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MAR 5 1985

KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

March 1, 1985

The Honorable M. Mike Miller
Chairman, House Judiciary Committee
Pouch V
Juneau, AK 99811

HB 72 - REVISION OF THE ALASKA MUNICIPAL GOVERNMENT CODE

It is our understanding that your committee will be receiving HB 72 from House Community and Regional Affairs Committee.

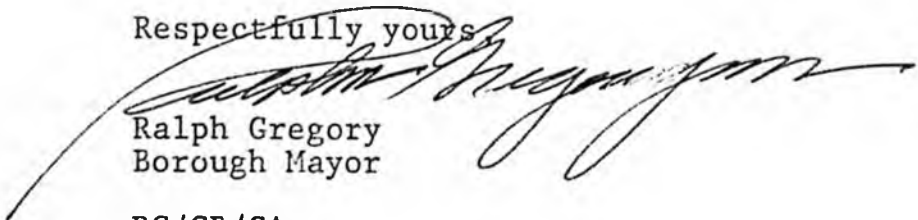
As you are probably aware, the Ketchikan Gateway Borough as a second-class borough has very limited powers and must rely heavily on the direction and guidance of Title 29. Each year since the adoption of SCR 66 in 1980, the Borough has applauded the intent to provide clarity and readability to Title 29. The Borough has consistently supported the bill by whatever number through the Twelfth and Thirteenth Legislatures, and very regretfully joined other local governments in urging Governor Hammond to veto Senate Bill 180 due to controversial floor amendments.

The bills revising the Alaska Municipal Government Code have remained in substantially the same form since the 1981 original introduction; and therefore, the content of the bills has received maximum public review and input.

As Chairman of the House Judiciary Committee, your scheduling for minimal and expeditious review of HB 72 would be greatly appreciated. It is our hope the House Judiciary Committee will move HB 72 quickly in its basic form without controversial amendment.

Please inform me of the Committee's schedule for consideration of the bill.

Respectfully yours,



Ralph Gregory
Borough Mayor

RG/GB/CA

c: Scott Burgess, Director
Alaska Municipal League

Ruby Smith, President
Alaska Municipal Clerks Association

Tom Boedeker, President
Alaska Municipal Attorneys Association

Gary Lewis, President
Alaska Association of Assessing Officers

Jon D. Halliwell, President
Alaska Conference of Mayors

Jim Van Altvorst, President
Alaska Municipal Managers Association

Tom Peterson, President
Alaska Planning Association

A M E N D M E N T

#1 .

Offered in the HOUSE

TO: HB 72

Page 53, line 26, after "PROHIBITIONS." insert:

"(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 the person's political opinions or affiliations."

Reletter following subsections accordingly.

Page 53, line 29:

Delete "section" and insert "subsection"

Cook

A M E N D M E N T

#2.

Offered in the HOUSE

TO: HB 72

Page 63, line 12:

Delete "60" and insert "90"

A M E N D M E N T

#3 .

Offered in the HOUSE

TO: HB 72

Page 64, line 9:

Delete "obtained and"

Page 69, line 3:

Delete "obtained and"

A M E N D M E N T

#4 ✓

Offered in the HOUSE

TO: HB 72

Page 66, line 6:

Delete "one year" and insert "two years"

Page 66, line 13:

Delete "one year" and insert "two years"

A M E N D M E N T

#5 -

Offered in the HOUSE

TO: HB 72

Page 73, line 18, after "AS 09.55.250 - 09.55.460." insert:

"In the case of a second class city, the exercise of the power of eminent domain or declaration of taking must be by ordinance that is submitted to the voters at the next general election or at a special election called for that purpose. A majority of the votes on the question is required for approval of the ordinance."

A M E N D M E N T

#6

Offered in the HOUSE

TO: HB 72

Page 58, line 13:

Delete "those imposed for a class B misdemeanor" and insert "a fine of \$1,000 and imprisonment for 90 days"

Page 96, line 18:

Delete "A person convicted of violating" and insert "For the violation of"

Page 96, line 21:

Delete "is guilty of a class B misdemeanor" and insert ", a municipality may by ordinance prescribe penalties not to exceed a fine of \$1,000 and imprisonment for 90 days"

Page 116, line 29:

Delete "A person who knowingly fails" and insert "For knowingly failing"

Page 117, line 1:

After "file a" insert "tax"

Delete "who"

Delete "makes" and insert "making"

Page 117, line 4:

Delete "is guilty of a class B misdemeanor" and insert ", a municipality may by ordinance prescribe penalties not to exceed a fine of \$1,000 or imprisonment for 90 days"

Cook.

A M E N D M E N T

#7.

Offered in the HOUSE

TO: HB 72

Page 127, line 8:

Delete "\$20,000" and insert "\$10,000"



Alaska State Legislature

House of Representatives

Committee on Community & Regional Affairs

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

LETTER OF INTENT
to
CSHB 72 (C&RA)

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

Peter Goll

Reed E. Jeffery

Max Huentgen

John Korman

John Korman



Box 1210 602 Railroad Avenue
Cordova, Alaska 99574
Phone: (907) 424-3237
or 424-3238

"The Friendly City"

MAR 13 1985

March 8, 1985

Leonard V. Pingatore
Mayor

Richard J. Leland
City Manager

Donna M. Sherby
City Clerk

Council Members

Joe Gunderson
Phyllis Day
Oliver Osborn
Lew L. Cochran
R. L. Van Brocklin
John Wheeler

Representative M. M. Miller, Chairman
House Judiciary Committee
Pouch V
Juneau, AK 99811

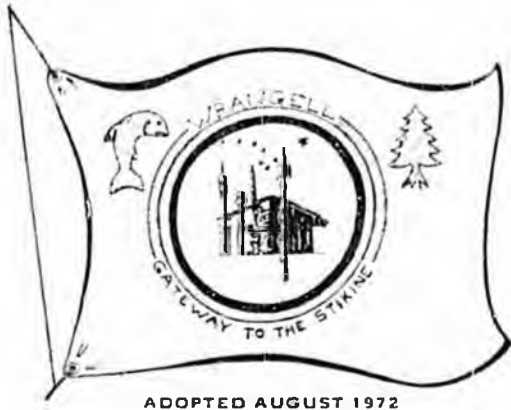
Dear Representative Miller:

The Mayor, City Council and staff of the City of Cordova have reviewed the proposed revision of Title 29 as contained in Senate Bill 142. A serious effort was given to reviewing SB 142 in light of its statewide impact on the ability of municipal governments to work closely with the State and remain flexible enough to provide high quality services directly to their residents. As you know, citizens from Cordova, took part in the many study committees that were instrumental in the final bill.

It is the unanimous opinion of the Mayor and City Council that Senate Bill 142 represents a good effort on behalf of all concerned and deserves passage at this time. We, therefore, respectfully request your aggressive support seeing to the passage of Senate Bill 142 at the earliest possible date.

Sincerely,

RICHARD J. IELAND
City Manager



CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99929 (907) 874-2381

March 13, 1985

House Community & Regional Affairs Comm.
House Judiciary Committee
House Finance Committee
Pouch
June 13, 1985
Ju AK 99801

Senate Community & Regional Affairs Comm.
Senate Judiciary Committee
Senate Finance Committee

Dear Sirs:

We have reviewed House Bill No. 72 (Senate Bill No. 142, Title 29 revisions, only insofar as it pertains to home rule municipalities. As a home rule municipality, the Wrangell City Council has the following concerns:

Sec. 29.10.100 (7) AS 29.10.100--(Charter Amendment) should read (7) AS 29.10.100--(limitation of home rule powers) Charter Amendment is 29.10.080.

Sec. 29.10.100 (44) AS 29.60.230 (state aid for hospital and health facility construction) is incorrect as there is no AS 29.60.230.

Sec. 29.20.010 Conflict of Interest (2) provides that the presiding officer shall rule on a request by a member of the governing body to be excused from a vote. Our municipal code provides that the Council will rule on the request. The manner of ruling on the request should be set by the governing body.

Sec. 29.20.140 Qualifications provides that a city voter is eligible to be a member of the Council and allows a municipality to establish durational residency requirements. A City voter is 18 years of age, our Charter sets an age requirement of 21 years of age. The voters of a home rule municipality should be allowed to establish an age requirement for their elected officials. This is supported by the United States and State of Alaska Constitutions which do establish age requirements for elected officials. The local governing body carries a great deal of responsibility and certainly deserves the maturity that is recognized as necessary for a State office.

Sec. 29.26.270 Recall Petition (a) provides that the City Clerk shall prepare a recall petition. The sponsors should be responsible for preparation of the petition. The City Clerk should only be responsible for certifying whether content of the petition is sufficient.

Sec. 29.26.350 Successors prescribes the manner of filling the office of an official that is recalled from a governing body (29.20.180). Home Rule municipal Charters should prescribe the manner of filling vacancies.

CITY OF WRANGELL, ALASKA

House Community & Regional Affairs Comm.
House Judiciary Committee
House Finance Committee
Page Two

Senate Community & Regional Affairs Comm.
Senate Judiciary Committee
Senate Finance Committee

Sec. 29.35.120 Past Audit (a) provides that copies of the audit shall be available to the public upon request. A strict reading by the public would require the audit to be available for distribution to the public at no cost. Although we understand this is not the intent, we request the section be amended for clarification to the public, to require the audit to be available for review or at cost.

Sec. 29.45.320 Real Property Tax Collection (a) provides for annual foreclosure unless otherwise provided by ordinance. Sec. 29.45.330 (a) (1) provides for annual foreclosure proceedings, but does not include "unless otherwise provided by ordinance." Sec. 29.45.330 (a) (1) should be amended to be consistent with 29.45.320 (a). The number of delinquent accounts in a small municipality may not justify the cost of annual foreclosure.

Sec. 29.45.460 Disposition and Sale of Foreclosed Property (c) provides that the Clerk shall send a copy of the published notice of hearing of an ordinance by certified mail to the former record owner. Home rule municipalities are not required to publish notice of a hearing of an ordinance. This section should be amended to provide for notice to the former record owner prior to introduction of an ordinance by a home rule municipality.

The City of Wrangell supports revisions to Title 29. We cannot, however, support additional limitations and regulation of home rule powers. Some of our foregoing concerns are merely clerical errors and inconsistencies. Our review and comments are limited to home rule only. Any amendments that may have been made have not yet been received, so our comments are limited to the Bill as introduced.

Very truly yours,



Joyce Rasler
City Manager

JR:fv

cc: Senator Robert Ziegler
Representative Robin Taylor
Representative John Sund
Alaska Municipal League

Alaska State Legislature



House of Representatives House Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

March 21, 1985 (907) 465-4990

The Honorable Ralph Gregory
Mayor
Ketchikan Gateway Borough
344 Front Street
Ketchikan, Ak. 99901

Dear Mayor Gregory:

Thank you for your recent letter in support of HB 72, the comprehensive revision of the Alaskan Municipal Code which we have worked on for so long.

As you have heard, I have been considering waiving Judiciary Committee review of the bill to expedite its passage. I have kept the bill in committee long enough to allow members to satisfy themselves that the bill was in good order when it was passed out of the House Committee on Community and Regional Affairs before formally notifying the House of any such waiver.

You will be happy to know that committee members and others have been satisfied regarding some questions that had been raised; therefore, today I waived the Judiciary referral of HB 72.

I look forward to early passage of HB 72, and will be working to achieve that long-sought goal.

Thank you for your assistance, and the assistance of people from all around the state for so many years.

Sincerely,

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

Rep. Mike Miller
Chairman, House Judiciary Committee

cc: Scott Burgess, Alaska Municipal League
Rep. John Sund
Rep. Robin Taylor



KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

March 15, 1985

The Honorable M. Mike Miller
Chairman, House Judiciary Committee
Pouch V
Juneau, AK 99811

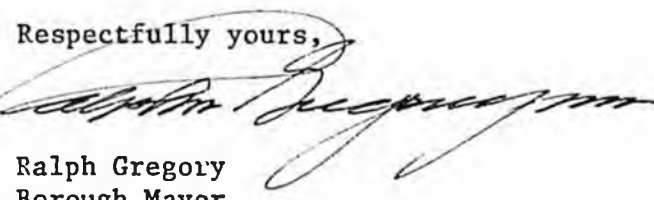
HB 72 - REVISION OF THE ALASKA MUNICIPAL GOVERNMENT CODE

The news that you may be considering waiving HB 72 on to Finance is most welcome.

The challenge to promote the passage of such a lengthy bill in light of the mandatory session closure seems insurmountable to many of us. Therefore the support of veteran Legislators such as yourself who have had the opportunity to review and consider the bill for six consecutive years and understand local government's desire to see the bill move quickly in its basic form without controversial amendment is not only a necessity, but also a great encouragement.

House Bill 72 is in substantially the same form as the 1981 original introduction of the municipal code revision and as such it has received maximum public review and input. The Ketchikan Gateway Borough urges you to waive consideration of HB 72 on to House Finance.

Respectfully yours,



Ralph Gregory
Borough Mayor

RG/GB/CA

c: Scott Burgess, Alaska Municipal League
Representative John Sund
Representative Robin Taylor



Nulato City Council

General Delivery
Nulato, Alaska 99765
(907) 898-2205



March 21, 1985

Senator John Sackett
State Capitol
Pouch V
Juneau, AK 99811

Dear Senator Sackett:

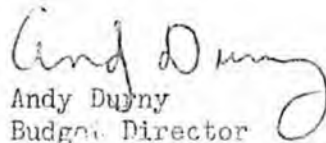
I am writing regarding SB 142 - Title 29 Revisions.

I think the Title 29 Revisions are long overdue. I do not believe that passage of this bill should be delayed just because of controversial amendments. In particular, I am referring to amendments offered by Exxon regarding Regulation of Use of State Land. Personally, I do not feel that Exxon should interfere with the exercise of local government powers.

I urge you to push for passage of SB 142 without any controversial amendments. If the Exxon amendment will hinder passage of SB 142 in any way, I ask that it be considered as separate legislation and be debated on its merits alone.

I thank you for your support in this matter.

Sincerely,


Andy Dunny
Budget Director

AD/rb

c.c. - Senator Pat Rodey
Senator Tim Kelley
Senator Jan Faiks
Senator Rick Halford
Senator Robert Ziegler
Representative Kay Wallis
Representative Mike M. Miller
Senator Edna DeVries
Governor Bill Sheffield
Alaska Municipal League

SPECIAL ORDERS

Representative Rieger moved and asked unanimous consent that the following citation be taken up as a Special Order of business at this time:

Honoring - Libby Riddles
1985 Iditarod Sled Dog Race Winner
by Representatives Fuller, Davis, Rieger
and Hurley; and Senator Fahrenkamp

There being no objection, it was so ordered.

Representative Rieger moved and asked unanimous consent that all other members of the House be shown as co-sponsors. There being no objection, it was so ordered.

Representative Rieger moved and asked unanimous consent that the House approve the citation Honoring Libby Riddles. There being no objection, it was so ordered and the citation was referred to the Chief Clerk for transmittal to the Senate.

UNFINISHED BUSINESS

Representative Clocksin moved and asked unanimous consent that the following members be excused from a call of the House:

Representative Pettyjohn - March 21 through
plane time, March 25, 1985

Representative Pourchot - after session,
April 3 through plane time, April 8, 1985

There being no objection, it was so ordered.

HB 72

The Speaker waived the Judiciary Committee referral on HOUSE BILL NO. 72 (relating to municipal government; effective date) at the request of the Chairman.

HB 72 was sent to the Finance Committee.

HJR 24

Representative Cato added her name as co-sponsor to HOUSE JOINT RESOLUTION NO. 24 (relating to sharing federal revenue generated from development of the outer continental shelf).