

ALASKA LEGISLATURE COMMITTEE FILES 1971 - 1972 8672
78.1 FREE CONFERENCE COMM RE: MUNIC. CODE REVISION, HB 208/SB 113



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

Lawrence M. Butler
Signature of Camera Operator

3/17/92
Date

1971-1972

FREE CONFERENCE COMMITTEE RE: MUNICIPAL CODE REVISION,
LIST OF FILMS (PAGE 1)

HB 2087/SB 113
MICROFILM #

FCC 3-RING BINDER: MINUTES, SUGGESTED AMENDMENTS +
INFORMATION, BILLS ANNOTATED MINUTES, ANNOTATED
COPY OF FCC FINAL REPORT

FCC NOTEBOOK VOLUME 1 - FCC BILL, REPORT +
SUPPLEMENTARY REPORT

FCC NOTEBOOK, VOLUME 2 - AGENDA, MINUTES,
AMENDMENTS - BILLS CONSIDERED

FCC NOTEBOOK, VOLUME 3 - BILLS CONSIDERED

FCC 3-Ring

Binder

Municipal Code 1972

Minutes of Meetings

3/18/72	* 3/30/72	4/25/72	5/18/72
3/21/72	4/6/72	* 4/27/72	
* 3/23/72	* 4/11/72	* 5/2/72	
* 3/28/72	* 4/18/72	* 5/17/72	

* Tapes exist for these meetings

Proposed amendments to CSSB 113 (CSHB 208)

FCC Notebooks: Vol. 1 FCCS SCS CSHB 208 (with table of contents)
Vol. 2 Agenda and Minutes of Meetings Held by the Joint Local Governments Committees (with proposed amendments of related bills).
Vol. 3 Bills Considered.

Free Conference Committee Report on SCS CSHB 208am S and CSHB 208am. Journal - May 22, 1972. Annotated copy in files.

Supplemental Report to Free Conference Committee Report on SCS CSHB am S and CSHB 208am. Journal 6/17/72

SB 433 am H (Chap. 147 SLA 1972) Including municipal conflict of interest provisions within the revised municipal code and making certain technical corrections in code.

citations and provisions.

May 23, 1972 memo from Greg Wachowksi regarding the omission of AS 07.25.070 ~~from~~ (personal financial interest section) from the mun. code.

Municipal Code 1971

Meeting 3/24/71 on tape.

Draft Legislation Offered by Greater Anchorage Area Borough Administration.

List of bills pertaining to Municipal Code (as of 3/2/71)

Memorandum 3/5/71 from Commissioner Hartman to LG Committees regarding Educational provisions of municipal code.

3/9/71 Memorandum from Bill Berrier ^{stating} regarding changes between SB 113 & existing municipal law.

3/10/71 Letter from Joe McLean, Bureau - revenue & property tax.

3/22/71 A listing of all amendments to SB 113

Summaries:

Comparisons between proposed CSSB 113 and Existing municipal law.

Comparison of CSSB 113 and SB 113

Summary of proposed amendments to SB 113 (3/29/71).

4/12/71 House Journal (p. 777) Committee Report on HB 208
Recommend bill be replaced with Committee Sub.
for HB 208 and recommends committee subs. do pass
with an amendment. The committee also submitted:

1. A Forward & Synopsis of Amendments,
2. a comparison of CSSB 113 & Existing Municipal Law,
3. A comparison of CSSB 113 & SB 113.

4/19/71 Memo from Greg Machowski. Brief explanation of
attached amendment to CS HB 208 am.

VERSIONS OF PROPOSED REVISED MUNICIPAL CODE BEFORE
THE STATE LEGISLATURE

* 1965 - Senate Bill No. 101 - prepared by staffs of Local Affairs, Legislative Affairs, and Attorney-General's Office

**1965 - Committee Substitute for Senate Bill No. 101 - Senate Local Government Committee substitute bill, subject of Legislative Council public hearings in the state, summer, 1965

1965 - 2nd Committee Substitute - Senate Local Government Committee substitute bill, presented following point-by-point review of public hearings proposals for Senate Bill No. 101

**1966 - House Bill No. 508 - same bill as 2nd CSSE 101, presented in the House

1967 - House Bill No. 185 - modified version of prior bills, prepared by Local Affairs and introduced into the first session, Fifth Legislature

1969 - House Bill No. 38 - same bill as HB 185, introduced into the first session, Sixth Legislature

+ 1971 - Senate Bill No. 113 - modified and updated version of HB 38, prepared by Legislative Committee of Alaska Municipal League and Legislative Affairs, emphasizing conformity with substantive provisions of present municipal law (as compared with prior bills) and introduced into the first session, Seventh Legislature

+ 1971 - HB No. 208 - same as SB 113

1971 - CSHB No. 208 - Passed House

1971 - SCS CSHB 208 - Reported from Senate Local Government Committee to Rules Committee (summary of committee changes attached to bill)

1972 - SCS
CSHB 208
and
passed
Senate

* Accounting of sections prepared, in relation to citations of present AS 29 and AS 7

** Summary of provisions prepared, with comparisons to existing law

* Summary of major differences between proposed code and existing AS 29 and AS 7 prepared

1971
FCCS
SCS CSHB
208 -
adopted
both houses

+ Outline of major comparisons with existing law prepared by Billy H. Berrier of Alaska Municipal League Legislative Committee with subsequent minor amendments incorporated and introduced in bill (see also House Journal Sept 15, Apr 12, 1971)

I. SUGGESTED AMENDMENTS AND INFORMATION

Committee Minutes 3/18/72
 Committee Minutes 3/21/72
 Committee Minutes 3/23/72
 Committee Minutes 3/28/72
 Committee Minutes 3/30/72
 Committee Minutes 4/ 5/72
 Committee Minutes 4/11/72
 Committee Minutes 4/18/72

	<u>Page #</u>
City of Anchorage, Bob Sharp, Manager	1
City of Anchorage, Joan Spencer, Attorney	2, 3
Greater Anchorage Borough, John Asplund, Chairman	4 - 9
Greater Anchorage Borough, Sheila Gallagher, Atty.	10 - 15
City of Homer, Jack Greene, Manager	16
Senator Merdes notation	17
Amendment by Bob Thomas, Dept. of Education	18
Memorandum from Greg Machyowsky + 3 amendments	19 - 22
Memorandum from Greg Machyowsky + 2 amendments	23 - 26
Memorandum from Greg Machyowsky + 2 amendments	27 - 30
Amendment by Juneau Assessor re. Mobile Homes	31
Amendment by Rick Carnett re. schools reflecting community interest	32
Explanation of House Education Amendment, section (g) and (h)	33
Amendments by Hayden Kaden re. Anchorage Borough suggestions	34 - 35
Amendment by Rick Carnett re. Local Boundary Comm.	36
Amendments by Hayden Kaden	37 - 38
Alaska Outboard Service - Ketchikan unification	39
Amendments by Greg Machyowsky -- presented to the committee April 6, 1972	40 - 43
Fairbanks North Star Borough, James L. Bruce, Atty.	44 - 47
Amendment re. exemption of City and Borough Sales & Use Tax	48
Proposed legislation by Greater Anchorage Area Borough re. unification	49 - 56
Amendment by Greg Machyowsky re. apportionment	57 - 60
Amendment by Greg Machyowsky re. unification	61 - 62
Amendments by Greg Machyowsky	63 - 69
Memorandum from Robert Dozier, State Assessor	70 - 71
Amendments by Greg Machyowsky	72 - 80
Amendment re. flood control powers	81

II. HOUSE BILLS

		<u>Status</u>
HB 41		Local Government
HB 81		" "
CSHB 86		LAW 29.95.050
HB 96		Local Government
HB 111	am	LAW
CSHB 161		Finance
HB 175		Local Government
HB 187		HWE
HB 214		Local Government
HB 240		State Affairs
HB 257		Local Government
CSHB 258	am	S. Local Government
HB 280		Local Government
HB 285		HWE
HB 290		Local Government
CSHB 296		S. Local Government
HB 315		State Affairs
HB 332		Local Government
HB 335		Rules
HB 423	am	S. Local Government
HB 456		Local Government
HB 470		" "
HB 474		" "
HB 596		" "
HB 660		" "
HB 709		S. HWE
HB 720		Local Government
HB 729		Resources

III. SENATE BILLS

SB 37		Local Government
SB 44		Finance
SB 74		LAW 07.17.020
SB 79		Local Government
SB 82		H. Finance
HCSSB 117	am H	LAW 29.25
HCSSB 119	am H	LAW 29.10.223
SB 159		Local Government
SB 189	am	LAW 40.15.075
SB 190	am H	LAW 07.15.320
SB 260		Local Government
SB 342		" "
SB 363		" "
SB 371		" "
SB 316		" "

IV.

V. MUNICIPAL CODE (CSSB 113) AND AMENDMENTS ADOPTED

Joint Senate-House Free Conference Committee Meeting - CS23 113
March 18, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. E. Naughton	Sen. E. Merdes
Rep. J. Harris	Sen. C. Groh

Senator Miller moved that Rep. Miller be the presiding Chairman of all meetings.

After general discussion, the committee decided on the following:

- To bring Vic Fischer and Tom Moorehouse down to help with the municipal code.
- Meeting schedule: Tuesday and Thursday evenings, 7:30 P.M.
- Notify Local Affairs Agency, Attorney General's office, Don Berry of the Alaska Municipal League, and Bill Barrier, Attorney for the City and Borough of Juneau, of the schedule of meetings.
- Should have everything engrossed before presenting to House and Senate.
- Invite Greg Machyowshy to the meetings.

Among other matters, members indicated they wished considered, were the following:

- Merdes - Question of reapportionment regarding borough assembly.
- Borough assembly should have the option by right of referendum to combine school boards and assemblies into one unit.
 - List of suggested amendments from Bob Thomas, Department of Education.

Naughton - Municipal election dates.

Harris - Tax exemption on property tax for elderly.

T. Miller - Suggested that the staff assistant compile a list of all bills pending or passed which would amend the code.

Groh - Policy determination - confirmation of municipal department heads by the assembly.

Joint Senate-House Free Conference Committee Meeting - CSSB 113
March 21, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. J. Harris	Sen. C. Groh
Rep. E. Haughton	Sen. E. Merdes

Others present:

Don Berry, Executive Director, Alaska Municipal League
Bill Berrier, Attorney, City & Borough of Juneau
Rick Garnett, Assistant Attorney General

All of the Senate Amendments were approved by the committee.

Senator Groh questioned if (h) of the House Education Amendment is existing law. The committee asked Bill Berrier to check this out.

A memorandum from Greg Machyowsky proposed that definitions of "property", "real property" and "personal property" be added to the Definitions section on page 123, between lines 18 and 19. Senator Groh asked how sewer and water facilities, owned by community cooperatives, would be classified. The committee asked the staff assistant to contact the State Assessor and the Greater Anchorage Borough and North Star Borough Assessors to see how they handle this.

The committee approved the Senate amendment on elections with the following provision to be included:

"Notwithstanding the other provisions of the Act, a municipality may by ordinance adopt a date other than the first Tuesday of October as the date for regular municipal elections."

Senator Miller suggested that the committee consider making mandatory three year terms for municipal officials, instead of the present two year term, unless changed by ordinance.

Rick Garnett suggested that Page 45, line 4, (g) should include wording stating that schools should reflect community interest. The committee asked that he draw up an amendment to this effect.

Joint Senate-House Free Conference Committee Meeting - CSSE 113
March 21, 1972
Page 2

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

Page 76, line 19: after the word "exempt" add: "or partially exempt residential"

Page 77, line 6: change period to semicolon and add "and"

Page 77, between line 6 and 7: add the following new matter:
"(C) historic sites, buildings and monuments."

Page 79, line 7: after the word "purposes" add: "except where expressly classified as personal property by municipal ordinance."

Page 124, lines 18 - 19: strike "are elected on the date provided before the enactment of this title and"

Joint Senate-House Free Conference Committee Meeting - CSSB 113
March 23, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. J. Harris	Sen. C. Groh
Rep. E. Naughton	

Others present:

Hayden Kaden, Legislative Affairs
Don Berry, Executive Director, Alaska Municipal League
Rick Garnett, Assistant Attorney General
Bill Berrier, Attorney, City and Borough of Juneau
Byron Mallott, Director, Local Affairs Agency

Senator Miller received correspondence stating that Vic Fischer and Tom Moorehouse will be able to come the first part of April.

The committee went through the proposed amendments from Greg Machyowsky, City of Anchorage and the Greater Anchorage Borough. All of Greg Machyowsky's amendments were passed by the committee.

The committee's discussion on the Greater Anchorage Borough amendment suggestions are as follows:

- Chapter 23 - Municipal Officers and Employees
1. Sec. 29.23.020 - Senator Miller suggested apportionment be at borough option with voter referendum to decide how city representatives are chosen, provided it's one-man one-vote. A city would have six months to correct the problem.
 2. Sec. 29.23.090 (a) (1) - Senator Groh suggested having the Local Affairs Agency act on mal-apportionment. The committee requested Hayden Kaden to draw up an amendment on the above two sections.
 5. Sec. 29.28.073 - The committee asked Hayden Kaden to draw up an amendment to this effect.
 7. Sec. 29.33.080 - The committee asked Byron Mallott to pull this out of the Anchorage Charter and give to Hayden Kaden to draw up an amendment.
 8. Sec. 29.33.090 (d) - Referred this section to Greg Machyowsky. The committee asked Bill Berrier to study the utilization of "police power".
 9. Sec. 29.33.110 (b) (3) - The committee asked Byron Mallott to pull this out of the Anchorage Charter and give to Hayden to draw up an amendment.

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

- Page 44, line 27: after "school buildings." add "To the maximum extent consistent with education needs, the design of a school building shall provide for multiple use of the building for community purposes."
- Page 47, line 23: after "districts" add "and exceptions may be made in order to provide for the preservation, maintenance and protection of historic sites, buildings and monuments"
- Page 61, between lines 5 and 6, add the following new matter:
"preservation, maintenance and protection of historic sites, buildings and monuments"
- Page 63, line 17: after "area-wide;" add "exceptions to requirements of the codes may be made in the codes among other reasons, in order to provide for the preservation, maintenance and protection of historic sites, buildings and monuments;"
- Page 82, between lines 26 and 27 add:
"(e) The borough assembly sits as a board of equalization for the purpose of hearing in the manner provided for first class cities any appeal from determinations of the borough assessor, or it may delegate this authority to a board appointed by it for that purpose. The board of equalization shall consist of that number of members of the assembly over and above the number required for a quorum to transact business and is governed in its proceedings by such procedures consistent with general rules of administrative law and the laws governing equalization proceedings in first class cities as may be adopted by ordinance, including but not limited to quorum, and voting requirements."
- Page 121, line 23: before "municipality" insert "home rule or general law"
- Page 121, line 26: after "02.55.450." insert the following new matter: "In the case of a second class city, before exercising the power, the council shall request or petition the Local Affairs Agency for permission to exercise the power. The council may not exercise the power of eminent domain or declaration of taking without the formal approval of the Local Affairs Agency. The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or special election called for that purpose. A majority of the qualified voters voting on the question is required for approval of the ordinance."

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

Page 121, line 27: before "municipality" insert "home rule or general law"

Page 123, between lines 18 and 19, add the following new matter:

"(10) "property" means real and personal property;

(11) "real property" means land and improvements and all possessory rights and privileges appurtenant to the property, and includes personal property affixed to the land or improvements;

(12) "personal property" means tangible property other than real property, such as merchandise and stock in trade, machinery and equipment, furniture and fixtures, motor vehicles and vehicles, boats and vessels and aircraft;"

Renumber the following paragraphs accordingly.

Joint Senate-House Free Conference Committee Meeting - CS33 113
March 28, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. E. Naughton	Sen. C. Groh
	Sen. E. Merdes

Others present:

Hayden Kaden, Legislative Affairs
Don Berry, Executive Director, Alaska Municipal League
Bill Berrier, Attorney, City and Borough of Juneau
Sig Strandberg, Local Affairs Agency
Rick Garnett, Assistant Attorney General

Chairman Miller stated that Barry Jackson will present testimony before the committee Thursday evening regarding apportionment.

The committee discussed the amendments Hayden Kaden drew up, as requested at last Thursday's meeting. Senator Miller asked Mr. Kaden to change the last sentence of (b) re. apportionment to read "After six months if no". The committee decided to wait until Barry Jackson made his presentation before taking final action on this.

Senator Miller brought up several policy issues for discussion.

Page 19, line 17 (f) (g) (h) (i) (j) - Senator Miller's view was that in the future weighted voting would be abolished on the basis of whether a measure was area-wide or non area-wide in nature. The committee asked Hayden Kaden to draft an amendment striking this distinction.

Page 22 - Executive Power - Senator Miller felt that in boroughs which adopt the borough manager plan of government, the municipality, nonetheless, should retain a chairman for ceremonial reasons, as much as mayors are presently retained in city-manager-governed cities. Senator Miller will refine his proposal and present it at the next meeting.

Page 107, lines 16 - 19: re. Local Boundary Commission. The committee asked Rick Garnett to draw up an amendment giving the Local Boundary Commission authority in annexations without necessarily having a vote by the people.

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

Page 38, line 24: delete the words "filing date" and add: "date on which the petition is rejected as insufficient"

Page 47, between lines 5 and 6: add a new subsection to read:
"(g) The commission may delegate the power to act, to hear and to decide if authorized to do so by ordinance of the assembly."

Page 78, line 22: after the word "agricultural" delete the words "or horticultural"

Page 61, between lines 5 and 6: add a new subsection to read:
"(21) consumer protection"

Page 35, line 28 and 29: strike "for one year"

Page 28, line 11: strike "executive and"

Page 57, between lines 16 and 17: add a new subsection to read:
"(c) A third class borough may borrow money and issue negotiable general obligation, revenue or refunding bonds and other evidences of indebtedness as provided for first and second class boroughs in AS 29.53.150 and AS 29.58.350.

Joint Senate-House Free Conference Committee Meeting - CSSB 113
March 30, 1972

Members present:

Rep. M. Miller
Rep. J. Harris

Sen. T. Miller

Others present:

Don Berry, Executive Director, Alaska Municipal League
Sig Strandberg, Local Affairs Agency
Hayden Kaden, Legislative Affairs
Barry Jackson, Attorney
Bill Berrier, Attorney, City and Borough of Juneau
Bob Bettisworth, North Star Borough President
Robert Dozier, State Assessor

Barry Jackson testified before the committee regarding apportionment. Detailed written testimony was submitted to the committee for the records.

Joint Senate--House Free Conference Committee Meeting - CSSB 113
April 6, 1972

Members present:

Rep. M. Miller
Rep. J. Harris

Sen. T. Miller
Sen. C. Groh

Others present:

Sig Strandberg, Local Affairs Agency
Rich Garnett, Assistant Attorney General
Greg Machyowsky, Legislative Affairs

Proposed legislation re. unification from the Greater Anchorage Area Borough was assigned to Terry Gardiner for research.

The following suggestions were made concerning the reapportionment amendment by Greg Machyowsky:

1. AS 29.23.090 be incorporated in sub-section (b) of AS 29.23.020.
2. AS 29.23.020, sub-section (b): on line 2 of this sub-section, after the words "completion of" add: "the official report of the federal decennial census or additional necessary information"
3. AS 29.23.020, sub-section (b): last line of this sub-section delete: "for abuse of discretion."
4. AS 29.23.090: Page 2, line 8, after the word "reapportionment" add: "must be made"

The committee asked Greg Machyowsky to rephrase the question on his proposed amendment re. unification. Action was postponed until Sen. Merdes returns.

Committee action on Greg Machyowsky's proposed amendment re. Reevaluation was postponed until Sen. Merdes returns.

Sen. Groh introduced an amendment relative to exclusion of cities from boroughs. This information was given to Greg Machyowsky for further study.

A memorandum was received from Sen. Merdes requesting SB 159 be considered for inclusion in the code. Sen. Groh pointed out that this insures the right to a trial--under existing law the court can refuse. The committee asked Greg Machyowsky to make the necessary changes concerning trial de novo.

Policy Decisions:

1. The committee asked Greg Machyowsky to draw up the necessary amendments changing all voting election laws from 1 year to 30 days.
2. Page 48, lines 12 - 15 (d): re. zoning and police powers -- Greg Machyowsky will work with Bill Berrier on this.
3. Sen. Miller suggested making it mandatory that candidates for elected offices should receive 40% of the votes cast.

Joint Senate-House Free Conference Committee Meeting - CSSB 113
April 11, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. E. Naughton	Sen. C. Groh
Rep. J. Harris	Sen. E. Merdes

Others present:

Don Berry, Executive Director, Alaska Municipal League
Sig Strandberg, Local Affairs Agency
Tom Morehouse
Rich Garnett, Assistant Attorney General
Bill Berrier, Attorney, City and Borough of Juneau
Roger Huntington, Local Affairs Agency

The committee asked Greg Machyowsky to revise the necessary sections of his amendment re. reapportionment making it clear that a city may appoint its council members to the assembly, provided that equal representation standards are met.

The wording of the ballot proposition re. unification was adopted by the committee. Sen. Merdes offered an amendment requiring that the unification question be placed on the ballot in each borough at the next regular borough election. On hand vote, the amendment failed.

The committee adopted or decided to give further consideration to the following suggestions made by Tom Morehouse:

1. The committee asked Greg Machyowsky to draft an amendment enabling borough assemblies by ordinance to allow the placement of the unification question on the ballot.
2. Page 24, line 20 - 22: The committee asked Greg Machyowsky to draft an amendment to have the borough chairman designate an administrative officer with assembly confirmation to act as chairman during a chairman's temporary absence or disability.
3. An amendment was adopted that a municipality would pay all costs and expenses incurred in a recount when the difference is 2% or less. The committee asked Greg Machyowsky to draw up the necessary language to incorporate it in the code.

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE - CSSB 113
April 11, 1972

Page 11, line 1 - 17: delete all matter and substitute the following: "Shall a charter commission be formed (and charter commission members be elected as elsewhere provided on this ballot) to prepare, adopt and submit to the voters for their approval or rejection a proposed charter uniting the Borough and all cities within it as a single unit of home rule government having the powers, duties and functions of a unified government as authorized by law?"

YES [] NO []"

Page 9, line 10: delete "encompasses a trading area with" and substitute "of the area includes the"

Page 42, line 25: delete "two-thirds"

Joint Senate-House Free Conference Committee Meeting-- CSSB 113
April 18, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. J. Harris	Sen. C. Groh
Rep. E. Naughton	Sen. E. Merdes

Others present:

Sig Strandberg, Local Affairs Agency
Bill Berrier, Attorney, City and Borough of Juneau
Jim Bruce, Attorney, North Star Borough
Robert Dozier, State Assessor
Greg Machyowsky, Legislative Affairs
Robert Dupere, Consultant for Lost River Mining Co.
Ron Sheardown, Lost River Mining Co.
Pete Walsh, Home

Jim Bruce suggested to the committee that page 64, line 4 of the code be amended re. the borough building code authority in relation to flood control. Senator Groh asked Mr. Bruce to draw up an amendment and to give it to Greg Machyowsky for further consideration at the next committee meeting.

Jim Bruce asked the committee to amend Page 82, lines 24 - 26, to include a hearing officer on the Board of Equalization. Greg Machyowsky will draft the amendment.

An amendment suggested by Bob Dozier, State Assessor, (#2 on page 70 of notebook) was adopted by the committee. Greg Machyowsky will draft the amendment for final approval at Thursdays meeting.

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE - CSSB 113
April 18, 1972

Page 83, line 2: after "facts" insert "which are"

Page 83, line 5: delete "three" and add "seven"

Joint Senate-House Free Conference Committee Meeting - CSSB 113
April 25, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. E. Naughton	Sen. C. Groh
Rep. J. Harris	Sen. E. Merdes

Others present:

Sig Strandberg, Local Affairs Agency
Greg Machyowsky, Legislative Affairs
Bill Berrier, Attorney, City and Borough of Juneau

It was the decision of the committee to have the code engrossed before presenting to both Houses.

The committee asked Greg Machyowsky to draw up the necessary amendments on municipal voter qualifications, leaving length of state residency unspecified and requiring 30 days municipal residence.

The committee asked Greg Machyowsky to incorporate SB 316 into the code.

The committee asked Greg Machyowsky to draw up an amendment providing for borough mayor in addition to manager in manager plan boroughs.

The committee asked Greg Machyowsky to draw up an amendment which would provide for run-off elections for assemblymen or councilmen, if no candidate received in excess of 40% of the votes cast for that office. The election should be held two weeks after initial election.

It was the committee's decision to wait on adding development cities provision to the code until the Senate bill is acted on.

It was the committee's decision to wait on exempting food stamp purchases from local sales taxes until the House bill is acted on.

The committee asked Greg Machyowsky to draw up an amendment incorporating CSHB 296 - senior citizens local property tax relief - into the code.

The committee decided to bring up as the first order of business at the next meeting the agenda item of mass transit powers.

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

- Page 7, between lines 17 and 18: insert the following new matter:
"(23) AS 29.58.315"
- Page 100, between lines 3 and 4: insert the following new matter:
"Sec. 29.58.315. BOND ATTORNEYS, BOND AND FINANCIAL CONSULTANTS. The governing body or its designee of a home rule or general law municipality shall be the sole contracting authority for bond attorneys, bond consultants and financial consultants engaged in long-range financial planning of the municipality which leads to sale of bonds."
- Page 107, line 29: add the following new matter:
"(c) A boundary change effected under (a) of this section prevails over a boundary change initiated by local action, without regard to priority in time."
- Page 83, line 8: strike "review" and substitute "trial"
- Page 83, line 8: After "for" add ", and is entitled to,"
- Page 83, line 9: after "action." add the following new matter:
"Either party to the appeal may demand a jury trial."
- Page 79, line 20: strike "amount" and substitute "estimated price"
- Page 79, line 20: delete "on" and substitute "in"
- Page 79, line 20: after "market" insert "and under the then prevailing market conditions"
- Page 79, line 21: delete "on normal payment terms"
- Page 36, line 22: after "election" insert "or the difference between the winning and a losing vote on the result contested is more than two per cent"
- Page 24, line 20-21: Delete "The assembly presiding officer shall" and substitute "The borough chairman, subject to assembly approval, shall designate a person to"
- Page 56, line 25: after "question" insert "in the borough area outside city"
- Page 64, line 3: after "powers" insert ", except as those code powers relate to flood control,"
- Page 48, lines 12 - 15: delete all matter

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

- Page 80, between lines 26 and 27, add the following new matter:
"Sec. 29.53.095. REEVALUATION. A systematic reevaluation of taxable real and personal property undertaken by the assessor, whether of specific areas in which real property is located or of specific classes of real or personal property to be assessed, shall be made only in accordance with a resolution or other act of the assembly directing a systematic reevaluation of all taxable property within the borough over the shortest period of time practicable, as determined by the assembly and fixed in the resolution or other act of the assembly."
- Page 110, line 20: delete all matter and substitute: "Formation of a charter commission to propose a unification charter shall be proposed by resolution of the assembly or by petition. An assembly resolution for the purpose may be adopted not more often than once every twelve months."
- Page 110, line 22: delete "for"
- Page 110, line 23: delete "unification"
- Page 110, line 27: delete "UNIFICATION" and substitute "ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICATION CHARTER"
- Page 112, line 2: delete "for unification"
Page 112, line 9: delete "for unification"
Page 112, line 10: after "chapter," insert "or the assembly by its resolution proposes an election on formation of a charter commission to propose a unification charter"
- Page 113, line 9: delete "for unification" and substitute "or adoption of an assembly resolution for the purpose"
- Page 113, line 13: after "petition" insert "or adoption of the resolution"
- Page 125, line 23: Add new sections to read:
"Sec. 6. AS 29.13.120 (b) is amended to read:
(b) Nominations for initial officers are made by petition. The petition is in the form prescribed by the lieutenant governor and includes the name and address of the nominee and a statement of the nominee that he is qualified under the provisions of this title for the office that he seeks. A person may file for and occupy more than one office, but he may not serve simultaneously as borough chairman and as a member of the borough assembly or as mayor and as a member of the council of a home rule or first class city. Petitions to nominate officers of a second class city must include the signature and resident address of 10 voters in the area of the proposed city [PETITIONS TO NOMINATE BOROUGH ASSEMBLYMEN MUST INCLUDE THE SIGNATURE AND RESIDENT ADDRESS OF 50 VOTERS WHO

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

ARE RESIDENTS OF THE PROPOSED BOROUGH IN THE AREA OUTSIDE HOME RULE AND FIRST CLASS CITIES.] Petitions to nominate elected [OTHER] municipal officers must include the signature and resident address of 50 voters in the area of the proposed municipality, or that area of the proposed municipality from which the officers are to be elected under the composition and apportionment set out in the accepted incorporation petition.

*Sec. 7. AS 29.18.120 (d) is amended to read:

(d) The initial elected municipal officials take office on the first Monday following certification of their election. Borough assembly members representing home rule or first class cities [ARE] appointed by the city council [AND] serve until the next regular city election and until their successors are elected and have qualified. All other elected municipal officials serve until the first regular election occurring after they have served two years in office and until their successors are elected and have qualified.

*Sec. 8. AS 29.23.020 is repealed and re-enacted to read:

*Sec. 29.23.020. COMPOSITION, APPORTIONMENT, AND REAPPOR-
TIONMENT.

(a) The assembly shall be composed of the number of members and be apportioned in a manner set out in the incorporation petition approved by the voters or, if a borough is already incorporated, the assembly shall be composed and apportioned in a manner prescribed by charter or ordinance. Assembly composition and apportionment, including voting procedures based on the apportionment, may be prescribed in any manner consistent with the equal representation standards of the Constitution of the United States.

(b) Within six months of the effective date of this section, and thereafter within six months of the official report of a federal decennial census and issuance of any supplementary data to the report necessary to establish population distribution within the borough, the assembly shall

(1) determine and declare by resolution whether the existing assembly apportionment meets the standards designated under (a) of this section;

(2) if the existing apportionment does not meet the designated standards, provide by ordinance for reapportionment and, if it chooses, changes in assembly composition, in accordance with the designated standards;

(3) submit the ordinance to borough voters for approval or rejection as provided in (c) of this section.

(c) The vote on an ordinance submitted under (b)(3) of this section shall be tabulated in two separate classifications. One classification shall consist of all votes cast in the first class and the home rule cities of the borough. The other classification shall consist of all votes cast in the remaining areas of the borough. In order for the ordinance to be approved it must receive majority approval in each classification. If,

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

at the end of the time period prescribed in (b) of this section, no ordinance has been approved, the Local Affairs Agency shall provide for the reapportionment in accordance with the standards designated in (a) of this section.

(d) In addition to providing for apportionment at the times required under (b) of this section, the borough assembly shall provide for its reapportionment and, if it chooses, a change in assembly composition, whenever, on the basis of federal census reports or other reliable population data, it determines that the existing apportionment does not meet the standards for apportionment designated in (a) of this section. The assembly is required to determine whether the standards are being met upon petition of 50 borough voters. The petition must include reliable evidence that the existing apportionment of the assembly does not meet the designated standards. Reapportionment under this section shall be implemented by ordinance or by act of the Local Affairs Agency in the same manner as prescribed for reapportionment in (c) of this section.

(e) Members of the assembly are selected according to assembly composition and apportionment set out in the incorporation petition approved by the voters or subsequently provided in accordance with this section. A change in assembly composition or apportionment under this section shall be effective beginning with the next regular election to the assembly.

(f) Assembly or Local Affairs Agency determinations or reapportionments made under this section are subject to judicial review. The running of time periods specified in (b) of this section shall be tolled until a final judgment is rendered in an action brought under this subsection.

(g) This section applies to home rule and general law boroughs.

*Sec. 9. AS 29.23.040 is repealed and re-enacted to read:

*Sec. 29.23.040. REGULAR TERM OF OFFICE. Assemblymen are selected for three-year terms and until their successors are selected and have qualified, unless different terms not exceeding four years are prescribed by borough charter or ordinance. However, if under a borough apportionment city councilmen are appointed as assemblymen or elected to dual assembly-council seats, they may not be replaced until their assembly term expires as provided by city charter or ordinance, or they cease to be a member of either the assembly or council. The current term of incumbent assemblymen may not be altered under this section. This section applies to home rule and general law boroughs.

*Sec. 10. AS 29.23.050 is repealed and re-enacted to read:

*Sec. 29.23.050. QUALIFICATIONS. A resident of the borough is eligible to be an assemblyman if he is a borough voter. An assemblyman who ceases to be a borough voter immediately

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

forfeits his office. An assemblyman elected from or selected to represent a borough area less than the borough area at large and who becomes a resident of another area may continue to serve only until the next regular election. The assembly may by ordinance establish residence requirements for assemblymen not exceeding three years. This section applies to home rule and general law boroughs.

*Sec. 11. AS 29.23.080 is repealed and re-enacted to read:

*Sec. 29.23.080. ASSEMBLY VACANCIES. The assembly shall provide by ordinance the manner in which a vacancy in assembly representation occurs. A vacancy is filled by the majority of the remaining assemblymen, who designate a voter and, if the assembly seat vacated is other than an at-large seat, a resident of the borough area to which the seat was apportioned, to serve until the next regular election. However, if under a borough apportionment city councilmen are appointed as assemblymen or elected to dual assembly-council seats, a vacancy in a councilman's seat on the assembly shall be filled by a councilman designated by a majority of the remaining membership of the council to serve until the next regular election.

*Sec. 12. AS 29.23.030, 29.23.060 (f), (g), (h), (i), (j) and AS 29.23.090 - 29.23.100 are repealed.

*Sec. 13. Secs. 6 - 12 of this Act take effect upon the condition and at the time that the Supreme Court of the State of Alaska finds that sec. 4, art. X of the Constitution of the State of Alaska as it relates to representation of cities on borough assemblies is in violation of the Constitution of the United States or an amendment to the Constitution of the State of Alaska relating to assembly representation and consistent with the provisions of secs. 6 - 12 of this Act becomes effective, whichever occurs earlier.

April 27, 1972

Members present:

Rep. M. Miller
Rep. E. Naughton
Rep. J. Harris

Sen. T. Miller
Sen. E. Merdes
Sen. C. Groh

Others present:

Don Berry, Executive Director, Alaska Municipal League
Sig Strandberg, Local Affairs Agency
Bill Berrier, Attorney, City and Borough of Juneau
Rich Garnett, Assistant Attorney General

The committee decided to add water pollution control powers as an areawide power which could be acquired at the option of the borough, without the usual procedures for petition and vote. The committee decided to include the air pollution control laws of Title 18 on the same basis.

The committee approved the requested amendment relating to acquisition of mass transit powers areawide by boroughs and the acquisition of areawide animal control powers. With respect to mass transit powers, an additional provision was directed to be inserted calling for the Alaska Transportation Commission to decide the question of acquisition of the areawide powers by the borough if a dispute arises between a city and the borough as to acquisition. The provision would apply only in the case of boroughs not exercising mass transit powers areawide on the effective date of the code.

Senator Groh withdrew his amendment relating to exclusion of territory from boroughs.

The amendments approved for inclusion in the code relating to borough mayors in manager plan boroughs, senior citizen property tax relief, and technical amendments on election dates, delegation of powers by municipal boards and commissions and otherwise are to be drafted for approval as to form at the next meeting or otherwise are to be submitted to Rep. Miller and Sen. Miller for their review.

The committee decided to await the Senate Resources Committee proposals on pending development cities legislation before acting on inclusion of such legislation in the code. The committee declined to include food stamp purchases sales tax exemption provisions in the code.

The committee authorized preparation of a summary of changes represented by the free conference bill from bills approved in both Houses. The committee discussed expanding the summary to include a general summary of code provisions.

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

Page 94, lines 13 - 28: delete all matter and substitute the following new matter:

"ARTICLE 1. REVENUE ANTICIPATION NOTES.

Sec. 29.58.010. BORROWING IN ANTICIPATION OF REVENUE. A municipality of the state which is authorized to incur indebtedness may borrow money in a fiscal year to meet appropriations for that fiscal year in anticipation of the collection of taxes and estimated revenues for the fiscal year and may issue its revenue anticipation notes as evidence of the borrowing.

Sec. 29.58.020. ISSUANCE OF NOTES. The governing body of a municipality may, by ordinance or resolution, authorize the issuance of revenue anticipation notes and prescribe the form and details of the notes and the manner of their execution. The governing body of the municipality may delegate to its chief fiscal officer the power to issue the notes from time to time under the terms and conditions of the ordinance or resolution which provides for the manner of their sale. Revenue anticipation notes and notes issued to renew notes previously issued mature not later than the end of the fiscal year in which they are issued.

Sec. 29.58.030. LIMITATION ON ISSUANCE OF NOTES. The aggregate amount of revenue anticipation notes at any time outstanding may not exceed 50 per cent of the amount of revenues estimated to be collected in the fiscal year in which the notes are issued, less the amount of estimated revenues actually collected in the fiscal year before the issuance of the notes.

Sec. 29.58.040. ISSUANCE OF NOTES IN ANTICIPATION OF STATE, FEDERAL GRANTS. (a) The governing body of a municipality, upon adoption of a long-range capital improvement budget by ordinance or resolution, may by resolution provide for revenue anticipation notes in an amount not to exceed the total amount of any state or federal grants finally committed for these projects. The notes mature no later than the end of the next fiscal year. These notes may be for single or multiple projects outlined in the adopted capital improvement budget.

(b) If the state or federal grants for capital improvement projects have not been paid to the municipality before maturity of the notes issued in anticipation of the receipt of the revenue, the governing body of the municipality may issue new notes in order to meet payment of the notes then maturing or may renew the outstanding revenue anticipation notes. New notes issued or renewals of outstanding revenue anticipation notes shall mature not later than the end of the next fiscal year.

Sec. 29.58.050. PRIORITY OF REPAYMENT. The payment of the principal and interest on revenue anticipation notes shall be a first charge and lien upon the revenues in anticipation of the

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE

collection of which these notes have been issued, and their payment additionally shall be secured by a pledge of the full faith, credit and unlimited taxing power of the municipality issuing them."

Page 94, line 29: delete "29.58.040" and substitute "29.58.060"

Page 1, line 10: after "AS 29.05 - 29.95;" insert "AS 37.30"

Page 123, line 14: after "corporation" insert "and political sub-division,"

Page 94, line 29: delete "tax" and substitute "revenue"

Page 61, line 14: after "garbage" add "and solid waste"

Page 61, line 17: after "garbage" add "and solid waste"

Page 61, line 19: after "garbage" add "and solid waste"

Page 61, line 20: after "garbage" add "and solid waste"

Page 61, line 21: after "garbage" add "and solid waste"

Page 61, line 29: after "garbage" add "and solid waste"

Page 62, line 2: after "garbage" add "and solid waste"

Page 62, line 5: after "garbage" add "and solid waste"

Page 62, line 7: after "garbage" add "and solid waste"

Page 62, line 11: after "garbage" add "and solid waste"

Page 36, line 7: After "ELECTIONS." add the following new matter:
"If in a municipal election no candidate receives in excess of forty per cent of the votes cast for his respective office, the assembly or council shall hold a runoff election within two weeks between the two candidates receiving the greatest number of votes for the office. Notice of a runoff election shall be published at least 5 days before the election."

Page 35, line 28: after "who" insert "is qualified to vote in state elections and"; delete "of Alaska. for"

Page 35, line 29: delete "one year and"

Page 36, line 1: delete "or meets"

Page 36, line 2: delete "registration requirements of the municipality if any"

NEW AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE.

Page 36, line 3: after "constitution." insert "Voter registration by the municipality may not be required."

Page 124, line 4: after "who" insert "is qualified to vote in state elections and"

Page 124, line 5: delete "of Alaska for one year and"

Page 124, line 7: delete "or meets registration requirements of the municipality"

Page 124, line 8: delete "if any"

Page 35, lines 8 - 10: delete all matter through "requirements." and substitute "The municipality may not alter voter qualification requirements of this title."

Free Conference Committee Meeting - CSSB 113
May 2, 1972

Members present:

Rep. M. Miller	Sen. T. Miller
Rep. E. Naughton	Sen. E. Herdes
Rep. J. Harris	Sen. C. Groh

Others present:

Sig Strandberg, Local Affairs Agency
Bill Berrier, Attorney, City and Borough of Juneau
Greg Machyowsky, Legislative Affairs
Marilyn Miller, Alaska Municipal League

The committee approved the amendment conferring mass transit powers upon boroughs and providing for city objections to exclusive area-wide exercise of the powers to be resolved by the Alaska Transportation Commission.

The committee approved the amendments conferring animal, water and air pollution powers upon boroughs.

The committee approved the amendment establishing a borough mayor in manager plan boroughs but revised that part of the amendment withholding veto powers from the mayor and directed that the amendment accord such power.

The committee approved the amendment authorizing senior citizen property tax relief and authorized some revisions in subsection (h) to reflect committee intent that a local government may grant a broader senior citizen exemption than given in the amendment but must assume the additional cost of the exemption without state reimbursement.

The committee approved several technical amendments and authorized Rep. Miller and Sen. Miller to review and approve further technical amendments to adjust code provisions as necessary to reflect and clarify committee policy decisions.

The committee decided to await further Senate action on development cities before deciding whether to include such legislation in the code.

The committee chairman announced that the committee would meet further at the call of the chair.

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE
May 2, 1972

Page 17, line 7: Before "first" insert "home rule or"

Page 15, line 3: Delete "the effective date of this" and substitute "January 1, 1968"

Page 15, line 4: Delete "Act"

Page 19, line 1: After "pleasure" insert ", except that in boroughs having an appointed manager the borough mayor serves as presiding officer"

Page 22, lines 24-26: After "(a)" strike all matter and substitute the following: "The administrative power of the borough is vested in an elected chairman or in an appointed manager. The executive power of the borough is vested in an elected chairman or, if the borough has adopted a manager plan, in an elected borough mayor who has the same functions as are conferred under sec. 240 of this chapter upon the mayor of a city having a manager plan."

Page 22, line 26: After "chairman" insert "or mayor"

Page 22, line 27: After "chairman's" insert "or borough mayor's"

Page 23, line 8: After "is" insert "an elected borough mayor but no"

Page 23, line 14: Delete "executive" and substitute "chairman or manager as the case may be"

Page 23, line 16: Delete "executive" and substitute "chairman or mayor"

Page 24, line 25: After "chairman" insert "or borough mayor"

Page 24, line 29: After "chairman" insert "or borough mayor"

Page 25, line 11: After "chairman" insert "or borough mayor"

Page 60, line 7: After "disposal" insert "subject to sec. 33(a) of this chapter"

Page 61, line 7: After "section" insert "or sec. 33(a) of this chapter"

Page 63, between lines 21 and 22: Insert the following new matter:
"(18) air pollution control as provided in AS 18.30"

Renumber following paragraph.

Page 63, line 29: after "cities." insert the following new matter:
"However, as to powers conferred under (a)(5), (17) and (18) of this section, exercise of the powers areawide or in the borough area outside cities is at the option of the borough and is not subject to those restrictions on acquisition of

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE
May 2, 1972

additional borough powers. Upon adoption of a borough ordinance to provide for areawide exercise of the powers specified, no home rule or general law city within the borough may exercise the powers, unless the borough ordinance provides otherwise or the borough by subsequent ordinance ceases to exercise the power."

Page 54, line 9: after "question" insert:

", except as provided otherwise in AS 29.48.030 and AS 29.48.035(b)"

Page 61, between lines 11 and 12: insert the following new matter:
"However, as to powers conferred under (a)(12) of this section, exercise of the powers areawide or in the borough area outside cities is at the option of the borough and is not subject to those restrictions on acquisition of additional borough powers. With respect only to boroughs which on the effective date of this Act are not exercising powers conferred under (a)(12) of this section on an areawide basis, objection which a city may raise to areawide exercise of the powers by a borough shall be reviewed by the Alaska Transportation Commission. The Commission shall decide whether or not areawide exercise of the powers is to be approved as in the public interest under the particular facts and circumstances at issue."

Page 75, between lines 27 and 28, insert the following new matter:
"(6) the real property of certain residents of the state to the extent and subject to the conditions provided in (e) of this section."

Page 76, between lines 17 and 18, insert the following new matter:
"(e) After January 1, 1973 the real property owned and occupied as a permanent place of abode by a resident 65 years of age or over whose gross annual income totals less than \$10,000 is exempt from taxation of the assessed value of the real property. 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 decide between or among themselves which shall receive the benefit of the exemption; however, in the case of more than one party eligible for an exemption with respect to the same property, the total combined gross annual income of the parties may not exceed \$10,000. No real property may be exempted under this subsection which the assessor determines, after notice and hearing to the parties concerned, has been conveyed to the applicant primarily for the purpose of obtaining the exemption. The determination of the assessor is appealable under AS 44.62.560 - 44.62.570.
(f) No exemption may be granted except upon written application for the exemption upon a form prescribed by the state assessor for use by local assessors. The claimant must file the application no later than January 15 of the assessment year for which the exemption is sought and must file a separate application for each assessment year in which the exemption is sought. If an application is filed within the required time and is approved by the assessor, he shall allow an exemption in

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE
May 2, 1972

accordance with the provisions of this section. The assessor may at any time require proof in the form he considers necessary of the right and amount of an exemption claimed under this section, and in that respect may as one form of proof require authorization from the taxpayer to verify gross income level by reference to gross income shown in the latest state income tax return available for all or part of the assessment year for which an exemption is sought.

(g) The state shall reimburse a borough or city, as appropriate, for the real property tax revenues lost to it by the operation of (e) of this section.

(h) Nothing in (e) of this section affects similar exemptions from property taxes granted by municipalities on the effective date of this Act or prevents municipalities from granting similar exemptions by ordinance as provided in sec. 25 of this chapter. However, under this section only the amount of revenue lost to the municipality by reason of the exemption of (e) of this section may be reimbursed to the municipality by the state."

Free Conference Committee Meeting - CSSB 113
May 17, 1972

File
copy

Members present:

Rep. M. Miller
Rep. E. Naughton

Sen. T. Miller
Sen. E. Herdes
Sen. C. Groh

Others present:

Sig Strandberg, Local Affairs Agency
Marilyn Miller, Alaska Municipal League
Bill Berrier, Attorney, City and Borough of Juneau
Sheila Gallagher, Attorney, Greater Anchorage Area Borough
Greg Macynowsky, Legislative Affairs

A draft of the proposed Conference Committee Report summarizing changes in the proposed Free Conference Bill from the provisions of the bills before the committee was presented.

The committee decided to include in the conference report a provision that the report reflects legislative intent, where such intent is consistent with the pertinent code provision. In case of conflict, the code provision would be intended to prevail.

The committee decided to add a definition of "municipal elections" to the code to make clear that such elections include city, borough and school board elections. The committee decided to delete, as unnecessary, the definition of "general election" in the definitions chapter of the code.

The committee decided to delete the code amendment of AS 14.12.050 (Sec. 4 of CSSB 113), thus retaining present law for mandatory three year school terms (rather than setting terms at two years unless other terms up to four years are authorized by ordinance). Sec. 29.23.310 was accordingly directed to be amended, with the reference to "two" deleted and "three" substituted.

The committee approved a proposed amendment to Sec. 29.23.130 (d) making clear that when a newly adopted manager plan of government for a borough takes effect, the borough mayor then in office continues to serve his term as borough executive.

In response to a presentation made by Sheila Gallagher, Attorney, Greater Anchorage Area Borough, the committee amended the run-off elections provision of Sec. 29.23.040 to require that the run-off election be held two weeks from the date of certification of the initial election.

Technical amendments to recently adopted legislation incorporated in the code, i.e. development cities legislation and legislation relating to involvement of young people in local government, were noted and approved.

The committee requested that a specific check of all bills sent to the Governor, but not yet signed, be made for possible inclusion in the code, particularly the provisions of CSSB 200, intended to replace

May 17, 1972

Page 2

the provisions of Sec. 29.33.170 in the bills before the committee and otherwise to be drafted into the code. It was noted that the special Act incorporating the City of Lost River was not to be included in the code, inasmuch as that Act would be codified under the "Temporary and Special Acts" binder of the Alaska Statutes.

Several amendments clarifying code intent were noted and approved, among them: provisions requesting delegations to hear and decide cases before planning commissions, platting boards and boards of adjustment (Sec. 29.33.245); provision expressly that borough assumption of additional area-wide powers under Secs. 29.33.250 - 29.33.290 precludes city exercise of the powers assumed (Sec. 29.33.010(b)); provision that borough assumption of area-wide transportation powers under Sec. 29.43.030(b) confers exclusive authority to the borough for areawide exercise of the powers unless, as to boroughs not exercising the powers areawide at the time the code takes effect as law, the Alaska Transportation Commission decides otherwise; it was noted also that the power could be assumed through the usual method of assembly petition and public vote; adjustment of provisions of Sec. 29.43.030 (b) to make clear that air pollution control powers, consistent with the provision of AS 18.30, must be exercised by a borough on an areawide basis only.

The committee authorized further technical changes in the bill as necessary to coordinate code provisions, and review of the changes with respective committee chairmen.

Bill Berrier, Attorney of the City and Borough of Juneau, and Sheila Gallagher, Attorney of the Greater Anchorage Area Borough, volunteered to read the final copy of the bill being prepared and offer any technical suggestions which might be thought necessary.

The committee decided to amend the transition section (Sec. 5) of the code to provide for 180 days, rather than 90 days, as the time period, after the code takes effect as law for bringing local ordinances into conformity with code provisions.

The committee decided to meet on Friday, May 19, 1972, 3:30 p.m. to review a draft of the conference committee report summarizing changes made by the committee in the bills before it. It was indicated that the proposed conference bill and report would be ready for distribution on the following Monday. It was also noted that an additional report of the committee would be prepared to offer an overall comparison of the code, represented by the conference bill, with existing law.

AMENDMENTS ADOPTED BY THE FREE CONFERENCE COMMITTEE - CSSB 113
May 17, 1972

Page 127, lines 20-21: Delete all matter.

Page 127, between lines 24 and 25: Insert the following new matter:
"municipal election" means an election conducted by a municipality and includes but is not limited to elections for city council members, borough assembly members, school board and utility board members"

Page 129, lines 6-28: Delete all matter (and leave blank).
renumber following sections

Page 29, line 9: Delete "two" and substitute "three"

Page 29, lines 10-12: After "office." delete all matter through
"incumbent."

Page 129, line 3: Delete "90" and substitute "180"

Free Conference Committee Meeting - CSSB 113
May 18, 1972

Members present:

Rep. M. Miller
Rep. E. Naughton
Rep. J. Harris

Sen. T. Miller
Sen. C. Groh
Sen. E. Merdes

Others present:

Sig Strandberg, Local Affairs Agency
Bill Berrier, Attorney, City and Borough of Juneau
Sheila Gallagher, Attorney, Greater Anchorage Area Borough
Greg Machyowsky, Legislative Affairs
Marilyn Miller, Alaska Municipal League

The committee examined copies of the proposed conference report on the code and approved the report. Advance copies of the prepared conference bill were also circulated.

The committee decided to except from the transitional provisions of Sec. 3 of the code (permitting 180 days after the code takes effect as law for adjustment of local ordinances to code provisions), the election requirement of Sec. 29.28.040, and an amendment accordingly was directed to be inserted in the transition section.

It was indicated that the final prepared copy of the code, together with the conference report, would be available for distribution Monday, May 23, 1972.



see 6-4
CITY OF
ANCHORAGE



ALASKA

International

Polar air crossroads of the world

February 18, 1972

POST OFFICE BOX 300
ANCHORAGE, ALASKA
99501

Honorable Edward A. Merdes
Alaska State Senate
Juneau, Alaska 99801

Dear Ed:

I asked John Spencer, City Attorney, to review Senate Bill No. 316 since its contents indicated it might be a problem to us if applied to Home Rule Cities. A copy of John's review and report to me (memorandum, dated 2-16-72) is attached for your information.

We hope you will consider specifically excluding Home Rule Cities from the provisions of this bill. We feel we now have adequate authority. If the provisions of this bill were made applicable we would have far greater restrictions than we now operate under. We do interim or short term borrowing of all types now without any difficulty.

Sincerely yours,

Robert E. Sharp
Robert E. Sharp
City Manager

RES: al
Enclosure

cc: Mr. Don Berry
Mr. Wally Droz
City Attorney
Finance Director



AIRMAIL IS FASTER

City of Anchorage

MEMORANDUM

FEB 17 1972

CITY MANAGER'S
OPINION NO. 1000-72

TO: City Manager

FROM: City Attorney

SUBJECT: Revenue Anticipation Notes

DATE: 2/16/72

Friday you requested that I look at Senate Bill No. 316, involving the issuance of revenue anticipation notes by political subdivisions.

It is my opinion that the City should oppose this bill, inasmuch as it is not a required piece of legislation to enable the City of Anchorage to do any borrowing in anticipation of revenues, whether federal, state or otherwise.

There have been several opinions concerning this matter written by this office at various times. The general consensus of those opinions provides that there is authority to issue anticipation notes. The City Charter states:

"The City shall have the power to borrow money for any specific purpose and to issue its evidences of indebtedness therefor."
Sec. 11.1(a)

There are three limitations to the power granted by the Charter. The first appears to be the requirement that money borrowed must be for a specific purpose. The Council resolution authorizing the borrowing of the money could certainly set this specific purpose out. Secondly, the State Constitution provides a limitation wherein we find:

"The State and its political subdivisions may borrow money to meet appropriations for any fiscal year in anticipation of the collection of the revenues for that year but all debts so contracted shall be paid before the end of the next fiscal year." Article IX, Sec. 10.

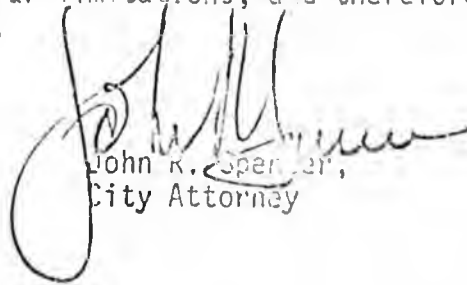
The third limitation is found in Section 11.1(b) of the City Charter. That section provides that a period of thirty days must elapse from the time of initial Council authorization before the Council can

unilaterally (that is, without electorate consent) enter into financing agreements. Again, that is no severe obstacle to overcome, and is just a matter of watching the time periods.

The notes can contain the wording whereby the security would be in the anticipated revenues from any of various sources, grants-in-aid, federal or state, revenue sharing from the state, bonding or any other anticipated source of income. In the event of failure of the security, the note becomes a general unsecured obligation of the City, unless otherwise set out on the note itself.

Therefore, in summary, it is my opinion that Mr. Herdes' Senate Bill No. 316 is not a requirement for a home rule city or borough and, in fact, would appear to impose more strenuous regulations on the City concerning the anticipation notes.

The first limitation, of course, is the 50% of the amount of anticipated revenue, except in anticipation of State or Federal grants. However, in the issuance of notes in anticipation of State or Federal grants the City would be bound by the requirement of adoption of a long-range capital improvements budget which, so far as the City is concerned would be out of the question, unless we used our capital improvements program forecast as a budget, or the CIP funding for that particular fiscal year as adopted in our annual budget would suffice. However, it is not necessary under our current system to have these particular limitations, and therefore I would not support Mr. Herdes' bill.


John K. Spenser,
City Attorney

JRS:LCM

cc: Mayor Sullivan,
Finance Director



GREATER ANCHORAGE AREA BOROUGH

3500 TUDOR ROAD
POUCH 6-650
ANCHORAGE, ALASKA 99502

February 3, 1972

CHAIRMAN'S OFFICE

C
L
E
A
N

A
I
R

C
L
E
A
N

W
A
T
E
R

A

C
L
E
A
N

C
O
M
M
U
N
I
T
Y

Free Conference Committee
for House Bill 208 (Municipal Code)
Pouch V
Juneau, Alaska 99801

Dear Committee Members:

I understand that the Governor intends to offer some amendments to the Municipal Code (HB 208). My staff has reviewed the Code and recommends the attached changes. We feel that the recommendations numbered 7, 8, 9 and 11 are the most important.

If the Code is opened up to general and substantive change in free conference, I would appreciate any support you might give in securing these changes.

Respectfully,

For Robert M. Asplund
John M. Asplund
Borough Chairman

JMA:JBW:vp
attachment

SECTION 2. PENDING LEGISLATION WHICH THE BOROUGH BELIEVES SHOULD BE AMENDED

The Greater Anchorage Area Borough Administration requests that the following pending legislation be amended.

(A) Municipal Code

While the Borough favors passage of the Municipal Code, it believes that the following list of amendments are practical and would permit smoother operation under the Code.

Chapter 23 - Municipal Officers and Employees

1. Sec. 29.23.020 provides standards for apportionment.

Problem: We question re-enacting provisions known to be unconstitutional.

2. Sec. 29.23.090(a)(1) provides that an assembly initiated apportionment plan must be submitted to the Local Affairs Agency "for review".

Problem: The meaning of "for review".

Recommendation: State that the Agency does or does not have the power to disapprove the plan.

Chapter 28 - Elections

3. Sec. 29.28.015(b) allows one person to serve simultaneously in several offices with only a few restrictions.

Problem: The advisability of permitting assemblymen or councilmen to sit on lesser bodies is questionable, particularly since the assembly or council often ratifies or acts as an appellate body concerning the decisions of lesser bodies. If you have the same people at different levels, it would seem to diminish your right of appeal.

Recommendation: Add a provision allowing assemblies and councils to place further limitations on simultaneous office holding.

4. Sec. 29.25.020(a) calls for concurrent state and municipal elections.

Problem: While the goal of concurrent elections may be desirable, there is one immediate practical problem. Until election laws become uniform, it will be necessary for cities, boroughs and the state to each have a separate election board. Getting enough qualified people to man each of these boards on the same election day will be difficult.

Recommendation: Make concurrent elections optional with the municipalities; or, in the alternative, amend Title 15 of the Alaska Statutes so that election judges need not be residents of the precinct in which they function.

5. Sec. 29.28.073 provides that the clerk has 10 days from the filing of an initiative or referendum petition to certify it, and if the petition is insufficient, it may be amended or supplemented within 10 days after the filing date.

Problem: If the clerk needs or takes 10 days to check out the petition, all right to amend or supplement it would be extinguished.

Recommendation: The wording should be similar to that of the recall provision and allow the petitioner 10 days from the time of the clerk's rejection in which to amend or supplement the petition.

6. Sec. 29.28.150 provides that a petition to recall a municipal official need only contain signatures equal in number to 15% of the votes cast in the area represented by the official in the last preceding general election for officers.

Problem: Turnout for local elections often runs only about half that for state elections, and fluctuates greatly depending upon what controversial item might happen to be on the ballot. Therefore, the difficulty in exercising the right of recall will vary widely in different years.

Recommendation: Base the percentage of signatures required on the number of registered voters.

ADOPTED
3/25

7. Sec. 29.33.020 places numerous responsibilities upon planning commissions and Sec. 29.33.245 is an attempt to take some of the pressure off of the commission.

Problem: These sections point out the re-occurring problem of stacking numerous responsibilities on administrative bodies without express provisions that some of the responsibilities may be delegated to other bodies, and that other sub-administrative bodies may be created if necessary. In the past we have used a Board of Examiners and Appeals to handle appeals from administrative decisions and requests for variances. Even then, the Anchorage Planning Commission is overworked. While the hearing officer provisions of Sec. 29.33.245 will provide some relief, we think it desirable to give local legislative bodies more leeway in this area.

Recommendation: Add a provision to the Municipal Code allowing assemblies and councils some flexibility to delegate and re-distribute functions and to establish separate boards as necessary.

8. Sec. 29.33.020(d) provides that "(t)he designation of zoning purposes does not confer police powers upon a borough except as authorized by this title nor does it prohibit cities within the borough from exercising police powers as to those purposes".

Problems: The first part of the subsection seems to be a restatement of the obvious. Giving planning power to a borough does not give the borough general police power. On the other hand, the planning function would include the implied police powers necessary to carry out that function. The "except as authorized" wording of the section might be read to require individual express powers before a borough could act in the various areas of planning and, therefore, restrict a borough from operating with powers which are implied but not expressly authorized by the title.

The second part of the subsection indicates that cities within a borough may enforce planning and zoning ordinances, and raises the question of whether a home rule city could pass and enforce its own planning and zoning ordinances. This again flies in the face of an areawide planning concept.

Recommendation: Eliminate the entire subsection.

Handwritten notes:
THIS LANGUAGE
IN SEC
29.33.020
SHOULD BE
DELETED

Handwritten notes:
?

9. Sec. 29.33.110(b)(3) provides for appeals from decisions on requests for variances from the planning commission to the board of adjustment.

Problem: This again brings out the problem discussed in Item 7 above. The Greater Anchorage Area Borough uses a board of examiners and appeals to hear requests for variances, and appeals are made directly to the board of adjustment. Article 4 seems to indicate that we could no longer use a body other than the planning commission or its representatives to hear such requests.

Recommendation: As recommended in Item 7 above, add a general provision to the Municipal Code allowing local governments the flexibility to delegate and re-distribute functions and to establish separate boards as necessary.

Chapter 53 - Municipal Assessment and Taxation

10. Sec. 29.53.035(c) includes in the definition of "farm use" lands put to a "horticultural use."

Problem: Garden supply and plant stores have been claiming the farm and agricultural reductions.

Recommendation: Exclude the term "horticultural use" from the definition of "farm use."

11. Sec. 29.53.040 classes mobile homes as real property for tax purposes.

Problem: While such a change might help municipalities which don't tax personal property, it will be an administrative nightmare for the other municipalities. The Anchorage Borough would have approximately 8,000 pieces of real property which move, and the burden would be shifted to the Borough to keep track of each. Under the present system the owners must file returns or be subject to prosecution. On the other hand, if trailers are to be treated as realty, the borough will need to find and file on each of them, and a failure to do so would result in the owner not carrying his share of the tax burden.

Recommendation: Make the provision optional.

12. Sec. 29.53.080 permits the assessor to make his own evaluation of property when no return has been filed.

Problem: If the assessor doesn't find the property until after the return should have been filed, the law is unclear as to when penalty and interest provisions apply.

SAME
AS
#17

MC OFFICE
3/23
3/14

Recommendation: A provision should be added that penalty and interest accrue from the original due date which would have applied had the taxpayer filed a timely return.

13. Sec. 29.53.040 makes it a misdemeanor to file a fraudulent return.

Problem: It is almost always difficult to establish the necessary intent in order to prove fraud. In addition, it is questionable whether a misdemeanor will offer a strong enough deterrent. In the few cases where fraud can be proven, we think it would be desirable to take examples out of the perpetrators of the fraud.

Recommendation: Add a provision whereby the state may prosecute fraudulent returns as a felony rather than the municipalities prosecuting them as misdemeanors.

14. Sec. 29.53.120 provides for correction of errors and omissions in the assessment roll, and for appeals from corrected notices.

Problem: Most municipalities allow 30 days for appeal from errors in assessment rolls. Under Sec. 29.53.120(b) the appeal time would necessarily be extended an extra 30 days, substantially delaying the procedure.

Recommendation: Require all errors to be appealed within 30 days, and if a satisfactory adjustment can be made before the Board of Equalization meets, the appeal could then be dismissed.

15. Sec. 29.53.390 contains provisions for refund of taxes.

Problem: Because of the cost of processing minor refunds, it would be desirable if small overpayments could be ignored.

Recommendation: Add a provision whereby overpayments in the amount of \$1.00 or less may be written off unless a specific demand is made for the refund within 30 days.

GREATER ANCHORAGE AREA BOROUGH

3500 TUDOR ROAD
POUCH 6-650
ANCHORAGE, ALASKA 99502

December 7, 1971

DEPARTMENT OF LAW
279-2820



C
L
E
A
N

A
I
R

*

C
L
E
A
N

W
A
T
E
R

*

A

C
L
E
A
N

C
O
M
M
U
N
I
T
Y

Senator Edward A. Merdes
504 Monroe Street
Fairbanks, Alaska 99701

Dear Ed:

Sorry to be so late in responding to your request for additional comments on the Municipal Code. We circulated the Code to all department heads then sifted through their comments to put together a package of suggested amendments. There were many minor comments but the ones in the enclosure are those I felt the most substantive.

If you would like comments on any other provision, I would be happy to oblige as I have a fairly fat file on the subject but thought I'd spare you another ton of paper.

Of course we stand willing to testify or do whatever is necessary to aid you in your consideration of the bill, so feel free to call upon me at any time.

Sincerely,

Sheila
Sheila Gallagher
Borough Attorney

SG:gv
cc: Senator Terry Miller
Senator John Rader

SECTION II. PENDING LEGISLATION WHICH THE BOROUGH BELIEVES SHOULD BE AMENDED

+ The Greater Anchorage Area Borough requests that the following pending legislation be amended.

(A) Municipal Code

While the Borough favors passage of the Municipal Code, it believes that the following list of amendments are practical and would permit smoother operation under the Code.

+Chapter 23 - Municipal Officers and Employees

1. Sec. 29.23.020 provides standards for apportionment.

+Problem: We question re-enacting provisions known to be unconstitutional.

2. Sec. 29.23.090(a)(1) provides that an assembly initiated apportionment plan must be submitted to the Local Affairs Agency "for review".

Problem: The meaning of "for review".

Recommendation: State that the Agency does or does not have the power to disapprove the plan.

Chapter 28 - Elections

3. Sec. 29.28.015(b) allows one person to serve simultaneously in several offices with only a few restrictions.

Problem: The advisability of permitting assemblymen or councilmen to sit on lesser bodies is questionable, particularly since the assembly or council often ratifies or acts as an appellate body concerning the decisions of lesser bodies. If you have the same people at different levels, it would seem to diminish your right of appeal.

Recommendation: Add a provision allowing assemblies and councils to place further limitations on simultaneous office holding.

4. Sec. 29.28.020(a) calls for concurrent state and municipal elections.

Problem: While the goal of concurrent elections may be desirable, there is one immediate practical problem. Until election laws become uniform, it will be necessary for cities, boroughs and the state to each have a separate election board. Getting enough qualified people to man each of these boards on the same election day will be difficult.

Recommendation: Make concurrent elections optional with the municipalities; or, in the alternative, amend Title 15 of the Alaska Statutes so that election judges need not be residents of the precinct in which they function.

5. Sec. 29.28.073 provides that the clerk has 10 days from the filing of an initiative or referendum petition to certify it, and if the petition is insufficient, it may be amended or supplemented within 10 days after the filing date.

Problem: If the clerk needs or takes 10 days to check out the petition, all right to amend or supplement it would be extinguished.

Recommendation: The wording should be similar to that of the recall provision and allow the petitioner 10 days from the time of the clerk's rejection in which to amend or supplement the petition.

6. Sec. 29.28.150 provides that a petition to recall a municipal official need only contain signatures equal in number to 15% of the votes cast in the area represented by the official in the last preceding general election for officers.

Problem: Turnout for local elections often runs only about half that for state elections, and fluctuates greatly depending upon what controversial item might happen to be on the ballot. Therefore, the difficulty in exercising the right of recall will vary widely in different years.

Recommendation: Base the percentage of signatures required on the number of registered voters.+

Chapter 33 - Planning, Platting and Zoning

7. Sec. 29.33.080 places numerous responsibilities upon planning commissions and Sec. 29.33.245 is an attempt to take some of the pressure off of the commission.

Problem: These sections point out the re-occurring problem of sticking numerous responsibilities on administrative bodies without express provisions that some of the responsibilities may be delegated to other bodies, and that other sub-administrative bodies may be created if necessary. In the past we have used a Board of Examiners and Appeals to handle appeals from administrative decisions and requests for variances. Even then, the Anchorage Planning Commission is overworked. While the hearing officer provisions of Sec. 29.33.245 will provide some relief, we think it desirable to give local legislative bodies more leeway in this area.

Recommendation: Add a provision to the Municipal Code allowing assemblies and councils some flexibility to delegate and re-distribute functions and to establish separate boards as necessary.

8. Sec. 29.33.090(d) provides that "(t)he designation of zoning purposes does not confer police powers upon a borough except as authorized by this title nor does it prohibit cities within the borough from exercising police powers as to those purposes".

Problems: The first part of the subsection seems to be a restatement of the obvious. Giving planning power to a borough does not give the borough general police power. On the other hand, the planning function would include the implied police powers necessary to carry out that function. The "except as authorized" wording of the section might be read to require individual express powers before a borough could act in the various areas of planning and, therefore, restrict a borough from operating with powers which are implied but not expressly authorized by the title.

The second part of the subsection indicates that cities within a borough may enforce planning and zoning ordinances, and raises the question of whether a home rule city could pass and enforce its own planning and zoning ordinances. This again flies in the face of an areawide planning concept.

Recommendation: Eliminate the entire subsection.

9. Sec. 29.33.110(b)(3) provides for appeals from decisions on requests for variances from the planning commission to the board of adjustment.

Problem: This again brings out the problem discussed in Item 7 above. The Greater Anchorage Area Borough uses a board of examiners and appeals to hear requests for variances, and appeals are made directly to the board of adjustment. Article 4 seems to indicate that we could no longer use a body other than the planning commission or its representatives to hear such requests.

Recommendation: As recommended in Item 7 above, add a general provision to the Municipal Code allowing local governments the flexibility to delegate and re-distribute functions and to establish separate boards as necessary.+

RFC 5

Chapter 53 - Municipal Assessment and Taxation

- +10. Sec. 29.53.035(c) includes in the definition of "farm use" lands put to a "horticultural use."

Problem: Garden supply and plant stores have been claiming the farm and agricultural reductions.

Recommendation: Exclude the term "horticultural use" from the definition of "farm use."

- +11. Sec. 29.53.040 classes mobile homes as real property for tax purposes.

Problem: While such a change might help municipalities which don't tax personal property, it will be an administrative nightmare for the other municipalities. The Anchorage Borough would have approximately 3,000 pieces of real property which move, and the burden would be shifted to the Borough to keep track of each. Under the present system the owners must file returns or be subject to prosecution. On the other hand, if trailers are to be treated as realty, the borough will need to find and file on each of them, and a failure to do so would result in the owner not carrying his share of the tax burden.

Recommendation: Make the provision optional.

- +12. Sec. 29.53.080 permits the assessor to make his own evaluation of property when no return has been filed.

Problem: If the assessor doesn't find the property until after the return should have been filed, the law is unclear as to when penalty and interest provisions apply.

Recommendation: A provision should be added that penalty and interest accrue from the original due date which would have applied had the taxpayer filed a timely return.

- +13. Sec. 29.53.090 makes it a misdemeanor to file a fraudulent return.

Problem: It is almost always difficult to establish the necessary intent in order to prove fraud. In addition, it is questionable whether a misdemeanor will offer a strong enough deterrent. In the few cases where fraud can be proven, we think it would be desirable to make examples out of the perpetrators of the fraud.

Recommendation: Add a provision whereby the state may prosecute fraudulent returns as a felony rather than the municipalities prosecuting them as misdemeanors.

- +14. Sec. 29.53.120 provides for correction of errors and omissions in the assessment roll, and for appeals from corrected notices.

Problem: Most municipalities allow 30 days for appeal from errors in assessment rolls. Under Sec. 29.53.120(B) the appeal time would necessarily be extended an extra 30 days, substantially delaying the procedure.

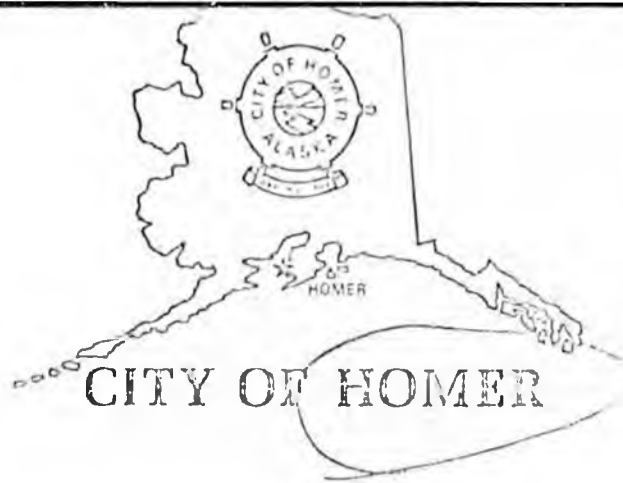
Recommendation: Require all errors and omissions to be appealed within 30 days, and if a satisfactory adjustment can be made before the Board of Equalization meets, the appeal could then be dismissed.

- +15. Sec. 29.53.390 contains provisions for refund of taxes.

Problem: Because of the cost of processing minor refunds, it would be desirable if small overpayments could be ignored.

Recommendation: Add a provision whereby overpayments in the amount of \$1.00 or less may be written off unless a specific demand is made for the refund within 30 days.+RFC 6

BOX 335



HOMER, ALASKA 99603

February 22, 1972

Mr. Edward A. Merdes
State Senate
State Capitol Building
Juneau, Alaska 99801

Dear Mr. Merdes,

At their meeting, February 14, 1972, the Common Council of the City of HOMER, by a vote of 5 to 0 (with one member absent), voted to support legislation that would give any First Class City, within a Borough, the right to plan, direct and enforce their own zoning. Such action would place the responsibility for zoning on those who are directly affected by it.

Your support of such legislation is encouraged.

Yours truly,

Jack J. Greene
Jack J. Greene
City Manager

JJG/cc

Sen. Mandes

Don't forget in Free

Conference Committee:

position to discuss
intentionalities to reduce
on anti-pollution issues

50% or 100% ?

Left edge (PSE Thomas)
Recco Amend

14.050

(d) In the location determinations multiple use of the facilities including but not limited to libraries and recreational activities shall be considered.

(e) The design shall take into consideration multiple utilizations of the school building and school site.

(f) Providing that multiple use activities on said facilities may be an assembly designated responsibility of the school board.

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801

August 2, 1971

MEMORANDUM

TO : Senator John Rader, Senate Local Government Committee ✓
Rep. Mike Miller, House Local Government Committee

FROM : Greg Machyowsky, Legislative Counsel

SUBJECT: Incorporation of 1971 Session Laws into proposed
municipal code; other minor code amendments

A number of session laws enacted late in the first session of the Seventh Legislature amend existing Titles 7 and 29 and are not subsumed in the latest version of the proposed municipal code which was pending in Senate Rules at the close of the last session. Amendments to incorporate the substance of these session laws are attached; should they not be incorporated into the proposed code and the code is enacted, they will have been repealed from existing laws, since the proposed code repeals existing Titles 7 and 29.

I am attaching also an amendment which should be included with the technical amendments already made to the code. The amendment is minor and only preserves the consistency of distinctions maintained elsewhere in specific code sections as to which provisions bind home rule and general law municipalities under sec. 29.13.100 (pp. 7-8) of the proposed code.

GM:hg
Enclosures

GM

AMENDMENT

IN THE SENATE

BY THE LOCAL
GOVERNMENT COMMITTEE

TO: SCS CSHB 208

47
Page ~~48~~, line 23: After "districts" add "and exceptions may be made in order to provide for the preservation, maintenance and protection of historic sites, buildings and monuments"

*ADDED
3/23*
Page 61, between lines 5 and 6, add the following new matter:
"preservation, maintenance and protection of historic sites, buildings and monuments"

Page 63, Line 17: After "areawide;" add "exceptions to requirements of the codes may be made in the codes among other reasons, in order to provide for the preservation, maintenance and protection of historic sites, buildings and monuments;"

Page 77, between lines 5 and 6 add the following new matter:
"(C) historic sites, buildings and monuments"

*Called
by
3/21*

T. J.

AMENDMENT

IN THE SENATE

BY THE LOCAL
GOVERNMENT COMMITTEE

TO: SCS CSHB 208

Page 121, line 23: Before "municipality" insert "home rule
or general law"

Page 121, line 27: Before "municipality" insert "home rule
or general law"

AMENDMENT

IN THE SENATE

BY THE LOCAL
GOVERNMENT COMMITTEE

TO: SCS CSHB 208

Page 121, line 26: After "07.55.460." ⁹ insert the following

new matter: "In the case of a second class city,
before exercising the power, the council shall request
or petition the Local Affairs Agency for permission
to exercise the power. The council may not exercise
the power of eminent domain or declaration of taking
without the formal approval of the Local Affairs
Agency. The exercise of the power of eminent domain
or declaration of taking shall be by ordinance which
shall be submitted to the qualified voters at the
next regularly scheduled general election or special
election called for that purpose. A majority of the
qualified voters voting on the question is required
for approval of the ordinance."

A Docket
3/23

MEMORANDUM

February 14, 1972

To: Rep. Mike Miller, Chairman
House Local Government Committee

From: Greg Machyowski

Re: Additional suggested municipal code amendments

Enclosed are the two "optional" amendments I mentioned for inclusion in the Conference report on the code. Both are recommended for technical reasons. With respect to the definition of property provided in one amendment, Bob Dwyer or Sig Strandberg of Local Affairs can as I recall provide the background on the requested amendment, which the Local Affairs agency proposed towards the close of last session but did not consider indispensable; a definition of "property", "real property" and "personal property" I believe appeared in versions of the code some years ago but for some reason was subsequently omitted.

The other amendment, while further complicating the transitional provisions of § 124, lines 14-19 regarding a uniform November local election date, would nonetheless avoid confusion in implementing the new election date and is recommended if the mandatory November election date continues to be retained in the code.

Incidentally, in the technical amendments furnished to you earlier, the citation, in

the amendment relating to the new law on
historic preservation, should read "Page 47,
line 23", in place of "Page 49, line 23" as
it presently reads.

Attention
please
12/2/74

A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208

Page 123, between lines 18 and 19, add the following new matter:

"(10) "property" means real and personal property;

(11) "real property" means land and improvements and all possessory rights and privileges appurtenant to the property, and includes personal property affixed to the land or improvements;

(12) "personal property" means tangible property other than real property, such as merchandise and stock in trade, machinery and equipment, furniture and fixtures, motor vehicles and vehicles, boats and vessels and aircraft;"

renumber the following paragraphs accordingly.

A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208 (as amended)

Page 124, line 19: Before the period at the end of the sentence add the following new matter:

" , except that, in the event the term of a local official elected after the effective date of this Act could under this section expire in November of the same year as the term of a local official elected before the effective date of this Act within the same city or borough, their terms shall nonetheless expire and an election for their successors be held, on the same date, being the regular municipal election date provided before enactment of this title. Their successors shall serve for terms to conform with the provisions of this title. Insofar as the temporary provisions of this section conflict with other provisions of this Act establishing dates of municipal elections and terms of office, the other provisions of this Act are superseded until the temporary provisions of this section have been fully implemented"