

S

B

468

COMMITTEE REPORT

SENATE

FURTHER:

2/13/84

Date _____

Mr. President

The Committee on CIRA considered SB 463

but bringing certain second class cities to adopt home rule charters.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

REQUEST FROM SOME OF THE VILLAGES IN THE BETHEL AREA.
THEY WANT TO HAVE THE POWER TO ADOPT HOME RULE CHARTERS SO
THEY CAN EXERCISE MORE LOCAL CONTROL.

ALASKA STATE LEGISLATURE

13th... Legislature SECOND Session

SENATE BILL..... NO. 468...

By SACRETT.....

"An Act authorizing certain second class cities to adopt home rule charters."

Introduced in the Senate 2/13, 19. 84

HISTORY IN THE SENATE

19 84

2 13

Read first time and referred to Committee on Community and Regional Affairs Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

MSG 84-00023725 PRTY 1 03/13/84 12:11:02 ORIG: LB00 IN= 0002 OUT= 0001
FROM: WALLY IN BETHEL TO: MAX GIFFORD
TARGET: LJAD SUBJ: FROM LYMAN HOFFMAN, CITY MANAGER PAGE 0001

A COPY OF THIS IS TO GO TO SEN. FERGUSON AND SEN. SACKETT. LYMAN HOFFMAN,
CITY MANAGER FOR THE CITY OF BETHEL, WOULD ALSO LIKE THIS READ BEFORE THE
SENATE C&RA COMMITTEE MEETING.

MARCH 13, 1984

THE CITY OF BETHEL STRONGLY SUPPORTS SB468 WHICH WOULD ALLOW THE CITIES TO
RECLASSIFY THEIR FORM OF GOVERNMENT FROM A 2ND CLASS CITY TO A HOME RULE
CHARTER.

BETHEL IS INTERESTED IN OPERATING ITS' SCHOOL DISTRICT WHICH IS ALLOWED UNDER
BOTH FORMS OF GOVERNMENT, BUT BETHEL IS STRONGLY OPPOSED TO GIVING THE RIGHT
TO LEVY A PROPERTY TAX TO COUNCIL. UNDER HOMERULE STATUS, BETHEL WOULD LEAVE
THIS POWER UP TO THE VOTE OF THE PEOPLE. THIS ISSUE OF EMINENT DOMAIN MAY ALSO
BE LEFT WITH THE PEOPLE UNDER A HOMERULE CHARTER, BUT 1ST CLASS CITIES GIVE
THIS POWER TO THE COUNCIL.

MORE NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 84-00023725 PRTY 1 03/13/84 12:11:02 ORIG: LB00 IN= 0002 OUT= 0001
FROM: WALLY IN BETHEL TO: MAX GIFFORD
TARGET: LJAD SUBJ: FROM LYMAN HOFFMAN, CITY MANAGER PAGE 0002

WE SUPPORT THE OPTION OF 2ND CLASS CITIES TO GO DIRECTLY TO HOMERULE, WHICH
BASICALLY GIVES MORE OPTIONS AS TO WHAT FORM OF GOVERNMENT THE PEOPLE MAY
CONSIDER.

ANY SUPPORT THAT YOU AND YOUR COMMITTEE MAY GIVE TO THIS MOST IMPORTANT BILL
WOULD BE GREATLY APPRECIATED.

P.S.

BETHEL IS INTERESTED IN PAYING FOR ITS' SERVICES AS OTHER COMMUNITIES. WE
STRONGLY BELIEVE THAT A PROPERTY TAX WOULD BE AN UNFAIR MEANS OF PROVIDING
THE DOLLARS TO SUPPORT OUR SERVICE. WE DO LEVY A 5% SALES TAX.
THANK YOU FOR YOUR CONSIDERATION TO THIS TESTIMONY.

BACK _ NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

A M E N D M E N T

Offered in the SENATE

By Ferguson

TO: SB 468

Page 2, after line 2, insert a new bill section to read:

"* Sec. 3. AS 29.13 is amended by adding a new section to read:

Sec. 29.13.110. LIMITATION ON EXERCISE OF EDUCATION POWER. A second class city outside of an organized borough that adopts a home rule charter is not a city school district and may not establish, maintain, and operate a system of public schools if the city has less than 3,500 permanent residents on the date the home rule charter is adopted."

Re-number succeeding section.

Page 2, after line 15, insert a new bill section to read:

"* Sec. 5. AS 29.43.030 is amended to read:

Sec. 29.43.030. EDUCATION. Except as provided in AS 29.13.110, home [HOME] rule and first class cities outside boroughs constitute city school districts and establish, maintain, and operate a system of public schools as provided by AS 29.33.050 for boroughs."

Alaska State Legislature

SENATOR

John C. Sackett

CO-CHAIRMAN
SENATE FINANCE COMMITTEE

MEMBER

COMMUNITY & REGIONAL AFFAIRS COMMITTEE
LABOR & COMMERCE COMMITTEE
BUDGET & AUDIT COMMITTEE
REGULATION REVIEW COMMITTEE



Senate

HOME ADDRESS
P.O. BOX 11
RUBY, ALASKA 99768

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
TELEPHONE 465-3753

TO: Senator Frank Ferguson, Chairman
Senate Committee on Community & Regional Affairs

FROM: Senator John C. Sackett

DATE: March 13, 1984

RE: SB468, Home Rule Charters

Some second class cities such as Bethel wish to assume educational duties and obligations but prefer to go to home rule status rather than first class status because the home rule charter can be written to grant the city only limited powers in matters such as planning and zoning, taxation, eminent domain and the like. A home rule charter can be written so that the voting citizens rather than the city council can make substantive decisions regarding these powers.

This legislation would allow second class cities of a certain size to go to home rule status thereby avoiding first class status which would have imposed more duties and obligations on the city council. I urge the committees support of SB468.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 13, 1984

SUBJECT: Allowing second class cities
to go home rule (SB 468)

TO: Senator John Sackett

FROM: Tamara Brandt Cook
Deputy Director *TBC*
Division of Legal Services

You have asked what obligations a second class city would be required to assume if it adopted a home rule charter. AS 29.43.040(a) requires a home rule city outside a first or second class borough to provide for planning, platting and zoning. A second class city outside a first or second class borough may do so too, but does not have to. AS 29.43.030 requires a home rule city outside a borough to operate a system of public schools. A second class city is not a school district.

You have also asked what limitations affecting only a second class city would be avoided if the city goes home rule. AS 29.53.410 limits the amount of property taxes that a second class city may levy to one-half of one percent of the assessed value of the property being taxed. Under AS 29.73.020 before a second class city may exercise the power of eminent domain it must request the Department of Community and Regional Affairs for permission to exercise the power and may not do so without the formal approval of the department. These two limitations would be avoided if a second class city adopts a home rule charter. In addition, a second class city can exercise only those powers granted by law to general law municipalities, while a home rule city may exercise any power not prohibited by law.

TBC:ojb
J4/073

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

REPLY TO: POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

March 12, 1984

POSITION PAPER

RE: SB 468
SPONSOR: Senator Sackett

PROGRAM EFFECTS:

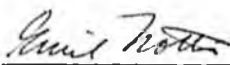
Allows second class cities with a population of at least 400 permanent residents to adopt home rule charters and upgrade directly to home rule city status.

COMMENTS:

The provisions allowing municipalities to adopt home rule charters and govern themselves as home rule municipalities are presently cumbersome. This may, in part, explain why some medium sized cities in the unorganized borough have not availed themselves to the option of pursuing home rule status. The Department believes this is unfortunate.

The form of municipal government provided for under State law is often criticized by rural residents as not being flexible enough to meet their varied needs. Second class city government is simply not working as well as it might because the local government is restricted by powers and requirements of Title 29. Home rule status, which allows a city to do all things not expressly prohibited by law or charter, presents the best alternative under the State system of local government. The Department supports this bill because it makes it easier to involve the home rule option for rural cities. It is clear that the flexibility afforded under a home rule city should allow municipal government to work better to serve the needs of local residents, both in rural and more urban communities, and that, of course, is one of the primary goals of this department.

APPROVED:


Emil Notti, Commissioner

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 468
 Title: "...second class cities to adopt home rule charters."
 Sponsor: Senator Sackett
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Community & Regional Affairs
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: Local Government Assistance

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-					

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-					
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Doug Griffin Phone: 465-4707
 Division: Municipal & Regional Assistance Date: 3/12/84

Approved by Commissioner: *Quinn T. Anderson* Date: 3/12/84
 Agency: Community & Regional Affairs

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83