

SENATE COMMITTEE SUBSTITUTE FOR CSHB 208

THE PROPOSED REVISED MUNICIPAL CODE

Changes Represented by SCS CSHB 208 from CSHB 208 as amended

The changes of the Senate committee substitute bill (SCS CSHB 208) from the proposed municipal code as it passed the House (CSHB 208 am) consists solely of a number of amendments adopted by the Senate Local Government Committee and comprising the committee substitute bill.

A brief summary of these changes follows.

Technical Revisions (first committee amendment, beginning with citation to page 3, line 7)

This change clarifies wording and corrects a number of omissions or other technical oversights occurring in the course of preparation of changes to the proposed code as introduced. In addition, the substantive provisions added at page 85 and page 93 incorporate provisions of existing law which had been inadvertently omitted during preparation of the proposed code for original introduction.

Borough Incorporation (second committee amendment, beginning with citation to page 9, line 9)

This change adds some specific wording from existing law on standards for organized borough incorporation (AS 07.10.030(2)). The particular examples cited in the wording were apparently intended to be omitted in the interest of brevity during the drafting of the code in 1963-65, with the thinking being that they are adequately accounted for under the standards as rewritten in the code.

Addition of Areawide Powers by Boroughs (third committee amendment,

beginning with citation to
page 55, line 4)

This change provides that when the required election to add an areawide power is held within a borough, the addition of the power must be approved by two separate majorities: (1) a majority of the home rule and first class voters of the borough taken together, and (2) a majority of the borough voters outside the home rule and first class cities. Only an overall majority of borough voters is required to approve addition of an areawide borough power under existing law and under CSHB 208 am.

General Powers of Municipalities (fourth committee amendment, beginning
with citation to page 59, line 20)

This change expressly provides that the general power of cities and boroughs relating to acquisition, use and disposal of property extends to property within as well as outside the municipal boundaries and is permitted for any purpose authorized under state or federal law. CSHB 208 am states the power in less specific terms than those spelled out in the amendment. It was initially suggested to make clear that second class cities under the code (fourth class cities presently) have the legal authority to accept any land which may be awarded in settlement of Alaska Native land claims.

Municipal Budget (fifth committee amendment, beginning with citation to
page 71, line 5)

This change provides lead time for municipalities to implement the uniform municipal fiscal year, July 1 to June 30, prescribed in CSHB 208 am. Cities and boroughs now functioning under different fiscal year

dates are given until July 1, 1973 to implement the change.

Taxation (sixth committee amendment, beginning with citation to page 75, line 12)

This change permits (but does not require) different rates of municipal taxation on land, buildings and fixtures on land, and personal property, rather than a single rate of levy on such property, as called for under present general law. The property within each of these classes must be taxed at the same rate, but different rates may be established among the three classes. The provision also makes clear that, should the option to tax at different rates be employed, each class may be taxed at any rate but the aggregate levy may not exceed what a thirty mill levy would yield on the assessed valuation of all three classes.

Taxation (seventh committee amendment, beginning with citation to page 79, lines 10-15)

This change restores virtually the identical language of present law setting the thirty mill limit on property taxation by a municipality, except for taxation to amortize bonded indebtedness.

Taxation (eighth committee amendment, beginning with citation to page 93, between lines 1 and 2)

This change adds authority to the code for second class cities (presently fourth class cities) to levy real and personal property taxes up to five mills on the assessed property value. The limit would not apply to a levy necessary to avoid bond or other debt payment defaults. Only property tax levies necessary to avoid such defaults are authorized to fourth class cities under present law (enacted in 1970).

Elections (ninth committee amendment, beginning with citation to page 124, line 14)

This change is intended to provide ample time for cities and

boroughs to adjust to the November date established for local elections in the code (i.e. the Tuesday following the first Monday in November). Implementation of the uniform election date for local governments not already having that date is permitted no earlier than November, 1973 and no later than November, 1974. Delaying the time of implementation will insure that the terms of incumbents in office when the code takes effect as law complete their terms in the same month as they would have completed the terms under present law, as required in the code, and, as also required, that the expiration of their following terms, or their successors' terms, corresponds to the new November election date.

Land Platting Authority in the Unorganized Borough (tenth amendment, beginning with citation to page 125, line 29)

This change adds authority to the code for the state division of lands to exercise platting authority in the unorganized borough area outside cities, but only for the purpose of acting on petitions for the change or vacation of plats. Present law does not confer authority for this purpose to any agency or person in the unorganized borough area outside cities. The question has apparently been pointed up by the long-standing efforts of citizens of the unincorporated village of Aniak in the unorganized borough to vacate a street on the federal townsite plat covering all or part of the village. Only a complex quiet-title action and related legal action is thought to be presently available to achieve this result.

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 - SECOND 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:

9 *****

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

12 *****

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

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

20
21 Engrossment of SCS CSHB 208 am S was waived and certified
22 amendments are attached.

AMENDMENTS

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: SCS FOR CSHB NO. 208 am S

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 15, line 2: After the word "incorporated" insert "after January 1, 1968"

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

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 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"

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

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;

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

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 by referendum 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 93, line 3: Delete "410" and substitute "415"

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 100, lines 25 - 29: Delete all matter.

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

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 71, lines 3 - 5: Remove all of paragraph (a);

reletter following paragraphs accordingly

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

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.

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

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

(b) If the assembly imposes 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 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 by referendum 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.

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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 100, lines 25 - 29: Delete all matter.

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

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"

Page 125, line 29: Add the following new matter and
renumber following sections accordingly:

* 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
planning 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 govern-
ing 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.

TECHNICAL AMENDMENTS TO BE MADE BY LEGISLATIVE AFFAIRS

IN THE SENATE

TO: SCS FOR CSHB NO. 208 am

Page 7, line 28: After ".020" insert "(b)"

Page 17, line 28: Strike "at the time of the general election" and substitute "on the first Tuesday of October"

Page 18, line 1: Strike ", unless provided otherwise by ordinance"

Page 22, line 29: Strike "Tuesday after the first Monday" and substitute "first Tuesday of October"

Page 23, line 1: Strike "in November"

Page 25, lines 28 - 29: Strike "every year on the Tuesday after the first Monday in November" and substitute "first Tuesday of October"

Page 27, lines 12 - 13: Strike "Tuesday after the first Monday in November" and substitute "first Tuesday of October"

Page 29, line 8: Strike "municipal"

Page 29, line 9: Strike "Tuesday after the first Monday in November" and substitute "first Tuesday of October"

Page 29, lines 22 - 23: Strike "municipal election on the Tuesday following the first Monday in November" and substitute "election held on the first Tuesday of October"

Page 35, line 22: Strike "in home rule and general law municipalities"

Page 35, line 23: Strike "Tuesday after the first Monday in November" and substitute "first Tuesday of October"

Page 123, line 24: Strike "Tuesday following the first Monday in November" and substitute "first Tuesday of October"