

LEG. FINANCE - BILLS 1983 - 1984 1850
HB 172 cont. - HB 172 Back-Up 1850

1 rights in that approved or patented agricultural land, those rights
2 shall pass without consideration to the municipality in which the land
3 is located. The notice and review provisions of [AS 38.05.305 AND]
4 AS 38.05.345 are applicable to conveyance of rights under this sec-
5 tion.

6 * Sec. 54. AS 38.05.321(c) is amended to read:

7 (c) The provisions of this section do not apply to state land
8 classified as agricultural land which has been selected by a muni-
9 cipality under the provisions of former AS 29.18.190 - 29.18.200 if
10 the selection is an approved selection before April 1, 1978 and is
11 otherwise valid under AS 29.65.050(b) or former AS 29.18.205(b).

12 * Sec. 55. AS 38.05.362(b) is amended to read:

13 (b) Nothing in this section affects the selection rights of a
14 municipality [BOROUGH OR CITY] under former AS 29.18.190 - 29.18.200
15 for areas selected as of July 1, 1977, or a valid existing claim,
16 location, or entry under law, as of July 1, 1976.

17 * Sec. 56. AS 38.09.080 is amended to read:

18 Sec. 38.09.080. LAND WITHIN MUNICIPALITIES. (a) If a
19 municipality has filed a selection of state lands under AS 29.65 or
20 former AS 29.18.201 - 29.18.213 with the commissioner, the state lands
21 selected may not be designated for homestead entry; if the
22 commissioner determines that land selected by a municipality is not
23 available for patent to the municipality under AS 29.65 or former
24 AS 29.18.201 - 29.18.213, the state land is available for designation
25 by the commissioner for homestead entry under AS 38.09.010.

26 (b) The disposal of homestead entry land is subject to local
27 platting, recording, or subdivision requirements established under
28 AS 29.35.180 [AS 29.33] and AS 40.15.

29 * Sec. 57. AS 39.50.145 is amended to read:

1 Sec. 39.50.145. PARTICIPATION BY MUNICIPALITIES. A municipality
2 may exempt its municipal officers from the requirements of this chap-
3 ter if a majority of the voters voting on the question at a [ANY]
4 regular election, as defined by AS 29.71.800(20) [AS 29.78.010(14)],
5 or a special municipality-wide election, vote to exempt its municipal
6 officers from the requirements of this chapter. The question of
7 exemption from the requirements of this chapter may be submitted by
8 the city council or borough assembly by ordinance or by initiative
9 election [ORDINANCE].

10 * Sec. 58. AS 39.50.200(a)(6) is amended to read:

11 (6) "municipal officer" includes a borough or city mayor,
12 borough assemblyman, city councilman, school board member, elected
13 utility board member, city or borough manager, members of a city or
14 borough planning or zoning commission within a home rule or general
15 law city or borough or [INCLUDING BUT NOT LIMITED TO] a unified muni-
16 cipality [UNDER AS 29.68];

17 * Sec. 59. AS 40.15.075 is amended to read:

18 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD
19 CLASS BOROUGH. The division of lands is the platting authority in
20 the area outside organized boroughs and outside cities in the unor-
21 ganized borough and in the third class borough for only the purposes
22 of hearing and acting on petitions for the change or vacation of plats
23 and shall execute this function substantially in conformity with the
24 provisions of AS 29.40.130 - 29.40.160 [AS 29.33.210 - 29.33.240].
25 Costs of publication and mailing [AS WELL AS OTHER COSTS] authorized
26 in AS 29.40.130 [AS 29.33.210] shall be paid to the division by the
27 petitioner. The Department of Natural Resources shall adopt reason-
28 able regulations governing the exercise of the authority conferred by
29 this section upon the division of lands.

1 * Sec. 60. AS 40.15.200 is amended to read:

2 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVI-
3 SIONS. All subdivisions of land made by the state, its agencies,
4 instrumentalities and political subdivisions are subject to the provi-
5 sions of this chapter and AS 29.40.070 - 29.40.160 [AS 29.33.150 -
6 29.33.240], or home rule ordinances or regulations governing subdivi-
7 sions, and shall comply with ordinances and other local regulations
8 adopted under this chapter and AS 29.40.070 - 29.40.160 or former
9 AS 29.33.150 - 29.33.240, or under home rule authority, in the same
10 manner and to the same extent as subdivisions made by other land-
11 owners..

12 * Sec. 61. AS 41.35.180(5) is amended to read:

13 (5) consult with local historical district commissions re-
14 garding the establishment of historical districts under AS 29.55.010 -
15 29.55.020 [AS 29.48.108 - 29.48.110] and the approval of project
16 alterations under AS 45.98.040; recommend, if appropriate, the formu-
17 lation of additional criteria for the designation of historical dis-
18 tricts under AS 29.55.020(b) [AS 29.48.110(b)]; approve plans for and
19 evaluate the suitability of specific structures for purposes of loan
20 eligibility and continuance under the historical district revolving
21 loan fund (AS 45.98); and consult with the Department of Commerce and
22 Economic Development relative to the adoption of regulations for
23 historical district loans under AS 45.98.

24 * Sec. 62. AS 41.98.175(d) is amended to read:

25 (d) In (a) of this section "municipalities" includes cities or
26 organized boroughs of any class and unified municipalities exercising
27 powers to initiate projects described in AS 41.98.170 and acquire
28 parks and open space land, as otherwise authorized by law [, AND
29 INCLUDES BUT IS NOT LIMITED TO UNIFIED MUNICIPALITIES ORGANIZED UNDER

1 AS 29.68.240 - 29.68.440].

2 * Sec. 63. AS 42.05.711(1) is amended to read:

3 (1) A person, utility, or cooperative that is exempt from
4 regulation under AS 42.05.711(a) or (d) - (k) is not subject to
5 regulation by a municipality under AS 29.35.070 [AS 29.48.060 -
6 29.48.090].

7 * Sec. 64. AS 43.75.130(1) is amended to read:

8 (1) to each unified municipality [UNIFIED UNDER AS 29.68.-
9 240 - 29.68.440,] and to each city located in the unorganized borough,
10 50 percent of the amount of tax revenue collected in the municipality
11 from taxes levied by AS 43.75;

12 * Sec. 65. AS 44.33.403(2)(A) is amended to read:

13 (A) has the authority under AS 29.35 [AS 29.41 OR
14 AS 29.48] to provide and maintain a cultural facility;

15 * Sec. 66. AS 44.47 is amended by adding new sections to read:

16 ARTICLE 12. BOROUGH FEASIBILITY STUDIES.

17 Sec. 44.47.700. BOROUGH FEASIBILITY STUDIES. (a) The commis-
18 sioner may contract for studies of the feasibility of establishing
19 boroughs in the unorganized borough. A study may be conducted under
20 this section only if

21 (1) appropriations are available for that purpose; and

22 (2) the study is requested by a person residing in the area
23 to be studied or by a city located in the area to be studied.

24 Sec. 44.47.710. REQUESTS FOR STUDIES. A request for a study of
25 the feasibility of establishing a borough in the unorganized borough
26 shall be submitted to the commissioner in writing and shall include

27 (1) a description of the boundaries of the area of the pro-
28 posed study; and

29 (2) an indication of local interest in the proposed study

1 consisting of either

2 (A) a petition requesting the study containing the
3 signatures and addresses of five percent of the voters residing
4 in the area of the proposed study based on the number of voters
5 who voted in the area in the last statewide election; or

6 (B) resolutions requesting the study adopted by the
7 governing bodies of at least five percent of the cities within
8 the area of the proposed study.

9 Sec. 44.47.720. BOUNDARIES. The boundaries of an area studied
10 shall conform to the boundaries indicated in the request for the study
11 under AS 44.47.710 unless the commissioner, after a public hearing
12 held in the area of the proposed study, determines that the boundaries
13 should be altered. In determining the boundaries of an area to be
14 studied, the commissioner shall consider

15 (1) the standards applicable to the incorporation of bor-
16 oughs under AS 29.05.030;

17 (2) boundaries of regional corporations established under
18 43 U.S.C. 1606;

19 (3) census divisions of the state used for the 1980 census;

20 (4) boundaries of the regional educational attendance areas
21 established under AS 14.08.031; and

22 (5) boundaries of coastal resource service areas organized
23 under AS 46.40.110 - 46.40.210.

24 Sec. 44.47.730. CONTRACTS. (a) The commissioner shall contract
25 for a study of the feasibility of establishing a borough in the unor-
26 ganized borough by following the procedures set out in AS 36.98. The
27 commissioner shall include terms in the contract that provide for

28 (1) public participation in the preparation of the study;

29 (2) completion of the study not later than June 30 of the

1 third year after the year the contract is executed.

2 (b) A study under this section shall include

3 (1) a recommendation for or against incorporation of a bor-
4 ough containing all or part of the area studied;

5 (2) an evaluation of the economic development potential of
6 the area studied;

7 (3) an evaluation of capital facility needs of the area
8 studied;

9 (4) an evaluation of demographic, social, and environmental
10 factors affecting the area studied;

11 (5) an evaluation of the relationships among regional
12 educational attendance areas, coastal resource service areas, and
13 other regional entities responsible for providing services in the area
14 studied;

15 (6) an evaluation of the relationships between the existing
16 cities within the area studied and regional entities responsible for
17 providing services in the area; and

18 (7) specific recommendations for

19 (A) organization of a home rule or general law borough
20 government if one is recommended;

21 (B) changes in organization of cities in the area
22 studied; or

23 (C) the improvement of the delivery of services to the
24 public by the state in the area studied.

25 * Sec. 67. AS 44.83.162(m) is amended to read:

26 (m) For purposes of (c) of this section, the number of residents
27 of the community equals the number of residents of the community
28 determined by the Department of Community and Regional Affairs in
29 accordance with AS 29.60.020 [AS 29.88.015].

1 * Sec. 68. AS 44.85.270(i) is amended to read:

2 (i) All references to the "reserve fund" in this section include
3 special accounts within the reserve fund which may be created by the
4 authority to secure the payment of particular bonds, including, with-
5 out limitation, bonds issued by the capital city established under
6 AS 29.14.010 [AS 29.18.510]. The commissioner of revenue may lend
7 surplus money in the general fund to the authority for deposit to any
8 account in the reserve fund in an amount equal to the required debt
9 service reserve. The loans shall be made on such terms and conditions
10 as may be agreed upon by the commissioner of revenue and the author-
11 ity, including, without limitation, terms and conditions providing
12 that the loans need not be repaid until the obligations of the corpo-
13 ration secured and to be secured by the account in the reserve fund
14 are no longer outstanding.

15 * Sec. 69. AS 44.85.410(3)(D) is amended to read:

16 (D) a bond of a borough issued as a general obligation
17 of a service area under AS 29.47.440 or former AS 29.58.340; [.]

18 * Sec. 70. AS 45.98.020 is amended to read:

19 Sec. 45.98.020. HISTORICAL DISTRICT LOANS. Upon endorsement and
20 plan approval by a local historical district commission established
21 under AS 29.55.010 or former AS 29.48.108 and the recommendation of a
22 majority of the members of the Historic Sites Advisory Committee, the
23 Department of Commerce and Economic Development may make loans to a
24 person, firm, business or municipality subject to applicable laws for
25 the restoration, improvement, rehabilitation, or maintenance of a
26 structure that [WHICH] is

27 (1) within the boundaries of a historical district estab-
28 lished under AS 29.55.020 or former AS 29.48.110;

29 (2) identified as important in state or national history as

1 provided for in AS 29.55.020(b) or former AS 29.48.110(b); and

2 (3) another building or structure within a historical dis-
3 trict, and suitable for superficial modification so th~~a~~. it can con-
4 form to the period or motif of the surrounding buildings or structures
5 that are the reason for the area's designation as a historical dis-
6 trict.

7 * Sec. 71. AS 46.03.210(a) is amended to read:

8 (a) A municipality with a population in excess of 1,000 may,
9 within five years from August 5, 1969, establish and administer within
10 its jurisdiction an air pollution control program. Organized boroughs
11 may establish an air pollution control program on an areawide basis,
12 and the exercise of powers with respect to the program is not subject
13 to the restrictions on acquiring additional areawide powers specified
14 in AS 29.35.300 - 29.35.330 [AS 29.33.250 - 29.33.290]. Local pro-
15 grams shall

16 (1) provide by ordinance for requirements compatible with
17 those imposed by the provisions of AS 46.03.140 and 46.03.170 and
18 applicable regulations;

19 (2) provide for the enforcement of the requirements imposed
20 through appropriate administrative and judicial processes;

21 (3) provide for a local administrative organization, staff,
22 and other resources necessary to effectively carry out the purposes of
23 the program; and

24 (4) be approved by the department as being satisfactory to
25 meet the requirements of AS 46.03.140 - 46.03.170 and the applicable
26 regulations.

27 * Sec. 72. AS 46.11.040(3)(A) is amended to read:

28 (A) is constructed under an exception to the municipal
29 building code granted because the exception will result in

1 increased energy efficiency [UNDER AS 29.33.080(g)];

2 * Sec. 73. AS 46.11.900(8) is amended to read:

3 (8) "state financial assistance" means a loan, grant,
4 guarantee, insurance, payment, rebate, subsidy, or other form of state
5 assistance (other than aid under AS 29.60 [AS 29.88, AS 29.89, AS 29.-
6 90, AS 29.95] and AS 43.18) including the purchase by a state agency
7 of a loan to finance the construction of a new residential, commer-
8 cial, or industrial building;

9 * Sec. 74. AS 46.35.200(3) is amended to read:

10 (3) "local government" means a city or borough including a
11 unified municipality [UNIFIED UNDER AS 29.68.240 - 29.68.440];

12 * Sec. 75. AS 46.40.140(h) is amended to read:

13 (h) Members of coastal resource service area boards are subject
14 to recall on the same grounds and in the same manner as provided for
15 recall of municipal officials in AS 29.26.240 - 29.26.350 [AS 29.28.-
16 130 - 29.28.250]. The lieutenant governor functions in place of the
17 assembly or council and municipal clerk for receipt and review of
18 recall petitions and the conduct of recall elections.

19 * Sec. 76. AS 46.40.210(2)(A) is amended to read:

20 (A) unified municipalities [ESTABLISHED UNDER AS 29.-
21 68.240 - 29.68.440];

22 * Sec. 77. AS 47.35.010(b) is amended to read:

23 (b) The department shall, within 90 days after receiving a
24 written request that it do so, delegate its powers relating to
25 nurseries under this section and under AS 47.35.040 - 47.35.060 to a
26 municipality that [WHICH] has adopted an ordinance providing for day
27 care licensing under home rule powers or as authorized under
28 AS 29.35.200 - 29.35.210 [AS 29.48.035(a)(20)]. A municipality to
29 which these powers have been delegated may waive or modify any

1 regulation or standard established by the department under the au-
2 thority of AS 47.35.010 - 47.35.080 as it applies to nurseries or the
3 application of any such regulation or standard as it applies to a
4 particular day care licensee but must notify the department of any
5 waiver.

6 * Sec. 78. AS 29.10.200(37) is amended to read:

7 (37) AS 29.45.010 - 29.45.570 [AS 29.53.010 - 29.53.400]
8 (property taxes)

9 * Sec. 79. AS 29.10.200(38) is amended to read:

10 (38) AS 29.45.650(c) and (d) [AS 29.53.415(d)] (sales and
11 use tax)

12 * Sec. 80. AS 29.35.170(a) is amended to read:

13 (a) A borough shall assess and collect property, sales, and use
14 taxes that are levied in its boundaries, subject to AS 29.45
15 [AS 29.53].

16 * Sec. 81. AS 29.46.080(c) is amended to read:

17 (c) Assessments are liens on the property assessed and are prior
18 and paramount to all liens except municipal tax liens. They may be
19 enforced as provided in AS 29.45.320 - 29.45.470 [AS 29.53.200 -
20 29.53.390] for enforcement of property tax liens.

21 * Sec. 82. AS 29.60.030(d) is amended to read:

22 (d) The full and true assessed property value shall be
23 determined by the department in the manner provided for the
24 computation of state aid to education under AS 14.17.140. When the
25 determination of locally generated revenue includes revenue of a
26 utility received under AS 29.60.010(c)(1)(E), the full and true
27 assessed property value shall include the computed assessed value of
28 the utility, determined by dividing the amount of the payment in place
29 of taxes made by the utility by the millage rate that would apply to

1 the utility if the utility were subject to levy and collection of
2 taxes under AS 29.45 [AS 29.53.010. - 29.53.420].

3 * Sec. 83. AS 14.17.140(a) is amended to read:

4 (a) To determine the equalized percentage to be applied to basic
5 need under AS 14.17.021, and the matching ratio for required local
6 effort under AS 14.17.071, the Department of Community and Regional
7 Affairs, in consultation with the assessor for each district, shall
8 determine the full value of the taxable real and personal property in
9 each district. Exemptions granted under ch. 129, SLA 1957, known as
10 the Alaska Industrial Incentive Act (AS 43.25), shall be honored. If
11 there is no local assessor or current local assessment for a district,
12 then the Department of Community and Regional Affairs shall make the
13 determination of full value from information available. In making the
14 determination, the Department of Community and Regional Affairs shall
15 be guided by AS 29.45.110 [AS 29.53.060]. The determination of full
16 value shall be made before October 1 and sent by certified mail,
17 return receipt requested, before that date to the president of the
18 school board in each district. Duplicate copies shall be sent to the
19 commissioner. The governing body of the municipality that [BOROUGH OR
20 CITY WHICH] is the district may obtain judicial review of the deter-
21 mination by filing a motion in the superior court of the judicial
22 district in which the district is located within 30 days after receipt
23 of the determination. The superior court may modify the determination
24 of the Department of Community and Regional Affairs only upon a find-
25 ing of abuse of discretion or upon a finding that there is no substan-
26 tial evidence to support the determination.

27 * Sec. 84. AS 43.56.010(b) is amended to read:

28 (b) A municipality may levy and collect a tax under AS 29.45.080
29 [AS 29.53.045] at the rate of taxation that applies to other property

1 taxed by the municipality. The tax shall be levied at a rate no
2 higher than the rate applicable to other property taxable by the
3 municipality. No municipality may exempt from taxation property
4 authorized to be taxed under this chapter. Exemptions shall be lim-
5 ited to those in AS 29.45.030, 29.45.050, [AS 29.53.020 AND AS 29.53.-
6 025] and AS 43.56.020.

7 * Sec. 85. AS 43.56.010(c) is amended to read:

8 (c) If the total value of assessed property of a municipality
9 taxing under AS 29.45.080(c) [AS 29.53.045(c)] exceeds the product of
10 225 percent of the average per capita assessed full and true value of
11 property in the state (to be determined by the department and reported
12 to each municipality by January 15 of each year) multiplied by the
13 number of residents of the taxing municipality, the department shall
14 designate the portion of the tax base against which the local tax may
15 be applied. For purposes of this subsection the average per capita
16 assessed full and true value of property in the state shall be calcu-
17 lated without regard to the assessed value of taxable property under
18 AS 43.58.

19 * Sec. 86. AS 43.56.010(d) is amended to read:

20 (d) A tax paid to a municipality under AS 29.45.080 or former
21 AS 29.53.045 on or before June 30 of the tax year shall be credited
22 against the tax levied under (a) of this section for that tax year.
23 If, however, a tax is not paid to a municipality until after June 30
24 of the taxable year, the department upon application shall refund to
25 the taxpayer the amount of tax paid to the municipality under
26 AS 29.45.080 or former AS 29.53.045. The credit or refund of taxes
27 paid to a municipality may not exceed the total amount of tax levied
28 by the department upon the taxpayer for the tax year, under (a) of
29 this section.

1 * Sec. 87. AS 43.56.060(a) is amended to read:

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

8 * Sec. 88. AS 44.85.410(3)(A) is amended to read:

9 (A) a general obligation bond that [WHICH] is a direct
10 and general obligation of a political subdivision of the state,
11 all the taxable property within which is subject to taxation to
12 pay the bond, note or evidence of debt, and the interest without
13 limitation, as to rate or amount generally to the extent permit-
14 ted by law or to avoid a default as provided for second class
15 cities under AS 29.45.590 [AS 29.53.410]; or

16 * Sec. 89. The following laws are repealed: AS 04.11.400(c); AS 04.-
17 21.080(b)(11); AS 14.56.065(b), 14.56.180(3); AS 15.13.130(6); AS 18.55.-
18 950(10); AS 19.20.015(f); AS 24.55.330(3); AS 28.35.260(a)(10); AS 29.08;
19 AS 29.13; AS 29.18; AS 29.23; AS 29.28; AS 29.33; AS 29.38; AS 29.41;
20 AS 29.43; AS 29.48; AS 29.58; AS 29.63; AS 29.68; AS 29.73; AS 29.78;
21 AS 29.88; AS 29.89; AS 29.95; AS 30.15.070(3); AS 30.30.170(2); AS 35.15.-
22 120(3); AS 42.06.630(6); AS 43.20.016; AS 43.56.210(8); AS 44.07.360(8);
23 AS 44.33.417(6); AS 44.47.310(5); and AS 44.85.410(4).

24 * Sec. 90. AS 29.53 is repealed.

25 * Sec. 91. A right or liability of a municipality existing on July 1,
26 1984, is not affected by the enactment of this Act. Ordinances and regula-
27 tions in effect on July 1, 1984, remain in effect unless they conflict with
28 provisions of this Act. Ordinances and regulations in effect on July 1,
29 1984, that conflict with provisions of this Act remain in effect for 180

1 days after July 1, 1984. The terms of elected or appointed municipal
2 officials in office on July 1, 1984, are not affected by this Act, and
3 their terms expire as provided before July 1, 1984.

4 * Sec. 92. AS 29.45 as enacted in sec. 11 of this Act and secs. 78 - 88
5 and 90 of this Act are effective January 1, 1985.

6 * Sec. 93. Except for AS 29.45 as enacted in sec. 11 of this Act and
7 except for secs. 78 - 89 and 90 of this Act, this Act takes effect July 1,
8 1984.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 04/16/84

REQUEST

Bill/Resolution No: CSHB 172 (C&RA)

Title: An act relating to municipal government.

Sponsor: C&RA Committee

Requestor: House Finance

Date of Request: _____

FISCAL DETAIL

Agency Affected: Revenue

Program Category Affected: General Government, Property Tax

BRU, Program of Subprogram(s) Affected: Administrative Services Division

Petroleum Revenue Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	-	-0-	-	-	-	-
200 TRAVEL	-	-0-	-	-	-	-
300 CONTRACTUAL	-	-0-	-	-	-	-
400 SUPPLIES	-	-0-	-	-	-	-
500 EQUIPMENT	-	-0-	-	-	-	-
600 LANDS & STRUCTURES	-	-0-	-	-	-	-
700 GRANTS, CLAIMS	-	-0-	(71500.0)	(71500.0)	(71500.0)	(71500.0)
800 MISCELLANEOUS	-	-0-	-	-	-	-
TOTAL OPERATING	-0-	-0-	(71500.0)	(71500.0)	(71500.0)	(71500.0)
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-0-	(71500.0)	(71500.0)	(71500.0)	(71500.0)
FEDERAL FUNDS	-	-0-	-	-	-	-
OTHER	-	-0-	-	-	-	-
TOTAL	-	-0-	(71500.0)	(71500.0)	(71500.0)	(71500.0)

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: See attached.

Prepared By: Ervin B. Jones

Division: Administrative Services

Phone: 465-2313

Date: 04/16/84

Approved by Commissioner: [Signature]

Agency: Revenue

Date: 4/16/84

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

Analysis for CSHB 172 (C&RA):

Section 11, 29.45.080, is a restatement of Section 29.53.045, which is currently on the books. There is no change.

Section 64 of the bill makes a technical amendment to the language of the section which shares tax revenues collected from taxes levied by AS 43.75 (Fisheries Business Tax). This would appear to be a technical amendment made necessary by the new definitions section which defines "unified municipality".

Section 89 repeals, among other things, AS 43.20.016 (Municipal Assistance). Since Section 91 provides for a right or liability of a municipality existing on July 1, 1984 (e.g. the right to receive a distribution from the municipal assistance fund) there would appear to be no administrative or fiscal impact on the Department of Revenue in fiscal year 1985. However, starting with fiscal year 1986 the municipal assistance fund and the distributions made therefrom would cease. The administrative effect of repealing the municipal assistance and the related distribution would be insignificant, in that the total effort expended by the Department of Revenue in distributing those funds takes a maximum of three working days for one accounting technician during the entire fiscal year.

It should be noted that although AS 43.20.016 (Municipal Assistance) is repealed by Section 89, as above, the provisions of municipal assistance are re-established in the new AS 29.60.350 at page 165 of this bill, to be administered by the Department of Community and Regional Affairs.

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
707-465-3800

MEMORANDUM

April 12, 1984

SUBJECT: Municipal Code Revision
(CSHB 172 (C&RA))

TO: Representative Al Adams
Chairman
House Finance Committee

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

Here is the amendment that you requested to the municipal code revision bill. The optional tax exemption included in this amendment was added by SCS HB 537 (C&RA) enacted into law as chapter 27, SLA 1984. Since the municipal code revision bill repeals all of chapter 29.53, if that bill passes, it will have the effect of repealing this tax exemption just passed by the legislature this session. Consequently, the tax exemption should be included within the municipal code revision bill itself.

TBC:ojb
J6/031
Enclosure

A M E N D M E N T

Offered in the HOUSE

By The Finance Committee

TO: CSHB 172(C&RA)

Page 108, after line 6, insert:

"(5) classify as to type and exempt or partially exempt any
or all types of motor vehicles from taxation."

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3600

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 12, 1984

SUBJECT: Municipal Code Revision
(CSHB 172 (C&RA))

TO: Representative Al Adams
Chairman
House Finance Committee

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

Here is the amendment that you requested to the municipal code revision bill. The provisions on tax benefits for disabled veterans and senior citizens included in this amendment were added by SCS CS HB 31 (Fin) passed by the legislature and submitted to the governor. Since the municipal code revision bill repeals all of chapter 29.53 and 29.73, if that bill passes, it will have the effect of repealing the provision just passed by the legislature this session. Consequently, the provision should be included within the municipal code revision bill itself.

TBC:ojb
J6/033
Enclosure

A M E N D M E N T

Offered in the HOUSE

By The Finance Committee

TO: CSHB 172(C&RA)

Page 103, line 8:

After "over" insert "or by a disabled veteran"

Page 103, line 10:

Delete "that" and insert "if"

Page 103, line 11:

Delete "has been" and insert "that the property was"

Page 103, line 13:

Delete "is appealable" and insert "may be appealed"

Page 103, line 16:

Delete "prescribed" and insert "approved"

Page 104, line 4:

Delete "may at any time" and insert "shall"

Page 104, line 5:

After "right" insert "to"

Page 104, line 6:

After "section" insert ", and shall require a disabled veteran claiming an exemption to provide evidence of the disability rating"

Page 104, lines 19 - 21:

Delete "'real property' includes but is not limited to mobile homes, whether classified as real or personal property for municipal tax purposes." and insert the following new paragraphs:

"(1) 'disabled veteran' means a disabled person separated from the military service of the United States under a condition that is not dishonorable who is a resident of the state, whose disability was incurred or aggravated in the line of duty in the military service of the United States, and whose disability has been rated as 50 percent or more by the branch of service in which that person served or by the Veterans' Administration;

(2) 'real property' includes but is not limited to mobile homes, whether classified as real or personal property for municipal tax purposes."

Page 106, line 17:

After "older" insert "or a disabled veteran"

Page 106, line 18:

After "for" insert "a"

Delete "payments" and insert "payment"

Page 106, line 20:

Delete "payments to eligible persons," and insert "the amount of a payment to an eligible person,"

Page 106, line 26:

After "obtain" insert "a"

Delete "payments" and insert "payment"

Page 106, line 29:

After "department." insert "The department for good cause shown may waive an applicant's failure to make timely application for a tax equivalency payment and accept the application as if timely filed."

Page 107, line 3:

After "paid." insert "A disabled veteran shall submit with the application evidence of the disability rating."

Page 107, line 5:

After "for" insert "a"

Delete "payments" and insert "payment"

Page 107, line 7:

After "However," insert "a"

Delete "payments" and insert "payment"

Page 107, line 9:

After "age" insert "or is not a disabled veteran"

After "for" insert "a"

Page 107, line 10:

Delete "payments" and insert "payment"

Page 107, after line 11, insert the following new material:

"(e) In this section 'disabled veteran' means a disabled veteran as defined in AS 29.45.030(i)(1).

Sec. 29.45.045. REIMBURSEMENT PAYMENTS. (a) A resident of the state 65 years of age or older or a disabled veteran who rents a permanent place of abode is eligible for a reimbursement payment from the state through the department if the abode is located in a municipality that

(1) does not levy and collect a property tax; and

(2) levies and collects a sales tax on rents paid for residential property.

(b) The amount of a reimbursement payment under this section equals the amount of sales taxes paid on the abode during the preceding year by the eligible resident.

(c) To obtain a reimbursement payment under this section an eligible resident must apply by January 15 of each year to the department for reimbursement of sales taxes paid for the preceding year. The application shall be on the form and filed as prescribed by the department. The department for good cause shown may waive an applicant's failure to make timely application for reimbursement and accept

the application as if timely filed. Each applicant shall submit with the application rental receipts or, if rental receipts are not available, other evidence satisfactory to the department for determination of the fact of payment or rent and the amount paid. A disabled veteran shall submit with the application evidence of the disability rating.

(d) If two or more persons occupy a residence as tenants, not all of whom are eligible for a reimbursement payment under this section, the assessor shall determine equitable partial payments to be made to the eligible tenants. However, a reimbursement payment to an eligible applicant may not be reduced because the spouse is less than 65 years of age or not a disabled veteran. If all occupants in a residence are eligible for a reimbursement payment, the occupants shall decide between and among themselves which shall receive the payment.

(e) In this section 'disabled veteran' means a disabled veteran as defined in AS 29.45.030(i)(1)."



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

"The Friendly City"

April 5, 1984

Leland
FYI

Leonard V. Pingatore
Mayor

Richard J. Leland
City Manager

Donna M. Sherby
City Clerk

Council Members

Joe Gunderson
Phyllis Day
Oliver Osborn
Law L. Cochran
Danny R. Glasen
John Wheeler

Representative Al Adams
Pouch V
Juneau, AK 99811

Dear Representative Adams:

At the April 2, meeting of the Cordova City Council, I was directed to communicate the Council's support of a clean House Bill 172 affecting Title 29 revisions. Councilman Joe Gunderson has worked closely with the Task Force in developing the Bill in its current form. Once again, we would appreciate your support in passing HB 172 without further amendments.

I look forward to meeting several State legislators during the AML April 12-13 meeting, and hopefully, will have the opportunity to meet you personally.

Sincerely,

RICHARD J. LELAND
City Manager

HAINES BOROUGH

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

March 22, 1984

Handwritten signature

The Honorable Albert P. Adams
Chairman
House Finance Committee
Pouch V
Juneau, AK 99811

Dear Chairman Adams:

The Haines Borough, along with many other municipalities, has been working very closely with the Legislative committees re-writing the Municipal Code, Title 29.

We feel very strongly that this legislation (HB 172 Rules) must be passed during the current Legislative session. A new Legislature would require more public hearings going over the same material we've testified on so many times before.

We would appreciate any help that you could give us to get this bill out of committee and on to the floor of the House and then to the Senate.

Sincerely,

Bob Henderson
Bob Henderson, Mayor

REH:AMJ

cc/Rep. Peter Goll
Sen. Dick Eliason

HAINES BOROUGH

Resolution 222

A RESOLUTION REQUESTING THE ALASKA STATE LEGISLATURE TO ADOPT THIS SESSION THE REVISED TITLE 29 (HB 172 Rules), WITHOUT AMENDMENTS.

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

WHEREAS, many years of amendments of Title 29 have created a confusing, unclear and difficult to understand code; and

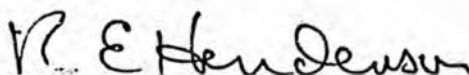
WHEREAS, committees of Alaska State Legislature have been working on revisions and holding hearings for four consecutive years; and have produced a clear, concise code; and

WHEREAS, a new Legislature would require several more years of work;

NOW, THEREFORE, BE IT RESOLVED, that the Haines Borough respectfully requests the Alaska State Legislature to adopt this session the revised Title 29 (such as HB 172 Rules);

BE IT FURTHER RESOLVED, that no new amendments be added to this bill, but instead be passed as separate bills and later added to the Code.

ADOPTED March 20, 1984


R. E. Henderson, Mayor

ATTEST:



Frank M. Haas, Assembly Clerk

OFFICE OF THE MUNICIPAL ATTORNEY

KETCHIKAN GATEWAY BOROUGH
AND
CITY OF KETCHIKAN



334 FRONT STREET
KETCHIKAN, ALASKA 99901
(907) 225-3111, EX. 327

March 29, 1984

Representative Albert P. Adams
Finance Committee Chairman
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Re: CS for HB 172 (CRA)

Dear Representative Adams:

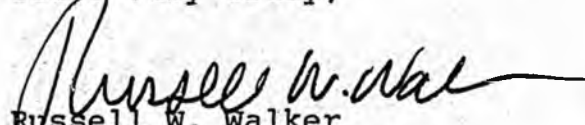
I am writing to urge a favorable vote and passage of HB 172.

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

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

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

Yours very truly,



Russell W. Walker
Municipal Attorney

EG/1/29

CITY OF KETCHIKAN, ALASKA

RESOLUTION NO. 1371

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, SUPPORTING THE REORGANIZATION OF TITLE 29 FOR CLARITY AND FLEXIBILITY AND URGING PASSAGE OF HOUSE BILL 172 (CSHB 172), AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 1980 the Legislature adopted SCR 66 which directed that Title 29 be reviewed and rewritten to provide clarity and readability; and

WHEREAS, a broadly representative policy committee representing rural and urban communities, with the assistance of a technical committee, prepared a revised code after an exhaustive series of meetings, hearing, and public presentations; and

WHEREAS, Title 29 as clarified was introduced as HB 170 and SB 180 in 1981; and

WHEREAS, more hearings were held during the First and Second Session of the Twelfth Alaska State Legislature and hearings were also held in the interim between sessions; and

WHEREAS, SB 180 passed the Legislature during the Second Session; and

WHEREAS, because of controversial floor amendments, the City of Ketchikan joined other local governments urging Governor Hammond to veto the bill; and

WHEREAS, Title 29 as clarified was again introduced as SB 1 and HB 172 during the First Session of the Thirteenth Alaska legislature; and

WHEREAS, both bills are basically a reorganization and rewording of Title 29 to enhance its clarity and flexibility; and

WHEREAS, the Council of the City of Ketchikan strongly feels that this clarification is in the best interests of all local governments in Alaska and that the content and intent of the bill is not controversial; and

WHEREAS, the City Council appreciates the hours of time and effort expended on this bill by Alaskans who harbor a great concern for the well-being of Alaska Local Government and believes those hours should not have been expended in vain.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Ketchikan, Alaska as follows:

Section 1: The Council of the City of Ketchikan supports the reorganization of Title 29 for clarity and flexibility and urges the State Legislature to pass House Bill 172 (CSHB 172).

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

Section 3: The Council further requests that all committees expeditiously consider House Bill 172 (CSHB 712) to assure action prior to adjournment of the Thirteenth Alaska Legislature.

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

Section 5: This resolution shall be effective immediately upon passage and approval.

PASSED AND APPROVED THIS 15 day of March, 1984.

Edward W. Zastrow
Edward W. Zastrow Mayor

ATTEST:

Karen M. Sund
Karen M. Sund, Deputy Clerk

Submitted By:
Mayor Rasmussen
Action Taken:
Yes /5/ No /0/

CITY OF NOME, ALASKA
RESOLUTION

R-84-3-2

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

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

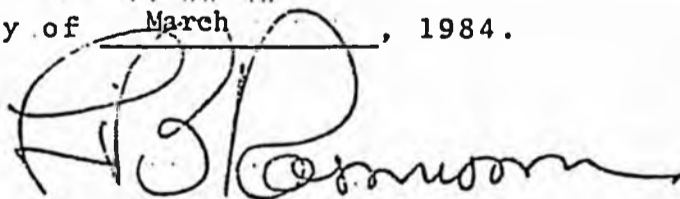
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read and understand; and,

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

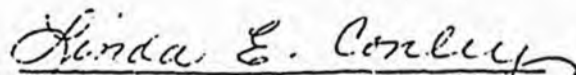
WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 a "clean" bill;

NOW, THEREFORE, BE IT RESOLVED by the Nome Common Council that the Alaska State Legislature adopt during this session the revised Title 29, as proposed, without any controversial amendments.

SIGNED and DATED this 12th day of March, 1984.


Leo B. Rasmussen, Mayor

ATTEST: ,


Linda E. Conley, City Clerk

City of Tenakee Springs

RESOLUTION 84-11

In the Council
March 22, 1984

Introduced by the
Council President

A RESOLUTION REQUESTING ADOPTION OF REVISED ALASKA TITLE 29

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

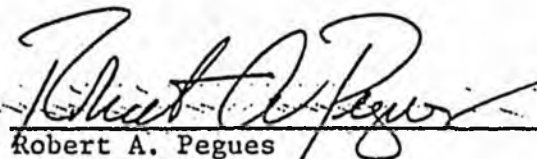
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read, understand and administer; and

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

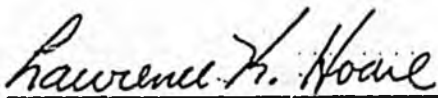
WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 revision a "clean" bill; then

THEREFORE, BE IT RESOLVED, that the Council of the City of Tenakee Springs respectfully requests the Alaska State Legislature adopt this session the revised Title 29, as proposed, without any controversial amendments.

ADOPTED 5 YEA - 2 ABSENT THIS 22 DAY OF MARCH, 1984


Robert A. Pegues
City Council President
ex officio MAYOR

ATTEST:


Lawrence K. Hoare
City Clerk

Suggested by: Mayor Tom Wagoner

CITY OF KENAI

RESOLUTION NO. 84-30

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA URGING THE 13TH ALASKA STATE LEGISLATURE TO ADOPT THE REVISED TITLE 29 AS PROPOSED PRIOR TO ADJOURNMENT OF THE 13TH ALASKA STATE LEGISLATIVE SESSION.

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

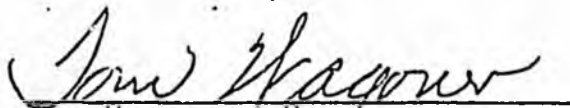
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is both difficult to read and to understand, and

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

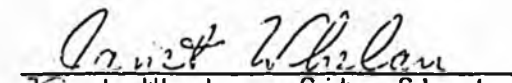
WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 revision a clear and understandable bill.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, that the Kenai City Council respectfully request the 13th Alaska State Legislature to adopt the proposed revision of Title 29 as submitted without any major or controversial amendments.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA this 21st day of MARCH, 1984.


Tom Wagoner, Mayor

ATTEST:


Janet Whelan, City Clerk

Municipality of Anchorage



POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4545

TONY KNOWLES,
MAYOR

OFFICE OF THE MUNICIPAL ATTORNEY

April 3, 1984

Representative Albert P. Adams
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Re: HB 172 - Title 29 - Municipal Code

Dear Representative Adams:

I am sure that you already know that Title 29 revisions represent several years of intensive work by the State's foremost experts in local government operation. I am confident that it is one of the most comprehensively and intensively reviewed pieces of legislation that has come before you. The bill doesn't deserve priority, however, merely because it is well conceived and meticulously drafted; it must serve a need. From my perspective the need is clear and applies as equally to the smallest municipality in the State as it does to the larger metropolitan areas. Indeed, it is the smaller local governments that are least equipped to divert their resources towards the problems generated by the existing municipal code.

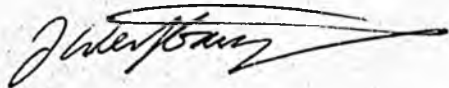
The most significant problem with the existing municipal code is that, as a government operations manual, it is poorly organized, overly complex and difficult to interpret. It thus serves as a breeding ground for lengthy legal opinions and litigation. The communities that do not have the resources to employ legal counsel, are presented with a task as difficult as trying to put together a Christmas toy that comes with assembly instructions translated from a foreign language. Where lawyers are employed by municipalities, far too much of their time and energy goes into writing opinions on subjects that other municipal officials would be able to deal with themselves, if given the revisions embodied in HB 172.

April 3, 1984
Page 2

In my capacity as President of the Alaska Municipal Attorney's Association and speaking for both its public and private member practitioners, I urge you to expedite the adoption of HB 172 and thereby permit cities and boroughs to spend more of their resources on direct services to residents and less on legal fees.

Very truly yours,

ALASKA MUNICIPAL ATTORNEY'S ASSOCIATION



Jerry Wertzbaugher
President

JW:gml

APPROVED
Date: 3-6-84

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

ANCHORAGE, ALASKA

AR NO. 84-65 (Amended)

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

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

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

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

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

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

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

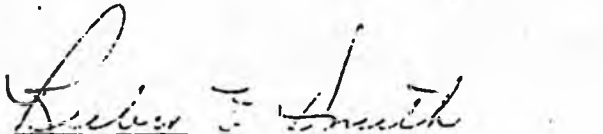
BE IT, THEREFORE, RESOLVED, the Anchorage Municipal Assembly hereby requests the State Legislature and the Governor to proceed expeditiously with the passage of HB 172.

PASSED and APPROVED this 6th day of March, 1984.



Chairman

ATTEST:



Municipal Clerk

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

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1027

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

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

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

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

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

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

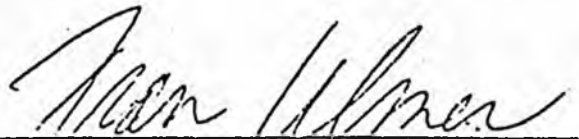
WHEREAS, the proposed municipal code revision reorganizes and clarifies Title 29 without making major policy changes, and

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

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

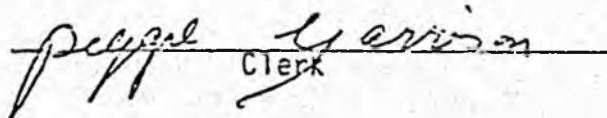
That the Alaska State Legislature is urged to act immediately on the proposed Title 29 revision and to pass out a "clean" version without additional policy changes or controversial amendments.

Adopted this 22nd day of March, 1984.



Mayor

Attest:



Clerk

CITY OF FORT YUKON

INCORPORATED 1959

Post Office Box 269

Telephone (907) 662-2479 or 2379

Fort Yukon, Alaska 99740

RESOLUTION 84-07

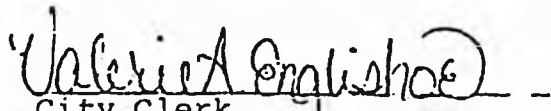
- WHEREAS, Title 29 of the Alaska Statutes, the Municipal code, has not been revised since 1972; and
- WHEREAS, Eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read and understand; and
- WHEREAS, The proposed revision of Title 29 reorganizes and clarifies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

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

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


MAYOR

ATTEST:


City Clerk

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 84-16

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

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

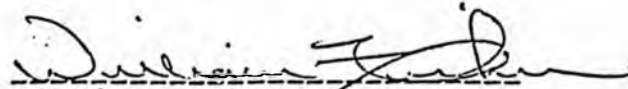
WHEREAS: This title has been amended many times since statehood but not recodified in recent years, and

WHEREAS: That recodification is seriously needed to enable local government officials and citizens interested in local government to make more efficient use of the state law.

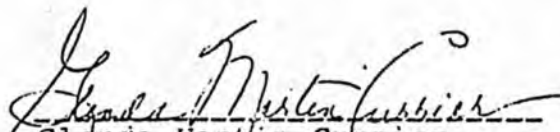
NOW, THEREFORE BE IT RESOLVED, that:

The City Council of the City of Unalaska supports the present recodification of Title 29 which is contained in HB 172 now under consideration by the Alaska Legislature.

Passed and approved this 8th day of March, 1984 by the City Council of the City of Unalaska, Alaska.



William Fisher
Mayor



Glenda Martin Currier
City Clerk



April 3, 1984

The Honorable Al Adams
House of Representatives
Pouch V, MS: 3100
Juneau, Alaska 99811

Dear Mr. Adams:

On behalf of the City of Kodiak, I urge you to pass CSHB 172 (CRA) promptly, preferably without amendments. Enclosed is a copy of City of Kodiak Resolution Number 11-84, passed February 23, 1984, urging passage of the Title 29 revisions during this second session of the Thirteenth Legislature.

Sincerely,

CITY OF KODIAK

A handwritten signature in cursive script, appearing to read "S. C. Gesko, Jr.", is written over the typed name.

SAMUEL C. GESKO, JR.
City Manager

SCG:MHD/nj

Enclosure



CITY OF KODIAK
RESOLUTION NUMBER 11-84

A RESOLUTION SUPPORTING SENATE BILL 1 AND HOUSE BILL 172 WHICH REVISE AND REORGANIZE ALASKA STATUTE TITLE 29

WHEREAS, Alaska Statute Title 29 is that portion of state law which governs municipal government within the State of Alaska; and

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

WHEREAS, Senate Bill 1 and House Bill 172 were filed during the first session of the Thirteenth Legislature; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the Alaska State Legislature is urged to pass Senate Bill 1 and/or House Bill 172 during this second session of the Thirteenth Legislature.


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

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

The Honorable Robert Mulcahy, Alaska State Senator
The Honorable Fred Zharoff, Alaska Representative
The Honorable Bill Ray, Chairman of the Senate Judiciary Committee
The Honorable Mike W. Miller, Chairman of the House Community and Regional Affairs Committee

PASSED AND APPROVED this 23RD day of FEBRUARY, 1984.

CITY OF KODIAK


MAYOR

ATTEST:


CITY CLERK

KODIAK ISLAND BOROUGH
RESOLUTION NO. 34-20-R

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

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

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

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

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

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

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

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

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

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

The Honorable Bob Mulcahy, State Senate

The Honorable Fred F. Zharoff, House of Representatives

The Honorable Bill Ray, Chairman, Senate Judiciary Committee

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

The Alaska Municipal League

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

KODIAK ISLAND BOROUGH

By James A. Selby
Borough Mayor

ATTEST:

By Shirley Miller, CMC
Borough Clerk



RESOLUTION 84-1

A RESOLUTION OF THE CITY OF HOUSTON, ALASKA ENDORSING THE ADOPTION BY THE ALASKA STATE LEGISLATURE OF HB 172, A REVISION OF THE MUNICIPAL CODE.

WHEREAS, as a second class City, the operation of City functions is mandated by Title 29 of the Alaska Statutes, and

WHEREAS, proposed Legislation in HB 172 will provide clarification and continuity of said Statutes,

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Houston does endorse and encourage passage of HB 172 during the 1984 Legislative session.

ADOPTED THIS 9th DAY OF FEBRUARY 1984.

John J. Eder, Deputy Mayor

ATTEST:

Elsie M. O'Bryan, City Clerk

ALASKA CONFERENCE OF MAYORS

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

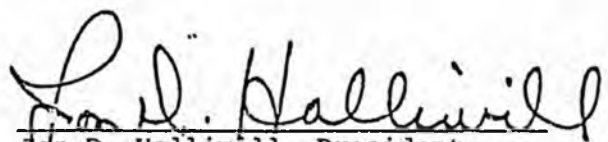
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read and understand; and

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

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

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

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


John D. Halliwill, President



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

105 MUNICIPAL WAY, SUITE 301
JUNEAU, ALASKA 99801

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

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

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

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

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

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

Adopted November 5, 1983

Existing Title 29

- Chapter 29.03 Unorganized Borough
- Chapter 29.08 Classification of Municipalities
 - Reclassification 29.08.040
- Chapter 29.13 Home rule municipalities
 - Charter procedures
 - List of Title 29 sections which apply to home rule
- Chapter 29.18 Incorporation of municipalities
- Chapter 29.23 Officers and employees
 - Reapportionment 29.23.021-.033
 - Assembly and city council
 - Mayor
 - Borough and city administrator
 - Other officers, municipal clerk 29.23.360-.390
 - Boards and commissions 29.23.401
 - Manager plan 29.23.410-.480
 - Oaths of office 29.23.500
 - Discrimination 29.23.540
 - Conflict of interests 29.23.555
 - Vacancies in office 29.23.570
 - Public meetings 29.23.580
- Chapter 29.28 Elections
 - Election contests 29.28.050
 - Initiative and referendum
 - Recall
- Chapter 29.33 Areawide borough powers
- Chapter 29.38 Nonareawide borough powers
- Chapter 29.41 Third class boroughs (Haines only)
- Chapter 29.43 Cities outside boroughs powers
- Chapter 29.48 Additional powers of municipalities
 - City powers
 - Procedures for boroughs to acquire other powers
 - Acts required to be by ordinance, 29.48.130
 - Ordinance procedures 29.48.140-.180
 - Budget 29.48.190
 - Maximum criminal penalties 29.48.200
 - Sale of public land 29.48.260
- Chapter 29.53 Assessment and taxation
 - Tax exemptions
 - Assessment, board of equalization
 - Tax foreclosure and sales

City proprty tax 29.53.400
Sales tax 29.53.414-.460

Chapter 29.58 Municipal debt
General obligation bonds
Revenue bonds

Chapter 29.63 Special Assessments and service areas
Local improvement districts - city or borough
Service areas - local exercise of borough powers

Chapter 29.68 Boundaries
Annexation
Detachment
Unification

Chapters 29.73 and 29.78 Miscellaneous
Condemnation (eminent domain)
Municipal name change
Definitions

Chapter 29.88 Municipal tax resource equalization entitlement

Chapter 29.84 State aid
Revenue sharing

Proposed Title 29

- Chapter 29.03 Unorganized borough
- Chapter 29.04 Classification of municipalities
Reclassification 29.04.040-.060
- Chapter 29.05 Incorporation
- Chapter 29.06 Boundaries
 - Name change
 - Annexation and detachment
 - Unification
- Chapter 29.10 Home rule
 - Charter procedures
 - List of limitations on powers
- Chapter 29.20 Officers and employees
 - Conflict of interest 29.10.010
 - Public meetings 29.20.020
 - Reapportionment
 - Assembly and city council
 - Vacancies 29.20.170, .180, .280
 - Administrator
 - Mayor
 - Boards and commissions
 - Other officers
 - Manager plan 29.20.470-.520
 - Oaths of office 29.20.600
- Chapter 29.25 Ordinances
 - Acts required to be by ordinance 29.25.010
 - Ordinance procedures 29.25.020-.050
 - Maximum criminal penalties 29.25.070
- Chapter 29.26 Elections
 - Procedures
 - Contest 29.26.070
 - Initiative and referendum 29.26.100-.190
 - Recall 29.26.240-.360
- Chapter 29.35 Municipal powers
 - General powers 29.35.010
 - Borough areawide powers 29.35.150-.180
 - First class borough 29.35.200
 - Second class borough 29.35.210
 - Third class borough (Haines only) 29.35.220
 - Cities inside boroughs 29.35.250
 - Cities outside boroughs 29.35.260
 - Additional powers procedures 29.35.300-.340
 - Service areas 29.35.450-.490

- Chapter 29.40 Planning and platting
- Chapter 29.45 Taxation
 - Tax exemptions 29.45.030-.050
 - Assessment, board of equalization
 - Tax foreclosures and sales
 - City property tax 29.45.550-.600
 - Sales tax 29.45.650-.710
- Chapter 29.46 Special assessments
 - Local improvement districts
- Chapter 29.47 Municipal debt
 - General obligation bonds
 - Revenue bonds
- Chapter 29.55 Municipal programs
 - Historical preservation 29.55.010-.020
- Chapter 29.60 State programs
 - Municipal tax residence equalization entitlements
29.60.010-.080
 - Revenue sharing 29.60.100-.180
 - Municipal assistance 29.60.350-.360
- Chapter 29.60 Land grant
 - Land selections
- Chapter 29.71 Miscellaneous
 - Definitions

TITLE 29 FACT SHEET

SUMMARY OF HB 172/SB 1 - TITLE 29 (MUNICIPAL CODE)

HB 172 and SB 1 are comprehensive bills that reorganize and clarify Title 29 (Municipal Code), but do not substantially change that part of the state statutes that direct the operation of local government in Alaska.

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

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

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

In 1983, SB 1 was introduced by Senators Sturgulewski and Gilman; HB 172, by Governor Sheffield. Both bills are basically the same as the bill that had passed the previous year minus the controversial amendments. More committee work was done in both the House and Senate on the 204 page bill.

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

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

Home Rule Status: Second class cities and unincorporated areas are authorized to adopt home rule charters, which must be ratified by a vote of the people.

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

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

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

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

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

Economic Development: Allow economic development as a non-area-wide power for second class

boroughs, without requiring a vote of the people to exercise it.

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

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

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

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

Personal Property: Allows exemption of personal property from taxation.

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

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

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

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

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

The substantive differences between SB 1 and HB 172 are:

Hospital Definition: Proposed CSHB 172 (CRA) adds "special" hospitals to the definition section for revenue sharing eligibility.

Farm Use Greenhouses: Senate CRA amendment to SB 1 provides for the assessing of farm use greenhouses on the basis of full and true value for farm use.

Annexation and Detachment: Senate CRA amendment to SB 1 adds detachment language to the annexation sections and establishes a time deadline for Local Boundary Commission action.

Education Powers: Senate CRA recommends amending the powers section to provide for a double majority vote before a second class city or an unincorporated area in an REAA can assume the education power when incorporating as a first class or home rule city. The vote would be both in the proposed incorporating area and the rest of the REAA.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

225 CORDOVA STREET - BLDG B
ANCHORAGE, ALASKA 99501
PHONE: (907) 264-2294

February 27, 1984

POSITION PAPER

RE: HB 172
SPONSOR: Rules by Request of the Governor

PROGRAM EFFECTS:

HB 172 is a bill that reorganizes and clarifies Title 29 of the Alaska Statutes, which is the Municipal Code.

COMMENTS:

HB 172 is the product of the work of the Community and Regional Affairs Committees of both Houses of the Legislature, the Alaska Municipal League, many of the League's affiliate organizations, and the Department of Community and Regional Affairs.

This bill clarifies the Municipal Code, better organizes it, and eliminates ambiguities and conflicts from existing law.

The Department supports passage of this legislation, as well as considers it one of its highest priorities.

APPROVED:

Emil Notti
Emil Notti, Commissioner

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 12/29/83

REQUEST

Bill/Resolution No.: HB 172
Title: Municipal Government
Rec ID 310
Sponsor: Rules Comm by request
Requestor: Jay Hogan
Date of Request: 12/16/83

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		100.0	625.0	525.0	250.0	
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	100.0	625.0	525.0	250.0	

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	100.0	625.0	525.0	250.0	
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

General Fund.

ANALYSIS: Attach a separate page for analysis

Prepared By: Mar Winegar Phone: 465-4750
Division: Municipal and Regional Assistance Date: 12/29/83

Approved by Commissioner: [Signature] Date: 12/29/83
Agency: Community and Regional Affairs

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 12/29/83

Bill/Resolution No.: HB 172

Title: Municipal Government

Rec ID 310

ANALYSIS:

Assumptions:

1. There would be two new city incorporations each year commencing in FY 85 at \$50,000 each their first year and \$25,000 per year their second year.
2. There would be one new borough incorporation in FY 86. This would trigger three grants at \$300,000 in FY 86, \$200,000 in FY 87 and \$100,000 in FY 88. In addition, the start-up of two borough tax systems would be at \$175,000 per year for FY 86 and FY 87. Current law provides \$10 per voter for most municipalities and \$25,000 for a new borough or a first class city outside a borough. For the purpose of fiscal impact, the current grants will be considered negligible compared to the proposed.

Other Expenditures:

Funding:

General fund.

Section Cost Analysis:

Computations:

As specified in Chapter 5, Article 3 of bill.

Economic Impact:

Impact on Local Government:

Assist in start-up cost of two new municipalities per year and one new borough in FY 86.

Attachments



KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

April 13, 1984

The Honorable Albert P. Adams
Chairman, House Finance Committee
Pouch V
Juneau, Alaska 99811

STATUS OF HOUSE BILL 172 (CSHB 172)

The Ketchikan Gateway Borough Assembly is vitally interested in the passage of the Title 29 clarification this legislative session. Local government officials have worked long and hard on a working document which is acceptable to all sizes and classes of local governments.

The Ketchikan Gateway Borough is a second-class borough and has only that authority which is conferred by law; therefore, Title 29 is of major importance to our municipality. The Ketchikan Gateway Borough Assembly urges passage of House Bill 172 (CSHB 172) without amendment, and Resolution No. 560, adopted on March 5, 1972 is enclosed for your consideration.

A handwritten signature in cursive script that reads "Georgianna Booth". The signature is written in dark ink and is positioned above the printed name and title.

Georgianna Booth
Borough Clerk

Enclosure

Voting "Yes": Elkins
Bartholomew
Hansen
King
Cruise
Thomas
McCarty
Voting "No": None
Absent: None
4 votes required for passage
Effective Date: 3/5/84

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

Resolution No. 560

A RESOLUTION OF THE ASSEMBLY OF THE
KETCHIKAN GATEWAY BOROUGH, ALASKA,
SUPPORTING THE REORGANIZATION OF
TITLE 29 FOR CLARITY AND FLEXIBIL-
ITY AND URGING PASSAGE OF HOUSE
BILL 172 (CSHB 172)

R E C I T A L S

A. In 1980 the Legislature adopted SCR 66 which directed that Title 29 be reviewed and rewritten to provide clarity and readability. A broadly representative policy committee representing rural and urban communities, with the assistance of a technical committee, prepared a revised code after an exhaustive series of meetings, hearings, and public presentations.

B. Title 29 as clarified was introduced as HB 170 and SB 180 in 1981. More hearings were held during the First and Second Session of the Twelfth Alaska State Legislature and hearings were also held in the interim between sessions. SB 180 passed the Legislature during the Second Session. Because of controversial floor amendments, the Ketchikan Gateway Borough joined other local governments urging Governor Hammond to veto the bill.

C. Title 29 as clarified was again introduced as SB 1 and HB 172 during the First Session of the Thirteenth Alaska Legislature. Both bills are basically a reorganization and rewording of Title 29 to enhance its clarity and flexibility.

D. The Ketchikan Gateway Borough Assembly strongly feels that this clarification is in the best interests of all local governments in Alaska and that the content and intent of the bill is noncontroversial.

E. The Assembly appreciates the hours of time and effort expended on this bill by Alaskans who harbor a great concern for the well-being of Alaska Local Government and believes those hours should not have been expended in vain.

NOW, THEREFORE, BE IT RESOLVED BY THE KETCHIKAN GATEWAY BOROUGH, ALASKA, as follows:

Section 1. The Ketchikan Gateway Borough Assembly supports the reorganization of Title 29 for clarity and flexibility and urges the passage of House Bill 172 (CSHB 172).

Section 2. The Assembly further requests that all committees expeditiously consider House Bill 172 (CSHB 172) to assure action prior to adjournment of the Thirteenth Alaska Legislature. The Assembly supports this bill in its

RESOLUTION NO. 560

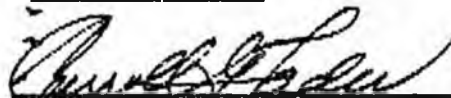
Page 2

basic form and requests other proposals which would constitute major policy revisions or innovations in the function of local government be considered in separate legislation.

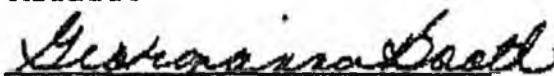
Section 3. The Clerk is directed to send a copy of this resolution to Representative McBride, Representative Wandte, Senator Ziegler, the House Community and Regional Affairs Committee, the House Judiciary Committee, and the House Rules Committee, the Senate Community and Regional Affairs Committee, the Senate Judiciary Committee, the Senate Finance Committee, and the Senate Rules Committee.

Section 4. This resolution is effective upon adoption.

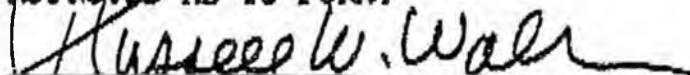
ADOPTED this 5th day of March, 1984.


MAYOR FADER

ATTEST:


BOROUGH CLERK

APPROVED AS TO FORM:


MUNICIPAL ATTORNEY

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 16, 1984

SUBJECT: Municipal Code Revision
(CSHB 172 (C&RA))

TO: Representative Al Adams
Chairman
Senate Finance Committee

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

You have asked what changes were made by the community and regional affairs committee in their committee substitute to HB 172. The following page references are to CSHB 172(C&RA).

Page 35, line 3 and 4:

"by a member of the governing body" was inserted.

Page 35, lines 5 and 6:

"by a member of the governing body" was inserted.

Page 35, lines 8 - 10:

Paragraph (4) was added.

Page 35, lines 11 - 14:

Subsection (b) was added.

Page 76, lines 27 - 29:

"acquire the certificate, equipment and facilities of the carrier, or that portion of the certificate that would be affected" was inserted and "determine fair market value" was deleted.

Representative Al Adams
Page 2
April 16, 1984

Page 110 - 111, sec. 29.45.060:

The exemption for greenhouses contained in HB 172 was deleted. The committee substitute returns to existing law on this issue.

Page 126, line 6:

"\$20,000" was inserted and "100,000" was deleted.

Page 160, line 25:

"or special" was added.

Page 207, lines 7 and 8:

The effective date of the chapter dealing with taxation was changed to January 1, 1985. The effective date for the rest of the bill was changed to July 1, 1984 from July 1, 1983.

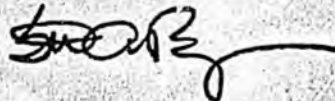
In addition to these changes, the community and regional affairs committee included changes made to AS 29 during 1983 within the committee substitute. These were not included with HB 172 since they had not been enacted at the time that bill was introduced.

TBC:ojb
J6/044

Alaska MUNICIPAL League

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

105 MUNICIPAL WAY, SUITE 301
JUNEAU, ALASKA, 99801

To: House Finance
From: Scott A. Burgess, Executive Director 
Date: April 16, 1984
Re: CSHB 172 (CRA) - Title 29 Revision

The League asks the House Finance Committee to pass CSHB 172 (CRA), reorganizing and clarifying Title 29, the State Statute directing the operation of local government in Alaska, without amendments.

The current Title 29, last revised in 1972, is a hodgepodge of 13 years of amendments. It is very difficult for the average citizen to read and understand. The CSHB 172 (CRA) before you today is the result of SCR 66, adopted by the Legislature in 1980, directing the rewrite of Title 29, and the committee work and hearings of both the 12th and 13th Legislatures minus the controversial amendments which led to the veto of SB 180 by Governor Hammond.

The League encourages the Legislature to recognize the significance of the effort to revise Title 29 and the importance of insuring that the legislation contain only the fundamental elements and guidelines for a basic municipal code. The League requests other proposals which have not received the study resulting in HB 172, or which would constitute policy revisions or innovations in the function of local government, be considered in separate legislation after HB 172, the basic code revision, has been adopted.

I have provided the committee with copies of several resolutions in support of CSHB 172 (CRA), unamended, from several communities as well as from the League and the Alaska Conference of Mayors.

Introduced: 3/1/84
Referred: Judiciary and Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 172 (C&RA)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to municipal government; and provid-
7 ing for an effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 29.03 is amended by adding a new section to read:
10 Sec. 29.03.030. PLATTING AUTHORITY. Subject to AS 40.15.075,
11 the Department of Natural Resources is the platting authority in the
12 unorganized borough in the area outside all cities.
13 * Sec. 2. AS 29 is amended by adding a new chapter to read:
14 CHAPTER 04. CLASSIFICATION OF MUNICIPALITIES.
15 Sec. 29.04.010. HOME RULE. A home rule municipality is a
16 municipal corporation and political subdivision. It is a city or a
17 borough that has adopted a home rule charter, or it is a unified
18 municipality. A home rule municipality has all legislative powers not
19 prohibited by law or charter.
20 Sec. 29.04.020. GENERAL LAW. A general law municipality is a
21 municipal corporation and political subdivision and is an unchartered
22 borough or city. It has legislative powers conferred by law.
23 Sec. 29.04.030. CLASSES OF GENERAL LAW. General law municipali-
24 ties are of five classes:
25 (1) first class boroughs;
26 (2) second class boroughs;
27 (3) third class boroughs;
28 (4) first class cities;
29 (5) second class cities.

1 Sec. 29.04.040. RECLASSIFICATION OF SECOND CLASS CITIES. (a) A
2 second class city may be reclassified as a first class city by holding
3 an election on the question, if the department determines from the
4 best figures available that the population of the city has reached 600
5 permanent residents.

6 (b) An election on the question of reclassification may be ini-
7 tiated in two ways:

8 (1) a number of voters equal to 15 percent of the number of
9 votes cast in the city at the preceding regular election may file a
10 petition with the council; or

11 (2) the council may propose reclassification.

12 (c) The council shall hold at least one public hearing in the
13 city on the question of reclassification. The council shall then
14 evaluate the ability of the city to assume first class status and make
15 its findings public.

16 (d) The council shall, within 30 days after its findings have
17 been made public, order an election on the question of reclassifica-
18 tion. The election shall be held at least 30 days after the order and
19 not later than the next regular election occurring after the 30-day
20 period. If more than one question is to be voted on at the election,
21 each shall appear separately on the ballot.

22 (e) The council shall certify the election results to the de-
23 partment. If the majority of votes cast is favorable, the city shall
24 be considered reclassified to first class status 30 days after certi-
25 fication of the election results.

26 Sec. 29.04.050. RECLASSIFICATION OF SECOND CLASS BOROUGHS. A
27 second class borough may reclassify as a first class borough in the
28 manner provided by AS 29.35.320 - 29.35.330 for the addition of an
29 areawide power by a first or second class borough, except the petition

1 or proposal requests reclassification instead of requesting addition
2 of a power.

3 Sec. 29.04.060. RECLASSIFICATION OF THIRD CLASS BOROUGHS. (a)
4 A third class borough may reclassify as a first or second class bor-
5 ough in the manner provided by AS 29.35.320 - 29.35.330 for the addi-
6 tion of an areawide power by a first or second class borough, except
7 the petition or proposal requests reclassification instead of request-
8 ing addition of a power. At the time of voting on reclassification of
9 a third class borough to first or second class status, voters shall
10 vote also on whether the borough shall, on reclassification, retain a
11 combined assembly and school board or elect a separate assembly and
12 board as otherwise provided for first and second class boroughs.

13 (b) If a combined assembly and school board are approved at the
14 reclassification election, the assembly serving at the time of the
15 election continues to serve as the assembly and board on voter ap-
16 proval of reclassification and until terms of assembly members expire
17 as provided before reclassification.

18 (c) If a separate assembly and school board are approved at the
19 reclassification election, a school board shall be elected in
20 conformity with AS 14.12.030 - 14.12.100 at the next regular election,
21 if it occurs within 90 days of the date of the reclassification
22 election, or otherwise at a special election within 90 days of the
23 date of the reclassification election. Expiration dates of terms of
24 school board members elected at a special election must coincide with
25 the date of the regular election. Until a board is elected and quali-
26 fied, the assembly continues to serve as the board.

27 * Sec. 3. AS 29 is amended by adding a new chapter to read:

28 CHAPTER 05. INCORPORATION.

29 ARTICLE 1. REQUIREMENTS.

1 Sec. 29.05.010. INCORPORATION OF A CITY. (a) A community that
2 meets the following standards may incorporate as a home rule or first
3 class city:

4 (1) the community has 600 or more permanent residents;

5 (2) the boundaries of the proposed city include all areas
6 necessary to provide municipal services on an efficient scale;

7 (3) the economy of the community includes the human and
8 financial resources necessary to provide municipal services; in con-
9 sidering the economy of the community, the Local Boundary Commission
10 shall consider property values, economic base, personal income, re-
11 source and commercial development, anticipated functions, and the
12 expenses and income of the proposed city, including the ability of the
13 community to generate local revenue;

14 (4) the population of the community is stable enough to
15 support city government;

16 (5) there is a demonstrated need for city government.

17 (b) A community that meets all the standards under (a) of this
18 section except (a)(1) may incorporate as a second class city.

19 Sec. 29.05.020. LIMITATIONS ON INCORPORATION OF A CITY. (a) A
20 community in the unorganized borough may not incorporate as a city if
21 the services to be provided by the proposed city can be provided by
22 annexation to an existing city.

23 (b) A community within a borough may not incorporate as a city
24 if the services to be provided by the proposed city can be provided on
25 an areawide or nonareawide basis by the borough in which the proposed
26 city is located, or by annexation to an existing city.

27 Sec. 29.05.030. INCORPORATION OF A BOROUGH. (a) An area that
28 meets the following standards may incorporate as a home rule, first
29 class, or second class borough:

1 (1) the population of the area is interrelated and inte-
2 grated as to its social, cultural, and economic activities, and is
3 large and stable enough to support borough government;

4 (2) the boundaries of the proposed borough conform gener-
5 ally to natural geography and include all areas necessary for full
6 development of municipal services;

7 (3) the economy of the area includes the human and finan-
8 cial resources capable of providing municipal services; evaluation of
9 an area's economy includes land use, property values, total economic
10 base, total personal income, resource and commercial development,
11 anticipated functions, expenses, and income of the proposed borough;

12 (4) land, water, and air transportation facilities allow
13 the communication and exchange necessary for the development of inte-
14 grated borough government.

15 (b) An area may not incorporate as a third class borough.

16 ARTICLE 2. PROCEDURE.

17 Sec. 29.05.060. PETITION. Municipal incorporation is proposed
18 by filing a petition with the department. The petition shall include
19 the following information about the proposed municipality:

20 (1) class;

21 (2) name;

22 (3) boundaries;

23 (4) maps, documents, and other information required by the
24 department;

25 (5) composition and apportionment of the governing body;

26 (6) a proposed operating budget for the municipality pro-
27 jecting sources of income and items of expenditure through the first
28 full fiscal year of operation;

29 (7) for a borough, based on the number who voted in the

1 respective areas in the last general election, the signature and
2 resident address of 15 percent of the voters in

3 (A) home rule and first class cities in the area of
4 the proposed borough; and

5 (B) the area of the proposed borough outside home rule
6 and first class cities;

7 (8) for a first class borough, a designation of areawide
8 powers to be exercised;

9 (9) for a second class borough, a designation of areawide
10 and nonareawide powers to be exercised;

11 (10) for a first or second class city, a designation of the
12 powers to be exercised;

13 (11) for a home rule or first class city, based on the
14 number who voted in the area in the last general election, the signa-
15 tures and resident address of 50 voters in the proposed city or of 15
16 percent of the voters in the proposed city, whichever is greater;

17 (12) for a second class city, based on the number who voted
18 in the area in the last general election, the signature and resident
19 address of 25 voters in the proposed city or of 15 percent of the
20 voters in the proposed city, whichever is greater;

21 (13) for a home rule municipality, a proposed home rule
22 charter.

23 Sec. 29.05.070. REVIEW. The department shall review an incorpo-
24 ration petition for content and signatures and shall return a defi-
25 cient petition for correction and completion.

26 Sec. 29.05.080. INVESTIGATION. (a) If an incorporation peti-
27 tion contains the required information and signatures, the department
28 shall investigate the proposal and shall hold at least one public
29 informational meeting in the area proposed for incorporation. The

1 department shall publish notice of the meeting.

2 (b) The department may combine incorporation petitions from the
3 same general area.

4 (c) The department shall report its findings to the Local Bound-
5 ary Commission with its recommendations regarding the incorporation.

6 Sec. 29.05.090. HEARING. The Local Boundary Commission shall
7 hold at least one public hearing in the area proposed to be incorpo-
8 rated for the purpose of receiving testimony and evidence on the
9 proposal.

10 Sec. 29.05.100. DECISION. (a) If the Local Boundary Commission
11 determines that a proposed municipality fails to meet the standards
12 for incorporation, it shall reject the petition. If the commission
13 determines that the proposed municipality meets the standards, it
14 shall accept the petition. If the commission determines that the
15 proposed municipal boundaries can be altered to meet the standards, it
16 may alter the boundaries and accept the petition.

17 (b) A Local Boundary Commission decision under this section may
18 be appealed under the Administrative Procedure Act (AS 44.62).

19 Sec. 29.05.110. INCORPORATION ELECTION. (a) The Local Boundary
20 Commission shall immediately notify the director of elections of its
21 acceptance of an incorporation petition. Within 30 days after notifi-
22 cation, the director of elections shall order an election in the pro-
23 posed municipality to determine whether the voters desire incorpora-
24 tion and, if so, to elect the initial municipal officials. If incor-
25 poration is rejected, no officials are elected. The election must be
26 held not less than 30 or more than 90 days after the date of the
27 election order. The election order must specify the dates during
28 which nomination petitions for election of initial officials may be
29 filed.

1 (b) A voter who has been a resident of the area within the pro-
2 posed municipality for 30 days before the date of the election order
3 may vote.

4 (c) Areawide borough powers included in an incorporation peti-
5 tion are considered to be part of the incorporation question. In an
6 election for the incorporation of a second class borough, each non-
7 areawide power to be exercised is placed separately on the ballot.
8 Adoption of a nonareawide power requires a majority of the votes cast
9 on the question, and the vote is limited to the voters residing in the
10 proposed borough but outside all cities in the proposed borough.

11 (d) A home rule charter included in an incorporation petition
12 under AS 29.05.060(13) is considered to be part of the incorporation
13 question. The home rule charter is adopted if the voters approve in-
14 corporation of the municipality.

15 (e) The director of elections shall supervise the election in
16 the general manner prescribed by the Alaska Election Code (AS 15).
17 The state shall pay all election costs under this section.

18 Sec. 29.05.120. ELECTION OF INITIAL OFFICIALS. (a) Nominations
19 for initial municipal officials are made by petition. The petition
20 shall be in the form prescribed by the director of elections and shall
21 include the name and address of the nominee and a statement of the
22 nominee that the nominee is qualified under the provisions of this
23 title for the office that is sought. A person may file for and occupy
24 more than one office, but may not serve simultaneously as

25 (1) borough mayor and as a member of the assembly; or

26 (2) city mayor and as a member of the council in a first
27 class city.

28 (b) Except for a proposed second class city, petitions to nomi-
29 nate initial officials must include the signature and resident address

1 of 50 voters in the area of the proposed municipality, or that area of
2 the proposed municipality from which the officials are to be elected
3 under the composition and apportionment set out in the accepted incor-
4 poration petition.

5 (c) Petitions to nominate initial officials of a second class
6 city must include the signature and resident address of 10 voters in
7 the area of the proposed city.

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

11 (e) The initial elected officials take office on the first
12 Monday following certification of their election.

13 (f) The initial elected members of the governing body shall
14 determine by lot the length of their terms of office so that a propor-
15 tionate number of terms expire each year, resulting in staggered terms
16 of office for members subsequently elected.

17 Sec. 29.05.130. INTEGRATION OF SPECIAL DISTRICTS AND SERVICE
18 AREAS. (a) A service area in a newly incorporated municipality shall
19 be integrated into the municipality within two years after the date of
20 incorporation. On integration the municipality succeeds to all the
21 rights, powers, duties, assets and liabilities of the service area.
22 On integration all property in the service area subject to taxation to
23 pay the principal and interest on bonds at the time of integration
24 remains subject to taxation for that purpose.

25 (b) After integration, the municipality may exercise in a former
26 service area all of the rights and powers exercised by the service
27 area at the time of integration, and, as successor to the service
28 area, may levy and collect special charges, taxes, or assessments to
29 amortize bonded indebtedness incurred by the service area or by a

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, 1984 is
28 entitled to an organization grant of \$50,000 for the first full or
29 partial fiscal year after incorporation.

1 (b) To defray the cost of reclassification, each second class
2 city in the unorganized borough incorporated before July 1, 1984 that
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
15 incorporation or reclassification, or as soon after that time as money
16 is 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, is entitled to organization grants as fol-
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 within
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 BOROUGHES. (a)
20 Within 30 days after the date of incorporation of a borough incorpo-
21 rated after July 1, 1984, 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, 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

1 appraisals of property needed to complete the initial assessment.

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

4 * Sec. 4. AS 29 is amended by adding a new chapter to read:

5 CHAPTER 06. ALTERATION OF MUNICIPALITIES.

6 ARTICLE 1. CHANGE OF NAME.

7 Sec. 29.06.010. CHANGE OF MUNICIPAL NAME. (a) A municipality
8 may change its official name by adopting an ordinance for the purpose
9 that is ratified by the voters and filing the ordinance with the
10 office of the lieutenant governor. Upon receipt of an ordinance
11 ratified by the voters, the lieutenant governor shall issue an order
12 to the municipality changing its name. The name change shall become
13 effective on a date fixed in the order and occurring within 45 days
14 after receipt of the ordinance. A copy of the order shall be
15 transmitted to the department.

16 (b) If an ordinance adopted under (a) of this section that
17 results in a change of the municipal name is subsequently repealed,
18 the lieutenant governor shall issue an order reinstating the former
19 name within 45 days after the date of the order, unless a different
20 name is adopted as provided in (a) of this section.

21 (c) When a municipal name change takes effect by means of an
22 order issued under (a) or (b) of this section, a civil or criminal
23 suit, application, petition, hearing or other proceeding to which the
24 municipality is a party and that is pending at or brought after the
25 date the name change takes effect shall proceed in the municipal name
26 as changed by the order.

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

29 ARTICLE 2. ANNEXATION AND DETACHMENT.

1 Sec. 29.06.040. LOCAL BOUNDARY COMMISSION. (a) The Local
2 Boundary Commission may consider any proposed municipal boundary
3 change. It may reject the proposed change, accept the proposed
4 change, or alter the boundaries and accept the proposal as altered. A
5 Local Boundary Commission decision under this subsection may be ap-
6 pealed under the Administrative Procedure Act (AS 44.62).

7 (b) The Local Boundary Commission may present a proposed muni-
8 cipal boundary change to the legislature during the first 10 days of a
9 regular session. The change becomes effective 45 days after presenta-
10 tion or at the end of the session, whichever is earlier, unless dis-
11 approved by a resolution concurred in by a majority of the members of
12 each house.

13 (c) In addition to the regulations governing annexation by local
14 action adopted under AS 44.47.567, the Local Boundary Commission shall
15 establish procedures for annexation and detachment of territory by
16 municipalities by local action. The procedures established under this
17 subsection include a provision that

18 (1) a proposed annexation and detachment must be approved
19 by a majority of votes on the question cast by voters residing in the
20 area proposed to be annexed or detached;

21 (2) municipally owned property adjoining the municipality
22 may be annexed by ordinance without voter approval; and

23 (3) an area adjoining the municipality may be annexed by
24 ordinance without an election if all property owners and voters in the
25 area petition the governing body.

26 (d) A boundary change effected under (a) and (b) of this section
27 prevails over a boundary change initiated by local action, without
28 regard to priority in time.

29 Sec. 29.06.050. ANNEXATION OF MILITARY RESERVATIONS. A military

1 reservation may be annexed to a municipality in the same manner as
2 prescribed for other territory under AS 29.06.040. If a city in a
3 borough annexes a military reservation under this section, the area
4 encompassing the military reservation automatically is annexed to the
5 borough in which the city is located.

6 Sec. 29.06.060. APPLICATION. AS 29.06.040 - 29.06.060 apply to
7 home rule and general law municipalities.

8 ARTICLE 3. MERGER AND CONSOLIDATION.

9 Sec. 29.06.090. MERGER AND CONSOLIDATION. (a) Two or more
10 municipalities may merge or consolidate to form a single municipality,
11 except a third class borough may not be formed through merger or
12 consolidation.

13 (b) Two methods may be used to initiate merger or consolidation
14 of municipalities:

15 (1) petition to the Local Boundary Commission under regula-
16 tions adopted by the commission; or

17 (2) the local option method specified in AS 29.06.100 -
18 29.06.160.

19 Sec. 29.06.100. PETITION. (a) Residents of two or more munici-
20 palities may file a merger or consolidation petition with the depart-
21 ment. The petition must be signed by a number of voters of each
22 existing municipality equal to at least 25 percent of the number of
23 votes cast in each municipality's last regular election.

24 (b) The petition includes

25 (1) the name and class of each existing municipality;

26 (2) the name and class of the proposed municipality;

27 (3) the proposed composition and apportionment of the
28 governing body;

29 (4) maps, documents, and other information that shows that

1 the proposed municipality meets the standards for municipal incorpora-
2 tion.

3 Sec. 29.06.110. REVIEW. (a) The department shall review a
4 merger or consolidation petition for content and signatures and shall
5 return a deficient petition for correction or completion.

6 (b) If the petition contains the required information and signa-
7 tures, the department shall investigate the proposal.

8 (c) The department shall report its findings to the Local Bound-
9 ary Commission with its recommendations regarding the merger or con-
10 solidation.

11 Sec. 29.06.120. HEARING. After receipt of the report by the
12 department on a merger or consolidation petition, the Local Boundary
13 Commission shall hold at least one public hearing in each of the
14 existing municipalities included in the petition, unless officials of
15 the municipalities agree to a single hearing.

16 Sec. 29.06.130. DECISION. (a) If the Local Boundary Commission
17 determines that the proposed municipality fails to meet the standards
18 for incorporation, it shall reject the merger or consolidation peti-
19 tion. If the commission determines that the proposed municipality
20 meets these standards, it shall accept the petition. If the commis-
21 sion determines that the proposed boundaries or the composition and
22 apportionment of the governing body can be altered to meet the stan-
23 dards, it may alter the proposal and accept the petition.

24 (b) A Local Boundary Commission decision under this section may
25 be appealed under the Administrative Procedure Act (AS 44.62).

26 Sec. 29.06.140. ELECTION. (a) The Local Boundary Commission
27 shall immediately notify the director of elections of its acceptance
28 of a merger or consolidation petition. Within 30 days after notifica-
29 tion, the director of elections shall order an election in the area to

1 be included in the new municipality to determine whether the voters
2 desire merger or consolidation. The election must be held not less
3 than 30 or more than 90 days after the election order. A voter who is
4 a resident of the area to be included in the proposed municipality may
5 vote.

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

9 (c) The director of elections shall certify the election re-
10 sults. If merger or consolidation is approved, the director of elec-
11 tions shall, within 10 days, set a date for election of officials of
12 the new municipality. The election date must be not less than 60 or
13 more than 90 days after the election order and it is the effective
14 date for the merger or consolidation.

15 Sec. 29.06.150. ASSETS AND LIABILITIES. (a) When two or more
16 municipalities merge, one succeeds to the rights, powers, duties,
17 assets, and liabilities of the others.

18 (b) When two or more municipalities consolidate, the newly
19 incorporated municipality succeeds to the rights, powers, duties,
20 assets, and liabilities of the consolidated municipalities.

21 Sec. 29.06.160. TRANSITION. After merger or consolidation, the
22 ordinances, resolutions, regulations, procedures, and orders of the
23 former municipalities remain in force in their respective territories
24 until superseded by the action of the new municipality.

25 Sec. 29.06.170. APPLICATION. AS 29.06.090 - 29.06.170 apply to
26 home rule and general law municipalities.

27 ARTICLE 4. UNIFICATION OF MUNICIPALITIES.

28 Sec. 29.06.190. UNIFICATION OF MUNICIPALITIES AUTHORIZED. A
29 borough and all cities in the borough may unite to form a single unit

1 of home rule government by complying with AS 29.06.190 - 29.06.410.

2 Sec. 29.06.200. UNIFICATION PROPOSED. (a) Formation of a
3 charter commission to prepare a unification charter shall be proposed
4 by resolution of the assembly or by petition. A resolution to propose
5 formation of a charter commission may be adopted not more often than
6 once every 12 months.

7 (b) An assembly, a council, or a person living in the area
8 proposed for unification may initiate a unification petition.

9 Sec. 29.06.210. PETITION REQUIREMENTS. (a) A unification peti-
10 tion shall read:

11 "PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICA-
12 TION CHARTER. We, the undersigned, qualified voters of the borough do
13 hereby petition that the following proposition be placed before the
14 voters as provided by law: 'Shall a charter commission be formed (and
15 charter commission members be elected as elsewhere provided on this
16 ballot) to prepare, adopt and submit to the voters for their approval
17 or rejection a proposed charter uniting the borough and all cities
18 within it as a single unit of home rule government having the powers,
19 duties and functions of a unified municipality as authorized by law?
20 Yes [] No []'

21 Inside First Outside First
22 Class or Class or
23 Signature Address Home Rule City [] Home Rule City []"

24 (b) The petition shall be signed by at least

25 (1) the number of voters residing outside all home rule and
26 first class cities in the borough equal to 25 percent of the votes
27 cast in that area in the last regular borough election; and

28 (2) the number of voters residing in home rule or first
29 class cities in the borough equal to 25 percent of the votes cast in

1 all home rule and first class cities in the borough in the last regu-
2 lar borough election.

3 Sec. 29.06.220. REVIEW OF PETITION. The assembly shall review a
4 unification petition within 15 days to determine whether it complies
5 with AS 29.06.210. If the petition does not meet the designated re-
6 quirements, it shall be immediately returned to the person who ini-
7 tiated the petition with a statement indicating which requirements
8 have not been satisfied.

9 Sec. 29.06.230. DUTIES OF CHARTER COMMISSION. The charter
10 commission shall prepare, adopt, and submit to the voters for approval
11 or rejection a proposed home rule charter for the area to be unified.

12 Sec. 29.06.240. COMPOSITION OF CHARTER COMMISSION. The charter
13 commission shall consist of 11 voters, three of whom are residents
14 elected at large from the borough and eight of whom, proportionate to
15 the population as determined by the department, are

16 (1) residents of and elected from the area outside all home
17 rule and first class cities in the borough; or,

18 (2) residents of and elected from home rule or first class
19 cities in the borough.

20 Sec. 29.06.250. CHARTER COMMISSION NOMINATIONS. (a) If the
21 assembly determines that a unification petition meets the requirements
22 of AS 29.06.210, or the assembly by its resolution proposes an elec-
23 tion on formation of a charter commission, the assembly shall issue a
24 call for the nomination of commission candidates, specifying the
25 filing deadline and the procedure for making nominations.

26 (b) Charter commission candidates shall be nominated by petition
27 signed by at least 50 voters of the area from which the candidate
28 seeks election, or by a number of voters from that area equal to at
29 least 10 percent of the number of votes cast from that area in the

1 last regular borough election, whichever is less.

2 (c) Nomination petitions shall be filed with the borough clerk
3 at least 30 days after notice of the call for nominations has been
4 given and on or before a date fixed by the assembly.

5 (d) If at least one nomination of a qualified charter commission
6 candidate for each available seat is not filed, the unification peti-
7 tion or resolution to propose formation of a charter commission is
8 void and no election on the question shall be held.

9 Sec. 29.06.260. QUALIFICATIONS OF CANDIDATES. A person is eli-
10 gible to be nominated as a candidate for the charter commission if
11 that person is a voter of the area from which election is sought and
12 has been a voter of the area for at least one year immediately
13 preceding the date the nomination petition is filed.

14 Sec. 29.06.270. ELECTION OF CHARTER COMMISSION. (a) After
15 receipt of a valid unification petition or adoption of an assembly
16 resolution to propose formation of a charter commission the assembly
17 shall submit to the voters the question of whether a charter commis-
18 sion shall be formed to prepare a proposed unification charter. The
19 vote shall be held at the next regular borough election scheduled at
20 least 90 days after receipt of the petition or adoption of the resolu-
21 tion. The ballot shall be worded exactly as in AS 29.06.210(a).

22 (b) The election of charter commission members shall take place
23 at the same time as the election on the question of formation of the
24 commission.

25 (c) All costs incurred in conducting an election under AS 29.-
26 06.190 - 29.06.410 shall be paid by the borough.

27 Sec. 29.06 280. REQUIREMENTS FOR APPROVAL OF FORMATION AND
28 ELECTION OF CHARTER COMMISSION. (a) The votes on the question of
29 formation of a charter commission shall be tabulated in two separate

1 classifications. One classification consists of all votes cast in
2 first class and home rule cities in the borough. The other classifi-
3 cation consists of all votes cast in the remaining area of the bor-
4 ough. In order for formation of a charter commission to be approved,
5 a majority of the votes in each classification must favor formation of
6 the commission.

7 (b) If formation of a charter commission is approved, the candi-
8 dates who received the highest number of votes from their respective
9 areas shall serve as members of the commission.

10 Sec. 29.06.290. CHARTER COMMISSION ORGANIZATION AND PROCEDURE.

11 (a) The charter commission shall hold its first meeting within 30
12 days after certification of its election. The commission shall elect
13 from among its members a chairman and a deputy chairman.

14 (b) A majority of the total membership of the charter commission
15 constitutes a quorum. A decision of the commission is not valid or
16 binding unless approved by the number of members necessary to consti-
17 tute a quorum.

18 (c) The charter commission may elect other officials from among
19 its membership, adopt rules governing its procedures that are consis-
20 tent with AS 29.06.190 - 29.06.410 and hire and discharge employees.

21 (d) Meetings of the charter commission shall be open to the
22 public at all times. A journal of commission proceedings shall be
23 kept and made available for public inspection at the borough office.

24 Sec. 29.06.300. VACANCIES. (a) Vacancies on the charter com-
25 mission shall be filled by a majority vote of the commission, except
26 the assembly shall appoint members to fill vacancies if, after a
27 proposed charter is rejected by the voters, more than one-half of the
28 members resign.

29 (b) A person who fills a vacancy on the charter commission must

1 be a voter of the same area as the person succeeded and must have been
2 a voter of that area for at least one year immediately preceding the
3 date the vacancy is filled.

4 Sec. 29.06.310. PER DIEM. The assembly may grant a per diem
5 allowance to members of the charter commission and may reimburse the
6 members for travel expenses incurred in carrying out the duties pre-
7 scribed by AS 29.06.190 - 29.06.410. Costs, fees, and other expenses
8 incurred by the commission are a debt of the borough and shall be paid
9 upon proper verification.

10 Sec. 29.06.320. CHARTER PROVISIONS. The charter shall include

11 (1) provision for

12 (A) the adjustment of existing bonded indebtedness and
13 other obligations in a manner that will assure a fair and equit-
14 able burden of taxation for debt service, subject to AS 29.06.-
15 380;

16 (B) the establishment of service areas;

17 (C) if election of members of the governing body is
18 not areawide, the establishment of districts for the election of
19 members of the governing body of the proposed unified municipal-
20 ity and procedures by which to reapportion the election dis-
21 tricts;

22 (D) the reapportionment of districts if they are
23 established;

24 (E) nonpartisan government, and the selection, organi-
25 zation, authority, and responsibilities of the governing body and
26 its executive and administrator;

27 (F) the transfer or other disposition of property and
28 other rights, claims, assets, and franchises of the municipal-
29 ities to be unified under the charter;

1 (G) the exercise of the rights of initiative and
2 referendum in accordance with AS 29.10.030;

3 (H) amending the charter in accordance with
4 AS 29.10.100;

5 (2) the date on which the charter, if approved at the
6 charter election, is effective;

7 (3) designation of the proposed unified municipality's
8 official name; and

9 (4) other charter provisions that may be included in a home
10 rule charter.

11 Sec. 29.06.330. PUBLIC HEARINGS. Both before and after drafting
12 the proposed home rule charter, the charter commission shall hold a
13 public hearing in each area represented on the assembly. Other public
14 hearings may be held by the commission as it considers necessary.

15 Sec. 29.06.340. FILING OF PROPOSED CHARTER. Upon the adoption
16 of a proposed home rule charter by the charter commission, the charter
17 shall be signed by at least a majority of the total membership of the
18 commission and shall be filed with the borough clerk. A copy of the
19 charter with signatures affixed shall also be filed with the clerk of
20 each city in the borough.

21 Sec. 29.06.350. PUBLICATION AND POSTING OF PROPOSED CHARTER.
22 Within 10 days after filing the proposed home rule charter, the bor-
23 ough clerk shall have it published. In addition, the clerk shall have
24 a copy of the proposed charter posted in at least three public places
25 in each city and each unincorporated community in the borough. Copies
26 of the proposed charter shall be made available by the assembly to the
27 public at both the office of the borough clerk and the office of the
28 clerk of each city in the borough. The clerk shall have notice of the
29 publication, posting, and availability of the proposed charter

1 published.

2 Sec. 29.06.360. ELECTION ON CHARTER. (a) The proposed home
3 rule charter adopted by the charter commission shall be submitted to
4 the voters at a borough election held within 60 days of the date of
5 publication and posting of the proposed charter. The borough clerk
6 shall prepare the ballots for use in the election and shall give
7 notice of the election by radio and television in a manner intended to
8 apprise the entire borough population of the election. The election
9 shall be conducted under procedures applicable to regular elections.

10 (b) A person who is a voter of the borough may vote in the elec-
11 tion on the proposed charter.

12 (c) If a majority of the votes in the area of the borough out-
13 side all home rule or first class cities, and a majority of the votes
14 in all home rule and first class cities in the borough are cast in
15 favor of the proposed charter, the charter is ratified. If the char-
16 ter is ratified, election results shall be certified to the commission
17 and two copies of the charter shall be filed with

- 18 (1) the lieutenant governor;
- 19 (2) the department;
- 20 (3) the district recorder for the area of the borough;
- 21 (4) the clerk of the borough;
- 22 (5) the clerk of each city in the borough.

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