

SCOMM

#10:62

SENATE BILL NO. 137 by the Rules Committee by request of
the Governor, entitled:

SB
137

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

was read the first time and referred to the Community and
Regional Affairs Committee.

Fiscal note is zero.

Governor's transmittal letter follows:

February 9, 1979

The Honorable Clem Tillion
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. President:

Under the authority of art. III, sec. 18 of the Alaska
Constitution, I am transmitting for your consideration a
measure to amend certain features of the Alaska Municipal
Code to eliminate some of its problems. The bill is very
similar to last legislature's CSHB 483 am, which was
introduced by the Community and Regional Affairs
Committee.

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assemblymen take office, correcting an obvious oversight.
The second deletes a redundant specification of a
borough's mayoral election. AS 29.28.020 specifies the
date for all municipal elections. The third section
eliminates the altogether unwarranted delay in
implementing the manager plan of government. The fourth
straightens out the seating date for newly elected
councilmen and also eliminates a redundant reference to
the date of councilmanic elections.

SB Section five adds a provision for emergency meeting of
137 city councils; none now exists. A similar provision for
borough assemblies is currently contained in AS
29.23.060(a).

Section six reduces the term of mayor in second class
cities from three years (as a rule) to one. The
rationale for the change is that a term of one year is
ample where, as here, the office is filled by and from
the council rather than by a vote of all the voters in the
municipality.

Section 7 removes still another redundant reference to
municipal election dates. Section 8 places a 60-day
deadline on the assembly or council to move ahead with a
manager plan following voter approval. Legally, there is
no choice on the matter. The manager plan is actually
adopted by the voters. The amendment merely tells the
courts how long the legislature is giving the council or
assembly to act.

Section 9 deletes a cross reference to other sections of
the code. The proposed amendment here means that this
provision will stay current when and if new areawide
powers are added by the legislature. The deletion of the
specific cross reference in section 10 (board of
adjustment) accomplishes the same result.

Section 11 substitutes the word "borough" for the words
"plating board" in identifying who may bring suit to
enjoin a prohibited transfer of an interest in realty.
It is the borough, and not its plating board, which is
the juridical entity to sue and be sued.

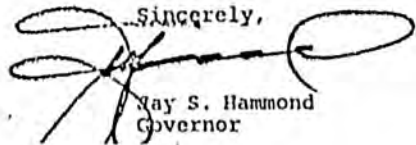
Section 12 deletes resolutions from the requirements for
codification. As with legislative resolutions, there is
no need to codify a municipal resolution. Section 13
revises the language defining the word "codified" and
more particularly the word "ordinance." The existing
language is meaningless.

Section 14 adds a new provision requiring that
resolutions -- which will no longer be codified -- will
be kept serially for future reference.

Section 15 revises AS 29.48.200 to conform with the
changes recommended for sec. 180.

Section 16 adds a new chapter authorizing municipalities
to establish public corporations or other authorities to
operate public facilities or services. There is no
prohibition against their doing so, and therefore home
rule municipalities may do so now. This is a device
which investors outside are familiar with, and it should
facilitate municipal revenue bonding.

Sincerely,



Jay S. Hammond
Governor

Sec. 29.33.190. Penalties. (a) The owner or agent of the owner of land located within a subdivision who transfers, sells, or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved, and recorded, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500 for each lot or parcel transferred, sold, or included in a contract to be sold. The platting board may enjoin a transfer, sale, or contract to sell, and may recover the penalty by appropriate legal action.

(b) No person may record a plat or seek to have a plat recorded unless it bears the approval of the platting board. A person who knowingly violates this requirement is punishable upon conviction by a fine of not more than \$500. (§ 2 ch 118 SLA 1972)

Sec. 29.48.180. Codification. (a) Each ordinance and resolution after adoption shall be codified.

(b) Within three years after incorporation of the municipality, the municipal executive, with the advice and assistance of a legal advisor, shall have prepared a general codification of all municipal ordinances of general applicability having the force and effect of law. The municipal code shall be revised and printed at least every five years, unless the code is kept current by regular supplements.

(c) In (a) of this section, "codified" means

(1) the ordinance has been given a serial number or other permanent identifying number and, bearing a notation of the date of adoption and the designation of the adopting authority, it has been entered by the municipal clerk in a properly indexed book maintained for the purposes of organizing and recording the ordinances; or

(2) the ordinance is a provision included, or to be included, in a code of ordinances or other complete system of positive law promulgated by the council and kept current by the city at reasonable intervals.

(d) This section applies to general law and home rule municipalities. (§ 2 ch 118 SLA 1972)

Revisor's note (1972).—For specific discussion of AS 29.48.180, see 1972 House Journal, p. 1725, or 1972 Senate Journal Supp. No. 3, p. 8.

Minimum codification requirements.—To meet the minimum codification requirements of this section municipal ordinances should be topically arranged under a logical and systematic set of chapters and subchapters.

There should be a table of contents, an index, and a system of cross-referencing. The code, to be useful, must have a current supplement which indicates all additions, amendments, and repeals. Periodically the additions and changes noted in the supplement should be incorporated into the main body of the code. These are minimum requirements. Nothing

Sec. 29.48.200. Penalties. For the violation of an ordinance, the assembly or council may prescribe punishment not to exceed a fine of \$500 or imprisonment for 30 days, or both. However, the punishment authorized under this section may be imposed only if an ordinance is codified and copies of the ordinance are made available for distribution to the public. (§ 2 ch 118 SLA 1972)

Chapter 59. Obligations Issued on Behalf of Municipalities.

Section

10. Authority to issue obligations for specified purposes

Effective date of chapter. — Section 5, effective May 6, 1976, in accordance with ch. 56, SLA 1976, makes this chapter AS 01.10.070(c).

Sec. 29.59.010. Authority to issue obligations for specified purposes. (a) A home rule or general law municipality may establish a public corporation or other municipal instrumentality. This public corporation or other municipal instrumentality may issue obligations to provide the public facilities and services enumerated in AS 29.48.030(a).

(b) The public corporation or other municipal instrumentality created under authority of (a) of this section shall be created and operated solely to provide one or more of the public facilities or services enumerated in AS 29.48.030(a). (§ 4 ch 56 SLA 1976)

Cross reference. — As to loans to through purchase of municipal bonds, see municipalities by the bond bank authority AS 44.58.170.

Sec. 29.23.040. Regular term of office. Assemblymen are selected for three-year terms and until their successors are selected and have qualified, unless different terms not exceeding four years are prescribed by borough charter or ordinance. However, if under a borough apportionment city councilmen are appointed as assemblymen or elected to dual assembly-council seats, they may not be replaced until their assembly term expires as provided by city charter or ordinance, or they cease to be a member of either the assembly or council. The current term of incumbent assemblymen may not be altered under this section. This section applies to home rule and general law boroughs. (§ 2 ch 118 SLA 1972; am § 13 ch 118 SLA 1972)

Cross reference.—See Editor's note to AS 29.18.120.

Effect of amendment. — The 1972 amendment rewrote this section.

Editor's note.—Section 20, ch. 118, SLA 1972, provides: "The terms of

lected officials who are incumbents on September 10, 1972, are not affected by this Act. Their terms expire as provided before enactment of this Act."

Sec. 29.23.130. Power generally. (a) If the borough has not adopted a manager plan, the borough executive and administrative power is vested in an elected borough mayor. If the borough has adopted a manager plan, the administrative power is vested in an appointed manager and the executive power in an elected borough mayor who has the same functions as those of the mayor of a manager-plan city under § 240 of this chapter.

(b) A borough voter is eligible to be borough mayor. The assembly may by ordinance establish residence requirements for candidates for borough mayor not exceeding three years.

(c) The borough mayor's regular term of office is three years and until a successor is elected and has qualified and begins on the first Monday following his election, which is held the first Tuesday of October, unless a different date of election is provided by ordinance. The assembly may provide by ordinance for a different term not to exceed four years, except that the current term of an incumbent borough mayor may not be altered.

(d) A borough may adopt or abandon a manager plan at any time, as provided in §§ 410—480 of this chapter. The borough mayor may not veto an ordinance or resolution calling for an election on this question. The manager has all the powers and duties of the borough mayor as chief administrative officer. If the manager plan is adopted, it becomes effective following certification of the results of the first regular election occurring at least six months after adoption of the plan. The borough mayor then serves as borough executive. (§ 2 ch 118 SLA 1972)

(e) A borough adopting a manager plan may, by agreement with a city, enter into a contract providing for the manager of a city located within the borough to serve also as borough manager. A city adopting a manager plan may, by agreement with a borough, enter into a contract providing for the manager of a borough within which the city is located to serve also as city manager. Appointment and service of the manager shall be as otherwise provided for managers in §§ 130 — 150 and §§ 450 — 470 of this chapter. Nothing in this subsection affects the authority of the assembly or council to provide for other dual officeholding if the dual offices held are compatible or otherwise to appoint officers and employees in accordance with law.
(am § 1 ch 6 SLA 1975; am § 1 ch 63 SLA 1976)

Sec. 29.23.200. Composition, eligibility, election and term. (a) Each first class city has a council of six members elected by the voters at large. Each second class city has a council of seven members elected by the voters at large. The council of a first or second class city may by ordinance provide for election of members other than on an at-large basis for all members.

(b) A city voter is eligible to hold office as a member of the council. The council may by ordinance establish residence requirements for council members not exceeding three years. A council member who ceases to be eligible to be a city voter immediately forfeits that office. (§ 2 ch 63 SLA 1976)

(c) An election is held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance, to choose councilmen for three-year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following the election. The council may provide by ordinance for different terms not to exceed four years, except that the current term of incumbent councilmen may not be altered. (§ 2 ch 118 SLA 1972)

Sec. 29.23.210. Procedure. (a) The council shall meet at least once every month, unless otherwise provided by ordinance. Special meetings may be held on the call of the mayor or two councilmen upon not less than 24 hours written or oral notice communicated to each member.

(b) The council shall determine its own rules and order of business and provide for keeping a journal of its proceedings.

(c) Four councilmen constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution, or motion.

(d) The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. All councilmen present shall vote unless the council, for special reasons, permits a member to abstain. (§ 2 ch 118 SLA 1972)

Sec. 29.23.250. Election and term of mayor. (a) A voter of a home rule or general law city is eligible to hold the office of mayor, except that a home rule city may prescribe additional residency requirements by charter. The council, for all other cities, may by ordinance establish residence requirements for candidates for mayor not exceeding three years.

(b) The mayor of a first class city is elected at large for a term of three years and until a successor is elected and has qualified. The council may provide by ordinance for a different term not to exceed four years, except that the current term of an incumbent mayor may not be altered.

(c) The mayor of a second class city is elected by and from the council for a term equal in length to a councilman's term.

(d) The mayor's regular term begins on the first Monday following his election, which is held on the first Tuesday of October, unless a different date of election is provided by ordinance. The council of a second class city shall meet on the first Monday after the regular election date and elect a mayor who takes office immediately. (§ 2 ch 118 SLA 1972)

Editor's note.—Section 20, ch. 118, SLA 1972, provides: "The terms of elected officials who are incumbents on September 10, 1972, are not affected by this Act. Their terms expire as provided before enactment of this Act."

Sec. 29.23.440. Adoption. (a) If the manager plan is approved, the assembly or council shall adopt the plan by ordinance or resolution.

(b) The assembly or council shall notify the Department of Community and Regional Affairs of the adoption of the manager plan. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in subsection (b).

Sec. 29.33.010. Scope of areawide powers. (a) First and second class boroughs shall exercise the powers as specified and in the manner specified in this chapter on an areawide basis, both inside and outside cities within their boundaries.

(b) No city, whether home rule or not, may exercise an areawide power conferred in, or assumed by means of §§ 250 — 290 of, this chapter once that power is being exercised by a borough. (§ 2 ch 118 SLA 1972; am § 6 ch 93 SLA 1977)

Effect of amendment. — The 1977 amendment substituted "First and second class boroughs" for "Boroughs" at the beginning of subsection (a). Cited in *Jefferson v. State*, Sup. Ct. Op. No. 1084 (File No. 2000), 527 P.2d 37 (1974).

Sec. 29.33.110. Board of adjustment. () The assembly is the board of adjustment for areas outside cities. The city council is the board of adjustment for the area within the city boundaries but may delegate by resolution or ordinance part or all of its functions to the borough, subject to § 70(b) (1) of this chapter, in addition to making delegations as provided for an assembly under § 245 of this chapter. Meetings of the borough board are held at the call of the presiding officer and of the city board by the mayor. The presiding officer or mayor may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public and the board shall keep minutes of its proceedings as a public record.

(b) The board of adjustment shall hear and decide

(1) appeals regarding alleged errors in enforcement of zoning ordinances and building codes;

(2) appeals from the decisions of the planning commission on requests for conditional uses;

(3) appeals from the decisions of the planning commission on requests for variances from the terms of the zoning ordinance which are not contrary to the public interest, when a literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in the same district.

(c) A variance shall not be granted because of special conditions caused by actions of the person seeking relief or for reasons of pecuniary hardship or inconvenience. A variance shall not be granted which will permit a land use in a district in which that use is prohibited. (§ 2 ch 118 SLA 1972)

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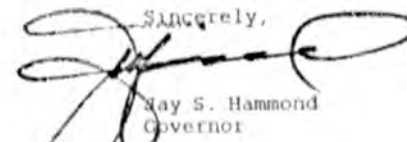
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Sincerely,



May S. Hammond
Governor

for three-year terms and until their successors are selected and have qualified, unless different terms not exceeding four years are prescribed by borough charter or ordinance. However, if under a borough apportionment city councilmen are appointed as assemblymen or elected to dual assembly-council seats, they may not be replaced until their assembly term expires as provided by city charter or ordinance, or they cease to be a member of either the assembly or council. The current term of incumbent assemblymen may not be altered under this section. This section applies to home rule and general law boroughs. (§ 2 ch 118 SLA 1972; am § 13 ch 118 SLA 1972)

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(b) A borough voter is eligible to be borough mayor. The assembly may by ordinance establish residence requirements for candidates for borough mayor not exceeding three years.

(c) The borough mayor's regular term of office is three years and until a successor is elected and has qualified and begins on the first Monday following his election, which is held the first Tuesday of October, unless a different date of election is provided by ordinance. The assembly may provide by ordinance for a different term not to exceed four years, except that the current term of an incumbent borough mayor may not be altered.

(d) A borough may adopt or abandon a manager plan at any time, as provided in §§ 410—480 of this chapter. The borough mayor may not veto an ordinance or resolution calling for an election on this question. The manager has all the powers and duties of the borough mayor as chief administrative officer. If the manager plan is adopted, it becomes effective following certification of the results of the first regular election occurring at least six months after adoption of the plan. The borough mayor then serves as borough executive. (§ 2 ch 118 SLA 1972)

(b) A borough adopting a manager plan may, by agreement with a city, enter into a contract providing for the manager of a city located within the borough to serve also as borough manager. A city adopting a manager plan may, by agreement with a borough, enter into a contract providing for the manager of a borough within which the city is located to serve also as city manager. Appointment and service of the manager shall be as otherwise provided for managers in §§ 130—150 and §§ 450—470 of this chapter. Nothing in this subsection affects the authority of the assembly or council to provide for other dual officeholding if the dual offices held are compatible or otherwise to appoint officers and employees in accordance with law.
(am § 1 ch 6 SLA 1975; am § 1 ch 63 SLA 1976)

Sec. 29.23.200. Composition, eligibility, election and term. (a) Each first class city has a council of six members elected by the voters at large. Each second class city has a council of seven members elected by the voters at large. The council of a first or second class city may by ordinance provide for election of members other than on an at-large basis for all members.

(b) A city voter is eligible to hold office as a member of the council. The council may by ordinance establish residence requirements for council members not exceeding three years. A council member who ceases to be eligible to be a city voter immediately forfeits that office. (§ 2 ch 63 SLA 1976)

(c) An election is held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance, to choose councilmen for three-year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following the election. The council may provide by ordinance for different terms not to exceed four years, except that the current term of incumbent councilmen may not be altered. (§ 2 ch 118 SLA 1972)

Sec. 29.23.210. Procedure. (a) The council shall meet at least once every month, unless otherwise provided by ordinance. Special meetings may be held on the call of the mayor or two councilmen upon not less than 24 hours written or oral notice communicated to each member.

(b) The council shall determine its own rules and order of business and provide for keeping a journal of its proceedings.

(c) Four councilmen constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution, or motion.

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 137

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the municipal code; and providing
7 for an effective date."

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

9 * Section 1. AS 29.23.040 is amended to read:

10 ✓ Sec. 29.23.040. REGULAR TERM OF OFFICE. Assemblymen are selected
11 for three-year terms and until their successors are selected and have
12 qualified, unless different terms not exceeding four years are pre-
13 scribed by borough charter or ordinance. The regular term of office
14 begins on the first Monday following their election. However, if
15 under a borough apportionment city councilmen are appointed as assem-
16 blymen or elected to dual assembly-council seats, they may not be
17 replaced until their assembly term expires as provided by city charter
18 or ordinance, or they cease to be a member of either the assembly or
19 council. The current term of incumbent assemblymen may not be altered
20 under this section. This section applies to home rule and general law
21 boroughs.

22 * Sec. 2. AS 29.23.130(c) is amended to read:

23 ✓ (c) The borough mayor's regular term of office is three years
24 and until a successor is elected and has qualified and begins on the
25 first Monday following his election [, WHICH IS HELD THE FIRST TUESDAY
26 OF OCTOBER, UNLESS A DIFFERENT DATE OF ELECTION IS PROVIDED BY ORDI-
27 NANCE]. The assembly may provide by ordinance for a different term
28 not to exceed four years, except that the current term of an incumbent
29 borough mayor may not be altered.

1 * Sec. 3. AS 29.23.130(d) is amended to read:

2 (d) A borough may adopt or abandon a manager plan at any time,
3 as provided in secs. 410 - 480 of this chapter. The borough mayor may
4 not veto an ordinance or resolution calling for an election on this
5 question. The manager has all the powers and duties of the borough
6 mayor as chief administrative officer. [IF THE MANAGER PLAN IS ADOPTED,
7 IT BECOMES EFFECTIVE FOLLOWING CERTIFICATION OF THE RESULTS OF THE
8 FIRST REGULAR ELECTION OCCURRING AT LEAST SIX MONTHS AFTER ADOPTION OF
9 THE PLAN.] The borough mayor then serves as borough executive.

10 * Sec. 4. AS 29.23.200(c) is amended to read:

11 (c) Councilmen are selected [AN ELECTION IS HELD ANNUALLY ON THE
12 FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT ELECTION DATE OR INTERVAL
13 OF YEARS IS PROVIDED BY ORDINANCE, TO CHOOSE COUNCILMEN] for three-
14 year terms and until their successors are elected and have qualified.
15 The regular term of office begins on the first Monday following the
16 election. The council may provide by ordinance for different terms
17 not to exceed four years, except that the current term of incumbent
18 councilmen may not be altered.

19 * Sec. 5. AS 29.23.210(a) is amended to read:

20 (a) The council shall meet at least once every month, unless
21 otherwise provided by ordinance. Special meetings may be held on the
22 call of the mayor or two councilmen upon not less than 24 hours
23 written or oral notice communicated to each member. In an emergency,
24 a special meeting called on less than 24 hours notice is a legal
25 meeting if all members are present or there is a quorum and all absent
26 members have waived in writing the required notice. A waiver may be
27 made either before or after the time of the meeting. The waiver shall
28 be attached to and made a part of the journal for that meeting.

29 * Sec. 6. AS 29.23.250(c) is amended to read:

1 (c) The mayor of a second class city is elected by and from the
2 council for a term of one year and until a successor is elected and
3 has qualified [EQUAL IN LENGTH TO A COUNCILMAN'S TERM].

4 * Sec. 7. AS 29.23.250(d) is amended to read:

5 (d) The mayor's regular term begins on the first Monday following
6 his election [, WHICH IS HELD ON THE FIRST TUESDAY OF OCTOBER, UNLESS
7 A DIFFERENT DATE OF ELECTION IS PROVIDED BY ORDINANCE]. The council
8 of a second class city shall meet on the first Monday after the regular
9 election date and elect a mayor who takes office immediately.

10 * Sec. 8. AS 29.23.440(a) is amended to read:

11 (a) If the manager plan is approved, the assembly or council
12 shall, within 60 days, adopt the plan by ordinance or resolution.

13 * Sec. 9. AS 29.33.010(b) is amended to read:

14 (b) No city, whether home rule or not, may exercise an areawide
15 power [CONFERRED IN, OR ASSUMED BY MEANS OF SECS. 250 - 290 OF, THIS
16 CHAPTER] once that power is being exercised by a borough.

17 * Sec. 10. AS 29.33.110(a) is amended to read:

18 (a) The assembly is the board of adjustment for areas outside
19 cities. The city council is the board of adjustment for the area
20 within the city boundaries but may delegate by resolution or ordinance
21 part or all of its functions to the borough [, SUBJECT TO SEC. 70(b)(1)
22 OF THIS CHAPTER,] in addition to making delegations as provided for an
23 assembly under sec. 245 of this chapter. Meetings of the borough
24 board are held at the call of the presiding officer and of the city
25 board by the mayor. The presiding officer or mayor may administer
26 oaths and compel attendance of witnesses. Meetings and hearings of
27 the board shall be open to the public and the board shall keep minutes
28 of its proceedings as a public record.

29 * Sec. 11. AS 29.33.190(a) is amended to read:

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Power
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1 (a) The owner or agent of the owner of land located within a
2 subdivision who transfers, sells, or enters into a contract to sell
3 land in a subdivision before a plat of the subdivision has been pre-
4 pared, approved, and recorded, is guilty of a misdemeanor and upon
5 conviction is punishable by a fine of not more than \$500 for each lot
6 or parcel transferred, sold, or included in a contract to be sold.
7 The borough [PLATTING BOARD] may enjoin a transfer, sale, or contract
8 to sell, and may recover the penalty by appropriate legal action.

9 * Sec. 12. AS 29.48.180(a) is amended to read:

10 (a) Each ordinance [AND RESOLUTION] after adoption shall be
11 codified.

12 * Sec. 13. AS 29.48.180(c)(2) is amended to read:

13 (2) the ordinance is a provision which establishes a rule
14 of conduct or behavior and which is included, or to be included, in a
15 code of ordinances or other complete system of [POSITIVE] law promul-
16 gated [BY THE COUNCIL] and kept current [BY THE CITY] at reasonable
17 intervals.

18 * Sec. 14. AS 29.48 is amended by adding a new section to read:

19 [Sec. 29.48.185. RESOLUTIONS. The assembly or council shall
20 provide for the maintenance of a permanent file of resolutions that
21 have been adopted.]

22 * Sec. 15. AS 29.48.200 is amended to read:

23 Sec. 29.48.200. PENALTIES. For the violation of an ordinance,
24 the assembly or council may prescribe punishment not to exceed a fine
25 of \$500 or imprisonment for 30 days, or both. However, the punishment
26 authorized under this section may be imposed only if [AN ORDINANCE IS
27 CODIFIED AND] copies of the ordinance are made available for distri-
28 bution to the public at cost.

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

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CHAPTER 59. OBLIGATIONS ISSUED ON BEHALF
OF MUNICIPALITIES.

Sec. 29.59.010. AUTHORITY TO ISSUE OBLIGATIONS FOR SPECIFIED
PURPOSES. (a) A general law municipality may establish a public
corporation or other municipal instrumentality. This public corpora-
tion or other municipal instrumentality may issue obligations to
provide the public facilities and services enumerated in AS 29.48.-
030(a).

(b) The public corporation or other municipal instrumentality
created under authority of (a) of this section shall be created and
operated solely to provide one or more of the public facilities or
services enumerated in AS 29.48.030(a).

* Sec. 17. This Act takes effect immediately in accordance with AS 01.-
10.070(c).

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STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B - JUNEAU 99811

March 1, 1979

The Honorable Arliss Sturgulewski
State Senate
State of Alaska
Pouch V
Juneau, Alaska 99811

Dear Senator ^{Sturgulewski} Sturgulewski:

We would like to respectfully request that the attached language be considered as a suggested amendment to Senate Bill 137.

This suggested wording would "clean-up" another section of Title 29.

This section deals with Senior Citizen Sewer and Water Assessment Deferment and the fact that the State fully pays that special assessment to the municipality involved.

The problem stems from the requirement of involvement by a local unit in a program for which it no longer has any involvement, since the State has already reimbursed the municipality for the loss of revenue created by the Senior Citizen Special Assessment Deferment program.

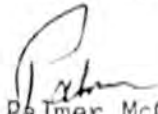
The section being amended relates only to renewal of the exemption each January. The revision allows the Department to waive the renewal deadline rather than requiring local councils and assemblies to be involved in the routine, annual renewal. Also, the renewal deadline is proposed to be moved from January 15 to March 15 to allow more time following the end of a calendar year for a succession of notices prior to the deadline.

This would clear up some areas of confusion and simplify the administration not only for the Department but also for the Senior Citizens and the municipality involved.

Thank you for your consideration in this matter.

Sincerely,

Lee McAnerney
Commissioner

By: 
Palmer McCarter
Director

Enclosure

PROPOSED LEGISLATION
A BILL

For an Act entitled: "An Act relating to senior citizen special
assessment exemption."

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

* Section 1. AS 29.63.065(b) is amended to read:

(2) A claimant receiving the exemption must file with
the department by [JANUARY] March 15 of each subsequent year a
separate application proving eligibility as of January 1 in order
to retain the exemption. Within the same year the department [THE
ASSEMBLY OR COUNCIL] for good cause shown may waive the claimant's
failure to make timely application and approve the application as
if timely filed.



KENAI PENINSULA BOROUGH

BOX 850 • SOLDOTNA, ALASKA 99669
PHONE 262-4441

DON GILMAN
MAYOR

*Gene Don
Alma - remind
issue at hearing
Please check today
to find out for sure
whether amendment
needed or not
talk to Jack
C. probably
a1*

February 28, 1979

Senator Arliss Sturgulewski
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: SB 137

Dear Senator Sturgulewski:

It is difficult to debate the proposed amendments to Title 29, SB 137 when the reasons for the requested changes are not known.

A.S. 29.23.040 Proposed Amendment "The regular term of office begins on the first Monday following their election."

The above amendment will create difficulties with most municipal elections. The Alaska Municipal Clerks Association adopted a uniform model election code for local elections, and most of us have our elections on the first Tuesday in October. In this borough some of the city clerks have allowed us to combine their elections with the borough election. All 5 cities and the borough has the regular election on the first Tuesday in October. We use the same polling places and in most instances the same election judges and split the expense.

In the Kenai Peninsula Borough there are 26 precincts, some in remote areas. At times we cannot get all the ballots back to this office until the Monday following the election. We start canvassing at 9 A.M. on that particular Monday. Canvassing is sometimes continued until Tuesday a.m. The election is certified Tuesday night by the assembly and if the elected or appointed candidate is present he assumes the office on that night.

It seems to me the assembly and Mayor's term should begin when the election is certified and the person has been administered the oath of office. Occasionally an elected person is certified, but may be out of town on that particular night or ill and cannot be administered the oath until a later date. (He has 30 days from date of election or appointment to take the oath and be seated.)

Each municipality has its own problems with timing and coordination of the entire election process. For example, our ballots returning from the Hope Precinct, leave Hope on Friday; 2 P.M. They arrive

Senator Arliss Sturgulewski
February 28, 1979
Page 2.

at the Soldotna Post Office on Saturday after the Post Office has closed. Mail leaves Hope only on Tuesday and Friday.

English Bay and Port Graham mail pick up is on Friday; weather permitting. Cook Inlet Aviation gets the mail out usually after 1 P.M. from these areas. The pilot put these packets in the mail at Homer sometime late Friday. The mail leaves Homer about 12:30 or 1 p.m. on Friday, so the materials do not reach Soldotna until Monday. The Post Office is usually closed on Monday as this is Columbus Day. We make arrangements with the postmaster to pick up what we can on Saturday, but sometimes this is inconvenient for the postal employees.

Sec. 2. A.S. 29.23.130 (c) indicates deletion from Title 29 of the Tuesday in October for the regular election day, which leads me to believe the state may be considering combining municipal with state elections. Most municipal clerks will object to this, however, there may be some who have different procedures set out in charters, and they might not object to the combination.

The reasons we would object to combining with the State are:

1. Polling place space is limited; ballot boxes, booths limited.
2. State election law and municipal election laws differ to some extent.
3. Municipal Clerks would not want the legality of their elections to depend on state management or vice versa.
4. Combining the city/borough with state elections would be most confusing. We have found this true at times when combining our city and borough elections. The judges get very busy at certain hours, and the voter may put his city ballots in the borough ballot box or his questioned ballot in the borough questioned ballot envelope.

I have talked with the City Clerk of Soldotna, also Kenai and our assembly representative from Homer. You will probably receive more correspondence on this subject.

It seems once a procedure has been established and people get accustomed to it, it is difficult to change.

Yours very truly,

Frances Brymer

(Mrs) Frances Brymer,
Borough Clerk

Gene

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB 117
 Title Relating to the municipal code
 Requested by Senate Finance Date 3/10/79

II. FISCAL DETAIL

Agency Affected Revenue
 Program Category Affected General Government
 Budget Request Unit(s) Affected Treasury Management

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	Ø	Ø	Ø	Ø	Ø	Ø

FUNDING (Thousands of Dollars)

	Ø	Ø	Ø	Ø	Ø	Ø
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	Ø	Ø	Ø	Ø	Ø	Ø
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Authority for home rule or general law municipalities to issue revenue bonds will potentially saturate the market for these issues and bring all tax exempt revenue bonding under critical scrutiny by the United States Treasury. Such issues would further be in direct competition with similar state issues. It is further questionable that home rule or general law municipalities could market such debt at favorable rates on an individual basis and as such could potentially require state assistance at some time in the future.

IV. DATE 3/10/79

Peter A. Bushre
 PREPARED BY Peter Bushre, Deputy Commissioner
 AGENCY Department of Revenue
 PHONE 465-2350

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

SENATE BILL NO. 137 by the Rules Committee by request of the Governor, entitled:

SB
137

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

was read the first time and referred to the Community and Regional Affairs Committee.

Fiscal note is zero.

Governor's transmittal letter follows:

February 9, 1979

The Honorable Clem Tillion
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. President:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting for your consideration a measure to amend certain features of the Alaska Municipal Code to eliminate some of its problems. The bill is very similar to last legislature's CSMB 483 am, which was introduced by the Community and Regional Affairs Committee.

The first section merely specifies when newly elected assemblymen take office, correcting an obvious oversight. The second deletes a redundant specification of a borough's mayoral election. AS 29.28.020 specifies the date for all municipal elections. The third section eliminates the altogether unwarranted delay in implementing the manager plan of government. The fourth straightens out the seating date for newly elected councilmen and also eliminates a redundant reference to the date of councilmanic elections.

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SB Section five adds a provision for emergency meeting of city councils; none now exists. A similar provision for borough assemblies is currently contained in AS 29.23.060(a).

Section six reduces the term of mayor in second class cities from three years (as a rule) to one. The rationale for the change is that a term of one year is ample where, as here, the office is filled by and from the council rather than by a vote of all the voters in the municipality.

Section 7 removes still another redundant reference to municipal election dates. Section 8 places a 60-day deadline on the assembly or council to move ahead with a manager plan following voter approval. Legally, there is no choice on the matter. The manager plan is actually adopted by the voters. The amendment merely tells the courts how long the legislature is giving the council or assembly to act.

Section 9 deletes a cross reference to other sections of the code. The proposed amendment here means that this provision will stay current when and if new areawide powers are added by the legislature. The deletion of the specific cross reference in section 10 (board of adjustment) accomplishes the same result.

Section 11 substitutes the word "borough" for the words "plating board" in identifying who may bring suit to enjoin a prohibited transfer of an interest in realty. It is the borough, and not its plating board, which is the juridical entity to sue and be sued.

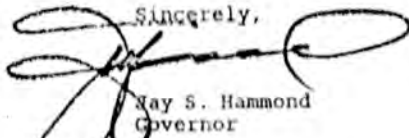
Section 12 deletes resolutions from the requirements for codification. As with legislative resolutions, there is no need to codify a municipal resolution. Section 13 revises the language defining the word "codified" and more particularly the word "ordinance." The existing language is meaningless.

Section 14 adds a new provision requiring that resolutions -- which will no longer be codified -- will be kept serially for future reference.

Section 15 revises AS 29.48.200 to conform with the changes recommended for sec. 180.

Section 16 adds a new chapter authorizing municipalities to establish public corporations or other authorities to operate public facilities or services. There is no prohibition against their doing so, and therefore home rule municipalities may do so now. This is a device which investors outside are familiar with, and it should facilitate municipal revenue bonding.

Sincerely,



Ray S. Hammond
Governor