

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

739 SCOMM23: TITLE 29 POLICY REVISION ADVISORY COMM. 1980

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1 ****Sec. 29.51.420. Repeal.

2 ****Sec. 29.51.430. Repeal.

3 ****Sec. 29.51.440. SERVICE AREA DEBT. The indebtedness of a service area
4 acquired under AS 29.51.410 shall remain the indebtedness of the area which
5 incurred the debt notwithstanding a subsequent court determination that the
6 service area was not validly formed under law or by virtue of a defect in
7 the proceedings creating the service area. All the property within the
8 service area remains subject to taxation to pay the bonded indebtedness.

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1 CHAPTER 62. STATE PROGRAMS

2 No change.

3
4 CHAPTER 65. GENERAL GRANT LAND5
6 No change.7
8 CHAPTER 68. MUNICIPAL PROGRAMS9
10 ARTICLE 1. INVOLVEMENT OF YOUNG PEOPLE IN LOCAL GOVERNMENT

11 Repeal.

12
13 ARTICLE 2. HISTORICAL DISTRICTS.14
15 No change.16
17 CHAPTER 71. GENERAL PROVISIONS18
19 No change.

SCOMM

#23:4

COMMENTS FOR CONSIDERATION ON THE PROPOSED CHAPTER 45
ON MUNICIPAL TAXATION

- 29.45.010. The authority to levy a property tax should be extended to unified municipalities.
- 29.45.020. The use of the disjunctive in the phrase "real or personal property" implies that a municipality may levy either real or personal property taxes. This conflicts with the requirement set forth in the preceding section that if a property tax is levied it must be levied on real and personal property.
- 29.45.020(c). I suggest that an additional clause be added to the last sentence of this subsection which would provide that if DCRA has not notified a municipality of the amount it will receive under the equalization and state aid programs at least 30 days prior to the date the municipality gives final approval to its budget, the municipality need not include the mill or tax equivalent attributable to the program and DCRA will not withhold allocations for such failure to provide notice.
- 29.45.030(a)(3). Shouldn't we add the requirement that property under this section be owned by and used exclusively for the nonprofit religious, charitable, etc?
- 29.45.030(b)(3). If a lot which is adjacent to the residence of of a pastor is a 10 acre lot and a quarter acre of that lot is used to support the residence, is the entire lot exempt? If not, perhaps the substitution of the word "property" or a similar word for the word "lot" would provide some justification for prorating in such cases. The other alternate would be to make it clear that the entire lot must be used to support the structure in order order to obtain an exemption.
- 29.45.030(b)(4). Same comment here as above. The exemption probably should not go to any more property than is actually required to meet off-street parking requirements. Either the entire lot should be required and devoted to off-street parking or the language should be changed to indicate that a proration may occur.

- 29.45.030(c). The reference to section (b) is probably superfluous as the property which is set forth in (b) is merely a definition of property which falls under (a).
- 29.45.030(j). Although this was just enacted by the Legislature, I would like to see it dropped as personally, I don't think that such tax incentives are significant in causing persons to install fire protection systems. If fire protection systems are needed they should be required by code.
- 29.45.040. I think we ought to find a different place for this section as it has nothing to do with the levying or collection of taxes.
- 29.45.050(b)(1). The \$5 and \$15 tonnage-based tax on vessels should be raised to something that makes it worthwhile to administer the tax; that, or the dollar limitation should be deleted to permit municipalities to establish the tax rate per ton.
- 29.45.060. If patented and unpatented mining claims are to be made exempt then this subject should be dealt with under the exemption section and not a separate section. Also, I do not believe that nonproducing patented mining claims should be exempt from property any more than any other nonproductive, privately owned property is exempt. Also, if mining claims valued at \$200 are to much trouble, perhaps raising the value from \$200 to \$1000 could be considered.
- 29.45.090(b) and 100(b). Section 90(b) apparently sets a limit from property tax of \$1500 per person. Section 100(b) sets a per capita limit in terms of "tax revenues from all sources." The "all sources" phrase is used twice in Section 100(b). The sections should be clarified to indicate whether the limitation is one which looks to all tax revenues or only to property tax revenues.
- 29.45.110. The references to Sections 45 and 50 in line 19 should be changed to 90 and 100.
- 29.45.120. The reference to Section 60 should be deleted if mining claims are exempted and moved to the exemption section. Also, would it be worthwhile to attempt to address the method of evaluation of property which is in the jurisdiction for only part of a year and property which is involved in inter-borough and inter-state commerce. CSSB 582 (though not adopted) addressed this matter as to transient aircraft.

- 29.45.120(b). I suggest this section be rewritten to delete the last sentence and to indicate that a municipality may provide by ordinance for the assessment (valuation) of business inventories based on the average monthly method etc.
- 29.45.120(). The method evaluation of a possessory interest in tax exempt property is not addressed in the statutes. While we have a Superior Court case or two which indicate that it is the feeless reversion method, it might not hurt to have this established by statute. Some states go so far as to say that the value of a possessory interest in tax exempt land is the value of the fee. This latter approach is probably much simpler to apply, it might have an equal protection weakness.
- 29.45.140(b). I suggest dropping the phrase "if refused entry" and adding at the end of the sentence "or production of records."
- 29.45.150. I suggest we raise the fine to something more in keeping with inflation.
- 29.45.180(a). I question the wisdom of requiring notice on the assessment notice of a summary of when unlevied taxes are payable delinquent and subject to penalty and interest (all of which is unrelated to the assessment proceedings) but not requiring the inclusion of a date when the Board of Equalization will sit (something very directly related to the assessment proceeding). I think we are asking for more administrative problems by not requiring that the date be set prior to the sending of assessment notices than we would be eliminating to accommodate those assessors and councils or assemblies which can't seem to get their act together well enough to establish a hearing date sometime 45 or so days down road.
- 29.45.180(b). I suggest that if in the preceding Section 170 we are going to allow any person having an interest in the property to be listed on the records that it be made clear that notice is sufficient if sent to the record owner, the first person listed as grantee on a multiple grantee deed or if sent to a person designated by such first grantee or record owner.

- 29.45.210. Should we change the first sentence to read "The assembly, or council of a city outside a borough, sits. . . ." or have we dealt elsewhere with the applicability of these procedures to such cities? In the third line we could delete the word "borough" and I believe we should add the word "it" before the word "may". If we are going to include reference to city councils, there are two additional references to assembly in this section which should be modified appropriately.
- 29.45.220 (and 210). Section 210 speaks to appeals from "determinations" of the assessor. Section 220, however, appears to deal with assessment (value) determinations of the assessor. I suggest we clarify whether or not the Board of Equalization will hear appeals on the assessor's determination of the taxability of property.
- 29.45.220(e). I suggest that if assessors are concerned over the June 1 certification date applying to supplemental roles that Section (e) be rewritten to delete the reference to June 1 and merely require that the assessor enter the changes and certify the final assessment role immediately upon receipt of certification of the board changes.
- 29.45.230. I suggest that the assessing officer's suggestion not be included. I would hope that merely because the state assessor requires certain assessment information for reports, revenue sharing, etc. a municipality not be foreclosed from establishing a supplementary assessment role for property which comes to its attention during the latter part of the year. The assessing officer's suggestion would effectively preclude supplemental assessment roles for property which is discovered much later than the first of July.
- 29.45.250. I suggest that the reference to the date of equalization be deleted so that this may be set by motion. This will also provide a little more flexibility in the event a municipality appoints a board as the board should be the one which sets its date of hearing. As to the rate of levy and the date when taxes become delinquent, I suggest that we change the language to indicate that these may be fixed by ordinance or resolution.

- 29.45.260(a). The penalty and interest should be raised substantially. I just noticed that in the territorial days, as far back as the 1940's when interest rates and inflation were unbelievably low, the penalty limit for property tax delinquencies was 15% and the interest limit was 12% per year. I'd suggest we shoot for 20% penalty and a 15% interest limit. The penalty and interest appear in several places in Section 260.
- 29.45.300(a). I suggest that the phrase "assessed against" in line 22 should be "levied on" as property is assessed (valued) while taxes are levied.
- 29.45.300(b). I suggest that we permit the collection of taxes levied on trailers, mobile homes, etc. which are classed as real property to be collected in either or both an action against the property or a personal action against the owner. By the time the municipality gets around to collecting its delinquencies, the trailer may well have been sold and even removed from the taxing jurisdiction.
- 29.45.310. Would it be appropriate to stick a tactful reminder in the second sentence of this section that the procedure for distraint and sale include a hearing to which the owner is invited?
- 29.45.3²10(b). The reference to Section 40 should be changed to 80. Also, I believe the reference to "leasehold interest in tax exempt property" should be changed to "private interest in tax exempt property" as a leasehold is not the only type of taxable interest in tax exempt property.
- 29.45.350. I would suggest that this section be changed so that it is clear that failure to notify the lienholder does not defeat any of the rights of the municipality to foreclose on and sell the property. I would also suggest the deletion of the requirement that the notice be sent by certified mail.
- 29.45.400(a). The reference to Section 350(a) should be 440(a).

29.45.400(b). I think this section should be deleted as it appears to attempt to create a situation whereby a lienholder can carve out an interest in foreclosed property by merely paying his prorata share of the amounts due. If we are going to allow a lienholder to establish an interest in foreclosed property which is not extinguished by sale of the property, why aren't we allowing those persons who have a partial interest in the fee to do the same thing? There is no need for this section. A lienholder who redeems the property by paying the amounts due is given a lien for that amount under Section 420. Section 420 could be changed to make such lien paramount to others.

29.45.410 and 400(a). Section 400(a) provides that redeemed property is still subject to all taxes, assessments, liens, etc. as though it had continued in private ownership but that only the amount set forth in the judgment and decree must be paid in order to redeem the property. Section 410 then provides that upon payment of the redemption money all claims of the municipality are released. This is in conflict with the provision that taxes, assessments, liens, etc. accrue as though the property had continued in private ownership. The release language should be limited to claims which are the subject of the judgment and decree.

29.45.460(a). The reference to Section 360 in line 20 should be to 450.

29.45.460 and 470. I think these two sections ought to be dropped. The owner of the property has had ample opportunity to redeem his property and notice at every turn. There is no reason to allow his existence to create a cloud on property which the municipality may wish to use or later dispose of. If we are going to retain these sections, the interest rate in Section 470 ought to be raised to the same as is established for delinquent taxes and the municipality ought also to be able to collect interest on the taxes which would have been levied and paid had the property remained in private ownership. This interest increment does not appear to be authorized under Section 470.

29.45.480(b). I believe the reference in line 11 to Section 350(a) should be to 440(a).

- 29.45.510. Would it be worthwhile to add a subsection here or a new section relating to the right of a person who has paid taxes on the wrong property.
- 29.45.570. I believe the word "or" between the word "sales" and "rents" should be a comma.
- 29.45.570(d). I suggest the 8% limit on delinquent tax payment is a bit low.
- 29.45.590(a). I suggest the last two sentences of this section be dropped. I also suggest that subsection (b) be dropped. Perhaps the entire section can be written in a single sentence reading "A new sales tax or an increase in the rate of levy of a sales tax approved by the assembly by ordinance shall not take effect until ratified by a majority of the voters voting on the question of approval at a regular or a special election called for that purpose." *delete*

*use
29.45.590(a)*

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November 18, 1980

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Dept. of Law
Administration

Ted Berns, Esq.
Municipal Attorney
Municipality of Anchorage
Pouch 6-650
Anchorage, Alaska 99502

Dear Ted:

I have reviewed the draft of Chapter 58 of the Municipal Code regarding Municipal Debt. I have a few suggestions as follows:

1. AS 29.58.030. This section was repealed in 1974. I don't know why it should be reenacted.

2. AS 29.58.160(a). Delete "ordinance." Before the last Title 29 revision most communities put bond questions on the ballot by resolution. Since the public has the final say on bonds at the election the additional public hearing that an ordinance provides seems superfluous. The ordinance procedure also causes timing problems due to the two reading requirement. Since small communities often meet only once or twice per month this can be serious.

3. AS 29.58.200. Subsection (a) seems superfluous; given the broad authority of (c). Thus (a) could simply be deleted. I suggest deleting "except taxes" in (c) since a project may need a limited tax backing short of full faith and credit to be marketable. The Palmer Industrial Park bonds were sold by pledging sales tax revenues. Tax increment financing is another possibility. Similarly if (a) is retained "solely" should be deleted.

4. Industrial Development Bonds. General law municipalities should have the authority to issue the IDB's permitted by Section 103(c) of the Internal Revenue Code as well as home mortgage bonds. A new section permitting this is attached.

Ted Berns, Esq.
November 18, 1980
Page Two

5. AS 29.58.280 and 29.58.300. Delete "at par" and "for an amount not less than par and accrued interest" from 29.58.280 and use alternate 29.58.300. The ability to sell at less than par can be a useful marketing tool.

6. AS 29.58.310. Delete this section which serves no purpose.

add
7. AS 29.58.340(c). Add the following sentence at the end: "The full faith and credit of the area voting on the indebtedness is pledged for the payment of the debt." This makes it clear that there can be a service area general obligation bond.

8. AS 29.58.360. Add a new section as follows:

add
AS 29.58.360 Service Area Debt. The indebtedness of a service area issued pursuant to §340(a)(3) of this chapter shall remain the indebtedness of the area incurring the debt notwithstanding a subsequent determination by a court that the service area was not validly formed under law or by virtue of a defect in the proceedings creating the service area. Not less than all property within the service area remains subject to taxation to pay the bonded indebtedness.

The Alaska Constitution prohibits the establishment of service areas when the function can be performed by a city or another service area. No guidelines have ever been established, leaving the legality of some areas in doubt. This language provides for the continuation of a debt should such an area subsequently be declared to have violated constitutional standards. In effect it creates a de facto service area for the purpose of the debt.

Very truly yours,

WOHLFORTH & FLINT

By 

Robert B. Flint

RBF/am
Attachment
cc: Senator Arliss Sturgulewski

Sec. 29.58.200(c) [or(d) if (a) is retained]. A municipality shall have the power to borrow money and to issue bonds or other evidence of indebtedness for the purpose of promoting economic development in and adjacent to the municipality. Such indebtedness may be authorized by the municipality without a vote of the electorate for obligations which are defined as industrial development bonds by the United States Internal Revenue Code, as amended. The municipality may, with respect to the issuance of such debt, acquire, purchase, lease, construction, sell, sublease or otherwise dispose of projects by action of the council or assembly. No bonds or other indebtedness issued by the municipality under this section shall be repayable from taxes levied by the municipality nor be a charge against the general credit of the municipality.

TITLE 29 REVISION COMMISSION
NEWS RELEASE

Alaska Legislative Resolve number 39 directed the Alaska Legislative Council to revise Title 29 of the Alaska Statutes (Municipal Government) with the assistance of a Policy Advisory Group. A group was appointed consisting of both public and legislative members. Members are:

Senator Arliss Sturgulewski-Chairman, Anchorage
Senator Bob Mulcahy, Kodiak
Representative Margaret Branson, District 5
Representative Charles Parr, Fairbanks
Ted Berns, Attorney, Municipality of Anchorage
Terry Cook, City Council, Alakanuk
Marilyn Dimmick, Assembly, Kenai Peninsula Borough
James Kohler, Manager, City of Yakutat
Ronald Larson, Mayor, Matanuska-Susitna Borough
Gene Moore, Manager, City of Kotzebue
Donna Sherby, City Clerk, City of Cordova
Jonathan Solomon, Mayor, City of Fort Yukon
Russell Walker, Attorney, City of Ketchikan and Ketchikan Gateway Borough

Ex-Officio Members are:

Ginny Chitwood, Alaska Municipal League,
Palmer McCarter, Department of Community & Regional Affairs
Phil Smith, RuralCAP

The first meeting of the Policy Group was in Anchorage on the 27th and 28th of August, 1980. At that meeting the Policy Group discussed the direction their policy decisions would take. It was agreed that Title 29 needed to be clarified so that elected officials could understand Title 29 without the help of attorneys, and that there needed to be greater self determination and latitude for local governments. A Technical Revision Committee was appointed to perform actual drafting. It is composed primarily of attorneys with expertise in municipal law.

The second meeting of the Policy Advisory Group was held in Anchorage on September 29th and 30th, 1980. Presentations were made by representatives of the Department of Environmental Conservation, the Department of Community and Regional Affairs, the Department of Health and Social Services, the Haines Borough Assembly, and Tanana Chiefs Conference, Inc. The Policy Group reviewed the work that had been done by the Technical Committee.

Chairman Sturgulewski attended the Alaska Federation of Natives convention and a meeting of the Alaska Village Council Presidents to answer questions and receive comments.

The latest Policy Advisory Group meeting was held in conjunction with the Alaska Municipal League's convention in Fairbanks, 10 and 11 November, 1980. Members of the public were heard including representatives from the City of Fairbanks, the City of McGrath, the City of Nome, the City of Saxman, the City of Homer, the Kodiak Island Borough, and the City of Unalaska. The Policy Group reviewed the work that the Technical Committee had accomplished.

To date changes in Title 29 granted preliminary approval by the Policy Advisory Group include a reorganization of the order of the sections, clarification and technical clean-up of the wording in many of the sections, and substantive changes in the area of initiative and referendum, recall, limitations on home rule powers, and procedures dealing with adoption of home rule or unification charters. However, all decisions made by the Policy Advisory Group are subject to further consideration and possible revision.

Sec. 29.06.010. HOME RULE. A home rule municipality is a municipal corporation and a political subdivision. It is a city of the first class or an organized borough which has adopted a home rule charter, or it is a municipality unified in accordance with AS 29.12.190 - 29.12.350. A home rule municipality has all legislative powers not prohibited by law or charter.

EXPLANATION: A reference to unified municipalities along with a cross-reference to provisions dealing with the organization of unified municipalities has been included so that this section will provide a complete definition of home rule. No substantive change.

Sec. 29.06.050. Repeal

EXPLANATION: This section deals with the transition period following the 1972 revision of the Municipal Code and is of no effect. The reclassification of municipalities to conform to provisions of the 1972 Code were to have been essentially completed within two years of September 10, 1972.

*Write
new transition
as last draft*

Sec. 29.09.180. ORGANIZATION GRANTS. (a) For the purpose of defraying the cost of transition to a municipal form of government and in order to provide for initial government operations, each municipality incorporated after January 1, 1981, or, for a second class city, reclassified after January 1, 1981 is entitled to an organization grant of \$150,000, except that a municipality which is merged, consolidated, or unified under AS 29.12. is not entitled to an organization grant.

EXPLANATION: Since no new municipality formed is likely to contain a great enough population to qualify for a grant over the minimum, the provision tying population to the amount of the grant has been eliminated in favor of a flat amount. The amount of the grant has been raised from \$25,000 to \$150,000 in recognition of the fact that setting up a government has become an expensive proposition and to encourage the formation of local governments despite this expense. In addition, a second class city will qualify to receive that grant as well as a city within an organized borough, whereas the existing law ties the amount of a grant to a second class city and to a first class city in an organized borough to its population. This change encourages the formation of local governments in rural areas where the population may be small. The formation of a city is expensive regardless of the size of the population. It is felt that the grant should be used to cover any initial government operation, so the terms "development and interim" were eliminated as unduly restrictive. The increased grant will be available only to a municipality formed after January 1, 1981.

*Do we need a diff. formula for formation of boroughs vs cities?
Seed money?*

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.12.260. COMPOSITION OF CHARTER COMMISSION.

(b) If at least one nomination of a qualified charter commission candidate is not filed in accordance with AS 29.12.240. for each available seat the resolution or petition for unification is void and no election on the question of unification shall be held.

*R-word
2nd class to be
cities included in area
outside cities.*

EXPLANATION: Subsection (b) has been added to avoid the expense and inconvenience of an election on unification where there is not enough interest in the question to assure that a charter commission can be formed. An alternative would be to provide for appointment of members when not enough nominations are received, but it was felt that in such cases basic interest in unification was probably lacking so the process should be halted.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.15.020. NOMINATION.

(b) A nomination petition shall be filed with the borough or city clerk on or before a date to be fixed by the borough assembly or city council. If at least seven nominations for qualified charter commission candidates are not filed, the petition or resolution calling for a charter commission is void and no election on the question shall be held.

EXPLANATION: Subsection (b) has been added to avoid the expense and inconvenience of an election on the question of forming a charter commission if not enough nominations for commission members are received. An alternative would be to provide for appointment of members in such cases but it was felt that failure to nominate a sufficient number of commission candidates indicated a general lack of interest in the formation of a charter commission.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.15.050. INITIATIVE AND REFERENDUM. (a) A municipal charter shall provide procedures for initiative and referendum.

EXPLANATION: This is technical clean-up creating no substantive change in existing law. However, it has been argued that the phrase "charters shall provide the procedures" refers to the procedures set out in Title 29 applicable to general law municipalities. Consequently, "the" has been dropped in order to clarify the fact that home rule municipalities are free to establish procedures which may differ from those set out in Title 29.

Sec. 29.15.110. LIMITATION OF HOME RULE POWERS.

(13) AS 29.24.340(a) (election and term of mayor) Repeal.

(19) AS 29.30.040 (voter qualification)

(28) AS 29.33.220 (expenditure of borough revenue) Repeal.

EXPLANATION: AS 29.24.340(a) provides that a home rule city may prescribe additional residency requirements by charter for eligibility to hold the office of mayor. This is not a limitation and does not properly appear in the list of home rule limitations. That section also stipulates that a mayor must be a municipal voter, but it is felt that those sort of administrative decisions ought to be left up to a home rule municipality.

AS 29.30.010 provides that three judges shall be appointed for each polling place and that the assembly or council prescribe rules for conduction elections. These appear to be administrative decisions properly left up to a home rule municipality. This section is eliminated from (19) as a limitation.

AS 29.30.030(b) provides that the assembly or council may call a special election upon at least 20 days notice. This is an administrative matter properly left up to home rule municipalities and was eliminated from (19). However, it was felt that AS 29.30.040 dealing with voter qualifications ought to be included as a limitation on home rule powers to preserve uniformity across the state in this area.

AS 29.33.220 provides that revenues collected on an areawide basis may be expended on general administrative costs and on areawide functions only. Likewise, revenues collected outside cites may be expended on general administrative costs and in providing services outside cities. It was felt that home rule municipalities ought to be given more flexibility in managing revenues.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.65.050. FULFILLMENT OF LAND ENTITLEMENTS.

(j) Notwithstanding AS 29.65.010 - 29.65.130, a municipality which is unable to satisfy its entitlement due to a shortage of vacant, unappropriated, unreserved general grant land suitable for residential, commercial or industrial purposes may fulfill its remaining entitlement by selection of other state land which is vacant, unappropriated and unreserved.

EXPLANATION: This added subsection addresses a problem which has come up when a municipality is formed in an area with little vacant state land nearby. This allows a municipality the option of selecting vacant state land which is not general grant land if general grant land is unavailable.

Sec. 29.30.017. ADMINISTRATION. The borough assembly or city council shall prescribe the rules for conducting a municipal election and shall appoint an election board composed of at least three judges for each precinct. ~~If possible, a judge shall be a voter of the precinct for which he is appointed.~~

EXPLANATION: Adds the provision that judges be appointed from among precinct voters in order to conform to the 1980 revision of AS 15.10.120. "The municipality may not alter voter qualification requirements of this title" was deleted because that issue is addressed in AS 29.28.030. Subsection (b) which makes this applicable to home rule municipalities was deleted to conform to the change suggested in the proposed draft of AS 29.15.110.

Unless no qualified voter is willing to serve, a judge shall be a voter of the precinct for which he is appointed.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.020. NOMINATIONS. (a) The assembly or council shall provide by ordinance the procedure for the nomination of elected officers by declaration of candidacy, or petition requiring the signatures of not more than 10 voters, or both.

EXPLANATION: This is a technical revision which does not substantively alter existing law.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.030. ELECTION DATES. (a) Unless otherwise provided by ordinance, a regular municipal election shall be held annually on the first Tuesday of October.

EXPLANATION: This is a technical revision assuring maximum flexibility for local governments.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.040. VOTER QUALIFICATION. (a) A person may vote if he meets the requirements of AS 15.05.010 - 15.05.040, has been a resident of the municipality for 30 days immediately preceding the election, is registered to vote in state elections and is not disqualified under article V of the state constitution.

(b) Voter registration by the municipality may not be required, and a municipality may not alter voter qualification requirements except that a municipality may by ordinance require a person to be a resident of the precinct, district, or service area in which he votes.

(c) This section applies to home rule and general law municipalities.

EXPLANATION: A reference has been provided to the voter qualification requirements for state elections. A municipality has been granted the flexibility of imposing a requirement that a person be a resident of the area in which he votes to avoid the possibility of people voting on nonareawide matters who will not have to live with the outcome of the vote.

Hold

Sec. 29.30.050. MAJORITY ELECTIONS. (a) ~~A municipality~~ may ~~by ordinance~~ provide for a runoff election if no candidate receives over 40 percent of the votes cast for the office of mayor or member of the assembly, council or school board.

Unless otherwise provided by ordinance there shall be

(b) A municipality may by ordinance require a majority vote for the election of officials. A runoff election or other means of obtaining a majority may be used.

(c) Unless provided otherwise by ordinance, a runoff election shall be held within three weeks from the date of certification of the election for which a runoff is required and notice of the runoff election shall be published at least five days prior to the election date.

EXPLANATION: Under existing law a runoff election is required if no candidate receives over 40 percent of the votes cast for his office. This has been liberalized to allow a municipality to provide for this by ordinance for certain offices only. Otherwise, the person who receives the greatest number of votes is elected. The provisions specifying when a runoff must be held and the notice requirements is no longer mandatory. In addition, the procedure set out in (c) for municipalities which desire more procedural guidance allows three weeks before the runoff is held rather than two. The additional time would enable cities within boroughs to coordinate their runoffs and hold them at the same time.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 20.30.095. APPLICATION FOR PETITION. (a) An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by at least ten municipal voters who will sponsor the petition, shall contain the address to which all correspondence relating to the application may be sent and shall be filed with the municipal clerk. Within two weeks the clerk shall certify the application if he finds that it is in proper form, and, for an initiative petition, that the matter

- (1) is not restricted by AS 29.30.090;
- (2) includes only a single subject;
- (3) relates to a legislative rather than to an administrative matter; and
- (4) would not be unenforceable as a matter of law.

(b) A decision by the clerk on an application for petition shall be subject to judicial review.

EXPLANATION: This section is new. The first part is modeled after section 2 of the initiative article in the state constitution. As drafted, the section would require the clerk to review an initiative for substantive legality, with his decision subject to appeal. This would allow for a judicial determination of the legality of an initiative prior to incurring the expense of an election.

*Other sponsors
may be added
at any time
prior to filing of
petition
names to clerk
by submitting*

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1930

Sec. 29.30.110. PETITION. (a) Within two weeks after certification of an application for petition, a petition shall be prepared by the municipal clerk. The petition shall *Add each*

(1) contain a summary of the bill to be initiated or the act to be referred;

(2) set out fully the ordinance or resolution sought to be initiated or referred;

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

(4) contain notice that signatures must be secured within 60 days of the date the petition is issued;

(5) contain spaces for each signature, the printed name of each signer, the date of each signature, and the residence and mailing address of each signer;

(6) contain a statement that the sponsor personally circulated the petition, that all signatures were affixed in his presence, that he believes the signatures to be those of the persons whose names they purport to be, ~~that each signer had an opportunity before signing to read the petition, that he believes each signer to be a municipal voter,~~ space for indicating the number of signatures on the petition, and space for the sponsor's sworn signature.

(b) Copies of the petition shall be provided to each sponsor by the clerk.

EXPLANATION: This section would require the clerk to provide the petition forms to the petitioners to insure that they are complete and legible. This is similar to the requirement imposed upon the Lieutenant Governor in state initiative proceedings. The petition contents are essentially the same as those provided in present law, with a shortening of the petition circulation time from 90 to 60 days, some expansion of the information the signers must provide, and the addition of the circulator's affidavit

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.120. REQUIRED SIGNATURES. (a) The necessary signatures on a petition shall be secured within 60 days ^{after} of the date the clerk issues the petition. The statement provided under AS 29.30.110 (a)(6) shall be completed and signed by the sponsor. Signatures shall be in ink or indelible pencil.

(b) A petition shall be signed by a number of voters residing within the municipality based on the number of votes cast at the last regular municipal election held on or prior to the date the petition was issued equal to

(1) 25 percent, when a municipality has fewer than 7,500 persons; or

(2) 15 percent, when a municipality has 7,500 persons or more.

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

(d) A petition signer may withdraw his signature upon written application to the clerk prior to certification of the petition.

EXPLANATION: This section carries forward the 60 day signature gathering period. It does not eliminate the possibility of an initiative or referendum on a matter which affects only a service area, but it does require that such petitions contain the same number of signatures as a petition on an areawide matter. Permitting a service area to initiate ~~and vote on~~ a matter on a service area basis is contrary to the concept of the service area being under the control of the entire legislative body, ~~and service areas will then have the authority to become essentially autonomous units of government.~~ Changes have been made to require rejection of a signature not accompanied by a legible residence address and to allow a signer to withdraw his name up until the time the petition is certified, whereas now he must withdraw within seven days after the petition is filed.

15% ~~signature~~
of size

Sec. 29.30.130. SUFFICIENCY OF PETITION. (a) The pages of a petition shall be assembled and filed as a single instrument. Within ten days of the date the petition is filed, the municipal clerk shall certify on the petition whether it is sufficient.

(b) If a petition is insufficient, it may ~~be amended~~ ~~or~~ supplemented with additional signatures obtained within 10 days after the date on which the petition is rejected.

(c) Within 10 days after the supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.

EXPLANATION: The only significant change makes it clear that in providing supplementary signatures, the sponsors have only ten days to gather the signatures and may not use signatures which were gathered prior to the first filing but not submitted, and that they may not use signatures gathered during the period in which the clerk is checking the petition.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.140. PROTEST. Repeal

EXPLANATION: Since the clerk determines the sufficiency of a petition, it was felt that allowing a protest to the municipal executive when a petition is rejected to be considered by the assembly or council would serve no purpose. The assembly or council would simply rely upon the clerk, since he has the voter registration records.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.150. NEW PETITION. Failure to secure sufficient signatures does not preclude the filing of a new initiative or referendum petition. However, a new application for a petition on substantially the same matter may not be filed sooner than six months after the petition is rejected.

EXPLANATION: This section was changed slightly to take into account the application procedure and to clarify that a new petition may not be filed dealing with the same matter, but that a petition on a different matter may be filed sooner than the six month period.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.160. PRESENTATION OF INITIATIVE. (a) When a petition seeks enactment of an ordinance or resolution within the powers of the assembly or council the clerk, after certifying it, shall present it to the assembly or council at its next regular meeting or special meeting called for that purpose.

(b) Unless substantially the same measure is adopted, an initiative measure presented to the assembly or council shall be submitted to ^{all} ~~the~~ voters ^{of the municipality} at the next regular municipal election held more than 45 days after the measure was presented to the assembly or council. If the assembly or council adopts substantially the same measure and if it is not vetoed, the petition is void and the question shall not be submitted to the voters.

(c) The ordinance or resolution initiated shall be published in full in the notice of the election but may be summarized on the ballot to indicate clearly the proposal submitted.

EXPLANATION: The changes allow for the submission of a measure at any time of the year, but provides it would be placed before the voters at the first regular election occurring 45 days after submission to the assembly or council. Since the clerk determines whether the subject is within the restrictions and since this determination is subject to judicial review, the assembly or council no longer makes that determination. This section requires an areawide vote whether the matter is areawide or nonareawide because a service area should not be allowed to become autonomous.

160
use
lang. of 170
clerk to put on
ballot unless
if assembly does not
act

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.170. PRESENTATION OF REFERENDUM. (a) Unless the ordinance or resolution is repealed, when a petition seeks a referendum vote, the clerk shall submit the matter to the voters ^{At the municipality} at the next regular or special election. If no regular or special election occurs within 75 days of the certification of a petition, the assembly or council shall hold a special election within 75 days of filing.

(b) If a petition for referendum is certified before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension, the assembly or council may not enact an ordinance or resolution substantially similar to the suspended measure.

(c) If the assembly or council repeals the ordinance or resolution before the referendum election, the petition is void and the matter referred shall not be placed before the voters.

(d) If a majority vote favors the repeal of the matter referred, it is repealed. Otherwise, the matter referred remains in effect or, if it is suspended, becomes immediately effective.
upon certification of the election

EXPLANATION: The ability to suspend an ordinance or resolution which had taken effect when a petition is filed within 30 days of the passage of the ordinance or resolution has been deleted to avoid the apparent ability of a part of the voters to exercise a temporary repeal. The reference to amending a charter by initiative or referendum was deleted as it is covered under AS 29.13.080. This section once again requires submission of the question to the areawide voters.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.180. EFFECT. (a) An ordinance or resolution adopted in an initiative election or adopted after a petition which contains substantially the same measure has been filed may not be repealed ~~or amended~~ by the assembly or council within ~~two~~ ^{one year} years of its effective date. *It may be amended at any time.*

(b) If an ordinance or resolution is repealed in an referendum election or by the assembly or council after a petition which contains substantially the same measure has been filed, substantially similar legislation may not be enacted by the assembly or council for a period of one year.

(c) An unsuccessful initiative or referendum precludes the filing of a new petition application for substantially the same measure sooner than six months after the election results are certified by the assembly or council.

EXPLANATION: Technical revisions and a change in (c) to accommodate the petition application process.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.210. ^{who holds} RECALL. ^(a) An application for a petition for the recall ^{a person holding an elective office of a home rule or general law} of a ~~mayer or a member of the assembly, council, or~~ school board ~~may be~~ filed with the municipal clerk after the official has served six months of the term for which elected or appointed.

→ (b) ~~This section applies to general law and home rule municipalities~~

EXPLANATION. This section lists the municipal officials which may be recalled rather than providing for the recall of an elected official in order to avoid the possibility of recalling service area board members who may be elected officials. It clarifies the dates to be used in determining when the six month period has run and includes the possibility of recalling officials who are appointed to elected positions.

use existing law but
add appointed -

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.220. GROUNDS. Grounds for recall may include any grounds which constitute failure to perform official duties to the satisfaction of petitioners.

EXPLANATION: This section broadens the grounds for recall in order to avoid forcing petitions to name a ground in a petition which has no connection with the real reasons which may inspire a recall effort. It is felt that an elected official ought not to be subjected to being labeled incompetent or guilty of misconduct or failure to perform his duties in a petition when the reason for a recall effort may not be based on any of those things.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.225. APPLICATION FOR RECALL PETITION. An appli-^(mine) cation for a recall petition shall ^{be filed with the municipal clerk and shall} contain

- (1) the signature and residence address of at least ten voters who will sponsor the petition; ^{← additional sponsors may be added at any time see pg. 14}
- (2) the address to which all correspondence relating to the application may be sent;
- (3) a statement in 200 words or less of the grounds of the recall stated with particularity as to specific actions, ~~pertinent ordinances, laws, regulations, or judicial decrees.~~

EXPLANATION: This section requires a submission of an application to the clerk for a recall petition. The clerk will provide petition forms and the application procedure is necessary in order to allow the official sought to be recalled to be given an opportunity to have his statement included on the petition.

ok - see (a) (b) to (1) (2)

add by submitting these names to the clerk

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.230. PETITION. (a) If the municipal clerk determines that an application for a recall petition meets the requirements of AS 29.30.225, he shall submit a copy of the application to the official who is the subject of the application. The official shall have ten days from receipt of the application to provide the clerk with a statement of 200 words or less if he so chooses.

(b) The clerk shall prepare a recall petition containing
(1) the name of the official sought to be recalled;
(2) The statement of the grounds for recall as set forth in the application;

(3) if provided, the statement of the official sought to be recalled;

(4) the date the petition is issued by the clerk;

¹⁰
~~30~~ days of the date the petition is issued;

(6) spaces for each signature, the printed name of each signer, the date of each signature, and the residence and mailing address of each signer;

(7) a statement that the sponsor personally circulated the petition, that all signatures were affixed in his presence, that he believes the signatures to be those of the persons whose names they purport to be, ~~that each signer had an opportunity before signing to read the petition, that he believes each signer to be a municipal voter,~~ space for indicating the number of signatures on the petition, and space for the sponsor's sworn signature.

should change to conform p. 15

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

EXPLANATION: This section sets forth requirements similar to those proposed under the initiative and referendum procedures as it relates to petition content. Requiring the clerk to prepare the petition insures that it is complete and legible. The period of time within which signatures must be collected has been reduced to 30 days to minimize the period of disruption in government created by a recall effort.

✓ Statement of person being recalled deleted

Article 10 not applicable

what happens if Technical Comm. in event clerk is not present

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.240. REQUIRED SIGNATURES. (a) The necessary signatures on a recall petition shall be secured within ~~30~~⁶⁰ days of the date the clerk issues the petition. The statement provided under AS 29.30.230(b)(7) shall be completed and signed by the sponsor. Signatures shall be in ink or indelible pencil.

(b) If a petition seeks to recall an official who represents the municipality at large, the petition shall be signed by 35 percent of the voters residing within the municipality based on the number of votes cast at the last regular election for that office. ^{held prior to the petition} If a petition seeks to recall an official who represents a district, the petition shall be signed by 35 percent of the voters residing within the district based on the number of votes cast at the last regular election for that office. ^{held prior to issuance of the petition}

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

(d) A petition signer may withdraw his signature upon written application to the clerk prior to certification of the petition.

EXPLANATION: This section continues the 30 day signature gathering period and clarifies which election is to be used as a standard for determining the number of signatures required. The number of signatures required has been increased as compared to the number required for initiative and referendum because it is felt that recall is an especially disruptive process which should be more difficult to initiate. However, the signature requirement is based on the number who voted in a municipal rather than a state election. It is expected that this number will reflect a relatively low turnout, and therefore that it is not as difficult a requirement as may appear.

*date to determine
E. income
petitioner of
no. of signature required*

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.250. SUFFICIENCY OF PETITION. (a) The pages of a petition shall be assembled and filed as a single instrument. Within ten days ^{after} of the date the petition is filed, the municipal clerk shall certify on the petition whether it is sufficient.

(b) If a petition is insufficient, it may ~~be amended~~ or supplemented with additional signatures obtained within ten days after the date on which the petition is rejected, except that a petition which is insufficient on its face may not be ^{reworded} supplemented. It shall be rejected and filed as a public record.

(c) Within ten days after the supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.

EXPLANATION: Unlike the situation in initiative and recall, this section does not allow additional time for obtaining signatures when a petition is filed which does not have enough signatures even before any are disqualified. This keeps a petitioner from filing an insufficient petition to gain additional time to gather signatures. Once again, it is felt that in the case of a recall effort, the process ought not to be prolonged.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.260. NEW ^{RECALL} PETITION. The rejection of a petition for any reason does not preclude the filing of a new recall petition. However, a new application may not be filed sooner than six months after a petition is rejected.

EXPLANATION: Filing a new petition prior to the six month waiting period is prohibited even though the petition is rejected for a reason other than failure to obtain sufficient signatures. Under existing law, failure to obtain sufficient signatures alone triggers the waiting period.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.270. SUBMISSION. If a recall petition is sufficient, the clerk shall submit it to the assembly or council at its next regular meeting.

EXPLANATION: This section requires the clerk to submit the petition at the next regular meeting rather than immediately as required under existing law.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.280. ELECTION. (a) If a regular election occurs within 75 days, but not sooner than ⁴⁵~~40~~ days after submission of the petition to the assembly or council, the assembly or council shall submit the recall at that election.

(b) If no regular election will occur within 75 days, the assembly or council shall hold a special election within 75 days but not sooner than ⁴⁵~~40~~ days after a petition is submitted to the assembly or council.

(c) If a vacancy occurs in the office after a sufficient recall petition is filed with the clerk, the petition shall not be submitted to the voters. The assembly or council may not appoint the official who resigns from an office after a sufficient recall petition is filed naming him to the same office.

EXPLANATION: The 40 days requirement was added to insure that a petition submitted after the legal notices of a regular election were published would not complicate the election. Added in section (c) is the prohibition against the appointment of an official who resigns after a sufficient recall petition is filed.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.290. FORM OF RECALL BALLOT. A recall ballot shall contain

(1) the grounds as stated in 200 words or less on the recall petition;

(2) the statement of the official ~~which appeared on the recall petition or a statement~~ of 200 words or less which is filed with the clerk for publication and public inspection within 20 days before the election;

(3) the following question: "Shall (name of person) be recalled from the office of (office)? YES () NO ()".

EXPLANATION: This section makes reference to the fact that the statement of the grounds is limited to 200 words or less and provides that the statement of the official used on the petition will appear on the ballot unless the official provides a different statement.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.300. ELECTION PROCEDURE. Procedures for conducting a recall election are those of a regular municipal election if the question is submitted at a regular election. Procedures for conducting a recall election are those of a special election if the question is submitted at a special election, except that *at least* 20 days notice shall be given notwithstanding an ordinance or charter provision to the contrary.

EXPLANATION: This section was changed to provide for cases in which a recall election is held as a special election.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.310. MAJORITY REQUIRED. A majority vote is required to recall an official. Only those voters residing in the district or area which elects an official may vote on the recall of the official.

EXPLANATION: This section adds a new sentence which makes it clear that if an official is elected by the voters of a district, then only those voters may vote to recall him.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.320. EFFECT. If a majority votes to recall an official, the official's seat shall become vacant immediately upon certification of the result of the election. If an incumbent is not recalled at a recall election, an new application for a petition to recall the same incumbent may not be filed sooner than six months after the date the election is certified.

EXPLANATION: The first sentence was added to make it clear when a recalled official loses his seat. The second sentence clarifies the fact that the commencement of the six month period is the date of certification of the election results.

What if only 2 are left

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.330. SUCCESSORS. (a) If ^{an} ~~one or more~~ official~~s~~ is recalled from an assembly or council, the assembly or council, by the affirmative vote of a majority of the remaining members, may appoint a qualified person to fill a vacancy created by the recall.

(b) If all members of the assembly or council are recalled, the governor shall appoint at least three qualified persons to the assembly or council. The appointees shall, by an affirmative vote of the majority, appoint additional members to fill remaining vacancies.

(c) If ~~one or more~~ ^{all} officials are recalled from a school board the assembly or council may appoint a qualified person to fill a vacancy created by the recall.

(d) A person appointed under (a) - (c) of this section shall serve until a successor is elected and takes office.

Write

(e) If an official is recalled the clerk, ^{without further action} shall conduct ^{by the assembly or council} an election for a successor to fill the unexpired portion of the ~~term~~ ^{term}. The election shall be held at least ten but not more than 60 days from the date of certification of the recall election, except that if a regular or special election occurs within 75 days of the certification of the recall election and the certification occurs at least 20 days prior to the latest date upon which first notice of the election must be published, the successor to the recalled official shall be chosen at that regular or special election. The procedures and requirements for the regular election for the office from which the incumbent is recalled apply to the election conducted under this section; provided, nominations may be filed until the later of seven days before the latest date upon which first notice of the election must be published or the deadline for the filing of nominations for regular elections. Nominations may not be filed before the certification of the recall election.

EXPLANATION: This section has been expanded to prevent a local government from having to attempt to operate without a quorum of elected officials. Section (e) was changed to take into account times required for election notice and nominations.

Bonnie - Rural Cap

1- Recognize "IRAs" - Legislature never meets as assembly for unorganized boroughs.

2. Recommendations referral to technical committee

Artiss - refers to staff to prepare memo on these issues.
Discussion on powers to be altered deferred

Typos

34/ 19/ 7/ 8

1st day

Bill Wood - Ex-Mayor, Fairbanks

- Tax incentives for business

1) Tax credit for period of construction

2) credit for period of start-up of business

ie Freeze value of prop for construction period up to 10 years.

Requests clarification of 2153.025 - Does Fairbanks have authority to do this under existing law?

Exempt from Fairbanks from provisions of 2153.025

Arthur - Technical group to address these issues.

John Halliwell - things

Eliminate 3rd class boroughs - need planning

for McGrath - 2nd class city inc incorporated

1) on

2) no

Recommendations

1) 2nd class city and incorporating in city / town

2) eliminate classes of cities - local option to assume powers, manager term & pay.

3) allow services to be provided by IRAs, etc

Not
regulations

4) Regional entity, elected, non-regulatory which
can deal with state

Even Widom - City Manager, Nome
- Keep options open - don't eliminate forms of
gov.

Saxman -

Planning for communities - brought has too
much power

Services are inaccessible to 2nd class cities -

Skinner - city manager

29-48.260 - lease of $\frac{1}{4}$ million at least
without competitive bidding

"new industry" - anticipated by st. to
mean new type of industry -

- Alaska 1st class city to assume planning
power in case not exercised by borough

Winn - Kodiak Island Borough -

29.30.160 - mandate special election for
initiatives -

Dir. of Planning - City of Unalakleet -

has reference obligations of st. not contained
in Title 29

Mayor - Nome -

Lee - can recommend repealing - Young People
Legal - Dir. Cities

Ryan - attorney - covering qualified voters or
petitioners

SUMMARY OF ATTORNEY GENERAL MEMOS AND OPINIONS CONCERNING TITLE 29 - 1972-80

1. AS 29.03.210 - .240 - (M) July 3, 1979
Vacation of a state easement across state-owned land does not constitute "disposal of an interest in land" and strict statutory requirements of notice for disposals of state land are not required. Notice required by due process are fulfilled by the notice procedures set when the state is acting as a platting authority in the unorganized borough and in third class boroughs under AS 40.15.075.
2. AS 29.13.010, 29.53.055 - (O) August 29, 1978
A strict tax-limit ordinance conflicts with state law and is void. An ordinance which, without exception, limits property tax rates would impair the obligation of contracts.
3. AS 29.13.100 - (M) July 10, 1978
Home rule boroughs are not precluded from establishing their own postsecondary educational institution which is independent of the University of Alaska.
4. AS 29.13.100, 29.48.037 - (O) May 5, 1977
Because AS 29.48.037 is identified by AS 29.13.100 as among those provisions which a home rule municipality may not provide to the contrary, it is exclusive and no additional services may be provided or jurisdiction exercised extraterritorially by any municipality. Only the matters provided for in AS 29.48.037 are within a municipality's power and it may not levy an extraterritorial tax. Insofar as revenue sharing is available for providing a service or facility identified in AS 29.48.037, a municipality providing the service or facility extraterritorially should qualify. Ownership of the situs of the facility should have no effect except insofar as a provision on revenue sharing may contemplate ownership as a condition of eligibility. If a municipality operates a park, it makes no difference that it is on federally owned land.
5. AS 29.13.100, 29.53.035 - (O) May 19, 1972
Farm lands must be assessed at their value for farm use only.
6. AS 29.18 - (M) July 27, 1979
The Department of Natural Resources may not grant municipal and ANCSA selections of state land within the capital site at Willow.
7. AS 29.18.180, 29.18.200-.460 - (M) February 22, 1978
Development cities are not entitled to an organization grant, only to land (AS 29.18.420) and to shared revenue (AS 29.18.440).
8. AS 29.18.190 - (M) February 14, 1974
Lands leased for oil and gas are not vacant for municipal selection. Lands classified "resource management" are appropriated and removed from municipal selection.
9. AS 29.18.201 et seq. - (M) May 22, 1979
The Department of Natural Resources should not put land selected by municipalities or by Cook Inlet Regional Corp. into the land disposal bank even though there is insufficient state land available to meet the acreage limits suggested by the letter of intent accompanying the provision creating the land disposal bank.

10. AS 29.18.201 et seq. (M) May 18, 1979
The Department of Natural Resources is obligated to approve and convey leased land which has been selected by a unified municipality prior to July 1, 1979, the effective date of the act changing this obligation.
11. AS 29.18.202 - (M) October 19, 1978
The director of the Division of Lands may use AS 38.053.315 to do substantial equity for municipalities which do not contain "vacant, unappropriated, unreserved general grant land" for purposes of municipal selection. Mental health lands are not "general grant lands" for purposes of municipal selection.
12. AS 29.18.205(e) - (M) December 15, 1978
A nomination of land for selection by a municipality segregates it from homestead appropriation. (Interpretation of the Alaska Homestead Act.)
13. AS 29.28.030 - (M) December 15, 1978
Re-registration in a new municipality is not required before a person may vote in the municipal elections. The statute requires only 30 days residency and registration to vote in state elections.
14. AS 29.18.213(12) - (M) June 20, 1979
Kodiak Borough selections of land classified as timber land on Shutak Island should not be approved. Timber land is not "vacant, unappropriated, unreserved land" unless classified in accordance with an agreement between a municipality and the state providing for state management of municipal land.
15. AS 29.18.340, 29.23.555 - (O) September 27, 1972
A conflict of interest would arise in the event that a state employee who serves as a member of a Development City Council should also have a stock interest in the major development company.
16. AS 29.18.360, .460, 29.33.010(b), .050, .070 - (M) April 6, 1978
A development city, during its development stage, could take over planning and zoning under AS 29.33.080 from the borough, though it need not do so. An organized borough retains full authority over any schools. It is the borough, and not the development city, which must develop and adopt the district coastal management program, however, the development city's plan must be considered by the borough when it develops and adopts the coastal management program.
17. AS 29.23.020 - (M) November 6, 1978
Re-apportionment must occur when the existing apportionment does not meet equal protection (one-man, one-vote) standards. Redistribution of voting power among the existing membership (weighted voting) does not meet re-apportionment requirements for borough assemblies.
18. AS 29.23.020 - (O) February 25, 1974
The municipal code, not AS 14.12.030(a), governs the size of assembly-school boards in third class boroughs. Localities were intended to have broad latitude in determining the composition of their assemblies and the narrow restrictions on size of school boards ought not to be applied where the assembly also serves as school board.

19. AS 29.23.020(a) - (O) February 9, 1973
Inclusion of non-resident military personnel and dependents in the population base for purposes of apportioning representation on a borough assembly is not constitutionally required.
20. AS 29.23.021 - (M) March 21, 1980
Apportionment plan may provide for district-at-large representation absent an attempt to underrepresent a racial or political minority.
21. AS 29.23.021 - (M) March 20, 1980
Weighted or fractional voting is not a constitutionally valid method of reapportionment.
22. AS 29.23.100 - (O) October 31, 1974
School boards must be elected at large rather than from zones.
(Incorrect - see (O) Aug. 29, 1977)
23. AS 29.23.170(a) - (O) May 2, 1977
The mayor may veto the "local source" resolution but he may not exercise an item veto upon it (or the subsequent appropriation) to strike or to reduce any of its items. The item veto is to be used solely on appropriation and may not be used on school budget "items." The "local source" resolution (setting the total amount of local money to be used to finance schools) is not itself an appropriation but rather sets the limit and advises school officials of it. A subsequent enactment makes the appropriation.
24. AS 29.23.310 - (O) August 29, 1977
Borough school board members may be elected from zones, but they must be elected only at-large from zones (while they represent the zone in which they reside, they are responsible to the entire borough electorate).
25. AS 29.28 - (O) June 6, 1977
Inaccuracy of recall petition's allegations is not concern of election officials or the courts and is irrelevant. The only question to be decided is whether or not the charges are sufficiently specific to allege incompetence or misfeasance if they were in fact true.
26. AS 29.28.140, .150(a) - (O) April 12, 1977
Recall petitions must allege specific instance of misconduct, incompetence, or failure to perform prescribed duties. Voters alone determine merits of recall petitions.
26. AS 29.23.010(b), 29.58.340 - (M) January 24, 1980
A power becomes areawide with respect to a borough and any city within it upon the duly authorized transfer of the power from the city to the borough. With respect to a city in the borough which did not transfer the same power, it is not areawide. A city which has transferred a power is not prohibited from exercising that power if the borough failed to do so.
27. AS 29.33.150 - (O) March 24, 1980
State subdivision legislation does not pre-empt local zoning of post-sale private development. A municipality may not disapprove a state subdivision plat, or prevent the sale of lots in that subdivision, based upon the fact that the land is not residentially zoned by the municipality. In the platting process, the municipality may attach

reasonable terms and conditions -- including conditions relating to lot size, configuration and layout. Private buyers of lots within a state subdivision are not immune from local zoning, so, although the zoning ordinance may not be used to prohibit platting of the subdivision, or the subsequent sale of lots, the ordinance does control subsequent private development.

28. AS 29.33.150 - (M) January 21, 1980
A borough cannot require the state to do the following work in relation to a subdivision of state land: 1. define transportation corridors to be utilized for access to subdivisions; 2. analyze defined transportation corridors as to grade and soils to insure the feasibility of borough standard road construction; 3. in all areas in the subdivision proposal where existing grades indicate potential problems, submit proposed road plans and profiles to the satisfaction of the engineering department.
29. AS 29.33.250 - .290, 29.38.020 - .030 - (M) July 26, 1979
While a first class or home rule borough can acquire additional areawide powers merely by transfer from the city, a second class borough can do so only with respect to powers which it has already acquired to be exercised in the area outside cities. That requires an election in most instances.
30. AS 29.33.010(b), .260(b), .290(c) - (M) January 24, 1980
The borough is under a duty to exercise the powers which are transferred to it when it approved the transfer. City ordinances become borough ordinances and the borough has a duty to enforce them until they are repealed or amended by the borough assembly. A city may no longer exercise power transferred to the borough, except that a city may exercise a power which is not being exercised by the borough.
31. AS 29.33.290, .360, .550 - (M) April 20, 1979
A general law municipality may not provide by ordinance for the powers to confirm appointments, suspensions, and discharges of municipal officers and employees to be extended to include more than is prescribed by the Municipal Code.
32. AS 29.33.290, 29.48.030 - (M) February 6, 1979
No authority exists for a borough to divest itself of an areawide power and thereby restore it to a city from which it was previously transferred. Cities may presumably act as agents or contractors of the borough for carrying out its exercise of the power.
33. AS 29.33.290(c) - (O) - March 5, 1973
North Star Borough succeeds to Fairbank's interest in Alaska land notwithstanding statutory conditions on forgiving the loan by the State Bond Committee
34. AS 29.41 - (M) January 6, 1977
Third class boroughs are nothing more than school districts.
35. AS 29.43.020, 29.48.010(7), 29.53.415(a), .440, .450 - (M) January 9, 1980
The limitation placed on a borough's sales tax is three percent. A bed tax on hotel occupants should be considered a sales tax subject to the limitation.

- 29.53440
36. AS 29.48.010, ~~440~~^{29.53440} - (O) August 14, 1973
A city of any class has the power to levy and collect sales taxes. Sale of utility services is a sale for sales tax purposes. Public utility cooperatives are exempt from all local sales and use taxes however. No local tax upon a utility company can be passed on to utility subscribers outside the local unit of government.
37. AS 29.48.010 - .035, 29.68.440 - (M) September 30, 1976
The Municipality of Anchorage has the power to contract to maintain local roads and trails.
38. AS 29.48.010(4) - July 16, 1975
Powers and functions may be conferred on municipalities by statutes not contained in the Municipal Code. AS 44.47.180-.230 constitute effective law and second class boroughs need not acquire additional powers under AS 29 in order to authorize expenditures of administrative costs required by those sections.
39. AS 29.48.010(11), .210 - (M) May 12, 1975
Boroughs may advance monies from their general funds to their service areas even in the absence of specific statutory authority.
40. AS 29.48.130(a)(5) - (M) October 21, 1977
Implementation of a CETA regulation regarding retirement benefits may require action by Anchorage to fund retirement contributions. Under state law, municipal funds may be used to fund these benefits only if the municipal assembly or council enacts an ordinance to that effect.
41. AS 29.48.200 - (M) July 24, 1979
Municipalities can prescribe mandatory sentencing for OMVI. The maximum for violating any local ordinance is \$500 and 30 days.
42. AS 29.48.260 - (M) August 22, 1979
For the limited purpose of providing certain facilities in rural areas, Regional Housing Authorities may be considered political subdivisions of the state. A municipality may dispose of its property to a political subdivision, so a racially exclusive regional association can receive municipal property for public housing programs.
43. AS 29.53.020, ~~29.53.020~~^{29.53.020} .045 - (M) November 9, 1977
A city may prohibit hunting as a safety measure within city limits, but not for wildlife management purposes.
44. AS 29.53.020(a) - (M) March 7, 1979
No amendment to AS 29.53.020 could modify the definition of taxable property for purposes of the general statewide property tax. The "business inventories" exemption from municipal property taxation will not affect total state revenue.
45. AS 29.53.020(a)(3), .020(c) - (M) April 5, 1973
To remain tax exempt, property may generate income solely for the statutorily expressed purposes. The income derived from property must be from only its use as classroom space under this section.
46. AS 29.53.020(e) - (M) August 17, 1979
By interpretive regulation, a property tax exemption can be limited to comport with legislative intent. The Department of Community and Regional Affairs may define "permanent place of abode" as being

limited to not more than one acre if urban nor more than five acres if rural because the legislature intended to relieve senior citizens from tax burdens on their dwellings, not to create a windfall for holders of vast tracts of land. However, such a regulation must be adopted under the APA to have legal effect.

47. AS 29.53.020(e) - (g), .025 (M) September 17, 1975
State must reimburse municipalities for senior citizen exemptions even though the local tax code also exempts the property from taxation, but the Department of Community and Regional Affairs could adopt interpretive regulations stipulating that payments will be made to a municipality for revenue lost to it for claims only to the extent that senior citizens' exemption exceeds an exemption the senior citizens are eligible for under municipal ordinance.
48. AS 29.53.045, .045(e), .050 - .(0) May 16, 1978
The military population should be included in the total when calculating the average per capita assessed valuation in the state.
49. AS 29.53.045, .050 - (M) May 2, 1978
AS 29.53.045(a) gives a municipality a choice as to the methods of taxation, but both methods are subject to the 30 mill limit.
50. AS 29.53.135 - (M) February 10, 1978
The phrase "at least ... over and above the number required for a quorum" means at least one more than a quorum. Since the statute does not set a maximum number, it may be set by ordinance. The phrase "number of members of" refers to the number required for a quorum and does not require an appointed board's membership to include assembly members. (Suggests that this statute be rewritten.)
51. AS 29.53.180(b), .390(b) - (M) December 21, 1979
Municipalities must pay interest on excess tax penalties they have levied. A municipality may initiate refunds on its own motion.
52. AS 29.53.405 - (M) February 1, 1980
Differential tax zones within cities are authorized. Changes in differential tax zones may be made by ordinance without voter approval.
53. AS 29.53.415 - (M) October 6, 1976
A city may impose a tax upon retail sales and limit it to intoxicating liquor, or apply a higher rate to the sale of alcoholic beverages than the sales of other commodities.
53. AS 29.53.415, .440, .450 - (M) August 21, 1973
A municipality may impose a sales tax on the sale of intoxicating liquor.
54. AS 29.63.010, 29.53.010-.020 - (M) April 23, 1974
State property is subject to special assessments by units of local government for improvements which benefit the property
55. AS 29.63.065 (M) October 24, 1975
The state must reimburse a municipality for special assessments which persons 65 years of age or older are exempt from paying in full at its initial levy, not in installments as allowed in AS 29.63.060.

56. AS 29.63.090 - (O) January 14, 1974
Depending upon circumstances, a service area can embrace one or more cities as well as unincorporated areas.
57. AS 29.68.010(b)(3), 29.78.010 - (M) August 24, 1979
The state and the United States need not be considered "property owners" for purposes of obtaining consent to annexation by ordinance. This way property-owner consent is not lost when state or federal holders of rights of way, easements, railroads, streambeds and the like do not consent to annexation.
58. AS 29.68.010(b)(3) - (M) April 17, 1979
The Bureau of Land Management's townsite trustee is a "property owner" for purposes of the requirement of obtaining consent to annexation.
59. AS 29.68.020 - (O) April 29, 1975
The repeal of the provision which excluded military reservations from mandatory boroughs did not thereby cause their inclusion. The borough must annex military reservations.
60. AS 29.68.240, .410 - (O) February 18, 1976
A unified municipality can issue general obligation bonds approved by the voters of its predecessor units of government.
61. AS 29.68.500 - (O) October 5, 1973
Including an existing city within a new city does not, in itself, dissolve it. (This is probably wrong, i.e., the lesser is probably swallowed by the greater.)
62. (M) August 21, 1973
There is no state law which prohibits boroughs and municipalities from levying user charges and industrial cost recovery assessments for waste treatment facilities which have been federally funded.

Notes Working group.

Sept 19, 1982

1. Clarify status of unified mun. - are home rule
- 2.) 29.08.050 - Transition. - Repeal
- 3) REAA's - how to handle integration into ^{Newly} organized boroughs
- 4) Organizational grants are inadequate 29.18.180 Triple?
- 5) 29.65.210 - leg. body to appoint in case of vacancies on Commission because of failure to elect enough people.
- 6) 29.68.440. - What is a unified municipality?
- 8) Perentage requirements for petitions
- 9) Voters what type of election?
- 10) Methods for dissolution are confusing?
- 11) 29.13.000 - initiative and referendum for H.R., clarify so H.R. not bound by procedures set out in statute
- 12) More precise way of dealing with inconsistencies between H.R. & State enactments
- 13) 29.13.8100 - review "laundry list" limitations on H.R.
- 14) What to do with Dev Cities?
Should we repeal or attempt drafting improvements on.
- 15) Public Records policy?
Except as provided by ordinance, all records shall be public.

(16) 29.23.050 - Residency requirement? 5 years to one year.

Assemblymen, councilmen, voters?

(17) Quorum - majority requirement 29.23?

(18) Terms of mayors, etc. - allow gen law municipalities to provide otherwise?

(19) Provide for emergencies arising when there is lack of quorum

(20) 29.48.130 - Acts required to be by ordinance, how about shifting budget? by motion or resolution.

(21) Extent of mayor's veto?

(22) Planning in city / borough. How ~~are~~ planning responsibilities to be divided between cities

(23) Repeal Youth programs and boroughs?

At 20th working group meeting

I. General Provisions Applicable to All Municipalities

Chapter 03.	The Unorganized Borough
29.03.010	Establishment
29.03.020	Service areas
Chapter 08.	Classification of Municipalities
29.08.010(80)	Home Rule
29.08.020	General Law
29.08.030	Classes of general law
29.08.040 (S)	Reclassification
29.08.050	Transition (should repeal)
Chapter 18	Incorporation
Article 1.	Requirements
29.18.011(S)	Incorporation of cities
29.18.021(S)	Limitations on incorporation of cities
29.18.030	Organized boroughs
Article 2.	Procedures
29.18.050(80S)	Petition
29.18.060	Review
29.18.070(S)	Investigation
29.18.080(S)	Report and hearing
29.18.090(S)	Decision on municipal incorporation
29.18.110(S)	Incorporation Election
29.18.120(S)	Election of initial officers
29.18.130	Integration of special districts and service areas.
29.18.140	Transition
29.18.150	Challenge of legality

Article 3.	Transitional Assistance
29.18.180	Organization grants
Article 3A.(S)	General grant land
29.18.201(S)	Determination of entitlement of boroughs and unified municipalities
29.18.202(S)	Determination of entitlement for cities
28.18.203(S)	Determination of entitlement for newly incorporated municipalities
29.18.204(S)	Status of entitlements
29.18.205(S)	Fulfillment of land entitlements
29.18.206(S)	School, university, and mental health land
29.18.207(S)	Selection and conveyance procedure
29.18.208(S)	Payment for land deficiency
29.18.209(S)	Authorization for land exchanges
29.18.210(S)	Public purpose and expansion needs
29.18.211(S)	Election of benefits
29.18.212(S)	Administration
29.18.213(S)	Definitions
Chapter 13.	<u>Formation of Home Rule Municipalities</u>
Article 1.	Charters
29.13.010(80)	Municipal charter adoption
29.13.020	Nomination
29.13.030	Election
29.13.040	Preparation of charter
29.13.050	Initiative and referendum
29.13.060	Charter election
29.13.070	Charter adoption
29.13.080	Charter amendment

Chapter New

[CHAPTER 33].

Article 1.

29.33.010(S)

[ARTICLE 5.

29.33.250

29.33.260

29.33.270

29.33.280

29.33.290

Article 2.

[CHAPTER 38.

29.38.010

29.38.020(S)

29.38.030

29.38.040

29.38.050

Article 3

[CHAPTER 43.

29.43.010

?29.43.020

?29.43.030

?29.43.040(S)

29.43.100(S)

29.43.105(S)

29.43.110(S)

Powers and Duties of Municipalities

[AREAWIDE BOROUGH POWERS AND DUTIES]

[SCOPE] Areawide Borough Powers and Duties

Scope of areawide powers

ADDITIONAL AREAWIDE POWERS]

Additional areawide powers

Transfer by city

Petition for power

Investigation

Election

Borough Powers and Duties in the Area Outside Cities

BOROUGH POWERS AND DUTIES IN THE AREA OUTSIDE CITIES]

First class borough

Second class borough

Additional powers

Investigation

Election

Powers of Cities Outside Boroughs

POWERS OF CITIES OUTSIDE BOROUGHs]

Additional powers

Assessment and tax collection

Education

Planning and zoning

Extension of curfews outside cities

Enforcement of curfews

Penalty for violation of curfew

Article 4

[CHAPTER 41.

29.41.010(S)

Chapter New

29.48.037(S)

Chapter New

[ARTICLE 5.

29.23.310

29.41.020(80)

Chapter 68.

Article New.

29.73.050

Article 1.

29.68.010

29.68.020(S)

Article 2.

29.68.030

29.68.040

29.68.050

29.68.060

29.68.070

29.68.080

29.68.090

29.68.100

29.68.110

Powers of Third Class Boroughs

POWERS OF THIRD CLASS BOROUGH[S]

Powers of third class boroughs

Extraterritorial Jurisdiction of Municipalities

Extraterritorial jurisdiction

School Boards

SCHOOL BOARDS]

Election

Assembly to serve as school board

Alteration of [BOUNDARIES] Municipalities

Change of Name

Change of municipal name

Annexation and exclusion

Local boundary commission

Annexation of military reservations

Merger and consolidation

Methods of merger and consolidation

Petition

Review

Investigation

Report and hearing

Decision

Election

Assets and liabilities

Ordinances

Article 3.

Unification of Local Governments

- 29.68.240 Unification of local governments authorized
- 29.68.250 Unification to be proposed by petition
- 29.68.260 Petition requirements
- 29.68.270 Review of petition
- 29.68.280 Call for charter commission nominations
- 29.68.290 Nomination of charter commission candidates
- 29.68.300 Qualifications of charter commission candidates
- 29.68.310 Composition of charter commission
- 29.68.320 Election
- 29.68.330 Requirements for approval of unification and election of charter commission
- 29.68.340 Charter commission organization and procedure
- 29.68.350(80) Charter preparation
- 29.68.360 Public hearings
- 29.68.370 Filing of proposed charter
- 29.68.380 Publication and posting of charter
- 29.68.390 Election on charter
- 29.68.400 Effect of the charter after ratification
- 29.68.410 Assets and liabilities
- 29.68.420 Ordinances
- 29.68.430 Right to state and federal funds preserved
- 29.68.440 Powers of a unified municipality

Article 4.

Dissolution

- 29.68.500 Methods of dissolution
- 29.68.510 Petition
- 29.68.520 Standards

29.68.530	Review
29.68.540	Investigation
29.68.550	Report and hearing
29.68.560	Decision
29.68.570	Election
29.68.580	Succession

II. STATUTES APPLICABLE TO HOME RULE AND
TO GENERAL LAW MUNICIPALITIES

Chapter 48	<u>Powers and Duties</u> Applicable to [ALL MUNICIPALITIES] Home Rule and General Law Municipalities
Article 3.	Education
29.33.050(S)	Education
<u>Article New</u>	<u>Eminent Domain</u>
29.73.020	Eminent domain (In III "In the case of a second class city, before exercising the power, the council shall request or petition the Department of Community and Regional Affairs for permission to exercise the power. The council may not exercise the power of eminent domain or declaration of taking without the formal approval of the Department of Community and Regional Affairs.")
Article 3.	Municipal Enactments
29.48.180(S)	Codification
29.48.210	Expenditure of borough revenues
29.48.220	Post audit
Article 5.	Construction of Powers
29.48.310	General construction
29.48.320	Extent of powers
29.48.330	Exumeration of powers
Chapter 23.	Municipal Officers and Employees
Article 1.	Borough Assembly
29.23.040(80)	Regular term of office
29.23.050	Qualifications
Article 4.	City Executive and Administrator
29.23.250(S) (a) A.	Election and term of mayor. A voter of a home rule or general law city is eligible to hold the office of mayor if he meets additional requirements imposed by charter or ordinance. The mayor's regular term begins on the first Monday following certification of the mayor's election.

Article 9.	Miscellaneous Provisions
29.23.500	Oaths of office (in III?)
29.23.540(S)	Prohibitions
29.23.555	Conflict of interest
29.23.560(80S)	Reports
29.23.580	Meetings public
Chapter 28.	Elections
Article 1.	Regular and Special Elections
29.28.010	Administration
29.28.030	Voter qualification
Article 3.	Recall
29.28.130	Recall
29.28.140	Grounds
29.28.150	Petition
29.28.160	Examination for sufficiency
29.28.170	Supplemental petition
29.28.180	New petition
29.28.190	Submission
29.28.200	Election
29.28.210	Form of recall ballots
29.28.220	Election procedure
29.28.230	Majority required
29.28.240	Effect
29.28.250	Election of successor

Chapter 53.

Municipal Assessment and Taxation

Article 1.

[MUNICIPAL] Borough Property Tax

29.53.010	General Property Tax
29.53.020(80S)	Required exemptions
29.53.025(80S)	Optional exemptions and exclusions
29.53.030	Mining claims
29.53.035(S)	Farm or agricultural lands
29.53.040	Mobile homes
29.53.045(S)	Tax on oil and gas production and pipeline property
29.53.050(S)	Tax limitation
29.53.055(S)	No limitation on taxes to pay bonds
29.53.060(S)	Full and true value
29.53.070	Returns
29.53.080	Independent investigation
29.53.090	Statement
29.53.095	Reevaluation
29.53.100(S)	Assessment roll
29.53.110	Assessment notice
29.53.120	Corrections
29.53.130	Appeal
29.53.135	Board of equalization
29.53.140	Hearing
29.53.150	Supplementary assessment rolls
29.53.160	Tax adjustments on property affected by a natural disaster
29.53.170	Tax levy and rate
29.53.180	Rates of penalty and interest

Article 3.	City Property Tax (consider with service areas)
29.53.400	Power of levy
29.53.405	Differential tax zones (in III?)
29.53.410	Limited property taxing power for second class cities (in III?)
Article 4.	Borough Sales and Use Taxes
29.53.415(d)(80)	Sales and use tax (re-draft - "for any tax levied, cannot change more than...")
[CHAPTER 33.	AREAWIDE BOROUGH POWERS AND DUTIES]
Article 2.	Assessment and Collection of Taxes
29.33.030	Assesment and collection (29.53)
29.73.070(80)	Taxpayer notice
Article 3.	Enforcement of Tax Liens
29.53.200	Validity
29.53.210	Tax liability
29.53.220	Enforcement of personal property tax liens by distraint and sale
29.53.230	Real property tax collection
29.53.240	Foreclosure list
29.53.250	Clearing delinquencies
29.53.260	List to lienholder
29.53.270	General foreclosure
29.53.280	Answer and objection
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29.53.300	Transfer and appeal
29.53.310(S)	Redemption period
29.53.320	Effect
29.53.330	Additional liens
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29.53.350(S)	Expiration
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29.53.370(s)	Disposition and sale of foreclosed properties
29.53.375(S)	Repurchase by record owner
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29.73.030	Adverse possession
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III. Limitations or Prescriptions for Specific Classes of Municipalities

Article 2.	[HOME RULE] Limitations
29.13.100(80S)	Limitation of home rule powers (to be left out)
29.73.020	Eminent domain <u>for a second class city</u> (part, see II)
Chapter 48.	Powers applicable to All Municipalities
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29.48.020(80)	Second class borough powers outside cities (rewrite?)
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29.48.033(S)	Garbage and solid waste services (put in Title 42) <u>(in II?)</u>
29.48.035(80S)	Regulatory powers (rewrite?) <u>(b & c in II?)</u>
Article 3.	Municipal Enactments
29.48.130(S)	Acts required to be by ordinance <u>[(a)(12) in II?]</u>
29.48.140	Form of ordinances
29.48.150	Ordinance procedure
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29.48.170	Codes of regulation
29.48.185(S)	Resolutions
28.48.190	Budget & capital program
29.48.200(S)	Penalties
Article 4.	Miscellaneous Provisions
29.49.260(S)	Municipal properties
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Chapter 33.

Areawide Borough Powers and Duties

Article 4.

Planning, Platting, and Zoning

- 29.33.070(S) Planning, platting, and zoning
- 29.33.080(80) Planning commission
- 29.33.085 Comprehensive plan
- 29.33.090(80S) Zoning (d in II?)
- 29.33.110(S) Board of Adjustment
- 29.33.120 Adjustment procedure
- 29.33.130 Judicial review
- 29.33.150(S) Platting jurisdiction and power
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- 29.33.160(S) Procedure
- 29.33.170 Waiver in certain cases
- 29.33.180 Information required
- 29.33.190(S) Penalties
- 29.33.200 Alteration of replat petition
- 29.33.210 Notice of hearing
- 29.33.220 Hearing and determination
- 29.33.230 Recording
- 29.33.240 Title to vacated area
- 29.33.245 Delegations

Chapter 23.

Municipal Officers and Employees

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Borough Assembly

- 29.23.010 General power
- 29.23.021(80S) Assembly composition and apportionment (in II?)
- 29.23.023(80) Composition and form of representation (in II?)
- 29.23.025(80S) Assembly recomposition and reapportionment
(in II?)

29.23.027(80)	Apportionment appeals <u>(in II?)</u>
29.23.029(80)	Judicial review and relief <u>(in II?)</u>
29.23.031(80)	Effective date of apportionment <u>(in II?)</u>
29.23.033(80)	Applicability of apportionment provisions <u>(in II?)</u>
29.23.060(80)	Procedure <u>[(c) in II?]</u>
29.23.070	Departments
29.23.080	Assembly vacancies
Article 2.	Borough Executive and Administrator
29.23.130(80S)	Power generally <u>[(f) in II?]</u>
29.23.140	Powers and duties of borough administrator
29.23.150	Executive absence
29.23.160	Assembly participation
29.23.170	Veto
29.23.180	Filling a vacancy
Article 3.	City Council
29.23.200(S)	Composition, eligibility, election, and term
29.23.210(80S)	Procedure <u>[(b) in II?]</u>
29.23.220	Filling a vacancy
Article 4.	City Executive and Administrator
29.23.240	Mayor
29.23.250(b)(c)(d)(S)	Election and term of mayor <u>[(a) in II?]</u>
29.23.255(80)	Removal from office <u>(in II?)</u>
29.23.260	Mayor's vote
29.23.270	Veto
29.23.280	Filling a vacancy
29.23.290	Powers and duties of a city manager

Article 7.

Other Officers and Employees

29.23.360

Appointment of officers (some in IV?)

29.23.370

Municipal attorney

29.23.380

Municipal clerk

29.23.390

Municipal treasurer

Article 8.

Adoption or Repeal of Manager Plan

29.23.410

Application

29.23.420

Petition

29.23.430

Election

29.23.440(S)

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29.23.450

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29.23.460

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29.23.470

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29.23.480

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Article 9.

Miscellaneous Provisions

29.23.530(S)

Salaries of elected officers

29.23.550

Personnel system

29.23.570

Vacancies

Chapter 28.

Elections

Article 1.

Regular and Special Elections

29.28.015

Nominations

29.28.020

Election dates [(b) in II?]

29.28.040

Majority elections

29.28.050(80)	Election contest and appeal <u>[(f) in II?]</u>
Article 2.	Initiative and Referendum
29.28.060	Reservation of powers
29.28.062	Petition
29.28.065	Contents of petition
29.28.070	Required signatures
29.28.073	Sufficiency of petition
29.28.075	Protest
29.28.077	New Petition
29.28.080	Presentation of initiative
29.28.090	Presentation of referendum
29.28.110	Effect
Chapter 59.(S)	Obligations Issued on Behalf of Municipalities
Chapter 63.	Special Assessments and Service Areas
Article 1.	Special Assessments
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TITLE 29 REVISION COMMITTEE
Policy Advisory Group Meeting

Minutes of August 27 & 28 1980

The first meeting of the Policy Advisory Group of the Title 29 Revision Committee was held August 27, 1980 in the Conference Room of the Legislative Information Office, 1024 6th Avenue, Anchorage, Alaska. The meeting was called to order by Billy G. Berrier, Director of the Division of Legal Services at 9:00 am.

Present were: Ted Berns, Terry Cook, Marilyn Dimmick, James Kohler, Gene Moore, Donna Sherby, Jonathan Solomon, Russell W. Walker, Ronald Larson, Senator Arliss Sturgulewski, Senator Bob Mulcahy, Representative Margaret Branson, Representative Charles H. Parr as members of the Policy Group. Also present were Phil Smith and Mr. Palmer McCarter, Ex Officio Members of the Policy Advisory Group. Allan E. Tesche attended representing the Technical Committee. Ted Berns and Russell Walker are also members of the Technical Committee. Mike Walleri of the Tanana Chiefs Conference, Inc., and Glen Svendsen, Administrative Assistant to the Senate Community and Regional Affairs Committee were present. Billy Berrier and Tamara Cook were present representing the Division of Legal Services, Legislative Affairs. Tam Cook explained that Ginny Chitwood from the Alaska Municipal League could not be present but would attend future meetings as an Ex Officio member.

The first order of business was the selection of a chairman for the committee. Nominations were opened and Senator Sturgulewski was nominated by Representative Parr. The nomination was seconded and Senator Sturgulewski was elected Chairman by acclamation.

Mr. Berrier spoke on the role of the Technical Revision Committee and asked for an appointment of a group. A motion to set up a Technical Revision Group was made by Representative Branson. The motion was seconded and carried. The Technical Revision Committee members will be Ted Berns, Richard Garnett, III; John Messenger, Jim Nordale, JoAnne Shanley, Gerald Lee Sharp, Allan Tesche, and Russell Walker.

The Ex Officio members were introduced and there was discussion as to their role. It was agreed that they should sit at the table and take part in the discussion. Palmer McCarter spoke about the role of Community and Regional Affairs. He said that there would be a representative of C&RA at every meeting, either he or Patrick Poland would attend. Mr. McCarter also presented a letter from the Local Boundary commission requesting the statutes regarding Development cities be left in Title 29 but improved. Phil Smith spoke on the concerns of RuralCAP regarding the impact of government on villages and rural areas.