

Original sponsor: Local Government  
Committee

Offered: 4/12/71  
Referred: Rules

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

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CS FOR HOUSE BILL NO. 208

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act to revise and codify the law relating to

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cities and boroughs."

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

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CS FOR HOUSE BILL NO. 208 was not printed and distributed because

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its length and because it is identical to CS FOR SENATE BILL NO. 113.

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Therefore, those wishing to examine CSHB 208 in its final amended

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form must refer to CSSB 113 and incorporate the attached amendments.

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Engrossment waived by the Speaker of the House. Certified amendments

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attached.

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A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208 am

Page 3, line 7: Strike "second" and substitute "third"

Page 7, lines 19 - 20: Remove all matter and reinsert at page 7, between lines 22 - 23; renumber paragraphs accordingly

Page 8, line 2: Strike "295" and substitute "290(c)"

Page 8, line 6: Strike "43" and substitute "48"

Page 8, line 16: After the last matter on the line insert "29.53.410(d)  
(interest on sales tax)"

Page 17, line 27: Strike "an election" and substitute "a regular election"

Page 17, line 28: Strike "at the time of the general election" and substitute "on the Tuesday after the first Monday in November"

Page 25, line 28: Strike "every year"

Page 29, line 21: Strike "as" and substitute "or"

Page 36, line 22: Strike "reverses" and substitute "fails to reverse"

Page 49, lines 8 - 9: Strike all matter

Page 55, line 24: Strike "section" and substitute "subsection"

Page 65, line 15: Strike "general" and substitute "regular"

Page 73, line 12: Strike "general" and substitute "regular"

Page 84, line 18: Before "If" insert "(a)"

Page 85, between lines 9 - 10: add the following new matter:

(b) If the assembly impose<sup>s</sup> a penalty for the nonpayment of property taxes when due, or the late return of personal property assessment forms, the rate of penalty or combined rates of penalty may not exceed 10 per cent of the tax due on the property concerned.

(c) If the assembly charges interest on property taxes not paid when due, the rate of interest may not exceed eight per cent a year upon the delinquent taxes and shall be charged from the due date until paid in full.

Page 89, line 15: After "the" insert "payment represented by"

Page 92, line 12: After "taxpayer" insert "with interest at eight per cent from the date of payment plus costs"

Page 92, line 16: After "taxpayer" insert "with interest at eight per cent from the date of payment"

Page 93, between lines 17 - 18: Add the following new matter:

(d) If the assembly of a home rule or general law borough charges interest on sales taxes not paid when due, the rate of interest may not exceed eight per cent a year upon the delinquent taxes and shall be charged from the due date until paid in full.

Page 100, line 13: Strike "; payment" and substitute "." and make a paragraph "(b) Payment,"

Page 100, line 14: Strike "service area" and substitute "area incurring the debt under (a)(2) or (a)(3) of this section"

Page 100, line 17: Strike "(b)" and substitute "(c)"

Page 106, line 19: After "question" insert "at a regular or special election"

Page 115, line 4: Strike "general" and substitute "regular"

Page 116, line 21: After "circulation" insert "distributed"

Page 116, line 22: After "circulation" insert "distributed"

A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208 am

Page 9, line 9: After "services" insert the following new matter:

"but shall exclude all areas such as military reservations, glaciers,  
ice caps, and uninhabited and unused lands unless such areas are  
necessary or desirable for integrated local government"

A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208 am

Page 55, line 4: After "Agency." strike all matter on line 4 and substitute the following:

"The vote on the question of adding an areawide power shall be tabulated in two separate classifications. One shall consist of all votes cast in the home rule and first class cities of the borough. The other shall consist of all votes cast in the remaining borough area. If the majority of the votes cast in each classification is"

A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208 am

Page 59, line 20: Strike all matter and substitute the following:

(9) to acquire, manage, control, use and dispose of real and personal property for a purpose authorized under this title, federal law, or other law, or in accordance with such law, and irrespective of whether or not the property is situated within or outside the municipal boundaries;

A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208 am

Page 71, line 5: After "year." add the following new matter: "This subsection shall be implemented within cities and boroughs not later than July 1, 1973."

A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208 am

Page 75, line 12: After the period add the following new matter:

"The assembly or council may establish three classes of property for purposes of taxation: land, buildings and fixtures permanently affixed to the land, and personal property. The assembly or council may establish a separate rate of taxation for each class. Each class may be taxed at any rate, subject to the restrictions on total amount of levy provided in AS 29.53.050. All property within each class must be taxed at the same rate.

Page 79, line 15: After the second "city" add the following new matter:

"but if property is classified for purposes of taxation the levy on any class may exceed three per cent of the assessed valuation for that class provided the aggregate levy does not exceed three per cent of the total assessed valuation for all classes"

A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208 am

Page 79, lines 10 - 15: Strike all matter and substitute the following:

Sec. 29.53.050. TAX LIMITATION. No municipality may levy and tax for any purpose in excess of three per cent of the assessed valuation of property within the municipality in any one year.

Sec. 29.53.055. NO LIMITATION ON TAXES TO PAY BONDS. The limitation provided for in sec. 50 of this chapter does not apply to taxes levied or pledged to pay or secure the payment of the principal and interest on bonds. Taxes to pay or secure the payment of principal and interest on bonds may be levied without limitation as to rate or amount.

A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208 am

Page 93, between lines 1 and 2, add the following new matter:

Sec. 29.53.410. LIMITED PROPERTY TAXING POWER FOR SECOND CLASS CITIES. A second class city may levy real and personal property taxes as provided for first class cities. However, levy by a second class city may not exceed one-half of one per cent of the assessed valuation of the property taxed, except that the limit does not apply to a levy necessary to avoid a default upon payment of principal and interest of bonded or other indebtedness which is secured by a pledge to levy ad valorem or other taxes without limit to meet debt payments.

Page 100, lines 25 - 29: Delete all matter.

Page 101, lines 1 - 3: Delete all matter.

A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208 am

Page 124, line 14: Add the following new matter: "The provisions of this title establishing the regular municipal election date as the Tuesday following the first Monday in November of even-numbered years, or at an interval of years provided by ordinance, shall be implemented by cities and boroughs not earlier than November 6, 1973 and not later than November 5, 1974."

A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208 am

Page 125, on line 29, add the following new matter:

\* Sec. 6. AS 38.05 is amended by adding a new section to read:

Sec. 38.05.038. LIMITED PLATTING AUTHORITY IN THE UNORGANIZED BOROUGH. The division shall be the platting authority in the area outside organized boroughs and outside cities in the unorganized 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 29.33.200 - 29.33.-240 governing platting boards within cities and organized boroughs. Costs of publication and mailing as well as other costs authorized in AS 29.33.210 shall be paid to the division by the petitioner. The department shall adopt reasonable regulations governing the exercise of the authority conferred by this section upon the division.

SCS CS AMS

Original sponsor: Local Government Committee

Offered: 4/22/71  
Referred: Rules

1 IN THE HOUSE BY THE LOCAL GOVERNMENT COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 208  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to revise and codify the law relating to  
7 cities and boroughs."

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

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10 CSHB 208 am with the attached certified amendments comprise  
11 SENATE CS FOR CS FOR HOUSE BILL NO. 208

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13 CS FOR HOUSE BILL NO. 208 was not printed and distributed because  
14 of its length and because it is identical to CS FOR SENATE BILL NO. 113.

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16 Engrossment of CS FOR HOUSE BILL NO. 208 am was waived and certi-  
17 fied copies of the amendment only were printed. To examine CSHB 208 am,  
18 refer to CSSB 113 and incorporate the House amendment.

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20 To examine SCS CSHB 208, refer to CSSB 113 and incorporate the  
21 attached Senate amendments as well as the above House amendment.

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SCS CS AMS

A M E N D M E N T

IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208 (CSSB 113)

Page 43, lines 24 - 29, page 44, lines 1 - 29 and page 45, lines 1 - 16, strike all matter and substitute the following:

Sec. 29.33.050. EDUCATION. Each borough constitutes a borough school district and establishes, maintains and operates a system of public schools on an areawide basis as provided in AS 14.14.060.

Page 58, line 13: Strike "shall"

Page 72, lines 17 - 19: Strike all matter beginning with "However"

Page 125, line 28: Add the following new matter:

\* Sec. 6. AS 14.14 is amended by adding a new section to read:

Sec. 14.14.060. RELATIONSHIP BETWEEN BOROUGH SCHOOL DISTRICT AND BOROUGH. (a) The borough assembly may by ordinance require that all school money be deposited in a centralized treasury with all other borough money. The borough chairman shall have the custody of, invest and manage all money in the centralized treasury. However, the borough assembly, with the consent of the borough school board, may by ordinance delegate to the borough school board the responsibility of a centralized treasury.

(b) When the borough school board by resolution consents, the borough assembly may by ordinance provide a centralized accounting system for school and all other borough operations. The system shall be operated in accordance with accepted principles of governmental accounting. However, the assembly, with the consent of the borough school board, may by ordinance delegate to the borough school board the responsibilities of the accounting system.

(c) The borough school board shall submit the school budget for the following school year to the borough assembly by April 1 for approval of the total amount. Within 30 days after receipt of the budget the assembly shall determine the total amount of money

to be made available from local sources for school purposes and shall furnish the school board with a statement of the sum to be made available. If the assembly does not, within 30 days, furnish the school board with a statement of the sum to be made available, the amount requested in the budget is automatically approved. By May 31, the assembly shall appropriate the amount to be made available from local sources from money available for the purpose.

(d) The borough assembly shall determine the location of school buildings with due consideration to the recommendations of the borough school board.

(e) The borough school board is responsible for the design criteria of school buildings. Subject to the approval of the assembly, the school board shall select the appropriate professional personnel to develop the designs. The school board shall submit preliminary and subsequent designs for a school building to the assembly for approval or disapproval; if the design is disapproved, a revised design shall be prepared and presented to the assembly.

(f) The borough school board shall provide custodial services and routine maintenance for school buildings and shall appoint, compensate, and otherwise control personnel for these purposes. The borough assembly through the borough executive, shall provide for all major rehabilitation, all construction and major repair of school buildings. The recommendations of the school board shall be considered in carrying out the provisions of this section.

(g) State law relating to teacher salaries and tenure, to financial support, to supervision by the Department of Education and other general laws relating to schools, governs the exercise of the functions by the borough. The school board shall appoint, compensate, and otherwise control all school employees and administration officers in accordance with this title.

(h) School boards within the borough may determine their own policy separate from the borough for the purchase of supplies and equipment.

\* Sec. 7. AS 14.14.065 is amended to read:

Sec. 14.14.065. RELATIONSHIP BETWEEN CITY SCHOOL DISTRICT AND CITY. The relationships between the school board of a city school district and the city council and executive are governed in the same manner as provided in sec. 60 of this chapter [AS 07.-15.330] for the school board of a borough school district and the borough assembly and executive.