

ALASKA LEGISLATURE COMMITTEE FILES 1971-1972 8672
78.6 FREE CONF. COMM RE: MUNICIPAL CODE REVISION, HB 208/SB 113

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

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

(A) Municipal Code

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

+Chapter 23 - Municipal Officers and Employees

1. Sec. 29.23.020 provides standards for apportionment.

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

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

Problem: The meaning of "for review".

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

Chapter 28 - Elections

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 33 - Planning, Platting and Zoning

7. Sec. 29.33.030 places numerous responsibilities upon planning commissions and Sec. 29.33.245 is an attempt to take some of the pressure off of the commission.

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

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

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

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

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

Recommendation: Eliminate the entire subsection.

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

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

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

RFC 5

Chapter 53 - Municipal Assessment and Taxation

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

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

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

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

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

Recommendation: Make the provision optional.

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

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

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

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

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

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

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

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

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

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

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

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



Managerial

BOX 335

CITY OF HOMER

HOMER, ALASKA 99603

February 22, 1972

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

Dear Mr. Merdes,

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

Your support of such legislation is encouraged.

Yours truly,

Jack J. Greene
 Jack J. Greene
 City Manager

JJG/cc

Son. Mendes.

Don't forget in Free

Conference Committee?

position to allow
investigations to proceed
in anti-trust cases
50% or 100%?

Dept Educ (PSE Thomas)
Recco Amend

14.14.050

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

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

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

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801

August 2, 1971

MEMORANDUM

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

FROM : Greg Machyowsky, Legislative Counsel

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

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

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

GM:hg
Enclosures

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AMENDMENT

IN THE SENATE

BY THE LOCAL
GOVERNMENT COMMITTEE

TO: SCS CSHB 208

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

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

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

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

*Amended
3/23*

*called
by committee
3/21*

Amended

AMENDMENT

IN THE SENATE

BY THE LOCAL
GOVERNMENT COMMITTEE

TO: SCS CSHB 208

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

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

AMENDMENT

IN THE SENATE

BY THE LOCAL
GOVERNMENT COMMITTEE

TO: SCS CSHB 208

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

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

A.D. 100
3/23

MEMORANDUM

February 14, 1972

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

From: Bruce Mackayowich

Re: Additional suggested municipal code amendments

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

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

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

the amendment relating to the new law on
justice preservation, should read "Page 47,
line 23", in place of "Page 48, line 23" as
it presently reads.

Corrected
mdd
3/23/72

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A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

TO: CS FOR HOUSE BILL NO. 208

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

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

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

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

number the following paragraphs accordingly.

A M E N D M E N T

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

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

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

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

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 it 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,

Memo
Rep. Mike Miller

-2-

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April 16, 1971

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

28

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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 47
com 3/41

CS FOR SENATE BILL NO. 116

TITLE 20. MUNICIPAL GOVERNMENT

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

Section 1. AS AMENDED, Chapter 11, Part 1, Division 2, Title 20, of the California Code of Regulations, to read:

Sec. 20.28.040. MOBILE HOMES. Mobile homes, trailers, house trailers, trailer coaches and similar property used or intended to be used for residential, office or commercial purposes and attached to the land or connected to water, gas, electric or sewage utilities are classed as real property for the purposes of assessing and classifying real property by municipal ordinance. This section does not apply to house trailers and mobile homes which are intended to be 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:

Handwritten notes:
New 11/2/71

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.

02-001A Rev. 2-71

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"

ADOPTE
3/28

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."

ADOPTE
3/28

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

ADOPTE
3/28

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."

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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

322

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.

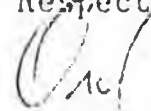
I'm sure that our community is no different in the fact that we will encounter most of our opposition from the rural area. These people aren't about to be sold on unification unless they know in advance what that charter is all about.

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

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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 or 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.

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A M E N D M E N T

BY THE FREE CONFERENCE COMMITTEE

TO: SCS CSHB 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.

78

A M E N D M E N T

BY THE FREE CONFERENCE COMMITTEE

TO: SCS CSHB 208 am 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."

79

FAIRBANKS NORTH STAR BOROUGH

Box 1267, Fairbanks, Alaska 99701

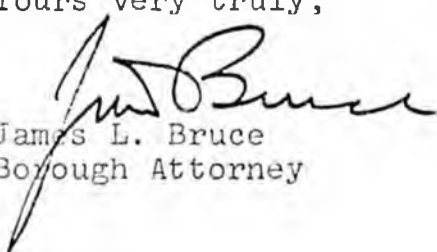
April 6, 1972

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 Merdes. 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. Merdes
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

ALB/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.

84

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 chose 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.

85

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

Introduced:

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

A BILL

For an Act entitled: Unification of areas within an
organized Borough.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA

Section 1. AS 29.85 is amended by adding a new
section .210 to read as follows:

AS 29.85.210 If the legislature receives identical
resolutions from a borough assembly and city council of a city
of the first class within that borough requesting an adjustment
to borough boundaries and an election on a new unified form
of government, the legislature may set an election on the
question(s) as presented in the resolution, and if election
results require, adjust boundaries.

Section 2. This act takes effect

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 BOROUGHNS.

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.

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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
FROM: BOROUGH CHAIRMAN
SUBJECT: UNIFICATION

MARCH 6, 1972

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.

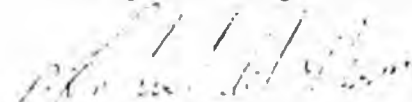
It is our consensus that unification can only prevail in the Anchorage urban area; therefore, we recommend that the Assembly adopt a resolution endorsing unification of the City and Borough governments in Service Area 23 under certain conditions. Further, we recommend that the State Legislature adopt 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.

96
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:

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"

A M E N D M E N T

*Withholds
4/47*

TO: SCS CSHB 20E 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 charter 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 CSHB 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 ^{OR ITS DESIGNEE} of a home rule or general law municipality shall be the sole contracting authority for bond attorneys, bond consultants and financial consultants engaged in long-range financial planning of the municipality which leads to sale of bonds.

*7-10-72
4-25-72*

First Draft, 4/11/72

A M E N D M E N T

102

TO: SCS CSHB 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. L. H. k

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.)

Added 4/21

(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"

differs

*o.d. h. d.
a/d. h. g.
4/25*

MEMORANDUM

State of Alaska
OFFICE OF THE GOVERNOR

TO: Representative Mike Miller
Free Conference Committee
Alaska State Legislature

THRU: *copy by [unclear]*
Byron 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 - Mobil 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
4-18-72*

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 1965 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/pls

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 ~~less~~^{more}
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".)

M. J. C.
4/25

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"

*addition
v/dos
4/25*

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"

a 5/25/25

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." *could see 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 not more often than once every twelve months"

Adk 4/25

Revised draft, 4/18/72

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 29.18.120(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~~ 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 ^{three}~~two~~-year terms and until their successors are selected 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; 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.

116

* 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.

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

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

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

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 bill to
4/4/5*

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."

*adopted
6/10/72
4-27*

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.

*adopted with
corrections: 4.27.72
Brog will draft new
amendment w/ corrections.*

*Added
4/27*

A M E N D M E N T

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~~ ^{municipality} 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~~ ^{municipality} 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~~ ^{municipality} 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~~^{municipality}, upon adoption of a long-range capital improvement budget by ordinance or resolution, may by resolution provide for revenue anticipation notes in an amount not to exceed the total amount of any state or federal grants finally committed for these projects. The notes mature no later than the end of the next fiscal year. These notes may be for single or multiple projects outlined in the adopted capital improvement budget.

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

Sec. 29.58.050. PRIORITY OF REPAYMENT. The payment of the principal and interest on revenue anticipation notes shall be a first charge and lien upon the revenues in anticipation of the 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~~^{municipality} issuing them.

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

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

First Draft, 4/27/72

A M E N D M E N T

TO: SCS CSHB 208 am 2

BY THE FREE CONFERENCE
COMMITTEE

*Added
1/2*

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 ^{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"

*Adopted
5-2-72*

*Ad. v. do
4/20/17
5/2*

A M E N D M E N T

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 ordinance provides otherwise or the borough by subsequent ordinance ceases to exercise the power."

5-1902
5/2/72

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)(2) 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

O: 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

129

(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 (e) 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,"