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4 of 4

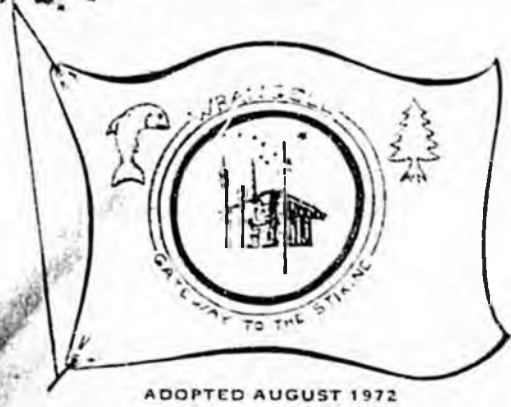
Mary Van Doren  
3743/3745

See Ziegler's Office

# CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99929 (907) 874-2381



ADOPTED AUGUST 1972

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:

CS (C+24)

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.

CS (C+24)

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.

P. 35 L. 14

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.

P. 43 L. 3

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.

P. 69 L. 10

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.

P. 72 L. 22

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

P. 77 L. 21 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.

P. 125 L. 24 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.

P. 134  
P. 131 L. 1 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

ARECA CONCERNS ON SENATE BILL 142  
submitted to Senate Judiciary Committee  
April 11, 1985

1. Page 102. Exemption from municipal taxation.

Problem: Electric and telephone cooperatives are taxed under AS 10.25.540-560 and are exempt from municipal taxes. Our concern is that the enactment of a new Title 29 without an exemption for electric and telephone cooperatives could be interpreted as a change in public policy.

Solution: A letter of intent which clearly states that this does not represent a change of public policy and that electric and telephone cooperatives taxed under AS 10.25 will continue to be exempt from municipal taxes as provided in AS 10.25.540. The letter of intent from the Senate Committee on Community and Regional Affairs appears to be adequate.

2. Page 77 - 78. Franchises and permits.

Problem: The proposed AS 29.35.060 reenacts subsections (a) and (b), but it deletes the existing law now contained in AS 29.48.050(c). The missing language provides that utilities shall have the right to use municipal rights of way under reasonable terms and conditions and that the APUC shall decide what is reasonable when there is a disagreement between a municipality and a utility. Similar language also is found in AS 42.05.251. We are concerned that the enactment of a new Title 29 without this provision could be interpreted as a change in public policy.

Solution: A letter of intent which clearly states that this does not represent a change in public policy and that public utility access to municipal rights of way are governed by AS 42.05.251. The letter of intent from the Senate Committee on Community and Regional Affairs appears to be adequate.

3. Page 78. Utility Regulation.

Problem: The drafting style in this section opens the door for municipal regulation of utilities already regulated by the APUC if the regulation by the municipality is somehow different from the regulation by the APUC.

Solution: Amend p. 78, lines 8-11, to read:

"or its inhabitants by a utility that is not subject to regulation under AS 42.05 unless that utility is exempted from regulation under AS 42.05.711(a) or (d)-(k)."

4. Pages 74-75. Extraterritorial jurisdiction.

Problem: Existing law in AS 29.48.040 provides that a municipal utility may extend its service outside its municipal boundary into "adjacent areas." This language was written to solve real historical problems. The proposed AS 29.35.020 would give municipal utilities the legal authority to extend their service anywhere in the state. That authority, coupled with the power of eminent domain, could permit municipal imperialism at the expense of existing utilities.

Solution: Reenact the present law by amending AS 29.35.020, page 75, line 3, by deleting "utility services" and on line 15, by adding a new subsection (c) to read:


"(c) A municipality owning or operating utilities may extend service to adjacent areas outside its municipal limits. For that purpose the municipality may acquire, maintain and operate utility facilities together with necessary real property interests in real property outside its limits."

# MEMORANDUM

## State of Alaska Community and Regional Affairs

TO: Jeff Smith  
Deputy Commissioner

THRU: Marty Rutherford  
Director

FROM: Jim Plasman   
Local Government Specialist IV

DATE: April 12, 1985

FILE NO: 0109j/JP/sw

TELEPHONE NO: 465-4707

SUBJECT: Requested Senate  
Bill 142 Amendment

You have requested I prepare an amendment for SB 142 which would essentially delete the House CRA amendment allowing second class cities and unincorporated communities to go directly to home rule status and restore the original language of the Governor's bill.

### AMENDMENT

TO: SB 142

Page 29, line 9 through page 33, line 7:

Delete all material and insert the following new sections:

1 be appealed under the Administrative Procedure Act (AS 44.62).

2 Sec. 29.06.510. ELECTION. (a) The Local Boundary Commission  
3 shall immediately notify the director of elections of its acceptance  
4 of a dissolution petition. Within 30 days after notification, the  
5 director of elections shall order an election in the municipality to  
6 determine whether the voters desire dissolution. The election must be  
7 held at least 30 and not more than 90 days after the election order.  
8 A person who is a voter of the municipality may vote in the dissolu-  
9 tion election.

10 (b) The director of elections shall supervise the election in  
11 the general manner prescribed by the Alaska Election Code (AS 15).  
12 The state shall pay all election costs.

13 (c) The director of elections shall certify the election re-  
14 sults. If dissolution is approved, the director of elections shall  
15 declare that the municipality is dissolved effective on the date of  
16 certification.

17 Sec. 29.06.520. SUCCESSION. The government succeeding to a dis-  
18 solved municipality succeeds to all its rights, powers, duties, as-  
19 sets, and liabilities.

20 Sec. 29.06.530. APPLICATION. AS 29.06.450 -- 29.06.530 apply to  
21 home rule and general law municipalities.

22 \* Sec. 5. AS 29 is amended by adding a new chapter to read:

23 CHAPTER 10. HOME RULE MUNICIPALITIES.

24 ARTICLE 1. CHARTERS.

25 Sec. 29.10.010. MUNICIPAL CHARTER ADOPTION. A first class  
26 municipality or second class borough may adopt a charter for its own  
27 government. A home rule municipality may amend its charter or adopt a  
28 new one. A charter is framed by a charter commission of seven members  
29 chosen by the municipal voters at a regular or special election. A

1 candidate for the commission shall be a qualified voter of the munici-  
2 pality and a resident of the municipality for three years immediately  
3 preceding the election. A charter commission election is called by  
4 filing a petition with the borough assembly or the city council, or by  
5 resolution of the borough assembly or city council. The petition  
6 shall be signed by a number of municipal voters equal to 15 percent of  
7 the votes cast in the last regular election of the municipality.

8 Sec. 29.10.020. NOMINATION. Charter commission candidates are  
9 nominated by petitions signed by 50 voters or the number of qualified  
10 municipal voters equal to 10 percent of the number of votes cast in  
11 the last regular election, whichever is less.

12 Sec. 29.10.030. ELECTION. At the charter commission election  
13 the voters shall consider the question "Shall a charter commission be  
14 elected to frame a proposed new charter?" and shall select the members  
15 of the commission. If the question is approved, the seven candidates  
16 receiving the highest number of votes shall immediately organize as a  
17 charter commission.

18 Sec. 29.10.040. PREPARATION OF CHARTER. The charter commission  
19 shall, within one year, prepare a municipal charter. The proposed  
20 charter shall be signed by a majority of the charter commissioners and  
21 filed in the office of the municipal clerk. Within 15 days, the  
22 borough assembly or city council shall have the charter published once  
23 in a newspaper of general circulation if distributed within the  
24 municipality. The clerk shall post copies of the proposed charter in  
25 at least three public places and make copies available at the office  
26 of the clerk. The commission shall give published notice of and hold  
27 at least one public hearing on the proposed charter before the signing  
28 and filing of the charter.

29 Sec. 29.10.050. INITIATIVE AND REFERENDUM. (a) Municipal

1 charters shall provide the procedures for the initiative and referen-  
2 dum.

3 (b) A charter may not require an initiative or referendum peti-  
4 tion to have a number of signatures greater than 25 percent of the  
5 total votes cast at the last regular municipal election.

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

9 Sec. 29.10.060. CHARTER ELECTION. The charter shall be submit-  
10 ted to the municipal voters at a regular or special election held not  
11 less than 30 days nor more than 90 days from the publication of the  
12 charter.

13 Sec. 29.10.070. CHARTER ADOPTION. (a) If a majority of those  
14 voting on the question favor the proposed charter, it becomes the  
15 organic law of the municipality. Thereafter, the court shall take  
16 judicial notice of the charter. The municipality shall file the  
17 indicated number of copies of the charter with the

18 (1) lieutenant governor -- two copies;

19 (2) Department of Community and Regional Affairs -- two  
20 copies;

21 (3) district recorder -- one copy;

22 (4) municipal clerk -- one copy.

23 (b) If a proposed charter is rejected, the charter commission  
24 shall prepare another proposed charter to be submitted to the voters  
25 at a regular or special election to be held within one year after the  
26 date of the first charter election. If the second proposed charter is  
27 also rejected, the charter commission shall be dissolved and the  
28 question of adoption of a charter shall be treated as if it had never  
29 been proposed or approved.

1           Sec. 29.10.080. CHARTER AMENDMENT. A municipal charter may be  
2           amended as provided in the charter or by initiative referendum as  
3           provided in AS 29.26.100 -- 29.26.190, except that no amendment shall  
4           be effective unless ratified by the voters.

5           ARTICLE 2. HOME RULE LIMITATIONS.

6           Sec. 29.10.100. LIMITATION OF HOME RULE POWERS. Only the fol-  
7           lowing provisions of this title apply to home rule municipalities as  
8           prohibitions on acting otherwise than as provided. These provisions  
9           supersede existing and prohibit future home rule enactments that  
10          provide otherwise:

- 11           (1) AS 29.05.140 (transition)
- 12           (2) AS 29.06.010 (change of municipal name)
- 13           (3) AS 29.06.040 -- 29.06.060 (annexation and detachment)
- 14           (4) AS 29.06.090 -- 29.06.170 (merger and consolidation)
- 15           (5) AS 29.06.190 -- 29.06.420 (unification of municipali-  
16          ties)
- 17           (6) AS 29.06.450 -- 29.06.530 (dissolution)
- 18           (7) AS 29.10.100 -- (charter amendment)
- 19           (8) AS 29.20.010 (conflict of interest)
- 20           (9) AS 29.20.020 (meetings public)
- 21           (10) AS 29.20.050 (legislative power)
- 22           (11) AS 29.20.060 -- 29.20.120 (assembly composition and  
23          apportionment)
- 24           (12) AS 29.20.140 (qualifications of members of governing  
25          bodies)
- 26           (13) AS 29.20.150 (term of office)
- 27           (14) AS 29.20.220 (executive power)
- 28           (15) AS 29.20.630 (prohibitions)
- 29           (16) AS 29.20.640 (reports)

HB 72  
CSHB 72 C&RA AM

MEASURE HISTORY

PAGE 01 OF 0

AN ACT RELATING TO MUNICIPAL GOVERNMENT, AND PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: RULES COMMITTEE  
CO-SPONSORS:

BY REQ OF THE GOVERNOR

\$000 GENERAL(FNOTE)

\$000 OTHER(FNOTE)

CURRENT STATUS: (S) C&RA

DATE		PAGE	ACTION
01/16/85	(H)	43	READ THE FIRST TIME - REFERRAL(S)
01/16/85	(H)	43	GOVERNOR'S TRANSMITTAL LETTER
01/16/85	(H)	43	FISCAL NOTE SUPPLEMENT NO4
03/08/85	(H)	538	C&RA RPT W/CS 5DP 2AMEND
03/08/85	(H)	599	LETTER OF INTENT FROM C&RA (3/15/85)
03/20/85	(H)	650	JUD REFERRAL WAIVED
04/08/85	(H)	837	FIN RPT W/CS(C&RA) & AMENDMENT 7DP
04/08/85	(H)	838	FISCAL NOTE SUPPLEMENT 43
04/15/85	(H)		RLS TO CALENDAR 4/15/85
04/15/85	(H)	924	READ THE SECOND TIME

HB 72

MEASURE HISTORY

PAGE 02 OF 0

DATE		PAGE	ACTION
04/15/85	(H)	924	CSHB 72(C&RA) ADOPTED UNAN CONSENT
04/15/85	(H)	924	AM NO 1 ADOPTED UNAN CONSENT
04/15/85	(H)	925	AM NO 2 FAILED Y15 N22 X2 A1
04/15/85	(H)	926	AM NO 3 FAILED Y10 N28 X2
04/15/85	(H)	927	AM NO 4 FAILED Y17 N30 X2 A1
04/15/85	(H)	927	AM NO 5 FAILED Y15 N22 X2 A1
04/15/85	(H)	928	AM NO 6 FAILED Y16 N21 X2 A1
04/15/85	(H)	929	AM NO 7 FAILED Y17 N20 X2 A1
04/15/85	(H)	930	RESCIND VOTE AM 2, Y24 N14 X2
04/15/85	(H)	930	AM NO 2 FAILED AGAIN Y19 N19 X2
04/15/85	(H)	931	ADVANCED TO THIRD READING UNAN CONSENT
04/15/85	(H)	931	READ THE THIRD TIME CSHB 72(C&RA)AM
04/15/85	(H)	931	PASSED Y37 N1 X2
04/15/85	(H)	932	EFFECTIVE DATES SAME AS PASSAGE
04/15/85	(H)	932	C&RA LETTER OF INTENT ADOPTED
04/15/85	(H)	932	PIGNALBERI NOTICE OF RECONSIDERATION
04/16/85	(H)	952	RECON TAKEN UP - IN THIRD READING
04/16/85	(H)	952	RETURN TO 2ND FOR AM 8 Y24 N13 X3
04/16/85	(H)	953	AM NO 8 FAILED Y17 N20 X3
04/16/85	(H)	953	AUTOMATICALLY IN THIRD READING
04/16/85	(H)	953	PASSED ON RECONSIDERATION Y36 N1 X3

HB 72

MEASURE HISTORY

PAGE 03 OF 0

DATE		PAGE	ACTION
04/16/85	(H)	954	EFFECTIVE DATES SAME AS PASSAGE
04/16/85	(H)	954	C&RA LETTER OF INTENT ADOPTED
04/16/85	(H)		TRANSMITTED TO (S)
04/17/85	(S)		READ THE FIRST TIME
			C&RA
			JUDICIARY
			FINANCE
			RULES

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Rec'd 3/18/85  
copy to Rodey

Revision Date: 3/15/85

REQUEST

Bill/Resolution No.: CSSB 142 (C&RA)  
Title: An Act Relating to  
Municipal Government  
Sponsor: Rules/Governor  
Requestor: Senate C&RA Committee  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		-0-	400.0	350.0		
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	400.0	350.0		

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	400.0	350.0		
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	400.0	350.0		

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

SEE ATTACHED ANALYSIS

Prepared By: Doug Griffin, Deputy Director *griffin* Phone: 465-4750  
Division: Municipal & Regional Assistance Date: 3/15/85

Approved by Commissioner: [Signature] Date: 3/15/85  
Agency: Community & Regional Affairs

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

7/1/84

AN ACT RELATING TO MUNICIPAL GOVERNMENT

ANALYSIS: This bill commits the State to paying increased levels of transitional assistance to newly incorporated cities and boroughs. However, given the increasingly complex requirements for incorporation, the fact that the bill does not become effective until January 1, 1986 (half way through FY 86), and the ability to request supplemental funding to pay transitional grants after the fact on a reimbursement basis, assumptions have been changed to produce a zero fiscal effect for FY 86. This will prevent money from being tied up to address incorporations which may not occur.

The Legislature does need to acknowledge that the bill does carry possible increased financial obligations, but it is impossible to predict when these added costs will be borne by the State. For this reason, the fiscal note reflects no additional cost for FY 86, but assumptions for future years are included as follows:

Assumptions:           FY 86 - no incorporations  
                          FY 87 - two cities and one borough incorporate  
                          FY 88 - two cities incorporate

Program Summary: The only portion of this bill which will create fiscal impact is Sec. 29.05.180-190 which provides additional transitional assistance through increased organizational grants. The Department is also required to provide additional assistance to newly formed cities and boroughs in setting up a sales tax collection system and tax rolls for property taxation. It is difficult to gauge whether this type of assistance will in fact be requested. If it is requested, additional work will be required of the State Assessor and technical assistance sections of the Division of Municipal and Regional Assistance. Given this uncertainty, possible costs for this type of technical assistance are not reflected in this fiscal note.

Computations:

Grants in FY 86.....	-0-
Grants in FY 87.....	400.0
(2 cities @ \$50,000 per -- first year grant)	
(1 borough @ \$300,000 per -- first year grant)	
Grants in FY 88.....	350.0
(2 cities @ \$50,000 per -- first year grant)	
(2 cities @ \$25,000 per -- second year grant)	
(1 borough @ 200,000 per -- second year grant)	

Economic Impact: The economic impact on State and local governments will be limited.

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

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 16, 1985

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

Dear Representative Grussendorf:

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

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

Sincerely,

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

Bill Sheffield  
Governor

AN ACT RELATING TO MUNICIPAL GOVERNMENT

ANALYSIS: This bill commits the State to paying increased levels of transitional assistance to newly incorporated cities and boroughs. However, given the increasingly complex requirements for incorporation, the fact that the bill does not become effective until January 1, 1986 (half way through FY 86), and the ability to request supplemental funding to pay transitional grants after the fact on a reimbursement basis, assumptions have been changed to produce a zero fiscal effect for FY 86. This will prevent money from being tied up to address incorporations which may not occur.

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STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

*SEP 43*

Revision Date: 3/15/85

Page 1 of 2

**REQUEST**

Bill/Resolution No.: CSHB 72 (C&RA)  
 Title: An Act Relating to  
Municipal Government  
 Sponsor: Rules/Governor  
 Requestor: Senate C&RA Committee  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

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

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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100 PERSONAL SERVICES						
200 TRAVEL						
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600 LAND & STRUCTURES						
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800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	400.0	350.0		

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND		-0-	400.0	350.0		
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	400.0	350.0		

**POSITIONS:**

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

**ANALYSIS:** Attach a separate page if necessary

SEE ATTACHED ANALYSIS

Prepared By: Doug Griffin, Deputy Director *griff* Phone: 465-4750  
 Division: Municipal & Regional Assistance Date: 3/15/85

Approved by Commissioner: *[Signature]* Date: 3/15/85  
 Agency: Community & Regional Affairs

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

7/1/84

*115-72*



# Alaska State Legislature

## House of Representatives

### Committee on Community & Regional Affairs

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

LETTER OF INTENT  
to  
CSHB 72 (C&RA)

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

Peter Goll  
Chairman

*Peter Goll*

*ROD E. JEFF*

*Max [unclear]*

*Phil [unclear]*

*John [unclear]*

\_\_\_\_\_

\_\_\_\_\_

*Adopted by House 4/16/85*

Cook ✓

*Handwritten references are to House Bill*

A M E N D M E N T *CSHB 72 (C&RA) am*

Offered in the SENATE

TO: CSSB 142(C&RA)

Page 4, line <sup>2</sup>~~15~~:

Delete "home rule or"

Page 6, line <sup>13</sup>~~26~~:

Delete "home rule or"

Page <sup>6</sup>~~7~~, line <sup>21</sup>~~5~~:

Delete "municipality" and insert "borough"

Page 8, line <sup>14</sup>~~27~~:

Delete "municipality" and insert "borough"

Page 11, line <sup>3</sup>~~16~~:

Delete "home rule or"

Page <sup>28</sup>~~29~~, lines <sup>27-29</sup>~~11-16~~, Page 29, lines 1-3

After "ment." delete all material and reletter the following subsections accordingly.

Page 29, line <sup>14</sup>~~27~~:

Delete "an unincorporated community or"

Page ~~30~~<sup>29</sup>, line ~~4~~<sup>17</sup>:

Delete "municipality" and insert "borough"

Page ~~30~~<sup>29</sup>, lines ~~3~~<sup>19</sup> and ~~4~~<sup>20</sup>:

Delete "and at least one model home rule charter for a city"

Delete "charters" and insert "charter"

Page ~~30~~<sup>29</sup>, line ~~6~~<sup>22</sup>:

Delete "municipality" and insert "borough"

Page 31, line ~~10~~<sup>5</sup>:

Delete "unincorporated community or for an"

Page 31, line ~~23~~<sup>10</sup>:

Delete "an unincorporated community or in"

Page 31, lines ~~24~~<sup>11</sup> and ~~25~~<sup>12</sup>:

Delete "municipality" and insert "borough"

Page 31, line ~~28~~<sup>15</sup>:

Delete "municipality" and insert "borough"

Page ~~33~~<sup>32</sup>, line ~~4~~<sup>17</sup>:

Delete "municipality" and insert "borough"

Page ~~33~~<sup>32</sup>, line 2:

Delete "unincorporated community or"

*adopted by the Hse  
4/15/85*

Cook ✓

A M E N D M E N T

Offered in the HOUSE

By Rieger

TO: CSHB 72 (C&RA)

Page 10, line 27:

Delete "June 30, 1986" and insert "December 31, 1985"

Page 11, line 2:

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

Page 11, line 3:

Delete "June 30, 1986" and insert "December 31, 1985"

Page 11, line 20:

Delete "June 30, 1986" and insert "December 31, 1985"

Page 12, line 21:

Delete "June 30, 1986" and insert "December 31, 1985"

Page 12, line 24:

Delete "June 30, 1986" and insert "December 31, 1985"

Page 105, line 28:

Delete "AS 19.70.081" and insert "AS 18.70.081"

Page 114, line 8:

Before "property" insert "taxable"

Page 114, line 12:

Before "property" insert "taxable"

Delete "under this chapter and"

Page 114, line 13:

Before "property" insert "taxable"

Delete "under this chapter and"

Cook ✓

A M E N D M E N T

Offered in the HOUSE

By Rieger

TO: CSHB 72 (C&RA)

Page 10, line 27:

*pg 11 lines 13, 20, pg 12, lines 21, 24*  
Delete "June 30, 1986" and insert "December 31, 1985"

Page 11, line 2:

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

Page 105, line 28:

Delete "AS 19.70.081" and insert "AS 18.70.081"

- 1 -

4/4/85

Page 114, line 8:

Before "property" insert "taxable"

Page 114, lines 12 + 18

Before "property" insert "taxable"

Delete "under this chapter and"

CSHB 72(C&RA)am

## CSHB 72(C&amp;RA)AM RECONSIDERATION

Yeas: 36 Binkley, Boucher, Clocksin,  
Cotten, Davis, Duncan, Frank,  
Fuller, Furnace, Goll, Gruenberg,  
Grussendorf, Hanley, Herrmann,  
Hurley, Jenkins, Koponen, Larson,  
Marrou, Miller, M.M., Miller, M.W.,  
Navarre, Pearce, Pettyjohn,  
Phillips, Pignalberi, Pourchot,  
Rieger, Ringstad, Shultz, Sund,  
Szymanski, Taylor, Thompson,  
Uehling, Wallis

Nays: 1 Martin

Excused: 3 Adams, Cato, Collins

Absent: 0

Martin changed from "yea" to "nay".

And so, CSHB 72(C&RA)am passed the House on reconsideration.

Representative Clocksin moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clauses. There being no objection, it was so ordered.

Representative Clocksin moved and asked unanimous consent that the House adopt the Community & Regional Affairs Committee letter of intent (page 599). There being no objection, it was so ordered.

CSHB 72(C&RA)am was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESSHB 21

Representative Szymanski added his name as co-sponsor to HOUSE BILL NO. 21 (relating to homesites for veterans).

HB 316

Representative Szymanski added his name as co-sponsor to HOUSE BILL NO. 316 (relating to the navigable or public waters of the state; effective date).

HJR 32am

HJR 32am was engrossed  
Clerk and transmitted to

CSHB 72(C&RA)am

CSHB 72(C&RA)am was engrossed  
Chief Clerk and transmitted for  
consideration.

CSHB 219(Fin)

CSHB 219(Fin) was engrossed  
Chief Clerk and transmitted for  
consideration.

## Majority Caucus

Dwayne Carlson  
Retirement Roast

Democratic Luncheon  
Representative Duncan,  
Speaker

Revised Committee Schedule  
separate cover.

Representative Clocksin  
that the House adjourn  
There being no objection,

April 16, 1985

April 16, 1985

HOUSE JOURNAL

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CSHB 72(C&RA)am

CSHB 72(C&RA)AM MOTION

Yeas: 24 Binkley, Boucher, Cotton, Frank,  
Fuller, Furnace, Hanley, Herrmann,  
Jenkins, Marrou, Martin,  
Miller, M.W., Navarre, Pearce,  
Pettyjohn, Phillips, Pignalberi,  
Rieger, Ringstad, Shultz,  
Szymanski, Taylor, Thompson,  
Uehling

Nays: 13 Clocksin, Davis, Duncan, Goll,  
Gruenberg, Grussendorf, Hurley,  
Koponen, Larson, Miller, M.M.,  
Pourchot, Sund, Wallis

Excused: 3 Adams, Cato, Collins

Absent: 0

And so, CSHB 72(C&RA)am was returned to second reading.

Representative Pignalberi moved that Amendment No. 8 be adopted.

The question being: "Shall Amendment No. 8 be adopted?"  
The roll was taken with the following result:

CSHB 72(C&RA)AM AM8

Yeas: 17 Binkley, Cotten, Frank, Furnace,  
Hanley, Jenkins, Marrou, Martin,  
Miller, M.W., Pettyjohn,  
Pignalberi, Rieger, Ringstad,  
Shultz, Szymanski, Thompson,  
Uehling

Nays: 20 Boucher, Clocksin, Davis, Duncan,  
Fuller, Goll, Gruenberg,  
Grussendorf, Herrmann, Hurley,  
Koponen, Larson, Miller, M.M.,  
Navarre, Pearce, Phillips,  
Pourchot, Sund, Taylor, Wallis

Excused: 3 Adams, Cato, Collins

Absent: 0

Szymanski changed from "nay" to "yea".

And so, Amendment No. 8 was not adopted.

The question to be reconsidered: "Shall CSHB 72(C&RA)am pass the House?" The roll was taken with the following result:

Committee referral on  
S.B. NO. 165 (relating to  
of the Co-Chairman.  
Committee.

up reconsideration of  
S.B. NO. 72 (Community &  
relating to municipal

HOUSE BILLS

me.

increase taxes under this  
to the voters in an  
ally."

asked unanimous consent  
second reading for the

nt of order concerning

well taken.

(C&RA)am be returned to  
specific Amendment No.  
owing result:

SSHB 165

The Speaker waived the Resources Committee referral on SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 165 (relating to transplanting of elk) at the request of the Co-Chairman.

SSHB 165 was sent to the Finance Committee.

CSHB 72(C&RA)am

CSHB 72(C&RA)AM MO

Yeas: 24

CSHB 72(C&RA)am

Representative Pignalberi brought up reconsideration of COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 72 (Community & Regional Affairs) amended (relating to municipal government; effective date).

Nays: 13

Excused: 3

Absent: 0

And so, CSHB 72(C&RA)

Representative Pignalberi adopted.

The question being: The roll was taken w

CSHB 72(C&RA)AM AM6

Yeas: 17

THIRD READING OF HOUSE BILLS

CSHB 72(C&RA)am was read the third time.

Amendment No. 8 by Pignalberi:

Page 136, line 11:

Add new language:

"Propositions to increase taxes under this section shall not be presented to the voters in an election more than once annually."

Representative Pignalberi moved and asked unanimous consent that CSHB 72(C&RA)am be returned to second reading for the purpose of specific Amendment No. 8.

Nays: 20

Representative Pourchot objected.

Representative Sund rose to a point of order concerning debate straying from the amendment.

Excused: 3

Absent: 0

Szymanski char.

The Speaker ruled the point of order well taken.

And so, Amendment No

The question being: "Shall CSHB 72(C&RA)am be returned to second reading for the purpose o. specific Amendment No. 8?" The roll was taken with the following result:

The question to be pass the House?" result:

CSHB 72(C&RA)am

Representative Clocksin moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clauses. There being no objection, it was so ordered.

Representative Clocksin moved and asked unanimous consent that the House adopt the Community & Regional Affairs Committee letter of intent (page 599). There being no objection, it was so ordered.

Representative Pignalberi gave notice of reconsideration of his vote on CSHB 72(C&RA) am.

HB 92

HOUSE BILL NO. 92 (relating to child and spousal support; effective date) was read the second time with the Health, Education & Social Services Committee report (page 375), the Judiciary Committee report (page 717) and the Finance Committee report (page 883).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 92 (Judiciary) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 92(Jud)

Amendment No. 1 by Thompson:

Page 5, lines 3 and 4:

Delete "that may include cost-of-living adjustments"

Representative Thompson moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Goll objected.

The question being: "Shall Amendment No. 1 be adopted?"  
The roll was taken with the following result:

CSHB 92(Jud)

CSHB 92(JUD) AM1

Yeas: 8

Nays: 30

Excused: 2

Absent: 0

And so, Amendment No. 1

Amendment No. 2 by Thompson

Page 5, lines 3 and 4:

Delete "that adjustments"

Add: "that adjustments"

Representative Thompson moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative M.M. M...

The question being:  
The roll was taken with

CSHB 92(JUD) AM2

Yeas: 5

Nays: 33

pted.

at the House rescind its  
nt No. 2.

ouse rescind its action in  
The roll was taken with

ACTION

ins, Cotten, Frank,  
Hanley, Jenkins,  
ou, Martin,  
Pearce, Pettyjohn,  
nalberi, Rieger,  
itz, Sund, Szymanski,  
son, Uehling

ksin, Davis, Duncan,  
erg, Grussendorf,  
ley, Larson,  
Navarre, Pourchot,

ction in failing to adopt

the House adopt Amendment

a call of the House on

ndment No. 2 be adopted?"  
ing result:

CSHB 72(C&RA)am

CSHB 72(C&RA)AM AM2

Yeas: 19 Binkley, Collins, Cotten, Frank,  
Furnace, Hanley, Jenkins, Marrou,  
Martin, Miller, M.W., Pettyjohn,  
Pignalberi, Rieger, Ringstad,  
Shultz, Szymanski, Taylor,  
Thompson, Uehling

Nays: 19 Boucher, Clocksin, Davis, Duncan,  
Fuller, Goll, Gruenberg,  
Grussendorf, Herrmann, Hurley,  
Koponen, Larson, Miller, M.M.,  
Navarre, Pearce, Phillips,  
Pourchot, Sund, Wallis

Excused: 2 Adams, Cato

Absent: 0

And so, Amendment No. 2 was not adopted.

Representative Clocksin moved and asked unanimous consent  
that CSHB 72(C&RA)am be considered engrossed, advanced to  
third reading and placed on final passage. There being no  
objection, it was so ordered.

CSHB 72(C&RA)am was read the third time.

The question being: "Shall CSHB 72(C&RA)am pass the  
House?" The roll was taken with the following result:

CSHB 72(C&RA)AM

Yeas: 37 Binkley, Boucher, Clocksin,  
Collins, Cotten, Davis, Duncan,  
Frank, Fuller, Furnace, Goll,  
Gruenberg, Grussendorf, Hanley,  
Herrmann, Hurley, Jenkins,  
Koponen, Larson, Marrou,  
Miller, M.M., Miller, M.W., Navarre,  
Pearce, Pettyjohn, Phillips,  
Pignalberi, Pourchot, Rieger,  
Ringstad, Shultz, Sund, Szymanski,  
Taylor, Thompson, Uehling, Wallis

Nays: 1 Martin

Excused: 2 Adams, Cato

Absent: 0

And so, CSHB 72(C&RA)am passed the House.

CSHB 72(C&RA)am

Excused: 2 Adams, Cato

Absent: 1 Shultz

And so, Amendment No. 7 was not adopted.

Representative Cotten moved that the House rescind its action in failing to adopt Amendment No. 2.

The question being: "Shall the House rescind its action in failing to adopt Amendment No. 2?" The roll was taken with the following result:

CSHB 72(C&RA)AM MOTION TO RESCIND ACTION

Yeas: 24 Binkley, Collins, Cotten, Frank,  
 Furnace, Goll, Hanley, Jenkins,  
 Koponen, Marrou, Martin,  
 Miller, M.W., Pearce, Pettyjohn,  
 Phillips, Pignalberi, Rieger,  
 Ringstad, Shultz, Sund, Szymanski,  
 Taylor, Thompson, Uehling

Nays: 14 Boucher, Clocksin, Davis, Duncan,  
 Fuller, Gruenberg, Grussendorf,  
 Herrmann, Hurley, Larson,  
 Miller, M.M., Navarre, Pourchot,  
 Wallis

Excused: 2 Adams, Cato

Absent: 0

And so, the House rescinded its action in failing to adopt Amendment No. 2.

Representative Cotten moved that the House adopt Amendment No. 2.

Representative Marrou placed a call of the House on Amendment No. 2.

The call was satisfied.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 72(C&RA)am

CSHB 72(C&RA)AM AN2

Yeas: 19

Nays: 19

Excused: 2

Absent: 0

And so, Amendment No. 2

Representative Clocksin that CSHB 72(C&RA)am be third reading and placed objection, it was so ord

CSHB 72(C&RA)am was read

The question being: "Shall House?" The roll was taken

CSHB 72(C&RA)AM

Yeas: 37

Nays: 1

Excused: 2

Absent: 0

And so, CSHB 72(C&RA)am

April 15, 1985

April 15, 1985

HOUSE JOURNAL

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CSHB 72(C&RA)am

CSHB 72(C&RA)AM AM6

Yeas:	16	Collins, Frank, Furnace, Hanley, Jenkins, Koponen, Marrou, Martin, Miller, M.W., Pearce, Phillips, Pignalberi, Ringstad, Szymanski, Taylor, Uehling
Nays:	21	Binkley, Boucher, Clocksin, Cotten, Davis, Duncan, Fuller, Goll, Gruenberg, Grussendorf, Herrmann, Hurley, Larson, Miller, M.M., Navarre Pettyjohn, Pourchot, Rieger, Sund, Thompson, Wallis
Excused:	2	Adams, Cato
Absent:	1	Shultz

And so, Amendment No. 6 was not adopted.

Amendment No. 7 by Marrou:

Page 203, line 19 (Sec. 44.47.700):

Delete "a person" and insert "petition with the signatures of at least 50 registered voters"

Representative Marrou moved and asked unanimous consent that Amendment No. 7 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 7 be adopted?"  
The roll was taken with the following result:

CSHB 72(C&RA)AM AM7

Yeas:	17	Binkley, Clocksin, Collins, Frank, Furnace, Hanley, Jenkins, Marrou, Martin, Miller, M.W., Pettyjohn, Pignalberi, Rieger, Ringstad, Szymanski, Thompson, Uehling
Nays:	20	Boucher, Cotten, Davis, Duncan, Fuller, Goll, Gruenberg, Grussendorf, Herrmann, Hurley, Koponen, Larson, Miller, M.M., Navarre, Pearce, Phillips, Pourchot, Sund, Taylor, Wallis

asked unanimous consent

ent No. 5 be adopted?"  
g result:

Furnace, Goll,  
Martin,  
Pearce, Phillips,  
Taylor,  
ing

Clocksin,  
Duncan, Fuller,  
Grussendorf, Hanley,  
Koponen, Larson,  
Navarre, Pettyjohn,  
Pourchot, Sund,  
is

ted.

0.500):

nd make available for  
nal report on municipal

asked unanimous consent

ent No. 6 be adopted?"  
y result:

CSHB 72(C&RA)am

Representative Marrou moved and asked unanimous consent that Amendment No. 5 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 5 be adopted?"  
The roll was taken with the following result:

CSHB 72(C&RA)AM AM5

Yeas:	15	Cotten, Frank, Furnace, Goll, Jenkins, Marrou, Martin, Miller, M.W., Pearce, Phillips, Rieger, Ringstad, Taylor, Thompson, Uehling
Nays:	22	Binkley, Boucher, Clocksin, Collins, Davis, Duncan, Fuller, Gruenberg, Grussendorf, Hanley, Herrmann, Hurlley, Koponen, Larson, Miller, M.M., Navarre, Pettyjohn, Pignalberi, Pourchot, Sund, Szymanski, Wallis
Excused:	2	Adams, Cato
Absent:	1	Shultz

And so, Amendment No. 5 was not adopted.

Amendment No. 6 by Marrou:

Page 54, after line 8 (Sec. 29.20.500):

Insert new paragraph:

"(8) prepare and make available for public distribution an annual report on municipal affairs."

Representative Marrou moved and asked unanimous consent that Amendment No. 6 be adopted.

Representative Goll objected.

The question being: "Shall Amendment No. 6 be adopted?"  
The roll was taken with the following result:

CSHB 72(C&RA)am

CSHB 72(C&RA)AM AM6

Yeas:	16	Collins, Jenkins, Miller, Pignalberi, Taylor
Nays:	21	Binkley, Cotten, Goll, Herrmann, Miller, Pourchot, Wallis

Excused: 2 Adams

Absent: 1 Shultz

And so, Amendment No. 6 was adopted.

Amendment No. 7 by Marrou:

Page 203, line 19 (Sec. 29.20.500):

Delete "a person's signatures of at least two other persons."

Representative Marrou moved and asked unanimous consent that Amendment No. 7 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 7 be adopted?"  
The roll was taken with the following result:

CSHB 72(C&RA)AM AM7

Yeas:	17	Binkley, Furnace, Martinez, Pignalberi, Szymanski
-------	----	---

Nays:	20	Boucher, Fuller, Grussendorf, Koponen, Navarre, Pourchot
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CSHB 72(C&RA)am

Amendment No. 4 by Marrou:

Page 82, lines 5 and 7 (Sec. 29.35.180):

Delete "shall" and insert "may"

Representative Marrou moved and asked unanimous consent that Amendment No. 4 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 4 be adopted?"  
The roll was taken with the following result:

CSHB 72(C&RA)AM AM4

Yeas: 7 Frank, Furnace, Herrmann, Marrou,  
Martin, Miller, M.W., Ringstad

Nays: 30 Binkley, Boucher, Clocksin,  
Collins, Cotten, Davis, Duncan,  
Fuller, Goll, Gruenberg,  
Grussendorf, Hanley, Hurley,  
Jenkins, Koponen, Larson,  
Miller, M.M., Navarre, Pearce,  
Pettyjohn, Phillips, Pignalberi,  
Pourchot, Rieger, Sund, Szymanski,  
Taylor, Thompson, Uehling, Wallis

Excused: 2 Adams, Cato

Absent: 1 Shultz

Pignalberi changed from "yea" to "nay".

And so, Amendment No. 4 was not adopted.

Amendment No. 5 by Marrou:

Page 60, lines 4 - 6:

Delete all material (Sec. 29.25.070)

Insert old AS 29.48.200:

"PENALTIES. For the violation of an ordinance, the assembly or council may prescribe punishment not to exceed a fine of \$500 or imprisonment for 30 days, or both. However, the punishment authorized under this section may be imposed only if copies of the ordinance are made available for distribution to the public at cost."

pted.

40.060):

and decision of a hearing  
sent or other body stays  
less the court issues an  
a certificate of immi-  
property made by the

asked unanimous consent

ment No. 3 be adopted?"  
ng result:

, Jenkins, Marrou,  
, M.W., Ringstad,  
, Uehling

er, Clocksin,  
n, Davis, Duncan,  
ruenberg,  
anley, Herrmann,  
n, Larson,  
avarre, Pearce,  
llips, Pignalberi,  
er, Sund, Szymanski,  
ls

pted.

CSEB 72(C&RA)am

Excused: 2 Adams, Cato

Absent: 1 Pignalberi

And so, Amendment No. 2 was not adopted.

Amendment No. 3 by Marrou:

Page 94, after line 6 (Sec. 29.40.060):

Insert new subsection:

"(c) An appeal from a decision of a hearing officer, board of adjustment or other body stays enforcement proceedings unless the court issues an enforcement order based on a certificate of imminent period to life or property made by the board."

Representative Marrou moved and asked unanimous consent that Amendment No. 3 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 3 be adopted?"  
The roll was taken with the following result:

CSEB 72(C&RA)AM AM3

Yeas: 10 Frank, Furnace, Jenkins, Marrou, Martin, Miller, M.W., Ringstad, Shultz, Taylor, Uehling

Nays: 28 Binkley, Boucher, Clocksin, Collins, Cotten, Davis, Duncan, Fuller, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Koponen, Larson, Miller, M.M., Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Sund, Szymanski, Thompson, Wallis

Excused: 2 Adams, Cato

Absent: 0

And so, Amendment No. 3 was not adopted.

CSHB 72(C&RA)am

Amendment No. 4 by Marrou:

Page 82, lines 5 and 7

Delete "shall" and

Representative Marrou moved that Amendment No. 4 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 4 be adopted?"  
The roll was taken with the following result:

CSHB 72(C&RA)AM AM4

Yeas: 7 Frank, Martin,

Nays: 30 Binkley, Collins, Fuller, Grussen, Jenkins, Miller, Pettyjohn, Pourchot, Taylor,

Excused: 2 Adams,

Absent: 1 Shultz

Pignalberi changed from

And so, Amendment No. 4 was adopted.

Amendment No. 5 by Marrou:

Page 60, lines 4 - 6:

Delete all material

Insert old AS 29.46

"PENALTIES. For the assembly or committee not to exceed a fine of 30 days, or both, levied under this article. Copies of the original and distribution to the

onen, entitled:

usion of recom-  
g access by the  
buildings and  
tal improvement  
the governor to

red to the Transportation

nkley, entitled:

interest rate on  
d providing for

red to the House Special  
inance Committee.

DAILY CALENDAR

HOUSE BILLS

o municipal government;  
nd time with the Community  
eport (page 538) and the  
)

i asked unanimous consent  
SE BILL NO. 72 (Community  
be adopted in lieu of the  
o objection, it was so

mittee:

CSHB 72(C&RA)

Representative Clocksin moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Pettyjohn objected and withdrew his objection.

Representative Szymanski objected and withdrew his objection.

There being no further objection, Amendment No. 1 was adopted.

CSHB 72(C&RA)am

Amendment No. 2 by Marrou:

Page 136, line 11 (Sec. 29.45.670):

After "election." add "Sales tax propositions may be presented only once in any 12-month period."

Representative Marrou moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 2 be adopted?"  
The roll was taken with the following result:

CSHB 72(C&RA)AM AM2

Yeas:	15	Frank, Furnace, Hanley, Jenkins, Marrou, Martin, Miller, M.W., Pearce, Pettyjohn, Rieger, Ringstad, Shultz, Szymanski, Thompson, Uehling
-------	----	--

Nays:	22	Binkley, Boucher, Clocksin, Collins, Cotten, Davis, Duncan, Fuller, Goll, Gruenberg, Grussendorf, Herrmann, Hurley, Koponen, Larson, Miller, M.M., Navarre, Phillips, Pourchot, Sund, Taylor, Wallis
-------	----	--

HB 377

HOUSE BILL NO. 377 by Goll and Koponen, entitled:

"An Act requiring inclusion of recommended plans for improving access by the handicapped to public buildings and facilities in the capital improvement program recommended by the governor to the legislature."

was read the first time and referred to the Transportation and Finance Committees.

HB 378

HOUSE BILL NO. 378 by Adams and Binkley, entitled:

"An Act relating to the interest rate on state loan programs; and providing for an effective date."

was read the first time and referred to the House Special Committee on State Loans and the Finance Committee.

CONSIDERATION OF THE DAILY CALENDARSECOND READING OF HOUSE BILLSHB 72

HOUSE BILL NO. 72 (relating to municipal government; effective date) was read the second time with the Community & Regional Affairs Committee report (page 538) and the Finance Committee report (page 837).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 72 (Community & Regional Affairs) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 72 (C&RA)

Amendment No. 1 by the Finance Committee:

(Text appears on page 837.)

CSHB 72 (C&RA)

Representative Clocksin moved that Amendment No. 1 be adopted.

Representative Pettyjohn moved in opposition.

Representative Szymanski moved in opposition.

There being no further opposition, the bill was adopted.

CSHB 72 (C&RA) AM

Amendment No. 2 by Marrou:

Page 136, line 11 (Section 1)

After "election,"  
be presented only

Representative Marrou moved that Amendment No. 2 be adopted.

Representative M.M. Miller moved in opposition.

The question being: "Shall the bill be adopted?"  
The roll was taken with the following result:

CSHB 72 (C&RA) AM AM2

Yeas:	15	Frank Marrou Pearce Ringer Thompson
-------	----	---

Nays:	22	Binkley Collins Fulle Gruss Koponen Navarro Taylor
-------	----	--

HB 72

and reports it back as follows: Adams (Chairman), Larson, Uehling, Rieger, Frank, Cotten and Duncan recommend do pass.

A new fiscal note was attached and appears in House Journal Supplement No. 43.

HB 72 was referred to the Rules Committee for placement on the calendar.

HB 126

The Finance Committee has considered HOUSE BILL NO. 126 (amending the Alaska Securities Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 126 (Judiciary) (page 638) and reports it back as follows: Adams (Chairman), Duncan, Larson, Uehling, Rieger, Frank and Cotten recommend do pass.

A new fiscal note was attached and appears in House Journal Supplement No. 43.

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HB 140

The Finance Committee has considered HOUSE BILL NO. 140 (use of teleconferencing under the Administrative Procedure Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 140 (Finance) (same title) and reports it back as follows: Adams (Chairman), Duncan, Larson, Uehling, Rieger, Frank and Cotten recommend do pass.

A zero fiscal note with an analysis was attached and appears in House Journal Supplement No. 43.

HB 140 was referred to the Rules Committee for placement on the calendar.

HB 226

The Health, Education & Social Services Committee has considered HOUSE BILL NO. 226 (school boards), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 226 (HESS) (same title) and reports it back as follows: Koponen (Co-Chairman), Thompson, Hanley, Taylor and Hurley recommend do pass.

HB 226 was referred to the Rules Committee for placement on the calendar.

HB 231

The Health, Education considered HOUSE BILL temporary relief as follows: Koponen and recommend do pass. Taylor and Hanley recommend do

A fiscal note was attached Supplement No. 43.

HB 231 was referred to the

INTRODU

The following citations

Honoring - Yukon  
by Representative  
Shultz

Honoring - Dr. C  
by Senator Ray and  
Representative  
Hurley, Sund, Te

which were referred to the  
the calendar.

INTRODUCTION, F

OF HC

HJR 33

HOUSE JOINT RESOLUTION  
Grussendorf, Jenkins and

Relating to  
on-shore commerce  
by the Alaska se

was read the first time  
Committee on Fisheries.

INTRODUCTION, F

OF

HB 355

HOUSE BILL NO. 355 by The

5, was received from Deputy  
of Natural Resources, James  
revision to regulations. A  
tributed to each member and is  
vice.

LEGISLATIVE COMMITTEES

3 considered SENATE JOINT  
funding for conservation  
back as follows: Shultz  
Wallis, Thompson and Sund

Committee for placement on

considered SENATE BILL NO. 186  
and up to \$3,400,000 from the  
water failure on St. Paul  
the Letter of Intent of  
State Loans (pages 742 and  
follows: Adams (Chairman),  
ing and Frank recommend do  
tion.

and appears in House Journal

Committee for placement on

considered HOUSE CONCURRENT  
wolf predation) and reports  
(Chairman), Herrmann, Wallis  
to pass. Sund has no

Committee for placement on

considered HOUSE BILL NO. 4 (debt  
d municipalities; effective  
d with COMMITTEE SUBSTITUTE  
page 640) and reports it back

HB 4

as follows: Adams (Chairman), Larson, Uehling, Ri  
Frank and Duncan recommend do pass. Cotten ha  
recommendation.

A zero fiscal note with an analysis was attached and  
appears in House Journal Supplement No. 43.

HB 4 was referred to the Rules Committee for placement on  
the calendar.

HB 72

The Finance Committee has considered HOUSE BILL NO 72  
(municipal government; effective date), recommends it be  
replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 72  
(C&RA) (page 538) with the following amendment:

Amendment No. 1 by the Finance Committee:

Page 10, line 27:  
Delete "June 30, 1986" and insert "December 31,  
1985"

Page 11, line 2:  
Delete "July 1, 1986" and insert "January 1, 1986"

Page 11, line 3:  
Delete "June 30, 1986" and insert "December 31,  
1985"

Page 11, line 20:  
Delete "June 30, 1986" and insert "December 31,  
1985"

Page 12, line 21:  
Delete "June 30, 1986" and insert "December 31,  
1985"

Page 12, line 24:  
Delete "June 30, 1986" and insert "December 31,  
1985"

Page 105, line 28:  
Delete "AS 19.70.081" and insert "AS 18.70.081"

Page 114, line 8:  
Before "property" insert "taxable"

Page 114, line 12:  
Before "property" insert "taxable"  
Delete "under this chapter and"

Page 114, line 18:  
Before "property" insert "taxable"  
Delete "under this chapter and"

SPECIAL ORDERS

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

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

There being no objection, it was so ordered.

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

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

UNFINISHED BUSINESS

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

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

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

There being no objection, it was so ordered.

HB 72

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

HB 72 was sent to the Finance Committee.

HJR 24

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

HB 50

Representative Taylor added  
BILL NO. 50 (relating to Ala

HB 253

Representative Taylor added  
BILL NO. 253 (allowing mun  
property taxes and from sp  
tection service and fire p  
date).

HB 297

Representative Gruenberg a:  
HOUSE BILL NO. 297 (relatin  
in foster care; amending Rul

ENGCSHB 50(Fin)

CSHB 50(Fin) was engrossed,  
Clerk and transmitted to the

CSHB 253(C&RA)

CSHB 253(C&RA) was engros:  
Chief Clerk and trans  
consideration.

ANNC

HESS  
Added to Schedule: C  
HB 172 Rights of blind, h  
and physically hand

w/Dr. Donald Bross C  
on child abuse

State Affairs C  
Work Session - held-over bi  
HB 132 Salary limit for C  
HB 236 Creating Quadrenni

HB 72

The letter of intent, which was signed by Goll, Chairman, Phillips, Gruenberg, Koponen and Marrou, appears below:

"LETTER OF INTENT  
to  
CSHB 72(C&RA)

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

HB 110

The State Affairs Committee has considered HOUSE BILL NO. 110 (amending the election laws of the state; effective date) and reports it back as follows: Hurley (Chairman), M.M. Miller and Boucher recommend do pass; Navarre and Collins have no recommendation; Jenkins signed "with amendments".

HB 110 was referred to the Judiciary Committee.

HB 111

The Transportation Committee has considered HOUSE BILL NO. 111 (relating to local service roads and trails; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 111 (Transportation) (same title) and reports it back as follows: Cato (Chairman), Shultz, Herrmann, Marrou and Davis recommend do pass.

HB 111 was referred to the Resources Committee.

HB 121

The State Affairs Committee has considered HOUSE BILL NO. 121 (changing the name of the division of telecommunications systems in the Department of Administration; effective date) and reports it back as follows: Hurley (Chairman), Boucher, Cato, Collins and M.M. Miller recommend do pass; Jenkins has no recommendation.

HB 121 appears on today's calendar.

HB 123

The Health, Education & Social Services Committee has considered HOUSE BILL NO. 123 (extending the termination date of the Board of Pharmacy; effective date) and reports it back as follows: Koponen and Gruenberg (Co-Chairs), Thompson, Taylor and Hurley recommend do pass; Hanley signed "Do Not Pass - Substitute"; Pettyjohn signed "Do not pass unless amended".

HB 123

HB 123 was referred to the

HB 219

The Resources Committee (relating to the app. Utilities Commission A power development loans; and reports it back a Thompson, Cato and Su Wallis, M.W. Hiller recommendation.

HB 219 was referred to the

HB 226

The Community & Regional HOUSE BILL NO. 226 (rel. it be replaced with COMM 226 (Community & Regio reports it back as foll Phillips and Koponen rec was attached.

HB 226 was referred to Services Committee.

HB 232

The Labor & Commerce Co NO. 232 (relating to cla fund) and reports it ba recommend do pass; Nava: Boucher have no reco: attached.

HB 232 was referred to the

The fiscal note appears i

HB 237

The State Affairs Commit 237 (relating to pens: reports it back as foll M.M. Miller, Collins and has no recommendation.

HB 237 was referred to the

excise tax on  
providing for an

referred to the Health,  
Finance Committees.

NEWS

as received from James B.  
Alaska Royalty Oil and Gas  
transmitting a resolution  
of the sale and purchase  
pay Unit between the State  
Electric Association, Inc.  
87 (approving the sale of  
State of Alaska to the  
tion; effective date) and  
t No. 29.

COMMITTEES

Services Committee has held  
following individuals  
State Commission for Human

Koponen and Gruenberg  
Pettyjohn, Taylor and Hurley

is considered HOUSE JOINT  
to visa waivers for  
ers), recommends it be  
STITUTE FOR HOUSE JOINT  
merce) (same title) and  
arre (Chairman), Pearce,  
and Hanley recommend do

Committee for placement on

HB 2

The Finance Committee has considered HOUSE BILL NO. 2 (relating to adoption medical records; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2 (Judiciary) (same title) (page 518) and reports it back as follows: Adams (Chairman), Ringstad, Szymanski, Duncan, Larson, Pourchot, Rieger, Frank and Binkley recommend do pass; Uehling and Cotten have no recommendation.

HB 2 was referred to the Rules Committee for placement on the calendar.

HB 19

The Health, Education & Social Services Committee has considered HOUSE BILL NO. 19 (relating to runaway minors), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 19 (HESS):

"An Act relating to runaway and missing minors."

and reports it back as follows: Koponen and Gruenberg (Co-Chairs), Hurley, Taylor, Hanley and Pettyjohn recommend do pass. A zero fiscal note with analysis was attached.

HB 19 was referred to the Judiciary Committee.

The zero fiscal note with analysis appears in House Journal Supplement No. 30.

HB 50

The Finance Committee has considered HOUSE BILL NO. 50 (relating to Alaska bidder preference), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 50 (Finance) (same title), and reports it back as follows: Adams (Chairman), Ringstad, Cotten, Duncan, Frank, Rieger and Szymanski recommend do pass; Pourchot, Larson, Binkley and Uehling have no recommendation. A new zero fiscal note was attached.

HB 50 was referred to the Rules Committee for placement on the calendar.

HB 72

A letter of intent was received from the Community & Regional Affairs Committee to accompany HOUSE BILL NO. 72 (relating to municipal government; effective date) which was reported out of committee with a committee substitute (same title) (page 538). The letter of intent has been transmitted to the next committee of referral, the Judiciary Committee.

HB 64

The Labor & Commerce Committee has considered HOUSE BILL NO. 64 (elevator safety standards), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 64 (Labor & Commerce) (same title) and reports it back as follows: Navarre (Chairman), Koponen, Hanley, Pearce, Collins, Boucher and Davis recommend do pass.

A zero fiscal note was attached.

A letter of intent was attached and appears below:

Letter of Intent  
for CSHB 64(L&C)

"It is the intent of the House Labor and Commerce Committee that the 1982 Manual of National Safety Practice for the Inspection of Elevators and Escalators is meant to serve as a procedural guideline for the inspectors, as is stated in the preface to the Manual, and is not intended to have the force of law.

/s/ Mike Navarre  
Representative Mike Navarre, Chairman  
House Labor & Commerce Committee"

HB 64 appears on today's calendar.

HB 72

The Community & Regional Affairs Committee has considered HOUSE BILL NO. 72 (relating to municipal government: effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 72 (Community & Regional Affairs) (same title) and reports it back as follows: Goll (Chairman), Wallis, Koponen, Phillips and Gruenberg recommend do pass. Furnace and Marrou recommend do pass if amended.

HB 72 was referred to the Judiciary Committee.

HB 103

The Finance Committee has considered HOUSE BILL NO. 103 (relating to royalty oil; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 103 (Finance):

"An Act relating to prerequisites for the disposal of royalty oil and gas; and providing for an effective date."

HB 103

and reports it back as follows: Sinkley, Frank, Rieger, Szymanski recommend do pass.  
recommends do pass.

HB 103 appears on today's calendar.

HB 118

The Finance Committee has considered HOUSE BILL NO. 118 (small claim jurisdiction: effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 118 (Judiciary) (page 410) and reports it back as follows: Ringstad (Vice-Chairman), Larson, Pourchot, Duncan and Szymanski recommend do pass.

HB 118 appears on today's calendar.

HB 170

The Judiciary Committee has considered HOUSE BILL NO. 170 (relating to land surveys: effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 170 (same title), and reports it back as follows: (Chairman), Sund, Gruenberg and Szymanski recommend do pass.

HB 170 was referred to the Judiciary Committee.

HB 174

The Health, Education and Welfare Committee has considered HOUSE BILL NO. 174 (relating to emergency care and the certification of teachers certified in the state), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 174 (same title) and reports it back as follows: (Chairman), Hanley, Szymanski, and Taylor recommend do pass.

"An Act requiring emergency care for teachers certified in the state."

and reports it back as follows: Hanley, Szymanski, and Taylor recommend do pass.  
Hurley, Thompson and Hanley recommend do pass.

A zero fiscal note was attached.

HB 174 was referred to the Judiciary Committee.

nd AS 39.20.310(8) and (9),  
employees covered by a collec-  
cluded from AS 39.20.200 --  
/ provided by law." This  
ndment in sec. 1.

for an immediate effective  
one present situation in  
be applied as soon as the  
timely provision for this  
st the state nothing, I  
age of this bill.

y,

ffield  
"

ommittee by request of the

ial appropriation  
anent fund; and  
tive date."

ferred to the State Affairs

r, dated January 16, 1985,

, sec. 18, of the Alaska  
a bill making a special  
the Alaska permanent fund  
) . The bill provides for  
to the principal of the

of its responsibilities to  
and with foresight too  
appropriated \$1.8 billion as a  
permanent fund. When my  
years ago, \$700 million of  
Today, approximately 700  
d it is time that we again  
generations.

inal appropriation enacted  
tion granted by this bill  
increase the principal of  
ted increase in state rev-  
conditions. I share with  
n protecting and enhancing  
fund so that subsequent  
plus revenues held in the

HB 71

state treasury. Only through generous contributions to the  
permanent fund can our expectations be realized.

I urge your prompt action on this measure.

Sincerely,

/s/

Bill Sheffield  
Governor"

HB 72

HOUSE BILL NO. 72 by the Rules Committee by request of the  
Governor, entitled:

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

was read the first time and referred to the Community &  
Regional Affairs, Judiciary and Finance Committees.

A fiscal note was attached and appears in House Journal  
Supplement No. 4. The Governor's transmittal letter, dated  
January 16, 1985, appears below:

"Dear Representative Grussendorf:

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

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

Sincerely,

/s/

Bill Sheffield  
Governor"

**HOUSE JOURNAL SUPPLEMENT**

January 16, 1985

No. 4

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

HB  
72

Page 1 of 2

Revision Date: \_\_\_\_\_

**REQUEST**

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

**FISCAL DETAIL**

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

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		100.0	450.0	350.0		
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		100.0	450.0	350.0		

**POSITIONS:**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME		-0-	-0-	-0-		
PART-TIME						
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary

(See Attached Page)

Prepared By: Doug Griffin Deputy Director Phone: 465-4750  
 Division: Municipal & Regional Assistance Date: 1-10-85  
 Approved by Commissioner: Amie Todd Date: 1-10-85  
 Agency: Community & Regional Affairs

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

Title: An Act relating to municipal government

ANALYSIS:

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

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

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

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

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

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

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

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

HB 4

as follows: Adams (Chairman), Larson, Uehling, Rieger, Frank and Duncan recommend do pass. Cotten has no recommendation.

A zero fiscal note with an analysis was attached and appears in House Journal Supplement No. 43.

HB 4 was referred to the Rules Committee for placement on the calendar.

HB 72

The Finance Committee has considered HOUSE BILL NO 72 (municipal government; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 72 (C&RA) (page 538) with the following amendment:

Amendment No. 1 by the Finance Committee:

Page 10, line 27:  
Delete "June 30, 1986" and insert "December 31, 1985"

Page 11, line 2:  
Delete "July 1, 1986" and insert "January 1, 1986"

Page 11, line 3:  
Delete "June 30, 1986" and insert "December 31, 1985"

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Delete "AS 19.70.081" and insert "AS 18.70.081"

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Before "property" insert "taxable"

Page 114, line 12:  
Before "property" insert "taxable"  
Delete "under this chapter and"

Page 114, line 18:  
Before "property" insert "taxable"  
Delete "under this chapter and"

HB 72

and reports it back as follows: Adams (Chairman), Larson, Uehling, Rieger, Frank, Cotten and Duncan recommend do pass.

A new fiscal note was attached and appears in House Journal Supplement No. 43.

HB 72 was referred to the Rules Committee for placement on the calendar.

HB 126

The Finance Committee has considered HOUSE BILL NO. 126 (amending the Alaska Securities Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 126 (Judiciary) (page 638) and reports it back as follows: Adams (Chairman), Duncan, Larson, Uehling, Rieger, Frank and Cotten recommend do pass.

A new fiscal note was attached and appears in House Journal Supplement No. 43.

HB 126 was referred to the Rules Committee for placement on the calendar.

HB 140

The Finance Committee has considered HOUSE BILL NO. 140 (use of teleconferencing under the Administrative Procedure Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 140 (Finance) (same title) and reports it back as follows: Adams (Chairman), Duncan, Larson, Uehling, Rieger, Frank and Cotten recommend do pass.

A zero fiscal note with an analysis was attached and appears in House Journal Supplement No. 43.

HB 140 was referred to the Rules Committee for placement on the calendar.

HB 226

The Health, Education & Social Services Committee has considered HOUSE BILL NO. 226 (school boards), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 226 (HESS) (same title) and reports it back as follows: Koponen (Co-Chairman), Thompson, Hanley, Taylor and Hurley recommend do pass.

HB 226 was referred to the Rules Committee for placement on the calendar.

# Alaska State Legislature

## Senate

### Committee on Community and Regional Affairs

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

Printed by  
July 1985 - Alaska 1985



Official Business

March 6, 1985

To: Senator Coghill  
Senator Ferguson  
Senator Vic Fischer  
Senator Sturgulewski

From: Senator Edna DeVries, Chair  
Community & Regional Affairs

Subj: House C&RA amendments to Title 29 revision

Attached are the amendments to HB 72 (SB 142) which have been passed by the Committee on Community and Regional Affairs in the House. The amendments are organized thusly: a copy of the explanation of the amendment by Tam Cook (where such explanation was forwarded on to us); a copy of the amendment; and a copy of the pages of the bill affected with the House changes noted on them.

Follows is a summary of the House amendments:

*passed*  
Amend #1 Date changes. These date changes are necessary because the effective date of the bill is now  
Technical January 1, 1986; and the changed dates relate to the effective date of the legislation. Changes on pages 10, 11, 12, and 33.

*passed*  
Amend #2 Language stating that general grant land entitlements to municipalities  
Technical under former provisions of Title 29 are simply being continued; and that new entitlements are not being established. There was some question by Legal that the repeal of former provisions and the different section numbers applied to these same provisions in the new bill might create a legal cloud as to whether existing municipalities would be eligible for new general grant land entitlements. Changes on pages 171, 172, 173, and 176.

*passed*  
Amend #3 Incorporates legislation passed in 1984 that includes subject matter also  
Technical dealt with in SB 142. Changes on pages 79, 97, 112, 114, 172, 173, 174, 175, 176, 177, 180, 181, 182, 183, 186, 192, 199, and 206.

Amend #4 Replaces Chap 10 of SB 142 so that it incorporates language as it appeared  
Substantive in last Session's bill (CSHB 172-Fin). Authority to adopt home rule charter expanded to include 2nd class cities with populations of 600 or more, and third class boroughs. Page 28 through 31, line 4, deleted and replaced with new language.

*adopted  
changed  
600 To  
400*

*passed*  
*Coquill objected*  
Amend #5 Substantive Incorporates language submitted by the Dept of C&RA. Changes the definition of "Health Facility" as it relates to eligibility for grants. Defines "health facility" as a facility approved under Dept C&RA regulations, specifically including domestic violence/sexual assault shelters, alcohol/drug abuse facilities. Changes on page 161.

Amend #6 Adds an anti discrimination clause for employment purposes under "Prohibitions". Changes on page 53.

*passed*  
Amend #7 Clarification of class B misdemeanor. Grammar/style changes. Changes on pages 58, 96, 116, and 117.

*passed*  
Amend #8 Substantive Time for securing signatures on initiative/referendum petitions changed from 60 days to 90 days. Changes on page 63.

Amend #9 Grammar/style changes. Changes on pages 64 and 69.  
Technical *passed*

*passed*  
Amend #10 Substantive Grammar/style changes. Changes the time that must elapse prior to alteration of measures brought to vote by initiative or referendum from one year to two years. Changes on Page 66.

*passed*  
Amend #11 Substantive Second class city may exercise power of eminent domain/declaration of taking upon approval of ordinance submitted for public vote. Changes on page 73.

*passed*  
Amend #12 Substantive Notice of judgment of foreclosure to mortgage/lien holders of record when assessed value of property is more than \$10,000. Law presently reads ---more than "\$20,000". Change on page 127.

HCARA Amend #1

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 19, 1985

SUBJECT: Municipal Code Revision (HB 72)

TO: Representative Peter Goll  
Chairman Community & Regional Affairs

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

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

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

TBC:mkr  
111:WKJ11

HCvRA #1

A M E N D M E N T

Offered in the HOUSE

TO: HB 72

By the Community and

Regional Affairs Committee

Page 10, line 27:

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

Page 11, line 2:

Delete "1984" and insert "1986"

Page 11, line 3:

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

Page 11, line 20:

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

Page 12, line 21:

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

Page 12, line 24:

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

Page 33, line 22:

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

1 municipality in which the service area was formerly located.

2 Sec. 29.05.140. TRANSITION. (a) The powers and duties exer-  
3 cised by cities and service areas that are succeeded to by a newly  
4 incorporated municipality continue to be exercised by the cities and  
5 service areas until the new municipality assumes the powers and func-  
6 tions, which may not exceed two years after the date of incorporation.  
7 Ordinances, rules, resolutions, procedures, and orders in effect  
8 before the transfer remain in effect until superseded by the action of  
9 the new municipality.

10 (b) Before the assumption, the new municipality shall give  
11 written notice of its assumption of the rights, powers, duties, as-  
12 sets, and liabilities under this section and AS 29.05.130 to the city  
13 or service area concerned. Municipal officials shall consult with the  
14 officials of the city or service area concerned and arrange an orderly  
15 transfer.

16 (c) After the incorporation of a new municipality, no service  
17 area in it may assume new bonded indebtedness, make a contract, or  
18 transfer an asset without the consent of the governing body.

19 (d) This section applies to home rule and general law municipal-  
20 ities.

21 Sec. 29.05.150. CHALLENGE OF LEGALITY. A person may not chal-  
22 lenge the formation of a municipality except within six months after  
23 the date of its incorporation.

24 ARTICLE 3. TRANSITIONAL ASSISTANCE.

25 Sec. 29.05.180. ORGANIZATION GRANTS TO CITIES. (a) To defray  
26 the cost of transition to city government and to provide for interim  
27 government operations, each city incorporated after ~~July 1, 1981~~ **JUNE 30 1986** - RM#1 is  
28 entitled to an organization grant of \$50,000 for the first full or  
29 partial fiscal year after incorporation. E

1 (b) To defray the cost of reclassification, each second class  
2 city in the unorganized borough incorporated before July 1, ~~1984~~ that <sup>1986</sup> ~~July 1, 1984~~ <sup>JUNE 30, 1986</sup> is **RM#1**  
3 reclassifies as a home rule or first class city after ~~July 1, 1984~~ is  
4 entitled to an organization grant equal to \$50,000 for the first full  
5 or partial fiscal year after reclassification.

6 (c) The department shall disburse an organization grant under  
7 (a) or (b) of this section within 30 days after certification of the  
8 incorporation election or the reclassification election, or as soon  
9 after certification as money is appropriated and available for the  
10 purpose.

11 (d) A city entitled to an organization grant under (a) or (b) of  
12 this section is entitled to a second organization grant of \$25,000.  
13 The department shall disburse the second organization grant within 30  
14 days after the beginning of the city's second fiscal year after incor-  
15 poration or reclassification, or as soon after that time as money is  
16 appropriated and available for the purpose.

17 Sec. 29.05.190. ORGANIZATION GRANTS TO BOROUGHES. (a) For the  
18 purpose of defraying the cost of transition to borough government and  
19 to provide for interim governmental operations, each borough incorpo-  
20 rated after ~~July 1, 1984~~ <sup>JUNE 30, 1986</sup> is entitled to organization grants as fol- **RM#1**  
21 lows:

22 (1) \$300,000 for the borough's first full or partial fiscal  
23 year;

24 (2) \$200,000 for the borough's second fiscal year; and

25 (3) \$100,000 for the borough's third fiscal year.

26 (b) The department shall disburse the first organization grant  
27 to a borough within 30 days after certification of the incorporation  
28 election favoring incorporation of a borough, or as soon after that as  
29 money is appropriated and available for the purpose. The second grant

1 shall be disbursed within 30 days after the beginning of the borough's  
2 second fiscal year, or as soon after that as money is appropriated and  
3 available for the purpose. The third grant shall be disbursed with in  
4 30 days after the beginning of the borough's third fiscal year, or as  
5 soon after that as money is appropriated and available for the pur-  
6 pose.

7 (c) This section does not apply to a borough incorporated by  
8 consolidation or to a unified municipality.

9 Sec. 29.05.200. ORGANIZATION GRANT FUND. (a) The organization  
10 grant fund is established in the department. An appropriation made to  
11 the fund shall be used for organization grants to municipalities that  
12 qualify under AS 29.05.180 or 29.05.190.

13 (b) Before August 31 of each fiscal year the department shall  
14 submit a report to the Department of Administration indicating

15 (1) each municipality expected to qualify to receive an  
16 organization grant during the next fiscal year;

17 (2) the amount of money needed to cover all organization  
18 grants expected to be awarded during the next fiscal year.

19 Sec. 29.05.210. TRANSITIONAL ASSISTANCE TO BOROUGHS. (a)  
20 Within 30 days after the date of incorporation of a borough incorpo-  
21 rated after ~~July 1, 1984~~ **JUNE 30, 1986**, the department shall determine the popula-  
22 tion of the borough.

23 (b) The department shall provide assistance to each borough in-  
24 corporated after ~~July 1, 1984~~ **JUNE 30, 1986** in

25 (1) establishing the initial sales and use tax assessment  
26 and collection department if the borough has adopted a sales or use  
27 tax;

28 (2) determining the initial property tax assessment roll if  
29 the borough has adopted a property tax, including contracting for

AM#1

U

1 facilities and hospitals)

2 (44) AS 29.60.230 (state aid for hospital and health facil-  
3 ity construction)

4 (45) AS 29.65.010 -- 29.65.140 (general grant land)

5 \* Sec. 29. AS 29 is amended by adding a new chapter to read:

6 CHAPTER 20. MUNICIPAL OFFICERS AND EMPLOYEES.

7 ARTICLE 1. CONFLICT OF INTEREST AND PUBLIC MEETINGS.

8 Sec. 29.20.010. CONFLICT OF INTEREST. (a) Each municipality  
9 shall adopt a conflict of interest ordinance that provides that

10 (1) a member of the governing body shall declare a substan-  
11 tial financial interest the member has in an official action and ask  
12 to be excused from a vote on the matter;

13 (2) the presiding officer shall rule on a request by a  
14 member of the governing body to be excused from a vote;

15 (3) the decision of the presiding officer on a request by a  
16 member of the governing body to be excused from a vote may be overrid-  
17 den by the majority vote of the governing body; and

18 (4) a municipal employee or official, other than a member  
19 of the governing body, shall not participate in an official action in  
20 which the employee or official has a substantial financial interest.

21 (b) If a municipality fails to adopt a conflict of interest  
22 ordinance within 180 days after ~~July 1, 1985~~ **JAN 1 1986**, the provisions of this **RM #1**  
23 section are automatically applicable to and binding upon that munici-  
24 pality.

25 (c) This section applies to home rule and general law municipal-  
26 ities.

27 Sec. 29.20.020. MEETINGS PUBLIC. (a) Meetings of all municipal  
28 bodies shall be public as provided in AS 44.62.310. The governing  
29 body shall provide reasonable opportunity for the public to be heard

HCRA Amend #2

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 20, 1985

SUBJECT: Municipal Code Revision (HB 72)

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

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

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

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

BGB:lmb  
L4/053

HCR#2

#2  
Cook ✓

A M E N D M E N T

Offered in the HOUSE

By The Community and

TO: HOUSE BILL NO. 72

Regional Affairs Committee

Page 171, line 29:

After "MUNICIPALITIES." insert "(a)"

Page 172, after line 13, insert:

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

Page 172, line 14:

After "CITIES." insert "(a)"

Page 172, line 22:

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

Page 172, after line 23, insert:

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

Page 173, after line 4, insert:

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

Page 173, line 6:

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

Page 173, line 7:

Delete "29.65.020" and insert "former 29.18.202"

Page 176, line 16:

Delete "is" and insert "was"

Delete "AS 29.65.010" and insert "former AS 29.18.201 or 29.19.202"

1 would have qualified for a grant at the time of initial construction  
2 if AS 29.60.400 -- 29.60.440 had been in effect;

3 (6) remedies in case of failure to perform the agreement or  
4 noncompliance with regulations adopted under AS 29.60.420.

5 (c) The commissioner of commerce and economic development shall  
6 require in negotiations and in each grant agreement that continued  
7 maintenance of the community facility is the responsibility of the  
8 municipality. The municipality must show the feasibility of continu-  
9 ing to maintain the facility before state money may be authorized for  
10 a grant.

11 Sec. 29.60.420. POWERS AND DUTIES OF THE COMMISSIONER. (a) The  
12 commissioner of commerce and economic development shall provide an  
13 annual report to the legislature about grants made under AS 29.60.400.

14 (b) The commissioner of commerce and economic development shall  
15 adopt regulations to carry out the purposes of AS 29.60.400 -- 29.60.-  
16 440.

17 Sec. 29.60.430. ALLOCATION OF MONEY. If the amount of money  
18 appropriated by the legislature for grants under AS 29.60.400 is not  
19 adequate to satisfy amounts required for approved grant applications,  
20 money shall be allocated on the basis of priority established by  
21 regulations of the Department of Commerce and Economic Development.

22 Sec. 29.60.440. LIMITATION . AS 29.60.400 -- 29.60.440 does not  
23 require that a recipient of a grant for a feasibility study must  
24 proceed with construction of the project, regardless of whether the  
25 project is determined to be feasible.

26 \* Sec. 16. AS 29 is amended by adding a new chapter to read:

27 CHAPTER 65. GENERAL GRANT LAND.

28 Sec. 29.65.010. DETERMINATION OF ENTITLEMENT OF BOROUGHES AND  
29 UNIFIED MUNICIPALITIES. <sup>"(a)"</sup> The general grant land entitlement of each of

1 the municipalities in this section is the amount set out opposite  
2 each:

- 3 (1) Municipality of Anchorage -- 44,893 acres;
- 4 (2) City and Borough of Juneau -- 19,584 acres;
- 5 (3) City and Borough of Sitka -- 10,500 acres;
- 6 (4) Bristol Bay Borough -- 2,898 acres;
- 7 (5) Fairbanks North Star Borough -- 112,000 acres;
- 8 (6) Haines Borough -- 2,800 acres;
- 9 (7) Kenai Peninsula Borough -- 155,780 acres;
- 10 (8) Ketchikan Gateway Borough -- 11,593 acres;
- 11 (9) Kodiak Island Borough -- 56,500 acres;
- 12 (10) Matanuska-Susitna Borough -- 355,210 acres;
- 13 (11) North Slope Borough -- 89,850 acres.

→ "(b)"

"(a)"  
^

14 Sec. 29.65.020. DETERMINATION OF ENTITLEMENT FOR CITIES. The  
15 general grant land entitlement of a city formerly eligible to receive  
16 general grant land under the provisions of former AS 29.18.190 and  
17 29.18.200 is 10 percent of the maximum total acreage of vacant, unap-  
18 propriated, unreserved land in the boundaries of each city at any time  
19 between the initial date of eligibility under former AS 29.18.190 and  
20 29.18.200 and July 1, 1978. Within six months after July 1, 1978, the  
21 commissioner shall determine the entitlement for each city eligible to  
22 receive general grant land under ~~this section~~ **FORMER AS 29.18.202** and certify that en-  
23 titlement to the city.

→ "(b)"

24 Sec. 29.65.030. DETERMINATION OF ENTITLEMENT FOR NEWLY INCOR-  
25 PORATED MUNICIPALITIES. (a) The general grant land entitlement of a  
26 municipality incorporated after July 1, 1978, is 10 percent of the  
27 total acreage of vacant, unappropriated, unreserved land within the  
28 boundaries of the municipality on the date of its incorporation.

29 (b) Within six months after the date of incorporation of a

HCRA #2

HCRA #2

HCRA  
#2

1 municipality that is incorporated after July 1, 1978, the commissioner  
2 shall determine the entitlement of each municipality eligible to  
3 receive general grant land under (a) of this section and certify the  
4 entitlement to the municipality.

5 ~~Sec.~~ <sup>4(c)</sup> 29.65.040. STATUS OF ENTITLEMENTS. (a) After July 1,  
6 1978, general grant land entitlements provided in ~~AS 29.65.010~~ and <sup>former AS 29.18.201</sup>  
7 ~~29.65.020~~ <sup>former 29.18.202</sup> are vested property rights that must be fulfilled as pro-  
8 vided in AS 29.65.050 or 29.65.080.

9 (b) General grant land entitlements provided by AS 29.65.030 are  
10 property rights that vest on the date of incorporation of the munici-  
11 pality. The entitlement must be fulfilled as provided in AS 29.65.-  
12 050.

13 (c) Land may be selected or nominated for selection by a munici-  
14 pality to satisfy a general grant land entitlement under former  
15 AS 29.18.201 and 29.18.202 at any time before October 1, 1980. How-  
16 ever, if a municipal selection or nomination or a part of a municipal  
17 selection or nomination is rejected by the commissioner, the munici-  
18 pality may, not later than 90 days after receipt of the rejection,  
19 select additional state land as necessary to satisfy its entitlement.

20 (d) Land may be selected by a municipality to satisfy a general  
21 grant land entitlement under AS 29.65.030 at any time within one year  
22 after the commissioner certifies the entitlement to the municipality.

23 (e) The time limitations imposed by (c) and (d) of this section  
24 for exercising a vested general grant land entitlement do not apply to

25 (1) the portion of an entitlement that cannot be satisfied  
26 by that date because of a shortage of land suitable for residential,  
27 commercial, and industrial purposes that is vacant, unappropriated,  
28 unreserved land;

29 (2) payments for land deficiency under AS 29.65.080;

1 commissioner is rejected by the board, the commissioner shall meet  
2 with the board as often as necessary to determine the type and amount  
3 of equal value replacement land that would be required to obtain the  
4 board's concurrence, and shall propose the replacement land for  
5 consideration by the board. The replacement land shall thereafter be  
6 managed for the purposes for which the land selected by the  
7 municipality was acquired by the Territory and State of Alaska.

8 (e) The notice provisions of AS 38.05.345 apply to the designa-  
9 tion of other general grant land as school or mental health land in  
10 replacement of land selected under this section. The provisions of  
11 AS 38.50 do not apply to such designations under this section.

12 (f) For purposes of determining the per capita entitlement under  
13 (a) of this section, the population of a municipality shall be the  
14 population determined by the commissioner under former AS 43.18.010  
15 for the program year beginning July 1, 1978, for a municipality whose  
16 entitlement ~~is~~ <sup>was</sup> determined under AS ~~29.65.010.~~ <sup>former AS 29.18.201 OR 29.18.202</sup>

17 Sec. 29.65.070. SELECTION AND CONVEYANCE PROCEDURE. (a) If  
18 land selected by a municipality is unsurveyed at the time of approval,  
19 the commissioner shall survey, or may approve the municipality's  
20 survey of, the exterior boundaries of an approved selection without  
21 interior subdivision, and shall issue patent in terms of the exterior  
22 boundary survey. The cost of the survey shall be borne by the munici-  
23 pality. If land selected by a municipality has been surveyed at the  
24 time of its selection, the boundaries shall conform to the public land  
25 subdivisions established by the approved survey.

26 (b) The commissioner may approve municipal selections of land  
27 that have been tentatively approved or patented to the state by the  
28 federal government but may not issue patent to a municipality until  
29 the land has first been patented to the state. After approval of a

HCRA  
#2

STATE OF ALASKA  
THE LEGISLATURE  
LEGISLATIVE AFFAIRS AGENCY

HCR-A #3

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

#3

MEMORANDUM

February 20, 1985

SUBJECT: Municipal Code Revision  
(HB 72)

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

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

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

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

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

Representative Peter Coll  
February 20, 1985  
Page 2

#3 cont.

from the section without deleting the definition. The definition is deleted in this amendment. The changes relating to disabled veterans in AS 29.53.020, 20.73.060, and 29.73.062 made in chapter 40 SLA 1984 have already been incorporated into HB 72. The change relating to the tax exemption for motor vehicles in AS 29.53.025 made in chapter 27 SLA 1984 has already been incorporated into section 29.45.050 of HB 72. The change relating to taxation records and errors in taxation procedures in AS 29.53.103 and 29.53.105 have already been incorporated into HB 72 as sections 29.45.103 and 29.45.105.

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

TBC:oib  
J11/119

A M E N D M E N T

#3

Offered in the HOUSE

By The Community and

TO: HB 72

Regional Affairs Committee

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

"Sec. 29.35.140. REGULATION OF TRANSPORTATION CARRIERS. A municipality may not regulate an activity regarding transportation of passengers or freight for hire if the regulation conflicts with the regulation of that activity by the Alaska Transportation Commission as the regulation existed April 1, 1983 under former AS 02.05, former AS 42.07, or former AS .10."

Page 97, lines 27 - 29:

Delete all material and reletter the following subsection

Page 112, line 20:

Delete "For"

Page 112, lines 21 - 23

Delete all material

Page 114, line 5:

After "data." delete all material

Page 114, lines 6 - 8:

Delete all material

Page 172, line 21:

Delete "commissioner" and insert "director"

Page 173, line 1:

Delete "commissioner" and insert "director"

Page 173, line 17:

Delete "commissioner" and insert "director"

Page 173, line 22:

Delete "commissioner" and insert "director"

Page 174, line 14:

Delete "commissioner" and insert "director"

Page 174, line 19:

Delete "commissioner" and insert "director"

Page 174, line 23:

Delete "commissioner" and insert "director"

Page 175, line 2:

Delete "commissioner" and insert "director"

Page 175, line 6:

Delete "commissioner" and insert "director"

Page 175, line 20:

After "school" insert ", university"

Page 175, line 26:

Delete "commissioner" and insert "director"

Page 176, line 1:

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

Page 176, line 8:

Delete "AS 38.05.345" and insert "AS 38.05.945"

Page 176, line 9:

After "school" insert ", university"

Page 176, line 19:

Delete "commissioner" and insert "director"

Page 176, line 26:

Delete "commissioner" and insert "director"

Page 177, line 1:

Delete "commissioner" and insert "director"

Page 177, line 3:

Delete "commissioner" and insert "director"

Page 177, line 5:

Delete "commissioner" and insert "director"

Page 180, lines 3 and 4:

Delete "commissioner" and insert "director"

Page 180, line 9:

Delete "AS 38.05.345" and insert "AS 38.05.945"

Page 180, line 19:

Delete "AS 38.05.315" and insert "AS 38.05.810"

Page 180, line 24:

Delete "commissioner" and insert "director"

Page 180, line 27:

Delete "commissioner" and insert "director"

Page 180, line 28:

Delete "AS 38.05.315" and insert "AS 38.05.810"

Page 181, line 1:

Delete "AS 38.05.315" and insert "AS 38.05.810"

Page 182, line 1:

After "commissioner" insert "of natural resources"

Page 182, line 9:

Delete "commissioner" and insert "director"

Page 182, lines 9 and 10:

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

Page 182, line 18:

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

Page 182, line 23:

After "issued" insert "by the director"

Page 183, after line 6, insert:

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

Renumber the following paragraph accordingly

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

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

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

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

Renumber the following bill sections accordingly

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

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

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

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

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

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

Renumber the following bill sections accordingly

Page 199, lines 7 - 10:

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

Page 206, line 8:

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

HCRA  
#3

1 in the executive branch of state government.

2 → Sec 29.35.140

ARTICLE 2. MANDATORY AREAWIDE POWERS.

3 Sec. 29.35.150. SCOPE OF AREAWIDE POWERS. A borough shall  
4 exercise the powers as specified and in the manner specified in  
5 AS 29.35.150 -- 29.35.180 on an areawide basis.

6 Sec. 29.35.160. EDUCATION. (a) Each borough constitutes a  
7 borough school district and establishes, maintains, and operates a  
8 system of public schools on an areawide basis as provided in AS 14.-  
9 14.060. A military reservation in a borough is not part of the bor-  
10 ough school district until the military mission is terminated or until  
11 inclusion in the borough school district is approved by the Department  
12 of Education. However, operation of the military reservation schools  
13 by the borough school district may be required by the Department of  
14 Education under AS 14.14.110. If the military mission of a military  
15 reservation terminates or continued management and control by a re-  
16 gional educational attendance area is disapproved by the Department of  
17 Education, operation, management, and control of schools on the mili-  
18 tary reservation transfers to the borough school district in which the  
19 military reservation is located.

20 (b) This section applies to home rule and general law municipal-  
21 ities.

22 Sec. 29.35.170. ASSESSMENT AND COLLECTION OF TAXES. (a) A  
23 borough shall assess and collect property, sales, and use taxes that  
24 are levied in its boundaries, subject to AS 29.45.

25 (b) Taxes levied by a city shall be collected by a borough and  
26 returned in full to the levying city. This subsection applies to home  
27 rule and general law municipalities.

28 Sec. 29.35.180. LAND USE REGULATION. (a) A first or second  
29 class borough shall provide for planning, platting, and land use

1 violation or threatened violation, the superior court shall grant the  
2 injunction.

3 (b) Each day that an unlawful act or condition continues consti-  
4 tutes a separate violation.

5 Sec. 29.40.200. SUBDIVISIONS OF STATE LAND. (a) The subdivi-  
6 sion requirements adopted under this chapter apply to a subdivision  
7 plat of undeveloped state land for disposal under AS 38.05 or AS 38.08  
8 filed with the platting authority. Subdivision ordinances and regula-  
9 tions adopted after the platting authority is notified by the commis-  
10 sioner of natural resources of a proposed sale of subdivided state  
11 land under AS 38.05 or AS 38.08 do not apply to the state land in the  
12 proposed sale.

13 (b) The platting authority shall approve and sign a subdivision  
14 plat of state land within 60 days after its receipt from the commis-  
15 sioner of natural resources unless the platting authority

16 (1) determines that the plat does not comply with subdivi-  
17 sion requirements; and

18 (2) notifies the commissioner of each determination of non-  
19 compliance within the 60-day period established in this subsection.

20 (c) The commissioner of natural resources may withdraw the subdivi-  
21 sion plat and amend it in response to the determination of non-  
22 compliance by the platting authority under (b) of this section. The  
23 platting authority shall respond within 30 days to the amendment or  
24 response from the commissioner of natural resources.

25 (d) Nothing in this section relieves the Department of Natural  
26 Resources of its obligation to provide legal access to a subdivision.

27 (e) As used in this section, "capital improvements" includes but  
28 is not limited to access roads, other physical improvements, and their  
29 design and engineering

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delete

1 classified as personal property by ordinance. This section does not  
2 apply to house trailers and mobile homes that are unoccupied and held  
3 for sale by persons engaged in the business of selling mobile homes.

4 Sec. 29.45.080. TAX ON OIL AND GAS PRODUCTION AND PIPELINE PROP-  
5 ERTY. (a) A municipality may levy and collect taxes on property  
6 taxable under AS 43.56 only by using one of the methods set out in (b)  
7 or (c) of this section.

8 (b) A municipality may levy and collect a tax on the full and  
9 true value of property taxable under this chapter and under AS 43.56  
10 as valued by the Department of Revenue at a rate not to exceed that  
11 which produces an amount of revenue from the total municipal property  
12 tax equivalent to \$1,500 a year for each person residing in its bound-  
13 aries.

14 (c) A municipality may levy and collect a tax on the full and  
15 true value of that portion of property taxable under this chapter and  
16 under AS 43.56 as assessed by the Department of Revenue which value,  
17 when combined with the value of property otherwise taxable by the  
18 municipality, does not exceed the product of 225 percent of the aver-  
19 age per capita assessed full and true value of property in the state  
20 multiplied by the number of residents of the taxing municipality. For  
21 ~~delete~~ purposes of this subsection, the average per capita assessed full and  
22 true value of property in the state shall be calculated without regard  
23 to the assessed value of taxable property under AS 43.58.

24 (d) By February 1 of each assessment year a taxing municipality  
25 must inform the Department of Revenue which method of taxation the  
26 municipality will use.

27 (e) For purposes of this section, population shall be determined  
28 by the commissioner based on the latest statistics of the United  
29 States Bureau of the Census or on other reliable population data, and

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1 taxing municipality.

2 (d) For the purpose of (b) and (c) of this section, population  
3 shall be determined by the commissioner based on the latest statistics  
4 of the United States Bureau of the Census or on other reliable popula-  
5 tion data. For purposes of (b) and (c) of this section, the average  
6 per capita assessed full and true value of property in the state shall  
7 be calculated without regard to the assessed value of taxable property  
8 under AS 43.58.

9 Sec. 29.45.100. NO LIMITATIONS ON TAXES TO PAY BONDS. The  
10 limitations provided for in AS 29.45.080 -- 29.45.090 do not apply to  
11 taxes levied or pledged to pay or secure the payment of the principal  
12 and interest on bonds. Taxes to pay or secure the payment of princi-  
13 pal and interest on bonds may be levied without limitation as to rate  
14 or amount, regardless of whether the bonds are in default or in danger  
15 of default.

16 Sec. 29.45.103. TAXATION RECORDS. (a) Municipal records deal-  
17 ing with assessment, valuation or taxation may be inspected by the  
18 State Assessor or the assessor's designee.

19 (b) If a municipality's assessment and valuation has been done  
20 by a private contractor, records concerning the municipality's valua-  
21 tion and assessment shall be made available to the State Assessor or  
22 the assessor's designee on request.

23 Sec. 29.45.105. ERRORS IN TAXATION PROCEDURES. (a) If a  
24 municipality receives a notice from the State Assessor that major  
25 errors have been found in its assessment, valuation or taxation proce-  
26 dures, the municipality shall correct its procedures before the begin-  
27 ning of the next fiscal year or file an appeal under (b) of this  
28 section.

29 (b) A municipality may appeal a notice from the State Assessor

1 the municipalities in this section is the amount set out opposite  
2 each:

- 3 (1) Municipality of Anchorage -- 44,893 acres;
- 4 (2) City and Borough of Juneau -- 19,584 acres;
- 5 (3) City and Borough of Sitka -- 10,500 acres;
- 6 (4) Bristol Bay Borough -- 2,898 acres;
- 7 (5) Fairbanks North Star Borough -- 112,000 acres;
- 8 (6) Haines Borough -- 2,800 acres;
- 9 (7) Kenai Peninsula Borough -- 155,780 acres;
- 10 (8) Ketchikan Gateway Borough -- 11,593 acres;
- 11 (9) Kodiak Island Borough -- 56,500 acres;
- 12 (10) Matanuska-Susitna Borough -- 355,210 acres;
- 13 (11) North Slope Borough -- 89,850 acres.

→ "(b)"  
Sec. 29.65.020.

"(a)"  
^

14 DETERMINATION OF ENTITLEMENT FOR CITIES. The  
15 general grant land entitlement of a city formerly eligible to receive  
16 general grant land under the provisions of former AS 29.18.190 and  
17 29.18.200 is 10 percent of the maximum total acreage of vacant, unap-  
18 propriated, unreserved land in the boundaries of each city at any time  
19 between the initial date of eligibility under former AS 29.18.190 and  
20 29.18.200 and July 1, 1978. Within six months after July 1, 1978, the  
21 Commissioner shall determine the entitlement for each city eligible to  
22 receive general grant land under ~~this section~~ **FORMER AS 29.18.202** and certify that en-  
23 titlement to the city.

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24 → "(b)"  
25 Sec. 29.65.030. DETERMINATION OF ENTITLEMENT FOR NEWLY INCOR-  
26 PORATED MUNICIPALITIES. (a) The general grant land entitlement of a  
27 municipality incorporated after July 1, 1978, is 10 percent of the  
28 total acreage of vacant, unappropriated, unreserved land within the  
29 boundaries of the municipality on the date of its incorporation.

(b) Within six months after the date of incorporation of a

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1 municipality that is incorporated after July 1, 1978, the ~~commissioner~~  
2 shall determine the entitlement of each municipality eligible to  
3 receive general grant land under (a) of this section and certify the  
4 entitlement to the municipality.

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5 ~~Sec.~~ <sup>4(c)</sup> 29.65.040. STATUS OF ENTITLEMENTS. (a) After July 1,  
6 1978, general grant land entitlements provided in ~~AS 29.65.010~~ and ~~AS 29.65.020~~  
7 ~~29.65.020~~ <sup>former 9.18.202</sup> e vested property rights that must be fulfilled as pro-  
8 vided in AS 29.65.050 or 29.65.080.

former AS 29.18.201

9 (b) General grant land entitlements provided by AS 29.65.030 are  
10 property rights that vest on the date of incorporation of the munici-  
11 pality. The entitlement must be fulfilled as provided in AS 29.65.-  
12 050.

13 (c) Land may be selected or nominated for selection by a munici-  
14 pality to satisfy a general grant land entitlement under former  
15 AS 29.18.201 and 29.18.202 at any time before October 1, 1980. How-  
16 ever, if a municipal selection or nomination or a part of a municipal  
17 selection or nomination is rejected by the ~~commissioner~~ <sup>DIRECTOR</sup>, the munici-  
18 pality may, not later than 90 days after receipt of the rejection,  
19 select additional state land as necessary to satisfy its entitlement.

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20 (d) Land may be selected by a municipality to satisfy a general  
21 grant land entitlement under AS 29.65.030 at any time within one year  
22 after the ~~commissioner~~ <sup>DIRECTOR</sup> certifies the entitlement to the municipality.

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23 (e) The time limitations imposed by (c) and (d) of this section  
24 for exercising a vested general grant land entitlement do not apply to

25 (1) the portion of an entitlement that cannot be satisfied  
26 by that date because of a shortage of land suitable for residential,  
27 commercial, and industrial purposes that is vacant, unappropriated,  
28 unreserved land;

29 (2) payments for land deficiency under AS 29.65.080;

1 (3) the portion of an entitlement that cannot be satisfied  
2 because the land selected by a municipality has been selected by a  
3 party entitled to select land owned by the United States or the state;  
4 or

5 (4) the portion of an entitlement that cannot be satisfied  
6 because the land nominated for selection by the municipality is not  
7 tentatively approved for patent to the state.

8 Sec. 29.65.050. FULFILLMENT OF LAND ENTITLEMENTS. (a) The  
9 acreage of each municipality's land selections for which patent has  
10 been issued before July 1, 1978, shall be credited toward fulfillment  
11 of the entitlement of that municipality.

12 (b) All approved selections under former AS 29.18.190 and 29.-  
13 18.200 for which patent has not been issued to a municipality on  
14 July 1, 1978, shall be reviewed by the <sup>DIRECTOR</sup> ~~commissioner~~ within nine months  
15 after July 1, 1978. Any approved selection of land that was vacant,  
16 unappropriated, or unreserved on the date of selection is valid as of  
17 the date of the approval under former AS 29.18.190 and 29.18.200, and  
18 a patent shall be issued to the municipality within three months after  
19 approval by the <sup>DIRECTOR</sup> ~~commissioner~~ of a plat of survey. The acreage shall  
20 be credited toward fulfillment of the municipality's entitlement. A  
21 municipality is not entitled to receive ~~patent under~~ this chapter to  
22 more than its entitlement determined under AS ~~29.65.010~~ -- 29.65.030.  
23 Any prior approval by the <sup>DIRECTOR</sup> ~~commissioner~~ of municipal selections for  
24 land that was not vacant, unappropriated, or unreserved on the date of  
25 selection shall be rescinded, and patent may not be issued except when  
26 disposal to a third party by sale or lease has occurred. Transfers of  
27 land to municipalities under this chapter are subject to AS 38.05.321.  
28 Classification actions as reflected on the land status records of the  
29 Department of Natural Resources are determinative of land

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1 classification status for purposes of this chapter.  
 2 (c) The ~~commissioner~~<sup>DIRECTOR</sup> shall approve each selection for patent  
 3 within nine months of its selection by a municipality, and a patent  
 4 shall be issued to the municipality for land selected in satisfaction  
 5 of a general grant land entitlement vested under AS 29.65.010  
 6 29.65.030 within three months after approval by the ~~commissioner~~<sup>DIRECTOR</sup> of a  
 7 plat of survey.

8 Sec. 29.65.060. SCHOOL AND MENTAL HEALTH LAND. (a) If an  
 9 entitlement determined under AS 29.65.010 or 29.65.020 results in a  
 10 per capita entitlement for the municipality of less than one and  
 11 one-half acre, the municipality may select vacant school or mental  
 12 health land in the municipality in partial fulfillment of its land  
 13 entitlement under this chapter. School or mental health land may be  
 14 selected notwithstanding the fact that this land is not unappropriated  
 15 and unreserved within the meaning of this chapter and under former  
 16 AS 29.18.190 and 29.18.200, but each selection of school or mental  
 17 health land by a municipality must be vacant, unappropriated, or  
 18 unreserved land as defined in this chapter, except that it need not be  
 19 general grant land.

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20 (b) The acreage of school<sup>university</sup> or mental health land, if any, in a  
 21 municipality may not be included in the determination of entitlement  
 22 under AS 29.65.010 or 29.65.020.

23 (c) Land conveyed under this section will be credited against a  
 24 municipality's remaining land entitlement under this chapter.

25 (d) Within six months after approval of a municipal selection of  
 26 school or mental health land, the ~~commissioner~~<sup>DIRECTOR</sup> shall identify state  
 27 general grant land of approximately equal value to the land requested  
 28 by the municipality and shall propose the replacement land for the  
 29 concurrence of the appropriate board. If a proposal by the

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1 commissioner is rejected by the board, the <sup>DIRECTOR</sup>~~commissioner~~ shall meet  
2 with the board as often as necessary to determine the type and amount  
3 of equal value replacement land that would be required to obtain the  
4 board's concurrence, and shall propose the replacement land for  
5 consideration by the board. The replacement land shall thereafter be  
6 managed for the purposes for which the land selected by the  
7 municipality was acquired by the Territory and State of Alaska.

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8 (e) The notice provisions of <sup>AS 38.05.945</sup>~~AS 38.05.345~~ apply to the designa-  
9 tion of other general grant land as school<sup>UNIVERSITY</sup> or mental health land in  
10 replacement of land selected under this section. The provisions of  
11 AS 38.50 do not apply to such designations under this section.

12 (f) For purposes of determining the per capita entitlement under  
13 (a) of this section, the population of a municipality shall be the  
14 population determined by the commissioner under former AS 43.18.010  
15 for the program year beginning July 1, 1978, for a municipality whose  
16 entitlement <sup>was</sup>~~is~~ determined under AS <sup>former AS 29.18.201 OR 29.18.202</sup>~~29.65.010~~.

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17 Sec. 29.65.070. SELECTION AND CONVEYANCE PROCEDURE. (a) If  
18 land selected by a municipality is unsurveyed at the time of approval,  
19 the <sup>DIRECTOR</sup>~~commissioner~~ shall survey, or may approve the municipality's  
20 survey of, the exterior boundaries of an approved selection without  
21 interior subdivision, and shall issue patent in terms of the exterior  
22 boundary survey. The cost of the survey shall be borne by the munici-  
23 pality. If land selected by a municipality has been surveyed at the  
24 time of its selection, the boundaries shall conform to the public land  
25 subdivisions established by the approved survey.

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26 (b) The <sup>DIRECTOR</sup>~~commissioner~~ may approve municipal selections of land  
27 that have been tentatively approved or patented to the state by the  
28 federal government but may not issue patent to a municipality until  
29 the land has first been patented to the state. After approval of a

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1 selection by the ~~commissioner~~, but before patent to a municipality,  
2 the municipality may execute conditional leases and make conditional  
3 sales only with the consent of the ~~commissioner~~. <sup>DIRECTOR</sup> Conditional sales  
4 and conditional leases made before July 1, 1978, do not require the  
5 consent of the ~~commissioner~~. <sup>DIRECTOR</sup>

6 (c) Nothing in this chapter affects a valid existing claim,  
7 location, or entry under the laws of the state or the United States  
8 whether for homestead, mineral, right-of-way, or other purposes.  
9 Nothing in this chapter affects the rights of an owner, claimant,  
10 locater, or entryman to the full use and enjoyment of the land so  
11 occupied.

12 Sec. 29.65.080. PAYMENT FOR LAND DEFICIE CY. (a) The Alaska  
13 municipal land account is established in the general fund for the  
14 following purposes:

15 (1) providing payment to the boroughs and unified muni-  
16 cipalities designated in AS 29.65.010 for a deficiency of land phys-  
17 ically suitable for residential, commercial, or industrial purposes;  
18 or

19 (2) providing payment to the boroughs and unified muni-  
20 cipalities designated in AS 29.65.010 for certain general grant lands  
21 selected by the state and conveyed to a Native corporation under the  
22 provisions of the Alaska Native Claims Settlement Act.

23 (b) A municipality shall receive payment for its land deficiency  
24 from the municipal land account. A municipality is eligible to re-  
25 ceive payment for land deficiency if, after July 1, 1980, the amount  
26 of land selected by a municipality that is physically suitable for  
27 residential, commercial, or industrial purposes amounts to less than  
28 one-third acre per capita. Any entitlement under AS 29.65.010 that is  
29 less than one-third acre per capita will, for the purposes of this

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1 furnish a notice with the tax statement describing the effect on  
2 property tax levies of payments received under this section.

3 Sec. 29.65.090. AUTHORIZATION FOR LAND EXCHANGES. The <sup>DIRECTOR</sup> ~~commissioner~~  
4 ~~higher~~, and a municipality are authorized to exchange land or inter-  
5 ests in land when it is in the public interest. Land or interests in  
6 land exchanged under this section must be of approximately equal  
7 value, including the nonmonetary value of public benefits. Exchange  
8 procedures shall comply with applicable law and municipal ordinances.  
9 The notice and review provisions of AS <sup>38.05.945</sup> ~~38.05.345~~ apply to exchanges of  
10 land under this section. The provisions of AS 38.50 do not apply to  
11 exchanges of land under this section.

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12 Sec. 29.65.100. PUBLIC PURPOSE AND EXPANSION NEEDS. (a) Con-  
13 sistent with the best interests of the state, if a municipality does  
14 not contain and cannot reasonably acquire sufficient nonfederal land  
15 within its boundaries to meet its legitimate needs for public or  
16 private settlement or development, it shall be the policy of the state  
17 to select federal land reasonably necessary to meet the needs of the  
18 municipality and to make the land selected available to the municipal-  
19 ity under AS <sup>38.05.810</sup> ~~38.05.315~~ or (b) of this section.

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20 (b) The state may contract with a municipality to act as its  
21 agent in an auction of state land under applicable statutes. When a  
22 municipality acts as the agent of the state in an auction, the munici-  
23 pality may retain from the proceeds of the auction the capital and  
24 other expenses that the <sup>DIRECTOR</sup> ~~commissioner~~ determines to be necessary and  
25 reasonable.

26 (c) Nothing in this chapter limits or impairs the authority of  
27 the <sup>DIRECTOR</sup> ~~commissioner~~ to transfer land to municipalities, without limit or  
28 consideration, for public purposes in accordance with AS <sup>38.05.810</sup> ~~38.05.315~~.  
29 If there is a remaining entitlement of the municipality, land

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38.05.810

1 transferred under AS ~~38.05.315~~ shall be credited toward fulfillment of  
2 the entitlement.

3 Sec. 29.65.110. ELECTION OF BENEFITS. (a) A municipality that  
4 on July 1, 1978, is engaged in litigation, or that becomes engaged in  
5 litigation, regarding a claim to state land under former AS 29.18.190  
6 and 29.18.200 shall elect either to obtain the benefits provided in  
7 this chapter or to pursue the litigation and waive any claim to en-  
8 titlement under this chapter. An election shall be made by filing a  
9 motion for dismissal with prejudice in the court in which the litiga-  
10 tion is pending. If the claim involves a municipality identified in  
11 AS 29.65.010, the municipality shall file its motion for dismissal  
12 within 60 days after July 1, 1978. If a claim involves a city eligi-  
13 ble to receive an entitlement under AS 29.65.020 the city shall file  
14 its motion for dismissal within 60 days after receiving the certifi-  
15 cate of entitlement provided by the commissioner under AS 29.65.020.  
16 Failure of the municipality to file a motion for dismissal during the  
17 time period provided in this subsection is considered a waiver of  
18 entitlement under this chapter.

19 (b) A municipality that was eligible to file land selections  
20 under former AS 29.18.190 and 29.18.200 and that does not enter into  
21 litigation over a claim to rights under those sections before the  
22 expiration of the time period within which it could make an election  
23 under (a) of this section is considered to have elected to receive  
24 benefits under this chapter and to have waived any claim that might  
25 have been raised under former AS 29.18.190 and 29.18.200.

26 (c) The provisions of this chapter do not affect the rights of a  
27 party to litigation regarding the former AS 29.18.190, 29.18.200 or  
28 29.18.420 maintained by a municipality that has elected not to obtain  
29 the benefits provided by this chapter.

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1 Sec. 29.65.120. ADMINISTRATION. The commissioner may adopt  
2 regulations in accordance with the Administrative Procedure Act  
3 (AS 44.62) necessary to carry out the purposes of this chapter.

4 Sec. 29.65.130. DEFINITIONS. In this chapter, unless the con-  
5 text otherwise requires,

6 (1) "approved selection" means a municipal land selection  
7 that has been approved in writing by the director for transfer by  
8 patent to a municipality;

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9 (2) <sup>DIRECTOR</sup> "commissioner" means the commissioner of natural re-  
10 sources, or the commissioner's designee;

11 (3) "general grant land" (A) means land patented or tenta-  
12 tively approved to the state from the United States under sec. 6(a) or  
13 (b) of the Alaska Statehood Act, and (B) does not include university  
14 land;

15 (4) "mental health land" means land granted under Title II,  
16 sec. 202 of P.L. 84--930, as amended before or after July 1, 1978;

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17 (5) "municipal land selection" means a request by a munici-  
18 pality, filed in writing with the <sup>DIRECTOR</sup> Department of Natural Resources  
19 under authority of former AS 29.18.190 and 29.18.200 or under this  
20 chapter for vacant, unappropriated, unreserved general grant land  
21 within its municipal boundaries in partial fulfillment of its munici-  
22 pal entitlement;


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23 (6) "patent" means a document, issued <sup>by The Director</sup> to a municipality for  
24 a previously approved selection, that conveys and quitclaims all the  
25 right, title, and interest of the state without reservation or condi-  
26 tion except as may be required by law;

27 (7) "remaining entitlement" means the general grant land  
28 entitlement determined in accordance with this chapter, reduced by the  
29 total acreage of approved selections, including both patented and

1 unpatented parcels;

2 (8) "school land" means those rectangular sections 16 and  
3 36 within each township surveyed on or before January 3, 1959, and  
4 confirmed and transferred to the State of Alaska upon its admission  
5 under sec. 6(k), Alaska Statehood Act, 72 Stat. 339, and any other  
6 land designated solely for school revenues;

7  university land  
(9) "vacant, unappropriated, unreserved land" means general  
8 grant land as defined in (3) of this section, excluding minerals as  
9 required by sec. 6(i) of the Alaska Statehood Act, that

10 (A) has not been set aside by statute for one or more  
11 particular uses or purposes;

12 (B) has not been approved for patent to a municipality  
13 under this chapter or former AS 29.18.190 and 29.18.200; or

14 (C) is unclassified or, if classified under AS 38.05.-  
15 300, is classified for agricultural, grazing, commercial, indus-  
16 trial, private recreational, residential, utility, or open-to-  
17 entry purposes, or is classified in accordance with an agreement  
18 between a municipality and the state providing for state manage-  
19 ment of land of the municipality.

20 Sec. 29.65.140. APPLICATION. This chapter applies to home rule  
21 and general law municipalities.

22 \* Sec. 17. AS 29 is amended by adding a new chapter to read:

23 CHAPTER 71. GENERAL PROVISIONS.

24 Sec. 29.71.010. ADVERSE POSSESSION. A municipality may not be  
25 divested of title to real property by adverse possession.

26 Sec. 29.71.020. DEDICATION OF MUNICIPAL PROPERTY. Dedication of  
27 streets, rights-of-way, easements or other areas for public use may  
28 not be construed to require the municipality to maintain, improve or  
29 provide for municipal services in the area dedicated and the

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1 development, includes resubdivision, and relates to the process  
2 of subdividing or to the land subdivided;

3 (B) does not include cadastral plats, cadastral con-  
4 trol plats, open-to-entry plats, or remote parcel plats created  
5 by or on behalf of the state regardless of whether these plats  
6 include easements or other public dedications;

7 (24) "unified municipality" means a municipality unified in  
8 accordance with AS 29.06.190 -- 29.06.410;

9 (25) "voter" means a United States citizen who is qualified  
10 to vote in state elections, has been a resident of the municipality  
11 for 30 days immediately preceding the election, is registered to vote  
12 in state elections, and is not disqualified under art. V of the state  
13 constitution.

14 \* Sec. 18. AS 01.10.060 is amended by adding a new paragraph to read:

15 (15) "municipality" means a political subdivision incor-  
16 porated under the laws of the state that is a home rule or general law  
17 city, a home rule or general law borough, or a unified municipality.

18 \* Sec. 19. AS 05.35.040 is amended to read:

19 Sec. 05.35.040. POWER OF MUNICIPALITY. A municipality may own,  
20 maintain and employ a facility constructed under AS 05.35.010 --  
21 05.35.070. The exercise of this power on an areawide basis is at the  
22 option of the borough and is not subject to the restrictions on ac-  
23 quiring additional areawide powers in AS 29.35.300 -- 29.35.330  
24 [AS 29.33.250 -- 29.33.290].

25 \* Sec. 20. AS 09.55.275 is amended to read:

26 Sec. 09.55.275. REPLAT APPROVAL. No agency of the state or  
27 municipality may acquire property located within a municipality exer-  
28 cising the powers conferred by AS 29.35.180 or 29.35.260(c) that  
29 [AS 29.33.150 -- 29.33.245 WHICH] results in a boundary change unless

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NEW SECTION amending AS 09.45.845

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1 \* Sec. 39. AS 16.20.038(g) is amended to read:  
2 (g) The establishment of a refuge under this section does not  
3 impair or alter existing rights of a municipality [BOROUGH OR CITY] to  
4 state land selected [SELECT STATE LAND] under former AS 29.18.190 --  
5 29.18.200.

6 \* Sec. 40. AS 18.26.250(2) is amended to read:  
7 (2) municipality [MUNICIPAL CORPORATION OR POLITICAL SUB-  
8 DIVISION OF THE STATE AS THE TERMS ARE USED IN AS 29];

9 \* Sec. 41. AS 18.80.290(d) is amended to read:  
10 (d) The governing [LEGISLATIVE] body of a general law or home  
11 rule municipality has the authority under AS 29.20.320 [AS 29.48.035]  
12 to grant to local commissions powers and duties similar to those  
13 exercised by the Alaska Human Rights Commission under the provisions  
14 of this chapter [ACT].

15 \* Sec. 42. AS 19.30.241(2) is amended to read:  
16 (2) "home rule city" means a city as defined in AS 29.04.-  
17 010 [AS 29.08.010];

18 \* Sec. 43. AS 19.30.241(3) is amended to read:  
19 (3) "local government" means an organized borough of any  
20 class, a unified municipality [ORGANIZED UNDER AS 29.68.240 -- 29.68.-  
21 440], a home rule city, or a first class city [OF THE FIRST CLASS];

22 \* Sec. 44. AS 26.23.230(5) is amended to read: *NEW SECTIONS amending AS 19.30.260, AS 19.30.280(a)*

23 (5) "political subdivision" means a home rule or general  
24 law borough or city [, WHETHER HOME RULE OR OTHERWISE,] including a  
25 unified municipality [MUNICIPALITIES UNIFIED UNDER AS 29.68.240 --  
26 29.68.440], an unincorporated village, or other unit of local govern-  
27 ment;

28 \* Sec. 45. AS 28.15.051(d) is amended to read:  
29 (d) The department may issue a special driver's permit to a

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1 taxing under AS 29.45.080(c) [AS 29.53.045(c)] exceeds the product of  
2 225 percent of the average per capita assessed full and true value of  
3 property in the state (to be determined by the department and reported  
4 to each municipality by January 15 of each year) multiplied by the  
5 number of residents of the taxing municipality, the department shall  
6 designate the portion of the tax base against which the local tax may  
7 be applied. For purposes of this subsection the average per capita  
8 assessed full and true value of property in the state shall be calcu-  
9 lated without regard to the assessed value of taxable property under  
10 ~~AS 43.58.~~

→ Insert For purposes of this subsection . . .

11 \* Sec. 66. AS 43.56.010(d) is amended to read:

12 (d) A tax paid to a municipality under AS 29.45.080 or former  
13 AS 29.53.045 on or before June 30 of the tax year shall be credited  
14 against the tax levied under (a) of this section for that tax year.  
15 If, however, a tax is not paid to a municipality until after June 30  
16 of the taxable year, the department upon application shall refund to  
17 the taxpayer the amount of tax paid to the municipality under AS 29.-  
18 45.080 or former AS 29.53.045. The credit or refund of taxes paid to  
19 a municipality may not exceed the total amount of tax levied by the  
20 department upon the taxpayer for the tax year, under (a) of this  
21 section.

22 \* Sec. 67. AS 43.56.060(a) is amended to read:

23 (a) The department shall assess property for the tax levied  
24 under AS 43.56.010(b) and AS 29.45.080 [AS 29.53.045] on property used  
25 or committed by contract or other agreement for use for the pipeline  
26 transportation of gas or unrefined oil or for the production of gas or  
27 unrefined oil at its full and true value as of January 1 of the as-  
28 sessment year.

29 \* Sec. 68. AS 43.75.130(1) is amended to read:

1 these powers have been delegated may waive or modify any regulation or  
2 standard established by the department under the authority of AS 47.-  
3 35.010 -- 47.35.080 as it applies to nurseries or the application of  
4 any such regulation or standard as it applies to a particular day care  
5 licensee but must notify the department of any waiver.

6 \* Sec. 83. The following laws are repealed: AS 04.11.400(c); AS 04.-  
7 21.080(b)(11); AS 14.56.065(b), 14.56.180(3); AS 15.13.130(6); AS 18.55.-  
8 950(10); AS 19.20.015(f); AS 24.55.330(3); ~~AS 28.35.260(a)(10)~~ <sup>AS 28.40.100(a)(10)</sup>; AS 29.08;  
9 AS 29.13; AS 29.18; AS 29.23; AS 29.28; AS 29.33; AS 29.38; AS 29.41;  
10 AS 29.43; AS 29.48; AS 29.53; AS 29.58; AS 29.63; AS 29.68; AS 29.73;  
11 AS 29.78; AS 29.88; AS 29.89; AS 29.95; AS 30.15.070(3); AS 30.30.170(2);  
12 AS 35.15.120(3); AS 42.06.630(6); AS 43.20.016; AS 43.56.210(8); AS 44.-  
13 07.360(8); AS 44.33.417(6); AS 44.47.310(5); and AS 44.85.410(4).

14 \* Sec. 84. A right or liability of a municipality existing on  
15 January 1, 1986, is not affected by the enactment of this Act. Ordinances  
16 and regulations in effect on January 1, 1986, remain in effect unless they  
17 conflict with provisions of this Act. Ordinances and regulations in effect  
18 on January 1, 1986, that conflict with provisions of this Act remain in  
19 effect for 180 days after January 1986. The terms of elected or appointed  
20 municipal officials in office on January 1986, are not affected by this  
21 Act, and their terms expire as provided before January 1, 1986.

22 \* Sec. 85. This Act takes effect January 1, 1986.

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STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

HCRA#4  
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POUCH Y. STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

#4

MEMORANDUM

February 22, 1985

SUBJECT: Municipal Code Revision  
(HB 72)

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

FROM: Tamara Brandt Cook  
Deputy Director  
Division of Legal Services

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

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

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A M E N D M E N T

Goll

Offered in the HOUSE

By THE COMMUNITY AND REGIONAL  
AFFAIRS COMMITTEE

To: HB 72

Page 28 line 25 through page 31, line 4:

Delete all material and insert the following new sections:

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) If at least seven nominations for qualified charter

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 31, line 6:

Delete "29.10.100" and insert "29.10.200"

1 be appealed under the Administrative Procedure Act (AS 44.62).

2 Sec. 29.06.510. ELECTION. (a) The Local Boundary Commission  
3 shall immediately notify the director of elections of its acceptance  
4 of a dissolution petition. Within 30 days after notification, the  
5 director of elections shall order an election in the municipality to  
6 determine whether the voters desire dissolution. The election must be  
7 held at least 30 and not more than 90 days after the election order.  
8 A person who is a voter of the municipality may vote in the dissolu-  
9 tion election.

10 (b) The director of elections shall supervise the election in  
11 the general manner prescribed by the Alaska Election Code (AS 15).  
12 The state shall pay all election costs.

13 (c) The director of elections shall certify the election re-  
14 sults. If dissolution is approved, the director of elections shall  
15 declare that the municipality is dissolved effective on the date of  
16 certification.

17 Sec. 29.06.520. SUCCESSION. The government succeeding to a dis-  
18 solved municipality succeeds to all its rights, powers, duties, as-  
19 sets, and liabilities.

20 Sec. 29.06.530. APPLICATION. AS 29.06.450 -- 29.06.530 apply to  
21 home rule and general law municipalities.

22 \* Sec. 5. AS 29 is amended by adding a new chapter to read:

23 CHAPTER 10. HOME RULE MUNICIPALITIES.

24 ARTICLE 1. CHARTERS.

25 Sec. 29.10.010. MUNICIPAL CHARTER ADOPTION. A first class  
26 ~~delete~~ municipality or second class borough may adopt a charter for its own  
27 government. A home rule municipality may amend its charter or adopt a  
28 new one. A charter is framed by a charter commission of seven members  
29 chosen by the municipal voters at a regular or special election.

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1 candidate for the commission shall be a qualified voter of the municipi-  
2 pality and a resident of the municipality for three years immediately  
3 preceding the election. A charter commission election is called by  
4 filing a petition with the borough assembly or the city council, or by  
5 resolution of the borough assembly or city council. The petition  
6 shall be signed by a number of municipal voters equal to 15 percent of  
7 the votes cast in the last regular election of the municipality.

8 Sec. 29.10.020. NOMINATION. Charter commission candidates are  
9 nominated by petitions signed by 50 voters or the number of qualified  
10 municipal voters equal to 10 percent of the number of votes cast in  
11 the last regular election, whichever is less.

12 Sec. 29.10.030. ELECTION. At the charter commission election  
13 the voters shall consider the question "Shall a charter commission be  
14 elected to frame a proposed new charter?" and shall select the members  
15 of the commission. If the question is approved, the seven candidates  
16 receiving the highest number of votes shall immediately organize as a  
17 charter commission.

18 Sec. 29.10.040. PREPARATION OF CHARTER. The charter commission  
19 shall, within one year, prepare a municipal charter. The proposed  
20 charter shall be signed by a majority of the charter commissioners and  
21 filed in the office of the municipal clerk. Within 15 days, the  
22 borough assembly or city council shall have the charter published once  
23 in a newspaper of general circulation if distributed within the  
24 municipality. The clerk shall post copies of the proposed charter in  
25 at least three public places and make copies available at the office  
26 of the clerk. The commission shall give published notice of and hold  
27 at least one public hearing on the proposed charter before the signing  
28 and filing of the charter.

29 Sec. 29.10.050. INITIATIVE AND REFERENDUM. (a) Municipal

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HCRA #4

1 charters shall provide the procedures for the initiative and referen-  
2 dum.

3 (b) A charter may not require an initiative or referendum peti-  
4 tion to have a number of signatures greater than 25 percent of the  
5 total votes cast at the last regular municipal election.

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

9 Sec. 29.10.060. CHARTER ELECTION. The charter shall be submit-  
10 ted to the municipal voters at a regular or special election held not  
11 less than 30 days nor more than 90 days from the publication of the  
12 charter.

13 Sec. 29.10.070. CHARTER ADOPTION. (a) If a majority of those  
14 voting on the question favor the proposed charter, it becomes the  
15 organic law of the municipality. Thereafter, the court shall take  
16 judicial notice of the charter. The municipality shall file the  
17 indicated number of copies of the charter with the

- 18 (1) lieutenant governor -- two copies;
- 19 (2) Department of Community and Regional Affairs -- two  
20 copies;
- 21 (3) district recorder -- one copy;
- 22 (4) municipal clerk -- one copy.

23 (b) If a proposed charter is rejected, the charter commission  
24 shall prepare another proposed charter to be submitted to the voters  
25 at a regular or special election to be held within one year after the  
26 date of the first charter election. If the second proposed charter is  
27 also rejected, the charter commission shall be dissolved and the  
28 question of adoption of a charter shall be treated as if it had never  
29 been proposed or approved.

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1 ~~Sec. 29.10.080. CHARTER AMENDMENT. A municipal charter may be~~  
2 ~~amended as provided in the charter or by initiative referendum as~~  
3 ~~provided in AS 29.26.100 -- 29.26.190, except that no amendment shall~~  
4 ~~be effective unless ratified by the voters.~~

5 ARTICLE 2. HOME RULE LIMITATIONS.

6 ~~29.10.200~~ ~~29.10.100.~~ LIMITATION OF HOME RULE POWERS. Only the fol-  
7 lowing provisions of this title apply to home rule municipalities as  
8 prohibitions on acting otherwise than as provided. These provisions  
9 supersede existing and prohibit future home rule enactments that  
10 provide otherwise:

- 11 (1) AS 29.05.140 (transition)
- 12 (2) AS 29.06.010 (change of municipal name)
- 13 (3) AS 29.06.040 -- 29.06.060 (annexation and detachment)
- 14 (4) AS 29.06.090 -- 29.06.170 (merger and consolidation)
- 15 (5) AS 29.06.190 -- 29.06.420 (unification of municipali-  
16 ties)
- 17 (6) AS 29.06.450 -- 29.06.530 (dissolution)
- 18 (7) AS 29.10.100 -- (charter amendment)
- 19 (8) AS 29.20.010 (conflict of interest)
- 20 (9) AS 29.20.020 (meetings public)
- 21 (10) AS 29.20.050 (legislative power)
- 22 (11) AS 29.20.060 -- 29.20.120 (assembly composition and  
23 apportionment)
- 24 (12) AS 29.20.140 (qualifications of members of governing  
25 bodies)
- 26 (13) AS 29.20.150 (term of office)
- 27 (14) AS 29.20.220 (executive power)
- 28 (15) AS 29.20.630 (prohibitions)
- 29 (16) AS 29.20.640 (reports)

HCRA #5

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 455-3800

LEGISLATIVE AFFAIRS AGENCY

#5

MEMORANDUM

February 25, 1985

SUBJECT: Municipal Code Revision (HB 72)

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

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

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

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

TBC:ojb  
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# 5

Offered in the HOUSE

TO: HB 72

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

Page 161, lines 1 and 2:

Delete "whether licensed or unlicensed,"

Page 161, lines 17 and 18:

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

Page 161, line 23:

Delete "or"

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

1 design of the health facility, or \$8,000 per health facility, ~~whether~~  
2 ~~licensed or unlicensed~~, as the municipality determines.

3 (b) A hospital may not receive payment under both (a)(1) and  
4 (a)(2) of this section.

5 (c) Money received by a municipality under (a)(3) of this sec-  
6 tion shall be used for expenses of health services or operation and  
7 maintenance of health facilities as the municipality determines.

8 (d) Before money may be distributed under this section, the com-  
9 missioner of health and social services shall certify to the commis-  
10 sioner of community and regional affairs that any accumulation of  
11 assets by nonprofit corporations or other recipients under this sec-  
12 tion is dedicated irrevocably to a public purpose.

13 (e) Subsections (a) and (c) of this section apply to home rule  
14 and general law municipalities.

15 (f) In this section

16 (1) "health facility"

17 (A) means a facility that is licensed, *OR certified by the state*  
18 *by the state under AS 18.20.010 -- 18.20.130* and that is owned or *or approved*  
19 operated or both by a municipality or by a nonprofit corporation *under*  
20 or other nonprofit sponsor; *Regulation*  
*adopted by*  
*the dept.*

21 (B) includes a public health center, maternity home,  
22 community mental health center, facility for the mentally or  
23 physically handicapped, nursing home, ~~or~~ convalescent center; *A domestic*

24 (C) excludes a facility operated or wholly supported *violence..*  
25 by the state or the federal government;

26 (2) "hospital" means a licensed hospital determined by the  
27 Department of Health and Social Services to be a general or special  
28 hospital; the term excludes a facility operated or wholly supported by  
29 the state or the federal government.

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A M E N D M E N T

Offered in the HOUSE

TO: HB 72

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

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

Reletter following subsections accordingly.

Page 53, line 29:

Delete "section" and insert "subsection"

1 or otherwise to appoint officials and employees in accordance with  
2 law.

3 Sec. 29.20.520. REPEAL OF MANAGER PLAN. A municipality may  
4 repeal a manager plan in the same manner used for its adoption.  
5 Within 60 days after repeal of a manager plan, the governing body  
6 shall enact provisions for the reorganization of the municipal execu-  
7 tive and administrative functions.

8 ARTICLE 7. MISCELLANEOUS PROVISIONS.

9 Sec. 29.20.600. OATHS OF OFFICE. Before taking office a municipi-  
10 pal official shall affirm in writing that the duties of the office  
11 will be honestly, faithfully, and impartially performed by the offi-  
12 cial. The oath is filed with the municipal clerk.

13 Sec. 29.20.610. BONDING. The manager and the other municipal  
14 officials or employees that the governing body may designate shall  
15 give bond in the amount and with the surety prescribed by the govern-  
16 ing body. Premiums on bonds are paid by the municipality.

17 Sec. 29.20.620. COMPENSATION FOR ELECTED OFFICIALS. The govern-  
18 ing body shall by ordinance provide a method of determining the sal-  
19 aries of elected officials. The salary of the mayor may not be re-  
20 duced during the term of office of the mayor, unless during the term a  
21 manager plan is adopted. An elected official may not receive com-  
22 pensation for service to the municipality in addition to the salary  
23 received as an elected official, unless otherwise provided by ordi-  
24 nance. Per diem payments or reimbursements for expenses are not  
25 compensation under this section.

26 Sec. 29.20.630. PROHIBITIONS. <sup>(a) a person may not be in any way . . .</sup>  
27 (a) subject to AS 14.14.140, a  
28 state employee or school district employee may not be denied the right  
29 to serve as an elected municipal official because of employment by the  
state or a school district. For purposes of this <sup>subsection</sup> ~~section~~ a school

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Offered in the HOUSE

TO: HB 72

Page 58, line 13:

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

Page 96, line 18:

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

Page 96, line 21:

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

Page 116, line 29:

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

Page 117, line 1:

After "file a" insert "tax"

Delete "who"

Delete "makes" and insert "making"

Page 117, line 4:

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

1 conduct or behavior and that is included, or to be included, in a code  
2 of ordinances or other complete system of law enacted and kept current  
3 at reasonable intervals.

4 (d) This section applies to home rule and general law municipi-  
5 palities.

6 Sec. 29.25.060. RESOLUTIONS. (a) The governing body shall  
7 provide for the maintenance of a permanent file of resolutions that  
8 have been adopted.

9 (b) This section applies to home rule and general law municipal-  
10 ities.

11 Sec. 29.25.070. PENALTIES. (a) For the violation of an ordi-  
12 nance, a municipality may by ordinance prescribe penalties not to  
13 exceed those imposed for a class B misdemeanor *a fine of \$1000 and imprisonment*  
*for 90 days*

14 (b) The municipality or an aggrieved person may institute a  
15 civil action against a person who violates an ordinance. In addition  
16 to injunctive and compensatory relief, a civil penalty not to exceed  
17 \$1,000 may be imposed for each violation. An action to enjoin a  
18 violation may be brought notwithstanding the availability of any other  
19 remedy. On application for injunctive relief and a finding of a  
20 violation or a threatened violation, the superior court shall grant  
21 the injunction. Each day that a violation of an ordinance continues  
22 constitutes a separate violation.

23 (c) The penalties authorized under this section may be imposed  
24 only if copies of the ordinance are made available for distribution to  
25 the public at no more than cost.

26 \* Sec. 8. AS 29 is amended by adding a new chapter to read:

27 CHAPTER 26. ELECTIONS.

28 ARTICLE 1. REGULAR AND SPECIAL ELECTIONS.

29 Sec. 29.26.010. ADMINISTRATION. The governing body shall

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1 in (a) of this section but remains in the city.

2 Sec. 29.40.170. DELEGATIONS. The planning commission and the  
3 platting authority may, as authorized by ordinance, delegate powers to  
4 hear and decide cases under this chapter, including, but not limited  
5 to, delegations to

6 (1) one or more members of the planning commission or plat-  
7 ting authority;

8 (2) other boards or commissions;

9 (3) a hearing officer designated by the planning commission  
10 or platting authority.

11 Sec. 29.40.180. VIOLATIONS. It is unlawful for the owner of  
12 land located in a subdivision to transfer, sell, offer to sell, or  
13 enter into a contract to sell land in a subdivision before a plat of  
14 the subdivision has been prepared, approved, and filed in accordance  
15 with this chapter. It is unlawful for a person to file a plat or  
16 other document depicting subdivided land in a public recorder's office  
17 unless the plat or document has been approved by the platting author-  
18 ity. ~~A person convicted of violating~~ <sup>For the violation of</sup> a provision of this chapter, a  
19 subdivision regulation adopted under this chapter, or a term, condi-  
20 tion, or limitation imposed by a platting authority in the exercise of  
21 its powers under this chapter ~~is guilty of a class B misdemeanor.~~ <sup>A municipality</sup>

22 Sec. 29.40.190. REMEDIES. (a) The municipality or an aggrieved <sup>may by ordinance</sup>  
23 person may institute a civil action against a person who violates a <sup>prescribe...</sup>  
24 provision of this chapter, a subdivision regulation adopted under this  
25 chapter, or a term, condition, or limitation imposed by a platting  
26 authority. In addition to other relief, a civil penalty not to exceed  
27 \$1,000 may be imposed for each violation. An action to enjoin a  
28 violation may be brought notwithstanding the availability of any other  
29 remedy. Upon application for injunctive relief and a finding of a

HCRA  
# 7

1 than the value existing on January 1 of the tax year, and for reduc-  
2 tion and refund of taxes. In enacting an ordinance authorized by this  
3 section, the municipality may prescribe procedures, restrictions, and  
4 conditions of assessing or reassessing business inventories and of  
5 remitting or refunding taxes.

6 Sec. 29.45.120. RETURNS. (a) The municipality may require each  
7 person having ownership or control of or an interest in property to  
8 submit a return in the form prescribed by the assessor, based on prop-  
9 erty values existing on January 1, except as otherwise provided in  
10 this chapter.

11 (b) The assessor may, by written notice, require a person to  
12 provide additional information within 30 days.

13 Sec. 29.45.130. INDEPENDENT INVESTIGATION. (a) The assessor is  
14 not bound to accept a return as correct. The assessor may make an  
15 independent investigation of property returned or of taxable property  
16 on which no return has been filed. In either case, the assessor may  
17 make the assessor's own valuation of the taxable property and this  
18 valuation is prima facie evidence of the value of the property.

19 (b) For investigation, the assessor or the assessor's agent may  
20 enter a premise during reasonable hours and may examine property on  
21 the premise. The assessor or the assessor's agent may examine all  
22 property records involved. A person shall, on request, furnish to the  
23 assessor or the assessor's agent every facility and assistance for the  
24 investigation. The assessor may seek a court order to compel entry  
25 and production of records needed for assessment purposes.

26 (c) An assessor may examine a person on oath. On request, the  
27 person shall submit to examination at a reasonable time and place  
28 selected by the assessor.

29 Sec. 29.45.140. VIOLATIONS. *For knowingly failing*  
A person who knowingly fails to

HCRA  
#17

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HCRA  
#7

1 file <sup>Tax</sup> statement required by ordinance or ~~who~~ knowingly <sup>making</sup> ~~makes~~ a false  
2 affidavit to a statement required by a tax ordinance relative to the  
3 amount, location, kind or value of property subject to taxation with  
4 intent to evade the taxation, ~~is guilty of a class B misdemeanor~~ <sup>A municipality</sup>  
5 Sec. 29.45.150. REEVALUATION. A systematic reevaluation of <sup>may by ordinance</sup>  
6 taxable real and personal property undertaken by the assessor, whether <sup>prescribe.</sup>  
7 of specific areas in which real property is located or of specific  
8 classes of real or personal property to be assessed, shall be made  
9 only in accordance with a resolution or other act of the municipality  
10 directing a systematic reevaluation of all taxable property in the  
11 municipality over the shortest period of time practicable, as fixed in  
12 the resolution or act.

13 Sec. 29.45.160. ASSESSMENT ROLL. (a) The assessor shall pre-  
14 pare an annual assessment roll. The roll shall contain

- 15 (1) a description of all taxable property;
- 16 (2) the assessed value of all taxable property;
- 17 (3) the names and addresses of persons with property sub-  
18 ject to assessment and taxation.

19 (b) The assessor may list real property by any description that  
20 may be made certain. Real property is assessed to the record owner.  
21 The district recorder shall at least monthly provide the assessor a  
22 copy of each recorded change of ownership showing the name and mailing  
23 address of the owner and the name and mailing address of the person  
24 recording the change of ownership. Other persons having an interest  
25 in the property may be listed on the assessment records with the  
26 owner. The person in whose name property is listed as owner is conclu-  
27 sively presumed to be the legal record owner. If the property owner  
28 is unknown, the property may be assessed to "unknown owner". An  
29 assessment is not invalidated by a mistake, omission, or error in the

HCRA #8

Cook

A M E N D M E N T

#8

Offered in the HOUSE

TO: HB 72

*Page 62, line 23: delete "60" insert "90"*

Page 63, line 12: .....

Delete "60" and insert "90"

1 correspondence relating to the petition may be sent. An application  
2 shall be signed by at least 10 voters who will sponsor the petition.  
3 An additional sponsor may be added at any time before the petition is  
4 filed by submitting the name of the sponsor to the clerk. Within two  
5 weeks the clerk shall certify the application if the clerk finds that  
6 it is in proper form and, for an initiative petition, that the matter

7 (1) is not restricted by AS 29.26.100;

8 (2) includes only a single subject;

9 (3) relates to a legislative rather than to an administra-  
10 tive matter; and

11 (4) would be enforceable as a matter of law.

12 (b) A decision by the clerk on an application for petition is  
13 subject to judicial review.

14 Sec. 29.26.120. CONTENTS OF PETITION. (a) Within two weeks  
15 after certification of an application for an initiative or referendum  
16 petition, a petition shall be prepared by the municipal clerk. Each  
17 copy of the petition shall contain

18 (1) a summary of the ordinance or resolution to be initi-  
19 ated or the ordinance or resolution to be referred;

20 (2) the complete ordinance or resolution sought to be ini-  
21 tiated or referred as submitted by the sponsors;

22 (3) the date on which the petition is issued by the clerk;

23 *HCRA#8* (4) notice that signatures must be secured within ~~10~~<sup>90</sup> days  
24 after the date the petition is issued;

25 (5) spaces for each signature, the printed name of each  
26 signer, the date each signature is affixed, and the residence and  
27 mailing addresses of each signer;

28 (6) a statement, with space for the sponsor's sworn signa-  
29 ture and date of signing, that the sponsor personally circulated the

1 petition, that all signatures were affixed in the presence of the  
2 sponsor, and that the sponsor believes the signatures to be those of  
3 the persons whose names they purport to be; and

4 (7) space for indicating the total number of signatures on  
5 the petition.

6 (b) If a petition consists of more than one page, each page  
7 shall contain the summary of the ordinance or resolution to be initi-  
8 ated or the ordinance or resolution to be referred.

9 (c) Copies of the petition shall be provided to each sponsor by  
10 the clerk.

11 Sec. 29.26.130. SIGNATURE REQUIREMENTS. (a) The signatures on  
12 an initiative or referendum petition shall be secured within ~~60~~<sup>1190</sup> days  
13 after the clerk issues the petition. The statement provided under  
14 AS 29.26.120(a)(6) shall be signed and dated by the sponsor. Signa-  
15 tures shall be in ink or indelible pencil.

16 (b) The clerk shall determine the number of signatures required  
17 on a petition and inform each sponsor. A petition shall be signed by  
18 a number of voters based on the number of votes cast at the last  
19 regular election held before the date the petition was issued equal to

20 (1) 25 percent of the votes cast if a municipality has  
21 fewer than 7,500 persons; or

22 (2) 15 percent of the votes cast if a municipality has  
23 7,500 persons or more.

24 (c) Illegible signatures shall be rejected by the clerk unless  
25 accompanied by a legible printed name. Signatures not accompanied by  
26 a legible residence address shall be rejected.

27 (d) A petition signer may withdraw the signer's signature on  
28 written application to the clerk before certification of the petition.

29 Sec. 29.26.140. SUFFICIENCY OF PETITION. (a) All copies of an

HCRA  
( #8

HGRA #9

A M E N D M E N T

#9

Offered in the HOUSE

TO: HB 72

Page 64, line 9:

Delete "within 10 days" and insert "before the 11th day"

Page 69, line 3:

Delete "within 10 days" and insert "before the 11th day"

1 initiative or referendum petition shall be assembled and filed as a  
2 single instrument. Within 10 days after the date the petition is  
3 filed, the municipal clerk shall

4 (1) certify on the petition whether it is sufficient; and

5 (2) if the petition is insufficient, identify the insuffi-  
6 ciency and notify the sponsors at the address provided under AS 29.-  
7 26.110(a) by certified mail.

8 (b) A petition that is insufficient may be supplemented with  
9 additional signatures obtained and filed *within 10 days* after the date  
10 on which the petition is rejected. *before the 11<sup>th</sup> day*

11 (c) A petition that is insufficient shall be rejected and filed  
12 as a public record unless it is supplemented under (b) of this sec-  
13 tion. Within 10 days after a supplementary filing the clerk shall  
14 recertify the petition. If it is still insufficient, the petition is  
15 rejected and filed as a public record.

16 Sec. 29.26.150. PROTEST. If the municipal clerk certifies an  
17 initiative or referendum petition is insufficient, a signer of the  
18 petition may file a protest with the mayor within seven days after the  
19 certification. The mayor shall present the protest at the next regu-  
20 lar meeting of the governing body. The governing body shall hear and  
21 decide the protest.

22 Sec. 29.26.160. NEW PETITION. Failure to secure sufficient  
23 signatures does not preclude the filing of a new initiative or refer-  
24 endum petition. However, a new petition on substantially the same  
25 matter may not be filed sooner than six months after a petition is  
26 rejected as insufficient.

27 Sec. 29.26.170. INITIATIVE ELECTION. (a) Unless substantially  
28 the same measure is adopted, when a petition seeks an initiative vote  
29 the clerk shall submit the matter to the voters at the next regular

HCRA  
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HCRA  
#9

1 AS 29.26.260(a)(2) by certified mail.

2 (b) A petition that is insufficient may be supplemented with  
3 additional signatures obtained and filed ~~within 10 days~~ after the date  
4 on which the petition is rejected if *before the 11th day*.

5 (1) the petition contains an adequate number of signatures,  
6 counting both valid and invalid signatures; and

7 (2) the supplementary petition is filed more than 180 days  
8 before the end of the term of office of the official sought to be re-  
9 called.

10 (c) A petition that is insufficient shall be rejected and filed  
11 as a public record unless it is supplemented under (b) of this sec-  
12 tion. Within 10 days after the supplementary filing the clerk shall  
13 recertify the petition. If it is still insufficient, the petition is  
14 rejected and filed as a public record.

15 Sec. 29.26.300. NEW RECALL PETITION APPLICATION. A new applica-  
16 tion for a petition to recall the same official may not be filed  
17 sooner than six months after a petition is rejected as insufficient.

18 Sec. 29.26.310. SUBMISSION. If a recall petition is sufficient,  
19 the clerk shall submit it to the governing body at the next regular  
20 meeting or at a special meeting held before the next regular meeting.

21 Sec. 29.26.320. ELECTION. (a) If a regular election occurs  
22 within 75 days but not sooner than 45 days after submission of the  
23 petition to the governing body, the governing body shall submit the  
24 recall at that election.

25 (b) If no regular election occurs within 75 days, the governing  
26 body shall hold a special election on the recall question within 75  
27 days but not sooner than 45 days after a petition is submitted to the  
28 governing body.

29 (c) If a vacancy occurs in the office after a sufficient recall

A M E N D M E N T

Offered in the HOUSE  
TO: HB 72

Page 66, line 5:

Delete "An" and insert "The effect of an"

Page 66, line 6:

Delete "repealed or amended" and insert "modified or negated"

Delete "one year" and insert "two years"

Page 66, line 13:

Delete "one year", insert "two years"

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10

1 (d) If a majority vote favors the repeal of the matter referred,  
2 it is repealed. Otherwise, the matter referred remains in effect or,  
3 if it has been suspended, becomes effective on certification of the  
4 election.

*The effect of an*

5 Sec. 29.26.190. EFFECT. (a) ~~An~~ ordinance or resolution may not  
6 be ~~repealed or amended~~ *modified or negated* within ~~one year~~ *Two years* after its effective date if  
7 adopted in an initiative election or if adopted after a petition that  
8 contains substantially the same measure has been filed.

9 (b) If an ordinance or resolution is repealed in a referendum  
10 election or by the governing body after a petition that contains sub-  
11 stantially the same measure has been filed, substantially similar  
12 legislation may not be enacted by the governing body for a period of  
13 ~~one year.~~ *Two years.*

14 (c) If an initiative or referendum measure fails to receive  
15 voter approval, a new petition application for substantially the same  
16 measure may not be filed sooner than six months after the election  
17 results are certified.

18 ARTICLE 3. RECALL.

19 Sec. 29.26.240. RECALL. An official who is elected or appointed  
20 to an elective municipal office may be recalled by the voters after  
21 the official has served the first 120 days of the term for which  
22 elected or appointed.

23 Sec. 29.26.250. GROUNDS FOR RECALL. Grounds for recall are  
24 misconduct in office, incompetence, or failure to perform prescribed  
25 duties.

26 Sec. 29.26.260. APPLICATION FOR RECALL PETITION. (a) An appli-  
27 cation for a recall petition shall be filed with the municipal clerk  
28 and shall contain

29 (1) the signatures and residence addresses of at least 10

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HCRRA  
# 11

A M E N D M E N T

# 11

Offered in the HOUSE

TO: HB 72

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

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

1 services, solid and septic waste disposal, utility services, airports,  
2 streets (including ice roads), trails, transportation facilities,  
3 wharves, harbors and other marine facilities outside its boundaries  
4 and may regulate their use and operation to the extent that the juris-  
5 diction in which they are located does not regulate them. A regu-  
6 lation adopted under this section must state that it applies outside  
7 the municipality.

8 (b) A municipality may adopt an ordinance to protect its water  
9 supply and watershed, and may enforce the ordinance outside its bound-  
10 aries. Before this power may be exercised inside the boundaries of  
11 another municipality, the approval of the other municipality must be  
12 given by ordinance.

13 (c) This section applies to home rule and general law municipal-  
14 ities.

15 Sec. 29.35.030. EMINENT DOMAIN. (a) A municipality may exer-  
16 cise the powers of eminent domain and declaration of taking in the  
17 performance of a power or function of the municipality under the  
18 procedures set out in AS 09.55.250 -- 09.55.460.

HCRA #11

19 *In the case of a second class city . . .*  
(b) This section applies to home rule and general law municipal-  
20 ities.

21 Sec. 29.35.040. EMERGENCY DISASTER POWERS. (a) A municipality  
22 that is wholly or partially in an area that is declared by the Presi-  
23 dent or governor to be a disaster area may participate in and provide  
24 for housing, urban renewal, and redevelopment in the same manner as a  
25 home rule city. The exercise of these powers by a borough shall be on  
26 a nonareawide basis, except a borough may exercise the powers trans-  
27 ferred to it by a city as provided by AS 29.35.310.

28 (b) Powers granted by this section must be initiated within a  
29 period of not more than five years after the date of declaration of a

HCRA #12

Cook.

# 12

A M E N D M E N T

Offered in the HOUSE

TO: HB 72

Page 127, line 8:

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

HCRA  
#12

1 the municipality. The notice appears once a week for four consecutive  
2 weeks in a newspaper of general circulation distributed in the muni-  
3 cipality. If there is no newspaper of general circulation distributed  
4 in the municipality, the notice is posted in three public places for  
5 at least four consecutive weeks. The clerk shall send a copy of the  
6 notice by certified mail to each record owner of property against  
7 which a judgment of foreclosure has been taken and, if the assessed  
8 value of the property is more than ~~\$20,000~~ <sup>\$10,000</sup> to all holders of mort-  
9 gages or other liens of record on the property. The notice shall be  
10 mailed within five days after the first publication. The mailing  
11 shall be sufficient if mailed to the property owner and to the holder  
12 of a mortgage or recorded lien at the last address of record.

13 (b) The right of redemption expires 30 days after the date of  
14 the first notice publication.

15 (c) Costs incurred in the determination of holders of mortgages  
16 and other liens of record and costs of notice publication incurred by  
17 a municipality under (a) of this section are a lien on the property  
18 and may be recovered by the municipality.

19 Sec. 29.45.450. DEED TO BOROUGH OR CITY. (a) Unredeemed prop-  
20 erty in the area of the borough outside all cities is deeded to the  
21 borough by the clerk of the court. Unredeemed property in a city is  
22 deeded to the city subject to the payment by the city of unpaid bor-  
23 ough taxes and costs of foreclosure levied against the property before  
24 foreclosure. The deed shall be recorded in the recording district in  
25 which the property is located.

26 (b) Conveyance gives the municipality clear title, except for  
27 prior recorded tax liens of the United States and the state.

28 (c) If unredeemed property lies in a city and if the city has no  
29 immediate public use for the property but the borough does have an

3/12/85 --- Review of action taken by Committee on  
SB 142

Twelve amendments as passed by House C&RA were reviewed  
3/11 in special meeting. Action taken was as follows:

Amendment #1 -- adopted

Amendment #2 -- adopted

Amendment #3 -- adopted

Amendment #4 -- adopted -- then amended to allow home rule  
if 400 residents (as opposed to 600)

Amendment #5 -- adopted

Amendment #6 -- Not adopted -- contains anti discrimination  
clause wording

Amendments #7 through 12 -- adopted

Discussion on fiscal note ---

agreed that it could be withdrawn if it became a key factor  
in passing the bill

Discussion on proposed amendment #1A -- balance of authority  
between state and local authorities as to land use

Considered amendment drafted by Tam Cook ----

made wording changes in Cook draft --

new draft amendment attached as Atch #1

Letter of intent requested on proposed changes offered by  
Alaska Rural Electric Cooperative Assn

letter of intent attached as Atch #2

Requested memo from Revisor of Statutes as to disposition  
of "purpose" clauses upon codification of statutes

Memo attached as Atch #3

3/11/85 1:50P

Cook

Attch #1

A M E N D M E N T #1A

Offered in the SENATE

TO: SB 142

By the Community and Regional

Affairs Committee

Page 1, after line 8, insert a new bill section to read:

"\* Section 1. PURPOSE. The legislature finds that the municipal code contains many provisions that have created problems for municipalities that must function under AS 29 and that the title is poorly organized and difficult for people to use. Therefore, it is the purpose of the legislature to revise and reorganize the municipal code to permit local government to function more effectively. Except as expressly provided, the legislature does not intend by this Act to alter or affect in any way the relationship or balance of authority between the state and home rule or general law municipalities with respect to the timing or manner of resource development under AS 31, AS 38, or other provisions of law. Except as expressly provided, the legislature does not intend by this Act to increase or reduce the authority of state agencies to carry out their functions under other titles."

Renumber following bill sections accordingly.

Atech #2

3/12/85

Re: Alaska Rural Electric Cooperative Association  
proposed amendments to SB 142

Items 1 (page 100 of bill) and 2 (page 75 of bill)

D R A F T

LETTER OF INTENT TO ACCOMPANY SB 142

It is not the intent of the Legislature through the passage of SB 142 to change the taxing provisions for electric and telephone cooperatives as set forth by AS 10.25-540-560; nor is it the intent of the Legislature to change present statute provisions covering public utility access to municipal rights of way as set forth by AS 42.05.251.

Senate Committee on Community and Regional Affairs

---

Senator Edna DeVries, Chairman

STATE OF ALASKA  
THE LEGISLATURE

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


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 13, 1985

SUBJECT: Purpose clause for SB 142

TO: Senator Edna DeVries  
Chair, Senate Community and Regional Affairs

FROM: David R. Dierdorff   
Revisor of Statutes

I have reviewed the purpose clause proposed as an amendment to SB 142, the municipal code revision.

Should the legislature enact this bill, or another version of it, with the purpose clause included, you can be assured that the clause would be set out in an editor's note following the title analysis for AS 29 (page 1 of the pamphlet). It is my understanding that your committee wants a note to remain in AS for at least 10 years. My instructions to the Michie Company would include a request that the note be considered "permanent" and that it not be deleted until at least 1995, and thereafter only at the express direction of the revisor.

DRD:csh  
c3/041

Atch #3

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

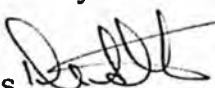
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM -

March 12, 1985

SUBJECT: References in AS to Purpose

TO: Senator Edna DeVries  
Chair, Senate Community and Regional Affairs

FROM: David R. Dierdorff   
Revisor of Statutes

When the legislature enacts a "purpose clause" as a part of an Act, our procedures after adjournment include instructing the statute publisher to include at least a cross-reference to the purpose clause at appropriate locations in the Alaska Statutes. In many cases, the entire clause is set out in an editor's note in the statutes. Treatment of a purpose clause depends on the circumstances, but it is our policy to always make it possible for a user of the statutes to find the clause in the Temporary and Special Acts (binders 10-12 of AS) if it is not set out in a note.

Generally, the appropriate place for a note is immediately following the appropriate unit of AS. That may be a title, chapter or article analysis, or an individual section or sections.

When doing our editorial work in connection with the replacement of AS title pamphlets we always check for the continued utility of all notes in AS and also make an effort to add notes that may add to the utility of the publication.

If I may be of further assistance, please advise.

DRD:csh  
c3/040

*J-*

Cook Amend #1A

A M E N D M E N T

Offered in the SENATE

By the Community and Regional

TO: SB 142

Affairs Committee

Page 1, after line 8, insert a new bill section to read:

"\* Section 1. PURPOSE. The legislature finds that the municipal code contains many provisions that have created problems for municipalities that must function under AS 29 and that the title is poorly organized and difficult for people to use. Therefore, it is the purpose of the legislature to revise and reorganize the municipal code, <sup>to permit local government to function more effectively.</sup> ~~so that the procedural requirements in the code are more efficient and so that the code is easier for municipalities and their citizens to use.~~ <sup>Except as expressly provided</sup> The legislature does not intend <sup>by</sup> in this Act to alter or affect in any way the relationship or balance of authority between the state and home rule or general law municipalities with respect to the timing or manner of resource development under AS 31, AS 38, or other provisions of law. Except as expressly provided, the legislature does not intend <sup>by</sup> in this Act to increase or <sup>reduce</sup> ~~limit~~ the authority of state agencies to carry out their functions under other titles."

Renumber following bill sections accordingly.

Plummer

Sec. 29.40.210. ACTIVITIES AUTHORIZED BY STATE OR FEDERAL AGENCIES. (a) Ordinances, regulations or permit decisions adopted or promulgated under AS 29.35.180 or AS 29.40. may not preclude or otherwise impede a resource exploration or development activity or project conducted pursuant to a lease, license, permit or other authorization issued by a state or federal regulatory agency or department having jurisdiction over the activity or project.

(b) The provisions of this section apply to home rule and general home rule and general law municipalities.

MUNICIPAL CODE REVISIONS

Testimony by

R. H. WEAVER  
Area Manager (Alaska Operations)  
EXXON COMPANY, U.S.A.

BEFORE THE  
SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
JUNEAU, ALASKA  
MARCH 7, 1985

MUNICIPAL CODE REVISIONS

Testimony by R. H. Weaver

THANK YOU FOR THIS OPPORTUNITY TO ADDRESS YOU CONCERNING REVISION AND RECODIFICATION OF TITLE 29 OF THE ALASKA STATUES. EXXON JOINS WITH THE MUNICIPAL GOVERNMENTS OF THIS STATE IN URGING YOU TO ADOPT LEGISLATION WHICH WOULD REVISE THE MUNICIPAL CODE. WE BELIEVE THAT THIS LEGISLATION IS OVERDUE AND WOULD ACHIEVE THE BASIC RESTRUCTURING THAT THE MUNICIPALITIES DESIRE.

AT THE SAME TIME, AS A MAJOR HOLDER OF STATE OIL AND GAS LEASES, EXXON IS ACUTELY AWARE OF A POTENTIAL CONFLICT WHICH MAY ARISE FROM THIS PROPOSED LEGISLATION: A CONFLICT OVER THE RIGHT TO DEVELOP AND MANAGE THE NATURAL RESOURCES OF THIS STATE.

THE ALASKA STATEHOOD ACT, THE CONSTITUTION OF THE STATE OF ALASKA AND THE ALASKA LANDS ACT ALL REQUIRE THAT THE NATURAL RESOURCES OF THIS STATE BE FULLY AND RESPONSIBLY DEVELOPED ON

A MULTIPLE-USE BASIS. UNDER THE STATEHOOD ACT, THE STATE OF ALASKA HAS ACQUIRED OR IS SELECTING ONE AND ONE QUARTER MILLION ACRES OF LAND IN ADDITION TO OTHER LANDS PREVIOUSLY GRANTED TO THE STATE, AS WELL AS TIDELANDS AND LANDS UNDERLYING NAVIGABLE WATERS. INHERENT IN THIS OWNERSHIP IS THE RIGHT AND ABILITY TO CONTROL THE USE, DISPOSITION AND DEVELOPMENT OF THOSE LANDS.

CHAPTER 40 OF THIS LEGISLATION GRANTS MUNICIPALITIES BROAD POWERS TO PLAN, PLAT AND REGULATE LAND USE WITHIN THEIR BOUNDARIES. OUR CONCERN IS THAT THIS CHAPTER MAY PROVIDE THE BASIS FOR AN ARGUMENT THAT THIS LEGISLATURE INTENDED TO RELINQUISH CONTROL OVER STATE LANDS AND TO DELEGATE TO MUNICIPALITIES THE AUTHORITY TO MAKE ULTIMATE DECISIONS ABOUT DEVELOPMENT OF STATE LANDS. WE BELIEVE THAT IT IS NOT IN THE BEST INTEREST OF THE PEOPLE OF THE STATE FOR THE STATE TO RELINQUISH ITS PRIMACY OVER THE DEVELOPMENT OF RESOURCES ON STATE OWNED LAND

AND WE ASK YOU TO MAKE CLEAR THAT YOUR INTENT IS TO RETAIN CONTROL, BY INSERTING IN CHAPTER 40, THE FOLLOWING LANGUAGE:

"SEC. 29.40.210. REGULATION OF USE OF STATE LAND. MUNICIPAL LAND USE REGULATIONS AND COMPREHENSIVE PLANS SHALL APPLY TO STATE LANDS IN AN ADVISORY SENSE, ONLY, AND SHALL NOT BE HELD TO RESTRICT OR DIMINISH THE RIGHT OF THE STATE TO MAKE ALL FINAL DECISIONS REGARDING DEVELOPMENT OF STATE LANDS UNDER AS 38.05 IN ACCORDANCE WITH APPLICABLE STATE LAW."

WE BELIEVE THAT THIS ADDITION IS NECESSARY TO AVOID FUTURE PROBLEMS OF MUNICIPALITIES ATTEMPTING TO SUBSTITUTE THEIR JUDGMENT ON RESOURCE DEVELOPMENT ISSUES FOR THAT OF THE STATE.

DESPITE THE FACT THAT THE OIL AND GAS INDUSTRY IS ALREADY SUBJECT TO EXTENSIVE REGULATION BY NUMEROUS STATE AND FEDERAL AGENCIES, EXXON HAS BEEN CONTINUALLY FACED WITH ATTEMPTS BY THE LOCAL GOVERNMENTS TO UTILIZE ITS COMPREHENSIVE PLANNING AUTHORITY TO OVERRIDE OR LIMIT DECISIONS BY THE STATE TO ALLOW EXPLORATION AND DEVELOPMENT OF STATE LAND.

EXXON IS A SUBSTANTIAL OWNER OF TWO PROJECTS WHICH ARE PROCEEDING TOWARD NEAR TERM STARTUP: THE ENDICOTT DEVELOPMENT IN DUCK ISLAND UNIT AND THE LISBURNE DEVELOPMENT IN PRUDHOE BAY UNIT. BOTH PROJECTS HAVE EXPERIENCED ACTION BY THE NORTH SLOPE BOROUGH TO USE THE WATER QUALITY AND HABITAT PROTECTION PROVISIONS OF THE BOROUGH LAND MANAGEMENT REGULATIONS TO FORBID OR DICTATE THE STIPULATIONS FOR DEVELOPMENTS WHICH HAD ALREADY BEEN REVIEWED AND APPROVED BY THE ALASKA DEPARTMENTS OF FISH AND GAME, ENVIRONMENTAL CONSERVATION, AND NATURAL RESOURCES. ALTHOUGH A RESOLUTION WITH THE BOROUGH WAS REACHED IN EACH CASE, IT IS OUR VIEW THAT RESOLUTION OF THE ISSUES SURROUNDING THESE TWO DEVELOPMENTS WAS POSSIBLE BECAUSE THE BOROUGH REALIZED THAT THERE WERE ECONOMIC BENEFITS TO THE BOROUGH FROM ADDITIONAL DEVELOPMENT AND THAT THE STATE DID HAVE THE ULTIMATE DECISION AUTHORITY. WE BELIEVE THAT THE IMPACT OF PASSAGE OF THE PRESENT BILL ON FUTURE DEVELOPMENTS, BOTH MAJOR AND MARGINAL, COULD BE TO SEVERELY RESTRICT THE STATES ABILITY TO DEVELOP THE RESOURCES

PROVIDED IT UNDER THE STATEHOOD ACT. THIS WOULD HAVE A VERY NEGATIVE EFFECT ON THE STATE RESOURCES AS WELL AS FUTURE EMPLOYMENT OPPORTUNITIES.

LET ME REASSURE YOU THAT EXXON RECOGNIZES THE IMPORTANCE OF LOCAL GOVERNMENT INPUT TO DECISIONS RELATED TO THE DEVELOPMENT OF RESOURCES IN THIS AREA. THE PURPOSE OF OUR BEING HERE AND THE FOCUS OF OUR REMARKS IS TO REAFFIRM THE NEED FOR THE STATE TO RETAIN THE ULTIMATE DECISION MAKING AUTHORITY RELATIVE TO THE LANDS WHICH IT HAS ACQUIRED.

IT IS OUR BELIEF THAT THE STATE HAS DONE ALL THAT IT REASONABLY SHOULD DO TO ADDRESS LOCAL CONCERNS ABOUT DEVELOPMENT. REGULATORY PROCEDURES EXIST FOR LOCAL COASTAL DISTRICTS WITH APPROVED COASTAL PLANS TO RAISE THEIR CONCERNS OVER COASTAL DEVELOPMENT ALL THE WAY TO THE CABINET LEVEL FOR RESOLUTION. LOCAL COMMENTS ARE SOUGHT AND ADDRESSED BY STATE AGENCIES EVEN WHERE NO COASTAL MANAGEMENT DECISION IS INVOLVED. THE CONTINUATION OF THESE

PROCEDURES ASSURE LOCAL INVOLVEMENT IN RESOURCE DECISIONS WHILE RETAINING THE ULTIMATE AUTHORITY WITH THE STATE.

I URGE YOU TO AVOID DELEGATING TO LOCAL GOVERNMENTS THE ULTIMATE CONTROL OF THE NATURE, TIMING, OR EXTENT OF DEVELOPMENT OF STATE RESOURCES. I BELIEVE THAT THIS RESULT CAN BE ACHIEVED BY INSERTION OF THE LANGUAGE WHICH I HAVE SUGGESTED.

I'LL BE HAPPY TO ADDRESS ANY QUESTIONS YOU MAY HAVE.

TMD:CAS/949

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

COPY

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

MEMORANDUM

March 14, 1985

SUBJECT: Municipal Code Revision  
(CSSB 142 (C&RA))

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

FROM: Tamara Brandt Cook  
Deputy Director  
Division of Legal Services

Here is the committee substitute that you requested. It incorporates all changes adopted by the House Community and Regional Affairs Committee in the house version of the municipal code revision with the exception of the change to Section 29.20.630. This committee substitute includes the purpose clause adopted by your committee and changes the population requirement for incorporation of a first class or home rule city from 600 to 400 residents. In addition, I have made two technical changes. Section 29.45.030(1) contains a citation to AS 19.70.081 which I have corrected to read AS 18.70.081. This cross-reference appears in existing law, and there is, in fact, no AS 19.70.081. Some changes were made in Section 29.45.080 in earlier versions of the municipal code revision bill to clarify that language. Mary Nordale, Commissioner of the Department of Revenue, has indicated to me that these changes create practical problems for the department in implementing its responsibilities under other provisions of law. Since no substantive change has ever been intended to be made to this section and since the attempt at clarifying the language has apparently failed, I have, as a drafting matter and with the permission of Yvonne Alford, conformed this section to the language that appears in existing law.

Please contact me if I can be of further assistance.

TBC:csh  
c3/049



# Alaska State Legislature

## House of Representatives

### Committee on Community & Regional Affairs

Rec'd 1:15 p.m.  
3/5/85

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

#### MEMORANDUM

DATE: March 4, 1985

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

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

SUBJECT: Amendments to House Bill 72

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

Specifically:

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

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

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

All amendments are referenced as follows:

Amendments 1 through 5 were passed as submitted.

Rep. Marou's amendments were presented as follows:

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

HB 72  
Amendment # 2

Delete:

Page 53; Lines 26-29

Page 54; Lines 1-3

Sec 29.20.630

Insert old AS 29.23.540

PROHIBITIONS.

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

(b) This section applies to home rule and general law municipalities.

(c) A state employee or school district employee may not be denied the right to serve as an elected municipal official because of employment by the state or a school district unless specifically prohibited by charter or ordinance of a municipality, adopted at a special or general election. However, a school district employee may not serve on a school district board in the school district where employed. Provisions of this section do not apply to term of office in effect on August 24, 1976.

(d) For purposes of this section a school district employee is not a municipal employee.

HISTORY (Sec. 2 ch 118 SLA 1972; am sec. 1 ch 93 SLA 1976)

Justification:

It is widely held by many people that working for the state or the school district while holding a local public office may be a conflict of interest. Municipalities should have the authority to prevent the possible situation of public employees holding both elected office and public employment simultaneously.

3/11/85

Sturgen - Moved amend #1

✓ Fischer - unanimous consent - p

Sturgen - Moved amend #2

passed unanimous consent - p

Sturgen - #3 - asked unanimous consent - p

Cook - COM vs. director

Dir, Div of Lands, - position removed  
- then reorganization - now there is a  
director again

Fischer - moved amend #4

Goll can go from 2nd class city or 3rd class town  
to Home Rule

Scott Burgess - Alaska Muni League  
supports this amendment because  
it was the result of the orig.  
study -

Cook. We are not changing ~~to~~ the basis for taking on School function - 1st class a Home Rule plan now - however raises No. of people from 400 to 600

Coghill disagrees w/ raising pop. from 400 to 600  
300 w/econ stability  $\nearrow$  to go to home rule  
Want to encourage organization of home rule cities

Fischer - 100% agreement w/ Sen Coghill on this issue .... however any number you pick is artificial  
pick lower No. - let it be settled in conference

Goll. If you change here - have to change other places in bill

Fischer - motion to adopt - unanimous adoption of Amend #4

Coghill - ~~change~~ Amend #4a all 600 places to 400 unanimous consent

Avatar =

Sturgis - moved #5 unanimous consent passed

Coghill - object

~~too broad~~

H & SS broad state function - not a local gov. function

V. Fischer - no. of COMM in Ak in health, business  
have have taken on voluntarily

Coll. ~~person~~ providers / Dept crying for this -  
afraid of the no. of unregulated  
facilities out there

Dept / shelters / alcohol abuser support  
all this puts a lid on the  
proliferation of unreg. facilities

Burgess - The League has not taken a  
position on this one way or  
the other.

Concern that Muni revenue  
sharing remain in tact

Amend # 6 -

~~Law has section that includes~~  
covers & persons/employees -  
have dropped out elected

Cook J. in ~~of~~ discussed is elsewhere in statute and  
Constitution except the phrase "person's  
political affiliation / opinions"

No. 6 - get more info

Fischer - The law is there now -- why haven't people been using it

Goll - didn't know about it

Sturg - How person protected now

Cook - Minn's subj to Human Rights law as state is --

Fischer - if we repeal and put nothing in -- we are saying we approve discrimination

~~Goll~~ DeVries - Since deliberately left out why -

Sturg - it was done by our committee

Cook - Minn's felt they l' this flex. - State is not bound by this law

new  
amand  
What's out  
there  
now to  
protect  
employees?

Coghill - Move unanimous consent #7  
passed

Coghill - Move unanimous consent #8  
passed

Coghill -  
Sturg - Move 9 - passed

Sturg - Move 10 - ask unanimous consent  
passed

Sturg - Move unanimous consent - passed #11

Sturg - moved unanimous consent - passed #12

---

Will fiscal note slow down bill because of  
tight financial situation

Griffin — concur w/ boss that can w/d.  
fiscal note if it will hold up bill

Coghill - Must look at Loc Bond Comm - Too flexible  
have 9 criteria, but lean on ① them

## Amend # 1A - Purpose

Sturg - intention throughout has been not to change the balance of authority presently existing between state / local government as to land use / planning.

Tom - no problem changing "limit" to "reduce"

Burgess - don't want it to appear no revisions because there are some

Cook - reviser of statutes always includes reference to purpose clause

ltr from  
Revisor  
saying this

Tam - redraft - Cook amendment

Plummer

concerned that this ~~is~~ takes a ~~less~~ latent ambiguity and ~~turns~~ turns it into a patent ambiguity

Can have Wiles come down testify -  
worked on this '80, '81, '82

Fischer. This <sup>gravel pit</sup> - too sweeping could affect  
would suby home rule to State and Feds  
local gov does have resource dev authority

Sturg. - uncertainty is Constitus as well as  
statutory

Plummer - concern w/ Sup Cr't rulings -  
Can Leg. pre-empt by saying they are  
going to preserve status quo

Tom Dillon - support Chevron proposal  
Does Leg want to resolve issue of  
primacy in area of resource dev or  
retain status quo

Coghill - Got to expand issue of State  
relationship w/ local gov.

Fischer - if we do this - kill bill -  
take general language - hold hearings on this  
issue - State subdivision problems, etc.

Fahren - has bill that Leg must act on  
Coastal Zone mgmt issues - want to  
implement w/ local gov in place

~~Addr~~ Address. all amendments Tomorrow  
afternoon -

Ltr of intent on 1 and 2  
Utility amendments

March 7 - SB 142

- 1) Scott Burgess - pass it
- 2) Richard Weaver<sup>Exxon</sup> - planning authority used by local government to hold up development

Sturgu - What is NS getting into -

Weaver - getting into areas regulated by State  
"protecting bowhead whale" - already  
regulated by State and Feds - usually to use  
this power when go before Plng - Zoning  
we view that local governments are entities  
of the State

Sturgu - Yes but the State can delegate

Weaver - but 2 E<sub>6</sub> done so

Coghill - we do have to look at this in  
a hard way -

Lee Sharp -

Please adopt this bill <sup>&</sup> any  
further changes \_\_\_\_\_

Let a major policy item go in separate legislation

Do not address problems that don't exist — present law gives cities great local auth — this new bill does not give us any more authority

Despite Fed/State regulation still must be local concerns existed.

Language too broad — remember state is for 2, other — O & G

Arless What is history of 35.30 —

Ray Plummer - Chevron

test COI by Supreme Ct as to whether or not local auth can preempt state

- 1) ) an Eq Leg M)
- 2) ) a M } in St Statute / local or l.
- 3) ) local ord } Li o State Statute - Statute stands

Uncertainties affect economic viability of leases and projects

State should Reg resource develop on all lands — local, private, state because resources do not follow section lines or boundaries

Want assurance that State auth ~~it~~ will not  
be wrested from State by local government.

State lands not "key" — key

Reviews asked to have amendment by Monday  
work session — Plummer will do this

Page 80 --

Chap 40 does not apply to Home Rule  
Present law does give specific authority

What is in existing law that is being removed  
If ambiguity in old law, let's change --  
But if old language said same thing --  
Don't believe it should be changed

Carol Maser

This section appears to be a major change --  
and this would be a real problem to all  
municipalities if you changed this — does  
not need to be addressed now —

If you make a major change, it will  
kill the bill this year

29.40

Dave Hutchins Exec Dir RElec Coop Corp

Have 4 specific concerns  
are not asking for any changes in the  
present law - this is defensive  
action.

Pg 100 A.S. 10.25.540 Taxation of elec/Tel corps  
- Handle this w/ ltr of intent, saying no  
change in policy

Pg 75 Franchises, Permits  
leaves out Sec (c) - is not necessary to  
have in both places --

Pg 75, 76 - Pub Utility regulation pg 76 "to the extent"

Sturgis - Were these 2/1 in past bill

Hutchins - items 1, 2, and 4 were adopted by  
Senate in SB 1 - were not considered  
in here - item 3 is new

Scott -

Coghill - Were these items brought before Muni Task Force last yr - if so, why not adopted - they do not appear substan to me.

Scott - ~~all~~ oil company prob not utility prob was

Coghill Did we get a good benefit out of these interim work?

Scott - Not there, but understand it did do a lot of good.

Coghill - These seem to be accommodating ~~of~~ --- of a 25' the League's cause by not reviewing this at all --

Scott Not saying that - last time felt it failed because loaded down w/new issues  
What ~ is. Today are ~~of~~ PL been properly heard around the state -  
the issue of planning is major -  
Hitchins - issues are less major

Orliss - have to look at resource issue  
even though very sad it is coming up now.

We did make policy changes in this bill,  
but they are not dramatic changes -

Hutchins

Lee Sharp  
Language in there consciously chosen -  
could not go from downtown to  
Valley, to some people w/ elec-water  
if there is intervening area - APUC  
will come into the picture

Coghill - You don't have that problem because of  
unification

Sharp - Well yes, but other cities would have the  
problem.

3/8/85 Weaver -

Lisburne - Endicott project - royalty interest  
focused problem 176 man yrs of effort into permit

as a condition of rezoning -  
mud disposal standards  
can dispose of those  
\$40 \$60 million add. costs because  
removed words "contaminated"  
not on lands, but on road that  
must be built

— Are differences in types of land - -  
State has 1st authority not only for reg.  
but also for development  
policy question - problem exists in current  
law - - (Tam)

Weaver we believe change has to effect  
general law as well as home rule

Clearly if gen law can - - certainly home rule can.

Home rule are totally unregulated as to land use  
and planning

Purpose clause - Tom says yes could  
that reaffirms status quo  
with ref. to these balances

Re-enacting this would encourage them  
that they have less constraints than  
they have had

Arlessi - if you push this - will kill the bill

Werner - Str of intent will be helpful  
Leg has no intent to tamper with present  
dynamic - equilibrium

— Went planning/zoning policy w/o an elected body

*Ray Plummer / 7 pages* *Ray Plummer* C

DETAILED ANALYSIS OF LAND USE REGULATION BY  
MUNICIPALITIES UNDER CSSB 180 (C & RA) AND CSHB 170 (C & RA)

*now SB 142*

A. Current law.

Land use regulation by municipal governments is currently governed by A.S. 29.33.070-.245. A.S. 29.33.070 requires all boroughs to provide for planning, platting and zoning on a "area-wide basis." A.S. 29.43.040 grants the same power to home rule and first and second class cities located outside organized boroughs.

A.S. 29.35.080 and .085 require the assembly to adopt a "comprehensive plan" containing policy statements, goals, standards and maps. A.S. 29.33.090 requires the municipal assembly to regulate land use "by districts or contract zoning." It requires land use regulations to be uniform for each class of use in each district. Contract zoning is defined as allowing a "zoning reclassification" to a less restricted use where the owner agrees to place restrictions on the use of the land beyond the zoning requirements generally attaching to the new classification. This section also states the purposes for which zoning ordinances may be adopted. The stated purposes clearly envision zoning in an urban environment.

The current law applies to all local governments, and therefore limits the power of home rule boroughs. The current

law has no provision authorizing the regulation of land use by the adoption of a permit system. Additionally, the current law does not allow cities located in third class boroughs to provide for planning, platting and zoning.

B. Land use regulation under CSSB 180 and CSHB 170.

Under CSSB 180 and CSHB 170, land use regulation by local governments would be governed by A.S. 29.40.010-.200.

A.S. 29.35.180(b) requires a home rule borough to provide for planning, platting and zoning. No limitations are imposed upon that power, nor are any guidelines set forth limiting the exercise of that power.

A.S. 29.35.180(a) requires first and second class boroughs to provide for planning, platting and zoning pursuant to A.S. 29.40. A.S. 29.40.010 also requires first and second class boroughs to provide for planning, platting and zoning.

A.S. 29.35.220 and .300(b) would allow a third class borough to acquire the power to provide for planning, platting and zoning within a service area by the adoption of a referendum to that effect.

A.S. 29.35.250(b) requires a home rule or first class city within a third class borough to provide for planning, platting and zoning under A.S. 29.40, and allows a second class city located within a third class borough to so provide.

A.S. 29.35.260(c) requires home rule and first class cities outside a borough and permits a second class city outside a borough to provide for planning, platting and zoning under A.S. 29.40.

These provisions apparently impose no limitation on the planning, platting and zoning authorities of home rule boroughs. It appears that A.S. 29.40 does not apply to the exercise of those powers by home rule boroughs. A.S. 29.35.180(b); compare A.S. 29.35.180(a).

Article X, Section 11 of the Alaska Constitution provides: "A home rule borough or city may exercise all legislative powers not prohibited by law or by charter."

Given this provision and the apparent lack of any explicit limitations on the zoning authorities of home rule boroughs, home rule boroughs would have greatly expanded zoning authority under the bill. As the Supreme Court has stated:

A municipal ordinance is not necessarily invalid in Alaska because it is inconsistent or in conflict with a state statute. The question rests on whether the exercise of authority has been prohibited to municipalities. The prohibition must be either by express terms or by implication such as where the statute and ordinance are so substantially irreconcilable that one cannot be given its substantive effect if the other is accorded the weight of law.

Jafferson v. State, 527 P.2d 37, 43 (footnotes omitted, emphasis added).

This position was reiterated by the Supreme Court in Liberati v. Bristol Bay Borough, 584 P.2d 1115 (Alaska 1978).

Merely because the State has enacted legislation concerning a particular subject does not mean that all municipal power to act on the same subject is lost. We have consistently rejected application of any such concept in our cases dealing with home rule municipalities. We do so now with respect to general law municipalities because our constitution requires that their powers be liberally construed as well. We believe that an appropriate accommodation can be made between the State and general law municipalities by a rule which determines pre-emption to exist, in the absence of an express legislative direction or a direct conflict with a statute, only where an ordinance substantially interferes with the effective functioning of a state statute or regulation or its underlying purpose.

584 P.2d at 1121-1122 (footnotes omitted, emphasis added).

It appears that the Alaska Supreme Court is applying the same test for state pre-emption to both home rule and general law municipalities. In summary, in order for a local ordinance to be determined invalid pursuant to Article X, Section 11 of the Alaska Constitution, there must be a prohibition by state statute, express or implied, or the ordinance must substantially interfere with the effective functioning of the state statute or regulation or its underlying purpose.

Under CSSB 180 and CSHB 170, there would be no explicit prohibition of any zoning ordinance adopted by a home rule municipality.

Any argument opposing the restriction of energy development on state lands by a local zoning ordinance adopted by a home rule borough would have to rely on the claimed inconsistency of the ordinance with the state's right to develop its natural resources. In that regard, determination of whether there is a limit to the home rule borough's authority to adopt ordinances prohibiting or restricting the development of energy sources requires a two-fold inquiry:

1. Are there Alaskan constitutional and statutory provisions which seek to implement a statewide policy with reference to the subject matter of the ordinances?

2. Do the proposed borough ordinances impede implementation of that policy?

While control of natural resources of the State of Alaska is specifically retained by state government pursuant to Article VIII of the Alaska Constitution, it is by no means certain that a court would rule that a local zoning ordinance which impedes or prohibits development of oil and gas in certain specific locations would be struck down as unconstitutional or unauthorized. In any event, the adoption of the current provisions concerning home rule regulation of land use as stated in CSSE 180 and CSHB 170 would insure extensive constitutional litigation to resolve these questions.

The question is further complicated by the fact that A.S. 29.40.040(a)(2) in the two bills would specifically authorize the use of a permitting system to regulate land use. This section places far greater authority in local government than the current law does. It is conceivable that an ordinance could be adopted which would prohibit all uses unless a land use permit is obtained from the local government involved. This would allow local governments assess energy development projects on a case by case basis thus adding another layer to the regulation of energy development in general.

It should be noted that this permit procedure would be available to any local government that possesses or obtains planning, platting or zoning authority under A.S. 29.35 and A.S. 29.40 as proposed in CSSB 180 and CSXB 170.

Plummer

Sec. 29.40.210. ACTIVITIES AUTHORIZED BY STATE OR FEDERAL AGENCIES. (a) Ordinances, regulations or permit decisions adopted or promulgated under AS 29.35.180 or AS 29.40. may not preclude or otherwise impede a resource exploration or development activity or project conducted pursuant to a lease, license, permit or other authorization issued by a state or federal regulatory agency or department having jurisdiction over the activity or project.

(b) The provisions of this section apply to home rule and general home rule and general law municipalities.

discussed  
w/ Tom Cook  
3/6/85

Problems w/ SB 142 -- Dave Hutchins represents  
REHA in of 3/6/85

Pg 75 Wants (c) inserted - from former 29.48.050(c) --  
similar language in AS 42.05.251 --  
(franchises / permits) - Scott says in  
statute - don't need here --

hotly argued throughout  
revision hearings  
compromise between  
utilities and Muni  
attorneys

Pg 76 "to the extent" -- allow further regulation of  
public utility by a Muni - does it?  
proposed change will be provided

pg 100 - Sec 29.45.030 -

AS 10.25.540-555 governs taxation of public utilities  
dec/telephone (letter of intent -- Scott doesn't want law changes)

pg 72-73 (policy disagreement) 29.48.040 - present law  
Muni → 1/2 of 80 (1/2 to 80) areas --  
unlimited in terms of areas -- Muni systems could  
go out condemn neighbors - take over --  
now "may extend only into adjacent areas"

utility co's hot on "adjacent" - no 1/2 old law --  
This is the way it  
presently is --

**Sec. 11.81.250. Classification of offenses.** (a) For purposes of sentencing under AS 12.55, all offenses defined in this title, except murder in the first and second degree, sexual assault in the first degree, and kidnapping, are classified on the basis of their seriousness, according to the type of injury characteristically caused or risked by commission of the offense and the culpability of the offender. Except for murder in the first and second degree, sexual assault in the first degree, and kidnapping, the offenses in this title are classified into the following categories:

(1) class A felonies, which characteristically involve conduct resulting in serious physical injury or a substantial risk of serious physical injury to a person;

(2) class B felonies, which characteristically involve conduct resulting in less severe violence against a person than class A felonies, aggravated offenses against property interests, or aggravated offenses against public administration or order;

(3) class C felonies, which characteristically involve conduct serious enough to deserve felony classification but not serious enough to be classified as A or B felonies;

(4) class A misdemeanors, which characteristically involve less severe violence against a person, less serious offenses against property interests, less serious offenses against public administration or order, or less serious offenses against public health and decency than felonies;

(5) class B misdemeanors, which characteristically involve a minor risk or physical injury to a person, minor offenses against property interests, minor offenses against public administration or order, or minor offenses against public health and decency;

(6) violations, which characteristically involve conduct inappropriate to an orderly society but which do not denote criminality in their commission.

(b) The classification of each felony defined in this title, except murder in the first and second degree, sexual assault in the first degree, and kidnapping, is designated in the section defining it. A felony under Alaska law defined outside this title for which no penalty is specifically provided is a class C felony.

(c) The classification of each misdemeanor defined in this title is designated in the section defining it. A misdemeanor under Alaska law defined outside this title for which no penalty is provided is a class A misdemeanor. (§ 10 ch 166 SLA 1978; am §§ 9, 10 ch 143 SLA 1982)

**Effect of amendments.** — The 1982 amendment inserted "sexual assault in the first degree" in the first sentences of

subsections (a) and (b) and in the introductory language of the second sentence of subsection (a).

aggregate sentence that exceeds the presumptive term for a single count. *Lacquement v. State*, Ct. App. Op. No. 85 (File No. 5741), 644 P.2d 856 (1982). See also *Friedberg v. State*, Ct. App. Op. No. 258 (File No. 7015), 663 P.2d 558 (1983).

**Scope of review.** — See notes under heading "Review of presumptively imposed sentences," AS 12.55.120, *Juneby v. State*, Ct. App. Op. No. 72 (File No. 5606), 641 P.2d 823 (1982), modified on other grounds and aff'd on rehearing, Ct. App. Op. No. 259 (File No. 5606), 665 P.2d 30 (1983).

Where AS 12.55.145(a)(1) prohibited consideration of prior convictions for purposes of rendering defendant a second offender or third offender under this section, and where defendant was not otherwise subject to a presumptive sentence under this section, the prior criminal acts may nevertheless be considered as constituting an "exceptional case" justifying imposition of sentence in excess of the presumptive sentence for a second offender. *Koganaluk v. State*, Ct. App. Op. No. 176 (File No. 6531), 655 P.2d 339 (1982).

Even if a prior felony conviction is too remote in time to be considered in determining whether a defendant is subject to the presumptive sentencing stat-

utes, the conviction can still be considered for sentencing purposes; and substantial weight can be given to that conviction if the present circumstances indicate that the prior conviction is still relevant. *Maal v. State*, Ct. App. Op. No. 295 (File No. 7076), 670 P.2d 708 (1983).

**Failure to prove prior convictions.** — When a party has had insufficient time to comply with the notice requirements relating to proof of prior convictions or aggravating and mitigating factors, the appropriate remedy should normally be a continuance of the sentencing proceedings; and failure to consider prior crimes for presumptive sentencing purposes can be condoned only in those cases where the state, after exercising due diligence, is unable to meet the statutory requirements for proof of a prior conviction. *Kelly v. State*, Ct. App. Op. No. 251 (File No. 6311), 663 P.2d 967 (1983).

**Sentences for first-degree sexual assault (class A felony) under former law** should roughly fall into three categories: (1) the most mitigated, 90 days to three years; (2) typical conduct, three years to six years; and (3) aggravated conduct, six years to 20 years. *State v. Brinkley*, Ct. App. Op. No. 361 (File No. A-164), P.2d (1984).

### **Sec. 12.55.135. Sentences of imprisonment for misdemeanors.**

(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.

(c) A defendant convicted of assault in the fourth degree committed in violation of the provisions of an order issued under AS 25.35.010 or 25.35.020 shall be sentenced to a minimum term of imprisonment of 20 days.

(d) A defendant convicted of assault in the fourth degree upon a uniformed or otherwise clearly identified peace officer, fire fighter, correctional officer, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the assault shall be sentenced to a minimum term of imprisonment of 30 days.

(e) The execution of a sentence under (c) or (d) of this section may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served. Imposition of a sentence under (c) or (d) of this section may not be suspended, except upon condition that the defendant be imprisoned for no less than the mini-