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STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
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MEMORANDUM

February 15, 1985

SUBJECT: Municipal Code Revision (HB 72)

TC: 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
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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 appl, 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 "commissioner" 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 discussion 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 verbage. (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)

(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))

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))

(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. 29.40.030. 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 of 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 of 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 29.53.290)

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 of 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

Alaska MUNICIPAL League

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

105 MUNICIPAL WAY, SUITE 301
JUNEAU, ALASKA 99801

TO: Senator Edna DeVries, Chair
Members, Senate Community & Regional Affairs Committee

FROM: Scott A. Burgess
Executive Director



DATE: March 7, 1985

SUBJECT: SB 142

Again, on behalf of the Alaska Municipal League, I urge you to pass SB 142, the basic revisions to the municipal code, without amendments. The bill has essentially passed the House twice and the Senate once. SB 142, as submitted by Governor Sheffield, does not contain the controversial amendments which resulted in its veto in 1982 by Governor Hammond. In addition to its major attribute of re-organizing and rewording for clarity, the bill makes changes in existing statute for better local government. These changes which have been described in written and verbal testimony and have undergone unprecedented debate, scrutiny and compromise by the public, by local government, the administration and the legislature.

I am unaware of any overall opposition to the bill. Instead, the bill is supported as a priority of Governor Sheffield, the Alaska Municipal League and the Alaska Conference of Mayors. The last major overhaul of the statute was in 1972. The revisions to Title 29 in SB 142 have been reviewed and debated for over five years. Any proposed amendments to the language in SB 142 should be addressed in separate legislation so that it too can be subject to careful, thoughtful and open debate.

The Committee did ask for my reaction to the amendments adopted by the House Community and Regional Affairs Committee in their Committee Substitute of HB 72, the companion bill to SB 142. The League neither requested nor supported the amendments. Three of the amendments were indeed technical amendments; one replaces language in HB 172, similar legislation which the League supported and which passed the House last year; one modifies a change from HB 172; and the other seven amendments change policy language in HB 72/SB 142 back to existing statute. Taking each amendment individually:

Amendments 1, 2 and 3 - These are indeed technical amendments that should have been made by the drafter.

Senator Edna DeVries
March 7, 1985
Page 2

Amendment 4 - 2nd Class to Home Rule - This language has been in the legislation containing the basic revisions to Title 29 since it was first introduced in 1981. The language was removed by the Governor in HB 72/SB 142. The League, while it did not ask for its removal, accepted the change. Representative Binkley, by introducing HB 145, has addressed the issue under separate legislation.

Amendment 5 - Health Facility - Neither the language in HB 72/SB 142 nor in the committee substitute was in the original legislation. The League has taken no position on either except to say that such problems should be addressed in separate legislation and that it supported HB 72/SB 142 as submitted by the Governor.

Amendment 6 - Non-discrimination - This amendment adds language similar to existing statute. It was probably removed as unnecessary and redundant to the anti-discrimination language in local ordinances and charters, AS 18.80. State Commission for Human Rights, as well as rights protected by the U.S. Constitution.

Amendment 7 - Class B Misdemeanor - This is a wording change not a change in penalty limit. The Class B misdemeanor reference was probably used so that when State penalties are updated they would be updated by reference as they apply to municipalities.

Amendment 8 - 90 to 60 Days - The effect of this amendment is to revert to that in existing statute. The change was made to reduce the time a controversial issue is left undecided while allowing sufficient time for individuals to gather signatures.

Amendment 9 - 11th Day - The concern here was a reading by the Committee that an individual had to obtain new signatures during the 10 day extension if the clerk found them insufficient on a petition.

Amendment 10 - Two Years - While State law requires 2 years, state 'de initiatives and referendum efforts are more difficult than at the local level. Circumstances can change significantly in one year at the local level. The Legislature, while it cannot repeal an initiated law for two years, it may amend it at any time.

Amendment 11 - Eminent Domain - The power of eminent domain is limited to a showing of public purpose and regulated by AS 9.55 to be fair and to protect against abuse.

Senator DeVries
March 7, 1985
Page 3

Amendment 12 - \$20,000 to \$10,000 - The original legislation, introduced as a result of SCR 66, changes the value from \$10,000 to \$100,000 as recommended by the Alaska Association of Assessing Officers. A lienholder with a value less than that could request to be notified but it was not automatic. The House Community and Regional Affairs Committee in the hearings on HB 172 during the 13th Legislature amended it from \$100,000 to \$20,000.

These amendments have not been addressed by the Board or the membership of the Alaska Municipal League and, therefore, I cannot support them. However, I will say they are more significant in number and as amendments to a bill that has widespread support, as is, than as significant changes in policy. I ask for your quick passage of SB 142 without controversial and undebated amendments. Amendments to SB 142 or other changes to Title 29 should be addressed in separate legislation.

Thank you.



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

March 20, 1985

*This letter sent
to all
correspondents
attached
3/20/85*

Jane Angvik
Anchorage Municipal Assembly
Municipality of Anchorage
Pouch 6-650
Anchorage, Alaska 99502

Dear Jane:

I am pleased to report to you that I moved SB 142, the revision to Title 29, out of my committee this past week. My committee, Senate Community and Regional Affairs, held two committee hearings and one special work session in order to take action on the bill at the earliest possible date.

We considered a number of amendments, all but two of which came to us after having been passed by the House Committee on Community and Regional Affairs. We adopted all but one of the House committee amendments that were generally technical in nature. My committee also passed a letter of intent and a purpose clause and passed out SB 142 as a committee substitute.

Senate Community and Regional Affairs proposed no new amendments to this important piece of legislation. This does not mean that the Committee is 100% pleased with every provision of SB 142. It does mean that we appreciate the need to pass this bill as soon as possible so that the laws pertaining to local government can be unified in one statute title for the convenience and administrative efficiency of all government officials.

I held a meeting this week with Senator Pat Rodey, who chairs the committee that now has SB 142 (Senate Judiciary), and offered him my full assistance.

Subject: SB 142

- 2 -

March 20, 1985

I will continue to work for passage this year of this most important legislative measure.

God bless you.

Sincerely,

Edna DeVries
Senator

ED:YMA/ta

M E S S A G E

FROM : MAYOR TERRY A. COOK
CITY OF ALAKANUK
P.O. BOX 167
ALAKANUK, AK. 99554

27 FEB 85

TO: ALL LEGISLATORS, 1985 SESSION

SUBJECT: TITLE 29 REVISION

DEAR FELLOW ELECTED OFFICIALS:

I AM DISAPPOINTED THAT TITLE 29 HAS NOT YET BEEN REVISED SINCE THE "OLD DAYS" OF 1972.

THE NEED FOR PROMPT ACTION TO REVISE TITLE 29 IS OF MUCH IMPORTANCE AS DEMONSTRATED BY RESOLUTIONS PASSED BY THE BODY OF MUNICIPAL OFFICIALS AT THE MUNICIPAL LEAGUE CONFERENCES, YUKON-KUSKOKWIM DELTA MAYORS CONFERENCES, NORTH/NORTHWEST MAYORS CONFERENCES, AND OTHER CONSTITUENT ELECTED OFFICIALS THROUGHOUT ALASKA.

PLEASE ACT NOW IN FAVOR OF BILLS SB 142, OR HB 72.

IF THE 2ND CLASS/HOME RULE ISSUE BUGS YOU--HANDLE THAT IN A LATER SEPERATE BILL WHERE BETTER DEBATE AND HOPEFULLY FAIRER OUTCOME MAY PREVAIL FOR ALL MUNICIPALITIES.

AT LEAST GET TITLE 29 REVISED NOW SO WE HAVE SOMETHING COHERENT TO WORK WITH!!

THANKYOU FOR YOUR VALUABLE TIME AND ASSISTANCE IN PROMOTING "GOOD GOVERNMENT FOR ALL ALASKA".

SINCERELY,


MAYOR TERRY A. COOK
ALAKANUK

Municipality of Anchorage



POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4431

TONY KNOWLES,
MAYOR

February 27, 1985

OFFICE OF THE MAYOR

Senator Edna Armstrong-DeVries
Pouch V
Juneau, AK 99811

Edna
Senator Armstrong-DeVries,

This is written to urge your vote for the quick passage of the basic revisions to Title 29 this year. At their recent meeting in Juneau, the Board of Directors of the Alaska Municipal League, of which Anchorage is a member, agreed on the passage of the Title 29 revisions and the full funding of the State Revenue Sharing and Municipal Assistance as their priorities for the First Session of the 14th Alaska State Legislature.

The Alaska Conference of Mayors, which also met in Juneau, concurred in those legislative priorities as having the most beneficial impact on local government in Alaska.

The basic revisions to Title 29 are embodied in HB 72 introduced by the Rules Committee by request of the Governor. The Governor has indicated that he will soon be introducing the same bill in the Senate to improve the chance of the legislation moving quickly through both houses. The legislation was developed by legislative request in 1980 and, after extensive hearings, was originally introduced in 1981. With some minor changes, HB 72 is the same legislation that passed the 12th Legislature without the last minute, controversial amendments that caused Governor Hammond to veto it, and the same legislation that passed the House in the 13th Legislature. As far as the municipalities are concerned, minimum hearings are necessary on this legislation. It should be passed without amendment. Other amendments to Title 29 should be addressed in separate legislation.

Again, I urge you to work and vote for the passage of HB 72, (or the comparable bill when introduced into the Senate by the Governor) unamended, and the full funding of the State Revenue Sharing and Municipal Assistance programs. I understand the difficulties you are facing with the State budget but this legislation and funding will go a long way in helping our constituents at the local level.

Sincerely,

Tony Knowles
Tony Knowles
Mayor



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

"The Friendly City"

*File in
SB 142*

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

Senator Edna Armstrong/DeVries
Pouch V
Juneau, AK 99811

Dear Senator DeVries:

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. LELAND
City Manager



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

HAINES BOROUGH

P.O. BOX H
HAINES, ALASKA 99827
(907) 766-2711

February 22, 1985

Senator Edna Devries, Chairman
Community & Regional Affairs Committee
Pouch V
Juneau, AK 99811

Dear Edna:

The last AML Legislative Bulletin suggested that you wanted to hear from municipalities concerning SB 142 (Title 29 Revision) and if we wanted hearings.

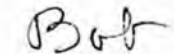
For the past 5 years I have been working for the revision of Title-29. I started working with former Senator Don Gilman and Senator Sturgulewski. They held hearings all summer and worked very hard on a good revision. As you know, it was passed with some added amendments, which forced the Governor to veto it.

For the past 2 years, I worked with Rep. Ron Larson and former Rep. Barbara Lacher. As you are aware, Barbara held hearings for two years on the revision of Title-29. The House finally passed the bill, only to have Senator Ray kill it in the Senate.

We do not need any more hearings on a bill that has been studied so thoroughly for so many years. The Haines Borough would like to see SB 142 (or HB 72) passed this session without amendment. Amendments can be added to Title 29 after the bill is passed.

I would like to thank you again for the courtesy you extended to me on my last visit to Juneau. I hope to come down in the near future and look forward to talking with you again.

Sincerely,



R.E. Henderson
Mayor

cc: Sen. Arliss Sturgulewski
Rep. Peter Goll
Scott Burgess, AML



THE CITY OF HAINES, ALASKA
P.O. BOX 576
HAINES, ALASKA 99827
(907) 766-2231

In Reply
Refer To:

February 21, 1985

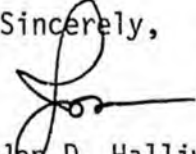
Senator DeVries
Pouch V
Juneau, Alaska 99811

Re: SB 142 Title 29 Revision

Dear Senator *DeVries* DeVries:

The City of Haines requests your support in the passage of the Title 29 re-write during this years legislative session. As you know much effort has gone into the new version from the Cities and Boroughs, the Alaska Municipal League and the Legislature itself. The expeditous passage of this Legislation would be of great benefit to all of Alaska.

Sincerely,


Joe D. Halliwill
Mayor
CITY OF HAINES

JDH/ktg
cc: Scott Burgess AMC

3670 LAKE STREET
HOMER, ALASKA 99603-7647



REPLY TO:

- City Hall
Ph. (907) 235-8121
- Port of Homer
Ph. (907) 235-8597
- Harbor Master
Ph. (907) 235-8959
- Public Works Dept.
Ph. (907) 235-8120
- City Engineer
Ph. (907) 235-6368

February 26, 1985

The Honorable Edna Armstrong DeVries
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator DeVries:

Enclosed please find a copy of Resolution 85-16 entitled "A Resolution Supporting Passage of ~~HB 72~~ Which Would Revise Title 29 of the Alaska Statutes Pertaining to Local Governments" as unanimously adopted by the Homer City Council at their regular meeting held February 25, 1985.

We would urge the Legislature to pass either HB 72 and/or SB 142 without extensive amendments as soon as possible.

Thank you for your attention to this matter.

Sincerely,

CITY OF HOMER

Philip C. Shealy
Philip C. Shealy
City Manager

PCS/pb

enclosure (1)

CITY OF HOMER
HOMER, ALASKA

RESOLUTION 85 - 16

A RESOLUTION SUPPORTING PASSAGE OF HB 72 WHICH
WOULD REVISE TITLE 29 OF THE ALASKA STATUTES
PERTAINING TO LOCAL GOVERNMENTS.

WHEREAS, in previous sessions of the Legislature, bills have been introduced to revise Title 29 of the Alaska Statutes which pertain to local governments; and

WHEREAS, these revisions have been needed and are supported by the Alaska Municipal League; and

WHEREAS, in previous sessions of the Legislature, the revisions have not been passed; and

WHEREAS, HB 72 of the current legislative session re-introduces these revisions;

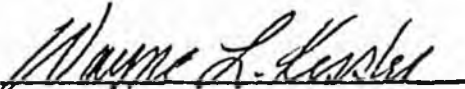
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Homer, Alaska that the City of Homer hereby urges and supports the passage of HB 72 which would revise Title 29 of the Alaska Statutes.

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to the following individuals:

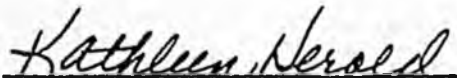
Governor Bill Sheffield;
Senator Paul Fischer;
Representative Mike Navarre;
Representative Andre Marrou;
Senator Edna Armstrong DeVries, Chairman, Senate Committee
on Community and Regional Affairs;
Representative Peter Goll, Chairman, House Committee
on Community and Regional Affairs;
Commissioner Emil Notti, Department of Community & Regional
Affairs; and
Scott Burgess, Executive Director of the Alaska Municipal
League.

DATED AT HOMER, ALASKA this 25th day of February, 1985.

CITY OF HOMER


Wayne L. Kessler, Mayor

ATTEST:


Kathleen Herold, City Clerk

Yvonne

2/15/65

TO: SENATORS KERTTULA, DEVRIES, FERGUSON, COGMILL, STURGULEWSKI,
V. FISCHER
REPS. LARSON, HURLEY

FR: ELSIE O'BRYAN
MEMBER AML LEGISLATIVE COMMITTEE
P O BOX 24
HOUSTON 79694
892-6639

RE: S B142 - MUNICIPAL CODE REWRITE
I AM RESPONDING TO THE REQUEST ON SB 142 IN WHICH YOU WERE
SEEKING INFORMATION ON HEARING THIS BILL. IT HAS BEEN THE
POSITION OF MUNICIPAL LEAGUE THE BILL HAS BEEN HEARD REPEATEDLY
AND WE JUST WANT IT PASSED INTACT AS SOON AS POSSIBLE.

POMK111



**City of
Ketchikan**

334 Front Street
Ketchikan, Alaska 99901
907-225-3111

February 25, 1985

Senator Edna B. DeVries
Chairman, Senate Community &
Regional Affairs Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

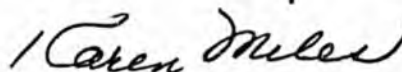
Dear Senator DeVries:

Enclosed is a copy of Resolution No. 85-1423 urging passage of House Bill 72 relating to the revision of Alaska Statutes Title 29. This resolution was passed by the Council at their regular meeting of February 21, 1985.

The Council supports the reorganization of Title 29 for clarity and flexibility and urges the passage of House Bill 72. The Council also requests that all committees expeditiously consider the bill to assure action prior to adjournment.

Thank you for your consideration of this resolution.

Sincerely,



Karen Miles, CMC
City Clerk

Enc.

CITY OF KETCHIKAN, ALASKA

RESOLUTION NO. 85-1423

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, URGING PASSAGE OF HOUSE BILL 72, RELATING TO THE REVISION OF ALASKA STATUTES TITLE 29, 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, hearings, and public presentations; and

WHEREAS, HB 170 and SB 180, which were introduced in 1981, had been drafted to carry out the intent of SCR 66; 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, SB 1 and HB 172 were introduced during the first session of the Thirteenth Alaska Legislature in a further attempt to rewrite Title 29; and

WHEREAS, HB 72, introduced during the first session of the Fourteenth Alaska Legislature, would adopt the basic revision to Title 29 developed by the AML Legislative Committee and originally introduced in 1981; and

WHEREAS, HB 72 does not contain the controversial amendments which caused SB 180 to be vetoed by Governor Hammond and is essentially the same as HB 172 which passed the House last year; 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:

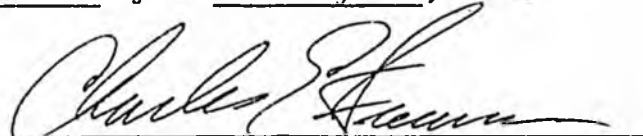
Section 1: The Council of the City of Ketchikan supports the reorganization of Title 29 for clarity and flexibility and urges the State Legislature to pass House Bill 72.

Section 2: The Council further requests that all committees expeditiously consider House Bill 72 to assure action prior to adjournment of the first session of the Fourteenth Legislature.

Section 3: The City Clerk is hereby directed to send copies of this resolution to Senator Ziegler, Representative Sund, Representative Taylor, the House Community and Regional Affairs Committee, the House Judiciary Committee, the House Finance 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 4: This resolution shall be effective immediately upon passage and approval.

PASSED AND APPROVED THIS 21st day of February, 1985.


Charles E. Freeman, Mayor

ATTEST:


Karen Miles, City Clerk

OFFICE OF THE MUNICIPAL ATTORNEY

KETCHIKAN GATEWAY BOROUGH

AND

CITY OF KETCHIKAN

334 FRONT STREET
KETCHIKAN, ALASKA 99901

(907) 225-3111, EX. 327

February 28, 1985

Senator Edna DeVries
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Re: SB 141

Dear Senator DeVries:

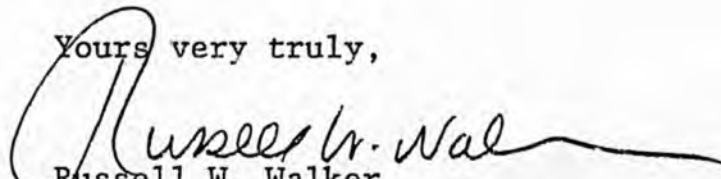
I am writing to urge a favorable vote and passage of SB 141.

As you may be aware, a number of members of both the House and the Senate, and also a wide spectrum of persons from many, if not most, of the rural and metropolitan communities, served on the joint legislative committee that devoted virtually hundreds of hours in reviewing and drafting language deemed necessary to clarify and reorganize existing Title 29 (government code) so as to be more understandable and workable for both the small as well as larger communities. In addition, a comprehensive technical committee, composed of bond, tax and other experts spent many hours reviewing and clarifying provisions to assure clarity and utility of the code.

We feel this clarifying bill is vitally needed and passage will greatly enhance the ability of local communities and municipalities to provide responsive local government.

We respectfully request a favorable vote and passage of this bill this session.

Yours very truly,


Russell W. Walker
Municipal Attorney

SS/1A/29



KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

March 15, 1985

The Honorable Edna B. DeVries, Chairman
Community & Regional Affairs
Pouch V
Juneau, Alaska 99811

SB 142 - REVISION OF THE ALASKA MUNICIPAL GOVERNMENT CODE

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 68 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.

Needless to say the news we have received that certain special interest groups are once again attempting to tag our bill with controversial amendments is extremely aggravating. Municipalities have worked diligently for six years to get a non-controversial clarification of Title 29 through the Legislature. The Ketchikan Gateway Borough opposes any substantial amendment of Senate Bill 142 or House Bill 72.

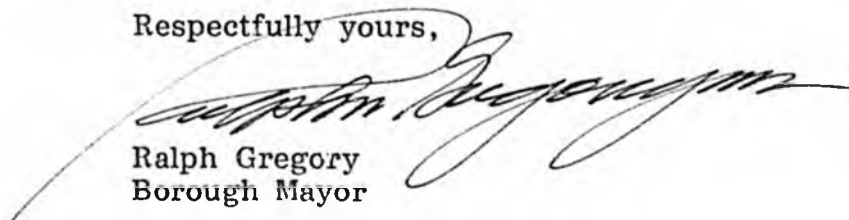
The mandatory 120 day session presents an even greater challenge to get the bill, due to its length, considered by all the appropriate committees. Therefore we urge you to consider special interest amendments in separate legislation.

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.

The Honorable Edna B. DeVries
Page 2
March 15, 1985

Your efforts to secure minimal and expeditions review and movement of JB 142 in its basic form without controversial amendment would be greatly appreciated.

Respectfully yours,



Ralph Gregory
Borough Mayor

RG/GB/CA

c: Senator Ziegler

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

Voting "Yes":	Troll Cruise King Steward Barholomew
Voting "No":	None
Absent:	McCarty Hansen
4 votes required for passage	
Effective date:	3/4/85

K E T C H I K A N G A T E W A Y B O R O U G H

Resolution No. 616

A RESOLUTION OF THE ASSEMBLY OF THE
KETCHIKAN GATEWAY BOROUGH, ALASKA,
SUPPORTING THE REORGANIZATION OF
TITLE 29 FOR CLARITY AND FLEXIBIL-
ITY AND URGING PASSAGE OF HOUSE
BILL 72 OR SENATE BILL 142

R E C I T A L S

A. In 1980 the Eleventh Alaska Legislature directed that Title 29, Alaska Municipal Government Code, be reviewed and rewritten to provide clarity and readability. Because this concept was widely supported by local governments, rural and urban communities alike participated in a policy committee formed to prepare a revised code with the assistance of a technical committee. These committees held an exhaustive series of meetings, hearings, and public presentations and presented the Twelfth Alaska Legislature with a draft bill.

B. In 1981 the Twelfth Alaska Legislature considered House Bill 170 and Senate Bill 180 revising the Alaska Municipal Government Code. More meetings, hearings, and public presentations were held during the First and Second Session of the Twelfth Alaska State Legislature as well as during the interim between sessions.

C. In 1982 Senate Bill 180 revising the Alaska Municipal Government Code passed the Legislature during the Second Session of the Twelfth Alaska Legislature. The Ketchikan Gateway Borough joined other local governments in urging Governor Hammond to veto the bill because of controversial floor amendments.

D. In 1983 the Thirteenth Alaska Legislature considered House Bill 172 and Senate Bill 1 revising the Alaska Municipal Government Code. More meetings, hearings, and public presentations were held during the First and Second Session of the Thirteenth Alaska Legislature as well as during the interim between sessions.

E. In 1984 House Bill 172 passed the Alaska House of Representatives and died in Senate committee at the close of the Second Session of the Thirteenth Alaska Legislature.

F. In 1985 the Fourteenth Alaska Legislature has House Bill 72 and Senate Bill 142 revising the Alaska Municipal Code before it for consideration.

G. Since 1980 the Ketchikan Gateway Borough has consistently supported the original intent to provide clarity and readability to the Alaska Municipal Government Code.

H. The Assembly appreciates the hours of time and effort expended on the Alaska Municipal Government Code revision 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 ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH, ALASKA, as follows:

Section 1. Since the bills revising the Alaska Municipal Government Code have remained in substantially the same form since the 1981 original introduction and have therefore received maximum public review and input, the Ketchikan Gateway Borough Assembly urges that effected committees consider the appropriate bill, (House Bill 72 or Senate Bill 142), as expeditiously as possible, move the appropriate bill in its basic form without controversial amendment, and that the Fourteenth Alaska Legislature adopt the appropriate bill in its basic form without controversial amendment, and forward it to Governor Sheffield prior to the close of the First Session of the Fourteenth Alaska Legislature.

Section 2. The Assembly extends its appreciation to all members of the Legislature who sincerely work to move the Revised Municipal Government Code to final adoption this Session.

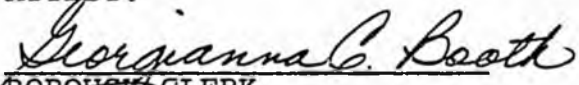
Section 3. The Borough Clerk is directed to send a copy of this resolution to all members of the Alaska State Legislature and the Alaska Municipal League.

Section 4. This resolution is effective upon adoption.

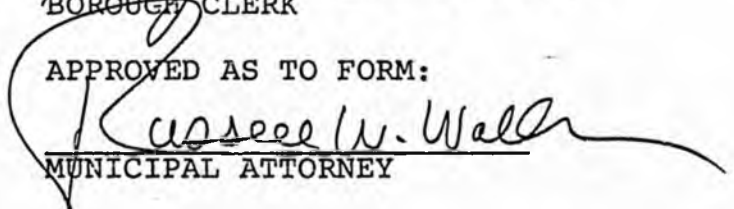
ADOPTED this 4th day of March, 1985.


BOROUGH MAYOR

ATTEST:


BOROUGH CLERK

APPROVED AS TO FORM:


MUNICIPAL ATTORNEY



February 19, 1985

The Honorable Fred Zharoff
Alaska State Senate
Mail Stop 3100
Pouch V
Juneau, Alaska 99811

Dear Senator Zharoff:

RE: Senate Bill 142 and/or House Bill 72

On behalf of the City of Kodiak, the Alaska Municipal League, and all municipalities in Alaska, I urge you work and vote for the quick passage of either of the above basic revisions to Title 29 this year. At its recent meeting in Juneau, the Board of Directors of the Alaska Municipal League, of which the City of Kodiak is a member, agreed on the passage of the Title 29 revisions and the full funding of the State Revenue Sharing and Municipal Assistance as its priorities for the First Session of the 14th Alaska State Legislature. The Alaska Conference of Mayors, which also met in Juneau, concurred in those legislative priorities as having the most beneficial impact on local government in Alaska.

The basic revisions to Title 29, embodied in SB 142 and HB 72 and introduced by request of the Governor were developed by legislative request in 1980 and, after extensive hearings, were originally introduced in 1981. With some minor changes, these bills are the same legislation that passed the 12th Legislature without the last minute, controversial amendments that caused Governor Hammond to veto it, and the same legislation that passed the House in the 13th Legislature. As far as the City of Kodiak is concerned, minimum hearings are necessary on this legislation and it should be passed without amendment. Other amendments to Title 29 filed for consideration in this session should be addressed as separate legislation.

Again, I urge you to work and vote for the unamended passage of Senate Bill 142 or House Bill 72, and the full funding of the State Revenue Sharing and Municipal Assistance programs. I understand the difficulties you are facing with the State budget in Juneau, but this legislation and funding will go a long way in helping our constituents at the local level.

Sincerely,

CITY OF KODIAK

JOHN R. PUGH
Mayor



A GROWING FRONTIER IN THE HEART OF THE MATANUSKA VALLEY

City of Palmer

COUNCIL-MANAGER GOVERNMENT

231 W. EVERGREEN AVE. • PALMER, ALASKA 99645
Phone (907) 745-3271

March 1, 1985

Senator Edna DeVries, Chairman
Community and Regional Affairs
Pouch V
Juneau, Alaska 99811

RE: SB 142 -- HB 72 --- Title 29

Dear Senator DeVries,

For the past several years, Title 29 has been discussed and proposed for enactment only to fall short in the waning days.

The City of Palmer has been strongly supportive of the enactment of the Title 29 rewrite so that many of the antiquities that now exist will be either eliminated or brought to current standards.

We urge you to assist us and all the municipalities in the State in passing this long overdue piece of legislation.

The City of Palmer stands ready to aid in furthering the passage of SB 142 and HB 72.

Should you have any questions, please contact me.

Yours truly,

David L. Soulak
City Manager
City of Palmer

DLS/cac

Enclosure - Resolution No. 639

CITY OF PALMER, ALASKA

RESOLUTION NO. 639

A RESOLUTION SUPPORTING PASSAGE OF HB 72 AND SB 142 - 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 72 and SB 142, and


WHEREAS, over three years time has been spent by local municipalities to help gain passage of these revisions since the rewrite was complete,

WHEREAS that the Alaska Municipal League has set the enactment of a new Title 29 as one of its top priorities for the 1985 Legislative Session.

NOW, THEREFORE, BE IT RESOLVED that the City of Palmer urges the Alaska State Legislature to pass HB 72 and SB 142 - Title 29 revisions as presented without any amendments during the 1985 Legislative Session.

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 21st day of February, 1985.



GEORGE W. CARJE, MAYOR

DAVID L. SOULAK, CITY CLERK

City of Sand Point

P.O. Box 177
Sand Point, Alaska 99661
(907) 383-2696

February 19, 1985

Honorable Senator DeVries
Chairman, Community & Regional Affairs Committee
Pouch V
Juneau, AK 99811

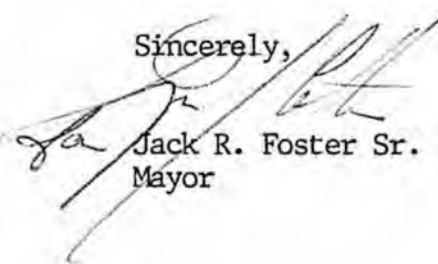
Dear Honorable Senator DeVries,

On behalf of the City of Sand Point, the Alaska Municipal League and all municipalities in Alaska I urge your work and vote for the quick passage of the basic revisions to Title 29 this year. At their recent meeting in Juneau, the Board of Directors of the Alaska Municipal League, of which the City of Sand Point is a member, agreed on the passage of the Title 29 revisions and the full funding of the State Revenue Sharing and Municipal Assistance as their priorities for the First Session of the 14th Alaska State Legislature. The Alaska Conference of Mayors, which also met in Juneau, concurred in those legislative priorities as having the most beneficial impact on local government in Alaska.

The basic revisions to Title 29 are embodied in HB 72 introduced by the Rules Committee by request of the Governor. The Governor has indicated that he will soon be introducing the same bill in the Senate to improve the chance of the legislation moving quickly through both houses. The legislation was developed by legislative request in 1980 and, after extensive hearings, was originally introduced in 1981. With some minor changes, HB 72 is the same legislation that passed the 12th Legislature without the last minute, controversial amendments that caused Governor Hammond to veto it, and the same legislation that passed the House in the 13th Legislature. As far as the municipalities are concerned, minimum hearings are necessary on this legislation. It should be passed without amendment. Other amendments to Title 29 should be addressed in separate legislation.

Again, I urge you to work and vote for the passage of HB 72, (or the comparable bill when introduced into the Senate by the Governor) unamended, and the full funding of the State Revenue Sharing and Municipal Assistance programs. I understand the difficulties you are facing with the State budget in Juneau but this legislation and funding will go a long way in helping our constituents at the local level.

Sincerely,



Jack R. Foster Sr.
Mayor



City and Borough of Sitka

304 LAKE STREET · SITKA, ALASKA · 99835

February 20, 1985

Edna DeVries, CRA Chairman
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator DeVries:

SUBJECT: Title 29 - SB 142

The rewrite of Title 29, Municipalities Powers and Duties has been pending off and on for over three years. It went through extensive review by the AML, the State Assessors Association, State Planning Association, Municipal Clerks Association, and about everyone else imaginable.

The modernization and update of this important legislation is long overdue. Its past failure was attributed to improper last minute amendments which had nothing to do with its purpose.

I would urge you to please guide its passage through your committee, onto the floor, and its quick and responsive passage.

Sincerely,

Richard Anderson
Administrator

cc: AML

City of Soldotna

BOX 409

PHONE 262-9107

35036 SPUR HIGHWAY
SOLDOTNA, ALASKA 99669



CITY OF OPPORTUNITY

February 21, 1985

The Honorable Edna DeVries, Chairman
Community & Regional Affairs Committee
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator DeVries:

On behalf of the City of Soldotna, the Alaska Municipal League and all municipalities in Alaska I urge you work and vote for the quick passage of the basic revisions to Title 29 this year. At their recent meeting in Juneau, the Board of Directors of the Alaska Municipal League, of which the City of Soldotna is a member, agreed on the passage of the Title 29 revisions and the full funding of the State Revenue Sharing and Municipal Assistance as their priorities for the First Session of the 14th Alaska State Legislature. The Alaska Conference of Mayors, which also met in Juneau, concurred in those legislative priorities as having the most beneficial impact on local government in Alaska.

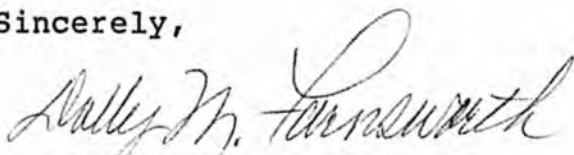
The basic revisions to Title 29 are embodied in HB 72 introduced by the Rules Committee by request of the Governor. The Governor has indicated that he will soon be introducing the same bill in the Senate to improve the chance of the legislation moving quickly through both houses. The legislation was developed by legislative request in 1980 and, after extensive hearings, was originally introduced in 1981. With some minor changes, HB 72 is the same legislation that passed the 12th Legislature without the last minute, controversial amendments that caused Governor Hammond to veto it, and the same legislation that passed the House in the 13th Legislature. As far as the municipalities are concerned, minimum hearings are necessary on this legislation. It should be passed without amendment. Other amendments to Title 29 should be addressed in separate legislation.

Again, I urge you to work and vote for the passage of HB 72, (or the comparable bill when introduced into the Senate by the Governor) unamended, and the full funding of the State Revenue

The Honorable Edna DeVries
February 21, 1985
Page 2

Sharing and Municipal Assistance programs. I understand the difficulties you are facing with the State budget in Juneau but this legislation and funding will go a long way in helping our constituents at the local level.

Sincerely,

A handwritten signature in cursive script that reads "Dolly M. Farnsworth". The signature is written in dark ink and is positioned above the typed name.

Dolly M. Farnsworth
Mayor

DMF:mg



ADOPTED AUGUST 1972

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 V
Juneau, 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



Unique — even in Alaska!

THE CITY OF WHITTIER

February 27, 1985

Senator Edna Armstrong-DeVries
Pouch V
Juneau, AK 99811

Dear Senator DeVries:

On behalf of the City of Whittier, the Alaska Municipal League, and all the municipalities in Alaska, I urge you to work and vote for the quick passage of the basic revisions to Title 29 this year. At their recent meeting in Juneau, the Board of Directors of the Alaska Municipal League, of which the City of Whittier is a member, agreed on the passage of the Title 29 revisions and the full funding of the State Revenue Sharing and Municipal Assistance programs as their priorities for the First Session of the 14th Alaska State Legislature. The Alaska Conference of Mayors, which also met in Juneau, concurred that these legislative priorities would have the most beneficial impact upon local government in Alaska.

The basic revisions to Title 29 are embodied in HB 72, which was introduced by the Rules Committee at the request of Governor Sheffield. The Governor has indicated that he will soon be introducing the same bill in the Senate to improve the chance of the legislation moving quickly through both houses. The legislation was developed by legislative request in 1980, and, after extensive hearings, was originally introduced in 1981. With some minor changes, HB 72 is the same legislation that passed the 12th Legislature without the last minute, controversial amendments that caused Governor Hammond to veto it, and the same legislation that passed the House in the 13th Legislature. As far as the municipalities of Alaska are concerned, minimum hearings are necessary on this legislation. It should be passed without amendment. Other amendments to Title 29 should be addressed in separate legislation.

Again, I urge you to work and vote for the passage of HB 72 (or the comparable bill when introduced into the Senate by the Governor) unamended, and for full funding for the State Revenue Sharing and Municipal Assistance programs. I understand the difficulties you are facing with the State budget in Juneau. However, this legislation and funding will go a long

Letter to Senator DeVries
Page 2
February 27, 1985

way in helping our constituents at the local level.

Sincerely,

A handwritten signature in cursive script that reads "Mary Lee Brown". The signature is written in dark ink and is positioned above the typed name.

Mary Lee Brown
City Manager

MLB:amd

xc: Alaska Municipal League



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

March 20, 1985

Mayor Leonard V. Pingatore
City of Cordova
P.O. Box 1210
Cordova, AK 99574

Dear Mayor Pingatore:

I am pleased through your President, Mayor Tony Knowles, to invite you to come as a guest before the Senate Community & Regional Affairs Committee when you meet in Juneau on March 26, 1985.

The Committee would like to hear your personal comments on pending legislation as well as your suggestions for legislation that you feel can benefit local government.

The Committee meets from 3:30 p.m. until 5:00 p.m. in the Beltz Room on the second floor of the Capitol Building. I have cleared the committee calendar for March 26, so that any discussion item you wish covered will be welcomed by me. The other members of the committee are: Senator Jack Coghill, Senator Arliss Sturgulewski, Senator Vic Fischer, and Senator Frank Ferguson.

I look forward to seeing you in Juneau.

Sincerely,

Edna DeVries
Senator

ED:YMA/ta

cc: Committee Members



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

March 20, 1985

Travis Yarbrough
Planning/Zoning Commission
City of Cordova
P.O. Box 1210
Cordova, Alaska 99574

Dear Travis:

I am pleased to report to you that I moved SB 142, the revision to Title 29, out of my committee this past week. My committee, Senate Community and Regional Affairs, held two committee hearings and one special work session in order to take action on the bill at the earliest possible date.

We considered a number of amendments, all but two of which came to us after having been passed by the House Committee on Community and Regional Affairs. We adopted all but one of the House committee amendments that were generally technical in nature. My committee also passed a letter of intent and a purpose clause and passed out SB 142 as a committee substitute.

Senate Community and Regional Affairs proposed no new amendments to this important piece of legislation. This does not mean that the Committee is 100% pleased with every provision of SB 142. It does mean that we appreciate the need to pass this bill as soon as possible so that the laws pertaining to local government can be unified in one statute title for the convenience and administrative efficiency of all government officials.

I held a meeting this week with Senator Pat Rodey, who chairs the committee that now has SB 142 (Senate Judiciary), and offered him my full assistance.

Subject: SB 142

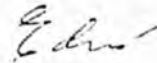
- 2 -

March 20, 1985

I will continue to work for passage this year of this most important legislative measure.

God bless you.

Sincerely,



Edna DeVries
Senator

ED:YMA/ta



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman
Members
Senator Ferguson, Vice Chairman
Senator Coghill
Senator Sturgulewski
Senator V. Fischer

Pouch V
Juneau, Alaska 99811

MEMORANDUM

February 19, 1985

TO: Members, Community and Regional Affairs Committee
FROM: Edna DeVries, Chair *E d*
SUBJECT: Title 29 Revisions (SB 142, HB 72)

Representative Goll, House C&RA Chair, and I have discussed the hearing schedule for the above-referenced legislation. As you will recall, recent testimony from the Board of the Municipal League confirmed the importance local government attaches to the speedy passage of a revised Title 29. Representative Goll plans the following schedule for HB 72:

- February 25 -- HB 72 overview from Governor's Office and possibly also Department of C&RA.
- March 4 ----- Amendments in writing from Committee members; no verbal amendments to be accepted.
- March 11 ----- New proposals from interested parties outside of committee, maybe public testimony.
- March 18 ----- Continue and complete work on bill.

These dates are, of course, approximate; but they do represent the plans of the House Community and Regional Affairs Committee.

Representative Goll plans to send me a sectional analysis of HB 72 around the middle of next week. I would like to schedule an overview of SB 142 as soon as possible.

Attached is a memorandum to the Committee from Scott Burgess, Executive Director of the Municipal League. The memorandum requests quick passage of SB 142, stating that the 100 member municipalities of the League support the bill without amendments. The memorandum also attaches resolutions urging passage of SB 142 from the League, the Alaska

Conference of Mayors, the North and Northwest Alaska Mayors' Conference, the Alaska Association of Municipal Clerks, the City/Borough of Juneau, the Matanuska-Susitna Borough, the Kodiak Island Borough, the Municipality of Anchorage, and 12 individual cities.

I would like to schedule an overview and hearings as soon as possible. If you have comments, please contact me or the Committee Assistant, Yvonne Alford.

Attachments

Alaska
MUNICIPAL
League

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

105 MUNICIPAL WAY, SUITE 301
JUNEAU, ALASKA 99801

To: Senate Community and Regional Affairs Committee

From: Scott A. Burgess, Executive Director 

Date: February 12, 1985

Subject: SB 142 - Resolutions of support

On behalf of the Board of Directors of the Alaska Municipal League, thank you for your time on January 31, 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 constituent. In light of the State's declining revenue picture.

The resolutions attached were passed by municipalities in support of the basic revisions to Title 29 without controversial amendments. These resolutions were gathered on last year's HB 172, basically the same bill as SB 142. The League and its 100 member municipalities supports the quick passage of SB 142 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 SB 142.

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

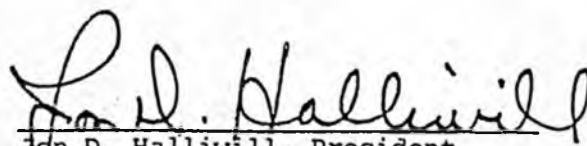
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read and understand; and

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 *Unalaska* *Chris H. Loren* *Dawning*
President 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: Georgjanna Booth
P. O. Box 870430
Wasilla, Alaska 99687
(907) 376-5227

RESOLUTION NO. 84-1

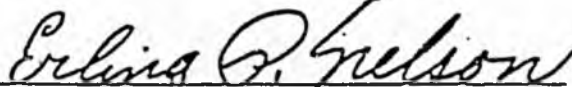
A RESOLUTION OF THE ALASKA ASSOCIATION OF MUNICIPAL CLERKS URGING PASSAGE OF HB 172 (TITLE 29 REWRITE).

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

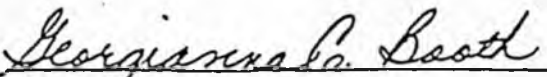
WHEREAS, the present hodgepodge within Title 29 smacks of the Tower of Babel; and

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:


Georgjanna 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

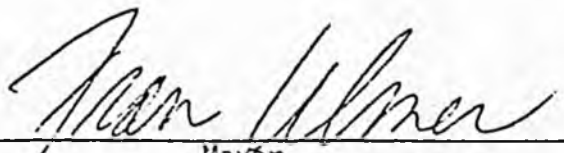
WHEREAS, the proposed municipal code revision reorganizes and clarifies Title 29 without making major policy changes, and

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:

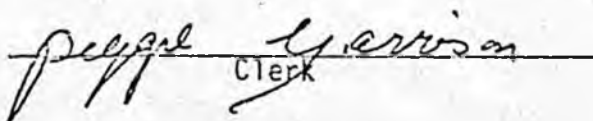
That the Alaska State Legislature is urged to act immediately on the proposed Title 29 revision and to pass out a "clean" version without additional policy changes or controversial amendments.

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

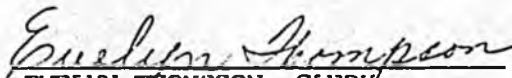
WHEREAS, any substantive legislation affecting local governments should be handled by separate bills so that the public would have adequate notice and opportunity to be heard with respect to substantive issues at the time the bills are considered;

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 M. Kelly
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 6th day of March, 1984.



Chairman

ATTEST:


Municipal Clerk

CITY OF FORT YUKON

INCORPORATED 1959

Post Office Box 269

Fort Yukon, Alaska 99740

Telephone (907) 662-2479 or 2379

RESOLUTION 84-07

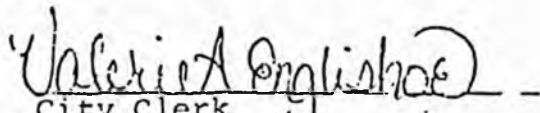
- WHEREAS, Title 29 of the Alaska Statutes, the Municipal code, has not been revised since 1972; and
- WHEREAS, Eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read and understand; and
- WHEREAS, The proposed revision of Title 29 reorganizes and clarifies 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

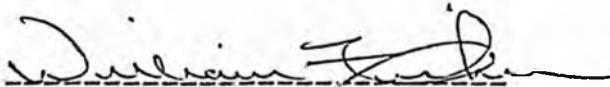
WHEREAS: This title has been amended many times since statehood but not recodified in recent years, and

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

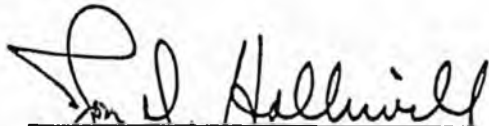
WHEREAS, "clean" versions of the municipal code revision were introduced in each house by the Thirteenth Legislature during its first session, and

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

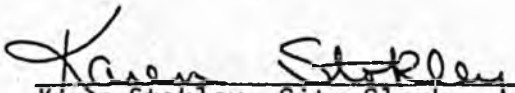
WHEREAS, the municipalities in Alaska need the proposed revisions to Title 29 to eliminate the existing confusion that exists within Title 29 and to provide municipalities in Alaska with a legal framework more suited to the 1980's;

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. Halliwell, 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

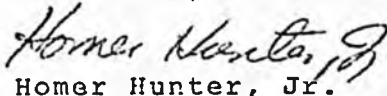
Dear Senator:

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 ^{ld} 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

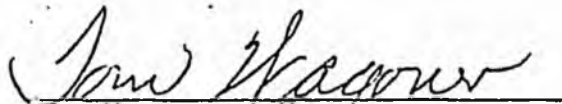
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is both difficult to read and to understand, and

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

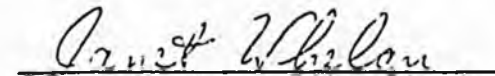
WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 revision a clear and understandable bill.

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

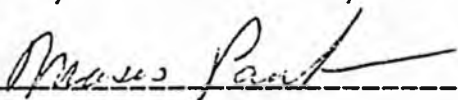
WHEREAS: The Alaska State Legislature is considering HB 172 providing for a comprehensive revision of Title 29 governing municipal governments;

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

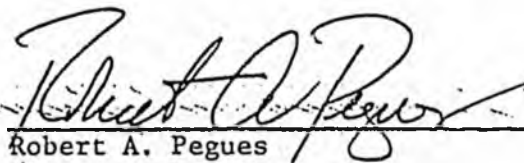
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read, understand and administer; and

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

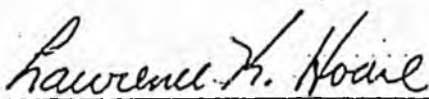
WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 revision a "clean" bill; then

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 YEAS - 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. 84-14

A RESOLUTION OF THE SAND POINT CITY COUNCIL REQUESTING THE ALASKA STATE LEGISLATURE TO ADOPT THIS BILL AS 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 R. 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

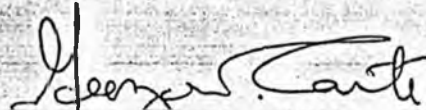
WHEREAS, many hours have been spent on the rewrite of Title 29 by both State and Local Elected and Appointed Officials, and

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 10th 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).

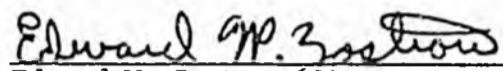
Section 2: The City Council supports this bill in its basic form and requests other proposals which would constitute major policy revisions or innovations in the function of local government be considered in separate legislation.

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.

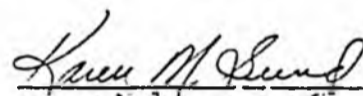
Section 4: The City Clerk is hereby directed to send copies of this resolution to Representative McBride, Representative Wendte, Senator Ziegler, the House Community and Regional Affairs Committee, the House Judiciary Committee, and the House Rules Committee, the Senate Community and Regional Affairs 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, Mayor

ATTEST:


Karen M. Sund, Deputy Clerk

Submitted By:
Mayor Rasmussen
Action Taken:
Yes /S/ No /D/

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,

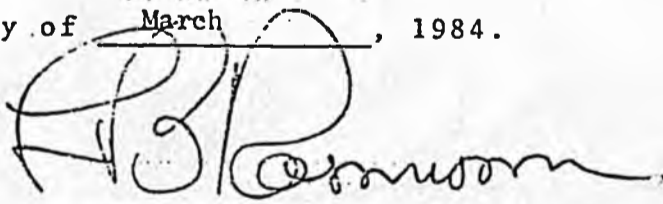
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read and understand; and,

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

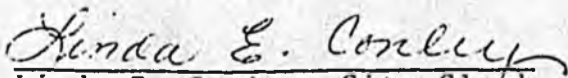
WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 a "clean" bill;

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

ATTEST:

John R. Peck
MAYOR

Marcella Dolbe
CITY CLERK