

HB

585

(7)

COMMITTEE REPORT

HOUSE

1/21/80

FURTHER:

Date: 15 Feb 80

Mr. Speaker:

The Committee on COMMUNITY AND REGIONAL AFFAIRS has had HB 585

"An Act relating to the incorporation of second class boroughs as home rule boroughs."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

B. P. ...

Margaret ...

...

...

...

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

...

B. P. ...
CHAIRMAN



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99801

Official Business

DATE: 2/13/80

COMMITTEE MINUTES

BILL NUMBER AND TITLE: HB 585 Incorporation of second class boroughs

ORIGINAL SPONSOR : House/Senate
C&RA Joint Committee OTHER SPONSORS:

RECEIVED FROM: FURTHER REFERRALS: —

| | | |
|------------------|--------------------|----------------|
| MEMBERS PRESENT: | Bill Parker X | Pat Carney X |
| | Margaret Branson X | Charlie Parr X |
| | Pat O'Connell X | Fred Zharoff X |
| | | Ray Metcalfe |

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Discussion centered around the suggestion, previously made by Rep. Parr, to change the petitioning amount required to 15%.

Ginny Chitwood, Ak. Municipal League, questioned if the Committee had considered including second class cities and enabling them to adopt home rule as well.

After discussion of including second class cities, Rep. Branson pointed out that such an addition would be a piece meal approach to revising Title 29 and that she objected to this approach.

Sam Coxson, Mgr. of Whittier, testified that he would support allowing second class municipalities to write home rule charters as Whittier is second class and might want to reclassify as some time.

Rep. Parker stated that it was beyond the scope of what was originally being proposed to include second class cities and it was the concensus of the group that it would not be included.

The Committee also decided to leave the 10% petitioning requirement intact.

COMMITTEE ACTION: Bill passed out to Rules.

TAPE # 2 SIDE 2

Sections 635-779

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V
State Capitol
Juneau, Alaska 99801

Official Business

DATE: 1/23/80

BILL NUMBER AND TITLE: HB 585 Incorporation of Second Class Boroughs

ORIGINAL SPONSOR : Joint Senate/House
Local Government Study C&RA

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: None

MEMBERS PRESENT:

Bill Parker X
Margaret Branson X
Pat O'Connell

Pat Carney X
Charlie Parr X
Fred Zharoff X
Ray Metcalfe X

INDIVIDUALS CONTACTED:

Ginny Chitwood, Ak. Municipal League
Palmer McCarter, Dept. C&RA

WITNESSES TESTIFYING:

Chairman Parker distributed copies of the Final Report of the Interim Study Committee and announced that the Committee has scheduled the Local Government Study Legislative Package for an informal review by the Committee members before hearing the bills via teleconference on Feb. 6-7.

Parr - Questions Line 20 and the requirement that it would take only 10 percent of the voters to petition for reclassification. Wonders if the expense of an election is justified for such a small percentage of the voters. Parr also questions Line 14 which would allow for the election to be either "special" or "regular". He is not sure it would be advisable to have a special election because of the expense and because there would not appear to be any urgency in such a reclassification (Parr dropped concern re timing of election after Ginny Chitwood of the Municipal League clarified that that type of decision is usually left to the local governing body)

Chitwood Clarified the charter commission process as it would function in this bill.

McCarter McCarter pointed out that initiative and referendum require 25% of the voters when the city or borough has fewer than 7,500 persons or 15% when a city or borough has 7,500 persons or more. Unification requires 25% of the voters inside and outside of the city.

(*Check--would it be up to the petitioners and possible for them to ~~amend~~ date of election in petition?

COMMITTEE ACTION:

Completed review of bill. Consensus on Parr's amendment.

TAPE # /

SIDE /

Sections 873-1111

Parr

Suggests amending the petitioning amount to 15%. Committee concurs.

Both the Dept. of C&RA and Ak. Municipal League support the bill.



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

BILL NUMBER AND TITLE: HB 585 Incorporation of Second Class Borough
as Home Rule Municipality

ORIGINAL SPONSOR: House C&RA
RECEIVED FROM: _____

OTHER SPONSORS: _____
FURTHER REFERRALS: _____

HEARING DATE: _____

MEMBERS PRESENT: Bill Parker
Margaret Branson
Pat O'Connell

Pat Carney
Charlie Parr
Fred Zharoff
Ray Metcalfe

Parr - Questions fact that only 10% of the voters petition. Suggests that a higher percentage should be considered. If the expense of an election justified if there is only 10% petitioning.?Perhaps Assembly should determine if they want a special election or if they will decide issue at a general election.

Chitwood, Ak. Municipal League

Suggests consideration of unification wording'"shall a charter commission be formed? Asks if it is possible to name a date?

Palmer McCarter, Dept. of C&RA

Refers to initiative and referendum wich require 25% or 15% based on population. Unification requires 25% inside city and outside as well.

COMMITTEE ACTION: No Action

TAPE # SIDE _____ Footage 873-1111

Introduced: 1/21/80
Referred: Community & Regional
Affairs

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for
the Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE HOUSE

2 HOUSE BILL NO. 585

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the incorporation of second class
7 boroughs as home rule boroughs."

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

9 *Section 1. AS 29.13.010 is amended to read:

10 Sec. 29.13.010. MUNICIPAL CHARTER ADOPTION. A first class muni-
11 cipality or second class borough may adopt a charter for its own govern-
12 ment. A home rule municipality may amend its charter or adopt a new
13 one. A charter is framed by a charter commission of seven members
14 chosen by the municipal voters at a regular or special election. A
15 candidate for the commission must be a qualified voter of the muni-
16 cipality and a resident of the municipality for three years immediately
17 preceding the election. A charter commission election is called by
18 filing a petition with the borough assembly or the city council, or by
19 resolution of the borough assembly or city council. The petition must
20 be signed by a number of municipal voters equal to 10 percent of the
21 votes cast in the last regular election of the municipality.

22 *Discouraging*
23 *Invested interest in our own form of govt*
24
25 *2nd class to first class could be voted on*
26 *in 1 election*
27 *Home rule requires charter commission*
28 *write & charter & present it*
29 *Charter & encourages & hint/*
discuss

*070 (C) submitted
Charter election/home
rule
& amending*

2/21/90

Home rule bill proposed

By The Associated Press

The House has passed and sent to the Senate a bill to allow second class boroughs to move to home rule status.

The bill (HB585) was introduced by a joint House-Senate interim committee that this summer studied local government needs for organized and unorganized boroughs in Alaska. The bill passed 37-1 on Tuesday.

Another piece of legislation still pending would allow unorganized boroughs to also move to home rule status, which allows a charter to be developed so that local government can be tailored to the area it serves.

Currently, municipalities and boroughs must be first class before they can adopt a home rule charter.

Committee members said the bill passed on Tuesday makes it easier for local government to respond to local needs. Home rule status allows the local government to adopt ordinances and enact powers unless they are expressly prohibited in the Alaska Constitution.

Several other measures pending in the House and the Senate deal with unorganized boroughs, which committee members say have become laced with "spaghetti-like" boundaries.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. H. B. 585 and S. B. 353
 Title An Act Relating to the Incorporation of 2nd Class Borough's as Home Rule
 Requested by House CIRA Date 1-22-80

II. FISCAL DETAIL

Agency Affected N/A
 Program Category Affected N/A
 Budget Request Unit(s) Affected N/A

EXPENDITURES (Thousands of Dollars)

| | FY 79 | FY 80 | FY 81 | FY 82 | FY 83 | FY 84 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | | 0 | 0 | 0 | 0 | 0 |

FUNDING (Thousands of Dollars)

| | | | | | | |
|-----------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify) | | | | | | |
| | | | | | | |

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL TIME | | | | | | |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill would allow second class boroughs to move directly to the Home Rule status without going through the process of first becoming first class as is now required.

There would be no fiscal impact on state government.

IV. DATE 1-22-80 PREPARED BY Terry Farley
 AGENCY Community & Regional Affairs
 PHONE 465-4730

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

FCCS

HB 585

CONFERENCE COMMITTEE REPORT

DATE: 6/5/80

Mr. President:
Mr. Speaker:

The FREE Conference Committee which has had

HB 585 (incorporation of second class boroughs as home rule
boroughs)
&
2d SCS (municipalities; amending AS 29 to provide for the
HB 585 incorporation of home rule boroughs; and increasing
amS the limit on the rate of sales tax which may be levied
by municipalities)

under consideration, recommends that

be adopted.

Senate Members:

Senator Ray, Chairman

Senator Sturgulewski

Senator Bennett

House Members:

Representative Parker, Chairman

Representative Miller

Representative Branson

Please RETURN ORIGINAL REPORT & BILL TO CHIEF CLERK.

Marge

HB 585

Bill Ray agrees
of deleting "decrease"

Ray Stungulowski

Bennett agreed

conferees. Why

not have done
up ready for signature

Bronson
Parker
Muller

Allen

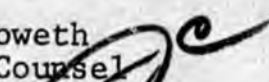
STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

June 4, 1980

SUBJECT: FCCS HB 585
TO: Members of the Free Conference Committee
FROM: John B. Chenoweth
Legislative Counsel 

I do not want the members laboring under a false assumption. The referendum requirements requisite to levy or adjustment of levy of a sales tax imposed by AS 29.53.420, amended by * Sec. 4 of the attached bill, are not binding on home rule cities or home rule boroughs as a matter of state law. Local charter provisions may so require, but AS 29 does not.

JBC:ljb

Enclosure

Excused: 0

HB

Absent: 4 Hohman, Kelly, Sackett, Summer

611
am

and so, the effective date clause was adopted.

STANDING COMMITTEE REPORTS

The Commerce Committee considered SENATE BILL NO. 587 (relating to professional geologists) and recommends it be replaced with COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 587 and reports it back as follows: Senator Bradley, Chairman and Senator Stimson signed "do pass". Senators Kelly, Sturgulewski and Ferguson signed "no recommendation".

SB
587

SENATE BILL NO. 587 was referred to the Rules Committee.

CONSIDERATION OF THE CALENDAR CONTINUED

Senator Colletta moved and asked unanimous consent that HOUSE BILL NO. 1021 (granting authority to the Alaska Renewable Resources Corporation to exceed investment limits by investing \$3,500,000 in Ball Brothers, Inc) be held until later today. Without objection, it was so ordered.

HB
1021

HOUSE BILLS IN SECOND READING

2d SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 585 (relating to municipalities, amending AS 29 to provide for the incorporation of home rule boroughs; and increasing the limit on the rate of sales tax which may be levied by municipalities) which had been held from June 2 was before the Senate at this time with amendment No. 1 pending.

2d
SCS
HB
585

Senator Ray moved and asked unanimous consent to withdraw amendment No. 1. Without objection, it was so ordered.

2d Senator Ray offered the following amendment No. 2:

SCS
HB
585

Page 2, line 7: add (e) Any proposal increasing or decreasing the levy or collection of taxes referred to in (a) shall be approved by a majority vote of the people voting on the proposal at a regular, special or general election.

2d Senator Ray moved and asked unanimous consent for the adoption of amendment No. 2. Senator Ziegler objected, then withdrew his objection. There being no further objection, amendment No. 2 was adopted.

585
am
S

Senator Colletta moved and asked unanimous consent that the Rules be suspended and 2d SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 585 amended Senate be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

2d SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 585 amended Senate was read the third time.

The question being: "Shall 2d SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 585 amended Senate (relating to municipalities, amending AS 29 to provide for the incorporation of home rule boroughs; and increasing the limit on the rate of sales tax which may be levied by municipalities) pass the Senate?" The roll was taken with the following result:

2D SCS HB 585 AM S 3RD

| | | |
|----------|----|---|
| Yeas: | 15 | Bennett, Bradley, Colletta, Dankworth, Fahrenkamp, Ferguson, Hackney, Kerttula, Meland, Mulcahy, Ray, Stimson, Sturgulewski, Tillion, Ziegler |
| Nays: | 0 | |
| Excused: | 0 | |
| Absent: | 5 | Hohman, Kelly, Rodey, Sackett, Summer |

and so, 2d SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 585 amended Senaco, passed the Senate.

Alpert

24 43,030
307