

ALASKA LEGISLATURE COMMITTEE FILES 1971 - 1972 8672

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

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

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

Page 29, line 8: Strike "municipal"

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

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

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

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

Page 27, line 24: Delete "elected" and substitute "selected"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Technical amendments:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Technical amendment relating to transition to code)

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

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

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

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

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

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

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

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

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

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

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

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

(Incorporation of HB 423 am, Chapter 40 SLA 1972 in code)

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

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

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

Sec. 29.23.397. COMMISSION.

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

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

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

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

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

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

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

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

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

Sec. 29.23.401. APPOINTMENT TO MUNICIPAL BOARDS AND COMMISSIONS.

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

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

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

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



LAWS OF ALASKA

1972

Source

Chapter No.

HB 709

41

AN ACT

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

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

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

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

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

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TECHNICAL AMENDMENTS
SUGGESTED FOR INCLUSION IN FCCS SCS CSHB 208

Page 1, line 11: Delete "AS 40.15.070"

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

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

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

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

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

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

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

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

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

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

Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS.

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

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

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

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

[RENUMBER FOLLOWING SECTIONS.]

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

* Sec. . AS 40.15.075 is amended to read:

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

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

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IN THE HOUSE

BY BANFIELD, DITMAN AND M. MILLER

HOUSE BILL NO. 41

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to preference rights of local governments for tidelands acquisition."

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

* Section 1. AS 38.05.320(b) is amended to read:

(b) Unified municipalities organized under AS 29.85, home [HOME] rule cities and cities of the first class incorporated on or before January 1, 1971 [APRIL 1, 1964,] may apply, in the manner prescribed by the director, and in accordance with such regulations as the director may adopt, for a conveyance to them of all lands seaward of the home rule cities and cities of the first class which are between the mean high tide line in, or forming the boundary of, the home rule cities and cities of the first class, and a line to be shown on a plat made a part of the application which shall be the pierhead line established under the Act of September 7, 1957, or the harbor line established under the Act of March 3, 1899, or if no pierhead line or harbor line is established then a line subject to approval by the director, with the concurrence of the commissioner, which shall be seaward of all tidelands and submerged lands occupied or suitable for occupation and development without unreasonable interference with navigation. The director shall convey these tide and submerged lands to home rule cities and cities of the first class. Applications by preference right claimants filed with the director before June 30, 1964, shall continue to be processed to a final determination and conveyance, if any, by the director, if such preference right claimants are entitled to a

1 conveyance from the director under the laws existing previous to
2 July 22, 1964.

3 (1) Each home rule city and city of the first class granted
4 a conveyance shall prepare an official subdivision plat of the area
5 conveyed showing all structures and improvements and the boundaries
6 of each tract occupied or developed, together with the name of the
7 owner or claimant. The subdivisional plat shall include within the
8 boundaries of each tract occupied or developed such surrounding tide
9 and submerged lands as are reasonably necessary in the opinion of the
10 governing body of the home rule cities and cities of the first class
11 for the use and enjoyment of the structures and improvements by the
12 owner or claimant, but shall not include tide or submerged lands which
13 if granted to the occupant would unjustly deprive an occupant of
14 adjoining lands from his reasonable use and enjoyment of them.

15 (2) An occupant of land included in the conveyance to home
16 rule cities and cities of the first class, who occupied or developed
17 the land on and before September 7, 1957, has a class I preference
18 right to the lands from the home rule cities and cities of the first
19 class upon the execution of a waiver to the state and the home rule
20 cities and cities of the first class of all rights the occupant may
21 have acquired under Public Law 85-303 (71 Stat. 623).

22 (3) An occupant of land included in the conveyance to home
23 rule cities and cities of the first class, who has a class II preference
24 right by reason of the conveyance to home rule cities and cities of
25 the first class, and is unwilling to waive the right has a preference
26 right to the lands which it is mandatory for the home rule cities and
27 cities of the first class to expeditiously honor upon application from
28 the occupant after the Secretary of the Army has submitted to the
29 Secretary of the Interior and the governor of the state maps showing

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the pierhead line established by the corps of engineers with respect to the tract so granted.

(4) An occupant of land included in the conveyance to home rule cities and cities of the first class, who occupied or developed the land after September 7, 1957, and before January 3, 1959, and who continued to occupy it on January 3, 1959, has a class III preference right to the lands from the home rule cities and cities of the first class.

(5) In making a conveyance to an occupant, the home rule cities and cities of the first class shall include as a part of the tract conveyed and in addition to the occupied or developed lands, such additional tide and submerged lands as are reasonably necessary in the opinion of the governing body of the home rule cities and cities of the first class for the occupant's use and enjoyment of the occupied or developed land, but the conveyance shall not include any area which would unjustly deprive an occupant of adjoining lands from reasonable use and enjoyment of those lands or which, if developed, will interfere with navigation.

(6) Each home rule city and city of the first class receiving conveyances shall by ordinance provide for reasonable regulations governing the filing and processing of applications, publication of notices, and the adjudication of disputes between claimants by the governing body of the home rule cities and cities of the first class. A party aggrieved by its determination may appeal to the superior court.

(7) When no preference right has been granted to purchase or lease tidelands, the home rule cities and cities of the first class may sell or lease the tidelands conveyed to them, and may impose terms or conditions for the sale or lease. Such terms and conditions shall

1 include such reservation of rights-of-way as are necessary to provide
2 reasonable access to public waters.

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Introduced: 1/19/71
Referred: Local Government,
State Affairs and Finance

1 IN THE HOUSE

BY WHITTAKER

2 HOUSE BILL NO. 81

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the establishment of a Department
7 of Regional and Community Affairs and making certain
8 provisions for local government within boroughs; and
9 providing for an effective date."

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

11 * Section 1. AS 44 is amended by adding a new chapter to read:

12 CHAPTER 48. DEPARTMENT OF REGIONAL
13 AND COMMUNITY AFFAIRS.

14 Sec. 44.48.010. POLICY. The legislature declares that it is the
15 policy of the state to promote the general welfare and security of the
16 people by insuring the maximum extent of self government at the local
17 and regional level, in accordance with the mandate of Art. X of the
18 state constitution. In recognition of the need for economic stability
19 and adequate governmental forms in carrying out this purpose, it is
20 further declared to be the policy of the state to provide for the fair
21 sharing of the capital and natural resources of the state among all
22 local and regional governments for the benefit of all the people of the
23 state, who are the real owners of state resources. To carry out this
24 policy, the legislature finds that establishment of an executive depart-
25 ment is necessary and desirable to provide technical and financial
26 assistance to regional and local government, to assist the governor in
27 achieving maximum coordination of the various state and federal programs
28 available to such units of government, to encourage the solution of
29 problems at the lowest practicable level of government and to provide

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1 for the study and consideration at the state level of the needs and
2 interests of the communities of this state and the people who live and
3 work in them.

4 Sec. 44.48.020. DEPARTMENT OF REGIONAL AND COMMUNITY AFFAIRS. The
5 principal executive officer of the Department of Regional and Community
6 Affairs is the commissioner of regional and community affairs.

7 Sec. 44.48.030. POWERS AND DUTIES OF DEPARTMENT. The department
8 shall exercise the powers, duties and functions of agencies transferred
9 to the department under sec. 2 of this Act and otherwise conferred in
10 this chapter. The department shall in addition seek to treat and
11 resolve problems arising in urban areas which result from migration of
12 rural persons to urban areas.

13 Sec. 44.48.040. ADMINISTRATIVE UNITS. The commissioner may, with
14 the approval of the governor, establish divisions or other adminis-
15 trative units in accordance with AS 44.17.020. However, to the extent
16 consistent with sound administrative practice, he shall preserve the
17 identity and staff of agencies transferred to the department under
18 sec. 2 of this Act.

19 Sec. 44.48.050. REGIONAL UNORGANIZED BOROUGHES. (a) The commis-
20 sioner shall, with the assistance of the agencies transferred to the
21 department under sec. 2 of this Act, draw tentative boundaries dividing
22 all areas of the state which are not within the boundaries of an organ-
23 ized borough into proposed regional unorganized boroughs. The commis-
24 sioner shall employ, for the purposes of further assisting in drawing
25 the tentative boundaries, specialists or experts in education, health,
26 economics, law, public finance, welfare, housing, communications, plan-
27 ning, transportation, poverty problems, and public and municipal admin-
28 istration. The tentative boundaries shall be controlled by the
29 standards and criteria set out in Art. X, Secs. 1 and 3, of the state

1 constitution. In addition, the commissioner shall consider the juris-
 2 diction of existing Alaskan Native associations, economic units,
 3 regional boards and corporations, election districts, land claims
 4 settlement areas, and ethnic and fraternal groupings. The commissioner
 5 shall also give consideration to the desires and wishes of the residents
 6 of the proposed boroughs and hold public hearings in regions, communities,
 7 or areas which might be included within two or more proposed boroughs.

8 (b) Within 180 days following the effective date of this Act, the
 9 commissioner shall promulgate the tentative boundaries by order. He
 10 shall insure the widest possible publication of the boundaries through
 11 the use of public and private media, maps, and presentations and lec-
 12 tures by department staff. The boundaries, portrayed in detail through
 13 the use of maps and other documents, shall be transmitted to all news-
 14 papers of general circulation in the state, and to all existing village
 15 councils and local government units within the state.

16 (c) The boundaries proposed by the commissioner shall be final
 17 90 days following the promulgation of the commissioner's order, except
 18 as otherwise provided in this subsection. Upon receipt, within 120
 19 days of the date of the order, of a petition signed by 25 per cent of
 20 the registered voters residing within a tentative unorganized borough
 21 as delineated by the commissioner, he may hold a referendum open to all
 22 adult persons in the proposed borough for the purpose of determining
 23 the will of the residents within the proposed borough. He may frame
 24 the questions to be decided in the referendum and hold a referendum
 25 in one or more proposed borough areas, as will enable him to gauge the
 26 will of the residents. The commissioner shall abide by the results of
 27 a referendum unless the result would have been inconclusive, arbitrary,
 28 capricious, or inconsistent with the standards laid down in (a) of this
 29 section were he to have described the tentative boundaries himself

1 under (a) of this section.

2 Sec. 44.48.060. ELECTION. (a) At the first state general elec-
3 tion following final determination of the boundaries of each regional
4 unorganized borough, the following proposition shall be placed before
5 the voters of the borough:

6 I. Shall the Regional Borough establish
7 a Regional Council consisting of members to serve at
8 staggered three-year terms for the purpose of supervising and
9 coordinating the orderly development of this region?

10 II. If the above proposal is approved by a majority of
11 those votes cast in the area, which of the following
12 candidates do you wish to serve on the Regional Council?

13 (b) If the proposal to establish a regional council is not approved
14 in its first general election, it may be placed on the ballot at any
15 subsequent general election upon the submission of a petition signed
16 by 10 per cent of the number of residents who voted in the last election
17 on the question. The petition shall read as follows:

18 We, the undersigned, qualified voters of the
19 Regional Borough do hereby petition that the following proposal
20 be placed before the voters as provided by law:

21 (Proposition as in (a) of this section to be inserted)

22 (c) The number of councilors to serve in each borough shall be
23 decided by the Rural Affairs Commission at least 90 days before the
24 election, except that it shall be a number divisible by three.

25 (d) Candidates for seats on regional councils shall be qualified
26 voters of the borough. They shall file declarations of candidacy with
27 the commissioner at a time and in a manner prescribed by him. Their
28 terms of office shall begin following certification of their election
29 by the commissioner.

1 (e) Candidates first elected to regional councils under this
2 section shall draw lots for terms of one, two and three years respec-
3 tively. Candidates elected thereafter shall serve terms of three years.

4 (f) Subsequent elections for councilors under this section shall
5 be held annually on a date prescribed by the commissioner.

6 (g) Vacancies on a council shall be filled for the unexpired term
7 by a majority of the remaining councilors. Vacancies shall be declared
8 if a councilor ceases to be a qualified voter of the borough or upon
9 his death, resignation or recall from office as provided by law.

10 (h) The commissioner shall conduct elections under this section
11 in substantially the manner prescribed for borough elections under
12 AS 07.10.120(d). The department shall pay costs of the elections.

13 Sec. 44.48.070. FUNCTIONS OF REGIONAL COUNCIL. A regional council
14 shall

15 (1) prepare, review and approve the budget of the regional
16 unorganized borough; or review and approve the budget for the borough
17 prepared for it by the department as provided in sec. 80(e) of this
18 chapter;

19 (2) coordinate federal and state activities with regional
20 and local programs;

21 (3) review and approve all state agency plans which affect
22 the development and welfare of the borough;

23 (4) prepare and submit to the department the priorities and
24 needs of the communities and people living in the borough;

25 (5) employ and compensate necessary staff;

26 (6) have powers conferred under AS 07.05.020;

27 (7) have zoning authority for the purpose of AS 07.05.040.

28 Sec. 44.48.080. REGIONAL AND COMMUNITY AFFAIRS FUND. (a) There
29 is in the department a regional and community affairs fund consisting

1 of funds dedicated under this chapter.

2 (b) There is hereby dedicated to the fund for each fiscal year
3 40 per cent of all state revenues received during each fiscal year
4 from the sale, lease, or other disposition of a natural resource or
5 asset, except that no receipts from any state tax or license within
6 the meaning of Art. IX, Sec. 7 of the state constitution shall be dedi-
7 cated to the fund unless that section is repealed or amended. Revenues
8 dedicated under this section include any revenues received after
9 June 30, 1969. The legislature shall appropriate to the fund sums
10 dedicated under this subsection.

11 (c) The commissioner shall establish separate accounts for each
12 borough whether organized or unorganized. Half of the fund shall be
13 designated part A. The remaining half of the fund shall be designated
14 part B. The commissioner shall allocate a share of part A to each
15 borough in the proportion that the population of the borough bears to
16 the total population of the state. All of part A shall be so distri-
17 buted. Part B shall be allocated in the following manner: For each
18 borough where the average per capita income is less than the average
19 per capita income of the state, the income deficiency shall be calcu-
20 lated. The income deficiency shall be the amount by which the total
21 income earned in the borough is less than the total income that would
22 have been earned in the borough had the average per capita income in
23 the borough been equal to the average per capita income in the state.
24 If the sum of the income deficiencies of all boroughs having an income
25 deficiency is more than part B, then the whole of part B shall be
26 allocated to the accounts of the boroughs having income deficiencies
27 so that each shall receive an amount having the same ratio to part B
28 as the income deficiency of each borough has to the sum of the
29 deficiencies of all boroughs having income deficiencies. If the sum

1 of the income deficiencies is less than part B, then the commissioner
 2 shall distribute to the account of each borough having an income de-
 3 ficiency an amount equal to this deficiency. In that case, the
 4 remainder of part B shall be distributed among all boroughs on the basis
 5 of population in the same manner as prescribed in this subsection for
 6 part A.

7 (d) The commissioner of health and welfare shall annually furnish
 8 estimates of the population of boroughs established under this chapter,
 9 and such estimates shall be used for calculating apportionments of
 10 funds under this section.

11 (e) In the case of regional unorganized boroughs having a duly
 12 elected regional council, the council may prepare a budget for the
 13 expenditure of the money allocated to the account of the borough; in
 14 the case of a borough which has no regional council, or in the case
 15 of a council which elects not to prepare a budget, the department shall
 16 prepare the budget and, if a council has been elected, submit it to
 17 the council for approval. If no council has been elected, or a council
 18 elects not to administer the budget, the department shall administer
 19 the expenditure of money under the approved budget. There shall be a
 20 separate budget for each calendar year.

21 (f) There shall be a reserve of 10 per cent of the amount in the
 22 account allocated to each unorganized borough. The reserve shall be
 23 paid to municipalities within the borough in proportion to their
 24 respective populations at the same times as the money is paid to the
 25 borough.

26 (g) The department shall pay, with the money in the account allo-
 27 cated to each regional unorganized borough, administrative or organiza-
 28 tional costs incurred in the development and preparation of boroughs,
 29 regional councils, budgets, priorities and needs lists, and other

1 expenses related to the purposes of this chapter.

2 (h) In (c) and (f) of this section and sec. 90 of this chapter

3 (1) "income" means remuneration paid by an employer to an
4 employee which qualifies as insured wages under the Alaska Employment
5 Security Act, except that the term excludes income earned by persons
6 whose primary place of employment is a military installation or reserva-
7 tion, or a facility of the Atomic Energy Commission;

8 (2) "municipalities" means cities of any class, villages
9 having a council under the Federal Indian Reorganization Act, and all
10 other villages having a democratically-elected council or other body
11 which undertakes one or more governmental functions;

12 (3) "population" means the civilian (nonmilitary) popula-
13 tion as of June 30 of a given year.

14 Sec. 44.48.090. OTHER MONEY. Money appropriated to the fund
15 under this chapter shall be in addition to other state or federal pro-
16 grams of assistance which may be available on and after the effective
17 date of this Act to the residents of organized or unorganized boroughs.
18 The entitlement of boroughs, cities, municipalities, villages, or other
19 governmental entities to funds for the purposes of education, housing,
20 water and sewerage systems, or other programs of any nature whatsoever,
21 shall not be diminished or reduced by virtue of their entitlement to
22 money under this chapter.

23 Sec. 44.48.100. RIGHT TO LAND SELECTION. Regional unorganized
24 boroughs having a duly elected regional council may exercise the power
25 of land selection conferred on organized boroughs under AS 07.10.150.

26 Sec. 44.48.110. REGULATIONS. The department may promulgate
27 regulations to carry out the purposes of this chapter.

28 Sec. 44.48.120. DEFINITIONS. In this chapter, unless the context
29 requires otherwise,

1 (1) "commissioner" means the commissioner of regional and
2 community affairs;

3 (2) "department" means the Department of Regional and
4 Community Affairs;

5 (3) "fund" means the regional and community affairs fund.

6 * Sec. 2. (a) There is hereby transferred to the Department of Regional
7 and Community Affairs all the functions, powers, and duties of the Local
8 Affairs Agency (AS 44.19.180 - 44.19.240); the Rural Development Agency
9 (AS 44.19.580 - 44.19.620); the Alaska planning and research division
10 (AS 44.19.870 - 44.19.881); and the planning assistance authority of the
11 Alaska State Housing Authority specified in AS 18.55.970 - 18.55.990.

12 (b) The Rural Affairs Commission (AS 44.19.720 - 44.19.728) and the
13 Local Boundary Commission (AS 44.19.250 - 44.19.340) are assigned to the
14 department.

15 (c) Except as may be otherwise expressly provided in this chapter,
16 powers, duties and functions conferred by this chapter are cumulative, in
17 addition to, and not in derogation of, powers, duties and functions other-
18 wise existing or vested in agencies which are assigned, or whose powers,
19 duties, and functions are transferred to the department under this
20 section. All rules, regulations, orders, authorizations, delegations, or
21 other actions duly issued, made, or taken under applicable law, before the
22 effective date of this Act, by any agency, officer, or office with respect
23 to any of the functions, powers, and duties transferred by this section
24 shall continue in full force and effect until amended, modified, repealed
25 or rescinded by the commissioner or his authorized delegate as may be appro-
26 priate in accordance with existing law.

27 (d) Appropriations, records, equipment and other property of agencies
28 designated in (a) and (b) of this section are transferred to the department.

29 * Sec. 3. AS 07.05.010 is amended to read:

1 Sec. 07.05.010. ESTABLISHMENT. All areas in the state which are
2 not within the boundaries of an organized borough are established as
3 regional unorganized boroughs in accordance with the provisions of
4 AS 44.48 [CONSTITUTE A SINGLE UNORGANIZED BOROUGH].

5 * Sec. 4. AS 07.05.020 is repealed and re-enacted to read:

6 Sec. 07.05.020. SERVICE AREAS. The legislature authorizes the
7 regional council of each regional unorganized borough, or the Depart-
8 ment of Regional and Community Affairs in regional unorganized boroughs
9 having no duly elected council, to establish, alter, or abolish service
10 areas within the unorganized borough to provide special services, which
11 may include but are not limited to. schools, utilities, land use regu-
12 lations, and fire protection, but excludes power to assess, levy or
13 collect taxes. A new service area shall not be established if the
14 new service can be provided by an existing service area, by incorpora-
15 tion as a city, or by annexation to a city.

16 * Sec. 5. This Act takes effect on the day after its passage and approval
17 or on the day it becomes law without approval.
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Original sponsor: Reed

Offered: 2/5/71
Referred: Rules

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1 IN THE HOUSE BY THE LOCAL GOVERNMENT COMMITTEE
2 CS FOR HOUSE BILL NO. 86
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SEVENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act providing for municipal name changes."

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

8 * Section 1. AS 29.95 is amended by adding a new section to read:

9 Sec. 29.95.050. CHANGE OF MUNICIPAL NAME. (a) The governing body of
10 a city or organized borough, whether home rule or otherwise, may change
11 the official municipal name by adopting an ordinance for the purpose and
12 filing the ordinance with the office of the lieutenant governor. Upon
13 receipt of a legally adopted ordinance ratified by the qualified voters
14 voting on the question at a regular or special election, the lieutenant
15 governor shall issue an appropriate order to the municipality changing
16 its existing name. The name change shall become effective on a date fixed
17 in the order and occurring within 45 days of receipt of the ordinance.
18 A copy of the order shall be transmitted to the Local Affairs Agency.

19 (b) If an ordinance adopted under (a) of this section which
20 results in an order changing the municipal name is subsequently repealed,
21 the lieutenant governor shall issue a further order reinstating the
22 former municipal name within 45 days of the date of the order, unless
23 a different municipal name is adopted by ordinance transmitted to the
24 lieutenant governor for implementation as provided in (a) of this
25 section.

26 (c) When a municipal name change takes effect by means of an
27 order issued under (a) or (b) of this section, civil or criminal suits,
28 applications, petitions, hearings and other proceedings to which the
29 municipality is a party and pending at or brought after the date the

Introduced: 1/22/71
Referred: Local Government
and Finance

1 IN THE HOUSE

BY WHITTAKER

2 HOUSE BILL NO. 96

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act excluding rents as a source of sales tax
7 levy by cities and organized boroughs; and providing
8 for an effective date."

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

10 * Section 1. AS 29.10.357 is amended to read:

11 Sec. 29.10.357. SALES TAX. [(A)] The council may levy and
12 collect a consumer's sales tax not exceeding three per cent of the
13 sales price on all retail sales [, ON ALL RENTS,] and on all services
14 made within the municipality. The sales tax may be levied and
15 collected on any one or more of these tax sources, at the option of
16 the council.

17 [(B) NOTHING IN THIS SECTION PROHIBITS A POLITICAL SUBDIVISION
18 THAT WAS COLLECTING A SALES TAX ON RENTS ON APRIL 7, 1959, FROM
19 CONTINUING TO COLLECT THE TAX.]

20 * Sec. 2. AS 29.10.366 is amended to read:

21 Sec. 29.10.366. PURPOSE OF SECS. 357 - 363 OF THIS CHAPTER. The
22 sole purpose of secs. 357 - 363 of this chapter is to enable cities,
23 with the consent of the residents, to impose sales taxes, but although
24 this method of taxation is established in a city, the council may
25 at any time abandon it or may abandon one or more of the [THREE] tax
26 sources. If consent to a sales tax is obtained for a special purpose,
27 the proceeds of the tax may not be used for any other purpose without
28 consent of the voters at another referendum.

29 * Sec. 3. AS 29.15.230 is amended to read:

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Sec. 29.15.230. AUTHORITY TO LEVY AND COLLECT CONSUMER SALES TAX.

The board of trustees may levy and collect a consumer's sales tax not exceeding two per cent of the sales price on all retail sales [RENTS] and services made within the city. However, before the sales tax may be levied, the consent of the qualified voters of the city shall be obtained through a referendum vote at a general or special election. The ballot on the referendum shall clearly present the proposition as to whether the sales tax shall be authorized. The ballot shall also set forth whether the tax is to be levied for general revenue for the municipality or for a special purpose, and, if for a special purpose, that purpose shall be specified on the ballot.

* Sec. 4. AS 29.25.420 is amended to read:

Sec. 29.25.420. LEVY AND COLLECTION OF SALES TAX. (a) Except as provided in (b) of this section, the [THE] council may levy and collect a sales tax not to exceed three per cent in accordance with the procedure set forth in secs. 420 - 480 of this chapter, and may prescribe the manner of collecting the tax.

(b) The council may not levy or collect a sales tax upon rents.

* Sec. 5. AS 29.08.010 is amended by adding a new section to read:

(c) Home rule cities are prohibited from levying or collecting a sales tax upon rents.

* Sec. 6. AS 07.12.200 is amended to read:

Sec. 07.12.200. LIMIT ON HOME RULE TAXING POWER. (a) AS 29.30.-200, relating to the collection of penalties on property taxes and interest on property and sales taxes, applies to home rule boroughs.

(b) Home rule boroughs are prohibited from levying or collecting a sales tax upon rents.

* Sec. 7. APPLICATION OF ACT. The exclusion of local sales tax levies upon rents provided for in this Act does not apply to sales taxes upon rents

1 which have been levied, collected or pledged before July 1, 1971, to pay or
2 secure the payment of principal and interest on outstanding bonds or other
3 authorized and issued indebtedness of home rule or general law cities or
4 organized boroughs.

5 * Sec. 8. This Act takes effect July 1, 1971.

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1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL

2 HOUSE BILL NO. 111

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act revising the Alaska Statutes to reflect cor-
7 rective amendments by the revisor of statutes."

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

9 * Section 1. AS 01.05.026 is amended to read:

10 Sec. 01.05.026. SUPPLEMENTS AS PART OF ALASKA STATUTES. The laws
11 contained in the most recent cumulative supplement to and replacement
12 pamphlets [PAMPHLET] for the Alaska Statutes constitute prima facie
13 a part of the Alaska Statutes, and the laws contained in the Temporary
14 and Special Act pamphlets constitute prima facie the temporary and
15 special law of Alaska, when prepared in accordance with this chapter
16 and authenticated by the lieutenant governor.

17 * Sec. 2. AS 01.05.031(a) is amended to read:

18 (a) Subject to the general policies which may be promulgated by
19 the legislative council for the preparation and publication of the
20 annual cumulative supplement to and replacement pamphlets for the Alaska
21 Statutes and of the accompanying Temporary and Special Act pamphlets,
22 the revisor of statutes shall revise for consolidation into the Alaska
23 Statutes and the accompanying pamphlets all laws of a general and
24 permanent nature and all laws of a temporary or special nature enacted
25 by the legislature.

26 * Sec. 3. AS 02.05.100(a) is amended to read:

27 (a) Upon a petition or accusation filed by any person or the
28 commission [UNDER THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62)], and
29 after notice and opportunity for hearing, the commission by order may

1 alter, amend, or modify a certificate, in whole or in part, if the
2 public convenience and necessity requires, and may suspend or revoke a
3 certificate, in whole or in part, for any of the following reasons:

4 (1) intentional misrepresentation of a material fact in
5 obtaining the certificate;

6 (2) voluntary discontinuance of operations;

7 (3) intentional failure to comply with a provision of this
8 chapter or an order, rule, or regulation issued under this chapter;

9 (4) intentional failure to comply with a term, condition or
10 limitation of the certificate.

11 * Sec. 4. AS 06.25.230 is amended to read:

12 Sec. 06.25.230. DEPOSIT OF SECURITIES WITH DEPARTMENT OF REVENUE
13 [ADMINISTRATION]. A trust company shall keep on deposit with the
14 Department of Revenue [ADMINISTRATION] interest and/or dividend bearing
15 stocks or bonds of the United States or of the State of Alaska, or of
16 any city of this state, or such other interest and/or dividend bearing
17 stocks, bonds or securities approved by the Department of Commerce, in
18 value of 20 per cent of its capital stock. The securities so deposited
19 may not be of less value than \$5,000. The securities shall be regis-
20 tered in the name of the Department of Revenue [ADMINISTRATION], in
21 trust for the creditors of and depositors with the trust company,
22 subject to sale and transfer and to the disposal of the proceeds thereof
23 by the Department of Revenue [ADMINISTRATION], only on the order of a
24 court of competent jurisdiction. The trust company, so long as it
25 continues solvent and complies with the laws of the state, may be
26 permitted by the Department of Commerce to collect the interest and
27 dividends on the securities and from time to time exchange the securities
28 for others of equal value. All securities before they may be accepted
by the Department of Revenue [ADMINISTRATION] for filing under this

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1 section shall be approved by the Department of Commerce. A trust
2 company that is a member of the Federal Deposit Insurance Corporation
3 or whose deposits are insured in whole or in part by an agency of the
4 United States is exempt from the requirements of this section.

5 * Sec. 5. AS 07.30.010(b) is amended to read:

6 (b) [ONLY QUALIFIED VOTERS WHOSE NAMES APPEAR ON THE LAST TAX
7 ASSESSMENT ROLL OR RECORD OF SUCH BOROUGH FOR PURPOSES OF BOROUGH
8 TAXATION ON REAL PROPERTY MAY VOTE ON A QUESTION OF INCURRING BONDED
9 INDEBTEDNESS BY A BOROUGH.] If the debt to be incurred is to be an
10 areawide debt, the vote shall be areawide. If the debt to be incurred
11 is to be limited to the area outside cities only, the vote shall be
12 limited to the qualified voters residing [WHOSE NAMES APPEAR ON THE LAST
13 TAX ASSESSMENT ROLL OR RECORD OF SUCH BOROUGH FOR PURPOSES OF BOROUGH
14 TAXATION ON REAL PROPERTY LOCATED] in the area outside cities. If the
15 debt to be incurred is to be limited to a service area only, the vote
16 shall be limited to the qualified voters residing within the service
17 area [WHOSE NAMES APPEAR ON THE LAST TAX ASSESSMENT ROLL OR RECORD OF
18 SUCH BOROUGH FOR PURPOSES OF BOROUGH TAXATION ON REAL PROPERTY LOCATED
19 IN THE SERVICE AREA]. However, if the full faith and credit of the
20 entire borough is to be pledged for payment of the service area debt,
21 the vote shall be areawide.

22 * Sec. 6. AS 08.01.010(3) is repealed.

23 * Sec. 7. AS 08.08.110(2) is amended to read:

24 (2) establish and enforce rules of professional conduct for
25 members of the Alaska Bar which [SHALL] conform but need not be limited
26 to the standards [OF THE CODE OF ETHICS] of the American Bar Association
27 Code of Professional Responsibility;

28 * Sec. 8. AS 08.20.120(6) is repealed.

29 * Sec. 9. AS 08.64.380(3)(B) is amended to read:

1 (B) habitual overuse of alcoholic beverages or depres-
2 sant, hallucinogenic or stimulant drugs, as defined in AC 17.12.-
3 150(3), or addiction to the use of narcotic drugs as defined in
4 AS 17.10.230(13) [UNDER AS 17.12.040(a)];

5 * Sec. 10. AS 11.40.120 is amended to read:

6 Sec. 11.40.120. SODOMY [UNNATURAL CRIMES]. A person who commits
7 sodomy, [OR THE CRIME AGAINST NATURE, OR HAS UNNATURAL CARNIAL COPULATION
8 BY MEANS OF THE MOUTH, OR OTHERWISE, EITHER WITH A BEAST OR HUMAN BEING,
9 upon conviction, is punishable by imprisonment [IN THE PENITENTIARY] for
10 not less than one year nor more than 10 years.

11 * Sec. 11. AS 14.03.050(a) is amended to read:

12 (a) The board of directors has exclusive management and control of
13 all state-operated school matters associated with the state's program
14 of education at the elementary and secondary levels subject to the
15 state laws and the regulations promulgated by the [COMMISSIONER OF
16 EDUCATION AND THE] state Board of Education.

17 * Sec. 12. AS 14.14.170(a) is amended to read:

18 (a) There is established an advisory school board in each commun-
19 ity served by a school and operated by the state. If the state-operated
20 school has an average daily membershⁱp [ENROLLMENT] of less than 251
21 pupils, the advisory school board consists of three members. If the
22 average daily membershⁱp [ENROLLMENT] is more than 250 pupils, the
23 advisory school board consists of five members.

24 * Sec. 13. AS 14.20.020(c) is amended to read:

25 (c) The board [DEPARTMENT] may establish by regulation additional
26 requirements for the issuance of certificates.

27 * Sec. 14. AS 14.20.020(d) is amended to read:

28 (d) The board [DEPARTMENT] may by regulation establish various
29 classes of certificates.

1 * Sec. 15. AS 14.25.162(a) is amended to read:

2 (a) If a teacher dies while in membership service or while
3 receiving a disability retirement salary or after normal retirement
4 and leaves a minor child, his surviving spouse is entitled to a sur-
5 vivor's allowance provided the teacher has made a supplemental contri-
6 bution for at least one year before his death, but if a guardian has
7 been appointed for a minor child, the guardian is entitled to the
8 allowance. A minor child who has neither a surviving parent [SPOUSE]
9 nor a guardian is entitled to the allowance. If a minor child who is
10 at least 19 years old but less than 23 years old is out of school for
11 more than one semester, payments of his benefits shall terminate
12 permanently. Application for the survivor's allowance shall be made in
13 writing to the administrator.

14 * Sec. 16. AS 14.25.220(4) is amended to read:

15 (4) "employer" means a public [BOROUGH] school district, [A
16 CITY SCHOOL DISTRICT, INCORPORATED SCHOOL DISTRICT, INDEPENDENT SCHOOL
17 DISTRICT, STATE-OPERATED SCHOOL DISTRICT,] the Board of Regents of
18 the University of Alaska, or the Department of Education;

19 * Sec. 17. AS 14.25.220(5) is amended to read:

20 (5) "membership service" means service as a teacher in a
21 public school within the Territory or State of Alaska or both under
22 the supervision and control of the Territorial Board of Education or
23 the Department of Education, the school board of any public [BOROUGH]
24 school district, [INCORPORATED CITY, INCORPORATED SCHOOL DISTRICT,
25 INDEPENDENT SCHOOL DISTRICT,] or the Board of Regents of the University
26 of Alaska, or any period during which the teacher is on an approved
27 sabbatical leave granted in accordance with AS 14.20.310 or is receiving
28 a disability retirement salary; "membership service" is also service as a
29 teacher in a "nonpublic" school which means a school established by an

1 agency other than a state or its subdivisions which is primarily
2 supported by other than public funds, and the operation of whose
3 program rests with other than publicly elected or appointed officials,
4 and which offers grades kindergarten through 12, or any combination of
5 them, and is state approved or accredited;

6 * Sec. 18. AS 14.25.220(14) is amended to read:

7 (14) "minor child" means a child or children of the member,
8 including those adopted, either under 19 years old whom the teacher,
9 if living, is supporting or is obligated to support or, if dead, was
10 supporting or was obligated to support at the time of his death or
11 under 23 years old and registered at and attending on a full-time basis
12 an accredited educational or a technical institution recognized
13 [ACCREDITED] by the state Department of Education and whom the teacher,
14 if living, is supporting or, if dead, was supporting at the time of his
15 death;

16 * Sec. 19. AS 15.07.030 is amended to read:

17 Sec. 15.07.030. WHO MAY REGISTER. A person who has the qualifica-
18 tions of a voter as set out in AS 15.05.010(1) - (4) [AS 15.05.010(1) -
19 (5)], or who will have the qualifications at the succeeding primary or
20 general election, is entitled to be registered as a voter in the
21 precinct in which he resides.

22 * Sec. 20. AS 15.07.040 is amended to read:

23 Sec. 15.07.040. TIME FOR REGISTRATION. A person who is qualified
24 under AS 15.05.010(1) - (4) [AS 15.05.010(1) - (5)] is entitled to
25 register at any time throughout the year commencing December 21, 1968,
26 except that no registration will be made for a period of 14 days
27 preceding the election if the application for registration is made in
28 person or 30 days preceding the election if the application for regis-
29 tration is made by mail; however, registration may be made in person

1 at either the 1968 primary or general election as provided in sec. 70(d)
2 of this chapter.

3 * Sec. 21. AS 15.07.060(5) is amended to read:

4 (5) a declaration that the registrant will be 18 [19] years
5 of age or older on or before the date of the next statewide election;

6 * Sec. 22. AS 15.07.130(c) is amended to read:

7 (c) The lieutenant governor shall obtain from the office of vital
8 statistics death certificates and presumptive death certificates for
9 all residents over 18 [19] years of age who have died or who have been
10 presumptively declared dead. The lieutenant governor shall cancel the
11 registration of all deceased voters.

12 * Sec. 23. AS 15.07.160 is amended to read:

13 Sec. 15.07.160. UNLAWFUL ACTION. (a) It is unlawful for a
14 registration official to refuse to register a person who is qualified
15 to vote under provisions of AS 15.05.010(1) - (4) [AS 15.05.010(1) -
16 (5)].

17 (b) It is unlawful for a person to register who knows he is not
18 qualified to vote under provisions of AS 15.05.010(1) - (4) [AS 15.05.-
19 010(1) - (5)].

20 (c) A person who violates or who aids or abets another to violate
21 (a) or (b) of this section is guilty of a misdemeanor.

22 * Sec. 24. AS 16.05.250(11) and AS 16.05.788 are repealed.

23 * Sec. 25. AS 16.50.145 is amended by adding a new subsection to read:

24 (c) An applicant for a guide examination shall pay a fee of \$25.

25 * Sec. 26. AS 18.70.110 is amended to read:

26 Sec. 18.70.110. SCHOOL BUILDINGS AND DORMITORIES. The governing
27 body of each school district as set out in AS 14.12.010 [CITY COUNCIL
28 OF EACH CITY AND THE SCHOOL BOARD OF EACH INCORPORATED SCHOOL DISTRICT
29 OUTSIDE AN INCORPORATED CITY], and each organization or individual

1 awarded custody of children by a court shall provide at least one
2 external stairway as a fire escape on each school building, and on
3 each building or dormitory which houses at least three children, is
4 more than one story in height and contains only one stairway to the
5 ground floor.

6 * Sec. 27. AS 18.70.300 is amended to read:

7 Sec. 18.70.300. DEFINITION OF BUILDING. In this chapter
8 "building" means a structure, installation, facility, or edifice
9 erected or in the process of being erected and which is used or in-
10 tended for use as a commercial, industrial, business, institutional,
11 other public building, or residential building containing four or more
12 dwelling [BUILDING] units.

13 * Sec. 28. AS 19.05.125 is amended to read:

14 Sec. 19.05.125. PURPOSE. The purpose of chs. 5 - 25 of this
15 title is to establish a highway department [DIVISION] capable of
16 carrying out a highway planning, construction, and maintenance program
17 which will provide a common defense to the United States and Alaska, a
18 network of highways linking together cities and communities throughout
19 the state (thereby contributing to the development of commerce and
20 industry in the state, and aiding the extraction and utilization of
21 its resources), and otherwise improve the economic and general welfare
22 of the people of the state.

23 * Sec. 29. AS 19.05.130 is amended to read:

24 Sec. 19.05.130. DEFINITIONS. In chs. 5 - 40 [30] of this title
25 (1) "commissioner" means the commissioner of highways;
26 (2) "construction" or any derivation means construction,
27 reconstruction, alteration, improvement or major repair;
28 (3) "controlled-access facility" means a highway especially
designed for through traffic, and over, from, or to which owners or

1 occupants of abutting land or other persons have either no right or
2 easement or only a controlled right or easement of access, light, air,
3 or view;

4 (4) "cost of change, relocation, or removal" means the entire
5 cost incurred by the utility properly attributed to the change, re-
6 location, or removal of a utility after deducting any increase in the
7 value of the new facility and any salvage value derived from the old
8 facility;

9 (5) "department" means the Department of Highways;

10 (6) "excess lands" means land acquired by the state in ex-
11 cess of land required for a highway, when the remaining portion of a
12 parcel of land so acquired is left in such shape or condition as to be
13 of little or no value to its owner, or to give rise to claims or liti-
14 gation concerning severance or other damage;

15 (7) "federal-aid primary, federal-aid secondary, and inter-
16 state system" include any highway which is a part of the federal-aid
17 systems as provided in the Federal-Aid Highway Act of 1956, and any
18 laws amending or supplementing it;

19 (8) "highway" includes a highway (whether included in pri-
20 mary or secondary systems), road, street, trail, walk, bridge, tunnel,
21 drainage structure and other similar or related structure or facility,
22 and right-of-way thereof, and further includes a ferry system, whether
23 operated solely inside the state or to connect with a Canadian highway,
24 and any such related facility;

25 (9) "maintenance" means the preservation of each type of
26 highway, roadside structure and facility as nearly as possible in its
27 original condition as constructed, or as subsequently improved, and
28 the operation of highway facilities and services to provide satisfactory
29 and safe highways;

1 (10) "municipality" means an incorporated city or political
2 subdivision which has jurisdiction over highways in its incorporated
3 area;

4 (11) (Repealed)

5 (12) "utility" includes publicly, privately, and cooperatively
6 owned utilities.

7 * Sec. 30. AS 22.05.080 is amended to read:

8 Sec. 22.05.080. VACANCIES. (a) The governor shall fill a vacancy
9 in the office of supreme court justice [, INCLUDING THE OFFICE OF
10 CHIEF JUSTICE,] within 45 days after receiving nominations from the
11 Judicial Council, by appointing one of two or more persons nominated
12 by the Judicial Council for each vacant position.

13 (b) The office of a supreme court justice, including the office
14 of chief justice, becomes vacant 90 days after the election at which
15 he is rejected by a majority of those voting on the question, or for
16 which he failed to file his declaration of candidacy to succeed him-
17 self. A successor to the office of justice may be appointed, and a
18 successor to the office of chief justice may be selected by the other
19 justices. [HIS SUCCESSOR MAY BE APPOINTED] during this 90-day period
20 and the appointment or selection becomes effective upon the vacancy
21 occurring. A vacancy in the office also occurs by reason of the death,
22 retirement, resignation, forfeiture, or removal from office of a
23 justice. If a vacancy occurs the Judicial Council shall meet within
24 30 days thereafter and submit to the governor the names of two or more
25 persons nominated to fill each vacancy.

26 * Sec. 31. AS 22.05.150 is amended to read:

27 Sec. 22.05.150. ADMINISTRATIVE DIRECTOR. The chief justice of
28 the supreme court shall, with the approval of the supreme court,
appoint an administrative director to serve at the pleasure of the

1 supreme court [CHIEF JUSTICE] and to supervise the administrative
2 operations of the judicial system.

3 * Sec. 32. AS 23.20.352 is repealed.

4 * Sec. 33. AS 23.30.195 is amended to read:

5 Sec. 23.30.195. SURVIVAL OF THE RIGHT TO COMPENSATION. (a)
6 Compensation to which any claimant would be entitled under sec. 190 of
7 this chapter excepting (20) of that section shall, notwithstanding
8 death arising from causes other than the injury, be payable to and for
9 the benefit of the persons following:

10 (1) if there be a surviving wife or dependent husband and
11 no child of the deceased [UNDER THE AGE OF 18 YEARS], to the wife or
12 dependent husband;

13 (2) if there be a surviving wife or dependent husband and a
14 surviving child of the deceased [UNDER THE AGE OF 18 YEARS], one-half
15 to the surviving wife or dependent husband the other half to the
16 surviving child;

17 (3) if there be a surviving child of the deceased [UNDER THE
18 AGE OF 18 YEARS], but no surviving wife or dependent husband, then to
19 the child.

20 * Sec. 34. AS 23.30.215(a)(3) is amended to read:

21 (3) If there is one or more surviving children of the
22 deceased, but no surviving wife or dependent husband, then for the
23 support of the child or children 35 per cent of the average weekly
24 wages of the deceased [OR UNTIL THE CHILD OR CHILDREN REACH THE AGE
25 OF 19];

26 * Sec. 35. AS 24.10.040 is amended to read:

27 Sec. 24.10.040. LEGISLATIVE FISCAL OFFICER. The fiscal officer
28 of the Legislative Affairs Agency [LEGISLATIVE COUNCIL] serves as the
29 fiscal officer of the legislature.

1 * Sec. 36. AS 24.10.060 is amended to read:

2 Sec. 24.10.060. LEGISLATIVE EMPLOYEES. The temporary employees
3 of the legislature are hired for the duration of each session upon the
4 recommendation of the rules [PERMANENT HELP] committee of each house.
5 Employees assigned to each house are under the supervision of the chief
6 clerk and senate secretary. Employees assigned to the duplicating,
7 distributing, mailing, and other centralized services are under the
8 immediate supervision of the Legislative Affairs Agency [LEGISLATIVE
9 COUNCIL PERSONNEL RESPONSIBLE FOR THOSE SERVICES]. Permanent and
10 temporary employees of the legislature and its agencies shall be
11 employed subject to classification and wage plans based on the merit
12 principle and adapted to the special needs of the legislature.
13 Permanent employees are subject to the general state laws regarding
14 leave and retirement.

15 * Sec. 37. AS 24.30.050 is amended to read:

16 Sec. 24.30.050. PREFILING OF BILLS. Any member of the legisla-
17 ture whose term extends into a forthcoming session or legislature, or a
18 member-elect may file a bill or a proposal for a bill with the
19 Legislative Affairs Agency [LEGISLATIVE COUNCIL] at any time before
20 January 1 [WITHIN 60 DAYS BEFORE THE CONVENING OF A REGULAR SESSION].
21 The agency shall [LEGISLATIVE COUNCIL MAY] place a prefiled bill,
22 which is approved by the sponsor, in proper form and deliver it
23 to the chief clerk of the appropriate house on the day on which
24 the next session convenes or is organized for business. Prefiled
25 bills shall be considered as introduced on the day of their delivery
26 to each house.

27 * Sec. 38. AS 24.30.060(b) is amended to read:

28 (b) Bills introduced by the legislative council shall be delivered
with a letter of explanation to the rules committee of either house and

1 bear the inscription "Rules Committee by Request of the Legislative
 2 Council." Bills presented by the governor shall be delivered with a
 3 letter to the rules committee of either house and bear the inscription
 4 "Rules Committee by Request of the Governor"; bills [." BILLS] so
 5 presented and inscribed shall be received as bills carrying the approval
 6 of the governor as to policy and budget impact. The governor or
 7 executive director of the legislative council may submit a statement
 8 of purpose and effect with each bill and appear personally or through
 9 a representative before any committee considering legislation.

10 * Sec. 39. AS 24.35.010(b) is amended to read:

11 (b) The lieutenant governor shall file the original enrolled
 12 copies of all acts and resolutions and all executive orders having the
 13 effect of law which were submitted by the governor to the legislature
 14 and which were not rejected by it. These documents shall be kept on
 15 file for at least two years. All laws and executive orders having
 16 the force of law in the cumulative supplements to or replacement
 17 pamphlets for [OF] the Alaska Statutes are prima facie a part of the
 18 Alaska Statutes.

19 * Sec. 40. AS 24.35.010(c) is amended to read:

20 (c) The Legislative Affairs Agency [LEGISLATIVE COUNCIL] is
 21 responsible for arranging for the production, editing, publishing and
 22 distribution of the laws of each session. The executive director shall
 23 have the slip law copies of the enrolled acts produced in sufficient
 24 quantity for one complete set to be provided each legislator pending
 25 the publication of supplements to the Alaska Statutes. The commissioner
 26 of administration is to receive sufficient copies of the slip laws for
 27 official state distribution and he may charge for other distribution
 28 on the basis of production and handling costs.

29 * Sec. 41. AS 24.35.020(a) is amended to read:

1 (a) The Department of Administration is responsible for making
2 official distribution of the Alaska Statutes to state agencies. Dis-
3 tribution shall be made on the basis of written requests and justifi-
4 cations submitted by the executive officer of each agency to the
5 Legislative Affairs Agency [LEGISLATIVE COUNCIL] and approved by the
6 executive director of the legislative council. A legislator is
7 entitled to receive one set of the statutes for his personal use, and
8 this entitlement is restricted to the one set issued during a member's
9 entire legislative service. The commissioner of administration may
10 deposit one set of the statutes in each free public library within the
11 state. The right of sale to persons and organizations remains ex-
12 clusively with the publisher.

13 * Sec. 42. AS 24.45.020(a) is repealed.

14 * Sec. 43. AS 28.05.025 is amended to read:

15 Sec. 28.05.025. AUTHORITY OF THE DEPARTMENT OF COMMERCE [PUBLIC
16 SERVICE COMMISSION] TO ADOPT RULES AND REGULATIONS. The Department
17 of Commerce [PUBLIC SERVICE COMMISSION] is responsible for the operation
18 of motor vehicle weighing stations, and the enforcement of highway
19 weight and load limitations. The department [COMMISSION] shall adopt
20 rules and regulations necessary for the operation of motor vehicle
21 weighing stations, and regulations necessary to enforce weight and
22 load limitations on state highways.

23 * Sec. 44. AS 28.20.420(a) is amended to read:

24 (a) A nonresident may give proof of financial responsibility by
25 filing with the department a written certificate of an insurance
26 carrier authorized to transact business in the state in which the
27 vehicle described in the certificate is registered, or if the nonresident
28 does not own a vehicle, then in the state in which the nonresident
29 resides, if [OWNED BY THE NONRESIDENT RESIDES, IF HE DOES NOT OWN A

1 VEHICLE, PROVIDED] the certificate otherwise conforms with this
2 chapter; [, AND] the department shall accept it upon condition that
3 the insurance carrier complies with (b) and (c) of this section [THE
4 FOLLOWING PROVISIONS].

5 * Sec. 45. AS 28.35.030 is amended to read:

6 Sec. 28.35.030. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING
7 LIQUOR OR DRUGS. A person who, while under the influence of intoxi-
8 cating liquor or narcotic drugs, operates or drives an automobile,
9 motorcycle or other motor vehicle in the state upon conviction is
10 punishable by a fine of not more than \$1,000, or by imprisonment for
11 not more than one year, or by both. In addition, his operator's
12 license may be limited or suspended in accordance with AS 28.15.260(a).

13 [UPON CONVICTION FOR A SECOND OR SUBSEQUENT OFFENSE IN VIOLATION OF
14 THIS SECTION, THE OFFENDER'S LICENSE, AND HIS RIGHT TO OBTAIN A LICENSE,
15 TO OPERATE A MOTOR VEHICLE SHALL BE SUSPENDED FOR A PERIOD OF THREE
16 YEARS, AND THIS SUSPENSION IS IN ADDITION TO ANY OTHER PUNISHMENT FIXED
17 BY THE COURT.]

18 * Sec. 46. AS 28.35.040(d) is amended to read:

19 (d) A person violating (b) of this section is subject to a fine
20 of not more than \$100, and, in addition, the court may limit or
21 suspend his operator's license in accordance with AS 28.15.260(a) [FOR
22 NOT MORE THAN ONE YEAR].

23 * Sec. 47. AS 28.35.190 is repealed.

24 * Sec. 48. AS 33.15.010 is amended to read:

25 Sec. 33.15.010. STATE BOARD OF PAROLE. There is in the depart-
26 ment a board of parole consisting of five members to be appointed by
27 the governor, subject to confirmation by a majority of the members of
28 the legislature in joint session. One of the members, who shall be
29 chairman of the board, shall be a person with training or experience

1 in the field of probation and parole, and he may be an official or
2 employee of the department but may not be an official or employee of
3 the division of corrections [YOUTH AND ADULT AUTHORITY]. The term of
4 each of the other four members of the board is four years and until
5 his successor is appointed and qualifies. Successors are appointed
6 in the same manner as provided for the board members first appointed.
7 A vacancy shall be filled for the unexpired term.

8 * Sec. 49. AS 37.05.155(a)(3) is repealed.

9 * Sec. 50. AS 36.05.045 is amended to read:

10 Sec. 38.05.045. GENERALLY. All lands owned in fee by the state
11 or to which the state may become entitled, excepting tide, submerged
12 or shore lands, and timber or grazing lands, may be sold as provided
13 in secs. 45 - 69 [65] of this chapter. However, this section does
14 not prevent the disposition of lands as provided in secs. 300 - 348
15 [347] of this chapter.

16 * Sec. 51. AS 39.20.260(e) is amended to read:

17 (e) Upon his separation from state service, and unless he re-enters
18 employment of the state within six months of his termination, the
19 unused sick leave of an officer or employee is automatically cancelled
20 without pay for it. If an officer or employee when terminated by the
21 state re-enters the state service within six months after his termina-
22 tion he is entitled to credit for one-half of the sick leave he had
23 accrued at the time of his termination.

24 * Sec. 52. AS 43.05.150(a) is amended to read:

25 Sec. 43.05.150. COLLECTION AND DEPOSIT OF MONEY. [(A)] The
26 Department of Revenue shall demand, sue for, collect, receive, and
27 safely keep all money of the state which is not by law entrusted to
28 the care and custody of some other office. When these funds are
deposited in financial institutions in the state, under AS 37.10.075,

1 the department shall deposit them in institutions [THE DEPARTMENT SHALL
2 KEEP THESE FUNDS IN BANKS IN THE STATE] nearest the place where the
3 funds are collected.

4 * Sec. 53. AS 43.05.150(b), (c), and (d) are repealed.

5 * Sec. 54. AS 43.20.010(a) is amended to read:

6 (a) There is levied and there shall be collected and paid for
7 each taxable year upon the net income of every resident and nonresident
8 individual and [,] fiduciary [AND BANK] that is required to make a
9 return and pay a tax under the federal income tax law a tax equal to
10 10 per cent of the total income tax that would be payable for the
11 same taxable year to the United States at the federal tax rates in
12 effect on December 31, 1963, under the provisions of chapter 1 of
13 subtitle A of the 1954 Internal Revenue Code, Public Law 591, 83rd
14 Congress, 2nd Session, as amended, upon all income derived from
15 sources within the state.

16 * Sec. 55. AS 43.31.061(a) is amended to read:

17 (a) The department may appoint and remove examiners and [,]
18 appraisers [AND EMPLOYEES AS] it considers necessary, these persons
19 to have those duties and powers the department prescribes. The
20 compensation of these examiners and appraisers shall be as the
21 department prescribes, and they shall be reimbursed for travel
22 expenses as provided for state employees. [THE SALARIES OF EXAMINERS,
23 APPRAISERS AND EMPLOYEES EMPLOYED BY THE DEPARTMENT SHALL BE AS IT
24 PRESCRIBES, AND EXAMINERS, APPRAISERS AND EMPLOYEES SHALL BE REIMBURSED
25 FOR TRAVELING EXPENSES AS PROVIDED FOR EMPLOYEES OF THE DEPARTMENT OF
26 REVENUE.]

27 * Sec. 56. AS 43.31.101 is repealed.

28 * Sec. 57. AS 43.31.161(c) is amended to read:

29 (c) The determination of tax or deficiency in tax by the department

1 is final unless the executor, or other party interested, within 50
 2 days from the date of the receipt of a copy of the determination,
 3 brings an action [A SUIT] in the superior court against the department
 4 and other parties as are interested. It is not necessary to join as
 5 parties to the action [SUIT] any heir-at-law, next of kin, distri-
 6 butee, legatee or devisee of the decedent. The complaint shall
 7 contain a concise statement of the facts and shall have annexed to it
 8 a copy of the return and of the findings and determination of the
 9 department and shall pray for an abatement of the tax, in the amount
 10 and to the extent, in part or in whole, and for other relief as the
 11 executor desires. [THESE SUITS SHALL PROCEED AS OTHER SUITS IN
 12 EQUITY.] Either the department, the executor or any other party may
 13 appeal to the supreme court in the manner and within the time pre-
 14 scribed by the Alaska Supreme Court Rules.

15 * Sec. 58. AS 43.31.191(b) is amended to read:

16 (b) The commissioner of public safety shall proceed upon the
 17 warrant in all respects, with like effect, [AND] in the [SAME] manner
 18 prescribed by law for [TO] executions issued against property upon
 19 judgments of a court of record [, AND IS ENTITLED TO THE SAME FEES
 20 FOR SERVICES IN EXECUTING THE WARRANT AS ARE NOW ALLOWED BY LAW
 21 FOR LIKE SERVICES TO BE COLLECTED IN THE SAME MANNER AS NOW PROVIDED
 22 BY LAW]. Alias and pluries warrants may issue from time to time as
 23 the department considers proper until the entire amount of the tax,
 24 deficiency, interest, penalties and costs have been recovered.

25 * Sec. 59. AS 43.31.240 is amended to read:

26 Sec. 43.31.240. ACTIONS TO ENFORCE PAYMENT. Actions may be
 27 brought within the time or times specified in this chapter [SECTION]
 28 by the department to recover the amount of taxes, penalties and
 29 interest due under this chapter. This action shall be brought in the

1 superior court where the estate is being or has been administered,
2 or if no administration be had in this state, then in the appropriate
3 court of the jurisdiction [ANY COUNTY] where any of the property of
4 the estate is situated.

5 * Sec. 60. AS 44.25.020(3) is amended to read:

6 (3) register [LOG AND] cattle brands; and

7 * Sec. 61. AS 45.50.320 is amended to read:

8 Sec. 45.50.320. PENALTIES FOR FRAUDULENT BRANDING OR OTHER ACTS.

9 A person who fraudulently brands timber property with a brand which
10 he knows or has reasonable cause to know is the registered brand of
11 another person, or who knowingly alters, defaces, obliterates or
12 destroys a registered brand impressed or displayed upon timber
13 property, or who knowingly sells or disposes of, or attempts to sell
14 or dispose of, or to convert or appropriate to his own use, without
15 the written consent of the owner, timber property impressed with or
16 displaying upon it a registered brand of another person, is guilty
17 of a misdemeanor and upon conviction is punishable by a fine of not
18 more than \$1,000, or by imprisonment in jail for not more than six
19 months, or by both. [NOTHING IN THIS SECTION AFFECTS THE SALVAGE OF
20 TIMBER PROPERTY UNDER AS 41.15.450 - 41.15.640.]

21 * Sec. 62. AS 47.25.300(3) is amended to read:

22 (3) "needy person" means a needy resident of the state
23 [WHO HAS LIVED IN THE STATE FOR ONE YEAR IMMEDIATELY PRECEDING THE
24 DATE OF APPLICATION FOR RELIEF ASSISTANCE AND] who is not eligible
25 for aid from another public agency or department providing similar
26 services in the state;

27 * Sec. 63. AS 47.25.780(4) is amended to read:

28 (4) "needy blind resident" means a needy blind person 18
29 years of age or over, who is residing in the state [HAS RESIDED IN THE

1 STATE FOR ONE YEAR IMMEDIATELY PRECEDING APPLICATION FOR ASSISTANCE,
2 OR WHO HAS LOST HIS VISION WHILE A RESIDENT OF THE STATE; PROVIDED,
3 THAT IF THE STATE IN WHICH A PERSON RESIDED IMMEDIATELY BEFORE MOVING
4 TO ALASKA PERMITS WELFARE ASSISTANCE TO NEEDY BLIND ALASKANS MOVING
5 TO THAT STATE BEFORE THE EXPIRATION OF A YEAR OR A LESSER PERIOD OF
6 TIME, THAT PERSON MAY QUALIFY AS A NEEDY BLIND RESIDENT AFTER RESIDING
7 IN ALASKA FOR A PERIOD OF TIME EQUAL TO THE PERIOD OF RESIDENCY RE-
8 QUIRED BY HIS FORMER STATE].

9 * Sec. 64. AS 47.25.960(3) is amended to read:

10 (3) "permanently and totally disabled person" means a
11 needy resident of the state who is not eligible for assistance from
12 another public agency or department providing similar services in
13 the state [AND WHO HAS RESIDED IN THE STATE FOR ONE YEAR IMMEDIATELY
14 PRECEDING THE DATE OF APPLICATION FOR AID TO THE PERMANENTLY AND
15 TOTALLY DISABLED; PROVIDED, THAT IF THE STATE IN WHICH A PERSON
16 RESIDED IMMEDIATELY BEFORE MOVING TO ALASKA PERMITS WELFARE ASSISTANCE TO
17 PERMANENTLY AND TOTALLY DISABLED ALASKANS MOVING TO THAT STATE BEFORE
18 THE EXPIRATION OF A YEAR OR A LESSER PERIOD OF TIME, THAT PERSON MAY
19 QUALIFY AS A PERMANENTLY AND TOTALLY DISABLED PERSON AFTER RESIDING
20 IN ALASKA FOR A PERIOD OF TIME EQUAL TO THE PERIOD OF RESIDENCY
21 REQUIRED BY HIS FORMER STATE];

22 * Sec. 65. AS 47.30.340(13) is amended to read:

23 (13) "resident" means a person who is residing in the
24 state [HAS BEEN PHYSICALLY PRESENT AND LIVED CONTINUOUSLY IN THE STATE
25 FOR ONE YEAR]; a married woman may establish a residence apart from
26 her husband, and an unemancipated minor takes the residence of the
27 parent or guardian with whom he is living;

28 * Sec. 66. AS 11.40.320 is amended to read:

Sec. 11.40.320. CONSTRUCTION OF SECS. 290-310 OF THIS CHAPTER.

1 Nothing in Secs. 290-310 of this chapter alters or affects the laws
2 relating to incest, [THE INFAMOUS CRIME AGAINST NATURE,] seduction,
3 adultery, rape or other kindred offenses against the person or the public
4 morals, or a prosecution for these offenses.

5 Sec. 67. AS 14.14.180(a)(2) is amended to read:

6 (2) has passed his 18th [19TH] birthday;

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Original sponsor: Rules Committee by
request of the Governor

Offered: 4/16/71
Referred: Finance

1 IN THE HOUSE

BY THE LOCAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 161

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the establishment of regional
7 service areas in the unorganized borough; and pro-
8 viding for an effective date."

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

10 * Section 1. AS 07 is amended by adding a new chapter to read:

11 CHAPTER 7. REGIONAL SERVICE AREAS IN THE
12 UNORGANIZED BOROUGH.

13 Sec. 07.07.010. PURPOSE. (a) This chapter provides for regional
14 service areas in the unorganized borough and prescribes the structure
15 and describes the functions of regional service areas. Its basic
16 purpose is to stimulate the economic and social development of the
17 unorganized borough and the achievement of satisfactory levels of
18 living for the residents of the unorganized borough. Its specific
19 purposes are to promote

20 (1) strengthening of regional capabilities for planning and
21 coordinating federal, state, and other assistance related to economic
22 and social development, so that this assistance, through the efforts
23 of local officials, organizations, and interested and affected
24 citizens, can be made more responsive to local needs and conditions;

25 (2) better organization of a range of services related to
26 the needs of the unorganized borough;

27 (3) greater use, subject to adequate evaluation, of new
28 types of services and innovative approaches in attacking the problems
29 of economic and social development;

1 (4) the development and implementation of all programs and
2 projects designed to serve the residents of the unorganized borough
3 with the maximum feasible participation of residents of the areas
4 served.

5 (b) It is further declared to be the purpose of this chapter to
6 provide for measures to enable the residents of the unorganized borough
7 to remain in such areas. It is not the purpose of this chapter to en-
8 courage the residents of the unorganized borough to migrate to urban
9 areas, inasmuch as it is the finding of the legislature that such
10 migration is often not in the best interests of the residents of the
11 unorganized borough.

12 Sec. 07.C7.020. REGIONAL SERVICE AREAS. The director of the
13 Local Affairs Agency is authorized to establish, alter or abolish
14 regional service areas in the unorganized borough upon request of a
15 majority of the registered voters in the area. The standards shall
16 include population, geography, economy, transportation, and other factors
17 determined by the director of the Local Affairs Agency. Each regional
18 service area shall embrace an area and population with common interests
19 to the maximum degree possible.

20 Sec. 07.07.030. REGIONAL SERVICE AREA COMMISSIONS. Each regional
21 service area shall have a commission which shall be so constituted
22 that each city or village incorporated under state or federal law
23 within the regional service area may have one member on the commission
24 designated by the city or village. The remainder of the members shall
25 be representative of other major groups or interests in the regional
26 service area as designated by the director of the Local Affairs Agency.
27 Each member of the commission shall reside in the regional service area
28 he serves.

29 Sec. 07.07.040. ELECTED COMMISSIONS. (a) The qualified voters

1 of a regional service area established under this chapter may elect
2 the regional service area commission if

3 (1) the regional service area has a resident population
4 including at least 50 qualified voters; and

5 (2) the director of the Local Affairs Agency finds an
6 elected commission to be in the best interests of the residents of
7 the service area; or

8 (3) at least five per cent of the qualified voters of the
9 regional service area sign and submit a petition to the director of
10 the Local Affairs Agency requesting a referendum on the question of
11 whether there shall be an elected regional service commission and the
12 majority of the qualified voters in the regional service area favor
13 an elected commission by such referendum.

14 (b) The director of the Local Affairs Agency shall conduct the
15 referendum authorized by (a)(3) of this section within 90 days of the
16 receipt of a petition submitted under (a)(3) of this section.

17 Sec. 07.07.050. FUNCTIONS OF COMMISSIONS. In carrying out the
18 purposes of this chapter, each commission may with respect to its
19 regional service area

20 (1) participate in the development, implementation and
21 evaluation of state programs and projects which relate to the economic
22 and social development in that service area;

23 (2) encourage state departments and agencies in activities
24 related to the economic and social development to plan for and admin-
25 ister those activities in the regional service area on a common or
26 cooperative basis; provide planning assistance to those departments
27 or agencies; provide additional opportunities to residents of the
28 regional service area to participate in these state department or
29 agency activities;

1 (3) initiate and sponsor projects responsive to the economic
2 or social needs of residents of the regional service area which are not
3 otherwise being met, with particular emphasis on providing central or
4 common services that can be drawn upon by a variety of related programs,
5 developing new approaches or new types of services that can be in-
6 corporated into other programs, and filling gaps pending the expansion
7 or modification of those programs;

8 (4) establish effective procedures by which the residents
9 of the regional service area concerned will be enabled to influence
10 the character of state programs affecting their interests, provide for
11 their regular participation in the implementation of those programs,
12 and assist residents of the service area to secure on their own behalf
13 available economic or social assistance from public and private sources;

14 (5) develop and implement plans under which the regional
15 service area may assume the status of an organized borough when con-
16 sidered appropriate by the inhabitants of the area;

17 (6) join with and encourage business, labor and other
18 private groups and organizations to undertake, together with state
19 departments and agencies, activities in support of the economic or
20 social development of the regional service area;

21 (7) accept financial assistance in the performance of its
22 functions;

23 (8) enter into agreements with state public corporations,
24 departments and agencies for assistance in the performance of its
25 functions;

26 (9) do all other acts necessary or proper to perform its
27 functions under this chapter.

28 Sec. 07.07.06C. ADMINISTRATION. The director of the Local
29 Affairs Agency shall establish procedures and take such actions as he

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may consider necessary and appropriate to carry out the provisions of
this chapter.

* Sec. 2. This Act takes effect on July 1, 1971.

Introduced: 2/12/71
Referred: Local Government,
State Affairs and Judiciary

1 IN THE HOUSE

BY HAUGEN BY REQUEST

2 HOUSE BILL NO. 175

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to classification of property for
7 purposes of local taxation and authorizing separate
8 rates of taxation for each class; and providing for an
9 effective date."

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

11 * Section 1. AS 29.10.335 is amended to read:

12 Sec. 29.10.335. GENERAL PROPERTY TAX. The council may assess,
13 levy, and collect a general tax for school and city purposes not to
14 exceed three per cent of the assessed valuation upon all real and
15 personal property, and enforce collection by foreclosure, levy,
16 distress, and sale. The council may establish three classes of property
17 for purposes of taxation: land, buildings and fixtures permanently
18 affixed to land, and personal property. The council may establish a
19 separate rate of taxation for each class. Each class may be taxed
20 at any rate, subject to the restrictions on total amount of levy
21 provided in AS 29.30.010. All property within each class must be taxed
22 at the same rate.

23 * Sec. 2. This Act takes effect on July 1, 1971.

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Introduced: 2/17/71
Referred: Health, Welfare &
Education and Local Government

1 IN THE HOUSE

BY BANFIELD BY REQUEST

2 HOUSE BILL NO. 187

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to school district revenues; and
7 providing for an effective date."

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

9 * Section 1. AS 07.15.330 is amended by adding a new subsection to read:

10 (k) Provisions of (b) - (d) of this section notwithstanding, the
11 following funds shall be credited to and utilized exclusively as
12 school money in a manner determined solely by the board and without
13 the necessity of further appropriation by the assembly:

14 (1) an unexpended amount of appropriations made by the
15 assembly to the school board under (d) of this section;

16 (2) interest or other returns on school money invested
17 under (b) of this section;

18 (3) revenues accruing to the school district in excess of
19 the amount or in addition to the source of anticipated revenue items
20 designated in the annual budget submitted by the board to the assembly
21 under (d) of this section.

22 * Sec. 2. AS 07.12 is amended by adding a new section to read:

23 Sec. 07.12.040. LIMIT ON POWER RELATING TO APPROPRIATIONS FOR
24 SCHOOL PURPOSES. AS 07.15.330(k), relating to appropriations for
25 school purposes, applies to home rule boroughs.

26 * Sec. 3. AS 29.08 is amended by adding a new section to read:

27 Sec. 29.08.220. LIMIT ON POWER RELATING TO APPROPRIATIONS FOR
28 SCHOOL PURPOSES. AS 07.15.330(k), relating to appropriations for
29 school purposes, applies to home rule cities which are school districts

* Sec. 4. This Act takes effect July 1, 1971.

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Introduced: 2/22/71
Referred: Resources and
Local Government

1 IN THE HOUSE

BY HUBER

2 HOUSE BILL NO. 214

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to powers of second and third class
7 boroughs.

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

9 * Section 1. AS 07.15 is amended by adding a new section to read:

10 Sec. 07.15.727. SOLID WASTE DISPOSAL. The second class borough
11 may provide for solid waste disposal, including but not limited to
12 the construction, operation and maintenance of waste treatment works
13 projects, in the area outside cities and may do so in the manner
14 provided for first class cities. The exercise of the power of solid
15 waste disposal, including but not limited to the construction,
16 operation and maintenance of waste treatment works projects, in the
17 area outside cities is at the option of the borough and is not subject
18 to the restrictions on acquiring additional powers specified in secs.
19 720 and 730 - 800 of this chapter.

20 * Sec. 2. AS 07.17.020 is amended by adding a new subsection to read:

21 (c) A third class borough may provide for solid waste disposal,
22 including but not limited to the construction, operation and maintenance
23 of waste treatment works projects, as provided for second class
24 boroughs in this title.

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Introduced: 3/2/71
Referred: State Affairs and
Local Government

1 IN THE HOUSE

BY FISCHER

2 HOUSE BILL NO. 240

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to subdivisions."

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

8 * Section 1. AS 07.05.040(a) is amended to read:

9 (a) In areas of the unorganized borough where there is no
10 political subdivision of the state with a zoning power, the division
11 of lands, Department of Natural Resources, shall exercise the zoning
12 power by adopting zoning regulations. The provisions of AS 40.15.-
13 075 - 40.15.077 apply to subdivisions proposed within the area of the
14 unorganized borough outside incorporated cities, except that the
15 division of lands shall exercise the responsibilities conferred upon
16 planning commissions under those sections.

17 * Sec. 2. AS 40.15 is amended by adding a new section to read:

18 Sec. 40.15.075. DEDICATION OF PARK AND OPEN SPACE. (a) When
19 an area of land is proposed for a subdivision, a subdivider shall
20 submit as part of the plat for subdivision approval a plan which
21 dedicates an area of land for the location of a park or open space
22 reasonably necessary to service the residents of the proposed subdivi-
23 sion. However, the subdivider shall not be required to dedicate an
24 area for a park or open space which constitutes more than 10 per cent
25 of the gross area of the proposed subdivision.

26 (b) The city or borough planning commission having jurisdiction
27 of a proposed subdivision shall by resolution adopt standards to be
28 applied in determining the amount of land required to be dedicated
29 under (a) of this section. The standards adopted shall be based on

1 the number and type of dwelling units to be included in a subdivision,
2 as well as studies and surveys conducted by the commission to determine
3 the need, if any, for park or open space sites demonstrated in existing
4 subdivisions having various types and numbers of dwelling units within
5 the municipality.

6 (c) The commission may alter the selection of park and open space
7 sites proposed to be dedicated under the subdivider's plan in (a)
8 of this section. In exercising this authority the commission shall
9 consider variations in the relative desirability and market value of
10 the land included in the area of a particular proposed subdivision
11 and may adjust the total amount of land required to be dedicated in
12 accordance with the comparative value of that land with the average
13 value of all land within the subdivision.

14 Sec. 40.15.077. PAYMENT IN LIEU OF DEDICATION. In lieu of
15 dedication of park or open space sites under sec. 75(a) of this chapter,
16 a subdivider may pay to the city a sum of money equal to the value of
17 land that would otherwise be required to be dedicated for a park or
18 open space purpose when the planning commission determines on the
19 basis of reasons set out in writing, with reference to the particular
20 subdivision, that it is not in the public interest to make the actual
21 dedication. All funds received under this section shall be held by
22 the city in a special account and shall be used only for acquiring
23 land for park and open space purposes for the benefit of the persons
24 in the subdivision for which the payment was made. The commission
25 may by resolution provide for deferred payment or payment by install-
26 ment or in a lump sum, upon a subdivider's posting of a surety bond
27 guaranteeing payment.
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Introduced: 3/4/71
Referred: Local Government
and Judiciary

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IN THE HOUSE

BY TILLION BY REQUEST

HOUSE BILL NO. 257

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

A BILL

For an Act entitled: "An Act relating to composition and apportionment of
borough assemblies."

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

* Section 1. AS 07.10 is amended by adding a new section to read:

Sec. 07.10.041. COMPOSITION AND APPORTIONMENT. 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 apportion-
ment, 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.

* Sec. 2. AS 07.10.040, AS 07.20.030 and AS 07.20.070(d) are repealed.

Original sponsor: Tillion

Offered: 3/24/71
Referred: Judiciary

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

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CS FOR HOUSE BILL NO. 258

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SEVENTH LEGISLATURE - SECOND SESSION

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A BILL

6 For an Act entitled: "An Act authorizing borough assemblymen representing
7 a first class city to be elected by city voters rather
8 than being appointed by and from city councils; and
9 providing for an effective date."

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

11 * Section 1. AS 07.20.020 is amended to read:

12 Sec. 07.20.020. ELECTION AND APPOINTMENT. (a) Members of the
13 assembly are appointed or elected according to the apportionment
14 determined by the incorporation petition approved by the voters until
15 the assembly is reapportioned. Members representing first class
16 cities are appointed by and from the city councils, unless provided
17 otherwise by city charter or ordinance approved by referendum of the
18 first class city voters and providing for direct election of assemblymen
19 from the city by the qualified voters of the city.

20 (b) Members representing the area outside first class cities
21 are elected by and from the qualified voters of the area outside first
22 class cities.

23 (c) The council of each first class city located within an
24 organized borough already incorporated on the effective date of this
25 Act shall, at a special election following the effective date of this
26 Act and occurring before the next regular city election, submit to the
27 qualified city voters an ordinance providing for direct election of
28 assemblymen under this section. If ratified by a majority of the
29 voters, the ordinance shall take effect beginning with the next regular

1 city election, except that a councilman selected by the council to
 2 represent the city on the assembly and serving the term for which
 3 selected on the effective date of this Act may complete that term
 4 without standing for election under this section. If he vacates his
 5 office before the expiration of the term, the council shall appoint a
 6 successor to serve until the next regular city election, at which time
 7 an assemblyman shall be elected by the qualified city voters to complete
 8 the remainder of the unexpired term or serve a new term, as the case may
 9 be.

10 (d) Notwithstanding provisions of AS 07.20.040, AS 07.20.050 and
 11 AS 07.30.070(3), provisions of law or charter governing nominations,
 12 qualifications, election dates, terms of office, removal, and filing of
 13 vacancies with respect to city councilmen apply also to borough
 14 assemblymen elected by city voters under this section.

15 (e) An ordinance approved by the voters under this section may not
 16 be repealed or amended by the council but is subject to initiative and
 17 referendum as in the case of other city ordinances. Initiative or
 18 referendum results which have the effect of repealing or amending an
 19 ordinance under this section become effective beginning with the next
 20 regular election to the borough assembly, except that the terms of
 21 elected assemblymen representing the city at the time of repeal of the
 22 ordinance are not affected.

23 (f) Nothing in this section prevents a candidate from seeking
 24 election or serving as both a borough assemblyman and city councilman.

25 * Sec. 2. APPLICABILITY OF ACT. This Act is intended to apply to
 26 assemblymen representing general law first class cities and first class
 27 cities which have adopted a home rule charter.

28 * Sec. 3. EFFECTIVE DATE. This Act takes effect at the time and upon
 29 the condition that an amendment to the state constitution requiring the
 30 CSHB 258 am

1 election of borough assemblymen to represent a first class city, rather
2 than their appointment by and from the city council, is ratified by the
3 people and becomes effective.

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Introduced: 3/5/71
Referred: Local Government
and Judiciary

1 IN THE HOUSE

BY HOLM

2 HOUSE BILL NO. 280

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act limiting local government property tax levies
7 for bond retirement or other municipal purposes; and
8 providing for an effective date."

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

10 * Section 1. AS 29.30.010 is amended to read:

11 Sec. 29.30.010. TAX LIMITATION. No organized borough or city
12 [INCORPORATED TOWN OR MUNICIPALITY] may levy and tax for any purpose
13 in excess of three per cent of the assessed valuation of property
14 within the borough or city [TOWN] in any one year. Moreover, the
15 combined levy of borough and city property taxes within a city may
16 not exceed three per cent of the assessed valuation of property within
17 the city in any one year.

18 * Sec. 2. AS 29.30.020 is amended to read:

19 Sec. 29.30.020. NO LIMITATION ON TAXES TO PAY OUTSTANDING BONDS.
20 The limitations [LIMITATION] provided for in sec. 10 of this chapter
21 do [DOES] not apply to taxes levied or pledged to pay or secure the
22 payment of the principal and interest on bonds legally authorized
23 and issued before the effective date of this Act. Taxes to pay or
24 secure the payment of principal and interest on bonds legally
25 authorized and issued before the effective date of this Act may be
26 levied without limitation as to rate or amount, but such taxes shall
27 be included in the computation of the limit on the permissible mill
28 levy for other municipal purposes under sec. 10 of this chapter.

29 * Sec. 3. AS 29.08.010 is amended by adding a new subsection to read:

1 (c) AS 29.30.010 - 29.30.020, which limit taxing power, apply
2 to home rule cities.

3 * Sec. 4. AS 07.12 is amended by adding a new section to read:

4 Sec. 07.12.210. LIMIT ON HOME RULE TAXING POWER. AS 29.30.010 -
5 29.30.020, which limit taxing power, apply to home rule boroughs.

6 * Sec. 5. This Act takes effect July 1, 1971.

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Introduced: 3/8/71
Referred: Health, Welfare &
Education and Local Govern-
ment

1 IN THE HOUSE

BY WHITTAKER

2 HOUSE BILL NO. 285

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act exempting certain purchases of food from local
7 sales taxation; and providing for an effective date."

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

9 * Section 1. AS 29.30 is amended by adding a new section to read:

10 Sec. 29.30.120. EXEMPTIONS. The following purchases of food for
11 human consumption are exempted from sales taxes levied and collected by
12 an organized borough or city of any class, whether home rule or other-
13 wise:

14 (1) purchases made with food coupons issued to low-income
15 persons under the federal Food Stamp Act of 1964, as amended;

16 (2) other food purchases made by low-income persons determined
17 and authorized by the Department of Health and Welfare to be eligible
18 for the exemption on the basis of financial need to supplement food
19 purchasing power because of family size or income level.

20 * Sec. 2. This Act takes effect July 1, 1971.

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Introduced: 3/9/71
Referred: Commerce

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 290

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land subdivision."

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

8 * Section 1. AS 40.15.190(2) is repealed and re-enacted to read:

9 (2) "subdivision" means the division of land into two or
10 more parcels, tracts, lots or other divisions, and includes resubdivi-
11 sions; however, land that is divided into four or fewer parcels, tracts,
12 lots or other divisions which have access to a public highway or street,
13 provides street and utility easements to all contiguous parcels and
14 can be described by aliquot parts description, is not a subdivision.
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Original sponsor: Fischer

Offered: 4/9/71
Referred: Finance

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

2 CS FOR HOUSE BILL NO. 296

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act exempting from city and borough taxation the
7 real property of certain residents having limited
8 incomes; and providing for an effective date."

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

10 * Section 1. AS 29.10.336(a) is amended to read:

11 (a) Property owned by the city or the state; the real property
12 of certain residents of the state to the extent and subject to the
13 conditions provided in (e) of this section; the household furniture of
14 the head of a family or a householder not exceeding \$500 in value;
15 all property used exclusively for nonprofit religious, charitable,
16 cemetery, hospital, or educational purposes; the property of an organi-
17 zation, not organized for business purposes, whose membership is
18 composed entirely of individuals with 90 days or more of active service
19 in the armed forces of the United States whose conditions of service
20 and separation were other than dishonorable, or the property of the
21 auxiliary of any such organization; and all money on deposit are exempt
22 from taxation.

23 * Sec. 2. AS 29.10.336 is amended by adding new subsections to read:

24 (e) The real property owned and occupied as a permanent place
25 of abode by a resident 65 years of age or over whose gross annual
26 income totals less than \$10,000 is exempt from taxation of the assessed
27 value of the real property. Only one exemption may be granted with
28 respect to the same property and, if two or more persons are eligible
29 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 * Sec. 3. AS 07.12.200 is amended to read:

29 Sec. 07.12.200. LIMIT ON HOME RULE TAXING POWER. (a) AS 29.30.200

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relating to the collection of penalties on property taxes and interest on property and sales taxes, applies to home rule boroughs.

(b) AS 29.10.336(e) - (f), which limit home rule taxing power, apply to home rule boroughs.

* Sec. 4. This Act takes effect January 1, 1972.

Original sponsor: Fischer

Offered: 3/22/72
Referred: Rules

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 296

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act exempting from city and borough taxation the
7 real and personal property of certain residents
8 having limited incomes; and providing for an effec-
9 tive date."

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

11 * Section 1. AS 29.10.336(a) is amended to read:

12 (a) Property owned by the city or the state; the real and
13 personal property of certain residents of the state to the extent and
14 subject to the conditions provided in (e) of this section; the house-
15 hold furniture of the head of a family or a householder not exceeding
16 \$500 in value; all property used exclusively for nonprofit religious,
17 charitable, cemetery, hospital, or educational purposes; the property
18 of an organization, not organized for business purposes, whose
19 membership is composed entirely of individuals with 90 days or more
20 of active service in the armed forces of the United States whose
21 conditions of service and separation were other than dishonorable, or
22 the property of the auxiliary of any such organization; and all money
23 on deposit are exempt from taxation.

24 * Sec. 2. AS 29.10.336 is amended by adding new subsections to read:

25 (e) The personal property of, and the real property owned and
26 occupied as a permanent place of abode by, a resident 65 years of
27 age or over whose annual net taxable income totals less than \$10,000
28 is exempt from taxation of the assessed value of the real and personal
29 property. Only one exemption may be granted with respect to the same property

1 and, if two or more persons are eligible for an exemption with respect
 2 to the same property, the parties shall decide between or among them-
 3 selves which shall receive the benefit of the exemption; however, in
 4 the case of more than one party eligible for an exemption with respect
 5 to the same property, the total combined annual net taxable income of
 6 the parties may not exceed \$10,000. No real or personal property may
 7 be exempted under this subsection which the assessor determines, after
 8 notice and hearing to the parties concerned, has been conveyed to the
 9 applicant primarily for the purpose of obtaining the exemption. The
 10 determination of the assessor is appealable under AS 44.62.560 - 44.62.-
 11 570.

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

26 (g) A person who does not own his own place of abode, or who
 27 resides in a jurisdiction that does not levy a property tax on a
 28 person's place of abode, but who meets the eligibility requirements as
 29 to age and income for the tax exemption granted by (e) of this section.

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shall receive a grant from the state of \$400 in lieu of the tax exemption in (e) of this section. A person who owns his place of abode and qualifies for the exemption in (e) of this section may elect to receive the grant provided in this subsection instead of the tax exemption under (e) of this section. Written application for the grant under this subsection shall be made to the Department of Revenue on forms prescribed by the commissioner. The commissioner of revenue shall promulgate regulations necessary to carry out the provisions of this subsection.

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

* Sec. 3. AS 07.12.200 is amended to read:

Sec. 07.12.200. LIMIT ON HOME RULE TAXING POWER. (a) AS 29.30.-200, relating to the collection of penalties on property taxes and interest on property and sales taxes, applies to home rule boroughs.

(b) AS 29.10.336(e) - (f), which limit home rule taxing power, apply to home rule boroughs.

* Sec. 4. This Act takes effect January 1, 1973.

Introduced: 3/12/71
Referred: State Affairs,
Local Government and Finance

1 IN THE HOUSE

BY ROSE

2 HOUSE BILL NO. 315

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to parks and open space areas within
7 cities, organized boroughs and the unorganized borough;
8 and providing for an effective date."

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

10 * Section 1. AS 29.10 is amended by adding a new section to read:

11 Sec. 29.10.128. DEDICATION OF PARKS AND OPEN SPACE AREAS. (a)

12 As a condition to approval by the platting board of a proposed sub-
13 division for new housing construction, a subdivider shall agree to
14 dedicate a designated area on the plat comprising at least 10 per
15 cent of the gross area included within the proposed subdivision.

16 (b) A city acquiring a parcel of improved or unimproved land
17 through foreclosure, purchase, condemnation, exchange or otherwise
18 may dedicate all or part of the parcel for park and open space
19 purposes if the governing body, after consideration of the advice
20 of the planning commission, determines that the best use of the
21 property is for park and open space sites given the number and
22 type of existing or anticipated dwelling units within the immediate
23 area of the property and a corresponding absence or lack of proxi-
24 mate park and open space sites to accommodate the population of the
25 area.

26 (c) To facilitate development of ample parks and open space
27 areas within the city, the governing body may provide for sale,
28 exchange or other disposition of parcels acquired under this section
29 for the sole purpose of consolidating or rearranging parks and open

1 space areas to provide improved facilities.

2 (d) In this section "subdivision" means "subdivision" as defined
3 in AS 40.15.190(2).

4 * Sec. 2. AS 29.08 is amended by adding a new section to read:

5 Sec. 29.08.220. DEDICATION OF PARKS AND OPEN SPACE AREAS.

6 AS 29.10.128, relating to dedication of parks and open space areas,
7 applies to home rule cities.

8 * Sec. 3. AS 07.12 is amended by adding a new section to read:

9 Sec. 07.12.100. DEDICATION OF PARKS AND OPEN SPACE AREAS.

10 AS 29.10.128, relating to dedication of parks and open space areas,
11 applies to home rule boroughs.

12 * Sec. 4. AS 29.15.290 is amended to read:

13 Sec. 29.15.290. APPLICATION OF LAWS GOVERNING FIRST CLASS CITIES.

14 All laws and parts of laws empowering and regulating first class
15 cities on special assessments, public utilities, airports, public
16 service rates, franchises, acquisition and disposition of property,
17 motor vehicles and motor vehicle operators, [AND] schools, and dedi-
18 cation of parks and open space areas, apply to second class cities.

19 * Sec. 5. AS 29.20 is amended by adding a new section to read:

20 Sec. 29.20.065. PARKS AND RECREATION AREAS. The board of
21 trustees of a city of the third class may provide for the location,
22 construction, operation and maintenance of parks, trails and play-
23 grounds, subject to the same provisions governing dedications of
24 park and open space areas as are set out for first class cities in
25 AS 29.10.128.

26 * Sec. 6. AS 29.25.297 is amended to read:

27 Sec. 29.25.297. PARKS AND RECREATION. The council may provide
28 for the location, construction, operation and maintenance of parks,
29 trails, playgrounds and community centers and the preservation of the

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scenic and historic resources of the community, subject to the same provisions governing dedications of park and open space areas as are set out for first class cities in AS 29.10.128.

* Sec. 7. AS 07.15 is amended by adding a new section to read:

Sec. 07.15.727. PARKS AND RECREATION. The second class borough may provide for the location, construction, operation and maintenance of parks, trails and playgrounds in the area outside cities, subject to the same provisions governing dedications of park and open space areas as are set out for first class cities in AS 29.10.128. The exercise of powers under this section in the area outside cities is at the option of the borough and is not subject to the restrictions on acquiring additional powers specified in secs. 720 and 730 - 800 of this chapter.

* Sec. 8. AS 07.17 is amended by adding a new section to read:

Sec. 07.17.022. PARKS AND RECREATION. A third class borough may provide for the location, construction, operation and maintenance of parks, trails and playgrounds in the area outside cities, subject to the same provisions governing dedications of park and open space areas as are set out for first class cities in AS 29.10.128. The exercise of powers in the area outside cities under this section is at the option of the borough and is not subject to the restrictions on acquiring additional powers specified in secs. 720 and 730 - 800 of this chapter.

* Sec. 9. AS 38.05.295 is amended to read:

Sec. 38.05.295. PARKS AND RECREATION AREAS. (a) The commissioner shall establish a policy and prescribe rules and regulations by which parks and recreation areas, including public scenic overlooks and cultural sites, shall be developed and managed in a manner that will best serve the interests of the people of the state. The

1 commissioner may classify public lands as parks, scenic overlooks,
2 cultural sites and recreation areas as long as the general intent of
3 this chapter is maintained.

4 (b) The director of the division of parks shall by regulation
5 establish for observance by local governments criteria and guidelines
6 relating to development, preservation, maintenance and operation of
7 parks located or enlarged after July 1, 1971 within home rule and
8 general law cities and organized boroughs of any class. For this
9 purpose and in order to qualify for state aid for parks and open space
10 areas under AS 43.18.010(j) the local governments shall submit at a
11 time and in a form designated by the director an overall plan for
12 park and open space development within the municipality as well as
13 specific plans for individual park and open space projects.

14 * Sec. 10. AS 43.18.010 is amended by adding a new subsection to read:

15 (j) During each fiscal year the state shall pay to a city or an
16 organized borough an amount equal to 50 per cent of the nonfederal
17 share of estimated reasonable costs for that year of the development,
18 care, and maintenance of parks and open space areas in accordance with
19 a plan submitted and approved by the division of parks under AS 38.05.-
20 295(b). Funds shall be allocated only for use to further the purposes
21 aided under this section and after the local government applies for,
22 and makes reasonable efforts to secure available federal assistance
23 for such purposes.

24 * Sec. 11. AS 07.05.040(a) is amended to read:

25 (a) In areas of the unorganized borough where there is no
26 political subdivision of the state with a zoning power, the division
27 of lands, Department of Natural Resources, shall exercise the zoning
28 power by adopting zoning regulations. The provisions of AS 29.10.128(a)
29 and (c) apply to subdivisions proposed within the area of the

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unorganized borough outside incorporated cities, except that the
division of lands shall exercise the responsibilities conferred upon
platting boards under AS 29.10.128(a).

* Sec. 12. This Act takes effect July 1, 1971.

Introduced: 3/19/71
Referred: Local Govern-
ment and Judiciary

1 IN THE HOUSE

BY GUESS AND MCVEIGH

2 HOUSE BILL NO. 332

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled "An Act relating to judicial review of municipal tax
7 assessments."

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

9 Section 1. AS 29.10.426 is amended to read:

10 Sec. 29.10.426. JUDICIAL REVIEW. A person aggrieved by an order
11 of the board of equalization may appeal to the superior court for
12 review de novo after he has exhausted his administrative remedy under
13 secs. 369 - 540 of this chapter. If the aggrieved party is contesting
14 the amount of the assessed valuation of property, the superior court
15 shall by trial de novo determine the fair market value of the property
16 as of the assessment date. Either party may demand a jury trial. In
17 this section "fair market value" means the amount a willing buyer
18 would pay and a willing seller accept as the purchase price for the
19 property.

Introduced: 3/22/71
Referred: Local Government

1 IN THE HOUSE

BY GUESS AND BOWMAN

2 HOUSE BILL NO. 335

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to powers of a city or borough to
7 provide mass transportation facilities and services."

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

9 * Section 1. AS 29.10 is amended by adding a new section to read:

10 Sec. 29.10.142. MASS TRANSPORTATION. The council may purchase,
11 contract for, or otherwise acquire, and establish, maintain and operate
12 mass transportation facilities and services for the transport of
13 passengers within the city. The council may exercise the power of
14 eminent domain to acquire transportation facilities and services under
15 this section at their fair market value and may exercise the power
16 through the filing of a declaration of taking with the complaint or
17 at any time after the filing of the complaint, but before judgment.
18 The fair market value is the amount a willing buyer would pay and a
19 willing seller accept as the purchase price without threat of eminent
20 domain or other compulsion with the premise that the transportation
21 facility or service would be continued for a reasonable period of time
22 in the future. Mass transportation facilities and services provided
23 for under this section shall be regulated by the Alaska Transportation
24 Commission in the same manner as other public carriers.

25 * Sec. 2. AS 29.15 is amended by adding a new section to read:

26 Sec. 29.15.187. MASS TRANSPORTATION. The board of trustees may
27 provide for mass transportation facilities and services in the same
28 manner as prescribed for first class cities in AS 29.10.142. Mass
29 transportation facilities and services provided for under this section

1 shall be regulated by the Alaska Transportation Commission in the
2 same manner as other public carriers.

3 * Sec. 3. AS 29.25 is amended by adding a new section to read:

4 Sec. 29.25.335. MASS TRANSPORTATION. The council may provide
5 for mass transportation facilities and services in the same manner as
6 prescribed for first class cities in AS 29.10.142. Mass transportation
7 facilities and services provided for under this section shall be regu-
8 lated by the Alaska Transportation Commission in the same manner as
9 other public carriers.

10 * Sec. 4. AS 07.15 is amended by adding a new section to read:

11 Sec. 07.15.370. MASS TRANSPORTATION. The first and second class
12 borough may provide for areawide mass transportation and may do so in
13 the manner provided for first class cities. Upon adoption of an
14 ordinance to provide for areawide mass transportation, no general law
15 or home rule city within the borough may exercise the power to provide
16 mass transportation, unless the ordinance provides otherwise or the
17 borough by subsequent ordinance ceases to exercise the power. The
18 exercise of the areawide power is at the option of the borough and
19 is not subject to the restrictions on acquiring additional areawide
20 powers specified in sec. 350 of this chapter. Mass transportation
21 facilities and services provided for under this section shall be regu-
22 lated by the Alaska Transportation Commission in the same manner as
23 other public carriers.
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Introduced: 4/13/71
Referred: Local Government

1 IN THE HOUSE

BY COLLETTA AND GUESS

2 HOUSE BILL NO. 423

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the involvement of young people
7 in local government and school governance; and pro-
8 viding for an effective date."

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

10 * Section 1. PURPOSE. It is the intent of the legislature in enacting
11 this statute to provide an opportunity for the young people of Alaska to
12 become involved in the institutions and processes of local government and
13 school governance comparable to that embodied in legislation under considera-
14 tion at the 1971 session of the legislature providing for participation in
15 the executive branch of state government.

16 * Sec. 2. AS 07.40 is amended by adding new sections to read:

17 ARTICLE 2. INVOLVEMENT OF YOUNG PEOPLE

18 IN BOROUGH GOVERNMENT.

19 Sec. 07.40.020. ESTABLISHMENT OF COMMISSION. A borough assembly
20 may by ordinance create a commission on the involvement of young
21 people in borough government.

22 Sec. 07.40.021. COMPOSITION AND CHAIRMAN. The commission may
23 consist of not more than nine members, drawn from fields of public
24 affairs, education, the sciences, the professions, other fields of
25 private endeavor, from the state or local service, and three additional
26 members from the 17 through 22 age group, and shall include women and
27 representatives of minority groups. The members shall be appointed
28 by the borough assembly in the manner prescribed by ordinance without
29 regard to political affiliation and shall serve at the pleasure of

that body. One member shall be designated by the assembly as chairman of the commission.

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3 Sec. 07.40.022. COMPENSATION AND PER DIEM. Members of the
4 commission serve without compensation but are entitled to per diem
5 and travel expenses as may be authorized by ordinance.

6 Sec. 07.40.023. FUNCTIONS OF THE COMMISSION. (a) The commis-
7 sion shall establish procedures to enable it to recommend annually to
8 the assembly a group of promising young men and women from whom the
9 assembly may select interns and youth voting members of borough boards
10 and commissions. The commission, in establishing these procedures,
11 shall enlist the aid of borough residents who are actively interested
12 in working with young people. Following adoption of the procedures,
13 the commission shall accept applications from individuals and nomina-
14 tions for consideration, and shall interview all applicants or nominees.

15 (b) Recommendations of the commission shall be limited to young
16 people who

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

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

21 (c) Annually, the commission shall evaluate the program and
22 shall submit a written report to the assembly.

23 Sec. 07.40.024. INTERNS. An intern may be appointed to serve
24 on the staff of the assembly or the borough executive for a period of
25 time prescribed by the assembly, with a maximum of one year. He may
26 be assigned responsibilities in any office, department or agency of
27 the borough. Service will begin at a time prescribed by the assembly.
28 Interns shall be appointed without regard to political affiliation.
29 Salaries shall be individually established by the assembly on the basis