

ALASKA LEGISLATIVE COMMITTEE FILES 1971-1972 8672
/88 FREE CONF COMM RE: MINIC CODE REVISION; HB 208/SB 113

1 of prior experience and the responsibilities of the position to which
2 the intern is assigned.

3 Sec. 07.40.025. APPOINTMENT TO BOROUGH BOARDS AND COMMISSIONS.

4 (a) Notwithstanding AS 39.05.100 or a provision of law relating to
5 age, the assembly may appoint any 17 through 21 year old borough resident
6 to a borough board or commission if recommended by the borough youth
7 involvement commission.

8 (b) A young person recommended by the commission may be appointed
9 to borough boards or commissions with special qualifications for
10 membership if the proposed nominee, except for his age, meets the
11 required qualifications set by law.

12 (c) An individual appointed to a borough board or commission
13 under this section is entitled to the rights, privileges and responsi-
14 bilities of other members, and his appointment is subject to confirma-
15 tion by the assembly when required by law. No additional seat on a
16 borough board or commission is created by virtue of secs. 20 - 25 of
17 this chapter.

18 * Sec. 3. AS 29.95 is amended by adding new sections to read:

19 ARTICLE 2. INVOLVEMENT OF YOUNG PEOPLE
20 IN CITY GOVERNMENT.

21 Sec. 29.95.020. ESTABLISHMENT OF COMMISSION. A city council by
22 ordinance may create a commission on the involvement of young people
23 in city government.

24 Sec. 29.95.021. COMPOSITION AND CHAIRMAN. The commission may
25 consist of not more than nine members, drawn from fields of public
26 affairs, education, the sciences, the professions, other fields of
27 private endeavor, from the state or local service, and three additional
28 members from the 17 through 22 age group, and shall include women and
29 representatives of minority groups. The members shall be appointed

1 by the city council in the manner prescribed by ordinance without
2 regard to political affiliation and shall serve at the pleasure of
3 that body. One member shall be designated by the council as chairman
4 of the commission.

5 Sec. 29.95.022. COMPENSATION AND PER DIEM. Members of the
6 commission serve without compensation but are entitled to per diem
7 and travel expenses as may be authorized by ordinance.

8 Sec. 29.95.023. FUNCTIONS OF THE COMMISSION. (a) The commission
9 shall establish procedures to enable it to recommend annually to the
10 council a group of promising young men and women from whom the council
11 may select interns and youth voting members of city boards and commis-
12 sions. The commission, in establishing these procedures, shall enlist
13 the aid of city residents who are actively interested in working with
14 young people. Following adoption of the procedures, the commission
15 shall accept applications from individuals and nominations for consider-
16 ation, and shall interview all applicants or nominees.

17 (b) Recommendations of the commission shall be limited to young
18 people who

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

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

23 (c) Annually, the commission shall evaluate the program and
24 shall submit a written report to the council.

25 Sec. 29.95.024. INTERNS. An intern may be appointed to serve
26 on the staff of the council or the city executive for a period of time
27 prescribed by the council, with a maximum of one year. He may be
28 assigned responsibilities in any office, department or agency of the
29 city. Service will begin at a time prescribed by the council. Interns

1 shall be appointed without regard to political affiliation. Salaries
2 shall be individually established by the council on the basis of prior
3 experience and the responsibilities of the position to which the intern
4 is assigned.

5 Sec. 29.95.025. APPOINTMENT TO CITY BOARDS AND COMMISSIONS. (a)
6 Notwithstanding AS 39.05.100 or a provision of law relating to age,
7 the council may appoint any 17 through 21 year old city resident to a city
8 board or commission if recommended by the city youth involvement
9 commission.

10 (b) A young person recommended by the commission may be appointed
11 to city boards or commissions with special qualifications for member-
12 ship if the proposed nominee, except for his age, meets the required
13 qualifications set by law.

14 (c) An individual appointed to a borough board or commission
15 under this section is entitled to the rights, privileges and responsi-
16 bilities of other members, and his appointment is subject to confirma-
17 tion by the council when required by law. No additional seat on a
18 city board or commission is created by virtue of secs. 20 - 25 of this
19 chapter.

20 * Sec. 4. AS 14.14 is amended by adding new sections to read:

21 ARTICLE 3. INVOLVEMENT OF YOUNG PEOPLE
22 IN SCHOOL GOVERNANCE.

23 Sec. 14.14.300. ESTABLISHMENT OF COMMITTEE. A school board may
24 create a committee or other advisory body on the involvement of young
25 people in school governance.

26 Sec. 14.14.301. COMPOSITION AND CHAIRMAN. The committee may
27 consist of not more than nine members, drawn from the fields of public
28 affairs, education, the sciences, the professions, other fields of
29 private endeavor, from the state or local service, and three additional

1 members from the 17 through 22 age group, and shall include and
 2 representatives of minority groups. The members shall be appointed
 3 by the board in the manner prescribed by the board without regard
 4 to political affiliation and shall serve at the pleasure of that body.
 5 One member shall be designated by the board as chairman of the
 6 committee.

7 Sec. 14.14.302. COMPENSATION AND PER DIEM. Members of the
 8 committee or other advisory body serve without compensation but are
 9 entitled to per diem and travel expenses as may be authorized by the
 10 board.

11 Sec. 14.14.303. FUNCTIONS OF THE COMMITTEE. (a) The committee
 12 shall establish procedures to enable it to recommend annually to the
 13 board a group of promising young men and women from whom the board may
 14 select interns and youth voting members of district committees or
 15 other advisory bodies. The committee, in establishing these procedures
 16 shall enlist the aid of district residents who are actively interested
 17 in working with young people. Following adoption of the procedures,
 18 the committee shall accept applications from individuals and nomina-
 19 tions for consideration, and shall interview all applicants or nominees

- 20 (b) Recommendations of the committee shall be limited to young
 21 people who
- 22 (1) have a capacity, desire, interest, ability and potential
 - 23 for leadership and service to the community and to the state;
 - 24 (2) will have attained the age of 17 but not the age of
 - 25 22 before the beginning of their service.

26 (c) Annually, the committee shall evaluate the program and shall
 27 submit a written report to the board.

28 Sec. 14.14.304. INTERNS. An intern may be appointed to serve
 29 on the staff of the board or the district administrator for a period

1 of time prescribed by the board, with a maximum of one year. He may
 2 be assigned responsibilities in any office, department or agency of
 3 the district. Service will begin at a time prescribed by the board.
 4 Interns shall be appointed without regard to political affiliation.
 5 Salaries shall be individually established by the board on the basis of
 6 prior experience and the responsibilities of the position to which the
 7 intern is assigned.

8 Sec. 14.14.305. APPOINTMENT TO DISTRICT COMMITTEES OR OTHER
 9 ADVISORY BODIES. (a) Notwithstanding AS 39.05.100 or a provision of
 10 law relating to age, the board may appoint any 17 through 21 year old
 11 district resident to a district committee or advisory body if recom-
 12 mended by the youth involvement committee.

13 (b) A young person recommended by the committee may be appointed
 14 to district committees or advisory bodies with special qualifications
 15 for membership if the proposed nominee, except for his age, meets the
 16 required qualifications set by law.

17 (c) An individual appointed to a district committee or advisory
 18 body under this section is entitled to the rights, privileges and
 19 responsibilities of other members, and his appointment is subject to
 20 confirmation by the board when required by law. No additional seat
 21 on a district committee or advisory body is created by virtue of
 22 secs. 300 - 305 of this chapter.

23 Sec. 14.14.306. In secs. 300 - 306 of this chapter

24 (1) "board" means the governing body of a borough or city
 25 school district, or the Board of Directors for the State-Operated
 26 Schools;

27 (2) "district" means a borough or city school district or
 28 the state-operated school system.

29 * Sec. 5. This Act takes effect on the day after its passage and

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1 approval or on the day it becomes law without approval.

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Introduced: 4/30/71
Referred: Local Government

1 IN THE HOUSE BY SPECKING BY REQUEST

2 HOUSE BILL NO. 456

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 exercise of planning, platting
7 and zoning powers within organized boroughs."

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

9 * Section 1. AS 07.15.340 is amended by adding new subsections to read:

10 (d) The governing body of a home rule or first class city may
11 at its option by ordinance assume the exercise of planning, platting
12 and zoning powers within its boundaries in lieu of borough exercise of
13 those powers within the city. The provisions of (a) and (b) of this
14 section do not restrict the authority conferred in this subsection,
15 and the city may exercise the planning, platting and zoning power as
16 provided in its charter or by ordinance.

17 (e) If the governing body of a home rule or first class city
18 within a borough elects to exercise planning, platting and zoning
19 powers as provided in (d) of this section, the borough continues to
20 exercise the powers in all areas of the borough outside that city. In
21 addition the city governing body may by ordinance choose to reinvest
22 the assembly with authority to exercise the powers within the city.

23 * Sec. 2. AS 07.15.310 is amended to read:

24 Sec. 07.15.310. SCOPE OF AREAWIDE POWERS. Except as provided in
25 sec. 340(d) and (e) of this chapter, first [FIRST] and second class
26 boroughs shall exercise the powers specified in secs. 310 - 350 of
27 this chapter on an areawide basis, both within and outside cities of
28 any class within its boundaries. Except as provided in sec. 340(d) and
29 (e) of this chapter, no [NO] city of any class, whether home rule or

not, within an organized borough, may exercise any areawide power provided in this section or specified in the petition approved by the voters for incorporation once that power is being exercised by an organized borough.

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Introduced: 5/10/71
Referred: Local Government
and Finance

1 IN THE HOUSE

BY HUBER, BRADNER, FINK, HOLM
AND WARWICK

2 HOUSE BILL NO. 470

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 the sources of revenue for the
7 payment of bonded indebtedness; and providing for an
8 effective date."

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

10 * Section 1. AS 07.15.030(3) is amended to read:

11 (3) on a service area basis for functions performed in a
12 service area only; payment of debt principal and interest as well as
13 other costs shall be limited to the service area, except that, subject
14 to the election requirements of AS 07.30.010(b), the full faith and
15 credit of the entire borough, subject to AS 29.30.025, may be pledged
16 to guarantee payment of principal and interest.

17 * Sec. 2. AS 29.30 is amended by adding a new section to read:

18 Sec. 29.30.025. PERMISSIBLE SOURCES OF REVENUE FOR DEBT PAYMENTS.

19 If, after the effective date of this Act, a city or borough, whether
20 home rule or general law, is unable to pay the principal and interest
21 of bonded or other indebtedness from municipal revenue sources other
22 than ad valorem taxes, the state shall levy and collect, in a manner
23 prescribed by regulation of the Department of Revenue, a consumers
24 sales tax on the sales price of all retail sales, rents, and services
25 made within the city or borough, only for the purpose of, and at a
26 rate not exceeding two per cent for a maximum of 20 years, satisfying
27 the payments, notwithstanding other provisions of law limiting the
28 permissible rate of sales tax levy within a municipality or requiring
29 voter approval for a sales tax levy. In no event may ad valorem

1 taxes be levied to amortize bonded or other indebtedness incurred
2 after the effective date of this Act.

3 * Sec. 3. AS 29.50.040 is amended to read:

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5 Sec. 29.50.040. LEVY OF TAXES AND PLEDGE OF REVENUES. The
6 governing body shall provide for the levy and collection of taxes
7 other than ad valorem taxes, in the case of bonds authorized and
8 issued after the effective date of this Act, in amounts sufficient to
9 pay the principal and interest on the bonds as they become due, and
10 may [, IN ADDITION TO PAYMENT FROM THE LEVY AND COLLECTION OF AD
11 VALOREM TAXES,] provide for payment of principal and interest from
12 such special funds or other revenues as the governing body may
13 specifically pledge for payment. The pledge of a special fund or other
14 revenues is a binding obligation, according to its terms, to continue
15 the collection of the special fund or revenues so long as the bonds
16 or any of them, are outstanding, notwithstanding any other provision
17 of law.

18 * Sec. 4. This Act takes effect on July 1, 1971.
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IN THE HOUSE

BY KERTTULA

HOUSE BILL NO. 474

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

A BILL

For an Act entitled: "An Act relating to the taxation of real property."

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

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

Sec. 29.10.337. LIMIT ON TAX LEVY. The real property tax levied under sec. 335 of this chapter on a private dwelling, which is the principal place of residence of the taxpayer, may not exceed five per cent of the taxpayer's annual net income indicated by the state income tax return for the previous calendar year. As used in this section, "principal place of residence of a taxpayer" is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return.

Introduced: 2/7/72
Referred: Local Government
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

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IN THE HOUSE

HOUSE BILL NO. 596

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

A BILL

For an Act entitled: "An Act providing for boroughs in the unorganized
borough; and providing for an effective date."

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

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

CHAPTER 04. BOUNDARIES AND ORGANIZATION OF BOROUGHES
IN THE UNORGANIZED BOROUGH.

ARTICLE 1. BOUNDARIES, ADMINISTRATION AND INCORPORATION.

Sec. 07.04.010. BOUNDARIES. By the tenth day following the
convening of the first session of the Eighth Legislature, the Local
Boundary Commission shall propose to the legislature a division of the
unorganized area of the state into unorganized boroughs. The Local
Boundary Commission may propose adjustments to the boundaries of exist-
ing boroughs to the extent necessary to secure conformity with the
standards for borough boundaries set forth in the statutes and in the
Constitution of the State of Alaska. A proposed adjustment of existing
boundaries shall provide for those transitional matters the commission
considers necessary or appropriate. The boundaries proposed by the
Local Boundary Commission become effective 45 days after presentation
or at the end of the session whichever is earlier, unless disapproved
by resolution concurred in by a majority of the members of each house.
The proposed division is not subject to modification by the legislature
as an alternative to disapproval, and if disapproved by the legislature
the proposed division made in accordance with this section is of no
effect.

1 Sec. 07.04.020. ADMINISTRATION. Unorganized boroughs shall be
2 administered by the Department of Community and Regional Development
3 as prescribed by the legislature.

4 Sec. 07.04.030. ADVISORY COUNCIL. In each unorganized borough
5 the lieutenant governor, within 60 days of the establishment of unorg-
6 anized boroughs in the manner provided in sec. 10 of this chapter shall
7 provide for election of an advisory council of 11 members. The council
8 may participate in an advisory capacity in the development and imple-
9 mentation of state programs and projects relating to the borough.
10 Elections of council members shall be held every four years.

11 Sec. 07.04.035. COUNCIL MEMBERSHIP. At the time of election and
12 during their tenure advisory council members shall be qualified voters
13 of the state and residents of the borough. A vacancy on the advisory
14 council shall be filled by a person qualified for election to the
15 advisory council and selected by majority vote of the remaining members
16 of the council. If a majority of seats on the advisory council are
17 vacant concurrently, the lieutenant governor shall fill the vacancies
18 by appointment of persons qualified for election to the advisory
19 council.

20 Sec. 07.04.040. INCORPORATION. A percentage, determined in
21 accordance with AS 07.10.020(8), of the qualified voters of an unorgan-
22 ized borough may petition for organization of the borough as a borough
23 of the first, second or third class in the manner provided in AS 07.10
24 and 07.17, except that the petition need not include matter relating to
25 boundaries.

26 ARTICLE 2. HOME RULE CHARTERS.

27 Sec. 07.04.050. ADOPTION OF CHARTER. An unorganized borough
28 established under this chapter may adopt a home rule charter in the
29 manner prescribed by AS 29.40.010 - 29.40.030 and AS 29.85.110(a) - (d),

1 Community and Regional Development an amended charter fairly meeting
2 the stated objections to the original charter. The amended charter
3 shall be evaluated in the same manner as the original charter. No more
4 than one original and one amended charter may be submitted within one
5 12 month period.

6 Sec. 07.04.110. RATIFICATION OF CHARTER. If the Local Boundary
7 Commission determines that the charter meets the standards for organ-
8 ization it shall notify the lieutenant governor. As soon thereafter as
9 practicable the lieutenant governor shall provide for an election in
10 the borough on the question of whether or not the charter is ratified
11 and for election of the officers provided for in the charter. The
12 election shall be preceded by publication and posting of the proposed
13 charter by the lieutenant governor substantially in the manner provided
14 for other charter elections in AS 29.85.150.

15 Sec. 07.04.120. CERTIFICATION OF RESULTS. If a majority of the
16 votes cast by the qualified voters of the borough are against ratific-
17 ation the lieutenant governor shall so certify and shall certify that
18 the charter is defeated. If a majority of the votes cast by the quali-
19 fied voters on the question are in favor of ratification the lieutenant
20 governor shall so certify and declare that the borough in which the
21 election was held is an organized borough and a municipal corporation
22 in accordance with the terms of the charter. The lieutenant governor
23 shall also certify the names of those candidates who received the great-
24 est number of votes for the offices established by the charter.

25 Sec. 07.04.125. VOTERS, ELECTIONS AND COSTS. (a) A person
26 is qualified to vote in a borough election authorized in this chapter
27 if he is qualified to vote in state elections and if he is a resident
28 of the borough.

29 (b) The lieutenant governor shall supervise elections under this

1 chapter as provided for supervision of other borough elections under
2 AS 07.10.120(d).

3 (c) The state through the office of the lieutenant governor
4 shall assume the costs of elections and charter preparation under this
5 chapter.

6 * Sec. 2. Nothing in this Act may be construed to affect any organiz-
7 ation petition pending on the effective date of this Act. All such petitions
8 shall be acted upon in the manner provided by law in effect prior to the
9 effective date of this Act.

10 * Sec. 3. AS 07.05.010 and AS 07.05.040 are repealed.

11 * Sec. 4. This Act takes effect July 1, 1972.

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Introduced: 2/14/72
Referred: Local Government
and State Affairs

1 IN THE HOUSE

BY FISCHER AND HUBER

2 HOUSE BILL NO. 660

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 governance of the unorganized
7 borough; and providing for an effective date."

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

9 * Section 1. AS 07.05 is amended by adding new sections to read:

10 Sec. 07.05.050. ASSEMBLY. The legislature, in joint session
11 sitting as a unicameral body, acts by ordinance or resolution as the
12 assembly for the unorganized borough.

13 Sec. 07.05.060. ASSEMBLY OFFICERS. The president of the senate
14 serves as temporary borough chairman until the permanent chairman is
15 elected by a majority vote of the membership of the assembly. The
16 assembly may provide for the election of additional officers.

17 Sec. 07.05.070. RULES AND QUORUM. The assembly may adopt rules
18 for the conduct of its business by a majority vote of the membership
19 of the assembly. A majority of the membership of the assembly consti-
20 tutes a quorum to do business. Passage of an ordinance or adoption
21 of a resolution requires an affirmative vote of a majority of the mem-
22 bership of the assembly.

23 Sec. 07.05.080. POWERS. The assembly has the powers of a first
24 class borough. It may pass ordinances relating to schools, planning
25 and zoning, assessment and taxation, and any other subject or activity
26 with which a first class organized borough is empowered to deal.

27 * Sec. 2. This Act takes effect on the date a constitutional amendment
28 amending sec. 6, art. X, Constitution of the State of Alaska, establishing
29 the legislature as the assembly for the unorganized borough becomes effective

Introduced: 2/29/72
Referred: Health, Welfare
and Education

BY THE HEALTH, WELFARE AND
EDUCATION COMMITTEE

1 IN THE HOUSE

2 HOUSE BILL NO. 709

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 terms of office of members of
7 school boards."

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

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

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

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Introduced: 3/3/72
Referred: Local Government,
State Affairs and Judiciary

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 HOUSE BILL NO. 720
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 incorporation of boroughs;
7 and providing for an effective date."

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

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

10 Sec. 07.10.115. APPROVAL BY LEGISLATURE. If the Local Boundary
11 Commission accepts the petition, and before an election under sec. 120
12 of this chapter, the commission shall present the proposed borough
13 incorporation to the legislature during the first 10 days of a regular
14 session. The incorporation shall be approved by the legislature 45
15 days after presentation or at the end of the session, whichever is
16 earlier, unless disapproved by a resolution concurred in by a majority
17 of the members of each house.

18 * Sec. 2. AS 07.10.120(a) is amended to read:

19 (a) Date of election. Upon the approval of the proposed incor-
20 poration by the legislature, the Local Boundary Commission [IF THE
21 LOCAL BOUNDARY COMMISSION ACCEPTS THE PETITION, IT] shall immediately
22 notify the lieutenant governor of its action and shall furnish him
23 with such information on the proposed incorporation as he requires.
24 Within 30 days after the receipt of his notification, the lieutenant
25 governor shall issue an order that an election be held within the
26 proposed organized borough to determine the question of whether the
27 qualified voters of the proposed organized borough desire to be
28 incorporated; and if so, to elect members of the first assembly of the
29 borough, the borough chairman, and the members of the first school

1 board, and to determine whether the borough shall have an appointed
 2 borough manager or an elected borough chairman. The date of the
 3 election specified by the lieutenant governor in the order shall be
 4 not less than 30 nor more than 90 days after the date of the order of
 5 election. The lieutenant governor shall also specify in the election
 6 order the dates during which petitions for nominations may be filed
 7 with him.

8 * Sec. 3. AS 44.19.260(a) is amended by adding a new paragraph to read:

9 (5) present to the legislature during the first 10 days of
 10 a regular session proposed borough incorporations.

11 * Sec. 4. Notwithstanding the provisions of AS 07.10.115, with respect
 12 to any borough proposed for incorporation after February 15, 1972, and
 13 before an election under AS 07.10.020, the Local Boundary Commission shall
 14 submit the proposed borough incorporation to the legislature.

15 * Sec. 5. This Act takes effect February 15, 1972.
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Introduced: 3/9/72
Referred: Resources and
State Affairs

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 729

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 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) As
12 a condition to approval by the platting board of a proposed subdivision
13 for new housing construction, a subdivider shall dedicate a designated
14 net acreage per cent of the gross area on the plat for park and open
15 space purposes, according to the following formula: $H = \left[\left(\frac{B}{A} \right) XC \right] XE$ XG

16 H = percentage of net acreage required for neighborhood park purposes

17 A = average lot size in proposed subdivisor. (sq. ft.)

18 B = the number of square feet in an acre available for residential
19 development

20 C = maximum dwelling units per lot allowed by the applicable zoning
21 ordinance

22 E = average persons per dwelling unit in the zoning district

23 G = acreage standard for neighborhood parks divided by the number of
24 people that acreage should serve.

25 (b) For purposes of the formula specified in (a) of this section,
26 the platting board shall determine the number of square feet in an
27 acre available for residential development "B", and the acreage standard
28 for neighborhood parks and the number of people that acreage should
29 serve "G".

1 (c) A city acquiring a parcel of improved or unimproved land
 2 through foreclosure, purchase, condemnation, exchange or otherwise may
 3 dedicate all or part of the parcel for park and open space purposes if
 4 the governing body, after consideration of the advice of the planning
 5 commission, the results of the application of the formula specified in
 6 (a) of this section, and an absence or lack of proximate park and open
 7 space sites to accommodate the population of the area, determines that
 8 the best use of the property is for park and open space purposes.

9 (d) To facilitate development of ample parks and open space
 10 areas within the city, the governing body may provide for sale, ex-
 11 change or other disposition of parcels acquired under this section
 12 for the sole purpose of consolidating or rearranging parks and open
 13 space areas to provide improved facilities.

14 (e) Up to five per cent of the amount of land required to be
 15 dedicated under (a) of this section, shall be dedicated without compen-
 16 sation. Any percentage required to be dedicated above five per cent
 17 shall be compensated at fair market value by the local governing body
 18 for the area in which the land is located.

19 (f) The amount of local contribution required under (e) of this
 20 section shall be reduced by a reimbursement to the local governing
 21 body of up to 50 per cent by the state; however, if available, federal
 22 funds shall reduce the state contribution and if federal funds exceed
 23 the amount of the state contribution, the excess over the state contri-
 24 bution inures to the benefit of the local government.

25 (g) This section does not apply to a subdivision if, under a
 26 plan or program other than the formula specified in this section, a
 27 park or open space area at least as large as the area required to be
 28 dedicated under (a) of this section is provided within the gross area of
 29 the subdivision on a permanent basis.

1 (h) In this section "subdivision" means "subdivision" as defined
2 in AS 40.15.190(2).

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

4 Sec. 29.08.220. DEDICATION OF PARKS AND OPEN SPACE AREAS.
5 AS 29.10.128, relating to dedication of parks and open space areas,
6 applies to home rule cities.

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

8 Sec. 07.12.100. DEDICATION OF PARKS AND OPEN SPACE AREAS.
9 AS 29.10.128, relating to dedication of parks and open space areas,
10 applies to home rule boroughs.

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

12 Sec. 29.15.290. APPLICATION OF LAWS GOVERNING FIRST CLASS CITIES.
13 All laws and parts of laws empowering and regulating first class
14 cities on special assessments, public utilities, airports, public
15 service rates, franchises, acquisition and disposition of property,
16 motor vehicles and motor vehicle operators, [AND] schools, and dedi-
17 cation of parks and open space areas, apply to second class cities.

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

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

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

25 Sec. 29.25.297. PARKS AND RECREATION. The council may provide
26 for the location, construction, operation and maintenance of parks,
27 trails, playgrounds and community centers and the preservation of the
28 scenic and historic resources of the community, subject to the same
29 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 commissioner may classify public lands as parks, scenic overlooks, cultural sites and recreation areas as long as the general intent of this

chapter is maintained.

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

* Sec. 10. AS 43,18.010 is amended by adding a new subsection to read:

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

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

(a) In areas of the unorganized borough where there is no political subdivision of the state with a zoning power, the division of lands, Department of Natural Resources, shall exercise the zoning power by adopting zoning regulations. The provisions of AS 29.10.128(a) and (d) apply to subdivisions proposed within the area of the unorganized borough outside incorporated cities, except that the division of lands shall exercise the responsibilities conferred upon platting boards

1 under AS 29.10.128(a).

2 * Sec. 12. This Act takes effect July 1, 1972.

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FCC Notebook

Volume 3

Bills Considered

LOCAL GOV. ASST.

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(3 of 3)

VOLUME 3

BILLS CONSIDERED

ALASKA LOCAL GOVERNMENT

1 IN THE SENATE

BY HAMMOND

2 SENATE BILL NO. 37

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 power of organized boroughs to
7 prohibit water pollution."

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. 07.15.370. WATER POLLUTION CONTROL. (a) The assembly of
11 the first and second class borough may by ordinance prohibit pollution
12 of waters wholly or partially within, or bordering, the borough or
13 otherwise under its jurisdiction and may impose and collect fines for
14 violations of an ordinance adopted. Each day on which a violation
15 occurs may be declared a separate violation for which a fine may be
16 imposed and collected.

17 (b) An ordinance adopted under this section may not conflict with
18 the provisions of state or federal statutes or regulations controlling
19 water pollution or establish standards for determining water pollution
20 which are more stringent than those of state or federal statutes or
21 regulations.

22 (c) Upon adoption of an ordinance under this section, no general
23 law or home rule city within the borough may exercise within the city
24 the powers conferred in the ordinance, unless the ordinance provides
25 otherwise or the borough by subsequent ordinance ceases to exercise the
26 power. The exercise of the areawide power is at the option of the
27 borough and is not subject to the restrictions on acquiring additional
28 areawide powers specified in sec. 350 of this chapter.

29 (d) In (a) of this section "pollution" has the meaning set out

1 in AS 46.05.230(5) (the Water Pollution Control Act) and "waters"
2 includes those classifications of water bodies set out in AS 46.05.-
3 230(10).

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

5 (d) The assembly of the third class borough may by ordinance
6 prohibit water pollution as provided for first and second class
7 boroughs in AS 07.15.370. The exercise of the power is at the option
8 of the borough and is not subject to the restrictions on acquiring
9 additional powers provided for other boroughs.
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1 IN THE SENATE

BY YOUNG

2 SENATE BILL NO. 44

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing state grants to organized boroughs
7 and cities for protection of land endangered by flood-
8 ing or erosion, and otherwise relating to protection
9 of this land."

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

11 * Section 1. AS 43.18 is amended by adding a new section to read:

12 Sec. 43.18.300. STATE AID FOR PROTECTION OF ENDANGERED LAND.

13 (a) An organized borough or a city located outside an organized
14 borough is entitled to state grants to supplement local funds which are
15 expended after July 1, 1971 for costs of protecting endangered land, in
16 the ratio of 75 per cent state funds to 25 per cent local matching
17 funds, as provided in this section.

18 (b) To qualify for a grant under this section, the governing body
19 shall furnish to the commissioner proof in the form required by him
20 that it has deposited in a local municipal capital project fund sepa-
21 rate from other municipal funds and accounts an amount to be utilized
22 solely for costs of protecting endangered land. The amount deposited
23 as a local share may be derived from any source other than the state.
24 In accepting proof of deposit of the local share, the commissioner shall
25 allow as part of the share the reasonable value of in-kind contributions
26 pledged and directly related to payment of the costs of protecting
27 endangered land. Determination of value by the commissioner is final.
28 Upon receipt of satisfactory proof of deposit of the local share in the
29 municipal capital project fund, the commissioner shall provide for

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1 allocation from state appropriations available for the purpose payment
2 in the ratio authorized in (a) of this section.

3 (c) State money and equal amounts of local money deposited in a
4 municipal capital project fund under this section shall be utilized
5 solely to pay costs of measures intended to prevent or control flooding
6 or soil erosion with respect to endangered land.

7 (d) The commissioner shall require accounting of money in the
8 municipal capital project fund in the uniform manner set out in the
9 Manual of Governmental Accounting, Auditing and Financial Reporting,
10 1968, as supplemented, issued by the National Committee on Governmental
11 Accounting.

12 (e) The endangered land grant account is established. Funds
13 to carry out the provisions of this section may be appropriated annually
14 by the legislature to the account. If amounts in the account are insuf-
15 ficient for the purpose of each local government's share authorized in
16 this section, such funds as are available shall be distributed pro rata
17 among eligible local governments.

18 (f) Money in the grant account which, at the end of the fiscal
19 year for which the money is appropriated, exceeds the amount required
20 for the allocations authorized in this section reverts to the general
21 fund.

22 (g) The department shall provide an annual report to the legis-
23 lature respecting grants made under this section.

24 (h) The department may promulgate regulations to implement this
25 section.

26 (i) In this section

27 (1) "commissioner" means the commissioner of natural re-
28 sources;

29 (2) "endangered land" means publicly or privately-owned land,

1 whether developed or not, which in the determination of the governing
2 body and commissioner is subject to a substantial threat or condition
3 of flooding or erosion because of its particular situation in the
4 municipality;

5 (3) "department" means the department of natural resources;

6 (4) "governing body" means the governing body of an organized
7 borough or a city of any class located outside an organized borough.

8 * Sec. 2. AS 07.15.350 is amended by adding a new section to read:

9 Sec. 07.15.370. LAND PROTECTION. The assembly of the first or
10 second class borough may by ordinance or otherwise take action it con-
11 siders necessary to prevent or control damage as a result of flooding
12 or erosion of land within the borough. The exercise of the areawide
13 power conferred in this section is at the option of the borough and is
14 not subject to the restrictions on acquiring additional areawide powers
15 specified in sec. 350 of this chapter.

16 * Sec. 3. AS 07.17.020 is amended by adding a new subsection to read:

17 (c) The assembly of the third class borough may by ordinance or
18 otherwise take action it considers necessary to prevent or control
19 damage as a result of flooding or erosion of land within the borough.
20 The exercise of the areawide power conferred in this subsection is at
21 the option of the borough and is not subject to the restrictions on
22 acquiring additional areawide powers specified for other boroughs.

23 * Sec. 4. AS 29.10 is amended by adding a new section to read:

24 Sec. 29.10.134. LAND PROTECTION. The council of a first class
25 city located outside an organized borough may by ordinance or otherwise
26 take action it considers necessary to prevent or control damage as a
27 result of flooding or erosion of land within the city.

28 * Sec. 5. AS 29.15 is amended by adding a new section to read:

29 Sec. 29.15.155. LAND PROTECTION. The board of trustees of a

second class city located outside an organized borough may by ordinance or otherwise take action it considers necessary to prevent or control damage as a result of flooding or erosion of land within the city.

* Sec. 6. AS 29.20 is amended by adding a new section to read:

Sec. 29.20.065. LAND PROTECTION. The board of trustees of a third class city located outside an organized borough may by ordinance or otherwise take action it considers necessary to prevent or control damage as a result of flooding or erosion of land within the city.

* Sec. 7. AS 29.25 is amended by adding a new section to read:

Sec. 29.25.245. LAND PROTECTION. The council of a fourth class city located outside an organized borough may by ordinance or otherwise take action it considers necessary to prevent or control damage as a result of flooding or erosion of land within the city.

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Offered: 1/27/71
Referred: Local Government

1 IN THE SENATE

BY RAY

2 SENATE BILL NO. 74

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 power of third class boroughs to
7 incur indebtedness."

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

9 * Section 1. AS 07.17.020 is amended by adding a new subsection to read:

10 (c) A third class borough may borrow money and issue negotiable
11 general obligation, revenue or refunding bonds and other evidences
12 of indebtedness as provided for first and second class boroughs in
13 AS 07.15.010(12) and 07.15.030.
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Offered: 1/28/71
Referred: Local Government

BY THE RULES COMMITTEE
BY REQUEST OF THE
LEGISLATIVE COUNCIL

1 IN THE SENATE

2 SENATE BILL NO. 79

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 business inventories from property
7 taxes levied by local governments; and providing for
8 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 household
12 furniture of the head of a family or a householder not exceeding
13 \$500 in value; business inventories; all property used exclusively
14 for nonprofit religious, charitable, cemetery, hospital, or educational
15 purposes; the property of an organization, not organized for business
16 purposes, whose membership is composed entirely of individuals with
17 90 days or more of active service in the armed forces of the United
18 States whose conditions of service and separation were other than
19 dishonorable, or the property of the auxiliary of any such organiza-
20 tion; and all money on deposit are exempt from taxation.

21 * Sec. 2. This Act takes effect July 1, 1971.
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Offered: 1/28/71
Referred: Local Government

BY JOSEPHSON, CROFT, GROH,
RADER, THOMAS

1 IN THE SENATE

2 SENATE BILL NO. 82

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 the granting of public transit
7 powers to first class cities."

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. 29.10.118. PUBLIC TRANSPORTATION CONSTRUCTION AND MAINTENANCE.
11 The council may provide for the location, construction, purchase
12 establishment, operation and maintenance of public transportation
13 systems including the acquisition and construction of appropriate
14 rights-of-way, and may expend city funds for this purpose.
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Original sponsor: Hensley

Offered: 3/26/71
Referred: Rules

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IN THE SENATE

BY THE JUDICIARY COMMITTEE

HOUSE CS FOR SENATE BILL NO. 117

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to eminent domain powers of fourth class cities."

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

* Section 1. AS 29.25 is amended by adding a new section to read:

Sec. 29.25.335. EMINENT DOMAIN. The council may exercise the powers of eminent domain and declaration of taking in the performance of an authorized city power or function, in accordance with AS 09.55.-250 - 09.55.460. Before exercising the power, the council shall request or petition the Local Affairs Agency for permission to exercise the power. The council may not exercise the power of eminent domain or declaration of taking without the formal approval of the Local Affairs Agency. The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or special election called for that purpose. A majority of the qualified voters voting on the question is required for approval of the ordinance.

Original sponsors: Hensley and Croft

Offered: 3/26/71
Referred: Rules

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

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HOUSE CS FOR SENATE BILL NO. 119

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to historic preservation."

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

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* Section 1. AS 41 is amended by adding a new chapter to read:

9

CHAPTER 35. ALASKA HISTORIC PRESERVATION ACT.

10

11 Sec. 41.35.010. DECLARATION OF POLICY. It is the policy of the
12 state to preserve and protect the historic, prehistoric and archeological
13 resources of Alaska from loss, desecration and destruction so that the
14 scientific, historic and cultural heritage embodied in these resources
15 may pass undiminished to future generations. To this end, the legisla-
16 ture finds and declares that the historic, prehistoric and archeological
17 resources of the state are properly the subject of concerted and co-
18 ordinated efforts exercised on behalf of the general welfare of the
19 public in order that these resources may be located, preserved, studied,
20 exhibited and evaluated.

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21 Sec. 41.35.020. TITLE TO HISTORIC, PREHISTORIC AND ARCHEOLOGICAL
22 RESOURCES; LOCAL DISPLAY. (a) The State of Alaska reserves to itself
23 title to all historic, prehistoric and archeological resources situated
24 on land owned or controlled by the state, including tidelands and sub-
25 merged lands, and reserves to itself the exclusive right of field
26 archeology on state-owned or controlled lands. However, nothing in
27 this chapter diminishes the cultural rights and responsibilities of
28 persons of aboriginal descent or infringes upon their right of posses-
29 sion and use of those resources which may be considered of historic,
prehistoric or archeological value.

1 (b) Although title to historic, prehistoric and archeological
 2 resources is in the State of Alaska, local cultural groups may obtain
 3 from the state, or retain, for study or display, artifacts and other
 4 items of these resources from their respective cultures or areas if
 5 the advisory committee created in sec. 110 of this chapter finds that
 6 (1) the group has a durable building with weatherproof and fireproof
 7 construction and humidity control and other factors necessary to serve
 8 as a museum which will assure safe preservation of the items, (2) the
 9 item sought to be obtained is not one for which there is an undue risk
 10 of damage during transportation, and (3) the item sought to be obtained
 11 or retained is not one requiring special treatment or care beyond the
 12 ability or means of the group requesting it. A group retaining such
 13 an item or obtaining one from the state shall house it in the museum
 14 building and shall make every reasonable effort to assure its safe
 15 preservation. If the advisory committee finds that a local cultural
 16 group is not properly taking care of an item the group shall return it
 17 to the department.

18 Sec. 41.35.030. DESIGNATION OF MONUMENTS AND HISTORIC SITES. Upon
 19 the recommendation of the Historic Sites Advisory Committee, the gover-
 20 nor may declare by public order any particular historic, prehistoric
 21 or archeological structure, deposit, site or other object of scientific
 22 or historic interest that is situated on land owned or controlled by
 23 the state to be a state monument or historic site and he may designate
 24 as a part of the monument or site as much land as is considered
 25 necessary for the proper access, care and management of the object or
 26 site to be protected. When an object or site is situated on land held
 27 in private ownership, it may be declared a state monument or historic
 28 site in the same manner, with the written consent of the owner.

29 Sec. 41.35.040. ADMINISTRATION AND FINANCIAL SUPPORT OF MONUMENTS

1 AND HISTORIC SITES. State-owned monuments, sites and other historic,
 2 prehistoric or archeological properties owned or purchased by the state
 3 are under the control of the Department of Natural Resources and their
 4 maintenance shall be covered in the appropriations made to that depart-
 5 ment. Privately-owned state monuments or historic sites are eligible
 6 to receive state support for their maintenance, restoration and rehabili-
 7 tation if they are kept accessible to the general public and application
 8 for support is made in conformity with regulations adopted by the com-
 9 missioner of natural resources.

10 Sec. 41.35.050. REGULATIONS. The commissioner of natural re-
 11 sources shall adopt regulations to carry out the purposes of this chapter.

12 Sec. 41.35.060. POWER TO ACQUIRE HISTORIC, PREHISTORIC OR
 13 ARCHEOLOGICAL PROPERTIES. (a) The department, with the recommendation
 14 of the Historic Sites Advisory Committee, may acquire real and personal
 15 properties that have statewide historic, prehistoric or archeological
 16 significance by gift, purchase, devise or bequest. The department
 17 shall preserve and administer property so acquired. The department
 18 may acquire property adjacent to the property having historic, pre-
 19 historic or archeological significance when it is determined to be
 20 necessary for the proper use and administration of the significant
 21 property.

22 (b) If an historic, prehistoric or archeological property which
 23 has been found by the department, upon the recommendation of the
 24 Historic Sites Advisory Committee, to be important for state ownership
 25 is in danger of being sold or used so that its historic, prehistoric
 26 or archeological value will be destroyed or seriously impaired, or is
 27 otherwise in danger of destruction or serious impairment, the department
 28 may establish the use of the property in a manner necessary to preserve
 29 its historic, prehistoric or archeological character or value. If the

1 owner of the property does not wish to follow the restrictions of the
2 department, the department may acquire the property by eminent domain
3 under AS 09.55.240 - 09.55.460.

4 Sec. 41.35.070. PRESERVATION OF HISTORIC, PREHISTORIC AND
5 ARCHEOLOGICAL RESOURCES THREATENED BY PUBLIC CONSTRUCTION. (a) The
6 state archeologist shall locate, identify and preserve in suitable
7 records information regarding historic, prehistoric and archeological
8 sites, locations and remains. The information shall be submitted to
9 the heads of the executive departments of the state.

10 (b) Before any public construction or public improvement of any
11 nature is undertaken by the state, or a governmental agency of the
12 state or by a private person under contract with or licensed by the
13 state or governmental agency of the state, the state archeologist may
14 survey the affected area to determine if the area contains historic,
15 prehistoric or archeological values.

16 (c) If the state archeologist determines that historic, prehistoric
17 or archeological sites, locations or remains will be adversely affected
18 by the public construction or improvement, the proposed public construc-
19 tion or improvement may not be commenced until the department in co-
20 operation with the state archeologist has performed the necessary
21 investigation, recording and salvage of the site, location or remains.
22 All investigation, recording and salvage work shall be performed as
23 expeditiously as possible so that no state construction project will
24 be unduly impaired, impeded or delayed.

25 (d) If in the course of performing public construction or improve-
26 ments, historic, prehistoric or archeological sites, locations, remains
27 or objects are discovered, the state archeologist shall be notified
28 and his concurrence shall be requested in continuing the construction
29 or improvement. Upon receipt of this notice, the state archeologist

1 shall survey the area to determine whether the area contains historic,
 2 prehistoric or archeological data which should be preserved in the public
 3 interest. The survey shall be conducted as expeditiously as possible.
 4 If, as a result of the survey, it is determined that (1) such data
 5 exists in the area, (2) the data has exceptional historic, prehistoric
 6 or archeological significance, and should be collected and preserved
 7 in the public interest, and (3) it is feasible to collect and preserve
 8 the data, the department in cooperation with the state archeologist
 9 shall perform the necessary work to collect and preserve the data.
 10 This work shall be performed as expeditiously as possible.

11 (e) If the concurrence of the state archeologist, required under
 12 (b) and (c) of this section, is not obtained after 90 days from the
 13 filing of a request for his concurrence to proceed with the project,
 14 the agency or person performing the construction or improvement may
 15 apply to the governor for permission to proceed without such concur-
 16 rence and the governor may take the action he considers best in over-
 17 ruling or sustaining the state archeologist.

18 (f) The costs of investigation, recording and salvage of the
 19 site shall be reimbursed by the agency sponsoring the construction
 20 project.

21 (g) Notwithstanding (a) and (f) of this section, all actions of
 22 the archeologist to stop any project must first be approved in writing
 23 by the commissioner of natural resources.

24 Sec. 41.35.080. PERMITS. The commissioner, with the advice and
 25 concurrence of the state archeologist, may issue a permit for the
 26 investigation, excavation, gathering or removal from the natural state,
 27 of any historic, prehistoric or archeological resources of the state.
 28 A permit may be issued only to persons or organizations qualified to
 29 make the investigations, excavations, gatherings or removals and only

1 if the results of these authorized activities will be made available to
 2 the general public through institutions and museums interested in
 3 disseminating knowledge on the subjects involved. If the historic,
 4 prehistoric or archeological resource involved is one which is, or is
 5 located on a site which is, sacred, holy or of religious significance
 6 to a cultural group, the consent of that cultural group must be obtained
 7 before a permit may be issued under this section.

8 Sec. 41.35.090. NOTICE REQUIRED OF PRIVATE PERSONS. Before any
 9 construction, alteration or improvement of any nature is undertaken on
 10 a privately-owned, officially designated state monument or historic
 11 site by any person, he shall give the department and the state archeolo-
 12 gist three months notice of intention to construct on, alter or improve
 13 it. Before the expiration of the three-month notification period, the
 14 department shall either begin eminent domain proceedings under sec.
 15 50(b) of this chapter or undertake or permit the recording and salvaging
 16 of any historic, prehistoric or archeological information considered
 17 necessary.

18 Sec. 41.35.100. EXCAVATION AND REMOVAL OF HISTORIC, PREHISTORIC
 19 OR ARCHEOLOGICAL REMAINS ON PRIVATE LANDS. Before any historic, pre-
 20 historic or archeological remains are excavated or removed from private
 21 lands by the department or the state archeologist, the written approval
 22 of the owner shall first be secured. When the value of the private land
 23 is diminished by the excavation or removal, the owner of the land shall
 24 be compensated for the loss at a monetary sum mutually agreed on by
 25 the department and the owner or at a monetary sum set by the court.

26 Sec. 41.35.110. HISTORIC SITES ADVISORY COMMITTEE. There is
 27 created in the Department of Natural Resources the Historic Sites
 28 Advisory Committee.

29 Sec. 41.35.120. COMPOSITION OF COMMITTEE. The committee consists

1 of the following persons:

2 (1) the state archeologist;

3 (2) the state liaison officer appointed under the National
4 Historic Preservation Act of 1966, Public Law 89 - 665;

5 (3) three persons with professionally relevant backgrounds
6 appointed from the following fields: history, anthropology, paleontology,
7 architecture, geology, archeology; and natural history; and

8 (4) two persons appointed to represent indigenous ethnic
9 groups.

10 Sec. 41.35.130. APPOINTMENT OF MEMBERS. Members of the committee
11 are appointed by the governor and confirmed by the legislature meeting
12 in joint session. The members of the committee shall serve at the
13 pleasure of the governor.

14 Sec. 41.35.140. TERM OF MEMBERSHIP. The term of office for a
15 member of the committee is three years, except for those who are members
16 by virtue of their positions with the state. They serve for as long
17 as they remain in the position by virtue of which they are members of
18 the committee. A member appointed to fill a vacancy serves for the
19 unexpired term of the member he succeeds. Of those members listed
20 under sec. 120(3) and (4) of this chapter, upon initial appointment,
21 one shall serve for one year, two for two years, and two for three
22 years.

23 Sec. 41.35.150. COMPENSATION. The members of the committee serve
24 without compensation but are entitled to per diem and travel expenses
25 authorized by law for other boards and commissions.

26 Sec. 41.35.160. OFFICERS. At the first meeting of each year,
27 the committee shall elect a chairman from among its members.

28 Sec. 41.35.170. MEETINGS AND QUORUM. The committee shall meet
29 at least twice a year. Additional meetings may be called by the chair-

1 man or by petition of at least five members. Five members of the com-
2 mittee constitute a quorum.

3 Sec. 41.35.180. DUTIES OF THE COMMITTEE. The Historic Sites
4 Advisory Committee shall

5 (1) develop criteria for the evaluation of state monuments
6 and historic sites and all real and personal property which may be con-
7 sidered to be of historic, prehistoric or archeological significance
8 as would justify their acquisition and ownership by the state;

9 (2) cooperate with the Department of Natural Resources and
10 the state archeologist in formulating and administering a statewide
11 historic sites survey under the National Historic Preservation Act of
12 1966, Public Law 89 - 665;

13 (3) review those surveys and historic preservation plans
14 that may be required, and approve properties for nomination to the
15 National Register as provided for in the National Historic Preservation
16 Act of 1966, Public Law 89 - 665;

17 (4) provide necessary assistance to the governor and the
18 legislature for achieving balanced and coordinated state policies and
19 programs for the preservation of the state's historic, prehistoric and
20 archeological resources.

21 Sec. 41.35.190. POWERS OF CHAIRMAN. Subject to available appro-
22 priations the chairman may, with the concurrence of a majority of the
23 committee, employ necessary personnel and may contract for the services
24 of experts and other persons who may be needed.

25 Sec. 41.35.200. UNLAWFUL ACTS. (a) It is unlawful for a person
26 to appropriate, excavate, remove, injure, or destroy, without a permit
27 from the commissioner, any historic, prehistoric or archeological
28 resources of the state.

29 (b) It is unlawful for a person to knowingly possess, sell, buy

1 or transport within the state, or offer to sell, buy or transport
2 within the state, historic, prehistoric or archeological resources
3 taken or acquired in violation of this section or 16 U.S.C. 433.

4 (c) No person may unlawfully destroy, mutilate, deface, injure,
5 remove or excavate a gravesite or a tomb, monument, gravestone or
6 other structure or object at a gravesite, even though the gravesite
7 appears to be abandoned, lost or neglected.

8 (d) An historic, prehistoric or archeological resource which is
9 taken in violation of this section shall be seized by any person
10 designated in sec. 220 of this chapter wherever found and at any time.
11 Objects seized may be disposed of as the commissioner determines by
12 deposit in the proper public depository.

13 Sec. 41.35.210. PENALTIES. A person who violates a provision
14 of this chapter is guilty of a misdemeanor, and upon conviction is
15 punishable by a fine of \$1,000, or by imprisonment for not more than
16 six months, or by both.

17 Sec. 41.35.220. ENFORCEMENT AUTHORITY. The following persons are
18 peace officers of the state and shall enforce this chapter:

- 19 (1) an employee of the department authorized by the commis-
20 sioner;
- 21 (2) a peace officer in the state;
- 22 (3) any other person authorized by the commissioner.

23 Sec. 41.35.230. DEFINITIONS. In this chapter, unless the context
24 otherwise requires

- 25 (1) "commissioner" means the commissioner of natural
26 resources;
- 27 (2) "committee" means the Historic Sites Advisory Committee;
- 28 (3) "department" means the Department of Natural Resources;
- 29 (4) "historic, prehistoric and archeological resources"

1 include deposits, structures, ruins, sites, buildings, graves, arti-
2 facts, fossils, or other objects of antiquity which provide information
3 pertaining to the historical or prehistorical culture of people in the
4 state as well as to the natural history of the state.

5 Sec. 41.35.240. TITLE OF CHAPTER. This chapter may be cited as
6 the Alaska Historic Preservation Act.

7 * Sec. 2. AS 38.12 and 38.25 are repealed.

8 * Sec. 3. AS 44.19 is amended by adding a new section to read:

9 Sec. 44.19.024. STATE ARCHEOLOGIST AND DUTIES. (a) There is
10 established in the Department of Natural Resources the position of
11 state archeologist. The state archeologist shall be a qualified
12 archeologist who shall serve at the pleasure of the governor.

13 (b) The state archeologist shall

14 (1) sponsor, engage in and direct fundamental research into
15 the archeology of the state and encourage and coordinate archeological
16 research and investigation undertaken in the state;

17 (2) cooperate with the Department of Natural Resources and
18 the Historic Sites Advisory Committee in performing their functions
19 under AS 41.35;

20 (3) cooperate with the Department of Natural Resources in
21 preparing an inventory of historic, prehistoric and archeological
22 sites in the state;

23 (4) cooperate with the commissioner of natural resources
24 in reviewing and issuing investigation, excavation, gathering and re-
25 moval permits;

26 (5) ensure tha historic, prehistoric and archeological
27 sites are properly reported by persons or agencies engaged in public
28 construction work and protect sites and objects of significance dis-
29 covered at state sites or discovered during the course of public

1 construction and encourage the protection of sites and objects dis-
2 covered during the course of any other construction work;

3 (6) investigate reported historic, prehistoric or archeo-
4 logical sites and appraise them for any future excavation; and

5 (7) serve as a central clearinghouse for information on all
6 historic, prehistoric and archeological site excavation in the state.

7 * Sec. 4. AS 29.10 is amended by adding new sections to read:

8 Sec. 29.10.223. EXCEPTIONS FOR HISTORIC SITES, BUILDINGS AND
9 MONUMENTS. Exceptions to the regulations provided for in secs. 213
10 and 219 of this chapter may be made in order to provide for the preserva-
11 tion, mainenance and protection of historic sites, buildings and
12 monuments.

13 Sec. 29.10.344. EXEMPTION OF HISTORIC SITES, BUILDINGS AND
14 MONUMENTS. In levying, assessing and collecting taxes for school and
15 city purposes, the council or assembly may by ordinance classify and
16 exempt from taxation historic sites, buildings and monuments.

17 * Sec. 5. AS 29.15 is amended by adding a new section in art. 3 to read:

18 Sec. 29.15.205. HISTORIC SITES, BUILDINGS AND MONUMENTS. The
19 board of trustees may provide for the preservation, maintenance and
20 protection of historic sites, buildings and monuments.

21 * Sec. 6. AS 29.20 is amended by adding a new section to read:

22 Sec. 29.20.065. HISTORIC SITES, BUILDINGS AND MONUMENTS. The
23 board of trustees of a city of the third class may provide for the
24 preservation, maintenance and protection of historic sites, buildings
25 and monuments.

26 * Sec. 7. AS 29.25 is amended by adding a new section to read:

27 Sec. 29.25.305. ZONING EXCEPTIONS FOR HISTORIC SITES, BUILDINGS
28 AND MONUMENTS. Exceptions to the zoning ordinances provided for under
29 sec. 300 of this chapter and other ordinances regulating building

1 requirements and specifications may be made in order to provide for the
2 preservation, maintenance and protection of historic sites, buildings
3 and monuments.

4 * Sec. 8. AS 09.55.250 is amended to read:

5 Sec. 09.55.250. CLASSIFICATION OF ESTATES AND LANDS SUBJECT TO BE
6 TAKEN. The following is a classification of the estates and rights in
7 lands subject to be taken for public use:

8 (1) a fee simple, when taken for public buildings or grounds,
9 or for permanent buildings, for reservoirs and dams and permanent
10 flooding occasioned by them, or for an outlet for a flow, or a place
11 for the deposit of debris or tailings of a mine, or when, in the
12 judgment of the Department of Natural Resources, Department of Public
13 Works, or the Department of Highways, a fee simple is necessary for any
14 of the purposes for which the department, on behalf of the state, is
15 authorized by law to acquire real property by condemnation;

16 (2) an easement when taken for any other use;

17 (3) the right of entry upon an occupation of lands, and the
18 right to take from the land earth, gravel, stones, trees, and timber as
19 may be necessary for a public use.

Introduced: 3/11/71
Referred: Local Government;
Judiciary

BY CROFT, JOSEPHSON
AND GROH

1 IN THE SENATE

2 SENATE BILL NO. 159

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

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Introduced: 3/24/71
Referred: Local Government

1 IN THE SENATE BY HAMMOND BY REQUEST

2 SENATE BILL NO. 189

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 platting authority."

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

8 * Section 1. AS 40.15 is amended by adding a new section to read:

9 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH. The
10 division of lands shall be the platting authority in the area outside
11 organized boroughs and outside cities in the unorganized borough and
12 in the third class borough for only the purposes of hearing and
13 acting on petitions for the change or vacation of plats and shall
14 execute this function substantially in conformity with the provisions
15 of secs. 150 - 180 of this chapter. Costs of publication and mailing
16 as well as other costs authorized in sec. 150 of this chapter shall be
17 paid to the division by the petitioner. The Department of Natural
18 Resources shall adopt reasonable regulations governing the exercise
19 of the authority conferred by this section upon the division of lands.

20 * Sec. 2. AS 40.15.070 is amended to read:

21 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be sub-
22 divided or dedicated is situated within a first or second class borough
23 the proposed subdivision or dedication shall be submitted to the
24 borough planning commission for approval. If the land is situated
25 within a city in the unorganized borough or the third class borough
26 the proposed subdivision or dedication shall be submitted to the
27 city planning commission for approval. The borough planning commission
28 is the platting authority for the first or second class borough, the
29 city planning commission is the platting authority for the city, and

1 the division of lands is the platting authority in the remaining areas
 2 of the state and third class borough for the change or vacation of
 3 existing plats or a portion of such plats, as provided in sec. 75
 4 of this chapter. If the borough or the city does not have a plan-
 5 ning commission, the borough assembly or the city governing body,
 6 respectively, is the platting authority and the proposed subdivision or
 7 dedication shall be submitted to it. No subdivision may be filed for
 8 record until it is approved by the platting authority.

9 * Sec. 3. AS 40.15.140. is amended to read:

10 Sec. 40.15.140. PETITION. No plat may [SHALL] be altered, amended
 11 or otherwise changed or vacated [,] except upon petition of the owners
 12 of a majority of the land affected by the alteration, amendment, [OR]
 13 change or vacation [,] showing the changes contemplated. Except as
 14 otherwise provided by law, no street, alley or public thoroughfare or
 15 any part of one may be vacated, except upon petition of the owners of
 16 the majority of the front feet of the land fronting upon the part of
 17 the street, alley or public thoroughfare sought to be vacated. The
 18 petition shall be filed with the clerk of the platting authority having
 19 jurisdiction [BOROUGH], requesting that the plat, addition or sub-
 20 division be amended, replatted or vacated, or that the street, alley
 21 or public thoroughfare be vacated. The petition shall be accompanied
 22 by a plat, draft or a copy of the existing plat, showing the proposed
 23 amendment, replat or vacation.
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Introduced: 3/25/71
Referred: Local Government

1 IN THE SENATE

BY GROH

2

SENATE BILL NO. 190

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to boards of equalization within
7 organized boroughs; and providing for an effective
8 date."

9

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

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* Section 1. AS 07.15.320 is amended by adding a new subsection to read:

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(e) The borough assembly sits as a board of equalization for

12

the purpose of hearing in the manner provided for first class cities

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any appeal from determinations of the borough assessor, or it may

14

delegate this authority to a board appointed by it for that purpose.

15

The board of equalization shall consist of that number of members of

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the assembly over and above the number required for a quorum to transact

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business and is governed in its proceedings by such procedures con-

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sistent with general rules of administrative law and the laws governing

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equalization proceedings in first class cities as may be adopted by

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ordinance, including but not limited to quorum, and voting requirements.

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* Sec. 2. This Act takes effect on the day after its passage and

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approval or on the day it becomes law without approval.

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1 IN THE SENATE

BY THOMAS

2 SENATE BILL NO. 260

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 exemptions from taxation of real
7 and personal property."

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

9 * Section 1. AS 29.10.336 is amended by adding new subsections to read:

10 (e) The term "property used exclusively for nonprofit charitable
11 or educational purposes" includes the following types of property owned
12 by a nonprofit charitable or educational organization:

13 (1) all real or personal property of a sheltered workshop
14 or a retail outlet of that workshop, including its inventory; as used
15 in this subsection, "sheltered workshop" means a nonprofit facility
16 established and operated by a private organization, agency or institu-
17 tion which provides disabled or severely handicapped individuals
18 (whether of a physical, mental or emotional nature) with vocational
19 training, occupational rehabilitation activities of an educational
20 or therapeutic nature, employment opportunity or employment, even if
21 remuneration is received by the individual;

22 (2) notwithstanding the provisions of (c) of this section,
23 real or personal property of a retail store dealing exclusively in
24 donated inventory, or inventory supplied by a sheltered workshop,
25 where the inventory is distributed without cost as part of a welfare
26 program or where the proceeds of the sale of inventory sold to the
27 general public is used to support a welfare program, or to support
28 vocational training or employment for disabled or severely handicapped
29 individuals described in (1) of this subsection.

Introduced: 2/3/72
Referred: Local Government

1 IN THE SENATE

BY MERDES

2 SENATE BILL NO. 316

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 issuance of revenue anticipa-
7 tion notes by political subdivisions of the state."

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

9 * Section 1. AS 37.30 is amended by adding new sections to read:

10 ARTICLE 2. REVENUE ANTICIPATION NOTES.

11 Sec. 37.30.100. BORROWING IN ANTICIPATION OF REVENUE. A political
12 subdivision of the state which is authorized to incur indebtedness may
13 borrow money in a fiscal year to meet appropriations for that fiscal
14 year in anticipation of the collection of taxes and estimated revenues
15 for the fiscal year and may issue its revenue anticipation notes as
16 evidence of the borrowing.

17 Sec. 37.30.110. ISSUANCE OF NOTES. The governing body of a
18 political subdivision may, by ordinance or resolution, authorize the
19 issuance of revenue anticipation notes and prescribe the form and
20 details of the notes and the manner of their execution. The governing
21 body of the political subdivision may delegate to its chief fiscal
22 officer the power to issue the notes from time to time under the terms
23 and conditions of the ordinance or resolution which provides for the
24 manner of their sale. Revenue anticipation notes and notes issued to
25 renew notes previously issued mature not later than the end of the
26 fiscal year in which they are issued.

27 Sec. 37.30.120. LIMITATION ON ISSUANCE OF NOTES. The aggregate
28 amount of revenue anticipation notes at any time outstanding may not
29 exceed 50 per cent of the amount of revenues estimated to be collected

1 in the fiscal year in which the notes are issued, less the amount of
2 estimated revenues actually collected in the fiscal year before the
3 issuance of the notes.

4 Sec. 37.30.130. ISSUANCE OF NOTES IN ANTICIPATION OF STATE,
5 FEDERAL GRANTS. (a) The governing body of a political subdivision,
6 upon adoption of a long-range capital improvement budget by ordinance
7 or resolution, may by resolution provide for revenue anticipation
8 notes in an amount not to exceed the total amount of any state or
9 federal grants finally committed for these projects. The notes mature
10 no later than the end of the next fiscal year. These notes may be
11 for single or multiple projects outlined in the adopted capital im-
12 provement budget.

13 (b) If the state or federal grants for capital improvement pro-
14 jects have not been paid to the political subdivision before maturity
15 of the notes issued in anticipation of the receipt of the revenue,
16 the governing body of the political subdivision may issue new notes
17 in order to meet payment of the notes then maturing or may renew the
18 outstanding revenue anticipation notes. New notes issued or renewals
19 of outstanding revenue anticipation notes shall mature not later than
20 the end of the next fiscal year.

21 Sec. 37.30.140. PRIORITY OF REPAYMENT. The payment of the princi-
22 pal and interest on revenue anticipation notes shall be a first charge
23 and lien upon the revenues in anticipation of the collection of which
24 these notes have been issued, and their payment additionally shall be
25 secured by a pledge of the full faith, credit and unlimited taxing
26 power of the political subdivision issuing them.

27 Sec. 37.30.150. CONSTRUCTION. AS 29.10.204 and AS 29.15.280
28 may not be construed to conflict with secs. 100 - 140 of this chapter.
29

Introduced: 2/14/72
Referred: Local Government

1 IN THE SENATE

BY MERDES

2 SENATE BILL NO. 342

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act concerning issuance of municipal bonds for
7 local improvements."

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

9 * Section 1. AS 29 is amended by adding a new chapter to read:

10 CHAPTER 51. LOCAL IMPROVEMENT BONDING ACT.

11 Sec. 29.51.010. LOCAL IMPROVEMENT. (a) The term "local improve-
12 ment", as used in this chapter, has the meaning given the term in
13 AS 29.10.246.

14 (b) The provisions of this chapter are not mandatory. A city
15 having charter provisions for bonding improvement assessments and
16 selling bonds may follow those provisions or the provisions of this
17 chapter or of any other statute.

18 Sec. 29.51.020. INSTALLMENT PAYMENT OF ASSESSMENTS. (a) When
19 a city council causes a local improvement to be made within the city
20 and has assessed the cost of the improvement to the area benefited by
21 or liable for the improvement, according to the provisions of the
22 charter or ordinances of the city, the owner of any property assessed
23 for the improvement in the sum of \$25 or more, at any time within 10
24 days after notice of the improvement is first published, may file with
25 the clerk of the city a written application to pay

26 (1) the whole of the assessment in installments; or

27 (2) if part of the assessment has been paid, the unpaid
28 balance of the assessment in installments.

29 (b) At the option of the city, written applications may be filed

1 after 10 days after notice of assessment is first published.

2 Sec. 29.51.030. EDUCATIONAL, RELIGIOUS, FRATERNAL OR CHARITABLE
3 ORGANIZATIONS AND PUBLIC CORPORATIONS. An educational, religious,
4 fraternal or charitable organization or public corporation owning
5 property assessed for its proportionate share of the cost of construct-
6 ing a local improvement as defined in sec. 10 of this chapter has the
7 same right to bond that assessment and having bonded the assessment
8 is subject to the same duties and liabilities as a natural person
9 bonding an assessment. However, the limitations on the amount of an
10 assessment that may be bonded do not apply to these organizations and
11 corporations, which are permitted to bond to the full extent of the
12 assessments.

13 Sec. 29.51.040. CONTENTS OF APPLICATION. The written applica-
14 tion shall state that the applicant and property owner waives all
15 irregularities or defects, jurisdictional or otherwise, in the
16 proceedings causing the improvements to be made for which the assess-
17 ment is levied and in the apportionment of the cost of the improvement.
18 The application shall provide that the property owner agrees to pay
19 the assessment in 20 semiannual installments, with interest at six
20 per cent a year on all assessments which have not been paid. The appli-
21 cation shall also contain a statement, by lots or other convenient
22 description, of the property of the applicant assessed for the improve-
23 ment.

24 Sec. 29.51.050. APPLICATIONS REFUSED. No application as provided
25 in sec. 40 of this chapter may be received and filed if the amount
26 remaining unpaid upon the assessment together with the unpaid balance
27 of a previous assessment for improvements against the same property
28 equals or exceeds the valuation of the property.

29 Sec. 29.51.060. RECORD OF APPLICATIONS. The city clerk shall

1 (1) keep all applications filed under sec. 20 of this
2 chapter in a convenient manner for examination; the applications
3 received for each improvement shall be kept separate;

4 (2) enter in a book kept for that purpose, with a separate
5 section for each improvement, the date of filing of each application,
6 the name of the applicant, a description of the property and the amount
7 of the assessment, as shown on the application.

8 Sec. 29.51.070. BOND LIEN DOCKET. After expiration of the time
9 for filing applications, the clerk shall enter in a docket kept for
10 that purpose, with separate headings for each improvement, by name or
11 number, a description of each lot or parcel of land or other property
12 against which the assessment is made, with the name of the owner and the
13 amount of the unpaid assessment. This docket shall be a lien docket
14 for taxes assessed and levied by the city and for the amount of the
15 unpaid assessments docketed, with interest at the rate of six per cent
16 a year, against each lot or parcel of land or other property, until
17 the assessments and interest are paid. The unpaid assessments and
18 interest are a lien on each lot or parcel of land or other property
19 in favor of the city and these liens shall have priority over all
20 other liens and encumbrances.

21 Sec. 29.51.080. ISSUANCE OF BONDS. When a bond lien docket is
22 made up as provided in sec. 70 of this chapter, the city may, in
23 accordance with the provisions of AS 29.50.020 authorize the issuance
24 of bonds in convenient denominations not exceeding \$5,000 each, equal
25 to the total amount of unpaid assessments for improvements, for which
26 applications to pay under this chapter have been filed, as shown by
27 the bond lien docket.

28 Sec. 29.50.090. FORM OF BONDS. The bonds shall, by their terms,
29 be the general obligations of the city issuing them, be in serial form

1 with definite maturity dates determined by the city council, and shall
2 mature in annual or semiannual installments. If the city council
3 elects, the portion of the particular issue of bonds that matures
4 after one year from issue date may be made subject to redemption in
5 numerical order on the interest dates on or after the first year from
6 issue date, as the city council shall designate. The first installment
7 of principal of each issue of these bonds shall become due and payable
8 not later than two years, and the last installment not later than 12
9 years, from the date of issue of the bonds.

10 Sec. 29.51.100. AMOUNT OF INSTALLMENTS. The installments of
11 principal of the bonds shall be equal in amount, or the combined annual
12 installments of principal and interest on the bonds shall be in sums
13 that will permit a substantially uniform annual tax levy for the
14 retirement of the principal and payment of the interest on the bonds
15 as they become due. Fractional bonds in denominations of less than
16 \$500 comprising part of an issue shall be numbered with the number "1"
17 and shall be included in the amount of the first installment of
18 maturing bonds. The interest on the bonds and the amounts of the
19 installments of maturing bonds shall be included in the annual budget
20 of the city, and there shall be deducted in the budget an amount that
21 the city council conservatively estimates will be received from payments
22 of the principal and interest on installments of assessments pertaining
23 to a particular bond issue, and from receipts from sales and rentals
24 of property acquired by the city pursuant to the assessments, during
25 the year for which the levy is made.

26 Sec. 29.51.110. INTEREST RATE. The bonds shall be payable in
27 lawful money of the United States, and bear interest payable semiannually
28 at a rate not to exceed six per cent per year, the interest obligations
29 to be evidenced by coupons attached to the bonds. Notice stating that

1 certain bonds are to be taken up and canceled upon optional payment
2 dates, and that the interest shall cease upon the interest payment
3 date upon which the bonds are called, shall be published in a newspaper
4 printed and published, and of general circulation, in the borough
5 where the bonds are issued, at least 15 days prior to cancellation
6 date. After that date interest upon the bonds designated in the notice
7 shall cease.

8 Sec. 29.51.120. EXECUTION AND REGISTRATION OF BONDS. The bonds,
9 before issuance, shall be executed with either the autograph or
10 facsimile signature of the mayor or other executive head of the city
11 countersigned by the finance officer or clerk, and authenticated by
12 the seal of the city attached, either manually or printed, and shall
13 be registered consecutively, by number and denomination of each, in
14 a book to be kept by the clerk, to be known and designated as the
15 "Improvement Bond Register". Each of the bonds shall have distinctly
16 and plainly inscribed or printed on its face the registered number of
17 the bond and the words "Improvement Bond", with the name of the city
18 issuing it.

19 Sec. 29.51.130. SALE OF BONDS. The bonds shall be advertised
20 for sale and sold for the highest price obtainable, but for not less
21 than par and accrued interest. The proceeds shall be paid by the
22 purchaser to the city treasurer and the par value credited to the
23 respective improvement fund for which the bonds are issued. The
24 accrued interest and premium accruing from the sale of the bonds
25 shall be credited to the general fund of the city the fund from which
26 interest is paid on improvement warrants, or to the improvement bond
27 sinking fund, as the city council shall direct.

28 Sec. 29.51.140. PAYMENT OF INSTALLMENTS. There shall be due and
29 payable semiannually for 10 successive years, to the city treasurer by

1 the owner of each lot or parcel of land assessed for any improvement,
 2 whose application to pay the cost of the improvement by installments
 3 has been filed as provided in secs. 20 - 40 of this chapter, five
 4 per cent of such cost assessed against the property of the owner, as
 5 appears by the bond lien docket described in sec. 70 of this chapter
 6 with the amount of one-half of one year's interest at not to exceed
 7 six per cent per annum on unpaid assessments or installments. The
 8 first payment shall be due and payable at the expiration of six
 9 months from the date of assessment in the bond lien docket, and sub-
 10 sequent payments at the expiration of each semiannual period there-
 11 after.

12 Sec. 29.51.150. PROCEDURE FOR COLLECTION ON DEFAULT. Should
 13 the owner neglect or refuse to pay installments under sec. 140 of this
 14 chapter as they become due and payable for a period of one year, then
 15 the council may, by reason of the neglect or refusal to pay the
 16 installments, and while the neglect and refusal to pay continues,
 17 pass a resolution giving the name of the owner then in default in
 18 the payment of the sums due, either principal or interest, together
 19 with a description of the property upon which the sums are owing
 20 and declaring the whole sum, both principal and interest, due and payable
 21 at once. It may then proceed at once to collect all unpaid install-
 22 ments and to enforce collection with all penalties, in the same manner
 23 in which delinquent street and sewer assessments are collected,
 24 pursuant to the terms of the city charter.

25 Sec. 29.51.160. RECEIPTS AND ENTRIES ON LIEN DOCKET. When
 26 installments and interest on any assessment in the bond lien docket
 27 are due, the city clerk shall make the proper extensions of install-
 28 ments and interest on the bond lien docket and turn them over to the
 29 city treasurer. The treasurer then shall notify the property owner

1 that the installments are due and payable, but a failure of any
2 owner to receive the notice shall not prevent collection of the
3 installment as provided in sec. 150 of this chapter. The city
4 treasurer shall issue a receipt to the person paying the installments
5 and interest, and shall file duplicates of the receipts with the
6 clerk. When the treasurer returns the bond lien docket, the recording
7 officer shall make the proper entries on the bond lien docket showing
8 the amount of each payment and the date made.

9 Sec. 29.51.170. RIGHT OF OWNER TO PREPAY BALANCE AND DISCHARGE
10 LIEN. At any time after issuance of the bonds, any owner of any
11 property against which the assessment is made and lien docketed
12 may pay into the city treasury the whole amount of assessment for which
13 the lien is docketed, together with the full amount of interest and
14 costs accrued to date of payment. Upon producing to the clerk the
15 receipt of the city treasurer, the clerk shall enter in the lien
16 docket opposite the entry of the lien the date of the payment and that
17 the lien is discharged.

18 Sec. 29.51.180. SEPARATE FUNDS AND ACCOUNTING. A city treasurer
19 receiving funds accruing by virtue of this chapter shall keep the funds
20 and their account separate and apart from other city funds. The amount
21 of the funds paid on account of installments, and interest on unpaid
22 installments, shall be placed to the credit of funds to be known and
23 designated as "improvement bond sinking fund" and "improvement bond
24 interest fund". The amount placed to the credit of the improvement
25 bond sinking fund shall be deposited in the bank that will pay the
26 highest rate of interest, or be invested in or used for the purchase
27 of improvement bonds of the city at par. In the purchase of improve-
28 ment bonds, the accrued interest shall be paid out of the improvement
29 bond interest fund, and all interest received by the treasurer on

1 account of coupons due shall be placed to the credit of the improve-
 2 ment bond interest fund. Interest due on improvement bonds shall
 3 be paid out of the improvement bond interest fund. All bonds purchased
 4 by a city shall be held by the city treasurer as a sinking fund, and
 5 shall be disposed of by direction of the city council when required
 6 for the redemption of bonds previously issued, as they become due and
 7 payable.

8 Sec. 29.51.190. PAYMENTS ENTERED ON LIEN DOCKET. Entries of
 9 payments of installments, interest and costs, made under this chapter,
 10 shall be made in the lien docket as they are received, with the date
 11 made, and the payments made and entered shall discharge the lien to
 12 the amount of the payment and from the date made.

13 Sec. 29.51.200. REDEMPTION PROCEDURE. At any time after bonds
 14 issued by virtue of this chapter become payable, the city may redeem
 15 bonds. It shall redeem them consecutively by number of the bonds,
 16 commencing with number one of the bonds. It shall give notice of
 17 the readiness of the city to redeem by publication in some newspaper
 18 published and having a general circulation among its subscribers in
 19 the city once each week for three successive weeks, giving the number
 20 of bonds which will be redeemed, and the time at which redemption
 21 will be made. After the time so fixed for redemption, no interest
 22 shall accrue or become payable on the bonds notified for redemption.

23 Sec. 29.51.210. SHORT TITLE. This chapter may be cited as the
 24 Local Improvement Bonding Act.
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Introduced: 3/3/72
Referred: Local
Government

1 IN THE SENATE

BY THE RULES COMMITTEE
BY REQUEST

2 SENATE BILL NO. 363

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for boroughs in the unorganized
7 borough; and providing for an effective date."

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

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

10 CHAPTER 4. BOUNDARIES AND ORGANIZATION OF BOROUGHS

11 IN THE UNORGANIZED BOROUGH.

12 ARTICLE 1. BOUNDARIES, ADMINISTRATION AND INCORPORATION.

13 Sec. 07.04.010. BOUNDARIES. By the 10th day following the con-
14 vening of the first session of the Eighth Legislature, the Local
15 Boundary Commission shall propose to the legislature a division of the
16 unorganized area of the state into unorganized boroughs. The Local
17 Boundary Commission may propose adjustments to the boundaries of exist-
18 ing boroughs to the extent necessary to secure conformity with the
19 standards for borough boundaries set forth in the statutes and in the
20 Constitution of the State of Alaska. A proposed adjustment of existing
21 boundaries shall provide for those transitional matters the commission
22 considers necessary or appropriate. The boundaries proposed by the
23 Local Boundary Commission become effective 45 days after presentation
24 or at the end of the session whichever is earlier, unless disapproved
25 by resolution concurred in by a majority of the members of each house.
26 The proposed division is not subject to modification by the legislature
27 as an alternative to disapproval, and if disapproved by the legislature
28 the proposed division made in accordance with this section is of no
29 effect.

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Sec. 07.04.020. ADMINISTRATION. Unorganized boroughs shall be administered by the Department of Community and Regional Development as prescribed by the legislature.

Sec. 07.04.030. ADVISORY COUNCIL. In each unorganized borough the lieutenant governor, within 60 days of the establishment of unorganized boroughs in the manner provided in sec. 10 of this chapter shall provide for election of an advisory council of 11 members. The council may participate in an advisory capacity in the development and implementation of state programs and projects relating to the borough. Elections of council members shall be held every four years.

Sec. 07.04.035. COUNCIL MEMBERSHIP. At the time of election and during their tenure advisory council members shall be qualified voters of the state and residents of the borough. A vacancy on the advisory council shall be filled by a person qualified for election to the advisory council and selected by majority vote of the remaining members of the council. If a majority of seats on the advisory council are vacant concurrently, the lieutenant governor shall fill the vacancies by appointment of persons qualified for election to the advisory council.

Sec. 07.04.040. INCORPORATION. A percentage, determined in accordance with AS 07.10.020(8), of the qualified voters of an unorganized borough may petition for organization of the borough as a borough of the first, second or third class in the manner provided in AS 07.10 and 07.17, except that the petition need not include matter relating to boundaries.

ARTICLE 2. HOME RULE CHARTERS.

Sec. 07.04.050. ADOPTION OF CHARTER. An unorganized borough established under this chapter may adopt a home rule charter in the manner prescribed by AS 29.40.010 - 29.40.030 and AS 29.85.110(a) - (d),

1 except that the advisory council elected in accordance with sec. 30 of
2 this chapter shall perform the duties assigned to city councils, and
3 except that the charter commission shall consist of 11 members. Vacan-
4 cies on the charter commission shall be filled in the same manner as
5 vacancies on the advisory council.

6 Sec. 07.04.060. ORGANIZATION. The charter commission shall
7 initiate organization of the borough in accordance with the terms of
8 the charter by submission of the charter to the Department of Community
9 and Regional Development. The charter shall be submitted within one
10 year of the first meeting of the commission. The department shall
11 review the charter in light of the circumstances of the particular
12 borough and, within 120 days from receipt shall transmit the charter,
13 together with its findings and recommendations, to the Local Boundary
14 Commission.

15 Sec. 07.04.070. HEARING. The Local Boundary Commission shall
16 hold at least one hearing in the area proposed to be organized for the
17 purpose of hearing public comment on the charter.

18 Sec. 07.04.080. LOCAL BOUNDARY COMMISSION DETERMINATION. The
19 Local Boundary Commission, within 90 days from receipt of the charter
20 and the recommendations and findings of the Department of Community and
21 Regional Development, shall determine whether the charter meets stand-
22 ards for organization established by the laws and the Constitution of
23 the State of Alaska and by regulations adopted by the commission.

24 Sec. 07.04.090. REJECTION OF CHARTER. If the Local Boundary
25 Commission determines that the charter fails to meet the standards for
26 organization it shall reject the charter stating in writing its reasons
27 for the rejection.

28 Sec. 07.04.100. AMENDED CHARTER. A charter commission, within 60
29 days of rejection, may prepare and submit to the Department of

1 Community and Regional Development an amended charter fairly meeting
 2 the stated objections to the original charter. The amended charter
 3 shall be evaluated in the same manner as the original charter. No more
 4 than one original and one amended charter may be submitted within one
 5 12 month period.

6 Sec. 07.04.110. RATIFICATION OF CHARTER. If the Local Boundary
 7 Commission determines that the charter meets the standards for organ-
 8 ization it shall notify the lieutenant governor. As soon thereafter as
 9 practicable the lieutenant governor shall provide for an election in
 10 the borough on the question of whether or not the charter is ratified
 11 and for election of the officers provided for in the charter. The
 12 election shall be preceded by publication and posting of the proposed
 13 charter by the lieutenant governor substantially in the manner provided
 14 for other charter elections in AS 29.85.150.

15 Sec. 07.04.120. CERTIFICATION OF RESULTS. If a majority of the
 16 votes cast by the qualified voters of the borough are against ratific-
 17 ation the lieutenant governor shall so certify and shall certify that
 18 the charter is defeated. If a majority of the votes cast by the quali-
 19 fied voters on the question are in favor of ratification the lieutenant
 20 governor shall so certify and declare that the borough in which the
 21 election was held is an organized borough and a municipal corporation
 22 in accordance with the terms of the charter. The lieutenant governor
 23 shall also certify the names of those candidates who received the great-
 24 est number of votes for the offices established by the charter.

25 Sec. 07.04.125. VOTERS, ELECTIONS AND COSTS. (a) A person
 26 is qualified to vote in a borough election authorized in this chapter
 27 if he is qualified to vote in state elections and if he is a resident
 28 of the borough.

29 (b) The lieutenant governor shall supervise elections under this

1 chapter as provided for supervision of other borough elections under
2 AS 07.10.120(d).

3 (c) The state through the office of the lieutenant governor
4 shall assume the costs of elections and charter preparation under this
5 chapter.

6 * Sec. 2. Nothing in this Act may be construed to affect any organiz-
7 ation petition pending on the effective date of this Act. All such petitions
8 shall be acted upon in the manner provided by law in effect prior to the
9 effective date of this Act.

10 * Sec. 3. AS 07.05.010 and AS 07.05.040 are repealed.

11 * Sec. 4. This Act takes effect July 1, 1972.
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Introduced: 3/6/72
Referred: Local Government,
State Affairs

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO. 371

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 incorporation of boroughs;
7 and providing for an effective date."

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

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

10 Sec. 07.10.115. APPROVAL BY LEGISLATURE. If the Local Boundary
11 Commission accepts the petition, and before an election under sec. 120
12 of this chapter, the commission shall present the proposed borough
13 incorporation to the legislature during the first 10 days of a regular
14 session. The incorporation shall be approved by the legislature 45
15 days after presentation or at the end of the session, whichever is
16 earlier, unless disapproved by a resolution concurred in by a majority
17 of the members of each house.

18 * Sec. 2. AS 07.10.120(a) is amended to read:

19 (a) Date of election. Upon the approval of the proposed incor-
20 poration by the legislature, the Local Boundary Commission [IF THE
21 LOCAL BOUNDARY COMMISSION ACCEPTS THE PETITION, IT] shall immediately
22 notify the lieutenant governor of its action and shall furnish him
23 with such information on the proposed incorporation as he requires.
24 Within 30 days after the receipt of his notification, the lieutenant
25 governor shall issue an order that an election be held within the
26 proposed organized borough to determine the question of whether the
27 qualified voters of the proposed organized borough desire to be
28 incorporated; and if so, to elect members of the first assembly of the
29 borough, the borough chairman, and the members of the first school

1 board, and to determine whether the borough shall have an appointed
 2 borough manager or an elected borough chairman. The date of the
 3 election specified by the lieutenant governor in the order shall be
 4 not less than 30 nor more than 90 days after the date of the order of
 5 election. The lieutenant governor shall also specify in the election
 6 order the dates during which petitions for nominations may be filed
 7 with him.

8 * Sec. 3. AS 44.19.260(a) is amended by adding a new paragraph to read:

9 (5) present to the legislature during the first 10 days of
 10 a regular session proposed borough incorporations.

11 * Sec. 4. Notwithstanding the provisions of AS 07.10.115, with respect
 12 to any borough proposed for incorporation after February 15, 1972, and
 13 before an election under AS 07.10.020, the Local Boundary Commission shall
 14 submit the proposed borough incorporation to the legislature.

15 * Sec. 5. This Act takes effect February 15, 1972.
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CSSB 113 & CSHB 208 -- THE PROPOSED REVISED MUNICIPAL CODE*

Attachments Prepared by Direction of the Senate and House Local Government Committees Acting Jointly

- a) Comparison of CSSB 113 (CSHB 208) and Existing Municipal Law
- b) Comparison of CSSB 113 (CSHB 208) and SB 113 (HB 208)

Foreword and Synopsis of Attachments

The need for revision of the maze of local government laws of the state, most of them in the case of cities dating back to territorial days, has long been recognized by the legislature. By concurrent resolution adopted in 1963 the Third Legislature characterized the bulk of state law relating to cities as "disjointed" and not serving the best interest of the state. After a two-year revision effort conducted by the Local Affairs Agency, the Department of Law, and the Legislative Affairs Agency, a proposed revised code was introduced into the First Session of the Fourth Legislature and since then has been continually before the legislature in various modified forms of the original bill.

This year, following two years of preparation and six years of review and revision by legislative committees as well as by the Alaska Municipal League, the public through hearings, municipal and

* The provisions of CSSB 113 and CSHB 208, like those of SB 113 and HB 208, are identical; for convenience, the reference to the proposed municipal code is made as CSSB 113, which is the printed and distributed bill.

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school officials, staffs of the legislative and executive branches of the government, and others, the presentation of CSSB 113 marks the first time the proposed code has reached the floor of either house. It does so after consideration by joint deliberation of the Senate and House Local Government Committees. Its passage in the current session offers the opportunity for the same legislature which enacts it to observe its practical operation and make any changes it may deem warranted during the second session.

This code is based on a proposed draft submitted by the Alaska Municipal League and prepared by a League committee comprised of municipal attorneys and administrators; the League draft in turn is based on earlier versions of the proposed code but reflects extensive updating and adjustment of provisions to emphasize a technical revision rather than large-scale substantive changes in existing areas of law, particularly in terms of relationships of boroughs and cities and local governing bodies and school boards.

Like any overall revision of titles of the Alaska Statutes, of course, the code incorporates changes from existing law both in form and in substance, albeit the substantive changes are relatively few considering the scope of the revision and the technical changes made. Among the most significant substantive changes appear to be the following. The code

1) provides for two classes of general law cities rather than four; p. 8, 27-29 & p. 9, 1 (transition: p. 4, 19-29 & p. 5, 1-3)

2) makes clear which provisions of the code apply to home rule local governments and which do not apply; a notable page 7, line 19-29 and page 8, lines 1-24

example of the merit of this approach is the basic provision outlining school board and local assembly or council relationships; the proposed code retains the substance of the provisions (sec. 29.33.050) virtually as they appear under present law (AS 07.15.330) but does not apply them to home rule governments; the provisions under present law have been the source of much controversy and pending litigation as to their applicability to home rule governments;

3) authorizes cities and boroughs to permit, on vote of the people, exemptions from property taxes in addition to those exemptions now required by law or already permitted on an optional basis by law (general law cities and, arguably, home rule cities, do not have such authority under present law); page 76, lines 18-20

4) expressly authorizes ~~use taxes as correlatives to~~ status of existing exemptions: page 77, line 21-23 sales taxes, which still continue to require voter approval; authorizes borough collection and refund of city sales taxes as well as city property taxes, the latter now being required to be collected page 93, lines 7-10 by boroughs under present law, page 93, lines 27-29 & page 94, line 1

5) establishes uniform fiscal years and practices for assessing, levying and collecting property taxes for all municipalities; page 71, lines 3-5 page 75, lines 7-12 & page 92, lines 20-25

6) revises existing cumbersome special assessment laws and permits levy of special assessments against governmental units; page 101, line 5 page 101, lines 11-13

7) authorizes differential property tax zones within cities to allow for different services or different levels of services than are provided generally within a city; page 92, lines 26-29

8) provides for general law cities within general law boroughs to levy sales or use taxes upon the same tax sources as are levied upon by the borough; page 93, lines 27-29

9) expands eligibility for organization grants to second class cities newly incorporating or reclassifying to first class status and assuming school functions (outside boroughs);

10) provides that the terms of office of city, borough and school board officials are two years but that any local government may by ordinance choose otherwise and provide different terms not exceeding four years (three years for school boards, as under present law); terms of incumbents are not affected, however;

11) sets the date of the regular municipal election at the same time as the date of the state general election (i.e. on the Tuesday after the first Monday of November);

12) makes every local voter registered to vote in state elections eligible to vote in any municipal election, without being required also to meet separate municipal registration requirements; if not registered to vote with the state, he may vote in local elections upon meeting the local registration requirements if any;

13) adds garbage and solid waste and water pollution control powers to the existing categories of powers which second class boroughs may exercise in the borough area outside cities without special voter approval;

14) gives cities authority to adopt and enforce building, housing and related codes within the cities rather than conferring such authority upon a borough as part of its required areawide planning, platting and zoning powers, as has been the interpretation under present law;

15) requires no election in general law cities and boroughs to sell municipal revenue bonds unless the local government chooses by ordinance to require an election.

The fundamental change represented by the proposed code is technical in that it is a reorganized, clarified, and updated body of municipal law and a vastly improved framework within which to meet the legislative needs of municipalities as they may develop. Not the least of the proposed code's advantages is that it takes a body of law referred to probably as much or more than any other title in the Alaska Statutes and renders it far more intelligible for municipal officials as well as for the citizens whom it so directly affects.

The following summaries set forth in more detail comparisons of CSSB 113 and CSHB 208 and existing law and comparisons of CSSB 113 and CSHB 208 with the bills as first introduced.

MUNICIPAL CODE

S U M M A R Y

COMPARISON OF CSSB 113 AND EXISTING MUNICIPAL LAW

INTRODUCTION

Senate Bill 113, the current version of the revised municipal code, is an entire recodification of the laws relating to cities and boroughs now found in Titles 7 and 29. Like other reorganized and updated statutory titles, it incorporates changes from existing law both in form and in substance.

The revision was directed by the 1963 Legislature, which noted that the bulk of law relating to cities (Title 29) was a disjointed product of the territorial period. Addition of the Borough Act as a separate title in 1961 (Title 7) further confused the municipal law area.

In 1963 and 1964, the Local Affairs Agency, Department of Law and the Legislative Council prepared the first draft of legislation combining and attempting to reconcile the provisions of Titles 7 and 29. The revision was introduced as SB 101 in 1965 and was the subject of widespread hearings around the state, committee deliberations, and further revision.

Revised versions of SB 101 were introduced into the legislature in 1966, 1967 and 1969.

SB 113, the basis of the current proposal, represents a thorough review by the Alaska Municipal League and governmental agencies at the municipal and state levels. The League felt that revision should be primarily technical and should not attempt to solve the substantive problems existing in two areas, that of relations between cities and boroughs and that of relations between schools and general government.

Accordingly, the bill in these areas is substantially the same as existing law, with some exceptions as noted further (see references on pages 6, 7, 9 and 12 - 14).

It is virtually impossible to detail all of the changes that have taken place between the code and existing municipal law, but this summary will explain the major impact of the revision. It takes into account changes made after joint deliberations of the Senate and House Local Government Committees which resulted in CSSB 113. These changes between CSSB 113 and SB 113 are also separately treated in an attachment following this summary.

Chapter 3. The Unorganized Borough

The law relating to the unorganized borough is unchanged. The present provisions of Title 7 granting authority to the division of lands to adopt zoning regulations for federal lands in the unorganized borough at the request of the Secretary of the Interior and only for purposes of facilitating federal land sales in the unorganized borough is placed in Title 38 (Sec. 6 of the proposed Act).

Chapter 8. Classification of Municipalities (i.e. Cities and Organized Boroughs)

One of the most significant changes is the change from four classes of cities to two classes of cities. The primary difference in the revision between the first and second class cities is that the first class city has the school function and has the power to assess, levy and collect a general property tax while the fourth class city has neither of these powers. Under present law, first, second and third class cities all have these powers, while fourth class cities do not. A population minimum of 400 persons has been set as the number

necessary to incorporate a first class city under the code, as in present law. The status of existing home rule cities, and existing first class cities with populations of 400 or more, remains unaffected by the proposed Act. Existing second and third class cities of 400 or more persons will automatically become first class cities, retaining their school and tax powers. The revision takes into account the fact that certain existing first, second and third class cities of under 400 persons may not have sufficient population or tax base to assume the burden of the school function. Therefore, these cities are given the option of becoming either first class or second class, depending upon their abilities and desires, as assessed by the local boundary commission and subject to legislative review. Existing fourth class cities will automatically become second class cities with the same powers and responsibilities which they now possess through 29.08.050 and Sections 29.18.010 and 29.18.020). The code provides for reclassification of cities and boroughs to a higher class. Upon reclassification of a third class borough to a second or first class borough the borough may retain a combined assembly-school board or may separate the functions between an assembly and a board, depending upon the wishes of the voters (Sec. 29.08.040).

page 1, line 26
 Sections 29.08.010
 page 4, line 5
 page 8, line 27
 page 8, line 29
 page 3, line 16

Chapter 13. Home Rule Municipalities

The new code standardizes the procedures for adopting a charter by either a first class city or borough (Secs. 29.13.010 - 29.13.080). Home rule limitations are gathered together in one place and listed. This section makes explicit the legislative intention to make only the sections of the code which are specifically listed as applicable to home rule municipalities so applicable. Additionally, the sections

page 5, line 6
 page 7, line 9

page 7

themselves contain a specific reference making them applicable to home rule municipalities (Sec. 29.13.100). page 7, line 14

Chapter 18. Incorporation

Incorporation procedures for all municipalities are gathered together and standardized (page 9, line 20 page 11, line 23 (Secs. 29.18.050 - 29.18.110)). The election of the first slate of officers is separated from the question of incorporation itself.

Present law provides for transitional assistance upon the incorporation of a new borough. In the revision, such transitional assistance is also made available to cities incorporating after the code takes effect. Organizational money grants based on an allocation of \$10 per voter are allowed the newly incorporating boroughs and cities of all classes, other than unifying or consolidating municipalities. A minimum grant of \$25,000 is authorized for communities assuming the school function for the first time, either by incorporating as boroughs or first class cities outside organized boroughs or by reclassifying from second class to first class cities outside boroughs (Sec. 29.18.180). page 14, line 28

Under the revised code boroughs and cities of all classes may also select 10 per cent of the vacant, unappropriated, unreserved state page 15, line 19 page 16, line 1 land within their boundaries. (Secs. 29.18.190 - 29.18.200). Previously, only boroughs and, as of 1970, first and second class cities, were given this privilege. The code provisions declare that the policy of the state in making land selections under the Statehood Act is to make available the maximum land area for borough and city selections under the code provisions, consistent with the best interests of the state.

Chapter 23. Municipal Officers and Employees

The law relating to borough assemblies, city councils and all

Comparison of CSSB 113 and existing law

Page five

municipal officers is gathered into this chapter.

Local officials' election dates and terms of office are changed to conform to the date of state general elections, but terms of office may be varied by local ordinance so as to provide either staggered or simultaneously expiring terms up to four years (page 17, line 27, page 25, line 28 page 29, line 7 (Secs. 29.23.040, 29.23.200(c) and 29.23.310). If a locality chooses to have other than two-year terms it may, of course, hold the elections in odd-numbered years, but the elections would occur on the Tuesday after the first Monday in November. Elections are nonpartisan for all municipalities (Sec. 29.28.010). page 35, line 5

The executive power has remained essentially the same except that the veto power of borough chairmen and mayors of first class cities has been broadened and clarified. In the past, there has been a question of whether a veto could be used for motions and other actions of the assembly or council. It is clearly spelled out that they may be.

Additionally, a new authority for the line item veto in municipal budgets has been added. This line item veto is expressly stated not to apply to the school budget (since the only power the assembly or council has is to approve or disapprove the total school budget, and the chairman or mayor may only veto that which the assembly or council has power to enact) (page 24, line 28 page 27, line 20 (Secs. 29.23.170 and 29.23.270)). The mayor of a second class city is a member of the council and has no veto power (Sec. 29.23.270(b)). page 27, line 28

The mayor of a first class city is elected separately from the council. The mayor of a second class city is a council member who is elected to the council along with the other council members, who then

Comparison of CSSB 113 and existing law

Page six

mayor of a first class city votes only in case of a tie and has the veto power. The mayor of a second class city may vote on all matters page 27, line 16 as a council member, but he has no veto power (Secs. 29.23.260 and 29.- page 27, line 20 23.270). The borough chairman does not vote on matters before the page 24, line 25 page 24, line 28 assembly but has the veto power (Secs. 29.23.160 and 29.23.170).

A provision of present law applying only to first class cities and requiring written examination of police officer applicants on laws and ordinances, the examination to be graded by the council, is not retained in the code.

The revision makes clear that city councils may be elected from election districts within the city as well as citywide or partly at large and partly by districts, the choice being left to the local governments page 25, line 20 (Sec. 29.23.200(a)). Election sections for election of borough assemblymen in the borough area outside cities are permitted, as under present law, with sections to be of approximately equal population page 22, line 4 (Sec. 29.23.100).

Utility boards elected by the voters or appointed by the municipal executive and confirmed by the governing body are permitted for boroughs page 29, line 16 and cities (Sec. 29.23.340). (Elected boards only are authorized to general law municipalities under existing statutes.)

With respect to school board relations with local governments there are no substantive changes from present law except that election dates and terms of office have been established to coincide with state general elections with different terms not exceeding four years authorized by local ordinance, and local governing bodies are authorized to provide for centralized purchasing of those school supplies and equipment which are of a kind used by municipal departments (Sec. 29.- page 72, line 14 page 29, line 7 page 29, line 16

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In addition, the code makes clear that page 43, line 19 Sec. 29.33.050 setting out school board-governing body relationships is not intended to apply to home rule municipalities. There is uncertainty whether the same provisions as they appear in present law apply to home rule governments.

Either a borough or a city may adopt or repeal a manager form of government, as under existing law. However, a standard procedure is established for both types of municipality. Under this procedure, either the voters by petition, or the assembly or council by its page 31, line 16 own motion, may initiate an election on the manager plan (Secs. 29.23-page 32, line 23 410 - 29.23.480).

The code requires certain reports to be made to the Local Affairs Agency, including up-to-date maps, tax assessment figures, a financial report, and reports relating to long-term debt as already required under AS 44.19.205. The financial report takes the form of the annual audit for boroughs and first class cities, but second class cities may submit a statement of income and expenditures. Furnishing the reports is made a condition of receipt of authorized shared revenues under AS 43.18 (Sec. 29.23.560). page 33, line 25
page 34, line 6-10

Chapter 28. Elections

The major change affecting elections is the scheduling of municipal elections to coincide with state general elections rather than being held approximately one month earlier, as under current law (Sec. page 35, line 21 29.28.020). Terms of office of borough, city and school elected officials are also set at two years, but different terms not exceeding four years for borough and city governing bodies, and three years for school boards (the maximum term permitted under present law)

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may be set in all cases by local ordinance.

Municipalities may, but are not required to, impose registration requirements over and above those of the state. However, a local voter registered with the state to vote in state elections is eligible to vote in local elections, whether or not he meets local registration requirements (Sec. 29.28.030). Also, the municipality may at its option require a majority vote for election of officials and utilize a runoff election or other means of obtaining a majority for the purpose page 35, line 27 page 36, line 8 (Sec. 29.28.040).

Assemblies and councils are required to provide by ordinance for election appeals. If the appeal is successful, the assembly or council bears the cost; if unsuccessful, the contestant must pay (Sec. 29.28.-050). page 36, line 8

The powers of initiative and referendum are reserved to municipalities and the procedure for exercise of these powers by municipal residents is outlined page 37, line 4 page 40, line 18 (Secs. 29.28.060 - ~~29.28.110~~).

The section on recall has been changed to eliminate the successor running at the same election as the recall election. Should the recall be successful, a subsequent election is required to elect a successor. page 40, line 29 page 43, line 1 (Secs. 29.28.130 - 29.28.250).

Chapter 33. Areawide Borough Powers and Duties

Boroughs retain their basic areawide responsibilities prescribed by current law: (1) assessment and collection of taxes, (2) education, and (3) planning, platting and zoning. Under current law, however, the borough is charged only with assessment and collection of real and personal property taxes. The assessment and collection provision of the new code broadens this to include the collection of use

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and sales taxes authorized by the voters ^{page 43, line 19} (Sec. 29.33.030).

There has been considerable smoothing out in the planning, platting and zoning article, with two significant alterations. One is that the planning commission itself may decide on variances subject only to appeal to the board of adjustment. Under the current procedure all variances, no matter how routine, must go to the board of adjustment. The second change is the placing of power to adopt and enforce building, housing, and related codes clearly within the jurisdiction of cities within boroughs rather than the boroughs as part of the area-wide planning, platting and zoning responsibility. Boroughs may exercise the powers in the area outside cities or areawide by acquiring the power in the same manner as they obtain other powers in those areas. However, boroughs now exercising the powers within cities may continue to do so upon agreement to that effect between a city and a borough; if there is no agreement, the city is required to exercise the powers within the city and the borough now exercising the powers is required to continue doing so outside the city. Areawide borough exercise of the powers may subsequently be acquired through transfer by the cities or by vote of the people ^{page 63, lines 24-29} (Sec. 29.48.025). (Present borough law has been interpreted by the Attorney General's office to vest boroughs with areawide building code powers as part of the required areawide planning and zoning function.)

Under existing laws relating to acquisition of additional areawide powers, it is unclear whether second class boroughs may, like first class boroughs, acquire additional areawide powers by transfer from cities. The revision explicitly authorizes this method. Also, the Local Affairs Agency is no longer required to pass upon the acquisition

of additional areawide powers. In both the revision and present law, additional areawide powers require approval by a majority of the borough voters (Secs. 29.33.250 - 29.33.290). page 54, line 7 page 54, line 25

Chapter 38. Borough Powers and Duties in the Area Outside Cities

This chapter is designed to encourage areawide or joint city-borough exercise of powers by requiring the borough to seek these alternatives before exercising powers in the area outside cities only. If transfer or joint exercise is not acceptable, a first class borough may exercise any general law municipal power outside cities (Sec. 29.38.-010). page 55, line 27

A second or third class borough requires an election in the area outside cities in order to add additional powers in that area (Sec. 29.-page 56, line 4 38.020), page 59, line 26 except with respect to certain special matters specified in Sec. 29.48.020, including regulation of fireworks, animals, vehicles, snow machines, garbage and solid waste, and water pollution. The latter two powers are newly conferred in the code for second class borough exercise in the area outside cities without a vote of the area; the others are already conferred for such exercise under existing law. Acquisition of additional powers and duties in the area outside cities again no longer requires review by the Local Affairs Agency.

Chapter 41. Powers of Third Class Boroughs

Third class borough powers are unchanged.

Chapter 43. Powers of Cities Outside Boroughs

Authority is continued for cities outside boroughs to assess, levy and collect property and sales taxes. Use tax authority is also conferred. Taxes are to be assessed, levied and collected in the same manner as set forth for boroughs in the code.

First class cities outside boroughs continue to comprise city school districts, with relationships between school boards and city councils to be governed in the same manner as those between borough school boards and assemblies, as under present law.

Home rule and first class cities outside boroughs must, and second class cities may, provide for planning, platting and zoning in the manner provided in the code for boroughs under the code (present law does not expressly require home rule or first class city exercise of planning, platting or zoning authority).

The chapter makes borough laws incorporated by reference under the chapter applicable to home rule cities only in those cases in which they are made applicable to home rule boroughs in the provisions incorporated.

Chapter 48. Powers Applicable to All Municipalities

An entirely new approach has been taken to delineation of municipal powers, facilities and services. Under existing law these are in many cases spelled out in substantial detail. This detail often serves no useful purpose. The new code merely lists the powers and provides for liberal construction of the powers, as required by the constitution page 59, line 3 page 60, line 10 page 74, line 23 (Secs. 29.48.010, 29.48.030, and 29.48.310). The listings the code provides are not intended to be all-inclusive but rather illustrative of the object or purpose intended to be accomplished page 74, line 26 (Secs. 29.48.320 and 29.48.330). page 75, line 1

The procedure for enactment of ordinances has been simplified and streamlined without changing substantive rights. The code, however, changes the time between publication and hearing from one week to five days. The change permits special meetings for final consideration of