OR "OWNER OF RECORD" MEANS OWNER OF RECORD OR PURCHASER OF RECORD;]

(10) "governing body" means the legislative body of a municipality that is the assembly of a borough or the council of a city; ["PERSONAL PROPERTY" MEANS TANGIBLE PROPERTY OTHER THAN REAL PROPERTY, SUCH AS MERCHANDISE AND STOCK IN TRADE, MACHINERY AND EQUIPMENT, FURNITURE AND FIXTURES, MOTOR VEHICLES AND VEHICLES, BOATS AND VESSELS AND AIRCRAFT;]

(11) "majority" means a simple majority; ["PROPERTY" MEANS REAL AND PERSONAL PROPERTY;]

(12) "merger" means dissolution of a municipality and its absorption by another municipality; ["PUBLISHED" MEANS APPEARING AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION DISTRIBUTED WITHIN THE MUNICIPALITY OR, IF THERE IS NO NEWSPAPER OF GENERAL CIRCULATION DISTRIBUTED WITHIN THE MUNICIPALITY, POSTING IN THREE PUBLIC PLACES FOR AT LEAST FIVE DAYS;]

(13) "municipality" means a political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality; ["REAL PROPERTY" MEANS LAND AND IMPROVEMENTS AND ALL POSSESSORY RIGHTS AND PRIVILEGES APPURTENANT TO THE PROPERTY, AND INCLUDES PERSONAL PROPERTY AFFIXED TO THE LAND OR IMPROVEMENTS;]

(14) "nonarcawide" means throughout the area of a borough outside all cities in the borough; ["REGULAR ELECTION" MEANS THE MUNICIPAL ELECTION HELD ON THE FIRST TUESDAY OF OCTOBER ANNUALLY, OR ON AN ELECTION DATE OR AT AN INTERVAL OF YEARS PROVIDED BY ORDINANCE;]

(15) "owner" or "record owner" means the owner of record or purchaser of record as shown in the records of the district recorder; ["STREET" INCLUDES STREETS, AVENUES, BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS;]

(16) "personal property" means tangible property other than real property, such as merchandise, stock in trade, machinery, equipment, furniture, fixtures, vehicles, boats, and aircraft; ["SUBDIVISION" MEANS THE DIVISION OF A TRACT OR PARCEL OF LAND INTO TWO OR MORE LOTS, SITES, OR OTHER DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE, OF SALE OR BUILDING DEVELOPMENT, INCLUDES RESUBDIVISION, AND, WHEN APPROPRIATE TO THE CONTEXT, RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR AREA SUBDIVIDED;]

(17) "property" means real and personal property; ["VOTER" MEANS A UNITED STATES CITIZEN WHO IS QUALIFIED TO VOTE IN THE STATE ELECTIONS AND HAS BEEN A RESIDENT OF THE MUNICIPALITY FOR 30 DAYS IMMEDIATELY PRECEDING THE ELECTION AND WHO IS REGISTERED TO VOTE IN STATE ELECTIONS AND IS NOT DISQUALIFIED UNDER ART. V OF THE STATE CONSTITUTION.]

(18) "published" means appearing at least once in a newspaper of general circulation distributed in the municipality or, if there is no newspaper of general circulation distributed in the municipality, posting in three public places for at least five days; ["AREAWIDE POWER" MEANS A POWER OF AN ORGANIZED BOROUGH EXERCISED THROUGHOUT THE BOROUGH;]

(19) "real property" means land and improvements, all possessory rights and privileges appurtenant to the property, and includes personal property affixed to the land or improvements; ["NONAREAWIDE POWER" MEANS A POWER OF AN ORGANIZED BOROUGH EXERCISED BY THE BOROUGH ONLY IN THE AREA OUTSIDE OF CITIES.]

(20) "regular election" means the municipal election held on the first Tuesday of October annually, or on a different date or interval of years provided by ordinance or charter;

(21) "special election" means a municipal election and does not include a regular election or a state election;

(22) "street" includes streets, avenues, boulevards, roads, lanes, alleys, and other ways;

(23) "subdivision"

(A) means the division of a parcel of land into two or more lots or other divisions for the purpose of sale or building development, includes resubdivision, and relates to the process of subdividing or to the land subdivided;

(B) does not include cadastral plats, cadastral control plats, open-to-entry plats, or remote parcel plats created by or on behalf of the state regardless of whether these plats include easements or other public dedications;

(24) "unified municipality" means a municipality unified in accordance with AS 29.06.190 - 29.06.410;

(25) "voter" means a United States citizen who is qualified to vote in state elections, has been a resident of the municipality for 30 days immediately preceding the election, is registered to vote in state elections, and is not disqualified under art. V of the state constitution.

* Section 18. AS 01.10.060 is amended by adding a new paragraph to read:

EDITOR NOTE: A definition of "municipality" is added for all Alaska Statutes.

(15) "municipality" means a political subdivision incorporated under the laws of the state that [WHICH] is a home rule or general law city, a home rule or general law borough, or a unified municipality.

EDITOR NOTE: Section 19 - 93 are altered statutory references reflecting new number with little or no substantive changes as each section indicates. The typing of the sections are done in the prescribed way and you will find the original text of the statute with the changes marked.

* Section 19. AS 05.35.040 is amended to read:

Sec. 05.35.040. POWER OF MUNICIPALITY. A municipality may own, maintain and employ a facility constructed under AS 05.35.010 - 05.35.070. The exercise of this power on an areawide basis is at the option of the borough and is not subject to the restrictions on acquiring additional areawide powers in AS 29.35.300 - 29.35.330 [AS 29.33.250 - 29.33.290].

* Section 20. AS 09.55.275 is amended to read:

Sec. 09.55.275. REPLAT APPROVAL. No agency of the state or municipality may acquire property located within a municipality exercising the powers conferred by AS 29.35.180 or 29.35.260(c) that [WHICH] [AS 29.33.150 - 29.33.245] results in a boundary change unless the agency or municipality first obtains from the municipal platting authority preliminary approval of a replat showing clearly the location of the proposed public streets, easements, rights-of-way, and other taking of private property. Final approval of replat shall be similarly obtained. However, if a state agency clearly demonstrates an overriding state interest, a waiver to the approval requirements of this section may be granted by the governor. The platting authority shall treat applications for replat made by state or local governmental agencies in the same manner as replat petitions originated by private landowners.

* Sec. 21. AS 09.65.070(e)(1) is amended to read:

(1) "municipality" has the meaning given in AS 01.10.060(15) and [MEANS A HOME RULE BOROUGH OR CITY, A GENERAL LAW BOROUGH OR CITY OF ANY CLASS, A UNIFIED MUNICIPALITY ESTABLISHED UNDER AS 29.68.240 - 29.68.440, OR A MUNICIPALITY ESTABLISHED BY MERCER OR CONSOLIDATION UNDER AS 29.68.030 - 29.68.110; THE TERM] includes a public corporation established by a municipality;

* Section 22. AS 14.08.071(b) is amended to read:

(b) Except for the first election of regional school members under (a) of this section, elections shall be held annually on the first Tuesday in October. Elections shall be supervised by the commissioner [DIRECTOR] of elections in the office of the lieutenant governor, but shall be administered within second class cities as part of the regular municipal election. The lieutenant governor shall adopt [PROMULGATE] regulations for the conduct of the election of regional school board members comparable, as far as practicable, to those prescribed for election of school board members under AS 14.12 and AS 29.20.300 [AS 29.28] except that the majority election requirements of AS 29.-26.060 [AS 29.28.040] do not apply to, nor may the regulations require runoff elections for, the first election of regional school board members under (a) of this section or, if a school board by resolution so requests, to subsequent elections in the regional educational attendance area served by that school board.

* Section 23. AS 14.08.081 is amended to read:

Sec. 14.08.081. RECALL. The members of a regional school board are subject to recall in accordance with AS 29.26.240 - 29.26.360 [AS 29.28.130 - 29.28.250], except that the commissioner [DIRECTOR] of the division of elections shall perform the functions of a municipal clerk, and the lieutenant governor shall perform the functions of the assembly or council under those sections.

* Section 24. AS 14.12.030(c) is amended to read:

(c) The [NOTWITHSTANDING THE] provisions of (a) and (b) of this section do not apply if [, WHERE] the [BOROUGH] assembly serves as the school

board of the borough school district [UNDER AS 29.41.020 THE NUMBER OF MEMBERS OF THE ASSEMBLY-SCHOOL BOARD SHALL BE DETERMINED IN THE MANNER PRESCRIBED BY AS 29.23.020].

* Section 25. AS 14.12.110 is amended to read:

Sec. 14.12.110. SINGLE BODY AS ASSEMBLY AND SCHOOL BOARD. Notwithstanding the provisions of this chapter or other law, a single body may serve as both the [BOROUGH] assembly and [BOROUGH] school board in the manner provided for third class boroughs under AS 29.20.300(b) [AS 07.17.030], if

(1) an [A BOROUGH] ordinance for that purpose is approved by the assembly and ratified by a referendum of a majority of the qualified borough voters voting on the question at a regular or special election; [,] and

(2) [IF] the public school population within the borough is 500 pupils or less.

* Section 26. AS 14.14.020 is amended to read:

Sec. 14.14.020. BOND REQUIRED. Before the officer responsible for custody [OF], investment, or management of school district money enters upon the duties of office, the district, or the municipality if the treasury is centralized, shall obtain a bond with sufficient sureties in an amount equal to the money that [WHICH] may come into the officer's official custody, but not to exceed \$50,000. The bond shall be conditioned on the officer's honest and faithful disbursement and accounting of all money that [WHICH] may come into the official custody of the officer. The bond shall be filed with the clerk of the school board. This section does not apply to an officer who has been bonded under AS 29.20.610 [AS 29.23.520].

* Section 27. AS 14.14.050(d) is amended to read:

(d) The school board shall not make the audit if an audit that [WHICH] satisfies the requirements of this section and that [WHICH] is filed and posted as required by this section [,] is made according to AS 29.35.110 [AS 29.48.220].

* Section 28. AS 15.13.010(a) is amended to read:

(a) This chapter applies in every election for governor, lieutenant governor, a member of the state legislature, a delegate to a constitutional convention, or judge seeking electoral confirmation. It also applies to every candidate for election to a municipal office in a municipality [CITY OR BOROUGH] with a population of more than 1,000 inhabitants according to the latest United States census figures or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs. A municipality may exempt its elected municipal officers from the requirements of this chapter if a majority of the voters voting on the question at a [ANY] regular election, as defined by AS 29.71.800(20) [AS 29.78.010(14)], or a special municipality-wide election called for that purpose, vote to exempt its elected municipal officers from the requirements of this chapter. The question of exemption from the requirements of this chapter may be submitted by the governing body [CITY COUNCIL OR BOROUGH ASSEMBLY] by ordinance or by initiative election [ORDINANCE]. Nothing in this chapter prohibits a municipality from regulating by ordinance campaign contributions and expenditures.

* Section 29. AS 15.13.120(f)(3) is amended to read:

(3) AS 29.20.170 [AS 29.23.060(c)], if the candidate is a candidate for the borough assembly;

* Section 30. AS 15.13.120(f)(4) is amended to read:

(4) AS 29.20.280 [AS 29.23.130(f)], if the candidate is a candidate for borough mayor;

* Section 31. AS 15.13.120(f)(5) is amended to read:

(5) AS 29.20.170 [AS 29.23.210(b)], if the candidate is a candidate for city council;

* Section 32. AS 15.13.120(f)(6) is amended to read:

(6) AS 29.20.280 [AS 29.23.255], if the candidate is a candidate for city mayor;

* Section 33. AS 15.56.110(b)(2) is amended to read:

(2) a member of the borough assembly [ASSEMBLYMAN] under AS 29.20.170(6) [AS 29.23.060(c)];

* Section 34. AS 15.56.110(b)(3) is amended to read:

(3) a borough mayor under AS 29.20.280(6) [AS 29.23.130(f)];

* Section 35. AS 15.56.110(b)(4) is amended to read:

(4) a member of the city council [COUNCILMAN] under AS 29.-20.170(6) [AS 29.23.210(b)];

* Section 36. AS 15.56.110(b)(5) is amended to read:

(5) a city mayor under AS 29.20.280(5) [AS 29.23.255];

* Section 37. AS 16.20.036(g) is amended to read:

(g) The establishment of a refuge under this section does not impair or alter existing rights of a municipality [BOROUGH OR CITY] to state land selected [SELECT STATE LAND] under former AS 29.18.190 - 29.18.200.

* Section 38. AS 16.20.038(g) is amended to read:

(g) The establishment of a refuge under this section does not impair or alter existing rights of a municipality [BOROUGH OR CITY] to state land selected [SELECT STATE LAND] under former AS 29.18.190 - 29.18.200.

* Section 39. AS 18.26.250(2) is amended to read:

(2) municipality [MUNICIPAL CORPORATION OR POLITICAL SUBDIVISION OF THE STATE AS THE TERMS ARE USED IN AS 29];

* Section 40. AS 18.80.290(d) is amended to read:

(d) The governing [LEGISLATIVE] body of a general law or home rule municipality has the authority under AS 29.20.320 [AS 29.48.035] to grant to local commissions powers and duties similar to those exercised by the Alaska Human Rights Commission under the provisions of this chapter [ACT].

* Section 41. AS 19.30.241(2) is amended to read:

(2) "home rule city" means a city as defined in AS 29.04.010 [AS 29.08.010];

* Section 42. AS 19.30.241(3) is amended to read:

(3) "local government" means an organized borough of any class, a unified municipality [ORGANIZED UNDER AS 29.68.240 - 29.68.440], a home rule city, or a first class city [OF THE FIRST CLASS];

* Section 43. AS 26.23.230(5) is amended to read:

(5) "political subdivision" means a home rule or general law borough or city [, WHETHER HOME RULE OR OTHERWISE,] including a unified municipality [MUNICIPALITIES UNIFIED UNDER AS 29.68.240 - 29.68.440], an unincorporated village, or other unit of local government;

* Section 44. AS 28.15.051(d) is amended to read:

(d) The department [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] may issue a special driver's permit to a person who is at least 14 years of age with the consent of the person's [HIS] parents or guardians for the purpose of driving a motor-driven cycle. This permit may be issued upon application and successful completion of all prescribed tests and fees, and is valid for the same period of time as a driver's license. The permit is not valid in a municipality that [WHICH] by ordinance prohibits the driving of a motor-driven cycle by a person under the age of 16 years; a borough may adopt the ordinance on a nonareawide basis only, unless the power to adopt it on an areawide basis is acquired under AS 29.35.300 - 29.35.330 or former AS 29.33.250 - 29.33.290.

* Section 45. AS 38.04.020(b)(1) is amended to read:

(1) land nominated for selection or selected by a municipality to satisfy a general grant land entitlement under AS 29.65 or former AS 29.18.201 - 29.18.213;

* Section 46. AS 38.04.020(e)(4) is amended to read:

(4) for preliminary feasibility studies, engineering design work, and construction of access roads and capital improvements required by municipal subdivision ordinance or regulation of the platting authority [BOARD UNDER AS 29.33.150]; if an accurate determination of the amounts necessary for access roads or capital improvements cannot be made at the time the estimate is submitted, a schedule for obtaining the estimates, constructing the access roads or capital improvements, and disposing of the land shall be submitted;

* Section 47. AS 38.04.021(a) is amended to read:

(a) A municipality may apply for financial assistance for the execution of a land disposal program of general grant land entitlements received from the state under AS 29.65 or former AS 29.18.201 - 29.18.213 by submitting a request to the commissioner for inclusion in the request submitted to the legislature under AS 38.04.020(e). A municipality may request financial assistance for expenses of surveying land, designing subdivision plats, installing improvements required by municipal ordinance or regulation of the local platting authority [BOARD], and other reasonable direct costs of land disposal.

* Section 48. AS 38.04.021(d) is amended to read:

(d) A grant made under this section may not exceed five times the amount of money appropriated by a first class city, a borough, or a unified municipality [UNIFIED UNDER AS 29.68.240 - 29.68.440] for the disposal of municipal land in the current fiscal year unless the commissioner exempts the municipality from this subsection.

* Section 49. AS 38.04.021(e)(2) is amended to read:

(2) a first class city, a borough, or a unified municipality that [UNIFIED UNDER AS 29.68.240 - 29.68.440 WHICH] is exempted by the commissioner under (d) of this section.

* Section 50. AS 38.04.900(b) is amended to read:

(b) A municipality has standing to petition the commissioner for the adoption of a regulation, or for the amendment or repeal of an existing regulation, or to appeal a decision of the commissioner with respect to classification, management, or disposal of land made under authority of a regulation adopted under (a) of this section with respect to state land outside the corporate boundaries of the municipality to protect any interest which the municipality is authorized to regulate outside its boundaries under AS 29.35.020 [AS 29.48.037].

* Section 51. AS 38.05.127(d) is amended to read:

(d) Upon application by a municipality or an affected owner of land, the department [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] may vacate, release, modify, or relocate an easement and right-of-way for public access to or along navigable or public waters reserved by the department [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] in a patent issued under AS 29.65 or former AS 29.18.011 - 29.18.460, [AS 29.18] if the commissioner determines the action is consistent with the public interest.

* Section 52. AS 38.05.290(b) is amended to read:

(b) Consistent with the best interests of the state, in the selection of general grant land it is the policy of the state to make available the maximum land area from which municipalities may fulfill land entitlements under AS 29.65 or former AS 29.18.201 - 29.18.213.

* Section 53. AS 38.05.321(b) is amended to read:

(b) State land classified as agricultural land that [WHICH] has been selected by a municipality under former AS 29.18.190 - 29.18.200 or former AS 29.18.205(e) may be approved by the commissioner [DIRECTOR] for patent under AS 29.65.050(c) [AS 29.18.205(f)]; however, only rights in the land for agricultural purposes may be transferred and all other interests in the land will remain with the state. Agricultural land approved for patent to a municipality [UNDER AS 29.18.205(f)] shall be credited, acre for acre, toward fulfillment of that municipality's entitlement under AS 29.65.010 - 29.65.030 or former

AS 29.18.201 - 29.18.203. If the commissioner [DIRECTOR] later determines it to be in the best interests of the state to transfer some or all of the additional rights in that approved or patented agricultural land, those rights shall pass without consideration to the municipality in which the land is located. The notice and review provisions of [AS 38.05.305 AND] AS 38.05.345 are applicable to conveyance of rights under this section.

* Section 54. AS 38.05.321(c) is amended to read:

(c) The provisions of this section do not apply to state land classified as agricultural land which has been selected by a municipality under the provisions of former AS 29.18.190 - 29.18.200 if the selection is an approved selection before April 1, 1978 and is otherwise valid under AS 29.65.050(b) or former AS 29.18.205(b).

* Section 55. AS 38.05.362(b) is amended to read:

(b) Nothing in this section affects the selection rights of a municipality [BOROUGH OR CITY] under former AS 29.18.190 - 29.18.200 for areas selected as of July 1, 1977, or a valid existing claim, location, or entry under law, as of July 1, 1976.

* Section 56. AS 38.09.080 is amended to read:

Sec. 38.09.080. LAND WITHIN MUNICIPALITIES.

(a) If a municipality has filed a selection of state lands under AS 29.65 or former AS 29.18.201 - 29.18.213 with the commissioner, the state lands selected may not be designated for homestead entry; if the commissioner determines that land selected by a municipality is not available for patent to the municipality under AS 29.65 or former AS 29.18.201 - 29.18.213, the state land is available for designation by the commissioner for homestead entry under AS 38.09.010.

(b) The disposal of homestead entry land is subject to local platting, recording, or subdivision requirements established under AS 29.35.180 [AS 29.33] and AS 40.15.

* Section 57. AS 39.50.145 is amended to read:

Sec. 39.50.145. PARTICIPATION BY MUNICIPALITIES. A municipality may exempt its municipal officers from the requirements of this chapter if a majority of the voters voting on the question at a [ANY] regular election, as defined by AS 29.71.800(20) [AS 29.78.010(14)], or a special municipality-wide election, vote to exempt its municipal officers from the requirements of this chapter. The question of exemption from the requirements of this chapter may be submitted by the city council or borough assembly by ordinance or by initiative election [ORDINANCE].

* Section 58. AS 39.50.200(a)(6) is amended to read:

(6) "municipal officer" includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city or borough or [INCLUDING BUT NOT LIMITED TO] a unified municipality [UNDER AS 29.68];

* Section 59. AS 40.15.075 is amended to read:

Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD CLASS BOROUGHS. The division of lands is the platting authority in the area outside organized boroughs and outside cities in the unorganized borough and in the third class borough for only the purposes of hearing and acting on petitions for the change or vacation of plats and shall execute this function substantially in conformity with the provisions of AS 29.40.130 - 29.40.160 [AS 29.33.210 - 29.33.240]. Costs of publication and mailing [AS WELL AS OTHER COSTS] authorized in AS 29.40.130 [AS 29.33.210] shall be paid to the division by the petitioner. The Department of Natural Resources shall adopt reasonable regulations governing the exercise of the authority conferred by this section upon the division of lands.

* Section 60. AS 40.15.200 is amended to read:

Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS. All subdivisions of land made by the state, its agencies, instrumentalities and political subdivisions are subject to the provisions of this chapter and

AS 29.40.070 - 29.40.160 [AS 29.33.150 - 29.33.240], or home rule ordinances or regulations governing subdivisions, and shall comply with ordinances and other local regulations adopted under this chapter and AS 29.40.070 - 29.40.160 or former AS 29.33.150 - 29.33.240, or under home rule authority, in the same manner and to the same extent as subdivisions made by other landowners.

* Section 61. AS 41.35.180(5) is amended to read:

(5) consult with local historical district commissions regarding the establishment of historical districts under AS 29.55.010 - 29.55.020 [AS 29.48.108 - 29.48.110] and the approval of project alterations under AS 45.98.040; recommend, if appropriate, the formulation of additional criteria for the designation of historical districts under AS 29.55.020(b) [AS 29.48.110(b)]; approve plans for and evaluate the suitability of specific structures for purposes of loan eligibility and continuance under the historical district revolving loan fund (AS 45.98); and consult with the Department of Commerce and Economic Development relative to the adoption of regulations for historical district loans under AS 45.98.

* Section 62. AS 41.98.175(d) is amended to read:

(d) In (a) of this section "municipalities" includes cities or organized boroughs of any class and unified municipalities exercising powers to initiate projects described in AS 41.98.170 and acquire parks and open space land, as otherwise authorized by law [, AND INCLUDES BUT IS NOT LIMITED TO UNIFIED MUNICIPALITIES ORGANIZED UNDER AS 29.68.240 - 29.68.440].

* Section 63. AS 42.05.711(1) is amended to read:

(1) A person, utility, or cooperative that [WHICH] is exempt from regulation under AS 42.05.711(a) or (d) - (k) is not subject to regulation by a municipality under AS 29.35.070 [AS 29.48.060 - 29.48.090].

* Section 64. AS 43.75.130(1) is amended to read:

(1) to each unified municipality [UNIFIED UNDER AS 29.68.240 - 29.68.440,] and to each city located in the unorganized borough, 50 percent of

the amount of tax revenue collected in the municipality from taxes levied by AS 43.75;

* Section 65. AS 44.33.403(2)(A) is amended to read:

(A) has the authority under AS 29.35 [AS 29.41 OR AS 29.48] to provide and maintain a cultural facility;

* Section 66. AS 44.47 is amended by adding new sections to read:

ARTICLE 12. BOROUGH FEASIBILITY STUDIES.

Sec. 44.47.700. BOROUGH FEASIBILITY STUDIES.

(a) The commissioner may contract for studies of the feasibility of establishing boroughs in the unorganized borough. A study may be conducted under this section only if

- (1) appropriations are available for that purpose; and
- (2) the study is requested by a person residing in the area to be studied or by a city located in the area to be studied.

Sec. 44.47.710. REQUESTS FOR STUDIES. A request for a study of the feasibility of establishing a borough in the unorganized borough shall be submitted to the commissioner in writing and shall include

- (1) a description of the boundaries of the area of the proposed study; and
- (2) an indication of local interest in the proposed study consisting of either

(A) a petition requesting the study containing the signatures and addresses of five percent of the voters residing in the area of the proposed study based on the number of voters who voted in the area in the last statewide election; or

(B) resolutions requesting the study adopted by the governing bodies of at least five percent of the cities within the area of the proposed study.

Sec. 44.47.720. BOUNDARIES. The boundaries of an area studied shall conform to the boundaries indicated in the request for the study under AS 44.47.710 unless the commissioner, after a public hearing held in the area of the proposed study, determines that the boundaries should be altered. In determining the boundaries of an area to be studied, the commissioner shall consider

- (1) the standards applicable to the incorporation of boroughs under AS 29.05.030;
- (2) boundaries of regional corporations established under 43 U.S.C. 1606;
- (3) census divisions of the state used for the 1980 census;
- (4) boundaries of the regional educational attendance areas established under AS 14.08.031; and
- (5) boundaries of coastal resource service areas organized under AS 46.40.110 - 46.40.210.

Sec. 44.47.730. CONTRACTS.

(a) The commissioner shall contract for a study of the feasibility of establishing a borough in the unorganized borough by following the procedures set out in AS 36.98. The commissioner shall include terms in the contract that [WHICH] provide for

- (1) public participation in the preparation of the study;
- (2) completion of the study not later than June 30 of the third year after the year the contract is executed.

(b) A study under this section shall include

- (1) a recommendation for or against incorporation of a borough containing all or part of the area studied;
- (2) an evaluation of the economic development potential of the area studied;
- (3) an evaluation of capital facility needs of the area studied;
- (4) an evaluation of demographic, social, and environmental factors affecting the area studied;
- (5) an evaluation of the relationships among regional educational attendance areas, coastal resource service areas, and other regional entities responsible for providing services in the area studied;
- (6) an evaluation of the relationships between the existing cities within the area studied and regional entities responsible for providing services in the area; and
- (7) specific recommendations for
 - (A) organization of a home rule or general law borough government if one is recommended;
 - (B) changes in organization of cities in the area studied;

or

(C) the improvement of the delivery of services to the public by the state in the area studied.

* Section 67. AS 44.83.162(m) is amended to read:

(m) For purposes of (c) of this section, the number of residents of the community equals the number of residents of the community determined by the Department of Community and Regional Affairs in accordance with AS 29.60.020 [AS 29.88.015].

* Section 68. AS 44.85.270(i) is amended to read:

(i) All references to the "reserve fund" in this section include special accounts within the reserve fund which may be created by the authority to secure the payment of particular bonds, including, without limitation, bonds issued by the capital city established under AS 29.14.010 [AS 29.18.510]. The commissioner of revenue may lend surplus money in the general fund to the authority for deposit to any account in the reserve fund in an amount equal to the required debt service reserve. The loans shall be made on such terms and conditions as may be agreed upon by the commissioner of revenue and the authority, including, without limitation, terms and conditions providing that the loans need not be repaid until the obligations of the corporation secured and to be secured by the account in the reserve fund are no longer outstanding.

* Section 69. AS 44.85.410(3)(D) is amended to read:

(D) a bond of a borough issued as a general obligation of a service area under AS 29.47.440 or former AS 29.58.340; [.]

* Section 70. AS 45.98.020 is amended to read:

Sec. 45.98.020. HISTORICAL DISTRICT LOANS. Upon endorsement and plan approval by a local historical district commission established under AS 29.55.010 or former AS 29.48.108 and the recommendation of a majority of the members of the Historic Sites Advisory Committee, the Department of Commerce and Economic Development may make loans to a person, firm, business or municipality subject to applicable laws for the restoration, improvement, rehabilitation, or maintenance of a structure that [WHICH] is

(1) within the boundaries of a historical district established under AS 29.55.020 or former AS 29.48.110;

(2) identified as important in state or national history as provided for in AS 29.55.020(b) or former AS 29.48.110(b); and

(3) another building or structure within a historical district, and suitable for superficial modification so that [WHICH]it can conform to the period or motif of the surrounding buildings or structures that [WHICH]are the reason for the area's designation as a historical district.

* Section 71. AS 46.03.210(a) is amended to read:

(a) A municipality with a population in excess of 1,000 may, within five years from August 5, 1969, establish and administer within its jurisdiction an air pollution control program. Organized boroughs may establish an air pollution control program on an areawide basis, and the exercise of powers with respect to the program is not subject to the restrictions on acquiring additional areawide powers specified in AS 29.35.300 - 29.35.330 [AS 29.33.250 - 29.33.290]. Local programs shall

(1) provide by ordinance for requirements compatible with those imposed by the provisions of AS 46.03.140 and 46.03.170 and applicable regulations;

(2) provide for the enforcement of the requirements imposed through appropriate administrative and judicial processes;

(3) provide for a local administrative organization, staff, and other resources necessary to effectively carry out the purposes of the program; and

(4) be approved by the department [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS]as being satisfactory to meet the requirements of AS 46.03.140 - 46.03.170 and the applicable regulations.

* Section 72. AS 46.11.040(3)(A) is amended to read:

(A) is constructed under an exception to the municipal building code granted because the exception will result in increased energy efficiency [UNDER AS 29.33.080(g)];

* Section 73. AS 46.11.900(8) is amended to read:

(8) "state financial assistance" means a loan, grant, guarantee, insurance, payment, rebate, subsidy, or other form of state assistance (other than aid under AS 29.60 [AS 29.88, AS 29.89, AS 29.90, AS 29.95] and AS 43.18) including the purchase by a state agency of a loan to finance the construction of a new residential, commercial, or industrial building;

* Section 74. AS 46.35.200(3) is amended to read:

(3) "local government" means a city or borough including a unified municipality [UNIFIED UNDER AS 29.68.240 - 29.68.440];

* Section 75. AS 46.40.140(h) is amended to read:

(h) Members of coastal resource service area boards are subject to recall on the same grounds and in the same manner as provided for recall of municipal officials in AS 29.26.240 - 29.26.350 [AS 29.28.130 - 29.28.250]. The lieutenant governor functions in place of the assembly or council and municipal clerk for receipt and review of recall petitions and the conduct of recall elections.

* Section 76. AS 46.40.210(2)(A) is amended to read:

(A) unified municipalities [ESTABLISHED UNDER AS 29.68.240 - 29.68.440];

* Section 77. AS 47.35.010(b) is amended to read:

(b) The department [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] shall, within 90 days after receiving a written request that [WHICH] it do so, delegate its powers relating to nurseries under this section and under AS 47.35.040 - 47.35.060 to a municipality that [WHICH] has adopted an ordinance providing for day care licensing under home rule powers or as authorized under AS 29.35.200 - 29.35.210 [AS 29.48.035(a)(20)]. A municipality to which these powers have been delegated may waive or modify any regulation or standard established by the department [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] under the authority of AS 47.35.010 - 47.35.080 as it applies to nurseries or the applica-

tion of any such regulation or standard as it applies to a particular day care licensee but must notify the department [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] of any waiver.

* Section 78. AS 29.10.200(37) is amended to read:

(37) AS 29.45.010 - 29.45.570 [AS 29.53.010 - 29.53.400] (property taxes)

* Section 79. AS 29.10.200(38) is amended to read:

(38) AS 29.45.650(c) and (d) [AS 29.53.415(d)] (sales and use tax)

* Section 80. AS 29.35.170(a) is amended to read:

(a) A borough shall assess and collect property, sales, and use taxes that [WHICH] are levied in its boundaries, subject to AS 29.45 [AS 29.53].

* Section 81. AS 29.46.080(c) is amended to read:

(c) Assessments are liens on the property assessed and are prior and paramount to all liens except municipal tax liens. They may be enforced as provided in AS 29.45.320 - 29.45.470 [AS 29.53.200 - 29.53.390] for enforcement of property tax liens.

* Section 82. AS 29.60.030(d) is amended to read:

(d) The full and true assessed property value shall be determined by the department [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] in the manner provided for the computation of state aid to education under AS 14.17.140. When the determination of locally generated revenue includes revenue of a utility received under AS 29.60.010(c)(1)(E), the full and true assessed property value shall include the computed assessed value of the utility, determined by dividing the amount of the payment in place of taxes made by the utility by the millage rate that [WHICH] would apply to the utility if the utility were subject to levy and collection of taxes under AS 29.45 [AS 29.53.010. - 29.53.420].

* Section 83. AS 14.17.140(a) is amended to read:

(a) To determine the equalized percentage to be applied to basic need under AS 14.17.021, and the matching ratio for required local effort under AS 14.17.071, the Department of Community and Regional Affairs, in consultation with the assessor for each district, shall determine the full value of the taxable real and personal property in each district. Exemptions granted under ch. 129, SLA 1957, known as the Alaska Industrial Incentive Act (AS 43.25), shall be honored. If there is no local assessor or current local assessment for a district, then the Department of Community and Regional Affairs shall make the determination of full value from information available. In making the determination, the Department of Community and Regional Affairs shall be guided by AS 29.45.110 [AS 29.53.060]. The determination of full value shall be made before October 1 and sent by certified mail, return receipt requested, before that [WHICH]date to the president of the school board in each district. Duplicate copies shall be sent to the commissioner. The governing body of the municipality that [BOROUGH OR CITY WHICH] is the district may obtain judicial review of the determination by filing a motion in the superior court of the judicial district in which the district is located within 30 days after receipt of the determination. The superior court may modify the determination of the Department of Community and Regional Affairs only upon a finding of abuse of discretion or upon a finding that there is no substantial evidence to support the determination.

* Section 84. AS 43.56.010(b) is amended to read:

(b) A municipality may levy and collect a tax under AS 29.45.080 [AS 29.53.045] at the rate of taxation that [WHICH] applies to other property taxed by the municipality. The tax shall be levied at a rate no higher than the rate applicable to other property taxable by the municipality. No municipality may exempt from taxation property authorized to be taxed under this chapter. Exemptions shall be limited to those in AS 29.45.030, 29.45.050, [AS 29.53.020 AND AS 29.53.025] and AS 43.56.020.

* Section 85. AS 43.56.010(c) is amended to read:

(c) If the total value of assessed property of a municipality taxing under AS 29.45.080(c) [AS 29.53.045(c)] exceeds the product of 225 percent of the average per capita assessed full and true value of property in the state (to be determined by the department [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] and reported to each municipality by January 15 of each year) multiplied by the number of residents of the taxing municipality, the department [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] shall designate the portion of the tax base against which the local tax may be applied. For purposes of this subsection the average per capita assessed full and true value of property in the state shall be calculated without regard to the assessed value of taxable property under AS 43.58.

* Section 86. AS 43.56.010(d) is amended to read:

(d) A tax paid to a municipality under AS 29.45.080 or former AS 29.53.045 on or before June 30 of the tax year shall be credited against the tax levied under (a) of this section for that tax year. If, however, a tax is not paid to a municipality until after June 30 of the taxable year, the department [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] upon application shall refund to the taxpayer the amount of tax paid to the municipality under AS 29.45.080 or former AS 29.53.045. The credit or refund of taxes paid to a municipality may not exceed the total amount of tax levied by the department [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] upon the taxpayer for the tax year, under (a) of this section.

* Section 87. AS 43.56.060(a) is amended to read:

(a) The department [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] shall assess property for the tax levied under AS 43.56.010(b) and AS 29.45.080 [AS 29.53.045] on property used or committed by contract or other agreement for use for the pipeline transportation of gas or unrefined oil or for the production of gas or unrefined oil at its full and true value as of January 1 of the assessment year.

* Section 88. AS 44.85.410(3)(A) is amended to read:

(A) a general obligation bond that is a direct and general obligation of a political subdivision of the state, all the taxable property within which is subject to taxation to pay the bond, note or evidence of debt, and the interest without limitation, as to rate or amount generally to the extent permitted by law or to avoid a default as provided for second class cities under AS 29.45.590 [AS 29.53.410]; or

* Section 89. The following laws are repealed: AS 04.11.400(c); AS 04.-21.080(b)(11); AS 14.56.065(b), 14.56.180(3); AS 15.13.130(6); AS 18.55.950(10); AS 19.20.015(f); AS 24.55.330(3); AS 28.35.260(a)(10); AS 29.08; AS 29.13; AS 29.18; AS 29.23; AS 29.28; AS 29.33; AS 29.38; AS 29.41; AS 29.43; AS 29.48; AS 29.58; AS 29.63; AS 29.68; AS 29.73; AS 29.78; AS 29.88; AS 29.89; AS 29.95; AS 30.15.070(3); AS 30.30.170(2); AS 35.15.120(3); AS 42.06.630(6); AS 43.20.016; AS 43.56.210(8); AS 44.07.360(8); AS 44.33.417(6); AS 44.47.310(5); and AS 44.85.410(4).

* Section 90. AS 29.53 is repealed.

* Section 91. A right or liability of a municipality existing on July 1, 1984, is not affected by the enactment of this Act. Ordinances and regulations in effect on July 1, 1984, remain in effect unless they conflict with provisions of this Act. Ordinances and regulations in effect on July 1, 1984, that conflict with provisions of this Act remain in effect for 180 days after July 1, 1984. The terms of elected or appointed municipal officials in office on July 1, 1984, are not affected by this Act, and their terms expire as provided before July 1, 1984.

* Section 92. AS 29.45 as enacted in sec. 11 of this Act and secs. 78 - 88 and 90 of this Act are effective January 1, 1985.

* Section 93. Except for AS 29.45 as enacted in sec. 11 of this Act and except for secs. 78 - 89 and 90 of this Act, this Act takes effect July 1, 1984.

SEC. 29.18.220. LEGISLATIVE FINDINGS. THE LEGISLATURE FINDS THAT THE DEVELOPMENT OF NATURAL RESOURCES IN-ISOLATED AND RELATIVELY UNPOPULATED AREAS REQUIRES A POLICY AND PROCEDURE WHICH WILL PROVIDE PLANNING, FINANCIAL AND OTHER ASSISTANCE NECESSARY FOR ENCOURAGING ORDERLY DEVELOPMENT OF WELL-PLANNED, DIVERSIFIED AND ECONOMICALLY SOUND NEW CITIES NECESSARY TO SUPPORT THE SOUND DEVELOPMENT OF THE STATE'S RESOURCES BY BOTH THE PRIVATE AND PUBLIC SECTOR. IT IS THE PURPOSE OF §§ 220 - 460 OF THIS CHAPTER TO SET OUT THE MUTUAL RESPONSIBILITIES OF THE PRIVATE AND PUBLIC SECTORS TO ACHIEVE THESE OBJECTIVES WITH A VIEW TO SECURING INFORMATION VALUABLE TO FUTURE LEGISLATURES SO THAT GENERAL LEGISLATION APPLICABLE TO THE ESTABLISHMENT OF DEVELOPMENT CITIES MAY BE PERFECTED. (§19 CH 118 SLA 1972)]

[SEC. 29.18.230. DEVELOPMENT CITIES. SUBJECT TO RECLASSIFICATION UNDER § 400 (C) OF THIS CHAPTER, A DEVELOPMENT CITY IS A CITY OF THE CLASS DESIGNATED BY THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS. (§ 19 CH 118 SLA 1972; AM § 9 CH 200 SLA 1972)]

[SEC. 20.18.240. INCORPORATION. AN AREA NOT SERVED BY AN EXISTING MUNICIPALITY WHICH IS NOT REASONABLY PRACTICABLE TO BE SERVED BY AN EXISTING MUNICIPALITY MAY BE INCORPORATED AS A DEVELOPMENT CITY BY

(1) PETITION OF THE INDUSTRIAL DEVELOPER TO THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS TO BE ACTED ON BY THE LOCAL BOUNDARY COMMISSION; OR

(2) ACT OF THE LEGISLATURE. (§ 19 CH 118 SLA 1972; AM § 9 CH 200 SLA 1972)]

[SEC. 29.18.250. PETITION FOR INCORPORATION. A DEVELOPMENT CITY INCORPORATION PETITION PROPOSED BY AN INDUSTRIAL DEVELOPER SHALL INCLUDE THE FOLLOWING INFORMATION ABOUT THE PROPOSED CITY:

(1) CLASS,

(2) NAME,

(3) BOUNDARIES,

(4) COMPOSITION OF THE COUNCIL,

(5) MAPS, DOCUMENTS, PRELIMINARY ECONOMIC DEVELOPMENT PROJECTIONS, PRELIMINARY POPULATION PROJECTIONS, OUTLINE OF THE INDUSTRIAL DEVELOPER'S INVESTIGATIVE AND DEVELOPMENT EXPENDITURES AND ITS PROPOSED CAPITAL PROGRAM, AND OTHER INFORMATION REQUIRED BY THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS TO SHOW THAT THE PROPOSED CITY MEETS THE STANDARDS FOR INCORPORATION,

(6) THE PROPOSED AGREEMENT REQUIRED UNDER § 330 OF THIS CHAPTER. (§19 CH 118 SLA 1972; AM §§ 9 CH 200 SLA 1972)]

[SEC. 29.18.260. REVIEW. THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS SHALL REVIEW THE PETITION FOR CONTENT AND SHALL RETURN DEFICIENT PETITIONS FOR CORRECTION AND COMPLETION. (§ 19 CH 118 SLA 1972; AM § 9 CH 200 SLA 1972)]

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

[Sec. 29.58.220. PAYMENT. BONDS ISSUED UNDER AS 29.58.200 - 29.58.220 OR THE PROCEEDINGS OF THE ASSEMBLY OR COUNCIL AUTHORIZING THEIR ISSUANCE MAY CONTAIN THE COVENANTS WHICH THE ASSEMBLY OR COUNCIL CONSIDERS ADVISABLE CONCERNING

(1) THE RATES OR FEES TO BE CHARGED FOR SERVICES RENDERED BY THE PUBLIC FACILITIES, THE REVENUE OF WHICH IS PLEDGED TO THE PAYMENT OF THE BONDS, OR THE TERMS AND CONDITIONS OF ANY OTHER AMOUNTS COLLECTED WHICH ARE PLEDGED TO THE PAYMENT OF THE BONDS;

(2) THE DEPOSIT AND USE OF THE REVENUE OF THE PUBLIC FACILITIES OR OF OTHER AMOUNTS COLLECTED WHICH ARE PLEDGED TO THE PAYMENT OF THE BONDS;

(3) THE ISSUANCE OF ADDITIONAL BONDS PAYABLE FROM REVENUE OF THE PUBLIC FACILITIES OR OF OTHER AMOUNTS COLLECTED WHICH ARE PLEDGED TO THE PAYMENT OF THE BONDS;

(4) THE RIGHTS OF THE BONDHOLDERS IN CASE OF DEFAULT IN THE PAYMENT OF THE PRINCIPAL OR INTEREST ON THE BONDS, INCLUDING THE APPOINTMENT OF A RECEIVER TO OPERATE THE PUBLIC FACILITIES;

(5) OTHER COVENANTS AS THE ASSEMBLY OR COUNCIL DETERMINES.

[29.53.030. MINING CLAIMS. THE ASSESSED VALUE OF AN UNIMPROVED UNPATENTED MINING CLAIM WHICH IS NOT PRODUCING, AND A NONPRODUCING PATENTED MINING CLAIM UPON WHICH THE IMPROVEMENTS ORIGINALLY REQUIRED FOR PATENT HAVE BECOME USELESS AND VALUELESS THROUGH DEPRECIATION, REMOVAL OR OTHERWISE, IS FIXED AT \$200 FOR EACH 20 ACRES OR FRACTION OF 20 ACRES. IF THE SURFACE GROUND OF A CLAIM HAS SEPARATE AND INDEPENDENT VALUE FOR NONMINING USES, THE REAL AND PERSONAL PROPERTY IS ASSESSED AT ITS FULL AND TRUE VALUE.]

[Sec. 29.58.315. BOND ATTORNEYS, BOND AND FINANCIAL CONSULTANTS. THE GOVERNING BODY OR ITS DESIGNEE OF A HOME RULE OR GENERAL LAW MUNICIPALITY SHALL BE THE SOLE CONTRACTING AUTHORITY FOR BOND ATTORNEYS, BOND CONSULTANTS AND FINANCIAL CONSULTANTS ENGAGED IN LONG-RANGE FINANCIAL PLANNING OF THE MUNICIPALITY WHICH LEADS TO SALE OF BONDS.]

[Sec. 29.58.345. BONDED INDEBTEDNESS FOR SCHOOL CONSTRUCTION. A HOME RULE CITY LEVYING PROPERTY TAXES FOR SCHOOLS, UPON FURNISHING PROOF SATISFACTORY TO THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS OF THE NEEDS FOR SCHOOL FACILITIES WHICH, IF PROVIDED, WILL REQUIRE THE CITY TO EXCEED LIMITS ON AUTHORIZING OR ISSUING BONDS WHICH MAY BE ESTABLISHED BY CHARTER, MAY EXCEED THE LIMITS TO THE EXTENT NECESSARY TO PAY COSTS OF SCHOOL CONSTRUCTION. IN THIS SECTION "COSTS OF SCHOOL CONSTRUCTION" MEANS COSTS AS DEFINED IN AS 43.18.100(G) (2) (\$ 1 CH 137 SLA 1974).]

ARTICLE 4. DEVELOPMENT CITIES

ALTERNATIVE REQUEST THE LOCAL BOUNDARY COMMISSION TO APPROVE INCORPORATION OF A DEVELOPMENT CITY.

(D) THE LOCAL BOUNDARY COMMISSION MAY DISSOLVE A DEVELOPMENT CITY ESTABLISHED UNDER § 20 OF THIS CHAPTER IF SUBSEQUENT TO ITS INCORPORATION

(1) THE MAJOR ECONOMIC DEVELOPMENT PROJECTED DOES NOT OCCUR WITHIN A PERIOD OF FIVE YEARS; AND

(2) IF THE DEVELOPMENT PROJECT HAD BEEN REVIEWED AS A NEW PROJECT THE LOCAL BOUNDARY COMMISSION DETERMINES IT WOULD HAVE REJECTED THE PETITION ON THE BASIS THAT IT IS IMPROBABLE THE PROPOSED DEVELOPMENT WOULD HAVE TAKEN PLACE.

(E) A COMMISSION DECISION UNDER THIS SECTION MAY BE APPEALED UNDER THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62). (§ 19 CH 118 SLA 1972).]

[SEC. 29.18.300. PRELIMINARY PLANNING. THE CITY SHALL PREPARE AND SUBMIT TO THE STATE PRELIMINARY PLANS IN ADVANCE OF COMPLETION OF THE FINAL BASIC COMPREHENSIVE PLAN FOR THE CITY. THE PRELIMINARY PLANS SHALL INCLUDE

(1) MAPS, DOCUMENTS, PRELIMINARY ECONOMIC DEVELOPMENT PROJECTIONS, PRELIMINARY POPULATION PROJECTIONS, OUTLINE OF THE INDUSTRIAL DEVELOPER'S INVESTIGATIVE AND DEVELOPMENT EXPENDITURES AND ITS PROPOSED CAPITAL PROGRAM, AND OTHER INFORMATION REQUIRED BY REVIEWING AGENCIES OF THE STATE;

(2) A REPORT ON THE PHYSICAL AND BIOLOGICAL CHARACTER OF THE PROPOSED CITY'S SITE AND A LAND AND WATER USE PLAN AND THE DESIGN AND SITING OF THE COMMUNITY TO BE DEVELOPED BASED UPON THESE NATURAL FACTORS. (§ 19 CH 118 SLA 1972)]

[SEC. 29.18.310. REVIEW AND REPORT. (A) THE DIVISION OF PLANNING AND RESEARCH, IN CONJUNCTION WITH THE DEPARTMENTS OF COMMUNITY AND REGIONAL AFFAIRS, NATURAL RESOURCES, AND ENVIRONMENTAL CONSERVATION AND OTHER DEPARTMENTS AS DETERMINED APPROPRIATE BY THE DIVISION OF PLANNING AND RESEARCH, SHALL REVIEW THE PRELIMINARY PLANNING AND ADDITIONAL DATA MAY BE REQUESTED.

(B) THE DIVISION OF PLANNING AND RESEARCH SHALL COORDINATE THE PREPARATION OF A REPORT AND RECOMMENDATIONS, IF ANY, WHICH SHALL BE SUBMITTED TO THE GOVERNOR WITHIN 60 DAYS OF RECEIPT BY THE STATE OF THE PRELIMINARY PLANS FROM THE CITY. THE CITY MAY PROCEED TO THE COMPLETION OF THE FINAL BASIC COMPREHENSIVE PLAN UPON SATISFYING ANY SPECIFIC RECOMMENDATIONS CONTAINED IN THE REPORT.

(C) DURING THE COURSE OF PLANNING TOWARD COMPLETION OF THE BASIC COMPREHENSIVE DEVELOPMENT PLAN THE DIVISION OF PLANNING AND RESEARCH AND THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS SHALL BE KEPT CURRENTLY INFORMED AND THE FINAL PLAN SHALL BE SUBJECT TO REVIEW AND RECOMMENDATION BY THE DIVISION OF PLANNING AND RESEARCH, WHICH SHALL ACT IN ITS COORDINATING CAPACITY TO SECURE

[SEC. 29.18.270. INVESTIGATION. IF THE PETITION CONTAINS THE REQUIRED INFORMATION, THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS SHALL INVESTIGATE THE PROPOSAL TO DETERMINE WHETHER THE DEVELOPMENT EXPENDITURES AND PROPOSED CAPITAL PROGRAM BY THE DEVELOPER SERVE THE PUBLIC INTEREST AND DEMONSTRATE A PROBABILITY OF BEING CARRIED FORWARD TO A SUCCESSFUL CONCLUSION. (§ 19 CH 118 SLA 1972; AM § 9 CH 200 SLA 1972)]

[SEC. 29.18.280. REPORT. (A) THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS SHALL REPORT ITS FINDINGS TO THE LOCAL BOUNDARY COMMISSION WITH ITS RECOMMENDATIONS REGARDING THE INCORPORATION WITHIN 50 DAYS OF RECEIPT OF THE PETITION FOR INCORPORATION.

(B) THE LOCAL BOUNDARY COMMISSION SHALL REVIEW THE PETITION AND THE FINDINGS AND RECOMMENDATIONS OF THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS WITHIN 60 DAYS OF RECEIVING THEM. (§ 19 CH 118 SLA 1972; AM § 9 CH 200 SLA 1972)]

[SEC. 29.18.290. DECISION ON DEVELOPMENT CITY INCORPORATION. (A) THE LOCAL BOUNDARY COMMISSION MAY REJECT A PETITION FOR INCORPORATION IF IT FINDS THAT

(1) THE AREA PROPOSED FOR INCORPORATION IS SERVED BY AN EXISTING MUNICIPALITY OR COULD BE SERVED BY AN EXISTING MUNICIPALITY;

(2) IT IS IMPROBABLE THAT THE PROPOSED DEVELOPMENT WILL TAKE PLACE;

(3) THE PROGRAM AND ACTIVITIES CONTEMPLATED BY THIS CHAPTER MAY BE UNDERTAKEN THROUGH EXPANSION OF THE CORPORATE LIMITS OF AN EXISTING CITY AND THEN DECLARES THAT CITY TO BE A DEVELOPMENT CITY FOR THE PURPOSE OF PREFERENTIAL DESIGNATION UNDER §§ 10 AND 340 - 460 OF THIS CHAPTER;

(4) THE PROGRAM AND ACTIVITIES CONTEMPLATED BY THIS CHAPTER MAY BE UNDERTAKEN BY ESTABLISHING A SERVICE AREA WITHIN AN EXISTING ORGANIZED BOROUGH FOR A DEVELOPMENT PROJECT, AND DECLARES THE SERVICE AREA TO BE ELIGIBLE FOR PREFERENTIAL DESIGNATION UNDER §§ 410 AND 450 OF THIS CHAPTER;

(5) THE PROPOSED DEVELOPMENT DOES NOT SERVE THE PUBLIC INTEREST.

(B) IF THE LOCAL BOUNDARY COMMISSION FINDS THAT A SERVICE AREA WITHIN AN ORGANIZED BOROUGH IS TO BE DESIGNATED FOR PREFERENTIAL TREATMENT UNDER (A)(4) OF THIS SECTION, THE ASSEMBLY MAY UNDERTAKE THE PROJECT IN THE MANNER OF A DEVELOPMENT CITY AND SHALL PRESENT TO THE LOCAL BOUNDARY COMMISSION A CONTRACTUAL AGREEMENT OUTLINING RESPONSIBILITIES ASSUMED BY THE BOROUGH AND THE INDUSTRIAL DEVELOPER TO IMPLEMENT THE PROPOSED DEVELOPMENT PROGRAM.

(C) THE ASSEMBLY MAY DECLINE FINDINGS UNDER (B) OF THIS SECTION TO ESTABLISH A SERVICE AREA AND IN THE

[SEC. 29.18.350. FILLING A VACANCY. IF A VACANCY OCCURS IN THE COUNCIL AS CONSTITUTED UNDER § 340 OF THIS CHAPTER, THE APPLICABLE APPOINTING AUTHORITY SHALL DESIGNATE THE REPLACEMENT DURING THE DEVELOPMENT STAGE OF THE CITY. (§ 19 CH 118 SLA 1972)]

[SEC. 29.18.360. POWERS AND DUTIES OF COUNCIL. DURING THE DEVELOPMENT STAGE THE COUNCIL OF A DEVELOPMENT CITY MAY

(1) EXERCISE THE POWERS AND DUTIES OF A SCHOOL BOARD IF THE CITY IS LOCATED OUTSIDE AN ORGANIZED BOROUGH;

(2) EXERCISE THE POWERS AND DUTIES OF A PLANNING COMMISSION UNDER AS 29.33.080, EXCEPT THAT DURING THE FIRST FIVE YEARS OR UNTIL THE DEVELOPMENT CITY HAS 400 PERMANENT RESIDENTS, ZONING AND ZONING CHANGES WILL BE REVIEWED AND APPROVED BY THE DIVISION OF PLANNING AND RESEARCH AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. (§ 19 CH 118 SLA 1972)]

[SEC. 29.18.370. POWERS AND DUTIES OF DEVELOPMENT CITY EXECUTIVE DIRECTOR. DURING THE DEVELOPMENT STAGE THE CITY COUNCIL SHALL APPOINT AN EXECUTIVE DIRECTOR OF THE DEVELOPMENT CITY, WHO MAY BE ONE OF ITS MEMBERS, TO SERVE AT THE PLEASURE OF THE COUNCIL. THE EXECUTIVE DIRECTOR SHALL HAVE THE POWERS AND DUTIES OF ALL EXECUTIVE AND ADMINISTRATIVE CITY OFFICIALS SET OUT IN THIS TITLE IN ORDER TO DEVELOP THE CITY UNDER A COMPREHENSIVE COMMUNITY DEVELOPMENT PLAN. (§ 19 CH 118 SLA 1972)]

[SEC. 29.18.380. PROCEDURES. DURING THE DEVELOPMENT STAGE, THE COUNCIL MAY PROVIDE FOR CONFERENCE TELEPHONE OR RADIOPHONE MEETINGS AT TIMES DETERMINED BY THE COUNCIL AND SHALL DETERMINE ITS OWN RULES AND ORDER OF BUSINESS. (§ 19 CH 118 SLA 1972)]

[SEC. 29.18.390. DEVELOPMENT CITY CAPITAL IMPROVEMENT FUNDS. ALL STATE AGENCIES SHALL, WHERE APPROPRIATE, ADOPT PROCEDURES TO INSURE THAT, DURING THE DEVELOPMENT STAGE, THE NEEDS OF A DEVELOPMENT CITY ARE CAREFULLY CONSIDERED IN THE ALLOCATION OF FUNDS AVAILABLE FOR CAPITAL IMPROVEMENT PROJECTS WHERE THOSE FUNDS HAVE NOT OTHERWISE BEEN COMMITTED BY THE LEGISLATURE. (§ 19 CH 118 SLA 1972)]

[SEC. 29.18.400. TRANSITION. (A) WHEN A DEVELOPMENT CITY HAS 400 PERMANENT RESIDENTS ELECTIONS SHALL TAKE PLACE ACCORDING TO THE FOLLOWING SCHEDULE:

(1) IN THE FIRST YEAR TWO ADDITIONAL COUNCILMEN WHO SHALL BE CITY RESIDENTS ELECTED FOR THREE-YEAR TERMS;

(2) IN THE SECOND YEAR TWO COUNCILMEN WHO SHALL BE CITY RESIDENTS ELECTED FOR THREE-YEAR TERMS TO REPLACE ONE OF THE COUNCILMEN NOMINATED BY THE INDUSTRIAL

REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND OTHER STATE AGENCIES AS APPROPRIATE. (§ 19 CH 118 SLA 1972; AM § 9 CH 200 SLA 1972)]

[SEC. 29.18.320. LIMITATION. THE CITY MAY NOT PROCEED WITH COMMITMENT OF FUNDS OR FORMAL UNDERTAKINGS FOR PHYSICAL DEVELOPMENT UNTIL IT HAS A SIGNED CONTRACT OR CONTRACTS FOR SALE OF THE COMPANY'S PRODUCTS IN QUANTITIES SHOWN IN THE ECONOMIC DATA AND SUBMITTED BY THE COMPANY TO BE ADEQUATE TO SUSTAIN AN ECONOMICALLY VIABLE OPERATION. THE COMPANY MAY SUBMIT ALTERNATIVE VALID EVIDENCE THAT THE PROJECTED OPERATION WILL PROCEED. THE COMPANY SHALL NOTIFY THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS OF THE MEETING OF THIS REQUIREMENT. UNLESS THE DEPARTMENT OF ECONOMIC DEVELOPMENT MAKES A DETERMINATION THAT THE DATA IS INSUFFICIENT, THE CITY MAY PROCEED. (§ 19 CH 118 SLA 1972; AM § 9 CH 200 SLA 1972)]

[SEC. 29.18.330. LOCAL HIRE. IN CONSIDERATION OF THE INCORPORATION OF A DEVELOPMENT CITY UNDER THIS CHAPTER, THE MAJOR DEVELOPER SHALL ENTER INTO AN AGREEMENT WITH THE APPROPRIATE AGENCIES OF THE STATE CONCERNING

(1) ESTABLISHING AND MAINTAINING AN APPROVED DEPARTMENT OF LABOR ON-THE-JOB TRAINING PROGRAM TO QUALIFY ALASKA RESIDENTS LACKING IN THE REQUISITE TECHNICAL SKILLS OF THE ACTIVITIES TO BE UNDERTAKEN;

(2) ESTABLISHING RESIDENT HIRE GOALS IN TERMS OF PER CENT OF EMPLOYEES AT THE END OF THE FIRST YEAR, SECOND YEAR AND THIRD YEAR OF OPERATION;

(3) ESTABLISHING THE RESPONSIBILITIES OF THE VARIOUS STATE AGENCIES TOWARDS PROVIDING TECHNICAL ASSISTANCE, MANPOWER PROCUREMENT, RELOCATION ASSISTANCE, JOB OPPORTUNITY SERVICES TO RESIDENTS IN THE AREA, SUPPLEMENTAL VOCATIONAL TRAINING, AND THE SCOPE OF EFFORT EACH STATE AGENCY HAS IN THIS REGARD WITH SPECIFIC COMMITMENTS IN TERMS OF NUMBERS OF RESIDENTS, TIME SCHEDULE AND DOLLAR VALUE OF TRAINING;

(4) ESTABLISHING THE PENALTIES AND CONDITIONS OF NONCOMPLIANCE WITH THE AGREEMENT. (§ 19 CH 118 SLA 1972)]

[SEC. 29.18.340. DEVELOPMENT CITY COUNCIL. THE COUNCIL OF A DEVELOPMENT CITY HAS FIVE MEMBERS CONSISTING OF THE COMMISSIONER OF THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS, OR HIS DESIGNEE, AND FOUR PUBLIC MEMBERS DESIGNATED BY THE GOVERNOR. THE GOVERNOR SHALL APPOINT NO FEWER THAN TWO PUBLIC MEMBERS FROM A LIST OF NOMINEES DESIGNATED BY THE MAJOR DEVELOPER PROVIDING THE INDUSTRIAL BASE OF THE CITY AS MEASURED BY EMPLOYMENT AND CAPITAL INVESTMENT. THE COUNCIL SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. THE DESIGNATED COUNCILMEN NEED NOT BE RESIDENTS OF THE CITY DURING ITS DEVELOPMENT STAGE. (§ 19 CH 118 SLA 1972; AM § 9 CH 200 SLA 1972)]

[SEC. 29.18.450. APPLICABILITY OF OTHER PROVISIONS OF THIS TITLE. ALL APPLICABLE PROVISIONS OF THIS TITLE CONSISTENT WITH THE PROVISIONS OF THIS CHAPTER APPLY TO DEVELOPMENT CITIES. PROVISIONS OF THIS CHAPTER PREVAIL OVER OTHER PROVISIONS OF THIS TITLE WHICH ARE INCONSISTENT. (§ 19 CH 118 SLA 1972)]

[SEC. 29.18.460. DEFINITION. IN THIS CHAPTER "DEVELOPMENT STAGE" MEANS THAT PERIOD OF TIME EXTENDING FROM THE DATE OF INCORPORATION OF A DEVELOPMENT CITY UNTIL SUCH TIME AS THE CITY MAY ATTAIN A POPULATION OF 400 PERMANENT RESIDENTS, OR FIVE YEARS FROM THE DATE OF INCORPORATION, WHICHEVER IS EARLIER. (§ 19 CH 118 SLA 1972)]

[ARTICLE 5. CAPITAL CITY INCORPORATION.

SEC. 29.18.510. INCORPORATION. THERE IS CREATED AND INCORPORATED A CITY OF THE STATE AS THE CAPITAL CITY OF ALASKA WHICH IS A CITY OF THE FIRST CLASS. THE CAPITAL CITY HAS ALL THE POWERS OF A FIRST CLASS CITY. (§ 3 CH 143 SLA 1978)]

[SEC. 29.18.520. BOUNDARIES. THE BOUNDARIES OF THE CAPITAL CITY SHALL INCLUDE ALL OF THAT AREA OF LAND DESIGNATED BY THE VOTERS OF ALASKA AS THE NEW CAPITAL SITE OF THE STATE. (§ 3 CH 143 SLA 1978)]

[SEC. 29.18.530. CITY COUNCIL. (A) UNTIL COUNCIL MEMBERS ELECTED BY THE RESIDENTS OF THE CAPITAL CITY TAKE OFFICE AS PROVIDED IN § 570 OF THIS CHAPTER, THE COUNCIL OF THE CAPITAL CITY SHALL HAVE FIVE MEMBERS, FOUR OF WHOM SHALL BE APPOINTED BY THE GOVERNOR AND SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. THE DEVELOPMENT CORPORATION SHALL DESIGNATE ONE PERSON TO SERVE AS A MEMBER OF THE COUNCIL. THE COUNCIL MEMBERS APPOINTED BY THE GOVERNOR OR DESIGNATED BY THE DEVELOPMENT CORPORATION SHALL SERVE AN INITIAL TERM WHICH EXPIRES ON THE MONDAY FOLLOWING THE FIRST TUESDAY IN OCTOBER OF THE CALENDAR YEAR FOLLOWING THE CALENDAR YEAR OF INITIAL APPOINTMENT OR DESIGNATION. COUNCIL MEMBERS MAY BE REAPPOINTED BY THE GOVERNOR OR REDESIGNATED BY THE DEVELOPMENT CORPORATION. EXCEPT AS PROVIDED IN § 470 OF THIS CHAPTER, THE SUCCESSORS OF THE INITIAL APPOINTEES AND DESIGNEE SHALL SERVE FOR A TERM OF TWO YEARS COMMENCING ON THE DATE THE INITIAL APPOINTMENTS AND DESIGNATION EXPIRE. EACH APPOINTEE AND DESIGNEE SHALL HOLD OFFICE FOR THE TERM OF HIS APPOINTMENT AND UNTIL HIS SUCCESSOR HAS BEEN APPOINTED OR DESIGNATED AND HAS QUALIFIED.

(B) COUNCIL MEMBERS APPOINTED BY THE GOVERNOR OR DESIGNATED BY THE DEVELOPMENT CORPORATION NEED NOT BE RESIDENTS OF THE CAPITAL CITY.

(C) THE COUNCIL SHALL ELECT A CHAIRMAN FROM AMONG ITS MEMBERSHIP. THE CHAIRMAN PRESIDES AT COUNCIL MEETINGS, DETERMINES THE AGENDA FOR COUNCIL MEETINGS, AND CARRIES

DEVELOPER AND ONE OF THE PUBLIC MEMBERS DESIGNATED BY THE GOVERNOR;

(3) IN THE THIRD YEAR TWO COUNCILMEN WHO SHALL BE CITY RESIDENTS ELECTED FOR THREE-YEAR TERMS TO REPLACE THE COMMISSIONER OF THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS AND ONE OF THE COUNCILMEN NOMINATED BY THE INDUSTRIAL DEVELOPER;

(4) IN THE FOURTH YEAR A MAYOR WHO SHALL BE A CITY RESIDENT ELECTED FOR A THREE-YEAR TERM TO REPLACE THE REMAINING COUNCILMAN NOMINATED BY THE INDUSTRIAL DEVELOPER.

(B) AT THE TIME OF THE ELECTION UNDER (A)(4) OF THIS SECTION, OR ANY TIME AFTER IT, THE ELECTORATE MAY EXERCISE THE RIGHT TO BECOME A HOME RULE CITY AS AUTHORIZED UNDER THIS TITLE.

(C) IF, WITHIN A PERIOD OF FIVE YEARS FROM THE INCORPORATION OF A DEVELOPMENT CITY, THE NUMBER OF PERMANENT RESIDENTS DOES NOT REACH 400, THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS SHALL ORDER AN ELECTION FOR CITY OFFICIALS AND DESIGNATE A SUCCESSOR CLASS OF CITY BASED ON POPULATION AS PROVIDED IN THIS TITLE. IF THE DEPARTMENT DESIGNATES A SUCCESSOR CLASS OF CITY, THE PROVISIONS OF THIS TITLE RELATING TO THAT CLASS OF CITY APPLY, AND THE CITY SHALL BE RECLASSIFIED ACCORDINGLY. (S 19 CH 118 SLA 1972; AM § 9 CH 200 SLA 1972))

[SEC. 29.18.410. HOUSING POWERS. FROM THE TIME OF THE APPOINTMENT OF THE FIRST CITY COUNCIL AND FOR A PERIOD OF 10 YEARS FOLLOWING THE FIRST ELECTION OF COUNCILMEN, THE COUNCIL MAY ACT AS ITS OWN HOUSING AND URBAN RENEWAL AUTHORITY IF SUCH POWERS HAVE BEEN GRANTED TO CITIES UNDER APPLICABLE PROVISIONS OF LAW. (§ 19 CH 118 SLA 1972)]

[SEC. 29.18.420. LAND SELECTION. REPEALED BY § 5 CH 180 SLA 1978, EFFECTIVE JULY 1, 1978.]

[SEC. 29.18.430. REVENUE BONDS. REVENUE BONDS MAY BE ISSUED BY A DEVELOPMENT CITY UNDER THE PROVISIONS OF AS 29.58.200 - 29.53.220. HOWEVER, NO VOTE OF THE PEOPLE IS REQUIRED TO ISSUE REVENUE BONDS DURING THE DEVELOPMENT STAGE. DURING THE DEVELOPMENT STAGE REVENUE BONDS MAY BE ISSUED BY A MAJORITY VOTE OF THE CITY COUNCIL. (§ 19 CH 118 SLA 1972)]

[SEC. 29.18.440. SHARED REVENUE. A DEVELOPMENT CITY IS ENTITLED TO SHARED REVENUE AND OTHER STATE FUNDS ON THE SAME BASIS AS A CITY OR ORGANIZED BOROUGH OF THE FIRST CLASS OR, IF RECLASSIFIED UNDER § 400(C) OF THIS CHAPTER, ON THE BASIS OF THE RECLASSIFICATION. DURING THE DEVELOPMENT STAGE THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS MAY ESTABLISH AN ASSUMED POPULATION FIGURE WHICH SHALL BE USED TO DETERMINE SHARED REVENUE BASED ON POPULATION ON PER CAPITA GRANTS. (§ 19 CH 118 SLA 1972; AM § 9 CH 200 SLA 1972)]

[SEC. 29.18.590. TRANSFER OF UTILITIES TO CAPITAL CITY. THE DEVELOPMENT CORPORATION, IN COOPERATION WITH THE CAPITAL CITY, SHALL ARRANGE FOR AND AGREE TO AN ORDERLY SCHEDULE FOR TRANSFERRING TO THE CAPITAL CITY OWNERSHIP OF, AND FINANCIAL AND OPERATIONAL RESPONSIBILITY FOR UTILITIES AND ANY OTHER FACILITIES WHICH THE DEVELOPMENT CORPORATION CONSIDERS TO BE INTEGRAL PARTS OF THE CAPITAL CITY INFRASTRUCTURE. BEFORE JANUARY 1, 1985, THE DEVELOPMENT CORPORATION AND THE COUNCIL OF THE CAPITAL CITY SHALL JOINTLY RETAIN INDEPENDENT CONSULTANTS TO STUDY AND DETERMINE AND ORDERLY SCHEDULE FOR TRANSFER OF THESE UTILITIES AND FACILITIES TO THE CAPITAL CITY. THE EXISTING AND ANTICIPATED RESIDENTS TO FINANCE THE COST OF THESE UTILITIES AND OTHER FACILITIES AND THEIR OPERATING EXPENSES. THE CONSULTANTS SHALL PROPOSE A RECOMMENDED SCHEDULE FOR AND TERMS OF TRANSFER WHICH ARE COMMENSURATE WITH THE CAPITAL CITY'S EXISTING AND ANTICIPATED POPULATION, TAX BASE AND ANY OTHER FACTORS RELATING TO ITS CAPABILITY TO FINANCE AND OPERATE THESE FACILITIES AS THEY CONSIDER APPROPRIATE. THE DEVELOPMENT CORPORATION SHALL, AFTER CONSIDERING THE CONSULTANTS' REPORT, PROPOSE A SCHEDULE OF AND TERMS AND CONDITIONS OF THE TRANSFER TO THE CAPITAL CITY, WHICH SHALL, UPON REVIEW AND APPROVAL BY THE COUNCIL, BE INCLUDED IN AN AGREEMENT BETWEEN THE DEVELOPMENT CORPORATION AND THE CAPITAL CITY. IF THE DEVELOPMENT CORPORATION AND THE CAPITAL CITY ARE UNABLE TO AGREE WITHIN SIX MONTHS AFTER THE DEVELOPMENT CORPORATION SUBMITS ITS PROPOSAL, THE DEVELOPMENT CORPORATION SHALL SUBMIT THE PROPOSAL TO THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE WHICH SHALL CONSIDER THE PROPOSAL, AND IF THE COMMITTEE CONSIDERS IT APPROPRIATE TO DO SO, SHALL RECOMMEND TO THE LEGISLATURE LEGISLATION IT CONSIDERS DESIRABLE FOR THE DISPOSITION OF THE UTILITIES AND OTHER FACILITIES. IF THE LEGISLATURE DOES NOT ENACT LEGISLATION REGARDING THE DISPOSITION WITHIN ONE YEAR AFTER THE PROPOSAL IS SUBMITTED TO THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE, THE DEVELOPMENT CORPORATION MAY AT ANY TIME THEREAFTER SELL OR DISPOSE OF THE UTILITIES AND FACILITIES OR ANY OF THEM TO A PRIVATE PERSON OR ENTITY OR GOVERNMENT BODY, OR CONTINUE TO OPERATE THEM. (§ 3 CH 143 SLA 1978)]

[SEC. 29.18.600. DEFINITIONS. IN §§ 510 - 600 OF THIS CHAPTER, UNLESS THE CONTEXT REQUIRES OTHERWISE,

(1) "CAPITAL CITY AREA" MEANS THE AREA DESCRIBED IN § 520 OF THIS CHAPTER;

(2) "CAPITAL CITY" MEANS THE MUNICIPALITY INCORPORATED BY THIS CHAPTER;

(3) "DEVELOPMENT CORPORATION" MEANS THE ALASKA CAPITAL CITY DEVELOPMENT CORPORATION;

(4) "GENERAL DEVELOPMENT PLAN" HAS THE SAME MEANING AS PROVIDED IN AS 44.07.360 AND INCLUDES AMENDMENTS TO THE GENERAL DEVELOPMENT PLAN;

OUT THE OTHER DUTIES SPECIFIED BY ORDINANCE. (§ 3 CH 143 SLA 1978)]

[SEC. 29.18.540. FILLING A VACANCY. IF A VACANCY OCCURS AMONG THE MEMBER APPOINTED BY THE GOVERNOR, THE GOVERNOR SHALL DESIGNATE THE REPLACEMENT WHO SHALL SERVE FOR THE UNEXPIRED PORTION OF THE TERM. (§ 3 CH 143 SLA 1978)]

[SEC. 29.18.550. APPOINTMENT OF CITY OFFICIALS. UNTIL A MAYOR IS ELECTED IN ACCORDANCE WITH § 570 OF THIS CHAPTER, THE COUNCIL SHALL APPOINT A CITY MANAGER FOR THE CAPITAL CITY TO SERVE AT THE PLEASURE OF THE COUNCIL. THE CITY MANAGER MAY NOT BE A COUNCIL MEMBER. (§ 3 CH 143 SLA 1978)]

[SEC. 29.18.570. TRANSITION. (A) WHEN THE CAPITAL CITY ATTAINS A POPULATION OF 400 PERMANENT RESIDENTS, AS CERTIFIED BY THE LIEUTENANT GOVERNOR BASED ON THE BEST INFORMATION AVAILABLE THE LIEUTENANT GOVERNOR SHALL NOTIFY THE COUNCIL OF THIS DETERMINATION. THE LIEUTENANT GOVERNOR SHALL SPECIFY AN ELECTION DATE WHICH SHALL BE THE FIRST TUESDAY OF OCTOBER FOLLOWING THE NOTIFICATION, EXCEPT THAT IF IT IS LESS THAN SIX MONTHS FROM THE DATE OF THE CERTIFICATION TO THE FIRST TUESDAY OF OCTOBER THEN THE ELECTION DATE SHALL BE THE FIRST TUESDAY OF OCTOBER OF THE YEAR FOLLOWING. THE ELECTED MEMBERS SHALL TAKE OFFICE ON THE MONDAY FOLLOWING THE ELECTION.

(B) AFTER THE LIEUTENANT GOVERNOR HAS SPECIFIED THE ELECTION DATE, THE COUNCIL SHALL MAKE ARRANGEMENTS FOR AN ELECTION AT WHICH FIVE COUNCIL MEMBERS AND A MAYOR SHALL BE ELECTED IN THE MANNER PRESCRIBED BY ORDINANCE AND LAW. THE EXPENSES OF THE ELECTION SHALL BE BORNE BY THE STATE. THE COUNCIL OF THE CAPITAL CITY SHALL HAVE SIX MEMBERS. THE GOVERNOR SHALL DESIGNATE ONE COUNCIL MEMBER HOLDING OFFICE ON THE DATE OF THE ELECTION TO REMAIN A MEMBER OF THE COUNCIL FOR A SINGLE THREE-YEAR TERM COMMENCING ON THE DATE THE ELECTED COUNCIL MEMBERS TAKE OFFICE. THE SUCCESSORS TO THE APPOINTED COUNCIL MEMBERS SHALL BE ELECTED BY THE RESIDENTS, EXCEPT THAT IF THE APPOINTED COUNCIL MEMBER LEAVES OFFICE DURING THE THREE YEARS, THE GOVERNOR MAY APPOINT A SUCCESSOR. THE TERMS OF ALL OTHER APPOINTED OR DESIGNATED COUNCIL MEMBERS EXPIRE WHEN THE ELECTED COUNCIL MEMBERS TAKE OFFICE. THE TERM OF ELECTED COUNCIL MEMBERS IS AS PROVIDED IN AS 29.23.200(C) EXCEPT THAT THREE OF THE MEMBERS ARE ELECTED FOR AN INITIAL TERM OF ONE YEAR. (§ 3 CH 143 SLA 1978)]

[SEC. 29.18.580. PLANNING AND ZONING AUTHORITY. THE GENERAL DEVELOPMENT PLAN AND SPECIFIC DEVELOPMENT PLANS CONSTITUTE THE LAND USE PLAN FOR THE CAPITAL CITY AREA. WHEN A PARCEL OF LAND HAS BEEN DEVELOPED IN ACCORDANCE WITH THE APPLICABLE SPECIFIC DEVELOPMENT PLAN, THAT PARCEL BECOMES SUBJECT TO ALL PLANNING, ZONING, SUBDIVISION, BUILDING CODE OR OTHER SIMILAR ORDINANCES OF THE MATANUSKA-SUSITNA BOROUGH. (§ 3 CH 143 SLA 1978)]

(5) "SPECIFIC DEVELOPMENT PLAN" HAS THE SAME MEANING AS PROVIDED IN AS 44.07.360 AND INCLUDES AMENDMENTS TO EACH SPECIFIC DEVELOPMENT PLAN. (§ 3 CH 143 SLA 1978)]

[SEC. 29.18.610. SHORT TITLE. SECTIONS 510 - 610 OF THIS CHAPTER MAY BE CITED AS THE CAPITAL CITY INCORPORATION ACT. (§ 3 CH 143 SLA 1978)]

[SEC. 29.18.202. DETERMINATION OF ENTITLEMENT FOR CITIES. THE GENERAL GRANT LAND ENTITLEMENT OF A CITY FORMERLY ELIGIBLE TO RECEIVE GENERAL GRANT LAND UNDER THE PROVISIONS OF AS 29.18.190 AND 29.18.200, AS REPEALED BY THIS ACT, IS 10 PER CENT OF THE MAXIMUM TOTAL ACREAGE OF VACANT, UNAPPROPRIATED, UNRESERVED LAND WITHIN THE BOUNDARIES OF EACH CITY AT ANY TIME BETWEEN THE INITIAL DATE OF ELIGIBILITY UNDER FORMER AS 29.28.190 AND 29.18.200 AND JULY 1, 1978. WITHIN SIX MONTHS OF JULY 1, 1978, THE DIRECTOR SHALL DETERMINE THE ENTITLEMENT FOR EACH CITY ELIGIBLE TO RECEIVE GENERAL GRANT LAND UNDER THIS SECTION AND CERTIFY THAT ENTITLEMENT TO THE CITY. (§ 2 CH 180 SLA 1978)]

[SEC. 29.23.395. INTENT OF §§ 397 - 401. IT IS THE INTENT OF §§ 397 - 401 OF THIS CHAPTER TO PROVIDE AN OPPORTUNITY FOR THE YOUNG PEOPLE OF ALASKA TO BECOME INVOLVED IN THE INSTITUTIONS AND PROCESSES OF LOCAL GOVERNMENT COMPARABLE TO THAT EMBODIED IN LEGISLATION UNDER CONSIDERATION AT THE FIRST SESSION OF THE SEVENTH LEGISLATURE PROVIDING FOR PARTICIPATION IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT.]

[SEC. 29.23.397. COMMISSION. (A) THE GOVERNING BODY OF A MUNICIPALITY MAY BY ORDINANCE ESTABLISH A COMMISSION ON THE INVOLVEMENT OF YOUNG PEOPLE IN LOCAL GOVERNMENT.

(B) THE COMMISSION MAY CONSIST OF NOT MORE THAN NINE MEMBERS, DRAWN FROM FIELDS OF PUBLIC AFFAIRS, EDUCATION, THE SCIENCES, THE PROFESSIONS, OTHER FIELDS OF PRIVATE ENDEAVOR, FROM THE STATE OR LOCAL SERVICE, AND THREE ADDITIONAL MEMBERS FROM THE 17 - 22 AGE GROUP, AND SHALL INCLUDE WOMEN AND REPRESENTATIVES OF MINORITY GROUPS. THE MEMBERS SHALL BE APPOINTED BY THE GOVERNING BODY IN THE MANNER PRESCRIBED BY ORDINANCE WITHOUT REGARD TO POLITICAL AFFILIATION AND SHALL SERVE AT THE PLEASURE OF THAT BODY. ONE MEMBER SHALL BE DESIGNATED BY THE GOVERNING BODY AS CHAIRMAN OF THE COMMISSION.

(C) MEMBERS OF THE COMMISSION SERVE WITHOUT COMPENSATION BUT ARE ENTITLED TO PER DIEM AND TRAVEL EXPENSES AS MAY BE AUTHORIZED BY ORDINANCE.

(D) THE COMMISSION SHALL ESTABLISH PROCEDURES TO ENABLE IT TO RECOMMEND ANNUALLY TO THE GOVERNING BODY A GROUP OF PROMISING YOUNG MEN AND WOMEN FROM WHOM THE GOVERNING BODY MAY SELECT INTERNS AND YOUTH VOTING MEMBERS OF MUNICIPAL BOARDS AND COMMISSIONS. THE COMMISSION, IN ESTABLISHING THESE PROCEDURES, SHALL ENLIST THE AID OF MUNICIPAL RESIDENTS WHO ARE ACTIVELY INTERESTED IN WORKING

WITH YOUNG PEOPLE. FOLLOWING ADOPTION OF THE PROCEDURES, THE COMMISSION SHALL ACCEPT APPLICATIONS FROM PERSONS AND NOMINATIONS FOR CONSIDERATION, AND SHALL INTERVIEW ALL APPLICANTS OR NOMINEES.

(E) RECOMMENDATIONS OF THE COMMISSION SHALL BE LIMITED TO YOUNG PEOPLE WHO

(1) HAVE A CAPACITY, DESIRE, INTEREST, ABILITY AND POTENTIAL FOR LEADERSHIP AND SERVICE TO THE COMMUNITY AND TO THE STATE;

(2) WILL HAVE ATTAINED THE AGE OF 17 BUT NOT THE AGE OF 22 BEFORE THE BEGINNING OF THEIR SERVICE.

(F) ANNUALLY, THE COMMISSION SHALL EVALUATE THE PROGRAM AND SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNING BODY. (§ 18 CH 118 SLA 1972)]

[SEC. 29.23.399. INTERNS. AN INTERN MAY BE APPOINTED TO SERVE ON THE STAFF OF THE GOVERNING BODY OR THE MUNICIPAL ADMINISTRATION FOR A PERIOD OF TIME PRESCRIBED BY THE GOVERNING BODY, WITH A MAXIMUM OF ONE YEAR. HE MAY BE ASSIGNED RESPONSIBILITIES IN ANY OFFICE, DEPARTMENT OR AGENCY OF THE MUNICIPALITY. SERVICE WILL BEGIN AT A TIME PRESCRIBED BY THE GOVERNING BODY. INTERNS SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION. SALARIES SHALL BE INDIVIDUALLY ESTABLISHED BY THE GOVERNING BODY ON THE BASIS OF PRIOR EXPERIENCE AND THE RESPONSIBILITIES OF THE POSITION TO WHICH THE INTERN IS ASSIGNED. (§ 18 CH 118 SLA 1972)]

[SEC. 29.23.410. APPOINTMENT TO MUNICIPAL BOARDS AND COMMISSIONS. (A) NOTWITHSTANDING AS 39.05.100 OR A PROVISION OF LAW RELATING TO AGE, THE MUNICIPAL APPOINTING AUTHORITY FOR A MUNICIPAL BOARD OR COMMISSION MAY APPOINT A 17 - 21 YEAR OLD MUNICIPAL RESIDENT TO THE BOARD OR COMMISSION IF RECOMMENDED BY THE COMMISSION, ESTABLISHED IN § 397 OF THIS CHAPTER.

(B) A YOUNG PERSON RECOMMENDED BY THE COMMISSION MAY BE APPOINTED TO A MUNICIPAL BOARD OR COMMISSION HAVING SPECIAL QUALIFICATIONS FOR MEMBERSHIP IF THE PROPOSED NOMINEE, EXCEPT FOR HIS AGE, MEETS THE REQUIRED QUALIFICATIONS SET BY LAW.

(C) AN INDIVIDUAL APPOINTED TO A MUNICIPAL BOARD OR COMMISSION UNDER THIS SECTION IS ENTITLED TO THE RIGHTS, PRIVILEGES AND RESPONSIBILITIES OF OTHER MEMBERS, AND HIS APPOINTMENT IS SUBJECT TO CONFIRMATION BY THE GOVERNING BODY WHEN REQUIRED BY LAW.

(D) NO ADDITIONAL SEAT ON A MUNICIPAL BOARD OR COMMISSION IS CREATED BY VIRTUE OF §§ 395 - 401 OF THIS CHAPTER. (§ 18 CH 118 SLA 1972)]

[SEC. 29.23.470. APPOINTMENT OF A TEMPORARY OR NEW MANAGER. IN THE ABSENCE OR DISABILITY OF THE MANAGER, THE ASSEMBLY OR COUNCIL SHALL APPOINT A TEMPORARY MANAGER. IF THE OFFICE BECOMES VACANT, THE ASSEMBLY OR COUNCIL SHALL APPOINT A NEW MANAGER. (§ 2 CH 118 SLA 1972)]

NOTICE SHALL BE GIVEN BY POSTING A NOTICE IN THREE PUBLIC PLACES WITHIN THE CITY OR BOROUGH AREA OUTSIDE CITIES RECEIVING THE UTILITIES SERVICES AND BY SERVING WRITTEN NOTICE UPON THE CORPORATIONS, ASSOCIATIONS AND INDIVIDUALS WHOSE RATES ARE TO BE REGULATED, FIXED, OR CHANGED IN THE SAME MANNER THAT SUMMONSES ARE SERVED. THE NOTICES SHALL BE PUBLISHED OR POSTED AND SERVED AT LEAST 15 DAYS BEFORE THE HEARING. (§ 2 CH 118 SLA 1972)]

[SEC. 29.48.080. RIGHT TO PARTICIPATE AND COMPEL TESTIMONY. AT A HEARING HELD UNDER § 70 OF THIS CHAPTER, ALL PUBLIC SERVICE CORPORATIONS, ASSOCIATIONS, OR INDIVIDUALS AFFECTED BY OR INTERESTED IN THE MATTERS TO BE HEARD MAY BE PRESENT AND MAY BE REPRESENTED BY COUNSEL. THE MUNICIPALITY AND ALL INTERESTED PARTIES MAY PRODUCE WITNESSES AND EXAMINE THEM AND INTRODUCE EVIDENCE TO PROVE OR DISPROVE THE FACTS IN ISSUE OR MATTERS TO BE ESTABLISHED OR INQUIRED INTO AT THE HEARING. ALL PARTIES MAY COMPEL THE ATTENDANCE OF WITNESSES, AND SUBPOENAS REQUIRING ATTENDANCE SHALL BE ISSUED BY THE MUNICIPAL CLERK UNDER HIS HAND AND THE SEAL OF THE MUNICIPALITY. SUBPOENAS DUCES TECUM REQUIRING THE PRODUCTION OF BOOKS AND PAPERS SHALL BE ISSUED IN LIKE MANNER UPON REQUEST. IF A PERSON FAILS TO OBEY A SUBPOENA, THE PARTY AT WHOSE REQUEST THE SUBPOENA ISSUED MAY PETITION THE SUPERIOR COURT FOR AN ORDER COMPELLING THE ATTENDANCE OF THE DISOBEDIENT WITNESS OR THE PRODUCTION OF THE BOOKS OR PAPERS REFERRED TO IN A SUBPOENA DUCES TECUM. THE SUPERIOR COURT SHALL ORDER THE WITNESS TO APPEAR AND TESTIFY OR COMPEL THE PRODUCTION OF THE BOOKS OR PAPERS. A VIOLATION OF THE ORDER OF THE COURT IS A CONTEMPT OF COURT. IF A WITNESS APPEARS AND REFUSES TO TESTIFY CONCERNING A MATTER MATERIAL TO THE FACTS INQUIRED ABOUT AT THE HEARING AND TO ESTABLISH OR DETERMINE WHICH THE HEARING WAS HAD, AND APPLICATION MAY BE MADE TO THE SUPERIOR COURT TO COMPEL THE WITNESS TO TESTIFY AND ANSWER QUESTIONS PUT TO HIM CONCERNING THE MATTERS INQUIRED ABOUT AND THE COURT SHALL MAKE AN ORDER COMPELLING THE WITNESS TO TESTIFY. VIOLATION OF THE ORDER IS CONTEMPT OF COURT. (§ 2 CH 118 SLA 1972)]

[SEC. 29.48.090. FURTHER PROCEEDINGS. A HEARING UNDER § 70 OF THIS CHAPTER SHALL BEGIN AT THE TIME STATED IN THE NOTICE BUT MAY BE CONTINUED FROM TIME TO TIME. AT LEAST A QUORUM OF THE ASSEMBLY OR COUNCIL SHALL BE PRESENT AT THE HEARING. AT THE CONCLUSION OF THE HEARING THE PARTIES INTERESTED MAY MAKE SUCH ARGUMENTS BEFORE THE ASSEMBLY OR COUNCIL, EITHER IN PERSON OR BY ATTORNEY, AS THEY CONSIDER PROPER, TOUCHING THE MATTERS AT ISSUE, AND THEREAFTER THE ASSEMBLY OR COUNCIL SHALL PROCEED TO REGULATE AND FIX THE RATES BY ORDINANCE. THE DATE UPON WHICH THE RATES FIXED OR REGULATED TAKE EFFECT SHALL BE STATED IN THE ORDINANCE AND SHALL BE AT LEAST 10 DAYS AFTER PASSAGE AND APPROVAL OF THE ORDINANCE. (§ 2 CH 118 SLA 1972)]

[SEC. 29.33.120. ADJUSTMENT PROCEDURE. AN INTERESTED PARTY, INCLUDING BUT NOT LIMITED TO A BOROUGH OR CITY OFFICIAL, MAY FILE WITH THE BOARD OF ADJUSTMENT AN APPEAL SPECIFYING HIS OBJECTIONS. COPIES ARE FILED WITH THE ADMINISTRATIVE OFFICER INVOLVED AND WITH THE BOROUGH CLERK WITHIN THE TIME REQUIRED BY THE ZONING ORDINANCE. THE OFFICER SHALL PROVIDE THE BOARD WITH ALL PERTINENT RECORDS, INCLUDING HIS WRITTEN DECISION. AN APPEAL TO THE BOARD STAYS ENFORCEMENT PROCEEDINGS UNLESS THE BOARD OR A COURT ISSUES AN ENFORCEMENT ORDER BASED ON A CERTIFICATE OF IMMINENT PERIL TO LIFE OR PROPERTY MADE BY THE ENFORCEMENT OFFICER. (§ 2 CH 118 SLA 1972)]

[SEC. 29.43.100. EXTENSION OF CURFEWS OUTSIDE CITIES. THE PROVISIONS OF A CURFEW ORDINANCE ENACTED BY A CITY OF ANY CLASS CONCERNING MINORS SHALL BE IMPOSED IN THE TOTAL AREA WITHIN 20 MILES OF THE LIMITS OF THAT CITY. IF A GIVEN AREA LIES WITHIN 20 MILES OF TWO OR MORE CITIES WITH CONFLICTING CURFEW ORDINANCES, THE PROVISIONS OF THE CURFEW ORDINANCE OF THE CITY HAVING THE LARGEST POPULATION PREVAILS AS TO THE OVERLAPPING AREA. (§ 1 CH 86 SLA 1962; AM § 22 CH 166 SLA 1978)]

[SEC. 29.43.105. ENFORCEMENT OF CURFEWS. (A) THE MUNICIPAL PEACE OFFICERS SHALL ENFORCE THE PROVISIONS OF THE ORDINANCE INSIDE THE CITY LIMITS. UNDER AS 29.43.100 - 29.43.110 THE STATE PEACE OFFICERS SHALL ENFORCE THE PROVISIONS OF THE ORDINANCE IN THE AREA OUTSIDE THE CITY LIMITS.

(B) IN AN AREA WHERE STATE PEACE OFFICERS ARE NOT AVAILABLE, THE MUNICIPAL PEACE OFFICER MAY ENFORCE THE PROVISIONS OF THE ORDINANCE IN THE AREA OUTSIDE THE CITY LIMITS IF THE ENFORCEMENT RESPONSIBILITIES ARE DELEGATED BY CONTRACT BETWEEN THE STATE AND THE MUNICIPALITY. (§ 3 CH 86 SLA 1962; AM § 22 CH 166 SLA 1978)]

[SEC. 29.43.110. PENALTY FOR VIOLATION OF CURFEW. THE PENALTY FOR VIOLATION OF AS 29.43.100 - 29.43.110 IS AS PRESCRIBED BY THE CURFEW ORDINANCE OF THE CITY, AND A FINE SO PAID SHALL BE PAID TO THE CITY WHEN THE VIOLATION TAKES PLACE IN THE CITY. OTHERWISE THE FINE SHALL BE PAID TO THE STATE. HOWEVER, THE PENALTY SHALL NOT EXCEED A FINE OF \$300, OR IMPRISONMENT FOR 30 DAYS, OR BOTH. (§ 2 CH 86 SLA 1962; AM § 22 CH 166 SLA 1978)]

[SEC. 29.48.070. HEARING FOR REGULATION OF UTILITIES RATES. IF THE ASSEMBLY OR COUNCIL CONSIDERS IT ADVISABLE TO REGULATE, CHANGE, OR FIX THE RATES TO BE CHARGED BY A PUBLIC SERVICE CORPORATION, ASSOCIATION OR INDIVIDUAL NOT REGULATED UNDER § 42.05, IT SHALL ORDER A HEARING TO BE HELD BEFORE THE GOVERNING BODY AT A TIME AND PLACE SPECIFIED. NOTICE OF THE HEARING SHALL BE GIVEN BY AT LEAST ONE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION DISTRIBUTED WITHIN THE MUNICIPALITY OR, IF NO NEWSPAPER OF GENERAL CIRCULATION IS DISTRIBUTED WITHIN THE MUNICIPALITY,

[SEC. 29.48.100. APPLICATION. (A) IN THE CASE OF CONFLICT BETWEEN THE PROVISIONS OF §§ 50 - 70 OF THIS CHAPTER AND THE PROVISIONS OF AS 42.05 AS TO THE REGULATION OF RATES OF A UTILITY, THE PROVISIONS OF AS 42.05 SHALL PREVAIL.

(B) SECTIONS 50 - 100 OF THIS CHAPTER APPLY TO HOME RULE AND GENERAL LAW MUNICIPALITIES. (§ 2 CH 118 SLA 1972)

SEC. 29.48.250. CENTRALIZED PURCHASING. THE ASSEMBLY OR COUNCIL MAY PROVIDE FOR CENTRALIZED PURCHASING, STORAGE AND DISTRIBUTION OF SUPPLIES, MATERIAL AND EQUIPMENT FOR THE MUNICIPALITY AND ITS DEPARTMENTS. (§ 2 CH 118 SLA 1972)]

[SEC. 29.58.220. PAYMENT. BONDS ISSUED UNDER AS 29.58.200 - 29.58.220 OR THE PROCEEDINGS OF THE ASSEMBLY OR COUNCIL AUTHORIZING THEIR ISSUANCE MAY CONTAIN THE COVENANTS WHICH THE ASSEMBLY OR COUNCIL CONSIDERS ADVISABLE CONCERNING

(1) THE RATES OR FEES TO BE CHARGED FOR SERVICES RENDERED BY THE PUBLIC FACILITIES, THE REVENUE OF WHICH IS PLEDGED TO THE PAYMENT OF THE BONDS, OR THE TERMS AND CONDITIONS OF ANY OTHER AMOUNTS COLLECTED WHICH ARE PLEDGED TO THE PAYMENT OF THE BONDS;

(2) THE DEPOSIT AND USE OF THE REVENUE OF THE PUBLIC FACILITIES OR OF OTHER AMOUNTS COLLECTED WHICH ARE PLEDGED TO THE PAYMENT OF THE BONDS;

(3) THE ISSUANCE OF ADDITIONAL BONDS PAYABLE FROM REVENUE OF THE PUBLIC FACILITIES OR OF OTHER AMOUNTS COLLECTED WHICH ARE PLEDGED TO THE PAYMENT OF THE BONDS;

(4) THE RIGHTS OF THE BONDHOLDERS IN CASE OF DEFAULT IN THE PAYMENT OF THE PRINCIPAL OR INTEREST ON THE BONDS, INCLUDING THE APPOINTMENT OF A RECEIVER TO OPERATE THE PUBLIC FACILITIES;

(5) OTHER COVENANTS AS THE ASSEMBLY OR COUNCIL DETERMINES. (§ 2 CH 118 SLA 1972; AM § 22 CH 83 SLA 1979)]

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Sec. 29.03.030. This is added to the chapter dealing with the unorganized borough in order to cross-reference the section authorizing the division of lands to act as the platting authority in the unorganized borough.

CHAPTER 04. CLASSIFICATION OF MUNICIPALITIES.

Sec. 29.04.010. This section is altered to allow a city of any class to adopt a home rule charter, whereas existing law allows only a first class city to adopt a charter. Unified municipalities are included within the definition of home rule municipality. (AS 29.08.010)

Sec. 29.04.020. No change. (AS 29.08.020)

Sec. 29.04.030. No change. (AS 29.08.030)

Sec. 29.04.040. (a) The phrase "as provided in this subsection" is deleted as unnecessary. To reclassify as a first class city, a second class city must have 600 residents, whereas existing law requires only 400 residents for reclassification. (AS 29.08.040(a))

(b) No change. (AS 29.08.040(b))

(c) No change. (AS 29.08.040(c))

(d) Minor rewording, but no substantive change. (AS 29.08.040(d) and (e))

(e) "Department of Community and Regional Affairs" is altered to read "department". This bill adds "department" to the definitions section and uses that term throughout the title in place of "Department of Community and Regional Affairs". (AS 29.08.040(f))

Sec. 29.04.050. This deletes the provision for reclassification of a second class borough to a third class borough. (AS 29.08.040(g))

The material currently dealing with reclassification to third class status is deleted. (AS 29.08.040(h), and (j))

Sec. 29.04.060. (a) Minor rewording, but no substantive change. (~~AS 29.08.040~~(g) and (h))

(b) Minor rewording, but no substantive change.
(AS 29.08.040(i))

CHAPTER 05. INCORPORATION.

Sec. 29.05.010. (a) A community that meets certain standards may incorporate as a home rule or first class city, whereas existing law provides for incorporation of a first class city only.
(AS 29.18.011)

(1) A community must have 600 residents to incorporate as a home rule or first class city, whereas existing law requires 400 residents for incorporation as a first class city.
(AS 29.18.011(a)(1))

(2) No change. (AS 29.18.011(a)(2))

(3) The term "local services" is altered to "municipal services". (AS 29.18.011(a)(3))

(4) The term "local government" is altered to "city government". (AS 29.18.011(a)(4))

(5) The term "local government" is altered to "city government". (AS 29.18.011(a)(5))

(b) No change. (AS 29.18.011(b))

Sec. 29.05.020. (a) No change. (AS 29.18.021(a))

(b) The term "organized borough" is altered to "borough", which is defined for the title. (AS 29.18.020(b))

Sec. 29.05.030. (a) This provides for incorporation of a home rule, first class, or second class borough, but not for incorporation of a third class borough. This section contains several technical changes. The term "organized borough" is replaced with "borough" since that is defined. The term "local services" is replaced by "municipal services". The term "local government" is replaced by "borough government" as being more precise since this section deals with the incorporation of boroughs and not cities. (AS 29.18.030)

(b) This is new and provides that an area may not incorporate as a third class borough.

Sec. 29.05.060. "Department of Community and Regional Affairs" is replaced by the word "department" which is defined for the title. The paragraphs are reorganized so that the most general requirements precede the most specific requirements for incorporation. (AS 29.18.050)

(7) Signature requirements apply to home rule and first class cities as a unit and then to the rest of the voters in the area of the proposed borough as another unit. Under existing law only first class cities are treated as a special unit for the purpose of gathering signatures. (AS 29.18.050(10))

(11) Signature requirements for incorporation of a first class city must also be complied with for incorporation of a home rule city. (AS 29.05.060(8))

(13) A new provision for incorporation of a home rule municipality requiring that a proposed home rule charter be filed with the incorporation petition.

Sec. 29.05.070. Minor rewording, but no substantive change. (AS 29.18.060)

Sec. 29.05.080. (a) Combines material currently found in two subsections. Adds requirement that notice of the meeting be published. "Published" is defined for the title. (AS 29.18.070(a) and (c))

(b) No change. (AS 29.18.070(b))

(c) No substantive change. (AS 29.18.080(a))

Sec. 29.05.090. "Department of Community and Regional Affairs" is altered to "department". (AS 29.18.080(b))

Sec. 29.05.100. No substantive change. (AS 29.18.090)

Sec. 29.05.110. This section contains a few minor changes, so that the use of language is consistent throughout the bill. The word "officer" is changed to "official" and that is the term used throughout. Currently, Title 29 uses the terms municipal "officer" and "official" interchangeably. Effective January 1, 1981, the director of elections became responsible for conducting state elections rather than the lieutenant governor and here the responsibility for the election is conferred on the director of elections. (AS 29.18.110)

Sec. 29.05.120. This section is reorganized. Current references to the lieutenant governor are changed to the director of elections. (AS 29.18.120)

(a) Contains material currently found in AS 29.18.120(b).

(b) Contains material currently found in AS 29.18.120(b).

(c) Contains material currently found in AS 29.18.120(b).

- (d) Contains material currently found in AS 29.18.120(c).
- (e) Contains material currently found in AS 29.18.120(d).
- (f) Contains material currently found in AS 29.18.120(e).

Sec. 29.05.130. The phrase "borough assembly or city council" is replaced by the phrase "governing body" which is defined for the title. The last line of the current section is dropped as no longer necessary. The provisions of this section apply to all organized boroughs whether incorporated or organized before or after September 10, 1972. (AS 29.18.130)

Sec. 29.05.140. Minor wording changes are made to improve readability and to insure that terms are used consistently throughout the title. (AS 29.18.140)

(d) Added to indicate that the section applies to home rule and general law municipalities, however, this is not a substantive change because the section currently applies to home rule municipalities under AS 29.13.100.

Sec. 29.05.150. No substantive change. (AS 29.18.150)

Sec. 29.05.180. This section now applies only to organization grants for cities. A new section has been added to the bill to deal with organization grants for boroughs. A newly incorporated city or a second class city that reclassifies shall be entitled to a first year organization grant of \$50,000 and to a second organization grant of \$25,000. Under existing law, a municipality is entitled to receive \$10 for every voter or \$25,000 minimum, and the municipality receives no grant the second year. (AS 29.18.180)

Sec. 29.05.190. This section deals with organization grants to boroughs only and applies to boroughs incorporated after July 1, 1983. A borough shall be entitled to a first year organization grant of \$300,000; a second year grant of \$200,000; and a third year grant of \$100,000. Under existing law a borough receives \$10 for every voter or a minimum \$25,000 grant. (AS 29.18.180)

Sec. 29.05.200. This is new material establishing an organization grant fund. The Department of Community and Regional Affairs is required to prepare a yearly report on the fund to be presented to the Department of Administration.

Sec. 29.05.210. This is new material which requires the Department of Community and Regional Affairs to determine the population of a newly incorporated borough, help the borough establish an initial assessment and collection department if it has adopted a

sales or use tax; and help the borough to determine the initial assessment roll if the borough has adopted a property tax.

CHAPTER 06. ALTERATION OF MUNICIPALITIES.

Sec. 29.06.010. The phrase "qualified voters voting on the question at a regular or special election" is replaced by "voters after an election". Both "voters" and "election" are defined for the title. References to the lieutenant governor are changed to the director of elections. (AS 29.73.050)

(d) This is added and applies the section to home rule municipalities. This is not a substantive change since the section is a home rule limitation under AS 29.13.100.

Sec. 29.06.040. This section contains only minor word changes so that language used in Title 29 which is defined is uniformly used throughout the title. (AS 29.68.010)

Sec. 29.06.050. No substantive change. (AS 29.68.020)

Sec. 29.06.060. This is new material specifically applying all sections dealing with annexation as home rule limitations. The material contained in sec. 29.06.040 of this bill is currently a limitation on home rule municipalities.

Sec. 29.06.090. Adds a provision that a third class borough may not be formed through merger or consolidation. (AS 29.68.030)

Sec. 29.06.100. The word "existing" is added to make it clear that some requirements refer to an existing municipality and some to a proposed municipality. (AS 29.68.040)

Sec. 29.06.110. "Department of Community and Regional Affairs" is changed to "department". (AS 29.68.050, 29.68.060, 29.68.070(a))

Sec. 29.06.120. No substantive change. (AS 29.68.070(b))

Sec. 29.06.130. "Assembly or council" is changed to "governing body". Material contained in the last sentence under current law is placed into a new subsection (b). (AS 29.68.080)

Sec. 29.06.140. Material currently contained in AS 29.68.090(a) and (b) is combined into (a). The statutory reference in AS 29.68.090(d) is eliminated as unnecessary. References to "lieutenant governor" are changed to "director of elections". (AS 29.68.090)

Sec. 29.06.150. No substantive change. (AS 29.68.100)

Sec. 29.06.160. No substantive change. (AS 29.68.110)

Sec. 29.06.170. This is a new section providing that the article on merger and consolidation applies to home rule municipalities. These sections are currently applied to home rule municipalities under AS 29.13.100.

Sec. 29.06.190. No substantive change. (AS 29.68.240)

Sec. 29.06.200. No substantive change. (AS 29.68.250)

Sec. 29.06.210. "Unification" is added to make it clear that this is a special type of petition. (b)(1) and (2) are slightly rewritten for clarity. (AS 29.68.260)

Sec. 29.06.220. No substantive change. (AS 29.68.270)

Sec. 29.06.230. New section setting out duties of charter commission. (AS 29.68.350(a))

Sec. 29.06.240. This is rewritten for clarity. Under existing law membership is divided between the area outside cities and the area inside cities. This approach is altered so that membership is divided between the area outside home rule and first class cities and the area inside home rule and first class cities in the borough. (AS 29.68.310)

Sec. 29.06.250. (a) No substantive change. (AS 29.68.280)

(b) No substantive change. (AS 29.68.290(a))

(c) No substantive change. (AS 29.68.290(b))

(d) This is new material providing that a resolution or petition for unification is void if insufficient nominations are received for the charter commission.

Sec. 29.06.260. No substantive change. (AS 29.68.300)

Sec. 29.06.270. (a) The question submitted is whether a charter commission shall be formed, not whether unification shall take place. (AS 29.68.320(a) and (b))

(b) No substantive change. (AS 29.68.320(c))

(c) No substantive change. (AS 29.68.320(d))

Sec. 29.06.280. Reworded to clarify that formation of a charter commission is being considered, not unification. (AS 29.68.330)

Sec. 29.06.290. No substantive change. (AS 29.68.340(a) - (d))

Sec. 29.06.300. No substantive change. (AS 29.68.340(e), 29.68.390(e))

Sec. 29.06.310. No substantive change. (AS 29.68.340(f))

Sec. 29.06.320. The language "at a regular or special borough election called by the borough assembly held within 60 days of the date of publication and posting of the proposed charter as required in sec. 380 of this chapter" is deleted since this appears elsewhere. Parts have been slightly rewritten for clarification and statutory references to other sections in AS 29.68.350(a)(5) and (7) are deleted as unnecessary. AS 29.68.350(b) is deleted as unnecessary. (AS 29.68.350)

Sec. 29.06.330. Some excessive verbage is eliminated. (AS 29.-68.360)

Sec. 29.06.340. No substantive change. (AS 29.68.370)

Sec. 29.06.350. The language "once in at least one newspaper having general circulation distributed within the borough, if there is a newspaper having general circulation distributed in the borough" is eliminated as unnecessary since "published" is defined for the title. (AS 29.68.380)

Sec. 29.06.360. (a) No substantive change. (AS 29.68.635(a), 29.68.390(a))

(b) No substantive change. (AS 29.68.390(b))

(c) No substantive change. (AS 29.68.390(c))

(d) No substantive change. (AS 29.68.390(d))

Sec. 29.06.370. The statutory reference to the article on unification is eliminated as unnecessary. (AS 29.68.400)

Sec. 29.06.380. This section is slightly reworded for clarity. (AS 29.68.410)

Sec. 29.06.390. This section is slightly reworded for clarity. (AS 29.68.420)

Sec. 29.06.400. This is reworded for clarity and the statutory reference to the unification article is deleted as unnecessary. (AS 29.68.430)

Sec. 29.06.410. (2) is changed so that it is clear that a unified municipality has the powers of a home rule borough, since a unified municipality is a home rule unit of government. (AS 29.68.440)

Sec. 29.06.420. This is a new section making the provisions dealing with unification applicable to home rule municipalities. Although annexation, merger and consolidation, and dissolution are currently home rule limitations, the sections dealing with unification are not applicable to home rule municipalities as limitations under existing law.

Sec. 29.06.450. No changes other than changes in terminology used consistently throughout in this bill. (AS 29.68.500)

Sec. 29.06.460. No changes except for minor rewording for clarity. (AS 29.68.510)

Sec. 29.06.470. No changes, except for minor rewording for clarity. (AS 29.68.520)

Sec. 29.06.480. "Department of Community and Regional Affairs" is altered to "department". (AS 29.68.530, 29.68.540)

Sec. 29.06.490. No changes except for minor rewording for clarity. (AS 29.68.550)

Sec. 29.06.500. (a) No change. (AS 29.68.560)

(b) Provides for an administrative appeal of a Local Boundary Commission decision.

Sec. 29.06.510. Material contained in AS 29.68.570(a) and (b) is consolidated into (a). References to the "lieutenant governor" are changed to the "director of elections", who is now in charge of state elections. (AS 29.68.570)

Sec. 29.06.520. The statutory reference contained in existing law is deleted as unnecessary. (AS 29.68.580)

Sec. 29.06.530. This is a new section providing that the article dealing with dissolution applies to home rule municipalities. AS 29.13.100 makes these sections applicable to home rule municipalities under current law.

CHAPTER 10. HOME RULE MUNICIPALITIES.

Sec. 29.10.010. A city or borough of any class may adopt a home rule charter, but a second class city must have at least 600 residents before it may adopt a charter. This is a significant change from existing law which allows first class boroughs and cities, and second class boroughs to adopt a charter, but does not authorize a second class city to adopt a charter. (AS 29.13.010)

(b) This is new and allows an unincorporated community with at least 600 residents to adopt a charter and incorporate as a home rule city.

(c) This is new and allows an area in the unorganized borough to adopt a charter and incorporate as a home rule borough.

(e) This is new and requires the proposed charter for an unincorporated community or area to be filed with the incorporation petition.

Sec. 29.10.020. This is new and requires the Department of Community and Regional Affairs to prepare model charters to be available to persons interested in filing a petition to incorporate a home rule municipality.

Sec. 29.10.030. No substantive change. (AS 29.13.050)

Sec. 29.10.040. (a) This has been reworded slightly, but contains no significant changes. (AS 29.13.010)

(b) No substantive change. (AS 29.13.020)

(c) This is new material providing that if enough nominations for candidates are not filed no election is held on the question of forming a charter commission.

Sec. 29.10.050. Changed to reflect the fact that a charter commission is elected only in an existing municipality considering the question of home rule. For incorporation of a home rule municipality, the charter is prepared and filed by the petitioners with the incorporation petition. (AS 29.13.030)

Sec. 29.10.060. The clerk shall have the charter published, which is defined, and shall make copies available. Under existing law the governing body is responsible for publishing a charter. (AS 29.13.040)

Sec. 29.10.070. "Municipal" is deleted as no longer necessary as "voter" is defined. "Regular or special" is deleted since "election" is defined. Adds a provision that a proposed charter for an unincorporated community or area shall be voted on at the incorporation election. (AS 29.13.060)

Sec. 29.10.080. (a) The provision that the charter becomes effective on the date the election is certified has been added. (AS 29.13.070)

(b) This is new and authorizes voters to determine if a combined assembly and school board should be retained when voting on adoption of a home rule charter in a third class borough.

Sec. 29.10.090. (a) No substantive change. (AS 29.13.070(b))

(b) This is new providing that if incorporation of a home rule municipality is rejected, the proposed charter is rejected as well.

Sec. 29.10.100. The provision that a charter may be amended by initiative referendum has been deleted. The charter is amended as provided in the charter itself. (AS 29.13.080)

Sec. 29.10.200. The following paragraphs contain sections which are added to the limitations of home rule powers:

- (5) unification of municipalities;
- (10) legislative power;
- (11) assembly composition and apportionment (only one section on assembly composition and reapportionment, AS 29.23.021 which is, now sec. 29.60.060, is a limitation under existing law), however, AS 29.20.033 provides that the other section might apply to some home rule municipalities;
- (12) qualifications of members of governing bodies;
- (14) executive power;
- (27) alcoholic beverages;
- (31) assessment and collection of taxes;
- (32) land use regulation;
- (36) title to vacated areas;
- (38) property taxes (this adds sec. 29.45.450 - 500 and sec. 29.45.550 to the limitations listed under existing law);
- (42) construction;
- (46) general grant land;

The following paragraphs under AS 29.13.100 no longer appear as limitations:

- (4) election and term of mayor;
- (8) municipal elections (material now contained in AS 29.28.010 is not a limitation under this bill; material in AS 29.28.020(b) is expanded so that the notice requirement covers both regular and special elections and the requirement is a limitation under this bill);

(15) borough building code jurisdiction within cities (the material is deleted from this bill);

(20) expenditures of borough revenue;

(25) bond attorneys (the material is deleted from this bill);

(35) bonded debt for school construction (the material is deleted from this bill);

(37) zoning of state land for homesite entry (this was repealed in 1979);

(39) applicability of local platting regulations (the material is deleted from this bill);

(40) expulsion of borough assemblymen (this material is substantially rewritten and not made binding upon home rule municipalities);

(41) removal of borough mayor from office (this material is substantially rewritten and not made applicable as a home rule limitation);

(42) expulsion of city councilmen (this material is substantially rewritten and not made applicable as a home rule limitation);

(43) removal of mayor from office (this material is substantially rewritten and not made applicable as a home rule limitation);

(44) expulsion, removal from office (this material is substantially rewritten and not made applicable as home rule limitation).

CHAPTER 20. MUNICIPAL OFFICERS AND EMPLOYEES.

Sec 29.20.010. Each municipality must adopt a conflict of interest ordinance. A member of the governing body shall declare a financial interest he has in an official action and ask to be excused. The presiding officer rules on the question and his decision may be overridden. Under existing law an officer or employee is required to disqualify himself from participating in an official action in which he has a substantial financial interest. (AS 29.23.555)

Sec. 29.20.020. "Assembly and council" is altered to "governing body" and the section is divided into subsections for ease of use. (AS 29.23.580)

Sec. 29.20.050. The second sentence is new material, however it does not substantively change existing law since it can be implied that the legislative power of a city is vested in the council. This is made applicable as a home rule limitation. (AS 29.23.010)

Sec. 29.20.060. No substantive change. This is made specifically applicable to home rule municipalities, but is a home rule limitation now under AS 29.13.100(3). (AS 29.23.021)

Sec. 29.20.070. "Borough" is dropped before the word "assembly" when it appears and "assembly" is defined for the title. The statutory reference contained in AS 29.23.023(e)(1) is deleted as unnecessary since "unified municipality" is defined. (AS 29.23.023)

Sec. 29.20.080. "Borough" is deleted as unnecessary when it appears before the word "assembly". In (e) "of the Department of Community and Regional Affairs" is deleted since "commissioner" is defined for the title. Statutory references are altered to reflect new numbering. (AS 29.23.025)

Sec. 29.20.090. "Borough" is deleted as unnecessary when it appears before "assembly". "Of Community and Regional Affairs"; appearing several times in the section, is deleted since "commissioner" is defined for the title. Statutory references are altered to reflect renumbering. (AS 29.23.027)

Sec. 29.20.100. "Borough" is deleted where it appears before "assembly". "Of Community and Regional Affairs" is deleted since "commissioner" is defined for the title. Statutory references are altered to reflect new numbering. (AS 29.23.029)

Sec. 29.20.110. Statutory references are altered to reflect new numbering. (AS 29.23.031)

AS 29.20.120. The statutory reference in (1) is deleted since "unified municipality" is defined for the title. Statutory references are revised to reflect new numbering. (AS 29.23.033)

Sec. 29.20.130. No change. (AS 29.23.200(a))

Sec. 29.20.140. This section is substantially rewritten to combine material concerning the qualifications for membership in assemblies with material concerning the qualifications for membership in councils.

(a) Rewritten, but no substantive change. (AS 29.23.050, 29.-23.200(b))

(b) Combines material currently found in different sections. (AS 29.23.050, 29.23.200(b))

(c) This contains new material allowing a municipality to establish district residency requirements for members of the assembly or council. Current law allows an assemblyman elected from one district who becomes a resident of another district to serve only until the next regular election. The subsection allows a municipality to provide otherwise by ordinance. It is also made applicable to city councils. Under existing law a council may be elected by district rather than at-large, but no provision deals with the possibility that a councilman might change his district residency. (AS 29.23.050, 29.23.200(a))

(d) New material prohibiting a municipality from limiting the number of terms or number of consecutive terms a voter may serve on the assembly or council, unless the limit is ratified.

(e) This is applicable to both home rule and general law municipalities. Under current law the qualifications for assemblymen are applicable to home rule and general law municipalities but the qualifications for city councilmen are not. (AS 29.23.050, 29.23.200)

Sec. 29.20.150. Combines material dealing with the term of office of members of the assembly with material dealing with the term of office of members of the council.

(a) This is substantially rewritten, however, the only substantive change is that members of the council may serve different terms when allowed by charter, as well as by ordinance. (AS 29.23.040(a), 29.23.200(c))

(b) No substantive change. (AS 29.23.040(a), 29.23.200(c))

(c) The material permitting a different date to be prescribed by charter or ordinance is made applicable to city councils. (AS 29.23.040(b), 29.23.200(c))

(d) This is added as a home rule limitation with respect to city councils. (AS 29.23.040(c))

Sec. 29.20.160. Combines material dealing with assemblies and with councils into one section.

(a) The last line dealing with the presiding officer is new material as it applies to the council. (AS 29.23.060(b), 29.23.240)

(b) The material dealing with the calling of a special meeting is substantively changed. Under existing law a special meeting may not be called unless all members receive 24 hours written notice or, if there is an emergency and all absent members waive the notice. As rewritten, a special meeting may be held if a majority

of the members receive 24 hours notice and reasonable efforts are made to notify all members. (AS 29.23.060(a), 29.23.210(a))

(c) A member of the governing body disqualified from voting is considered present for purposes of constituting a quorum. A majority of the membership of a council constitutes a quorum, while under existing law four councilmen constitute a quorum. This is not a substantive change, since a first class city has a council of six members and second class city has a council of seven members. Four councilmen are still required for a quorum. (AS 29.23.060(d), 29.23.210(c))

(d) Actions are adopted by a majority of the total membership of the governing body, while under existing law actions are adopted by a majority of votes authorized on the question. All members vote and unless they are required to abstain by law, while under existing law a member may abstain if permitted by the governing body, and must abstain if he has a substantial financial interest in the question. This section is applicable to city councils as well as to assemblies. (AS 29.23.060(d), 29.23.210(c))

(e) Specifically provides that the journal shall be a public record. (AS 29.23.060(c), 29.23.210(b))

(f) Requires a governing body to determine by ordinance its rules and order of business. (AS 29.23.060(c), 29.23.210(b))

Sec 29.20.170. This allows the governing body to prescribe the manner in which a vacancy occurs in any elected office, other than the office of mayor or member of the school board. The governing body is required to declare an elective office vacant under specific conditions, unless a municipality establishes otherwise by ordinance. (AS 29.23.060(c), 29.23.080, 29.23.210(b), 29.23.220, 29.23.570)

Sec. 29.20.180. (a) Requires a vacancy to be filled within 30 days unless a different period is established by ordinance. If less than 30 days remain in a term, a vacancy need not be filled, unless filling the vacancy is necessary to preserve a quorum. The material contained in AS 29.23.080 dealing with filling a vacancy in dual assembly council seats has been deleted. (AS 29.23.080, 29.23.220)

(b) This is new material requiring appointments within seven days if needed to preserve a quorum.

(c) No substantive change. (AS 29.23.080, 29.23.220)

Sec. 29.20.220. This section is substantially rewritten to combine material dealing with the mayor of a city with material dealing with the mayor of a borough.

(a) This is a clear statement that the executive power is vested in a mayor, which is only implied with reference to cities under current law. The mayor of a home rule or unified municipality is elected by the voters, which is not a substantive change. (AS 29.23.200(a) and (c), 29.23.240)

(b) This material currently exists with respect to city mayors but not with respect to borough mayors, although these duties may be implied for borough mayors. The language "and is responsible for additional duties and powers prescribed by this chapter or by home rule charter" is new, but is not a substantive change. (AS 29.23.240)

(c) This section is a limitation on home rule municipalities. Under existing law it is not listed as a limitation.

Sec. 29.20.230. This is substantially rewritten in order to combine material dealing with the election and term of a borough mayor and a city mayor.

(a) No substantive change. (AS 29.23.130(c), 29.23.250(b) and (d))

(b) Allows a second class city to provide by ordinance for a term longer than one year for the office of mayor, as long as the mayor is a member of the council. Existing law provides a one-year term of office for the mayor of a second class city. (AS 29.23.250(c) and (d))

(c) This is new material providing that the number of terms or number of consecutive terms a mayor may serve may not be limited.

Sec. 29.20.240. Rewritten to combine sections dealing with the mayor of a borough and the mayor of a city.

(a) No substantive change. (AS 29.23.130(b), 29.23.250(a) and (c))

(b) The reference in AS 29.23.250(a) to additional residency requirements prescribed by charter is eliminated. This section is not a limitation on home rule governments, so a home rule municipality may prescribe additional residency requirements by charter without statutory authority. (AS 29.23.130(b), 29.23.250(a))

Sec. 29.20.250. This is rewritten to combine sections dealing with a city and sections dealing with a borough, and to achieve a clear statement of existing law.

(a) No substantive change. (AS 29.23.130(a), 29.23.290)

(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 29.23.370)

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. 29.20.500. 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 29.53.160)

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.