

159

HCRA

SB

127

-

SB

721

Senator Pat Rodey  
Page 2  
February 25, 1975

value because of the availability of municipal sewerage and because of a change in zoning from large lot to small lot zoning which municipal sewerage permits. For some years now one of the greatest opportunities for profit in the Anchorage area has been conversion of land from less intense use to more intense use.

To avoid use of Senate Bill No. 127 by those who are interested in holding or acquiring land for speculative purposes, I suggest a maximum gross income limitation of \$15,000 per property owner plus an acreage limitation sufficient to just cover the area reasonably required for use by the resident's place of abode, say one-half acre.

As you know, assessments are totally different than taxes. An assessment for federal and state income tax purposes is regarded as a capital improvement to property, and the taxpayer cannot list it as a tax deduction. The theory is that the value of the owner's property is increased by an amount equal to or greater than the amount of the assessment.

To my knowledge, all recent sewer assessment districts in the Greater Anchorage Area Borough have been initiated by property owners. They have petitioned the local governing body for laterals on the basis that either their properties are being damaged because of lack of municipal sewers or that they could make better use of their properties with municipal sewerage. Typically, there will be twenty to forty property owners in a lateral improvement district, and typically it takes approximately one half of the property owners in a proposed district to satisfy the statutory requirements for initiating a petition (property owners owning one-half in value of the property in the proposed district must sign the petition). Sewer assessments for laterals are virtually always initiated at the neighborhood level. They are not imposed by the Assembly.

In the Anchorage area, once an area is in a special assessment district, it will be subject, not only to the lateral improvement district assessments, which generally run from 10 to 25 cents per square foot (for the first 150 feet behind the property line), but will also be subject to a trunk line assessment which currently runs at three cents per square foot (for the first 150 feet behind the property line).

I know that you and members of your committee are aware of the distinctions between taxes and assessments, but I thought that it

Senator Pat Rodey  
Page 3  
February 25, 1975

might be well if I wrote this letter to emphasize the opportunities to speculate with land at the state's expense if sewer assessments are subsidized by the state for a particular property owner.

An older property owner could easily make a profit in excess of several hundred thousand dollars purely on the basis of the state assuming the assessment costs for improvements benefiting his property. This opportunity for a profit would be denied to a person under 65.

Very truly yours,

*Gary Thurlow*

Gary Thurlow  
Borough Attorney

GT/kj

Pat, I notice that  
CS for Senate Bill 127  
is quite different than  
the bill as originally  
introduced. Even so,  
I thought you would be  
interested in some of the  
observations on the original  
bill so I Gary  
will send this  
letter anyway.

CSSB 127

# STATE OF ALASKA

**DEPT. OF HEALTH AND SOCIAL SERVICES**

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, Governor

Pouch H01, Juneau 99811

~~POUCH H01, JUNEAU 99811~~

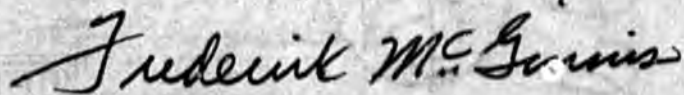
March 5, 1975

The Honorable Samuel R. Cotten  
Chairman, House Community & Regional  
Affairs Committee  
Pouch V  
Juneau, Alaska 99801

Dear Mr. Cotten:

Enclosed are this Department's position papers concerning HB 227 relating to senior citizen municipal tax exemption and CSSB 127 relating to municipal special water assessments.

Sincerely,



Frederick McGinnis  
Deputy Commissioner

Enclosures

OFFICE ON AGING

POSITION REPORT

ON

House Bill #227

"An Act relating to the senior citizens municipal property tax exemption authorized under AS 29.53.020."

This act makes provision for a person 65 years or over to make application for exemption for that year if, in the opinion of the governing body of the municipality, there is good cause shown to waive the claimant's failure to make timely application for the exemption for that year and authorizing the assessor to accept the application as if timely filed.

If a claimant whose failure to file by January 15 of the assessment year has been waived and the exemption is approved, the amount of tax, penalty, or interest already paid for the assessment year with respect to the property exempted shall be refunded.

We are unable to reliably estimate the cost of this amendment. Such figures and a fiscal note could be prepared by the Department of Community and Regional Affairs, that state agency having authority and jurisdiction over implementation of this chapter.

This Office has received a letter from an apparently qualified senior citizen, who was unable to have his application for exemption to be received in time. (copy attached). If the act passes, it would provide an exemption for this person.

This Office supports the passage of this amendment, *provided The Governor's FY 76 Budget is not adversely affected*  
Attachment - letter from Daniel Boone Reed.

Submitted By: M. D. Patrick, Coordinator March 5, 1975  
*Aging office* Date

Approved BY: Frederick McGuinn March 5, 1975  
*deputy Commissioner* Date

== (→)

over a period

Can

line 18-19 after discussing; make land liable rather than the person, who also, at the time would own the land



possible limitations; use language as in senior citizens Prop. tax.



what of limits on annual gross income or property value.

limit of assessed value.

## HCS for CSSB127

3/18/75 - Conversation with Dozier.

1. Making the requirements & limitations of the senior citizen property tax exemption & this special <sup>assessment</sup> exemption the same would facilitate not only the administration by the department, but also the application by the eligible resident. There's no reason why they wouldn't apply for both programs with one application - this would probably insure <sup>use</sup> more of the program by those it's aimed to serve.
2. Defining the amounts of land allowed for exemption would restrict some rip-offs and would also give teeth to the way the sr. citizens' property tax exemption is being enforced. Presently there are no guidelines set out by law.
3. Limiting the income, and checking tax statements to verify this, is going to add another layer of administration, which is something to consider in a \$100,000 program.

Hearings

CSSB 127

		Notified	Present	Testified
3/6/75	Comm. Williamson, H#SS 3030	X		
	(who will notify office of Agnes) Plotnik	X	X	X
	CRA, Dozier	X	X	X
	Municipal League	X		
	Lee Sharp, City Atty, CFB Tuncan <sup>586-3300</sup>	X	X (written testimony)	X
	AML	X	X	X
	CRA, Bob Dozier	X	X	X
	Comm. Williamson, H#SS (Plotnik)	X		
<hr/>				
3/18	Lee Sharp	X	X	
	M.L.	X		
	CRA, Bob Dozier	X	X	X
	Senator Ray	X		
<del>3/26</del>	Municipal League	<del>X</del>		
	CRA, Dozier	<del>X</del>		
<hr/>				
3/26	Dozier, CRA	X		
	M.L.	X		
	Lee Sharp 6-3300	X		
	Senator Ray	X		
<hr/>				
4/30	Dozier	<del>X</del>		
	M.L.	X		
	Senator Ray	X		
	Lee Sharp (6-3300)	X		
	Vivian Loucas 6-1572	X		

SB-138

"An Act relating to zoning in state parks."

# COMMITTEE REPORT

3/14/75

HOUSE

JUDICIARY

Mr. Speaker:

Date

5 21

The Committee on C&RA has had SB 138

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT

CS FOR \_\_\_\_\_ DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>Sean R. Cattan</u>	<u>DO PASS</u>	_____
<u>Kathleen Costello</u>	" "	_____
<u>THUR HERSHBERGER</u>	" "	_____
_____		_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

Sean R. Cattan Chairman

House Committee on  
COMMUNITY & REGIONAL AFFAIRS

Meeting Minutes  
May 21, 1975

Meeting was called to order at 9:15 to discuss SB 259am, SB 138, CSSB 90.

Rep. Cotten	Barbara Thomas, Staff
Rep. Ostrosky	Andrea Guernsey, Staff
Rep. Hershberger	Senator Orsini
Rep. Freeman	Rep. Smith
	Bob LeResche, Fish & Game

SB 259am

Senator Orsini passed out a proposed Committee Substitute that would give the local government a year to act. The bill takes effect June 1, 1976. But he thinks the new Anchorage Borough Assembly will take action on it. Nobody had any objections to the substitute so it was adopted and the bill was reported out.

REPORT OUT

SB 138

AMENDMENT

Rep. Cotten suggests replacing section b with "before any such regulations are enforced they shall be submitted to and approved by the legislature "

PRIVATE LAND  
IN PARK

Rep. Freeman still wants to know if private land surrounded by a state park is within that park? Rep. Smith said that according to this bill that land would be within the park and subject to zoning.

Senator Orsini offered some different language for section B, to the extent that if the legislature didn't act the regulations would take affect. Sam likes the first language better but agrees to change "are enforced" to "takes effect" for the sake of clarity.

REPORT OUT  
COM. SUB.

Rep. Ostrosky moved to adopt the amendment and report the bill out. Without objection so moved.

CSSB 90

Oral still wants to know whether the equipment is sold or given. The "shall transfer" was changed to "may transfer" in the committee substitute. The bill was reported out.

REPORT OUT

Meeting was adjourned at 9:50.

House Committee on  
COMMUNITY & REGIONAL AFFAIRS

Meeting Minutes  
May 6, 1975

Meeting was called to order at 9:25 to discuss SB 138, SB 259am. Present:

Rep. Cotten	Senator Rodey, Sponsor, SB 138
Rep. Hershberger	Senator Croft
Rep. Ostrosky	Rep. Smith
Rep. Freeman	Frank Jones, Director, Game Division
Barbara Englert Thomas, Staff	Kathy Jacobsen, Natural Resources
Andrea Guernsey, Staff	

PRIVATE LANDS  
PART OF PARK?

Freeman wanted to know if the private land within the area were a part of the park or not? Croft said they were not. The language in the bills establishing Chugach and Kachemak excludes valid entries specifically. The A.G.'s office said that if SB 138 passes the courts will interpret this as an intention by the Legislature to provide zoning authority over lands, even though the language in the bill that established them excludes private lands from this.

ZONING?

Freeman's concern is the land inside municipal boundaries. Zoning should be regulated by the municipal government and not by the State. Rep. Smith disagrees. A park is an area where the State has a large interest with only isolated private parts. It is logical that it be managed by the State.

STATUS OF  
EMMINENT DOMAIN  
IN PARKS

Chairman cotten asked if there was a prohibition against eminent domain in Chugach? Ted Smith gave a run down of all the parks created by Legislative Action:

Nancy Lake REC. Area: no restriction against em. D. has been zoned by Mat-Su Borough;

Chena River REC. Area: prohibition against E.D. except for access. Dept. of Natural Resources can zone;

Captain Cook Rec. Area: no restriction against E.D. Kenai Penn. Borough hasn't exercised any zoning authority;

TAPE #13  
sidel  
415=1099

SB 259am  
5/6/75

FRANK JONES

Mr. Jones showed the Committee a map of the Potter Point refuge. Most of the land is below the bluffs in a marshy area which is used for ducks. It is possible that some development could be made on the privatelands that wuld not be compatible. They are presently attempting to buy the 700 acres of private land involved. The purpose of the bill is to exclude any further incompatibel developemnt.

Meeting was adjourned at 10:00.

PAUL C. LOWE  
BX102 E. LAKERIDGE  
EAGLE RIVER, AK  
99577



Samuel Adams

Patriot



U.S. Postage 8c

Rep. Sam Cotten  
Pouch V  
Juneau, AK, 99801

Dear Mr. Cotten,

3-16-75

I am writing you to urge your support for several bills before the House. In particular, I believe HB 21 and SB 138 are in your CRA committee. I hope you will report these out favorably as soon as possible, as I feel both are very desirable legislation. In addition, HB 106 & 163 are in Judiciary, & I hope you will get them to the floor ASAP, too.

Finally, these bills are, I think, in Resources, & anything you could do to get them out & passed by the House at large would be appreciated:

HJR 13; HB 3, 29, 57, 232, 278.

Thanks.

Paul Lowe  
Chugiak

Rainbow Valley  
Indian, Alaska 99540  
May 1, 1975

Rep. Sam Cotten  
House of Representatives  
Community and Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Dear Rep. Cotten:

I understand House Bill 106 concerning zoning in state parks is currently before your committee. I understand the intent of this bill is to control growth so that it is compatible with the environment in the state park. I wholeheartedly support this bill if it does in fact limit growth.

However, the wording of the bill does not eliminate the possibility that the Dept. of Natural Resources could zone in favor of higher density populations. The wording gives the Dept. of Natural Resources leeway in either direction. Would it be possible to tighten the wording of this bill in some way?

We live in an area completely surrounded by Chugach State Park. It is a wonderful experience, and hopefully this bill would give more people the opportunity to experience this also.

Sincerely,

*Elizabeth Holloway*  
Elizabeth Holloway

HB 106  
SB 138

March 8, 1975

Representative Samuel R. Cotten  
House Judiciary Committee  
Pouch V  
Juneau, Alaska 99801

Dear Representative Cotten:

We are writing in regard to HB 106 which is before your committee along with the companion bill SB 138. The intent of the legislation is very good and we support the concept. There are however several questions as to the language. The statute creating the Chugach State Park, AS 41.20.210 has the unusual language "excluding valid entries" which may exclude these private lands from coverage under the bill which states "private property in state parks". Also, the working of the bill would not include coverage of state recreation areas, waysides, historic sites, etc. Would not it read better to say "within the exterior boundaries of an area in the state park system".?

Also, are we not headed for conflict with the boroughs if their authority to zone is not amended? Two agencies with the same authority may cause conflict which should be avoided by proper wording now.

Sincerely,

*R. K. Alman*  
Richard K. Alman

*Edith L. Alman*  
Edith L. Alman  
1514 Marten Street  
Anchorage, Alaska 99504

## Zoning in State Parks.

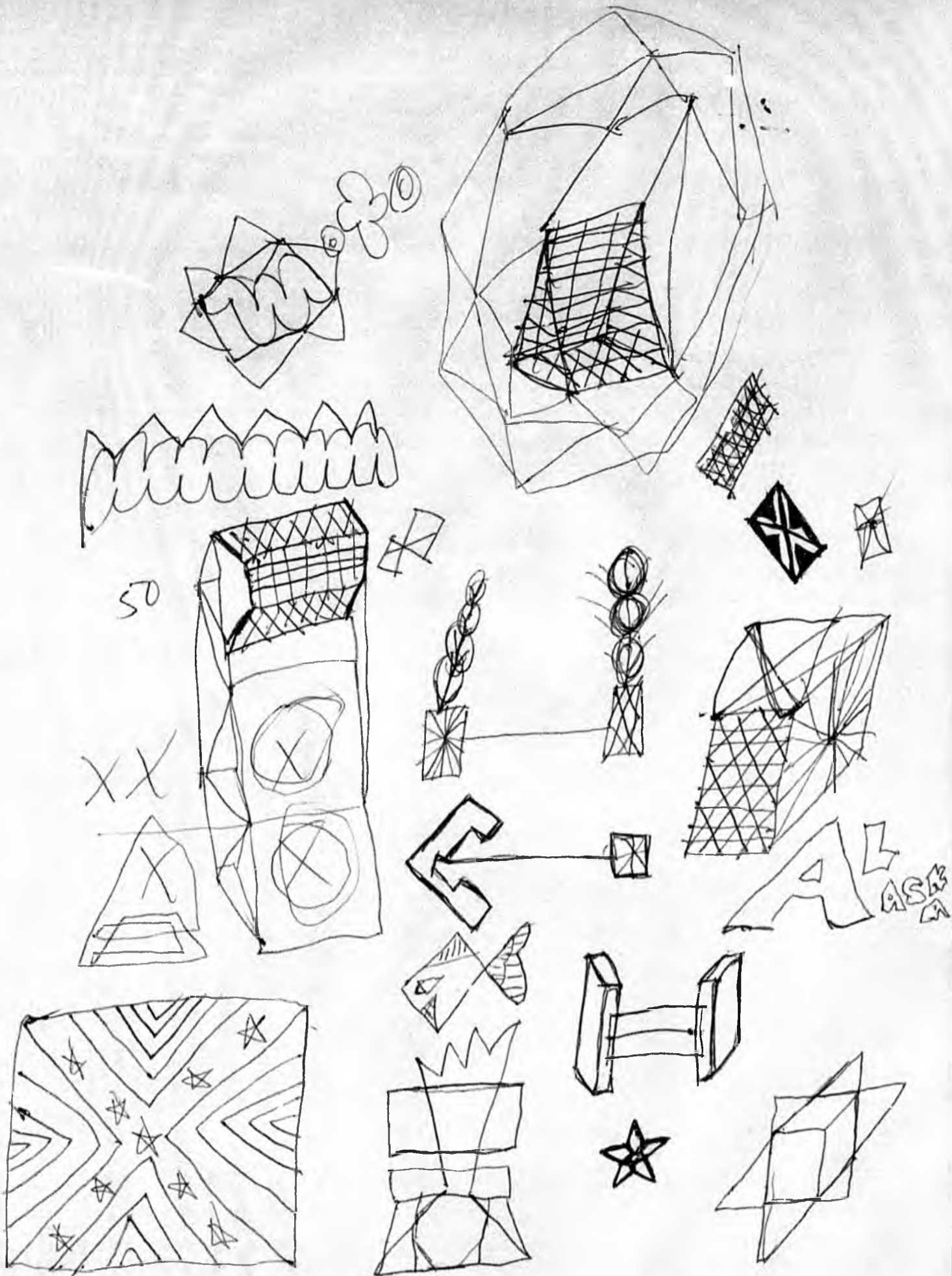
An act to authorize zoning in state parks.

Where (a) a municipality has not exercised its zoning powers as to private land w/i the exterior boundaries of a state park or

(b) the commissioner or his delegate has determined that municipal zoning as to lands designated in (a) is incompatible w/ the purposes for which the park has been established, or is inconsistent w/ the objective of park preservation, or is otherwise inadequate to protect the natural and environmental values of the park,

the commissioner or his delegate shall either  
(i) issue regulations to promote the policies for which the park was established or

(ii) require that any development be preceded by a permit, which shall be issued if such development is for a compatible use.



# MEMORANDUM

# State of Alaska

TO: Honorable William C. Fackler  
Acting Commissioner  
Dept. of Natural Resources

DATE: February 18, 1975

FILE NO:

Em. Dom

TELEPHONE NO:

FROM: Avram M. Gross  
Attorney General  
Dept. of Law

SUBJECT: Regulation of Private Land  
in State Parks and Recreation  
Areas

By: Rodger W. Pegues  
Assistant Attorney General

The Director of the Division of Parks has requested an opinion on this subject. Rather than issuing a formal opinion, we are responding by this memorandum.

The authority of the Director to designate "incompatible uses" and establish rules and regulations governing them arises from AS 41.20.020(6) and AS 41.20.040. It is also contained, generally, in the legislation establishing or authorizing parks and recreation areas. E.g., AS 41.20.140; AS 41.20.180; AS 41.20.230; AS 41.20.310. While it may be argued that this authority is broad enough to regulate use of private lands within the boundaries of a state park or recreation area (i.e., so-called inholdings), our view is that it does not.

Each of the several statutes authorizing or establishing state parks and recreation areas refers expressly to "state-owned lands" or "state-owned land and water" and each also includes land acquired by the state in the future. See, e.g., AS 41.20.130-140. The purpose of each is set forth as "to restrict state-owned lands and waters" for use as a park or recreation area. [Cf, AS 41.20.130] While, as in the act establishing Chugach State Park, the legislature expressly reserved "the lands and waters . . . from all uses incompatible with their primary function as a state park . . ." AS 41.20.210, those lands and waters are "state-owned", AS 41.20.200, 210, and "valid entries" within the park's boundaries are expressly excluded. AS 41.20.210. So too, in establishing Kachemak Bay State Park, the legislature expressly excluded valid entries and leaseholds (both existing and applied for) from the park. AS 41.20.260(c).

Additionally, each of the several enabling statutes and the general park and recreation act, AS 41.20.010-047, provide for the acquisition of private land. And the act establishing Chugach State Park provides for modifying its boundaries where conflicts of land ownership are "unmanageable other than at unreasonable cost and expense to the state . . ." AS 41.20.220. While these provisions are not dispositive of the issue, coupled with the express exclusions of valid entries and the reservation

Honorable William C. Fackler  
Acting Commissioner

- 2 -

February 18, 1975

only and expressly of state-owned land and waters, they create a strong inference that the language prohibiting incompatible uses or authorizing their regulation refers to state-owned land and not to inholdings.

Accordingly, the statutory scheme is to reserve and protect state-owned land and water within state parks from incompatible use but to exclude from the parks both private lands and lands owned by the state but subject to a valid entry. The regulatory power extends only to the state-owned lands and not to inholdings. Indeed, the exclusion of those lands from the parks suggests that they are not, in fact, within the park boundaries, e.g., AS 41.20.260(c), and that they are not properly to be denominated as inholdings.

We can appreciate your concern and regret our negative answer. You may wish to seek amelioratory legislation.

AMG:RWP:pg  
Att.

5/6/75

SB 138

Natural Resources (Kathy Jacobson) (24:6)

or Div. of Parks  
(ask if Div. of Lands, wants to testify)

C & RA (esp. Kevin Waring)

Sen. Pat Rodey

Sen. Cheney Ernst

Notified

Present

Testified

X

X

X

~~X~~

X

X

X

X

X

5

SB-207

"An Act relating to the requirements for run-off elections in municipal elections."

# COMMITTEE REPORT

3/21/75

HOUSE

JUDICIARY

Mr. Speaker:

Date 3 28 75

The Committee on C&PA has had SB 207 am

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR SB 207 AND THAT

H CS FOR SB 207 DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>Sam Little</u>	<u>Do pass</u>	<u>Alise</u>
<u>Arthur Mitchell</u>	<u>do pass</u>	<u>Lewis &amp; Co.</u>
<u>Froonman</u>	_____	_____
<u>Gene Hackman</u>	_____	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

Sam R Little Chairman

HOUSE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Meeting Minutes  
March 28, 1975

Meeting was called to order at 9:00 for discussion of HB 265, 266 and HB 223 and SB 207 am. Present:

Representative Sam Cotten, Chairman  
" Al Ose  
" Larry Davis  
" Kathryn Ostrosky'  
" Glenn Hackney  
" Oral Freeman  
Barbara Englert Thomas, Staff  
Andrea Guernsey, Staff'  
Jean C. Muhou, City Clerk, Anchorage  
Mary Coffery, Borough Clerk, GAAB  
Judi Slajer, Borough Clerk, Ketchikan Borough  
Donald E. Clocksin, Legal Services

HB 265, 266 (community assistance)

(495) First order of business of HB 265. Chairman Cotten read a letter from Commissioner McAnerney saying that only 1st and 2nd class cities were eligible for grants—Home Rule cities are not. This clears up Ose's problem of Anchorage maybe trying to use this program. Rep. Ostrosky moves to report bills out. Reps. Hackney and Freeman object. The Chairman calls for a show of votes to report out. Four voted to move out: Cotten, Davis, Ose and Ostrosky. Bills reported out with individual recommendations.

HB 223, SB 207am

(580) Next on the agenda were election bills. Ms. Slajer said they wanted the language of SB 255 in SB 207am. Hackney objects to taking up bills not in this committee (SB 255). Testimony was restricted to 207 and 223.

(712) Rep. Ostrosky notes technical error in spelling of the word "runoff". Word is hyphenated in SB 207 and not in HB 223.

(725) Ms. Slajer in favor of concept in SB 207 but want to change the wording a little. SB 255 is same but better wording. REp. Davis asked if it wasn't already in ordinance requiring run off for Mayor. Want to exempt all from run off except Mayor.

(767) Ostrosky asked if they needed a plurality vote? Yes, they do.

(775) Hackney—HB 223 requires exemption be ratified by voters—essentail. Different from SB 207. (800) Coffery explains problem with GAAB. Two different sets of standards for same body. Hackney wants people to be able to vote. Coffery wants option by ordinance. Rather than voting on the question the people would vote on the people and if they weren't satisfied the council would hear about it. (885) Ose definitely opposed to ordinance. (898) Freeman wants to know what is wrong with council making ordinances? (925) Ms. Coffery said this position was endorsed by the Alaska Association of Municipal clerks which includes 37 municipalities. (947) Hackney asked what objections they had to the people voting on the question. Jean's response was that the people would voice their displeasure. Coffery explained the GAAB situation. She thinks run off is farce.

(1069) Cotten agrees with Hackney. Question would not cost extra money. Would be voted on at general election or regular or special election. (1103) Jean said the voters didn't vote in the first place to require run off elections. Ostrosky asked what the sentiment was to drop run offs. Ms. Coffery said the association has held the same position for the last couple years. She has enough faith in governing body.

(1159) Ms. Slajr said that HB 223 does give some option.

(1175) Cotten-Home Rule cities exempt from whole thing. Home rule already has option with Charter.

(1230) Cotten asks Hackney if adding " of any of its officials" on line 11 would clear things up. Hackney has no objection.

Ms. Slajer said that SB 255 that there must be a run off for mayor and HB 223 would allow the people to vote on exempting any position so there will have to be a correlation sometime of that discrepancy.

(1265) Freeman suggests taking the language from HB 223 and placing it in SB 207 and let it be settled in free conference. Hackney has no objection. (1306) Freeman moves to report out a committee substitute for 207 which would delete paragraph B in 207 and replace it with para B in 223 with the addition of any of its officials on line 11.

Bill was reported out with committee substitute.

END 1363. Meeting adjourned at 10:00.

Sam - Notes on the election bills before the committee Fri: 3/28/75 BET

HB 218

Eligibility requirements for elective municipal offices [SB 209]

The assembly ~~and~~ Council of a municipality may by ordinance establish residence requirements for candidates borough mayor, city councilman, city mayor. The requirement cannot exceed 3 years.

This language already appears in AS 29.23.050, Qualifications for borough assemblymen.

Runoff Elections in Municipal Elections SB 207 am, HB 223

A municipality may exempt itself from the requirements of this section and provide for a plurality vote for election of officials.

[HB 223] - The ordinance shall be ratified by a majority of the voters voting on the question at a general election or at a regular or special municipal election.

[SB 207 am] - Exempts elections for the office of Mayor

[There would have to be a run-off election if no candidate for Mayor got <sup>at least 40%</sup> ~~majority~~ of the votes cast.] The municipality <sup>(ordinarily council)</sup> may by ordinance require that he receive a majority

SB-209

# COMMITTEE REPORT

3/11/75

## HOUSE

Mr. Speaker:

Date 4/22/76

The Committee on C&RA has had SB 209

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

( ) recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT

CS FOR \_\_\_\_\_ DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

*Ostrosky* *D Pass*

_____	_____	_____ <i>Do Pass</i>
_____	_____	_____
_____ <i>Tom Hartley</i>	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ Chairman

- HB 290, 291            Chairman cotten asked for the consensus of the Committee on these two bills. The members wanted them left in Committee until next year.
- HB 377                Freeman doesn't see any reason for the bill. The rest of the Committee concurs. DEAD.
- SB 125                This is the same one as HB 172 passed out earlier. Hershberger suggests leaving this one in committee and letting HB 172 go through the stages. Let a representative have this one. REST of the members concur.
- HB 293                The Chairman received a telegram from Kodiak who are opposed to this bill. Freeman said that the Anchorage city and borough are interested. Want to wait for more testimony on this one.
- HB 259                Hackney wants to study for the rest of the session. Cotten said the sponsor doesn't want to see it again. Dead for now.
- HB 218  
SB 209                Cotten said there was a constitutional problme with these bills. Dead for now.
- HB 322, 359           Hackney wants rep. Specking to come. Also Chenoweth. These bills will be taken up tomorrow.
- ADJOURN               Meeting was adjourned at 10:00.

ALASKA ASSOCIATION OF MUNICIPAL CLERKS  
8 Ketchikan Gateway Borough  
344 Front Street  
Ketchikan, Alaska

TO: Senate and House State Affairs Committees, Senate and House Finance Committees, Senate and House Community and Regional Affairs Committees and Senate and House Judiciary Committees

DATE: March 27, 1975

SUBJ: AAMC POSITION ON ELECTION LEGISLATION

This is a position statement of the Alaska Association of Municipal Clerks on the following bills pertaining to elections and under consideration by the Ninth State Legislature.

HB 10 Increases the payment of election judges, clerks and counters from \$3.50 per hour to \$5.00 per hour.

Referral - Passed House.

POSITION: Opposed. This bill, if passed, would increase the cost of election boards by 33%. Average increase for local elections, statewide, would be \$33,750.00 per election. In conjunction with HBs 199 and 204, which lengthen the hours that polling places are open on election day, the costs would be even greater. We consider this to be an astronomical increase in local election costs which communities would have to bear.

HB 53 Changes the State General Election to the "first" Tuesday of November in every even numbered year instead of the "first Tuesday after the first Monday". Changes the date of the State Primary from the "fourth Tuesday of August" to the "first" Tuesday of "October" of every even numbered year.

Referral - State Affairs; Finance

POSITION: Opposed. Passage would make State Primaries and local elections fall on the same day. One is partisan and one non-partisan. Implementation of the passed bill would mean two separate precinct boards, two sets of procedures and shuffling of voters from one board to the other and vice versa. The State Election Offices may find it very difficult to prepare for two major State elections only one month apart. Voters would be vividly faced with the differences between local and state election procedures.

By law, the Federal election is held the "first Tuesday after the first Monday" of November. With passage of this bill there would be occasion that a State General Election would be held a week previous to the Federal election.

HB 54 Changes the administration of state elections from the Lt. Governor to an Alaska Election Administration Commission.

Referrals: State Affairs and Finance Committees

POSITION: Opposed to the bill in its present form. We support the theory of removing the Lt. Governor from the direct line of fire in being responsible for the conduct of elections. We would propose a State Elections Commission under the Office of the Lt. Governor which would have the responsibility for the conduct of the elections.

The Commission should be composed of five members all of which have expertise in the conduct of elections. This Commission would consist of the Lt. Governor as Chairman; a representative of each major political party selected from a list of three persons submitted by each party; a representative of a political action group and a fifth member whose current responsibility includes the conduct of municipal elections.

HB 199 Changes the time for opening and closing the polls from  
HB 204 8:00 a. m. - 8:00 p. m. to 7:00 a. m. - 9:00 p. m. and  
6:30 a. m. - 7:30 p. m., respectively.

Referrals: State Affairs and Judiciary.

POSITION: Opposed. Based upon prior experience of polls opening at 7:00 a. m. and closing at 8:00 p. m., we have found 12 hours to be a sufficient amount of time for voting. Surveys taken during that period of time indicate that, at most, only two voters per precinct voted during that morning hour while precinct boards were being paid at full staff capacity. The extension of hours would greatly increase costs, without justification from voter turnout. The addition of hours in the evening to an already existing 14 or 16 hour day would decrease efficiency at a time when accuracy is most critical.

HB 207 Allows voter to register any time of the year, even at the time of voting and allows a voter to vote if qualified in the election district rather than "precinct".

Referrals: State Affairs and Finance

POSITION: Opposed. Those voters choosing to register and vote on election day will, in all cases, have to vote a questioned or challenged ballot since there is no way for a precinct election judge to determine at that time the clear and unquestioned qualification of the voter.

The increase in questioned and challenged ballots then directly affects the time between election and canvass, delaying canvass because of the increased amount of investigation required. The bill, if passed, would discourage making timely change of address as well as early registration and would render the registration rolls virtually useless for the purposes for which they are

presently utilized, i: e. checking of nominating petitions, candidate mail out, initiative and referendum petitions.

HB 214 Provides that when none of the required persons is available for witnessing an absentee ballot it can be done by a single attesting witness who is at least 18.

Referral: State Affairs and Judiciary

POSITION: Opposed. As we feel AS 15.20.150 as it exists provides sufficient flexibility to secure witnesses for purposes of absentee voting.

HB 217 Exempts municipal elections from State law governing election campaign contributions and expenditures.

Referral: State Affairs and Judiciary

POSITION: Endorse. Local government should not be required to conform to standards set for state government unless it is the desire of local government. Candidates for local office find the reporting to be a form of harrassment. The inquiries into local campaign contributions have been minimal.

HB 218 Provides that residency requirements not exceeding three years be set for borough and city mayors and councilmen.

Referrals - Community and Regional Affairs and State Affairs

POSITION: Endorse. Home Rule City may now prescribe additional residency requirements for Mayor by charter. Amendment would extend privilege for prescribing durational residency requirements to general law cities and boroughs for the offices of councilmen and mayor.

HB 219 Provides for registration officials to serve in each polling place during municipal, primary and general elections.

Referrals - State Affairs and Finance

POSITION: Endorse. The registrar would be right at the polling place to make a change of address, name, etc. This would enable the voter who is angry at the time of voting because he made a change of address and it did not make the list - or didn't make a change and is just angry at having to vote a questioned ballot - to have his anger somewhat lessened, if not totally, by having a registrar available at that time to make the necessary change. This would aid in making the registration rolls more accurate and be an added convenience to the voter.

HB 223 Provides that a municipality may provide for plurality vote for election of official by ordinance ratified by a majority of the voters thus exempting itself from the 40% run-off requirement.

Referrals - State Affairs

POSITION: Support. Present 40% run-off provision is discriminatory in the first place by exempting home-rule cities. Home-rule cities have representatives on Borough Assemblies which may be elected by standards different than are required for the other Assemblymen. Voter apathy is apparent when examining voting statistics for run-off elections. Many times a candidate has won a run-off election with less votes than received in the general election. This is difficulty in computing the 40% in multi-seat races. Statistics show that the 40% run-off has only infrequently changed the outcome of the regular election. The run-off election is often more costly than the general election - in Borough's having an areawide run-off and not sharing election costs with the cities as they do in general elections.

HB 233 Provides that a voter who has failed to obtain a transfer from one precinct or election district to another may vote a questioned ballot in the district where he resides on election day.

Referrals - State Affairs

POSITION: Oppose. Endorse instead HB 300.

HB 240 Provides a tax credit against Alaska Income Tax to a taxpayer who votes in a state or local election during the tax year.

Referrals - State Affairs and Finance

POSITION: Opposed. Voting is a right, not a commodity to be purchased for \$10.00. Money has never proven to be a lasting incentive to sustain initiative.

HB 300 Clarifies voter's residency requirement.

Referrals - State Affairs and Finance

POSITION: Endorse. This bill will further clarify "residency requirements" for voting purposes by establishing criteria for judgements that have to be made at every election and affecting not only the voters, but candidates as well.

SENATE BILLS

SB 206 Provides that a voter who has failed to obtain a registration transfer shall vote a questioned ballot in his precinct of residence.

Referrals - State Affairs

POSITION: Opposed. Endorse instead HB 300.

SB 207 Permits a municipality to provide for plurality vote for election of officials by ordinance.

Referral - Community and Regional Affairs

POSITION: Opposed. Endorse instead SB 255.

SB 208 Provides for registration officials to serve in each polling place during municipal, primary and general elections.

Referrals - State Affairs

POSITION: Endorse. See HB 219.

SB 209 Provides that residency requirements not exceeding three years can be set for borough and city mayors and councilmen.

Referrals - Community and Regional Affairs

POSITION: Endorse. See HB 219.

SB 237 Changes time for opening polls from 8:00 a. m. to 6:30 a. m.

Referrals - State Affairs

POSITION: Opposed. See HB 199 and HB 204.

SB 255 Run-off Elections.

Referrals - Community and Regional Affairs.

POSITION: Opposed.

SB 269 Punch card voting.

Referrals - State Affairs

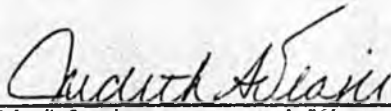
POSITION: Endorse. Existing statute does not deal efficiently with punch card voting.

SB 270 Municipal Election Date.

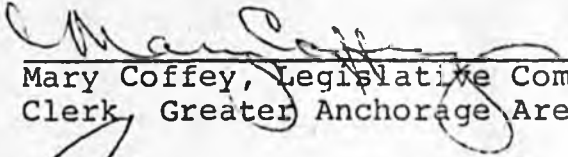
Referrals - Community and Regional Affairs

POSITION: Oppose.

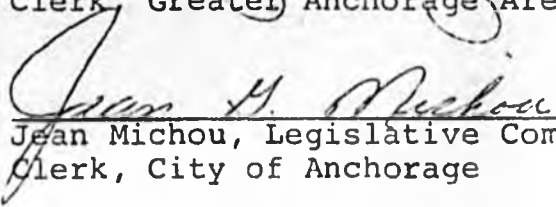
These positions were developed from a statewide consensus of the thirty-seven members of the Alaska Association of Municipal Clerks, who serve with the municipalities as shown on the attached list.



Judi Slajer, President  
Alaska Association of Municipal Clerks



Mary Coffey, Legislative Committee  
Clerk, Greater Anchorage Area Borough



Jean Michou, Legislative Committee  
Clerk, City of Anchorage

# Alaska Association of Municipal Clerks

## MEMBER MUNICIPALITIES

1975

City of Ambler	City of Kodiak
City of Anchorage	Kodiak Island Borough
City of Angoon	City of Kotzebue
City of Cordova	Matanuska-Susitna Borough
City of Craig	City of Nome
City of Delta Junction	City of North Pole
City of Dillingham	City of Palmer
Fairbanks North Star Borough	City of Petersburg
City of Fort Yukon	City of Seldovia
Greater Anchorage Area Borough	City of Seward
City of Haines	City and Borough of Sitka
City of Homer	City of Skagway
City of Hoonah	City of Soldotna
City and Borough of Juneau	City of Unalaska
City of Kenai	City of Valdez
Kenai Peninsula Borough	City of Wales
City of Ketchikan	City of Whittier
Ketchikan Gateway Borough	City of Wrangell
	City of Yakutat

3/28/75



SB 209

At Municipal League

C & RA

Lt. Governor's Election Office

Mary Coffey, GAAB clerk

Ed Hildebrand, C & B Junear

Notified

Present

Testified

X

\

X

X

X

X

SB.227

"An Act relating to sale or other disposition by an organized borough or agricultural land.

# COMMITTEE REPORT

4/22/75

HOUSE

Mr. Speaker:

Date 4-29

The Committee on CBRA has had SB 227 am

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

(4) recommends it BE REPLACED WITH CS FOR SB 227 am AND THAT

CS FOR SB 227 am DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>Sam P. Utter</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

Sam P. Utter Chairman

TAPE # 11  
side 2  
1409-end

TAPE #12  
side 1  
0-333

House Committee on  
COMMUNITY & REGIONAL AFFAIRS

meeting Minutes  
April 29, 1975

Meeting was called to order to discuss SB 227am. Present were:

Rep. Cotten	Barbara Englert Thomas, Staff
Rep. Davis	Andrea Guernsey, Staff
Rep. Ostrosky	Kevin Waring, Director, Community Planning
Rep. Freeman	Senator Kertulla, Sponsor
Rep. Ose	Mr. Honsinger, Division of Agriculture

PURPOSE OF  
BILL

Senator Kertulla told the committee the reason for the bill. This will help the assemblies from bending under the public pressure they might get to reclassify lands from agricultural to where they can subdivide. This will keep people from buying land at special agriculture prices and then subdividing and selling for a profit.

TO PURCHASE  
AGRICULTURAL LAND

He said it is a very simple process presently to acquire agricultural land from the State. One merely asks the State to sell under an agricultural preference and then the land is kept for one year and the person may do whatever he wants with it after that. The difference in price is approx. 1/3. Under the State homestead program the purchaser only pays 1/10 of the amount bid and then must put the rest into improvements on the land.

PRICE DIFFERENCE

The Borough assembly presently makes the decision on what to classify the land (on the 10% of land they have chosen from the State).

20 YEARS

Ose asked why the 20 year figure? Kertulla had 55 years originally then put it down to 30 because that was the extent of mortgages. He had trouble in the Senate with such a high figure and 20 was a good compromise. Ose wants to change the figure to 50. After 20 years the owner may do what he wants.

TAPE #11'  
side 2  
1409-end

TAPE #12  
side 1  
0-333

SB 227am  
4/29/75

KEVIN WARING

Kevin Waring objects to the dead hand on use of land for such a long time. He gave the example of Anchorage and Fairbanks 25 years ago. Is it wise to limit for so long. It also might cause the borough assembly to be reluctant to classify the land. Probably some good reason to abrogate will arise before the time is up in some cases

MR. HONSINGER

He mentioned an article in Time magazine he suggested the Committee read (April 21. He said the bill only address a small portion of land in Alaska- 50 million acres. Good agricultural land needs to be protected from development. He is on the Agriculture revolving loan fund and would like to see a 30 year figure used because this is the extent for long term agriculture loans.

AMENDMENT

There being no objection to Ose's motion for 50 years it was adopted. There was a motion to make a committee substitute and pass out.

REPORT OUT

So moved.

ADJOURN

Meeting was adjourned at 10:00/

4/29

SB 227 am

Notified    Present    Testified

Sen. Kertulla

X

Dept. of Natural Resources (Kathy <sup>2419</sup> Jacobson)

X

→ Hansinger (ask Kathy)

X

C & RA, (Kevin & Jack)

X

Municipal League

X

division of agric

DuZier

X

SB.259

# COMMITTEE REPORT

4/15/75

HOUSE

Mr. Speaker:

Date 5-21-75

The Committee on C&RA has had SB 259 am

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

( ) recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT

CS FOR \_\_\_\_\_ DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>Sam P. Otter</u>	<u>DO PASS</u>	_____
<u>Kathryn Cotnam</u>	<u>" "</u>	_____
<u>Willie Hershberger</u>		_____
_____		_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

Sam P. Otter Chairman

House Committee on  
COMMUNITY & REGIONAL AFFAIRS

Meeting Minutes  
May 21, 1975

Meeting was called to order at 9:15 to discuss SB 259am, SB 138, CSSB 90.

Rep. Cotten	Barbara Thomas, Staff
Rep. Ostrosky	Andrea Guernsey, Staff
Rep. Hershberger	Senator Orsini
Rep. Freeman	Rep. Smith
	Bob LeResche, Fish & Game

SB 259am

Senator Orsini passed out a proposed Committee Substitute that would give the local government a year to act. The bill takes effect June 1, 1976. But he thinks the new Anchorage Borough Assembly will take action on it. Nobody had any objections to the substitute so it was adopted and the bill was reported out.

REPORT OUT

SB 138

Rep. Cotten suggests replacing section b with "before any such regulations are enforced they shall be submitted to and approved by the legislature."

AMENDMENT

PRIVATE LAND  
IN PARK

Rep. Freeman still wants to know if private land surrounded by a state park is within that park? Rep. Smith said that according to this bill that land would be within the park and subject to zoning.

Senator Orsini offered some different language for section B, to the extent that if the legislature didn't act the regulations would take affect. Sam likes the first language better but agrees to change "are enforced" to "takes effect" for the sake of clarity.

REPORT OUT  
COM. SUB.

Rep. Ostrosky moved to adopt the amendment and report the bill out. Without objection so moved.

CSSB 90

Oral still wants to know whether the equipment is sold or given. The "shall transfer" was changed to "may transfer" in the committee substitute. The bill was reported out.

REPORT OUT

Meeting was adjourned at 9:50.

House Committee on  
community & regional affairs

Meeting Minutes  
May 8, 1975

Meeting was called to order at 9:15 to discuss SB 209am again.

Rep. Cotten	Barbara Englert Thomas, Staff
Rep. Davis	ANDrea Guernsey, Staff
REp. Freeman	Senator Orsini, Sponsor
REp. Hackney	Senator Rodey
Rep. Hershberger	Rep. Smith
Rep. Ostrosky	Cathy Jacobsen, Dept. of Natural Resources
	Don Berry, Municipal League

SENATOR ORSINI            Senator started by saying that this bill originally covered zoning in all the 18 state game refugees. But 17 of these are coincidental with national wildlife refugees and there is already a handle on the use of the land so this bill was amended to cover the only solely State game refugee, Potter Point.

WHY AMENDED

OTHER GAME REFUGEE      Cotten asked what about the new ones being created? Orsini said this has been taken care of. A provision is written into the original bills.

MUNICIPAL PLANNING AND ZONING      REP. Freeman said his problem was a state authority usurping the planning and zoning powers of the municipality. Orsini replied that in this case the borough has the powers but doesn't want to use it in a state game refugee. So consequently this land is unzoned. Besides this state power is not unfettered. Freeman thinks the State should just buy the land instead of zoning.

APPROPRIATION            Smith explained that that is the intention of the State but there is a lack of money. Hershberger said the legislature has passed a measure appropriating \$75,000 to be matched with \$225,00 of Pitney-Roberts Federal money to buy some of this land. But this \$300,000 will only buy 15 of the 38 parcels. The zoning is to cover the land until more money can be found.

Senator Orsini suggest s changing line 17, change "IN" to "surrounded by state land" which would take care of Freeman's problem of the State zoning private land. Oral said there wouldn't be any need for the bill then.

Meeting was adjourned until 3:00 when Mr. Jones, Game Division, can come with a detailed map of private land.

House Committee on  
COMMUNITY & REGIONAL AFFAIRS

Meeting Minutes  
May 6, 1975

Meeting was called to order at 9:25 to discuss SB 138, SB 259am. Present:

Rep. Cotten	Senator Rodey, Sponsor, SB 138
Rep. Hershberger	Senator Croft
Rep. Ostrosky	Rep. Smith
Rep. Freeman	Frank Jones, Director, Game Division
Barbara Englert Thomas, Staff	Kathy Jacobsen, Natural Resources
Andrea Guernsey, Staff	

PRIVATE LANDS  
PART OF PARK?

Freeman wanted to know if the private land within the area were a part of the park or not? Croft said they were not. The language in the bills establishing Chugach and Kachemak excludes valid entries specifically. The A.G.'s office said that if SB 138 passes the courts will interpret this as an intention by the Legislature to provide zoning authority over lands, even though the language in the bill that established them excludes private lands from this.

ZONING?

Freeman's concern is the land inside municipal boundaries. Zoning should be regulated by the municipal government and not by the State. Rep. Smith disagrees. A park is an area where the State has a large interest with only isolated private parts. It is logical that it be managed by the State.

STATUS OF  
EMMINENT DOMAIN  
IN PARKS

Chairman cotten asked if there was a prohibition against eminent domain in Chugach? Ted Smith gave a run down of all the parks created by Legislative Action:

Nancy Lake REC. Area: no restriction against em. D.. has been zoned by Mat-Su Borough;

Chena River REC. Area: prohibition against E.D. except for access. Dept. of Natural Resources can zone;

Captain Cook Rec. Area: no restriction against E.D. Kenai Penn. Borough hasn't exercised any zoning authority;

Battery Point: prohibition against E.D. Haines  
Borough has no zoning authority so none to exercise.

Chugach State Park: no prohibition against E.D.  
GAAB has not exercised zoning;

Kachemak Bay St. Park: no prohibition against E.D.  
Kenai Borough has not exercised zoning authority;

Denali St. Park: prohibition against E.D. Mat-Su has  
not exercised zoning;

Caines Head: E.D. prohibited. Kenai has not zoned.

#### BOROUGH'S ZONING

Senator Rodey sees no reason for boroughs to zone  
state parks. Too much of a problem for them to  
exercise zoning. To avoid detail they classify  
as unrestricted or unzoned. Everything not zoned  
specifically is unrestricted.

Cotten asked if there were any other parks with  
private property within boundaries where private  
land is classified differently? Rep. Smith said  
that every one of the eight parks mentioned have  
at least 1 parcel of private property. Only one  
has in fact been zoned (Nancy Lake in Mat-Su).  
Kachemak and Chugach are the only ones with language  
excluding private lands from park. The rest don't  
specifically exclude.

#### PROBLEMS N PARKS?

Have there been any problems arising in the parks,  
as far as development? Senator Croft said there  
was a problem in the southern portion of Chugach.  
There is a considerable amount of intent to develop,  
dividing land up into acre lots, etc.

#### COMPATIBLE USE

Rep. Hershberger thinks that compatible use is  
implicit in zoning and it is up to zoning authority  
to see concept is kept.

#### SB 259am

Senator Rodey explained the reasoning behind this  
bill. He said the difference between the original  
and the amended was because it was felt that other  
game refuges didn't have the problem Potter Point  
did because they were inherited from the federal  
gov't with no private holdings. The only problem  
at present is Potter Point. The State is attempting  
to buy all the lands that have been dedicated for  
park purposes but don't have enough money right now.  
There are still private lands inside the boundaries  
of the refuge and it is important to zone these to  
keep them consistent with the use of the refuge.  
Right now much of the land has been purchased for  
speculation by large corporations.

TAPE #13  
sidel  
415-1099

SB 259am  
5/6/75

FRANK JONES

Mr. Jones showed the Committee a map of the Potter Point refuge. Most of the land is below the bluffs in a marshy area which is used for ducks. It is possible that some development could be made on the privatelands that wuld not be compatible. They are presently attempting to buy the 700 acres of private land involved. The purpose of the bill is to exclude any further incompatibel developemnt.

Meeting was adjourned at 10:00.

Sam - I talked to Dick Hart at the GAAAB Planning Department about SB 138 and SB 259 am. He said they would rather see the problem attacked through a resolution by the legislature urging the municipalities to zone the land or even mandating them to zone with the threat that if they don't the State will. This would allow the municipalities a little more time to get it done, but would put pressure on them to do it.

He said that 6-8 months ago the Assembly passed a new zoning ordinance that would cover a lot of this area, but that the Mayor vetoed it because the whole package set up some bad zoning patterns. At this point the land within Potter Point Game Refuge is unrestricted.

In Chugach State Park portions have been zoned R-8 (one residence per 5 acre lot). South of Rabbit Creek most of the land is unrestricted. In the Eagle River - Chugach area, most of the land is still unrestricted, because ~~they~~ of ~~didn't~~ the borough's being formed. He anticipates that most of the area will be ~~classified~~ zoned soon, possibly within the year.

I asked him about subdivisions and he said Swiss ~~Planning~~ <sup>PS</sup> ~~the Planning & Zoning~~ subdivision is in court. The Platting Board granted permission to subdivide into 1/4 acre lots and that decision was not appealed to the Assembly. After the time for appeal had run out, some property owners below the proposed subdivision brought suit, saying that the lots were too small, the drainage wasn't good enough, nor were the roads, etc. Dick said it looks like the GAAAB will lose the suit.

He said the feeling of the Assembly and the Planning & Zoning Commission seems to be that they support only low density development. There are other controls through the Dept. of Environmental Quality and the problem of access that most subdividers would have to overcome. He may come testily Thurs. - he'll call back today. BET

Introduced: 1/20/75  
Referred: Community and  
Regional Affairs

1 IN THE SENATE

BY ZIEGLER

2 SENATE BILL NO. 29

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act expressly authorizing dual officeholding by  
7 city managers as borough managers; and providing for  
8 an effective date."

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

10 \* Section 1. AS 29.23.130 is amended by adding a new subsection to read:

11 (e) A borough adopting a manager plan may, by agreement with a  
12 city or otherwise, enter into a contract providing for the  
13 manager of a city located within the borough to serve also as borough  
14 manager. Appointment and service of the manager as borough manager  
15 shall be as otherwise provided for managers in secs. 130 - 150 of this  
16 chapter and in AS 29.23.450 - 29.23.470. Nothing in this subsection  
17 affects the authority of the assembly or council to provide for other  
18 dual officeholding if the dual offices held are compatible or otherwise  
19 to appoint officers and employees in accordance with law.

20 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.010.-  
21 070(c).

22  
23  
24  
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26 500  
27  
28  
29

## MEMORANDUM

State of Alaska

TO: Honorable William C. Fackler  
Acting Commissioner  
Dept. of Natural Resources

DATE: February 18, 1975

FILE NO:

TELEPHONE NO:

FROM: Avrum M. Gross  
Attorney General  
Dept. of Law

SUBJECT: Regulation of Private Land  
in State Parks and Recreation  
Areas

By: Rodger W. Pegues  
Assistant Attorney General

The Director of the Division of Parks has requested an opinion on this subject. Rather than issuing a formal opinion, we are responding by this memorandum.

The authority of the Director to designate "incompatible uses" and establish rules and regulations governing them arises from AS 41.20.020(6) and AS 41.20.040. It is also contained, generally, in the legislation establishing or authorizing parks and recreation areas. E.g., AS 41.20.140; AS 41.20.180; AS 41.20.230; AS 41.20.310. While it may be argued that this authority is broad enough to regulate use of private lands within the boundaries of a state park or recreation area (i.e., so-called inholdings), our view is that it does not.

Each of the several statutes authorizing or establishing state parks and recreation areas refers expressly to "state-owned lands" or "state-owned land and water" and each also includes land acquired by the state in the future. See, e.g., AS 41.20.130-140. The purpose of each is set forth as "to restrict state-owned lands and waters" for use as a park or recreation area. [Cf., AS 41.20.130] While, as in the act establishing Chugach State Park, the legislature expressly reserved "the lands and waters . . . from all uses incompatible with their primary function as a state park . . . ." AS 41.20.210, those lands and waters are "state-owned", AS 41.20.200, 210, and "valid entries" within the park's boundaries are expressly excluded. AS 41.20.210. So too, in establishing Kachemak Bay State Park, the legislature expressly excluded valid entries and leaseholds (both existing and applied for) from the park. AS 41.20.260(c).

Additionally, each of the several enabling statutes and the general park and recreation act, AS 41.20.010-047, provide for the acquisition of private land. And the act establishing Chugach State Park provides for modifying its boundaries where conflicts of land ownership are "unmanageable other than at unreasonable cost and expense to the state . . . ." AS 41.20.220. While these provisions are not dispositive of the issue, coupled with the express exclusions of valid entries and the reservation

Honorable William C. Fackler  
Acting Commissioner

- 2 -

February 18, 1975

only and expressly of state-owned land and waters, they create a strong inference that the language prohibiting incompatible uses or authorizing their regulation refers to state-owned land and not to inholdings.

Accordingly, the statutory scheme is to reserve and protect state-owned land and water within state parks from incompatible use but to exclude from the parks both private lands and lands owned by the state but subject to a valid entry. The regulatory power extends only to the state-owned lands and not to inholdings. Indeed, the exclusion of those lands from the parks suggests that they are not, in fact, within the park boundaries, e.g., AS 41.20.260(c), and that they are not properly to be denominated as inholdings.

We can appreciate your concern and regret our negative answer. You may wish to seek amelioratory legislation.

AMG:RWP:pg  
Att.

5/6/15

SB 259

(2416)  
 Kathy Jacobson, Dept Nat'l Resources  
 Kevin Waring, CA  
~~Sen. [unclear]~~  
 Sen. Orsini  
 Sen. Craft  
 Dept. of Fish & Game  
 Sen. Kacey  
 Rep. Ted Smith

Notified

Present

Testified

X

X

X

X

X

X

X

X

X

X

X

X

X

X

X

X

SB. 358

"An Act relating to land to be conveyed to the state in trust for future cities under the Alaska Native Claims Settlement Act; and providing for an effective date."

4/24/75

COMMITTEE REPORT

JUDICIARY

HOUSE

Mr. Speaker:

Date 4-28

The Committee on C&RA has had SB 358

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR SB 358 AND THAT  
CS FOR SB 358 DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_  
COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>Sam Carter</u>	<u>Do Pass</u>	_____
<u>William Alford</u>	<u>Do Pass</u>	_____
<u>James Thomas</u>	<u>Do Pass</u>	_____
<u>Elroy</u>	<u>Do Pass</u>	_____
<u>Steve Jackson</u>	<u>" "</u>	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends: \_\_\_\_\_

\_\_\_\_\_ recommends: \_\_\_\_\_

\_\_\_\_\_ recommends: \_\_\_\_\_

\_\_\_\_\_ recommends: \_\_\_\_\_

\_\_\_\_\_ recommends: \_\_\_\_\_

Sam Carter Chairman

House Committee on  
COMMUNITY & REGIONAL AFFAIRS

Meeting Minutes  
April 28, 1975

Meeting was called to order at 9:00 to discuss SB358 & HB 136.

Rep. Cotten	Barbara Englert Thomas, Staff
Rep. Ostrosky'	Andrea Guernsey, Staff
Rep. Davis	Kevin Waring, Director, Community Planning
Rep. Freeman	
Rep. Hackney	Rep. Hershberger-absent
Rep. Ose	

Chairman Cotten said he was ready to pass out SB 358 if the rest of the members were agreed. The suggested amendments were gone over.

AMENDMENT "shall" Line 13 page 1: change "shall" to "shall be designated to".

AMENDMENT "interest" Ose wants "and interest" to be added on line 29 on page 1 and on line 7, page 2. To make things clearer.

SECTION B Rep. Davis doesn't like lines 21, and 22. He says the land belongs to the Native corporations and not to the village councils. Mr. Waring explained that this section covered after the land had been transferred to the State and if the State wanted to do anything else with it they had to get the concurrence of a local body. Regional Corporations are not used because they represent the private interests and not public.

PASS OUT Rep. Ostrosky moved to incorporate the amendments in a committee substitute and pass out. So moved. All members signed do pass.

-----  
SB 125 (1342) Rep. Cotten said he received a request from the Municipal League to pass out SB 125, companion to HB 172 already passed out. It's an identical bill and the League would like to pass it out in the interest of time.

REPORT OUT Ose made a motion to pass out. So moved.

ADJOURN Meeting was adjourned at 9:40. )1409)

SB-529 Am

# COMMITTEE REPORT

HOUSE

4/1/76

FINANCE

Mr. Speaker:

Date

4-27-76

COMMUNITY AND REGIONAL

The Committee on

AFFAIRS

has had

SB 529

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR 5155-7 AND THAT

CS FOR 3155-1 DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>Sam C. Otter</u>	_____	_____
<u>Al Casper</u>	_____	_____
<u>Sam Lockman</u>	_____	<u>Ridd</u>
<u>Pat Keyser</u>	_____	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

Sam C. Otter Chairman

HOUSE COMMUNITY & REGIONAL AFFAIRS

April 9, 1976

The meeting was called to order at 9:05 am by Chairman Cotten for discussion of SB 551, SB 529, HB's 656 and 657. Present were:

Rep. Cotten  
Rep. Ose  
Rep. Freeman  
Rep. Kelley  
Rep. Hackney  
Rep. Davis

Rep. Ostrosky  
Don Berry, Alaska Municipal League  
Palmer Mc Carter, C&RA  
Barbara Englert Thomas, Staff  
Vicci Hansen, Staff

- 0009 Chairman Cotten explained SB 551. Since Anchorage unified it didn't automatically come under the Social Security Act and apparently it appears that unless municipal employees are covered under Title II of the Social Security Act, they don't qualify for state PERS so the procedure is for them to have a vote on an individual basis to find out if they want to.
- 0058 Don Berry pointed out that on February 17th the House passed HB 569, 35-0 and this bill is identical to SB 551.
- 0079 Rep Freeman asked to vote the bill out.
- 0110 Palmer McCarter gave a run-down on SB 529. Sections 1 and 2 were in the Governors bill and basically they consider that part to be part of a clean up of existing language. There would be the possibility under Section 1 where a borough could apply under the state for monies that the state says could be exempted to certain individuals without actually having given the exemption to the person. That part is a clean-up. Also, Section 2 they consider a clean-up.
- 0145 Cotten asked McCarter if the problem was that they had a \$10,000.00 exemption and so the state was paying the borough for revenue that they really hadn't lost.
- McCarter said yes.
- Cotten said that confused him.
- McCarter explained this. There basically is really no objection to either Section 1 or 2. Those are amendments that were proposed by the state assessor. Section 3 additionally had some language in it that the state assessor felt should have been left in and McCarter suspects that the committee members do not have the original bill but he explained this part.
- 0368 McCarter discussed the bill with the committee and said that it would have helped to have Bob Dozier present.
- 0425 Rep. Ose stated that this exemption leaves it wide open for the food stampers and so forth and an honest farmer has a tough time. He stated examples of this in his area.

There was further discussion on the bill.

0540

Rep. Ose said that he would like to have some people come in and discuss the other end of this. Cotten said he have it Wednesday.

0544

Cotten then discussed HB 657, Planning, Platting and Zoning. Gene Hines testified on this. He said that there are some reservations about this bill. He listened to the people representing the Administration and he feels it has much more effect than what they testified to. This was first brought to their attention when they got a copy of unorganized borough zoning regulations put out by administration before the session started. He read portions of those regulations. The committee is to have copies of this letter and regulations. He felt that it should be stopped right now before a lot of money is spent if the committee doesn't approve of it.

Cotten said that it was a serious question.

He said that this should be resolved by the legislature and not by a single committee since it takes in quite a bit of scope. He will have a legal interpretation presented to the committee on this.

0857

Cotten asked the committee what they wanted to do with HB 656. He told the committee what the bill was briefly about.

There was discussion on the bill. He asked if someone would like to make a motion to pass the bill out.

0940

Ostrosky said that she moved to pass the bill out

The meeting was adjourned at 10:00 am.

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\*\*\*\*\*

\*

FROM PB2V TO PB2H

\*

\*\*\*\*\*

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CUTTEN

PRIME SPONSOR SUMMARY

09:42

4/26/76

PAGE

1 OF

4

BILL #

ABBREVIATED TITLE

CURRENT STATUS

DATE

HB 100 ORGANIZATION GRANTS TO CITY AND BUROUGH

IN (H) FINANCE

2/06/75

HB 101 APPROPRIATION TO DEPT C&RA; ANCH; EAGLE RIV

IN (H) C&RA

1/29/75

HB 109 SUPPL APPROPRIATION TO DEPT C&RA; EAGLE RIV

CHAPTER 0022 SLA 75

3/31/75

HB 110 SUPPL APPROPRIATION TO DEPT C&RA; EAGLE RIV

IN (H) C&RA

1/31/75

HB 204 TIME FOR OPENING AND CLOSING THE FULLS

IN (H) STATE AFF.

2/25/75

HB 466 FINANCIAL ASSIST TO OIL IMPACT AREAS

IN (H) FINANCE

5/01/75

HB 469 STATE PAYMENT TO CITY OR BUROUGH: ROAD MAIN

IN (H) C&RA

5/01/75

HB 501 APPROPRIATION TO DEPT H&SS; RELOCATE PRISON

IN (H) FINANCE

5/20/75

HB 648 PAYMENT OF WAGES IN THE STATE

IN (S) RULES

4/08/76

HB 687 STATE AID TO UNIFIED LOCAL GOVERNMENTS

PASSED (H)

4/23/76

HB 775 UNLAWFUL ABSENCE FROM CUSTODY OR CONFINEMENT

IN (S) JUDICIARY

4/12/76

HJR 67 RELATING TO CHUGIAK-EAGLE RIVER AREA

READ BY GOVERNOR

5/31/75

HJR 27 COST-OF-LIVING ALLOWANCE FOR FEDERAL EMPLOY

READ BY GOVERNOR

5/13/75

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Office Business Forms, Inc.

Section 3 of this bill provides for the filing of a lien contemporaneously with the payment of the reimbursement to the municipality. We believe that a lien will be largely self-executing in effect.

Section 3 also makes clear that the farm-property owner who eventually sells the property for a non-farm use after, for example, 50 years of farm use and farm assessment is liable to the State for only seven years of reimbursement -- not the full 50 years. This is presently implied in the third sentence of AS 29.53.035(a), and the amendment of the fourth sentence clarifies the point. Section 3 is made retroactive to January 1, 1975 to coincide with the first year of operation under ch. 90 SLA 1974's revision of the farm-use assessment provisions.

Sincerely,

Jay S. Hammond  
Governor

SB-551

"An Act relating to participation by political subdivisions and public organizations in the Public Employees' Retirement System; and providing for an effective date."

# COMMITTEE REPORT

HOUSE

2/12/76

FINANCE

Mr. Speaker:

Date 4-7-76

The Committee on COMMUNITY AND REGIONAL AFFAIRS has had SB 551

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT

CS FOR \_\_\_\_\_ DO PASS

"and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>		_____
<u>[Signature]</u>		_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman

HOUSE COMMUNITY & REGIONAL AFFAIRS

April 9, 1976

The meeting was called to order at 9:05 am by Chairman Cotten for discussion of SB 551, SB 529, HB's 656 and 657. Present were:

Rep. Cotten  
Rep. Ose  
Rep. Freeman  
Rep. Kelley  
Rep. Hackney  
Rep. Davis

Rep. Ostrosky  
Don Berry, Alaska Municipal League  
Palmer Mc Carter, C&RA  
Barbara Englert Thomas, Staff  
Vicci Hansen, Staff

- 0009 Chairman Cotten explained SB 551. Since Anchorage unified it didn't automatically come under the Social Security Act and apparently it appears that unless municipal employees are covered under Title II of the Social Security Act, they don't qualify for state PERS so the procedure is for them to have a vote on an individual basis to find out if they want to.
- 0058 Don Berry pointed out that on February 17th the House passed HB 569, 35-0 and this bill is identical to SB 551.
- 0079 Rep Freeman asked to vote the bill out.
- 0110 Palmer McCarter gave a run-down on SB 539. Sections 1 and 2 were in the Governors bill and basically they consider that part to be part of a clean up of existing language. There would be the possibility under Section 1 where a borough could apply under the state for monies that the state says could be exempted to certain individuals without actually having given the exemption to the person. That part is a clean-up. Also, Section 2 they consider a clean-up.
- 0145 Cotten asked McCarter if the problem was that they had a \$10,000.00 exemption and so the state was paying the borough for revenue that they really hadn't lost.
- McCarter said yes.
- Cotten said that confused him.
- McCarter explained this. There basically is really no objection to either Section 1 or 2. Those are amendments that were proposed by the state assessor. Section 3 additionally had some language in it that the state assessor felt should have been left in and McCarter suspects that the committee members do not have the original bill but he explained this part.
- 0368 McCarter discussed the bill with the committee and said that it would have helped to have Bob Dozier present.
- 0425 Rep. Ose stated that this exemption leaves it wide open for the food stampers and so forth and an honest farmer has a tough time. He stated examples of this in his area.

There was further discussion on the bill.

0540

Rep. Ose said that he would like to have some people come in and discuss the other end of this. Cotten said he have it Wednesday.

0544

Cotten then discusse' HB 657, Planning, Platting and Zoning. Gene Hines testified on this. He said that there are some reservations about this bill. He listened to the people representing the Administration and he feels it has much more effect than what they testified to. This was first brought to their attention when they got a copy of unorganized borough zoning regulations put out by administration before the session started. He read portions of those regulations. The committee is to have copies of this letter and regulations. He felt that it should be stopped right now before a lot of money is spent if the committee doesn't approve of it.

Cotten said that it was a serious question.

He said that this should be resolved by the legislature and not by a single committee since it takes in quite a bit of scope. He will have a legal interpretation presented to the committee or this.

0857

Cotten asked the committee what they wanted to do with HB 656. He told the committee what the bill was briefly about.

There was discussion on the bill. He asked if someone would like to make a motion to pass the bill out.

0940

Ostrosky said that she moved to pass the bill out

The meeting was adjourned at 10:00 am.

4/8/76 Peter Argetsinger - Anch. Municipality Legal Staff

SSSI - When Anch unified it became a new  
munic. Because of new federal law <sup>employees of</sup> new munic's  
aren't covered automatically by Social Security  
but the ~~munic's~~ employees have to vote to  
opt into the program & that's done on  
an individual basis. Even if a majority vote  
to pay into Social Security, those who don't  
won't be covered - individual choice.

City of Anchorage  
on 6/11/76  
Social Security  
Employees  
Vote

6/11/76  
Anchorage  
Employees  
Vote

# SENATE CALENDAR

EIGHT-EIGHTH DAY

Thursday, 10:00 a.m.  
April 8, 1976

## SENATE BILLS IN THIRD READING

SB 724            Making corrective amendments in the Alaska  
                 Statutes

## SECOND READING OF SENATE BILLS

SB 569            Workmen's compensation rates for injured workers  
                 residing outside Alaska  
                 L&M offered CS page 723

SB 629            Enactment of Interstate Compact on  
                 Placement of Children  
                 \_\_\_\_\_ effective date  
                 HESS offered CS page page 569

SB 720            Reacquisition of oil and gas leasehold  
                 interests in Kachemak Bay  
                 \_\_\_\_\_ effective date  
                 Finance offered CS page 723

CHAPLAIN: The Reverend Robert McNabb  
                 United Methodist Church, Douglas

JAN 19 1976

The Honorable Chancy Croft  
President of the Senate  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. President:

In accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill relating to participation by political subdivisions and public organizations in the Public Employees' Retirement System. The bill deletes provisions in two sections (AS 39.35.550 and 39.35.560) of the Public Employees' Retirement System (PERS) which presently require political subdivisions or public organizations desiring to participate in PERS to provide coverage for their employees under Title II of the federal Social Security Act, the Act providing for contributions under the Federal Insurance Contributions Act (FICA). The requirement is no longer needed and serves no public interest.

The requirement which would be deleted by this bill was originally imposed upon political subdivisions and public organizations in order to coordinate employee contributions to both FICA and PERS. Prior to 1968, employees participating in PERS contributed a fixed percentage of their earnings which was split between FICA and PERS. Ch. 143, SLA 1960. FICA contributions were deducted first, and the remainder went to PERS. In 1968, section 2, ch. 235, SLA 1968 altered the PERS and required a specified contributions by employees to PERS in addition to appropriate FICA contributions. The 1968 amendments thus eliminated the need for coordination between FICA and PERS contributions.

The requirements which would be deleted by this bill are not only unnecessary, but they also complicate participation in PERS. For example, after unification of the Anchorage borough and city governments, the Anchorage municipality as a new entity and employer no longer needs to maintain a FICA-contribution program. However, AS 39.35.550 as presently constituted requires such a contribution for participation in PERS. The bill would eliminate this prerequisite to PERS participation, and permit the municipality to freely choose FICA-participation. To require FICA-participation by the municipality would require it to conduct

777 13 1012

referendum elections to determine whether FICA coverage was desired. 26 U.S.C. 3121. Voter disapproval of FICA participation would under present law prohibit the municipality from participating in PERS. This possibility is undesirable and would be eliminated by this bill.

Sincerely,

Jay S. Hammond  
Governor

SB-683

# COMMITTEE REPORT

HOUSE

4/15/76

Mr. Speaker:

Date 5/24/76

The Committee on Community and Regional Affairs has had CSSB 683

under consideration. A Majority of the members of the Committee

- recommends it DO PASS
- recommends it DO NOT PASS
- recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT  
CS FOR \_\_\_\_\_ DO PASS
- "and" recommends it BE REFERRED TO THE \_\_\_\_\_  
COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

Members NOT concurring in the Majority report:

- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:

[Signature] Chairman

HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

May 12, 1976

Chairman Cotten called the meeting to order at 9:08 am for the committee to consider SB 740, SB 683 and SB 703. Present were:

Rep. Cotten	S. Robert Dozier, State Assessor DCRA
Rep. Ose	Ray R. Smith, Haines Boro. Assessor
Rep. Ostrosky	Samuel Coxson, Muni. of Anch.
Rep. Davis	Jack Chenoweth, Senate CRA Committee
Rep. Rudd	Karen Morehouse, NOW, Fairbanks/Juneau
Rep. Hackney	Palmer McCarter, DCRA
Rep. Hershberger	Barbara Eglert Thomas, Staff
Rep. Kelley	Jo Putman, staff
Rep. Freeman	

Jack Chenoweth discussed SB 740 "An Act requiring certain information on real estate conveyance instruments." As it stands now 90% of the requests for recording come from lawyers and banks with no name or address of a new owner, causing a title search to find out who to send assessment notices, tax bills which usually ends up with the new owner paying a penalty. Rep. Kelley moved to add "mailing" before address on Line 14. The bill was passed out of committee and sent to House Judiciary.

Palmer McCarter discussed SB 683 "An Act relating to municipal incorporation standards and procedures." The Local Boundary Commission is in favor of this bill, standards are necessary and they urge adoption by legislation. This bill provides for a preliminary investigation by the Boundary Commission staff, before the entire Commission goes to a village that has applied to incorporate, to see if everything is in order and if everyone in the village is in favor of incorporation and all requirements are met. It would save time and money. No action was taken on the bill at this time.

Senate Bill 703 was brought up but no one on the committee was interested in moving it any further.

The meeting was adjourned about 10 am.

HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

May 19, 1976

Chairman Cotten called the meeting to order at 9:12 am to discuss SB 683, HCSSB 753, present were

Rep. Cotten	Palmer McCarter, DCRA
Rep. Ose	Bill Berrier, Legal Services, LAA
Rep. Rudd	Sam Granato, DSS/Dhss
Rep. Hackney	Eric Lee, DCRA
Rep. Freeman	Marshal Hubbard, Senate LAA
Rep. Ostrosky	Debbie Staack, Legislative Affairs
	Elaine Mitchell, kiny
	Harvey Pitts, DCRA
	Barbara Englert Thomas, Staff
	Jo Putman, Staff

Palmer McCarter discussed SB 683. The Boundary Commission would prefer to have the Legislature address the incorporation of municipalities as it has for boroughs. This bill provides for preliminary feasibility studies done by staff members who work with villagers to see if in fact they want to do all the things - budget, taxes - involved with incorporation. The staff would travel to the village instead of the entire Boundary Commission for the first contact. Rep. Rudd is concerned with vagueness of standards and discouragement to villages for incorporating.

HCSSB 753 as explained by Eric Lee: the concept is that any municipality by ordinance will ask for authority to license then the department will delegate authority to license day care centers and homes. A municipality may waive any regulation or standard, once an ordinance is adopted. A Municipality notifies the department of passing an ordinance and what regulations have been adopted. This maintains status quo until a municipality passes an ordinance. Sam Granato explained it dispenses with any license for less than three unrelated children being cared for in the same home. The CS provides protection of children even though a municipality chooses not to handle licensing. This allows locals to determine their own regulations or stay with state regulations.

Rep. Ose moved to pass HCSSB 753 out of committee.

Adjourned at 9:55 am

SB-703

HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

May 12, 1976

Chairman Cotten called the meeting to order at 9:08 am for the committee to consider SB 740, SB 683 and SB 703. Present were:

Rep. Cotten	S. Robert Dozier, State Assessor DCRA
Rep. Ose	Ray R. Smith, Haines Boro. Assessor
Rep. Ostrosky	Samuel Coxson, Muni. of Anch.
Rep. Davis	Jack Chenoweth, Senate CRA Committee
Rep. Rudd	Karen Morehouse, NOW, Fairbanks/Juneau
Rep. Hackney	Palmer McCarter, DCRA
Rep. Hershberger	Barbara Eglert Thomas, Staff
Rep. Kelley	Jo Putman, staff
Rep. Freeman	

Jack Chenoweth discussed SB 740 "An Act requiring certain information on real estate conveyance instruments." As it stands now 90% of the requests for recording come from lawyers and banks with no name or address of a new owner, causing a title search to find out who to send assessment notices, tax bills which usually ends up with the new owner paying a penalty. Rep. Kelley moved to add "mailing" before address on Line 14. The bill was passed out of committee and sent to House Judiciary.

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Senate Bill 703 was brought up but no one on the committee was interested in moving it any further.

The meeting was adjourned about 10 am.

# TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

#

1976 APR 6 PM 5 16

02 058 ANCHORAGE AK 100/99 04-06 206P AST

PMS REP SAM COTTEN

1376

JUN

HB 657

RECOMMEND THAT DEPT OF COMMUNITY & REGIONAL AFFAIRS BE PLATTING  
AUTHORITY INSTEAD OF DIVISION OF LANDS. SINCE THIS IS PRIMARILY  
A PLANNING BILL THAT DEALS WITH LANDS OUTSIDE ORGANIZED BOROUGHES  
THE DIVISION OF COMMUNITY PLANNING WOULD BE APPROPRIATE AGENCY.  
THRUST OF LANDS IN QUESTION ARE THOSE THAT HAVE BEEN SELECTED  
BY NATIVE VILLAGE CORPORATIONS AND THEY HAVE BEEN WORKING CLOSELY  
WITH COMMUNITY & REGIONAL AFFAIRS UNDER AS 44.47.150. WOULD  
FURTHER COMPLICATE DEVELOPMENT IF A VILLAGE HAD TO SATISFY TWO  
DIFFERENT AGENCIES.

DIVISION OF LANDS HAS A HISTORY OF MAKING PEOPLE NERVOUS OVER  
DIFFERENT ISSUES (COOK INLET TRADE ETC).

WILLIE GOODWIN JR RURAL CAP

CSSB.721



HOUSE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

May 5, 1976

Chairman Cotten called the meeting to order at 9:10 am to discuss CSSB 721. Present were:

Rep. Sam Cotten	Palmer McCarter, D C & R A
Rep. Al Ose	Dor Berry, Alaska Municipal League
Rep. Oral Freeman	Senator Clem Tillion
Rep. Glen Hackney	Barbara Englert Thomas, Staff
Rep. Kathryn Oströsky	Jo Putman, Staff
Rep. Ramona Kelly	

Senator Tillion explained CSSB 721, it effects Soldotna in the Kenai Borough only. The department supports CSSB 721 with no objection. Rep. Kelly moved to pass the Bill.

The meeting adjourned at 9:25 am.