

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

746 SCOM123: TITLE 29 POLICY REVISION ADVISORY COMM. 1980

-Tl'atk Saxman-

— City of Saxman
— P.O. Box 8676
— Ketchikan, Alaska 99901
— (907) 225-4166

Re: SAXMAN VILLAGE PORT & TERMINAL (SVPT)
CONSENSUS AGREEMENT
FINAL DRAFT REPORT

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C. CONCLUSION AND RECOMMENDED POLICY

- 2) THIS FORMAL NOTICE OF AGREEMENT TO THE ECONOMIC DEVELOPMENT ADMINISTRATION includes a request to comply with the mandated purposes and intents of cited applicable and appropriate Federal law and regulation as referenced within the SCCDP, Title 1, Article 1.3 et al; and,
- 3) THIS CONSENSUS AGREEMENT BETWEEN THE UNDERSIGNED PARTIES provides the impetus and consistency for Federal/State participation in the implementation, funding, technical assistance, and the accomplishment of comprehensive community planning and development of the following:

A CONSENSUS AGREEMENT NEGOTIATED AND ENTERED INTO BY a) THE APPOINTEE TO THE EXISTING RECEIVERSHIP BY THE ECONOMIC DEVELOPMENT ADMINISTRATION, b) THE CITY OF SAXMAN, ALASKA, AN EQUAL OPPORTUNITY EMPLOYER, AND c) THE CAPE FOX CORPORATION, A FINANCIALLY AND PROFESSIONALLY MANAGED SAXMAN COMMUNITY-BASED ANCSA VILLAGE (MINORITY BUSINESS ENTERPRISE) CORPORATION FOR THE PURPOSES OF TERMINATING (OR SUBSTITUTING) THE EXISTING RECEIVERSHIP OF THE SAXMAN VILLAGE PORT & TERMINAL (formerly THE KETCHIKAN & NORTHERN TERMINAL) AS HEREIN SET FORTH AND THROUGH THE INCLUDED AND REFERENCED TITLES, ARTICLES, CHAPTERS, SECTIONS AND OTHER PARTS OF THE SAXMAN COMPREHENSIVE COMMUNITY DEVELOPMENT PLAN(S) AS CITED AND THE SCCDP COMPREHENSIVE PREAPPLICATION GUIDE, PART IV, A THROUGH D; THE SCCDP COMPREHENSIVE PROGRAM (CDBG) (UDAG), PART IV, A THROUGH C, AND THE CAPE FOX CORPORATION ANNUAL REPORT FOR JULY, 1979 THROUGH JUNE, 1980, ON THIS _____ DAY OF NOVEMBER, 1980.

William G. Moran, Sr. Receiver

William K. Williams, Mayor, City of Saxman, Alaska

Larry J. Johnson, Sr., Chairman of the Board of
Directors, Cape Fox Corporation

Tl'at'k Saxman

— City of Saxman
— P.O. Box 8676
— Ketchikan, Alaska 99901
— (907) 225-4166

Re: SAXMAN VILLAGE PORT & TERMINAL (SVPT)
CONSENSUS AGREEMENT
BACKGROUND

BACKGROUND

- 1) The status of the Saxman Village Port & Terminal (SVPT) facility's future viability is threatened by a history of disincentives, barriers, and inactivity fostered by the policy prohibition for rehabilitation and revitalization through local community participation and minority business enterprise development and the exhibition of outside discretion of policy which directly and indirectly excluded local community participation and minority business enterprise from effectively and efficiently organizing the infrastructural management and operation system to address the institutional disincentives, barriers, and inactivities, such as, a restrictive and inflexible receivership, lack of technical assistance necessary to offset debt obligation through the leasing of those properties upon which the facility is situated, lack of transportation and marketing consultation, and a consistent and continuous "wait and see" policy adhered to by the Economic Development Administration, as necessary for the rehabilitation and revitalization of the facility; and,
- 2) The SVPT facility was originally funded in 1963, under the Area Redevelopment Administration as a freight terminal. The City of Saxman financed the facility through GOB/revenue bonds, of which approximately \$1 million plus another \$.3 million in current accrued interest is still owed. Due to financial and management difficulties, the facility was put into receivership by the Federal Government, and is now operated by the same receiver. The facility, originally constructed to handle freight, was until recently utilized by Foss Alaska Line (FAL) for containerized barge freight. Realized revenues have been to maintain the facility, albeit in a minimal manner and to the detriment of future viability; thus net revenues for debt service were not available; and,
- 3) The primary lessee of the facility was Foss Alaska Line (FAL). FAL encountered numerous difficulties in dealing with the receiver. This is from the standpoint of the receiver's inability due to judicial restrictions, a lack of funding and technical assistance, and insufficient and underqualified staff necessary to satisfactorily manage the overall facility management and operation requirements. The lease between the receiver and FAL expired in early 1979. Based on a position by FAL that without the management and operation requirements to implement improvements and other necessary actions, continued leasing was inappropriate; and,
- 4) The City of Saxman, because of its ownership of the real property upon which the facility is situated, determined in 1977 that an analysis of the facility's legal status and its receivership operations should be pursued. Having obtained a grant from the Bureau of Indian Affairs, a study was commissioned entitled, "Report on the Status of the Saxman Terminal", which was completed in February, 1978. It was recommended by the report that the City of Saxman immediately institute a request for a 15 year principle and interest moratorium. This would be conditioned upon a development program designed to eventually create sufficient revenues so that when required improvement construction financing had been amortized, full payment of the revenue bonds could then be accomplished. The report, also recommended, if and when the Federal Government is committed to a moratorium program, a marketing study, analyzing the Southeastern Alaska transportation economics, would be necessitated. The study would determine through interviews with present and prospective

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BACKGROUND (continued)

users, improvement goals and alternative revenue potentials. The City of Saxman's commitment, as to improvements and the receivership terminated in accordance with a court order entered upon a stipulated moratorium or forgiveness agreement as to the original revenue bond obligation; and,

- 5) The hereinabove mentioned marketing study was initiated through a technical assistance grant through EDA in the spring of 1979. After its final draft review, the study recommended two financial alternatives of which one considered the possibility that the Cape Fox Corporation assume the role in the future operations and financing the facility through joint development and joint funding assistance program planning and implementation which will be consistent with the purposes, principles, policies, procedures and practices of the Saxman Comprehensive Community Development Plan(s) (SCCDP). Conversely, the study's other financial alternative recommended the liquidation of the facility at its current fair market value, which would preclude its use as a public transportation facility, as well as, minimize public sector control and public long term benefits that might be derived from the facility. (The original contract between the Area Redevelopment Administration and the applicant is assumed to have been predicated on the furthering of economic mobilization and employment opportunities, which were a consideration of the revenue bond obligation by the City of Saxman. With the failure of the facility in 1965 and the bond debt declared in default, this consideration and goal of the project was rescinded.); and,
- 6) As a demonstration of the City's commitment and as an actual program within the Saxman Comprehensive Community Development Plan(s), the City jointly with the Organized Village of Saxman, the Saxman IRA Council, submitted November 4, 1980 to the Department of Housing and Urban Development the SCCDP attached to preapplications under the Community Development Block Grant (CDBG), and a request for Determination of Eligibility to make application under the Urban Development Action Grant (UDAG) programs. This action on the part of both local and Tribal government is consistent with the 1980 Saxman Overall Economic Development Plan, as amended, and NOI submitted August 15, 1980 to State-Federal A-95 Review. Further, the programs and projects within the SCCDP over a ten year timeframe are comprehensive and consistent with the Economic Development Administration's primary goal of stimulating local economics, generating equal employment opportunities, and increasing the role of minority business enterprise participation; and,
- 7) Based on the eligibility characteristics of the community as presented by the SCCDP and as demonstrated through documentation of EDA and other sources, the community has endured for more than fifteen years sudden (and reverbrative ripple effect during this time till present) and severe economic dislocation and long term economic deterioration resulting from the facility's failure. Of more recent applicability and demonstration of meeting special needs arising from actual and continually threatened unemployment, the departure of the facility's sole tenant, Foss Alaska Line (FAL), in the summer of 1980, adversely impacted the community leaving compounded sudden and severe economic dislocation; and,

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BACKGROUND

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BACKGROUND (continued)

- 3) This consensus agreement between the City, CFC and the receiver has been included within the SCCDP to meet the primary goal of terminating (or substituting) the existing receivership in order to implement a economic development strategy (EDS) through comprehensive planning. In order for this EDS to be successful, the full and meaningful purpose and intent of this action plan (SCCDP) must be allowed and supported without the self-determined influence and control of the existing receivership as predicated by EDA. In other words devoid of community participation and minority business enterprise involvement, the barriers, discentives and inactivity currently continuing to turn the facility into a complete economic loss will remain alive and well in the community.

Ti'atk Saxman

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Re: Letter of November 25, 1980

Senator Arliss Sturgulewski
Pouch V
Juneau, Ak. 99811

Patrick Poland
Deputy Director
Division of Local Government Assistance
225 Cordova, Bldg. B
Anchorage, Ak. 99501

December 3, 1980

Dear Senator and Mr. Poland,

Please note an error in my letter to you dated November 24, 1980.

Page -2-, first line is incorrect. It should read, "\$15 million with a recommended 2 to 3 leveraging factor, however, 1 to 9 to 1 to 10 leveraging factors are not uncommon, meaning a potential,"

Sorry about this error.

Sincerely,



Michael J. Tavoriero
City Manager of Saxman, Alaska

**SAXMAN COMPREHENSIVE COMMUNITY
DEVELOPMENT PLAN(S)
PROGRAM(S) ABSTRACT**

THE CITY OF SAXMAN HAS THE GREATEST UNDEVELOPED POTENTIAL FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL GROWTH ON REVILLAGIGEDO ISLAND.

ALTHOUGH THE PRESENT POPULATION IS SLIGHTLY MORE THAN 400 PEOPLE, ITS FUTURE GROWTH CAPACITY IS EASILY CAPABLE OF ACCOMODATING 1500-2000 BY THE YEAR 1990.

THE PURPOSE OF COMMUNITY PLANNING ON THE COMPREHENSIVE LEVEL IS AN ACTION ORIENTED PROCESS UTILIZING THE AGGREGATED ELIGIBILITY CHARACTERISTICS OF THE COMMUNITY IN A JOINTLY-FUNDED ASSISTANCE SIMPLIFICATION APPROACH IN PROGRAMS IN THE SAME FUNCTIONAL CATEGORIES THROUGH COMMUNITY (MONITORING, EVALUATION, REVIEW AND FEEDBACK (MERF)) PARTICIPATION.

The Saxman Comprehensive Community Development Plan(s) (SCCDP) is a ten year action document consisting of four separate, yet tangential (sub)plans. The (sub)plans consist of:

1. The Saxman Village & Native Community Plan;
2. The Saxman Village & Municipal Service Plan;
3. The Saxman Community Resources & Services Plan;
4. The Saxman Comprehensive Community Development Plan.

As a jointly funded economic (community) strategy, it is a jointly funded assistance program(s) approach which utilizes upon submission(s) and application(s) 169 Federal & State funding assistance sources assuring the optimal and functional administrative consolidation of closely related programs for 38 projects within the community.

As the aggregated eligibility characteristic utilization strategy of the community, it promotes the community's comprehensive fundability (i.e. the municipal corporation, the IRA Council (Tribal government), and the ANCSA profit corporation) towards the realization of three primary goals, self-government, self-determination, and self-sufficiency, by its submission as the community's master contracting document.

The Saxman Village & Native Community Plan demonstrates the historical, political, economic, social and cultural data & information with "optimal assurance of the basic community and tribal rights for limited sovereignty, self-government, self-determination and self-sufficiency and the cooperative efforts of and in coordination with other entities outside the traditional Saxman Native community and village."

The Saxman Village & Municipal Services Structure Plan utilizes 6 infrastructural goals consistent with the statement of community needs which are based on community administrative services; utility and energy services; resource & development services; manpower and training services; education and cultural services; and health and human needs services. This infrastructural approach employs management and policy functions (specially designed) hybrid systems.

The Saxman Community Resources and Service Plan utilizes the broad goals of the Saxman Village & Municipal Services Plan with the aim of achieving an optimal and functional degree of assurance for the maintenance and effective and efficient delivery of services through organized community action.

The Saxman Comprehensive Community Development Plan is the implementation of action and the instrumentation of carrying out the plan(s).

The SCCDP is the City of Saxman's master contracting document once "plugged into" the Federal and State funding and funding assistance program(s) network will act as contract and guideline using all administrative and legislative requirements and procedures to insure the primary purpose of comprehensive community planning.

POLICY IMPLICATIONS OF SELECTED TITLE 29 REVISIONS

A brief summary of various policy issues related to specific suggested changes to Title 29 has been completed at the request of Tam Cook. The purpose of this overview is to supplement work being done by the Title 29 technical group, and does not attempt to address either the legal acceptability or the mechanics of these suggested revisions.

The subjects of this policy overview are:

- a. removal of specific limitations on home-rule powers;
- b. elimination of the First Class Borough;
- c. elimination of differences in scope of powers of different classes of municipalities;
- d. specific suggestions on changes to the statutes on planning, platting and zoning; and
- e. specific recommendations on changing Title 29 to encourage small, Native communities to participate in municipal government.

The following addresses a. above:

Removal of Specific Limitations on Home-Rule Powers.

The removal of limitations on home-rule powers would release a home-rule government from having to follow a specific statutory provision. There are very definite technical and policy implications surrounding this removal of restrictions. In some cases, these limitations provide a statutory basis for relationships between governments, and as such provide a common ground for intergovernmental activity. (If Title 29 is revised to allow all classes of municipalities discretion in the exercise of powers, the review of limitations on home-rule powers should be done with an awareness of a broader need for or applicability of those limitations.)

(1) AS 29.09.140. BOROUGH TRANSITION. This section sets out the method by which service areas and existing governments are to be incorporated into newly incorporated municipalities.

Focusing primarily on the assumption of powers and bonded debt by the new municipality, this section is designed to protect the financial status of the government, by providing both continuity of fiscal responsibility during transition and preventing the existing government from taking on new debts during the transition period. For these reasons, it is probably desirable to continue to have all classes of municipalities bound by these provisions.

(2) AS 29.12.010. CHANGE OF MUNICIPAL NAME. This section sets out the procedure to be followed in changing the name of a municipality. The considerations around a name change are legal and technical; aside from these legal concerns, there are no further policy issues.

(3) AS 29.12.040. ANNEXATION AND EXCLUSION; LOCAL BOUNDARY COMMISSION.

(4) AS 29.12.080-160. MERGER AND CONSOLIDATION.

(5) AS 29.12.420-500. DISSOLUTION. These statutes (Numbers (3), (4), and (5) above) deal with the relationships between municipalities or between a municipality and a surrounding unincorporated area, and with the dissolution of a municipality. These statutes establish a portion of the legal framework governing how municipalities relate to territory outside of their immediate authority. As such, these provisions should remain applicable to all municipalities.

However, wording of one of the provisions within these statutes needs to be clarified. AS 29.12.040(b)(3) states that the local boundary commission establish procedures whereby an area may be annexed to a municipality without an election "if all property owners and voters" within the area petition the annexing municipality. This should probably be revised simply to read "all voters", as other annexations are accomplished using voter approval only. This is especially confusing in the case of non-resident property owners, as the desires of absent owners of property and area residents may be quite different.

Finally, there is a question as to why AS 29.19.190-500 UNIFICATION OF LOCAL GOVERNMENTS, is not included as a requirement

that home-rule municipalities must follow. These sections establish a procedure by which a borough and cities within that borough may unify. As such, it sets out a system of interaction between different municipal units, and should be applied equally to all municipalities, if it is to be retained. (A second question concerns some of the duplication between AS 29.19.040. MERGER AND CONSOLIDATION, and AS 29.19.190-500. UNIFICATION OF LOCAL GOVERNMENTS. Are both of these necessary or can these provisions be combined into one section?)

(6) AS 29.15.080 CHARTER AMENDMENT. This section requires that a municipality's voters have the right to propose a charter amendment by initiative. It is desirable to retain this option, unless the section on municipal charters is revised to require a broad statement on the inclusion of initiative rights.

(7) AS 29.24.010. CONFLICT OF INTEREST. Requires that a conflict of interest ordinance be adopted or else the conflict of interest provision of this section is automatically applicable. It is not precisely clear what the conflict of interest provision is and how it is enforced.

(8) AS 29.24.020. MEETINGS PUBLIC. This section requires that meetings of all municipal bodies be public. Discussion at the September committee meeting suggested that the definition of "meetings and "public bodies" be clarified; i.e., what constitutes executive session, what about a meeting between a borough mayor and borough attorney, and so on. In general, once these questions are resolved, the provision that meetings are public should be retained for all municipalities.

(9) AS 29.24.060. ASSEMBLY COMPOSITION AND APPORTIONMENT. This section, effective January 1, 1981, revises the system of assembly composition used by some boroughs prior to that date. Therefore, it is necessary to make the new standards for assembly composition and apportionment apply uniformly.

AS 29.24.070-120. ASSEMBLY COMPOSITION AND APPORTIONMENT PROVISIONS. These sections establish the mechanics of assembly apportionment. If a home-rule borough's charter provides for reapportionment and assembly composition, that home-rule borough is not bound by this chapter (as long as the intent in AS 29.24.060 is met.) Perhaps this exclusion could be broadened to other classes of boroughs by stating that these provisions apply unless other provisions, which meet AS 20.24.060, have been adopted by ordinance or charter.

(10) AS 29.24.150. EXPULSION OF BOROUGH ASSEMBLYMEN.

(11) AS 29.24.200. REMOVAL OF BOROUGH MAYOR FROM OFFICE.

(12) AS 29.24.290. EXPULSION OF CITY COUNCILMEN FROM OFFICE.

(14) AS 29.24.035. REMOVAL OF (CITY) MAYOR FROM OFFICE.

These sections establish the basis and method by which an assembly or council may of its own volition remove an elected officer from office. The reasons for removal are defined narrowly as a conviction for an offense described in AS 15.56 as a "corrupt practice". Found in the state's election code, "corrupt practices" are defined in relation to willfully subverting the election process through a variety of actions. AS 15.55 (the correct citation, not AS 15.56) also states that the person convicted of such a corrupt practice may also be deprived of office. As this language is permissive, the person may not actually be deprived of office in a court action. Therefore, this provision allows an assembly or council to remove a mayor, assemblyman, or councilman from office upon their conviction of a corrupt practice. Further, this is the only grounds for council or assembly action.

If this section was eliminated, an assembly or council would have no ability to remove an elected official from office. If only the limitation on home-rule powers was eliminated, it might mean that home-rule municipalities could enable their assemblies or councils to remove elected officials for other than election law violations. (Note AS 29.24.710 allows an assembly or council to declare an office "vacant" for certain reasons. This section (710) should be reviewed from a policy viewpoint).

The most advisable policy option might be to simply state, for all classes of municipalities, that conviction of election law violations deprives an individual of elected office. This would seem to be the strongest method of making sure elected officials and those running for office "play by the rules". If this cannot be accomplished, at least the limitation on home rule powers should be retained, but perhaps these sections can be combined into a single section dealing with removal from office by a means other than recall.

(13) AS 29.24.340(a). ELECTION AND TERM OF MAYOR. This paragraph allows home rule cities to prescribe residency requirements for the office of mayor. Other classes of cities are specifically empowered to establish a residency requirement of up to three years. Evidently, home rule cities may exceed this residence requirement.

(There is some question in general on the length of residency requirements - perhaps any limitation over one year is not legally sound.)

This paragraph only limits all classes of cities from establishing any qualifications on holding office other than a residency requirement. As a general guarantee of the rights of an individual to run for office, and a reflection of faith in the electorate's ability to judge those seeking office, this limitation should probably be retained.

(15) AS 29.24.630. PROHIBITIONS RESPECTING APPOINTMENT AND REMOVAL OF PERSONNEL. This section is primarily a non-discrimination clause. As home-rule municipalities may act as they wish unless prohibited by law, the express prohibition against discriminatory action found in AS 29.24.680 may make the limitation on home-rule powers unnecessary, while ensuring home-rule municipalities are prevented from engaging in discriminatory actions.

(16) AS 29.24.700. MUNICIPAL REPORTS. This section lists the reports that all municipalities must file to be eligible for

state assistance under AS 29.62 - the revised state shared revenue program. This entire section could probably be accomplished as regulations in the revenue sharing program, rather than establishing a statutory reporting requirement. This is especially true in light of AS 29.33.230, which also requires all municipalities to complete an audit. (See (29) below).

(17) AS 29.27.010(a)(12). MUNICIPAL EXEMPTION ON CONTRACTOR BOND REQUIREMENTS. This subparagraph requires municipalities to exempt by ordinance contractors providing construction or repair of municipal public works projects from performance bonds. This is evidently to prevent such exemptions from bonding to be granted by a manager or department of a municipality. The accountability of those decisions to the public is probably the principal reason for this limitation. However, this seems to be a minor point, in that the city remains responsible for public works projects and must "make good" on a contractor's non-performance. Thus, a municipality has a financial reason to grant exemptions from bonding only when warranted, whether the exemption is granted by ordinance or by administrative action.

(18) AS 29.27.060. CODIFICATION. This section requires all municipalities to codify ordinances within three years of incorporation and every five years thereafter. As a compulsion on home-rule municipalities to codify their ordinances, this section is probably unnecessary.

(19) AS 29.30.010, 020(6), 030. MUNICIPAL ELECTIONS. The effect of these sections is to prevent a home-rule municipality from altering voter qualifications of AS 29; prevent a home-rule municipality from allowing a person to serve as a borough mayor and assemblyman, or as a city mayor and assemblyman, at the same time; and prevent a home-rule municipality from calling a special election upon less than 20 days notice. (AS 29.30.330 states that an election to fill a vacancy created by recall will be held at least 10 days and not more than 45 days from the recall election. Appears somewhat contradictory)

As far as establishing minimum standards in the conduct of local elections, these restrictions on home-rule autonomy appear warranted.

(20) AS 29.30.060(f) APPEALS ON REMOVAL FROM OFFICE. (I think the correct citation is not 29.30.060, but only subsection (f) of that section.) This subsection simply states that there is no appeal to removal from office that is accomplished by an assembly or council pursuant to an elected official's conviction on an election violation. This limitation is probably unnecessary; if a home rule municipality wants to provide for an appeal there is no reason that it should not do so.

(21) AS 29.30.210-330. RECALL. This article describes the procedure to be used in recall of elected officials. The addition of a sentence stating that these provisions must be followed by home-rule municipalities unless another process is adopted by ordinance would seem to satisfy the concern that home-rule municipalities must provide for some recall procedure. They could then be relieved of the burden of following the specific procedures set out in this article.

A secondary concern is whether the procedure in Title 29 establishes the minimum procedure that a home-rule municipality must meet. That is, should a home-rule government be prohibited from requiring more signatures on a recall petition than is found in state law? If the recall procedure set out in AS 29.30.210-330 is a minimum set of standards that a home rule recall ordinance must meet or surpass, it should be stated in the enabling legislation suggested above.

(22) AS 29.33.020. EXTRATERRITORIAL JURISDICTION. This section provides limited powers of extraterritorial jurisdiction. The limitation on home-rule municipalities of acting otherwise than allowed simply clarifies the legislative intent that only these specific extraterritorial powers be implemented. Unless a broader scope of extraterritorial planning and service delivery

powers for home-rule municipalities is desired, it is probably best to leave this restriction intact.

(23) AS 29.33.030. EMINENT DOMAIN. This section allows municipalities to exercise the power of eminent domain as provided in AS 9.55.250-460 (Code of Civil Procedure) with the further provision that each exercise of eminent domain powers be approved by the voters. Requiring eminent domain to be exercised in conformance with AS 9.55.250-460 places tight constraints on the eminent domain power. The requirement that each exercise of eminent domain be approved by the voters may be philosophically attractive but with the publication, compensation, public declaration and judicial appeal processes included in AS 9.55.250-460, may be unnecessary as a constraint on the misuses of eminent domain.

This section could be effectively broken into two subsections, the first requiring all municipalities to exercise eminent domain in conformance to AS 9.55.240-460, and the second subsection including further restrictions. Home-rule municipalities would be limited only by the first subsection.

(24) AS 29.33.080. GARBAGE AND SOLID WASTE SERVICES. The limitations operating on home-rule governments are found in subsection (b), which states that a municipality may not prevent a pre-existing, validly certified waste collection or disposal service from operating within the municipality unless the municipality buys out all or a portion of that operation.

Due process requirements, court definition of the "taking" rights, and the restrictions on the exercise of eminent domain would seem to implement some of the concerns behind this limitation. The effect of this limitation is desirable; the technical group should state whether the intent of this limitation would be achieved through other requirements if this limitation was removed.

(25) AS 29.33.090(b). EFFECT OF AREAWIDE EXERCISE OF BOROUGH POWERS. This subsection primarily limits the powers of

home-rule cities within boroughs in that home-rule cities are prohibited from exercising a power that is exercised by a surrounding borough on an areawide basis. (Other portions of this subsection enumerate powers that boroughs may provide areawide or non-areawide at their option; this is a permissive section and would probably allow home-rule boroughs the same powers without their specific mention.

This subsection should be split and the provision applicable to home-rule cities within boroughs clarified and stated separately.

(26) AS 29.33.090(c). BOROUGH BUILDING CODE JURISDICTION WITHIN CITIES. This reference is non-existent. Building codes are treated in AS 29.33.090(a)(14); this sentence states that the exercise of building code powers may be adopted according to AS 29.33.090(b). The home-rule limitation should be dropped, and the reference to AS 29.33.090(a)(14) added to those powers specifically listed in subsection (b).

(27) AS 29.33.100-160. UTILITIES. These sections set out the procedures around the creation of municipal utilities, granting of franchises, rights of franchise holders, rights of the public, rate setting and so on. As municipal utilities are not regulated by the Public Utilities System, this section forms the basic statutory framework enabling municipal utilities to be formed.

Unless the technical group thinks that an adequate guarantee of public interests in the creation of utilities and franchises and rate-setting is available outside of these sections, the requirement that home-rule municipalities conform to these provisions is probably useful.

(28) AS 29.33.220. EXPENDITURES OF BOROUGH REVENUE. This section sets basic parameters of municipal expenditures, while allowing home-rule municipalities wide latitude in fiscal priorities. The section states that revenues levied and collected areawide must be used areawide, while revenues collected in areas outside cities can only be expended on functions outside cities. This

FOR _____

DATE _____

TIME _____

A.M.
P.M.

2933.00(6)

p. 9 - end of Lt paragraph -
effect is ambiguous.

PHONE NO. p. 12 - sentence missing

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	

MESSAGE AS 29.36.040

needs to be stated here
or only in the
education article.

p. 11 - but sentence - These
entire section should

SIGNED

LA-A 16

be deleted. scratch
last 3 lines.

does not appear to be a necessary constraint on home-rule powers. If the citizens of a community wish to support a particular non-areawide function on an areawide basis, they should be allowed to do so. This section also appears to contradict the ability of a borough to pledge the full faith and credit of a borough's areawide tax base to support capital improvements in a service area or the area outside cities (upon areawide voter approval) as provided in AS 29.51.040.

(29) AS 29.33.230. POST AUDIT. This section requires that all municipalities complete an audit or financial statement annually. This provision should be retained as applicable to both home-rule and general law municipalities, unless the policy group feels municipalities should have the ability to prepare audits on some other basis, such as every two years. In any event, the limitation should be set out in law, as a minimal guarantee of financial accountability to the public.

(30) AS 29.36.010(b). AREAWIDE BOROUGH POWERS. This section prohibits home-rule cities within boroughs from exercising the following mandatory borough powers; education powers; planning, platting and zoning powers; and tax assessment and collection. This is a prohibition on exercise of powers dealing with relations between governmental units which needs to be retained. If more latitude for cities within boroughs is desired, this section should be reworded to allow boroughs to delegate a power by ordinance to a city, such as is found in AS 29.33.090(b).

(31) AS 29.34.050, AS 29.36.230(d). RESPONSIBILITY FOR EDUCATION ON MILITARY RESERVATIONS. (Note: incorrect citation-AS 39.36.320 should read AS 29.36.230(d)). AS 29.34.040 sets out the relationship between a borough school district and responsibility for on-base education. As this reflects a real constraint on the exercise of local education powers by the federal government, this section is probably unnecessary. That is, a home-rule government might not be able to act otherwise than provided, even if it wished to do so.

As the citation to AS 29.36.230(d) concerns only third class boroughs, it is unnecessary to include as a limitation on home-rule municipalities.

(32) AS 29.36.130(c) ACQUISITION OF ADDITIONAL AREAWIDE POWERS. This subsection describes the procedure for the transfer of a power exercised by a city to a borough upon voter approval of a new borough areawide power. This subsection should probably be divided into two parts, with the first four sentences dealing with an areawide election and election results in one subsection, and the discussion of transfer of powers elevated to become a separate section. The home rule limitation should then be applied only to that section dealing with the orderly transfer of power from one municipality to another.

(33) AS 29.39.020-060. POWERS OF CITIES OUTSIDE BOROUGHES. These sections apply the mandatory borough powers of education; tax collection; and planning, platting and zoning to cities outside of incorporated boroughs. Section .020 extends the power of assessment and tax collection to such cities and section .030 gives cities the authority to establish differential tax zones. These sections are primarily permissive, although section .020 states that tax collection functions must be implemented as provided in AS 29.45. The only apparent reason for identifying this section as a home-rule limitation seems to be that requirement that home-rule cities comply with AS 29.45. The technical group must determine whether this limitation should be stated here, or whether it needs to be stated only in AS 29.45.530.

Sections .040 and .060, however, mandate that home rule cities outside boroughs establish schools and provide planning, platting, and zoning. There is a major policy question over the mandate that home-rule and first-class cities outside boroughs establish school districts. This section was established prior to the creation of REAAs. Now, the incorporation or reclassification of cities to home-rule or first class status would mean the fragmentation of existing districts. (The City of Bethel is a

good example-the headquarters of the Lower Kuskokwim School district are located in Bethel. In order for Bethel to take advantage of home-rule or first class city status, Bethel would be required to establish its own school district.)

Section .040 could be made permissive rather than mandatory. This would allow cities to establish their own school districts if, in their own view, such local services were preferable to existing REAA education services.

If such a change were to be recommended, the applicability of the home-rule limitation would depend upon whether the restriction that education be provided in conformance with AS 29.36.040 relates to borough school districts, the technical group may recommend that the limitation on home-rule cities be retained to make that reference effective.

Section .060 makes the exercise of planning, platting and zoning powers mandatory for home-rule cities outside of boroughs. The policy question here is not one of removing a prohibition on the actions of home-rule cities but whether planning should be mandated for cities outside boroughs. (As in the previous section, the limitation may need to be retained in order to require home-rule cities outside boroughs to conform to AS 29.42.010-245 Planning Powers of Boroughs - by reference.)

(34) AS 29.42.040(d). ZONING OF STATE LAND FOR HOMESITE ENTRY. This section was repealed by Sec. 45, Ch 85, SLA 1979.

(35) AS 29.42.080(b). APPLICABILITY OF LOCAL PLATTING REGULATIONS TO STATE LAND IN A MUNICIPALITY. This subsection limits the power of municipalities to require subdivision improvements on state land disposals. Unless state policy is changed to support compliance with local subdivision improvement requirements in the state's own land disposal program, this limitation on platting powers of home-rule municipalities will have to be retained. (The technical committee might determine that, because of state supremacy considerations, this limitation is unnecessary. Local governments may not have the authority to require the state to build subdivision improvements, even without subsection [b]).

(36) AS 29.45.010-450. BOROUGH AND CITY PROPERTY TAXES. This citation should probably be changed to AS 29.45.010-540 rather than AS 29.45.010-450, as the sections following .450 also deal with the implementation of a property tax. This Article provides the complete framework for the exercise of local property taxing authority, including the rights of the public in relation to their local taxing authority. Unless the policy group decides that home-rule governments should be free to establish their own taxing systems, this limitation should be retained. Even if the limitation on home-rule powers was lifted, those sections of AS 29.45 dealing with taxation of state-owned property and those sections detailing the taxing powers of cities within boroughs might have to be kept in force.

(37) AS 29.45.020. TAXPAYER NOTICE. This limitation is included in the previous citation. However, if the general limitation on the taxing powers of home-rule governments was lifted, this section might have to remain limited. Section .020 requires that municipalities which levy a property tax must provide notice of the effective tax rate, and of the state's contributions to local revenue through a variety of state funding mechanisms, on an annual basis. The intention of this section is to make the state's role in funding local services apparent to the local taxpayer.

As an aside, the Municipal Assistance Fund, administered by the Department of Revenue, should probably be added to the list of state programs reported in the Notice to Taxpayers. In fiscal 1980, this fund distributed over \$16 million to communities.

(38) AS 29.45.580(d). INTEREST ON SALES TAX. This citation apparently needs to be changed to AS 29.45.570(d). Apparently, the only provision of the statutes relating to sales tax collection which home-rule boroughs must follow is that interest on delinquent sales tax accounts is levied at at 8% annual rate. Should home rule boroughs be limited to this rate? If not, the limitation should be removed.

In a broader sense, there are some apparent inconsistencies regarding the property and sales taxes, and their application to home-rule governments. There is no stated limitation that home-rule boroughs must follow the sales tax procedures set out in AS 29.45.570-590, except for the subsection 570(d). There is no state restriction on how home-rule cities within boroughs may levy a sales tax, except for an earlier blanket provision that no city may exercise a power exercised by a borough on an areawide basis. How does AS 29.45.610-630, which grants sales tax powers to cities inside boroughs, relate to home-rule cities? Are home-rule cities within boroughs limited to sources taxed by the borough, and in the manner provided by boroughs (AS 29.45.610)? This may be somewhat confusing, in that AS 29.39.020 gives cities outside boroughs the same powers of rate setting, identification of items to be taxed, etc., as are enjoyed by boroughs. Do home-rule cities within boroughs have that same flexibility?

(39) AS 29.48.090. EXEMPTION FROM SPECIAL ASSESSMENT. This section mandates that municipalities exempt the residential property of senior citizens from special assessments, and provides a procedure for municipalities to follow in granting those exemptions. In that if both require local governments to grant exemptions and sets out a procedure to be followed, this limitation is probably required.

(40) AS 29.51.520-530. BONDED DEBT FOR SCHOOL CONSTRUCTION. This citation should read AS 29.51.420-430. Section .420 specifically allows home-rule governments to exceed limitations in their charters on the issuing of bonds, if additional funds are needed for school construction. Section .430 then establishes a mechanism that would guarantee state repayment of the principal and interest of the bonds authorized under the previous section.

This section was written specifically for the City of Petersburg, and was never implemented. The entire section should be deleted, especially now that the state has revised its School Foundation Program to fund 100% of local construction debt service.

(41) AS 29.51.210(b). SECURITY FOR BONDS. This subsection specifically states that general obligation bonds for a revenue-producing utility may be additionally guaranteed by the revenue from that utility. The section goes on to provide that bonds so secured are not subject to debt limitations contained in a home-rule charter. The effect of this "limitation", then, is to give a home-rule municipality powers beyond its charter.

A policy question that might be considered is whether such a provision should be allowed by statute at all. The effect of this section is to allow a home-rule municipality to pledge the general obligation of its tax base, while not having to conform to any limits on bonded debt that may be in its charter. If the revenue-producing service cannot meet the debt service payments, the service costs of that debt fall back on the community's tax base.

The intention of this section may be to "create" a bond that functions like a revenue bond but has general obligation bond guarantees. While this may produce lower interest rates at the bond market than a strict revenue bond could command, the fiscal intention of the local residents may be of more importance in those few instances where this may be implemented.

In any event, the application may be rather limited. Discussion with Pat Poland and Terry Early at the Department of Community and Regional Affairs indicates that very few charters include debt limitation.

(42) AS 29.51.390. BOND ATTORNEYS, BOND AND FINANCIAL CONSULTANTS. This section provides that only the governing body of a municipality can contract for the services of bond attorneys, bond and financial consultants. The policy question involved in deleting this limitation is whether such contracts for financial planning services should only be entered into by the assembly, or whether a manager's office should also have that authority, as may be authorized by charter. If the charter does not require all contracts to be approved by the council or assembly, is there any purpose in singling out these types of services? Public

accountability purposes are still served by the fact that capital programs must still be approved by the governing body, and bonds approved by local voters.

(43) AS 29.62. MUNICIPAL TAX RESOURCE EQUALIZATION.

(44) AS 29.62. STATE AID FOR MISCELLANEOUS MUNICIPAL SERVICES.

This article details the state's revised revenue sharing program. The "limitation" inherent in this article concerns eligibility for the revenue sharing programs. As such, there is probably no need for a citation as a limitation on home rule powers. If a community wants to participate in the program, it will conform to the application procedure included in the statutes which established the revenue sharing program. (Much of this article might be accomplished by program regulations rather than statute.)

(45) AS 29.71.010. ADVERSE POSSESSION. This section states that municipalities cannot be divested of real property through adverse possession. While this statute applies to home-rule municipalities, it is probably not necessary to cite this section under the list of limitations on home-rule powers.

(46) AS 29.71.020. TAXATION OF MUNICIPALITIES. Again, this section has no direct "limitation" on home-rule actions. Section .020 provides that the state cannot tax municipalities, unless the intention to tax is clearly stated in the state statute or regulation. There is probably no need to include this citation under the general heading of "limitations" on home-rule powers.

SCOMM

#23:8

TO: Laura Davis
Assistant Attorney General

FROM: Melissa Aber Fouse
Secretary, Title 29 Revision Commission

SUBJECT: Working Draft, Title 29

Enclosed are drafts numbers one and two of Title 29 as it has been revised so far. Also I have included an index of the sections by old heading number and title.

The asterisks prefacing the section numbers in draft #2 indicate the sections with changes. Four asterisks indicate major changes and 1 asterisk indicates merely wording changes for conformity's sake.

MEMORANDUM

08 January 1980

TO: Sharon Sturrock
Accounting

FROM: Melissa Aber Fouse
Title 29 Revision Commission

SUBJECT: Technical Group Meeting



This is to certify that the Title 29 Revision Commission held a meeting on the 5th and 6th of January, 1981. The meeting was held in Anchorage. Attending were:

Ted Berns
Gerald Lee Sharp
Alan Tesche
Jim Nordale
John Messenger
Richard Garnett III (1 day)
Tamara Brandt Cook
Melissa Aber Fouse

NOTICE OF MEETING
October 6, 1980

A Policy Advisory Group has been appointed to oversee the revision of the Municipal Code, Title 29 of the Alaska Statutes. The Policy Advisory Group is composed of thirteen members. Of these, nine public members represent a broad range of local officials interested in Title 29. The public and legislative members of the Title 29 Policy Advisory Group are:

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

The third meeting of the Policy Advisory Group is scheduled for 10 and 11 November 1980. The meeting will begin at 9:00 a.m. in the Chena Room of the Traveler's Inn, Fairbanks, Alaska. The proposed agenda for this meeting is:

November 10th:

1. Introduction of guests and members of the public attending.
2. Presentation by guests and members of the public of areas of concern or proposed items for consideration.
3. Old Business:
 - a. Report by Palmer McCarter on material prepared for newsletters.
 - b. Report by Bob Lohr or Phil Smith on special problems of rural communities.
 - c. Presentation of proposed drafts by the Technical Committee.
 - d. Other old business.

TITLE 29 REVISION COMMISSION
Policy Advisory Group Meeting

Minutes of December 15, 16, & 17, 1980

The fourth meeting of the Policy Advisory Group - Title 29 Revision Commission was held December 15, 16, & 17, 1980 in the Adventure Room of the Captain Cook Hotel, Anchorage, Alaska. The meeting was called to order by Senator Arliss Sturgulewski, Chairman, at 9:00 a.m.

Present as members of the Policy Advisory Group were: Senator Arliss Sturgulewski, Senator-elect Charles Parr, Representative Margaret Branson, Ted Berns, Terry Cook, Marilyn Dimmick, Ronald Larson, Gene Moore, Russell Walker, James Kohler and Jonathan Solomon. Present substituting for Ex-Officio members were Patrick Poland for Palmer McCarter and Marilyn Miller for Ginny Chitwood. The Technical Committee was represented by Ted Berns and Russell Walker as members of both groups. Present from the staff of Legal Services was Tamara Brandt Cook, Legislative Counsel.

Guests and members of the public attending were: Stephanie Scott, Haines Borough; Cris Fowler, AOGA; Robert Walker, Exxon; Carl Mogli, Napakiak; David Dye, Community Planning, Department of Community and Regional Affairs; and Jim Gottstein.

There were no presentations by guests or members of the public.

Chairman Sturgulewski reported on attending the meeting of the Rural Development Council. She says they are concerned with the definitions of "rural" and the relationship of rural communities with Title 29.

The chair requested copies of the Alaska Municipal League Policy Statement issued as a result of its November convention in Fairbanks.

The minutes of the previous meetings were approved as distributed with no corrections or additions.

Under Old Business, Patrick Poland reported that the news release prepared by Legal Services had been distributed and was expected to appear in the December issue of the RuralCAP newsletter. The newsletter distributed by the University of Alaska at Fairbanks was not expected to be published in December but the news release would be included when it was published.

The subcommittee report regarding AS 29.09.180 (Organization Grants) as postponed due to Marilyn Dimmick not being present.

The subcommittee report on AS 29.30.040 (Voter Qualification) was postponed to 17 December.

23, 24, & 25 Dec 80

Ted Berns reported on the Technical Committee's three day meeting saying they had covered a great deal of material in those three days and he hoped that the Policy Group would be able to review all the material produced by that meeting.

Tamara Brandt Cook reported on the format of the presentation of the bill. She said that a draft would be prepared, going first to the revisor of statutes, then to the legal editor and would then be put into final form for presentation to the rules committee for introduction into the legislature.

Turning to the proposed drafting changes submitted by the Technical Committee, it was agreed that the original motion to approve all changes unless otherwise noted would be held in force.

Approved by the Policy Group without changes were: AS 29.24.050, 29.24.125, 29.24.160, 29.24.206, 29.24.210, 29.24.240. Approved with minor wording changes were: AS 29.24.140, 29.24.145, 29.24.150, 29.24.175, 29.24.200, 29.24.250. Sections with substantive changes made by the Policy Group were: AS 29.24.170 and 29.24.205.

The meeting was recessed at 4:30 p.m. until 8:30 a.m. 16 December.

At 8:30 a.m. the meeting was called to order at the Captain Cook Hotel in the Quarterdeck 19 conference room. Policy Advisory Group members attending were: Senator Arliss Sturgulewski, Senator-elect Charles Parr, Representative Margaret Branson, Ted Berns, Terry Cook, Marilyn Dimmick, Ronald Larson, Gene Moore, Russell Walker, and Jonathan Solomon. Representing Ex-Officio members were Patrick Poland for Palmer McCarter and Marilyn Miller for Ginny Chitwood. Guests and members of the public attending were Stephanie Scott, Haines Borough; Robert Walker, Exxon; Cris Fowler, AOGA; David Dye, Community Planning, Department of Community and Regional Affairs, and Carl Mogli, Napakiak.

There were no presentations by guests or members of the public.

Approved by the Policy Group without changes were: AS 29.24.160, 29.24.200(e), 29.24.210, 29.24.390, 29.24.430, 29.24.450, 29.24.480, 29.24.510, 29.24.515, 29.24.570, 29.24.620, 29.24.630, 29.24.640, 29.24.670, 29.33.030, 29.33.190, 29.33.210, 29.33.220, 29.42.020, 29.42.030, 29.42.060, 29.42.070, 29.42.085, 29.42.090, 29.42.100, 29.42.115, 29.42.120, 29.42.130, 29.42.150. Accepted by the Policy Group with wording changes were: AS 29.24.010, 29.24.530, 29.24.680, 29.24.690, 29.33.090, 29.42.010, 29.42.050, 29.42.080, 29.42.160. Sections with substantive changes made by the Policy Group were: 29.24.420, 29.33.010, 29.33.020, 29.33.070, 29.33.130, 29.33.140, 29.33.150, 29.33.160, 29.33.200, 29.29.060. A drafted section sent back to the Technical Committee for further review was 29.42.040. Drafted changes not accepted by the Policy Group were AS 29.33.120 and 29.33.110.

Section 29.39.060 (Planning & Land Use Regulation) was earmarked as a policy issue to be reviewed later.

The meeting was recessed at 4:30 p.m. due to lack of a quorum.

At 8:30 a.m. 17 December 1980 the Policy Advisory Group meeting was again called to order in the Captain Cook Hotel, Quarterdeck 19 conference room. Members attending were: Senator Arliss Sturgulewski, Representative Margaret Branson, Ted Berns, Terry Cook, Marilyn Dimmick, Ronald Larson, Gene Moore, Russell Walker, and Jonathan Solomon. Representing Ex-Officio members were Patrick Poland for Palmer McCarter and Marilyn Miller for Ginny Chitwood. Guests and members of the public attending were Stephanie Scott, Haines Borough, Robert Walker, Exxon, Cris Fowler, AOGA, Carl Mogli, Napakiak, David Dye, Community Planning, Department of Community and Regional Affairs, and Timothy Troll, City Manager of St. Mary's. John Messenger represented the Technical Committee briefly, explaining the changes to the sections regarding bonding.

Sections accepted without changes by the Policy Advisory Group were: AS 29.39.060, 29.39.070, 29.39.080, 29.45.010, 29.45.020, 29.45.050, 29.45.100, 29.45.140, 29.45.150, 29.45.220, 29.45.240, 29.45.250, 29.45.260, 29.45.300, 29.45.310, 29.45.320, 29.45.400, 29.45.410, 29.45.440, 29.45.450, 29.45.460, 29.45.570, 29.45.590, 29.48.010, 29.48.020, 29.48.030, 29.48.040, 29.48.050, 29.48.060, 29.48.070, 29.48.080, 29.48.090, 29.48.105, 29.48.115, 29.48.120, 29.51.280, 29.51.340, 29.51.370, 29.51.390, 29.51.420, 29.51.430, 29.51.440, 29.51.250, 29.51.380, 29.51.370, 29.51.050, 29.51.150, 29.51.305, 29.51.240, 29.51.350, 37.30.100. Sections accepted with wording changes were: AS 29.27.080, 29.36.170, 29.36.270, 29.45.210, 29.51.410. Sections accepted with substantive changes made by the Policy Group were: AS 29.45.030, 29.45.545. Sections not accepted were AS 29.45.030 and 29.48.090. A section sent back to the Technical Committee for new language was 29.45.610. The Policy Group moved to repeal AS 29.45.060.

The chair directed the Technical Committee to review the following: Can a city be inside/a part of a service area? Staff is to review service area language throughout the Title. The Technical Committee is to bring back wording to allow the transition from any class of city to Home Rule.

Stephanie Scott representing the Haines Borough spoke in defense of third class boroughs. The Haines Borough objects to the recommendation that third class boroughs be eliminated. She distributed a letter from the mayor of the Haines Borough asking what the basis for the recommendation was. The Haines borough wants a list of the reasons for the elimination of the third class borough. Marilyn Miller said that the Alaska Municipal League concurred with the elimination of third class boroughs, or at least opposed the formation of any more third class boroughs. The City of Haines also concurs with the elimination of third

15, 16, & 17 Dec 80

class boroughs. Ted Berns made a motion that the Policy Group go on the record as concurring with the Alaska Municipal League's position that third class boroughs be eliminated. The motion carried. The chair directed the Technical Committee to draft language which eliminates the formation of third class boroughs but which does not alter the status of the Haines Borough.

The question of Organization Grants is to be held for the next meeting of the Policy Group.

The chair directed the Department of Community and Regional Affairs to look into dissemination of information regarding non-taxable property to state assessors.

Tim Troll says the 14c3 negotiations are affected by the current municipal properties statute and approves of the recommended change.

The dates of the next Policy Advisory Group meeting were set for the 17th and 18th of January, 1981 in Juneau. The Technical Group will have one more meeting as well.

The meeting was adjourned at 4:30 p.m. 17 December 1980.

Respectfully submitted,

Melissa Aber Fouse
Secretary, Title 29 Revision Commission

MEMORANDUM

22 December 1980

TO: Sharon Sturrock
Accounting

FROM: Melissa Aber Fouse
Secretary, Title 29 Revision Commission

SUBJECT: Policy Advisory Group Meeting

There was a meeting of the Policy Advisory Group of the Title 29 Revision Commission 15, 16, and 17 December 1980 in Anchorage, Alaska. Attending were:

Senator Arliss Sturgulewski
Senator-elect Charles Parr (2 days)
Representative Margaret Branson
Ted Berns
Russell Walker
Marilyn Dimmick
Gene Moore
Terry Cook
James Kohler (1 day)
Ronald Larson
Jonathan Solomon*

*Mr. Solomon told me on 17 December that there had been no planes in or out of Fort Yukon for 5 days and that there was the possibility that he may be stranded in Anchorage for several days.

maf

MEMORANDUM

12 December 1980

TO: Sharon Sturrock
Accounting

FROM: Melissa Ader Fouse
Title 29 Revision Commission

SUBJECT: Room Rental for Policy Group Meeting

The Policy Group of the Title 29 Revision Commission will be meeting 15, 16, and 17 December 1980 in Anchorage at the Captain Cook Hotel. The rate for the rental of the room is \$175.00 per day and coffee is \$25.00 extra per pot. I need a field warrant of \$650.00 to prepay the three day's rent and six pots of coffee. The Captain Cook will bill us for the balance if we incurr any other charges.

Thank you.

TO: Laura Davis
Attorney General's Office

FROM: Melissa Aber Touse
Title 29 Revision Commission

SUBJECT: Title 29 Revision

Attached are drafts presented to the Policy Group by the Technical Group at their meeting 10 and 11 November 1990. These changes were approved with minor wording revisions.

Also attached are membership lists of those persons serving on the committees.

M E M O R A N D U M

09 December 1980

TO: Title 29 Policy Group
FROM: Tamara Brandt Cook
Legislative Counsel
SUBJECT: Changes to Drafts Suggested by the Policy Group

Here are revisions to the drafts proposed by the Technical Committee incorporating changes suggested by the Policy Group during your meeting held on November 10th and 11th. In addition to these revisions, two sections are being held by the Policy Group for further review: AS 29.09.180 (Organization Grants), and AS 29.30.040 (Voter Qualifications).

I would appreciate any comments which you may have regarding these revisions.

Also enclosed is a memo from the Alaska Association of Municipal Clerks.

TBC:maf

Encl.

M E M O R A N D U M

09 December 1980

TO: Sharon Sturrock
Accounting

FROM: Melissa Aber Fouse
Title 29 Revision Commission

SUBJECT: Title 29 Technical Group Meeting

This is to let you know there was a meeting of the Title 29 Revision Commission Technical Group on 4, 5, and 6 December, 1980. Attending were:

Ted Berns
Russell Walker
John Messenger
Jim Nordale
Gerald Lee Sharp
Allan E. Tesche
Richard Garnett, III
Tamara Brandt Cook
Melissa Aber Fouse

maf

TO: Senator-elect Don Gilman

FROM: Melissa Aber Fouse
Title 29 Revision Commission

SUBJECT: Revisions to Title 29

Here are copies of the drafting changes that have been submitted to and approved by the Title 29 Revision Commission Policy Group to date. Also included are a news release prepared by our office, a progress report (as of 7 October) and the minutes of the last Policy Group meeting.

These should give you a good idea of what has been accomplished to date.

Please let us know if there is any further information we can provide you with.

19 November 1980

TO: TECHNICAL GROUP

FROM: Meliana House
Secretary, Title 29 Commission

John Messenger has once again kindly consented to let us use his conference room for our meeting. The dates of the meeting are the 4th, 5th and tentatively the 6th of December, 1980. The address of John's office is 420 "L" Street, Suite 404, Anchorage.

M E M O R A N D U M

19 November 1980

TO: Title 29 Technical Committee

FROM: Tamara Brandt Cook
Legislative Counsel *TLC*

SUBJECT: Changes to Drafts Suggested by the Policy Group

Here are revisions to the drafts proposed by the Technical Committee incorporating changes suggested by the Policy Group during their meeting held on November 10th and 11th. In addition to these revisions, two sections are being held by the Policy Group for further review: AS 29.09.180 (Organization Grants), and AS 29.30.040 (Voter Qualifications).

I would appreciate any comments which you may have regarding these revisions. I am planning on sending copies of the revisions to the Policy Group early in December.

TBC:maf

Enclosures

TO: Technical Group

FROM: Melissa Aber Fouse
Secretary, Title 29 Commission

SUBJECT: SB 582

We are sending you SB 582 on the request of Lee Sharp who plans to make this subject an item of discussion at the next Technical Committee meeting.

Page 2
4. New Business:

- a. Presentation of proposed items for consideration by members of the Policy Advisory Group.
- b. Presentation of proposed items for consideration by Ex-Officio members.
- c. Presentation of proposed items for consideration by the Technical Revision Committee.
- d. Other new business.

November 11th:

1. Introduction of guests and members of the public attending.
2. Presentation by guests and members of the public of areas of concern or proposed items for consideration.
3. Other new business.
4. Setting of future meeting dates for the Policy Advisory Committee.

It is the intention of the Policy Advisory Group to undertake a thorough review of Title 29. To make this possible, the Policy Group requests that any questions about Title 29 be forwarded to them. Comments on Title 29 may be sent to:

Tamara Brandt Cook
Division of Legal Services
Legislative Affairs Agency
Pouch Y, State Capitol
Juneau, AK 99811

As the review of Title 29 must be completed before the next legislative session, it is important that any suggestions for revision be mailed as soon as possible. It is hoped that all areas of Title 29 needing revision can be identified before this meeting.

Thank you for your interest in the revision of Title 29. Again, any comments on areas of Title 29 that, in your opinion, need review will be helpful to the Policy Advisory Group.

**TITLE 29 REVISION COMMISSION
Policy Advisory Group Meeting**

Minutes of November 10 & 11, 1980

The third meeting of the Policy Advisory Group - Title 29 Revision Commission was held November 10 and 11, 1980 in the East Gold Room of the Traveler's Inn, Fairbanks, Alaska. The meeting was called to order by Senator Arliss Sturgulewski, Chairman, at 10:45 a.m.

Present as members of the Policy Advisory Group were: Senator Arliss Sturgulewski, Senator Bob Mulcahy, Senator-elect Charles Parr, Representative Margaret Branson, Ted Berns, Terry Cook, Marilyn Dimmick, Ronald Larson, Gene Moore, Donna Sherby, and Russell Walker. Present as Ex-Officio Members were Palmer McCarter, and Bonnie Hedley from RuralCAP substituting for Phil Smith. The Technical Committee was represented by Ted Berns and Russell Walker as members of both groups, and by Allan Tesche. Present from the staff of Legal Services were Billy G. Berrier, Director and Tamara Brandt Cook, Legislative Counsel.

Guests and members of the public attending were: Stephanie Scott, Haines Borough; Cris Fowler, AOGA; Bob Walker, Exxon; Mike Walleri, Tanana Chiefs; John Arney, Haines Borough; Bob Juettner, City of McGrath; Michael Tavoliero, City of Saxman; Marie Matsuno, Department of Community and Regional Affairs; Ivan Widom, City of Nome; Lisa Buskirk, Tanana Chiefs; John Halliwill, City of Haines; Tommy Nebel, Ketchikan Borough; Kathy Carssow, Ketchikan Borough; Marvin Yoder, Ketchikan Borough; Tom Blanton, Haines Borough; Jerry Clifton, Haines Borough Assembly; Dan Ogt, Kodiak Island Borough; Shirley Collins, Haines; Jack Carpenter, Sitnasuak Native Corporation; Edward A. Stahla, City of Wrangell; Richard Careaga, City of Unalaska; Robert Flint, Wohlforth & Flint; Jack P. Van Leuven, RainierBank.

There were no presentations by guests or members of the public.

Under Old Business, Palmer McCarter reported on ways of getting materials and information to the public. He said the Department of Community and Regional Affairs was planning newsletter inserts and coordinating with the University of Alaska for a special issue of their newsletter to include an insert concerning the revision of Title 29. Chairman Sturgulewski directed Bonnie Hedley to coordinate information activities with Mr. McCarter and Tamara Cook.

Bonnie Hedley gave a report from RuralCAP on special problems of rural communities. She stated that rural communities have little "hook-up" with state agencies and therefore have little access to programs and money. The legislature never meets as the assembly for the Unorganized Borough. It is felt that there are not enough people in small communities to perform all

the required municipal functions as well as the functions of existing forms of government, such as IRA councils. RuralEAP recommends the recognition of IRA councils. Chairman Sturgulewski directed staff to prepare a memo on these issues.

Mike Walleri presented a new draft of his report entitled "Tribal-State Relations, A New Paradigm for Local Government in Alaska". The chair directed staff to review it.

Chairman Sturgulewski reported attending a meeting of the AVCP in Bethel, and said they were getting funds to do a regional government study. She also reported on attending the AFN convention in Anchorage. The people she talked to questioned parallel governments and duplication of functions in the communities where there were municipal governments as well as traditional governments.

Ginny Chitwood of the Municipal League was stranded in Juneau due to weather and her report was postponed.

Billy Berrier reported what the Commission had done to date. Ted Berns said the Technical Committee planned to present final recommendations to the Policy Group by the 15th of December, 1980.

The Technical Committee presented their proposed drafts for consideration to the Policy Group. Representative Branson moved that the Policy Group accept all recommended changes except those requiring more discussion. The motion was seconded and carried. The following sections were accepted. (Note: There were wording changes in some in the following) Sec. 29.06.010, Sec. 29.06.050, Sec. 29.12.260, 29.15.020, 29.15.050, 29.15.110, 29.65.050, 29.30.010, 29.30.020, 29.30.030, 29.30.050, 29.30.095, 29.30.110, 29.30.120, 29.30.130, 29.30.140, 29.30.150, 29.30.160, 29.30.170, 29.30.180. Sections 29.09.180 and 29.30.040 were sent to subcommittees for study.

The meeting was recessed until 9:00 a.m. 11 November 1980.

At 9:00 a.m. 11 November 1980 the meeting was again called to order in the East Gold Room of the Traveler's Inn, Fairbanks, Alaska. All members of the Policy Advisory Group were in attendance. Members of the public and guests who attended the day before were present and the following people attended as well: Ginny Chitwood, Ex-Officio Member; Gerald Lee Sharp, Title 29 Technical Committee; Richard Garnett, III, Title 29 Technical Committee; David Dye, Department of Community and Regional Affairs; Leo Rasmussen, City of Nome; L.C. Farnen, City of Homer; Kathy Herold, City of Homer; Carol Maser, Anchorage Assembly; Jenny Files, Fort Yukon; and former Mayor Bill Wood, Fairbanks.

Mayor Wood gave the first presentation. He spoke on the need for municipalities to have developmental authority in order

to encourage investments within the cities and boroughs. He submitted a letter from the City of Fairbanks regarding tax incentive programs and referred to Fairbanks ordinance 3906. The Technical Committee was directed to review AS 29.53.025.

John Halliwill, Mayor of Haines spoke in favor of the elimination of Third Class Boroughs.

Bob Juettener, City Manager of McGrath spoke on the problems of communities with small populations supporting the large number of organizations making up municipal government. He recommended an evaluation of second class cities and abolishing those that are not functioning. He suggests that the group providing the best service delivery be chosen as the governing body of a community. He feels the different classifications of cities should be abolished and provisions made for local options concerning the assumption of powers and form of government. He sees a need in the bush for a means of dealing with the executive branch of government, perhaps a regional or sub-regional elected body in the Unorganized Borough.

Ivan Widom, City Manager of Nome said there was a need to regionalize concepts in order to see what is happening in specific areas. He recommends giving communities mechanisms for reaching the state in order to benefit from services offered. Mr. Widom also recommended giving communities the option of choosing their own form of government, such as home rule.

Michael Tavoleiro, City Manager of Saxman spoke next, saying there was no definition of local government, i.e., no expressed definition of eligibility characteristics. He feels that second class cities within an organized borough are disenfranchised from planning powers. He stated also that second class cities should have direct access to federal and state programs instead of being required to go through the borough. Mr. Tavoliero cited the Historical Districts program as an example. He feels that local communities should be allowed more self-sufficiency.

Larry Farnen, City Manager of Homer spoke in reference to 29.48.260. He recommended raising the dollar amount in that section from \$25,000 to \$250,000. He wants cities to have the authority to lease land to beneficial new industry. In reference to planning and zoning powers, Mr. Farnen recommended the statutory language be changed to allow boroughs to assume planning and zoning powers if the cities are not willing to exercise them.

Dan Ogt, Mayor of the Kodiak Island Borough cited AS 29.30.160 saying there was no provision for special elections, and recommended special elections be mandated in the statutes.

Richard Careaga, Planning Director for the City of Unalaska wants more definition/clarification of mandatory powers and duties.

10 1 31 80
Leo Rasmussen, Mayor of Nome said small government feels that it has lost control of its own destiny. Planning is being taken over by REAAs and SRAAs. He said Nome feels threatened by the possible organization of the Unorganized Borough and he asked for more local autonomy.

Returning to Old Business, the Policy Group continued its review of the recommended drafting changes submitted by the Technical Committee. Sec. 29.30.210 was reviewed. James Kohler moved to not accept the drafted change but to retain the current language. Charles Parr amended the motion, and it carried. The chair directed staff to clarify the wording of the current statute and resubmit it at the next meeting of the Policy Group. Secs. 29.30.220, 29.30.225, 29.30.230, 29.30.240, 29.30.250, 29.30.260, 29.30.270, 29.30.280, 29.30.290, 29.30.300, 29.30.310, 29.30.320, were accepted with no changes or some wording changes. 29.30.330 was sent back to the Technical Committee for redrafting.

Two subcommittees were formed and are to give reports at the next meeting on AS 29.09.180 Organization Grants (Chair-McCarter) and AS 29.30.040 Voter Qualifications (Chair-Dimmick).

Two sections of Title 29 considered obsolete were discussed. The Policy Group will recommend the repeal of the sections on Involvement of Young People in Local Government and the repeal of the sections on Development Cities.

The dates of the next meeting of the Policy Advisory Group were set for 15, 16, and 17 December, 1980 in Anchorage.

Staff is to review the definition of "petitioner".

The meeting was adjourned at 4:30 p.m.

Respectfully submitted,

Melissa Aber Fouse
Secretary, Title 29 Commission

**TITLE 29 REVISION COMMISSION
Policy Advisory Group Meeting**

Minutes of September 29 & 30, 1980

The second meeting of the Policy Advisory Group of the Title 29 Revision Commission was held September 29, 1980 in Courtroom K of the Alaska Court System Building, 303 K Street, Anchorage, Alaska. The meeting was called to order by Senator Arliss Sturgulewski, Chairman, at 9:00 a.m.

Present as members of the Policy Group were: Senator Arliss Sturgulewski, Representative Charles H. Parr, Ronald Larson, Russell W. Walker, Marilyn Dimnick, Donna Sherby, Jonathan Solomon, James Kohler, Ted Berns, and Dennis Sheldon representing Terry Cook. Ex-Officio members present were Ginny Chitwood and Phil Smith. Richard Garnett, III was there as a member of the Technical Committee. Ted Berns and Russell Walker are members of both the Policy Group and the Technical Group. Present from the staff of Legal Services were Jack Chenowith and Tamara Cook.

There to make presentations to the Policy Group were C. Demming Cowles, Deputy Commissioner of the Department of Environmental Conservation; David Dye, Planner for the Department of Community and Regional Affairs; Dr. Fred McGinnis, Deputy Commissioner of the Department of Health and Social Services; Stephanie Scott, representing the Haines Borough Assembly; and Mike Walleri representing Tanana Chiefs, Inc.

Guests and members of the public attending were: Stuart Bowdoin, Bristol Bay Borough; Gary Bradford, Bristol Bay Borough, Glen Svendsen, Administrative Assistant, Senate Community and Regional Affairs Committee; Cris Fowler, AOGA Regulatory Reform Committee; Ray Menninger from Haines; Jim Bennett, researcher for AVCP (Calista Corporation); Ellen Greenburg, and Emily Larson.

After the meeting was called to order and guests introduced themselves, Commissioner Cowles began the presentations. He spoke regarding the functions of the Department of Environmental Conservation which could be locally done and raised policy questions about whether state or local government should be in charge of the following functions:

1. Water system and sewage disposal inspections.
2. Subdivision review of on-site sanitation capabilities.
3. Basic sanitation inspections of restaurants, hotels, etc.

4. Clean up of small oil spills.
5. The issuing of oily waste burn permits and surface oiling permits.
6. Litter control.
7. Vehicular emissions control.

Changes to Title 29 would have to be made to allow for delegation of these powers. Commissioner Cowles suggested that the statutes could make it optional for small communities to assume these powers and provide for state reimbursement, because money for communities to perform these services is a problem.

Stephanie Scott representing the Haines Borough Assembly spoke next. The borough of Haines would like a clarification of the powers of third class boroughs. She reported that the Borough Chairman had the following recommendations to make:

1. Rewrite 29.48.260(e) to relieve procedural requirements under Libby vs. Dillingham.

2. Include inventories as optional exemptions from personal property taxation.

Ms. Scott stated there would be teleconference facilities available in Haines December 1, and there was a great deal of local interest in participating in a teleconference with the Policy Group.

David Dye, Planner III for the Department of Community and Regional Affairs made these recommendations from his division:

1. The law should be amended to allow municipal land exchanges with individuals. Municipal expansion land in some cases is located too far from the community to be used for municipal expansion. The definition of "municipal purpose" should be clarified.

2. Subsection (c) of 29.48.260 sets out two procedural requirements for land disposal. Mr. Dye recommends that lottery be added as an equitable way of disposing of land which is not based on wealth.

3. The provision for voter ratification of disposal of land valued at more than \$25,000.00 should be changed to reflect current land values. A more realistic figure would be 50,000.00 to 100,000.00 dollars.

4. Subsection (d) of 29.48.260 exempts lands derived from the state from procedural requirements. C&RA suggests that exemption turn on the purpose of disposal, not the source of the land.

5. Under ANCSA, people who have occupied land after December 18, 1971 do not receive title to that land. C&RA would like a preference right for occupiers of land after that date to allow them to purchase land without having to bid.

6. Mr. Dye would like a definition of "official map".

7. The wording of AS 29.23.090 should be changed to substitute "land use regulation" for "zoning".

8. C&RA suggests that rather than a platting waiver provision, the section include a "short plat" provision to allow for additional platting requirements if the land were subsequently re-subdivided.

9. AS 29.33.070(b)(2) allows boroughs to delegate planning and zoning to cities. The Department of Community and Regional Affairs believes in consistent area-wide planning and wants only the delegation of enforcement and administration of planning.

10. The sections regarding Development Cities should be deleted.

Mike Walleri of Tanana Chiefs, Inc. spoke regarding municipal lands disposal and the need for preference to occupiers of land regarding purchasing rights. This should, however, be subject to the municipality's sanction of the use of the land. Mr. Walleri recommends a waiver of the requirements for land payments to the municipality, or that the state assist buyers in paying for the land. Tanana Chiefs would support a lottery system if the preference rights and waiver of payments to municipalities were included. Mr. Walleri spoke in favor of integrating traditional native governments into the municipal system, possibly through recognition by the state of the status of native governments as local state governments.

Dr. Fred McGinnis of the Department of Health and Social services told us that his department recommends the delegation of health powers to municipalities. If municipalities were to take over the providing of services, the DHSS would still receive federal funding, would disburse the funds, would audit programs, supervise, and be responsible to the federal government for the administration of the programs. He emphasized that these powers should be optional rather than mandatory, and that in the absence of local government being able to take over the function of health services, a local contractor could provide them.

After the presentations, the committee considered Old Business. Phil Smith gave a report on the conclusions of the Information Dissemination Committee. Their recommendations are: take advantage of scheduled meetings and conventions being held by interested groups; put inserts in newsletters; buy space in newspapers; and use the teleconference network. Mr. Smith reported that the Alaska Federation of Natives Convention will be making a room available for us at the Sheraton. Chairman Sturgulewski said a member of each group should be available to attend the AFN Convention. She also directed the Department of Community and Regional Affairs to prepare an article on the Title 29 revision project for newsletters.

Ted Berns gave a report from the Technical Committee. He explained the draft index of Title 29, saying the reorganization had been done by subject matter. Mr. Berns told the Policy Group that the Technical Group was now ready to start drafting and the group had broken up into smaller groups to work on specific changes.

Chairman Sturgulewski said the Policy Group would like justification of all drafted changes in the form of memos pointing out the pluses and minuses of each change.

Ted Berns suggested that the Policy Group go through the index section by section and determine policy questions.

The Policy Group reviewed the index until recessing at 4:30.

The meeting was called to order 30 September 1980 at 9:00 a.m. by Chairman Sturgulewski. With the exception of Bob Lohr sitting in for Phil Smith, the same members were present. Guests were: Bob Walker of Exxon; Cris Fowler of the AOGA Regulatory Reform Committee; David Dye from the Department of Community and Regional Affairs; Stephanie Scott, Ray Menninger, and Vivian Menninger from the Haines Borough; Glen Svendsen, Administrative Assistant to the Senate Community and Regional Affairs Committee; and Mike Walleri, Tanana Chiefs, Inc.

The Policy Group continued their review of the Title 29 index and the Technical Group was directed to make recommendations regarding the following:

1. AS 29.13.100. Review and make recommendations as to the limitations of home rule powers.
2. Edit the whole of Title 29 so that definitions are consistent.
3. List those procedures which can be handled by ordinances.

4. Prepare drafts to change prohibitions on powers.
5. Draft changes to the statute regarding initiative and referendum.
6. Draft provisions for emergency situations arising from the lack of a quorum.
7. Redraft statute enabling budget actions to take place other than by ordinance. Enable an individual municipality to set it's own limits.
8. Make recommendations regarding whether first class boroughs should be eliminated and consider the impact of this step.
9. Find out whether second class boroughs would still be able to implement a similar program if the statute about the Involvement of Young People in Local Government were to be deleted.

Chairman Sturgulewski directed that the Local Boundary Commission and Alan Tesche be invited to make a presentation in defense of retaining the statutes regarding Development Cities.

Ron Larson moved the Policy Group retain the 3-year residency requirement for candidates for municipal office. The motion was seconded, Jim Kohler raised a point of order. The motion carried.

Marilyn Dimmick moved that the wording of the grounds for recall be deleted. The motion was seconded. Ron Larson moved to table the motion. Larson's motion failed. Ted Berns moved to postpone the motion until the next meeting. The motion for postponement passed.

Bob Lohr of RuralCAP was directed to come back with specific recommendations for the Technical Group regarding small communities and their problems.

The meeting was adjourned at 4:00 p.m.

Respectfully submitted,

Melissa Aber Fouse
Secretary

**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 Carnett, 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.

Representative Parr suggested directions for the Policy Committee: 1). greater self determination and latitude for local governments; and 2.) that elected officials should be able to understand Title 29 without the help of attorneys. Senator Sturgulewski agreed that Title 29 needed clarification.

The members present of the Technical Committee met briefly and Ted Berns, as spokesman, gave a report regarding the ideas they discussed. The group recommended that Title 29 be broken down into three sections.

1. The first section to be general provisions applying to all local government.

2. The second section to be delineation of procedures and additional limits on specific forms of government.

3. The third section to be directory provisions to be used unless the local government adopts ordinances of their own.

It was decided that the Technical Committee should attempt to reorganize Title 29 along these lines and present a draft at the next meeting.

Mike Walleri, Village Government Specialist, Tanana Chiefs Conference, Inc., spoke, saying he would like a simplification of government.

A list of items pertaining to Title 29 included in the preliminary draft of the Alaska Municipal League 1981 policy statement was handed out.

Future meeting dates and places were discussed. None were decided upon.

The kinds of things applicable to all municipalities were discussed, such as incorporation, dissolution, boundary changes, classification of government, extraterritorial powers, merger/consolidation, revenue, taxation, bonding, and intergovernmental relations.

Protection of people in service areas who are not represented by local government, such as persons living outside city limits, was discussed.

The meeting recessed at 4:00 pm.

The meeting was called to order the second day at 9:00 am., Chairman Sturgulewski presiding. In addition to the persons present at the first day's meeting, Chris Johnson of House Research and Nels Franklin from near Dillingham were present, and introduced by Chairman Sturgulewski.

Ted Berns gave a recap of the first days meeting.

Terry Cook was appointed repository of ridiculous laws.

Senator Mulcahy spoke on the problem of getting information, drafts, and policy issues to all municipalities within the time constraints. Phil Smith suggested a teleconference and said that he would be presenting material at the Alaska Federation of Natives Convention (23-25 October 1980, in Anchorage). It was decided that the problem of getting materials and information to the public would be an agenda item at the next meeting. Palmer McCarter, Phil Smith, and Ginny Chitwood of the Alaska Municipal League were appointed to a committee to research this problem and make recommendations.

Melissa Fouse was introduced as the new secretary to the Title 29 Revision Committee.

As part of the reorganization of Title 29, there was discussion as to which statutes belonged in which category.

Representative Parr wants a uniform provision on executive session. There was discussion on executive sessions.

The question of retaining present categories of government was raised and discussed. Ted Berns suggested only two classes of boroughs and home rule, pointing out that there are no first class boroughs.

The question of development cities was raised and discussed. Should we retain, restructure, or eliminate development cities?

There was discussion on the third category. If a municipality chooses to follow procedures, should they be required to follow all of them?

Senator Mulcahy's legislation regarding the recognition of village governments was discussed. Copies of HB 192 are to be mailed to committee members.

There was discussion of persons representing committee members being allowed to vote. Mr. Berrier had reservations based on the appointment of the members of the commission according to resolution. It was decided that persons filling in for committee members be allowed to take part in the discussion, but would not be allowed to vote.

The meeting was adjourned at 12:00 pm.

Respectfully submitted,

Melissa Aber Fouse

MEMORANDUM

November 17, 1980

SUBJECT: Title 29 Policy Group Meeting
TO: Accounting
FROM: Melissa Aber Fouse, Secretary
Title 29 Revision Commission

The Title 29 Revision Commission held a meeting 10 and 11 November, 1980. The meeting was held in Fairbanks. Attending were:

Ted Berns
Margaret Branson
Terry Cook
Marilyn Dimmick
James Kohler
Ronald Larson
Gene Moore
Bob Mulcahy
Charles Parr
Donna Sherby
Arliss Sturgulewski
Jonathan Solomon
Russell Walker
Billy G. Berrier
Tamara Brandt Cook
Melissa Aber Fouse
Allan Tesche
Gerald Lee Sharp
Richard Garnett, III

NOTICE OF MEETING
September 10, 1980

A Policy Advisory Group has been appointed to oversee the revision of the Municipal Code, Title 29 of the Alaska Statutes. The Policy Advisory Group is composed of thirteen members. Of these, nine public members represent a broad range of local officials interested in Title 29. The public and legislative members of the Title 29 Policy Advisory Group are:

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

The second meeting of the Policy Advisory Group is scheduled for September 29th and 30th, 1980. The meeting will begin at 9:00 am at the Legislative Information Office, 1024 West Sixth Avenue, Anchorage, Alaska. The telephone number there is 278-3668.

The proposed agenda for this meeting is:

1. Introduction of guests and members of the public attending.
2. Presentation by guests and members of the public of areas of concern or proposed items for consideration.
3. Old Business:
 - a. Recommendations by Ex-Officio members for ways of getting materials and information to the public.
 - b. Report on reorganization of Title 29 by the Technical Revision Committee.
 - c. Other old business.

4. New Business:

- a. Presentation of proposed items for consideration by members of the Policy Advisory Group.
- b. Presentation of proposed items for consideration by Ex-Officio members.
- c. Presentation of proposed items for consideration by the Technical Revision Committee.
- d. Other new business.

5. Setting of future meeting dates for the Policy Advisory Committee.

It is the intention of the Policy Advisory Group to undertake a thorough review of Title 29. To make this possible, the Policy Group requests that any questions about Title 29 be forwarded to them. Comments on Title 29 may be sent to:

Tamara Brandt Cook
Division of Legal Services
Legislative Affairs Agency
Pouch Y, State Capitol
Juneau, AK 99811

As the review of Title 29 must be completed before the next legislative session, it is important that any suggestions for revision be mailed as soon as possible. It is hoped that all areas of Title 29 needing revision can be identified before this meeting.

Thank you for your interest in the revision of Title 29. Again, any comments on areas of Title 29 that, in your opinion, need review will be helpful to the Policy Advisory Group.

MEMORANDUM

September 15, 1980

SUBJECT: Budget Expenditures - Title 29 Commission
TO: Billy G. Berrier, Director
Legal Services Division
FROM: Melissa Aber Fouse, Secretary
Title 29 Commission

As of 1 August 1980 only \$15.00 had been spent of a total budget allocation of \$53,800.00 for the Title 29 Commission. The Policy Meeting held on 27 and 28 August cost \$3910.25 in travel and per diem for the policy group members.

The estimated cost of the 08 September 80 Technical Committee meeting (not all claims have been submitted) is \$1400.00.

To date, personal services have cost \$1425.00.

This leaves a balance of \$47,049.75.

Attached are my estimates of the costs of the scheduled meetings of both the Policy and Technical committees plus the cost of my personal services to 15 January 1981.

maf

Attachment

Title 29 Commission Projected Expenditures

Balance as of 15 September 1980	\$47,049.75
Personal Services to 15 Jan 81	11,400.00
Estimated cost of Technical Committee meeting 19 Sep 80	2,000.00
Estimated cost of Policy Committee meeting 29 & 30 Sep 80 (Anchorage)	5,000.00
Estimated cost of Policy Committee meeting 11 & 12 Nov 80 (Fairbanks).	6,000.00
Remaining Balance	\$22,649.75

November 7, 1980

Timothy E. Troll
City Manager
City of St. Mary's
P.O. Box 163
St. Mary's, Alaska 99658

Dear Mr. Troll:

I have submitted copies of your letter to members of the Title 29 Policy Advisory Group so that they will be aware of your concern over AS 29.48.260. Your other comments which were originally sent to the Department of Community and Regional Affairs have been made available to the Title 29 Policy Advisory Group as well. Please send any additional comments which you have to me and I will see that members of the Policy Group receive copies.

I talked by phone with Mr. James N. Reeves on November 5, 1980. He indicated that he would like to address the Policy Group at the next meeting they hold in Anchorage. I will inform him of the meeting time and place as soon as it is set. Time is made available during meetings of the Policy Group to any person who wishes to address the group, so perhaps you would like to attend a meeting as well. I expect that the Policy Group will decide to meet again early in December and I will inform the group of your desire that the meeting be held in Anchorage.

Sincerely,



Tamara Brandt Cook
Legislative Counsel

TBC:maj

cc: Title 29 Policy Advisory Group
James N. Reeves

November 5, 1980

Carol A. Tellevick
City Clerk
City of Port Alexander
Box 725
Port Alexander, Alaska 99836

Dear Ms. Tellevick:

Here is a copy of Title 29 and the supplement. The supplement does not include legislation passed during the 1980 session, so you should contact the Michie Company to order the new supplement when it is printed. If I can help in any other way please let me know.

Sincerely,

Tamara Brandt Cook
Legislative Counsel

TBC:maf

Encl.

October 22, 1980

Stephanie K. Scott
Administrative Secretary
Haines Borough
P.O. Box H
Haines, Alaska 99827

Dear Ms. Scott:

Thank you for your letter. I have provided copies of the material you sent to all members of the Title 29 Advisory Policy Group.

For your information the Superior Court opinion City of Kodiak v. Kodiak Island Borough was never appealed. Unfortunately, I am not aware of any additional case law construing the statutory provision which limits the authority to form service areas. I will forward any additional information I receive on the subject to you. You have suggested that AS 29.63.090(d) be rewritten to provide more flexibility to municipal governments in creating service areas. Since that section is essentially a restatement of language contained in the state constitution, I doubt that rewriting the statute would accomplish your purpose.

Please send me any other suggestions which you may have regarding proposed changes to the Municipal Code and I will gladly forward them on to the Policy Group. Our next meeting is scheduled to be held in Fairbanks on November 10th and 11th. I hope to see you there.

Sincerely,

Tamara Brandt Cook
Legislative Counsel

TBC:ljb

cc: Title 29 Policy Advisory Group

MEMORANDUM

October 22, 1980

SUBJECT: Title 29 Technical Committee Meeting
TO: Accounting
FROM: Melissa Fouse, Secretary
Title 29 Revision Commission

The Technical Committee of the Title 29 Revision Commission held a meeting on 20 October 1980. The meeting was held in Anchorage. Attending were:

Ted Berns
Russell W. Walker
Tamara Brandt Cook
Melissa Aber Fouse
John Messenger
James Nordale
JoAnne Shanley
Allan E. Tesche
Gerald Lee Sharp
Richard Garnett, III
Billy G. Berrier

maf

MEMORANDUM

24 September 1980

TO: Sharon Sturrock, Accounting
Legislative Affairs

FROM: Melissa Aber Fouse, Secretary
Title 29 Commission

We will need a check for \$38.00 to give to the Alaska Court System to pay for security charges incurred when our Title 29 Commission Policy Group meeting goes past 4:30 p.m. on both the 29th and 30th of September 1980.

September 10, 1980

Ms. Marilyn Dimmick
Box 151
Ninilchik, AK 99639

Dear Ms. Dimmick:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

The dates for the next meeting of the Policy Advisory Group have been set for the 29th and 30th of September, 1980. The meeting will be held in Anchorage at the Legislative Information Office, 1024 West 6th Avenue. It will begin at 9:00 am in the conference room on the second floor.

Please let me know if there is anything I can do to assist you regarding this or any other of our meetings. I will be happy to make travel or hotel reservations, and send or bring copies of information you would like to have. My telephone number in Juneau is 465-3809, or you can call 465-3867.

Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Mr. James Kohler
P.O. Box 6
Yakutat, AK 99689

Dear Mr. Kohler:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Mr. Gene Moore
P.O. Box 186
Kotzebue, AK 99752

Dear Mr. Moore:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

The dates for the next meeting of the Policy Advisory Group have been set for the 29th and 30th of September, 1980. The meeting will be held in Anchorage at the Legislative Information Office, 1024 West 6th Avenue. It will begin at 9:00 am in the conference room on the second floor.

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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Ms. Donna Sherby
P.O. Box 1210
Cordova, AK 99574

Dear Ms. Sherby:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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Secretary, Title 29 Commission

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cc: Billy G. Berrier
Tamara Brandt Cock
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Mr. Russell W. Walker
Box 7300
Ketchikan, AK 99901

Dear Mr. Walker:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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Secretary, Title 29 Commission

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cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Representative Margaret Branson
P.O. Box 740
Cooper Landing, AK 99572

Dear Representative Branson:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Justtner, City Administrator of McGrath, to Senator Sturgulewski.

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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

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cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Representative Charles H. Parr
S.R. Box 50599
Fairbanks, AK 99708

Dear Representative Parr:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Jettner, City Administrator of McGrath, to Senator Sturgulewski.

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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Barrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Senator Bob Mulcahy
P.O. Box 246
Kodiak, AK 99615

Dear Senator Mulcahy:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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Secretary, Title 29 Commission

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enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Senator Arliss Sturgulewski
2957 Sheldon Jackson Street
Anchorage, AK 99501

Dear Senator Sturgulewski:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Mr. Ronald Larson
Box B
Palmer, AK 99645

Dear Mr. Larson:

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Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Mr. Jonathan Solomon
P.O. Box 269
Fort Yukon, AK 99740

Dear Mr. Solomon:

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Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Mr. Terry Cook
Box 33
Alekanuk, AK 99554

Dear Mr. Cook:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Mr. Ted Berns
Pouch 6-650
Anchorage, AK 99502

Dear Mr. Berns:

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Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Ms. Ginny Chitwood
204 North Franklin
Juneau, AK 99801

Dear Ms. Chitwood:

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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy C. Berrier
Tamara Brandt Cook

September 10, 1980

Mr. Palmer McCarter
Pouch B, Mail Stop 2100
Juneau, AK 99801

Dear Mr. McCarter:

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Melissa Aber Fouse
Secretary, Title 29 Commission

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enclosures

cc: Billy G. Berrier
Tamara Brandt Cook

September 10, 1980

Mr. Phil Smith,
327 Eagle Street
Anchorage, AK 99501

Dear Mr. Smith:

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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook

MEMORANDUM

September 26, 1980

SUBJECT: Proposed drafting change

TO: Advisory Policy Committee -
Title 29 Revision

FROM: Tamara Brandt Cook
Legislative Counsel

This is a proposed technical revision which makes no substantive legal changes. I have used the chapter and article numbers which these sections are organized under according to the reorganization proposed by the Technical Committee. The section number, AS 29.23.310, is the section in which this material appears in the existing Title 29.

In an effort to make this section clearer to the unsophisticated user, I am proposing a new opening section containing a cross-reference to the appropriate statute dealing with school districts. I have subdivided the existing section 29.23.310 in order to segregate material applicable to specific types of municipalities. I have also somewhat expanded this section to include a reference to the fact that the assembly serves as school board for third class boroughs. I added subsection (c) to provide notice within Title 29 of the existence of a provision outside of the title providing for an alternative to the school board membership requirements set out in Title 29.

In general, I have expanded the section dealing with school boards in order to provide more complete coverage of that topic in one place in the statutes for ease of use.

TBC:ljb

Enclosure

MEMORANDUM

September 25, 1980

SUBJECT: Proposed drafting change
TO: Advisory Policy Committee -
Title 29 Revision
FROM: Tamara Brandt Cook
Legislative Counsel

This is a technical revision which includes no substantive changes in the law. The section numbers used match existing section numbers, however, the sections have been arranged in the order proposed by the Technical Committee as part of their reorganization of Title 29. This draft contains the complete Article 1 (General Powers) under the proposed reorganization scheme.

TBC:ljh

Enclosure

MEMORANDUM

October 2, 1980

SUBJECT: Proposed drafting change

TO: Policy Group
Title 29 Revision Commission

FROM: Tamara Brandt Cook
Legislative Counsel

This is a proposed technical revision of AS 29.53.020 dealing with exemptions from property taxation but containing no important substantive legal changes. However, I wish to alert you to a change which may have some substantive impact.

AS 29.53.020(e) currently contains the language

Only one exemption may be granted with respect to the same property and, if two or more persons are eligible for an exemption with respect to the same property, the parties shall between or among themselves which shall receive the benefit of the exemption.

This sentence has been in subsection (e) since 1972, but its meaning is unclear. I checked with Mr. Lee Sharp, Municipal Attorney for Juneau, and Mr. Terry Early, State Assessor regarding the meaning of this provision. Both of them agreed with me that the section is unclear and Mr. Early advised me to check with an assessor to see how it has been applied in the field. I contacted Mr. Bob Howe, Juneau assessor, and he informed me that the sentence in question has been ignored as a practical matter. I also checked with the Department of Revenue and was informed that they rely upon information supplied by the boroughs in determining the amount of the state rebate, and therefore have not been interpreting this sentence themselves. Consequently, I have deleted this sentence from this draft.

MEMORANDUM

September 26, 1980

SUBJECT: Proposed drafting changes

TO: Advisory Policy Committee -
Title 29 Revision

FROM: Tamara Brandt Cook
Legislative Counsel

As noted in several of the comments submitted to the Advisory Policy Committee, the status of an ordinance between the time of adoption and the time of veto is unclear in the current statutes. This draft contains several substantive legal changes which would clarify this situation.

1. An ordinance takes effect 30 days after adoption or at a later date specified in the ordinance. Currently the statutes are unclear as to when an ordinance is effective. The 30 day period, could, of course, be shortened or lengthened.
2. Copies of the ordinance are to be made available within five days. Currently, there is no time period designated and the statutes merely indicate that copies of an ordinance are to be made available. The five day period, could, of course, be lengthened or shortened.
3. In order to go along with the first two proposed substantive changes, I have added a requirement that ordinances be vetoed within 30 days. The existing law gives no time frame within which a veto must be exercised.
4. In the case of a veto, the mayor must immediately submit a statement advising of the veto and giving reasons. Under existing law, the mayor is required advise of a veto during the next regular meeting of the assembly or council. Since an assembly or council may not meet very often on a regular basis, I feel that the assembly or council ought to be

informed of a veto so that it can call a special session to attempt to override it.

5. An emergency ordinance is immediately effective after adoption, which appears to be the case under existing law. If vetoed, it ceases to be effective immediately and a veto may not be overridden. Since it takes a larger majority to pass an emergency ordinance than to override a veto, absent this provision, it appears that a veto could always be overridden. The assembly or council would still have the alternative of passing an ordinary ordinance, should an emergency ordinance be vetoed.

6. Copies of emergency ordinances are to be made available within 24 hours after adoption. The current law provides that copies be made available without specifying a time period for compliance.

In addition to the substantive changes mentioned above, this draft constitutes a complete technical revision of the sections. Section numbers match the numbers as they currently exist in Title 29.

Please let me know whether this approach appears satisfactory. I would be glad to make any desired changes to this draft.

TBC:ljb

Enclosure