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## OFFICE OF THE LIEUTENANT GOVERNOR ALASKA

## M E M O R A N D U M

TO:	Micaela Fowler Department of Commerce, Community, and Economic Development			
FROM:	Scott Meriwether, Office of the Lieutenant Governor 6465.4081			
DATE:	November 22, 2017			
RE:	Filed Permanent Regulations: Department of Commerce, Community, and Economic Development			
	Department of Commerce, Community, and Economic Development regulations re: community assistance payment program (3 AAC 180)			
	Attorney General File: III2017200192			

Attorney General File:JU2017200192Regulation Filed:11/22/2017Effective Date:12/22/2017Print:224, January 2018

cc with enclosures:

Linda Miller, Department of Law Judy Herndon, LexisNexis

### ORDER ADOPTING CHANGES TO REGULATIONS OF DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

The attached 17 pages of regulations, dealing with the community assistance payment program, 3 AAC 180.010 - 900, are adopted and certified to be a correct copy of the regulation changes that the Department of Commerce, Community, and Economic Development adopts under the authority of AS 44.33.020, AS 29.60.850 - 29.60.879 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Commerce, Community, and Economic Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

Date: November 17,2017

Micaela Fowler, Special Assistant

Unite Richard FILING CERTIFICATION I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on <u>MOUMENDD</u>, 2017, at <u>O'O'</u>m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120. <u>Lieutenant Governor</u>

Effective:

Vecember 22, 2017

Register:

224, January 2018





## Department of Commerce, Community, and Economic Development

OFFICE OF THE COMMISSIONER

P.O. Box 110800 Juneau, AK 99811-0800 Main: 907.465.2500 Fax: 907.465.5442

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations, outside of the Division of Corporations, Business and Professional Licensing (CBPL), but for the Department of Commerce, Community, and Economic Development (DCCED), under the Alaska Administrative Procedure Act, is hereby delegated to:

> Micaela Fowler Legislative Liaison Office of the Commissioner DCCED P.O. Box 110800 Juneau, AK 99811-0800 907-465-2503 micaela.fowler@alaska.gov

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations of the Division of Corporations, Business and Professional Licensing, under the Alaska Administrative Procedure Act, is hereby delegated to:

Janey Hovenden Director CBPL DCCED P.O. Box 110806 Juneau, AK 99811-0806 907-465-2538 janey.hovenden@alaska.gov

This Delegation of Authority will remain in effect until modified or revoked by a subsequent delegation. This Delegation supersedes and revokes all delegations preceding it.

Dated the 6<sup>th</sup> day of November, 2017

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Mike Navarre Commissioner Department of Commerce, Community, and Economic Development

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

Claire Richardson, Special Assistant

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on January 7<sup>th</sup> 2015.



BYRON MALLOTT LIEUTENANT GOVERNOR

### Chapter 180. Community Assistance Program [REVENUE SHARING].

3 AAC 180.010 is repealed and readopted to read:

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**3 AAC 180.010. Application for community assistance payments.** (a) To receive a community assistance payment under AS 29.60.850 - 29.60.879, a municipality, reserve, or community must certify and agree, on a form provided by the department,

(1) that the municipality, reserve, or community is in compliance withAS 29.60.850 - 29.60.879 and this chapter;

(2) to use a payment received under AS 29.60.855 and 29.60.860 only for a public purpose as required under AS 29.60.850(a);

(3) to make a service or facility provided with a payment received under AS 29.60.855 and 29.60.860 available to every person in the community regardless of race, religion, color, national origin, age, physical or mental disability, sex, marital status, changes in marital status, pregnancy, parenthood, or political affiliation; and

(4) to maintain, as required under this paragraph, all accounting records, receipts, invoices, and other documents related to the receipt and expenditure of a payment under AS 29.60.855 and 29.60.860, including all documents that record the activities that occurred through the use of the payment; if the payment is for a community, the village council or incorporated nonprofit entity that agrees to receive the payment for the community must agree to maintain documents as required under this paragraph; the documents must be maintained

(A) for at least three years after the date when the department distributes a payment under AS 29.60.855 and 29.60.860 each year to the municipality or reserve or to

the village council or incorporated nonprofit entity for a community; and

(B) for longer than three years and until the matter is fully resolved, if the municipality or reserve, or the village council or incorporated nonprofit entity for a community, has an unresolved audit finding, questioned costs, litigation, or a grievance at the end of the three-year period.

(b) In addition to making the certification and agreement on the form provided under (a) of this section, a borough or unified municipality that will receive community assistance payments on behalf of communities in the borough or unified municipality must

(1) submit to the department a resolution adopted by the assembly that clearly identifies

(A) the communities that the borough or unified municipality hasdetermined meet the eligibility criteria under AS 29.60.865, 29.60.879, and 3 AAC180.110; and

(B) the village council or incorporated nonprofit entity located within each community listed under (A) of this paragraph that the borough or unified municipality has approved as the recipient of the community assistance payment; and

(2) certify that at least three of the services required under AS 29.60.865(c) are generally available to all residents of the community.

(c) In addition to making the certification and agreement on the form provided under (a) of this section and receiving any identification required under (b) of this section, a reserve or village council must submit to the department a waiver of sovereign immunity in accordance with AS 29.60.865(a) and 3 AAC 180.130.

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(d) The department will not issue a community assistance payment to an entity until the department has received the entity's statement of expenditures of the prior year's community assistance payment, the community assistance program budget form for the current year's application, and all documents required under this section and 3 AAC 180.020.

(e) To administer more efficiently the community assistance payment program under AS 29.60.850 - 29.60.879 and this chapter, and to reduce the costs associated with its administration, the department will use electronic mail and electronic filing to the maximum degree possible. An applicant may submit the form and documents required under this section to the department by means of electronic mail received not later than 4:30 p.m. on June 1 or regular mail postmarked not later than June 1, for community assistance payments to be distributed the following state fiscal year. (Eff. 5/15/2008, Register 186; am 10/8/2008, Register 188; em am 3/10/2011 - 7/7/2011, Register 198; am 12/22/2017, Register 224)

Authority:	AS 29.60.850	<u>AS 29.60.860</u>	AS 44.33.020
	<u>AS 29.60.855</u>	AS 29.60.865	

# Editor's note: For an application submitted by electronic mail, the department's electronic mail address is caa@alaska.gov .

3 AAC 180.020 is repealed and readopted to read:

**3 AAC 180.020. Reports to the department by municipalities.** In addition to meeting the requirements of 3 AAC 180.110 that apply to a municipality, and before the department makes a community assistance payment to a municipality, the municipality must submit

(1) maps and descriptions of all annexed or detached territory as required under AS 29.20.640(a)(1);

(2) if the municipality is a borough, unified municipality, or first class city, a copy of the annual audit reviewed by a certified public accountant licensed under AS 08.04, as required under AS 29.20.640(a)(2);

(3) if the municipality is a second class city and is required under state or federal law to submit an audit, a copy of that audit reviewed by a certified public accountant licensed under AS 08.04, as required under AS 29.20.640(a)(2); otherwise, a second class city must submit a statement of annual income and expenditures approved by the governing body, as required under AS 29.20.640(a)(2);

(4) tax assessment and tax levy figures for the most recently completed annual budget cycle as required under AS 29.20.640(a)(3);

(5) a copy of the current annual budget of the municipality as required under AS 29.20.640(a)(4);

(6) as required under AS 29.20.640(a)(5), a summary of the optional property tax exemptions authorized together with the estimate of the revenues lost to the municipality by operation of each of the exemptions; and

(7) a copy of the taxpayer notices required under AS 29.45.020 and 29.45.660.
 (Eff. 5/15/2008, Register 186; am 10/8/2008, Register 188; am 12/22/2017, Register 224)

Authority:	<u>AS 29.20.640</u>	<u>AS 29.45.660</u>	AS 29.60.865
	AS 29.45.020	AS 29.60.850	AS 44.33.020

Register <u>224</u>, <u>Tanuery</u> 2018 COMMERCE, COMMUNITY, AND EC. DEV. 3 AAC 180.030(a) is amended to read:

(a) For purposes of community <u>assistance</u> [REVENUE SHARING] per capita payments to municipalities, <u>reserves</u>, <u>and communities</u> under AS 29.60.860, the director shall annually determine the permanent resident population of the previous calendar year for each municipality, <u>reserve</u>, <u>and community</u> in the state. No later than January 15 of each calendar year, the director shall mail to each municipality, <u>reserve</u>, <u>and community</u> the determination of the municipality's previous calendar year population.

3 AAC 180.030(b) is amended to read:

(b) The determination under (a) of this section must be based upon the following census or estimate that indicates the most recent population of the municipality<u>, reserve, or</u> <u>community</u>:

(1) a census of the United States Bureau of the Census;

(2) a head count census conducted <u>in accordance with 3 AAC 180.040(c)</u> by the municipality <u>or reserve, or by the village council or incorporated nonprofit entity for a</u> <u>community</u> [IN ACCORDANCE WITH 3 AAC 180.040(c)];

(3) a housing unit method population estimate conducted <u>in accordance with</u> <u>3 AAC 180.040(d)</u> by the municipality <u>or reserve, or by the village council or incorporated</u> nonprofit entity for a community [IN ACCORDANCE WITH 3 AAC 180.040(d)];

(4) an estimate by the Department of Labor and Workforce Development.

Authority: AS 29.60.860 AS 44.33.020

Register <u>224</u>, <u>January</u> 2018 COMMERCE, COMMUNITY, AND EC. DEV. 3 AAC 180.040 is amended to read:

**3 AAC 180.040. Request for adjustment of population determination.** (a) A municipality <u>or reserve, or the village council or incorporated nonprofit entity for a</u> <u>community</u>, may request an adjustment of <u>the</u> [ITS] population determination under 3 AAC 180.030 <u>for the municipality, reserve, or community</u> by submitting a written request to the director, postmarked no later than April 1 of the calendar year. If a municipality <u>or reserve, or</u> <u>the village council or incorporated nonprofit entity for a community</u>, requests an adjustment under this section, the municipality, <u>reserve, village council, or incorporated nonprofit entity</u> shall substantiate the requested adjustment with

(1) a head count census conducted by the municipality, reserve, village council,
 or incorporated nonprofit entity in accordance with (c) of this section; or

(2) a housing unit method population estimate conducted by the municipality, reserve, village council, or incorporated nonprofit entity in accordance with (d) of this section.

(b) If a [MUNICIPALITY'S] request under (a) of this section is postmarked after April 1 of the calendar year, [IT WILL BE DENIED BY] the director **shall deny the request** as being untimely filed. An appeal to the commissioner regarding that denial, submitted in accordance with 3 AAC 180.050, will be accepted if the applicant shows good cause for missing the postmark deadline.

(c) For the purposes of (a)(1) of this section, a head count census must be conducted in a manner satisfactory to the division. The division shall validate the census in accordance with the standard census definitions and procedures specified by the division. The municipality, reserve,

village council, or incorporated nonprofit entity shall bear the expense of the census. The governing body of the municipality or reserve, or the governing body of a village council or incorporated nonprofit entity for a community, must

(1) pass a resolution adopting the results of the census; and

(2) [THE MUNICIPALITY MUST] provide a copy of the resolution with the census results to the division.

(d) For the purposes of (a)(2) of this section, a housing unit population estimate must be conducted in a manner satisfactory to the division. The division shall validate the estimate in accordance with standard census definitions and procedures specified by the division. The municipality, reserve, village council, or incorporated nonprofit entity shall bear the expense of the estimate. The governing body of the municipality or reserve, or the governing body of a village council or incorporated nonprofit entity, must

(1) pass a resolution adopting the results of the estimate; and

(2) [THE MUNICIPALITY MUST] provide a copy of the resolution with the estimate results to the division.

(e) A municipality, reserve, village council, or incorporated nonprofit entity shall, upon request of the director, furnish available information and provide assistance requested by the director necessary to make a determination to grant or deny a [MUNICIPALITY'S] request for adjustment under (a) of this section. The director may prescribe forms containing procedures for reporting the information.

(f) The director shall, in writing, grant or deny a request for adjustment within 10 days after receipt of the request. The director's response shall include the reason for granting or

Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV. denying the request for adjustment, and a determination of the [MUNICIPALITY'S] population determination based upon the director's decision to grant or deny the request. (Eff. 5/15/2008, Register 186; am 10/8/2008, Register 188; em am 3/10/2011 - 7/7/2011, Register 198; am

12/22/2017, Register 224)

Authority: AS 29.60.860 AS 44.33.020

3 AAC 180.050 is amended to read:

**3 AAC 180.050. Appeal of population determination to the commissioner.** (a) A municipality, reserve, village council, or incorporated nonprofit entity may appeal to the commissioner a decision of the director made under 3 AAC 180.040. The appeal must be in writing and must be postmarked within 10 days after the municipality, reserve, village council, or incorporated nonprofit entity received the written decision of the director. The appeal must include relevant evidence in support of the [MUNICIPALITY'S] claim.

(b) No later than 10 days after receipt of the appeal, the commissioner will render a decision on the appeal. Immediately following the commissioner's decision, written notification, containing a statement of the decision and the reasons for it, will be sent to the municipality<sub>1</sub>

## reserve, village council, or incorporated nonprofit entity.

(c) The commissioner's decision of an appeal is final.

(d) After deciding all appeals made under this section, the commissioner will certify a final [MUNICIPAL] population report on or before June 1 of that calendar year. (Eff. 5/15/2008, Register 186; em am 3/10/2011 - 7/7/2011, Register 198; am 12/22/2017, Register 224) Authority: AS 29.60.860 AS 44.33.020 Register <u>224</u>, <u>January</u> 2018 COMMERCE, COMMUNITY, AND EC. DEV. 3 AAC 180.060 is repealed:

3 AAC 180.060. Standards for payment to communities located in the unorganized borough. Repealed. (Eff. 5/15/2008, Register 186; am 10/8/2008, Register 188; repealed 12 /22 / 2017, Register 224)

3 AAC 180.065 is repealed:

3 AAC 180.065. Standards for payment to reserves. Repealed. (Eff. 10/8/2008, Register 188; repealed 12/22/2017, Register 224)

3 AAC 180.070 is repealed:

3 AAC 180.070. Standards for payment on behalf of communities located within boroughs and unified municipalities. Repealed. (Eff. 5/15/2008, Register 186; am 10/8/2008, Register 188; repealed <u>12/22/2017</u>, Register <u>224</u>)

3 AAC 180.080 is amended to read:

**3 AAC 180.080. Determination of most qualified entity.** If [THE DIVISION DETERMINES THAT] there is more than one qualified entity within a community in the unorganized borough that will agree to receive and spend the community <u>assistance</u> [REVENUE SHARING] payment <u>under AS 29.60.865</u>, the <u>department</u> [DIRECTOR] shall determine which entity is to receive the payment. In making this determination, the <u>department</u> [DIRECTOR] shall consider factors relevant to achieving the public purpose of the payment, including

(1) the administrative capability of each village council or incorporated nonprofit entity, including past performance on any previous grant awards, <u>bulk fuel loans under</u> <u>AS 42.45.250 - 42.45.299</u>, or any other financial aid provided by the state or federal

government;

(2) for each incorporated nonprofit entity, whether the entity has articles of incorporation and a certificate of incorporation in good standing under AS 10.20;

(3) the ability of each village council or incorporated nonprofit entity to manage its debt and other finances, including whether amounts due to the United States Internal Revenue Service are timely paid;

(4) the degree to which each village council or incorporated nonprofit entity is representative of the community; and

(5) the purpose for which each village council or incorporated <u>nonprofit entity</u>
[COMMUNITY] intends to spend the community <u>assistance payment</u> [REVENUE SHARING MONEY]. (Eff. 5/15/2008, Register 186; am 10/8/2008, Register 188; am <u>12/22/2017</u>, Register <u>224</u>)

Authority: AS 29.60.865 AS 44.33.020

3 AAC 180.090 is amended to read:

**3 AAC 180.090. Incorporation or dissolution of a municipality.** (a) A municipality that incorporates on or before June 30 of a state fiscal year is eligible to receive a community **assistance** [REVENUE SHARING] payment under AS 29.60.855 and 29.60.860 the following state fiscal year.

(b) A qualified entity under AS 29.60.865(a) located within a city in the unorganized borough may receive a community **assistance** [REVENUE SHARING] payment under AS 29.60.855 and 29.60.860 if

(1) the city has not qualified for a community <u>assistance</u> [REVENUE
 SHARING] payment under AS 29.60.855 and 29.60.860 for two consecutive state fiscal years; and

(2) a petition has been submitted under AS 29.06.460 to the Local BoundaryCommission to initiate dissolution of the city.

(c) Payment may not be made under (b) of this section for more than two state fiscal years. (Eff. 5/15/2008, Register 186; am 10/8/2008, Register 188; am 1/22 /2017, Register 224)

Authority: AS 29.60.855 AS 29.60.860 AS 44.33.020

3 AAC 180.100 is amended to read:

3 AAC 180.100. Waiver for good cause. The <u>department</u> [COMMISSIONER] may waive a deadline in this chapter if the <u>department</u> [COMMISSIONER] determines there was good cause for missing the deadline and that a waiver will not unreasonably disrupt the process of administering the program under this chapter. (Eff. 5/15/2008, Register 186; am 10/8/2008, Register 188; am  $\frac{12}{22}/22/2007}$ , Register  $\frac{224}{20}$ )

 Authority:
 AS 29.60.855
 AS 29.60.860
 AS 44.33.020

3 AAC 180.110 is repealed and readopted to read:

**3 AAC 180.110. Determination of social unit.** (a) A community under AS 29.60.879 is a social unit if

(1) the persons residing in that area are a discrete and identifiable unit based on

evidence of

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- (A) school enrollment;
- (B) sources of employment;
- (C) voter registration;
- (D) permanency of dwelling units; or
- (E) presence of a commercial establishment; and

(2) the geographic area in which the persons reside is proportionate in size to that

number of persons; in determining whether this standard has been met, the department may consider the physical topography of the area, the use of the land, land ownership patterns, and other factors that could affect population density; an area with a population density of at least 14 persons per square mile is considered to have met this standard.

(b) Individuals residing in one or more of the following places are not a social unit under AS 29.60.879:

(1) a place where public access or the right to reside at the location is restricted;

(2) a place that is contiguous to a city and is dependent upon the city to the extent that it exists only because the city exists;

(3) a place provided by an employer that is populated primarily by persons who are required to reside there as a condition of their employment. (Eff. 5/15/2008, Register 186; am

 Register 224, January 2018
 COMMERCE, COMMUNITY, AND EC. DEV.

 10/8/2008, Register 188; am
 12 /22 /2017, Register 224)

 Authority:
 AS 29.60.865
 AS 29.60.879

 AS 44.33.020

3 AAC 180.120 is amended to read:

**3 AAC 180.120. Preliminary and final payments.** (a) Upon a finding by the <u>department</u> [DIRECTOR] that it is in the state's best interest, the <u>department</u> [DIVISION] may make preliminary community <u>assistance</u> [REVENUE SHARING] payments to eligible municipalities, communities [LOCATED IN THE UNORGANIZED BOROUGH], and reserves. The amount of the preliminary payment <u>equals</u> [SHALL EQUAL] the sum of the basic payment calculated under AS 29.60.855 [AND ONE-HALF OF THE ESTIMATED PER CAPITA PAYMENT CALCULATED UNDER AS 29.60.860].

(b) Immediately after identifying and verifying all information necessary to calculate final community **assistance** [REVENUE SHARING] payments, the **department will** [DIVISION SHALL] calculate and distribute final payments to all eligible municipalities, communities, and reserves. The amount of the final payment for each eligible municipality, community, and reserve **equals** [SHALL EQUAL] the difference between the amount of the total payments calculated under AS 29.60.855 and 29.60.860 and the amount distributed under (a) of this section. (Eff. 5/15/2008, Register 186; am 10/8/2008, Register 188; am <u>12/22/2017</u>, Register <u>22</u>  $\frac{22}{2017}$ ,

Authority: AS 29.60.855 AS 29.60.860 AS 44.33.020

Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV. 3 AAC 180.130 is amended to read:

**3 AAC 180.130. Waiver of sovereign immunity.** The department will not make a community **assistance** [REVENUE SHARING] payment under AS 29.60.855 and 29.60.860 to a village council or reserve unless the department receives, on a form approved by the Department of Law, a waiver of sovereign immunity from suit adopted by the governing body for claims related to the payment. (Eff. 5/15/2008, Register 186; am 10/8/2008, Register 188; am

12/22/2017, Register 224)

 Authority:
 AS 29.60.855
 AS 29.60.865
 AS 44.33.020

 AS 29.60.860
 AS 29.60.860
 AS 44.33.020

3 AAC 180.140(a) is amended to read:

**3 AAC 180.140. Overpayment, [AND] adjustment, and assignment.** (a) If the amount that an entity receives under this chapter exceeds the amount that the <u>entity</u> [APPLICANT] is entitled to receive <u>under AS 29.60.855 and 29.60.860</u> [DURING AN ALLOCATION YEAR], the department will either request the entity to return the excess to the state or will reduce the entity's payment for the next <u>distribution</u> [ALLOCATION YEAR] by the difference between the amount received and the amount that the entity was entitled to receive.

3 AAC 180.140(b) is amended to read:

(b) If the <u>department</u> [COMMISSIONER] determines that it is in the best interests of the state and the entity involved, the <u>department</u> [COMMISSIONER] may extend the adjustment period over three [ALLOCATION] years.

3 AAC 180.140 is amended by adding a new subsection to read:

(d) If a loss of services essential to the public health and safety is imminent, an entity receiving community assistance payments may assign any portion of the current year program payment directly to a third party approved by the commissioner. (Eff. 5/15/2008, Register 186; am 10/8/2008, Register 188; am 12/22/2007, Register 224/2)

Authority: AS 29.60.855 AS 29.60.860 AS 44.33.020

3 AAC 180.900 is amended to read:

3 AAC 180.900. Definitions. In this chapter, unless the context requires otherwise, (1) ["ALLOCATION YEAR" MEANS THE STATE FISCAL YEAR FOR WHICH AN APPROPRIATION IS MADE BY THE LEGISLATURE FOR DISTRIBUTION OF COMMUNITY REVENUE SHARING PAYMENTS AND IMMEDIATELY FOLLOWS THE COMPUTATION YEAR;

(2)] "commissioner" means the commissioner of commerce, community, and economic development;

(2) [(3)] "community" <u>has the meaning given</u> [MEANS AN ENTITY DEFINED] in <u>AS 29.60.879</u> [AS 29.60.879(1)];

(3) [(4) "COMPUTATION YEAR" MEANS THE STATE FISCAL YEAR IN WHICH THE DIVISION CALCULATES COMMUNITY REVENUE SHARING PAYMENTS FOR DISTRIBUTION IN THE ALLOCATION YEAR;

(5)] "department" means the Department of Commerce, Community, and Economic Development;

(4) [(6)] "director" means the director of the <u>departmental</u> division <u>responsible</u> for [OF] community and regional affairs;

(5) [(7)] "division" means the departmental division [WITHIN THE

DEPARTMENT] responsible for community and regional affairs;

### (6) "entity" means a municipality, reserve, community, village council, or

### incorporated nonprofit entity;

(7) [(8)] "governing body" means

(A) the assembly or council for a municipality [DEFINED UNDER

AS 29.71.800(13)];

(B) the council for a reserve defined in <u>AS 29.60.879</u> [AS 29.60.879(2)];

- (C) the council for a Native village council; or
- (D) the board of directors for an incorporated nonprofit entity;
- (8) [(9)] "municipality" has the meaning given [MEANS AN ENTITY

## DEFINED] in AS 29.71.800 [AS 29.71.800(13)];

(9) [(10)] "permanent resident" means a person whose primary place of residence is within the corporate limits of a municipality or community;

(10) [(11)] "primary place of residence" means the place where a person

[PERSONS] sleeps on a weekly basis; if a person has more than one residence, "primary place of residence" means the place where the person sleeps more often during the calendar year;

(11) [(12)] "public purpose" means a purpose the objective of which is to promote the public health, safety, and general welfare of the residents of a municipality, community, or reserve in the state;

(12) [(13)] "village council" means

(A) a council organized under 25 U.S.C. 476 (sec. 16 of the Indian Reorganization Act);

(B) a traditional village council recognized by the United States as eligible for federal aid to Indians; or

(C) a council recognized by the commissioner under 3 AAC 190.110 -

3 AAC 190.150. (Eff. 5/15/2008, Register 186; am 10/8/2008, Register 188; am

12 /22 /2017, Register 224)

Authority:	<u>AS 29.60.850</u>	<u>AS 29.60.860</u>	AS 44.33.020
	AS 29.60.855	AS 29.60.865	AS 29.60.879