

HB

72

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 72

J

Swy #14

January 16, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill revising the municipal code (AS 29). The bill was modeled on the committee substitute prepared last session by the House Finance Committee as CSHB 172(Fin). There is one significant difference between former CSHB 172(Fin) and this bill with regard to home rule municipalities. Rather than allowing second class cities to move to home rule status in a single step, as sec. 5 of HB 172 and CSHB 172(Fin) had provided, this bill retains the requirement that second class cities become first class cities before voting for home rule, as AS 29.13.010 -- 29.13.080 currently provide.

This bill makes many uncontroversial improvements to our municipal code and I urge its prompt consideration and passage.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

CC
SUB # 4

Page 1 of 2

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 72
 Title: An Act relating to
Municipal Government
 Sponsor: Rules/Governor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Community & Regional Affairs
 Program Category Affected: _____
Community Development
 BRU, Program or Subprogram(s) Affected: _____
 BRU: Community Assistance Grants
 Component: Organizational Grants

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		100.0	450.0	350.0		
800 MISCELLANEOUS						
TOTAL OPERATING		100.0	450.0	350.0		

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		100.0	450.0	350.0		
FEDERAL FUNDS						
OTHER						
TOTAL		100.0	450.0	350.0		

POSITIONS:

FULL-TIME		-0-	-0-	-0-		
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

(See Attached Page)

Prepared By: Doug Griffin, Deputy Director
 Division: Municipal & Regional Assistance

Phone: 465-4750

Date: 1-10-85

Approved by Commissioner: Alvin Koster
 Agency: Community & Regional Affairs

Date: 1-10-85

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 - 14th LEGISLATURE, FIRST SESSION
FISCAL NOTE

Bill/Resolution No.: HB 72 Page 2 of 2

Title: An Act relating to municipal government

ANALYSIS:

Assumptions: Incorporation under Sec. 29.05.180--190 of the proposed legislation provides for increased transitional assistance to newly incorporated cities and boroughs. For purposes of this fiscal note it is assumed that incorporations will occur as follows:

- FY 86: 2 cities incorporate
- FY 87: 2 cities and one borough incorporate
- FY 88: 2 cities incorporate

Program Summary: The only portion of this 206 page bill which will create fiscal impact is Sec. 29.05.180--29.05.190 which provides additional transitional assistance through increased organizational grants. These increased organizational grants more realistically provide the level of assistance required to establish new cities and boroughs. The Department is also required to provide additional assistance to newly formed cities and boroughs in setting up a sales tax collection system and tax rolls for property taxation. It is difficult to gauge whether this type of assistance will in fact be requested. If it is requested, additional work will be required of the State Assessor and technical assistance sections of the Division of Municipal and Regional Assistance. Given this uncertainty, possible costs for this type of technical assistance are not reflected in the fiscal note.

1. Positions: No new positions
2. Other Expenditures: N/A
3. Funding: General funds
4. Section Cost Analysis: All costs are contained in Section 3, Article 3 of this bill.

Computations: The costs for FY 86-FY 88 are computed as follows based on the assumptions previously stated:

Grants in FY 86.....	100.0
(2 cities incorporate @ \$50,000 per -- first year grant)	
Grants in FY 87.....	450.0
(2 cities @ \$50,000 per -- first year grant)	
(1 borough @ \$300,000 per -- first year grant)	
(2 cities @ \$25,000 per -- second year grant)	
Grants in FY 88.....	350.0
(2 cities @ \$50,000 per -- first year grant)	
(1 borough @ \$200,000 -- second year grant)	
(2 cities @ \$25,000 -- second year grant)	

Economic Impact: Other than providing newly incorporated municipalities with greater financial incentives to incorporate and a more realistic level of transitional assistance, the economic impact on the state and local governments will be limited.

Impact on Local Governments: This bill is strongly supported by the Alaska Municipal League and most municipalities of the State. Impacts will generally be positive, particularly for newly incorporated municipalities.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

February 15, 1985

SUBJECT: Municipal Code Revision (HB 72)

TO: Representative Goll
Chairman, Community and Regional
Affairs Committee

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

Here is the sectional analysis that you requested of HB 72. Please note that only differences between the bill and existing law are indicated. The underlined section number matches the section as numbered in HB 72. The statutory references in parenthesis indicate provisions in existing law from which the section in HB 72 is derived.

TBC:csh
J11/102

The material currently dealing with reclassification to third class status is deleted. (AS 29.08.040(h), and (j))

Sec. 29.04.060. (a) Minor rewording, but no substantive change. (AS 29.08.040(g) and (h))

(b) Minor rewording, but no substantive change.
(AS 29.08.040(i))

CHAPTER 05. INCORPORATION.

Sec. 29.05.010. (a) A community that meets certain standards may incorporate as a home rule or first class city, whereas existing law provides for incorporation of a first class city only. (AS 29.18.011)

(1) A community must have 600 residents to incorporate as a home rule or first class city, whereas existing law requires 400 residents for incorporation as a first class city. (AS 29.18.011(a)(1))

(2) No change. (AS 29.18.011(a)(2))

(3) The term "local services" is altered to "municipal services". (AS 29.18.011(a)(3))

(4) The term "local government" is altered to "city government". (AS 29.18.011(a)(4))

(5) The term "local government" is altered to "city government". (AS 29.18.011(a)(5))

(b) No change. (AS 29.18.011(b))

(Note: Provision for incorporation as a home rule city does not coincide with Chapter 10, which provides for charter adoption only by first class cities already in existence.)

Sec. 29.05.020. (a) No change. (AS 29.18.021(a))

(b) The term "organized borough" is altered to "borough", which is defined for the title. (AS 29.18.020(b))

Sec. 29.05.030. (a) This provides for incorporation of a home rule, first class, or second class borough, but not for

Section-by-Section Analysis

HB 72

FOURTEENTH LEGISLATIVE SESSION

Sec. 29.03.030. This is added to the chapter dealing with the unorganized borough in order to cross-reference the section authorizing the division of lands to act as the platting authority in the unorganized borough.

CHAPTER 04. CLASSIFICATION OF MUNICIPALITIES.

Sec. 29.04.010. Minor rewording. (AS 29.08.010)

Sec. 29.04.020. No change. (AS 29.08.020)

Sec. 29.04.030. No change. (AS 29.08.030)

Sec. 29.04.040. (a) The phrase "as provided in this subsection" is deleted as unnecessary. To reclassify as a first class city, a second class city must have 600 residents, whereas existing law requires only 400 residents for reclassification. (AS 29.08.040(a))

(b) No change. (AS 29.08.040(b))

(c) No change. (AS 29.08.040(c))

(d) Minor rewording, but no substantive change. (AS 29.08.040(d) and (e))

(e) "Department of Community and Regional Affairs" is altered to read "department". This bill adds "department" to the definitions section and uses that term throughout the title in place of "Department of Community and Regional Affairs". (AS 29.08.040(f))

Sec. 29.04.050. This deletes the provision for reclassification of a second class borough to a third class borough. (AS 29.08.040(g))

The material currently dealing with reclassification to third class status is deleted. (AS 29.08.040(h), and (j))

Sec. 29.04.060. (a) Minor rewording, but no substantive change. (AS 29.08.040(g) and (h))

(b) Minor rewording, but no substantive change.
(AS 29.08.040(i))

CHAPTER 05. INCORPORATION.

Sec. 29.05.010. (a) A community that meets certain standards may incorporate as a home rule or first class city, whereas existing law provides for incorporation of a first class city only. (AS 29.18.011)

(1) A community must have 600 residents to incorporate as a home rule or first class city, whereas existing law requires 400 residents for incorporation as a first class city. (AS 29.18.011(a)(1))

(2) No change. (AS 29.18.011(a)(2))

(3) The term "local services" is altered to "municipal services". (AS 29.18.011(a)(3))

(4) The term "local government" is altered to "city government". (AS 29.18.011(a)(4))

(5) The term "local government" is altered to "city government". (AS 29.18.011(a)(5))

(b) No change. (AS 29.18.011(b))

(Note: Provision for incorporation as a home rule city does not coincide with Chapter 10, which provides for charter adoption only by first class cities already in existence.)

Sec. 29.05.020. (a) No change. (AS 29.18.021(a))

(b) The term "organized borough" is altered to "borough", which is defined for the title (AS 29.18.020(b))

Sec. 29.05.030. (a) This provides for incorporation of a home rule, first class, or second class borough, but not for

incorporation of a third class borough. This section contains several technical changes. The term "organized borough" is replaced with "borough" since that is defined. The term "local services" is replaced by "municipal services". The term "local government" is replaced by "borough government" as being more precise since this section deals with the incorporation of boroughs and not cities.
(AS 29.18.030)

(b) This is new and provides that an area may not incorporate as a third class borough.

(Note: Provision for incorporation as a home rule borough does not coincide with Chapter 10, which provides for charter adoption only by first and second class boroughs already in existence.)

Sec. 29.05.060. "Department of Community and Regional Affairs" is replaced by the word "department" which is defined for the title. The paragraphs are reorganized so that the most general requirements precede the most specific requirements for incorporation. (AS 29.18.050)

(7) Signature requirements apply to home rule and first class cities as a unit and then to the rest of the voters in the area of the proposed borough as another unit. Under existing law only first class cities are treated as a special unit for the purpose of gathering signatures.
(AS 29.18.050(10))

(11) Signature requirements for incorporation of a first class city must also be complied with for incorporation of a home rule city. (AS 29.05.060(8))

(13) A new provision for incorporation of a home rule municipality requiring that a proposed home rule charter be filed with the incorporation petition.

Sec. 29.05.070. Minor rewording, but no substantive change.
(AS 29.18.060)

Sec. 29.05.080. (a) Combines material currently found in two subsections. Adds requirement that notice of the meeting be published. "Published" is defined for the title.
(AS 29.18.070(a) and (c))

(b) No change. (AS 29.18.070(b))

(c) No substantive change. (AS 29.18.080(a))

Sec. 29.05.090. "Department of Community and Regional Affairs" is altered to "department". (AS 29.18.080(b))

Sec. 29.05.100. No substantive change. (AS 29.18.090)

Sec. 29.05.110. This section contains a few minor changes, so that the use of language is consistent throughout the bill. The word "officer" is changed to "official" and that is the term used throughout. Currently, Title 29 uses the terms municipal "officer" and "official" interchangeably. Effective January 1, 1981, the director of elections became responsible for conducting state elections rather than the lieutenant governor and here the responsibility for the election is conferred on the director of elections. (AS 29.18.110)

Sec. 29.05.120. This section is reorganized. Current references to the lieutenant governor are changed to the director of elections. (AS 29.18.120)

(a) Contains material currently found in AS 29.18.120(b).

(b) Contains material currently found in AS 29.18.120(b).

(c) Contains material currently found in AS 29.18.120(b).

(d) Contains material currently found in AS 29.18.120(c).

(e) Contains material currently found in AS 29.18.120(d).

(f) Contains material currently found in AS 29.18.120(e).

Sec. 29.05.130. The phrase "borough assembly or city council" is replaced by the word "municipality". The last line of the current section is dropped as no longer necessary. The provisions of this section apply to all organized boroughs whether incorporated or organized before or after September 10, 1972. (AS 29.18.130)

Sec. 29.05.140. Minor wording changes are made to improve readability and to insure that terms are used consistently throughout the title. (AS 29.18.140)

(d) Added to clarify that the section applies to home rule and general law municipalities, however, this is not a

substantive change because the section currently applies to home rule municipalities under AS 29.13.100.

Sec. 29.05.150. No substantive change. (AS 29.18.150)

Sec. 29.05.180. This section now applies only to organization grants for cities incorporated after July 1, 1984. A new section has been added to the bill to deal with organization grants for boroughs. A newly incorporated city or a second class city in the unorganized borough that reclassifies shall be entitled to a first year organization grant of \$50,000 and to a second organization grant of \$25,000. Under existing law, a municipality is entitled to receive \$10 for every voter or \$25,000 minimum, and the municipality receives no grant the second year. (AS 29.18.180)

Sec. 29.05.190. This section deals with organization grants to boroughs only and applies to boroughs incorporated after July 1, 1984. A borough shall be entitled to a first year organization grant of \$300,000; a second year grant of \$200,000; and a third year grant of \$100,000. Under existing law a borough receives \$10 for every voter or a minimum \$25,000 grant. (AS 29.18.180)

Sec. 29.05.200. This is new material establishing an organization grant fund. The Department of Community and Regional Affairs is required to prepare a yearly report on the fund to be presented to the Department of Administration.

Sec. 29.05.210. This is new material which requires the Department of Community and Regional Affairs to determine the population of a newly incorporated borough, help the borough establish an initial assessment and collection department if it has adopted a sales or use tax; and help the borough to determine the initial assessment roll if the borough has adopted a property tax.

CHAPTER 06. ALTERATION OF MUNICIPALITIES.

Sec. 29.06.010. The phrase "ratified by the qualified voters voting on the question at a regular or special election" is replaced by "ratified by the voters". The word "voter" is defined for the title. References to the lieutenant governor are changed to the director of elections. (AS 29.73.050)

(d) This is added and applies the section to home rule municipalities. This is not a substantive change since the section is a home rule limitation under AS 29.13.100.

Sec. 29.06.040. (a) Authorizes an appeal of a decision of the Local Boundary Commission regarding a proposed municipal boundary change. (AS 29.68.010(a))

(b) Minor rewording. (AS 29.68.010(a))

(c) Deletes outdated time period during which the Local Boundary Commission was to establish certain procedures. (AS 29.68.010(b))

(d) Minor reorganizing but no substantive change. (AS 29.68.010(c))

Sec. 29.06.050. No substantive change. (AS 29.68.020)

Sec. 29.06.060. This is new material specifically applying all sections dealing with annexation as home rule limitations. The material contained in sec. 29.06.040 of this bill is currently a limitation on home rule municipalities.

Sec. 29.06.090. Adds a provision that a third class borough may not be formed through merger or consolidation. (AS 29.68.030)

Sec. 29.06.100. The words "existing" and "proposed" are added to make it clear that some requirements refer to an existing municipality and some to a proposed municipality. (AS 29.68.040)

Sec. 29.06.110. "Department of Community and Regional Affairs" is changed to "department". (AS 29.68.050, 29.68.060, 29.68.070(a))

Sec. 29.06.120. No substantive change. (AS 29.68.070(b))

Sec. 29.06.130. "Assembly or council" is changed to "governing body" which is defined for the title. Material contained in the last sentence under current law is placed into a new subsection (b). (AS 29.68.080)

Sec. 29.06.140. Material currently contained in AS 29.68.090(a) and (b) is combined into (a). The statutory reference in AS 29.68.090(d) is eliminated as unnecessary.

References to "lieutenant governor" are changed to "director of elections". (AS 29.68.090)

Sec. 29.06.150. No substantive change. (AS 29.68.100)

Sec. 29.06.160. No substantive change. (AS 29.68.110)

Sec. 29.06.170. This is a new section clarifying that the article on merger and consolidation applies to home rule municipalities. These sections are currently applied to home rule municipalities under AS 29.13.100.

Sec. 29.06.190. No substantive change. (AS 29.68.240)

Sec. 29.06.200. No substantive change. (AS 29.68.250)

Sec. 29.06.210. "Unification" is added to make it clear that this is a special type of petition. (b)(1) and (2) are slightly rewritten for clarity. (AS 29.68.260)

Sec. 29.06.220. No substantive change. (AS 29.68.270)

Sec. 29.06.230. New section setting out duties of charter commission. (AS 29.68.350(a))

Sec. 29.06.240. This is rewritten for clarity. Under existing law membership is divided between the area outside cities and the area inside cities. This approach is altered so that membership is divided between the area outside home rule and first class cities and the area inside home rule and first class cities in the borough. (AS 29.68.310)

Sec. 29.06.250. (a) No substantive change. (AS 29.68.280)

(b) No substantive change. (AS 29.68.290(a))

(c) No substantive change. (AS 29.68.290(b))

(d) This is new material providing that a resolution or petition for unification is void if insufficient nominations are received for the charter commission.

Sec. 29.06.260. No substantive change. (AS 29.68.300)

Sec. 29.06.270. (a) The question submitted to the voters is whether a charter commission shall be formed, not whether unification shall take place. (AS 29.68.320(a) and (b))

(b) No substantive change. (AS 29.68.320(c))

(c) No substantive change. (AS 29.68.320(d))

Sec. 29.06.280. Reworded to clarify that formation of a charter commission is being considered, not unification. (AS 29.68.330)

Sec. 29.06.290. No substantive change. (AS 29.68.340(a) - (d))

Sec. 29.06.300. No substantive change. (AS 29.68.340(e), 29.68.390(e))

Sec. 29.06.310. No substantive change. (AS 29.68.340(f))

Sec. 29.06.320. The language "at a regular or special borough election called by the borough assembly held within 60 days of the date of publication and posting of the proposed charter as required in-sec. 380 of this chapter" is deleted since this appears elsewhere. Parts have been slightly rewritten for clarification and statutory references to other sections in AS 29.68.350(a)(5) and (7) are deleted as unnecessary. AS 29.68.350.b) is deleted as unnecessary. (AS 29.68.350)

Sec. 29.06.330. Some excessive verbage is eliminated. (AS 29.68.360)

Sec. 29.06.340. No substantive change. (AS 29.68.370)

Sec. 29.06.350. The language "once in at least one newspaper having general circulation distributed within the borough, if there is a newspaper having general circulation distributed in the borough" is eliminated as unnecessary since "published" is defined for the title. (AS 29.68.380)

Sec. 29.06.360. (a) No substantive change. (AS 29.68.635(a), 29.68.390(a))

(b) No substantive change. (AS 29.68.390(b))

(c) No substantive change. (AS 29.68.390(c))

(d) No substantive change. (AS 29.68.390(d))

Sec. 29.06.370. The statutory reference to the article on unification is eliminated as unnecessary. (AS 29.68.400)

Sec. 29.06.380. This section is slightly reworded for clarity. (AS 29.68.410)

Sec. 29.06.390. This section is slightly reworded for clarity. (AS 29.68.420)

Sec. 29.06.400. This is reworded for clarity and the statutory reference to the unification article is deleted as unnecessary. (AS 29.68.430)

Sec. 29.06.410. (2) is changed so that it is clear that a unified municipality has the powers of a home rule borough, since a unified municipality is a home rule unit of government. (AS 29.68.440)

Sec. 29.06.420. This is a new section making the provisions dealing with unification applicable to home rule municipalities. Although annexation, merger and consolidation, and dissolution are currently home rule limitations, the sections dealing with unification are not applicable to home rule municipalities as limitations under existing law.

Sec. 29.06.450. No changes other than changes in terminology used consistently throughout in this bill. (AS 29.68.500)

Sec. 29.06.460. No changes except for minor rewording for clarity. (AS 29.68.510)

Sec. 29.06.470. No changes, except for minor rewording for clarity. (AS 29.68.520)

Sec. 29.06.480. "Department of Community and Regional Affairs" is altered to "department". (AS 29.68.530, 29.68.540)

Sec. 29.06.490. No changes except for minor rewording for clarity. (AS 29.68.550)

Sec. 29.06.500. (a) No change. (AS 29.68.560)

(b) Provides for an administrative appeal of a Local Boundary Commission decision.

Sec. 29.06.510. Material contained in AS 29.68.570(a) and (b) is consolidated into (a). References to the "lieutenant governor" are changed to the "director of elections", who is now in charge of state elections. (AS 29.68.570)

Sec. 29.06.520. The statutory reference contained in existing law is deleted as unnecessary. (AS 29.68.580)

Sec. 29.06.530. This is a new section clarifying that the article dealing with dissolution applies to home rule municipalities. AS 29.13.100 makes these sections applicable to home rule municipalities under current law.

CHAPTER 10. HOME RULE MUNICIPALITIES.

Sec. 29.10.010. Reorganized, but otherwise no change. (AS 29.13.010)

Sec. 29.10.020. No change. (AS 29.13.020)

Sec. 29.10.030. No change. (AS 29.13.030)

Sec. 29.10.040. No change. (AS 29.13.040)

Sec. 29.10.050. No change. (AS 29.13.050)

Sec. 29.10.060. No change. (AS 29.13.060)

Sec. 29.10.070. No change. (AS 29.13.070)

Sec. 29.10.080. No change. (AS 29.13.080)

Sec. 29.10.100. The following paragraphs contain sections which are added to the limitations of home rule powers:

(5) unification of municipalities;

(10) legislative power;

(11) assembly composition and apportionment (only one section on assembly composition and reapportionment, AS 29.23.021 which is, now sec. 29.60.060, is a limitation under existing law), however, AS 29.20.033 provides that the other section might apply to some home rule municipalities;

(12) qualifications of members of governing bodies;

- (14) executive power;
- (27) alcoholic beverages;
- (30) assessment and collection of taxes;
- (31) land use regulation;
- (35) title to vacated areas;
- (37) property taxes (this adds sec. 29.45.450 - 500 and sec. 29.45.550 to the limitations listed under existing law);
- (41) construction;
- (45) general grant land;

The following paragraphs under AS 29.13.100 no longer appear as limitations:

- (4) election and term of mayor;
- (8) municipal elections (material now contained in AS 29.28.010 is not a limitation under this bill; material in AS 29.28.020(b) is expanded so that the notice requirement covers both regular and special elections and the requirement is a limitation under this bill);
- (15) borough building code jurisdiction within cities (the material is deleted from this bill);
- (20) expenditures of borough revenue;
- (25) bond attorneys (the material is deleted from this bill);
- (35) bonded debt for school construction (the material is deleted from this bill);
- (37) zoning of state land for homesite entry (this was repealed in 1979);
- (39) applicability of local platting regulations (the material is deleted from this bill);

(40) expulsion of borough assemblymen (this material is substantially rewritten and not made binding upon home rule municipalities);

(41) removal of borough mayor from office (this material is substantially rewritten and not made applicable as a home rule limitation);

(42) expulsion of city councilmen (this material is substantially rewritten and not made applicable as a home rule limitation);

(43) removal of mayor from office (this material is substantially rewritten and not made applicable as a home rule limitation);

(44) expulsion, removal from office (this material is substantially rewritten and not made applicable as home rule limitation).

CHAPTER 20. MUNICIPAL OFFICERS AND EMPLOYEES.

Sec 29.20.010. Each municipality shall adopt a conflict of interest ordinance. A member of the governing body shall declare a financial interest he has in an official action and ask to be excused. The presiding officer rules on the question and his decision may be overridden. Under existing law an officer or employee is required to disqualify himself from participating in an official action in which he has a substantial financial interest. (AS 29.23.555)

Sec. 29.20.020. "Assembly and council" is altered to "governing body" and the section is divided into subsections for ease of use. (AS 29.23.580)

Sec. 29.20.050. The second sentence is new material, however it does not substantively change existing law since it can be implied that the legislative power of a city is vested in the council. This is applicable as a home rule limitation. (AS 29.23.010)

Sec. 29.20.060. No substantive change. This is made specifically applicable to home rule municipalities, but is a home rule limitation now under AS 29.13.100(3). (AS 29.23.021)

Sec. 29.20.070. "Borough" is dropped before the word "assembly" when it appears and "assembly" is defined for the title. The statutory reference contained in AS 29.23.023(e)(1) is deleted as unnecessary since "unified municipality" is defined. (AS 29.23.023)

Sec. 29.20.080. "Borough" is deleted as unnecessary when it appears before the word "assembly". In (e) "of the Department of Community and Regional Affairs" is deleted since "commissioner" is defined for the title. Statutory references are altered to reflect new numbering. (AS 29.23.025)

Sec. 29.20.090. "Borough" is deleted as unnecessary when it appears before "assembly". "Of Community and Regional Affairs", appearing several times in the section, is deleted since "comm:ssioner" is defined for the title. Statutory references are altered to reflect renumbering. (AS 29.23.027)

Sec. 29.20.100. "Borough" is deleted where it appears before "assembly". "Of Community and Regional Affairs" is deleted since "commissioner" is defined for the title. Statutory references are altered to reflect new numbering. (AS 29.23.029)

Sec. 29.20.110. Statutory references are altered to reflect new numbering. (AS 29.23.031)

AS 29.20.120. The statutory reference in (1) is deleted since "unified municipality" is defined for the title. Statutory references are revised to reflect new numbering. (AS 29.23.033)

Sec. 29.20.130. No change. (AS 29.23.200(a))

Sec. 29.20.140. This section is substantially rewritten to combine material concerning the qualifications for membership in assemblies with material concerning the qualifications for membership in councils.

(a) Rewritten, but no substantive change. (AS 29.23.050, 29.23.200(b))

(b) Combines material currently found in different sections. (AS 29.23.050, 29.23.200(b))

(c) This contains new material allowing a municipality to establish district residency requirements for members of the assembly or council. Current law allows an assemblyman elected from one district who becomes a resident of another district to serve only until the next regular election. The subsection allows a municipality to provide otherwise by ordinance. It is also made applicable to city councils. Under existing law a council may be elected by district rather than at-large, but no provision deals with the possibility that a councilman might change his district residency. (AS 29.23.050, 29.23.200(a))

(d) New material prohibiting a municipality from limiting the number of terms or number of consecutive terms a voter may serve on the assembly or council, unless the limit is ratified.

(e) This is applicable to both home rule and general law municipalities. Under current law the qualifications for assemblymen are applicable to home rule and general law municipalities but the qualifications for city councilmen are not. (AS 29.23.050, 29.23.200)

Sec. 29.20.150. Combines material dealing with the term of office of members of the assembly with material dealing with the term of office of members of the council.

(a) This is substantially rewritten, however, the only substantive change is that members of the council may serve different terms when allowed by charter, as well as by ordinance. (AS 29.23.040(a), 29.23.200(c))

(b) No substantive change. (AS 29.23.040(a), 29.23.200(c))

(c) The material permitting a different date to be prescribed by charter or ordinance is made applicable to city councils. (AS 29.23.040(b), 29.23.200(c))

(d) This is added as a home rule limitation with respect to city councils. (AS 29.23.040(c))

Sec. 29.20.160. Combines material dealing with assemblies and with councils into one section.

(a) The last line dealing with the presiding officer is new material as it applies to the council. (AS 29.23.060(b), 29.23.240)

(b) The material dealing with the calling of a special meeting is substantively changed. Under existing law a special meeting may not be called unless all members receive 24 hours written notice or, if there is an emergency and all absent members waive the notice. As rewritten, a special meeting may be held if a majority of the members receive 24 hours notice and reasonable efforts are made to notify all members. (AS 29.23.060(a), 29.23.210(a))

(c) A member of the governing body disqualified from voting is considered present for purposes of constituting a quorum. A majority of the membership of a council constitutes a quorum, while under existing law four councilmen constitute a quorum. This is not a substantive change, since a first class city has a council of six members and second class city has a council of seven members. Four councilmen are still required for a quorum. (AS 29.23.060(d), 29.23.210(c))

(d) Actions are adopted by a majority of the total membership of the governing body, while under existing law actions are adopted by a majority of votes authorized on the question. All members vote and unless they are required to abstain by law, while under existing law a member may abstain if permitted by the governing body, and must abstain if he has a substantial financial interest in the question. This section is applicable to city councils as well as to assemblies. (AS 29.23.060(d), 29.23.210(c))

(e) Specifically provides that the journal shall be a public record. (AS 29.23.060(c), 29.23.210(b))

(f) Requires a governing body to determine by ordinance its rules and order of business. (AS 29.23.060(c), 29.23.210(b))

Sec 29.20.170. This allows the governing body to prescribe the manner in which a vacancy occurs in any elected office, other than the office of mayor or member of the school board. The governing body is required to declare an elective office vacant under specific conditions, unless a municipality establishes otherwise by ordinance. (AS 29.-23.060(c), 29.23.080, 29.23.210(b), 29.23.220, 29.23.570)

Sec. 29.20.180. (a) Requires a vacancy to be filled within 30 days unless a different period is established by ordinance. If less than 30 days remain in a term, a vacancy

need not be filled, unless filling the vacancy is necessary to preserve a quorum. The material contained in AS 29.23.080 dealing with filling a vacancy in dual assembly council seats has been deleted. (AS 29.23.080, 29.23.220)

(b) This is new material requiring appointments within seven days if needed to preserve a quorum.

(c) No substantive change. (AS 29.23.080, 29.23.220)

Sec. 29.20.220. This section is substantially rewritten to combine material dealing with the mayor of a city with material dealing with the mayor of a borough.

(a) This is a clear statement that the executive power is vested in a mayor, which is only implied with reference to cities under current law. The mayor of a home rule or unified municipality is elected by the voters, which is not a substantive change. (AS 29.23.200(a) and (c), 29.23.240)

(b) This material currently exists with respect to city mayors but not with respect to borough mayors, although these duties may be implied for borough mayors. The language "and is responsible for additional duties and powers prescribed by this chapter or by home rule charter" is new, but is not a substantive change. (AS 29.23.240)

(c) This section is a limitation on home rule municipalities. Under existing law it is not listed as a limitation.

Sec. 29.20.230. This is substantially rewritten in order to combine material dealing with the election and term of a borough mayor and a city mayor.

(a) No substantive change. (AS 29.23.130(c), 29.23.250(b) and (d))

(b) Allows a second class city to provide by ordinance for a term longer than one year for the office of mayor, as long as the mayor is a member of the council. Existing law provides a one-year term of office for the mayor of a second class city. (AS 29.23.250(c) and (d))

(c) This is new material providing that the number of terms or number of consecutive terms a mayor may serve may not be limited.

Sec. 29.20.240. Rewritten to combine sections dealing with the mayor of a borough and the mayor of a city.

(a) No substantive change. (AS 29.23.130(b), 29.23.250(a) and (c))

(b) The reference in AS 29.23.250(a) to additional residency requirements prescribed by charter is eliminated. This section is not a limitation on home rule governments, so a home rule municipality may prescribe additional residency requirements by charter without statutory authority. (AS 29.23.130(b), 29.23.250(a))

Sec. 29.20.250. This is rewritten to combine sections dealing with a city and sections dealing with a borough, and to achieve a clear statement of existing law.

(a) No substantive change. (AS 29.23.130(a), 29.23.290)

(b) Authorizes the mayor of a borough with a manager form of government to vote in the case of a tie. The fact that a mayor may take part in discussions is not stated with respect to the mayor of a city under existing law. (AS 29.23.160, 29.23.260)

Sec. 29.20.260. No change, except for minor rewording for clarity. (AS 29.23.150)

Sec. 29.20.270. This is substantially rewritten in order to combine sections dealing with the mayor of a borough and the mayor of a city.

(a) No substantive change. (AS 29.23.270(a))

(b) The material requiring that a veto be overridden within 21 days after the exercise of the veto or during the next regular meeting is new. Current law does not specify a time period during which a veto may be overridden. (AS 29.23.170(a), 29.23.270(a))

(c) A veto does not extend to actions of a city council sitting as a board of equalization or a board of adjustment, nor may the city mayor veto the adoption or repeal of a manager form of government. Current law is silent as to these issues with respect to a city. (AS 29.23.170(a) and (b), 29.23.270)

(d) No change. (AS 29.23.270(b))

Sec. 29.20.280. (a) Under existing law the governing body has the option of declaring the office of mayor vacant when he is convicted of a corrupt practice. (AS 29.23.130(f), 29.23.255, 29.23.570)

(b) No substantive change. (AS 29.23.180, 29.23.280(a))

(c) No substantive change. (AS 29.23.280(b))

Sec. 29.20.300. The statutory reference to a repealed section is deleted. School board members may be elected by area rather than at-large, if approved by the voters. (AS 29.23.310)

Sec. 29.20.310. No change, except for minor rewording so the usage is consistent throughout the title. (AS 29.23.340)

Sec. 29.20.320. This is new material allowing the governing body to establish boards and commissions. Arguably, this power is implied to exist in current law as part of the ability of a governing body to delegate responsibility. (AS 29.48.010(1))

Sec. 29.20.360. Certain officials shall be appointed by the chief administrator unless otherwise provided by ordinance. Under current law these officials are appointed by the chief administrator or by the governing body as determined by ordinance. Current law provides that appointments by the chief administrator are subject to confirmation, and this section allows a municipality to provide otherwise by ordinance. (AS 29.23.360)

Sec. 29.20.370. No change, except for minor rewording to achieve consistent usage throughout the title. (AS 29.23.370)

Sec. 29.20.380. No change, except for minor rewording in order to achieve consistent usage. (AS 29.23.380)

Sec. 29.20.390. The statutory reference is added to provide notice that, when a central treasury is established for the school board and the municipality, the treasurer is not custodian of the funds. (AS 29.23.390)

Sec. 29.20.400. Slightly reworded for clarity.
(AS 29.23.070)

Sec. 29.20.410. Allows the governing body to provide for a classified service and to designate positions which are wholly or partially exempt from the classified service.
(AS 29.23.550)

Sec. 29.20.460. No change, except for minor rewording to achieve consistent usage. (AS 29.23.410, 29.23.420)

Sec. 29.20.470. The last line dealing with notice requirements is omitted because notice requirements for elections are now contained in Sec. 29.26.030. At least 20 days notice shall be provided, while under current law 30 days notice is required before an election to adopt a manager plan.
(AS 29.23.430)

Sec. 29.20.480. No change, except for minor rewording to achieve consistent usage. (AS 29.23.440)

Sec. 29.20.490. In the second line the word "solely" and the word "executive" have been omitted, so that the manager is to be chosen on the basis of his administrative qualifications. A member of the governing body may not be appointed manager until one year after leaving office unless authorized by more than a majority vote. Under existing law this limitation applies to all elected municipal officials.
(AS 29.23.450, 29.23.460)

Sec. 29.20.500. This is substantially rewritten so that material dealing with duties of a city manager and material dealing with duties of a borough manager are combined. A statutory reference to the section concerning appointment of school employees is added for clarification. The requirement that the manager prepare and make available to the public an annual report on municipal affairs is deleted. AS 29.23.140(10)(A) and (C), requiring the borough manager to administer functions of borough employees and to administer public works is deleted because those requirements appear adequately covered by (1) and (5) of this section.
(AS 29.23.140, 29.23.290)

Sec. 29.20.510. Rewritten slightly for clarity.
(AS 29.23.130(e))

Sec. 29.20.520. After repeal of a manager plan, the governing body has 60 days to reorganize the municipal executive and administrative functions. Under existing law, no time period is provided for reorganization. (AS 29.23.480)

Sec. 29.20.600. No change, except for rewording to achieve uniform usage. (AS 29.23.500)

Sec. 29.20.610. No change, except for minor rewording to achieve uniform usage. (AS 29.23.520)

Sec. 29.20.620. A method of determining salaries shall be provided by ordinance, while under current law the governing body fixes by ordinance the salaries of elected officials. The salary of the mayor may be reduced during his term of office if a manager plan is adopted. An elected official may not receive compensation for additional service to the municipality, unless provided otherwise by ordinance. (AS 29.23.530)

Sec. 29.20.630. Material currently contained in AS 29.23.540(a) is deleted. Subject to requirements contained in the title dealing with education, a school district employee, or state employee may not be denied the right to serve as an elected municipal official. Current law allows a municipality to prohibit the right to serve by charter or ordinance. (AS 29.23.540)

Sec. 29.20.640. No changes, except for rewording for consistency and changes in statutory references to reflect renumbering. (AS 29.23.560)

CHAPTER 25. MUNICIPAL ENACTMENTS.

Sec. 29.25.010. The governing body is no longer required to fix the compensation of members of the assembly or council by ordinance, nor is it required to regulate the rate charged by a public utility by ordinance. (AS 29.48.130)

Sec. 29.25.020. This is substantially reorganized, but contains no substantive changes. (AS 29.48.140, 29.48.150)

Sec. 29.25.030. No change, except for minor word changes in order to achieve maximum clarity. (AS 29.48.160)

Sec. 29.25.040. Requires the governing body to see that the adopted code is made available to the public at no more than

cost, while existing law requires the governing body to provide for the adopted code to be sold to the public.
(AS 29.48.170)

Sec. 29.25.050. (b) allows the designee of the municipal clerk to prepare a general codification of municipal ordinances and deletes the requirement that the codification be prepared with the assistance of a legal advisor. The rest of the section is unchanged. (AS 29.48.180)

Sec. 29.25.060. This has been made applicable as a home rule limitation. (AS 29.48.185)

Sec. 29.25.070. A penalty not to exceed that imposed for a class B misdemeanor may be imposed for a violation of an ordinance. The maximum fine for a class B misdemeanor is \$1,000 and the maximum sentence of imprisonment is 90 days. Under existing law punishment not to exceed \$500 or imprisonment for 30 days is provided for. A mandatory, nonsuspendable term of imprisonment for 5 days may be imposed for violation of an ordinance. The municipality or aggrieved person may institute a civil action against a person who violates an ordinance, and a civil penalty of up to \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought and, upon a finding of a violation, the superior court shall grant the injunction. Each day that a violation of an ordinance continues is a separate violation. These penalties are authorized only if copies of the ordinance are made available. (AS 29.48.200)

CHAPTER 26. ELECTIONS.

Sec. 29.26.010. A judge shall be a voter of the precinct for which he is appointed unless no voter is willing to serve. The language "the municipality may not alter voter qualification requirements of this title" is deleted as unnecessary. This is no longer a limitation on home rule municipalities. (AS 29.28.010)

Sec. 29.26.020. The language "subject to other provisions of this title" is added because other sections in the title provide a procedure for the nomination of candidates, for example, see secs. 29.06.250 and 29.10.040. (AS 29.28.015)

Sec. 29.26.030. At least 20 days notice of a regular or special election is required. This applies as a limitation on home rule municipalities, whereas under existing law only

the notice requirement for a special election applies.
(AS 29.28.020(b))

Sec. 29.26.040. No change, except for minor rewording for clarity. (AS 29.28.020(a))

Sec. 29.26.050. This has been reorganized. To qualify to vote in municipal elections a person must have been registered to vote in state elections for at least 30 days preceding the municipal election. Existing law requires only that the person be registered to vote in state elections without a durational requirement. A municipality may require a person to be registered to vote in the precinct in which he seeks to vote. (AS 29.28.030)

Sec. 29.26.060. The runoff election requirement is limited to the office of mayor, member of the governing body, or school board and the municipality may adopt an ordinance to alter this runoff requirement. A runoff election shall be held three weeks after the date of certification of the original election, rather than within two weeks, and is between the two candidates that received the greatest number of votes for the seat. (AS 29.28.040)

Sec. 29.26.070. This has been rewritten for clarity. A requirement that the governing body authorize the election results to be certified is added in (c). The provision that expulsion of certain officials is final and not subject to judicial review contained in AS 29.28.050(f) is deleted. In this bill there is no provision denying judicial review in cases involving the declaration of vacancy in office.
(AS 29.28.050)

Sec. 29.26.100. No substantive change. (AS 29.28.060)

Sec. 29.26.110. This is new material establishing a process for applying for a petition for initiative or referendum. An application is signed by ten voters who sponsor the petition. If the clerk finds that an application is in proper form and that the four listed requirements are met, he shall certify the application. A decision by the clerk on an application for petition is subject to judicial review.

Sec. 29.26.120. Within two weeks after certification of application a petition is prepared by the municipal clerk. Signatures must be obtained within 60, rather than 90 days from the date the petition is first circulated. Spaces are

provided for signatures, the printed name of each signer, the date signature is affixed, and the residence and mailing addresses of each signer. Each petition contains a statement that the sponsor circulated the petition, that all signatures were fixed in his presence, and that he believes the signatures to be those of the persons whose names they purport to be. Spaces are provided for indicating the total number of signatures on a petition. If the petition consists of more than one page, each page contains a summary of the matter to be initiated or referred. Copies of the petition are supplied to each sponsor. (AS 29.28.065)

Sec. 29.26.130. Signatures must be secured within 60, rather than 90 days. The clerk shall determine the number of signatures required on a petition and inform each sponsor. The number of signatures required remains identical to the number required under current law, except that no provision is made for signatures only from persons in services areas or outside cities when the matter to be initiated or referred applies only to the service area or area outside cities. Illegible signatures must be rejected by the clerk, whereas under existing law they may be rejected. A signer may withdraw his signature before certification of the petition, whereas under existing law he may only withdraw his signature within 7 days after the petition is filed. (AS 29.28.070)

Sec. 29.26.140. All copies of a petition are filed as a single instrument. An insufficient petition may be supplemented only with signatures obtained within ten days after the date the petition is rejected, while under current law there is no requirement that the signatures be obtained during this period. (AS 29.28.073)

Sec. 29.26.150. No change, except for minor rewording for consistency. (AS 29.28.075)

Sec. 29.26.160. "On substantially the same matter" has been added so that it is clear that the waiting period for filing a new petition does not apply if the petition sought to be filed deals with a different subject. (AS 29.28.077)

Sec. 29.26.170. Unless the same measure is adopted, the clerk submits a petition seeking an initiative vote to the voters at the next regular election occurring no sooner than 45 days after certification of the petition, or, if no regular election occurs within 75 days, a special election is

held. If the governing body adopts the same measure, the petition is void and the subject is not placed before the voters, while under existing law the governing body may not adopt an ordinance or resolution within 10 days from the date of election. If the vote is favorable, the ordinance or resolution becomes effective upon certification of the election unless a different effective date is provided in the ordinance or resolution, while under existing law an ordinance or resolution becomes effective when the election results are declared. There is no provision for the governing body to reject a petition, as there is in current law. (AS 29.28.080)

Sec. 29.26.180. When a petition seeks a referendum vote the clerk shall submit the matter to the voters in the same manner as provided for an initiative election. Under current law the vote is held during the next regular or special election, or within 75 days of filing the petition. If a petition is certified before the effective date of the matter referred, the ordinance or resolution is suspended, while under existing law the suspension occurs if a sufficient petition is filed within 30 days after passage of the ordinance or before the effective date of the ordinance. If the governing body repeals the ordinance or resolution, the petition is void and no election is held. If a majority vote does not favor repeal of the matter referred, it remains in effect, or, if it has been suspended becomes effective upon certification of the election. Existing law is silent as to the effective date of a suspended ordinance in this situation. (AS 29.28.090)

Sec. 29.26.190. If adopted in an initiative election or if adopted after a petition has been filed, an ordinance or resolution may not be repealed or amended within one year. If an ordinance or resolution is repealed in a referendum election, or after a petition has been filed, similar legislation may not be enacted for a period of one year. Existing law provides that the governing body may not act in any way within two years to modify or negate the effect of a successful initiative or referendum and if an ordinance has been repealed after a petition has been filed, the governing body may not enact similar legislation for one year. (AS 29.28.110)

Sec. 29.26.240. This is broadened to include an official appointed to elected office, because when a vacancy occurs an official may, in certain cases, be appointed. He will be

subject to recall just as an elected person would be. An official may be recalled when he has served 120 days of a term for which elected or appointed, while under existing law there is some ambiguity as to the status of an official who is reelected to the same office. (AS 29.28.130)

Sec. 29.26.250. No change. (AS 29.28.140)

Sec. 29.26.260. This is new material establishing a procedure for applying for a recall petition. The application must contain information concerning 10 voters who will sponsor the petition, the address to which correspondence relating to the application may be sent, and a statement in 200 words or less of the grounds of the recall. Additional sponsors may be added.

Sec. 29.26.270. A recall petition is prepared by the clerk. It contains the names of the official sought to be recalled, the grounds for recall, the date the petition is issued by the clerk, notice that the signatures are secured within 60 days after the date the petition is issued (while under existing law a petition must be filed within 60 days after the date of the earliest signature on it), spaces for signatures, printed name, date of each signature, and residence and mailing addresses of each signor, a statement that the sponsor personally circulated the petition, all signatures where fixed in his presence, and he believes the signatures to be those of the persons they purport to be, and space for indicating the number of signatures on the petition. Copies of the petition are provided to each sponsor. (AS 29.28.150)

Sec. 29.26.280. Signatures are secured within 60 days after a recall petition is issued. Signatures not accompanied by a legible residence address are rejected. The clerk determines the number of signatures required and informs each sponsor. If a petition seeks to recall an official who represents the municipality at large, the petition shall be signed by a number of voters equal to 25 percent of the number of votes cast for that office. If a petition seeks to recall an official who represents a district, the petition shall be signed by a number of voters residing in the district equal to 25 percent of the number of votes cast in that district for the office. Under existing law signature requirements are identical to the requirements for initiative and referendum. (AS 29.28.150, 29.28.160)

Sec. 29.26.290. Copies of a recall petition are filed as a single instrument. An insufficient petition may be supplemented with additional signatures obtained within ten days after the date on which the petition is rejected, while under existing law there is no requirement that the signatures be obtained during that time period. A petition which does not contain an adequate number of signatures, both valid and invalid signatures, may not be supplemented and this is a new provision not contained in existing law. (AS 29.28.160, 29.28.170)

Sec. 29.26.300. Reworded so that it is clear that the six-month waiting period before a new petition may be obtained applies only to a petition seeking to recall the same official. (AS 29.28.180)

Sec. 29.26.310. No change, except for minor rewording for consistency. (AS 29.28.190)

Sec. 29.26.320. The requirement that an election to recall an official not be held sooner than 45 days after submission of the petition to the governing body is added. The governing body may not appoint to the same office an official who resigns after a petition is filed. (AS 29.28.200)

Sec. 29.26.330. The grounds for recall must be stated in 200 words or less. (AS 29.28.210)

Sec. 29.26.340. The provision that an office becomes vacant upon certification of the election is added. (AS 29.28.230, 29.28.240)

Sec. 29.26.350. When an official is recalled, his office is filled in accordance with the provision dealing with vacancies. If all members of a governing body are recalled the governor appoints three persons and they appoint additional members needed to fill vacancies in accordance with the provisions dealing with vacancies. If all members of the school board are recalled the governor appoints three persons and they appoint additional members to fill remaining vacancies. A person appointed by the governor serves until a successor is elected. After an official is recalled, the clerk conducts an election for a successor. The election is held not more than 60 days from the date the recall election is certified unless a regular election is held within 75 days, in which case the successor is chosen at the regular election. Nominations may be filed until

seven days before the last date upon which notice of the election must be published, but they may not be filed until the election is certified. Under existing law the election of successor shall be held at least ten but not more than 45 days from the date of the recall election and there are no provisions dealing with a situation involving the recall of all members of the governing body or school board. (AS 29.28.250)

Sec. 29.26.360. The sections dealing with recall are made applicable as limitations on home rule municipalities, and are currently limitations under AS 29.13.100(9).

CHAPTER 35. MUNICIPAL POWERS AND DUTIES.

Sec. 29.35.010.

- (1) No change. (AS 29.48.010(2))
- (2) No change, except for rewording due to a change in organization. (AS 29.23.510)
- (3) No change. (AS 29.48.010(1))
- (4) Minor rewording. (AS 29.48.010(5))
- (5) Minor rewording. (AS 29.48.010(3))
- (6) "and impose liens for their enforcement" is added. (AS 29.48.010(7))
- (7) No change. (AS 29.48.010(8))
- (8) "for a purpose authorized under this title, federal law, or other law, or in accordance with such law" is deleted as excessive verbiage. (AS 29.48.010(9))
- (9) "facility or service" is added. (AS 29.48.010(11))
- (10) This is added as a general power. Under existing law the power may be exercised by a first class borough on a nonareawide basis, so long as the borough seeks to have it transferred from cities or proposes joint city/borough exercise of the power. A first class borough may exercise the power on an areawide basis if it is assumed. A second class borough may exercise the

power on an areawide or nonareawide basis if it is assumed. (AS 29.38.010, 29.48.035(a) and (b))

(11) No change. (AS 29.48.010(12))

(12) Minor rewording. (AS 29.48.010(10))

(13) Minor rewording. (AS 29.48.010(4))

(14) No change. (AS 29.48.010(6))

Sec. 29.35.020. A municipality may not exercise outside of its boundaries a power which it may not exercise within its boundaries. The word "roads" has been changed to "streets" which is defined for the title. The following have been included within the list of facilities which a municipality may provide outside its boundaries: solid and septic waste facilities, transportation facilities, wharves, harbors and other marine facilities. A municipality which provides a facility outside its boundaries may regulate its use to the extent that the jurisdiction in which the facility is located does not regulate it. Existing law provides that a municipality may regulate a facility outside its boundaries, and provides no right for the municipality within which the facility is located to regulate it. (AS 29.48.037)

Sec. 29.35.030. Allows all classes of municipalities to exercise eminent domain and declaration of taking. Under existing law a second class city may not exercise the power without formal approval of the Department of Community and Regional Affairs, and must exercise the power by ordinance approved by the voters. This is a limitation on home rule municipalities, and is an existing limitation under AS 29.13.100(29). (AS 29.73.020)

Sec. 29.35.040. This becomes applicable when a disaster is declared by the governor as well as by the President. Since (a) allows a municipality within a disaster area to exercise the powers in the same manner as a home rule city, the subsection providing that differences between areawide and nonareawide powers do not apply has been eliminated as redundant. (AS 29.48.270)

Sec. 29.35.050. This is reorganized and minor changes are made to the wording for clarity. The phrase "provide the charges for collection and disposal shall be paid by the property owner or occupants of the premises" is eliminated

as implied within the specified ability to fix charges.
(AS 29.48.033)

Sec. 29.35.060. (a) The language "for the construction, operation and maintenance of bus transportation systems and public utilities" is eliminated, so that franchises and permits may be granted without restrictions as to type of franchise involved. This applies only to an entity not certificated by the Alaska Public Utilities Commission.
(AS 29.48.050(a))

(b) Unless a grant of a franchise or permanent permit is made on a competitive basis, the grant of any exclusive right to use a public street or right-of-way for more than five years to a utility or transportation system which is not certificated is valid only if approved by vote. Under existing law no franchise is valid unless it is submitted to the qualified voters for approval. The material dealing with use of streets by utilities contained in AS 29.48.040(c) is deleted. (AS 29.48.050(b))

(c) This is made a home rule limitation and is one under existing law. (AS 29.13.100(17))

Sec. 29.35.070. The governing body may regulate a utility except to the extent that it is subject to regulation by the state or otherwise prohibited by law. Under existing law, a municipality may regulate only a municipally owned utility which is not regulated by the state. A municipality must adopt an ordinance that provides procedures for regulating service, rates and charges and that provides procedures necessary to insure due process. This section applies as a home rule limitation, and is an existing limitation under AS 29.13.100(17). (AS 29.48.060, 29.48.070)

Sec. 29.35.080. Requires municipal regulation of alcoholic beverages to conform to state requirements and is made a home rule limitation. (AS 29.48.035(a)(10))

Sec. 29.35.090. The governing body is required by ordinance to establish a formal procedure for acquisition and disposal of land. The provisions authorizing a municipality to acquire, hold and dispose of real property are deleted as unnecessary. The provisions dealing with the requirements which must be met in the formal procedure established for disposal of land have been eliminated to provide more

flexibility. The provisions dealing with restricting land to agricultural use have been deleted. (AS 29.48.260)

Sec. 29.35.100. Under existing law, obligations requiring payment of funds from appropriations of later years must be approved by ordinance. This has been eliminated as misleading in that it could be construed to suggest that bonded indebtedness may be acquired, whether or not for a capital project, so long as the indebtedness is approved by ordinance. AS 29.48.190(d) is eliminated as unnecessary. (AS 29.48.190)

Sec. 29.35.110. This is rewritten for clarity. (AS 29.48.210)

Sec. 29.35.120. No change, except for minor rewording to achieve consistent usage throughout the title. (AS 29.48.220)

Sec. 29.35.130. No substantive change. (AS 29.73.080)

Sec. 29.35.150. Statutory references have been added to reflect reorganization. (AS 29.33.010(a))

Sec. 29.35.160. No change, except for minor rewording to achieve consistent usage. This is a home rule limitation, and exists as a limitation under AS 29.13.100(34). (AS 29.33.050)

Sec. 29.35.170. The subsection dealing with collection by a borough of taxes levied by a city is made applicable as a limitation on home rule municipalities. (AS 29.33.030)

Sec. 29.35.180. This is a new statement requiring first and second class boroughs to provide for planning and land use regulation under provisions of Chapter 40 so that this article will contain a complete list of areawide powers. A home rule borough is required to provide for planning, platting, and land use regulation.

Sec. 29.35.200. (a) Allows a first class borough to exercise on a nonareawide basis any power not otherwise prohibited by law. Under existing law a first class borough may exercise on a nonareawide basis any general law municipal power, but before exercising the power, the borough must seek to have it transferred from cities or propose joint city/borough exercise. (AS 29.38.010)

Under existing law a second class borough may exercise the following additional nonareawide powers not specified in this bill:

- (1) powers approved at incorporation (AS 29.38.020);
- (2) regulate snow vehicles, subject to other law (AS 29.48.020(4));
- (3) licensing of day care facilities (AS 29.48.035(a)(20) and (b)).

(b)(1) No change. (AS 29.48.030(12))

- (2) No change. (AS 29.48.035(a)(5) and (b))
- (3) No change. (AS 29 48.035(a)(18) and (b))
- (4) No change. (AS 29.48.035(a)(17) and (b))
- (5) No change. (AS 29.48.035(a)(20) and (b))

(c) Allows a second class borough to exercise a nonareawide power not otherwise prohibited by law if the exercise of the power is approved by the voters living in the borough area outside the cities. Under existing law a second class borough may acquire additional nonareawide powers upon approval of the voters. However, the powers which may be acquired are limited to those itemized in Title 29, so under this bill broader authority to acquire powers is provided. (AS 29.38.030, 29.38.040, 29.38.050)

(d) Allows a second class borough to exercise an areawide power not otherwise prohibited by law if the exercise of the power is approved by the voters or transferred by the cities in the borough. Under existing law a borough may acquire only the powers authorized in Title 29. (AS 29.33.250)

Sec. 29.35.220. (a) No substantive change.
(AS 29.41.010(c))

(b) No substantive change. (AS 29.41.010(a))

(c) No substantive change. (AS 29.41.010(b))

(b) No change. (AS 29.48.030, 29.48.035(b))

(c) Allows a first class borough to exercise on an areawide basis any power not prohibited by law if it has been acquired. Under existing law, a first class borough may acquire additional areawide municipal powers, but only the powers listed in Title 29. The authority to acquire powers which is granted in this bill is broader, since a borough may acquire any power not specifically prohibited by statute whether or not it is identified as a municipal power in Title 29. (AS 29.33.250)

Sec. 29.35.210. (a) Allows a second class borough to exercise certain powers on a nonareawide basis. Under existing law before a nonareawide power may be exercised, the borough must seek to have it transferred from cities or propose joint borough/city exercise of the power, and the requirement is not contained in this bill. (AS 29.38.020)

(1) No change. (AS 29.48.030(a)(12))

(2) No substantive change. (AS 29.48.020(1))

(3) No change. (AS 29.48.020(2), 29.48.035(a)(5) and (b))

(4) Under existing law this power is subject to the section dealing with garbage and solid waste, sec. 29.35.050 of this bill. (AS 29.48.020(5))

(5) Under existing law providing air pollution control is permitted on an areawide basis only. (AS 29.48.035(a)(18) and (b))

(6) No change. (AS 29.48.020(6), 29.48.035(a)(17) and (b))

(7) Minor rewording. (AS 29.48.020(7))

(8) This is new material.

(9) No change. (AS 29.48.020(8))

(10) No change. (AS 29.48.020(9))

(d) A third class borough may acquire any power not prohibited by law for exercise in a service area.
(AS 29.41.010(b))

Sec. 29.35.250. This expands the authority of the city to exercise powers, since under existing law a city may only exercise listed municipal powers. A city may not exercise a power once that power has been exercised on an areawide basis by the borough. Existing law is in conflict as to whether a city may exercise a power being exercised on an areawide basis by the borough. In one section, existing law provides that the city may not do so, while in another section it provides that a city may exercise the power if the borough by ordinance permits exercise of the power by the city or ceases to exercise the power. (AS 29.33.010(b), 29.43.040(b), 29.48.035(b))

Sec. 29.35.260. (a) A city outside a borough may exercise a power not otherwise prohibited by law. Under existing law, a city is granted only enumerated powers, so this is a broader authorization. (AS 29.43.010)

(b) Minor rewording. (AS 29.43.030)

(c) Requires a home rule city to provide for planning, platting, and land use regulation but it does not have to comply with Chapter 40. General law cities that provide for land use regulation must do so in accordance with Chapter 40. (AS 29.43.040)

(d) This is new making the section applicable as a home rule limitation. Under existing law material contained in (c) is not a limitation on home rule municipalities.

Sec. 29.35.300. Combines material dealing with the acquisition of areawide and nonareawide powers. (AS 29.33.250, 29.41.010)

Sec. 29.35.310. No change, except for minor rewording for consistent usage. (AS 29.33.260)

Sec. 29.35.320. Provides that a petition shall be filed with the borough clerk who certifies whether it contains sufficient signatures. After certification the assembly orders an election to be held within 60 days of the order, while under existing law, the election is held at least 30 days after the order, but not later than the next regular

election. (AS 29.33.270, 29.33.280, 29.33.290(a), 29.38.030, 29.38.040, 29.38.050(a), 29.41.010(b))

Sec. 29.35.330. No change, except for minor rewording to achieve consistent usage., (AS 29.33.290(b) and (c), 29.38.050(b) and (c))

Sec. 29.35.340. Reorganized, but no substantive change. (AS 29.33.290(c))

Sec. 29.35.400. No substantive change. (AS 29.48.310)

Sec. 29.35.410. No substantive change. (AS 29.48.320)

Sec. 29.35.420. No substantive change. (AS 29.48.330)

Sec. 29.35.450. (a) Allows a borough to include a city in a service area if the city council agrees by ordinance or if approval is granted by a majority of voters residing in the city and by a majority of voters residing outside the city, but within the service area boundaries. Existing law is silent as to whether a city may be included within a service area. (AS 29.63.090(a))

(b) No change. (AS 29.63.090(d))

Sec. 29.35.460. No substantive change. (AS 29.63.090(c))

Sec. 29.35.470. No substantive change. (AS 29.63.090(b) and (e))

Sec. 29.35.480. No substantive change. (AS 29.63.090(a) and (e))

Sec. 29.35.490. New material has been added to allow owners of real property within a service area to consent in writing to the exercise of a power if no voters reside within the service area. (AS 29.41.010(b), 29.63.090(a) and (e))

(b) No change. (AS 29.41.010(b), 29.68.010(f))

CHAPTER 40. PLANNING, PLATTING, AND LAND USE REGULATION.

The word "zoning" has been replaced by the phrase "land use regulation" throughout the title in order to confer broader planning powers on municipalities. The term "land use

regulation" allows a municipality to use a variety of planning tools which might not necessarily be regarded as falling within traditional "zoning" practices.

Sec. 29.40.010. The assembly may delegate any of its planning responsibilities to a city if the city consents by ordinance. The assembly may, without obtaining the consent of the city, revoke the power delegated. Under existing law, there is no requirement that a city consent to the delegation of planning power. (AS 29.33.070)

Sec. 29.40.020. Membership on the planning commission shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in those cities. Under existing law membership is apportioned so that the number of members from first class cities reflects the proportion of borough population residing in first class cities, but the population of home rule cities is not taken into account. The planning commission shall prepare measures necessary to implement the comprehensive plan, while under existing law the planning commission is required to prepare a zoning ordinance to implement the plan. Under this bill, the planning commission has authority to utilize methods other than zoning to implement a plan. (AS 29.33.080(a) and (b))

Sec. 29.40.03 This is reorganized and reworded for clarity. After receiving the recommendations of the planning commission, the assembly is required periodically to undertake an overall review of the plan and update it as necessary. Under existing law, the planning commission is required to undertake an overall review of the plan at least once every two years and present recommendations to the assembly. (AS 29.33.085)

Sec. 29.40.040. (a) This is substantially new material. It requires the assembly to implement a comprehensive plan through zoning regulations, land use permit requirements, or other methods. The material dealing with "contract zoning" has been eliminated. The list of items for which zoning may be used in AS 29.33.090(b) and (c) has been eliminated. The material contained in AS 29.33.090(e), allowing a business licensed by the Alcoholic Beverage Control Board to continue to operate before the adoption of the zoning ordinance, is eliminated. (AS 29.33.090(a))

(b) No substantive change. (AS 29.33.110(c))

Sec. 29.40.050. (a) Requires the assembly to provide for an appeal from the application of a land use regulation. Under existing law, the board of adjustment hears appeals. (AS 29.33.110(b))

(b) Allows the assembly to provide for the appointment of hearing officers or of a board of adjustment to hear appeals. Under existing law, the assembly is the board of adjustment, but may delegate its functions. (AS 29.33.110(a))

Sec. 29.40.060. (a) Allows for an appeal from a decision dealing with land use regulation. Under existing law, appeals are limited to decisions from the board of adjustment. (AS 29.33.130(a) and (b))

(b) An appeal from a land use regulation is an administrative appeal. The provision in AS 29.33.130(c), that an appeal stays enforcement proceeding unless the court issues an enforcement order, has been eliminated. (AS 29.33.130(d) and (e))

Sec. 29.40.070. Material in paragraph (4) dealing with dedication or rights-of-way and easements is added. (AS 29.33.150(a))

Sec. 29.40.080. This is new material requiring the assembly to establish a platting authority. Under existing law, the planning commission acts as platting authority. The material contained in AS 29.33.150(b) dealing with subdivisions of state land, is eliminated. (AS 29.33.150(a))

Sec. 29.40.090. (a) This is new and requires the assembly to establish an abbreviated plat procedure for plats meeting certain requirements.

(b) Requires waiver of plat requirements if a subdivision meets requirements for an abbreviated plat and each lot is five acres or larger. (AS 29.33.170)

Sec. 29.40.100. Rewritten for clarity. (AS 29.33.180)

Sec. 29.40.110. This is rewritten for clarity. Material dealing with filing a preliminary subdivision plat contained in AS 29.33.160(c) has been eliminated. (AS 29.33.160(a) and (b))

Sec. 29.40.120. Allows a plat to be altered upon petition or the state, the borough, a public utility, or the owners of a majority of the land affected. Existing law allows a plat to be altered only upon petition of the owners of a majority of the land or by the platting board. A platted street may be vacated upon petition of the state, the borough, a public utility, or owners of the majority of the land fronting the portion of the street sought to be vacated. Under existing law, only the municipality or owners of the majority of the land fronting the part of the street sought to be vacated may petition to vacate a street. (AS 29.33.200)

Sec. 29.40.130. Requires the platting authority to publish notice of a hearing for a replat petition. "Published" is defined to require publication once in a newspaper of general circulation or posting in three public places. Under existing law, notice is required to be published once a week for two consecutive weeks. (AS 29.33.210)

Sec. 29.40.140. Rewritten for clarity. (AS 29.33.220)

Sec. 29.40.150. Requires a plat to be acknowledged and filed by the recorder with a certificate that taxes have been paid. (AS 29.33.230)

Sec. 29.40.160. Minor rewording. The material in (a) - (c) has been applied as a home rule limitation. None of this section is a limitation under existing law. (AS 29.33.240)

Sec. 29.40.170. Rewritten for clarity. (AS 29.33.245)

Sec. 29.40.180. A person who violates a land use regulation, condition imposed by a platting authority, or a section of law under the chapter dealing with land use regulation is guilty of a class B misdemeanor. (AS 29.33.190)

Sec. 29.40.190. A civil action may be initiated against a person who violates a section of law of the chapter dealing with land use regulation, a subdivision regulation or a term imposed by the platting authority. An action to enjoin may be brought and the superior court shall grant an injunction upon a finding of violation or threatened violation. In addition, a civil penalty not to exceed \$1,000 may be imposed and each day that an unlawful condition continues constitutes a separate violation. Under existing law, a person who transfers land in a subdivision before a plat has

been recorded, and a person who records a plat which has not been approved by the platting board may be punished by a fine of not more than \$500. (AS 29.33.190)

Sec. 29.40.200. Made applicable to home rule municipalities. Under existing law only the material contained in (a) of this section is a home rule limitation under AS 29.13.100(39). (AS 29.33.150(b) - (g))

CHAPTER 45. MUNICIPAL TAXATION.

Sec. 29.45.010. Authorizes a municipality to levy a property tax on real or on personal property. The distinction between areawide and nonareawide property taxes as applied to a unified municipality is eliminated. A property tax may be levied in a service area for functions in the service area. Cross-references to the provisions dealing with the taxing power of cities are added. (AS 29.53.010)

Sec. 29.45.020. No substantive change. (AS 29.73.070(a) and (c))

Sec. 29.45.030. Household furniture is exempt from taxation without regard to the value of the furniture. Property of an auxiliary of a nonbusiness organization is exempt. Under existing law, lots supporting and adjacent to a structure used for religious purposes are exempt from taxation. That exemption is eliminated. Property from which income is derived is exempt if used by nonprofit educational groups for classroom space, or by nonprofit religious, charitable or hospital groups. Under existing law, there is some ambiguity as to whether property, other than property used for classroom space, is exempt. An exemption for real property owned as a permanent place of abode by a resident 65 years of age or over may not be granted except upon written application. Under existing law, there is some ambiguity as to whether any exemption may be granted without a written application. One motor vehicle per household owned by a resident 65 years of age or older is exempt. A provision for implementation of a federal tax exemption is included. (AS 29.53.020)

Sec. 29.45.040. No substantive change. (AS 29.73.060)

Sec. 29.45.045. No substantive change. (AS 29.73.062)

Sec. 29.45.050. (a) No change, except "regular or special" is deleted since "election" is defined. (AS 29.53.025(a))

(b) Eliminates the requirement that a tax based upon tonnage not exceed five dollars a year for a boat of less than five net tons, and not exceed fifteen dollars a year for a boat of more than five tons. The optional exemption of household furniture over five hundred dollars in value has been eliminated since all household furniture is exempted under this bill. (AS 29.53.025(b))

(c) The reference to "weighted" voting is eliminated. (AS 29.53.025(c))

(d) "Act" has been changed to "chapter". (AS 29.53.025(d))

(e) No substantive change. (AS 29.53.025(e))

(f) Minor rewording. (AS 29.53.025(f))

(g) No change. (AS 29.53.025(g))

Sec. 29.45.060. No substantive change. (AS 29.53.035)

Sec. 29.45.070. No substantive change. (AS 29.53.040)

Sec. 29.45.080. No substantive change. (AS 29.53.045)

Sec. 29.45.090. Requires all property upon which a tax is levied to be taxed at the same rate during the year. Reorganized and slightly reworded for clarity. (AS 29.53.050)

Sec. 29.45.100. Statutory references are altered to reflect new numbering. (AS 29.53.055)

Sec. 29.45.103. Minor rewording. (AS 29.53.103)

Sec. 29.45.105. Minor rewording. (AS 29.53.105)

Sec. 29.45.110. Statutory reference is altered to reflect new numbering. (AS 29.53.060)

Sec. 29.45.120. "Assembly" is replaced by "municipality". (AS 29.53.070)

Sec. 29.45.130. Allows the assessor to seek a court order to compel production of records, as well as to compel entry. (AS 29.53.080)

Sec. 29.45.140. A person who fails to file a tax statement or makes a false tax statement is guilty of a class B misdemeanor. Under existing law, he is guilty of a misdemeanor punishable by a fine of \$500 or by imprisonment for up to 30 days or both. (AS 29.53.090)

Sec. 29.45.150. "Assembly" and "borough" are replaced by "municipality". (AS 29.53.095)

Sec. 29.45.160. Minor rewording. (AS 29.53.100)

Sec. 29.45.170. Minor rewording. (AS 29.53.110)

Sec. 29.45.180. Minor rewording for clarity. (AS 29.53.120)

Sec. 29.45.190. Minor rewording for clarity. (AS 29.53.130)

Sec. 29.45.200. (a) Requires an appointed board to be composed of no less than three persons, and eliminates the requirement that the board consist of the number of members of the assembly above the number required for a quorum. Requires the governing body to establish by ordinance the qualifications for board membership. (AS 29.53.135)

(b) Allows the board to alter an assessment only if an appeal is filed as to that particular lot. (AS 29.53.135)

(c) This subsection is new, allowing an appeal directly to the superior court on the issue of whether property is taxable.

Sec. 29.45.210. Provides that if, upon appeal, a valuation is found to be too low, the board may raise the assessment. An appeal to the superior court shall be tried as an administrative appeal, while under existing law an appellant may demand a jury trial. (AS 29.53.140)

Sec. 29.45.220. No change. (AS 29.53.150)

Sec. 29.45.230. Reassessment is permitted when property is affected by a disaster declared by the President, or by the

governor. Under existing law, this section applies only when property is affected by a disaster declared by the President. (AS 29.53.160)

Sec. 29.45.240. Minor rewording. (AS 29.53.170)

Sec. 29.45.250. Allows a penalty not to exceed 20 percent of the tax due to be added to delinquent taxes and interest at the rate of 15 percent a year to accrue upon unpaid taxes. Under existing law, a penalty not to exceed 10 percent may be added, and interest at the rate of eight percent shall accrue. A penalty not to exceed 20 percent of the tax due may be imposed upon the late return of personal property assessment forms. Under existing law, only 10 percent of the tax due may be imposed. If a taxpayer may pay a tax in two installments, penalty and interest on the unpaid installment accrues from the date the installment becomes due. Under existing law, if the taxpayer does not pay the first half when due, the entire tax becomes delinquent. A penalty of eight percent is added on delinquent taxes until the due date fixed for payment of the second half, and after the due date of the payment of the second half, the penalty may be increased to 10 percent. (AS 29.53.180)

Sec. 29.45.290. No substantive change. (AS 29.53.200)

Sec. 29.45.300. Property taxes, together with penalty and interest are a lien upon the property assessed, while under this section of existing law, only real property taxes are mentioned as a lien upon the property assessed. However, under AS 29.53.220 it is clear that unpaid personal property taxes are also a lien. (AS 29.53.210)

Sec. 29.45.310. If property is sold for more money than needed to satisfy the tax, the municipality is required to remit the excess to the former record owner. A claim for the excess filed after six months is barred. Under existing law, there is no provision for remitting the excess to the former record owner. (AS 29.53.220)

Sec. 29.45.320. Reworded slightly, and the statutory reference is altered to reflect new numbering. (AS 29.53.230)

Sec. 29.45.330. Minor rewording. (AS 29.53.240)

Sec. 29.45.340. "Borough" is altered to "municipality".
(AS 29.53.250)

Sec. 29.45.350. "Such" is altered to "the". (AS 29.53.260)

Sec. 29.45.360. Minor rewording, and the statutory reference is altered to reflect new numbering. (AS 29.53.270)

Sec. 29.45.370. "Tract" is altered to "lot".
(AS 29.53.280)

Sec. 29.45.380. Minor rewording. (AS 29.53.)

Sec. 29.45.390. Minor rewording and reorganization.
(AS 29.- 53.300)

Sec. 29.45.400. The material currently contained in AS 29.-53.310(b), allowing a person holding a lien against part of real property included in a judgment and decree of foreclosure to redeem only that part, has been eliminated.
(AS 29.53.310)

Sec. 29.45.410. Receipt of redemption money by the municipality releases the judgment obtained through foreclosure. Under existing law, receipt of redemption by the clerk releases all claims of the municipality to the property.
(AS 29.53.320)

Sec. 29.45.420. No change. (AS 29.53.330)

Sec. 29.45.430. No substantive change. (AS 29.53.340)

Sec. 29.45.440. Allows the clerk's designee to publish a redemption period expiration notice. Requires the clerk to send a copy of the notice to holders of liens if the assessed value of property being foreclosed is over \$100,000. Under existing law, notice must be sent if the assessed value is over \$10,000. (AS 29.53.350)

Sec. 29.45.450. Minor rewording. (AS 29.53.360)

Sec. 29.45.460. Allows the designee of the clerk to send a copy of the published notice, while under existing law, the clerk is required to send the copy. (AS 29.53.370)

Sec. 29.45.470. Minor rewording. (AS 29.53.375)

Sec. 29.45.480. No substantive change. (AS 29.53.380)

Sec. 29.45.490. "City or borough" is changed to "municipality". (AS 29.53.385)

Sec. 29.45.500. New material is added to this section so that if, in the absence of suit, it becomes obvious to the governing body that judgment for recovery of taxes would be obtained, the municipality shall refund the amount of taxes plus interest. The governing body is permitted to correct manifest clerical errors at any time. (AS 29.53.390)

Sec. 29.45.550. Minor rewording. (AS 29.43.020)

Sec. 29.45.560. Statutory references are altered to reflect new numbering. All sections under existing law which apply to taxes levied by a city apply under this bill as well. Sec. 29.45.250, dealing with rates of penalty and interest; sec. 29.45.460, dealing with disposition and sale of foreclosed property; sec. 29.45.470, dealing with repurchase by record owner; sec. 29.45.490, dealing with payment of taxes upon public utilization; sec. 29.45.500, dealing with refund of taxes have been added as provisions which a city is subject to. (AS 29.53.400)

Sec. 29.45.570. This is new, applying the provisions dealing with property taxes to home rule municipalities as a limitation.

Sec. 29.45.580. Minor rewording. (AS 29.53.405)

Sec. 29.45.590. No substantive change. (AS 29.53.410)

Sec. 29.45.600. This is new material allowing a petition for second class city incorporation to request that a property tax proposal be placed on the same ballot. The petition may request that incorporation be dependent on passage of the property tax. Under existing law, a petition may combine a request for sales and use tax with a request for incorporation, but no provision exists for combining a request for property tax with a request for incorporation.

Sec. 29.45.650. Interest at the rate of 15 percent, rather than eight percent may be charged on delinquent sales and use taxes, and this is made applicable as a home rule limitation. Material in (e) has been added to allow a lien to be placed on the property to secure the payment of a sales and use tax. (AS 29.53.415)

Sec. 29.45.660. Minor rewording. (AS 29.73.070(b) and (c))

Sec. 29.45.670. The requirement that a sales tax proposition be presented only once a year has been eliminated. Material now in AS 29.53.420(b) is deleted. (AS 29.53.420(a))

Sec. 29.45.700. Allows the borough assembly by ordinance to authorize the city to levy and collect sales and use taxes on sources other than the sources being taxed by the borough. Under existing law, a city within a borough may levy sales and use taxes only upon sources taxed by the borough. The provision that a city outside a borough may levy and collect sales and use taxes in the manner provided for boroughs has been added. (AS 29.53.440, 29.53.450)

Sec. 29.45.710. No substantive change. (AS 29.53.460)

CHAPTER 46. SPECIAL ASSESSMENTS.

Sec. 29.46.010. Minor rewording and the statutory reference is altered to reflect new numbering. (AS 29.63.010)

Sec. 29.46.020. A list of procedures which the governing body may prescribe includes procedures relating to creating special assessment districts, making local improvements, levying and collecting assessments, and financing improvements. Under existing law, the governing body is authorized to prescribe the complete special assessment procedure for local improvements. Statutory references are altered to reflect new numbering. (AS 29.63.015)

Sec. 29.46.030. The heading is altered from "DECISION AND NOTICE" to "CREATION OF DISTRICT". Minor rewording. (AS 29.63.020)

Sec. 29.46.040. Minor rewording. (AS 29.63.025)

Sec. 29.46.050. Objections may be filed any time within 60 days after publication of notice. Under existing law, objections to an improvement plan may be filed not less than 30 nor more than 60 days after publication of notice on a date specified by the governing body. Minor rewording. (AS 29.63.030)

Sec. 29.46.060. Minor rewording for clarity. (AS 29.63.040)

Sec. 29.46.070. Requires a new hearing if the assessment is increased as a result of correcting errors and inequalities in the assessment roll. Objections to the increased assessment are limited to record owners of property on which the assessment was increased. Under existing law, there is no provision for an additional hearing if an assessment is increased as a result of correcting errors. (AS 29.63.050)

Sec. 29.46.080. Minor rewording for clarity, and statutory references are altered to reflect new numbering. (AS 29.63.060)

Sec. 29.46.090. Slightly reorganized, and statutory references are altered to reflect new numbering. The section is applicable as a home rule limitation, and is a limitation now under AS 29.13.100(36). (AS 29.63.065)

Sec. 29.46.100. Minor reorganization and rewording. (AS 29.63.070)

Sec. 29.46.110. (a) This is new material itemizing the costs which may be included in a special assessment.

(b) The total amount of the assessment roll may not exceed actual costs, but actual costs may include reasonable estimates of the costs incurred in connection with issuance of bonds. (AS 29.63.040(a))

Sec. 29.46.120. Minor rewording and reorganization. (AS 29.63.080)

Sec. 29.46.130. This is new material allowing the governing body to issue notes to secure payment of the costs of a local improvement project. The notes are payable out of special assessments for the improvement and the notes are claims against the assessments.

Sec. 29.46.140. Minor rewording. The last line of AS 29.-63.085(c), providing that interest on the guarantee funds are a cost of the improvement district, is eliminated. (AS 29.63.085)

CHAPTER 47. MUNICIPAL DEBT.

Sec. 29.47.010. Minor rewording. (AS 29.58.010)

Sec. 29.47.020. Minor rewording. (AS 29.58.020)

- Sec. 29.47.030. Minor rewording. (AS 29.58.040)
- Sec. 29.47.040. Minor rewording. (AS 29.58.050)
- Sec. 29.47.080. Minor rewording. (AS 29.58.070)
- Sec. 29.47.090. "Assembly or council" is replaced with "governing body". (AS 29.58.080)
- Sec. 29.47.100. "Assembly or council" is replaced by "governing body".
- Sec. 29.47.110. No substantive change. (AS 29.58.100)
- Sec. 29.47.120. Minor rewording. (AS 29.58.110)
- Sec. 29.47.130. Minor rewording. (AS 29.58.120)
- Sec. 29.47.140. No change. (AS 29.58.130)
- Sec. 29.47.180. Minor rewording. (AS 29.58.150)
- Sec. 29.47.190. Minor rewording. The reference to a charter is eliminated since this section does not apply as a home rule limitation. (AS 29.58.160)
- Sec. 29.47.200. Minor rewording. The last sentence in (b) is added since this subsection applies to home rule municipalities as a limitation. It is currently a limitation under AS 29.13.100(24). (AS 29.58.180)
- Sec. 29.47.240. Rewritten for clarity. (AS 29.58.200)
- Sec. 29.47.250. Minor rewording. (AS 29.58.205)
- Sec. 29.47.260. This is a new section excluding revenue bonds from the application of the prohibition against a political subdivision of the state making a subscription to the capital stock of a corporation, lending its credit for the use of a corporation, or borrowing money for the use of a corporation.
- Sec. 29.47.300. Minor rewording. (AS 29.58.240)
- Sec. 29.47.310. No substantive change. (AS 29.58.250)

Sec. 29.47.320. "Assembly or council" is replaced by "governing body". (AS 29.58.260)

Sec. 29.47.330. The statutory reference is altered to reflect new numbering and the fact that sections dealing with payment on bonds are combined into one section. (AS 29.58.270)

Sec. 29.47.340. The requirement that refunding bonds be exchanged at par for bonds being refunded is eliminated, so that refunding bonds may be exchanged at the discretion of the governing body. (AS 29.58.280)

Sec. 29.47.390. This contains new material allowing the issuance of revenue bonds to finance any project and to be secured and payable solely from the revenue and property of the project. The city or borough is not obligated to make payments on the bonds from any other sources. (AS 29.58.200(c))

Sec. 29.47.400. Bonds and notes may be sold in the manner and at the price determined by the municipality. Under existing law, no bonds may be sold at less than par value. (AS 29.58.060, 29.58.140, 29.58.300)

Sec. 29.47.410. Minor rewording. (AS 29.58.170, 29.58.210)

Sec. 29.47.420. Allows the interest rate payable on a bond or note to exceed the usury rate. Under existing law, no bond or note may bear an interest which exceeds the contract usury rate. (AS 29.58.310)

Sec. 29.47.430. No substantive change. (AS 29.58.320)

Sec. 29.47.440. Rewritten for clarity. The statutory reference is altered to reflect new numbering. (AS 29.58.340)

Sec. 29.47.450. This is new material providing that the indebtedness of a service area will remain a debt even though a court subsequently determines that the service area was not validly formed under law.

CHAPTER 55. MUNICIPAL PROGRAMS.

Sec. 29.55.010. "General or home rule" is eliminated since "municipality" includes by definition both a general law and a home rule municipality. (AS 29.48.108)

Sec. 29.55.020. The statutory reference to the preceding section is eliminated as unnecessary. (AS 29.48.110)

CHAPTER 60. STATE PROGRAMS.

Sec. 29.60.010. "Local government services" is replaced by "municipal services". (AS 29.88.010)

Sec. 29.60.020. Material in AS 29.88.015(b) is deleted, which included within the population determination the population of any military reservation that is part of the taxing unit. Since municipal tax resource equalization is organized as an article, rather than a chapter, the statutory reference is added. (AS 29.88.015)

Sec. 29.60.030. Statutory references are added since this material is no longer located in a separate chapter. (AS 29.88.020)

Sec. 29.60.040. Statutory references are added since this material no longer appears as a separate chapter. (AS 29.88.025)

Sec. 29.60.050. Subsection (a), dealing with limitation on use of payments, is a home rule limitation. Under existing law all of the tax equalization program is a home rule limitation under AS 29.13.100(46). "Assembly or council" is replaced by "governing body". (AS 29.88.030)

Sec. 29.60.060. Statutory references are added, since this material is no longer contained in a separate chapter. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.88.035)

Sec. 29.60.070. Statutory references are added, since this material is no longer contained in a separate chapter. Statutory references currently contained in this section are altered to reflect new numbering. (AS 29.88.040)

Sec. 29.60.080. Definitions of "department" and "municipality" are eliminated since these are now defined with respect to the entire title. (AS 29.88.045)

Sec. 29.60.100. Statutory references are altered to reflect new numbering. Provision for revenue sharing payable to a "Native village government" is altered to "an unincorporated community". (AS 29.89.010)

Sec. 29.60.110. "Local government" is replaced by "municipality". (AS 29.89.020)

Sec. 29.60.120. Subsections (a) and (c) dealing with distribution and use of money, are home rule limitations. Under existing laws all of the program of aid for miscellaneous services is a limitation under AS 29.13.100(47). In (a)(3) the phrase "whether licensed or unlicensed" is inserted. (AS 29.89.030, 29.89.100(2) and (3))

Sec. 29.60.130. "Borough or city" is replaced by "municipality". (AS 29.89.040)

Sec. 29.60.140. Provides for aid to unincorporated communities rather than to Native village governments. The Department of Community and Regional Affairs shall pay the money to the entity in an unincorporated community most qualified to receive it. No money may be paid to a Native village council unless it waives immunity from suit. If there is no entity in an unincorporated community willing to receive the money, the community receives no entitlement. (AS 29.89.050)

Sec. 29.60.150. The last portion of the section listing possible sources of population data is eliminated. Statutory references are added, since this material is no longer organized as a separate chapter. (AS 29.89.060)

Sec. 29.60.160. Statutory references are altered to reflect new numbering. Authorizes area cost-of-living differentials to be reflected in payments to volunteer fire departments. (AS 29.89.070)

Sec. 29.60.170. Statutory references are added, since this material is no longer organized as a separate chapter. The statutory reference currently contained in this section is altered to reflect new numbering. (AS 29.89.080)

Sec. 29.60.180. Statutory references are added, since this material is no longer organized as a separate chapter. (AS 29.89.090)

Sec. 29.60.280. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.95.010)

Sec. 29.60.290. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.95.020)

Sec. 29.60.300. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.95.030)

Sec. 29.60.350. Administration of the municipal assistance fund is transferred from the Department of Revenue to the Department of Community and Regional Affairs. (AS 43.20.016(a))

Sec. 29.60.360. No substantive change. (AS 43.20.016(b))

Sec. 29.60.370. No substantive change. (AS 43.20.016(c) and (d))

Sec. 29.60.400. Reorganized and reworded. (AS 29.89.110(a), (b), (h)(2))

Sec. 29.60.410. Reorganized and reworded. (AS 29.89.110(b), (e))

Sec. 29.60.420. Reorganized and reworded. (AS 29.89.110(f), (g))

Sec. 29.60.430. Reorganized and reworded. (AS 29.89.110(c))

Sec. 29.60.440. Reorganized and reworded. (AS 29.89.110(d))

CHAPTER 65. GENERAL GRANT LAND.

Sec. 29.65.010. No change. (AS 29.18.201)

Sec. 29.65.020. No substantive change. (AS 29.18.202)

Sec. 29.65.030. Minor rewording. (AS 29.18.203)

Sec. 29.65.040. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.18.204)

Sec. 29.65.050. The statutory references to repealed sections are deleted as unnecessary in (a). The statutory

references contained in this section are altered to reflect new numbering. (AS 29.18.205)

Sec. 29.65.060. Statutory references are altered to reflect new numbering. (AS 29.18.206)

Sec. 29.65.070. No substantive change. (AS 29.18.207)

Sec. 29.65.080. Reworded for clarity. The statutory references contained in this section are altered to reflect new numbering. (AS 29.18.208)

Sec. 29.65.090. "Any" is changed to "a". (AS 29.18.209)

Sec. 29.65.100. The statutory reference contained in this section is altered to reflect new numbering. (AS 29.18.210)

Sec. 29.65.110. The statutory reference contained in this section is altered to reflect new numbering. (AS 29.18.211)

Sec. 29.65.120. Since this material is now organized in a separate chapter, the statutory reference to the sections dealing with general grant land is eliminated. (AS 29.18.212)

Sec. 29.65.130. Since this material is now organized in a separate chapter, the statutory reference is eliminated. The definition of "municipality" is eliminated since that term is now defined for the entire title. (AS 29.18.213)

Sec. 29.65.140. This is a new section indicating that the chapter dealing with general grant land applies to home rule municipalities as well as to general law municipalities. This material is not a home rule limitation under existing law.

CHAPTER 71. GENERAL PROVISIONS.

Sec. 29.71.010. No substantive change. (AS 29.73.030)

Sec. 29.71.020. This is a new section providing that dedication or rights of way or other areas for public use does not require the municipality to maintain, improve, or provide for municipal services in the area dedicated and does not impose any liability on the municipality for the condition of the area dedicated. The section is applicable to home rule municipalities.

Sec. 29.71.030. No substantive change. (AS 29.73.040)

Sec. 29.71.800. The following definitions are added or changed from existing law:

(1) "areawide" is defined to include cities in the borough. (AS 29.78.010(18))

(2) this is added;

(3) includes home rule as well as general law boroughs; (AS 29.78.010(1))

(4) includes home rule as well as general law cities; (AS 29.78.010(2))

(5) this is added;

(7) this is added;

(8) this is added;

(9) "election" includes both regular and special municipal elections, but does not include a state election; (AS 29.78.010(7))

(10) this is added to refer to either a borough or city legislative entity;

(13) "municipality" includes a home rule or general law borough, city, or unified municipality, while the existing definition includes only general law municipal corporations; (AS 29.78.010(8))

(14) "nonareawide" includes the area of a borough outside cities in the borough, while under existing law "nonareawide power" is defined; (AS 29.78.010(19))

(15) "owner" or "record owner" means the owner of record shown in the records of the district recorder; (AS 29.78.010(9))

(20) minor rewording; (AS 29.78.010(14))

(21) this has been added;

(23) subparagraph (A) has been reworded and (B) is new;
(AS 29.78.010(16))

(24) this has been added; and

(25) a person qualified to vote in municipal elections
under the applicable statute is a "voter".
(AS 29.78.010(17))

The definition of "conditional use" has been eliminated.
(AS 29.78.010(3))

* Sec. 18. A definition of "municipality" is added for all
Alaska Statutes.

* Sec. 19. The statutory references are altered to reflect
new numbering.

* Sec. 20. The statutory references are altered to reflect
new numbering.

* Sec. 21. Incorporates definition of "municipality" added
for all Alaska Statutes.

* Sec. 22. The statutory references are altered to reflect
new numbering. Minor rewording.

* Sec. 23. Statutory references are altered to reflect new
numbering.

* Sec. 24. Reworded to delete incorrect statutory refer-
ences.

* Sec. 25. Reorganized. Statutory references are altered
to reflect new numbering.

* Sec. 26. Minor rewording. The statutory references are
altered to reflect new numbering.

* Sec. 27. The statutory references are altered to reflect
new numbering.

* Sec. 28. Minor rewording. The statutory references are
altered to reflect new numbering.

* Sec. 29. Minor rewording. The statutory references are
altered to reflect new numbering.

* Sec. 30. The statutory references are altered to reflect new numbering.

* Sec. 31. The statutory references are altered to reflect new numbering.

* Sec. 32. The statutory references are altered to reflect new numbering.

* Sec. 33. The statutory references are altered to reflect new numbering.

* Sec. 34. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 35. The statutory references are altered to reflect new numbering.

* Sec. 36. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 37. The statutory references are altered to reflect new numbering.

* Sec. 38. Minor rewording. The statutory references are altered to reflect new numbering.

* Sec. 39. Minor rewording for consistency.

* Sec. 40. Redundant language is deleted because "municipality" is defined for all statutes.

* Sec. 41. Minor rewording and statutory references are altered.

* Sec. 42. The statutory references are altered to reflect new numbering.

* Sec. 43. Minor rewording. Incorrect statutory references are deleted.

* Sec. 44. Minor rewording. Incorrect statutory references are deleted.

* Sec. 45. Minor rewording. The statutory references are altered to reflect new numbering.

- * Sec. 46. The statutory references are altered.
- * Sec. 47. The statutory reference is deleted as unnecessary.
- * Sec. 48. Minor rewording. The statutory references are altered to reflect new numbering.
- * Sec. 49. The statutory references are deleted as unnecessary.
- * Sec. 50. The statutory references are deleted as unnecessary.
- * Sec. 51. The statutory reference is altered to reflect new numbering.
- * Sec. 52. The statutory references are altered to reflect new numbering. "Former" is added before citations to sections repealed in this bill."
- * Sec. 53. The statutory references are altered to reflect new numbering. "Former" is added before citations to sections repealed in this bill.
- * Sec. 54. The word "former" is added before the statutory citation because those sections are repealed in this bill.
- * Sec. 55. "Former" is added before citations to sections previously repealed in this bill.
- * Sec. 56. Minor rewording. The statutory reference is altered to reflect new numbering.
- * Sec. 57. Minor rewording. The statutory references are altered to reflect new numbering.
- * Sec. 58. The statutory reference is deleted as unnecessary.
- * Sec. 59. The statutory references are altered to reflect new numbering.
- * Sec. 60. The statutory references are altered.
- * Sec. 61. The statutory references are altered to reflect new numbering.

- * Sec. 62. The statutory references are altered to reflect new numbering. Minor rewording,
- * Sec. 63. The statutory references are altered to reflect new numbering.
- * Sec. 64. The statutory references are altered to reflect new numbering.
- * Sec. 65. The statutory references are altered to reflect new numbering.
- * Sec. 66. The statutory references are altered to reflect new numbering. "Former" is added before sections repealed in this bill.
- * Sec. 67. Statutory references are altered.
- * Sec. 68. The statutory references are deleted as unnecessary.
- * Sec. 69. Statutory references are altered.
- * Sec. 70. Adds new sections dealing with borough feasibility studies. Authorizes the commissioner of community and regional affairs to contract for a study requested by a person residing in the area to be studied. Sets out requirements for the contract and what a study must include.
- * Sec. 71. The statutory reference is altered to reflect new numbering.
- * Sec. 72. The statutory reference is altered to reflect new numbering.
- * Sec. 73. The statutory reference is altered to reflect new numbering.
- * Sec. 74. The new statutory reference is inserted and "former" added before the citation to a section repealed by this bill.
- * Sec. 75. The new statutory references are inserted and "former" added before citations to sections repealed by this bill.

* Sec. 76. The statutory references are altered to reflect new numbering.

* Sec. 77. The statutory reference to a repealed section is ~~deleted~~ and language inserted to take the place of the deleted reference.

* Sec. 78. The statutory references are altered to reflect new numbering.

* Sec. 79. The statutory references are deleted as unnecessary.

* Sec. 80. The statutory references are altered to reflect new numbering.

* Sec. 81. The statutory references are deleted as unnecessary.

* Sec. 82. The statutory references are altered to reflect new numbering.

* Sec. 83. All of Title 29 is repealed except for AS 29.03.010 and AS 29.03.020. Additional provisions are repealed to reconcile this bill with other titles.

* Sec. 84. A right or liability of a municipality in existence on the effective date of this Act is not affected by this Act. Ordinances and regulations in effect on the effective date of this Act remain in effect unless they conflict with a provision of this Act. If an ordinance or regulation conflicts, it remains in effect for 180 days. The terms of elected or appointed municipal officials are not affected by the Act and their terms expire as they would have before the effective date of this Act.

* Sec. 85. The Act takes effect January 1, 1986.

In addition to the material already noted as having been deleted from this bill, the following sections have been eliminated entirely:

- AS 29.18.202 (determination of entitlement for cities);
- AS 29.18.220 - 29.18.460 (development cities);
- AS 29.18.510 - 29.18.610 (Capital City Incorporation Act);
- AS 29.23.395 - 29.23.401 (involvement of young people in local government);
- AS 29.23.470 (appointment of temporary or new manager);
- AS 29.28.220 (election procedure);
- AS 29.33.120 (adjustment procedure);
- AS 29.43.100 - 29.43.110 (curfews)
- AS 29.45.480 (proceeds of tax sale);
- AS 29.48.070 (hearing for regulation of utilities rates);
- AS 29.48.080 (right to participate and compel testimony);
- AS 29.48.090 (further proceedings);
- AS 29.48.100 (application);
- AS 29.48.250 (centralized purchasing);
- AS 29.53.030 (mining claims);
- AS 29.58.220 (payment);
- AS 29.58.315 (bond attorneys, bond and financial consultants);
- AS 29.58.345 (bonded indebtedness for school construction);
- AS 29.58.350 (bond guarantee fund).

TBC:ojb
AS29/003

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

#1
POUCH Y STATE CAPITOL
UNFAU, ALASKA 99811
907 465 3800

MEMORANDUM

February 19, 1985

SUBJECT: Municipal Code Revision (HB 72)

TO: Representative Peter Goll
Chairman Community & Regional Affairs

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

Here is the amendment you requested that would adjust dates in HB 72 to reflect the effective date of that bill. These dates appear to have been inadvertently carried over from last year's version of the bill, CSHB 172(Fin).

Please note that in the provisions dealing with organizational grants I have changed the dates from July 1 to June 30 in places where the applicable language refers to a period occurring after July 1. This change ties the bill to the fiscal year, that is, after June 30 or beginning on July 1. The year has been changed to 1986 instead of 1985 because the bill does not take effect in 1985, but rather, becomes effective in 1986. The provision at page 33 requiring a municipality to adopt a conflict of interest provision 180 days after a set date, has been changed from July 1, 1984 to January 1, 1986, the effective date of the bill. This section does not have a fiscal impact and, therefore, need not be tied to the fiscal year.

TBC:mkr
111:WKJ11

A M E N D M E N T

Offered in the HOUSE

TO: HB 72

By the Community and
Regional Affairs Committee

Page 10, line 27:

Delete "July 1, 1984" and insert "June 30, 1986"

Page 11, line 2:

Delete "1984" and insert "1986"

Page 11, line 3:

Delete "July 1, 1984" and insert "June 30, 1986"

Page 11, line 20:

Delete "July 1, 1984" and insert "June 30, 1986"

Page 12, line 21:

Delete "July 1, 1984" and insert "June 30, 1986"

Page 12, line 24:

Delete "July 1, 1984" and insert "June 30, 1986"

Page 33, line 22:

Delete "July 1, 1984" and insert "January 1, 1986"

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

#2
POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

February 20, 1985

SUBJECT: Municipal Code Revision (HB 72)

TO: Representative Peter Goll
Chairman, House Community &
Regional Affairs Committee

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

In reviewing HB 72 I have discovered a potential problem with the provisions dealing with general grant land entitlements. They incorporate existing law and essentially no changes have been made to these sections. However, under the reorganization of Title 29, the former provisions have been repealed and new provisions enacted with different section numbers. This could lead to an argument that entitlements to existing municipalities under the former sections are terminated and that new entitlements of additional land are being made to those same municipalities.

In order to avoid any confusion as to the effect of renumbering sections dealing with general grant land entitlements to existing municipalities, I have prepared this amendment for consideration by the committee and, hopefully, inclusion into a committee substitute. Language added in the amendment would make it clear that general grant land entitlements to municipalities under the former provisions are simply continued, but that new entitlements are not being made.

HGB:lmb
L3/053

A M E N D M E N T

Offered in the HOUSE

TO: HOUSE BILL NO. 72

By The Community and

Regional Affairs Committee

Page 171, line 29:

After "MUNICIPALITIES." insert "(a)"

Page 172, after line 13, insert:

"(b) This section is a continuation of the provisions of former AS 29.18.201 and does not grant additional entitlements."

Page 172, line 14:

After "CITIES." insert "(a)"

Page 172, line 22:

Delete "this section" and insert "former AS 29.18.202"

Page 172, after line 23, insert:

"(b) This section is a continuation of the provisions of former AS 29.18.202 and does not grant additional entitlements."

Page 173, after line 4, insert:

"(c) This section is a continuation of the provisions of former AS 29.18.203 and does not grant additional entitlements to municipalities incorporated before January 1, 1986."

Page 173, line 6:

Delete "AS 29.65.010" and insert "former AS 29.18.201"

Page 173, line 7:

Delete "29.65.020" and insert "former 29.18.202"

Page 176, line 16:

Delete "is" and insert "was"

Delete "AS 29.65.010" and insert "former AS 29.18.201 or 29.18.202"

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

#3

MEMORANDUM

February 20, 1985

SUBJECT: Municipal Code Revision
(HB 72)

TO: Representative Peter Goll
Chair, Community and Regional
Affairs Committee

FROM: Tamara Brandt Cook
Deputy Director ¹⁰⁰
Division of Legal Services

Here is the amendment that you requested which incorporates legislation passed in 1984 that is also dealt with in HB 72. The changes are derived from section 38, chapter 6 SLA 1984; section 1, chapter 56 SLA 1984; sections 78 - 84 and 88, chapter 156 SLA 1984; and section 2, chapter 167 SLA 1984. Some items in the amendment return changes in HB 72 to language in existing law in order to conform with the above mentioned legislation passed in 1984 that left those portions of existing law intact. Since the Division of Lands has been eliminated and duties of the director of the division have been assigned to the director of lands, this amendment changes the definition of "director" used in sections dealing with general grant land entitlements to conform with this reorganization.

The section dealing with regulation of transportation carriers, section 29.35.140, was added by Initiative Number 83-02 effective February 28, 1985. It is altered only to delete a citation that no longer makes sense because chapter 35 on municipal powers is rewritten in HB 72. Please note that this section is not a home rule limitation under the initiative, nor under this amendment, although it appears that it may have been intended to bind home rule municipalities as well as general law municipalities.

Changes made under chapter 152 SLA 1984 to AS 29.33.150 are reflected in section 29.40.200 of HB 72. However, the 1984 legislation removed all references to "capital improvements"

Representative Peter Goll
February 20, 1985
Page 2

from the section without deleting the definition. The definition is deleted in this amendment. The changes relating to disabled veterans in AS 29.53.020, 29.73.060, and 29.73.062 made in chapter 40 LA 1984 have already been incorporated into HB 72. The change relating to the tax exemption for motor vehicles in AS 29.53.025 made in chapter 27 SLA 1984 has already been incorporated into section 29.45.050 of HB 72. The change relating to taxation records and errors in taxation procedures in AS 29.53.103 and 29.53.105 have already been incorporated into HB 72 as sections 29.45.103 and 29.45.105.

Lastly, several of the items in this amendment alter or delete citations to statutes that have been renumbered or repealed.

TBC:ojb
J11/119

A M E N D M E N T

#3

Offered in the HOUSE

TO: HB 72

By The Community and

Regional Affairs Committee

✓ Page 79, after line 1, add a new section to read:

"Sec. 29.35.140. REGULATION OF TRANSPORTATION CARRIERS. A municipality may not regulate an activity regarding transportation of passengers or freight for hire if the regulation conflicts with the regulation of that activity by the Alaska Transportation Commission as the regulation existed on April 1, 1983 under former AS 01.05, former AS 42.07, or former AS 42.10."

Page 97, lines 27 - 29:

Delete all material and reletter the following subsection

Page 112, line 20:

Delete "For"

Page 112, lines 21 - 23:

Delete all material

Page 114, line 5:

After "data." delete all material

Page 114, lines 6 - 8:

Delete all material

Page 172, line 21:

Delete "commissioner" and insert "director"

Page 173, line 1:

Delete "commissioner" and insert "director"

Page 173, line 17:

Delete "commissioner" and insert "director"

Page 173, line 22:

Delete "commissioner" and insert "director"

Page 174, line 14:

Delete "commissioner" and insert "director"

Page 174, line 19:

Delete "commissioner" and insert "director"

Page 174, line 23:

Delete "commissioner" and insert "director"

Page 175, line 2:

Delete "commissioner" and insert "director"

Page 175, line 6:

Delete "commissioner" and insert "director"

Page 175, line 20:

After "school" insert ", university"

Page 175, line 26:

Delete "commissioner" and insert "director"

Page 176, line 1:

Delete "commissioner" and insert "director" in both places

Page 176, line 8:

Delete "AS 38.05.345" and insert "AS 38.05.945"

Page 176, line 9:

After "school" insert ", university"

Page 176, line 19:

Delete "commissioner" and insert "director"

Page 176, line 26:

Delete "commissioner" and insert "director"

Page 177, line 1:

Delete "commissioner:" and insert "director"

Page 177, line 3:

Delete "commissioner" and insert "director"

Page 177, line 5:

Delete "commissioner" and insert "director"

Page 180, lines 3 and 4:

Delete "commissioner" and insert "director"

Page 180, line 9:

Delete "AS 38.05.345" and insert "AS 38.05.945"

Page 180, line 19:

Delete "AS 38.05.315" and insert "AS 38.05.810"

Page 180, line 24:

Delete "commissioner" and insert "director"

Page 180, line 27:

Delete "commissioner" and insert "director"

Page 180, line 28:

Delete "AS 38.05.315" and insert "AS 38.05.810"

Page 181, line 1:

Delete "AS 38.05.315" and insert "AS 38.05.810"

Page 182, line 1:

After "commissioner" insert "of natural resources"

Page 182, line 9:

Delete "commissioner" and insert "director"

Page 182, lines 9 and 10:

Delete "commissioner of natural resources, or the commissioner's designee" and insert "director of lands, Department of Natural Resources"

Page 182, line 18:

Delete "Department of Natural Resources" and insert "director"

Page 182, line 23:

After "issued" insert "by the director"

Page 183, after line 6, insert:

"(9) 'university land' has the meaning given in AS 38.05.-365;"

Renumber the following paragraph accordingly

Page 186, after line 24, insert a new bill section to read:

"* Sec. 20. AS 09.45.845 is amended to read:

Sec. 09.45.845. VACATING OF STREETS IN WHOLE OR IN PART. The

vacating of streets in whole or in part by the voluntary action of a municipality, for the purpose of making it possible for the court to mitigate the hardships suffered by individuals because of the change in land boundaries caused by the act of God, consisting of an earth-slide, can be accomplished by the offer of the municipality expressed in the complaint followed by the court's approval of it in the action authorized in AS 09.45.800 - 09.45.880, without other formalities. This provision is a special emergency substitute for the provisions contained in AS 29.40.120 - 29.40.160 [AS 29.33.200 - 29.33.240]."

Renumber the following bill sections accordingly

Page 192, after line 21, insert the following new bill sections:

"* Sec. 45. AS 19.30.260 is amended to read:

Sec. 19 30.260. PURPOSE. The purpose of AS 19.30.260 - 19.30.320 is to facilitate funding for the upgrading, reconstruction, rehabilitation, or paving of existing subdivision roads within a road maintenance service area established under AS 29.35.450 [AS 29.63] or under a home rule charter.

* Sec. 46. AS 19.30.280(a) is amended to read:

(a) After establishing a road maintenance service area under AS 29.35.450 [AS 29.63], or under a home rule charter, a municipality may apply to the department for a grant as money is available for road improvements, subject to regulations adopted by the department to carry out the provisions of AS 19.30.260 - 19.30.320. The department shall require a municipality to submit a five-year plan for the up-

grading, reconstructing, rehabilitating, or paving of maintenance service area roads for approval before October 1 of each fiscal year."

Renumber the following bill sections accordingly

Page 199, lines 7 - 10:

Delete "For purposes of this subsection the average per capita assessed full and true value of property in the state shall be calculated without regard to the assessed value of taxable property under AS 43.58." and insert "[FOR PURPOSES OF THIS SUBSECTION THE AVERAGE PER CAPITA ASSESSED FULL AND TRUE VALUE OF PROPERTY IN THE STATE SHALL BE CALCULATED WITHOUT REGARD TO THE ASSESSED VALUE OF TAXABLE PROPERTY UNDER AS 43.58.]"

Page 206, line 8:

Delete "AS 28.35.260(a)(10)" and insert "AS 28.40.100(a)(10)"

Introduced: 1/30/85
Referred: Community & Regional
Affairs and Finance

1 IN THE HOUSE

BY BINKLEY

2

HOUSE BILL NO.145

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act authorizing certain second class cities to
7 adopt home rule charters."

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

9 * Section 1. AS 29.08.010 is amended to read:

10 Sec. 29.08.010. HOME RULE. A home rule municipality is a munic-
11 ipal corporation and political subdivision and is a city [OF THE FIRST
12 CLASS] or an organized borough that has adopted a home rule charter.
13 It has all legislative powers not prohibited by law or charter.

14 * Sec. 2. AS 29.13.010(a) is amended to read:

15 (a) A first class municipality or second class borough may adopt
16 a charter for its own government. A second class city may adopt a
17 charter for its own government if the Department of Community and
18 Regional Affairs determines from the best figures available that the
19 population of the city is at least 3,500 permanent residents. A home
20 rule municipality may amend its charter or adopt a new one.

21 * Sec. 3. AS 29.18.180(a) is amended to read:

22 (a) For the purpose of defraying the cost of transition to
23 borough or city government and in order to provide for development and
24 interim governmental operations, each borough and city incorporated
25 after January 1, 1968, or, in the case of a second class city, incor-
26 porated or reclassified as a first class or home rule city after
27 January 1, 1968, other than a unified municipality incorporated under
28 the provisions of AS 29.68.240 - 29.68.440 or former AS 29.85, or a
29 municipality otherwise incorporated by consolidation, is entitled to

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

COPY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

#4

MEMORANDUM

February 22, 1985

SUBJECT: Municipal Code Revision
(HB 72)

TO: Representative Peter Goll
Chairman, Community and
Regional Affairs Committee

FROM: Tamara Brandt Cook
Deputy Director
Division of Legal Services

Here is the amendment you requested that would change chapter 10 of HB 72 by incorporating the language as it appeared in CSHB 172(Fin) from last session. Chapter 10 of HB 72 now mirrors existing law. It permits only first class cities and first and second class boroughs to adopt home rule charters.

Under CSHB 172(Fin) the authority to adopt home rule charters was expanded to include second class cities with populations of at least 600 and third class boroughs. An unincorporated area was also permitted to directly incorporate as a home rule borough or, if an area contained at least 600 residents, it could become a home rule city. Changes from existing law were incorporated into chapter 10 to deal with the mechanics of adopting a charter in an unincorporated area and the material in the chapter was substantially reorganized. This amendment reflects all of these changes and, if adopted, would entirely replace chapter 10 of HB 72.

TBC:ojb
J12/011

A M E N D M E N T

Goll

Offered in the HOUSE

By THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

To: HB 72

Page 28 line 25 through page 31, line 4:

Delete all material and insert the following new sections:

"Sec. 29.10.010. MUNICIPAL CHARTER ADOPTION. (a) A general law borough or first class city may adopt a charter for its own government. A second class city may adopt a charter for its own government if the department determines from the best figures available that the population of the city is at least 600 permanent residents.

(b) At an election to incorporate as a city, an unincorporated community with at least 600 permanent residents may adopt a charter for its own government and incorporate as a home rule municipality.

(c) At an election for borough incorporation, an area in the unorganized borough may adopt a charter for its own government and incorporate as a home rule municipality.

(d) A home rule municipality may adopt a new charter.

(e) A proposed charter for an existing municipality is prepared by a charter commission of seven elected members. A charter commission election is called by filing a petition with the governing body or by resolution of the governing body. The petition shall be signed by a number of voters equal to 15 percent of the votes cast in the last regular election in the municipality.

(f) The proposed charter for an unincorporated community or an

area of the unorganized borough shall be prepared by the petitioners and filed under AS 29.05.060 with the petition to incorporate a home rule municipality.

Sec. 29.10.020. MODEL CHARTERS. The department shall prepare at least one model home rule charter for a borough and at least one model home rule charter for a city. The model charters shall be made available to persons interested in filing a petition to incorporate a home rule municipality under AS 29.05.060.

Sec. 29.10.030. INITIATIVE AND REFERENDUM. (a) A home rule charter shall provide procedures for initiative and referendum.

(b) A charter may not require an initiative or referendum petition to have a number of signatures greater than 25 percent of the total votes cast in the municipality at the last regular election.

(c) A charter may not permit the initiative and referendum to be used for a purpose prohibited by art. XI, sec. 7 of the state constitution.

Sec. 29.10.040. CHARTER COMMISSION CANDIDATES. (a) A candidate for a charter commission shall be a voter of an existing municipality for three years immediately preceding the charter commission election.

(b) A charter commission candidate is nominated by a petition signed by at least 50 voters or the number of voters equal to 10 percent of the number of votes cast in the municipality during the last regular election, whichever is less. A nomination petition shall be filed with the municipal clerk on or before a date fixed by the governing body.

(c) If at least seven nominations for qualified charter

commission candidates are not filed, the petition or resolution calling for a charter commission is void and no election on the question may be held.

Sec. 29.10.050. CHARTER COMMISSION ELECTION. At a charter commission election the voters of an existing municipality shall consider the question "Shall a charter commission be elected to prepare a proposed charter?" and shall elect the members of the commission. If the question is approved, the seven candidates receiving the highest number of votes shall immediately organize as a charter commission.

Sec. 29.10.060. PREPARATION OF CHARTER BY CHARTER COMMISSION. The charter commission shall, within one year, prepare a proposed home rule charter for an existing municipality. The proposed charter shall be signed by a majority of the members of the commission and filed in the office of the municipal clerk. Within 15 days, the clerk shall have the proposed charter published and make copies available. The commission shall give published notice of and hold at least one public hearing on the proposed charter before the signing and filing of the charter.

Sec. 29.10.070. CHARTER ELECTION. The proposed home rule charter for an existing municipality shall be submitted to the voters at an election held not less than 30 days or more than 90 days after the proposed charter is published. The proposed home rule charter for an unincorporated community or for an area in the unorganized borough shall be submitted to the voters at an incorporation election held under AS 29.05.110.

Sec. 29.10.080. CHARTER ADOPTION. (a) If a majority of those

voting in an existing municipality favor the proposed charter or if a majority of those voting in an unincorporated community or in an area in the unorganized borough favor incorporation of a home rule municipality, the proposed charter becomes the organic law of the municipality effective on the date the election is certified. Thereafter, a court shall take judicial notice of the charter. The new home rule municipality shall file the indicated number of copies of the charter with

- (1) the lieutenant governor -- two copies;
- (2) the department -- two copies;
- (3) the district recorder -- one copy;
- (4) the municipal clerk -- one copy.

(b) At the time of voting on the proposed charter in a third class borough, voters shall vote also on whether the borough shall, on adoption of the charter, retain a combined assembly and school board or elect a separate assembly and board as otherwise provided for home rule boroughs. If a combined assembly and school board are approved at the charter election, the assembly serving at the time of the election continues to serve as the assembly and board on voter approval of the charter and until terms of assembly members expire as provided before adoption of the charter. If a separate board and assembly are approved at the charter election, a school board shall be elected in conformity with AS 14.12.030 - 14.12.100 at the next regular election, if it occurs within 90 days of the date of the charter election, or otherwise at a special election within 90 days of the date of the charter election. Expiration dates of terms of school

board members elected at a special election must coincide with the date of the regular election. Until a board is elected and qualified the assembly continues to serve as the board.

Sec. 29.10.090. CHARTER REJECTION. (a) If a proposed charter for an existing municipality is rejected, the charter commission shall prepare another proposed charter to be submitted to the voters at an election to be held within one year after the date of the first charter election. If the second proposed charter is also rejected, the charter commission shall be dissolved and the question of adoption of a charter shall be treated as if it had never been proposed or approved.

(b) If incorporation of a home rule municipality is rejected by the voters in an unincorporated community or area in the unorganized borough, the proposed charter is rejected.

Sec. 29.10.100. CHARTER AMENDMENT. (a) A home rule charter may be amended as provided in the charter, except that no amendment is effective unless ratified by the voters.

(b) This section applies to home rule municipalities."

Page 31, line 6:

Delete "29.10.100" and insert "29.10.200"

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

5

MEMORANDUM

February 25, 1985

SUBJECT: Municipal Code Revision (HB 72)

TO: Representative Peter Goll
Chairman, Community and
Regional Affairs Committee

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

Here is the amendment that your requested incorporating language submitted by the Department of Community and Regional Affairs. I have redrafted the language so that it meets requirements of style and replaced a reference to regulations with a reference to the statute that provides authority for the adoption of the regulations. Specific regulations are not referred to in statutes because they can be changed by the executive branch. Enacting a statute that depends upon regulations would amount to a delegation of the power to legislate to the executive branch of government. Please review this amendment carefully to determine if it reflects your intended changes.

You have asked what the effect of this amendment would be. It alters the definition of "health facility" in the section dealing with grants to those facilities. Under the amendment, these facilities would include those that are approved under regulations adopted by the Department of Community and Regional Affairs, and specifically would include domestic violence or sexual assault shelters and alcohol or drug abuse facilities. Existing law demands that the facility be licensed when that is required by the state, and this language is deleted. The definition under existing law is broad enough so that it might include the facilities specifically identified under the amendment, although the amendment makes that more clear. The amendment also specifically allows the department to designate any facility as a health facility by regulation, if it meets the other requirements that are unchanged under this amendment.

TBC:ojb
J12/013

A M E N D M E N T

5

Offered in the HOUSE

TO: HB 72

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

Page 161, lines 1 and 2:

Delete "whether licensed or unlicensed,"

Page 161, lines 17 and 18:

Delete ", when required, by the state under AS 18.20.010 - 18.20.130"
and insert "or certified by the state or approved under regulations
adopted by the department"

Page 161, line 23:

Delete "or"

After "center" insert ", domestic violence or sexual assault shelter
qualified to receive a grant or contract under AS 18.66, or alcohol or drug
abuse facility that meets standards established under AS 47.37"

REPRESENTATIVE
PETER GOLL



POUCH V
JUNEAU, ALASKA 99811
(907) 485-4825

STATE OF ALASKA
HOUSE OF REPRESENTATIVES

FOR IMMEDIATE RELEASE AFTER FINAL PASSAGE OF HB 72

The long awaited revision of the Municipal Code has passed as a result of cooperation between the House and Senate.

It a reasonable bill which will assist local governments in doing their work.

As Chair of House Community and Regional Affairs Committee, I have worked with the members of both bodies on House Bill 72. I wish to thank Senator DeVries, Chair of Senate Community and Regional Affairs, Senator Sturgulewski, and others who have worked so hard on the Governor's bill.

There are some amendments and portions of the bill which have raised legitimate policy issues. My committee will address these matters during the interim, and will welcome input from the public and all legislators in continuing the dynamic process of municipal code evolution.

COMMITTEE REPORT
HOUSE

3/8/85
Judiciary

(7)

FURTHER: Finance

1/16/85

Date: March 9, 1985

The Committee on Community & Regional Affairs has had HB 72

"An Act relating to municipal government; and providing for an effective date."

under consideration and recommends:

do pass [] do not pass

[] do pass with attached amendments(s)

replace with CS for HB 72 (CRH) [] same title [] new title

and recommends DO PASS

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[] reports it back without recommendation Zero Fiscal Note Attached

[] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

F. Keywell
Neil
POPE
Mr. Harrison
Peter Jones

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Mr. [unclear]
Mr. [unclear]

[Signature]
CHAIRMAN

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van N. wegen

HC+RA	3-14-85	3:00 P.M.
	3-4-85	3:00 P.M.
	2-25-85	3:00 P.M.



Alaska State Legislature

House of Representatives

Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4833

LETTER OF INTENT

It is not the intent of the House Community and Regional Affairs Committee in adopting AS 29.53.045 as the renumbered section 29.45.080 in CSHB 72 (C&RA) to alter the substance or effect of that provision.

Peter Goll
Chairman

PROPOSED AMENDMENTS TO HOUSE BILL 72.

1. AMENDMENT 2

Renumber as amendment number 1.

Leave HB72 language but add:

(a) A person may not be in any way favored or discriminated against with respect to municipal employment because of the person's race, color, sex, creed, national origin or, unless otherwise contrary to law, because of a person's political opinions or affiliations.

2. AMENDMENT 4

Renumber as amendment number 2

Delete 60

Add 90

3. AMENDMENT NUMBER 5

Renumber as amendment number 3

Delete: [obtained and]

4. AMENDMENT NUMBER 6

Renumber as amendment number 4

Delete one year

Insert two years

5. AMENDMENT NUMBER 7

Renumber as Amendment number 5

Add: In the case of a second class city, 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.

6. AMENDMENT NUMBER 10

Renumber as amendment number 6.

ON PAGE 117:
Line 4,

DELETE: [IS GUILTY OF A CLASS B MISDEMEANOR]

INSERT: is guilty of a misdemeanor punishable as provided by ordinance by a fine of not more than 1000 dollars, or by imprisonment for not more than 90 days, or both, together with the costs of prosecution.

ADD THE SAME CHANGE TO THE OTHER TWO PENALTY PROVISIONS.

1. platting
2. violation of ordinances

7. AMENDMENT NUMBER 12

Renumber as Amendment number 7.

DELETE: 20,000

Insert: 10,000



Alaska State Legislature

House of Representatives

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4813

HEARING DATE: February 25, 1985

HB 72 - Title 29

NAME (Please Print)	ADDRESS	REPRESENTING	TESTIFY (Yes or No)	PHONE NUMBER
TOM WAGONER	4040 PRIMROSE PI	City of Kenai	yes	283-7535
TOM PETERSON	1417 BERANDE, Kenai	KORIAK Isl. BOROUGH	NO	486-588
John Dapcewich	Box 1081 SITKA	MAYOR, SITKA	NO	747 8383
GEORGIANNA BOOTH	344 FRONT ST	KETCHIKAN GATEWAY BORO	NO	225-6151
Georgia C. Skovones	510 BUREN Ketchikan	City of Ketchikan	NO	225-2459
ELAINE SEYMOUR	Box 5018 Ktn 99901-0018	City of Ktn	No	225-4706
BILL ALLEN	PO Box 1267 FBX TALKEETNA 99676	FBX MS BOHO	No	452-4761
DOROTHY A. JONES	Box 109, MAT-SU BORO.			
Tommy Knovich	POUCH 6-650	ANCHORAGE		
William Lammert	Box 409 - Seldovia	Seldovia	No	262-9107
Art A. Burgess	Juneau	Alaska Municipal League	Yes	60-1325
Wm M Nelson	SAXMAN	MAYOR CITY OF SAXMAN	NO	225-4168
CHIP DENNERLEIN	1627 W 14th (6-650)	ANCHORAGE	NO	264 4960
Dorey Griffin	POUCH BH, Juneau 99811	DCRA	No	4750



Alaska State Legislature

House of Representatives

Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4833

MEMORANDUM

DATE: March 4, 1985

TO: Senator Edna DeVries
Chair
Senate Committee on Community and Regional Affairs

FROM: Representative Peter Goll *P. Goll*
Chair
House Committee on Community and Regional Affairs

SUBJECT: Amendments to House Bill 72

All amendments are either technical changes recommended by the Division of Legal Services (1, 2, 3) or retain existing law and practice.

Specifically:

Am # 1 passed on 2-25-85
Am # 2 passed on 2-25-85
Am # 3 passed on 2-25-85
Am # 4 passed on 2-25-85
Am # 5 passed on 2-25-85
Am # 6 passed on 3-04-85
Am # 7 passed on 3-04-85
Am # 8 passed on 3-04-85
Am # 9 passed on 3-04-85
Am # 10 passed on 3-04-85
Am # 11 passed on 3-04-85
Am # 12 passed on 3-04-85

History: Amendments number 1 through 5 were developed in cooperation with the Department of Community and Regional Affairs and all members of the committee, and passed during the first hearing on the bill.

During the second meeting, Rep. Andre Marou introduced 15 amendments. Of these 7 were replaced with language acceptable to other members of the committee, and were passed. Rep Marou's remaining eight amendments failed.

All amendmerts are referenced as follows:

Amendments 1 through 5 were passed as submitted.

Rep. Marou's amendments were presented as follows:

CRA Am #	Marou's Am #	Action	Status
-	1	vote,	failed
6	2	replaced with new language,	passed
7	3	replaced with new language,	passed
8	4	replaced with similar language,	passed
9	5	replaced with new language,	passed
10	6	replaced with new language,	passed
11	7	replaced with new language,	passed
-	8	vote,	failed
-	9	vote,	failed
-	10	replaced with CRA am #7,	no action
-	11	vote,	failed
12	12	replaced with similar language,	passed
-	13	vote,	failed
-	14	vote,	failed
-	15	vote,	failed
-	16	replaced with CRA am #7	no action

Alaska State Legislature

COMMITTEES:

Committee on Community and Regional Affairs
Committee on Transportation
Special Committee on Oil and Gas
Special Committee on Fisheries
Finance Sub-committee on Fish and Game



District 5

Kenai	Sterling
Soldotna	Ancho: Point
Homer	Point: Graham
Seldovia	English Bay
Kachemak	Nikolaevsk
Kasilof	Halibut Cove
Ninilchik	Clam Gulch

Representative Andre Marrou

February 28, 1985

TO: Chairman and Members,
House C&RA Committee

FROM: Andre Marrou,
Committee Member

RE: HB72

It has been widely assumed by almost everybody--municipal officials, legislators, and the public--that HB72 represents only a restructuring of Title 29 (the Municipal Code) to make it more usable, without any substantive changes.

This is not so. Close examination of the 206 pages of the bill, or the 59 pages of Legislative Affairs' sectional analysis, reveals numerous subtle changes that--taken together--constitute a significant, if not considerable, shift of power from the citizen to the municipal government.

When I first started getting involved in this matter, I assumed that HB72 just rewrites Title 29. The more I and my staff read, studied and researched, the more changes, or "shifts of power", we unexpectedly found. To date I have not yet encountered a municipal official who is aware of such changes--they almost all think, as I did, that HB72 is just a redoing of Title 29 to facilitate its use.

It is important to note that these numerous proposed substantive changes would shift power from the citizen to municipal governments, not from the state to municipal governments. Devolvement of power from higher to lower levels of government brings control closer to the people. However, HB72 would produce the opposite--transferring power from the citizens to the municipal government.

Taken separately, each change is more or less insignificant. However, raindrops can cause a flood, and although those various proposed changes do not collectively constitute a flood, they are more significant than almost anyone suspected.

Therefore, I propose the attached 15 amendments to reverse this "shift of power" and restore the rights of citizens to their former approximate status vis-a-vis the municipal government.

I further stand ready to help facilitate the adoption and implementation of the overall HB72, so as to achieve the far-more-usable municipal code that is badly needed, and has been for years.



February 25, 1985

Rep. Peter Goll
and members of the House Committee
on Community and Regional Affairs
Pouch V
Juneau, Alaska 99811

Honorable Chairman and Committee Members:

Please recognize the City of Craig as one of the supporters for adoption of HB72, the long awaited revision of Title 29. As you know, municipalities, through the Alaska Municipal League, have been working each session to get a Title 29 revision adopted.

We hope this session to be the exception to the past six years of attempts. The revision will make administration of the statutes easier. We urge adoption of HB72 this session. Let us have a statute that, on the whole, represents a major improvement to the existing law. We can work out the minor problems with specific changes later, if necessary, but the substance of HB72 is vital to us all.

Thank you for your consideration.

Sincerely,

Lee W. Axmaker
Lee Axmaker, Mayor
City of Craig

cc: Members, Senate CRA Committee
AML

Extraterritorial Jurisdiction: Solid and septic waste disposal, utility services, wharves, harbors, and other marine services are added to the list of powers that may be exercised outside the boundaries of the municipality, if the municipality has the authority to exercise the power inside its boundaries.

Economic Development: Allow economic development as a non-areawide power for second class boroughs, without requiring a vote of the people to exercise it.

Franchise: Requires a vote on franchises of more than 5 years; current law requires a vote on all franchises.

Eminent Domain: Removes the requirement that second class cities get permission from the Department of Community and Regional Affairs and the voters before exercising the power of eminent domain.

Planning, Platting, and Land Use: Updates the language, changing "zoning" to "land use".

Run-Off Elections: Allows run-off election procedures and requirements to be changed by ordinance.

Personal Property: Allows exemption of personal property from taxation.

Taxation of Boats: Removes the \$5 and \$15 property tax limit on boats if assessed on the basis of net tonnage.

Penalties and Interest: Increases the maximum penalty on delinquent property and sales tax from 10% to 20% and interest from 8% to 15%.

Revenue Bonds: Authorizes revenue bonds to be payable solely from the revenue and property of the project.

Municipal Assistance Fund: Moves the administration of the Municipal Assistance Fund from the Department of Revenue to the Department of Community & Regional Affairs.

Municipal Property Disposal: Requires municipalities to adopt formal procedures by ordinance; current law sets out procedures including requiring an election on the disposal of any property valued at more than \$25,000.

TITLE 29 FACT SHEET

SUMMARY OF HB 72/SB 142 - TITLE 29 (MUNICIPAL CODE)

HB 72 and SB 142 are comprehensive bills that reorganize and clarify Title 29 (Municipal Code), but do not substantially change that part of the state statutes that direct the operation of local government in Alaska.

History: The current Title 29, last revised in 1972, is a hodgepodge of 13 years worth of amendments. It is very difficult for the average citizen to read and understand.

Recognizing the problem, the Legislature adopted SCR 66 in 1980, directing the rewrite of Title 29. A broadly representative policy committee, with the assistance of a technical committee, prepared a revised code after an exhaustive series of meetings, hearings, and public presentations.

HB 170 and SB 180 were introduced in 1981. More hearings were held during the 1981 legislative session, during the interim, and continuing through the 1982 session. SB 180 passed the legislature, but because of controversial floor amendments, Governor Hammond vetoed the bill.

In 1983, SB 1 was introduced by Senators Sturgulowski and Gilman; HB 172, by Governor Sheffield. Both bills are basically the same as the bill that had passed the previous year minus the controversial amendments. More committee work was done in both the House and Senate on the 204 page bill. HB 172 passed the House in the Second Session of the 13th Legislature but it did not reach the Senate.

Governor Sheffield has introduced HB 72 and SB 142 in the 14th Legislature. These identical bills are the same as HB 172, the bill that passed the House last year, except for removing the ability of a second class city to adopt a home rule charter.

Changes: For the most part, these bills reorganize and reword Title 29 for clarity and flexibility. Policy changes of any substance are very few. The main changes are:

Third Class Boroughs: The existing third class borough, Haines Borough, continues in existence, but there is no provision for incorporating new third class boroughs in the future.

Municipal Powers: A general grant of municipal powers is given to municipalities, instead of a long list of enumerated powers. The difference is more semantic than actual, since the list includes almost every conceivable municipal power. There is no change in the manner in which boroughs acquire powers.

Organizational Grants/Feasibility Studies: The organizational grants are increased and expanded, depending on the category of local government. Studies for the feasibility of local government are authorized.

Incorporation Requirements: The minimum number of people required for incorporation as either a first class or home rule city is increased from 400 to 600.

Ordinance Violation: Penalties for ordinance violations are increased from a maximum \$500 and 30-days to class B misdemeanor penalties, which are a maximum of \$1000 and 90-days.

Extraterritorial Jurisdiction: Solid and septic waste disposal, utility services, wharves, harbors, and other marine services are added to the list of powers that may be exercised outside the boundaries of the municipality, if the municipality has the authority to exercise the power inside its boundaries.

Economic Development: Allow economic development as a non-areawide power for second class boroughs, without requiring a vote of the people to exercise it.

Franchise: Requires a vote on franchises of more than 5 years; current law requires a vote on all franchises.

Eminent Domain: Removes the requirement that second class cities get permission from the Department of Community and Regional Affairs and the voters before exercising the power of eminent domain.

Planning, Platting, and Land Use: Updates the language changing "zoning" to "land use".

Run-Off Elections: Allows run-off election procedures and requirements to be changed by ordinance.

Personal Property: Allows exemption of personal property from taxation.

Taxation of Boats: Removes the \$5 and \$15 property tax limit on boats if assessed on the basis of net tonnage.

Penalties and Interest: Increases the maximum penalty on delinquent property and sales tax from 10% to 20% and interest from 8% to 15%.

Revenue Bonds: Authorizes revenue bonds to be payable solely from the revenue and property of the project.

Municipal Assistance Fund: Moves the administration of the Municipal Assistance Fund from the Department of Revenue to the Department of Community & Regional Affairs.

Municipal Property Disposal: Requires municipalities to adopt formal procedures by ordinance; current law sets out procedures including requiring an election on the disposal of any property valued at more than \$25,000.

Alaska
MUNICIPAL
League

TELEPHONES
(907) 586-1325
(907) 586-6526

105 MUNICIPAL WAY, SUITE 301
JUNEAU, ALASKA 99801

To: House Community and Regional Affairs Committee

From: Scott A. Burgess, Executive Director



Date: February 11, 1985

Subject: HB 72 - Resolutions of support

On behalf of the Board of Directors of the Alaska Municipal League, thank you for your time on February 1, 1985, and your apparent understanding of the League's legislative priorities - the passage HB 72 and the full funding of the State Revenue Sharing and Municipal Assistance Programs. As AML President Leo Rasmussen indicated the League has highlighted these as having the greatest positive impact on municipalities and our shared constituents in light of the State's declining revenue picture.

The Committee expressed an interest in receiving copies of the resolutions passed by municipalities in support of the basic revisions to Title 29 without controversial amendments. The resolutions attached were gathered on last year's HB 172, basically the same bill as HB 72. The League and its 100 member municipalities supports the quick passage of HB 72 for the betterment of local government State-wide. The League looks forward to Committee action in the near future.

Other letters of support and resolutions will undoubtedly be sent to the Committee members and other legislators; and, if necessary, the municipalities indicating their support in the attached documents will reaffirm their positions on HB 72.

Thank you.



TELEPHONES
(907) 586-1325
(907) 586-6526

105 MUNICIPAL WAY, SUITE 301
JUNEAU, ALASKA 99801

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

A RESOLUTION REQUESTING THE THIRTEENTH ALASKA
STATE LEGISLATURE TO ADOPT THE REVISED TITLE 29

WHEREAS Title 29 of the Alaska Statutes deals with local governments and is badly in need of revision; and

WHEREAS a proposed revision of Title 29 has been prepared and was introduced during the First Session of the Thirteenth Alaska State Legislature; and

WHEREAS the North and Northwest Alaska Mayors' Conference has previously endorsed this revision on several occasions;

NOW, THEREFORE, BE IT RESOLVED that the Alaska State Legislature act on the proposed Title 29 as revised without controversial amendments.

Adopted November 5, 1983

ALASKA CONFERENCE OF MAYORS

WHEREAS, Title 29 of the Alaska Statutes, the Municipal Code, has not been revised since 1972; and

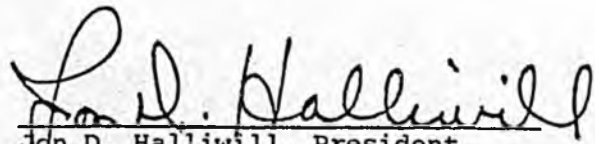
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read and understand; and

WHEREAS, the proposed revision of Title 29 reorganizes and clarifies the Municipal Code without making major policy changes; and

WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 revision a "clean" bill;

NOW, THEREFORE, BE IT RESOLVED, that the Alaska Conference of Mayors respectfully requests the Alaska State Legislature adopt this session the revised Title 29, as proposed, without any controversial amendments.

Adopted by the Alaska Conference of Mayors on March 5, 1984 in Juneau, Alaska.


John D. Halliwill, President

NORTH AND NORTHWEST ALASKA MAYOR'S CONFERENCE
1st Session of the 4th Annual
Nome, Alaska
October 25-26, 1983

RESOLUTION NO. 83-06

A RESOLUTION REQUESTING THE ALASKA STATE LEGISLATURE TO ADOPT THE REVISED TITLE 29.

WHEREAS, Title 29 of the Alaska Statutes deals with local governments and is badly in need of revision; and

WHEREAS, a proposed revision of Title 29 has been prepared ; and

WHEREAS, the North and Northwest Alaska Mayor's Conference has previously endorsed this revision on several occasions.

NOW THEREFORE BE IT RESOLVED BY THE NORTH AND NORTHWEST ALASKA MAYOR'S CONFERENCE THAT: The Alaska State Legislature act on the proposed Title 29 as revised.

PASSED and APPROVED by the 1st Session, 4th Annual NORTH AND NORTHWEST ALASKA MAYOR'S CONFERENCE this 26th day of October, 1983.

Jim Eshels *President* *Chris H. Lewis* *Secretary*

INTRODUCED BY: White Mountain

Vote: Yes Unanimous

SECONDED BY: St. Michael

No _____



President: Erling Nelson
Vice-President: Ruby E. Smith
Treasurer: Janet Whelan
Secretary: Georgianna Booth

P. O. Box 870430
Wasilla, Alaska 99687
(907) 376-5227

RESOLUTION NO. 84-1

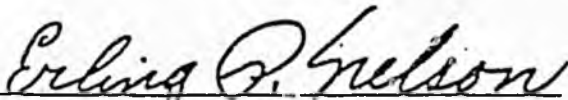
A RESOLUTION OF THE ALASKA ASSOCIATION OF MUNICIPAL CLERKS URGING PASSAGE OF HB 172 (TITLE 29 REWRITE).

WHEREAS, Municipal Clerks throughout the State of Alaska use Title 29 as their Bible; and

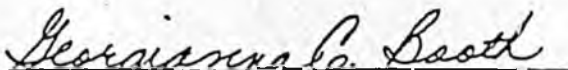
WHEREAS, the present hodgepodge within Title 29 smacks of the Tower of Babel; and

WHEREAS, Clerks cannot effectively help your constituents understand Title 29 without a language interpreter;

NOW, THEREFORE, BE IT RESOLVED; that the Alaska Association of Municipal Clerks urges immediate passage of HB 172 without any further amendments.


Erling P. Nelson
President

ATTEST:


Georgianna C. Booth
Secretary

Presented by: The Manager
Introduced: 03/22/84
Drafted by: G.L.S.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1027

A RESOLUTION URGING THE ALASKA LEGISLATURE TO TAKE
IMMEDIATE ACTION TO ADOPT THE REVISED MUNICIPAL CODE.

WHEREAS, the present municipal code (Title 29 of the Alaska Statutes) was adopted in 1972 and was a consolidation of the former Title 29 that dealt with cities and the former Title 7 that dealt with boroughs, and

WHEREAS, such consolidation was the first effort at integrating the codes applying to these two forms of local government in Alaska, and

WHEREAS, local governments in Alaska have matured substantially since 1972 and now face different problems, and

WHEREAS, the Twelfth Legislature adopted a comprehensive revision of the municipal code, but the bill was vetoed by the governor because of certain controversial floor amendments that were added, and

WHEREAS, "clean" versions of the municipal code revision were introduced in each house by the Thirteenth Legislature during its first session, and

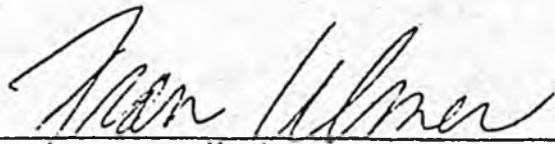
WHEREAS, the proposed municipal code revision reorganizes and clarifies Title 29 without making major policy changes, and

WHEREAS, the municipalities in Alaska need the proposed revisions to Title 29 to eliminate the existing confusion that exists within Title 29 and to provide municipalities in Alaska with a legal framework more suited to the 1980's;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

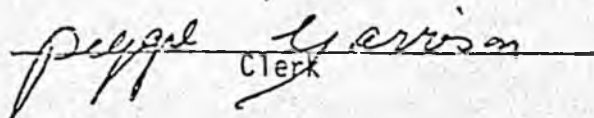
That the Alaska State Legislature is urged to act immediately on the proposed Title 29 revision and to pass out a "clean" version without additional policy changes or controversial amendments.

Adopted this 22nd day of March, 1984.



Mayor

Attest:



Clerk

MATANUSKA-SUSITNA BOROUGH

RESOLUTION SERIAL NO. 84-38

A RESOLUTION OF THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH URGING
PASSAGE OF HB 172 - TITLE 29 REVISIONS

WHEREAS, passage of HB 172 revising Title 29 on local government would increase the effectiveness and responsiveness of local governments; and

WHEREAS, the existing Title 29 has become difficult to interpret and work with; and

WHEREAS, a technical revision of Alaska local government laws is long overdue; and

WHEREAS, introduction of substantive issues would create confusion; and

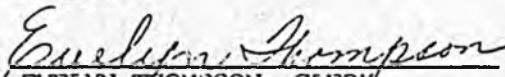
WHEREAS, any substantive legislation affecting local governments should be handled by separate bills so that the public would have adequate notice and opportunity to be heard with respect to substantive issues at the time the bills are considered;

NOW THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly urges the 1984 session of the Alaska State Legislature to pass HB 172 - Title 29 revisions "clean" and without amendments.

ACCEPTED AND APPROVED by the Assembly of the Matanuska-Susitna Borough this 3rd day of April, 1984.


EDNA ARMSTRONG, MAYOR

ATTEST:


EVELYN THOMPSON, CLERK

REVIEWED AND APPROVED:


GARY THURLOW, MANAGER

(SEAL)

KODIAK ISLAND BOROUGH
RESOLUTION NO. 84-20-R

A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY SUPPORTING
SENATE BILL 1 AND HOUSE BILL 172 WHICH REVISE AND REORGANIZE ALASKA STATUTES
TITLE 29.

WHEREAS, Alaska Statutes Title 29 is that portion of State Law which
governs municipal government within the State of Alaska, and

WHEREAS, Title 29 has been in need of revision and reorganization
for many years, and

WHEREAS, Senate Bill 1 and House Bill 172 were filed during the
First Session of the 13th Legislature, and

WHEREAS, either one of these bills would accomplish the needed
revision and reorganization, and

WHEREAS, the bills do not contain any of the provisions which were
criticized by Governor Hammond in his July 15, 1982 veto, and

WHEREAS, the bills make many non-controversial improvements that are
long overdue and necessary for the smooth working of municipal government in
our state.

NOW, THEREFORE, BE IT RESOLVED by the Kodiak Island Borough Assembly
that the Alaska State Legislature's urge to pass Senate Bill 1 and/or House
Bill 172 during the Second Session of the Thirteenth Legislature.

BE IT FURTHER RESOLVED that the Legislature refrain from making
controversial amendments to these bills.

AND BE IT FURTHER RESOLVED that copies of this resolution be sent to:

The Honorable Bob Mulcahy, State Senate

The Honorable Fred F. Zharoff, House of Representatives

The Honorable Bill Ray, Chairman, Senate Judiciary Committee

The Honorable Mike W. Miller, Chairman, House Community
and Regional Affairs Committee

The Alaska Municipal League

PASSED AND APPROVED this 1st day of March, 1984.

KODIAK ISLAND BOROUGH

By James A. Selby
Borough Mayor

ATTEST:

By Shirley Miller, CMC
Borough Clerk

APPROVED
Date: 3-6-84

Requested by: Assemblywoman Maser
Prepared by: Municipal Clerk
For Reading: March 6, 1984

ANCHORAGE, ALASKA

AR NO. 84-65 (Amended)

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY URGING THE STATE LEGISLATURE AND THE GOVERNOR TO PROCEED EXPEDITIOUSLY WITH THE PASSAGE OF TITLE 29 REWRITE.

WHEREAS, the current Title 29, last revised in 1972, is a hodgepodge of 13 years worth of amendments, and

WHEREAS, it is very difficult for the average citizen to read and understand, and

WHEREAS, recognizing the problem, the legislature adopted SCR 66 in 1980, directing the rewrite of Title 29, and

WHEREAS, a broadly representative policy committee, with the assistance of a technical committee, prepared a revised code after an exhaustive series of meetings, hearings, and public presentations, and

WHEREAS, SB 180, the original bill, was passed by the legislature in the 1982 session but because of controversial floor amendments, Governor Hammond vetoed the bill, and

WHEREAS, HB 172, the rewrite of Title 29, is a number one priority of the Alaska Municipal League.

BE IT, THEREFORE, RESOLVED, the Anchorage Municipal Assembly hereby requests the State Legislature and the Governor to proceed expeditiously with the passage of HB 172.

PASSED and APPROVED this 5th day of March, 1984.



Chairman

ATTEST:



Municipal Clerk

CITY OF FORT YUKON

INCORPORATED 1959

Post Office Box 269

: Telephone (907) 662-2479 or 2379

Fort Yukon, Alaska 99740

RESOLUTION 84-07

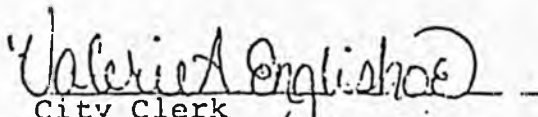
- WHEREAS, Title 29 of the Alaska Statutes, the Municipal code, has not been revised since 1972; and
- WHEREAS, Eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read and understand; and
- WHEREAS, The proposed revision of Title 29 reorganizes and clarifies the Municipal code without making major policy changes; and
- WHEREAS, Major Policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 revision a "Clean" bill;

NOW THEREFORE BE IT RESOLVED, That the City of Fort Yukon, Inc. respectfully requests the Alaska State Legislature adopt this session the revised Title 29, as proposed, without any controversial amendments.

PASSED AND APPROVED by the City council of the City of Fort Yukon, Alaska this 20 day of March, 1984.


MAYOR

ATTEST:


City Clerk

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 84-16

A RESOLUTION SUPPORTING HOUSE BILL 172
WHICH AMENDS ALASKA STATUTES TITLE 29.

WHEREAS: Alaska Statutes 29 is the section of the statutes which deals with operation of local governments, and


WHEREAS: This title has been amended many times since statehood but not recodified in recent years, and

WHEREAS: That recodification is seriously needed to enable local government officials and citizens interested in local government to make more efficient use of the state law.


NOW, THEREFORE BE IT RESOLVED, that:

The City Council of the City of Unalaska supports the present recodification of Title 29 which is contained in HB 172 now under consideration by the Alaska Legislature.

Passed and approved this 8th day of March, 1984 by the City Council of the City of Unalaska, Alaska.



William Fisher
Mayor



Glenda Martin Currier
City Clerk



RESOLUTION 84-1

A RESOLUTION OF THE CITY OF HOUSTON, ALASKA ENDORSING THE ADOPTION BY THE ALASKA STATE LEGISLATURE OF HB 172, A REVISION OF THE MUNICIPAL CODE.

WHEREAS, as a second class City, the operation of City functions is mandated by Title 29 of the Alaska Statutes, and

WHEREAS, proposed Legislation in HB 172 will provide clarification and continuity of said Statutes,

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Houston does endorse and encourage passage of HB 172 during the 1984 Legislative session.

ADOPTED THIS 9th DAY OF FEBRUARY 1984.

John J. Eder, Deputy Mayor

ATTEST:

Elsie M. O'Bryan, City Clerk

COPY

RESOLUTION NO. 83/84-29

A RESOLUTION URGING THE ALASKA LEGISLATURE TO TAKE IMMEDIATE ACTION TO ADOPT THE REVISED MUNICIPAL CODE.

WHEREAS, the present municipal code (Title 29 of the Alaska Statutes) was adopted in 1972 and was a consolidation of the former Title 29 that dealt with cities and the former Title 7 that dealt with boroughs, and

WHEREAS, such consolidation was the first effort at integrating the codes applying to these two forms of local government in Alaska, and

WHEREAS, local governments in Alaska have matured substantially since 1972 and now face different problems, and

WHEREAS, the Twelfth Legislature adopted a comprehensive revision of the municipal code, but the bill was vetoed by the governor because of certain controversial floor amendments that were added, and

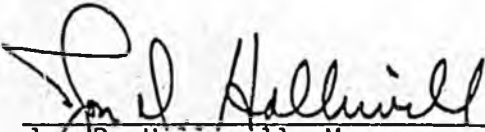
WHEREAS, "clean" versions of the municipal code revision were introduced in each house by the Thirteenth Legislature during its first session, and

WHEREAS, the proposed municipal code revision reorganizes and clarifies Title 29 without making major policy changes, and

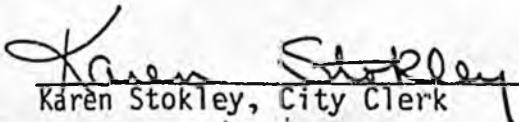
WHEREAS, the municipalities in Alaska need the proposed revisions to Title 29 to eliminate the existing confusion that exists within Title 29 and to provide municipalities in Alaska with a legal framework more suited to the 1980's;

NOW THEREFORE BE IT RESOLVED by the Haines City Council that the Alaska State Legislature is urged to act immediately on the proposed Title 29 revision and to pass out a "clean" version without additional policy changes or controversial amendments.

PASSED AND APPROVED this 18th day of April, 1984.


Jon D. Halliwill, Mayor

ATTEST:


Karen Stokley, City Clerk

SEAL:

CITY OF SCAMMON BAY

GENERAL DELIVERY

Scammon Bay, Alaska 99662 / (907) 558-5529

The Honorable Frank Ferguson
Alaska State Senator
Alaska State Legislator
Pouch V
Juneau, Alaska 99811

May 23, 1984

REF: H.B. 172- Title revisions

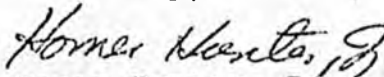
Dear Senator:

It has come to my attention that the Senate-Community And Regional Affairs of which you are a Chairman, has pushed aside H.B. 172.

I think H.B.172 is a clean bill and I ^{'d} rather not let it die after four years of effort and a year long of hard work by four House committees.

I am urgently asking that the Senate take action on this bill without no controversial amendments! I hope your committee and the others will seriously take consideration on this matter without any useless delays...

Sincerely,


Homer Hunter, Jr.
Mayor

cc. file
Senate finance committee
Senate president Jay Kertulla
Speaker Joe Hayes
Governor Bill Sheffield
Alaska Municipal League
members of the Senate

Suggested by: Mayor Tom Wagoner

CITY OF KENAI

RESOLUTION NO. 84-30

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA URGING THE 13TH ALASKA STATE LEGISLATURE TO ADOPT THE REVISED TITLE 29 AS PROPOSED PRIOR TO ADJOURNMENT OF THE 13TH ALASKA STATE LEGISLATIVE SESSION.

WHEREAS, Title 29 of the Alaska Statutes, the Municipal Code, has not been revised since 1972, and

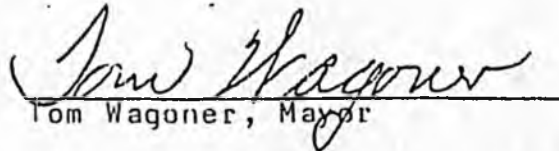
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is both difficult to read and to understand, and

WHEREAS, the proposed revision of Title 29 reorganizes and clarifies the municipal code without making major policy changes, and

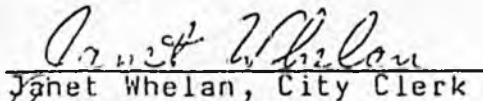
WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 revision a clear and understandable bill.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, that the Kenai City Council respectfully request the 13th Alaska State Legislature to adopt the proposed revision of Title 29 as submitted without any major or controversial amendments.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA this 21st day of MARCH, 1984.


Tom Wagoner, Mayor

ATTEST:


Janet Whelan, City Clerk

RESOLUTION 84-3
OF THE CITY COUNCIL OF
ST. MARY'S, ALASKA

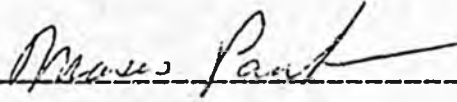
WHEREAS: The Alaska State Legislature is considering HB 172 providing for a comprehensive revision of Title 29 governing municipal governments;

WHEREAS: A comprehensive revision of Title 29 has been before the Legislature and the Governor since its introduction by the Title 29 Review Committee in 1981.

WHEREAS: Municipalities throughout the State favor the revisions proposed and have been urging passage of the revision since its introduction.

THEREFORE, BE IT RESOLVED: The City Council for the City of St. Mary's urges its representatives and the Governor to work for a quick and unencumbered passage of HB 172, the comprehensive revision of Title 29.

PASSED AND APPROVED by a duly established quorum of the City Council for the City of St. Mary's this day of , 1984.



Mayor

ATTEST:


City Clerk

City of Tenakee Springs

RESOLUTION 84-11

In the Council
March 22, 1984

Introduced by the
Council President

A RESOLUTION REQUESTING ADOPTION OF REVISED ALASKA TITLE 29

WHEREAS, Title 29 of the Alaska Statutes, the Municipal Code, has not been revised since 1972; and

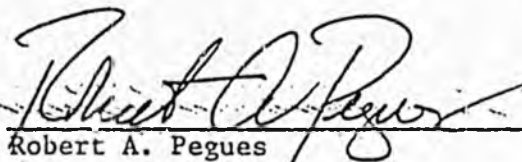
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read, understand and administer; and

WHEREAS, the proposed revision of Title 29 reorganizes and clarifies the Municipal Code without making major policy changes; and

WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 revision a "clean" bill; then

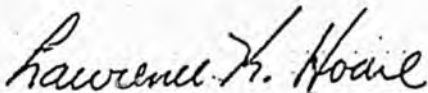
THEREFORE, BE IT RESOLVED, that the Council of the City of Tenakee Springs respectfully requests the Alaska State Legislature adopt this session the revised Title 29, as proposed, without any controversial amendments.

ADOPTED 5 YEA - 2 ABSENT THIS 22 DAY OF MARCH, 1984



Robert A. Pegues
City Council President
ex officio MAYOR

ATTEST:



Lawrence K. Hoare
City Clerk

City of Sand Point

P.O. Box 177
Sand Point, Alaska 99661
(907) 383-2695

RESOLUTION NO. 24-14

A RESOLUTION OF THE SAND POINT CITY COUNCIL REQUESTING THE ALASKA STATE LEGISLATURE TO ADOPT THIS BILL AND THE REVISED TITLE 29

WHEREAS, Title 29 of the Alaska Statutes, the Municipal Code, has not been revised since 1972; and

WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read and understand; and

WHEREAS, the proposed revision of Title 29 reorganizes and clarifies the Municipal code without making major policy changes; and

WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the title 29 revision a "clean" bill;

NOW THEREFORE BE IT RESOLVED that the City Council of Sand Point respectfully requests the Alaska State Legislature adopt this session the revised Title 29, as proposed, without any controversial amendments.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE SAND POINT CITY COUNCIL THIS 10th DAY OF April, 1984.

Jack H. Foster Sr.
MAYOR JACK R. FOSTER SR.

ATTEST:
Debra K. Dushkin
CITY CLERK DEBRA K. DUSHKIN

Final

CITY OF PALMER, ALASKA

RESOLUTION NO. 601

A RESOLUTION SUPPORTING PASSAGE OF HB 172 - TITLE 29 REVISIONS.

WHEREAS, the current Title 29 of the Alaska State Statutes is outdated in many instances and difficult to work with, and

WHEREAS, a technical revision of Alaska government law is long overdue, and

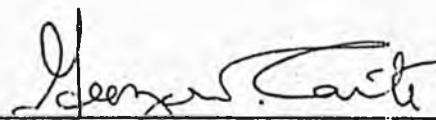
WHEREAS, many hours have been spent on the rewrite of Title 29 by both State and Local Elected and Appointed Officials, and

WHEREAS, a consensus has been reached on the Title 29 revisions as presented in HB 172,

NOW, THEREFORE, BE IT RESOLVED that the City of Palmer urges the 1984 Alaska State Legislature to pass HB 172 - Title 29 revisions as presented without any amendments.

Publication of this resolution shall be by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its passage and approval.

Passed and approved by the City Council of the City of Palmer, Alaska, this 15th day of April, 1984.



GEORGE W. CARTE, MAYOR

DAVID L. SOULAK, CITY CLERK

CITY OF KETCHIKAN, ALASKA

RESOLUTION NO. 1371

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, SUPPORTING THE REORGANIZATION OF TITLE 29 FOR CLARITY AND FLEXIBILITY AND URGING PASSAGE OF HOUSE BILL 172 (CSHB 172), AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 1980 the Legislature adopted SCR 66 which directed that Title 29 be reviewed and rewritten to provide clarity and readability; and

WHEREAS, a broadly representative policy committee representing rural and urban communities, with the assistance of a technical committee, prepared a revised code after an exhaustive series of meetings, hearing, and public presentations; and

WHEREAS, Title 29 as clarified was introduced as HB 170 and SB 180 in 1981; and

WHEREAS, more hearings were held during the First and Second Session of the Twelfth Alaska State Legislature and hearings were also held in the interim between sessions; and

WHEREAS, SB 180 passed the Legislature during the Second Session; and

WHEREAS, because of controversial floor amendments, the City of Ketchikan joined other local governments urging Governor Hammond to veto the bill; and

WHEREAS, Title 29 as clarified was again introduced as SB 1 and HB 172 during the First Session of the Thirteenth Alaska legislature; and

WHEREAS, both bills are basically a reorganization and rewording of Title 29 to enhance its clarity and flexibility; and

WHEREAS, the Council of the City of Ketchikan strongly feels that this clarification is in the best interests of all local governments in Alaska and that the content and intent of the bill is not controversial; and

WHEREAS, the City Council appreciates the hours of time and effort expended on this bill by Alaskans who harbor a great concern for the well-being of Alaska Local Government and believes those hours should not have been expended in vain.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Ketchikan, Alaska as follows:

Section 1: The Council of the City of Ketchikan supports the reorganization of Title 29 for clarity and flexibility and urges the State Legislature to pass House Bill 172 (CSHB 172).

Section 2: The City Council supports this bill in its basic form and requests other proposals which would constitute major policy revisions or innovations in the function of local government be considered in separate legislation.

Section 3: The Council further requests that all committees expeditiously consider House Bill 172 (CSHB 712) to assure action prior to adjournment of the Thirteenth Alaska Legislature.

Section 4: The City Clerk is hereby directed to send copies of this resolution to Representative McBride, Representative Wendte, Senator Ziegler, the House Community and Regional Affairs Committee, the House Judiciary Committee, and the House Rules Committee, the Senate Community and Regional Affairs Committee, the Senate Judiciary Committee, the Senate Finance Committee, the Senate Rules Committee, and the Alaska Municipal League.

Section 5: This resolution shall be effective immediately upon passage and approval.

PASSED AND APPROVED THIS 15 day of March, 1984.

Edward W. Zastrow
Edward W. Zastrow, Mayor

ATTEST:

Karen M. Sund
Karen M. Sund, Deputy Clerk

Submitted By:
Mayor Rasmussen
Action Taken:
Yes /5/ No /0/

CITY OF NOME, ALASKA
RESOLUTION

R-84-3-2

"A RESOLUTION REQUESTING
THE ALASKA STATE LEGISLATURE
ADOPT THE REVISED TITLE 29."

WHEREAS, Title 29 of the Alaska Statutes, the Municipal Code, has not been revised since 1972; and,

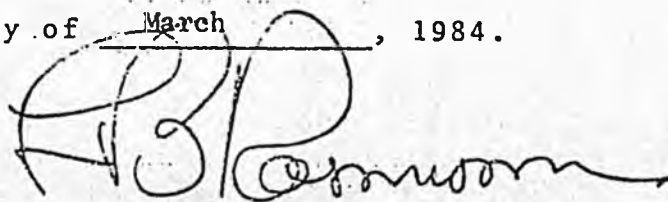
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read and understand; and,

WHEREAS, the proposed revision of Title 29 reorganizes and clarifies the Municipal Code without making major policy changes; and,

WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 a "clean" bill;

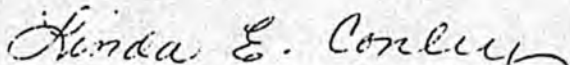
NOW, THEREFORE, BE IT RESOLVED by the Nome Common Council that the Alaska State Legislature adopt during this session the revised title 29, as proposed, without any controversial amendments.

SIGNED and DATED this 12th day of March, 1984.



Leo B. Rasmussen, Mayor

ATTEST:


Linda E. Conley, City Clerk

A RESOLUTION SUPPORTING SENATE BILL 1 AND HOUSE BILL 172 WHICH REVISE AND REORGANIZE ALASKA STATUTE TITLE 29

WHEREAS, Alaska Statute Title 29 is that portion of state law which governs municipal government within the State of Alaska; and

WHEREAS, Title 29 has been in need of revision and reorganization for many years; and

WHEREAS, Senate Bill 1 and House Bill 172 were filed during the first session of the Thirteenth Legislature; and

WHEREAS, either one of these bills would accomplish the needed revision and reorganization; and

WHEREAS, the bills do not contain any of the provisions which were criticized by Governor Hammond in his July 15, 1982, veto; and

WHEREAS, the bills make many noncontroversial improvements that are long overdue and necessary for the smooth working of municipal government in our state,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the Alaska State Legislature is urged to pass Senate Bill 1 and/or House Bill 172 during this second session of the Thirteenth Legislature.

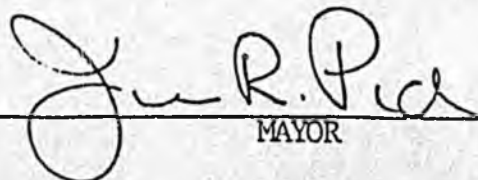
BE IT FURTHER RESOLVED that the Legislature refrain from making any controversial amendments to these bills.

AND, BE IT FURTHER RESOLVED that copies of this resolution be sent to:

The Honorable Robert Mulcahy, Alaska State Senator
The Honorable Fred Zharoff, Alaska Representative
The Honorable Bill Ray, Chairman of the Senate Judiciary Committee
The Honorable Mike W. Miller, Chairman of the House Community and Regional Affairs Committee

PASSED AND APPROVED this 23RD day of FEBRUARY, 1984.

CITY OF KODIAK


MAYOR

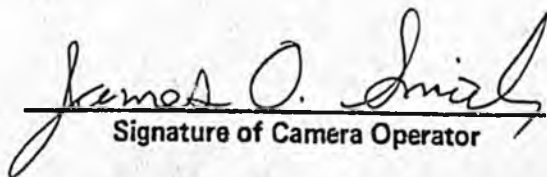
ATTEST:

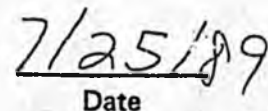

CITY CLERK



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date