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736

Alaska State Legislature



Senate

SENATOR
ARLISS STURGULEWSKI

COMMITTEES
CHAIRMAN

Legislative Budget & Audit

Community & Regional Affairs
Finance
Resources

2957 SHELDON JACKSON
ANCHORAGE, ALASKA 99504
DISTRICT 10-H

While in Juneau
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3818

ANALYSIS BY SPONSOR

RE: SB 736 "An Act relating to home rule municipalities."

The major purpose of this bill is to allow for an unincorporated community to go directly to home rule status. This bill also clarifies references to "municipality" and "organized borough" to include both home rule and general law municipalities as appropriate.

This bill amends the existing Title 29, but would also apply to the proposed revision of Title 29 found in SB 180/HB 170. For this reason, the provisions of section 1 through 11 of the bill, which amend present Title 29, are repeated, as appropriate, in sections 12 through 20 which correspond to SB 180/HB 170.

Section 1 contains a change of wording suggested by the revisor.

Section 2 increases to 600 persons the population required to reclassify from second class city to home rule city status.

Section 3 allows unincorporated areas with a minimum population of 600 to adopt home rule charters and reflects the change in second class city population requirements made in section 2.

Section 4 directs the Department of Community and Regional Affairs to develop model charters for home rule cities and boroughs, which will be available to the public.

Section 5 changes the minimum population required for home rule status from 400 to 600, to conform to sections 2 and 3, and clarifies that these incorporation standards apply to direct incorporation to home rule status.

Sections 6, 7 and 8 clarify that standards for home rule and general law incorporation are the same.

Section 9 adds a new subsection to existing AS 29.18.050 to require a petition for incorporation to include a proposed charter. As this bill allows, for the first time, direct incorporation to home rule status, the proposed charter needs to be included in the present requirements of an incorporation petition.

Section 10 states that in an initial home rule incorporation election, a proposed home rule charter is considered as part of the vote on incorporation. That is, the question before the voters is whether to incorporate or not. In the case of those communities wishing to incorporate directly to home rule status, the proposed charter is adopted if the voters approve the question on incorporation.

Section 11 substitutes the term "municipal" for the phrase "city and borough," at the request of the revisor, and clarifies the eligibility of new home rule governments for organizational grants. As only minor wording changes are made, this section conflicts with SB 735. If organizational grants are revised under SB 735, this section should be deleted or signed into law before SB 735, as the attached memo from Tamara Cook, Legal Services.

Sections 12 through 20 repeat the above provisions as they apply to SB 180/HB 170.

Section 12 provides that communities meeting minimum standards have the option of incorporating as home rule cities corresponding to section 5.

Section 13 provides that areas meeting minimum standards have the option of incorporating as home rule boroughs, as well as boroughs of the first or second class corresponding to section 6.

Section 14 clarifies that requirements for signatures on incorporation petitions are the same for home rule and first class cities corresponding to section 7.

Section 15 corresponds to section 9.

Section 16 corresponds to section 10.

Section 17 corresponds to section 11.

Section 18 corresponds to section 3, and clarifies the ability of unincorporated areas to incorporate directly as home rule boroughs.

Section 19 corresponds to section 4.

Section 20 repeals sections 1 through 11 relating to the present Title 29, but is effective only on passage of SB 180/HB 170.

Sections 21 and 22 provide for effective dates for separate sections of the bill.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 9, 1982

SUBJECT: Home rule municipalities
(Work Order No. 12-2035)

TO: Senator Arliss Sturgulewski

FROM: Tamara Brandt Cook
Legislative Counsel

TBC

(SB 735) Here is the final version of the bill you requested that would allow incorporation of home rule municipalities. Please note that Sec. 17 of this bill conflicts with your bill dealing with organization grants to municipalities (Work Order No. 12-2382). Since Sec. 17 of this bill only becomes effective on passage of the municipal code revision, there is nothing more I can do with the effective date of that section to avoid conflicts with other pending legislation. The bill that becomes law last is presumed to take priority over conflicting bills that became law earlier, so if you desire the organization grants provisions of Work Order No. 12-2382 to take effect rather than the organization grant provision contained in the municipal code revision or in this bill, Work Order No. 12-2382 should be passed after both the municipal code and this bill are signed into law.

TBC:ljb

Enclosure

POSITION PAPER

Requested by: Senate Community and Regional Affairs Committee

Subject: SB 736, "An Act relating to home rule municipalities"

Departmental Position: Support

Remarks:

This bill would allow second class cities with a population of at least 600, and unincorporated communities or regions to reclassify or incorporate as home rule municipalities. Present law requires second class cities to reclassify to first class status before they can become home rule cities. Unincorporated communities and regions must also incorporate in a "stepping stone" fashion as a general law municipality before they can reclassify to home rule status. This requirement creates duplication and an unwarranted obstacle to cities and potential boroughs which wish to incorporate as home rule municipalities. Home rule municipalities are able to exercise a wider range of powers than are general law municipalities.

Many communities and/or regions might be willing to incorporate if they could go directly to home rule status.

The premise of allowing a second class city or unincorporated community of at least 600 persons to reclassify or incorporate immediately to home rule status is consistent with the Constitution of the State of Alaska which provides for "maximum local self-government with a minimum of local government units". Similarly, allowing for immediate incorporation as a home rule borough would allow a region more flexibility and "self government" from the very beginning of its existence.

In raising the minimum population requirement from 400 to 600 for incorporation or reclassification as a first class or home rule city, the bill does require a community to have more in the way of human resources (and probably a larger economic base) to help run the city. The Department feels this greater requirement is justified to insure that a community has available the number of interested and "dedicated" persons needed to sit on a council, school board, planning commission, and other municipal boards or commissions.

The Department supports this bill and feels it is an important step toward strengthening local government in the state.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SB 736
 Title An Act Relating to Home Rule Municipalities
 Requested by Senate C & R A Date March 16, 1982

II. FISCAL DETAIL
 Agency Affected Community & Regional Affairs
 Program Category Affected Development
 BRU, Program, Or Subprogram(s) Affected Local Boundary Commission
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		0	0	0	0	0
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		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						
POSITIONS		0	0	0	0	0
FULL TIME		0	0	0	0	0
PART TIME						
TEMPORARY						

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

This bill would have no fiscal impact on this department.

IV. DATE March 16, 1982 PREPARED BY Terry E. Earley
 AGENCY C&RA/ Local Government Assistance
 Original: Legislative Finance PHONE 465-4730
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)