

FCC 3-Ring

Binder

Municipal Code 1972

Minutes of Meetings

3/18/72	* 3/30/72	4/25/72	5/18/72
3/21/72	4/6/72	* 4/27/72	
* 3/23/72	* 4/11/72	* 5/2/72	
* 3/28/72	* 4/18/72	* 5/17/72	

* Tapes exist for these meetings

Proposed amendments to CSSB 113 (CSHB 208)

FCC Notebooks: Vol. 1 FCCS SCS CSHB 208 (with table of contents)
Vol. 2 Agenda and Minutes of Meetings Held by the Joint Local Governments Committees (with proposed amendments of related bills).
Vol. 3 Bills Considered.

Free Conference Committee Report on SCS CSHB 208am S and CSHB 208am. Journal - May 22, 1972. Annotated copy in files.

Supplemental Report to Free Conference Committee Report on SCS CSHB am S and CSHB 208am. Journal 6/17/72

SB 433 am H (Chap. 147 SLA 1972) Including municipal conflict of interest provisions within the revised municipal code and making certain technical corrections in code.

citations and provisions.

May 23, 1972 memo from Greg Wachowksi regarding
the omission of AS 07.25.070 ~~from~~ (personal financial
interest section) from the mun. code.

Municipal Code 1971

Meeting 3/24/71 on tape.

Draft Legislation Offered by Greater Anchorage Area Borough Administration.

List of bills pertaining to Municipal Code (as of 3/2/71)

Memorandum 3/5/71 from Commissioner Hartman to LG Committees regarding Educational provisions of municipal code.

3/9/71 Memorandum from Bill Berrier ^{stating} regarding changes between SB 113 & existing municipal law.

3/10/71 Letter from Joe McLean, Bureau - revenue & property tax.

3/22/71 A listing of all amendments to SB 113

Summaries:

Comparisons between proposed CSSB 113 and Existing municipal law.

Comparison of CSSB 113 and SB 113

Summary of proposed amendments to SB 113 (3/29/71).

4/12/71 House Journal (p. 777) Committee Report on HB 208
Recommend bill be replaced with Committee Sub.
for HB 208 and recommends committee subs. do pass
with an amendment. The committee also submitted:

1. A Forward & Synopsis of Amendments,
2. a comparison of CSSB 113 & Existing Municipal Law,
3. A comparison of CSSB 113 & SB 113.

4/19/71 Memo from Greg Machowski. Brief explanation of
attached amendment to CS HB 208 am.

VERSIONS OF PROPOSED REVISED MUNICIPAL CODE BEFORE
THE STATE LEGISLATURE

* 1965 - Senate Bill No. 101 - prepared by staffs of Local Affairs, Legislative Affairs, and Attorney-General's Office

**1965 - Committee Substitute for Senate Bill No. 101 - Senate Local Government Committee substitute bill, subject of Legislative Council public hearings in the state, summer, 1965

1965 - 2nd Committee Substitute - Senate Local Government Committee substitute bill, presented following point-by-point review of public hearings proposals for Senate Bill No. 101

**1966 - House Bill No. 508 - same bill as 2nd CSSE 101, presented in the House

1967 - House Bill No. 185 - modified version of prior bills, prepared by Local Affairs and introduced into the first session, Fifth Legislature

1969 - House Bill No. 38 - same bill as HB 185, introduced into the first session, Sixth Legislature

+ 1971 - Senate Bill No. 113 - modified and updated version of HB 38, prepared by Legislative Committee of Alaska Municipal League and Legislative Affairs, emphasizing conformity with substantive provisions of present municipal law (as compared with prior bills) and introduced into the first session, Seventh Legislature

+ 1971 - HB No. 208 - same as SB 113

1971 - CSHB No. 208 - Passed House

1971 - SCS CSHB 208 - Reported from Senate Local Government Committee to Rules Committee (summary of committee changes attached to bill)

1972 - SCS
CSHB 208
and
passed
Senate

* Accounting of sections prepared, in relation to citations of present AS 29 and AS 7

** Summary of provisions prepared, with comparisons to existing law

* Summary of major differences between proposed code and existing AS 29 and AS 7 prepared

1971
FCCS
SCS CSHB
208 -
adopted
both houses

+ Outline of major comparisons with existing law prepared by Billy H. Berrier of Alaska Municipal League Legislative Committee with subsequent minor amendments incorporated and introduced in bill (see also House Journal Sept 15, Apr 12, 1971)

I. SUGGESTED AMENDMENTS AND INFORMATION

Committee Minutes 3/18/72
 Committee Minutes 3/21/72
 Committee Minutes 3/23/72
 Committee Minutes 3/28/72
 Committee Minutes 3/30/72
 Committee Minutes 4/ 5/72
 Committee Minutes 4/11/72
 Committee Minutes 4/18/72

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II. HOUSE BILLS

		<u>Status</u>
HB 41		Local Government
HB 81		" "
CSHB 86		LAW 29.95.050
HB 96		Local Government
HB 111	am	LAW
CSHB 161		Finance
HB 175		Local Government
HB 187		HWE
HB 214		Local Government
HB 240		State Affairs
HB 257		Local Government
CSHB 258	am	S. Local Government
HB 280		Local Government
HB 285		HWE
HB 290		Local Government
CSHB 296		S. Local Government
HB 315		State Affairs
HB 332		Local Government
HB 335		Rules
HB 423	am	S. Local Government
HB 456		Local Government
HB 470		" "
HB 474		" "
HB 596		" "
HB 660		" "
HB 709		S. HWE
HB 720		Local Government
HB 729		Resources

III. SENATE BILLS

SB 37		Local Government
SB 44		Finance
SB 74		LAW 07.17.020
SB 79		Local Government
SB 82		H. Finance
HCSSB 117	am H	LAW 29.25
HCSSB 119	am H	LAW 29.10.223
SB 159		Local Government
SB 189	am	LAW 40.15.075
SB 190	am H	LAW 07.15.320
SB 260		Local Government
SB 342		" "
SB 363		" "
SB 371		" "
SB 316		" "

IV.

V. MUNICIPAL CODE (CSSB 113) AND AMENDMENTS ADOPTED

Joint Senate-House Free Conference Committee Meeting - CS23 113
March 18, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. E. Naughton	Sen. E. Merdes
Rep. J. Harris	Sen. C. Groh

Senator Miller moved that Rep. Miller be the presiding Chairman of all meetings.

After general discussion, the committee decided on the following:

- To bring Vic Fischer and Tom Moorehouse down to help with the municipal code.
- Meeting schedule: Tuesday and Thursday evenings, 7:30 P.M.
- Notify Local Affairs Agency, Attorney General's office, Don Berry of the Alaska Municipal League, and Bill Barrier, Attorney for the City and Borough of Juneau, of the schedule of meetings.
- Should have everything engrossed before presenting to House and Senate.
- Invite Greg Machyowshy to the meetings.

Among other matters, members indicated they wished considered, were the following:

- Merdes - Question of reapportionment regarding borough assembly.
- Borough assembly should have the option by right of referendum to combine school boards and assemblies into one unit.
 - List of suggested amendments from Bob Thomas, Department of Education.

Naughton - Municipal election dates.

Harris - Tax exemption on property tax for elderly.

T. Miller - Suggested that the staff assistant compile a list of all bills pending or passed which would amend the code.

Groh - Policy determination - confirmation of municipal department heads by the assembly.

Joint Senate-House Free Conference Committee Meeting - CSSB 113
March 21, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. J. Harris	Sen. C. Groh
Rep. E. Haughton	Sen. E. Herdes

Others present:

Don Berry, Executive Director, Alaska Municipal League
Bill Berrier, Attorney, City & Borough of Juneau
Rick Garnett, Assistant Attorney General

All of the Senate Amendments were approved by the committee.

Senator Groh questioned if (h) of the House Education Amendment is existing law. The committee asked Bill Berrier to check this out.

A memorandum from Greg Machyowsky proposed that definitions of "property", "real property" and "personal property" be added to the Definitions section on page 123, between lines 18 and 19. Senator Groh asked how sewer and water facilities, owned by community cooperatives, would be classified. The committee asked the staff assistant to contact the State Assessor and the Greater Anchorage Borough and North Star Borough Assessors to see how they handle this.

The committee approved the Senate amendment on elections with the following provision to be included:

"Notwithstanding the other provisions of the Act, a municipality may by ordinance adopt a date other than the first Tuesday of October as the date for regular municipal elections."

Senator Miller suggested that the committee consider making mandatory three year terms for municipal officials, instead of the present two year term, unless changed by ordinance.

Rick Garnett suggested that Page 45, line 4, (g) should include wording stating that schools should reflect community interest. The committee asked that he draw up an amendment to this effect.

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

Page 76, line 19: after the word "exempt" add: "or partially exempt residential"

Page 77, line 6: change period to semicolon and add "and"

Page 77, between line 6 and 7: add the following new matter:
"(C) historic sites, buildings and monuments."

Page 79, line 7: after the word "purposes" add: "except where expressly classified as personal property by municipal ordinance."

Page 124, lines 18 - 19: strike "are elected on the date provided before the enactment of this title and"

Joint Senate-House Free Conference Committee Meeting - CSSB 113
March 23, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. J. Harris	Sen. C. Groh
Rep. E. Naughton	

Others present:

Hayden Kaden, Legislative Affairs
Don Berry, Executive Director, Alaska Municipal League
Rick Garnett, Assistant Attorney General
Bill Berrier, Attorney, City and Borough of Juneau
Byron Mallott, Director, Local Affairs Agency

Senator Miller received correspondence stating that Vic Fischer and Tom Moorehouse will be able to come the first part of April.

The committee went through the proposed amendments from Greg Machyowsky, City of Anchorage and the Greater Anchorage Borough. All of Greg Machyowsky's amendments were passed by the committee.

The committee's discussion on the Greater Anchorage Borough amendment suggestions are as follows:

- Chapter 23 - Municipal Officers and Employees
1. Sec. 29.23.020 - Senator Miller suggested apportionment be at borough option with voter referendum to decide how city representatives are chosen, provided it's one-man one-vote. A city would have six months to correct the problem.
 2. Sec. 29.23.090 (a) (1) - Senator Groh suggested having the Local Affairs Agency act on mal-apportionment. The committee requested Hayden Kaden to draw up an amendment on the above two sections.
 5. Sec. 29.28.073 - The committee asked Hayden Kaden to draw up an amendment to this effect.
 7. Sec. 29.33.080 - The committee asked Byron Mallott to pull this out of the Anchorage Charter and give to Hayden Kaden to draw up an amendment.
 8. Sec. 29.33.090 (d) - Referred this section to Greg Machyowsky. The committee asked Bill Berrier to study the utilization of "police power".
 9. Sec. 29.33.110 (b) (3) - The committee asked Byron Mallott to pull this out of the Anchorage Charter and give to Hayden to draw up an amendment.

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

- Page 44, line 27: after "school buildings." add "To the maximum extent consistent with education needs, the design of a school building shall provide for multiple use of the building for community purposes."
- Page 47, line 23: after "districts" add "and exceptions may be made in order to provide for the preservation, maintenance and protection of historic sites, buildings and monuments"
- Page 61, between lines 5 and 6, add the following new matter:
"preservation, maintenance and protection of historic sites, buildings and monuments"
- Page 63, line 17: after "area-wide;" add "exceptions to requirements of the codes may be made in the codes among other reasons, in order to provide for the preservation, maintenance and protection of historic sites, buildings and monuments;"
- Page 82, between lines 26 and 27 add:
"(e) The borough assembly sits as a board of equalization for the purpose of hearing in the manner provided for first class cities any appeal from determinations of the borough assessor, or it may delegate this authority to a board appointed by it for that purpose. The board of equalization shall consist of that number of members of the assembly over and above the number required for a quorum to transact business and is governed in its proceedings by such procedures consistent with general rules of administrative law and the laws governing equalization proceedings in first class cities as may be adopted by ordinance, including but not limited to quorum, and voting requirements."
- Page 121, line 23: before "municipality" insert "home rule or general law"
- Page 121, line 26: after "02.55.450." insert the following new matter: "In the case of a second class city, before exercising the power, the council shall request or petition the Local Affairs Agency for permission to exercise the power. The council may not exercise the power of eminent domain or declaration of taking without the formal approval of the Local Affairs Agency. The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or special election called for that purpose. A majority of the qualified voters voting on the question is required for approval of the ordinance."

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

Page 121, line 27: before "municipality" insert "home rule or general law"

Page 123, between lines 18 and 19, add the following new matter:

"(10) "property" means real and personal property;

(11) "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;

(12) "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;"

Renumber the following paragraphs accordingly.

Joint Senate-House Free Conference Committee Meeting - CS33 113
March 28, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. E. Naughton	Sen. C. Groh
	Sen. E. Merdes

Others present:

Hayden Kaden, Legislative Affairs
Don Berry, Executive Director, Alaska Municipal League
Bill Berrier, Attorney, City and Borough of Juneau
Sig Strandberg, Local Affairs Agency
Rick Garnett, Assistant Attorney General

Chairman Miller stated that Barry Jackson will present testimony before the committee Thursday evening regarding apportionment.

The committee discussed the amendments Hayden Kaden drew up, as requested at last Thursday's meeting. Senator Miller asked Mr. Kaden to change the last sentence of (b) re. apportionment to read "After six months if no". The committee decided to wait until Barry Jackson made his presentation before taking final action on this.

Senator Miller brought up several policy issues for discussion.

Page 19, line 17 (f) (g) (h) (i) (j) - Senator Miller's view was that in the future weighted voting would be abolished on the basis of whether a measure was area-wide or non area-wide in nature. The committee asked Hayden Kaden to draft an amendment striking this distinction.

Page 22 - Executive Power - Senator Miller felt that in boroughs which adopt the borough manager plan of government, the municipality, nonetheless, should retain a chairman for ceremonial reasons, as much as mayors are presently retained in city-manager-governed cities. Senator Miller will refine his proposal and present it at the next meeting.

Page 107, lines 16 - 19: re. Local Boundary Commission. The committee asked Rick Garnett to draw up an amendment giving the Local Boundary Commission authority in annexations without necessarily having a vote by the people.

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

Page 38, line 24: delete the words "filing date" and add: "date on which the petition is rejected as insufficient"

Page 47, between lines 5 and 6: add a new subsection to read:
"(g) The commission may delegate the power to act, to hear and to decide if authorized to do so by ordinance of the assembly."

Page 78, line 22: after the word "agricultural" delete the words "or horticultural"

Page 61, between lines 5 and 6: add a new subsection to read:
"(21) consumer protection"

Page 35, line 28 and 29: strike "for one year"

Page 28, line 11: strike "executive and"

Page 57, between lines 16 and 17: add a new subsection to read:
"(c) A third class borough may borrow money and issue negotiable general obligation, revenue or refunding bonds and other evidences of indebtedness as provided for first and second class boroughs in AS 29.53.150 and AS 29.58.350.

Joint Senate-House Free Conference Committee Meeting - CSSB 113
March 30, 1972

Members present:

Rep. M. Miller
Rep. J. Harris

Sen. T. Miller

Others present:

Don Berry, Executive Director, Alaska Municipal League
Sig Strandberg, Local Affairs Agency
Hayden Kaden, Legislative Affairs
Barry Jackson, Attorney
Bill Berrier, Attorney, City and Borough of Juneau
Bob Bettisworth, North Star Borough President
Robert Dozier, State Assessor

Barry Jackson testified before the committee regarding apportionment. Detailed written testimony was submitted to the committee for the records.

Joint Senate--House Free Conference Committee Meeting - CSSB 113
April 6, 1972

Members present:

Rep. M. Miller
Rep. J. Harris

Sen. T. Miller
Sen. C. Groh

Others present:

Sig Strandberg, Local Affairs Agency
Rich Garnett, Assistant Attorney General
Greg Machyowsky, Legislative Affairs

Proposed legislation re. unification from the Greater Anchorage Area Borough was assigned to Terry Gardiner for research.

The following suggestions were made concerning the reapportionment amendment by Greg Machyowsky:

1. AS 29.23.090 be incorporated in sub-section (b) of AS 29.23.020.
2. AS 29.23.020, sub-section (b): on line 2 of this sub-section, after the words "completion of" add: "the official report of the federal decennial census or additional necessary information"
3. AS 29.23.020, sub-section (b): last line of this sub-section delete: "for abuse of discretion."
4. AS 29.23.090: Page 2, line 8, after the word "reapportionment" add: "must be made"

The committee asked Greg Machyowsky to rephrase the question on his proposed amendment re. unification. Action was postponed until Sen. Merdes returns.

Committee action on Greg Machyowsky's proposed amendment re. Reevaluation was postponed until Sen. Merdes returns.

Sen. Groh introduced an amendment relative to exclusion of cities from boroughs. This information was given to Greg Machyowsky for further study.

A memorandum was received from Sen. Merdes requesting SB 159 be considered for inclusion in the code. Sen. Groh pointed out that this insures the right to a trial--under existing law the court can refuse. The committee asked Greg Machyowsky to make the necessary changes concerning trial de novo.

Policy Decisions:

1. The committee asked Greg Machyowsky to draw up the necessary amendments changing all voting election laws from 1 year to 30 days.
2. Page 48, lines 12 - 15 (d): re. zoning and police powers -- Greg Machyowsky will work with Bill Berrier on this.
3. Sen. Miller suggested making it mandatory that candidates for elected offices should receive 40% of the votes cast.

Joint Senate-House Free Conference Committee Meeting - CSSB 113
April 11, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. E. Naughton	Sen. C. Groh
Rep. J. Harris	Sen. E. Merdes

Others present:

Don Berry, Executive Director, Alaska Municipal League
Sig Strandberg, Local Affairs Agency
Tom Morehouse
Rich Garnett, Assistant Attorney General
Bill Berrier, Attorney, City and Borough of Juneau
Roger Huntington, Local Affairs Agency

The committee asked Greg Machyowsky to revise the necessary sections of his amendment re. reapportionment making it clear that a city may appoint its council members to the assembly, provided that equal representation standards are met.

The wording of the ballot proposition re. unification was adopted by the committee. Sen. Merdes offered an amendment requiring that the unification question be placed on the ballot in each borough at the next regular borough election. On hand vote, the amendment failed.

The committee adopted or decided to give further consideration to the following suggestions made by Tom Morehouse:

1. The committee asked Greg Machyowsky to draft an amendment enabling borough assemblies by ordinance to allow the placement of the unification question on the ballot.
2. Page 24, line 20 - 22: The committee asked Greg Machyowsky to draft an amendment to have the borough chairman designate an administrative officer with assembly confirmation to act as chairman during a chairman's temporary absence or disability.
3. An amendment was adopted that a municipality would pay all costs and expenses incurred in a recount when the difference is 2% or less. The committee asked Greg Machyowsky to draw up the necessary language to incorporate it in the code.

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE - CSSB 113
April 11, 1972

Page 11, line 1 - 17: delete all matter and substitute the following: "Shall a charter commission be formed (and charter commission members be elected as elsewhere provided on this ballot) to prepare, adopt and submit to the voters for their approval or rejection a proposed charter uniting the Borough and all cities within it as a single unit of home rule government having the powers, duties and functions of a unified government as authorized by law?"

YES [] NO []"

Page 9, line 10: delete "encompasses a trading area with" and substitute "of the area includes the"

Page 42, line 25: delete "two-thirds"

Joint Senate-House Free Conference Committee Meeting-- CSSB 113
April 18, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. J. Harris	Sen. C. Groh
Rep. E. Naughton	Sen. E. Merdes

Others present:

Sig Strandberg, Local Affairs Agency
Bill Berrier, Attorney, City and Borough of Juneau
Jim Bruce, Attorney, North Star Borough
Robert Dozier, State Assessor
Greg Machyowsky, Legislative Affairs
Robert Dupere, Consultant for Lost River Mining Co.
Ron Sheardown, Lost River Mining Co.
Pete Walsh, Home

Jim Bruce suggested to the committee that page 64, line 4 of the code be amended re. the borough building code authority in relation to flood control. Senator Groh asked Mr. Bruce to draw up an amendment and to give it to Greg Machyowsky for further consideration at the next committee meeting.

Jim Bruce asked the committee to amend Page 82, lines 24 - 26, to include a hearing officer on the Board of Equalization. Greg Machyowsky will draft the amendment.

An amendment suggested by Bob Dozier, State Assessor, (#2 on page 70 of notebook) was adopted by the committee. Greg Machyowsky will draft the amendment for final approval at Thursdays meeting.

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE - CSSB 113
April 18, 1972

Page 83, line 2: after "facts" insert "which are"

Page 83, line 5: delete "three" and add "seven"

Joint Senate-House Free Conference Committee Meeting - CSSB 113
April 25, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. E. Naughton	Sen. C. Groh
Rep. J. Harris	Sen. E. Merdes

Others present:

Sig Strandberg, Local Affairs Agency
Greg Machyowsky, Legislative Affairs
Bill Berrier, Attorney, City and Borough of Juneau

It was the decision of the committee to have the code engrossed before presenting to both Houses.

The committee asked Greg Machyowsky to draw up the necessary amendments on municipal voter qualifications, leaving length of state residency unspecified and requiring 30 days municipal residence.

The committee asked Greg Machyowsky to incorporate SB 316 into the code.

The committee asked Greg Machyowsky to draw up an amendment providing for borough mayor in addition to manager in manager plan boroughs.

The committee asked Greg Machyowsky to draw up an amendment which would provide for run-off elections for assemblymen or councilmen, if no candidate received in excess of 40% of the votes cast for that office. The election should be held two weeks after initial election.

It was the committee's decision to wait on adding development cities provision to the code until the Senate bill is acted on.

It was the committee's decision to wait on exempting food stamp purchases from local sales taxes until the House bill is acted on.

The committee asked Greg Machyowsky to draw up an amendment incorporating CSHB 296 - senior citizens local property tax relief - into the code.

The committee decided to bring up as the first order of business at the next meeting the agenda item of mass transit powers.

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

- Page 7, between lines 17 and 18: insert the following new matter:
"(23) AS 29.58.315"
- Page 100, between lines 3 and 4: insert the following new matter:
"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."
- Page 107, line 29: add the following new matter:
"(c) A boundary change effected under (a) of this section prevails over a boundary change initiated by local action, without regard to priority in time."
- Page 83, line 8: strike "review" and substitute "trial"
- Page 83, line 8: After "for" add ", and is entitled to,"
- Page 83, line 9: after "action." add the following new matter:
"Either party to the appeal may demand a jury trial."
- Page 79, line 20: strike "amount" and substitute "estimated price"
- Page 79, line 20: delete "on" and substitute "in"
- Page 79, line 20: after "market" insert "and under the then prevailing market conditions"
- Page 79, line 21: delete "on normal payment terms"
- Page 36, line 22: after "election" insert "or the difference between the winning and a losing vote on the result contested is more than two per cent"
- Page 24, line 20-21: Delete "The assembly presiding officer shall" and substitute "The borough chairman, subject to assembly approval, shall designate a person to"
- Page 56, line 25: after "question" insert "in the borough area outside city"
- Page 64, line 3: after "powers" insert ", except as those code powers relate to flood control,"
- Page 48, lines 12 - 15: delete all matter

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

- Page 80, between lines 26 and 27, add the following new matter:
"Sec. 29.53.095. REEVALUATION. A systematic reevaluation of taxable real and personal property undertaken by the assessor, whether of specific areas in which real property is located or of specific classes of real or personal property to be assessed, shall be made only in accordance with a resolution or other act of the assembly directing a systematic reevaluation of all taxable property within the borough over the shortest period of time practicable, as determined by the assembly and fixed in the resolution or other act of the assembly."
- Page 110, line 20: delete all matter and substitute: "Formation of a charter commission to propose a unification charter shall be proposed by resolution of the assembly or by petition. An assembly resolution for the purpose may be adopted not more often than once every twelve months."
- Page 110, line 22: delete "for"
- Page 110, line 23: delete "unification"
- Page 110, line 27: delete "UNIFICATION" and substitute "ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICATION CHARTER"
- Page 112, line 2: delete "for unification"
Page 112, line 9: delete "for unification"
Page 112, line 10: after "chapter," insert "or the assembly by its resolution proposes an election on formation of a charter commission to propose a unification charter"
- Page 113, line 9: delete "for unification" and substitute "or adoption of an assembly resolution for the purpose"
- Page 113, line 13: after "petition" insert "or adoption of the resolution"
- Page 125, line 23: Add new sections to read:
"Sec. 6. AS 29.13.120 (b) is amended to read:
(b) Nominations for initial officers are made by petition. The petition is in the form prescribed by the lieutenant governor and includes the name and address of the nominee and a statement of the nominee that he is qualified under the provisions of this title for the office that he seeks. A person may file for and occupy more than one office, but he may not serve simultaneously as borough chairman and as a member of the borough assembly or as mayor and as a member of the council of a home rule or first class city. Petitions to nominate officers of a second class city must include the signature and resident address of 10 voters in the area of the proposed city [PETITIONS TO NOMINATE BOROUGH ASSEMBLYMEN MUST INCLUDE THE SIGNATURE AND RESIDENT ADDRESS OF 50 VOTERS WHO

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

ARE RESIDENTS OF THE PROPOSED BOROUGH IN THE AREA OUTSIDE HOME RULE AND FIRST CLASS CITIES.] Petitions to nominate elected [OTHER] municipal officers must include the signature and resident address of 50 voters in the area of the proposed municipality, or that area of the proposed municipality from which the officers are to be elected under the composition and apportionment set out in the accepted incorporation petition.

*Sec. 7. AS 29.18.120 (d) is amended to read:

(d) The initial elected municipal officials take office on the first Monday following certification of their election. Borough assembly members representing home rule or first class cities [ARE] appointed by the city council [AND] serve until the next regular city election and until their successors are elected and have qualified. All other elected municipal officials serve until the first regular election occurring after they have served two years in office and until their successors are elected and have qualified.

*Sec. 8. AS 29.23.020 is repealed and re-enacted to read:

*Sec. 29.23.020. COMPOSITION, APPORTIONMENT, AND REAPPORTIONMENT.

(a) The assembly shall be composed of the number of members and be apportioned in a manner set out in the incorporation petition approved by the voters or, if a borough is already incorporated, the assembly shall be composed and apportioned in a manner prescribed by charter or ordinance. Assembly composition and apportionment, including voting procedures based on the apportionment, may be prescribed in any manner consistent with the equal representation standards of the Constitution of the United States.

(b) Within six months of the effective date of this section, and thereafter within six months of the official report of a federal decennial census and issuance of any supplementary data to the report necessary to establish population distribution within the borough, the assembly shall

(1) determine and declare by resolution whether the existing assembly apportionment meets the standards designated under (a) of this section;

(2) if the existing apportionment does not meet the designated standards, provide by ordinance for reapportionment and, if it chooses, changes in assembly composition, in accordance with the designated standards;

(3) submit the ordinance to borough voters for approval or rejection as provided in (c) of this section.

(c) The vote on an ordinance submitted under (b)(3) of this section shall be tabulated in two separate classifications. One classification shall consist of all votes cast in the first class and the home rule cities of the borough. The other classification shall consist of all votes cast in the remaining areas of the borough. In order for the ordinance to be approved it must receive majority approval in each classification. If,

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

at the end of the time period prescribed in (b) of this section, no ordinance has been approved, the Local Affairs Agency shall provide for the reapportionment in accordance with the standards designated in (a) of this section.

(d) In addition to providing for apportionment at the times required under (b) of this section, the borough assembly shall provide for its reapportionment and, if it chooses, a change in assembly composition, whenever, on the basis of federal census reports or other reliable population data, it determines that the existing apportionment does not meet the standards for apportionment designated in (a) of this section. The assembly is required to determine whether the standards are being met upon petition of 50 borough voters. The petition must include reliable evidence that the existing apportionment of the assembly does not meet the designated standards. Reapportionment under this section shall be implemented by ordinance or by act of the Local Affairs Agency in the same manner as prescribed for reapportionment in (c) of this section.

(e) Members of the assembly are selected according to assembly composition and apportionment set out in the incorporation petition approved by the voters or subsequently provided in accordance with this section. A change in assembly composition or apportionment under this section shall be effective beginning with the next regular election to the assembly.

(f) Assembly or Local Affairs Agency determinations or reapportionments made under this section are subject to judicial review. The running of time periods specified in (b) of this section shall be tolled until a final judgment is rendered in an action brought under this subsection.

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

*Sec. 9. AS 29.23.040 is repealed and re-enacted to read:

*Sec. 29.23.040. REGULAR TERM OF OFFICE. Assemblymen are selected for three-year terms and until their successors are selected and have qualified, unless different terms not exceeding four years are prescribed by borough charter or ordinance. However, if under a borough apportionment city councilmen are appointed as assemblymen or elected to dual assembly-council seats, they may not be replaced until their assembly term expires as provided by city charter or ordinance, or they cease to be a member of either the assembly or council. The current term of incumbent assemblymen may not be altered under this section. This section applies to home rule and general law boroughs.

*Sec. 10. AS 29.23.050 is repealed and re-enacted to read:

*Sec. 29.23.050. QUALIFICATIONS. A resident of the borough is eligible to be an assemblyman if he is a borough voter. An assemblyman who ceases to be a borough voter immediately

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

forfeits his office. An assemblyman elected from or selected to represent a borough area less than the borough area at large and who becomes a resident of another area may continue to serve only until the next regular election. The assembly may by ordinance establish residence requirements for assemblymen not exceeding three years. This section applies to home rule and general law boroughs.

*Sec. 11. AS 29.23.080 is repealed and re-enacted to read:

*Sec. 29.23.080. ASSEMBLY VACANCIES. The assembly shall provide by ordinance the manner in which a vacancy in assembly representation occurs. A vacancy is filled by the majority of the remaining assemblymen, who designate a voter and, if the assembly seat vacated is other than an at-large seat, a resident of the borough area to which the seat was apportioned, to serve until the next regular election. However, if under a borough apportionment city councilmen are appointed as assemblymen or elected to dual assembly-council seats, a vacancy in a councilman's seat on the assembly shall be filled by a councilman designated by a majority of the remaining membership of the council to serve until the next regular election.

*Sec. 12. AS 29.23.030, 29.23.060 (f), (g), (h), (i), (j) and AS 29.23.090 - 29.23.100 are repealed.

*Sec. 13. Secs. 6 - 12 of this Act take effect upon the condition and at the time that the Supreme Court of the State of Alaska finds that sec. 4, art. X of the Constitution of the State of Alaska as it relates to representation of cities on borough assemblies is in violation of the Constitution of the United States or an amendment to the Constitution of the State of Alaska relating to assembly representation and consistent with the provisions of secs. 6 - 12 of this Act becomes effective, whichever occurs earlier.

April 27, 1972

Members present:

Rep. M. Miller
Rep. E. Naughton
Rep. J. Harris

Sen. T. Miller
Sen. E. Merdes
Sen. C. Groh

Others present:

Don Berry, Executive Director, Alaska Municipal League
Sig Strandberg, Local Affairs Agency
Bill Berrier, Attorney, City and Borough of Juneau
Rich Garnett, Assistant Attorney General

The committee decided to add water pollution control powers as an areawide power which could be acquired at the option of the borough, without the usual procedures for petition and vote. The committee decided to include the air pollution control laws of Title 18 on the same basis.

The committee approved the requested amendment relating to acquisition of mass transit powers areawide by boroughs and the acquisition of areawide animal control powers. With respect to mass transit powers, an additional provision was directed to be inserted calling for the Alaska Transportation Commission to decide the question of acquisition of the areawide powers by the borough if a dispute arises between a city and the borough as to acquisition. The provision would apply only in the case of boroughs not exercising mass transit powers areawide on the effective date of the code.

Senator Groh withdrew his amendment relating to exclusion of territory from boroughs.

The amendments approved for inclusion in the code relating to borough mayors in manager plan boroughs, senior citizen property tax relief, and technical amendments on election dates, delegation of powers by municipal boards and commissions and otherwise are to be drafted for approval as to form at the next meeting or otherwise are to be submitted to Rep. Miller and Sen. Miller for their review.

The committee decided to await the Senate Resources Committee proposals on pending development cities legislation before acting on inclusion of such legislation in the code. The committee declined to include food stamp purchases sales tax exemption provisions in the code.

The committee authorized preparation of a summary of changes represented by the free conference bill from bills approved in both Houses. The committee discussed expanding the summary to include a general summary of code provisions.

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

Page 94, lines 13 - 28: delete all matter and substitute the following new matter:

"ARTICLE 1. REVENUE ANTICIPATION NOTES.

Sec. 29.58.010. BORROWING IN ANTICIPATION OF REVENUE. A municipality of the state which is authorized to incur indebtedness may borrow money in a fiscal year to meet appropriations for that fiscal year in anticipation of the collection of taxes and estimated revenues for the fiscal year and may issue its revenue anticipation notes as evidence of the borrowing.

Sec. 29.58.020. ISSUANCE OF NOTES. The governing body of a municipality may, by ordinance or resolution, authorize the issuance of revenue anticipation notes and prescribe the form and details of the notes and the manner of their execution. The governing body of the municipality may delegate to its chief fiscal officer the power to issue the notes from time to time under the terms and conditions of the ordinance or resolution which provides for the manner of their sale. Revenue anticipation notes and notes issued to renew notes previously issued mature not later than the end of the fiscal year in which they are issued.

Sec. 29.58.030. LIMITATION ON ISSUANCE OF NOTES. The aggregate amount of revenue anticipation notes at any time outstanding may not exceed 50 per cent of the amount of revenues estimated to be collected in the fiscal year in which the notes are issued, less the amount of estimated revenues actually collected in the fiscal year before the issuance of the notes.

Sec. 29.58.040. ISSUANCE OF NOTES IN ANTICIPATION OF STATE, FEDERAL GRANTS. (a) The governing body of a municipality, upon adoption of a long-range capital improvement budget by ordinance or resolution, may by resolution provide for revenue anticipation notes in an amount not to exceed the total amount of any state or federal grants finally committed for these projects. The notes mature no later than the end of the next fiscal year. These notes may be for single or multiple projects outlined in the adopted capital improvement budget.

(b) If the state or federal grants for capital improvement projects have not been paid to the municipality before maturity of the notes issued in anticipation of the receipt of the revenue, the governing body of the municipality may issue new notes in order to meet payment of the notes then maturing or may renew the outstanding revenue anticipation notes. New notes issued or renewals of outstanding revenue anticipation notes shall mature not later than the end of the next fiscal year.

Sec. 29.58.050. PRIORITY OF REPAYMENT. The payment of the principal and interest on revenue anticipation notes shall be a first charge and lien upon the revenues in anticipation of the

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

collection of which these notes have been issued, and their payment additionally shall be secured by a pledge of the full faith, credit and unlimited taxing power of the municipality issuing them."

Page 94, line 29: delete "29.58.040" and substitute "29.58.060"

Page 1, line 10: after "AS 29.05 - 29.95;" insert "AS 37.30"

Page 123, line 14: after "corporation" insert "and political sub-division,"

Page 94, line 29: delete "tax" and substitute "revenue"

Page 61, line 14: after "garbage" add "and solid waste"

Page 61, line 17: after "garbage" add "and solid waste"

Page 61, line 19: after "garbage" add "and solid waste"

Page 61, line 20: after "garbage" add "and solid waste"

Page 61, line 21: after "garbage" add "and solid waste"

Page 61, line 29: after "garbage" add "and solid waste"

Page 62, line 2: after "garbage" add "and solid waste"

Page 62, line 5: after "garbage" add "and solid waste"

Page 62, line 7: after "garbage" add "and solid waste"

Page 62, line 11: after "garbage" add "and solid waste"

Page 36, line 7: After "ELECTIONS." add the following new matter:
"If in a municipal election no candidate receives in excess of forty per cent of the votes cast for his respective office, the assembly or council shall hold a runoff election within two weeks between the two candidates receiving the greatest number of votes for the office. Notice of a runoff election shall be published at least 5 days before the election."

Page 35, line 28: after "who" insert "is qualified to vote in state elections and"; delete "of Alaska. for"

Page 35, line 29: delete "one year and"

Page 36, line 1: delete "or meets"

Page 36, line 2: delete "registration requirements of the municipality if any"

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE.

Page 36, line 3: after "constitution." insert "Voter registration by the municipality may not be required."

Page 124, line 4: after "who" insert "is qualified to vote in state elections and"

Page 124, line 5: delete "of Alaska for one year and"

Page 124, line 7: delete "or meets registration requirements of the municipality"

Page 124, line 8: delete "if any"

Page 35, lines 8 - 10: delete all matter through "requirements." and substitute "The municipality may not alter voter qualification requirements of this title."

Free Conference Committee Meeting - CSSB 113
May 2, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. E. Naughton	Sen. E. Herdes
Rep. J. Harris	Sen. C. Groh

Others present:

Sig Strandberg, Local Affairs Agency
Bill Berrier, Attorney, City and Borough of Juneau
Greg Machyowsky, Legislative Affairs
Marilyn Miller, Alaska Municipal League

The committee approved the amendment conferring mass transit powers upon boroughs and providing for city objections to exclusive area-wide exercise of the powers to be resolved by the Alaska Transportation Commission.

The committee approved the amendments conferring animal, water and air pollution powers upon boroughs.

The committee approved the amendment establishing a borough mayor in manager plan boroughs but revised that part of the amendment withholding veto powers from the mayor and directed that the amendment accord such power.

The committee approved the amendment authorizing senior citizen property tax relief and authorized some revisions in subsection (h) to reflect committee intent that a local government may grant a broader senior citizen exemption than given in the amendment but must assume the additional cost of the exemption without state reimbursement.

The committee approved several technical amendments and authorized Rep. Miller and Sen. Miller to review and approve further technical amendments to adjust code provisions as necessary to reflect and clarify committee policy decisions.

The committee decided to await further Senate action on development cities before deciding whether to include such legislation in the code.

The committee chairman announced that the committee would meet further at the call of the chair.

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE
May 2, 1972

Page 17, line 7: Before "first" insert "home rule or"

Page 15, line 3: Delete "the effective date of this" and substitute "January 1, 1968"

Page 15, line 4: Delete "Act"

Page 19, line 1: After "pleasure" insert ", except that in boroughs having an appointed manager the borough mayor serves as presiding officer"

Page 22, lines 24-26: After "(a)" strike all matter and substitute the following: "The administrative power of the borough is vested in an elected chairman or in an appointed manager. The executive power of the borough is vested in an elected chairman or, if the borough has adopted a manager plan, in an elected borough mayor who has the same functions as are conferred under sec. 240 of this chapter upon the mayor of a city having a manager plan."

Page 22, line 26: After "chairman" insert "or mayor"

Page 22, line 27: After "chairman's" insert "or borough mayor's"

Page 23, line 8: After "is" insert "an elected borough mayor but no"

Page 23, line 14: Delete "executive" and substitute "chairman or manager as the case may be"

Page 23, line 16: Delete "executive" and substitute "chairman or mayor"

Page 24, line 25: After "chairman" insert "or borough mayor"

Page 24, line 29: After "chairman" insert "or borough mayor"

Page 25, line 11: After "chairman" insert "or borough mayor"

Page 60, line 7: After "disposal" insert "subject to sec. 33(a) of this chapter"

Page 61, line 7: After "section" insert "or sec. 33(a) of this chapter"

Page 63, between lines 21 and 22: Insert the following new matter:
"(18) air pollution control as provided in AS 18.30"

Renumber following paragraph.

Page 63, line 29: after "cities." insert the following new matter:
"However, as to powers conferred under (a)(5), (17) and (18) of this section, exercise of the powers areawide or in the borough area outside cities is at the option of the borough and is not subject to those restrictions on acquisition of

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE
May 2, 1972

additional borough powers. Upon adoption of a borough ordinance to provide for areawide exercise of the powers specified, no home rule or general law city within the borough may exercise the powers, unless the borough ordinance provides otherwise or the borough by subsequent ordinance ceases to exercise the power."

Page 54, line 9: after "question" insert:

", except as provided otherwise in AS 29.48.030 and AS 29.48.035(b)"

Page 61, between lines 11 and 12: insert the following new matter:
"However, as to powers conferred under (a)(12) of this section, exercise of the powers areawide or in the borough area outside cities is at the option of the borough and is not subject to those restrictions on acquisition of additional borough powers. With respect only to boroughs which on the effective date of this Act are not exercising powers conferred under (a)(12) of this section on an areawide basis, objection which a city may raise to areawide exercise of the powers by a borough shall be reviewed by the Alaska Transportation Commission. The Commission shall decide whether or not areawide exercise of the powers is to be approved as in the public interest under the particular facts and circumstances at issue."

Page 75, between lines 27 and 28, insert the following new matter:
"(6) the real property of certain residents of the state to the extent and subject to the conditions provided in (e) of this section."

Page 76, between lines 17 and 18, insert the following new matter:
"(e) After January 1, 1973 the real property owned and occupied as a permanent place of abode by a resident 65 years of age or over whose gross annual income totals less than \$10,000 is exempt from taxation of the assessed value of the real property. Only one exemption may be granted with respect to the same property and, if two or more persons are eligible for an exemption with respect to the same property, the parties shall decide between or among themselves which shall receive the benefit of the exemption; however, in the case of more than one party eligible for an exemption with respect to the same property, the total combined gross annual income of the parties may not exceed \$10,000. No real property may be exempted under this subsection which the assessor determines, after notice and hearing to the parties concerned, has been conveyed to the applicant primarily for the purpose of obtaining the exemption. The determination of the assessor is appealable under AS 44.62.560 - 44.62.570.

(f) No exemption may be granted except upon written application for the exemption upon a form prescribed by the state assessor for use by local assessors. The claimant must file the application no later than January 15 of the assessment year for which the exemption is sought and must file a separate application for each assessment year in which the exemption is sought. If an application is filed within the required time and is approved by the assessor, he shall allow an exemption in

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE
May 2, 1972

accordance with the provisions of this section. The assessor may at any time require proof in the form he considers necessary of the right and amount of an exemption claimed under this section, and in that respect may as one form of proof require authorization from the taxpayer to verify gross income level by reference to gross income shown in the latest state income tax return available for all or part of the assessment year for which an exemption is sought.

(g) The state shall reimburse a borough or city, as appropriate, for the real property tax revenues lost to it by the operation of (e) of this section.

(h) Nothing in (e) of this section affects similar exemptions from property taxes granted by municipalities on the effective date of this Act or prevents municipalities from granting similar exemptions by ordinance as provided in sec. 25 of this chapter. However, under this section only the amount of revenue lost to the municipality by reason of the exemption of (e) of this section may be reimbursed to the municipality by the state."

Free Conference Committee Meeting - CSSB 113
May 17, 1972

File
copy

Members present:

Rep. M. Miller
Rep. E. Naughton

Sen. T. Miller
Sen. E. Herdes
Sen. C. Groh

Others present:

Sig Strandberg, Local Affairs Agency
Marilyn Miller, Alaska Municipal League
Bill Berrier, Attorney, City and Borough of Juneau
Sheila Gallagher, Attorney, Greater Anchorage Area Borough
Greg Macynowsky, Legislative Affairs

A draft of the proposed Conference Committee Report summarizing changes in the proposed Free Conference Bill from the provisions of the bills before the committee was presented.

The committee decided to include in the conference report a provision that the report reflects legislative intent, where such intent is consistent with the pertinent code provision. In case of conflict, the code provision would be intended to prevail.

The committee decided to add a definition of "municipal elections" to the code to make clear that such elections include city, borough and school board elections. The committee decided to delete, as unnecessary, the definition of "general election" in the definitions chapter of the code.

The committee decided to delete the code amendment of AS 14.12.050 (Sec. 4 of CSSB 113), thus retaining present law for mandatory three year school terms (rather than setting terms at two years unless other terms up to four years are authorized by ordinance). Sec. 29.23.310 was accordingly directed to be amended, with the reference to "two" deleted and "three" substituted.

The committee approved a proposed amendment to Sec. 29.23.130 (d) making clear that when a newly adopted manager plan of government for a borough takes effect, the borough mayor then in office continues to serve his term as borough executive.

In response to a presentation made by Sheila Gallagher, Attorney, Greater Anchorage Area Borough, the committee amended the run-off elections provision of Sec. 29.23.040 to require that the run-off election be held two weeks from the date of certification of the initial election.

Technical amendments to recently adopted legislation incorporated in the code, i.e. development cities legislation and legislation relating to involvement of young people in local government, were noted and approved.

The committee requested that a specific check of all bills sent to the Governor, but not yet signed, be made for possible inclusion in the code, particularly the provisions of CSSB 200, intended to replace

May 17, 1972

Page 2

the provisions of Sec. 29.33.170 in the bills before the committee and otherwise to be drafted into the code. It was noted that the special Act incorporating the City of Lost River was not to be included in the code, inasmuch as that Act would be codified under the "Temporary and Special Acts" binder of the Alaska Statutes.

Several amendments clarifying code intent were noted and approved, among them: provisions requesting delegations to hear and decide cases before planning commissions, platting boards and boards of adjustment (Sec. 29.33.245); provision expressly that borough assumption of additional area-wide powers under Secs. 29.33.250 - 29.33.290 precludes city exercise of the powers assumed (Sec. 29.33.010(b)); provision that borough assumption of area-wide transportation powers under Sec. 29.43.030(b) confers exclusive authority to the borough for areawide exercise of the powers unless, as to boroughs not exercising the powers areawide at the time the code takes effect as law, the Alaska Transportation Commission decides otherwise; it was noted also that the power could be assumed through the usual method of assembly petition and public vote; adjustment of provisions of Sec. 29.43.030 (b) to make clear that air pollution control powers, consistent with the provision of AS 18.30, must be exercised by a borough on an areawide basis only.

The committee authorized further technical changes in the bill as necessary to coordinate code provisions, and review of the changes with respective committee chairmen.

Bill Berrier, Attorney of the City and Borough of Juneau, and Sheila Gallagher, Attorney of the Greater Anchorage Area Borough, volunteered to read the final copy of the bill being prepared and offer any technical suggestions which might be thought necessary.

The committee decided to amend the transition section (Sec. 5) of the code to provide for 180 days, rather than 90 days, as the time period, after the code takes effect as law for bringing local ordinances into conformity with code provisions.

The committee decided to meet on Friday, May 19, 1972, 3:30 p.m. to review a draft of the conference committee report summarizing changes made by the committee in the bills before it. It was indicated that the proposed conference bill and report would be ready for distribution on the following Monday. It was also noted that an additional report of the committee would be prepared to offer an overall comparison of the code, represented by the conference bill, with existing law.

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE - CSSB 113
May 17, 1972

Page 127, lines 20-21: Delete all matter.

Page 127, between lines 24 and 25: Insert the following new matter:
"municipal election" means an election conducted by a municipality and includes but is not limited to elections for city council members, borough assembly members, school board and utility board members"

Page 129, lines 6-28: Delete all matter (and leave blank).
renumber following sections

Page 29, line 9: Delete "two" and substitute "three"

Page 29, lines 10-12: After "office." delete all matter through
"incumbent."

Page 129, line 3: Delete "90" and substitute "180"

Free Conference Committee Meeting - CSSB 113
May 18, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. E. Naughton	Sen. C. Groh
Rep. J. Harris	Sen. E. Merdes

Others present:

Sig Strandberg, Local Affairs Agency
Bill Berrier, Attorney, City and Borough of Juneau
Sheila Gallagher, Attorney, Greater Anchorage Area Borough
Greg Machyowsky, Legislative Affairs
Marilyn Miller, Alaska Municipal League

The committee examined copies of the proposed conference report on the code and approved the report. Advance copies of the prepared conference bill were also circulated.

The committee decided to except from the transitional provisions of Sec. 3 of the code (permitting 180 days after the code takes effect as law for adjustment of local ordinances to code provisions), the election requirement of Sec. 29.28.040, and an amendment accordingly was directed to be inserted in the transition section.

It was indicated that the final prepared copy of the code, together with the conference report, would be available for distribution Monday, May 23, 1972.



see 6-4
CITY OF
ANCHORAGE



ALASKA

International

Polar air crossroads of the world

February 18, 1972

POST OFFICE BOX 300
ANCHORAGE, ALASKA
99501

Honorable Edward A. Merdes
Alaska State Senate
Juneau, Alaska 99801

Dear Ed:

I asked John Spencer, City Attorney, to review Senate Bill No. 316 since its contents indicated it might be a problem to us if applied to Home Rule Cities. A copy of John's review and report to me (memorandum, dated 2-16-72) is attached for your information.

We hope you will consider specifically excluding Home Rule Cities from the provisions of this bill. We feel we now have adequate authority. If the provisions of this bill were made applicable we would have far greater restrictions than we now operate under. We do interim or short term borrowing of all types now without any difficulty.

Sincerely yours,

Robert E. Sharp
Robert E. Sharp
City Manager

RES: al
Enclosure

cc: Mr. Don Berry
Mr. Wally Droz
City Attorney
Finance Director



AIRMAIL IS FASTER

City of Anchorage

MEMORANDUM

FEB 17 1972

CITY MANAGER'S
OPINION NO. 1000-72

TO: City Manager

FROM: City Attorney

SUBJECT: Revenue Anticipation Notes

DATE: 2/16/72

Friday you requested that I look at Senate Bill No. 316, involving the issuance of revenue anticipation notes by political subdivisions.

It is my opinion that the City should oppose this bill, inasmuch as it is not a required piece of legislation to enable the City of Anchorage to do any borrowing in anticipation of revenues, whether federal, state or otherwise.

There have been several opinions concerning this matter written by this office at various times. The general consensus of those opinions provides that there is authority to issue anticipation notes. The City Charter states:

"The City shall have the power to borrow money for any specific purpose and to issue its evidences of indebtedness therefor."
Sec. 11.1(a)

There are three limitations to the power granted by the Charter. The first appears to be the requirement that money borrowed must be for a specific purpose. The Council resolution authorizing the borrowing of the money could certainly set this specific purpose out. Secondly, the State Constitution provides a limitation wherein we find:

"The State and its political subdivisions may borrow money to meet appropriations for any fiscal year in anticipation of the collection of the revenues for that year but all debts so contracted shall be paid before the end of the next fiscal year." Article IX, Sec. 10.

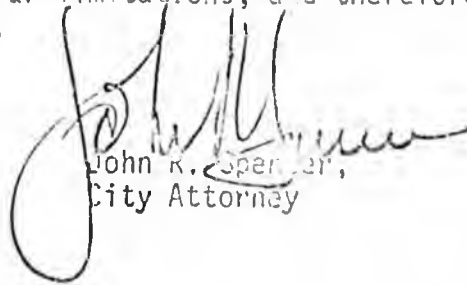
The third limitation is found in Section 11.1(b) of the City Charter. That section provides that a period of thirty days must elapse from the time of initial Council authorization before the Council can

unilaterally (that is, without electorate consent) enter into financing agreements. Again, that is no severe obstacle to overcome, and is just a matter of watching the time periods.

The notes can contain the wording whereby the security would be in the anticipated revenues from any of various sources, grants-in-aid, federal or state, revenue sharing from the state, bonding or any other anticipated source of income. In the event of failure of the security, the note becomes a general unsecured obligation of the City, unless otherwise set out on the note itself.

Therefore, in summary, it is my opinion that Mr. Herdes' Senate Bill No. 316 is not a requirement for a home rule city or borough and, in fact, would appear to impose more strenuous regulations on the City concerning the anticipation notes.

The first limitation, of course, is the 50% of the amount of anticipated revenue, except in anticipation of State or Federal grants. However, in the issuance of notes in anticipation of State or Federal grants the City would be bound by the requirement of adoption of a long-range capital improvements budget which, so far as the City is concerned would be out of the question, unless we used our capital improvements program forecast as a budget, or the CIP funding for that particular fiscal year as adopted in our annual budget would suffice. However, it is not necessary under our current system to have these particular limitations, and therefore I would not support Mr. Herdes' bill.


John K. Spenser,
City Attorney

JRS:LCM

cc: Mayor Sullivan,
Finance Director



GREATER ANCHORAGE AREA BOROUGH

3500 TUDOR ROAD
POUCH 6-650
ANCHORAGE, ALASKA 99502

February 3, 1972

CHAIRMAN'S OFFICE

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Free Conference Committee
for House Bill 208 (Municipal Code)
Pouch V
Juneau, Alaska 99801

Dear Committee Members:

I understand that the Governor intends to offer some amendments to the Municipal Code (HB 208). My staff has reviewed the Code and recommends the attached changes. We feel that the recommendations numbered 7, 8, 9 and 11 are the most important.

If the Code is opened up to general and substantive change in free conference, I would appreciate any support you might give in securing these changes.

Respectfully,

For Robert M. Asplund
John M. Asplund
Borough Chairman

JMA:JBW:vp
attachment

SECTION 2. PENDING LEGISLATION WHICH THE BOROUGH BELIEVES SHOULD BE AMENDED

The Greater Anchorage Area Borough Administration requests that the following pending legislation be amended.

(A) Municipal Code

While the Borough favors passage of the Municipal Code, it believes that the following list of amendments are practical and would permit smoother operation under the Code.

Chapter 23 - Municipal Officers and Employees

1. Sec. 29.23.020 provides standards for apportionment.

Problem: We question re-enacting provisions known to be unconstitutional.

2. Sec. 29.23.090(a)(1) provides that an assembly initiated apportionment plan must be submitted to the Local Affairs Agency "for review".

Problem: The meaning of "for review".

Recommendation: State that the Agency does or does not have the power to disapprove the plan.

Chapter 28 - Elections

3. Sec. 29.28.015(b) allows one person to serve simultaneously in several offices with only a few restrictions.

Problem: The advisability of permitting assemblymen or councilmen to sit on lesser bodies is questionable, particularly since the assembly or council often ratifies or acts as an appellate body concerning the decisions of lesser bodies. If you have the same people at different levels, it would seem to diminish your right of appeal.

Recommendation: Add a provision allowing assemblies and councils to place further limitations on simultaneous office holding.

4. Sec. 29.25.020(a) calls for concurrent state and municipal elections.

Problem: While the goal of concurrent elections may be desirable, there is one immediate practical problem. Until election laws become uniform, it will be necessary for cities, boroughs and the state to each have a separate election board. Getting enough qualified people to man each of these boards on the same election day will be difficult.

Recommendation: Make concurrent elections optional with the municipalities; or, in the alternative, amend Title 15 of the Alaska Statutes so that election judges need not be residents of the precinct in which they function.

5. Sec. 29.28.073 provides that the clerk has 10 days from the filing of an initiative or referendum petition to certify it, and if the petition is insufficient, it may be amended or supplemented within 10 days after the filing date.

Problem: If the clerk needs or takes 10 days to check out the petition, all right to amend or supplement it would be extinguished.

Recommendation: The wording should be similar to that of the recall provision and allow the petitioner 10 days from the time of the clerk's rejection in which to amend or supplement the petition.

6. Sec. 29.28.150 provides that a petition to recall a municipal official need only contain signatures equal in number to 15% of the votes cast in the area represented by the official in the last preceding general election for officers.

Problem: Turnout for local elections often runs only about half that for state elections, and fluctuates greatly depending upon what controversial item might happen to be on the ballot. Therefore, the difficulty in exercising the right of recall will vary widely in different years.

Recommendation: Base the percentage of signatures required on the number of registered voters.

ADOPTED
3/25

7. Sec. 29.33.020 places numerous responsibilities upon planning commissions and Sec. 29.33.245 is an attempt to take some of the pressure off of the commission.

Problem: These sections point out the re-occurring problem of stacking numerous responsibilities on administrative bodies without express provisions that some of the responsibilities may be delegated to other bodies, and that other sub-administrative bodies may be created if necessary. In the past we have used a Board of Examiners and Appeals to handle appeals from administrative decisions and requests for variances. Even then, the Anchorage Planning Commission is overworked. While the hearing officer provisions of Sec. 29.33.245 will provide some relief, we think it desirable to give local legislative bodies more leeway in this area.

Recommendation: Add a provision to the Municipal Code allowing assemblies and councils some flexibility to delegate and re-distribute functions and to establish separate boards as necessary.

8. Sec. 29.33.020(d) provides that "(t)he designation of zoning purposes does not confer police powers upon a borough except as authorized by this title nor does it prohibit cities within the borough from exercising police powers as to those purposes".

Problems: The first part of the subsection seems to be a restatement of the obvious. Giving planning power to a borough does not give the borough general police power. On the other hand, the planning function would include the implied police powers necessary to carry out that function. The "except as authorized" wording of the section might be read to require individual express powers before a borough could act in the various areas of planning and, therefore, restrict a borough from operating with powers which are implied but not expressly authorized by the title.

The second part of the subsection indicates that cities within a borough may enforce planning and zoning ordinances, and raises the question of whether a home rule city could pass and enforce its own planning and zoning ordinances. This again flies in the face of an areawide planning concept.

Recommendation: Eliminate the entire subsection.

Handwritten notes:
THIS LANGUAGE
IN SEC
29.33.020
SHOULD BE
DELETED

Handwritten notes:
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9. Sec. 29.33.110(b)(3) provides for appeals from decisions on requests for variances from the planning commission to the board of adjustment.

Problem: This again brings out the problem discussed in Item 7 above. The Greater Anchorage Area Borough uses a board of examiners and appeals to hear requests for variances, and appeals are made directly to the board of adjustment. Article 4 seems to indicate that we could no longer use a body other than the planning commission or its representatives to hear such requests.

Recommendation: As recommended in Item 7 above, add a general provision to the Municipal Code allowing local governments the flexibility to delegate and re-distribute functions and to establish separate boards as necessary.

Chapter 53 - Municipal Assessment and Taxation

10. Sec. 29.53.035(c) includes in the definition of "farm use" lands put to a "horticultural use."

Problem: Garden supply and plant stores have been claiming the farm and agricultural reductions.

Recommendation: Exclude the term "horticultural use" from the definition of "farm use."

11. Sec. 29.53.040 classes mobile homes as real property for tax purposes.

Problem: While such a change might help municipalities which don't tax personal property, it will be an administrative nightmare for the other municipalities. The Anchorage Borough would have approximately 8,000 pieces of real property which move, and the burden would be shifted to the Borough to keep track of each. Under the present system the owners must file returns or be subject to prosecution. On the other hand, if trailers are to be treated as realty, the borough will need to find and file on each of them, and a failure to do so would result in the owner not carrying his share of the tax burden.

Recommendation: Make the provision optional.

12. Sec. 29.53.080 permits the assessor to make his own evaluation of property when no return has been filed.

Problem: If the assessor doesn't find the property until after the return should have been filed, the law is unclear as to when penalty and interest provisions apply.

SAME
AS
#17

MC OFFICE
3/23
3/14

Recommendation: A provision should be added that penalty and interest accrue from the original due date which would have applied had the taxpayer filed a timely return.

13. Sec. 29.53.040 makes it a misdemeanor to file a fraudulent return.

Problem: It is almost always difficult to establish the necessary intent in order to prove fraud. In addition, it is questionable whether a misdemeanor will offer a strong enough deterrent. In the few cases where fraud can be proven, we think it would be desirable to take examples out of the perpetrators of the fraud.

Recommendation: Add a provision whereby the state may prosecute fraudulent returns as a felony rather than the municipalities prosecuting them as misdemeanors.

14. Sec. 29.53.120 provides for correction of errors and omissions in the assessment roll, and for appeals from corrected notices.

Problem: Most municipalities allow 30 days for appeal from errors in assessment rolls. Under Sec. 29.53.120(b) the appeal time would necessarily be extended an extra 30 days, substantially delaying the procedure.

Recommendation: Require all errors to be appealed within 30 days, and if a satisfactory adjustment can be made before the Board of Equalization meets, the appeal could then be dismissed.

15. Sec. 29.53.390 contains provisions for refund of taxes.

Problem: Because of the cost of processing minor refunds, it would be desirable if small overpayments could be ignored.

Recommendation: Add a provision whereby overpayments in the amount of \$1.00 or less may be written off unless a specific demand is made for the refund within 30 days.

GREATER ANCHORAGE AREA BOROUGH

3500 TUDOR ROAD
POUCH 6-650
ANCHORAGE, ALASKA 99502

December 7, 1971

DEPARTMENT OF LAW
279-2820



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Senator Edward A. Merdes
504 Monroe Street
Fairbanks, Alaska 99701

Dear Ed:

Sorry to be so late in responding to your request for additional comments on the Municipal Code. We circulated the Code to all department heads then sifted through their comments to put together a package of suggested amendments. There were many minor comments but the ones in the enclosure are those I felt the most substantive.

If you would like comments on any other provision, I would be happy to oblige as I have a fairly fat file on the subject but thought I'd spare you another ton of paper.

Of course we stand willing to testify or do whatever is necessary to aid you in your consideration of the bill, so feel free to call upon me at any time.

Sincerely,

Sheila
Sheila Gallagher
Borough Attorney

SG:gv
cc: Senator Terry Miller
Senator John Rader

SECTION II. PENDING LEGISLATION WHICH THE BOROUGH BELIEVES SHOULD BE AMENDED

+ The Greater Anchorage Area Borough requests that the following pending legislation be amended.

(A) Municipal Code

While the Borough favors passage of the Municipal Code, it believes that the following list of amendments are practical and would permit smoother operation under the Code.

+Chapter 23 - Municipal Officers and Employees

1. Sec. 29.23.020 provides standards for apportionment.

+Problem: We question re-enacting provisions known to be unconstitutional.

2. Sec. 29.23.090(a)(1) provides that an assembly initiated apportionment plan must be submitted to the Local Affairs Agency "for review".

Problem: The meaning of "for review".

Recommendation: State that the Agency does or does not have the power to disapprove the plan.

Chapter 28 - Elections

3. Sec. 29.28.015(b) allows one person to serve simultaneously in several offices with only a few restrictions.

Problem: The advisability of permitting assemblymen or councilmen to sit on lesser bodies is questionable, particularly since the assembly or council often ratifies or acts as an appellate body concerning the decisions of lesser bodies. If you have the same people at different levels, it would seem to diminish your right of appeal.

Recommendation: Add a provision allowing assemblies and councils to place further limitations on simultaneous office holding.

4. Sec. 29.28.020(a) calls for concurrent state and municipal elections.

Problem: While the goal of concurrent elections may be desirable, there is one immediate practical problem. Until election laws become uniform, it will be necessary for cities, boroughs and the state to each have a separate election board. Getting enough qualified people to man each of these boards on the same election day will be difficult.

Recommendation: Make concurrent elections optional with the municipalities; or, in the alternative, amend Title 15 of the Alaska Statutes so that election judges need not be residents of the precinct in which they function.

5. Sec. 29.28.073 provides that the clerk has 10 days from the filing of an initiative or referendum petition to certify it, and if the petition is insufficient, it may be amended or supplemented within 10 days after the filing date.

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6. Sec. 29.28.150 provides that a petition to recall a municipal official need only contain signatures equal in number to 15% of the votes cast in the area represented by the official in the last preceding general election for officers.

Problem: Turnout for local elections often runs only about half that for state elections, and fluctuates greatly depending upon what controversial item might happen to be on the ballot. Therefore, the difficulty in exercising the right of recall will vary widely in different years.

Recommendation: Base the percentage of signatures required on the number of registered voters.+

Chapter 33 - Planning, Platting and Zoning

7. Sec. 29.33.080 places numerous responsibilities upon planning commissions and Sec. 29.33.245 is an attempt to take some of the pressure off of the commission.

Problem: These sections point out the re-occurring problem of sticking numerous responsibilities on administrative bodies without express provisions that some of the responsibilities may be delegated to other bodies, and that other sub-administrative bodies may be created if necessary. In the past we have used a Board of Examiners and Appeals to handle appeals from administrative decisions and requests for variances. Even then, the Anchorage Planning Commission is overworked. While the hearing officer provisions of Sec. 29.33.245 will provide some relief, we think it desirable to give local legislative bodies more leeway in this area.

Recommendation: Add a provision to the Municipal Code allowing assemblies and councils some flexibility to delegate and re-distribute functions and to establish separate boards as necessary.

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Problems: The first part of the subsection seems to be a restatement of the obvious. Giving planning power to a borough does not give the borough general police power. On the other hand, the planning function would include the implied police powers necessary to carry out that function. The "except as authorized" wording of the section might be read to require individual express powers before a borough could act in the various areas of planning and, therefore, restrict a borough from operating with powers which are implied but not expressly authorized by the title.

The second part of the subsection indicates that cities within a borough may enforce planning and zoning ordinances, and raises the question of whether a home rule city could pass and enforce its own planning and zoning ordinances. This again flies in the face of an areawide planning concept.

Recommendation: Eliminate the entire subsection.

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Problem: This again brings out the problem discussed in Item 7 above. The Greater Anchorage Area Borough uses a board of examiners and appeals to hear requests for variances, and appeals are made directly to the board of adjustment. Article 4 seems to indicate that we could no longer use a body other than the planning commission or its representatives to hear such requests.

Recommendation: As recommended in Item 7 above, add a general provision to the Municipal Code allowing local governments the flexibility to delegate and re-distribute functions and to establish separate boards as necessary.+

RFC 5

Chapter 53 - Municipal Assessment and Taxation

- +10. Sec. 29.53.035(c) includes in the definition of "farm use" lands put to a "horticultural use."

Problem: Garden supply and plant stores have been claiming the farm and agricultural reductions.

Recommendation: Exclude the term "horticultural use" from the definition of "farm use."

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Problem: While such a change might help municipalities which don't tax personal property, it will be an administrative nightmare for the other municipalities. The Anchorage Borough would have approximately 3,000 pieces of real property which move, and the burden would be shifted to the Borough to keep track of each. Under the present system the owners must file returns or be subject to prosecution. On the other hand, if trailers are to be treated as realty, the borough will need to find and file on each of them, and a failure to do so would result in the owner not carrying his share of the tax burden.

Recommendation: Make the provision optional.

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Problem: If the assessor doesn't find the property until after the return should have been filed, the law is unclear as to when penalty and interest provisions apply.

Recommendation: A provision should be added that penalty and interest accrue from the original due date which would have applied had the taxpayer filed a timely return.

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Problem: It is almost always difficult to establish the necessary intent in order to prove fraud. In addition, it is questionable whether a misdemeanor will offer a strong enough deterrent. In the few cases where fraud can be proven, we think it would be desirable to make examples out of the perpetrators of the fraud.

Recommendation: Add a provision whereby the state may prosecute fraudulent returns as a felony rather than the municipalities prosecuting them as misdemeanors.

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Problem: Most municipalities allow 30 days for appeal from errors in assessment rolls. Under Sec. 29.53.120(B) the appeal time would necessarily be extended an extra 30 days, substantially delaying the procedure.

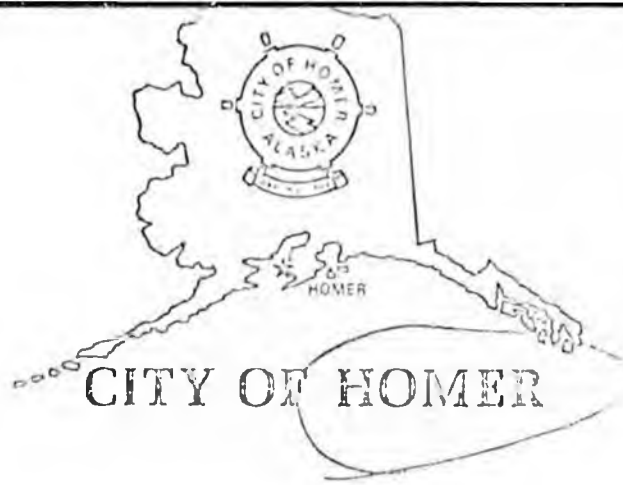
Recommendation: Require all errors and omissions to be appealed within 30 days, and if a satisfactory adjustment can be made before the Board of Equalization meets, the appeal could then be dismissed.

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Problem: Because of the cost of processing minor refunds, it would be desirable if small overpayments could be ignored.

Recommendation: Add a provision whereby overpayments in the amount of \$1.00 or less may be written off unless a specific demand is made for the refund within 30 days.+RFC 6

BOX 335



HOMER, ALASKA 99603

February 22, 1972

Mr. Edward A. Merdes
State Senate
State Capitol Building
Juneau, Alaska 99801

Dear Mr. Merdes,

At their meeting, February 14, 1972, the Common Council of the City of HOMER, by a vote of 5 to 0 (with one member absent), voted to support legislation that would give any First Class City, within a Borough, the right to plan, direct and enforce their own zoning. Such action would place the responsibility for zoning on those who are directly affected by it.

Your support of such legislation is encouraged.

Yours truly,

Jack J. Greene
Jack J. Greene
City Manager

JJG/cc

Sen. Mandes

Don't forget in Free

Conference Committee:

position to discuss
intentionalities to reduce
on anti-pollution issues

50% or 100%?

Left edge (PSE Thomas)
Recco Amend

14.050

(d) In the location determinations multiple use of the facilities including but not limited to libraries and recreational activities shall be considered.

(e) The design shall take into consideration multiple utilizations of the school building and school site.

(f) Providing that multiple use activities on said facilities may be an assembly designated responsibility of the school board.

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801

August 2, 1971

MEMORANDUM

TO : Senator John Rader, Senate Local Government Committee ✓
Rep. Mike Miller, House Local Government Committee

FROM : Greg Machyowsky, Legislative Counsel

SUBJECT: Incorporation of 1971 Session Laws into proposed
municipal code; other minor code amendments

A number of session laws enacted late in the first session of the Seventh Legislature amend existing Titles 7 and 29 and are not subsumed in the latest version of the proposed municipal code which was pending in Senate Rules at the close of the last session. Amendments to incorporate the substance of these session laws are attached; should they not be incorporated into the proposed code and the code is enacted, they will have been repealed from existing laws, since the proposed code repeals existing Titles 7 and 29.

I am attaching also an amendment which should be included with the technical amendments already made to the code. The amendment is minor and only preserves the consistency of distinctions maintained elsewhere in specific code sections as to which provisions bind home rule and general law municipalities under sec. 29.13.100 (pp. 7-8) of the proposed code.

GM:hg
Enclosures

AMENDMENT

IN THE SENATE

BY THE LOCAL
GOVERNMENT COMMITTEE

TO: SCS CSHB 208

47
Page ~~48~~, line 23: After "districts" add "and exceptions may be made in order to provide for the preservation, maintenance and protection of historic sites, buildings and monuments"

*ADDED
3/23*
Page 61, between lines 5 and 6, add the following new matter:
"preservation, maintenance and protection of historic sites, buildings and monuments"

Page 63, Line 17: After "areawide;" add "exceptions to requirements of the codes may be made in the codes among other reasons, in order to provide for the preservation, maintenance and protection of historic sites, buildings and monuments;"

Page 77, between lines 5 and 6 add the following new matter:
"(C) historic sites, buildings and monuments"

*Called
by
3/21*

T. J.

AMENDMENT

IN THE SENATE

BY THE LOCAL
GOVERNMENT COMMITTEE

TO: SCS CSHB 208

Page 121, line 23: Before "municipality" insert "home rule
or general law"

Page 121, line 27: Before "municipality" insert "home rule
or general law"

AMENDMENT

IN THE SENATE

BY THE LOCAL
GOVERNMENT COMMITTEE

TO: SCS CSHB 208

Page 121, line 26: After "⁹07.55.460." insert the following

new matter: "In the case of a second class city, before exercising the power, the council shall request or petition the Local Affairs Agency for permission to exercise the power. The council may not exercise the power of eminent domain or declaration of taking without the formal approval of the Local Affairs Agency. The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or special election called for that purpose. A majority of the qualified voters voting on the question is required for approval of the ordinance."

A Docket
3/23

MEMORANDUM

February 14, 1972

To: Rep. Mike Miller, Chairman
House Local Government Committee

From: Greg Machyowski

Re: Additional suggested municipal code amendments

Enclosed are the two "optional" amendments I mentioned for inclusion in the Conference report on the code. Both are recommended for technical reasons. With respect to the definition of property provided in one amendment, Bob Dwyer or Sig Strandberg of Local Affairs can as I recall provide the background on the requested amendment, which the Local Affairs agency proposed towards the close of last session but did not consider indispensable; a definition of "property", "real property" and "personal property" I believe appeared in versions of the code some years ago but for some reason was subsequently omitted.

The other amendment, while further complicating the transitional provisions of § 124, lines 14-19 regarding a uniform November local election date, would nonetheless avoid confusion in implementing the new election date and is recommended if the mandatory November election date continues to be retained in the code.

Incidentally, in the technical amendments furnished to you earlier, the citation, in

the amendment relating to the new law on
historic preservation, should read "Page 47,
line 23", in place of "Page 49, line 23" as
it presently reads.

Attention
please
12/2/74

A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208

Page 123, between lines 18 and 19, add the following new matter:

"(10) "property" means real and personal property;

(11) "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;

(12) "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;"

renumber the following paragraphs accordingly.

A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208 (as amended)

Page 124, line 19: Before the period at the end of the sentence add the following new matter:

" , except that, in the event the term of a local official elected after the effective date of this Act could under this section expire in November of the same year as the term of a local official elected before the effective date of this Act within the same city or borough, their terms shall nonetheless expire and an election for their successors be held, on the same date, being the regular municipal election date provided before enactment of this title. Their successors shall serve for terms to conform with the provisions of this title. Insofar as the temporary provisions of this section conflict with other provisions of this Act establishing dates of municipal elections and terms of office, the other provisions of this Act are superseded until the temporary provisions of this section have been fully implemented"

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801

LEGISLATIVE AFFAIRS AGENCY

April 16, 1971

MEMORANDUM

TO: Representative Mike Miller
FROM: Greg Machyowsky, Legislative Counsel
SUBJECT: Attached amendments

As requested I've prepared an amendment for CSHB 208 (as amended) setting the regular municipal election date on the first Tuesday in October rather than the Tuesday after the first Monday in November. The amendment is prepared for the Senate. It should be noted that/does not affect the present provision of the bill setting the election every two years at the time of the state election, rather only sets that regular election date in October. Thus, if adopted, the amendment would result in local elections in October every two years, followed by state elections the next month, unless municipalities choose by ordinance to provide for local elections every year on the first Tuesday of October, as under present law. If regular local elections every two years in the off-year of the state election are intended, then the amendments made on pages 35 and 123 in the attached amendment should read:

Page 35, line 23: Strike "Tuesday after the first Monday in November every even-numbered year" and substitute "first Tuesday of October every odd-numbered year"

Page 123, lines 24 - 25: Strike "Tuesday following the first Monday in November of even-numbered years" and substitute "first Tuesday of October of odd-numbered years"

As indicated, the bill still leaves the option to local governments to provide for an election every year (or even at longer intervals than every two years).

Senator Merdes hasn't specifically requested a Senate amendment to change election dates. I'm furnishing the amendment to you in accordance with your request yesterday to have the amendment ready.

Another, shorter amendment, is enclosed, also; it would make a few desirable technical improvements and corrections. If other amendments to the bill are adopted in the Senate, I would recommend that the amendments on the enclosed sheet (for pages 17, 25, 65, 73, 106 and 124 of the bill respectively) be also adopted. The first two,

on page 17, are for clarification only (as now worded the lines seem to contemplate an election only in state election years, whereas elections every year at the option of the local government are also intended). The amendment on page 25 corrects an error; the line in the bill (line 28) erroneously stipulates a general law city council election every year. As to this one amendment, the lengthier amendment to change election dates also includes the correction (in effect deleting the phrase "every year" on page 25, line 28).

The amendments following clear up ambiguity in the use of the term "general" election when "regular" election is meant; the ambiguity developed in the process of integrating existing recently enacted statutes on franchise and property disposal elections into the committee substitute bill. Except possibly for the correction on page 25, none of the amendments would appear to me important enough to complicate or delay passage of the code, and if necessary can be recommended as corrections in the revisor's bill next year. (There undoubtedly will be a number of other minor technical matters cropping up in the course of detailed examination of the committee substitute bill as enacted.)

I've also made a minor technical improvement, at page 124, line 17, making clear that incumbents in office at the time the Act takes effect serve until the October expiration date of their terms, and the elections for immediate successors are held in October, notwithstanding the present provisions for November elections.

Encl.

GM:ic

A M E N D M E N T No. 1

IN THE SENATE

TO: CS FOR SENATE BILL NO. 113

- 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 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"
- Page 124, lines 18 - 19: Strike "are elected on the date provided before enactment of this title and"

IN THE SENATE

TO: CS FOR HOUSE BILL NO. 208 as amended

- Page 17, line 27: Strike "an election" and substitute "a regular election"
- Page 17, line 28: Strike "at the time of the general election"
- Page 25, line 28: Strike "every year"
- Page 65, line 15: Delete "general" and substitute "regular"
- Page 73, line 12: Delete "general" and substitute "regular"
- Page 106, line 19: After "question" insert "at a regular or special election"
- Page 124, line 19: After the period add the following new matter:
"Insofar as the temporary provisions of this section conflict with other provisions of this Act relating to municipal elections and terms of office, the other provisions of this Act are superseded until the temporary provisions of this section have been fully implemented."

Adopted 4/7
Council
3/21

CS PROPOSED TITLE NO. 1

TITLE 23. MUNICIPAL GOVERNMENT

CHAPTER 1. THE LEGISLATURE OF THE CITY OF...

Section 1. AS SECTIONS 23.11.010 TO 23.11.020:

Sec. 23.11.010. MOBILE HOMES. Mobile homes, mobile
home trailers, and their property used or intended
to be used for residential, office or commercial purposes and
to the land or constructed to water, gas, electric or sewage utilities
are treated as real property for tax purposes and shall be
classified as real property for professional fees. This section
does not apply to mobile trailers and mobile homes which are
not held for sale by persons engaged in the business of selling mobile
homes.

STATE
OF ALASKA

MEMORANDUM

TO: Mike Miller

DATE:

FROM: Rick Garnett

SUBJECT:

On the school design matter we discussed last night I suggest page 44, line 28: after "School buildings" insert something like "To the maximum extent consistent with education needs, the design of a school building shall provide for multiple use of the building for community purposes."

I spoke with Bob Thomas about this. I believe he will contact you about the other more controversial question of some assembly control over non school use of school buildings.

HOUSE EDUCATION AMENDMENT

Section (g)

The second sentence in the House Education Amendment AS 14.14.060 (g) is a separate section in the present statute 07.15.330.

Section (h)

AS 14.14.060 (h) of the House Education Amendment is the present language contained in 07.20.140:

07.20.140 Centralized Purchasing - The assembly may provide for centralized purchasing, storage, and distribution of any supplies, material, and equipment for the borough and for its departments; provided, however, school boards within the borough may determine their own separate policy for the purchase of supplies and equipment.

A M E N D M E N T S

TO: CS FOR SENATE BILL NO. 113

BY THE FREE CONFERENCE COMMITTEE

Page 125, line 28: add new sections to read:

"* Sec. 6. AS 29.23.020 is repealed and re-enacted to read:

Sec. 29.23.020. COMPOSITION AND APPORTIONMENT. (a) The borough assembly shall be composed and apportioned in a manner set out in the incorporation petition or, if a borough is already incorporated, in a manner prescribed by ordinance. Assembly composition and apportionment, including voting procedures based on the apportionment, may be prescribed in any manner consistent with the equal representation standards of the Constitution of the United States. A change in assembly composition or apportionment shall be effective beginning with the next regular election to the assembly.

(b) Within six months of the effective date of this section and thereafter within six months of the completion of a decennial census, the assembly shall prescribe by ordinance the composition and apportionment of the assembly as provided under (a) of this section. This ordinance shall be submitted to an election of the qualified voters in the borough and must be ratified by a majority of the voters in all first class cities in the borough and by a majority of the voters outside the first class cities in the borough. If the ordinance is rejected by the voters, the Local Affairs Agency shall apportion the assembly in a manner consistent with the equal representation standards of the Constitution of the United States.

* Sec. 7. Sec. 6 of this Act takes effect on the effective date of the amendment of the Constitution of the State of Alaska which amends the local government of the constitution relating to representation of cities on borough assemblies."

Amendments to: CSSB 113
By the Free Conference Committee (Cont.)

Page 1, line 7: after "boroughs" and before the period insert:
"; and providing for an effective date"

Page 38, line 24 delete the words, "filing date" and add:
"date on which the petition is rejected as insufficient"

Page 47, line 6: add a new subsection to read:

"(g) The commission may delegate the power to act, to hear and
to decide if authorized to do so by ordinance of the assembly."

Page 78, line 22: after the word "agricultural" delete the words "or
horticultural"

MEMORANDUM

TO: The Honorable Mike Miller

DATE:

FROM: Rick Garnett

SUBJECT:

To avoid conflict between annexation via the constitutional procedure and annexation by local action, I suggest the following: page 107, line 18, after "for" insert " initiation of"

Add new paragraph (c) "A boundary change effected under paragraph (a) prevails over a boundary change initiated by local action, without regard to priority in time."

A M E N D M E N T S

TO: CS FOR SENATE BILL NO. 113

BY THE FREE CONFERENCE COMMITTEE

Page 125, line 28: add new sections to read:

* Sec. 6. AS 29.23.020 is repealed and re-enacted to read:

Sec. 29.23.020. COMPOSITION AND APPORTIONMENT. (a) The borough assembly shall be composed and apportioned in a manner set out in the incorporation petition or, if a borough is already incorporated, in a manner prescribed by ordinance. Assembly composition and apportionment, including voting procedures based on the apportionment, may be prescribed in any manner consistent with the equal representation standards of the Constitution of the United States. A change in assembly composition or apportionment shall be effective beginning with the next regular election to the assembly.

(b) Within six months of the effective date of this section and thereafter within six months of the completion of a decennial census, the assembly shall prescribe by ordinance the composition and apportionment of the assembly as provided under (a) of this section. This ordinance shall be submitted to an election of the qualified voters in the borough and must be ratified by a majority of the voters in all first class cities in the borough and by a majority of the voters outside the first class cities in the borough. If, at the end of the six-month period, no ordinance has been ratified by the voters, the Local Affairs Agency shall apportion the assembly in a manner consistent with the equal representation standards of the Constitution of the United States.

* Sec. 7. AS 29.23.060(f), (g), (h), (i) and (j) are repealed.

* Sec. 8. Secs. 6 and 7 of this Act take effect on the effective date of the amendment of the Constitution of the State of Alaska which amends

Amendments

To: CS for SB 113 by the Free Conference Committee (cont.)

sec. 4, art. X of the constitution relating to representation of cities on borough assemblies or on the date that the Alaska Supreme Court rules that the provisions of sec. 4, art. X of the Constitution of the State of Alaska, relating to the representation of cities on borough assemblies, is in violation of the Constitution of the United States, whichever date occurs first.

Page 61, line 6: add a new paragraph to read:

(21) consumer protection.

Page 107, line 18: after "for" add "initiation of"

Page 107, line 29: add a new subsection to read:

(c) A boundary change effected under (a) of this section prevails over a boundary change initiated by local action, without regard to priority in time.

Page 28, line 11: delete the words "executive and"

Page 35, lines 28 and 29: after "who" delete "has been a resident of Alaska for one year and" and add: "is a qualified voter of the state and a resident"

Page 57, line 17: add a new subsection to read:

(c) A third class borough may borrow money and issue negotiable general obligation, revenue or refunding bonds and other evidences of indebtedness as provided for first and second class boroughs in AS 29.-



ALASKA OUTBOARD SERVICE

Pants - Sales - Repairs



1405 Tongass Avenue
KETCHIKAN, ALASKA 99901

January 25, 1972

Honorable Mike Miller
House of Representatives
Juneau, Alaska

Dear Mike:

As I recall you are the Chairman of the House Local Gov't committee, if I'm wrong I'd still like to offer a suggestion.

I've just finished a three month stint as chairman of a local committee to study the feasibility of Unification for this area, our report was affirmative. I must say at this point that in examining the steps in the procedure for reaching unified local Gov't I was a bit puzzled. It would seem to me that the logical steps would be; One, circulate the petition for the twenty five per cent, two, with the required amount of signatures hold an election for the charter commission, three, when the charter is prepared and examined by the public, then have an election at which time the public would be given the opportunity to vote for or against unification based on whether or not they wanted it as provided for in the charter.

As I understand the statutes on the books the public is required to vote for or against unification without having the charter, which sets out the terms and conditions, before them for examination. It would seem to me that this is asking the voting public to buy a pig in a poke.


I'm sure that our community is no different in the fact that we will encounter most of our opposition from the rural area. These people aren't about to be sold on unification unless they know in advance what that charter is all about.

It seems to me that the law as now written presents unnecessary obstacles to those persons in a community who only wish to fairly and honestly present an opportunity to upgrade and improve their local Gov't.

It is my personal conviction that Unified local Gov't is the way of the future in Alaska, therefore I feel that it is not beneficial that efforts in that direction be hamstrung by poor legislation, if not poor legislation at least it's unnecessarily cumbersome.

I'd appreciate your giving this some thought.

Respectfully,



Oral E. Freeman

A M E N D M E N T

TO: CS FOR SENATE BILL NO. 113

BY THE FREE CONFERENCE COMMITTEE

Page 125, line 28: add new sections to read:

* Sec. 6. AS 29.23.020 is repealed and re-enacted to read:

Sec. 29.23.020. COMPOSITION AND APPORTIONMENT. (a) The assembly of a home rule or general law borough shall be composed and apportioned in a manner set out in the incorporation petition or, if a borough is already incorporated, in a manner prescribed by ordinance. Assembly composition and apportionment, including voting procedures based on the apportionment, may be prescribed in any manner consistent with the equal representation standards of the Constitution of the United States. A change in assembly composition or apportionment shall be effective beginning with the next regular election to the assembly.

(b) Within six months of the effective date of this section and thereafter within six months of the completion of a federal decennial census, the assembly shall prescribe by ordinance the composition and apportionment of the assembly as provided under (a) of this section, if the existing assembly apportionment does not meet the designated standards. The ordinance shall be submitted to an election of the qualified voters in the borough and to be effective must be ratified by a majority of the voters in all first class cities in the borough and by a majority of the voters outside the first class cities in the borough. If, at the end of the six-month period, no ordinance has been ratified, the Local Affairs Agency shall apportion the assembly in a manner consistent with the equal representation

standards of the Constitution of the United States. Determinations and reapportionments made under this section are subject to judicial review for abuse of discretion.

* Sec. 7. AS 29.23.090 is repealed and re-enacted to read:

Sec. 29.23.090. REAPPORTIONMENT. In addition to apportionment at the times required under sec. 20 of this chapter, the assembly of a home rule or general law borough shall provide for its reapportionment whenever, on the basis of U.S. Bureau of Census reports or other reliable population data, it determines that the existing apportionment does not meet the standards for apportionment designated in sec. 20 of this chapter. The assembly is required to make the determination, and, if indicated, the reapportionment upon petition of 50 borough voters. The petition must include evidence that the apportionment of the assembly does not meet the designated standards. Reapportionment under this section shall be implemented by ordinance or action of the Local Affairs Agency in the manner prescribed in sec. 20 of this chapter. Determinations and reapportionments made under this section are subject to judicial review for abuse of discretion.

* Sec. 8. AS 29.23.060(f), (g), (h), (i) and (j) are repealed.

* Sec. 9. Secs. 6 and 7 of this Act take effect upon the condition and at the time that an amendment to sec. 4, art. X of the Constitution of the State of Alaska, relating to representation of cities on borough assemblies, becomes effective or the Supreme Court of the State of Alaska finds that the provisions of sec. 4, art. X are in violation of the Constitution of the United States, whichever occurs earlier.

A M E N D M E N T

BY THE FREE CONFERENCE COMMITTEE

TO: SCS CSPB 208 am S

Page 124, between lines 19 and 20: Add the following new matter:

* Sec. 4. (a) Other provisions of this Act notwithstanding, the assembly of a first or second class borough which is an incorporated borough on the effective date of this Act shall submit to borough voters at the next regular borough election following the effective date of this Act the question:

"Shall the borough and all cities within it unite to form a single unit of home rule government having the powers, duties and functions of a unified government as provided by law?"

Yes No

(b) If a majority of borough voters voting on the question approve unification, the assembly shall provide for election of a charter commission at the next regular borough election, or at a special election called by the assembly. The commission shall be nominated and elected and shall prepare, adopt and submit to the voters a proposed unification charter, as otherwise provided in this Act. The provisions of this Act relating to unification otherwise govern unification under this section, except that if a charter submitted by the commission for voter approval is rejected, the commission shall continue to function and submit revised charter provisions until such time as a charter may be ratified.

(c) Nothing in this section prevents initiation of unification proceedings by local option as otherwise provided in this Act at a time subsequent to defeat of unification in an election on the question set forth in (a) of this section.

Renumber subsequent sections accordingly.

42

A M E N D M E N T

BY THE FREE CONFERENCE COMMITTEE

TO: SCS CSHB 208 an S

Handwritten initials/signature

Page 80, between lines 26 and 27, add the following new matter:

Sec. 29.53.095. REEVALUATION. A systematic reevaluation of taxable real and personal property undertaken by the assessor, whether of specific areas in which real property is located or of specific classes of real or personal property to be assessed, shall be made only in accordance with a resolution or other act of the assembly directing a systematic reevaluation of all taxable property within the borough over the shortest period of time practicable, as determined by the assembly and fixed in the resolution or other act of the assembly.

Page 83, line 9: after "action." add the following new matter: "Either party to the appeal may demand a jury trial."

FAIRBANKS NORTH STAR BOROUGH

Box 1267, Fairbanks, Alaska 99701

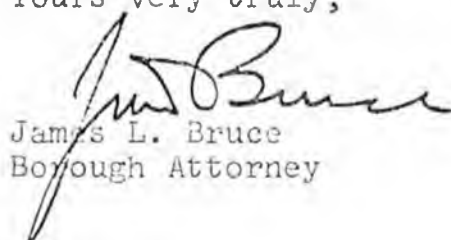
April 6, 1972

The Honorable Mike Miller
Alaska House of Representatives
Pouch V, State Capitol Bldg.
Juneau, Alaska 99801

Dear Mr. Miller:

I hastily put my thoughts on statutory reapportionment scheme in a letter to Ed Herdes. Hopefully, I will have more than these skeletal ideas in time for you to act on the municipal code but at least you have some of my thoughts even if in a crude form.

Yours very truly,



James L. Bruce
Borough Attorney

JLB/gc

encl.

FAIRBANKS NORTH STAR BOROUGH

Box 1267, Fairbanks, Alaska 99701

April 5, 1972

The Honorable Edward A. Herdes
Alaska State Senate
Pouch V, State Capital Bldg.
Juneau, Alaska 99801

Dear Ed:

I am working on provisions to expedite unification but want you to have my ideas on apportionment immediately.

The City of Fairbanks suit against the borough seems to be developing into a conflict to determine whether or not city councilmen should sit on borough assemblies. The rural assemblymen argue that the assembly should be composed of members elected at large. The city's position is apparently that it is proper for one man to be elected to both a city council and an assembly seat so long as the city from which he is elected has the requisite population to entitle that population to a seat on the assembly. It is my opinion that the current struggle between the rural and city assemblymen is not so much legal but political.

It is obvious, however, that if assemblymen are not to be elected at large some mechanism for regularly apportioning assemblies must be developed.

At the direction of the borough chairman, John Carlson, I have given some thought to a permanent apportionment scheme other than at large elections for borough assemblies. The following proposal should meet the constitutional requirement of one man/one vote and provide necessary flexibility to meet population changes but still be enacted as a permanent statute.

If assemblymen are to be selected from cities or sections of a borough, I suggest the following might be incorporated into an apportionment statute. (1) Regular reapportionment shall be required after each census, (2) under a plan drafted after a public hearing, (3) by a local entity elected at large and independent of the assembly, (4) but which plan must receive assembly approval, and (5) or if approval is not given a superior court can order reapportionment. Provision is not made for final approval by the electorate because the equal protection clause applies to every citizen and any aggrieved voter can upset an unconstitutional plan even if the plan is approved by majority vote.

The corresponding provisions in the municipal code to the present AS 07.10.040 and AS 07.20.070 should be amended to provide for the following:

Borough assemblymen may be elected at large or from sections. A referendum shall be held to determine the method of electing assemblymen. If the major-

Ed Merdes
April 5, 1972
Page 2

ity of those persons voting favor electing assemblymen from sections, the following provisions shall govern reapportionment.

A person may be elected to hold a seat on a city council and the borough assembly simultaneously.

After each decennial census, or if a census is provided at more frequent intervals, borough assemblies must be reapportioned.

In boroughs under the manager plan, after each census a board of three members elected at large shall be charged to draft reapportionment plans for the borough assembly. In boroughs having a borough chairman, the chairman should be charged, by statute, with the duty of formulating plans. Whether by board or chairman, the following steps would be the same.

Immediately after the results of a census were made available, the board or chairman is directed to hold at least one hearing to receive proposals from the public for reapportionment of the borough assembly. After such hearing, or hearings, the board or chairman shall prepare an apportionment plan to be submitted to the assembly. The assembly should receive the plan not less than 120 days prior to the next general borough election. If the results of the census were not known at least 150 days prior to general election, such an election should be postponed until 120 days after the chairman proposed a plan to the assembly.

Thirty days after submission of the board's or chairman's plan to the assembly, the assembly, by resolution, must approve or disapprove the plan and if no action be taken, the plan shall be deemed approved. If the assembly disapproved the plan, the board or chairman shall have 15 days to submit a second plan to the assembly. The assembly must approve or disapprove that plan within 15 days from the date of submission. Failure to act by the assembly shall be deemed approval of the second plan. If the assembly disapproved both plans, the board or chairman is directed by statute, within seven days, to file a complaint in superior court seeking a court order that either the first or second plan be instituted. Any assemblyman or citizen of the borough could answer the complaint requesting amendments to the plan or that a new plan be instituted by the court. The court would be empowered to stay any election for borough assemblymen pending an ordered election. It should be provided that any action of the assembly be valid and binding during any interim or stay periods until an election is held.

Please excuse the rough form of this letter. I sent a copy to Richard Garnett hoping he can put my skeletal ideas in appropriate statutory form.

Because it is usually impossible for a politician to reapportion himself out of office, I suggest that the initial steps for reapportionment be taken from the hands of the assemblymen and placed in an independent entity. It

Ed Merdes
April 5, 1972
Page 3

has been suggested to me that the state should handle reapportionment of local assemblies but it is my opinion that a state agency would have insufficient interest to properly delve into local problems. The borough chairman, or a reapportionment board especially elected for the purpose, seem more appropriate entities to formulate apportionment plans.

Sincerely,



James L. Bruce
Borough Attorney

JLB/gc

cc: Sen. Cliff Grow
Sen. Terry Miller
Rep. Jess Harris
Rep. Mike Miller
Rep. Ed Naughton

A M E N D M E N T

TO: SENATE CS FOR CS FOR HOUSE BILL NO. 208 am S

Page 93, between lines 17 and 18 of CSSB 113:

After the Senate amendment adding subsection (d), add subsection (e) to read:

(e) Purchases made with food coupons issued to low-income persons under the federal Food Stamp Act of 1964, as amended, are exempt from sales taxes levied and collected by an organized borough, whether home rule or otherwise.

Page 94, between lines 11 and 12 of CSSB 113:

Insert a new section to read:

Sec. 29.53.470. EXEMPTION Purchases made with food coupons issued to low-income persons under the federal Food Stamp Act of 1964, as amended, are exempt from sales taxes levied and collected by a city of any class, whether home rule or otherwise.

Unification proposed from John Asplund

Mr. Asplund's specific proposal, in regard to the Greater Anchorage Area Borough, is the unification of governments within Service Area 23 by an election mandated by a legislative resolution. The voters will choose between a first class home rule charter or a second class borough form of government. The remainder of the borough outside Service Area 23 would vote and be tallied separately on its inclusion or exclusion and the type of government desired.

The draft bills would allow organized boroughs and cities contiguous to or within the borough to unify. Unification would be proposed by identical resolutions from the borough assembly and all city councils within the proposed unified area. The resolution would include proposed boundaries, form or forms of government to be placed on the ballot, and the method of distribution of assets and liabilities.

The Local Government Committees of the Legislature would review these resolutions and ascertain whether the unified area met the criteria of Article X, Section 3 of the Constitution. The respective committees would prepare a joint resolution including the requirements of the original resolutions and the form and wording of the ballot to be presented to the affected voters. Within 90 days of passage of the joint resolution, the state shall submit the question(s). The vote shall be tabulated without regard to municipal boundaries. The form of government receiving the majority of votes shall be the new government.

Transitional requirements provide that if an existing form of government is chosen, that government shall be expanded within one year to the new boundaries. Any new form of government will be governed by the state statutes regarding boroughs and cities. Within two years, the new government shall revise, repeal or reaffirm all local government laws in effect at the time of unification. Existing laws will remain in force until superseded.

The right to state and federal funds shall remain intact under unification.

A unified government under this chapter shall have all power granted boroughs and first class cities not prohibited by law or charter.

Submitted by Legal Department
Date submitted _____
Date revised _____
Date resubmitted _____
Date of public hearing _____
Effective date _____

GREATER ANCHORAGE AREA BOROUGH, ALASKA

RESOLUTION NO. 37-72

A RESOLUTION PROPOSING LEGISLATIVE ACTION FOR UNIFICATION

WHEREAS it appears that the best solution to the local governmental problems in the Greater Anchorage Area is some form of unification, and

WHEREAS it appears reasonable for the legislature to provide an alternative approach to the Charter Commission route to unification;

NOW THEREFORE the Greater Anchorage Area Borough Assembly hereby resolves that legislation necessary to carry out the intent of Assembly Memorandum No.72-112 be sent to the legislature for its consideration.

PASSED AND APPROVED BY THE ASSEMBLY OF THE GREATER ANCHORAGE AREA BOROUGH this ____ day of _____, 1972.

Presiding Officer

ATTEST:

Borough Clerk

APPROVED this ____ day of _____, 1972.

Borough Chairman

11-16
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act Entitled: "Unification of Areas Within Organized Boroughs."
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

CHAPTER 86. UNIFICATION OF AREAS WITHIN ORGANIZED BOROUGHES.

Sec. 29.86.010. _____ authorized.

Areas within organized boroughs and cities contiguous thereto or included therein may unite to form a single unit of government by complying with this chapter.

Sec. 29.86.020. Unification to be proposed by resolution. Unification shall be proposed by identical resolutions adopted by the borough assembly and the councils of all cities located within the proposed unified area.

Sec. 29.86.030. The resolution shall include:

1. The proposed boundaries of the new government.
2. The form or forms of government present in the election prescribed in § 050 of this chapter.
3. A method of distribution of assets and liabilities.

Sec. 29.86.040. Review of Resolutions.

- a. Resolutions for unification prescribed by Sec. 29.86.030 of this chapter will be reviewed by the Local Government Committees of both houses of the legislature.
- b. The Local Government Committees will ascertain if the proposed unified area meets the criteria of Article X, Sec. 3 of the Constitution of the State of Alaska.

Sec. 29.86.050. Legislative Action.

a. After the review as required under Sec. 29.86.040 of this chapter, the respective Local Government Committees will prepare a joint resolution to be presented to both houses of the legislature setting forth:

a. The proposed boundaries of the unified government.

b. The form or forms of government which will be subject to election in the proposed unified area.

c. The method of distribution of assets and liabilities of the governments being unified.

d. The form of the ballot with the exact wording to be contained thereon. After passage of a valid resolution for unification the State of Alaska shall submit to the voters of the affected area, the questions of whether that portion of the organized borough and all cities within such area as designated by the resolution shall unite to form a single unit of government and the form of government to establish the form of government available for selection shall be only those forms as set out in the resolutions as described in Sec. 29.86.020 of this chapter.

b. The vote shall be held within 90 days after passage of the joint resolution as set forth in § 29.86.040 of this chapter.

c. The ballots on the question of unification and form of government shall be designated in the resolution as passed by both houses of the legislature.

Sec. 29.86.060. Requirements for approval of unification.

(a) The vote shall be tabulated without regard to local municipal boundaries, except as provided on the resolution set out in Sec. 030 of this chapter if more than one form is proposed on the ballot, receiving the majority of the votes, shall be the form of government of the unified area.

Sec. 29.86.070. Transition.

(a) If the form of local government selected is that of an existing government, the laws of that government shall prevail and shall be expanded within one year to effect the new boundaries as required by law.

(b) If the form of government selected is not that of an existing local government within the boundaries of the unified area, then;

If the form is a borough, then the applicable laws in Title 7 and 29 of the Alaska Statutes shall apply;

If the form of government is that of a city, then the applicable statutes as a general law city of the class selected will govern until a charter is adopted pursuant to law.

Sec. 29.86.080. Assets and Liabilities. The assets and liabilities of the unified government created under this chapter shall be distributed as set out in the resolution under Sec. 030 of this chapter.

Sec. 29.86.090. Ordinances. Within two years after ratification of unification, the governing body of the unified municipality shall revise, repeal or reaffirm all borough and city ordinances, resolutions, and orders in force within the borough at the time of unification. Each ordinance, resolution, regulation or order in force at the time of unification shall remain in force until superseded by action of the new governing body.

Sec. 29.86.100. Right to State and Federal Funds Reserved. All provisions of law authorizing contributions of any kind, in money or otherwise, from the state or federal government to boroughs and cities shall remain in full force and effect with respect to a unified municipality organized under §§ 010-110 of this chapter.

Sec. 29.86.110. Powers of Unified Government. A municipality organized under §§ 010 - 100 of this chapter shall have all powers

- (1) not prohibited it by law or charter;
- (2) granted to organized boroughs and first class cities.

Effective date of bill is: _____

GREATER ANCHORAGE AREA BOROUGH

ASSEMBLY MEMORANDUM NO. 72-112

TO: BOROUGH ASSEMBLY
FROM: BOROUGH CHAIRMAN
SUBJECT: UNIFICATION

MARCH 6, 1972

After consultation with Mayor George Sullivan, the President and Executive Director of the Chamber of Commerce, it has become increasingly clear that a desirable and timely solution to the local governmental problems in the Greater Anchorage Area is some form of unification.

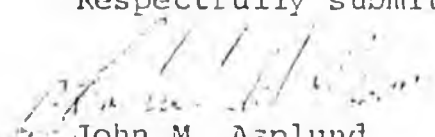
It is our consensus that unification can only prevail in the Anchorage urban area; therefore, we recommend that the Assembly adopt a resolution endorsing unification of the City and Borough governments in Service Area 23 under certain conditions. Further, we recommend that the State Legislature adopt a bill requiring an election in Service Area 23. In that election, the voters will be asked whether they want to unify Service Area 23 under a first class home rule charter such as the City of Anchorage or a second class borough form of government such as the Greater Anchorage Area Borough. The voters will have the opportunity to reject both propositions and thus defeat the entire concept of unification if they so desire.

We also recommend that the remainder of the Greater Anchorage Area Borough, not included in Service Area 23, vote separately as to its inclusion or exclusion from the new unified government if one is formed and, further, that the voters of this area vote as to the form of government they desire, i.e. first class home rule city charter or second class borough. The votes of other than Service Area 23 will be tallied separately and will not be included with the Service Area 23 votes.

If the voters approve the concept of unification as a first class home rule charter form of government, then, depending upon the outcome of the election by the remainder of the Borough, the boundaries of the new government would be adjusted to conform to the boundaries of the Service Area 23.

For this unification effort to be successful, amendment of the current statutes will be necessary. Two draft bills are attached for your consideration.

Respectfully submitted,


John M. Asplund
Borough Chairman

JMA:SG:lms
Attachments

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 125, line 28: add new sections to read:

* Sec. 6. AS 29.23.020 is repealed and re-enacted to read:

Sec. 29.23.020. COMPOSITION, APPORTIONMENT, AND REAPPORTIONMENT. (a) The assembly shall be composed and apportioned in a manner set out in the incorporation petition or, if a borough is already incorporated, in a manner prescribed by ordinance. Assembly composition and apportionment, including voting procedures based on the apportionment, may be prescribed in any manner consistent with the equal representation standards of the Constitution of the United States.

(b) Within six months of the effective date of this section, and thereafter within six months of the official report of a federal decennial census and issuance of any supplementary data to the report necessary to establish population distribution within the borough, the assembly shall

(1) determine and declare by resolution whether the existing assembly apportionment meets the standards designated under (a) of this section;

(2) if the existing apportionment does not meet the designated standards, provide by ordinance for reapportionment in accordance with the designated standards;

(3) submit the ordinance to borough voters for approval or rejection as provided in (b) of this section.

(c) An ordinance adopted under (a) of this section must to be effective be approved by a majority of borough voters voting on the question in all home rule and first class cities of the borough and

by a majority of borough voters voting on the question outside the home rule and first class cities of the borough. If, at the end of the time period prescribed in (b) of this section, no ordinance providing for assembly reapportionment has been approved, the Local Affairs Agency shall provide for the reapportionment in accordance with the standards designated in (a) of this section.

(d) In addition to providing for apportionment at the times required under (b) of this section, the borough assembly shall provide for its reapportionment whenever, on the basis of federal census reports or other reliable population data, it determines that the existing apportionment does not meet the standards for apportionment designated in (a) of this section. The assembly is required to determine whether the standards are being met upon petition of 50 borough voters. The petition must include reliable evidence that the existing apportionment of the assembly does not meet the designated standards. Reapportionment under this section shall be implemented by ordinance or by act of the Local Affairs Agency in the same manner as prescribed for reapportionment in (c) of this section.

(e) Members of the assembly are elected according to assembly composition and apportionment set forth in the incorporation petition approved by the voters or subsequently provided in accordance with this section. A change in assembly composition or apportionment under this section shall be effective beginning with the next regular election to the assembly.

(f) Assembly or Local Affairs Agency determinations or reapportionments made under this section are subject to judicial review. The running of time periods specified in (b) of this section shall be tolled until a final judgment is rendered in an action brought under this subsection.

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

* Sec. 7. AS 29.23.040 is repealed and re-enacted to read:

Sec. 29.23.040. REGULAR TERM OF OFFICE. In boroughs an election is held every two years at the time of the general election to choose assemblymen for two-year terms, unless provided otherwise by ordinance, and until their successors are elected and have qualified. The regular term begins on the first Monday following the regular borough election. The assembly may provide for different terms by ordinance, but they may not exceed four years. The current term of incumbent assemblymen may not be altered. This section applies to home rule and general law boroughs.

* Sec. 8. AS 29.23.050 is repealed and re-enacted to read:

Sec. 29.23.050. QUALIFICATIONS. A resident of the borough is eligible to be an assemblyman if he is a borough voter. An assemblyman who ceases to be a borough voter immediately forfeits his office. If sections for the election of assemblymen have been established, an assemblyman elected from a district who becomes a resident of another district may continue to serve only until the next regular election. The assembly may by ordinance establish residence requirements for assemblymen not exceeding three years. This section applies to home rule and general law boroughs.

* Sec. 9. AS 29.23.080 is repealed and re-enacted to read:

Sec. 29.23.080. ASSEMBLY VACANCIES. The assembly shall provide by ordinance the manner in which a vacancy in assembly representation occurs. A vacancy is filled by the majority of the remaining assemblymen, who designate a voter and, if sections for the election of assemblymen have been established, a resident of the section from which he will serve, to serve until the next regular election.

* Sec. 10. AS 29.23.030, 29.23.060(f), (g), (h), (i), (j) and AS 29.23.-090 - 29.23.100 are repealed.

* Sec. 11. Secs. 6 - 10 of this Act take effect upon the condition and at the time that the Supreme Court of the State of Alaska finds that sec. 4, art. X of the Constitution of the State of Alaska as it relates to representation of cities on borough assemblies is in violation of the Constitution of the United States or an amendment to the Constitution of the State of Alaska relating to assembly representation and consistent with the provisions of secs. 6 - 10 of this Act becomes effective, whichever occurs earlier.

First draft, 4/11/72

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 110, line 28: delete "two propositions" and substitute "proposition"

Page 111, lines 1-17: delete all matter and substitute the following:

o/s
Shall a charter commission be formed (and charter commission members be elected as elsewhere provided on this ballot) to prepare, adopt and submit to the voters for their approval or rejection a proposed charter uniting the _____ Borough and all cities within it as a single unit of home rule government having the powers, duties and functions of a unified government as authorized by law?

Yes []

No []

Page 113, lines 10-11: delete all matter after "question" and substitute the following: "specified in sec. 260(a) of this chapter. The vote shall be held"

Page 113, line 14: delete "of unification"

Page 113, line 15: delete "(1) and (2)"

Page 113, line 17: delete "of unification"

Page 113, line 22: delete "unification" and substitute "the question"

Page 113, lines 25-28: after "for" delete all matter and substitute the following: "the question to be approved, a majority vote in each classification is required."

(b) If the question of forming a charter commission to

prepare, adopt and submit a proposed unification charter to the voters is approved, those charter commission candi-

Page 116, lines 4-6: after "law" delete "as determined by a plurality of the votes cast at the election held under sec. 320 of this chapter"

Draft, 4/11/72

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 107: After line 29, add the following new matter:

(4) a provision requiring that the assembly of a home rule or general law borough submit the question of exclusion of particular territory from the borough to borough voters in the area sought to be excluded upon presentation to the assembly of a petition for the purpose signed by at least 15 per cent of borough voters residing within the area sought to be excluded and who voted in the last regular borough election held prior to presentation of the petition; exclusion under this paragraph which is approved by a majority of voters voting on the question shall take effect at the reasonable time and upon terms of transitional adjustments necessitated by the exclusion, including but not limited to adjustment of any existing bonded indebtedness and other obligations of the area excluded so as to preserve a fair and equitable burden of taxation, as the assembly or, upon its failure to act, the Local Affairs Agency, prescribes; assembly or Agency actions under this paragraph are subject to judicial review.

(DRAFTING NOTE: This draft is intended to reflect the substance of the proposal for exclusion discussed by the committee at its session of 4/6/72. The draft of the proposal relates largely to current law (The Annexation Act of 1957), which has not been retained in the proposed code. Thus, the redraft here is intended to reflect the substance of the proposal but in the context of Ch. 29.68 of the proposed code (p. 107). It should be noted in addition that there are constitutional aspects of the draft which it is recommended be researched further before final action is taken, should the concept of the proposal be approved initially.)

Revised draft, 4/11/72

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 124, between lines 19 and 20: add the following new matter:

* Sec. 4. (a) Other provisions of this Act notwithstanding, the assembly of a first or second class borough which is an incorporated borough on the effective date of this Act shall submit to borough voters at the next regular borough election following the effective date of this Act the question:

"Shall the borough and all cities within it unite in the manner authorized by law to form a single unit of home rule government having the powers, duties and functions of a unified government?

Yes []

No []"

(b) If a majority of borough voters voting on the question approve unification, the assembly shall provide for election of a charter commission at the next regular borough election, or at a special election called by the assembly. The commission shall be nominated and elected and shall prepare, adopt and submit to the voters a proposed unification charter, as otherwise provided in this Act. The provisions of this Act relating to unification otherwise govern unification under this section, except that if a charter, or part of a charter, submitted by the commission for voter approval is rejected,

(1) the commission may prepare, adopt and submit a proposed harter to election in portions only rather than as a proposed completed document, and

(2) the commission shall continue to function and submit revised charter provisions until such time as a charter may be ratified.

(c) Nothing in this section prevents initiation of unification proceedings by local option as otherwise provided in this Act at a time subsequent to defeat of unification in an election on the question set forth in (a) of this section.

Renumber subsequent sections accordingly.

First draft, 4/11/72

A M E N D M E N T

TO: SCS CSRB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 7, between lines 17 and 18: insert the following new matter:

"(23) AS 29.58.315"

Renumber subsequent paragraphs accordingly

Page 100, between lines 3-4: insert the following new matter:

Sec. 29.58.315. BOND ATTORNEYS, BOND AND FINANCIAL CONSULTANTS.

The governing body 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.

*10/11/72
4-11-72*

A M E N D M E N T

TO: SCS CSHE 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 107, line 18: after "for" insert "initiation of"

Page 107, line 29: add the following new matter:

(c) A boundary change effected under (a) of this section prevails over a boundary change initiated by local action, without regard to priority in time.

A.S.H. 6

First Draft, 4/11/72

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE
COMMITTEE

Page 83, line 8: After "for" add "and is entitled to,"

Page 83, line 9: After "action." add the following new matter: "Either party to the appeal may demand a jury trial."

(DRAFTING NOTE: The proposed amendment incorporates the provisions of SB 159 which are not already covered in the proposed code.)

Proposed 4/11

(First Draft, 4/11/72)

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 35, line 29: delete "one year" and substitute "30 days"

Page 124, line 4: delete "one year" and substitute "30 days"

aff/...

*all the
a/d 4/11/72*

MEMORANDUM

State of Alaska
OFFICE OF THE GOVERNOR

TO: Representative Mike Miller
Free Conference Committee
Alaska State Legislature

THRU: *BRM* by *MS*
Tyron I. Mallott
Director
Local Affairs Agency

FROM: S. Robert Dozier *SRD*
State Assessor

DATE : April 11, 1972

SUBJECT: SCS CS for HB 208
now before the Free Conference
Committee.

The following are four suggested Technical Amendments and Clarification of:
Chapter 53 - Municipal Assessment and Taxation.
Article I - Borough Property Tax.

1. AS 29.53.040 - Model Homes.

Page 79, line 6: Strike [are] and add may be.

The word "are" demands classification to be real property. May be permits the use of either real or personal property classification.

2. Section 29.53.060 - Full and True Value.

(a) The assessor of a municipality shall assess property at its full and true value as of January 1 of the assessment year, except as provided in this section and sections 30, 35 and 160 of this chapter. Full and true value is the estimated [amount] price which the property would bring [on] in an open market and under the then prevailing market conditions in a sale [on normal payment terms] between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels.

3. AS 29.53.120 - (b) Corrections.

Page 82, line 3: After the word "notice" add a period . and strike all subsequent wording on lines 3 and 4.

It is presumed that no changes will be made by the assessor without giving reasonable notice prior to the sitting of the Board of Equalization.

4. AS 29.53.140 - Hearing.

Page 83, line 3: After the word "filed" strike [or] and add and.

It is presumed that the Board of Equalization may not make valuation adjustments unless proved by a valid written appeal timely filed with the assessor.

*checked
4.15.72*

PERSONAL OBSERVATIONS AND SUGGESTED AMENDMENTS

1. Section 29.53.025 - Optional Exemptions and Exclusions.

Page 76, line 25: Strike "\$5" and insert "\$25".

Line 26: Strike "\$15" and insert "\$75".

The tonage tax rate as indicated in this section is obsolete as it was established in 1947. Many home rules municipality which for various reasons have been unable to change from the tonage basis of taxation to the full value assessment concept have abandoned this source of revenue because the tonage rates as authorized by statute do not cover the cost of administration.

2. Section 29.53.030 - Mining Claims.

Page 77, line 29: Strike "\$200" and insert "\$1,000".

The assessed value figure of \$200 as indicated in this section is obsolete as it was established in 1947. This section was eliminated from Title 14 by an amendment in 1966 which revised a considerable amount of legislation concerning the old independent school districts.

It is obvious that the assessed value of \$200 established in the section will not fund the cost to any municipality for the research and listing of unpatented mining claims.

SRD/pis

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 36, line 22: after "election" insert "or the difference between
the winning and a losing vote on the result contested is ^{no} less
than two per cent"

(DRAFTING NOTE: A prior amendment adopted in SCS CSHB 208 am S at page 36,
line 22, converts the term "reverses" on the line to "fails to reverse".)

11/1
4/23

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 24, line 20: delete "presiding" and substitute "shall designate an assemblyman to act during his term"

Page 24, line 21: delete "officer shall"

Handwritten notes:
4/24/68
4/24/68
4/24/68

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 56, line 25: after "question" insert "in the borough area outside cities"

Handwritten:
a 4/25

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 110, line 20: delete all matter and substitute: "Formation of a charter commission to propose a unification charter shall be proposed by resolution of the assembly or by petition." *and as below*

Page 110, line 22: delete "for"

Page 110, line 23: delete "unification"

Page 110, line 27: delete "UNIFICATION" and substitute "ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICATION CHARTER"

Page 112, line 2: delete "for unification"

Page 112, line 9: delete "for unification"

Page 112, line 10: after "chapter," insert "or the assembly by its resolution proposes an election on formation of a charter commission to propose a unification charter"

Page 113, line 9: delete "for unification" and substitute "or adoption of an assembly resolution for the purpose"

Page 113, line 13: after "petition" insert "or adoption of the resolution"

An assembly Resolution for the purpose may be adopted at any time after the next every twelve months

J. J. 9/2

A M E N D M E N T

TO: SCS CSNB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 125, line 28: Add new sections to read:

* Sec. 6. AS 29.18.120(b) is amended to read:

(b) Nominations for initial officers are made by petition.

The petition is in the form prescribed by the lieutenant governor and includes the name and address of the nominee and a statement of the nominee that he is qualified under the provisions of this title for the office that he seeks. A person may file for and occupy more than one office, but he may not serve simultaneously as borough chairman and as a member of the borough assembly or as mayor and as a member of the council of a home rule or first class city. Petitions to nominate officers of a second class city must include the signature and resident address of 10 voters in the area of the proposed city. [PETITIONS TO NOMINATE BOROUGH ASSEMBLYMEN MUST INCLUDE THE SIGNATURE AND RESIDENT ADDRESS OF 50 VOTERS WHO ARE RESIDENTS OF THE PROPOSED BOROUGH IN THE AREA OUTSIDE HOME RULE AND FIRST CLASS CITIES.] Petitions to nominate elected [OTHER] municipal officers must include the signature and resident address of 50 voters in the area of the proposed municipality, or that area of the proposed municipality from which the officers are to be elected under the composition and apportionment set out in the accepted incorporation petition.

* Sec. 7. AS 29.18.120(d) is amended to read:

(d) The initial elected municipal officials take office on the first Monday following certification of their election. Borough

assembly members representing home rule or first class cities [ARE] appointed by the city council [AND] serve until the next regular city election and until their successors are elected and have qualified. All other elected municipal officials serve until the first regular election occurring after they have served two years in office and until their successors are elected and have qualified.

* Sec. 8. AS 29.23.020 is repealed and re-enacted to read:

Sec. 29.23.020. COMPOSITION, APPORTIONMENT, AND REAPPORTIONMENT. (a) The assembly shall be composed of the number of members and be apportioned in a manner set out in the incorporation petition approved by the voters or, if a borough is already incorporated, the assembly shall be composed and apportioned in a manner prescribed by charter or ordinance. Assembly composition and apportionment, including voting procedures based on the apportionment, may be prescribed in any manner consistent with the equal representation standards of the Constitution of the United States. However, except as required in (b) and (d) of this section, assembly composition and apportionment in effect on the effective date of this section may be altered only once at the option of the assembly.

(b) Within six months of the effective date of this section, and thereafter within six months of the official report of a federal decennial census and issuance of any supplementary data to the report necessary to establish population distribution within the borough, the assembly shall

(1) determine and declare by resolution whether the existing assembly apportionment meets the standards designated under (a) of this section;

(2) if the existing apportionment does not meet the designated standards, provide by ordinance for reapportionment and, if it chooses, changes in assembly composition, in accordance with the designated standards;

(3) submit the ordinance to borough voters for approval or rejection as provided in (c) of this section.

(c) The vote on an ordinance submitted under (b)(3) of this section shall be tabulated in two separate classifications. One classification shall consist of all votes cast in the first class and the home rule cities of the borough. The other classification shall consist of all votes cast in the remaining areas of the borough. In order for the ordinance to be approved it must receive majority approval in each classification. If, at the end of the time period prescribed in (b) of this section, no ordinance has been approved, the Local Affairs Agency shall provide for the reapportionment in accordance with the standards designated in (a) of this section.

(d) In addition to providing for apportionment at the times required under (b) of this section, the borough assembly shall provide for its reapportionment and, if it chooses, a change in assembly composition, whenever, on the basis of federal census reports or other reliable population data, it determines that the existing apportionment does not meet the standards for apportionment designated in (a) of this section. The assembly is required to determine whether the standards are being met upon petition of 50 borough voters. The petition must include reliable evidence that the existing apportionment of the assembly does not meet the designated standards.

Reapportionment under this section shall be implemented by ordinance or by act of the Local Affairs Agency in the same manner as prescribed for reapportionment in (c) of this section.

(e) Members of the assembly are selected according to assembly composition and apportionment set out in the incorporation petition approved by the voters or subsequently provided in accordance with this section. A change in assembly composition or apportionment under this section shall be effective beginning with the next regular election to the assembly.

(f) Assembly or Local Affairs Agency determinations or reapportionments made under this section are subject to judicial review. The running of time periods specified in (b) of this section shall be tolled until a final judgment is rendered in an action brought under this subsection.

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

* Sec. 9. AS 29.23.040 is repealed and re-enacted to read:

Sec. 29.23.040. REGULAR TERM OF OFFICE. Assemblymen are selected for two-year terms and until their successors are elected and qualified, unless different terms not exceeding four years are prescribed by borough charter or ordinance. However, if under a borough apportionment city councilmen are appointed as assemblymen or elected to dual assembly-council seats, they may not be replaced until their assembly term expires as provided by city charter or ordinance, or they cease to be a member of either the assembly or council. The current term of incumbent assemblymen may not be altered under this section. This section applies to home rule and general law boroughs.

* Sec. 10. AS 29.23.050 is repealed and re-enacted to read:

Sec. 29.23.050. QUALIFICATIONS. A resident of the borough is eligible to be an assemblyman if he is a borough voter. An assemblyman who ceases to be a borough voter immediately forfeits his office. An assemblyman elected from or selected to represent a borough area less than the borough area at large and who becomes a resident of another area may continue to serve only until the next regular election. The assembly may by ordinance establish residence requirements for assemblymen not exceeding three years. This section applies to home rule and general law boroughs.

* Sec. 11. AS 29.23.080 is repealed and re-enacted to read:

Sec. 29.23.080. ASSEMBLY VACANCIES. The assembly shall provide by ordinance the manner in which a vacancy in assembly representation occurs. A vacancy is filled by the majority of the remaining assemblymen, who designate a voter and, if the assembly seat vacated is other than an at-large seat, a resident of the borough area to which the seat was apportioned, to serve until the next regular election.

5 However, if under a borough apportionment city councilmen are
6 appointed as assemblymen or elected dual assembly-council seats, a
7 vacancy in a councilman's seat on the assembly shall be filled by
8 a councilman designated by a majority of the remaining membership
9 of the council to serve until the next regular election.
10
11
12

* Sec. 12. AS 29.23.030, 29.23.060(f), (g), (h), (i), (j) and AS 29.23.090 - 29.23.100 are repealed.

* Sec. 13. Secs. 6 - 12 of this Act take effect upon the condition and at the time that the Supreme Court of the State of Alaska finds that sec. 4, art. X of the Constitution of the State of Alaska as it relates to representation of cities on borough assemblies is in violation of the Constitution of the United States or an amendment to the Constitution of the State of Alaska relating to assembly representation and consistent with the provisions of secs. 6 - 12 of this Act becomes effective, whichever occurs earlier.

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 64, line 3: after "powers" insert ", except as those code powers
relate to flood control,"

A. J. S.
4/2/5

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 35, line 28: after "who" insert "is qualified to vote in state elections and"; delete "of Alaska for"

Page 35, line 29: delete "one year and"

Page 36, line 1: delete "or meets"

Page 36, line 2: delete "registration requirements of the municipality if any"

Page 36, line 3: after "constitution." insert "Voter registration by the municipality may not be required."

Page 124, line 4: after "who" insert "is qualified to vote in state elections and"

Page 124, line 5: delete "of Alaska for one year and"

Page 124, line 7: delete "or meets registration requirements of the municipality"

Page 124, line 8: delete "if any"

Page 35, lines 8 - 10: delete all matter through "requirements." and substitute "The municipality may not alter voter qualification requirements of this title."

Handwritten:
12/15/72
4/27/72
2-3-72

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 54, line 9, after "question" insert:

", except as provided otherwise in AS 29.48.030 and AS 29.48.035(b)"

Page 61, between lines 11 and 12 insert the following new matter:

However, as to powers conferred under (a)(12) of this section, exercise of the powers areawide or in the borough area outside cities is at the option of the borough and is not subject to those restrictions on acquisition of additional borough powers.

Page 63, line 29: after "cities." insert the following new matter:

However, as to powers conferred under (a)(5) of this section, exercise of the powers areawide or in the borough area outside cities is at the option of the borough and is not subject to those restrictions on acquisition of additional borough powers.

*subject to the
provisions of AS 29.48.030 & 29.48.035
which are all part of the
amendment to AS 29.48.030*

First Draft, 4/27/72

A M E N D M E N T

*Added
4/27*

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 94, lines 13 - 28: delete all matter and substitute the following new matter:

ARTICLE 1. REVENUE ANTICIPATION NOTES.

Sec. 29.58.010. BORROWING IN ANTICIPATION OF REVENUE. A political subdivision of the state which is authorized to incur indebtedness may borrow money in a fiscal year to meet appropriations for that fiscal year in anticipation of the collection of taxes and estimated revenues for the fiscal year and may issue its revenue anticipation notes as evidence of the borrowing.

Sec. 29.58.020. ISSUANCE OF NOTES. The governing body of a political subdivision may, by ordinance or resolution, authorize the issuance of revenue anticipation notes and prescribe the form and details of the notes and the manner of their execution. The governing body of the political subdivision may delegate to its chief fiscal officer the power to issue the notes from time to time under the terms and conditions of the ordinance or resolution which provides for the manner of their sale. Revenue anticipation notes and notes issued to renew notes previously issued mature not later than the end of the fiscal year in which they are issued.

Sec. 29.58.030. LIMITATION ON ISSUANCE OF NOTES. The aggregate amount of revenue anticipation notes at any time outstanding may not exceed 50 per cent of the amount of revenues estimated to be collected in the fiscal year in which the notes are issued, less the amount of estimated revenues actually collected in the fiscal year before the issuance of the notes.

Sec. 29.58.040. ISSUANCE OF NOTES IN ANTICIPATION OF STATE, FEDERAL GRANTS. (a) The governing body of a political subdivision, upon adoption of a long-range capital improvement budget by ordinance or resolution, may by resolution provide for revenue anticipation notes in an amount not to exceed the total amount of any state or federal grants finally committed for these projects. The notes mature no later than the end of the next fiscal year. These notes may be for single or multiple projects outlined in the adopted capital improvement budget.

(b) If the state or federal grants for capital improvement projects have not been paid to the political subdivision before maturity of the notes issued in anticipation of the receipt of the revenue, the governing body of the political subdivision may issue new notes in order to meet payment of the notes then maturing or may renew the outstanding revenue anticipation notes. New notes issued or renewals of outstanding revenue anticipation notes shall mature not later than the end of the next fiscal year.

Sec. 29.58.050. PRIORITY OF REPAYMENT. The payment of the principal and interest on revenue anticipation notes shall be a first charge and lien upon the revenues in anticipation of the collection of which these notes have been issued, and their payment additionally shall be secured by a pledge of the full faith, credit and unlimited taxing power of the political subdivision issuing them.

Page 94, line 29: delete "29.58.040" and substitute "29.58.060"

Page 1, line 10: after "AS 29.05 - 29.95;" insert "AS 37.30"

First Draft, 4/27/72

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE
COMMITTEE

Page 36, line 7: After "ELECTIONS." add the following new matter:

If in a municipal election no candidate receives in excess of forty per cent of the votes cast for his respective office, the assembly ^{or} ^{COUNCIL} shall hold a runoff election within two weeks between the two candidates receiving the greatest number of votes for the office. Notice of a runoff election shall be published at least 5 days before the election.

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 17, line 7: Before "first" insert "home rule or"

Page 15, line 3: Delete "the effective date of this" and substitute
"January 1, 1968"

Page 15, line 4: Delete "Act"

Handwritten notes:
6/14/71
12

A M E N D M E N T

*Ad. V. De.
5/20/2*

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 19, line 1: After "pleasure" insert ", except that in boroughs having an appointed manager the borough mayor serves as presiding officer"

Page 22, lines 24-26: After "(a)" strike all matter and substitute the following: "The administrative power of the borough is vested in an elected chairman or in an appointed manager. The executive power of the borough is vested in an elected chairman or, if the borough has adopted a manager plan, in an elected borough mayor who has the same functions as are conferred under sec. 240 of this chapter upon the mayor of a city having a manager plan."

Page 22, line 26: After "chairman" insert "or mayor"

Page 22, line 27: After "chairman's" insert "or borough mayor's"

Page 23, line 8: After "is" insert "an elected borough mayor but no"

Page 23, line 14: Delete "executive" and substitute "chairman or manager as the case may be"

Page 23, line 16: Delete "executive" and substitute "chairman or mayor"

Page 24, line 25: After "chairman" insert "or borough mayor"

Page 25, between lines 9 and 10: Insert the following new matter:

"(c) The borough mayor has no veto power."

Page 25, line 11: After "chairman" insert "or borough mayor"

A M E N D M E N T S

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 63, between lines 21 and 22: Insert the following new matter:

"(18) air pollution control as provided in AS 18.30"

Renumber following paragraph.

Page 63, line 29: after "cities." insert the following new matter:

"However, as to powers conferred under (a)(5)(17) and (18) of this section, exercise of the powers areawide or in the borough area outside cities is at the option of the borough and is not subject to those restrictions on acquisition of additional borough powers. Upon adoption of a borough ordinance to provide for areawide exercise of the powers specified, no home rule or general law city within the borough may exercise the powers, unless the ^{how} ordinance provides otherwise or the borough by subsequent ordinance ceases to exercise the power."

A M E N D M E N T

AMENDED
5/2/72

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 54, line 9: after "question" insert:

", except as provided otherwise in AS 29.48.030 and AS 29.48.035(b)

Page 61, between lines 11 and 12: insert the following new matter:

"However, as to powers conferred under (a)(12) of this section, exercise of the powers areawide or in the borough area outside cities is at the option of the borough and is not subject to those restrictions on acquisition of additional borough powers. With respect only to boroughs which on the effective date of this Act are not exercising powers conferred under (a)(12) of this section on an areawide basis, objection which a city may raise to areawide exercise of the powers by a borough shall be reviewed by the Alaska Transportation Commission. The Commission shall decide whether or not areawide exercise of the powers is to be approved as in the public interest under the particular facts and circumstances at issue."

(DRAFTING NOTE: The following provision is recommended as an alternative to the provision set forth in the last two sentences of the above amendment: "Upon adoption of a borough ordinance to provide for areawide exercise of the powers specified, no home rule or general law city within the borough may exercise the powers, unless the ordinance provides otherwise or the borough by subsequent ordinance ceases to exercise the power."

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 75, between lines 27 and 28, insert the following new matter:

(6) the real property of certain residents of the state to the extent and subject to the conditions provided in (e) of this section.

Page 76, between lines 17 and 18, insert the following new matter:

(e) After January 1, 1973 the real property owned and occupied as a permanent place of abode by a resident 65 years of age or over whose gross annual income totals less than \$10,000 is exempt from taxation of the assessed value of the real property. Only one exemption may be granted with respect to the same property and, if two or more persons are eligible for an exemption with respect to the same property, the parties shall

1 decide between or among themselves which shall receive the benefit of
2 the exemption; however, in the case of more than one party eligible
3 for an exemption with respect to the same property, the total combined
4 gross annual income of the parties may not exceed \$10,000. No real
5 property may be exempted under this subsection which the assessor
6 determines, after notice and hearing to the parties concerned, has
7 been conveyed to the applicant primarily for the purpose of obtaining
8 the exemption. The determination of the assessor is appealable under
9 AS 44.62.560 - 44.62.570.

10 (f) No exemption may be granted except upon written application
11 for the exemption upon a form prescribed by the state assessor for
12 use by local assessors. The claimant must file the application no
13 later than January 15 of the assessment year for which the exemption
14 is sought and must file a separate application for each assessment
15 year in which the exemption is sought. If an application is filed
16 within the required time and is approved by the assessor, he shall
17 allow an exemption in accordance with the provisions of this section.
18 The assessor may at any time require proof in the form he considers
19 necessary of the right and amount of an exemption claimed under this
20 section, and in that respect may as one form of proof require authori-
21 zation from the taxpayer to verify gross income level by reference
22 to gross income shown in the latest state income tax return available
23 for all or part of the assessment year for which an exemption is
24 sought.

25 (g) The state shall reimburse a borough or city, as appropriate,
26 for the real property tax revenues lost to it by the operation of (e)
27 of this section.
28

(h) Nothing in (e) of this section affects the same or similar exemptions from property taxes granted by municipalities on the effective date of this Act or prevents municipalities from granting the same or similar exemptions by ordinance as provided in sec. 25 of this chapter. However, a taxpayer qualifying for an exemption under (c) of this section and electing the same or similar exemption for the same tax year under local ordinance is thereby ineligible for the exemption under this section for that tax year.

Technical changes have been made on the following amendments, as approved May 2, 1972:

Page 19, line 1: After "pleasure" insert ", except that in manager plan boroughs the borough mayor serves as presiding officer"

Page 22, lines 24-26: After "(a)" strike all matter and substitute the following: "The borough administrative power is vested in an elected chairman or appointed manager, and the executive power in an elected chairman or, in a manager plan borough, an elected borough mayor who has the same functions as the mayor of a manager plan city under sec. 240 of this chapter."

Technical changes made after May 2, 1972, meeting and approved by Rep. Miller and Sen. Miller:

Page 76, between lines 17 and 18, insert the following new matter after subsection (g):

"(h) Nothing in (e)-(i) of this section affects similar exemptions from property taxes granted by municipalities on the effective date of this Act or prevents municipalities from granting similar exemptions by ordinance as provided in sec. 25 of this chapter. However, under (e)-(i) of this section only the amount of revenues lost to the municipality by reason of the exemption authorized in those provisions may be reimbursed to the municipality by the state."

"(i) In (e)-(i) of this section, the term "real property" includes but is not limited to mobile homes, whether classified as real or personal property for municipal tax purposes

(Substitute for (h) as adopted May 2, 1972, p. 93 of book)

The following amendments are in regards to election dates, intervals, and terms of councilmen, assemblymen, mayors and chairmen:

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

Page 17, line 28: Delete "every two years at the time of the general election" and substitute "annually on the first Tuesday of October, unless a different date or interval of election is provided by ordinance,"

Page 17, line 29: Delete "two" and substitute "three"

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

Page 22, line 27: Delete "two" and substitute "three"

Page 22, line 29: Delete "Tuesday after the first Monday" and substitute "first Tuesday of October, unless a different date of election is provided by ordinance"

Page 23, line 1: Delete "in November"

Page 25, lines 28-29: Delete "every year on the Tuesday after the first Monday in November" and substitute "annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance,"

Page 25, line 29: Delete "two" and substitute "three"

Page 27, lines 12-13: Delete "Tuesday after the first Monday in November" and substitute "first Tuesday of October, unless a different date of election is provided by ordinance"

Page 29, line 8: Strike "municipal"

Page 29, line 9: Strike "Tuesday after the first Monday in November" and substitute "annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance,"

Page 29, line 20: Delete "Members" and substitute "As determined by ordinance, members"

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

Page 29, lines 22-23: Delete "municipal election on the Tuesday following the first Monday in November" and substitute "election held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance"

Page 27, line 24: Delete "elected" and substitute "sclected".

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

Page 35, line 23: Delete "Tuesday after the first Monday in November every even-numbered year" and substitute "first Tuesday of October annually"

Page 35, line 24: After "or" insert "on a date of election or"

Page 123, lines 24-25: Delete "Tuesday following the first Monday in November of even-numbered years, or" and substitute "the first Tuesday of October annually, or on an election date or"

Page 124, lines 14-19: After "title." delete all matter.

The following amendment is in regard to delegations of powers by board of equalization:

Page 82, lines 22-25: Delete all matter through "members." on line 25 and substitute the following:

"Sec. 29.53.135. BOARD OF EQUALIZATION. The assembly sits as a board of equalization for the purpose of hearing any appeal from determinations of the borough assessor, or it may delegate this authority to a board appointed by it for that purpose. The board of equalization shall consist of at least that number of members of the assembly over and above the number required for a quorum to transact business. The board is governed in its proceedings by such procedures consistent with general rules of administrative law and the laws governing equalization proceedings as may be adopted by ordinance, including but not limited to quorum and voting requirements."

(Substitute prior amendment, minutes of March 23, 1972, p. 2, amendment shown at page 82 of notebook)

The following amendment is in regard to selection of acting borough mayor in borough mayor's absence:

Page 24, lines 20-21: Delete "The assembly presiding officer shall" and substitute "The borough chairman or mayor, subject to assembly approval, shall designate a person to"

The following amendments are re. delegations of power by planning commissions, platting board, and board of adjustment:

Page 53, line 29: Delete "HEARING OFFICER" and substitute "DELEGATIONS."

Page 54, lines 2-5: Delete all matter and substitute the following: "of adjustment to delegate powers to hear and decide cases under this chapter in a manner authorized by the ordinance, including but not limited to delegations to one or more members of the commission or board, to other boards or commissions, or to a hearing officer designated by the commission or board. The assembly shall prescribe procedures for hearings and appeals. The commission or board shall hear and decide appeals de novo."

Page 48, lines 17-19: Delete ", but it may delegate by resolution or ordinance part or all of its functions to other borough boards"

Page 48, line 21: After "borough" insert ", subject to sec. 70(b)(1) of this chapter, in addition to making delegations as provided for an assembly under sec. 245 of this chapter."

Technical amendments:

Page 43, line 17: Before "once" insert "conferred in, or assumed by means of secs. 250-290, of this chapter."

Page 61- between lines 11 & 12: In the last sentence of the amendment adopted May 2, 1972 by the Free Conference Committee, delete "or not area-wide" and after "powers" insert "exclusively by the borough area-wide"

Page 13, lines 10-11: after "15.60)." delete all matter and substitute the following: "The state shall pay all election costs under (a)-(c) of this section."

Page 63, line 29: In the first sentence of the new matter (amendment adopted May 2, 1972) after "or" insert "as to (a)(5) and (17),"

Page 23, line 17: delete "mayor" and substitute "manager"

Page 30, line 12: delete "executive" and substitute "administrator"

Page 30, line 14: delete "executive" and substitute "administrator"

(Technical amendments substituting "borough mayor" for "borough chairman" and related amendments.)

Page 12, line 26: strike "chairman" and substitute "borough mayor"

Page 20, line 21: strike "chairman" and substitute "borough mayor"

Page 22, line 22: after "EXECUTIVE" insert "ANDADMINISTRATOR"

Page 22, lines 23-25: after "(a)" strike all matter and substitute the following: "If the borough has not adopted a manager plan, the borough executive and administrative power is vested in an elected borough mayor. If the borough has adopted a manager plan, the administrative power is vested in an appointed manager and the executive power in an elected borough mayor who has the same functions as those of the mayor of a manager plan city under sec. 240 of this chapter."

Page 22, line 26: strike "chairman" and substitute "borough mayor"

Page 22, line 27: strike "chairman's" and substitute "borough mayor's"

Page 23, line 3: strike "chairman" and substitute "borough mayor"

Page 23, line 5: strike "chairman" and substitute "borough mayor"

Page 23, line 8: strike "chairman" and substitute "borough mayor"

Page 23, line 9: strike "chairman" and substitute "borough mayor"

Page 23, line 14: strike "executive" and substitute "borough mayor or manager as the case may be"

Page 24, line 21: strike "chairman" and substitute "borough mayor" and strike "chairman's" and substitute "borough mayor's"

Page 24, line 25: strike "chairman" and substitute "borough mayor"

Page 24, line 29: strike "chairman" and substitute "borough mayor"

Page 25, line 7: strike "chairman" and substitute "borough mayor"

Page 25, line 11: strike "chairman" and substitute "borough mayor"

Page 125, line 28: in the new matter where "chairman" appears substitute "administrator". After "executive" add "or administrator".

Page 55, line 3: strike "chairman" and substitute "borough mayor"

Page 57, line 1: strike "chairman" and substitute "borough mayor"

Page 69, line 4: strike "municipal executive" and substitute "chief administrator"

Page 115, line 18: after "executive" insert "and administrator"

Page 26, line 23: after "EXECUTIVE" insert "AND ADMINISTRATOR"

Page 26, line 24: after "mayor" insert "as executive"

Page 32, line 26: after "executive" insert "and chief administrator"

Page 23, lines 8-12: after "chairman" delete all matter and substitute the following: "as chief administrative officer. If the manager plan is adopted, it becomes effective following certification of the results of the first regular election occurring at least six months after adoption of the plan. The borough mayor then serves as borough executive."

Page 69, line 4: after "executive" insert "or chief administrator"

Page 1, line 27: after "corporation" insert "and political subdivision"

Page 2, line 2: after "corporation" insert "and political subdivision."

Page 29, line 12: after "years" insert "and not altering the current term of an incumbent"

Page 29, line 26: after "years" insert "and not altering the current term of an elected incumbent"

Page 124, line 23: after "years" insert ", and not altering the current term of an incumbent,"

(Technical amendment relating to transition to code)

Add as last section of bill, or otherwise where appropriate, the following: "The terms of elected officials who are incumbents in office on the effective date of this Act are not affected by this Act. Their terms expire as provided before enactment of this title."

(Technical amendment relating to integration of Chapter 40 SLA 1972 into code -- involvement of young people in local government.)

In Chapter 40 SLA 1972, the term "municipal appointing authority for municipal boards or commissions" is substituted for the term "assembly" as it appears in subsection (a) of the last section of the chapter, in order to preserve the intended meaning of the section indicated by a reading of subsections (a) and (c) of the last section of the chapter.

(Technical amendments relating to integration of CSSB 405 (Resources)-- enabling legislation for development cities into code.)

At this time (May 17, 1972) CSSB 405 (Resources), the general enabling legislation for development cities has been adopted in both Houses. Since the enabling legislation amends the existing title 29 of the Alaska statutes and that title intent is repealed and reenacted by the code, it is suggested that the provisions of CSSB 405 (Resources) be included in the code. Additional pages for conclusion of the code have been prepared for this purpose. Except for renumbering and a few technical revisions as follows, the provisions are identical to those adopted by the legislature.

At Sec. 29.18.250 (b) (as the provisions are numbered in the code) the citation to sec. 330 is made to correct an apparent erroneous citation in the bill to the previous sec. 320 (sec. 75 of CSSB 405 (Resources)).

At Sec. 29.18.370, the term "executive and administrative" is inserted before the term "city officials" in the last sentence in order to make clear the apparently intended meaning.

At Sec. 29.18.450, the last sentence is added, i.e. "provisions of this chapter prevail over other provision of the title which are inconsistent" to make clear the presumable intent of that section.

With respect to CSSB 406 am, the special act incorporating the development city of Lost River, its provisions do not amend title 29 and it is accordingly thought not necessary to include in the code. If signed into law, the act will appear in the temporary and special acts binder of the Alaska statute. Unless the committee decides otherwise, it will not be included in the additional pages of the code as represented by the conference bill.

(Technical amendment relating to integration of Chapter 41, SLA 1972 into the code -- transition from five man to seven man school boards.)

Chapter 41, SLA 1972, recently signed by the Governor, amends a provision of law amended in the code (page 129 of the proposed conference bill).

It is recommended that the provisions of Chapter 41, SLA 1972 be substituted for the provisions of AS 14.12.050 (b), with the following additions: before "the length" insert ", as three year terms are provided,". The additional term would conform the provision of Chapter 41, SLA 1972 with the code provisions of AS 14.12.050(a) authorizing two year school board terms. If the intent of Chapter 41, SLA 1972, is to require three year terms, then the committee may wish to consider deleting optional authority for a local body to provide two year terms by ordinance.

Page 137, line 14: add the following new matter:

*Sec. 17 AS 29.23 is amended by adding new section to read:

Sec. 29.23.395. PURPOSE. It is the intent of secs. 395-401 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.

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.

Sec. 29.23.401. 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 sec. 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 secs. 395 - 401 of this chapter.



LAWS OF ALASKA

1972

Source

Chapter No.

HB 709

41

AN ACT

Relating to the terms of office of members of school boards.

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

* Section 1. AS 14.12.050(b) is repealed and re-enacted to read:

(b) When a transition is made from a five-man school board to a seven-man school board, the length of the term of office for the two new members to be elected shall be determined by lot so that when the terms of office for the two new members are assigned, the terms of office for the entire seven-man board shall be as follows: three members have a three-year term, two members have a two-year term, and two members have a one-year term. A seven-man school board, the terms of office of whose members at the time of transition from a five-man board did not result in terms expiring in the manner provided in this section, may, by resolution adopted by a majority of the members of the board, adjust the terms of office to conform to the schedule for expiration of terms of office provided in this section.

Approved by governor: May 5, 1972
Actual effective date: August 3, 1972

TECHNICAL AMENDMENTS
SUGGESTED FOR INCLUSION IN FCCS SCS CSMB 208

Page 1, line 11: Delete "AS 40.15.070"

Page 49, lines 10 - 19: After "CASES." delete all matter and substitute the following:

(a) The platting authority shall, in individual cases, waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that

(1) each tract or parcel of land will have adequate access to a public highway or street;

(2) each parcel created is five acres in size or larger and that the land is divided into four or fewer parcels;

(3) the conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development;

(4) no dedication of a street, alley, thoroughfare or other public area is involved or required.

(b) In other cases the platting authority may waive the preparation, submission for approval, and recording of a plat, if the transaction involved does not fall within the general intent of this chapter and if it is not made for the purpose of, or in connection with, a present or projected subdivision development and that no dedication of a street, alley, thoroughfare, park or other public area is involved or required.

Page 127, line 13: Delete ", second, or third" and substitute "or second"

Page 129, lines 6 - 28: Delete all matter and substitute the following [leaving excess space blank if necessary]:

* Sec. 4. AS 40.15 is amended by adding a new section 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 29.33.150 - 29.33.240 and shall comply with local regulations adopted under this chapter and AS 29.33.150 - 29.33.240 in the same manner and to the same extent as subdivisions made by other landowners.

* Sec. 5. AS 29.33.240 is amended by adding a new subsection to read:

(c) Provisions of (a) of this section notwithstanding, the council of a second class city located outside an organized borough may vacate such streets, alleys, crossings, sidewalks or other public ways as may have been previously dedicated or established when the council, in its discretion, finds that the streets, alleys, crossings, sidewalks or other public ways are no longer necessary for the public welfare, or when the public welfare will be enhanced by the vacation. If the council determines that all or a portion of the area vacated under this subsection should be devoted to another public purpose, title to the area vacated and held for another public purpose does not vest as provided in AS 40.15.180 but remains in the city.

[RENUMBER FOLLOWING SECTIONS.]

Page 130, lines 14 - 25: Delete all matter and substitute the following:

* Sec. . AS 40.15.075 is amended to read:

Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD CLASS BOROUGHES. 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 29.33.210 - 29.33.240 [SECS. 150 - 180 OF THIS CHAPTER]. Costs of publication and mailing as well as other costs authorized in AS 29.33.210 [SEC. 150 OF THIS CHAPTER] 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.

Joint Senate-House Free Conference Committee Meeting - CSS3 113
March 28, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. E. Naughton	Sen. C. Groh
	Sen. E. Merdes

Others present:

Hayden Kaden, Legislative Affairs
Don Berry, Executive Director, Alaska Municipal League
Bill Berrier, Attorney, City and Borough of Juneau
Sig Strandberg, Local Affairs Agency
Rick Garnett, Assistant Attorney General

Chairman Miller stated that Barry Jackson will present testimony before the committee Thursday evening regarding apportionment.

The committee discussed the amendments Hayden Kaden drew up, as requested at last Thursday's ^{Mar 28 note} meeting. Senator Miller asked Mr. Kaden to change the last sentence of (b) re. apportionment to read "After six months if no". The committee decided to wait until Barry Jackson made his presentation before taking final action on this.

Senator Miller brought up several policy issues for discussion.

Page 19, line 17 (f) (g) (h) (i) (j) - Senator Miller's view was that in the future weighted voting would be abolished on the basis of whether a measure was area-wide or non area-wide in nature. The committee asked Hayden Kaden to draft an amendment striking this distinction.

Page 22 - Executive Power - Senator Miller felt that in boroughs which adopt the borough manager plan of government, the municipality, nonetheless, should retain a chairman for ceremonial reasons, as much as mayors are presently retained in city-manager-governed cities. Senator Miller will refine his proposal and present it at the next meeting.

Page 107, lines 16 - 19: re. Local Boundary Commission. The committee asked Rick Garnett to draw up an amendment giving the Local Boundary Commission authority in annexations without necessarily having a vote by the people.

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

Page 38, line 24: delete the words "filing date" and add: "date on which the petition is rejected as insufficient"

Page 47, between lines 5 and 6: add a new subsection to read:
"(g) The commission may delegate the power to act, to hear and to decide if authorized to do so by ordinance of the assembly."

Page 78, line 22: after the word "agricultural" delete the words "or horticultural"

Page 61, between lines 5 and 6: add a new subsection to read:
"(21) consumer protection"

Page 35, line 28 and 29: strike "for one year"

Page 28, line 11: strike "executive and"

Page 57, between lines 16 and 17: add a new subsection to read:
"(c) A third class borough may borrow money and issue negotiable general obligation, revenue or refunding bonds and other evidences of indebtedness as provided for first and second class boroughs in AS 29.58.150 and AS 29.58.350.

Joint Senate-House Free Conference Committee Meeting - CSSB 113
March 23, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. J. Harris	Sen. C. Groh
Rep. E. Naughton	

Others present:

Hayden Kaden, Legislative Affairs
Don Berry, Executive Director, Alaska Municipal League
Rick Garnett, Assistant Attorney General
Bill Berrier, Attorney, City and Borough of Juneau
Byron Mallott, Director, Local Affairs Agency

Senator Miller received correspondence stating that Vic Fischer and Tom Moorehouse will be able to come the first part of April.

The committee went through the proposed amendments from Greg Machyowsky, City of Anchorage and the Greater Anchorage Borough. All of Greg Machyowsky's amendments were passed by the committee.

The committee's discussion on the Greater Anchorage Borough amendment suggestions are as follows:

- Chapter 23 - Municipal Officers and Employees*
- P.S. Committee*
1. Sec. 29.23.020 - Senator Miller suggested apportionment be at borough option with voter referendum to decide how city representatives are chosen, provided it's one-man one-vote. A city would have six months to correct the problem.
 2. Sec. 29.23.090 (a) (1) - Senator Groh suggested having the Local Affairs Agency act on mal-apportionment. The committee requested Hayden Kaden to draw up an amendment on the above two sections.
 - P6 Committee*
5. Sec. 29.28.073 - The committee asked Hayden Kaden to draw up an amendment to this effect.
 7. Sec. 29.33.080 - The committee asked Byron Mallott to pull this out of the Anchorage Charter and give to Hayden Kaden to draw up an amendment.
 - P7*
8. Sec. 29.33.090 (d) - Referred this section to Greg Machyowsky. The committee asked Bill Berrier to study the utilization of "police power".
 - P8*
9. Sec. 29.33.110 (b) (3) - The committee asked Byron Mallott to pull this out of the Anchorage Charter and give to Hayden to draw up an amendment.

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

- Page 44, line 27: after "school buildings." add "To the maximum extent consistent with education needs, the design of a school building shall provide for multiple use of the building for community purposes."
- Page 47, line 23: after "districts" add "and exceptions may be made in order to provide for the preservation, maintenance and protection of historic sites, buildings and monuments"
- Page 61, between lines 5 and 6, add the following new matter:
"preservation, maintenance and protection of historic sites, buildings and monuments"
- Page 63, line 17: after "areawide;" add "exceptions to requirements of the codes may be made in the codes among other reasons, in order to provide for the preservation, maintenance and protection of historic sites, buildings and monuments;"
- Page 82, between lines 26 and 27 add:
"(e) The borough assembly sits as a board of equalization for the purpose of hearing in the manner provided for first class cities any appeal from determinations of the borough assessor, or it may delegate this authority to a board appointed by it for that purpose. The board of equalization shall consist of that number of members of the assembly over and above the number required for a quorum to transact business and is governed in its proceedings by such procedures consistent with general rules of administrative law and the laws governing equalization proceedings in first class cities as may be adopted by ordinance, including but not limited to quorum, and voting requirements."
- Page 121, line 23: before "municipality" insert "home rule or general law"
- Page 121, line 26: after "09.55.460." insert the following new matter: "In the case of a second class city, before exercising the power, the council shall request or petition the Local Affairs Agency for permission to exercise the power. The council may not exercise the power of eminent domain or declaration of taking without the formal approval of the Local Affairs Agency. The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or special election called for that purpose. A majority of the qualified voters voting on the question is required for approval of the ordinance."

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

Page 121, line 27: before "municipality" insert "home rule or general law"

Page 123, between lines 18 and 19, add the following new matter:

"(10) "property" means real and personal property;

(11) "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;

(12) "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;"

Renumber the following paragraphs accordingly.

Joint Senate-House Free Conference Committee Meeting - CSSB 113
March 30, 1972

Members present:

Rep. M. Miller
Rep. J. Harris

Sen. T. Miller

Others present:

Don Berry, Executive Director, Alaska Municipal League
Sig Strandberg, Local Affairs Agency
Hayden Kaden, Legislative Affairs
Barry Jackson, Attorney
Bill Berrier, Attorney, City and Borough of Juneau
Bob Bettisworth, North Star Borough President
Robert Dozier, State Assessor

Barry Jackson testified before the committee regarding apportionment. Detailed written testimony was submitted to the committee for the records.

Joint Senate-House Free Conference Committee Meeting - CSSB 113
April 11, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. E. Naughton	Sen. C. Groh
Rep. J. Harris	Sen. E. Merdes

Others present:

Don Berry, Executive Director, Alaska Municipal League
Sig Strandberg, Local Affairs Agency
Tom Morehouse
Rich Garnett, Assistant Attorney General
Bill Berrier, Attorney, City and Borough of Juneau
Roger Huntington, Local Affairs Agency

The committee asked Greg Machyowsky to revise the necessary sections of his amendment re. reapportionment making it clear that a city may appoint its council members to the assembly, provided that equal representation standards are met.

The wording of the ballot proposition re. unification was adopted by the committee. Sen. Merdes offered an amendment requiring that the unification question be placed on the ballot in each borough at the next regular borough election. On hand vote, the amendment failed.

The committee adopted or decided to give further consideration to the following suggestions made by Tom Morehouse:

1. The committee asked Greg Machyowsky to draft an amendment enabling borough assemblies by ordinance to allow the placement of the unification question on the ballot.
2. Page 24, line 20 - 22: The committee asked Greg Machyowsky to draft an amendment to have the borough chairman designate an administrative officer with assembly confirmation to act as chairman during a chairman's temporary absence or disability.
3. An amendment was adopted that a municipality would pay all costs and expenses incurred in a recount when the difference is 2% or less. The committee asked Greg Machyowsky to draw up the necessary language to incorporate it in the code.

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE - CSSB 113
April 11, 1972

Page 111, line 1 - 17: delete, all matter and substitute the following: "Shall a charter commission be formed (and charter commission members be elected as elsewhere provided on this ballot) to prepare, adopt and submit to the voters for their approval or rejection a proposed charter uniting the Borough and all cities within it as a single unit of home rule government having the powers, duties and functions of a unified government as authorized by law?"

YES [] NO []"

Page 9, line 10: delete "encompasses a trading area with" and substitute "of the area includes the"

Page 42, line 25: delete "two-thirds"

Joint Senate-House Free Conference Committee Meeting - CSSB 113
April 18, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. J. Harris	Sen. C. Groh
Rep. E. Naughton	Sen. E. Merdes

Others present:

Sig Strandberg, Local Affairs Agency
Bill Berrier, Attorney, City and Borough of Juneau
Jim Bruce, Attorney, North Star Borough
Robert Dozier, State Assessor
Greg Machyowsky, Legislative Affairs
Robert Dupere, Consultant for Lost River Mining Co.
Ron Scheardown, Lost River Mining Co.
Pete Walsh, Nome

→* Jim Bruce suggested to the committee that page 64, line 4 of the code be amended re. the borough building code authority in relation to flood control. Senator Groh asked Mr. Bruce to draw up an amendment and to give it to Greg Machyowsky for further consideration at the next committee meeting.

Jim Bruce asked the committee to amend Page 82, lines 24 - 26, to include a hearing officer on the Board of Equalization. Greg Machyowsky will draft the amendment.

An amendment suggested by Bob Dozier, State Assessor, (#2 on page 70 of notebook) was adopted by the committee. Greg Machyowsky will draft the amendment for final approval at Thursdays meeting.

* - *was Machyowsky commented on the amendment to AS 24.18.120(b) on page 76 of the committee notebook. The amendment attempts to establish one more executive whole authority with municipality to compose their assemblies in their own manner.*

- *Jim Bruce:*
Organization of assemblies & representation should be considered as 2 distinct issues.
Organization: The Legislature must establish the basic structural possibilities for organizing assemblies. By referendum, the electorate at large should then choose among the options.

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE - CSSB 113
April 18, 1972

Page 83, line 2: after "facts" insert "which are"

Page 83, line 5: delete "three" and add "seven"

April 27, 1972

Members present:

Rep. M. Miller
Rep. E. Naughton
Rep. J. Harris

Sen. T. Miller
Sen. E. Merdes
Sen. C. Groh

Others present:

Don Berry, Executive Director, Alaska Municipal League
Sig Strandberg, Local Affairs Agency
Bill Berrier, Attorney, City and Borough of Juneau
Rich Garnett, Assistant Attorney General

The committee decided to add water pollution control powers as an areawide power which could be acquired at the option of the borough, without the usual procedures for petition and vote. The committee decided to include the air pollution control laws of Title 18 on the same basis.

The committee approved the requested amendment relating to acquisition of mass transit powers areawide by boroughs and the acquisition of areawide animal control powers. With respect to mass transit powers, an additional provision was directed to be inserted calling for the Alaska Transportation Commission to decide the question of acquisition of the areawide powers by the borough if a dispute arises between a city and the borough as to acquisition. The provision would apply only in the case of boroughs not exercising mass transit powers areawide on the effective date of the code.

Senator Groh withdrew his amendment relating to exclusion of territory from boroughs.

The amendments approved for inclusion in the code relating to borough mayors in manager plan boroughs, senior citizen property tax relief, and technical amendments on election dates, delegation of powers by municipal boards and commissions and otherwise are to be drafted for approval as to form at the next meeting or otherwise are to be submitted to Rep. Miller and Sen. Miller for their review.

The committee decided to await the Senate Resources Committee proposals on pending development cities legislation before acting on inclusion of such legislation in the code. The committee declined to include food stamp purchases sales tax exemption provisions in the code.

The committee authorized preparation of a summary of changes represented by the free conference bill from bills approved in both Houses. The committee discussed expanding the summary to include a general summary of code provisions.

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

Page 94, lines 13 - 28: delete all matter and substitute the following new matter:

"ARTICLE 1. REVENUE ANTICIPATION NOTES.

Sec. 29.58.010. BORROWING IN ANTICIPATION OF REVENUE. A municipality of the state which is authorized to incur indebtedness may borrow money in a fiscal year to meet appropriations for that fiscal year in anticipation of the collection of taxes and estimated revenues for the fiscal year and may issue its revenue anticipation notes as evidence of the borrowing.

Sec. 29.58.020. ISSUANCE OF NOTES. The governing body of a municipality may, by ordinance or resolution, authorize the issuance of revenue anticipation notes and prescribe the form and details of the notes and the manner of their execution. The governing body of the municipality may delegate to its chief fiscal officer the power to issue the notes from time to time under the terms and conditions of the ordinance or resolution which provides for the manner of their sale. Revenue anticipation notes and notes issued to renew notes previously issued mature not later than the end of the fiscal year in which they are issued.

Sec. 29.58.030. LIMITATION ON ISSUANCE OF NOTES. The aggregate amount of revenue anticipation notes at any time outstanding may not exceed 50 per cent of the amount of revenues estimated to be collected in the fiscal year in which the notes are issued, less the amount of estimated revenues actually collected in the fiscal year before the issuance of the notes.

Sec. 29.58.040. ISSUANCE OF NOTES IN ANTICIPATION OF STATE, FEDERAL GRANTS. (a) The governing body of a municipality, upon adoption of a long-range capital improvement budget by ordinance or resolution, may by resolution provide for revenue anticipation notes in an amount not to exceed the total amount of any state or federal grants finally committed for these projects. The notes mature no later than the end of the next fiscal year. These notes may be for single or multiple projects outlined in the adopted capital improvement budget.

(b) If the state or federal grants for capital improvement projects have not been paid to the municipality before maturity of the notes issued in anticipation of the receipt of the revenue, the governing body of the municipality may issue new notes in order to meet payment of the notes then maturing or may renew the outstanding revenue anticipation notes. New notes issued or renewals of outstanding revenue anticipation notes shall mature not later than the end of the next fiscal year.

Sec. 29.58.050. PRIORITY OF REPAYMENT. The payment of the principal and interest on revenue anticipation notes shall be a first charge and lien upon the revenues in anticipation of the

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

collection of which these notes have been issued, and their payment additionally shall be secured by a pledge of the full faith, credit and unlimited taxing power of the municipality issuing them."

Page 94, line 29: delete "29.58.040" and substitute "29.58.060"

Page 1, line 10: after "AS 29.05 - 29.95;" insert "AS 37.30"

Page 123, line 14: after "corporation" insert "and political sub-division,"

Page 94, line 29: delete "tax" and substitute "revenue"

Page 61, line 14: after "garbage" add "and solid waste"

Page 61, line 17: after "garbage" add "and solid waste"

Page 61, line 19: after "garbage" add "and solid waste"

Page 61, line 20: after "garbage" add "and solid waste"

Page 61, line 21: after "garbage" add "and solid waste"

Page 61, line 29: after "garbage" add "and solid waste"

Page 62, line 2: after "garbage" add "and solid waste"

Page 62, line 5: after "garbage" add "and solid waste"

Page 62, line 7: after "garbage" add "and solid waste"

Page 62, line 11: after "garbage" add "and solid waste"

Page 36, line 7: After "ELECTIONS." add the following new matter:
"If in a municipal election no candidate receives in excess of forty per cent of the votes cast for his respective office, the assembly or council shall hold a runoff election within two weeks between the two candidates receiving the greatest number of votes for the office. Notice of a runoff election shall be published at least 5 days before the election."

Page 35, line 28: after "who" insert "is qualified to vote in state elections and"; delete "of Alaska for"

Page 35, line 29: delete "one year and"

Page 36, line 1: delete "or meets"

Page 36, line 2: delete "registration requirements of the municipality if any"

Free Conference Committee Meeting - CSSB 113
April 27, 1972
Page 4

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE.

- Page 36, line 3: after "constitution." insert "Voter registration by the municipality may not be required."
- Page 124, line 4: after "who" insert "is qualified to vote in state elections and"
- Page 124, line 5: delete "of Alaska for one year and"
- Page 124, line 7: delete "or meets registration requirements of the municipality"
- Page 124, line 8: delete "if any"
- Page 35, lines 8 - 10: delete all matter through "requirements." and substitute "The municipality may not alter voter qualification requirements of this title."

Free Conference Committee Meeting - CSSB 113
May 2, 1972

Members present:

Rep. M. Miller
Rep. E. Naughton
Rep. J. Harris

Sen. T. Miller
Sen. E. Merdes
Sen. C. Groh

Others present:

Sig Strandberg, Local Affairs Agency
Bill Berrier, Attorney, City and Borough of Juneau
Greg Machyowsky, Legislative Affairs
Marilyn Miller, Alaska Municipal League

The committee approved the amendment conferring mass transit powers upon boroughs and providing for city objections to exclusive area-wide exercise of the powers to be resolved by the Alaska Transportation Commission. *in QC Committee on 4/26/72*

The committee approved the amendments conferring animal, water and air pollution powers upon boroughs. *p 8-1 notebook*

The committee approved the amendment establishing a borough mayor in manager plan boroughs but revised that part of the amendment withholding veto powers from the mayor and directed that the amendment accord such power. *see notebook*

The committee approved the amendment authorizing senior citizen property tax relief and authorized some revisions in subsection (h) to reflect committee intent that a local government may grant a broader senior citizen exemption than given in the amendment but must assume the additional cost of the exemption without state reimbursement.

The committee approved several technical amendments and authorized Rep. Miller and Sen. Miller to review and approve further technical amendments to adjust code provisions as necessary to reflect and clarify committee policy decisions.

The committee decided to await further Senate action on development cities before deciding whether to include such legislation in the code.

The committee chairman announced that the committee would meet further at the call of the chair.

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE
May 2, 1972

- Page 17, line 7: Before "first" insert "home rule or"
- Page 15, line 3: Delete "the effective date of this" and substitute "January 1, 1968"
- Page 15, line 4: Delete "Act"
- Page 19, line 1: After "pleasure" insert ", except that in boroughs having an appointed manager the borough mayor serves as presiding officer"
- Page 22, lines 24-26: After "(a)" strike all matter and substitute the following: "The administrative power of the borough is vested in an elected chairman or in an appointed manager. The executive power of the borough is vested in an elected chairman or, if the borough has adopted a manager plan, in an elected borough mayor who has the same functions as are conferred under sec. 240 of this chapter upon the mayor of a city having a manager plan."
- Page 22, line 26: After "chairman" insert "or mayor"
- Page 22, line 27: After "chairman's" insert "or borough mayor's"
- Page 23, line 8: After "is" insert "an elected borough mayor but no"
- Page 23, line 14: Delete "executive" and substitute "chairman or manager as the case may be"
- Page 23, line 16: Delete "executive" and substitute "chairman or mayor"
- Page 24, line 25: After "chairman" insert "or borough mayor"
- Page 24, line 29: After "chairman" insert "or borough mayor"
- Page 25, line 11: After "chairman" insert "or borough mayor"
- Page 60, line 7: After "disposal" insert "subject to sec. 33(a) of this chapter"
- Page 61, line 7: After "section" insert "or sec. 33(a) of this chapter"
- Page 63, between lines 21 and 22: Insert the following new matter: "(18) air pollution control as provided in AS 18.30"

Re-number following paragraph.

- Page 63, line 29: after "cities." insert the following new matter: "However, as to powers conferred under (a)(5), (17) and (18) of this section, exercise of the powers areawide or in the borough area outside cities is at the option of the borough and is not subject to those restrictions on acquisition of

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE
May 2, 1972

additional borough powers. Upon adoption of a borough ordinance to provide for areawide exercise of the powers specified, no home rule or general law city within the borough may exercise the powers, unless the borough ordinance provides otherwise or the borough by subsequent ordinance ceases to exercise the power."

Page 54, line 9: after "question" insert:

", except as provided otherwise in AS 29.48.030 and AS 29.48.035(b)"

Page 61, between lines 11 and 12: insert the following new matter:
"However, as to powers conferred under (a)(12) of this section, exercise of the powers areawide or in the borough area outside cities is at the option of the borough and is not subject to those restrictions on acquisition of additional borough powers. With respect only to boroughs which on the effective date of this Act are not exercising powers conferred under (a)(12) of this section on an areawide basis, objection which a city may raise to areawide exercise of the powers by a borough shall be reviewed by the Alaska Transportation Commission. The Commission shall decide whether or not areawide exercise of the powers is to be approved as in the public interest under the particular facts and circumstances at issue."

Page 75, between lines 27 and 28, insert the following new matter:
"(6) the real property of certain residents of the state to the extent and subject to the conditions provided in (e) of this section."

Page 76, between lines 17 and 18, insert the following new matter:
"(e) After January 1, 1973 the real property owned and occupied as a permanent place of abode by a resident 65 years of age or over whose gross annual income totals less than \$10,000 is exempt from taxation of the assessed value of the real property. Only one exemption may be granted with respect to the same property and, if two or more persons are eligible for an exemption with respect to the same property, the parties shall decide between or among themselves which shall receive the benefit of the exemption; however, in the case of more than one party eligible for an exemption with respect to the same property, the total combined gross annual income of the parties may not exceed \$10,000. No real property may be exempted under this subsection which the assessor determines, after notice and hearing to the parties concerned, has been conveyed to the applicant primarily for the purpose of obtaining the exemption. The determination of the assessor is appealable under AS 44.62.560 - 44.62.570.

(f) No exemption may be granted except upon written application for the exemption upon a form prescribed by the state assessor for use by local assessors. The claimant must file the application no later than January 15 of the assessment year for which the exemption is sought and must file a separate application for each assessment year in which the exemption is sought. If an application is filed within the required time and is approved by the assessor, he shall allow an exemption in

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE
May 2, 1972

accordance with the provisions of this section. The assessor may at any time require proof in the form he considers necessary of the right and amount of an exemption claimed under this section, and in that respect may as one form of proof require authorization from the taxpayer to verify gross income level by reference to gross income shown in the latest state income tax return available for all or part of the assessment year for which an exemption is sought.

(g) The state shall reimburse a borough or city, as appropriate, for the real property tax revenues lost to it by the operation of (e) of this section.

(h) Nothing in (e) of this section affects similar exemptions from property taxes granted by municipalities on the effective date of this Act or prevents municipalities from granting similar exemptions by ordinance as provided in sec. 25 of this chapter. However, under this section only the amount of revenue lost to the municipality by reason of the exemption of (e) of this section may be reimbursed to the municipality by the state."

Free Conference Committee Meeting - CSSB 113
May 17, 1972

File
COPY

Members present:

Rep. M. Miller
Rep. E. Naughton

Sen. T. Miller
Sen. E. Merdes
Sen. C. Groh

Others present:

Sig Strandberg, Local Affairs Agency
Marilyn Miller, Alaska Municipal League
Bill Berrier, Attorney, City and Borough of Juneau
Sheila Gallagher, Attorney, Greater Anchorage Area Borough
Greg Machyowsky, Legislative Affairs

A draft of the proposed Conference Committee Report summarizing changes in the proposed Free Conference Bill from the provisions of the bills before the committee was presented.

The committee decided to include in the conference report a provision that the report reflects legislative intent, where such intent is consistent with the pertinent code provision. In case of conflict, the code provision would be intended to prevail.

The committee decided to add a definition of "municipal elections" to the code to make clear that such elections include city, borough and school board elections. The committee decided to delete, as unnecessary, the definition of "general election" in the definitions chapter of the code.

The committee decided to delete the code amendment of AS 14.12.050 (Sec. 4 of CSSB 113), thus retaining present law for mandatory three year school terms (rather than setting terms at two years unless other terms up to four years are authorized by ordinance). Sec. 29.23.310 was accordingly directed to be amended, with the reference to "two" deleted and "three" substituted.

The committee approved a proposed amendment to Sec. 29.23.130 (d) making clear that when a newly adopted manager plan of government for a borough takes effect, the borough mayor then in office continues to serve his term as borough executive.

In response to a presentation made by Sheila Gallagher, Attorney, Greater Anchorage Area Borough, the committee amended the run-off elections provision of Sec. 29.28.040 to require that the run-off election be held two weeks from the date of certification of the initial election.

Technical amendments to recently adopted legislation incorporated in the code, i.e. development cities legislation and legislation relating to involvement of young people in local government, were noted and approved.

The committee requested that a specific check of all bills sent to the Governor, but not yet signed, be made for possible inclusion in the code, particularly the provisions of CSBE 290, intended to replace

May 17, 1972

Page 2

the provisions of Sec. 29.33.170 in the bills before the committee and otherwise to be drafted into the code. It was noted that the special Act incorporating the City of Lost River was not to be included in the code, inasmuch as that Act would be codified under the "Temporary and Special Acts" binder of the Alaska Statutes.

Several amendments clarifying code intent were noted and approved, among them: provisions requesting delegations to hear and decide cases before planning commissions, platting boards and boards of adjustment (Sec. 29.33.245); provision expressly that borough assumption of additional area-wide powers under Secs. 29.33.250 - 29.33.290 precludes city exercise of the powers assumed (Sec. 29.33.010(b)); provision that borough assumption of area-wide transportation powers under Sec. 29.48.030(b) confers exclusive authority to the borough for areawide exercise of the powers unless, as to boroughs not exercising the powers areawide at the time the code takes effect as law, the Alaska Transportation Commission decides otherwise; it was noted also that the power could be assumed through the usual method of assembly petition and public vote; adjustment of provisions of Sec. 29.48.030 (b) to make clear that air pollution control powers, consistent with the provision of AS 18.30, must be exercised by a borough on an areawide basis only.

The committee authorized further technical changes in the bill as necessary to coordinate code provisions, and review of the changes with respective committee chairmen.

Bill Berrier, Attorney of the City and Borough of Juneau, and Sheila Gallagher, Attorney of the Greater Anchorage Area Borough, volunteered to read the final copy of the bill being prepared and offer any technical suggestions which might be thought necessary.

The committee decided to amend the transition section (Sec. 3) of the code to provide for 180 days, rather than 90 days, as the time period, after the code takes effect as law for bringing local ordinances into conformity with code provisions.

The committee decided to meet on Friday, May 19, 1972, 3:30 p.m. to review a draft of the conference committee report summarizing changes made by the committee in the bills before it. It was indicated that the proposed conference bill and report would be ready for distribution on the following Monday. It was also noted that an additional report of the committee would be prepared to offer an overall comparison of the code, represented by the conference bill, with existing law.

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE - CSSB 113
May 17, 1972

Page 127, lines 20-21: Delete all matter.

Page 127, between lines 24 and 25: Insert the following new matter:
"municipal election" means an election conducted by a municipality and includes but is not limited to elections for city council members, borough assembly members, school board and utility board members".

Page 129, lines 6-28: Delete all matter (and leave blank).
renumber following sections

Page 29, line 9: Delete "two" and substitute "three"

Page 29, lines 10-12: After "office." delete all matter through
"incumbent."

Page 129, line 3: Delete "90" and substitute "180"

*Amended copy
of final report*

FREE CONFERENCE COMMITTEE REPORT
ON
SCS CSHB 208 am S AND CSHB 208 am
(municipal code)

May 1972

*Basic references
on points covered:* Mr. President
Mr. Speaker

1. p. 59, lns 3-4
p. 62, lns 2-5
 2. p. 125, lns 26-27
p. 126, lns 1-7
 3. p. 83, lns. 27-29
p. 84, lns. 1-5
 4. p. 55, lns. 22-25
 5. p. 137, lns 14-19
thru p. 139, ln. 17
 6. p. 49, lns. 12-29
p. 49a, lns 1-2
p. 129, lns 7-16
 7. p. 139, lines 22-29
thru p. 148, ln 26
- The Conference Committee, with powers of free conference, which has had SCS CSHB 208 am S and CSHB 208 am (municipal code) under consideration, recommends that the bills be replaced by FREE CONFERENCE CS FOR SENATE CS FOR HOUSE BILL NO. 208. The Conference bill incorporates the Senate amendments to the House bill, integrates substantively laws pertaining to local government enacted into law in 1971 and enacted or adopted in both houses during the current legislative session. These relate to historic preservation, eminent domain proceedings by fourth class cities, i.e. second class cities under the code, required assembly membership on boards of equalization, borrowing powers of third class boroughs, involvement of young persons in local government, and subdivisions (CSHB 290), and enabling legislation for development cities (CSSB 405 (Res.)). In addition, the Conference bill makes a number of limited substantive changes in the combined legislative product represented by SCS CSHB 208 am S and CSHB 208 am. A brief summary of the changes, keyed to chapter headings of the Conference bill, follows. This report is intended to reflect legislative intent where the intent expressed and the pertinent code provisions are consistent.

ELECTIONS.

Sec. 29.28.020(a)
p. 35, lns 20-22

Election Dates. The Conference bill broadens the discretion available to municipalities on the setting of election dates. As with the bills under consideration, the first Tuesday of October is set as the date of the regular municipal election, but the Conference bill authorizes a local government to set a different regular election date by ordinance if it chooses to do so.

Similarly, an annual regular election is set, with the option left to local governments to choose a different interval of years for holding regular elections. In the bills under consideration the same option is made available but an election every two years on the first Tuesday of October is prescribed unless different provision is made by ordinance.

1. *Sec. 29.23.040*
p. 17, lines 27-29
p. 18, " 1-9
 2. *Sec. 29.23.200(c)*
p. 25, lines 27-29
p. 26, lines 1-5
 3. *Sec. 29.23.250(b)*
p. 27, lines 4-8
 4. *29.23.130(c)*
p. 22, lns 28-29
p. 23, lns 1-5
- Terms of Elected Officials. Terms of ^{1.} assemblymen, ^{2.} councilmen, and ^{3.} city and ^{4.} borough mayors are set at three years, rather than two years as provided in the bills under consideration; different terms not exceeding four years may be set by ordinance. (Under present law terms of assemblymen and borough chairmen are the same as those of city councilmen and mayor, respectively, of the largest first class city within the borough, or otherwise three years; different terms not exceeding three years may also

be set by ordinance. City council and mayoralty terms in general law cities may vary from one to three years at local option.)

Q. 148, Lns. 27-29 Terms of incumbents holding office at the time the code takes effect, or in office when an ordinance setting different terms is adopted, are expressly preserved from alteration as a result of the three-year term code provision or local action setting different terms.

Sec. 27.28.040
Q. 36, Lns. 3-10 Runoffs. The Conference bill provides for automatic runoffs between candidates in municipal elections when no candidate for the respective office receives more than 40 per cent of the vote cast for the office. At the same time, authority is retained in the code for a municipality at its option to require runoffs when a higher plurality is not obtained. Rather than requiring the costs of recount elections to be borne in all cases by the contestant unless the recount reverses the election result, the Conference bill provides for municipal assumption of the cost in cases in which the difference between the winning and losing vote on the result contested is less than two per cent, irrespective of whether or not the election result is reversed.

Sec. 29.25.050
P. 36, Lns. 22-25
Sec. 29.70.810
Q. 128, Lns. 24-26
Municipal Voters. Taking into account the United States Supreme Court's recent opinion on residency for voting purposes, the Conference bill removes the code requirement that a qualified voter for purposes of municipal elections must have been a resident of the state for one year; instead, the bill sets no definite period of required residency but declares that a voter who is eligible to vote in state elections is qualified as well to vote in municipal elections, if he has been a resident of the municipality for at least 30 days immediately preceding the election. (The municipal 30-day requirement is considered invariable under art. V, sec. 1 of the state constitution.)

Sec. 29.28.030
P. 35, Lns. 25-29
P. 36, Lns. 1-2
In addition, the Conference bill removes authority for municipal voter registration systems separate from state voter registration. Registration with the state to vote in state elections will also serve as registration for voting in local elections. In the bills under consideration either state registration or registration under a municipal system would suffice as municipal registration.

1. Sec. 29.28.230
P. 42, Lns. 25-26
2. Sec. 29.28.170
P. 41, Lns. 22-26
Other Provisions. In other Conference bill changes relating to elections, a simple majority rather than two-thirds majority is set as the vote needed to recall an elected municipal official, and with respect to local initiative or referendum petitions, the bill makes clear that, in the event a petition is rejected as insufficient, the petitioners have ten days after the date of rejection to supplement or amend the petition.

Sec. 29.28.030
P. 35, Lns. 25-29
P. 36, Lns. 1-2
Of the election provisions described above, only those relating to municipal voter eligibility and registration are made binding upon home rule municipalities, in both the bills under consideration and the Conference bill.

MUNICIPAL ASSESSMENT AND TAXATION.

Sec. 29.53.140
P. 84, Lns. 16-15
Property Tax Assessment. The Conference bill expressly confers the right to trial de novo in the superior court, with jury trial if demanded, of the decision of a borough or city board of equalization on a taxpayer's property assessment. (It thus incorporates the substance of HB 332 and SB 159 pending before the legislature which is not already encompassed in the code.)

The bill also makes limited revisions in the definition of full and true value for tax assessment purposes, requires that reevaluations of property, whether of specific classifications or in specific areas of the municipality, be made only in accordance with a systematic plan of reevaluation for all taxable property within the municipality, permits mobile homes to be classified as personal rather than real property at local option, and increases from three to seven the number of days allowed for the municipal board of equalization to certify its actions on tax assessment appeals to the assessor. A definition of real property and personal property is added to the code under general provisions (ch. 78), primarily for purposes of the assessment and taxation chapter.

Exemptions. The Conference bill incorporates the substance of CS HB 296, exempting from city and borough real property taxation the place of abode of residents 65 years age or over who have an annual net taxable income of less than \$10,000. Broader senior citizen exemptions granted by local ordinance are not superseded by the provision, but state reimbursement authorized to a local government under the provisions is limited to the amount of tax revenues lost to the local government because of the state-conferred local tax exemption only. As incorporated in the Conference bill, the exemption provided makes clear that mobile homes occupied as a place of abode are within the exemption, whether classified as real or personal property under municipal tax ordinances.

Modified somewhat is a provision in the bills under consideration that municipalities may by ordinance approved by the voters exclude or exempt property from taxation in addition to exclusions or exemptions authorized or permitted in the code. The provision as set out in the Conference bill expressly authorizes partial as well as full exemptions in such cases and limits the exclusions or exemptions to residential property.

Like the bills under consideration, provisions of the chapter relating to property taxation are, with a few exceptions, made binding upon home rule as well as general law cities and boroughs.

AREAWIDE BOROUGH POWERS AND DUTIES.

The Conference bill modifies the provisions of present law as well as the bills under consideration as to the vote required on addition of an areawide power by a home rule or general law borough. Rather than overall majority approval of addition of a power areawide, two separate majorities are required: (1) a majority of votes cast in the home rule and first class cities of the borough, taken as a voting unit; and (2) a majority of votes cast in the remaining borough area.

The Conference bill clarifies authority of planning commissions, platting boards, and boards of adjustment in general law cities and boroughs to delegate part or all of their functions to hear and decide cases. Authority is retained from the bills under consideration to delegate to one or more members of the board or commission or to hearing officers, with required review by the full commission or board upon appeal of a decision, these hearing and decision-making functions. In addition, the Conference bill authorizes the governing body to delegate to separate boards or commissions such functions by ordinance or in any other manner authorized by ordinance. The required review by the full commission or board in case of appeal continues to apply under any delegation.

1. Sec. 29.53.060 (a)
p. 84, Lns 11-18

2. Sec. 29.53.095
p. 81, Lns 22-29

3. Sec. 29.53.040
p. 79, Lns 23-29
p. 80, Ln. 1

4. Sec. 29.53.140(d)
p. 84, Lns 12-14

5. Sec. 29.70.810 (13)(c)
p. 128, Lns 2-5 &
Lns 11-13

Sec. 29.53.020 (a)
p. 75, Lns 20 thru
77, Ln. 3

Sec. 29.53.025 (a)
p. 77, Lns 4-7

Sec. 29.13.100 (21)
p. 8, Lns 16-17

Sec. 29.33.290 (c)
p. 53, Lns 9-16

Sec. 29.33.245
p. 52, Lns 2-10

P. 131, Lns. 28-37
P. 132, Ln. 1
With respect to design of school buildings, the Conference bill calls for consideration in design of multiple uses for community purposes.

MUNICIPAL OFFICERS AND EMPLOYEES.

Sec 29.23.020
P. 134, line 1
P. 135, line 21
and
P. 137, Lns 7-14
Borough Assembly Composition and Apportionment. In anticipation of possible legislative action to amend the state constitution or of a state supreme court decision to invalidate existing provisions of law which apportion borough assemblies between city and outside-city assemblymen and require use of the weighted vote under that apportionment, the Conference bill inserts a conditional section binding upon home rule and general law boroughs and having the following features:

(1) a borough assembly may provide by ordinance (or home rule borough charter may provide) for a number of assemblymen and assembly apportionment in any manner consistent with the equal representation standards of the federal constitution;

(2) the proposed borough apportionment ordinances must be submitted for separate voter approval by two majorities: (a) a majority of votes cast in all first class and home rule cities, and (b) a majority of votes cast in the borough area outside those cities.

(3) within six months of the effective date of the section and thereafter within six months of each federal decennial census, as well as at any other time when equal representation standards may no longer be met, the assembly must make a finding as to compliance with the equal representation apportionment standards and, if indicated, prepare and submit to the voters in the manner described in (2) an ordinance revising the apportionment and, if the assembly chooses, the number of members composing the assembly;

(4) the Local Affairs Agency is directed to make a reapportionment when a proposed reapportionment ordinance is not approved by the voters;

(5) the right to judicial review of both assembly and agency determinations is expressly provided for under the section.

The apportionment section is to take effect only upon condition that the provisions of art. X, sec. 4 of the state constitution relating to assembly representation are compatibly amended or that those provisions as they relate to city representation on the borough assembly are held to be in violation of the federal constitution by the state supreme court.

While the section sets out specific times at which the assembly is required to examine its apportionment, the section is intended as well to permit an assembly at its option to propose a change in assembly composition or apportionment, notwithstanding that existing apportionment may satisfy equal protection standards. All changes in assembly composition and apportionment, whether by ordinance or Local Affairs Agency action under the section, are effective beginning with the next regular assembly election. In the event the conditions upon which the provisional section is to become effective do not occur, the code retains the present provisions of borough law relating to assembly composition and apportionment.

1/2
Sec 29.23.13c(a)
(a) v. (b)
Borough and City Executive. In boroughs which adopt a manager plan, the code establishes an office of borough mayor, paralleling in concept the retention in the code and present law of the

office of mayor in cities which have adopted city manager plans. The borough mayor's official functions are the same as those of the mayor as city chief executive in manager cities, i.e. presiding at governing body meetings, serving as municipal ceremonial head, and signing official documents. Under present law, manager plan boroughs have no elected executive office, and the office of manager combines the executive and administrative roles. 2. Like present borough chairmen in boroughs which have not adopted a manager plan, the borough mayor is elected area-wide, and has no vote on the assembly but may veto most assembly actions. 3. Unlike the borough chairman, who serves as both executive and chief administrator of the borough, the borough mayor is designated as executive of the borough, with the functions noted above, but functions as chief administrator remain with the manager.

Sec. 29.23.130(h)
2. (h)
p. 22, lns. 27
Sec. 29.23.160 to 170
p. 24, lns. 25 thru
p. 25, lns. 9
3. Sec. 29.23.130(a)
p. 22, lns. 22-26

While preserving the differences in functions between borough chairmen in non-manager plan boroughs and borough mayors in manager plan boroughs, the Conference bill substitutes the title "borough mayor" for "borough chairman" in non-manager plan boroughs as well as employing the same title to describe the newly established office for manager plan boroughs. Use of the identical term in both cases is intended to avoid confusion in reference to borough executives.

Sec. 29.23.130(a)
p. 22, lns. 22-26

In manager plan cities, as with manager plan boroughs, the Conference bill denotes the mayor as chief executive and the manager as chief administrator; the bills under consideration designate the manager as both, while assigning functions to preside at council meetings, serve as ceremonial head, and sign documents, to the mayor.

Sec. 29.23.240
p. 26, lns. 24-25

It should be noted the designation of the mayor as executive and the manager as administrator, as with the borough mayor and manager, is not intended to confer powers upon the respective officials independently of those otherwise expressly conferred in the bill. Moreover, a number of code sections have required amendment, with the term "administrator" or "chief administrator" being added to, or substituted for, the term "executive". These changes are intended in all cases but one to be technical changes only, reflecting the separation in roles of executive and chief administrator which the Conference bill formalizes in manager plan cities and boroughs. 4. The exception concerns sec. 29.48.150 in which the power to introduce ordinances, conferred in the bills under consideration to assembly or council members or committees and the municipal executive, is broadened to include the borough or city chief administrator. The addition has the effect of preserving the authority of borough and city managers, as the "municipal executive" under existing law, to introduce ordinances and extends the authority as well to the elected mayors in manager plan boroughs and cities.

1. Sec. 29.48.150(a)
p. 68, lns. 3-4

Another modification of the Conference bill authorizes the borough executive (mayor) with assembly approval to designate a person to serve as mayor in case of his temporary absence or disability. Current law and the bills under consideration require the assembly presiding officer (or his designee, under current law) to act as temporary chairman in all cases.

Sec. 29.23.150
p. 24, lns. 19-24

The changes noted above relating to the city and borough executive and administrator are binding on general law, but not home rule, municipalities.

ALTERATION OF BOUNDARIES.

Sec. 29.65.260
(a)
p. 117, lns 27
time 1115, lns 10

In relation to unification of a borough and cities within it as a single unit of home rule local government, the Conference bill rewords the question submitted to voters at the first election to determine whether a unification commission should be elected to prepare a proposed unification charter for voter approval at a second election. Rather than submit the question, as under current law and the bills under consideration, "Shall theBorough and all cities within it unite into a single unit of home rule government after the election of a charter commission by the voters and the adoption of recommendations of the charter commission by a majority vote from the area of the borough outside first class and home rule cities and a majority vote from the remaining area composed of all first class and home rule cities of the borough?", the Conference bill poses to the voters the simpler and more limited question, "Shall a charter commission be formed (and charter commission members be elected as elsewhere provided on this ballot) to prepare, adopt and submit to the voters for their approval or rejection a proposed charter uniting the Borough and all cities within it as a single unit of home rule government having the powers, duties and functions of a unified government as authorized by law?".

The revised wording of the ballot question for the first election reflects the conclusion that as a practical matter the question of unification is decided at the time of the second election, i.e. the election on the charter prepared by the elected unification charter commission. The preference poll, authorized under current law and the bills under consideration, as to the name of the unified government should one be formed is omitted as a ballot question in the Conference bill.

Sec. 29.65.250
(c)
p. 114, lns 20-24

The Conference bill, in addition, authorizes an assembly resolution as an alternative means to a petition for placing the question of formation of a unification charter commission on the ballot.

Sec. 29.68.010(c)
p. 112, lns. 1-3

The Conference bill expressly provides that boundary changes made by the state Local Boundary Commission under its direct constitutional authority (art. X, sec. 12 of the state constitution) prevail over boundary changes initiated by local action. Both under current statutes and the bills under consideration this principle seems presumed but is not expressly stated.

MUNICIPAL DEBT.

Sec. 29.58.315
p. 104, lns. 3-8

The Conference bill specifies the municipal governing body or its designee in both home rule and general law municipalities as the sole contracting authority for bond attorneys, bond consultants and financial consultants engaged in long-range municipal financial planning which leads to the sale of bonds. The provision does not affect the governing body's authority to contract, or to delegate its authority to contract, the services of other professional consultants.

Sec. 29.58.010
.140
p. 97, lns. 1-11
p. 100, lns. 10

Other provisions of the Conference bill broaden code provisions on issuance of tax anticipation notes to include notes issued in anticipation of revenues generally (the power to borrow money to meet appropriations for any fiscal year in anticipation of the collection of revenues for that year being specifically conferred upon political subdivisions under art. IX, sec. 9 of the state constitution). The specific revenue anticipation note authority conferred in the bill derives from SB 316 currently before the legislature.

INCORPORATION.

Boroughs. The Conference bill eliminates the requirement that an area proposed for borough incorporation must encompass a trading area. The reference was not considered clear as to meaning or necessary in the context of other broad standards of incorporation set out in the code.

Sec. 29.18.030 (3)
p. 15-19
(compare present AS 07.10.030 (3))

POWERS APPLICABLE TO ALL MUNICIPALITIES.

1. Sec. 29.48.310
p. 73, lns 23-25

The Conference bill adds several powers to those which general law cities and boroughs are authorized to exercise under this chapter. Like most other powers listed in the chapter, the powers are designated in general terms; a liberal construction is subsequently provided for (in accordance with art. X, sec. 1 of the state constitution). Specifically, animal control and

2. Sec. 29.48.035 (a)
p. 61, ln. 15

water pollution control powers are added. Also added are consumer protection powers, intended to include regulatory as well as other methods of consumer protection services, without restricting powers to regulate particular activities elsewhere in the code, particularly at sec. 35 of the chapter.

3. Sec. 29.48.035 (a)(1)
p. 62, ln. 9
Sec. 29.48.020 (6)
p. 58, ln. 5

Unlike consumer protection and most other powers enumerated in the chapter as to boroughs, the animal control and water pollution control powers are added to a limited category of powers which under existing law may be exercised in the borough area outside cities, or areawide, at the option of the borough and without the usual prerequisites of petition and voter approval for exercise of the power. As under existing law, city exercise of the powers once they are exercised areawide by the borough is preempted unless the borough ordinance assuming the powers provides otherwise or subsequently the borough ceases to exercise the power. Dog control powers are presently authorized areawide and in the borough areas outside cities in the manner described; the Conference bill expands the present authority to include animal control generally. As to water pollution control, the Conference Committee considered authorizing water pollution control facilities and services on an areawide basis (under sec. 29.48.030) but decided exercise of such authority by the borough should be subject to prior petition and vote of the people, in the usual manner for acquisition of areawide powers; the water pollution authority granted, accordingly, is only regulatory in nature. The grant of water pollution authority to second class boroughs in the area outside cities encompasses both regulatory functions and authority to provide public facilities and services.

4. Sec. 29.48.030 (a)(2)
p. 59, ln. 5

Sec. 29.48.035 (b)
p. 62, lns. 13-29

Sec. 29.48.020 (2)(6)
p. 58, lns 27-35
p. 58 ln 5

compare present AS 07 15 360

Sec. 29.48.020 (6)
p. 58, ln. 5

Sec. 29.48.030 (1)
p. 59, lns. 6-23

With respect to existing authority in the bills under consideration for municipal transportation system facilities and services, the Conference bill adds that power to the limited category of powers which may be exercised areawide or in the borough area outside cities at the option of the borough and makes areawide exercise of the power exclusive of city exercise within the borough. However, with respect to general law boroughs which are not exercising the power on the effective date of the code, a city objecting to assumption of the power areawide is entitled to review of the question by the Alaska Transportation Commission, and the commission is to decide in the particular case whether or not borough exercise of the power areawide is in the public interest. Should the commission decide in the negative, city exercise within the city and borough exercise in the area outside cities would be authorized, subject to areawide assumption by the borough of the power in the usual manner of petition

Sec. 29.48.050
p. 63, line 29
thru p. 64, line 19

and areawide vote. The power conferred to provide transportation systems and facilities is in addition to power conferred elsewhere in the code for municipal franchising of bus transportation systems.

Sec. 29.48.033

p. 59, line 23 thru
p. 61, line 6

The bills under consideration incorporate provisions of existing law which give some detail on municipal powers relating to establishment, maintenance and operation of garbage collection and disposal systems. The Conference bill retains those provisions and adds solid waste collection and disposal to their terms. Garbage and solid waste collection and disposal are viewed as largely interrelated activities.

Note also:

Sec. 29.48.030(i)

p. 59, lines 6-12

The Conference bill makes special provision on areawide exercise of building, housing or related code powers, but only with respect to flood control, so as to preserve eligibility for federal flood control aid in those boroughs presently exercising areawide flood control powers.

Sec. 29.48.035(c)

p. 62, line 24 thru

p. 63, line 11

note p. 63, lines 2-3

In code transitional provisions, the Conference bill increases from 90 to 180 days after the effective date of the code the time period assigned to local governments for conforming local ordinances as necessary with the code, except for the provisions of AS 29.28.040 relating to runoff elections in general law cities and boroughs; these supersede conflicting provisions of local ordinances at the time the code takes effect as law.

pg. 128, line 1 thru

pg. 128, line 8

In addition to the substantive changes summarized above, the Conference bill incorporates technical changes to coordinate the substantive changes made with other code sections affected, to insure that existing provisions of law not substantively changed by the code are retained, and otherwise to refine wording of code provisions.

Senate Members

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Edward A. Merdes
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