

HB

483

4-19-77

COMMITTEE REPORT

HOUSE

2/27

Date

Mr. Speaker:

The Committee on C&EA has had HB 483

under consideration. A majority of the members of the Committee

recommends it do pass

recommends it do not pass

recommends it do pass with attached amendment(s)

recommends it be replaced with CS for HB 483 and that
CS for HB 483 do pass

(and) recommends it be referred to the _____
committee

reports it back without recommendation

AND attaches a report of its intent

(other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

<u>Budd - do pass</u>	<u>ADD</u>	<u>NO DIS</u>
<u>John [unclear]</u>		
<u>[unclear]</u>	<u>D.P.</u>	
<u>Mike B. [unclear]</u>	<u>D.P.</u>	

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

<u>Tim Kelly</u>	recommends: <u>No Pass</u>
<u>[unclear]</u>	recommends: <u>" "</u>
_____	recommends: _____

[Signature]
Chairman

HB 483
Revisions to Title 29

February 17, 1977

The Honorable Hugh Malors, Speaker
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Hugh:

Attached to this letter is a proposed sponsor or committee substitute to HB 110 of draft legislation which would correct or otherwise clarify certain portions of Title 29 from a basically technical viewpoint. In preparing this draft legislation it was our intent not to, in any way, deal with issues involving policy or subjects that might be controversial in nature. I believe that as you read the draft legislation, most proposed changes will be self-explanatory; therefore, I will not attempt to go into detailed explanation as to the background for each of the changes.

By way of general background, Commissioner McAnerney had earlier requested that the Division assume responsibility for reviewing all of Title 29 and to make an attempt to correct those obvious errors or omissions which were apparent in the 1972 legislation or which have been caused by subsequent amendments to the original 1972 version of Title 29. In July, the Department sent a letter to all municipalities requesting their input or suggested amendments to Title 29. Additionally, four attorneys were invited to a meeting which included Billy Barrier and Greg Machyowski (of Legislative Affairs Agency), Jim Nordale (attorney for the Fairbanks North Star Borough), and Karl Walter (formerly city attorney for the City of Anchorage and now a private practitioner). The language of the attached draft legislation (with the exception of sections 1, 7, & 15) is the result of that all-day meeting between the Division of Local Government Assistance and the four attorneys who primarily drafted the 1972 version of Title 29.

Section 1 of the proposed draft may not be technically considered "clean-up" legislation but provides what we in this Division feel would permit a "streamlined" mechanism to allow earlier home-rule charter adoption of a municipality upon incorporation.

On November 15, 1976, the Division received a letter from Wes Howe, borough manager of the Matanuska-Susitna Borough, calling to our attention some technical

The Honorable Hugh Malone, Speaker
House of Representatives
Pouch V
Juneau, Alaska 99811.

-2-

February 17, 1977

deficiencies in AS 29.23.310. Therefore, section 7 of the attached draft is the language proposed by the borough attorney from the Matanuska-Susitna Borough to correct that one problem area. Section 9 of the proposed draft achieves the same purpose as your HB 110.

Section 15 of the proposed draft re-enacts identical language passed by the legislature last year. However, the AG's office has ruled that this enactment would be held invalid since it was contained in a bill which amended Title 43 (thus violating the two subject rule). Ketchikan Gateway Borough administration reminded us of the need to have this provision re-enacted into Title 29. The AG's office has advised that re-enactment of the language is appropriate.

Representative Lisa Rudd has indicated a willingness to consider our proposal as a sponsor or committee substitute but requested that I meet with you for your concurrence.

I hope that you will be able to propose this additional language as a sponsor substitute or that, in the alternative, you will have no objection to allowing this proposal to be considered as a committee substitute for HB 110.

I look forward to discussing this with you at 3:30 tomorrow afternoon.

Sincerely,

Lee McAnerney
Commissioner

By: Palmer McCarter
Director

LMcA:PMcC:sg



ALASKA HOUSE OF REPRESENTATIVES

Community and Regional Affairs Committee

LISA RUDD, Chair

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3870

17 February 1978

Ms. Judith A. Slajer, Manager
Ketchikan Gateway Borough
344 Front St.
Ketchikan , Alaska 99901

Dear Judy,

Thank you for your telegram concerning the municipal clerks' proposed amendments to HB 483. I do appreciate the input from the clerks' association.

I have enclosed a copy of the proposed committee substitute for HB 483 which incorporates some of the amendments proposed by the clerks. A committee review of this substitute has not yet been scheduled but it will probably be heard again in two weeks.

Thank you again for your telegram and please let me know if I can be of help to you.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Lisa".

Lisa Rudd, Chair

LR/vb
Enc: HB 483

TELEGRAM

NSA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

JUN 15 11 0 13

13002 KETCHIKAN ALASKA 37 02-15 955A PST

PMS LISA RUDD CHAIRMAN HOUSE COMMUNITY REGIONAL AFFAIRS COMMITTEE

JUN 1957

RE HB483

NOTE REVISIONS PROPOSED BY JOYCE RASLER WRANGELL CITY CLERK
AMENDMENTS PROPOSED WOULD CLARIFY EXISTING CONFLICTS IN TITLE
29 AND BETWEEN 29 AND OTHER TITLES AND INCREASE THE UNIFORM
APPLICABILITY AND WORKABILITY OF TITLE 29

JUDITH A SLAJER BOROUGH MGR KETCHIKAN GATEWAY BOROUGH

TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

1970 FEB 15 AM 10 13

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PMS LISA RUDD CHAIRMAN HOUSE COMMUNITY REGIONAL AFFAIRS COMMITTEE

JUN 587

RE HB483

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HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

LISA RUDD

ALASKA HOUSE OF REPRESENTATIVES, POUCH V, JUNEAU 99811

February 14, 1978

Dear Ms. Rasler,

Thank you very much for your letter on behalf of the Alaska Association of Municipal Clerks regarding HB 483.

I will see that each member of our committee receives a copy of your letter. Thank you again for the information you have provided us with.

Yours sincerely,

Lisa Rudd

REPRESENTATIVE - DISTRICT 11 - ANCHORAGE

IR/vb



ADOPTED AUGUST 1972

CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99929 (907) 874-2361

February 7, 1978

Lisa Rudd, Chairperson
House Community and Regional
Affairs Committee
Pouch V, State Capitol
Juneau, Alaska 99811

Re: HB 483, Revision to the Municipal Code

Dear Ms. Rudd:

On behalf of the Alaska Association of Municipal Clerks, I wish to submit the following comments regarding HB 483:

AS 29.13.100 (34) references those sections of Title 29 and Title 14 which apply to home rule municipalities. In reading 14.12.100, we find that 14.12.10 through 14.12.100 applies to home rule. We are unable to find this application within Title 29. We would request that HB 483 include an amendment to 29.13.100 for reference of home rule application of 14.12.10 through 14.12.100.

AS 29.28.030 provides for voter qualifications. We request that this section be amended to provide for a voter being registered within the municipality in which they wish to vote. This would alleviate problems currently encountered.

AS 29.48.150 (a) provides that each ordinance and resolution shall be codified. 29.48.180 (c) defines codified and does not refer to resolutions. We do not feel a resolution holds the same status as an ordinance and therefore should not be included in the codified laws of a municipality.

AS 29.48.220 provides that audits will be made available to the public on request. Although we do not feel the intent of the section is to provide copies of the audit at no cost, we would request that the section be amended to provide copies of the audit to the public at cost. In support of this request, a copy of a letter received from the Alaska Court System is enclosed.

CITY OF WRANGELL, ALASKA

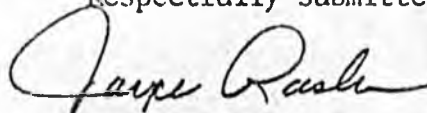
Lisa Rudd, Chairperson
February 7, 1978
Page two

AS 29.53.230 (a) provides for annual foreclosure unless otherwise provided by ordinance. 29.53.240 (a) (1) provides that (city) shall annually present a petition for judgement and a certified copy of the foreclosure list for the previous year delinquency. We feel the separate sections conflict as they do not each state unless otherwise provided by ordinance.

HB 483 would amend AS 29.48.180 (a) to include "any punishment authorized for violation of an ordinance may be imposed only if the ordinance is codified and copies of the ordinance are made available for distribution to the public". We would request that the proposed amendment designate "distribution to the public at cost". In support of this request, a copy of a letter received from the Alaska Court System is enclosed.

This information was reviewed at the annual meeting of the Alaska Association of Municipal Clerks and referred to the Department of Community and Regional Affairs in response to their request for comments.

Respectfully submitted,



Joyce Rasier, CMC
Wrangell City Clerk
AAMC Legislative Committee

cc: Jim Rolle, Executive Director
Alaska Municipal League

E. J. Haugen, Representative



Alaska Court System
State of Alaska

MARY A. GRAY
STATE RECORDER

STATE DISTRICT RECORDER

944 W. FIFTH AVE.
ANCHORAGE, ALASKA
99501

October 3, 1972

Mr. Kester L. Dotts
Manager, City of Wrangell
P.O. Box 531
Wrangell, Alaska 99029

Re: House Bill 208

Dear Mr. Dotts:

This letter is in regard to the revision of Chapter 118, SLA 1972.
Actual effective date: September 10, 1972.

I make reference to Sec. 29.53.100.ASSESSMENT ROLL.(b) Real property is assessed to the owner of record as shown in the records of the district recorder, who shall at least monthly provide the assessor a copy of each recorded change of ownership and the address of the party recording the change of ownership.

What the bill failed to mention is the fee to be charged for this service.

It is by the decision of the Administrative Director of Courts, that a fee of 25 cents per page will be charged. This fee is necessary to cover the cost for service and copies.

If you desire this service be provided your assessment office, please respond promptly by written request to Mrs. Mary A. Gray, State Recording Supervisor, 944 W 5th. Ave., Anchorage, Alaska 99501.

On receipt of your request we will establish a billing system on a once monthly basis.

It will be necessary for the Assessors Office to supply the recording office with a map showing the area that is incorporated with in their city or borough boundaries. This map is essential if the District Recorder is to provide you with this service.

Yours truly,

Mrs. Mary A Gray
State Recording Supervisor

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF LOCAL GOVERNMENT ASSISTANCE

POUCH B - JUNEAU 99811

January 23, 1978

The Honorable Representative Lisa Rudd, Chairman
House Community and Regional Affairs Committee
Pouch "V"
Juneau, Alaska 99811

RE: Proposed Amendments to House Bill No. 483

Dear Representative Rudd:

Attached is a copy of suggested amendments to House Bill No. 483 submitted by the Alaska Municipal Clerks Association. We heartily concur with the third proposed amendment, requiring registration within a municipality to be a qualified voter in a municipal election.

Existing statutory language is vague. Currently some municipalities demand registration within the municipality prior to voting in the municipal election and other municipalities do not require such registration. Confusion surrounds this issue, and legislative action would seem desirable. A draft of a proposed amendment is attached should the Committee wish to entertain this specific amendment. As to the other amendments, we hold no strong opinion, but offer them for your Committee review.

Sincerely,

Lee McAnerney, Commissioner


By: Palmer McCarter
Director

Attachment

cc: Billy G. Berrier
Legislative Affairs Agency

AS 29.28.030 is amended to read:

Sec. 29.28.030. Voter qualification. A person may vote in a municipal election only if he is a United States citizen who is qualified to vote in state elections and has been a resident and registered voter of the municipality for 30 days immediately preceding the election and who is registered to vote in state elections and is not disqualified under art. V of the state constitution. Voter registration by the municipality may not be required. This section applies to home rule and general law municipalities.

CITY OF WRANGELL, ALASKA

September 21, 1977

29.53.050 references education in Title 29 under the 1976 supplement. (prior to this, the reference to home rule was the provision that 29.53.050 applied to home rule if located outside an organized borough, through 29.43.030) - 29.53.050 specifically refers to 14.14.060 and 14.14.110 and the supplement includes reference to 14.12.020 (a). 14.12.100 states: Sec. 10-100 of this chapter (12) applies to home rule and general law. This should be included in Title 29.

29.23.250 provides that a mayor of a home rule city need be but 18 years of age. Home rule should be allowed to set additional age requirements by charter.

29.28.050 provides for voter qualifications. As discussed at the AML last year, the section should be amended to provide for registered within the municipality in which they wish to vote.

29.48.180 (a) provides that each ordinance and resolution shall be codified. (c) defines codified and does not refer to resolutions. Resolutions are not generally of a general and permanent nature and should not be included in the codified laws of a municipality.

14.12.080 provides to be eligible to be a member of a school board, a person must have the same qualifications as are necessary to be a municipal voter in the school district. This section was adopted during the time a voter must be 21 years of age and reside within the State for one year (1966). In 1972 voter qualifications were amended to 18 years of age and residency of 30 days, thus allowing a member of a school board to be 18 years of age and reside within the school district only 30 days. Municipalities should be allowed to set age and residency requirements on elected officials with voter approval. This was discussed at the last AML conference.

29.48.220 provides that audits will be made available to the public on request. Does this mean available to the public without cost or just for review.

29.53.250 (a) provides for annual foreclosure unless otherwise provided by ordinance. 29.53.240 (a) (1) provides that (city) shall annually present a petition for judgement and a certified copy of the foreclosure list for the previous year delinquency and does not contain unless otherwise provided by ordinance. The two separate sections conflict.

HB No. 485 would amend AS 29.48.180 (a) to include "any punishment authorized for violation of an ordinance may be imposed only if the ordinance is codified and copies of the ordinance are made available for distribution to the public". This proposed amendment should designate "distribution to the public at cost". (an example of possible problems is 29.53.100 (b) that provides that the State District Recorder shall at least monthly provide the assessor a copy of each recorded change of ownership...The Court System in Anchorage advised they had neglected to provide for a fee and asked that an agreeable fee be established.)

Submitted by: Joyce Pasler, CMC (Wrangell)
Donna Sherby, CMC (Cordova)
Home Rule Municipalities

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF LOCAL GOVERNMENT ASSISTANCE

POUCH B -- JUNEAU 99811

January 23, 1978

The Honorable Representative Lisa Rudd, Chairman
House Community and Regional Affairs Committee
Pouch "V"
Juneau, Alaska 99811

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CITY OF WRANGELL, ALASKA

September 21, 1977

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Submitted by: Joyce Rastler, CMC (Wrangell)
Donna Sherby, CMC (Cordova)
Home Rule Municipalities



Matanuska-Susitna Borough

P. O. BOX B

PALMER, ALASKA 99645

PHONE
745-3246

DEPARTMENT

To: Honorable Liza Rudd

At: Re: HB 483

From: Evelyn Thompson, Borough Clerk

Date 2-23-78

MESSAGE

The Municipal Clerks have always objected to codification of resolutions. Normally resolutions are not permanent and we see no need for codification. In our office, we keep an index of resolutions so that they can be found when needed. I would appreciate it if you could have the word "resolution" deleted from Sec. 29.48.180(a).

The Clerks normally have not had resolutions codified and feel that the word was inadvertently included in the Statute when it was originally written.

Thank you for considering the above.

PLEASE REPLY IN AREA BELOW. *Thank You!*

Signed:

Evelyn Thompson

REPLY

Reply Date:

Signed:

Explanation of House Bill No. 483

Section 1

Provides impetus to a new first class borough to develop into a home rule borough as swiftly as possible. If voters approve the question of incorporation and election of a charter commission, the charter commission members would be elected at a special election.

Section 2

Currently, city council members, mayors of cities, and mayors of boroughs begin their office on the first Monday following the election. No such date exists for assembly members; therefore this language clarifies the date assembly members assume office.

Section 3

Eliminates repetitive language contained under AS 29.28.020(a).

Section 4

See commentary under Section 3.

Section 5

Permits cities to call emergency meetings, as boroughs are permitted under AS 29.23.060.

Section 6

See commentary under Section 3.

Section 7

AS 29.23.310 currently permits the creation of zones for the election of borough school board members; however, Section 310 refers to AS 29.23.100 as the means to implement the creation of these zones. AS 29.23.100 was repealed by ch 118 SLA 1972, a law combining the old Title 7 with Title 29. The new language would describe the method for creating these zones.

Section 8

Simplifies language describing the relationship between boroughs and cities when boroughs have and exercise areawide powers.

Section 9

Permits cities to transfer the board of adjustment responsibility to the borough without borough assembly approval.

Section 10

Transfers certain powers from the platting board to the borough.

Section 11

Clarifies the need to codify ordinances prior to imposition of any punishment.

Section 12

Extends coverage of need for codification of ordinances to boroughs.

Section 13

Ch 56 SLA 1976 allows municipalities to create public corporations capable of issuing bonds to provide municipal services. However, the Attorney General feels that ch 56 SLA 1976 violates Article II Section 13 of the State's Constitution regarding the prohibition against more than one subject in a bill. Therefore, Section 13 of this bill would properly enact the provisions contained in the prior bill.

SCS CSHB 674 am S
1976

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STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF LOCAL GOVERNMENT ASSISTANCE

POUCH B - JUNEAU 99811

January 23, 1978

The Honorable Representative Lisa Rudd, Chairman
House Community and Regional Affairs Committee
Pouch "V"
Juneau, Alaska 99811

RE: Proposed Amendments to House Bill No. 483

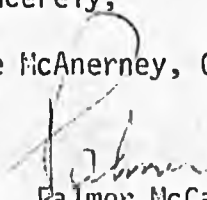
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Sincerely,

Lee McAnerney, Commissioner


By: Palmer McCarter
Director

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cc: Billy G. Berrier
Legislative Affairs Agency