

FCC Notebook

Volume 2

Agenda, Minutes,

Amendments &

Bills Considered

L-DIR #139
(2 of 3)

VOLUME I

AGENDA AND MINUTES OF THE MEETINGS HELD
by the
JOINT LOCAL GOVERNMENTS COMMITTEES
of the
HOUSE AND SENATE

ALASKA LOCAL GOVERNMENT

AGENDA

MATTERS PENDING BEFORE MUNICIPAL CODE FREE CONFERENCE COMMITTEE

I. Proposed amendments to be considered

- Page 66 - relating to appointment of bond and financial consultants
- " 67 - relating to priority of boundary changes
- " 68 - relating to court review of tax assessment appeals (SB 159)
- " 69 - relating to voting residency requirements
- " 70 - relating to full and true value definition for tax purposes to be reconsidered from last meeting.
- " 72 - relating to payment of cost on election appeals
- " 73 - relating to designation of temporary chairman
- " 74 - relating to vote on assumption of non area-wide powers
- " 75 - relating to assembly proposing formation of unification charter commission
- " 76-80 - revised draft of borough composition and apportionment
- " 81 - relating to flood control powers

Technical amendments relating to election dates, board and commission function and others to be submitted.

II. Policy Matters

1. Adding more detailed provisions regarding issuance of tax and other revenue anticipation notes by local governments. (SB 316)
2. Providing for borough executive in addition to manager in manager planned boroughs (consider page 22 of CSSB 113).
3. Requiring run-offs in local government elections (consider page 36, lines 5-7 in CSSB 113).
4. Adding development cities provision to code.
5. Adding provisions on operational control of local government and school facilities used jointly (see memo on page 32 of book).
6. Retention or deletion of Sec. 29.33.090 (d) (page 48 of CSSB 113).
7. Requiring systematic reevaluation of property as prerequisite to taxation regarding assessments (see draft of amendment on page 43 of book).
8. Exempting food stamp purchases from local sales taxes (see draft of amendment on page 48 of book).
9. Senior citizens local property tax relief.
10. Integration of other local government bills and consideration of other policy matters as the committee determines.

111 *Handwritten notes:* (see page 20 of CSSB 113)

Free Conference Committee Meeting - CSSB 113
May 17, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. E. Naughton	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 Wachyowsky, 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 CSB 200, intended to replace

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.

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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.

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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"

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/ 6/72
Committee Minutes 4/11/72
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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 - CSSB 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 Berrier, 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 Wachyowsky 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. Naughton	Sen. E. Merdes

Others present:

Don Berry, Executive Director, Alaska Municipal League
Bill Barrier, 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 Barrier 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.

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Joint Senate-House Free Conference Committee Meeting - CSSB 113
March 21, 1972
Page 2

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.
 3. 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 "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.

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

Members present:

Rep. A. 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 29.58.150 and AS 29.58.350.

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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.

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

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. J. Harris	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.

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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.

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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, 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"

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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 cities"
- 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 29.18.120 (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

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	Sen. T. Miller
Rep. E. Naughton	Sen. E. Merdes
Rep. J. Harris	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	Sen. T. Miller
Rep. E. Naughton	Sen. E. Merdes
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"

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 (c) 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."



CITY OF ANCHORAGE



ALASKA

International
Polar air crossroads of the world

February 18, 1972

POST OFFICE BOX 170
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.

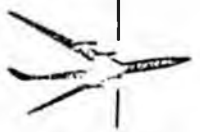
We hope you will consider specifically excluding Home Rule Cities from the provisions of this bill. We feel we now have adequate authority. If the provisions of this bill were made applicable we would have far greater restrictions than we now operate under. We do interim or short term borrowing of all 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

FEB 17 1972

City of Anchorage

MEMORANDUM

CITY MANAGERS
OPINION NO. 1009-72

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.

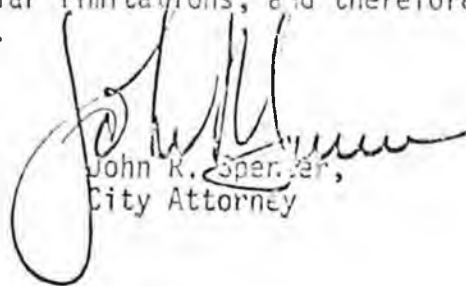
The third limitation is found in Section 11.1(b) of the City Charter. That section provides that a period of thirty days must elapse from the time of initial Council authorization before the Council can

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. Merdes' 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. Merdes' bill.



John R. Sperber,
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,

John 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.

*9774 law
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create
amend.*

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.

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.

ADOPTED
3/23
7/28

- 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. 29.33.020 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. 29.33.090(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.

*via LAWSON
IN ARE
CHANGES
Amend adopted
3/28*

*7
Cruz*

- 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" lar's 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 #7

ADOPTED 3/23 3/28

44

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. 29.53.070 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 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.

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
279-8000



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Senator Edward A. Merdes
50¹/₂ 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.

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.+

Chapter 33 - Planning, Platting and Zoning

7. Sec. 29.33.030 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. 29.33.090(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.

- 44
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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."

- +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.

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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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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 is 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



Managerial

BOX 335

CITY OF HOMER

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

Son. Mendes.

Don't forget in Free

Conference Committee?

position to allow
interrogation to proceed
in anticipated revenue
50% or 100%?

Dept Educ (PSE Thomas)
Recco Amend

14.14.050

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

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

~~(f)~~ (f) Providing that multiple use activities os 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

19

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"

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"

*Amended
3/23*

*called
by committee
3/21*

Amended

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 "07.55.460." 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.D. 1950
3/23

MEMORANDUM

February 14, 1972

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

From: Bruce Mackayowich

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 request of amendment, which the Local Affairs agency proposed ~~it~~ 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 p. 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 ^{first} citation, in

the amendment relating to the new law on
justice preservation, should read "Page 47,
line 23", in place of "Page 48, line 23" as
it presently reads.

Corrected
mdd
3/23/72

63

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;"

number 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 it 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,

Memo
Rep. Mike Miller

-2-

43
April 16, 1971

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

28

24

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 47
com 3/41*

CS FOR SENATE BILL NO. 116

TITLE 20. MUNICIPAL GOVERNMENT

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

Section 1. AS TO BE KNOWN AS CHAPTER 11 OF

Sec. 20, 22, 040. MOBILE HOMES. Mobile homes, trailer
house trailers, trailer coaches and similar property used or intended
to be used for residential, office or commercial purposes and attached
to the land or connected to water, gas, electric or sewage utilities
are classed as real property for the purposes of assessing and
classified as real property by municipal ordinance. This section
does not apply to house trailers and mobile homes which are intended to
and 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:

Handwritten notes:
New 11/2/71

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.

02-001A Rev. 2-71

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"

ADOPTE
3/28

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."

ADOPTE
3/28

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

ADOPTE
3/28

STATE
OF ALASKA

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."

72

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

322

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.

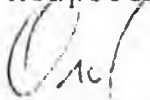
I'm sure that our community is no different in the fact that we will encounter most of our opposition from the rural area. These people aren't about to be sold on unification unless they know in advance what that charter is all about.

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

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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 or 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.

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A M E N D M E N T

BY THE FREE CONFERENCE COMMITTEE

TO: SCS CSHB 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.

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A M E N D M E N T

BY THE FREE CONFERENCE COMMITTEE

TO: SCS CSHB 208 am S

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."

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FAIRBANKS NORTH STAR BOROUGH

Box 1267, Fairbanks, Alaska 99701

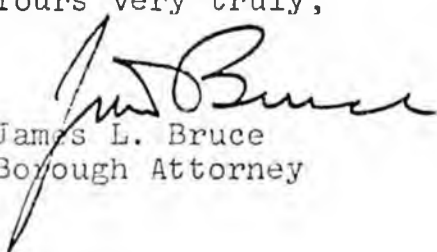
April 6, 1972

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 Merdes. 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. Merdes
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

ALB/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.

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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 chose 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.

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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

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 BOROUGHNS.

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.

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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.

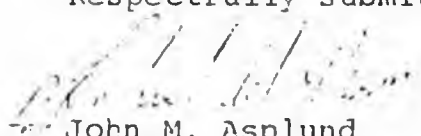
It is our consensus that unification can only prevail in the Anchorage urban area; therefore, we recommend that the Assembly adopt a resolution endorsing unification of the City and Borough governments in Service Area 23 under certain conditions. Further, we recommend that the State Legislature adopt 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.

96
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:

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"

A M E N D M E N T

*Withholds
4/47*

TO: SCS CSHB 20E 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 charter 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 CSHB 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 ^{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.

*7.10.73
4-25-72*

First Draft, 4/11/72

A M E N D M E N T

102

TO: SCS CSHB 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. L. H. k

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.)

Added 4/21

(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"

differs

*o.d. h. d.
a/d. h. g.
4/25*

MEMORANDUM

State of Alaska
OFFICE OF THE GOVERNOR

TO: Representative Mike Miller
Free Conference Committee
Alaska State Legislature

THRU: *copy by [unclear]*
Byron 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 - Mobil 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
4-18-72*

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 1965 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/pls

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 ~~less~~^{more}
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".)

M. J. C.
4/25

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"

*addition
v/dos
4/25*

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"

a 5/25/25

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." *could see 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 not more often than once every twelve months"

Adk 4/25

Revised draft, 4/18/72

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 29.18.120(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~~ 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 ^{three}~~two~~-year terms and until their successors are selected 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; 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.

116

* 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.

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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.

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 bill to
4/4/5*

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."

*adopted
6/10/72
4-27*

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.

*adopted with
corrections: 4.27.72
Brag will draft new
amendment w/ corrections.*

*Added
4/27*

A M E N D M E N T

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~~ ^{municipality} 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~~ ^{municipality} 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~~ ^{municipality} 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~~^{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 ~~political subdivision~~^{municipality} before maturity of the notes issued in anticipation of the receipt of the revenue, the governing body of the ~~political subdivision~~^{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 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~~^{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"

First Draft, 4/27/72

A M E N D M E N T

TO: SCS CSHB 208 am 2

BY THE FREE CONFERENCE
COMMITTEE

Handwritten notes:
A. 1/2
1/2

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 ^{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"

*Adopted
5-2-72*

*Ad. v. do
4/20/2*

A M E N D M E N T

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 ordinance provides otherwise or the borough by subsequent ordinance ceases to exercise the power."

5-1902
5/2/72

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)(2) 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

O: 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

129

(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 (e) 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 "selected"

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 a 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 appolnted 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.

(Incorporation of HB 423 am, Chapter 40 SLA 1972 in code)

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 terms 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

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TECHNICAL AMENDMENTS
SUGGESTED FOR INCLUSION IN FCCS SCS CSHB 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 BOROUGH. 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.

1 IN THE HOUSE

BY BANFIELD, DITMAN AND M. MILLER

2 HOUSE BILL NO. 41

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to preference rights of local
7 governments for tidelands acquisition."

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

9 * Section 1. AS 38.05.320(b) is amended to read:

10 (b) Unified municipalities organized under AS 29.85, home [HOME]
 11 rule cities and cities of the first class incorporated on or before
 12 January 1, 1971 [APRIL 1, 1964,] may apply, in the manner prescribed by
 13 the director, and in accordance with such regulations as the director
 14 may adopt, for a conveyance to them of all lands seaward of the home
 15 rule cities and cities of the first class which are between the mean
 16 high tide line in, or forming the boundary of, the home rule cities
 17 and cities of the first class, and a line to be shown on a plat made
 18 a part of the application which shall be the pierhead line established
 19 under the Act of September 7, 1957, or the harbor line established
 20 under the Act of March 3, 1899, or if no pierhead line or harbor line
 21 is established then a line subject to approval by the director, with
 22 the concurrence of the commissioner, which shall be seaward of all
 23 tidelands and submerged lands occupied or suitable for occupation and
 24 development without unreasonable interference with navigation. The
 25 director shall convey these tide and submerged lands to home rule
 26 cities and cities of the first class. Applications by preference right
 27 claimants filed with the director before June 30, 1964, shall continue
 28 to be processed to a final determination and conveyance, if any, by
 29 the director, if such preference right claimants are entitled to a

1 conveyance from the director under the laws existing previous to
2 July 22, 1964.

3 (1) Each home rule city and city of the first class granted
4 a conveyance shall prepare an official subdivision plat of the area
5 conveyed showing all structures and improvements and the boundaries
6 of each tract occupied or developed, together with the name of the
7 owner or claimant. The subdivisional plat shall include within the
8 boundaries of each tract occupied or developed such surrounding tide
9 and submerged lands as are reasonably necessary in the opinion of the
10 governing body of the home rule cities and cities of the first class
11 for the use and enjoyment of the structures and improvements by the
12 owner or claimant, but shall not include tide or submerged lands which
13 if granted to the occupant would unjustly deprive an occupant of
14 adjoining lands from his reasonable use and enjoyment of them.

15 (2) An occupant of land included in the conveyance to home
16 rule cities and cities of the first class, who occupied or developed
17 the land on and before September 7, 1957, has a class I preference
18 right to the lands from the home rule cities and cities of the first
19 class upon the execution of a waiver to the state and the home rule
20 cities and cities of the first class of all rights the occupant may
21 have acquired under Public Law 85-303 (71 Stat. 623).

22 (3) An occupant of land included in the conveyance to home
23 rule cities and cities of the first class, who has a class II preference
24 right by reason of the conveyance to home rule cities and cities of
25 the first class, and is unwilling to waive the right has a preference
26 right to the lands which it is mandatory for the home rule cities and
27 cities of the first class to expeditiously honor upon application from
28 the occupant after the Secretary of the Army has submitted to the
29 Secretary of the Interior and the governor of the state maps showing

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the pierhead line established by the corps of engineers with respect to the tract so granted.

(4) An occupant of land included in the conveyance to home rule cities and cities of the first class, who occupied or developed the land after September 7, 1957, and before January 3, 1959, and who continued to occupy it on January 3, 1959, has a class III preference right to the lands from the home rule cities and cities of the first class.

(5) In making a conveyance to an occupant, the home rule cities and cities of the first class shall include as a part of the tract conveyed and in addition to the occupied or developed lands, such additional tide and submerged lands as are reasonably necessary in the opinion of the governing body of the home rule cities and cities of the first class for the occupant's use and enjoyment of the occupied or developed land, but the conveyance shall not include any area which would unjustly deprive an occupant of adjoining lands from reasonable use and enjoyment of those lands or which, if developed, will interfere with navigation.

(6) Each home rule city and city of the first class receiving conveyances shall by ordinance provide for reasonable regulations governing the filing and processing of applications, publication of notices, and the adjudication of disputes between claimants by the governing body of the home rule cities and cities of the first class. A party aggrieved by its determination may appeal to the superior court.

(7) When no preference right has been granted to purchase or lease tidelands, the home rule cities and cities of the first class may sell or lease the tidelands conveyed to them, and may impose terms or conditions for the sale or lease. Such terms and conditions shall

1 include such reservation of rights-of-way as are necessary to provide
2 reasonable access to public waters.

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Introduced: 1/19/71
Referred: Local Government,
State Affairs and Finance

1 IN THE HOUSE

BY WHITTAKER

2 HOUSE BILL NO. 81

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the establishment of a Department
7 of Regional and Community Affairs and making certain
8 provisions for local government within boroughs; and
9 providing for an effective date."

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

11 * Section 1. AS 44 is amended by adding a new chapter to read:

12 CHAPTER 48. DEPARTMENT OF REGIONAL
13 AND COMMUNITY AFFAIRS.

14 Sec. 44.48.010. POLICY. The legislature declares that it is the
15 policy of the state to promote the general welfare and security of the
16 people by insuring the maximum extent of self government at the local
17 and regional level, in accordance with the mandate of Art. X of the
18 state constitution. In recognition of the need for economic stability
19 and adequate governmental forms in carrying out this purpose, it is
20 further declared to be the policy of the state to provide for the fair
21 sharing of the capital and natural resources of the state among all
22 local and regional governments for the benefit of all the people of the
23 state, who are the real owners of state resources. To carry out this
24 policy, the legislature finds that establishment of an executive depart-
25 ment is necessary and desirable to provide technical and financial
26 assistance to regional and local government, to assist the governor in
27 achieving maximum coordination of the various state and federal programs
28 available to such units of government, to encourage the solution of
29 problems at the lowest practicable level of government and to provide

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1 for the study and consideration at the state level of the needs and
2 interests of the communities of this state and the people who live and
3 work in them.

4 Sec. 44.48.020. DEPARTMENT OF REGIONAL AND COMMUNITY AFFAIRS. The
5 principal executive officer of the Department of Regional and Community
6 Affairs is the commissioner of regional and community affairs.

7 Sec. 44.48.030. POWERS AND DUTIES OF DEPARTMENT. The department
8 shall exercise the powers, duties and functions of agencies transferred
9 to the department under sec. 2 of this Act and otherwise conferred in
10 this chapter. The department shall in addition seek to treat and
11 resolve problems arising in urban areas which result from migration of
12 rural persons to urban areas.

13 Sec. 44.48.040. ADMINISTRATIVE UNITS. The commissioner may, with
14 the approval of the governor, establish divisions or other adminis-
15 trative units in accordance with AS 44.17.020. However, to the extent
16 consistent with sound administrative practice, he shall preserve the
17 identity and staff of agencies transferred to the department under
18 sec. 2 of this Act.

19 Sec. 44.48.050. REGIONAL UNORGANIZED BOROUGHES. (a) The commis-
20 sioner shall, with the assistance of the agencies transferred to the
21 department under sec. 2 of this Act, draw tentative boundaries dividing
22 all areas of the state which are not within the boundaries of an organ-
23 ized borough into proposed regional unorganized boroughs. The commis-
24 sioner shall employ, for the purposes of further assisting in drawing
25 the tentative boundaries, specialists or experts in education, health,
26 economics, law, public finance, welfare, housing, communications, plan-
27 ning, transportation, poverty problems, and public and municipal admin-
28 istration. The tentative boundaries shall be controlled by the
29 standards and criteria set out in Art. X, Secs. 1 and 3, of the state

1 constitution. In addition, the commissioner shall consider the juris-
 2 diction of existing Alaskan Native associations, economic units,
 3 regional boards and corporations, election districts, land claims
 4 settlement areas, and ethnic and fraternal groupings. The commissioner
 5 shall also give consideration to the desires and wishes of the residents
 6 of the proposed boroughs and hold public hearings in regions, communities,
 7 or areas which might be included within two or more proposed boroughs.

8 (b) Within 180 days following the effective date of this Act, the
 9 commissioner shall promulgate the tentative boundaries by order. He
 10 shall insure the widest possible publication of the boundaries through
 11 the use of public and private media, maps, and presentations and lec-
 12 tures by department staff. The boundaries, portrayed in detail through
 13 the use of maps and other documents, shall be transmitted to all news-
 14 papers of general circulation in the state, and to all existing village
 15 councils and local government units within the state.

16 (c) The boundaries proposed by the commissioner shall be final
 17 90 days following the promulgation of the commissioner's order, except
 18 as otherwise provided in this subsection. Upon receipt, within 120
 19 days of the date of the order, of a petition signed by 25 per cent of
 20 the registered voters residing within a tentative unorganized borough
 21 as delineated by the commissioner, he may hold a referendum open to all
 22 adult persons in the proposed borough for the purpose of determining
 23 the will of the residents within the proposed borough. He may frame
 24 the questions to be decided in the referendum and hold a referendum
 25 in one or more proposed borough areas, as will enable him to gauge the
 26 will of the residents. The commissioner shall abide by the results of
 27 a referendum unless the result would have been inconclusive, arbitrary,
 28 capricious, or inconsistent with the standards laid down in (a) of this
 29 section were he to have described the tentative boundaries himself

1 under (a) of this section.

2 Sec. 44.48.060. ELECTION. (a) At the first state general elec-
3 tion following final determination of the boundaries of each regional
4 unorganized borough, the following proposition shall be placed before
5 the voters of the borough:

6 I. Shall the Regional Borough establish
7 a Regional Council consisting of members to serve at
8 staggered three-year terms for the purpose of supervising and
9 coordinating the orderly development of this region?

10 II. If the above proposal is approved by a majority of
11 those votes cast in the area, which of the following
12 candidates do you wish to serve on the Regional Council?

13 (b) If the proposal to establish a regional council is not approved
14 in its first general election, it may be placed on the ballot at any
15 subsequent general election upon the submission of a petition signed
16 by 10 per cent of the number of residents who voted in the last election
17 on the question. The petition shall read as follows:

18 We, the undersigned, qualified voters of the
19 Regional Borough do hereby petition that the following proposal
20 be placed before the voters as provided by law:

21 (Proposition as in (a) of this section to be inserted)

22 (c) The number of councilors to serve in each borough shall be
23 decided by the Rural Affairs Commission at least 90 days before the
24 election, except that it shall be a number divisible by three.

25 (d) Candidates for seats on regional councils shall be qualified
26 voters of the borough. They shall file declarations of candidacy with
27 the commissioner at a time and in a manner prescribed by him. Their
28 terms of office shall begin following certification of their election
29 by the commissioner.

1 (e) Candidates first elected to regional councils under this
2 section shall draw lots for terms of one, two and three years respec-
3 tively. Candidates elected thereafter shall serve terms of three years.

4 (f) Subsequent elections for councilors under this section shall
5 be held annually on a date prescribed by the commissioner.

6 (g) Vacancies on a council shall be filled for the unexpired term
7 by a majority of the remaining councilors. Vacancies shall be declared
8 if a councilor ceases to be a qualified voter of the borough or upon
9 his death, resignation or recall from office as provided by law.

10 (h) The commissioner shall conduct elections under this section
11 in substantially the manner prescribed for borough elections under
12 AS 07.10.120(d). The department shall pay costs of the elections.

13 Sec. 44.48.070. FUNCTIONS OF REGIONAL COUNCIL. A regional council
14 shall

15 (1) prepare, review and approve the budget of the regional
16 unorganized borough; or review and approve the budget for the borough
17 prepared for it by the department as provided in sec. 80(e) of this
18 chapter;

19 (2) coordinate federal and state activities with regional
20 and local programs;

21 (3) review and approve all state agency plans which affect
22 the development and welfare of the borough;

23 (4) prepare and submit to the department the priorities and
24 needs of the communities and people living in the borough;

25 (5) employ and compensate necessary staff;

26 (6) have powers conferred under AS 07.05.020;

27 (7) have zoning authority for the purpose of AS 07.05.040.

28 Sec. 44.48.080. REGIONAL AND COMMUNITY AFFAIRS FUND. (a) There
29 is in the department a regional and community affairs fund consisting

1 of funds dedicated under this chapter.

2 (b) There is hereby dedicated to the fund for each fiscal year
3 40 per cent of all state revenues received during each fiscal year
4 from the sale, lease, or other disposition of a natural resource or
5 asset, except that no receipts from any state tax or license within
6 the meaning of Art. IX, Sec. 7 of the state constitution shall be dedi-
7 cated to the fund unless that section is repealed or amended. Revenues
8 dedicated under this section include any revenues received after
9 June 30, 1969. The legislature shall appropriate to the fund sums
10 dedicated under this subsection.

11 (c) The commissioner shall establish separate accounts for each
12 borough whether organized or unorganized. Half of the fund shall be
13 designated part A. The remaining half of the fund shall be designated
14 part B. The commissioner shall allocate a share of part A to each
15 borough in the proportion that the population of the borough bears to
16 the total population of the state. All of part A shall be so distri-
17 buted. Part B shall be allocated in the following manner: For each
18 borough where the average per capita income is less than the average
19 per capita income of the state, the income deficiency shall be calcu-
20 lated. The income deficiency shall be the amount by which the total
21 income earned in the borough is less than the total income that would
22 have been earned in the borough had the average per capita income in
23 the borough been equal to the average per capita income in the state.
24 If the sum of the income deficiencies of all boroughs having an income
25 deficiency is more than part B, then the whole of part B shall be
26 allocated to the accounts of the boroughs having income deficiencies
27 so that each shall receive an amount having the same ratio to part B
28 as the income deficiency of each borough has to the sum of the
29 deficiencies of all boroughs having income deficiencies. If the sum

1 of the income deficiencies is less than part B, then the commissioner
 2 shall distribute to the account of each borough having an income de-
 3 ficiency an amount equal to this deficiency. In that case, the
 4 remainder of part B shall be distributed among all boroughs on the basis
 5 of population in the same manner as prescribed in this subsection for
 6 part A.

7 (d) The commissioner of health and welfare shall annually furnish
 8 estimates of the population of boroughs established under this chapter,
 9 and such estimates shall be used for calculating apportionments of
 10 funds under this section.

11 (e) In the case of regional unorganized boroughs having a duly
 12 elected regional council, the council may prepare a budget for the
 13 expenditure of the money allocated to the account of the borough; in
 14 the case of a borough which has no regional council, or in the case
 15 of a council which elects not to prepare a budget, the department shall
 16 prepare the budget and, if a council has been elected, submit it to
 17 the council for approval. If no council has been elected, or a council
 18 elects not to administer the budget, the department shall administer
 19 the expenditure of money under the approved budget. There shall be a
 20 separate budget for each calendar year.

21 (f) There shall be a reserve of 10 per cent of the amount in the
 22 account allocated to each unorganized borough. The reserve shall be
 23 paid to municipalities within the borough in proportion to their
 24 respective populations at the same times as the money is paid to the
 25 borough.

26 (g) The department shall pay, with the money in the account allo-
 27 cated to each regional unorganized borough, administrative or organiza-
 28 tional costs incurred in the development and preparation of boroughs,
 29 regional councils, budgets, priorities and needs lists, and other

1 expenses related to the purposes of this chapter.

2 (h) In (c) and (f) of this section and sec. 90 of this chapter

3 (1) "income" means remuneration paid by an employer to an
4 employee which qualifies as insured wages under the Alaska Employment
5 Security Act, except that the term excludes income earned by persons
6 whose primary place of employment is a military installation or reserva-
7 tion, or a facility of the Atomic Energy Commission;

8 (2) "municipalities" means cities of any class, villages
9 having a council under the Federal Indian Reorganization Act, and all
10 other villages having a democratically-elected council or other body
11 which undertakes one or more governmental functions;

12 (3) "population" means the civilian (nonmilitary) popula-
13 tion as of June 30 of a given year.

14 Sec. 44.48.090. OTHER MONEY. Money appropriated to the fund
15 under this chapter shall be in addition to other state or federal pro-
16 grams of assistance which may be available on and after the effective
17 date of this Act to the residents of organized or unorganized boroughs.
18 The entitlement of boroughs, cities, municipalities, villages, or other
19 governmental entities to funds for the purposes of education, housing,
20 water and sewerage systems, or other programs of any nature whatsoever,
21 shall not be diminished or reduced by virtue of their entitlement to
22 money under this chapter.

23 Sec. 44.48.100. RIGHT TO LAND SELECTION. Regional unorganized
24 boroughs having a duly elected regional council may exercise the power
25 of land selection conferred on organized boroughs under AS 07.10.150.

26 Sec. 44.48.110. REGULATIONS. The department may promulgate
27 regulations to carry out the purposes of this chapter.

28 Sec. 44.48.120. DEFINITIONS. In this chapter, unless the context
29 requires otherwise,

1 (1) "commissioner" means the commissioner of regional and
2 community affairs;

3 (2) "department" means the Department of Regional and
4 Community Affairs;

5 (3) "fund" means the regional and community affairs fund.

6 * Sec. 2. (a) There is hereby transferred to the Department of Regional
7 and Community Affairs all the functions, powers, and duties of the Local
8 Affairs Agency (AS 44.19.180 - 44.19.240); the Rural Development Agency
9 (AS 44.19.580 - 44.19.620); the Alaska planning and research division
10 (AS 44.19.870 - 44.19.881); and the planning assistance authority of the
11 Alaska State Housing Authority specified in AS 18.55.970 - 18.55.990.

12 (b) The Rural Affairs Commission (AS 44.19.720 - 44.19.728) and the
13 Local Boundary Commission (AS 44.19.250 - 44.19.340) are assigned to the
14 department.

15 (c) Except as may be otherwise expressly provided in this chapter,
16 powers, duties and functions conferred by this chapter are cumulative, in
17 addition to, and not in derogation of, powers, duties and functions other-
18 wise existing or vested in agencies which are assigned, or whose powers,
19 duties, and functions are transferred to the department under this
20 section. All rules, regulations, orders, authorizations, delegations, or
21 other actions duly issued, made, or taken under applicable law, before the
22 effective date of this Act, by any agency, officer, or office with respect
23 to any of the functions, powers, and duties transferred by this section
24 shall continue in full force and effect until amended, modified, repealed
25 or rescinded by the commissioner or his authorized delegate as may be appro-
26 priate in accordance with existing law.

27 (d) Appropriations, records, equipment and other property of agencies
28 designated in (a) and (b) of this section are transferred to the department.

29 * Sec. 3. AS 07.05.010 is amended to read:

1 Sec. 07.05.010. ESTABLISHMENT. All areas in the state which are
2 not within the boundaries of an organized borough are established as
3 regional unorganized boroughs in accordance with the provisions of
4 AS 44.48 [CONSTITUTE A SINGLE UNORGANIZED BOROUGH].

5 * Sec. 4. AS 07.05.020 is repealed and re-enacted to read:

6 Sec. 07.05.020. SERVICE AREAS. The legislature authorizes the
7 regional council of each regional unorganized borough, or the Depart-
8 ment of Regional and Community Affairs in regional unorganized boroughs
9 having no duly elected council, to establish, alter, or abolish service
10 areas within the unorganized borough to provide special services, which
11 may include but are not limited to. schools, utilities, land use regu-
12 lations, and fire protection, but excludes power to assess, levy or
13 collect taxes. A new service area shall not be established if the
14 new service can be provided by an existing service area, by incorpora-
15 tion as a city, or by annexation to a city.

16 * Sec. 5. This Act takes effect on the day after its passage and approval
17 or on the day it becomes law without approval.
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Original sponsor: Reed

Offered: 2/5/71
Referred: Rules

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1 IN THE HOUSE BY THE LOCAL GOVERNMENT COMMITTEE
2 CS FOR HOUSE BILL NO. 86
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SEVENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act providing for municipal name changes."

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

8 * Section 1. AS 29.95 is amended by adding a new section to read:

9 Sec. 29.95.050. CHANGE OF MUNICIPAL NAME. (a) The governing body of
10 a city or organized borough, whether home rule or otherwise, may change
11 the official municipal name by adopting an ordinance for the purpose and
12 filing the ordinance with the office of the lieutenant governor. Upon
13 receipt of a legally adopted ordinance ratified by the qualified voters
14 voting on the question at a regular or special election, the lieutenant
15 governor shall issue an appropriate order to the municipality changing
16 its existing name. The name change shall become effective on a date fixed
17 in the order and occurring within 45 days of receipt of the ordinance.
18 A copy of the order shall be transmitted to the Local Affairs Agency.

19 (b) If an ordinance adopted under (a) of this section which
20 results in an order changing the municipal name is subsequently repealed,
21 the lieutenant governor shall issue a further order reinstating the
22 former municipal name within 45 days of the date of the order, unless
23 a different municipal name is adopted by ordinance transmitted to the
24 lieutenant governor for implementation as provided in (a) of this
25 section.

26 (c) When a municipal name change takes effect by means of an
27 order issued under (a) or (b) of this section, civil or criminal suits,
28 applications, petitions, hearings and other proceedings to which the
29 municipality is a party and pending at or brought after the date the

Introduced: 1/22/71
Referred: Local Government
and Finance

1 IN THE HOUSE

BY WHITTAKER

2 HOUSE BILL NO. 96

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act excluding rents as a source of sales tax
7 levy by cities and organized boroughs; and providing
8 for an effective date."

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

10 * Section 1. AS 29.10.357 is amended to read:

11 Sec. 29.10.357. SALES TAX. [(A)] The council may levy and
12 collect a consumer's sales tax not exceeding three per cent of the
13 sales price on all retail sales [, ON ALL RENTS,] and on all services
14 made within the municipality. The sales tax may be levied and
15 collected on any one or more of these tax sources, at the option of
16 the council.

17 [(B) NOTHING IN THIS SECTION PROHIBITS A POLITICAL SUBDIVISION
18 THAT WAS COLLECTING A SALES TAX ON RENTS ON APRIL 7, 1959, FROM
19 CONTINUING TO COLLECT THE TAX.]

20 * Sec. 2. AS 29.10.366 is amended to read:

21 Sec. 29.10.366. PURPOSE OF SECS. 357 - 363 OF THIS CHAPTER. The
22 sole purpose of secs. 357 - 363 of this chapter is to enable cities,
23 with the consent of the residents, to impose sales taxes, but although
24 this method of taxation is established in a city, the council may
25 at any time abandon it or may abandon one or more of the [THREE] tax
26 sources. If consent to a sales tax is obtained for a special purpose,
27 the proceeds of the tax may not be used for any other purpose without
28 consent of the voters at another referendum.

29 * Sec. 3. AS 29.15.230 is amended to read:

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Sec. 29.15.230. AUTHORITY TO LEVY AND COLLECT CONSUMER SALES TAX.

The board of trustees may levy and collect a consumer's sales tax not exceeding two per cent of the sales price on all retail sales [RENTS] and services made within the city. However, before the sales tax may be levied, the consent of the qualified voters of the city shall be obtained through a referendum vote at a general or special election. The ballot on the referendum shall clearly present the proposition as to whether the sales tax shall be authorized. The ballot shall also set forth whether the tax is to be levied for general revenue for the municipality or for a special purpose, and, if for a special purpose, that purpose shall be specified on the ballot.

* Sec. 4. AS 29.25.420 is amended to read:

Sec. 29.25.420. LEVY AND COLLECTION OF SALES TAX. (a) Except as provided in (b) of this section, the [THE] council may levy and collect a sales tax not to exceed three per cent in accordance with the procedure set forth in secs. 420 - 480 of this chapter, and may prescribe the manner of collecting the tax.

(b) The council may not levy or collect a sales tax upon rents.

* Sec. 5. AS 29.08.010 is amended by adding a new section to read:

(c) Home rule cities are prohibited from levying or collecting a sales tax upon rents.

* Sec. 6. AS 07.12.200 is amended to read:

Sec. 07.12.200. LIMIT ON HOME RULE TAXING POWER. (a) AS 29.30.-200, relating to the collection of penalties on property taxes and interest on property and sales taxes, applies to home rule boroughs.

(b) Home rule boroughs are prohibited from levying or collecting a sales tax upon rents.

* Sec. 7. APPLICATION OF ACT. The exclusion of local sales tax levies upon rents provided for in this Act does not apply to sales taxes upon rents

1 which have been levied, collected or pledged before July 1, 1971, to pay or
2 secure the payment of principal and interest on outstanding bonds or other
3 authorized and issued indebtedness of home rule or general law cities or
4 organized boroughs.

5 * Sec. 8. This Act takes effect July 1, 1971.

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1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL

2 HOUSE BILL NO. 111

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act revising the Alaska Statutes to reflect cor-
7 rective amendments by the revisor of statutes."

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

9 * Section 1. AS 01.05.026 is amended to read:

10 Sec. 01.05.026. SUPPLEMENTS AS PART OF ALASKA STATUTES. The laws
11 contained in the most recent cumulative supplement to and replacement
12 pamphlets [PAMPHLET] for the Alaska Statutes constitute prima facie
13 a part of the Alaska Statutes, and the laws contained in the Temporary
14 and Special Act pamphlets constitute prima facie the temporary and
15 special law of Alaska, when prepared in accordance with this chapter
16 and authenticated by the lieutenant governor.

17 * Sec. 2. AS 01.05.031(a) is amended to read:

18 (a) Subject to the general policies which may be promulgated by
19 the legislative council for the preparation and publication of the
20 annual cumulative supplement to and replacement pamphlets for the Alaska
21 Statutes and of the accompanying Temporary and Special Act pamphlets,
22 the revisor of statutes shall revise for consolidation into the Alaska
23 Statutes and the accompanying pamphlets all laws of a general and
24 permanent nature and all laws of a temporary or special nature enacted
25 by the legislature.

26 * Sec. 3. AS 02.05.100(a) is amended to read:

27 (a) Upon a petition or accusation filed by any person or the
28 commission [UNDER THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62)], and
29 after notice and opportunity for hearing, the commission by order may

1 alter, amend, or modify a certificate, in whole or in part, if the
2 public convenience and necessity requires, and may suspend or revoke a
3 certificate, in whole or in part, for any of the following reasons:

4 (1) intentional misrepresentation of a material fact in
5 obtaining the certificate;

6 (2) voluntary discontinuance of operations;

7 (3) intentional failure to comply with a provision of this
8 chapter or an order, rule, or regulation issued under this chapter;

9 (4) intentional failure to comply with a term, condition or
10 limitation of the certificate.

11 * Sec. 4. AS 06.25.230 is amended to read:

12 Sec. 06.25.230. DEPOSIT OF SECURITIES WITH DEPARTMENT OF REVENUE
13 [ADMINISTRATION]. A trust company shall keep on deposit with the
14 Department of Revenue [ADMINISTRATION] interest and/or dividend bearing
15 stocks or bonds of the United States or of the State of Alaska, or of
16 any city of this state, or such other interest and/or dividend bearing
17 stocks, bonds or securities approved by the Department of Commerce, in
18 value of 20 per cent of its capital stock. The securities so deposited
19 may not be of less value than \$5,000. The securities shall be regis-
20 tered in the name of the Department of Revenue [ADMINISTRATION], in
21 trust for the creditors of and depositors with the trust company,
22 subject to sale and transfer and to the disposal of the proceeds thereof
23 by the Department of Revenue [ADMINISTRATION], only on the order of a
24 court of competent jurisdiction. The trust company, so long as it
25 continues solvent and complies with the laws of the state, may be
26 permitted by the Department of Commerce to collect the interest and
27 dividends on the securities and from time to time exchange the securities
28 for others of equal value. All securities before they may be accepted
by the Department of Revenue [ADMINISTRATION] for filing under this

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1 section shall be approved by the Department of Commerce. A trust
2 company that is a member of the Federal Deposit Insurance Corporation
3 or whose deposits are insured in whole or in part by an agency of the
4 United States is exempt from the requirements of this section.

5 * Sec. 5. AS 07.30.010(b) is amended to read:

6 (b) [ONLY QUALIFIED VOTERS WHOSE NAMES APPEAR ON THE LAST TAX
7 ASSESSMENT ROLL OR RECORD OF SUCH BOROUGH FOR PURPOSES OF BOROUGH
8 TAXATION ON REAL PROPERTY MAY VOTE ON A QUESTION OF INCURRING BONDED
9 INDEBTEDNESS BY A BOROUGH.] If the debt to be incurred is to be an
10 areawide debt, the vote shall be areawide. If the debt to be incurred
11 is to be limited to the area outside cities only, the vote shall be
12 limited to the qualified voters residing [WHOSE NAMES APPEAR ON THE LAST
13 TAX ASSESSMENT ROLL OR RECORD OF SUCH BOROUGH FOR PURPOSES OF BOROUGH
14 TAXATION ON REAL PROPERTY LOCATED] in the area outside cities. If the
15 debt to be incurred is to be limited to a service area only, the vote
16 shall be limited to the qualified voters residing within the service
17 area [WHOSE NAMES APPEAR ON THE LAST TAX ASSESSMENT ROLL OR RECORD OF
18 SUCH BOROUGH FOR PURPOSES OF BOROUGH TAXATION ON REAL PROPERTY LOCATED
19 IN THE SERVICE AREA]. However, if the full faith and credit of the
20 entire borough is to be pledged for payment of the service area debt,
21 the vote shall be areawide.

22 * Sec. 6. AS 08.01.010(3) is repealed.

23 * Sec. 7. AS 08.08.110(2) is amended to read:

24 (2) establish and enforce rules of professional conduct for
25 members of the Alaska Bar which [SHALL] conform but need not be limited
26 to the standards [OF THE CODE OF ETHICS] of the American Bar Association
27 Code of Professional Responsibility;

28 * Sec. 8. AS 08.20.120(6) is repealed.

29 * Sec. 9. AS 08.64.380(3)(B) is amended to read:

(B) habitual overuse of alcoholic beverages or depressant, hallucinogenic or stimulant drugs, as defined in AC 17.12.-150(3), or addiction to the use of narcotic drugs as defined in AS 17.10.230(13) [UNDER AS 17.12.040(a)];

* Sec. 10. AS 11.40.120 is amended to read:

Sec. 11.40.120. SODOMY [UNNATURAL CRIMES]. A person who commits sodomy, [OR THE CRIME AGAINST NATURE, OR HAS UNNATURAL CARNAL COPULATION BY MEANS OF THE MOUTH, OR OTHERWISE, EITHER WITH A BEAST OR HUMAN BEING,] upon conviction, is punishable by imprisonment [IN THE PENITENTIARY] for not less than one year nor more than 10 years.

* Sec. 11. AS 14.03.050(a) is amended to read:

(a) The board of directors has exclusive management and control of all state-operated school matters associated with the state's program of education at the elementary and secondary levels subject to the state laws and the regulations promulgated by the [COMMISSIONER OF EDUCATION AND THE] state Board of Education.

* Sec. 12. AS 14.14.170(a) is amended to read:

(a) There is established an advisory school board in each community served by a school and operated by the state. If the state-operated school has an average daily membership [ENROLLMENT] of less than 251 pupils, the advisory school board consists of three members. If the average daily membership [ENROLLMENT] is more than 250 pupils, the advisory school board consists of five members.

* Sec. 13. AS 14.20.020(c) is amended to read:

(c) The board [DEPARTMENT] may establish by regulation additional requirements for the issuance of certificates.

* Sec. 14. AS 14.20.020(d) is amended to read:

(d) The board [DEPARTMENT] may by regulation establish various classes of certificates.

1 * Sec. 15. AS 14.25.162(a) is amended to read:

2 (a) If a teacher dies while in membership service or while
3 receiving a disability retirement salary or after normal retirement
4 and leaves a minor child, his surviving spouse is entitled to a sur-
5 vivor's allowance provided the teacher has made a supplemental contri-
6 bution for at least one year before his death, but if a guardian has
7 been appointed for a minor child, the guardian is entitled to the
8 allowance. A minor child who has neither a surviving parent [SPOUSE]
9 nor a guardian is entitled to the allowance. If a minor child who is
10 at least 19 years old but less than 23 years old is out of school for
11 more than one semester, payments of his benefits shall terminate
12 permanently. Application for the survivor's allowance shall be made in
13 writing to the administrator.

14 * Sec. 16. AS 14.25.220(4) is amended to read:

15 (4) "employer" means a public [BOROUGH] school district, [A
16 CITY SCHOOL DISTRICT, INCORPORATED SCHOOL DISTRICT, INDEPENDENT SCHOOL
17 DISTRICT, STATE-OPERATED SCHOOL DISTRICT,] the Board of Regents of
18 the University of Alaska, or the Department of Education;

19 * Sec. 17. AS 14.25.220(5) is amended to read:

20 (5) "membership service" means service as a teacher in a
21 public school within the Territory or State of Alaska or both under
22 the supervision and control of the Territorial Board of Education or
23 the Department of Education, the school board of any public [BOROUGH]
24 school district, [INCORPORATED CITY, INCORPORATED SCHOOL DISTRICT,
25 INDEPENDENT SCHOOL DISTRICT,] or the Board of Regents of the University
26 of Alaska, or any period during which the teacher is on an approved
27 sabbatical leave granted in accordance with AS 14.20.310 or is receiving
28 a disability retirement salary; "membership service" is also service as a
29 teacher in a "nonpublic" school which means a school established by an

1 agency other than a state or its subdivisions which is primarily
2 supported by other than public funds, and the operation of whose
3 program rests with other than publicly elected or appointed officials,
4 and which offers grades kindergarten through 12, or any combination of
5 them, and is state approved or accredited;

6 * Sec. 18. AS 14.25.220(14) is amended to read:

7 (14) "minor child" means a child or children of the member,
8 including those adopted, either under 19 years old whom the teacher,
9 if living, is supporting or is obligated to support or, if dead, was
10 supporting or was obligated to support at the time of his death or
11 under 23 years old and registered at and attending on a full-time basis
12 an accredited educational or a technical institution recognized
13 [ACCREDITED] by the state Department of Education and whom the teacher,
14 if living, is supporting or, if dead, was supporting at the time of his
15 death;

16 * Sec. 19. AS 15.07.030 is amended to read:

17 Sec. 15.07.030. WHO MAY REGISTER. A person who has the qualifica-
18 tions of a voter as set out in AS 15.05.010(1) - (4) [AS 15.05.010(1) -
19 (5)], or who will have the qualifications at the succeeding primary or
20 general election, is entitled to be registered as a voter in the
21 precinct in which he resides.

22 * Sec. 20. AS 15.07.040 is amended to read:

23 Sec. 15.07.040. TIME FOR REGISTRATION. A person who is qualified
24 under AS 15.05.010(1) - (4) [AS 15.05.010(1) - (5)] is entitled to
25 register at any time throughout the year commencing December 21, 1968,
26 except that no registration will be made for a period of 14 days
27 preceding the election if the application for registration is made in
28 person or 30 days preceding the election if the application for regis-
29 tration is made by mail; however, registration may be made in person

1 at either the 1968 primary or general election as provided in sec. 70(d)
2 of this chapter.

3 * Sec. 21. AS 15.07.060(5) is amended to read:

4 (5) a declaration that the registrant will be 18 [19] years
5 of age or older on or before the date of the next statewide election;

6 * Sec. 22. AS 15.07.130(c) is amended to read:

7 (c) The lieutenant governor shall obtain from the office of vital
8 statistics death certificates and presumptive death certificates for
9 all residents over 18 [19] years of age who have died or who have been
10 presumptively declared dead. The lieutenant governor shall cancel the
11 registration of all deceased voters.

12 * Sec. 23. AS 15.07.160 is amended to read:

13 Sec. 15.07.160. UNLAWFUL ACTION. (a) It is unlawful for a
14 registration official to refuse to register a person who is qualified
15 to vote under provisions of AS 15.05.010(1) - (4) [AS 15.05.010(1) -
16 (5)].

17 (b) It is unlawful for a person to register who knows he is not
18 qualified to vote under provisions of AS 15.05.010(1) - (4) [AS 15.05.-
19 010(1) - (5)].

20 (c) A person who violates or who aids or abets another to violate
21 (a) or (b) of this section is guilty of a misdemeanor.

22 * Sec. 24. AS 16.05.250(11) and AS 16.05.788 are repealed.

23 * Sec. 25. AS 16.50.145 is amended by adding a new subsection to read:

24 (c) An applicant for a guide examination shall pay a fee of \$25.

25 * Sec. 26. AS 18.70.110 is amended to read:

26 Sec. 18.70.110. SCHOOL BUILDINGS AND DORMITORIES. The governing
27 body of each school district as set out in AS 14.12.010 [CITY COUNCIL
28 OF EACH CITY AND THE SCHOOL BOARD OF EACH INCORPORATED SCHOOL DISTRICT
29 OUTSIDE AN INCORPORATED CITY], and each organization or individual

1 awarded custody of children by a court shall provide at least one
2 external stairway as a fire escape on each school building, and on
3 each building or dormitory which houses at least three children, is
4 more than one story in height and contains only one stairway to the
5 ground floor.

6 * Sec. 27. AS 18.70.300 is amended to read:

7 Sec. 18.70.300. DEFINITION OF BUILDING. In this chapter
8 "building" means a structure, installation, facility, or edifice
9 erected or in the process of being erected and which is used or in-
10 tended for use as a commercial, industrial, business, institutional,
11 other public building, or residential building containing four or more
12 dwelling [BUILDING] units.

13 * Sec. 28. AS 19.05.125 is amended to read:

14 Sec. 19.05.125. PURPOSE. The purpose of chs. 5 - 25 of this
15 title is to establish a highway department [DIVISION] capable of
16 carrying out a highway planning, construction, and maintenance program
17 which will provide a common defense to the United States and Alaska, a
18 network of highways linking together cities and communities throughout
19 the state (thereby contributing to the development of commerce and
20 industry in the state, and aiding the extraction and utilization of
21 its resources), and otherwise improve the economic and general welfare
22 of the people of the state.

23 * Sec. 29. AS 19.05.130 is amended to read:

24 Sec. 19.05.130. DEFINITIONS. In chs. 5 - 40 [30] of this title

25 (1) "commissioner" means the commissioner of highways;

26 (2) "construction" or any derivation means construction,
27 reconstruction, alteration, improvement or major repair;

28 (3) "controlled-access facility" means a highway especially
designed for through traffic, and over, from, or to which owners or

1 occupants of abutting land or other persons have either no right or
2 easement or only a controlled right or easement of access, light, air,
3 or view;

4 (4) "cost of change, relocation, or removal" means the entire
5 cost incurred by the utility properly attributed to the change, re-
6 location, or removal of a utility after deducting any increase in the
7 value of the new facility and any salvage value derived from the old
8 facility;

9 (5) "department" means the Department of Highways;

10 (6) "excess lands" means land acquired by the state in ex-
11 cess of land required for a highway, when the remaining portion of a
12 parcel of land so acquired is left in such shape or condition as to be
13 of little or no value to its owner, or to give rise to claims or liti-
14 gation concerning severance or other damage;

15 (7) "federal-aid primary, federal-aid secondary, and inter-
16 state system" include any highway which is a part of the federal-aid
17 systems as provided in the Federal-Aid Highway Act of 1956, and any
18 laws amending or supplementing it;

19 (8) "highway" includes a highway (whether included in pri-
20 mary or secondary systems), road, street, trail, walk, bridge, tunnel,
21 drainage structure and other similar or related structure or facility,
22 and right-of-way thereof, and further includes a ferry system, whether
23 operated solely inside the state or to connect with a Canadian highway,
24 and any such related facility;

25 (9) "maintenance" means the preservation of each type of
26 highway, roadside structure and facility as nearly as possible in its
27 original condition as constructed, or as subsequently improved, and
28 the operation of highway facilities and services to provide satisfactory
29 and safe highways;

1 (10) "municipality" means an incorporated city or political
2 subdivision which has jurisdiction over highways in its incorporated
3 area;

4 (11) (Repealed)

5 (12) "utility" includes publicly, privately, and cooperatively
6 owned utilities.

7 * Sec. 30. AS 22.05.080 is amended to read:

8 Sec. 22.05.080. VACANCIES. (a) The governor shall fill a vacancy
9 in the office of supreme court justice [, INCLUDING THE OFFICE OF
10 CHIEF JUSTICE,] within 45 days after receiving nominations from the
11 Judicial Council, by appointing one of two or more persons nominated
12 by the Judicial Council for each vacant position.

13 (b) The office of a supreme court justice, including the office
14 of chief justice, becomes vacant 90 days after the election at which
15 he is rejected by a majority of those voting on the question, or for
16 which he failed to file his declaration of candidacy to succeed him-
17 self. A successor to the office of justice may be appointed, and a
18 successor to the office of chief justice may be selected by the other
19 justices. [HIS SUCCESSOR MAY BE APPOINTED] during this 90-day period
20 and the appointment or selection becomes effective upon the vacancy
21 occurring. A vacancy in the office also occurs by reason of the death,
22 retirement, resignation, forfeiture, or removal from office of a
23 justice. If a vacancy occurs the Judicial Council shall meet within
24 30 days thereafter and submit to the governor the names of two or more
25 persons nominated to fill each vacancy.

26 * Sec. 31. AS 22.05.150 is amended to read:

27 Sec. 22.05.150. ADMINISTRATIVE DIRECTOR. The chief justice of
28 the supreme court shall, with the approval of the supreme court,
appoint an administrative director to serve at the pleasure of the

1 supreme court [CHIEF JUSTICE] and to supervise the administrative
2 operations of the judicial system.

3 * Sec. 32. AS 23.20.352 is repealed.

4 * Sec. 33. AS 23.30.195 is amended to read:

5 Sec. 23.30.195. SURVIVAL OF THE RIGHT TO COMPENSATION. (a)
6 Compensation to which any claimant would be entitled under sec. 190 of
7 this chapter excepting (20) of that section shall, notwithstanding
8 death arising from causes other than the injury, be payable to and for
9 the benefit of the persons following:

10 (1) if there be a surviving wife or dependent husband and
11 no child of the deceased [UNDER THE AGE OF 18 YEARS], to the wife or
12 dependent husband;

13 (2) if there be a surviving wife or dependent husband and a
14 surviving child of the deceased [UNDER THE AGE OF 18 YEARS], one-half
15 to the surviving wife or dependent husband the other half to the
16 surviving child;

17 (3) if there be a surviving child of the deceased [UNDER THE
18 AGE OF 18 YEARS], but no surviving wife or dependent husband, then to
19 the child.

20 * Sec. 34. AS 23.30.215(a)(3) is amended to read:

21 (3) If there is one or more surviving children of the
22 deceased, but no surviving wife or dependent husband, then for the
23 support of the child or children 35 per cent of the average weekly
24 wages of the deceased [OR UNTIL THE CHILD OR CHILDREN REACH THE AGE
25 OF 19];

26 * Sec. 35. AS 24.10.040 is amended to read:

27 Sec. 24.10.040. LEGISLATIVE FISCAL OFFICER. The fiscal officer
28 of the Legislative Affairs Agency [LEGISLATIVE COUNCIL] serves as the
29 fiscal officer of the legislature.

1 * Sec. 36. AS 24.10.060 is amended to read:

2 Sec. 24.10.060. LEGISLATIVE EMPLOYEES. The temporary employees
3 of the legislature are hired for the duration of each session upon the
4 recommendation of the rules [PERMANENT HELP] committee of each house.
5 Employees assigned to each house are under the supervision of the chief
6 clerk and senate secretary. Employees assigned to the duplicating,
7 distributing, mailing, and other centralized services are under the
8 immediate supervision of the Legislative Affairs Agency [LEGISLATIVE
9 COUNCIL PERSONNEL RESPONSIBLE FOR THOSE SERVICES]. Permanent and
10 temporary employees of the legislature and its agencies shall be
11 employed subject to classification and wage plans based on the merit
12 principle and adapted to the special needs of the legislature.
13 Permanent employees are subject to the general state laws regarding
leave and retirement.

15 * Sec. 37. AS 24.30.050 is amended to read:

16 Sec. 24.30.050. PREFILING OF BILLS. Any member of the legisla-
17 ture whose term extends into a forthcoming session or legislature, or a
18 member-elect may file a bill or a proposal for a bill with the
19 Legislative Affairs Agency [LEGISLATIVE COUNCIL] at any time before
20 January 1 [WITHIN 60 DAYS BEFORE THE CONVENING OF A REGULAR SESSION].
21 The agency shall [LEGISLATIVE COUNCIL MAY] place a prefiled bill,
22 which is approved by the sponsor, in proper form and deliver it
23 to the chief clerk of the appropriate house on the day on which
24 the next session convenes or is organized for business. Prefiled
25 bills shall be considered as introduced on the day of their delivery
26 to each house.

27 * Sec. 38. AS 24.30.060(b) is amended to read:

28 (b) Bills introduced by the legislative council shall be delivered
with a letter of explanation to the rules committee of either house and

1 bear the inscription "Rules Committee by Request of the Legislative
 2 Council." Bills presented by the governor shall be delivered with a
 3 letter to the rules committee of either house and bear the inscription
 4 "Rules Committee by Request of the Governor"; bills [." BILLS] so
 5 presented and inscribed shall be received as bills carrying the approval
 6 of the governor as to policy and budget impact. The governor or
 7 executive director of the legislative council may submit a statement
 8 of purpose and effect with each bill and appear personally or through
 9 a representative before any committee considering legislation.

10 * Sec. 39. AS 24.35.010(b) is amended to read:

11 (b) The lieutenant governor shall file the original enrolled
 12 copies of all acts and resolutions and all executive orders having the
 13 effect of law which were submitted by the governor to the legislature
 14 and which were not rejected by it. These documents shall be kept on
 15 file for at least two years. All laws and executive orders having
 16 the force of law in the cumulative supplements to or replacement
 17 pamphlets for [OF] the Alaska Statutes are prima facie a part of the
 18 Alaska Statutes.

19 * Sec. 40. AS 24.35.010(c) is amended to read:

20 (c) The Legislative Affairs Agency [LEGISLATIVE COUNCIL] is
 21 responsible for arranging for the production, editing, publishing and
 22 distribution of the laws of each session. The executive director shall
 23 have the slip law copies of the enrolled acts produced in sufficient
 24 quantity for one complete set to be provided each legislator pending
 25 the publication of supplements to the Alaska Statutes. The commissioner
 26 of administration is to receive sufficient copies of the slip laws for
 27 official state distribution and he may charge for other distribution
 28 on the basis of production and handling costs.

29 * Sec. 41. AS 24.35.020(a) is amended to read:

1 (a) The Department of Administration is responsible for making
2 official distribution of the Alaska Statutes to state agencies. Dis-
3 tribution shall be made on the basis of written requests and justifi-
4 cations submitted by the executive officer of each agency to the
5 Legislative Affairs Agency [LEGISLATIVE COUNCIL] and approved by the
6 executive director of the legislative council. A legislator is
7 entitled to receive one set of the statutes for his personal use, and
8 this entitlement is restricted to the one set issued during a member's
9 entire legislative service. The commissioner of administration may
10 deposit one set of the statutes in each free public library within the
11 state. The right of sale to persons and organizations remains ex-
12 clusively with the publisher.

13 * Sec. 42. AS 24.45.020(a) is repealed.

14 * Sec. 43. AS 28.05.025 is amended to read:

15 Sec. 28.05.025. AUTHORITY OF THE DEPARTMENT OF COMMERCE [PUBLIC
16 SERVICE COMMISSION] TO ADOPT RULES AND REGULATIONS. The Department
17 of Commerce [PUBLIC SERVICE COMMISSION] is responsible for the operation
18 of motor vehicle weighing stations, and the enforcement of highway
19 weight and load limitations. The department [COMMISSION] shall adopt
20 rules and regulations necessary for the operation of motor vehicle
21 weighing stations, and regulations necessary to enforce weight and
22 load limitations on state highways.

23 * Sec. 44. AS 28.20.420(a) is amended to read:

24 (a) A nonresident may give proof of financial responsibility by
25 filing with the department a written certificate of an insurance
26 carrier authorized to transact business in the state in which the
27 vehicle described in the certificate is registered, or if the nonresident
28 does not own a vehicle, then in the state in which the nonresident
29 resides, if [OWNED BY THE NONRESIDENT RESIDES, IF HE DOES NOT OWN A

1 VEHICLE, PROVIDED] the certificate otherwise conforms with this
2 chapter; [, AND] the department shall accept it upon condition that
3 the insurance carrier complies with (b) and (c) of this section [THE
4 FOLLOWING PROVISIONS].

5 * Sec. 45. AS 28.35.030 is amended to read:

6 Sec. 28.35.030. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING
7 LIQUOR OR DRUGS. A person who, while under the influence of intoxi-
8 cating liquor or narcotic drugs, operates or drives an automobile,
9 motorcycle or other motor vehicle in the state upon conviction is
10 punishable by a fine of not more than \$1,000, or by imprisonment for
11 not more than one year, or by both. In addition, his operator's
12 license may be limited or suspended in accordance with AS 28.15.260(a).

13 [UPON CONVICTION FOR A SECOND OR SUBSEQUENT OFFENSE IN VIOLATION OF
14 THIS SECTION, THE OFFENDER'S LICENSE, AND HIS RIGHT TO OBTAIN A LICENSE,
15 TO OPERATE A MOTOR VEHICLE SHALL BE SUSPENDED FOR A PERIOD OF THREE
16 YEARS, AND THIS SUSPENSION IS IN ADDITION TO ANY OTHER PUNISHMENT FIXED
17 BY THE COURT.]

18 * Sec. 46. AS 28.35.040(d) is amended to read:

19 (d) A person violating (b) of this section is subject to a fine
20 of not more than \$100, and, in addition, the court may limit or
21 suspend his operator's license in accordance with AS 28.15.260(a) [FOR
22 NOT MORE THAN ONE YEAR].

23 * Sec. 47. AS 28.35.190 is repealed.

24 * Sec. 48. AS 33.15.010 is amended to read:

25 Sec. 33.15.010. STATE BOARD OF PAROLE. There is in the depart-
26 ment a board of parole consisting of five members to be appointed by
27 the governor, subject to confirmation by a majority of the members of
28 the legislature in joint session. One of the members, who shall be
29 chairman of the board, shall be a person with training or experience

1 in the field of probation and parole, and he may be an official or
2 employee of the department but may not be an official or employee of
3 the division of corrections [YOUTH AND ADULT AUTHORITY]. The term of
4 each of the other four members of the board is four years and until
5 his successor is appointed and qualifies. Successors are appointed
6 in the same manner as provided for the board members first appointed.
7 A vacancy shall be filled for the unexpired term.

8 * Sec. 49. AS 37.05.155(a)(3) is repealed.

9 * Sec. 50. AS 36.05.045 is amended to read:

10 Sec. 38.05.045. GENERALLY. All lands owned in fee by the state
11 or to which the state may become entitled, excepting tide, submerged
12 or shore lands, and timber or grazing lands, may be sold as provided
13 in secs. 45 - 69 [65] of this chapter. However, this section does
14 not prevent the disposition of lands as provided in secs. 300 - 348
15 [347] of this chapter.

16 * Sec. 51. AS 39.20.260(e) is amended to read:

17 (e) Upon his separation from state service, and unless he re-enters
18 employment of the state within six months of his termination, the
19 unused sick leave of an officer or employee is automatically cancelled
20 without pay for it. If an officer or employee when terminated by the
21 state re-enters the state service within six months after his termina-
22 tion he is entitled to credit for one-half of the sick leave he had
23 accrued at the time of his termination.

24 * Sec. 52. AS 43.05.150(a) is amended to read:

25 Sec. 43.05.150. COLLECTION AND DEPOSIT OF MONEY. [(A)] The
26 Department of Revenue shall demand, sue for, collect, receive, and
27 safely keep all money of the state which is not by law entrusted to
28 the care and custody of some other office. When these funds are
deposited in financial institutions in the state, under AS 37.10.075,

1 the department shall deposit them in institutions [THE DEPARTMENT SHALL
2 KEEP THESE FUNDS IN BANKS IN THE STATE] nearest the place where the
3 funds are collected.

4 * Sec. 53. AS 43.05.150(b), (c), and (d) are repealed.

5 * Sec. 54. AS 43.20.010(a) is amended to read:

6 (a) There is levied and there shall be collected and paid for
7 each taxable year upon the net income of every resident and nonresident
8 individual and [,] fiduciary [AND BANK] that is required to make a
9 return and pay a tax under the federal income tax law a tax equal to
10 10 per cent of the total income tax that would be payable for the
11 same taxable year to the United States at the federal tax rates in
12 effect on December 31, 1963, under the provisions of chapter 1 of
13 subtitle A of the 1954 Internal Revenue Code, Public Law 591, 83rd
14 Congress, 2nd Session, as amended, upon all income derived from
15 sources within the state.

16 * Sec. 55. AS 43.31.061(a) is amended to read:

17 (a) The department may appoint and remove examiners and [,]
18 appraisers [AND EMPLOYEES AS] it considers necessary, these persons
19 to have those duties and powers the department prescribes. The
20 compensation of these examiners and appraisers shall be as the
21 department prescribes, and they shall be reimbursed for travel
22 expenses as provided for state employees. [THE SALARIES OF EXAMINERS,
23 APPRAISERS AND EMPLOYEES EMPLOYED BY THE DEPARTMENT SHALL BE AS IT
24 PRESCRIBES, AND EXAMINERS, APPRAISERS AND EMPLOYEES SHALL BE REIMBURSED
25 FOR TRAVELING EXPENSES AS PROVIDED FOR EMPLOYEES OF THE DEPARTMENT OF
26 REVENUE.]

27 * Sec. 56. AS 43.31.101 is repealed.

28 * Sec. 57. AS 43.31.161(c) is amended to read:

29 (c) The determination of tax or deficiency in tax by the department

1 is final unless the executor, or other party interested, within 50
 2 days from the date of the receipt of a copy of the determination,
 3 brings an action [A SUIT] in the superior court against the department
 4 and other parties as are interested. It is not necessary to join as
 5 parties to the action [SUIT] any heir-at-law, next of kin, distri-
 6 butee, legatee or devisee of the decedent. The complaint shall
 7 contain a concise statement of the facts and shall have annexed to it
 8 a copy of the return and of the findings and determination of the
 9 department and shall pray for an abatement of the tax, in the amount
 10 and to the extent, in part or in whole, and for other relief as the
 11 executor desires. [THESE SUITS SHALL PROCEED AS OTHER SUITS IN
 12 EQUITY.] Either the department, the executor or any other party may
 13 appeal to the supreme court in the manner and within the time pre-
 14 scribed by the Alaska Supreme Court Rules.

15 * Sec. 58. AS 43.31.191(b) is amended to read:

16 (b) The commissioner of public safety shall proceed upon the
 17 warrant in all respects, with like effect, [AND] in the [SAME] manner
 18 prescribed by law for [TO] executions issued against property upon
 19 judgments of a court of record [, AND IS ENTITLED TO THE SAME FEES
 20 FOR SERVICES IN EXECUTING THE WARRANT AS ARE NOW ALLOWED BY LAW
 21 FOR LIKE SERVICES TO BE COLLECTED IN THE SAME MANNER AS NOW PROVIDED
 22 BY LAW]. Alias and pluries warrants may issue from time to time as
 23 the department considers proper until the entire amount of the tax,
 24 deficiency, interest, penalties and costs have been recovered.

25 * Sec. 59. AS 43.31.240 is amended to read:

26 Sec. 43.31.240. ACTIONS TO ENFORCE PAYMENT. Actions may be
 27 brought within the time or times specified in this chapter [SECTION]
 28 by the department to recover the amount of taxes, penalties and
 29 interest due under this chapter. This action shall be brought in the

1 superior court where the estate is being or has been administered,
2 or if no administration be had in this state, then in the appropriate
3 court of the jurisdiction [ANY COUNTY] where any of the property of
4 the estate is situated.

5 * Sec. 60. AS 44.25.020(3) is amended to read:

6 (3) register [LOG AND] cattle brands; and

7 * Sec. 61. AS 45.50.320 is amended to read:

8 Sec. 45.50.320. PENALTIES FOR FRAUDULENT BRANDING OR OTHER ACTS.

9 A person who fraudulently brands timber property with a brand which
10 he knows or has reasonable cause to know is the registered brand of
11 another person, or who knowingly alters, defaces, obliterates or
12 destroys a registered brand impressed or displayed upon timber
13 property, or who knowingly sells or disposes of, or attempts to sell
14 or dispose of, or to convert or appropriate to his own use, without
15 the written consent of the owner, timber property impressed with or
16 displaying upon it a registered brand of another person, is guilty
17 of a misdemeanor and upon conviction is punishable by a fine of not
18 more than \$1,000, or by imprisonment in jail for not more than six
19 months, or by both. [NOTHING IN THIS SECTION AFFECTS THE SALVAGE OF
20 TIMBER PROPERTY UNDER AS 41.15.450 - 41.15.640.]

21 * Sec. 62. AS 47.25.300(3) is amended to read:

22 (3) "needy person" means a needy resident of the state
23 [WHO HAS LIVED IN THE STATE FOR ONE YEAR IMMEDIATELY PRECEDING THE
24 DATE OF APPLICATION FOR RELIEF ASSISTANCE AND] who is not eligible
25 for aid from another public agency or department providing similar
26 services in the state;

27 * Sec. 63. AS 47.25.780(4) is amended to read:

28 (4) "needy blind resident" means a needy blind person 18
29 years of age or over, who is residing in the state [HAS RESIDED IN THE

1 STATE FOR ONE YEAR IMMEDIATELY PRECEDING APPLICATION FOR ASSISTANCE,
2 OR WHO HAS LOST HIS VISION WHILE A RESIDENT OF THE STATE; PROVIDED,
3 THAT IF THE STATE IN WHICH A PERSON RESIDED IMMEDIATELY BEFORE MOVING
4 TO ALASKA PERMITS WELFARE ASSISTANCE TO NEEDY BLIND ALASKANS MOVING
5 TO THAT STATE BEFORE THE EXPIRATION OF A YEAR OR A LESSER PERIOD OF
6 TIME, THAT PERSON MAY QUALIFY AS A NEEDY BLIND RESIDENT AFTER RESIDING
7 IN ALASKA FOR A PERIOD OF TIME EQUAL TO THE PERIOD OF RESIDENCY RE-
8 QUIRED BY HIS FORMER STATE].

9 * Sec. 64. AS 47.25.960(3) is amended to read:

10 (3) "permanently and totally disabled person" means a
11 needy resident of the state who is not eligible for assistance from
12 another public agency or department providing similar services in
13 the state [AND WHO HAS RESIDED IN THE STATE FOR ONE YEAR IMMEDIATELY
14 PRECEDING THE DATE OF APPLICATION FOR AID TO THE PERMANENTLY AND
15 TOTALLY DISABLED; PROVIDED, THAT IF THE STATE IN WHICH A PERSON
16 RESIDED IMMEDIATELY BEFORE MOVING TO ALASKA PERMITS WELFARE ASSISTANCE TO
17 PERMANENTLY AND TOTALLY DISABLED ALASKANS MOVING TO THAT STATE BEFORE
18 THE EXPIRATION OF A YEAR OR A LESSER PERIOD OF TIME, THAT PERSON MAY
19 QUALIFY AS A PERMANENTLY AND TOTALLY DISABLED PERSON AFTER RESIDING
20 IN ALASKA FOR A PERIOD OF TIME EQUAL TO THE PERIOD OF RESIDENCY
21 REQUIRED BY HIS FORMER STATE];

22 * Sec. 65. AS 47.30.340(13) is amended to read:

23 (13) "resident" means a person who is residing in the
24 state [HAS BEEN PHYSICALLY PRESENT AND LIVED CONTINUOUSLY IN THE STATE
25 FOR ONE YEAR]; a married woman may establish a residence apart from
26 her husband, and an unemancipated minor takes the residence of the
27 parent or guardian with whom he is living;

28 * Sec. 66. AS 11.40.320 is amended to read:

Sec. 11.40.320. CONSTRUCTION OF SECS. 290-310 OF THIS CHAPTER.

1 Nothing in Secs. 290-310 of this chapter alters or affects the laws
2 relating to incest, [THE INFAMOUS CRIME AGAINST NATURE,] seduction,
3 adultery, rape or other kindred offenses against the person or the public
4 morals, or a prosecution for these offenses.

5 Sec. 67. AS 14.14.180(a)(2) is amended to read:

6 (2) has passed his 18th [19TH] birthday;

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Original sponsor: Rules Committee by
request of the Governor

Offered: 4/16/71
Referred: Finance

1 IN THE HOUSE

BY THE LOCAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 161

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the establishment of regional
7 service areas in the unorganized borough; and pro-
8 viding for an effective date."

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

10 * Section 1. AS 07 is amended by adding a new chapter to read:

11 CHAPTER 7. REGIONAL SERVICE AREAS IN THE
12 UNORGANIZED BOROUGH.

13 Sec. 07.07.010. PURPOSE. (a) This chapter provides for regional
14 service areas in the unorganized borough and prescribes the structure
15 and describes the functions of regional service areas. Its basic
16 purpose is to stimulate the economic and social development of the
17 unorganized borough and the achievement of satisfactory levels of
18 living for the residents of the unorganized borough. Its specific
19 purposes are to promote

20 (1) strengthening of regional capabilities for planning and
21 coordinating federal, state, and other assistance related to economic
22 and social development, so that this assistance, through the efforts
23 of local officials, organizations, and interested and affected
24 citizens, can be made more responsive to local needs and conditions;

25 (2) better organization of a range of services related to
26 the needs of the unorganized borough;

27 (3) greater use, subject to adequate evaluation, of new
28 types of services and innovative approaches in attacking the problems
29 of economic and social development;

1 (4) the development and implementation of all programs and
2 projects designed to serve the residents of the unorganized borough
3 with the maximum feasible participation of residents of the areas
4 served.

5 (b) It is further declared to be the purpose of this chapter to
6 provide for measures to enable the residents of the unorganized borough
7 to remain in such areas. It is not the purpose of this chapter to en-
8 courage the residents of the unorganized borough to migrate to urban
9 areas, inasmuch as it is the finding of the legislature that such
10 migration is often not in the best interests of the residents of the
11 unorganized borough.

12 Sec. 07.C7.020. REGIONAL SERVICE AREAS. The director of the
13 Local Affairs Agency is authorized to establish, alter or abolish
14 regional service areas in the unorganized borough upon request of a
15 majority of the registered voters in the area. The standards shall
16 include population, geography, economy, transportation, and other factors
17 determined by the director of the Local Affairs Agency. Each regional
18 service area shall embrace an area and population with common interests
19 to the maximum degree possible.

20 Sec. 07.07.030. REGIONAL SERVICE AREA COMMISSIONS. Each regional
21 service area shall have a commission which shall be so constituted
22 that each city or village incorporated under state or federal law
23 within the regional service area may have one member on the commission
24 designated by the city or village. The remainder of the members shall
25 be representative of other major groups or interests in the regional
26 service area as designated by the director of the Local Affairs Agency.
27 Each member of the commission shall reside in the regional service area
28 he serves.

29 Sec. 07.07.040. ELECTED COMMISSIONS. (a) The qualified voters

1 of a regional service area established under this chapter may elect
2 the regional service area commission if

3 (1) the regional service area has a resident population
4 including at least 50 qualified voters; and

5 (2) the director of the Local Affairs Agency finds an
6 elected commission to be in the best interests of the residents of
7 the service area; or

8 (3) at least five per cent of the qualified voters of the
9 regional service area sign and submit a petition to the director of
10 the Local Affairs Agency requesting a referendum on the question of
11 whether there shall be an elected regional service commission and the
12 majority of the qualified voters in the regional service area favor
13 an elected commission by such referendum.

14 (b) The director of the Local Affairs Agency shall conduct the
15 referendum authorized by (a)(3) of this section within 90 days of the
16 receipt of a petition submitted under (a)(3) of this section.

17 Sec. 07.07.050. FUNCTIONS OF COMMISSIONS. In carrying out the
18 purposes of this chapter, each commission may with respect to its
19 regional service area

20 (1) participate in the development, implementation and
21 evaluation of state programs and projects which relate to the economic
22 and social development in that service area;

23 (2) encourage state departments and agencies in activities
24 related to the economic and social development to plan for and admin-
25 ister those activities in the regional service area on a common or
26 cooperative basis; provide planning assistance to those departments
27 or agencies; provide additional opportunities to residents of the
28 regional service area to participate in these state department or
29 agency activities;

1 (3) initiate and sponsor projects responsive to the economic
2 or social needs of residents of the regional service area which are not
3 otherwise being met, with particular emphasis on providing central or
4 common services that can be drawn upon by a variety of related programs,
5 developing new approaches or new types of services that can be in-
6 corporated into other programs, and filling gaps pending the expansion
7 or modification of those programs;

8 (4) establish effective procedures by which the residents
9 of the regional service area concerned will be enabled to influence
10 the character of state programs affecting their interests, provide for
11 their regular participation in the implementation of those programs,
12 and assist residents of the service area to secure on their own behalf
13 available economic or social assistance from public and private sources;

14 (5) develop and implement plans under which the regional
15 service area may assume the status of an organized borough when con-
16 sidered appropriate by the inhabitants of the area;

17 (6) join with and encourage business, labor and other
18 private groups and organizations to undertake, together with state
19 departments and agencies, activities in support of the economic or
20 social development of the regional service area;

21 (7) accept financial assistance in the performance of its
22 functions;

23 (8) enter into agreements with state public corporations,
24 departments and agencies for assistance in the performance of its
25 functions;

26 (9) do all other acts necessary or proper to perform its
27 functions under this chapter.

28 Sec. 07.07.06C. ADMINISTRATION. The director of the Local
29 Affairs Agency shall establish procedures and take such actions as he

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may consider necessary and appropriate to carry out the provisions of this chapter.

* Sec. 2. This Act takes effect on July 1, 1971.

Introduced: 2/12/71
Referred: Local Government,
State Affairs and Judiciary

1 IN THE HOUSE

BY HAUGEN BY REQUEST

2 HOUSE BILL NO. 175

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to classification of property for
7 purposes of local taxation and authorizing separate
8 rates of taxation for each class; and providing for an
9 effective date."

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

11 * Section 1. AS 29.10.335 is amended to read:

12 Sec. 29.10.335. GENERAL PROPERTY TAX. The council may assess,
13 levy, and collect a general tax for school and city purposes not to
14 exceed three per cent of the assessed valuation upon all real and
15 personal property, and enforce collection by foreclosure, levy,
16 distress, and sale. The council may establish three classes of property
17 for purposes of taxation: land, buildings and fixtures permanently
18 affixed to land, and personal property. The council may establish a
19 separate rate of taxation for each class. Each class may be taxed
20 at any rate, subject to the restrictions on total amount of levy
21 provided in AS 29.30.010. All property within each class must be taxed
22 at the same rate.

23 * Sec. 2. This Act takes effect on July 1, 1971.

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Introduced: 2/17/71
Referred: Health, Welfare &
Education and Local Government

1 IN THE HOUSE

BY BANFIELD BY REQUEST

2 HOUSE BILL NO. 187

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to school district revenues; and
7 providing for an effective date."

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

9 * Section 1. AS 07.15.330 is amended by adding a new subsection to read:

10 (k) Provisions of (b) - (d) of this section notwithstanding, the
11 following funds shall be credited to and utilized exclusively as
12 school money in a manner determined solely by the board and without
13 the necessity of further appropriation by the assembly:

14 (1) an unexpended amount of appropriations made by the
15 assembly to the school board under (d) of this section;

16 (2) interest or other returns on school money invested
17 under (b) of this section;

18 (3) revenues accruing to the school district in excess of
19 the amount or in addition to the source of anticipated revenue items
20 designated in the annual budget submitted by the board to the assembly
21 under (d) of this section.

22 * Sec. 2. AS 07.12 is amended by adding a new section to read:

23 Sec. 07.12.040. LIMIT ON POWER RELATING TO APPROPRIATIONS FOR
24 SCHOOL PURPOSES. AS 07.15.330(k), relating to appropriations for
25 school purposes, applies to home rule boroughs.

26 * Sec. 3. AS 29.08 is amended by adding a new section to read:

27 Sec. 29.08.220. LIMIT ON POWER RELATING TO APPROPRIATIONS FOR
28 SCHOOL PURPOSES. AS 07.15.330(k), relating to appropriations for
29 school purposes, applies to home rule cities which are school districts

* Sec. 4. This Act takes effect July 1, 1971.

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Introduced: 2/22/71
Referred: Resources and
Local Government

1 IN THE HOUSE

BY HUBER

2 HOUSE BILL NO. 214

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to powers of second and third class
7 boroughs.

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

9 * Section 1. AS 07.15 is amended by adding a new section to read:

10 Sec. 07.15.727. SOLID WASTE DISPOSAL. The second class borough
11 may provide for solid waste disposal, including but not limited to
12 the construction, operation and maintenance of waste treatment works
13 projects, in the area outside cities and may do so in the manner
14 provided for first class cities. The exercise of the power of solid
15 waste disposal, including but not limited to the construction,
16 operation and maintenance of waste treatment works projects, in the
17 area outside cities is at the option of the borough and is not subject
18 to the restrictions on acquiring additional powers specified in secs.
19 720 and 730 - 800 of this chapter.

20 * Sec. 2. AS 07.17.020 is amended by adding a new subsection to read:

21 (c) A third class borough may provide for solid waste disposal,
22 including but not limited to the construction, operation and maintenance
23 of waste treatment works projects, as provided for second class
24 boroughs in this title.
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Introduced: 3/2/71
Referred: State Affairs and
Local Government

1 IN THE HOUSE

BY FISCHER

2 HOUSE BILL NO. 240

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to subdivisions."

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

8 * Section 1. AS 07.05.040(a) is amended to read:

9 (a) In areas of the unorganized borough where there is no
10 political subdivision of the state with a zoning power, the division
11 of lands, Department of Natural Resources, shall exercise the zoning
12 power by adopting zoning regulations. The provisions of AS 40.15.-
13 075 - 40.15.077 apply to subdivisions proposed within the area of the
14 unorganized borough outside incorporated cities, except that the
15 division of lands shall exercise the responsibilities conferred upon
16 planning commissions under those sections.

17 * Sec. 2. AS 40.15 is amended by adding a new section to read:

18 Sec. 40.15.075. DEDICATION OF PARK AND OPEN SPACE. (a) When
19 an area of land is proposed for a subdivision, a subdivider shall
20 submit as part of the plat for subdivision approval a plan which
21 dedicates an area of land for the location of a park or open space
22 reasonably necessary to service the residents of the proposed subdivi-
23 sion. However, the subdivider shall not be required to dedicate an
24 area for a park or open space which constitutes more than 10 per cent
25 of the gross area of the proposed subdivision.

26 (b) The city or borough planning commission having jurisdiction
27 of a proposed subdivision shall by resolution adopt standards to be
28 applied in determining the amount of land required to be dedicated
29 under (a) of this section. The standards adopted shall be based on

1 the number and type of dwelling units to be included in a subdivision,
2 as well as studies and surveys conducted by the commission to determine
3 the need, if any, for park or open space sites demonstrated in existing
4 subdivisions having various types and numbers of dwelling units within
5 the municipality.

6 (c) The commission may alter the selection of park and open space
7 sites proposed to be dedicated under the subdivider's plan in (a)
8 of this section. In exercising this authority the commission shall
9 consider variations in the relative desirability and market value of
10 the land included in the area of a particular proposed subdivision
11 and may adjust the total amount of land required to be dedicated in
12 accordance with the comparative value of that land with the average
13 value of all land within the subdivision.

14 Sec. 40.15.077. PAYMENT IN LIEU OF DEDICATION. In lieu of
15 dedication of park or open space sites under sec. 75(a) of this chapter,
16 a subdivider may pay to the city a sum of money equal to the value of
17 land that would otherwise be required to be dedicated for a park or
18 open space purpose when the planning commission determines on the
19 basis of reasons set out in writing, with reference to the particular
20 subdivision, that it is not in the public interest to make the actual
21 dedication. All funds received under this section shall be held by
22 the city in a special account and shall be used only for acquiring
23 land for park and open space purposes for the benefit of the persons
24 in the subdivision for which the payment was made. The commission
25 may by resolution provide for deferred payment or payment by install-
26 ment or in a lump sum, upon a subdivider's posting of a surety bond
27 guaranteeing payment.
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Introduced: 3/4/71
Referred: Local Government
and Judiciary

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IN THE HOUSE

BY TILLION BY REQUEST

HOUSE BILL NO. 257

IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to composition and apportionment of
borough assemblies."

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

* Section 1. AS 07.10 is amended by adding a new section to read:

Sec. 07.10.041. COMPOSITION AND APPORTIONMENT. 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 apportion-
ment, 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.

* Sec. 2. AS 07.10.040, AS 07.20.030 and AS 07.20.070(d) are repealed.

Original sponsor: Tillion

Offered: 3/24/71
Referred: Judiciary

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

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CS FOR HOUSE BILL NO. 258

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SEVENTH LEGISLATURE - SECOND SESSION

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A BILL

6 For an Act entitled: "An Act authorizing borough assemblymen representing
7 a first class city to be elected by city voters rather
8 than being appointed by and from city councils; and
9 providing for an effective date."

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

11 * Section 1. AS 07.20.020 is amended to read:

12 Sec. 07.20.020. ELECTION AND APPOINTMENT. (a) Members of the
13 assembly are appointed or elected according to the apportionment
14 determined by the incorporation petition approved by the voters until
15 the assembly is reapportioned. Members representing first class
16 cities are appointed by and from the city councils, unless provided
17 otherwise by city charter or ordinance approved by referendum of the
18 first class city voters and providing for direct election of assemblymen
19 from the city by the qualified voters of the city.

20 (b) Members representing the area outside first class cities
21 are elected by and from the qualified voters of the area outside first
22 class cities.

23 (c) The council of each first class city located within an
24 organized borough already incorporated on the effective date of this
25 Act shall, at a special election following the effective date of this
26 Act and occurring before the next regular city election, submit to the
27 qualified city voters an ordinance providing for direct election of
28 assemblymen under this section. If ratified by a majority of the
29 voters, the ordinance shall take effect beginning with the next regular

1 city election, except that a councilman selected by the council to
 2 represent the city on the assembly and serving the term for which
 3 selected on the effective date of this Act may complete that term
 4 without standing for election under this section. If he vacates his
 5 office before the expiration of the term, the council shall appoint a
 6 successor to serve until the next regular city election, at which time
 7 an assemblyman shall be elected by the qualified city voters to complete
 8 the remainder of the unexpired term or serve a new term, as the case may
 9 be.

10 (d) Notwithstanding provisions of AS 07.20.040, AS 07.20.050 and
 11 AS 07.30.070(3), provisions of law or charter governing nominations,
 12 qualifications, election dates, terms of office, removal, and filing of
 13 vacancies with respect to city councilmen apply also to borough
 14 assemblymen elected by city voters under this section.

15 (e) An ordinance approved by the voters under this section may not
 16 be repealed or amended by the council but is subject to initiative and
 17 referendum as in the case of other city ordinances. Initiative or
 18 referendum results which have the effect of repealing or amending an
 19 ordinance under this section become effective beginning with the next
 20 regular election to the borough assembly, except that the terms of
 21 elected assemblymen representing the city at the time of repeal of the
 22 ordinance are not affected.

23 (f) Nothing in this section prevents a candidate from seeking
 24 election or serving as both a borough assemblyman and city councilman.

25 * Sec. 2. APPLICABILITY OF ACT. This Act is intended to apply to
 26 assemblymen representing general law first class cities and first class
 27 cities which have adopted a home rule charter.

28 * Sec. 3. EFFECTIVE DATE. This Act takes effect at the time and upon
 29 the condition that an amendment to the state constitution requiring the
 CSHB 258 am

1 election of borough assemblymen to represent a first class city, rather
2 than their appointment by and from the city council, is ratified by the
3 people and becomes effective.

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Introduced: 3/5/71
Referred: Local Government
and Judiciary

1 IN THE HOUSE

BY HOLM

2 HOUSE BILL NO. 280

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act limiting local government property tax levies
7 for bond retirement or other municipal purposes; and
8 providing for an effective date."

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

10 * Section 1. AS 29.30.010 is amended to read:

11 Sec. 29.30.010. TAX LIMITATION. No organized borough or city
12 [INCORPORATED TOWN OR MUNICIPALITY] may levy and tax for any purpose
13 in excess of three per cent of the assessed valuation of property
14 within the borough or city [TOWN] in any one year. Moreover, the
15 combined levy of borough and city property taxes within a city may
16 not exceed three per cent of the assessed valuation of property within
17 the city in any one year.

18 * Sec. 2. AS 29.30.020 is amended to read:

19 Sec. 29.30.020. NO LIMITATION ON TAXES TO PAY OUTSTANDING BONDS.
20 The limitations [LIMITATION] provided for in sec. 10 of this chapter
21 do [DOES] not apply to taxes levied or pledged to pay or secure the
22 payment of the principal and interest on bonds legally authorized
23 and issued before the effective date of this Act. Taxes to pay or
24 secure the payment of principal and interest on bonds legally
25 authorized and issued before the effective date of this Act may be
26 levied without limitation as to rate or amount, but such taxes shall
27 be included in the computation of the limit on the permissible mill
28 levy for other municipal purposes under sec. 10 of this chapter.

29 * Sec. 3. AS 29.08.010 is amended by adding a new subsection to read:

1 (c) AS 29.30.010 - 29.30.020, which limit taxing power, apply
2 to home rule cities.

3 * Sec. 4. AS 07.12 is amended by adding a new section to read:

4 Sec. 07.12.210. LIMIT ON HOME RULE TAXING POWER. AS 29.30.010 -
5 29.30.020, which limit taxing power, apply to home rule boroughs.

6 * Sec. 5. This Act takes effect July 1, 1971.

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Introduced: 3/8/71
Referred: Health, Welfare &
Education and Local Govern-
ment

1 IN THE HOUSE

BY WHITTAKER

2 HOUSE BILL NO. 285

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act exempting certain purchases of food from local
7 sales taxation; and providing for an effective date."

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

9 * Section 1. AS 29.30 is amended by adding a new section to read:

10 Sec. 29.30.120. EXEMPTIONS. The following purchases of food for
11 human consumption are exempted from sales taxes levied and collected by
12 an organized borough or city of any class, whether home rule or other-
13 wise:

14 (1) purchases made with food coupons issued to low-income
15 persons under the federal Food Stamp Act of 1964, as amended;

16 (2) other food purchases made by low-income persons determined
17 and authorized by the Department of Health and Welfare to be eligible
18 for the exemption on the basis of financial need to supplement food
19 purchasing power because of family size or income level.

20 * Sec. 2. This Act takes effect July 1, 1971.

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Introduced: 3/9/71
Referred: Commerce

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 290

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land subdivision."

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

8 * Section 1. AS 40.15.190(2) is repealed and re-enacted to read:

9 (2) "subdivision" means the division of land into two or
10 more parcels, tracts, lots or other divisions, and includes resubdivi-
11 sions; however, land that is divided into four or fewer parcels, tracts,
12 lots or other divisions which have access to a public highway or street,
13 provides street and utility easements to all contiguous parcels and
14 can be described by aliquot parts description, is not a subdivision.
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Original sponsor: Fischer

Offered: 4/9/71
Referred: Finance

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

2 CS FOR HOUSE BILL NO. 296

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act exempting from city and borough taxation the
7 real property of certain residents having limited
8 incomes; and providing for an effective date."

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

10 * Section 1. AS 29.10.336(a) is amended to read:

11 (a) Property owned by the city or the state; the real property
12 of certain residents of the state to the extent and subject to the
13 conditions provided in (e) of this section; the household furniture of
14 the head of a family or a householder not exceeding \$500 in value;
15 all property used exclusively for nonprofit religious, charitable,
16 cemetery, hospital, or educational purposes; the property of an organi-
17 zation, not organized for business purposes, whose membership is
18 composed entirely of individuals with 90 days or more of active service
19 in the armed forces of the United States whose conditions of service
20 and separation were other than dishonorable, or the property of the
21 auxiliary of any such organization; and all money on deposit are exempt
22 from taxation.

23 * Sec. 2. AS 29.10.336 is amended by adding new subsections to read:

24 (e) The real property owned and occupied as a permanent place
25 of abode by a resident 65 years of age or over whose gross annual
26 income totals less than \$10,000 is exempt from taxation of the assessed
27 value of the real property. Only one exemption may be granted with
28 respect to the same property and, if two or more persons are eligible
29 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 * Sec. 3. AS 07.12.200 is amended to read:

29 Sec. 07.12.200. LIMIT ON HOME RULE TAXING POWER. (a) AS 29.30.200

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relating to the collection of penalties on property taxes and interest on property and sales taxes, applies to home rule boroughs.

(b) AS 29.10.336(e) - (f), which limit home rule taxing power, apply to home rule boroughs.

* Sec. 4. This Act takes effect January 1, 1972.

Original sponsor: Fischer

Offered: 3/22/72
Referred: Rules

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 296

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act exempting from city and borough taxation the
7 real and personal property of certain residents
8 having limited incomes; and providing for an effective
9 date."

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

11 * Section 1. AS 29.10.336(a) is amended to read:

12 (a) Property owned by the city or the state; the real and
13 personal property of certain residents of the state to the extent and
14 subject to the conditions provided in (e) of this section; the house-
15 hold furniture of the head of a family or a householder not exceeding
16 \$500 in value; all property used exclusively for nonprofit religious,
17 charitable, cemetery, hospital, or educational purposes; the property
18 of an organization, not organized for business purposes, whose
19 membership is composed entirely of individuals with 90 days or more
20 of active service in the armed forces of the United States whose
21 conditions of service and separation were other than dishonorable, or
22 the property of the auxiliary of any such organization; and all money
23 on deposit are exempt from taxation.

24 * Sec. 2. AS 29.10.336 is amended by adding new subsections to read:

25 (e) The personal property of, and the real property owned and
26 occupied as a permanent place of abode by, a resident 65 years of
27 age or over whose annual net taxable income totals less than \$10,000
28 is exempt from taxation of the assessed value of the real and personal
29 property. Only one exemption may be granted with respect to the same property

1 and, if two or more persons are eligible for an exemption with respect
 2 to the same property, the parties shall decide between or among them-
 3 selves which shall receive the benefit of the exemption; however, in
 4 the case of more than one party eligible for an exemption with respect
 5 to the same property, the total combined annual net taxable income of
 6 the parties may not exceed \$10,000. No real or personal property may
 7 be exempted under this subsection which the assessor determines, after
 8 notice and hearing to the parties concerned, has been conveyed to the
 9 applicant primarily for the purpose of obtaining the exemption. The
 10 determination of the assessor is appealable under AS 44.62.560 - 44.62.-
 11 570.

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

26 (g) A person who does not own his own place of abode, or who
 27 resides in a jurisdiction that does not levy a property tax on a
 28 person's place of abode, but who meets the eligibility requirements as
 29 to age and income for the tax exemption granted by (e) of this section.

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shall receive a grant from the state of \$400 in lieu of the tax exemption in (e) of this section. A person who owns his place of abode and qualifies for the exemption in (e) of this section may elect to receive the grant provided in this subsection instead of the tax exemption under (e) of this section. Written application for the grant under this subsection shall be made to the Department of Revenue on forms prescribed by the commissioner. The commissioner of revenue shall promulgate regulations necessary to carry out the provisions of this subsection.

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

* Sec. 3. AS 07.12.200 is amended to read:

Sec. 07.12.200. LIMIT ON HOME RULE TAXING POWER. (a) AS 29.30.-200, relating to the collection of penalties on property taxes and interest on property and sales taxes, applies to home rule boroughs.

(b) AS 29.10.336(e) - (f), which limit home rule taxing power, apply to home rule boroughs.

* Sec. 4. This Act takes effect January 1, 1973.

Introduced: 3/12/71
Referred: State Affairs,
Local Government and Finance

1 IN THE HOUSE

BY ROSE

2 HOUSE BILL NO. 315

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to parks and open space areas within
7 cities, organized boroughs and the unorganized borough;
8 and providing for an effective date."

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

10 * Section 1. AS 29.10 is amended by adding a new section to read:

11 Sec. 29.10.128. DEDICATION OF PARKS AND OPEN SPACE AREAS. (a)

12 As a condition to approval by the platting board of a proposed sub-
13 division for new housing construction, a subdivider shall agree to
14 dedicate a designated area on the plat comprising at least 10 per
15 cent of the gross area included within the proposed subdivision.

16 (b) A city acquiring a parcel of improved or unimproved land
17 through foreclosure, purchase, condemnation, exchange or otherwise
18 may dedicate all or part of the parcel for park and open space
19 purposes if the governing body, after consideration of the advice
20 of the planning commission, determines that the best use of the
21 property is for park and open space sites given the number and
22 type of existing or anticipated dwelling units within the immediate
23 area of the property and a corresponding absence or lack of proxi-
24 mate park and open space sites to accommodate the population of the
25 area.

26 (c) To facilitate development of ample parks and open space
27 areas within the city, the governing body may provide for sale,
28 exchange or other disposition of parcels acquired under this section
29 for the sole purpose of consolidating or rearranging parks and open

1 space areas to provide improved facilities.

2 (d) In this section "subdivision" means "subdivision" as defined
3 in AS 40.15.190(2).

4 * Sec. 2. AS 29.08 is amended by adding a new section to read:

5 Sec. 29.08.220. DEDICATION OF PARKS AND OPEN SPACE AREAS.

6 AS 29.10.128, relating to dedication of parks and open space areas,
7 applies to home rule cities.

8 * Sec. 3. AS 07.12 is amended by adding a new section to read:

9 Sec. 07.12.100. DEDICATION OF PARKS AND OPEN SPACE AREAS.

10 AS 29.10.128, relating to dedication of parks and open space areas,
11 applies to home rule boroughs.

12 * Sec. 4. AS 29.15.290 is amended to read:

13 Sec. 29.15.290. APPLICATION OF LAWS GOVERNING FIRST CLASS CITIES.

14 All laws and parts of laws empowering and regulating first class
15 cities on special assessments, public utilities, airports, public
16 service rates, franchises, acquisition and disposition of property,
17 motor vehicles and motor vehicle operators, [AND] schools, and dedi-
18 cation of parks and open space areas, apply to second class cities.

19 * Sec. 5. AS 29.20 is amended by adding a new section to read:

20 Sec. 29.20.065. PARKS AND RECREATION AREAS. The board of
21 trustees of a city of the third class may provide for the location,
22 construction, operation and maintenance of parks, trails and play-
23 grounds, subject to the same provisions governing dedications of
24 park and open space areas as are set out for first class cities in
25 AS 29.10.128.

26 * Sec. 6. AS 29.25.297 is amended to read:

27 Sec. 29.25.297. PARKS AND RECREATION. The council may provide
28 for the location, construction, operation and maintenance of parks,
29 trails, playgrounds and community centers and the preservation of the

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scenic and historic resources of the community, subject to the same provisions governing dedications of park and open space areas as are set out for first class cities in AS 29.10.128.

* Sec. 7. AS 07.15 is amended by adding a new section to read:

Sec. 07.15.727. PARKS AND RECREATION. The second class borough may provide for the location, construction, operation and maintenance of parks, trails and playgrounds in the area outside cities, subject to the same provisions governing dedications of park and open space areas as are set out for first class cities in AS 29.10.128. The exercise of powers under this section in the area outside cities is at the option of the borough and is not subject to the restrictions on acquiring additional powers specified in secs. 720 and 730 - 800 of this chapter.

* Sec. 8. AS 07.17 is amended by adding a new section to read:

Sec. 07.17.022. PARKS AND RECREATION. A third class borough may provide for the location, construction, operation and maintenance of parks, trails and playgrounds in the area outside cities, subject to the same provisions governing dedications of park and open space areas as are set out for first class cities in AS 29.10.128. The exercise of powers in the area outside cities under this section is at the option of the borough and is not subject to the restrictions on acquiring additional powers specified in secs. 720 and 730 - 800 of this chapter.

* Sec. 9. AS 38.05.295 is amended to read:

Sec. 38.05.295. PARKS AND RECREATION AREAS. (a) The commissioner shall establish a policy and prescribe rules and regulations by which parks and recreation areas, including public scenic overlooks and cultural sites, shall be developed and managed in a manner that will best serve the interests of the people of the state. The

1 commissioner may classify public lands as parks, scenic overlooks,
2 cultural sites and recreation areas as long as the general intent of
3 this chapter is maintained.

4 (b) The director of the division of parks shall by regulation
5 establish for observance by local governments criteria and guidelines
6 relating to development, preservation, maintenance and operation of
7 parks located or enlarged after July 1, 1971 within home rule and
8 general law cities and organized boroughs of any class. For this
9 purpose and in order to qualify for state aid for parks and open space
10 areas under AS 43.18.010(j) the local governments shall submit at a
11 time and in a form designated by the director an overall plan for
12 park and open space development within the municipality as well as
13 specific plans for individual park and open space projects.

14 * Sec. 10. AS 43.18.010 is amended by adding a new subsection to read:

15 (j) During each fiscal year the state shall pay to a city or an
16 organized borough an amount equal to 50 per cent of the nonfederal
17 share of estimated reasonable costs for that year of the development,
18 care, and maintenance of parks and open space areas in accordance with
19 a plan submitted and approved by the division of parks under AS 38.05.-
20 295(b). Funds shall be allocated only for use to further the purposes
21 aided under this section and after the local government applies for,
22 and makes reasonable efforts to secure available federal assistance
23 for such purposes.

24 * Sec. 11. AS 07.05.040(a) is amended to read:

25 (a) In areas of the unorganized borough where there is no
26 political subdivision of the state with a zoning power, the division
27 of lands, Department of Natural Resources, shall exercise the zoning
28 power by adopting zoning regulations. The provisions of AS 29.10.128(a)
29 and (c) apply to subdivisions proposed within the area of the

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unorganized borough outside incorporated cities, except that the
division of lands shall exercise the responsibilities conferred upon
platting boards under AS 29.10.128(a).

* Sec. 12. This Act takes effect July 1, 1971.

Introduced: 3/19/71
Referred: Local Govern-
ment and Judiciary

1 IN THE HOUSE

BY GUESS AND MCVEIGH

2 HOUSE BILL NO. 332

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled "An Act relating to judicial review of municipal tax
7 assessments."

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

9 Section 1. AS 29.10.426 is amended to read:

10 Sec. 29.10.426. JUDICIAL REVIEW. A person aggrieved by an order
11 of the board of equalization may appeal to the superior court for
12 review de novo after he has exhausted his administrative remedy under
13 secs. 369 - 540 of this chapter. If the aggrieved party is contesting
14 the amount of the assessed valuation of property, the superior court
15 shall by trial de novo determine the fair market value of the property
16 as of the assessment date. Either party may demand a jury trial. In
17 this section "fair market value" means the amount a willing buyer
18 would pay and a willing seller accept as the purchase price for the
19 property.

Introduced: 3/22/71
Referred: Local Government

1 IN THE HOUSE

BY GUESS AND BOWMAN

2 HOUSE BILL NO. 335

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to powers of a city or borough to
7 provide mass transportation facilities and services."

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

9 * Section 1. AS 29.10 is amended by adding a new section to read:

10 Sec. 29.10.142. MASS TRANSPORTATION. The council may purchase,
11 contract for, or otherwise acquire, and establish, maintain and operate
12 mass transportation facilities and services for the transport of
13 passengers within the city. The council may exercise the power of
14 eminent domain to acquire transportation facilities and services under
15 this section at their fair market value and may exercise the power
16 through the filing of a declaration of taking with the complaint or
17 at any time after the filing of the complaint, but before judgment.
18 The fair market value is the amount a willing buyer would pay and a
19 willing seller accept as the purchase price without threat of eminent
20 domain or other compulsion with the premise that the transportation
21 facility or service would be continued for a reasonable period of time
22 in the future. Mass transportation facilities and services provided
23 for under this section shall be regulated by the Alaska Transportation
24 Commission in the same manner as other public carriers.

25 * Sec. 2. AS 29.15 is amended by adding a new section to read:

26 Sec. 29.15.187. MASS TRANSPORTATION. The board of trustees may
27 provide for mass transportation facilities and services in the same
28 manner as prescribed for first class cities in AS 29.10.142. Mass
29 transportation facilities and services provided for under this section

1 shall be regulated by the Alaska Transportation Commission in the
2 same manner as other public carriers.

3 * Sec. 3. AS 29.25 is amended by adding a new section to read:

4 Sec. 29.25.335. MASS TRANSPORTATION. The council may provide
5 for mass transportation facilities and services in the same manner as
6 prescribed for first class cities in AS 29.10.142. Mass transportation
7 facilities and services provided for under this section shall be regu-
8 lated by the Alaska Transportation Commission in the same manner as
9 other public carriers.

10 * Sec. 4. AS 07.15 is amended by adding a new section to read:

11 Sec. 07.15.370. MASS TRANSPORTATION. The first and second class
12 borough may provide for areawide mass transportation and may do so in
13 the manner provided for first class cities. Upon adoption of an
14 ordinance to provide for areawide mass transportation, no general law
15 or home rule city within the borough may exercise the power to provide
16 mass transportation, unless the ordinance provides otherwise or the
17 borough by subsequent ordinance ceases to exercise the power. The
18 exercise of the areawide power is at the option of the borough and
19 is not subject to the restrictions on acquiring additional areawide
20 powers specified in sec. 350 of this chapter. Mass transportation
21 facilities and services provided for under this section shall be regu-
22 lated by the Alaska Transportation Commission in the same manner as
23 other public carriers.
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Introduced: 4/13/71
Referred: Local Government

1 IN THE HOUSE

BY COLLETTA AND GUESS

2 HOUSE BILL NO. 423

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the involvement of young people
7 in local government and school governance; and pro-
8 viding for an effective date."

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

10 * Section 1. PURPOSE. It is the intent of the legislature in enacting
11 this statute to provide an opportunity for the young people of Alaska to
12 become involved in the institutions and processes of local government and
13 school governance comparable to that embodied in legislation under considera-
14 tion at the 1971 session of the legislature providing for participation in
15 the executive branch of state government.

16 * Sec. 2. AS 07.40 is amended by adding new sections to read:

17 ARTICLE 2. INVOLVEMENT OF YOUNG PEOPLE

18 IN BOROUGH GOVERNMENT.

19 Sec. 07.40.020. ESTABLISHMENT OF COMMISSION. A borough assembly
20 may by ordinance create a commission on the involvement of young
21 people in borough government.

22 Sec. 07.40.021. COMPOSITION AND CHAIRMAN. The commission may
23 consist of not more than nine members, drawn from fields of public
24 affairs, education, the sciences, the professions, other fields of
25 private endeavor, from the state or local service, and three additional
26 members from the 17 through 22 age group, and shall include women and
27 representatives of minority groups. The members shall be appointed
28 by the borough assembly in the manner prescribed by ordinance without
29 regard to political affiliation and shall serve at the pleasure of

that body. One member shall be designated by the assembly as chairman of the commission.

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3 Sec. 07.40.022. COMPENSATION AND PER DIEM. Members of the
4 commission serve without compensation but are entitled to per diem
5 and travel expenses as may be authorized by ordinance.

6 Sec. 07.40.023. FUNCTIONS OF THE COMMISSION. (a) The commis-
7 sion shall establish procedures to enable it to recommend annually to
8 the assembly a group of promising young men and women from whom the
9 assembly may select interns and youth voting members of borough boards
10 and commissions. The commission, in establishing these procedures,
11 shall enlist the aid of borough residents who are actively interested
12 in working with young people. Following adoption of the procedures,
13 the commission shall accept applications from individuals and nomina-
14 tions for consideration, and shall interview all applicants or nominees.

15 (b) Recommendations of the commission shall be limited to young
16 people who

17 (1) have a capacity, desire, interest, ability and potential
18 for leadership and service to the community and to the state;

19 (2) will have attained the age of 17 but not the age of 22
20 before the beginning of their service.

21 (c) Annually, the commission shall evaluate the program and
22 shall submit a written report to the assembly.

23 Sec. 07.40.024. INTERNS. An intern may be appointed to serve
24 on the staff of the assembly or the borough executive for a period of
25 time prescribed by the assembly, with a maximum of one year. He may
26 be assigned responsibilities in any office, department or agency of
27 the borough. Service will begin at a time prescribed by the assembly.
28 Interns shall be appointed without regard to political affiliation.
29 Salaries shall be individually established by the assembly on the basis

1 of prior experience and the responsibilities of the position to which
2 the intern is assigned.

3 Sec. 07.40.025. APPOINTMENT TO BOROUGH BOARDS AND COMMISSIONS.

4 (a) Notwithstanding AS 39.05.100 or a provision of law relating to
5 age, the assembly may appoint any 17 through 21 year old borough resident
6 to a borough board or commission if recommended by the borough youth
7 involvement commission.

8 (b) A young person recommended by the commission may be appointed
9 to borough boards or commissions with special qualifications for
10 membership if the proposed nominee, except for his age, meets the
11 required qualifications set by law.

12 (c) An individual appointed to a borough board or commission
13 under this section is entitled to the rights, privileges and responsi-
14 bilities of other members, and his appointment is subject to confirma-
15 tion by the assembly when required by law. No additional seat on a
16 borough board or commission is created by virtue of secs. 20 - 25 of
17 this chapter.

18 * Sec. 3. AS 29.95 is amended by adding new sections to read:

19 ARTICLE 2. INVOLVEMENT OF YOUNG PEOPLE
20 IN CITY GOVERNMENT.

21 Sec. 29.95.020. ESTABLISHMENT OF COMMISSION. A city council by
22 ordinance may create a commission on the involvement of young people
23 in city government.

24 Sec. 29.95.021. COMPOSITION AND CHAIRMAN. The commission may
25 consist of not more than nine members, drawn from fields of public
26 affairs, education, the sciences, the professions, other fields of
27 private endeavor, from the state or local service, and three additional
28 members from the 17 through 22 age group, and shall include women and
29 representatives of minority groups. The members shall be appointed

1 by the city council in the manner prescribed by ordinance without
2 regard to political affiliation and shall serve at the pleasure of
3 that body. One member shall be designated by the council as chairman
4 of the commission.

5 Sec. 29.95.022. COMPENSATION AND PER DIEM. Members of the
6 commission serve without compensation but are entitled to per diem
7 and travel expenses as may be authorized by ordinance.

8 Sec. 29.95.023. FUNCTIONS OF THE COMMISSION. (a) The commission
9 shall establish procedures to enable it to recommend annually to the
10 council a group of promising young men and women from whom the council
11 may select interns and youth voting members of city boards and commis-
12 sions. The commission, in establishing these procedures, shall enlist
13 the aid of city residents who are actively interested in working with
14 young people. Following adoption of the procedures, the commission
15 shall accept applications from individuals and nominations for consider-
16 ation, and shall interview all applicants or nominees.

17 (b) Recommendations of the commission shall be limited to young
18 people who

19 (1) have a capacity, desire, interest, ability and potential
20 for leadership and service to the community and to the state;

21 (2) will have attained the age of 17 but not the age of
22 22 before the beginning of their service.

23 (c) Annually, the commission shall evaluate the program and
24 shall submit a written report to the council.

25 Sec. 29.95.024. INTERNS. An intern may be appointed to serve
26 on the staff of the council or the city executive for a period of time
27 prescribed by the council, with a maximum of one year. He may be
28 assigned responsibilities in any office, department or agency of the
29 city. Service will begin at a time prescribed by the council. Interns

1 shall be appointed without regard to political affiliation. Salaries
2 shall be individually established by the council on the basis of prior
3 experience and the responsibilities of the position to which the intern
4 is assigned.

5 Sec. 29.95.025. APPOINTMENT TO CITY BOARDS AND COMMISSIONS. (a)
6 Notwithstanding AS 39.05.100 or a provision of law relating to age,
7 the council may appoint any 17 through 21 year old city resident to a city
8 board or commission if recommended by the city youth involvement
9 commission.

10 (b) A young person recommended by the commission may be appointed
11 to city boards or commissions with special qualifications for member-
12 ship if the proposed nominee, except for his age, meets the required
13 qualifications set by law.

14 (c) An individual appointed to a borough board or commission
15 under this section is entitled to the rights, privileges and responsi-
16 bilities of other members, and his appointment is subject to confirma-
17 tion by the council when required by law. No additional seat on a
18 city board or commission is created by virtue of secs. 20 - 25 of this
19 chapter.

20 * Sec. 4. AS 14.14 is amended by adding new sections to read:

21 ARTICLE 3. INVOLVEMENT OF YOUNG PEOPLE
22 IN SCHOOL GOVERNANCE.

23 Sec. 14.14.300. ESTABLISHMENT OF COMMITTEE. A school board may
24 create a committee or other advisory body on the involvement of young
25 people in school governance.

26 Sec. 14.14.301. COMPOSITION AND CHAIRMAN. The committee may
27 consist of not more than nine members, drawn from the fields of public
28 affairs, education, the sciences, the professions, other fields of
29 private endeavor, from the state or local service, and three additional

1 members from the 17 through 22 age group, and shall include and
 2 representatives of minority groups. The members shall be appointed
 3 by the board in the manner prescribed by the board without regard
 4 to political affiliation and shall serve at the pleasure of that body.
 5 One member shall be designated by the board as chairman of the
 6 committee.

7 Sec. 14.14.302. COMPENSATION AND PER DIEM. Members of the
 8 committee or other advisory body serve without compensation but are
 9 entitled to per diem and travel expenses as may be authorized by the
 10 board.

11 Sec. 14.14.303. FUNCTIONS OF THE COMMITTEE. (a) The committee
 12 shall establish procedures to enable it to recommend annually to the
 13 board a group of promising young men and women from whom the board may
 14 select interns and youth voting members of district committees or
 15 other advisory bodies. The committee, in establishing these procedures
 16 shall enlist the aid of district residents who are actively interested
 17 in working with young people. Following adoption of the procedures,
 18 the committee shall accept applications from individuals and nomina-
 19 tions for consideration, and shall interview all applicants or nominees

- 20 (b) Recommendations of the committee shall be limited to young
 21 people who
- 22 (1) have a capacity, desire, interest, ability and potential
 - 23 for leadership and service to the community and to the state;
 - 24 (2) will have attained the age of 17 but not the age of
 - 25 22 before the beginning of their service.

26 (c) Annually, the committee shall evaluate the program and shall
 27 submit a written report to the board.

28 Sec. 14.14.304. INTERNS. An intern may be appointed to serve
 29 on the staff of the board or the district administrator for a period

1 of time prescribed by the board, with a maximum of one year. He may
 2 be assigned responsibilities in any office, department or agency of
 3 the district. Service will begin at a time prescribed by the board.
 4 Interns shall be appointed without regard to political affiliation.
 5 Salaries shall be individually established by the board on the basis of
 6 prior experience and the responsibilities of the position to which the
 7 intern is assigned.

8 Sec. 14.14.305. APPOINTMENT TO DISTRICT COMMITTEES OR OTHER
 9 ADVISORY BODIES. (a) Notwithstanding AS 39.05.100 or a provision of
 10 law relating to age, the board may appoint any 17 through 21 year old
 11 district resident to a district committee or advisory body if recom-
 12 mended by the youth involvement committee.

13 (b) A young person recommended by the committee may be appointed
 14 to district committees or advisory bodies with special qualifications
 15 for membership if the proposed nominee, except for his age, meets the
 16 required qualifications set by law.

17 (c) An individual appointed to a district committee or advisory
 18 body under this section is entitled to the rights, privileges and
 19 responsibilities of other members, and his appointment is subject to
 20 confirmation by the board when required by law. No additional seat
 21 on a district committee or advisory body is created by virtue of
 22 secs. 300 - 305 of this chapter.

23 Sec. 14.14.306. In secs. 300 - 306 of this chapter

24 (1) "board" means the governing body of a borough or city
 25 school district, or the Board of Directors for the State-Operated
 26 Schools;

27 (2) "district" means a borough or city school district or
 28 the state-operated school system.

29 * Sec. 5. This Act takes effect on the day after its passage and

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1 approval or on the day it becomes law without approval.

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Introduced: 4/30/71
Referred: Local Government

1 IN THE HOUSE BY SPECKING BY REQUEST

2 HOUSE BILL NO. 456

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to exercise of planning, platting
7 and zoning powers within organized boroughs."

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

9 * Section 1. AS 07.15.340 is amended by adding new subsections to read:

10 (d) The governing body of a home rule or first class city may
11 at its option by ordinance assume the exercise of planning, platting
12 and zoning powers within its boundaries in lieu of borough exercise of
13 those powers within the city. The provisions of (a) and (b) of this
14 section do not restrict the authority conferred in this subsection,
15 and the city may exercise the planning, platting and zoning power as
16 provided in its charter or by ordinance.

17 (e) If the governing body of a home rule or first class city
18 within a borough elects to exercise planning, platting and zoning
19 powers as provided in (d) of this section, the borough continues to
20 exercise the powers in all areas of the borough outside that city. In
21 addition the city governing body may by ordinance choose to reinvest
22 the assembly with authority to exercise the powers within the city.

23 * Sec. 2. AS 07.15.310 is amended to read:

24 Sec. 07.15.310. SCOPE OF AREAWIDE POWERS. Except as provided in
25 sec. 340(d) and (e) of this chapter, first [FIRST] and second class
26 boroughs shall exercise the powers specified in secs. 310 - 350 of
27 this chapter on an areawide basis, both within and outside cities of
28 any class within its boundaries. Except as provided in sec. 340(d) and
29 (e) of this chapter, no [NO] city of any class, whether home rule or

not, within an organized borough, may exercise any areawide power provided in this section or specified in the petition approved by the voters for incorporation once that power is being exercised by an organized borough.

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Introduced: 5/10/71
Referred: Local Government
and Finance

1 IN THE HOUSE

BY HUBER, BRADNER, FINK, HOLM
AND WARWICK

2 HOUSE BILL NO. 470

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sources of revenue for the
7 payment of bonded indebtedness; and providing for an
8 effective date."

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

10 * Section 1. AS 07.15.030(3) is amended to read:

11 (3) on a service area basis for functions performed in a
12 service area only; payment of debt principal and interest as well as
13 other costs shall be limited to the service area, except that, subject
14 to the election requirements of AS 07.30.010(b), the full faith and
15 credit of the entire borough, subject to AS 29.30.025, may be pledged
16 to guarantee payment of principal and interest.

17 * Sec. 2. AS 29.30 is amended by adding a new section to read:

18 Sec. 29.30.025. PERMISSIBLE SOURCES OF REVENUE FOR DEBT PAYMENTS.

19 If, after the effective date of this Act, a city or borough, whether
20 home rule or general law, is unable to pay the principal and interest
21 of bonded or other indebtedness from municipal revenue sources other
22 than ad valorem taxes, the state shall levy and collect, in a manner
23 prescribed by regulation of the Department of Revenue, a consumers
24 sales tax on the sales price of all retail sales, rents, and services
25 made within the city or borough, only for the purpose of, and at a
26 rate not exceeding two per cent for a maximum of 20 years, satisfying
27 the payments, notwithstanding other provisions of law limiting the
28 permissible rate of sales tax levy within a municipality or requiring
29 voter approval for a sales tax levy. In no event may ad valorem

1 taxes be levied to amortize bonded or other indebtedness incurred
2 after the effective date of this Act.

3 * Sec. 3. AS 29.50.040 is amended to read:

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5 Sec. 29.50.040. LEVY OF TAXES AND PLEDGE OF REVENUES. The
6 governing body shall provide for the levy and collection of taxes
7 other than ad valorem taxes, in the case of bonds authorized and
8 issued after the effective date of this Act, in amounts sufficient to
9 pay the principal and interest on the bonds as they become due, and
10 may [, IN ADDITION TO PAYMENT FROM THE LEVY AND COLLECTION OF AD
11 VALOREM TAXES,] provide for payment of principal and interest from
12 such special funds or other revenues as the governing body may
13 specifically pledge for payment. The pledge of a special fund or other
14 revenues is a binding obligation, according to its terms, to continue
15 the collection of the special fund or revenues so long as the bonds
16 or any of them, are outstanding, notwithstanding any other provision
17 of law.

18 * Sec. 4. This Act takes effect on July 1, 1971.
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IN THE HOUSE

BY KERTTULA

HOUSE BILL NO. 474

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

A BILL

For an Act entitled: "An Act relating to the taxation of real property."

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

* Section 1. AS 29.10 is amended by adding a new section to read:

Sec. 29.10.337. LIMIT ON TAX LEVY. The real property tax levied under sec. 335 of this chapter on a private dwelling, which is the principal place of residence of the taxpayer, may not exceed five per cent of the taxpayer's annual net income indicated by the state income tax return for the previous calendar year. As used in this section, "principal place of residence of a taxpayer" is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return.

Introduced: 2/7/72
Referred: Local Government
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

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IN THE HOUSE

HOUSE BILL NO. 596

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

A BILL

For an Act entitled: "An Act providing for boroughs in the unorganized
borough; and providing for an effective date."

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

* Section 1. AS 07 is amended by adding a new chapter to read:

CHAPTER 04. BOUNDARIES AND ORGANIZATION OF BOROUGHES
IN THE UNORGANIZED BOROUGH.

ARTICLE 1. BOUNDARIES, ADMINISTRATION AND INCORPORATION.

Sec. 07.04.010. BOUNDARIES. By the tenth day following the
convening of the first session of the Eighth Legislature, the Local
Boundary Commission shall propose to the legislature a division of the
unorganized area of the state into unorganized boroughs. The Local
Boundary Commission may propose adjustments to the boundaries of exist-
ing boroughs to the extent necessary to secure conformity with the
standards for borough boundaries set forth in the statutes and in the
Constitution of the State of Alaska. A proposed adjustment of existing
boundaries shall provide for those transitional matters the commission
considers necessary or appropriate. The boundaries proposed by the
Local Boundary Commission become effective 45 days after presentation
or at the end of the session whichever is earlier, unless disapproved
by resolution concurred in by a majority of the members of each house.
The proposed division is not subject to modification by the legislature
as an alternative to disapproval, and if disapproved by the legislature
the proposed division made in accordance with this section is of no
effect.

1 Sec. 07.04.020. ADMINISTRATION. Unorganized boroughs shall be
2 administered by the Department of Community and Regional Development
3 as prescribed by the legislature.

4 Sec. 07.04.030. ADVISORY COUNCIL. In each unorganized borough
5 the lieutenant governor, within 60 days of the establishment of unorg-
6 anized boroughs in the manner provided in sec. 10 of this chapter shall
7 provide for election of an advisory council of 11 members. The council
8 may participate in an advisory capacity in the development and imple-
9 mentation of state programs and projects relating to the borough.
10 Elections of council members shall be held every four years.

11 Sec. 07.04.035. COUNCIL MEMBERSHIP. At the time of election and
12 during their tenure advisory council members shall be qualified voters
13 of the state and residents of the borough. A vacancy on the advisory
14 council shall be filled by a person qualified for election to the
15 advisory council and selected by majority vote of the remaining members
16 of the council. If a majority of seats on the advisory council are
17 vacant concurrently, the lieutenant governor shall fill the vacancies
18 by appointment of persons qualified for election to the advisory
19 council.

20 Sec. 07.04.040. INCORPORATION. A percentage, determined in
21 accordance with AS 07.10.020(8), of the qualified voters of an unorgan-
22 ized borough may petition for organization of the borough as a borough
23 of the first, second or third class in the manner provided in AS 07.10
24 and 07.17, except that the petition need not include matter relating to
25 boundaries.

26 ARTICLE 2. HOME RULE CHARTERS.

27 Sec. 07.04.050. ADOPTION OF CHARTER. An unorganized borough
28 established under this chapter may adopt a home rule charter in the
29 manner prescribed by AS 29.40.010 - 29.40.030 and AS 29.85.110(a) - (d),

1 except that the advisory council elected in accordance with sec. 30 of
2 this chapter shall perform the duties assigned to city councils, and
3 except that the charter commission shall consist of 11 members. Vacan-
4 cies on the charter commission shall be filled in the same manner as
5 vacancies on the advisory council.

6 Sec. 07.04.060. ORGANIZATION. The charter commission shall
7 initiate organization of the borough in accordance with the terms of
8 the charter by submission of the charter to the Department of Community
9 and Regional Development. The charter shall be submitted within one
10 year of the first meeting of the commission. The department shall
11 review the charter in light of the circumstances of the particular
12 borough and, within 120 days from receipt shall transmit the charter,
13 together with its findings and recommendations, to the Local Boundary
14 Commission.

15 Sec. 07.04.070. HEARING. The Local Boundary Commission shall
16 hold at least one hearing in the area proposed to be organized for the
17 purpose of hearing public comment on the charter.

18 Sec. 07.04.080. LOCAL BOUNDARY COMMISSION DETERMINATION. The
19 Local Boundary Commission, within 90 days from receipt of the charter
20 and the recommendations and findings of the Department of Community and
21 Regional Development, shall determine whether the charter meets stand-
22 ards for organization established by the laws and the Constitution of
23 the State of Alaska and by regulations adopted by the commission.

24 Sec. 07.04.090. REJECTION OF CHARTER. If the Local Boundary
25 Commission determines that the charter fails to meet the standards for
26 organization it shall reject the charter stating in writing its reasons
27 for the rejection.

28 Sec. 07.04.100. AMENDED CHARTER. A charter commission, within 60
29 days of rejection, may prepare and submit to the Department of

1 Community and Regional Development an amended charter fairly meeting
 2 the stated objections to the original charter. The amended charter
 3 shall be evaluated in the same manner as the original charter. No more
 4 than one original and one amended charter may be submitted within one
 5 12 month period.

6 Sec. 07.04.110. RATIFICATION OF CHARTER. If the Local Boundary
 7 Commission determines that the charter meets the standards for organ-
 8 ization it shall notify the lieutenant governor. As soon thereafter as
 9 practicable the lieutenant governor shall provide for an election in
 10 the borough on the question of whether or not the charter is ratified
 11 and for election of the officers provided for in the charter. The
 12 election shall be preceded by publication and posting of the proposed
 13 charter by the lieutenant governor substantially in the manner provided
 14 for other charter elections in AS 29.85.150.

15 Sec. 07.04.120. CERTIFICATION OF RESULTS. If a majority of the
 16 votes cast by the qualified voters of the borough are against ratific-
 17 ation the lieutenant governor shall so certify and shall certify that
 18 the charter is defeated. If a majority of the votes cast by the quali-
 19 fied voters on the question are in favor of ratification the lieutenant
 20 governor shall so certify and declare that the borough in which the
 21 election was held is an organized borough and a municipal corporation
 22 in accordance with the terms of the charter. The lieutenant governor
 23 shall also certify the names of those candidates who received the great-
 24 est number of votes for the offices established by the charter.

25 Sec. 07.04.125. VOTERS, ELECTIONS AND COSTS. (a) A person
 26 is qualified to vote in a borough election authorized in this chapter
 27 if he is qualified to vote in state elections and if he is a resident
 28 of the borough.

29 (b) The lieutenant governor shall supervise elections under this

1 chapter as provided for supervision of other borough elections under
2 AS 07.10.120(d).

3 (c) The state through the office of the lieutenant governor
4 shall assume the costs of elections and charter preparation under this
5 chapter.

6 * Sec. 2. Nothing in this Act may be construed to affect any organiz-
7 ation petition pending on the effective date of this Act. All such petitions
8 shall be acted upon in the manner provided by law in effect prior to the
9 effective date of this Act.

10 * Sec. 3. AS 07.05.010 and AS 07.05.040 are repealed.

11 * Sec. 4. This Act takes effect July 1, 1972.

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Introduced: 2/14/72
Referred: Local Government
and State Affairs

1 IN THE HOUSE

BY FISCHER AND HUBER

2 HOUSE BILL NO. 660

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the governance of the unorganized
7 borough; and providing for an effective date."

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

9 * Section 1. AS 07.05 is amended by adding new sections to read:

10 Sec. 07.05.050. ASSEMBLY. The legislature, in joint session
11 sitting as a unicameral body, acts by ordinance or resolution as the
12 assembly for the unorganized borough.

13 Sec. 07.05.060. ASSEMBLY OFFICERS. The president of the senate
14 serves as temporary borough chairman until the permanent chairman is
15 elected by a majority vote of the membership of the assembly. The
16 assembly may provide for the election of additional officers.

17 Sec. 07.05.070. RULES AND QUORUM. The assembly may adopt rules
18 for the conduct of its business by a majority vote of the membership
19 of the assembly. A majority of the membership of the assembly consti-
20 tutes a quorum to do business. Passage of an ordinance or adoption
21 of a resolution requires an affirmative vote of a majority of the mem-
22 bership of the assembly.

23 Sec. 07.05.080. POWERS. The assembly has the powers of a first
24 class borough. It may pass ordinances relating to schools, planning
25 and zoning, assessment and taxation, and any other subject or activity
26 with which a first class organized borough is empowered to deal.

27 * Sec. 2. This Act takes effect on the date a constitutional amendment
28 amending sec. 6, art. X, Constitution of the State of Alaska, establishing
29 the legislature as the assembly for the unorganized borough becomes effective

Introduced: 2/29/72
Referred: Health, Welfare
and Education

BY THE HEALTH, WELFARE AND
EDUCATION COMMITTEE

1 IN THE HOUSE

2 HOUSE BILL NO. 709

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the terms of office of members of
7 school boards."

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

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

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

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Introduced: 3/3/72
Referred: Local Government,
State Affairs and Judiciary

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 720

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the incorporation of boroughs;
7 and providing for an effective date."

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

9 * Section 1. AS 07.10 is amended by adding a new section to read:

10 Sec. 07.10.115. APPROVAL BY LEGISLATURE. If the Local Boundary
11 Commission accepts the petition, and before an election under sec. 120
12 of this chapter, the commission shall present the proposed borough
13 incorporation to the legislature during the first 10 days of a regular
14 session. The incorporation shall be approved by the legislature 45
15 days after presentation or at the end of the session, whichever is
16 earlier, unless disapproved by a resolution concurred in by a majority
17 of the members of each house.

18 * Sec. 2. AS 07.10.120(a) is amended to read:

19 (a) Date of election. Upon the approval of the proposed incor-
20 poration by the legislature, the Local Boundary Commission [IF THE
21 LOCAL BOUNDARY COMMISSION ACCEPTS THE PETITION, IT] shall immediately
22 notify the lieutenant governor of its action and shall furnish him
23 with such information on the proposed incorporation as he requires.
24 Within 30 days after the receipt of his notification, the lieutenant
25 governor shall issue an order that an election be held within the
26 proposed organized borough to determine the question of whether the
27 qualified voters of the proposed organized borough desire to be
28 incorporated; and if so, to elect members of the first assembly of the
29 borough, the borough chairman, and the members of the first school

1 board, and to determine whether the borough shall have an appointed
 2 borough manager or an elected borough chairman. The date of the
 3 election specified by the lieutenant governor in the order shall be
 4 not less than 30 nor more than 90 days after the date of the order of
 5 election. The lieutenant governor shall also specify in the election
 6 order the dates during which petitions for nominations may be filed
 7 with him.

8 * Sec. 3. AS 44.19.260(a) is amended by adding a new paragraph to read:

9 (5) present to the legislature during the first 10 days of
 10 a regular session proposed borough incorporations.

11 * Sec. 4. Notwithstanding the provisions of AS 07.10.115, with respect
 12 to any borough proposed for incorporation after February 15, 1972, and
 13 before an election under AS 07.10.020, the Local Boundary Commission shall
 14 submit the proposed borough incorporation to the legislature.

15 * Sec. 5. This Act takes effect February 15, 1972.
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Introduced: 3/9/72
Referred: Resources and
State Affairs

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 729

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to parks and open space areas within
7 cities, organized boroughs and the unorganized borough;
8 and providing for an effective date."

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

10 * Section 1. AS 29.10 is amended by adding a new section to read:

11 Sec. 29.10.128. DEDICATION OF PARKS AND OPEN SPACE AREAS. (a) As
12 a condition to approval by the platting board of a proposed subdivision
13 for new housing construction, a subdivider shall dedicate a designated
14 net acreage per cent of the gross area on the plat for park and open
15 space purposes, according to the following formula: $H = \left[\left(\frac{B}{A} \right) XC \right] XE$ XG

16 H = percentage of net acreage required for neighborhood park purposes

17 A = average lot size in proposed subdivisor. (sq. ft.)

18 B = the number of square feet in an acre available for residential
19 development

20 C = maximum dwelling units per lot allowed by the applicable zoning
21 ordinance

22 E = average persons per dwelling unit in the zoning district

23 G = acreage standard for neighborhood parks divided by the number of
24 people that acreage should serve.

25 (b) For purposes of the formula specified in (a) of this section,
26 the platting board shall determine the number of square feet in an
27 acre available for residential development "B", and the acreage standard
28 for neighborhood parks and the number of people that acreage should
29 serve "G".

1 (c) A city acquiring a parcel of improved or unimproved land
 2 through foreclosure, purchase, condemnation, exchange or otherwise may
 3 dedicate all or part of the parcel for park and open space purposes if
 4 the governing body, after consideration of the advice of the planning
 5 commission, the results of the application of the formula specified in
 6 (a) of this section, and an absence or lack of proximate park and open
 7 space sites to accommodate the population of the area, determines that
 8 the best use of the property is for park and open space purposes.

9 (d) To facilitate development of ample parks and open space
 10 areas within the city, the governing body may provide for sale, ex-
 11 change or other disposition of parcels acquired under this section
 12 for the sole purpose of consolidating or rearranging parks and open
 13 space areas to provide improved facilities.

14 (e) Up to five per cent of the amount of land required to be
 15 dedicated under (a) of this section, shall be dedicated without compen-
 16 sation. Any percentage required to be dedicated above five per cent
 17 shall be compensated at fair market value by the local governing body
 18 for the area in which the land is located.

19 (f) The amount of local contribution required under (e) of this
 20 section shall be reduced by a reimbursement to the local governing
 21 body of up to 50 per cent by the state; however, if available, federal
 22 funds shall reduce the state contribution and if federal funds exceed
 23 the amount of the state contribution, the excess over the state contri-
 24 bution inures to the benefit of the local government.

25 (g) This section does not apply to a subdivision if, under a
 26 plan or program other than the formula specified in this section, a
 27 park or open space area at least as large as the area required to be
 28 dedicated under (a) of this section is provided within the gross area of
 29 the subdivision on a permanent basis.

1 (h) In this section "subdivision" means "subdivision" as defined
2 in AS 40.15.190(2).

3 * Sec. 2, AS 29.08 is amended by adding a new section to read:

4 Sec. 29.08.220. DEDICATION OF PARKS AND OPEN SPACE AREAS.
5 AS 29.10.128, relating to dedication of parks and open space areas,
6 applies to home rule cities.

7 * Sec. 3. AS 07.12 is amended by adding a new section to read:

8 Sec. 07.12.100. DEDICATION OF PARKS AND OPEN SPACE AREAS.
9 AS 29.10.128, relating to dedication of parks and open space areas,
10 applies to home rule boroughs.

11 * Sec. 4. AS 29.15.290 is amended to read:

12 Sec. 29.15.290. APPLICATION OF LAWS GOVERNING FIRST CLASS CITIES.
13 All laws and parts of laws empowering and regulating first class
14 cities on special assessments, public utilities, airports, public
15 service rates, franchises, acquisition and disposition of property,
16 motor vehicles and motor vehicle operators, [AND] schools, and dedi-
17 cation of parks and open space areas, apply to second class cities.

18 * Sec. 5. AS 29.20 is amended by adding a new section to read:

19 Sec. 29.20.065. PARKS AND RECREATION AREAS. The board of
20 trustees of a city of the third class may provide for the location,
21 construction, operation and maintenance of parks, trails and playgrounds,
22 subject to the same provisions governing dedications of park and open
23 space areas as are set out for first class cities in AS 29.10.128.

24 * Sec. 6. AS 29.25.297 is amended to read:

25 Sec. 29.25.297. PARKS AND RECREATION. The council may provide
26 for the location, construction, operation and maintenance of parks,
27 trails, playgrounds and community centers and the preservation of the
28 scenic and historic resources of the community, subject to the same
29 provisions governing dedications of park and open space areas as are

set out for first class cities in AS 29.10.128.

* Sec. 7. AS 07.15 is amended by adding a new section to read:

Sec. 07.15.727. PARKS AND RECREATION. The second class borough may provide for the location, construction, operation and maintenance of parks, trails and playgrounds in the area outside cities, subject to the same provisions governing dedications of park and open space areas as are set out for first class cities in AS 29.10.128. The exercise of powers under this section in the area outside cities is at the option of the borough and is not subject to the restrictions on acquiring additional powers specified in secs. 720 and 730 - 800 of this chapter.

* Sec. 8. AS 07.17 is amended by adding a new section to read:

Sec. 07.17.022. PARKS AND RECREATION. A third class borough may provide for the location, construction, operation and maintenance of parks, trails and playgrounds in the area outside cities, subject to the same provisions governing dedications of park and open space areas as are set out for first class cities in AS 29.10.128. The exercise of powers in the area outside cities under this section is at the option of the borough and is not subject to the restrictions on acquiring additional powers specified in secs. 720 and 730 - 800 of this chapter.

* Sec. 9. AS 38.05.295 is amended to read:

Sec. 38.05.295. PARKS AND RECREATION AREAS. (a) The commissioner shall establish a policy and prescribe rules and regulations by which parks and recreation areas, including public scenic overlooks and cultural sites, shall be developed and managed in a manner that will best serve the interests of the people of the state. The commissioner may classify public lands as parks, scenic overlooks, cultural sites and recreation areas as long as the general intent of this

chapter is maintained.

(b) The director of the division of parks shall by regulation establish for observance by local governments criteria and guidelines relating to development, preservation, maintenance and operation of parks located or enlarged after July 1, 1971 within home rule and general law cities and organized boroughs of any class. For this purpose and in order to qualify for state aid for parks and open space areas under AS 43.18.010(j) the local governments shall submit at a time and in a form designated by the director an overall plan for park and open space development within the municipality as well as specific plans for individual park and open space projects.

* Sec. 10. AS 43,18.010 is amended by adding a new subsection to read:

(j) During each fiscal year the state shall pay to a city or an organized borough an amount equal to 50 per cent of the nonfederal share of estimated reasonable costs for that year of the development, care, and maintenance of parks and open space areas in accordance with a plan submitted and approved by the division of parks under AS 38.05.-295(b). Funds shall be allocated only for use to further the purposes aided under this section and after the local government applies for, and makes reasonable efforts to secure available federal assistance for such purposes.

* Sec. 11. AS 07.05.040(a) is amended to read:

(a) In areas of the unorganized borough where there is no political subdivision of the state with a zoning power, the division of lands, Department of Natural Resources, shall exercise the zoning power by adopting zoning regulations. The provisions of AS 29.10.128(a) and (d) apply to subdivisions proposed within the area of the unorganized borough outside incorporated cities, except that the division of lands shall exercise the responsibilities conferred upon platting boards

1 under AS 29.10.128(a).

2 * Sec. 12. This Act takes effect July 1, 1972.

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