

Chapter 71. General Provisions.

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Sec. 29.71.010. No adverse possession.

A municipality may not be divested of title to real property by adverse possession. (§ 18 ch 74 SLA 1985)

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. (§ 18 ch 74 SLA 1985)

Sec. 29.71.030. Taxation of municipalities.

A state law or regulation may not assess or tax, or be construed to assess or tax, a municipality unless the law or regulation expressly provides that the municipality is to be assessed or taxed by the particular law or regulation. (§ 18 ch 74 SLA 1985)

Sec. 29.71.040. Procurement preference for state agricultural and fisheries products.

(a) When agricultural products are purchased by a municipality that receives state money, only agricultural products harvested in the state shall be purchased whenever priced no more than seven percent above products harvested outside the state, available, and of like quality compared with agricultural products harvested outside the state.

(b) When fisheries products are purchased by a municipality that receives state money, only fisheries products harvested or processed within the jurisdiction of the state shall be purchased whenever priced no more than seven percent above products harvested or processed outside the jurisdiction of the state, available, and of like quality compared with fisheries products harvested or processed outside the jurisdiction of the state.

(c) A solicitation by a municipality for the purchase of agricultural or fisheries products shall specify the requirement that products harvested in the state shall be used where possible. If a municipality that receives state money purchases agricultural or fisheries products harvested outside the state, the municipal officer responsible for the purchase shall certify in writing the reasons that products harvested in the state were not purchased.

(d) If a contractor fails to comply with this section, the municipality shall withhold payment until the contractor complies. If a municipality fails to comply with

this section, the state department responsible for disbursing state money to the municipality shall withhold the money until the municipality complies.

(e) An interested party, as defined in AS 36.30.699, may seek administrative or judicial review of the award of a contract in violation of this section.

(f) Compliance with this section is not required if an exception to this section is mandated for participation in a federal program.

(g) This section applies to general law and home rule municipalities.

(h) In this section,

(1) "agricultural products" includes dairy products, timber and lumber, and products manufactured from timber and lumber;

(2) "state money" includes state reimbursement to municipalities for school or related construction, foundation funding for education, municipal assistance, revenue sharing, and state funds for capital projects. (§ 2 ch 64 SLA 1988)

Sec. 29.71.050. Procurement preferences for recycled Alaska products.

(a) Alaska recycled products shall be used in municipal procurements when the products are of comparable quality, of equivalent price, and appropriate for the intended use.

(b) Unless the procurement is governed by AS 29.71.040, in the evaluation of a bid or proposal for a procurement by a municipality, if a bid or proposal designates the use of recycled Alaska products for the products identified in the contract specifications, and if the recycled Alaska products meet the contract specifications, the bid or offer shall be decreased by the percentage of preference given to the recycled Alaska products under AS 36.30.332.

(c) The contract specifications for a municipal procurement must include a provision that describes the preference granted under (b) of this section.

(d) If a successful bidder or offeror who receives the preference under (b) of this section fails to use the designated recycled Alaska product for a reason within the control of the successful bidder or offeror, each payment under the contract shall be reduced by the percentage reduction scheduled under AS 36.30.330(a) for the classification the product has received under AS 36.30.332.

(e) In the evaluation of a bid or proposal for a municipal procurement, a person is not a responsible bidder or offeror if, during two contracts for which the person received a preference under (b) of this section during the preceding three years, the person failed to use the recycled Alaska product designated in the person's bids or proposals for the contracts for reasons within the control of the bidder or offeror.

(f) This section applies to home rule and general law municipalities.

(g) In this section, "recycled Alaska product" has the meaning given in AS 36.30.338. (§ 3 ch 63 SLA 1988)

Sec. 29.71.060. Copyrights in computer software.

A municipality may hold the copyright for software created by the municipality or developed by a contractor for the municipality, and may enforce its rights to protect the copyright. (§ 13 ch 200 SLA 1990)

Sec. 29.71.800. 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;
- (2) "assembly" means the governing body of a borough;
- (3) "borough" means a general law borough or a home rule borough;
- (4) "city" means a general law first or second class city or a home rule city;
- (5) "commissioner" means the commissioner of community and economic development;
- (6) "consolidation" means dissolution of two or more municipalities and their incorporation as a new municipality;
- (7) "council" means the governing body of a city;
- (8) "department" means the Department of Commerce, Community, and Economic Development;
- (9) "election" means a regular or special municipal election and does not include a state election;
- (10) "governing body" means the legislative body of a municipality that is the assembly of a borough or the council of a city;
- (11) "majority" means a simple majority;
- (12) "merger" means dissolution of a municipality and its absorption by another municipality;
- (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;
- (14) "non-areawide" means throughout the area of a borough outside all cities in the borough;
- (15) "owner" or "record owner" means the owner of record or purchaser of record as shown in the records of the district recorder;
- (16) "personal property" means tangible property other than real property, such as merchandise, stock in trade, machinery, equipment, furniture, fixtures, vehicles, boats, and aircraft;
- (17) "property" means real and personal property;
- (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;
- (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;
- (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 person who is qualified to vote under AS 29.26.050. (§ 18 ch 74 SLA 1985; am § 20 ch 80 SLA 1989; am § 91 ch 58 SLA 1999)

Effect of amendments. — The 1999 amendment, effective July 1, 1999, substituted "community and economic development" for "community and regional affairs" in the paragraphs (5) and (8). The 1989 amendment, effective August 30, 1989, rewrote paragraph (25).