

ALASKA LEGISLATURE COMMITTEE FILES 1971 - 1972 8672

78.2 FREE CONF. COMM RE: MUNIC. CODE REVISION HB 208/SB 113

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801

LEGISLATIVE AFFAIRS AGENCY

April 16, 1971

MEMORANDUM

TO: Representative Mike Miller
FROM: Greg Machyowsky, Legislative Counsel
SUBJECT: Attached amendments

As requested I've prepared an amendment for CSHB 208 (as amended) setting the regular municipal election date on the first Tuesday in October rather than the Tuesday after the first Monday in November. The amendment is prepared for the Senate. It should be noted that/does not affect the present provision of the bill setting the election every two years at the time of the state election, rather only sets that regular election date in October. Thus, if adopted, the amendment would result in local elections in October every two years, followed by state elections the next month, unless municipalities choose by ordinance to provide for local elections every year on the first Tuesday of October, as under present law. If regular local elections every two years in the off-year of the state election are intended, then the amendments made on pages 35 and 123 in the attached amendment should read:

Page 35, line 23: Strike "Tuesday after the first Monday in November every even-numbered year" and substitute "first Tuesday of October every odd-numbered year"

Page 123, lines 24 - 25: Strike "Tuesday following the first Monday in November of even-numbered years" and substitute "first Tuesday of October of odd-numbered years"

As indicated, the bill still leaves the option to local governments to provide for an election every year (or even at longer intervals than every two years).

Senator Merdes hasn't specifically requested a Senate amendment to change election dates. I'm furnishing the amendment to you in accordance with your request yesterday to have the amendment ready.

Another, shorter amendment, is enclosed, also; it would make a few desirable technical improvements and corrections. If other amendments to the bill are adopted in the Senate, I would recommend that the amendments on the enclosed sheet (for pages 17, 25, 65, 73, 106 and 124 of the bill respectively) be also adopted. The first two,

on page 17, are for clarification only (as now worded the lines seem to contemplate an election only in state election years, whereas elections every year at the option of the local government are also intended). The amendment on page 25 corrects an error; the line in the bill (line 28) erroneously stipulates a general law city council election every year. As to this one amendment, the lengthier amendment to change election dates also includes the correction (in effect deleting the phrase "every year" on page 25, line 28).

The amendments following clear up ambiguity in the use of the term "general" election when "regular" election is meant; the ambiguity developed in the process of integrating existing recently enacted statutes on franchise and property disposal elections into the committee substitute bill. Except possibly for the correction on page 25, none of the amendments would appear to me important enough to complicate or delay passage of the code, and if necessary can be recommended as corrections in the revisor's bill next year. (There undoubtedly will be a number of other minor technical matters cropping up in the course of detailed examination of the committee substitute bill as enacted.)

I've also made a minor technical improvement, at page 124, line 17, making clear that incumbents in office at the time the Act takes effect serve until the October expiration date of their terms, and the elections for immediate successors are held in October, notwithstanding the present provisions for November elections.

Encl.

GM:ic

A M E N D M E N T No. 1

IN THE SENATE

TO: CS FOR SENATE BILL NO. 113

- Page 17, line 28: Strike "at the time of the general election" and substitute "on the first Tuesday of October"
- Page 18, line 1: Strike ", unless provided otherwise by ordinance"
- Page 22, line 29: Strike "Tuesday after the first Monday" and substitute: "first Tuesday of October"
- Page 23, line 1: Strike "in November"
- Page 25, lines 28 - 29: Strike "every year on the Tuesday after the first Monday in November" and substitute "first Tuesday of October"
- Page 27, lines 12 - 13: Strike "Tuesday after the first Monday in November" and substitute "first Tuesday of October"
- Page 29, line 8: Strike "municipal"
- Page 29, line 9: Strike "Tuesday after the first Monday in November" and substitute "first Tuesday of October"
- Page 29, lines 22 - 23: Strike "municipal election on the Tuesday following the first Monday in November" and substitute "election held on the first Tuesday of October"
- Page 35, line 23: Strike "Tuesday after the first Monday in November" and substitute "first Tuesday of October"
- Page 123, line 24: Strike "Tuesday following the first Monday in November" and substitute "first Tuesday of October"
- Page 124, lines 18 - 19: Strike "are elected on the date provided before enactment of this title and"

IN THE SENATE

TO: CS FOR HOUSE BILL NO. 208 as amended

- Page 17, line 27: Strike "an election" and substitute "a regular election"
- Page 17, line 28: Strike "at the time of the general election"
- Page 25, line 28: Strike "every year"
- Page 65, line 15: Delete "general" and substitute "regular"
- Page 73, line 12: Delete "general" and substitute "regular"
- Page 106, line 19: After "question" insert "at a regular or special election"
- Page 124, line 19: After the period add the following new matter:
"Insofar as the temporary provisions of this section conflict with other provisions of this Act relating to 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."

Adopted 4/7
Council
3/21

CS PROPOSED TITLE NO. 1

TITLE 23. MUNICIPAL GOVERNMENT

ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI

Section 1. AS ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

Sec. 20.13.13. MOBILE HOMES. Mobile homes, mobile
house trailers, and their contents and similar property used or intended
to be used for residential, office or commercial purposes and subject
to the load or constructed to receive water, gas, electric or sewage utilities
are treated as real property for tax purposes and shall be
classified as such for purposes of professional fees. This article
does not apply to house trailers and mobile homes which are not used
and held for sale by persons engaged in the business of selling mobile
homes.

STATE
OF ALASKA

MEMORANDUM

TO: Mike Miller

DATE:

FROM: Rick Garnett

SUBJECT:

On the school design matter we discussed last night I suggest page 44, line 28: after "School buildings" insert something like "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."

I spoke with Bob Thomas about this. I believe he will contact you about the other more controversial question of some assembly control over non school use of school buildings.

HOUSE EDUCATION AMENDMENT

Section (g)

The second sentence in the House Education Amendment AS 14.14.060 (g) is a separate section in the present statute 07.15.330.

Section (h)

AS 14.14.060 (h) of the House Education Amendment is the present language contained in 07.20.140:

07.20.140 Centralized Purchasing - The assembly may provide for centralized purchasing, storage, and distribution of any supplies, material, and equipment for the borough and for its departments; provided, however, school boards within the borough may determine their own separate policy for the purchase of supplies and equipment.

A M E N D M E N T S

TO: CS FOR SENATE BILL NO. 113

BY THE FREE CONFERENCE COMMITTEE

Page 125, line 28: add new sections to read:

"* Sec. 6. AS 29.23.020 is repealed and re-enacted to read:

Sec. 29.23.020. COMPOSITION AND APPORTIONMENT. (a) The borough assembly shall be composed and apportioned in a manner set out in the incorporation petition or, if a borough is already incorporated, in a manner prescribed by 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. A change in assembly composition or apportionment shall be effective beginning with the next regular election to the assembly.

(b) Within six months of the effective date of this section and thereafter within six months of the completion of a decennial census, the assembly shall prescribe by ordinance the composition and apportionment of the assembly as provided under (a) of this section. This ordinance shall be submitted to an election of the qualified voters in the borough and must be ratified by a majority of the voters in all first class cities in the borough and by a majority of the voters outside the first class cities in the borough. If the ordinance is rejected by the voters, the Local Affairs Agency shall apportion the assembly in a manner consistent with the equal representation standards of the Constitution of the United States.

* Sec. 7. Sec. 6 of this Act takes effect on the effective date of the amendment of the Constitution of the State of Alaska which amends the local government of the constitution relating to representation of cities on borough assemblies."

Amendments to: CSSB 113
By the Free Conference Committee (Cont.)

Page 1, line 7: after "boroughs" and before the period insert:
"; and providing for an effective date"

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

Page 47, line 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"

STATE
OF ALASKA

MEMORANDUM

TO: The Honorable Mike Miller

DATE:

FROM: Rick Garnett

SUBJECT:

To avoid conflict between annexation via the constitutional procedure and annexation by local action, I suggest the following: page 107, line 18, after "for" insert " initiation of"

Add new paragraph (c) "A boundary change effected under paragraph (a) prevails over a boundary change initiated by local action, without regard to priority in time."

A M E N D M E N T S

TO: CS FOR SENATE BILL NO. 113

BY THE FREE CONFERENCE COMMITTEE

Page 125, line 28: add new sections to read:

* Sec. 6. AS 29.23.020 is repealed and re-enacted to read:

Sec. 29.23.020. COMPOSITION AND APPORTIONMENT. (a) The borough assembly shall be composed and apportioned in a manner set out in the incorporation petition or, if a borough is already incorporated, in a manner prescribed by 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. A change in assembly composition or apportionment shall be effective beginning with the next regular election to the assembly.

(b) Within six months of the effective date of this section and thereafter within six months of the completion of a decennial census, the assembly shall prescribe by ordinance the composition and apportionment of the assembly as provided under (a) of this section. This ordinance shall be submitted to an election of the qualified voters in the borough and must be ratified by a majority of the voters in all first class cities in the borough and by a majority of the voters outside the first class cities in the borough. If, at the end of the six-month period, no ordinance has been ratified by the voters, the Local Affairs Agency shall apportion the assembly in a manner consistent with the equal representation standards of the Constitution of the United States.

* Sec. 7. AS 29.23.060(f), (g), (h), (i) and (j) are repealed.

* Sec. 8. Secs. 6 and 7 of this Act take effect on the effective date of the amendment of the Constitution of the State of Alaska which amends

Amendments

To: CS for SB 113 by the Free Conference Committee (cont.)

sec. 4, art. X of the constitution relating to representation of cities on borough assemblies or on the date that the Alaska Supreme Court rules that the provisions of sec. 4, art. X of the Constitution of the State of Alaska, relating to the representation of cities on borough assemblies, is in violation of the Constitution of the United States, whichever date occurs first.

Page 61, line 6: add a new paragraph to read:

(21) consumer protection.

Page 107, line 18: after "for" add "initiation of"

Page 107, line 29: add a new subsection to read:

(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 28, line 11: delete the words "executive and"

Page 35, lines 28 and 29: after "who" delete "has been a resident of Alaska for one year and" and add: "is a qualified voter of the state and a resident"


Page 57, line 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.-



ALASKA OUTBOARD SERVICE

Pants - Sales - Repairs



1405 Tongass Avenue
KETCHIKAN, ALASKA 99901

January 25, 1972

Honorable Mike Miller
House of Representatives
Juneau, Alaska

Dear Mike:

As I recall you are the Chairman of the House Local Gov't committee, if I'm wrong I'd still like to offer a suggestion.

I've just finished a three month stint as chairman of a local committee to study the feasibility of Unification for this area, our report was affirmative. I must say at this point that in examining the steps in the procedure for reaching unified local Gov't I was a bit puzzled. It would seem to me that the logical steps would be; One, circulate the petition for the twenty five per cent, two, with the required amount of signatures hold an election for the charter commission, three, when the charter is prepared and examined by the public, then have an election at which time the public would be given the opportunity to vote for or against unification based on whether or not they wanted it as provided for in the charter.

As I understand the statutes on the books the public is required to vote for or against unification without having the charter, which sets out the terms and conditions, before them for examination. It would seem to me that this is asking the voting public to buy a pig in a poke.


I'm sure that our community is no different in the fact that we will encounter most of our opposition from the rural area. These people aren't about to be sold on unification unless they know in advance what that charter is all about.

It seems to me that the law as now written presents unnecessary obstacles to those persons in a community who only wish to fairly and honestly present an opportunity to upgrade and improve their local Gov't.

It is my personal conviction that Unified local Gov't is the way of the future in Alaska, therefore I feel that it is not beneficial that efforts in that direction be hamstrung by poor legislation, if not poor legislation at least it's unnecessarily cumbersome.

I'd appreciate your giving this some thought.

Respectfully,



Oral E. Freeman

A M E N D M E N T

TO: CS FOR SENATE BILL NO. 113

BY THE FREE CONFERENCE COMMITTEE

Page 125, line 28: add new sections to read:

* Sec. 6. AS 29.23.020 is repealed and re-enacted to read:

Sec. 29.23.020. COMPOSITION AND APPORTIONMENT. (a) The assembly of a home rule or general law borough shall be composed and apportioned in a manner set out in the incorporation petition or, if a borough is already incorporated, in a manner prescribed by 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. A change in assembly composition or apportionment shall be effective beginning with the next regular election to the assembly.

(b) Within six months of the effective date of this section and thereafter within six months of the completion of a federal decennial census, the assembly shall prescribe by ordinance the composition and apportionment of the assembly as provided under (a) of this section, if the existing assembly apportionment does not meet the designated standards. The ordinance shall be submitted to an election of the qualified voters in the borough and to be effective must be ratified by a majority of the voters in all first class cities in the borough and by a majority of the voters outside the first class cities in the borough. If, at the end of the six-month period, no ordinance has been ratified, the Local Affairs Agency shall apportion the assembly in a manner consistent with the equal representation

standards of the Constitution of the United States. Determinations and reapportionments made under this section are subject to judicial review for abuse of discretion.

* Sec. 7. AS 29.23.090 is repealed and re-enacted to read:

Sec. 29.23.090. REAPPORTIONMENT. In addition to apportionment at the times required under sec. 20 of this chapter, the assembly of a home rule or general law borough shall provide for its reapportionment whenever, on the basis of U.S. Bureau of Census reports or other reliable population data, it determines that the existing apportionment does not meet the standards for apportionment designated in sec. 20 of this chapter. The assembly is required to make the determination, and, if indicated, the reapportionment upon petition of 50 borough voters. The petition must include evidence that the apportionment of the assembly does not meet the designated standards. Reapportionment under this section shall be implemented by ordinance or action of the Local Affairs Agency in the manner prescribed in sec. 20 of this chapter. Determinations and reapportionments made under this section are subject to judicial review for abuse of discretion.

* Sec. 8. AS 29.23.060(f), (g), (h), (i) and (j) are repealed.

* Sec. 9. Secs. 6 and 7 of this Act take effect upon the condition and at the time that an amendment to sec. 4, art. X of the Constitution of the State of Alaska, relating to representation of cities on borough assemblies, becomes effective or the Supreme Court of the State of Alaska finds that the provisions of sec. 4, art. X are in violation of the Constitution of the United States, whichever occurs earlier.

A M E N D M E N T

BY THE FREE CONFERENCE COMMITTEE

TO: SCS CSPB 208 am S

Page 124, between lines 19 and 20: Add the following new matter:

* Sec. 4. (a) Other provisions of this Act notwithstanding, the assembly of a first or second class borough which is an incorporated borough on the effective date of this Act shall submit to borough voters at the next regular borough election following the effective date of this Act the question:

"Shall the borough and all cities within it unite to form a single unit of home rule government having the powers, duties and functions of a unified government as provided by law?"

Yes

No "

(b) If a majority of borough voters voting on the question approve unification, the assembly shall provide for election of a charter commission at the next regular borough election, or at a special election called by the assembly. The commission shall be nominated and elected and shall prepare, adopt and submit to the voters a proposed unification charter, as otherwise provided in this Act. The provisions of this Act relating to unification otherwise govern unification under this section, except that if a charter submitted by the commission for voter approval is rejected, the commission shall continue to function and submit revised charter provisions until such time as a charter may be ratified.

(c) Nothing in this section prevents initiation of unification proceedings by local option as otherwise provided in this Act at a time subsequent to defeat of unification in an election on the question set forth in (a) of this section.

Renumber subsequent sections accordingly.

42

A M E N D M E N T

BY THE FREE CONFERENCE COMMITTEE

TO: SCS CSHB 208 an S

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 83, line 9: after "action." add the following new matter: "Either party to the appeal may demand a jury trial."

FAIRBANKS NORTH STAR BOROUGH

Box 1267, Fairbanks, Alaska 99701

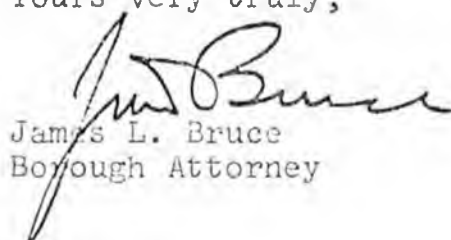
April 6, 1972

The Honorable Mike Miller
Alaska House of Representatives
Pouch V, State Capitol Bldg.
Juneau, Alaska 99801

Dear Mr. Miller:

I hastily put my thoughts on statutory reapportionment scheme in a letter to Ed Herdes. Hopefully, I will have more than these skeletal ideas in time for you to act on the municipal code but at least you have some of my thoughts even if in a crude form.

Yours very truly,



James L. Bruce
Borough Attorney

JLB/gc

encl.

FAIRBANKS NORTH STAR BOROUGH

Box 1267, Fairbanks, Alaska 99701

April 5, 1972

The Honorable Edward A. Herdes
Alaska State Senate
Pouch V, State Capital Bldg.
Juneau, Alaska 99801

Dear Ed:

I am working on provisions to expedite unification but want you to have my ideas on apportionment immediately.

The City of Fairbanks suit against the borough seems to be developing into a conflict to determine whether or not city councilmen should sit on borough assemblies. The rural assemblymen argue that the assembly should be composed of members elected at large. The city's position is apparently that it is proper for one man to be elected to both a city council and an assembly seat so long as the city from which he is elected has the requisite population to entitle that population to a seat on the assembly. It is my opinion that the current struggle between the rural and city assemblymen is not so much legal but political.

It is obvious, however, that if assemblymen are not to be elected at large some mechanism for regularly apportioning assemblies must be developed.

At the direction of the borough chairman, John Carlson, I have given some thought to a permanent apportionment scheme other than at large elections for borough assemblies. The following proposal should meet the constitutional requirement of one man/one vote and provide necessary flexibility to meet population changes but still be enacted as a permanent statute.

If assemblymen are to be selected from cities or sections of a borough, I suggest the following might be incorporated into an apportionment statute. (1) Regular reapportionment shall be required after each census, (2) under a plan drafted after a public hearing, (3) by a local entity elected at large and independent of the assembly, (4) but which plan must receive assembly approval, and (5) or if approval is not given a superior court can order reapportionment. Provision is not made for final approval by the electorate because the equal protection clause applies to every citizen and any aggrieved voter can upset an unconstitutional plan even if the plan is approved by majority vote.

The corresponding provisions in the municipal code to the present AS 07.10.040 and AS 07.20.070 should be amended to provide for the following:

Borough assemblymen may be elected at large or from sections. A referendum shall be held to determine the method of electing assemblymen. If the major-

Ed Merdes
April 5, 1972
Page 2

ity of those persons voting favor electing assemblymen from sections, the following provisions shall govern reapportionment.

A person may be elected to hold a seat on a city council and the borough assembly simultaneously.

After each decennial census, or if a census is provided at more frequent intervals, borough assemblies must be reapportioned.

In boroughs under the manager plan, after each census a board of three members elected at large shall be charged to draft reapportionment plans for the borough assembly. In boroughs having a borough chairman, the chairman should be charged, by statute, with the duty of formulating plans. Whether by board or chairman, the following steps would be the same.

Immediately after the results of a census were made available, the board or chairman is directed to hold at least one hearing to receive proposals from the public for reapportionment of the borough assembly. After such hearing, or hearings, the board or chairman shall prepare an apportionment plan to be submitted to the assembly. The assembly should receive the plan not less than 120 days prior to the next general borough election. If the results of the census were not known at least 150 days prior to general election, such an election should be postponed until 120 days after the chairman proposed a plan to the assembly.

Thirty days after submission of the board's or chairman's plan to the assembly, the assembly, by resolution, must approve or disapprove the plan and if no action be taken, the plan shall be deemed approved. If the assembly disapproved the plan, the board or chairman shall have 15 days to submit a second plan to the assembly. The assembly must approve or disapprove that plan within 15 days from the date of submission. Failure to act by the assembly shall be deemed approval of the second plan. If the assembly disapproved both plans, the board or chairman is directed by statute, within seven days, to file a complaint in superior court seeking a court order that either the first or second plan be instituted. Any assemblyman or citizen of the borough could answer the complaint requesting amendments to the plan or that a new plan be instituted by the court. The court would be empowered to stay any election for borough assemblymen pending an ordered election. It should be provided that any action of the assembly be valid and binding during any interim or stay periods until an election is held.

Please excuse the rough form of this letter. I sent a copy to Richard Garnett hoping he can put my skeletal ideas in appropriate statutory form.

Because it is usually impossible for a politician to reapportion himself out of office, I suggest that the initial steps for reapportionment be taken from the hands of the assemblymen and placed in an independent entity. It

Ed Merdes
April 5, 1972
Page 3

has been suggested to me that the state should handle reapportionment of local assemblies but it is my opinion that a state agency would have insufficient interest to properly delve into local problems. The borough chairman, or a reapportionment board especially elected for the purpose, seem more appropriate entities to formulate apportionment plans.

Sincerely,



James L. Bruce
Borough Attorney

JLB/gc

cc: Sen. Cliff Grow
Sen. Terry Miller
Rep. Jess Harris
Rep. Mike Miller
Rep. Ed Naughton

A M E N D M E N T

TO: SENATE CS FOR CS FOR HOUSE BILL NO. 208 am S

Page 93, between lines 17 and 18 of CSSB 113:

After the Senate amendment adding subsection (d), add subsection (e) to read:

(e) Purchases made with food coupons issued to low-income persons under the federal Food Stamp Act of 1964, as amended, are exempt from sales taxes levied and collected by an organized borough, whether home rule or otherwise.

Page 94, between lines 11 and 12 of CSSB 113:

Insert a new section to read:

Sec. 29.53.470. EXEMPTION Purchases made with food coupons issued to low-income persons under the federal Food Stamp Act of 1964, as amended, are exempt from sales taxes levied and collected by a city of any class, whether home rule or otherwise.

Unification proposed from John Asplund

Mr. Asplund's specific proposal, in regard to the Greater Anchorage Area Borough, is the unification of governments within Service Area 23 by an election mandated by a legislative resolution. The voters will choose between a first class home rule charter or a second class borough form of government. The remainder of the borough outside Service Area 23 would vote and be tallied separately on its inclusion or exclusion and the type of government desired.

The draft bills would allow organized boroughs and cities contiguous to or within the borough to unify. Unification would be proposed by identical resolutions from the borough assembly and all city councils within the proposed unified area. The resolution would include proposed boundaries, form or forms of government to be placed on the ballot, and the method of distribution of assets and liabilities.

The Local Government Committees of the Legislature would review these resolutions and ascertain whether the unified area met the criteria of Article X, Section 3 of the Constitution. The respective committees would prepare a joint resolution including the requirements of the original resolutions and the form and wording of the ballot to be presented to the affected voters. Within 90 days of passage of the joint resolution, the state shall submit the question(s). The vote shall be tabulated without regard to municipal boundaries. The form of government receiving the majority of votes shall be the new government.

Transitional requirements provide that if an existing form of government is chosen, that government shall be expanded within one year to the new boundaries. Any new form of government will be governed by the state statutes regarding boroughs and cities. Within two years, the new government shall revise, repeal or reaffirm all local government laws in effect at the time of unification. Existing laws will remain in force until superseded.

The right to state and federal funds shall remain intact under unification.

A unified government under this chapter shall have all power granted boroughs and first class cities not prohibited by law or charter.

Submitted by Legal Department
Date submitted _____
Date revised _____
Date resubmitted _____
Date of public hearing _____
Effective date _____

GREATER ANCHORAGE AREA BOROUGH, ALASKA

RESOLUTION NO. 37-72

A RESOLUTION PROPOSING LEGISLATIVE ACTION FOR UNIFICATION

WHEREAS it appears that the best solution to the local governmental problems in the Greater Anchorage Area is some form of unification, and

WHEREAS it appears reasonable for the legislature to provide an alternative approach to the Charter Commission route to unification;

NOW THEREFORE the Greater Anchorage Area Borough Assembly hereby resolves that legislation necessary to carry out the intent of Assembly Memorandum No.72-112 be sent to the legislature for its consideration.

PASSED AND APPROVED BY THE ASSEMBLY OF THE GREATER ANCHORAGE AREA BOROUGH this ____ day of _____, 1972.

Presiding Officer

ATTEST:

Borough Clerk

APPROVED this ____ day of _____, 1972.

Borough Chairman

11-16

IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act Entitled: "Unification of Areas Within Organized Boroughs."
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

CHAPTER 86. UNIFICATION OF AREAS WITHIN ORGANIZED BOROUGHES.

Sec. 29.86.010. _____ authorized.

Areas within organized boroughs and cities contiguous thereto or included therein may unite to form a single unit of government by complying with this chapter.

Sec. 29.86.020. Unification to be proposed by resolution. Unification shall be proposed by identical resolutions adopted by the borough assembly and the councils of all cities located within the proposed unified area.

Sec. 29.86.030. The resolution shall include:

1. The proposed boundaries of the new government.
2. The form or forms of government present in the election prescribed in § 050 of this chapter.
3. A method of distribution of assets and liabilities.

Sec. 29.86.040. Review of Resolutions.

a. Resolutions for unification prescribed by Sec. 29.86.030 of this chapter will be reviewed by the Local Government Committees of both houses of the legislature.

b. The Local Government Committees will ascertain if the proposed unified area meets the criteria of Article X, Sec. 3 of the Constitution of the State of Alaska.

Sec. 29.86.050. Legislative Action.

a. After the review as required under Sec. 29.86.040 of this chapter, the respective Local Government Committees will prepare a joint resolution to be presented to both houses of the legislature setting forth:

a. The proposed boundaries of the unified government.

b. The form or forms of government which will be subject to election in the proposed unified area.

c. The method of distribution of assets and liabilities of the governments being unified.

d. The form of the ballot with the exact wording to be contained thereon. After passage of a valid resolution for unification the State of Alaska shall submit to the voters of the affected area, the questions of whether that portion of the organized borough and all cities within such area as designated by the resolution shall unite to form a single unit of government and the form of government to establish the form of government available for selection shall be only those forms as set out in the resolutions as described in Sec. 29.86.020 of this chapter.

b. The vote shall be held within 90 days after passage of the joint resolution as set forth in § 29.86.040 of this chapter.

c. The ballots on the question of unification and form of government shall be designated in the resolution as passed by both houses of the legislature.

Sec. 29.86.060. Requirements for approval of unification.

(a) The vote shall be tabulated without regard to local municipal boundaries, except as provided on the resolution set out in Sec. 030 of this chapter if more than one form is proposed on the ballot, receiving the majority of the votes, shall be the form of government of the unified area.

Sec. 29.86.070. Transition.

(a) If the form of local government selected is that of an existing government, the laws of that government shall prevail and shall be expanded within one year to effect the new boundaries as required by law.

(b) If the form of government selected is not that of an existing local government within the boundaries of the unified area, then;

If the form is a borough, then the applicable laws in Title 7 and 29 of the Alaska Statutes shall apply;

If the form of government is that of a city, then the applicable statutes as a general law city of the class selected will govern until a charter is adopted pursuant to law.

Sec. 29.86.080. Assets and Liabilities. The assets and liabilities of the unified government created under this chapter shall be distributed as set out in the resolution under Sec. 030 of this chapter.

Sec. 29.86.090. Ordinances. Within two years after ratification of unification, the governing body of the unified municipality shall revise, repeal or reaffirm all borough and city ordinances, resolutions, and orders in force within the borough at the time of unification. Each ordinance, resolution, regulation or order in force at the time of unification shall remain in force until superseded by action of the new governing body.

Sec. 29.86.100. Right to State and Federal Funds Reserved. All provisions of law authorizing contributions of any kind, in money or otherwise, from the state or federal government to boroughs and cities shall remain in full force and effect with respect to a unified municipality organized under §§ 010-110 of this chapter.

Sec. 29.86.110. Powers of Unified Government. A municipality organized under §§ 010 - 100 of this chapter shall have all powers

- (1) not prohibited it by law or charter;
- (2) granted to organized boroughs and first class cities.

Effective date of bill is: _____

GREATER ANCHORAGE AREA BOROUGH

ASSEMBLY MEMORANDUM NO. 72-112

TO: BOROUGH ASSEMBLY

MARCH 6, 1972

FROM: BOROUGH CHAIRMAN

SUBJECT: UNIFICATION

After consultation with Mayor George Sullivan, the President and Executive Director of the Chamber of Commerce, it has become increasingly clear that a desirable and timely solution to the local governmental problems in the Greater Anchorage Area is some form of unification.

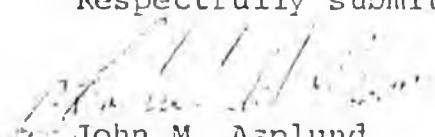
It is our consensus that unification can only prevail in the Anchorage urban area; therefore, we recommend that the Assembly adopt a resolution endorsing unification of the City and Borough governments in Service Area 23 under certain conditions. Further, we recommend that the State Legislature adopt a bill requiring an election in Service Area 23. In that election, the voters will be asked whether they want to unify Service Area 23 under a first class home rule charter such as the City of Anchorage or a second class borough form of government such as the Greater Anchorage Area Borough. The voters will have the opportunity to reject both propositions and thus defeat the entire concept of unification if they so desire.

We also recommend that the remainder of the Greater Anchorage Area Borough, not included in Service Area 23, vote separately as to its inclusion or exclusion from the new unified government if one is formed and, further, that the voters of this area vote as to the form of government they desire, i.e. first class home rule city charter or second class borough. The votes of other than Service Area 23 will be tallied separately and will not be included with the Service Area 23 votes.

If the voters approve the concept of unification as a first class home rule charter form of government, then, depending upon the outcome of the election by the remainder of the Borough, the boundaries of the new government would be adjusted to conform to the boundaries of the Service Area 23.

For this unification effort to be successful, amendment of the current statutes will be necessary. Two draft bills are attached for your consideration.

Respectfully submitted,


John M. Asplund
Borough Chairman

JMA:SG:lms
Attachments

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 125, line 28: add new sections to read:

* Sec. 6. AS 29.23.020 is repealed and re-enacted to read:

Sec. 29.23.020. COMPOSITION, APPORTIONMENT, AND REAPPORTIONMENT. (a) The assembly shall be composed and apportioned in a manner set out in the incorporation petition or, if a borough is already incorporated, in a manner prescribed by 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 in accordance with the designated standards;

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

(c) An ordinance adopted under (a) of this section must to be effective be approved by a majority of borough voters voting on the question in all home rule and first class cities of the borough and

by a majority of borough voters voting on the question outside the home rule and first class cities of the borough. If, at the end of the time period prescribed in (b) of this section, no ordinance providing for assembly reapportionment 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 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 elected according to assembly composition and apportionment set forth 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. 7. AS 29.23.040 is repealed and re-enacted to read:

Sec. 29.23.040. REGULAR TERM OF OFFICE. In boroughs an election is held every two years at the time of the general election to choose assemblymen for two-year terms, unless provided otherwise by ordinance, and until their successors are elected and have qualified. The regular term begins on the first Monday following the regular borough election. The assembly may provide for different terms by ordinance, but they may not exceed four years. The current term of incumbent assemblymen may not be altered. This section applies to home rule and general law boroughs.

* Sec. 8. 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 forfeits his office. If sections for the election of assemblymen have been established, an assemblyman elected from a district who becomes a resident of another district 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. 9. 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 sections for the election of assemblymen have been established, a resident of the section from which he will serve, to serve until the next regular election.

* Sec. 10. AS 29.23.030, 29.23.060(f), (g), (h), (i), (j) and AS 29.23.-090 - 29.23.100 are repealed.

* Sec. 11. Secs. 6 - 10 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 - 10 of this Act becomes effective, whichever occurs earlier.

First draft, 4/11/72

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 110, line 28: delete "two propositions" and substitute "proposition"

Page 111, lines 1-17: delete all matter and substitute the following:

05 } 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 113, lines 10-11: delete all matter after "question" and substitute the following: "specified in sec. 260(a) of this chapter. The vote shall be held"

Page 113, line 14: delete "of unification"

Page 113, line 15: delete "(1) and (2)"

Page 113, line 17: delete "of unification"

Page 113, line 22: delete "unification" and substitute "the question"

Page 113, lines 25-28: after "for" delete all matter and substitute the following: "the question to be approved, a majority vote in each classification is required."

(b) If the question of forming a charter commission to

prepare, adopt and submit a proposed unification charter to the voters is approved, those charter commission candi-

Page 116, lines 4-6: after "law" delete "as determined by a plurality of the votes cast at the election held under sec. 320 of this chapter"

Draft, 4/11/72

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 107: After line 29, add the following new matter:

(4) a provision requiring that the assembly of a home rule or general law borough submit the question of exclusion of particular territory from the borough to borough voters in the area sought to be excluded upon presentation to the assembly of a petition for the purpose signed by at least 15 per cent of borough voters residing within the area sought to be excluded and who voted in the last regular borough election held prior to presentation of the petition; exclusion under this paragraph which is approved by a majority of voters voting on the question shall take effect at the reasonable time and upon terms of transitional adjustments necessitated by the exclusion, including but not limited to adjustment of any existing bonded indebtedness and other obligations of the area excluded so as to preserve a fair and equitable burden of taxation, as the assembly or, upon its failure to act, the Local Affairs Agency, prescribes; assembly or Agency actions under this paragraph are subject to judicial review.

(DRAFTING NOTE: This draft is intended to reflect the substance of the proposal for exclusion discussed by the committee at its session of 4/6/72. The draft of the proposal relates largely to current law (The Annexation Act of 1957), which has not been retained in the proposed code. Thus, the redraft here is intended to reflect the substance of the proposal but in the context of Ch. 29.68 of the proposed code (p. 107). It should be noted in addition that there are constitutional aspects of the draft which it is recommended be researched further before final action is taken, should the concept of the proposal be approved initially.)

Revised draft, 4/11/72

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 124, between lines 19 and 20: add the following new matter:

* Sec. 4. (a) Other provisions of this Act notwithstanding, the assembly of a first or second class borough which is an incorporated borough on the effective date of this Act shall submit to borough voters at the next regular borough election following the effective date of this Act the question:

"Shall the borough and all cities within it unite in the manner authorized by law to form a single unit of home rule government having the powers, duties and functions of a unified government?

Yes []

No []"

(b) If a majority of borough voters voting on the question approve unification, the assembly shall provide for election of a charter commission at the next regular borough election, or at a special election called by the assembly. The commission shall be nominated and elected and shall prepare, adopt and submit to the voters a proposed unification charter, as otherwise provided in this Act. The provisions of this Act relating to unification otherwise govern unification under this section, except that if a charter, or part of a charter, submitted by the commission for voter approval is rejected,

(1) the commission may prepare, adopt and submit a proposed harter to election in portions only rather than as a proposed completed document, and

(2) the commission shall continue to function and submit revised charter provisions until such time as a charter may be ratified.

(c) Nothing in this section prevents initiation of unification proceedings by local option as otherwise provided in this Act at a time subsequent to defeat of unification in an election on the question set forth in (a) of this section.

Renumber subsequent sections accordingly.

First draft, 4/11/72

A M E N D M E N T

TO: SCS CSRB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 7, between lines 17 and 18: insert the following new matter:

"(23) AS 29.58.315"

Renumber subsequent paragraphs accordingly

Page 100, between lines 3-4: insert the following new matter:

Sec. 29.58.315. BOND ATTORNEYS, BOND AND FINANCIAL CONSULTANTS.

The governing body 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.

10/11/72

A M E N D M E N T

TO: SCS CSHE 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 107, line 18: after "for" insert "initiation of"

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.

A.S.H. 6

First Draft, 4/11/72

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE
COMMITTEE

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."

(DRAFTING NOTE: The proposed amendment incorporates the provisions of SB 159 which are not already covered in the proposed code.)

Proposed 4/11

(First Draft, 4/11/72)

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 35, line 29: delete "one year" and substitute "30 days"

Page 124, line 4: delete "one year" and substitute "30 days"

aff/...

*all the
a/d 4/11/72*

MEMORANDUM

State of Alaska

OFFICE OF THE GOVERNOR

TO: Representative Mike Miller
Free Conference Committee
Alaska State Legislature

THRU: *BRM* by *MS*
Tyron I. Mallott
Director
Local Affairs Agency

FROM: S. Robert Dozier *SRD*
State Assessor

DATE : April 11, 1972

SUBJECT: SCS CS for HB 208
now before the Free Conference
Committee.

The following are four suggested Technical Amendments and Clarification of:
Chapter 53 - Municipal Assessment and Taxation.
Article I - Borough Property Tax.

1. AS 29.53.040 - Model Homes.

Page 79, line 6: Strike [are] and add may be.

The word "are" demands classification to be real property. May be permits the use of either real or personal property classification.

2. Section 29.53.060 - Full and True Value.

(a) The assessor of a municipality shall assess property at its full and true value as of January 1 of the assessment year, except as provided in this section and sections 30, 35 and 160 of this chapter. Full and true value is the estimated [amount] price which the property would bring [on] in an open market and under the then prevailing market conditions in a sale [on normal payment terms] between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels.

3. AS 29.53.120 - (b) Corrections.

Page 82, line 3: After the word "notice" add a period . and strike all subsequent wording on lines 3 and 4.

It is presumed that no changes will be made by the assessor without giving reasonable notice prior to the sitting of the Board of Equalization.

4. AS 29.53.140 - Hearing.

Page 83, line 3: After the word "filed" strike [or] and add and.

It is presumed that the Board of Equalization may not make valuation adjustments unless proved by a valid written appeal timely filed with the assessor.

*checked
4.15.72*

PERSONAL OBSERVATIONS AND SUGGESTED AMENDMENTS

1. Section 29.53.025 - Optional Exemptions and Exclusions.

Page 76, line 25: Strike "\$5" and insert "\$25".

Line 26: Strike "\$15" and insert "\$75".

The tonage tax rate as indicated in this section is obsolete as it was established in 1947. Many home rules municipality which for various reasons have been unable to change from the tonage basis of taxation to the full value assessment concept have abandoned this source of revenue because the tonage rates as authorized by statute do not cover the cost of administration.

2. Section 29.53.030 - Mining Claims.

Page 77, line 29: Strike "\$200" and insert "\$1,000".

The assessed value figure of \$200 as indicated in this section is obsolete as it was established in 1947. This section was eliminated from Title 14 by an amendment in 1966 which revised a considerable amount of legislation concerning the old independent school districts.

It is obvious that the assessed value of \$200 established in the section will not fund the cost to any municipality for the research and listing of unpatented mining claims.

SRD/pis

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 36, line 22: after "election" insert "or the difference between
the winning and a losing vote on the result contested is ^{no} less
than two per cent"

(DRAFTING NOTE: A prior amendment adopted in SCS CSHB 208 am S at page 36,
line 22, converts the term "reverses" on the line to "fails to reverse".)

11/1
4/23

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 24, line 20: delete "presiding" and substitute "shall designate an assemblyman to act during his term"

Page 24, line 21: delete "officer shall"

Handwritten notes:
4/24/68
4/24/68
4/24/68

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 56, line 25: after "question" insert "in the borough area outside cities"

Handwritten:
a 4/25

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

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." *and as below*

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"

An assembly Resolution for the purpose may be adopted at any time after the next meeting

J. J. 9/2

A M E N D M E N T

TO: SCS CSNB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 125, line 28: Add new sections to read:

* Sec. 6. AS 29.18.120(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 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 REAPPORTIONMENT. (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. However, except as required in (b) and (d) of this section, assembly composition and apportionment in effect on the effective date of this section may be altered only once at the option of the assembly.

(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, 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 two-year terms and until their successors are elected and 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 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.

5 However, if under a borough apportionment city councilmen are
6 appointed as assemblymen or elected dual assembly-council seats, a
7 vacancy in a councilman's seat on the assembly shall be filled by
8 a councilman designated by a majority of the remaining membership
9 of the council to serve until the next regular election.
10
11
12

* 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.

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

Page 64, line 3: after "powers" insert ", except as those code powers
relate to flood control,"

A. J. S.
4/2/5

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

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"

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."

Handwritten:
12/15/72
4/27/72
2-3-72

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

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.

Page 63, line 29: after "cities." insert the following new matter:

However, as to powers conferred under (a)(5) 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.

*subject to the
provisions of AS 29.48.030
& AS 29.48.035(b)
as amended*

First Draft, 4/27/72

A M E N D M E N T

*Added
4/27*

TO: SCS CSHB 208 am S

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 political subdivision 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 political subdivision 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 political subdivision 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 political subdivision, 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 political subdivision before maturity of the notes issued in anticipation of the receipt of the revenue, the governing body of the political subdivision 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 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 political subdivision 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"

First Draft, 4/27/72

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE
COMMITTEE

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.

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

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"

6/14/71
12

A M E N D M E N T

*Ad. V. De.
5/20/2*

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

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 25, between lines 9 and 10: Insert the following new matter:

"(c) The borough mayor has no veto power."

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

A M E N D M E N T S

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

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 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 ^{home} ordinance provides otherwise or the borough by subsequent ordinance ceases to exercise the power."

A M E N D M E N T

AMENDED
5/2/72

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

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."

(DRAFTING NOTE: The following provision is recommended as an alternative to the provision set forth in the last two sentences of the above amendment: "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 ordinance provides otherwise or the borough by subsequent ordinance ceases to exercise the power."

A M E N D M E N T

TO: SCS CSHB 208 am S

BY THE FREE CONFERENCE COMMITTEE

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

1 decide between or among themselves which shall receive the benefit of
2 the exemption; however, in the case of more than one party eligible
3 for an exemption with respect to the same property, the total combined
4 gross annual income of the parties may not exceed \$10,000. No real
5 property may be exempted under this subsection which the assessor
6 determines, after notice and hearing to the parties concerned, has
7 been conveyed to the applicant primarily for the purpose of obtaining
8 the exemption. The determination of the assessor is appealable under
9 AS 44.62.560 - 44.62.570.

10 (f) No exemption may be granted except upon written application
11 for the exemption upon a form prescribed by the state assessor for
12 use by local assessors. The claimant must file the application no
13 later than January 15 of the assessment year for which the exemption
14 is sought and must file a separate application for each assessment
15 year in which the exemption is sought. If an application is filed
16 within the required time and is approved by the assessor, he shall
17 allow an exemption in accordance with the provisions of this section.
18 The assessor may at any time require proof in the form he considers
19 necessary of the right and amount of an exemption claimed under this
20 section, and in that respect may as one form of proof require authori-
21 zation from the taxpayer to verify gross income level by reference
22 to gross income shown in the latest state income tax return available
23 for all or part of the assessment year for which an exemption is
24 sought.

25 (g) The state shall reimburse a borough or city, as appropriate,
26 for the real property tax revenues lost to it by the operation of (e)
27 of this section.
28

(h) Nothing in (e) of this section affects the same or similar exemptions from property taxes granted by municipalities on the effective date of this Act or prevents municipalities from granting the same or similar exemptions by ordinance as provided in sec. 25 of this chapter. However, a taxpayer qualifying for an exemption under (c) of this section and electing the same or similar exemption for the same tax year under local ordinance is thereby ineligible for the exemption under this section for that tax year.

Technical changes have been made on the following amendments, as approved May 2, 1972:

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

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

Technical changes made after May 2, 1972, meeting and approved by Rep. Miller and Sen. Miller:

Page 76, between lines 17 and 18, insert the following new matter after subsection (g):

"(h) Nothing in (e)-(i) 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 (e)-(i) of this section only the amount of revenues lost to the municipality by reason of the exemption authorized in those provisions may be reimbursed to the municipality by the state."

"(i) In (e)-(i) of this section, the term "real property" includes but is not limited to mobile homes, whether classified as real or personal property for municipal tax purposes

(Substitute for (h) as adopted May 2, 1972, p. 93 of book)

The following amendments are in regards to election dates, intervals, and terms of councilmen, assemblymen, mayors and chairmen:

Page 7, lines 28: After ".020" insert "(b)"

Page 17, line 28: Delete "every two years at the time of the general election" and substitute "annually on the first Tuesday of October, unless a different date or interval of election is provided by ordinance,"

Page 17, line 29: Delete "two" and substitute "three"

Page 18, line 1: Delete ", unless provided otherwise by ordinance"

Page 22, line 27: Delete "two" and substitute "three"

Page 22, line 29: Delete "Tuesday after the first Monday" and substitute "first Tuesday of October, unless a different date of election is provided by ordinance"

Page 23, line 1: Delete "in November"

Page 25, lines 28-29: Delete "every year on the Tuesday after the first Monday in November" and substitute "annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance,"

Page 25, line 29: Delete "two" and substitute "three"

Page 27, lines 12-13: Delete "Tuesday after the first Monday in November" and substitute "first Tuesday of October, unless a different date of election is provided by ordinance"

Page 29, line 8: Strike "municipal"

Page 29, line 9: Strike "Tuesday after the first Monday in November" and substitute "annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance,"

Page 29, line 20: Delete "Members" and substitute "As determined by ordinance, members"

Page 29, line 21: Delete "as" and substitute "or"

Page 29, lines 22-23: Delete "municipal election on the Tuesday following the first Monday in November" and substitute "election held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance"

Page 27, line 24: Delete "elected" and substitute "sclected".

Page 35, line 22: Delete "in home rule and general law municipalities"

Page 35, line 23: Delete "Tuesday after the first Monday in November every even-numbered year" and substitute "first Tuesday of October annually"

Page 35, line 24: After "or" insert "on a date of election or"

Page 123, lines 24-25: Delete "Tuesday following the first Monday in November of even-numbered years, or" and substitute "the first Tuesday of October annually, or on an election date or"

Page 124, lines 14-19: After "title." delete all matter.

The following amendment is in regard to delegations of powers by board of equalization:

Page 82, lines 22-25: Delete all matter through "members." on line 25 and substitute the following:

"Sec. 29.53.135. BOARD OF EQUALIZATION. The assembly sits as a board of equalization for the purpose of hearing 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 at least that number of members of the assembly over and above the number required for a quorum to transact business. The board is governed in its proceedings by such procedures consistent with general rules of administrative law and the laws governing equalization proceedings as may be adopted by ordinance, including but not limited to quorum and voting requirements."

(Substitute prior amendment, minutes of March 23, 1972, p. 2, amendment shown at page 82 of notebook)

The following amendment is in regard to selection of acting borough mayor in borough mayor's absence:

Page 24, lines 20-21: Delete "The assembly presiding officer shall" and substitute "The borough chairman or mayor, subject to assembly approval, shall designate a person to"

The following amendments are re. delegations of power by planning commissions, platting board, and board of adjustment:

Page 53, line 29: Delete "HEARING OFFICER" and substitute "DELEGATIONS."

Page 54, lines 2-5: Delete all matter and substitute the following: "of adjustment to delegate powers to hear and decide cases under this chapter in a manner authorized by the ordinance, including but not limited to delegations to one or more members of the commission or board, to other boards or commissions, or to a hearing officer designated by the commission or board. The assembly shall prescribe procedures for hearings and appeals. The commission or board shall hear and decide appeals de novo."

Page 48, lines 17-19: Delete ", but it may delegate by resolution or ordinance part or all of its functions to other borough boards"

Page 48, line 21: After "borough" insert ", subject to sec. 70(b)(1) of this chapter, in addition to making delegations as provided for an assembly under sec. 245 of this chapter."

Technical amendments:

Page 43, line 17: Before "once" insert "conferred in, or assumed by means of secs. 250-290, of this chapter."

Page 61- between lines 11 & 12: In the last sentence of the amendment adopted May 2, 1972 by the Free Conference Committee, delete "or not area-wide" and after "powers" insert "exclusively by the borough area-wide"

Page 13, lines 10-11: after "15.60)." delete all matter and substitute the following: "The state shall pay all election costs under (a)-(c) of this section."

Page 63, line 29: In the first sentence of the new matter (amendment adopted May 2, 1972) after "or" insert "as to (a)(5) and (17),"

Page 23, line 17: delete "mayor" and substitute "manager"

Page 30, line 12: delete "executive" and substitute "administrator"

Page 30, line 14: delete "executive" and substitute "administrator"

(Technical amendments substituting "borough mayor" for "borough chairman" and related amendments.)

Page 12, line 26: strike "chairman" and substitute "borough mayor"

Page 20, line 21: strike "chairman" and substitute "borough mayor"

Page 22, line 22: after "EXECUTIVE" insert "ANDADMINISTRATOR"

Page 22, lines 23-25: after "(a)" strike all matter and substitute the following: "If the borough has not adopted a manager plan, the borough executive and administrative power is vested in an elected borough mayor. If the borough has adopted a manager plan, the administrative power is vested in an appointed manager and the executive power in an elected borough mayor who has the same functions as those of the mayor of a manager plan city under sec. 240 of this chapter."

Page 22, line 26: strike "chairman" and substitute "borough mayor"

Page 22, line 27: strike "chairman's" and substitute "borough mayor's"

Page 23, line 3: strike "chairman" and substitute "borough mayor"

Page 23, line 5: strike "chairman" and substitute "borough mayor"

Page 23, line 8: strike "chairman" and substitute "borough mayor"

Page 23, line 9: strike "chairman" and substitute "borough mayor"

Page 23, line 14: strike "executive" and substitute "borough mayor or manager as the case may be"

Page 24, line 21: strike "chairman" and substitute "borough mayor" and strike "chairman's" and substitute "borough mayor's"

Page 24, line 25: strike "chairman" and substitute "borough mayor"

Page 24, line 29: strike "chairman" and substitute "borough mayor"

Page 25, line 7: strike "chairman" and substitute "borough mayor"

Page 25, line 11: strike "chairman" and substitute "borough mayor"

Page 125, line 28: in the new matter where "chairman" appears substitute "administrator". After "executive" add "or administrator".

Page 55, line 3: strike "chairman" and substitute "borough mayor"

Page 57, line 1: strike "chairman" and substitute "borough mayor"

Page 69, line 4: strike "municipal executive" and substitute "chief administrator"

Page 115, line 18: after "executive" insert "and administrator"

Page 26, line 23: after "EXECUTIVE" insert "AND ADMINISTRATOR"

Page 26, line 24: after "mayor" insert "as executive"

Page 32, line 26: after "executive" insert "and chief administrator"

Page 23, lines 8-12: after "chairman" delete all matter and substitute the following: "as chief administrative officer. If the manager plan is adopted, it becomes effective following certification of the results of the first regular election occurring at least six months after adoption of the plan. The borough mayor then serves as borough executive."

Page 69, line 4: after "executive" insert "or chief administrator"

Page 1, line 27: after "corporation" insert "and political subdivision"

Page 2, line 2: after "corporation" insert "and political subdivision."

Page 29, line 12: after "years" insert "and not altering the current term of an incumbent"

Page 29, line 26: after "years" insert "and not altering the current term of an elected incumbent"

Page 124, line 23: after "years" insert ", and not altering the current term of an incumbent,"

(Technical amendment relating to transition to code)

Add as last section of bill, or otherwise where appropriate, the following: "The terms of elected officials who are incumbents in office on the effective date of this Act are not affected by this Act. Their terms expire as provided before enactment of this title."

(Technical amendment relating to integration of Chapter 40 SLA 1972 into code -- involvement of young people in local government.)

In Chapter 40 SLA 1972, the term "municipal appointing authority for municipal boards or commissions" is substituted for the term "assembly" as it appears in subsection (a) of the last section of the chapter, in order to preserve the intended meaning of the section indicated by a reading of subsections (a) and (c) of the last section of the chapter.

(Technical amendments relating to integration of CSSB 405 (Resources)-- enabling legislation for development cities into code.)

At this time (May 17, 1972) CSSB 405 (Resources), the general enabling legislation for development cities has been adopted in both Houses. Since the enabling legislation amends the existing title 29 of the Alaska statutes and that title intent is repealed and reenacted by the code, it is suggested that the provisions of CSSB 405 (Resources) be included in the code. Additional pages for conclusion of the code have been prepared for this purpose. Except for renumbering and a few technical revisions as follows, the provisions are identical to those adopted by the legislature.

At Sec. 29.18.250 (b) (as the provisions are numbered in the code) the citation to sec. 330 is made to correct an apparent erroneous citation in the bill to the previous sec. 320 (sec. 75 of CSSB 405 (Resources)).

At Sec. 29.18.370, the term "executive and administrative" is inserted before the term "city officials" in the last sentence in order to make clear the apparently intended meaning.

At Sec. 29.18.450, the last sentence is added, i.e. "provisions of this chapter prevail over other provision of the title which are inconsistent" to make clear the presumable intent of that section.

With respect to CSSB 406 am, the special act incorporating the development city of Lost River, its provisions do not amend title 29 and it is accordingly thought not necessary to include in the code. If signed into law, the act will appear in the temporary and special acts binder of the Alaska statute. Unless the committee decides otherwise, it will not be included in the additional pages of the code as represented by the conference bill.

(Technical amendment relating to integration of Chapter 41, SLA 1972 into the code -- transition from five man to seven man school boards.)

Chapter 41, SLA 1972, recently signed by the Governor, amends a provision of law amended in the code (page 129 of the proposed conference bill).

It is recommended that the provisions of Chapter 41, SLA 1972 be substituted for the provisions of AS 14.12.050 (b), with the following additions: before "the length" insert ", as three year terms are provided,". The additional term would conform the provision of Chapter 41, SLA 1972 with the code provisions of AS 14.12.050(a) authorizing two year school board terms. If the intent of Chapter 41, SLA 1972, is to require three year terms, then the committee may wish to consider deleting optional authority for a local body to provide two year terms by ordinance.

Page 137, line 14: add the following new matter:

*Sec. 17 AS 29.23 is amended by adding new section to read:

Sec. 29.23.395. PURPOSE. It is the intent of secs. 395-401 of this chapter to provide an opportunity for the young people of Alaska to become involved in the institutions and processes of local government comparable to that embodied in legislation under consideration at the First Session of the Seventh Legislature providing for participation in the executive branch of state government.

Sec. 29.23.397. COMMISSION.

(a) The governing body of a municipality may by ordinance establish a commission on the involvement of young people in local government.

(b) The commission may consist of not more than nine members, drawn from fields of public affairs, education, the sciences, the professions, other fields of private endeavor, from the state or local service, and three additional members from the 17 - 22 age group, and shall include women and representatives of minority groups. The members shall be appointed by the governing body in the manner prescribed by ordinance without regard to political affiliation and shall serve at the pleasure of that body. One member shall be designated by the governing body as chairman of the commission.

(c) Members of the commission serve without compensation but are entitled to per diem and travel expenses as may be authorized by ordinance.

(d) The commission shall establish procedures to enable it to recommend annually to the governing body a group of promising young men and women from whom the governing body may select interns and youth voting members of municipal boards and commissions. The commission, in establishing these procedures, shall enlist the aid of municipal residents who are actively interested in working with young people. Following adoption of the procedures, the commission shall accept applications from persons and nominations for consideration, and shall interview all applicants or nominees.

(e) Recommendations of the commission shall be limited to young people who

(1) have a capacity, desire, interest, ability and potential for leadership and service to the community and to the state;

(2) will have attained the age of 17 but not the age of 22 before the beginning of their service.

(f) Annually, the commission shall evaluate the program and shall submit a written report to the governing body.

Sec. 29.23.399. INTERNS. An intern may be appointed to serve on the staff of the governing body or the municipal administration for a period of time prescribed by the governing body, with a maximum of one year. He may be assigned responsibilities in any office, department or agency of the municipality. Service will begin at a time prescribed by the governing body. Interns shall be appointed without regard to political affiliation. Salaries shall be individually established by the governing body on the basis of prior experience and the responsibilities of the position to which the intern is assigned.

Sec. 29.23.401. APPOINTMENT TO MUNICIPAL BOARDS AND COMMISSIONS.

(a) Notwithstanding AS 39.05.100 or a provision of law relating to age, the municipal appointing authority for a municipal board or commission may appoint a 17 - 21 year old municipal resident to the board or commission if recommended by the commission, established in sec. 397 of this chapter.

(b) A young person recommended by the commission may be appointed to a municipal board or commission having special qualifications for membership if the proposed nominee, except for his age, meets the required qualifications set by law.

(c) An individual appointed to a municipal board or commission under this section is entitled to the rights, privileges and responsibilities of other members, and his appointment is subject to confirmation by the governing body when required by law.

(d) No additional seat on a municipal board or commission is created by virtue of secs. 395 - 401 of this chapter.



LAWS OF ALASKA

1972

Source

Chapter No.

HB 709

41

AN ACT

Relating to the terms of office of members of school boards.

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

* Section 1. AS 14.12.050(b) is repealed and re-enacted to read:

(b) When a transition is made from a five-man school board to a seven-man school board, the length of the term of office for the two new members to be elected shall be determined by lot so that when the terms of office for the two new members are assigned, the terms of office for the entire seven-man board shall be as follows: three members have a three-year term, two members have a two-year term, and two members have a one-year term. A seven-man school board, the terms of office of whose members at the time of transition from a five-man board did not result in terms expiring in the manner provided in this section, may, by resolution adopted by a majority of the members of the board, adjust the terms of office to conform to the schedule for expiration of terms of office provided in this section.

Approved by governor: May 5, 1972
Actual effective date: August 3, 1972

TECHNICAL AMENDMENTS
SUGGESTED FOR INCLUSION IN FCCS SCS CSMB 208

Page 1, line 11: Delete "AS 40.15.070"

Page 49, lines 10 - 19: After "CASES." delete all matter and substitute the following:

(a) The platting authority shall, in individual cases, waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that

(1) each tract or parcel of land will have adequate access to a public highway or street;

(2) each parcel created is five acres in size or larger and that the land is divided into four or fewer parcels;

(3) the conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development;

(4) no dedication of a street, alley, thoroughfare or other public area is involved or required.

(b) In other cases the platting authority may waive the preparation, submission for approval, and recording of a plat, if the transaction involved does not fall within the general intent of this chapter and if it is not made for the purpose of, or in connection with, a present or projected subdivision development and that no dedication of a street, alley, thoroughfare, park or other public area is involved or required.

Page 127, line 13: Delete ", second, or third" and substitute "or second"

Page 129, lines 6 - 28: Delete all matter and substitute the following [leaving excess space blank if necessary]:

* Sec. 4. AS 40.15 is amended by adding a new section to read:

Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS.

All subdivisions of land made by the state, its agencies, instrumentalities

and political subdivisions are subject to the provisions of this chapter and AS 29.33.150 - 29.33.240 and shall comply with local regulations adopted under this chapter and AS 29.33.150 - 29.33.240 in the same manner and to the same extent as subdivisions made by other landowners.

* Sec. 5. AS 29.33.240 is amended by adding a new subsection to read:

(c) Provisions of (a) of this section notwithstanding, the council of a second class city located outside an organized borough may vacate such streets, alleys, crossings, sidewalks or other public ways as may have been previously dedicated or established when the council, in its discretion, finds that the streets, alleys, crossings, sidewalks or other public ways are no longer necessary for the public welfare, or when the public welfare will be enhanced by the vacation. If the council determines that all or a portion of the area vacated under this subsection should be devoted to another public purpose, title to the area vacated and held for another public purpose does not vest as provided in AS 40.15.180 but remains in the city.

[RENUMBER FOLLOWING SECTIONS.]

Page 130, lines 14 - 25: Delete all matter and substitute the following:

* Sec. . AS 40.15.075 is amended to read:

Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD CLASS BOROUGH. The division of lands is the platting authority in the area outside organized boroughs and outside cities in the unorganized borough and in the third class borough for only the purposes of hearing and acting on petitions for the change or vacation of plats and shall execute this function substantially in conformity with the provisions of AS 29.33.210 - 29.33.240 [SECS. 150 - 180 OF THIS CHAPTER]. Costs of publication and mailing as well as other costs authorized in AS 29.33.210 [SEC. 150 OF THIS CHAPTER] shall be paid to the division

by the petitioner. The Department of Natural Resources shall adopt reasonable regulations governing the exercise of the authority conferred by this section upon the division of lands.

Joint Senate-House Free Conference Committee Meeting - CSS3 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 ^{Mar. 23 note} 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 29.58.150 and AS 29.58.350.

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*
- P.S. Committee*
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.
 - P6 Committee*
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.
 - P7 -*
8. Sec. 29.33.090 (d) - Referred this section to Greg Machyowsky. The committee asked Bill Berrier to study the utilization of "police power".
 - P8*
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.