

1 certify on the supplemented petition whether it is accepted or rejected,
2 and (3) notify the recall committee and the official subject to recall
3 whether the supplemented petition is accepted or rejected. The municipi-
4 pal clerk shall file a rejected supplemented petition as a public
5 record.

6 * Sec. 15. AS 29.28.210(2) is amended to read:

7 (2) the official's statement contained on the recall peti-
8 tion or, if none, the official's [OFFICER'S] statement of 200 words or
9 less, if that [THE] statement is filed with the municipal clerk for
10 publication and public inspection within 10 [20] days after notification
11 to the official that the recall petition was accepted [BEFORE THE ELEC-
12 TION];

13 * Sec. 16. AS 29.28 is amended by adding new sections to read:

14 Sec. 29.28.260. INSUFFICIENCY OF GROUNDS, APPLICATION, OR PETI-
15 TION. A recall submitted to the voters may not be held void because of
16 the insufficiency of the grounds, application, or petition by which the
17 submission was procured.

18 Sec. 29.28.270. JUDICIAL REVIEW. A person aggrieved by a deter-
19 mination made by the municipal clerk may bring an action to have the
20 determination reviewed within 30 days of the date on which notice of
21 determination was given by any appropriate remedy in the superior court.

22 Sec. 29.28.280. IMPROPER SUBSCRIPTION TO PETITION. A person who
23 signs a name other than his own to a recall petition, who knowingly
24 signs his name more than once for the same question at one recall elec-
25 tion, or who signs the petition knowing he is not a qualified voter of
26 the municipality is guilty of a misdemeanor.

27 * Sec. 17. The following laws are repealed: AS 15.45.680; AS 29.28.150 -
28 29.28.180; and 29.28.240.

29 * Sec. 18. This Act takes effect January 1, 1980.

A M E N D M E N T

Offered in the HOUSE

By the Community and
Regional Affairs Committee

TO: DRAFT CS FOR HOUSE BILL NO. 245

Page 2, line 2:

After "sponsors" add "", including resident and mailing addresses,"

Page 2, between lines 13 and 14:

Insert the following:

* Sec. 5. AS 15.45.520 is amended to read:

Sec. 15.45.520. MANNER OF NOTICE. Notice on all matters pertaining to the application and petition may be served on any member of the recall committee in person or by first class mail addressed to him at his mailing address [A COMMITTEE MEMBER] as indicated on the application.

* Sec. 6. AS 15.45 is amended by adding a new section to read:

Sec. 15.45.525. DESIGNATION OF SPONSORS. The qualified voters who subscribe to the application are designated as sponsors. The recall committee may designate additional sponsors by giving written notice to the lieutenant governor of the names, resident addresses, and mailing addresses of those so designated.

Renumber the remaining sections consecutively.

Page 2, lines 25 - 26:

Delete "signatures, resident addresses, and dates of signing" and insert "signatures and resident addresses" in its place.

Page 4, lines 1 - 6:

Delete all material and insert the following.

* Sec. 10. AS 15.45.620 is amended to read:

Sec. 15.45.620. REVIEW OF PETITION. Within 30 days after [OF] the petition is filed [DATE OF FILING], the lieutenant governor shall review the petition and shall notify the recall committee and the official [PERSON] subject to recall whether the petition is accepted or rejected and, if rejected, the grounds for rejection [WAS PROPERLY OR IMPROPERLY FILED].

Page 4, line 15 - page 5, line 1:

Delete all material and insert the following:

Sec. 15.45.640. SUPPLEMENTED PETITION. (a) If the petition is rejected because of insufficient signatures, it may be supplemented by additional signatures within 20 days after the recall committee is notified of rejection so long as the supplemented petition is filed at least 180 days before the termination of the term of office of the official subject to recall.

(b) Within 10 days after a supplemented petition is filed, the lieutenant governor shall review the supplemented petition and shall notify the recall committee and the official subject to recall whether the supplemented petition is accepted or rejected and, if rejected, the grounds for rejection.

Page 6, line 16:

After "sponsors" add ", including resident and mailing addresses,"

Page 6, lines 19 - 27:

Delete all material and insert the following:

Sec. 29.28.148. MANNER OF NOTICE. Notice on all matters pertaining to the application and petition may be served on any member of the recall committee in person or by first class mail addressed to him at his mailing address as indicated on the application.

Sec. 29.28.152. DESIGNATION OF SPONSORS. The qualified voters of the municipality who subscribe to the application are designated as sponsors. The recall committee may designate additional sponsors by giving written notice to the municipal clerk of the names, resident addresses, and mailing addresses of those so designated.

Page 9, lines 9 - 13:

Delete all material and insert the following:

Sec. 29.28.174. REVIEW OF PETITION. Within 30 days after the petition is filed, the municipal clerk shall review the petition and shall notify the recall committee and the official subject to recall whether the petition is accepted or rejected and, if rejected, the grounds for rejection.

Page 9, line 19 - page 10, line 5:

Delete all material and insert the following:

Sec. 29.28.178. SUPPLEMENTED^{AKI} PETITION. (a) If the petition is rejected because of insufficient signatures, it may be supplemented by

additional signatures within 20 days after the recall committee is notified of rejection so long as the supplemented petition is filed at least 180 days before the termination of the term of office of the official subject to recall.

(b) Within 10 days after a supplemented petition is filed, the municipal clerk shall review the supplemented petition and shall notify the recall committee and the official subject to recall whether the supplemented petition is accepted or rejected and, if rejected, the grounds for rejection.

A M E N D M E N T

Offered in the HOUSE

By the Community and
Regional Affairs Committee

TO: DRAFT CS FOR HOUSE BILL NO. 245

Page 5, between lines 22 and 23:

Insert the following:

* Sec. 15. AS 15.45 is amended by adding new sections to read:

Sec. 15.45.730. ADDITIONAL TIME AFTER NOTIFICATION BY MAIL.

When notice is given by mail under AS 15.45.470 - 15.45.740, that notice is complete upon mailing. If a person has a right or is required to do some act within a prescribed period after being notified, and the notice is given to him by mail, three days shall be added to the prescribed period.

Sec. 15.45.740. FILING AS PUBLIC RECORD. When an application, petition, or supplementary petition is filed under AS 15.45.470 - 15.45.74, the lieutenant governor shall file it as a public record, regardless of whether it is accepted or rejected.

Page 10, between lines 26 and 27:

Insert the following:

Sec. 29.28.290. ADDITIONAL TIME AFTER NOTIFICATION BY MAIL.

When notice is given by mail under AS 29.28.130 - 29.28.300, that notice is complete upon mailing. If a person has a right or is required to do some act within a prescribed period after being notified, and the notice is given to him by mail, three days shall be added to the prescribed period.

Sec. 29.28.300. FILING AS PUBLIC RECORD. When an application, petition, or supplementary petition is filed under AS 29.28.130

- 29.28.300, the municipal clerk shall file it as a public record, regardless of whether it is accepted or rejected.

shall be suspended pending the referendum on the ordinance. During the period of suspension the assembly or council may not enact an ordinance substantially similar to the suspended ordinance but may repeal the suspended ordinance.

(c) If a majority of those voting favor the referendum legislation, it remains in effect. If a majority rejects the legislation, it is repealed. A municipal charter may be amended as provided in the charter or by initiative and referendum as provided in §§ 60—110 of this chapter. (§ 2 ch 118 SLA 1972; am § 10 ch 147 SLA 1972)

Effect of amendment. — The 1972 amendment, effective September 10, 1972, inserted "assembly or" in the last sentence of subsection (b).

Sec. 29.28.110. Effect. (a) The assembly or council may not, within two years, act in any way to modify or negate the effect of a successful initiative or referendum. If an ordinance against which a referendum is directed has been repealed by the assembly or council after a petition has been filed but before the referendum, the council or assembly may not enact substantially similar legislation for a period of one year after repeal.

(b) An unsuccessful initiative or referendum precludes the filing of a new petition for the same purpose sooner than six months after voter disapproval of the initiative or referendum. (§ 2 ch 118 SLA 1972)

Article 3. Recall.

Section	Section
130. Recall	200. Election
140. Grounds	210. Form of recall ballots
150. Petition	220. Election procedure
160. Examination for sufficiency	230. Majority required
170. Supplemental petition	240. Effect
180. New petition	250. Election of successor
190. Submission	

Sec. 29.28.130. Recall. An elected official of a home rule or general law municipality may be recalled by the voters after he has served six months in office. (§ 2 ch 118 SLA 1972)

Section applies to city school board member.—A member of a city school board is an elected public official of an incorporated municipality, within the meaning of this section, to the same extent as a city councilman, and thus is subject to the recall provisions contained in this section. Blue v. Stockton, Sup. Ct. Op. No. 15 (File No. 7), 355 P.2d 395 (1960).

Sec. 29.28.140 Grounds. Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties. (§ 2 ch 118 SLA 1972)

Sec. 29.28.150. Petition. (a) A petition seeking recall of one or more municipal officials is filed with the municipal clerk. The petition shall contain

(1) the signatures and resident addresses of a number of voters as prescribed in § 70(b) of this chapter for initiative and referendum;

(2) the date each voter signed the petition; and

(3) a statement of the grounds of the recall stated with particularity as to specific instances.

(b) A petition for recall must be filed with the clerk within 60 days after the date of the earliest signature on the petition. (§ 2 ch 118 SLA 1972)

Sec. 29.28.160. Examination for sufficiency. The municipal clerk shall review the petition for content and signatures and shall certify on the petition within 10 days of the filing date whether it is accepted or rejected. Until the petition is accepted, a petition signer may withdraw his signature upon written application to the clerk. (§ 2 ch 118 SLA 1972)

Sec. 29.28.170. Supplemental petition. (a) If the petition is rejected because of insufficient signatures, it may be supplemented by additional signatures within 10 days after the date of rejection. If the petition is insufficient for any other reason, it shall be rejected and filed as a public record.

(b) Within 10 days after supplementary filing, the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record. (§ 2 ch 118 SLA 1972)

Sec. 29.28.180. New petition. Failure to secure sufficient signatures does not preclude the filing of a new recall petition. However, a new petition may not be filed sooner than six months after a petition is rejected. (§ 2 ch 118 SLA 1972)

Sec. 29.28.190. Submission. If a recall petition is sufficient, the clerk shall immediately submit it to the assembly or council. (§ 2 ch 118 SLA 1972)

Sec. 29.28.200. Election. (a) If a regular election occurs within 75 days of the submission, the assembly or council shall submit the recall at that election.

(b) If no regular election will occur within 75 days, the assembly or council shall hold a special election within 75 days of submission.

(c) If a vacancy occurs in the office after a recall petition is filed, the petition shall not be submitted to the voters. (§ 2 ch 118 SLA 1972)

Sec. 29.28.210. Form of recall ballots. A recall ballot contains:

- (1) the grounds as stated in the recall petition;
- (2) the officer's statement of 200 words or less, if the statement is filed with the clerk for publication and public inspection within 20 days before the election;
- (3) the following question: "Shall (name of person) be recalled from the office of (office)? Yes [] No []". (§ 2 ch 118 SLA 1972)

Sec. 29.28.220. Election procedure. Procedures for conducting a recall election are those of a regular election. (§ 2 ch 118 SLA 1972)

Sec. 29.28.230. Majority required. A majority vote on the question is required to recall an officer. (§ 2 ch 118 SLA 1972)

Sec. 29.28.240. Effect. If an incumbent is not recalled at the recall election, a petition to recall the same incumbent may not be filed sooner than six months after the recall election. (§ 2 ch 118 SLA 1972)

Sec. 29.28.250. Election of successor. If the voters recall an officer, the clerk shall conduct an election for a successor to fill the unexpired term. The election shall be held at least 10 but not more than 45 days from the date of the recall election. However, if a regular or special election occurs within 75 days of the recall election, the successor to the recalled official shall be chosen at that regular or special election. The procedures and requirements for the regular election for the office from which the incumbent is recalled apply to the election conducted under this section. (§ 2 ch 118 SLA 1972)

Chapter 33. Areawide Borough Powers and Duties.

Article

1. Scope (§ 29.33.010)
2. Assessment and Collection of Taxes (§ 29.33.030)
3. Education (§ 29.33.050)
4. Planning, Platting and Zoning (§§ 29.33.070—29.33.245)
5. Additional Areawide Powers (§§ 29.33.250—29.33.290)

Article 1. Scope.

Section

10. Scope of areawide powers

Sec. 29.33.010. Scope of areawide powers. (a) Boroughs shall exercise the powers as specified and in the manner specified in this



Delta/Greeley School District REAA #15

Glen Chowning, Superintendent
P.O. Box 527
Delta Junction, Alaska 99737

907-895-4658
895-4659

March 13, 1979

The Honorable Bill Parker
Alaska State House of
Representatives
Pouch V, State Capitol
Building
Juneau, AK 99811


Dear Representative Parker:

I am writing in support of H.B. 245 relating to recall
of elected local officials.

I believe that there is an urgent need for an orderly
process by which public officials may be recalled. The present
process leaves too much to the imagination of the petitioners
and the signers. Some guidelines must be set to allow public
officials to do their job in the best interest of the people
without fear of a small group being able to mount a recall
based on other than factual evidence.

Your consideration of my view is appreciated.

Sincerely,


Glen Chowning
Superintendent

GC:11a

cc: Representative Charles Parr
Representative H. "Pappy" Moss
Senator John Sackett
Robert Greene, Executive Secretary, AASB

YUKON FLATS SCHOOL DISTRICT

James Whitt, Superintendent
P. O. Box 359
Fort Yukon, Alaska 99740
Phone: (907) 662-2515

March 15, 1979



ARCTIC VILLAGE
99722

BIRCH CREEK VILLAGE
99740

CHALKYITSIK
99788

CIRCLE
99733

FORT YUKON
99740

RAMPART
99767

STEVENS VILLAGE
99774

VENETIE
99781

LIVENGOOD

CENTRAL
99730

CIRCLE HOT SPRINGS
99734

MEMORANDUM

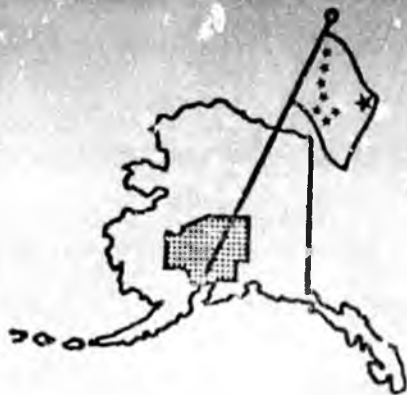
TO: Representative Bill Parker, Chairman
Representative Pat Carney, Vice-Chairman
Community & Regional Affairs

FROM: James P. Whitt, Superintendent

RE: HB245 relating to recall of elected officials and school board members

WE ARE UNALTERABLY OPPOSED TO THIS LEGISLATION.

James P. Whitt - Supt.
Louise K. Sanford
John Reynolds
Gilbert Stedman
Clarence L. Anderson
Gaylord J. Rogers Business Mgr
Mary W. Moses Assistant Supt.



MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT

BOX AB

PALMER, ALASKA 99645

PHONE 745-4822

NORMAN S. ROUSEY
SUPERINTENDENT OF SCHOOLS

MEMO

TO: Rep. Bill Parker, Chairman
Rep. Pat Carney, Vice-Chairman
Rep. Charles Parr
Rep. Fred Zharoff
Rep. Pat O'Connell
Rep. Margaret Branson
Rep. Ray Metcalfe

DATE: March 13, 1979

SUBJECT: House Bill #245

This is to inform you that the Matanuska Susitna School Board Members strongly support House Bill number 245 relating to recall of elected local officials and school board members.

Sincerely,

MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT

NORMAN S. ROUSEY
Superintendent

NSR:grd

cc: Robert C. Greene, Executive Secretary
Association of Alaska School Boards



YUKON FLATS SCHOOL DISTRICT

James Whitt, Superintendent
 P. O. Box 359
 Fort Yukon, Alaska 99740
 Phone: (907) 662-2515

March 15, 1979

- ARCTIC VILLAGE
99722
- BIRCH CREEK VILLAGE
99740
- CHALKYITSIK
99788
- CIRCLE
99733
- FORT YUKON
99740
- RAMPART
99767
- STEVENS VILLAGE
99774
- VCNETIE
99781
- LIVENGOOD
- CENTRAL
99730
- CIRCLE HOT SPRINGS
99734

MEMORANDUM

TO: Representative Bill Parker, Chairman
 Representative Pat Carney, Vice-Chairman
 Community & Regional Affairs

FROM: James P. Whitt, Superintendent

RE: HB245 relating to recall of elected officials and school board members

WE ARE UNALTERABLY OPPOSED TO THIS LEGISLATION.

James P. Whitt - Supt.

Louise K. Sanford

John Reynolds

Glenn Steeden

Clarence L. O'Harra

Gaylord J. Rogers Business Mgr

Mary W. Moses Assistant Supt.

UPPER RAILBELT
SCHOOLBOARD RECALL PETITION

We, the undersigned registered voters of the Upper Railbelt School District (REAA #14), do request an immediate recall election of Upper Railbelt School Board Seats held by Incumbents Ed Frye, Gary Crabb, and Ruby John. The Incumbents have consistently ignored the will of the majority of the voters when presented to the Board on signed petitions and in public hearing. The Incumbents have created dissension and turmoil within the District by taking an arbitrary and uncompromising stand that has had a distinct negative impact on school operation. In addition, a new position of Assistant Superintendent has been approved by the Board; also the new school budget has allocated funds for a computer that we feel is unwarranted and reflects fiscal irresponsibility on the part of Incumbents in view of our small District having a total enrollment of approximately 380 students taught by 28 teachers. Our aim is to correct the incompetency of the School Board.

Date of first circulation: March 26, 1977

NAME OF REGISTERED VOTER		HOME & MAILING ADDRESS	DATE
Signature	Printed		
<i>Charles J. Allen</i>	CHARLES J. ALLEN, JR.	Box 393 ASPEN ACRES, ANDERSON CLEAR ALASKA	03/23
<i>Joan L. Allen</i>	JOAN L. ALLEN	Box 393 ASPEN ACRES, ANDERSON CLEAR, AK	3/25
<i>Dale E. Miller</i>	DALE E. MILLER	Box 4005, CLEAR, AK 99704	3/28
<i>Paula S. Standefer</i>	Paula S Standefer	Box 4025 Clear, AK 99704 G Street Anderson	3/2
<i>Margaret J. Nelson</i>	Margaret J. Nelson	Box 475, Clear 99704 / Anderson AK 102 B Street G Street	2841
<i>Jennie Crabtree</i>	Jennie Crabtree	Gen. Delivery Clear 99704 Anderson AK	31
<i>Doris Nordyke</i>	DORIS NORDYKE	503 - Clear - Alaska 99704	3/2
<i>JoAnne Gillens</i>	JoAnne Gillens	Box 453 Clear, Alaska 99704	3/28
<i>Paul Gonzales</i>	Paul Gonzales	Box 4037 Clear, Alaska 99704	3/28
<i>Janice Gonzales</i>	Janice Gonzales	Box 4037 Clear, Alaska 99704	3/2
<i>Sandra Dipraw</i>	Sandra ^{Dipraw} Dipraw	Box 721 Clear, AK	3/2
<i>Judy Goulet</i>	JUDY GOULET	GEN. DELIVERY CLEAR, AK 99704	3-2
<i>Janice Story</i>	JANICE STORY	Box 662 CLEAR AKS, AK	3-30
<i>Anthony Story</i>	ANTHONY STORY JR	Box 662 CLEAR AKS AK	3/20
<i>Cecelia Brooke</i>	Cecelia Brooke	Box 679 Clear AK	3/30
<i>Margaret E. Tew-Higer</i>	Margaret E. Tew-Higer	Box 732 Clear AK	3/3
<i>Heldine K. Michaels</i>	HELDINE K. MICHAELS	Box 481 CLEAR AK 99704	3/31
<i>Gerald A. Bennett</i>	GERALD A BENNETT	Box 611 CLEAR AK 99704	3/31

FOLD BALLOT TO THIS LINE

STATE OF ALASKA
OFFICIAL BALLOT
REAA No. 14 - Upper Railbelt
Recall Election
July 19, 1977

- Mark only by use of cross marks, "X" marks, checks, or plus signs
- Marks must be inside or touching the square so as to indicate the intent of the voter. Erasures and corrections will invalidate only that part of the ballot in which they appear.
- If you spoil or mar your ballot, you may return it to the election judge and receive another ballot. Your spoiled ballot will be destroyed in your presence.

SHALL GARY CRABB BE RECALLED FROM THE OFFICE OF THE UPPER RAILBELT
REGIONAL SCHOOL BOARD, SEAT F?

Yes No

Grounds set forth in the recall petition for the recall of Gary Crabb are as follows:

- (1) a new position of Assistant Superintendent has been approved by the Board;
- (2) the new school budget has allocated funds for a computer.

Statement by Gary Crabb: No statement supplied.

FOLD BALLOT TO THIS LINE

STATE OF ALASKA
OFFICIAL BALLOT
REAA No. 14 - Upper Railbelt
Recall Election

July 19, 1977

-
- Mark only by use of cross marks, "X" marks, checks, or plus signs.
 - Marks must be inside or touching the square so as to indicate the intent of the voter. Erasures and corrections will invalidate only that part of the ballot in which they appear.
 - If you spoil or mar your ballot, you may return it to the election judge and receive another ballot. Your spoiled ballot will be destroyed in your presence.
-

SHALL ED FRYE BE RECALLED FROM THE OFFICE OF THE UPPER RAILBELT
REGIONAL SCHOOL BOARD, SEAT A?

Yes No

Grounds set forth in the recall petition for the recall of Ed Frye are as follows:

- (1) a new position of Assistant Superintendent has been approved by the Board;
- (2) the new school budget has allocated funds for a computer.

Statement by Ed Frye: The office of the Attorney General has stated "It matters not under the law whether the charges are right, wrong, ridiculous, incredulous, or discriminatory." I firmly believe these charges to be wrong, ridiculous, incredulous and discriminatory. In the normal course of Board action, All members of the Board voted to hire an Administrative Assistant and All members of the Board voted to allocate funds for the Study of the possible purchase of a computer. If these two (2) Board actions cited, constitute the grounds for the Recall of only three members of the School Board without being wrong, ridiculous, incredulous and discriminatory, then my sense of values and "due process" are wrong, and I should be recalled. However, I feel the Board has taken normal Board action in matters concerning the running of the School District, and the Administration and the Office of the Attorney General, may "stick it in their ear."

FOLD BALLOT TO THIS LINE

STATE OF ALASKA

OFFICIAL BALLOT**REAA No. 14 - Upper Railbelt
Recall Election**

July 19, 1977

-
-
- Mark only by use of cross marks, "X" marks, checks, or plus signs.
 - Marks must be inside or touching the square so as to indicate the intent of the voter. Erasures and corrections will invalidate only that part of the ballot in which they appear.
 - If you spoil or mar your ballot, you may return it to the election judge and receive another ballot. Your spoiled ballot will be destroyed in your presence.
-
-

SHALL RUBY JOHN BE RECALLED FROM THE OFFICE OF UPPER RAILBELT
REGIONAL SCHOOL BOARD, SEAT G?

Yes No

Grounds set forth in the recall petition for the recall of Ruby John are as follows:

- (1) a new position of Assistant Superintendent has been approved by the Board;
- (2) the new school budget has allocated funds for a computer.

Statement by Ruby John: No statement supplied.

NOTICE OF RECALL ELECTION

To the qualified voters of _____ Precinct, Upper
Railbelt Regional Educational Attendance Area (REAA #14);

Notice is given that pursuant to AS 14.08.081 and
AS 29.28.130 and 28.29.250, an election will be held on

TUESDAY, JULY 19, 1977

BETWEEN THE HOURS OF 8:00 A.M. AND 8:00 P.M.

For the purpose of voting on the recall of Gary Crabb,
Ed Frye, and Ruby John.

The boundaries of the _____ Precinct, Upper
Railbelt Regional Educational Attendance Area are described
as follows:

The polling place is _____.

Dated this _____ day of _____, 1977.

LOWELL THOMAS, JR.
Lieutenant Governor

Copies of this Notice shall be posted in at least 3 conspicuous places in
the precinct not less than 10 days before the election.

We, the undersigned, being registered voters residing in the Copper River School District do hereby petition for the recall of Mr. Julian Paul Weir, School Board Member and Chairman of the Copper River School Board. The grounds for seeking recall are misconduct in office, incompetence and failure to perform prescribed duties as more specifically set forth below.

1. Julian Paul Weir has, as Chairman of the Copper River School Board, held a Board meeting without giving proper notice thereof to the public or to all the Board members.

2. Julian Paul Weir has consistently throughout his term as Chairman and Board member abused the use of executive sessions and has conducted illegal discussions on topics not permitted in executive sessions thereby prohibiting proper public involvement.

3. Julian Paul Weir has actively prevented access to the public to public records such as the taped record of Board meetings.

4. Julian Paul Weir has consistently as a Board Member and Chairman of the Copper River School District Board encouraged and participated in the violation of the Copper River Valley Teachers Association Contract with the District.

5. Julian Paul Weir has constantly changed the Board meeting operating procedures without notice to the public in order to prevent public involvement and discussion.

6. Julian Paul Weir did on the 3rd day of January, 1978 deliberately prevent and deny public input at the Board meeting.

7. Julian Paul Weir has consistently failed to perform his prescribed duties and has failed to act in the common interest of the students and parents of the District.

All of the foregoing has occurred during the term that Julian Paul Weir has served in office which term exceeds six months.

<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>RESIDENT ADDRESS</u>	<u>DATE</u>	
2-019 G. Kenneth Roberson	<i>K. Roberson</i>	Mile 182.3 Glenn Hwy	1/19/78	✓
2-019 C. Vera Roberson	<i>Vera Roberson</i>	Mile 182.3 Glenn Hwy	1/19/78	✓
3-019 G. PAUL J BLAIR	<i>Paul J Blair</i>	GLN SOS DIV	2/3/78	
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				

FOLD BALLOT TO THIS LINE

STATE OF ALASKA
SAMPLE BALLOT

REAA No. 17 - Copper River
Recall Election

April 18, 1978

Mark only by use of cross marks, "X", checks, or plus signs. Marks must be inside or touching the square so as to indicate the intent of the voter.

Erasures and corrections will invalidate only that part of the ballot in which they appear.

If you spoil or mar your ballot, you may return it to the election judge and receive another ballot. Your spoiled ballot will be destroyed in your presence.

The following grounds have been submitted in petition for the recall of Julian Paul Weir from his elected office of Copper River Regional School Board, Seat C.

1. Julian Paul Weir has, as Chairman of the Copper River School Board, held a Board meeting without giving proper notice thereof to the public or to all the Board members.
2. Julian Paul Weir did on the 3rd day of January, 1978, deliberately prevent and deny public input at the Board meeting.

The following is Julian Paul Weir's rebuttal of the above grounds:

1. I have never called a meeting of the Board, all meetings are set by policy motions, the first Tuesday of each month. All special meetings and work sessions are voted by the Board as to when and where they are to be held. To my knowledge, neither did Mr. Roberson call any meetings. It is, I believe, a power of the chairman to call special meetings, but none were called by myself or Mr. Roberson.

2. Untrue. If you will take the time to check the minutes, the tapes, and or check with someone who was at the meeting, you will find that at least five people spoke out in opposition and that only four spoke in favor of the policy. Also, if you check further, I chose people from the audience who had not previously, to my knowledge, spoken before on this policy. In fact, I even let a person from Anchorage speak who, perhaps, I shouldn't have as he allegedly represented a group in direct opposition to our policy.

SHALL JULIAN PAUL WEIR BE RECALLED FROM THE OFFICE OF COPPER RIVER
SCHOOL BOARD, SEAT C?

YES

NO

RECALL PETITION

SAM AGUIAR, School Board Member

We, the undersigned, being registered voters residing in the Copper River School District do hereby Petition for the recall of Mr. Sam Aguiar, School Board Member of the Copper River School Board. The grounds for seeking recall are misconduct in office, incompetence and failure to perform prescribed duties as more specifically set forth below.

1. Sam Aguiar has, as a Board Member of the Copper River School Board, participated in a Board meeting called without giving proper notice thereof to the public or to all the Board members.
2. Sam Aguiar has consistently throughout his term as Board Member participated in the abuse of the use of executive session and has participated in illegal discussions on topics not permitted in executive sessions thereby prohibiting proper public involvement.
3. Sam Aguiar has consistently as a Board Member of the Copper River School Board encouraged and participated in the violation of the Copper River Valley Teachers Association contract with the District.
4. Sam Aguiar has participated in the constant change of the Board meeting operating procedures without notice to the public in order to prevent public involvement and discussion.
5. Sam Aguiar did on the 3rd day of January, 1978 participate in and lead the deliberate prevention and denial of public input at the Board meeting.
6. Sam Aguiar has consistently failed to perform his prescribed duties and has failed to act in the common interest of the students and parents in the District.

All of the foregoing has occurred during the term that Sam Aguiar has served in office which term exceeds six months.

	<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>RESIDENT ADDRESS</u>	<u>DATE</u>
05-017	1. Kenneth Roberson	<i>Kenneth Roberson</i>	Mile 182.3 Glenn Highway	1/19/78
05-019	2. Vera Roberson	<i>Vera Roberson</i>	Mile 182.3 Glenn Highway	1/19/78
05-019	3. PAUL J BLAIR	<i>Paul J Blair</i>	GLW SUB DIV	2/3/78
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FOLD BALLOT TO THIS LINE

STATE OF ALASKA
SAMPLE BALLOT

REAA No. 17 - Copper River
Recall Election

April 18, 1978

Mark only by use of cross marks, "X", checks, or plus signs. Marks must be inside or touching the square so as to indicate the intent of the voter.

Erasures and corrections will invalidate only that part of the ballot in which they appear.

If you spoil or mar your ballot, you may return it to the election judge and receive another ballot. Your spoiled ballot will be destroyed in your presence.

The following grounds have been submitted in petition for the recall of Manuel F. (Sam) Aguiar from his elected office of Copper River Regional School Board, Seat A:

1. Manuel F. (Sam) Aguiar has, as a Board Member of the Copper River School Board, participated in a Board meeting called without giving proper notice thereof to the public or to all the Board members.
2. Manuel F. (Sam) Aguiar did on the 3rd day of January, 1978, participate in and lead the deliberate prevention and denial of public input at the Board meeting.

The following is Manuel F. (Sam) Aguiar's rebuttal of the above grounds:

The charges against me are not true. They are merely an effort to unseat me on a wave of emotion caused by the Boards passing of the Morality Policy.

I believe the sponsors of the recall have badly underestimated the intelligence of the people of our valley and their basic honesty.

I feel comfortable with my fate in hands such as yours.

SHALL MANUEL F. (SAM) AGUIAR BE RECALLED FROM THE OFFICE OF COPPER RIVER SCHOOL BOARD, SEAT A?

YES

NO

N O T I C E
O F
R E C A L L S C H O O L B O A R D E L E C T I O N

To the qualified voters of _____ Precinct,
Copper River Regional Educational Attendance Area (REAA) #17;

Notice is given that pursuant to AS 14.08.081, AS 29.28.130 and
AS 29.28.250, an election will be held on

TUESDAY, April 18, 1978

BETWEEN THE HOURS OF 8:00 A.M. AND 8:00 P.M.

For the purpose of voting on the recall of J. Paul Weir, Seat C
and Manuel F. (Sam) Aguiar, Seat A.

The boundaries of the _____ Precinct,
Copper River Regional Educational Attendance Area are described as follows:

The polling place is _____.

Dated this _____ day of _____ 1978.

LOWELL THOMAS, JR.
Lieutenant Governor

Copies of this Notice shall be posted in at least 3 conspicuous places
in the precinct not less than 10 days before the election.

WE, the below signed registered voters residing in REAA #4, known as the Lower Kuskokwim School District, do hereby petition for the recall, or removal, of JOERENE HOUT from the LKSD Board. We do so for the general ground of "FAILURE TO PERFORM PRESCRIBED DUTIES." We charge that Ms. Hout has failed to perform many of the duties prescribed for board members, as stated in the LKSD Board Handbook. We feel that Ms. Hout's performance has brought about a lack of confidence in her ability and willingness to fairly represent the interests and concerns of the children, parents, and communities of this District.

It is a Board member's duty to "Seek to learn the will of the people served by the School District and, within State requirements and societal needs, represent their interest in actions taken by the Board." (LKSD Board Handbook Article III, section 8, item 2.) It is a further duty to "Represent the interests of all those being served by the School District, rather than representing any portion thereof." (item 3.) Related duties state that Board members are to "Represent the Board and the School District in such a way as to promote interest, involvement, and support among the public" (item 4); "Work harmoniously with other Board members without trying either to dominate the Board or to neglect one's share of the necessary work" (item 6); "Vote and act in Board meetings for the total good of the School District and the diverse groups it serves" (item 7); and "Accept the prevailing vote on each issue and give support to implementing the resulting policy as long as it is in force" (item 8).

We list below specific instances in support of the general charge of Ms. Hout's "FAILURE TO PERFORM PRESCRIBED DUTIES," any one of which alone would be sufficient to require her removal from the LKSD Board.

1. Ms. Hout approved the sending to Washington, in mid-August, 1977, of a bilingual education plan which had not been presented to the public or approved by the Board. Furthermore, she did not report this action either to the public or to the Board, despite the fact that a public hearing and a meeting of the Board were held on August 18 and 19. In taking this action, Ms. Hout demonstrated a total lack of concern for the will of the people and their plea for information on, and input to, bilingual-bicultural education. (items 2, 3, 4, and 7.)

2. Ms. Hout received much testimony at the August 18, 1977 public hearing, regarding the strong wishes of the people for a Class A lunch program. This program was supported in public testimony at a later Board meeting in Kwigillingok on October 26th by a local nutritionist from the Yukon-Kuskokwim Health Corporation, and resolutions in its favor were passed by the Bethel Community School Committee and the Association of Village Council Presidents. Despite overwhelming public demand for this program, Ms. Hout has spoken against it in three Board meetings. In refusing to support this program and to enable the District to qualify for federal funding provided for it, Ms. Hout did not act in the interests of the children or parents of this District. (items 2, 3, 4, and 7.)

CONTINUED

3. Under public pressure in the form of a petition bearing over 700 signatures of parents in this District. Ms. Hout voted for a terminal one year contract for District Superintendent Weinberg. The Board vote was unanimous. However, Ms. Hout has failed to implement this decision in her position as Chairperson of the LKSD Board by not soliciting, or asking for, applicants for the Superintendent's position. The hiring of a superintendent on time is one of the most important legal duties of the Board. Instead of seeking qualified applicants, Ms. Hout, at a Board meeting in Kipnuk on September 13, 1977, supported a \$10,000 (or 25%) raise and increased benefits for Superintendent Weinberg. In failing to seek qualified applicants for the Superintendent's position, and supporting a raise for a Superintendent who has drawn much public criticism, Ms. Hout has shown a complete disregard for the will and best interests of the people in this District. (items 2, 3, 4, 7, and 8.)

4. During the past year, Ms. Hout has answered public requests for information with arrogance, withheld information to which the public was entitled, and misstated Board actions, reasons for Board action, and information on which Board actions were based. At Board meetings, Ms. Hout has not served as a neutral Chairperson. She has been rude and hostile to persons who have tried to speak to the Board who have opinions apparently different from her own, and she has spoken strongly for or against business being conducted without giving up chairing the meeting. Ms. Hout's conduct as a whole has served to discourage the free sharing of ideas and the taking of different positions by other Board members and of the public. (items 2, 3, 4, and 6.)

For the above reasons, we petition for the recall of Joerene Hout from the LKSD Board. We ask that you give this matter your prompt attention.

FOLD BALLOT TO THIS LINE

STATE OF ALASKA
SAMPLE BALLOT

REAA No. 4 - Lower Kuskokwim

Recall Election

April 18, 1978

Mark only by use of cross marks, "X", checks, or plus signs. Marks must be inside or touching the square so as to indicate the intent of the voter.

Erasures and corrections will invalidate only that part of the ballot in which they appear.

If you spoil or mar your ballot, you may return it to the election judge and receive another ballot. Your spoiled ballot will be destroyed in your presence.

The following grounds have been submitted in petition for the recall of Joerene Hout from her elected office of Lower Kuskokwim School District School Board, Seat F:

1. "Ms. Hout approved the sending to Washington, in mid-August, 1977, of a bilingual education plan which had not been presented to the public or approved by the Board. Furthermore, she did not report this action either to the public or to the Board, despite the fact that a public hearing and a meeting of the Board were held on August 18, and 19. In taking this action, Ms. Hout demonstrated a total lack of concern for the will of the people and their plea for information on, and input to, bilingual-bicultural education."

2. "Ms. Hout received much testimony at the August 18, 1977 public hearing, regarding the strong wishes of the people for a Class A lunch program. This program was supported in public testimony at a later Board meeting in Kwigillingok on October 26th by a local nutritionist from the Yukon-Kuskokwim Health Corporation, and resolutions in its favor were passed by the Bethel Community School Committee and the Association of Village Council Presidents. Despite overwhelming public demand for this program, Ms. Hout has spoken against it in three Board meetings. In refusing to support this program, and to enable the District to qualify for federal funding provided for it, Ms. Hout did not act in the interests of the children or parents of this District."

3. "Under public pressure in the form of a petition bearing over 700 signatures of parents in this District, Ms. Hout voted for a terminal, one year contract for District Superintendent Weinberg. The Board vote was unanimous. However, Ms. Hout has failed to implement this decision in her position as Chairperson of LKSD Board by not soliciting, or asking for, applicants for the Superintendent's position. The hiring of a superintendent on time is one of the most important legal duties of the Board. Instead of seeking qualified applicants, Ms. Hout, at a Board meeting in Kipnuk on September 13, 1977, supported a \$ 0,000 (or 25%) raise and increased benefits for Superintendent Weinberg. In failing to seek qualified applicants for the Superintendent's position, and supporting a raise for a Superintendent who has drawn such public criticism, Ms. Hout has shown a complete disregard for the will and best interests of the people in this District."

The following is Joerene Hout's rebuttal of the above grounds:

Joerene Hout has demonstrated her interests and concern for the Lower Kuskokwim School District and has, through University classes, workshops, and inservice board training, acquired the training and skills necessary to fulfill the prescribed duties of a school board member.

1. Ms. Hout is a strong supporter of parental rights in decisions that affect children and did not approve sending a bilingual plan to Washington D.C. last August.

2. Ms. Hout voted for a Class A lunch program at the September 13, 1977 Board meeting.

3. On August 19, 1977 the Board went on record that the decision regarding the Superintendent's contract would be made after evaluations were done. Ms. Hout acted within the limits set by the School Board.

SHALL JOERENE HOUT BE RECALLED FROM THE OFFICE OF LOWER KUSKOKWIM SCHOOL DISTRICT SCHOOL BOARD, SEAT F?

YES

NO

NOTICE OF RECALL SCHOOL BOARD ELECTION

To the qualified voters of _____ Precinct,
Lower Kuskokwim Regional Educational Attendance Area (REAA) #4;
Notice is given that pursuant to AS 14.08.08i, AS 29.28.130 and
AS 29.28.250, an election will be held on

TUESDAY, April 18, 1978

BETWEEN THE HOURS OF 8:00 A.M. AND 8:00 P.M.

For the purpose of voting on the recall of Joerene Hout,
Seat F.

The boundaries of the _____ Precinct,
Lower Kuskokwim Regional Educational Attendance Area are described as
follows:

The polling place is _____.

Dated this _____ day of _____ 1978.

LOWELL THOMAS, JR.
Lieutenant Governor

Copies of this Notice shall be posted in at least 3 conspicuous places
in the precinct not less than 10 days before the election.

Sec. 29.28.050. Election contest and appeal. (a) The assembly or council may provide by ordinance the time and procedure for the contest of an election.

(b) Unless otherwise provided by ordinance, an election may be contested only upon the filing, before or at the time of the first canvass of ballots by the assembly or council, by a person qualified to vote in the municipality of his written affidavit specifying with particularity the grounds for the contest or invalidity of the election.

(c) Unless otherwise provided by ordinance, the assembly or council shall declare the election results at the first meeting to canvass the election and record the results in the minutes of that meeting.

(d) The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and a losing vote on the result contested is more than two per cent.

(e) No person may appeal or seek judicial review of a city or borough election for any cause or reason unless the person is qualified to vote in the municipality, has exhausted his administrative remedies before the assembly or council and has commenced, within 10 days after the assembly or council has finally declared the election results, an action in the superior court in the judicial district in which the municipality is located. If no such action is commenced within the 10-day period, the election and election results shall be conclusive, final and valid in all respects. (§ 2 ch 118 SLA 1972)

Article 2. Initiative and Referendum.

Section	Section
60. Reservation of powers	75. Protest
62. Petition	77. New petition
65. Contents of petition	80. Presentation of initiative
70. Required signatures	90. Presentation of referendum
73. Sufficiency of petition	110. Effect

Sec. 29.28.060. Reservation of powers. The powers of initiative and referendum are reserved to the residents of municipalities except the powers do not extend to matters restricted by § 7, art. XI, of the state constitution. (§ 2 ch 118 SLA 1972)

Borough voters may use an initiative to acquire an areawide power for a borough which cities refuse to transfer. 1965 Op. Att'y Gen., No. 6.

Sec. 29.28.062. Petition. A petition for initiative or referendum is filed with the municipal clerk and an initiative petition must be filed not less than 90 days before the next regular election. (§ 2 ch 118 SLA 1972)

Sec. 29.28.065. Contents of petition. A petition for an initiative or referendum shall

- (1) embrace only a single comprehensive subject;
- (2) set out fully the ordinance or resolution sought by the petition;
- (3) state upon the petition, when circulated, the date of first circulation of the petition;
- (4) contain the statement, when circulated, that the signatures on the petition must be secured within 90 days from the date of the first circulation;
- (5) have the required signatures, dates of signatures and resident addresses of the signers. (§ 2 ch 118 SLA 1972)

Sec. 29.28.070. Required signatures. (a) The necessary signatures on a petition shall be secured within 90 days from the date of the first circulation of the petition. The petition shall be signed in ink or indelible pencil.

(b) Every petition for either the initiative or referendum in the government of a municipality shall be signed by a number of qualified voters residing within the territorial limits of the municipality, or, if the act sought to be initiated or referred pertains exclusively to the area outside cities or to a service area, by a number of qualified voters residing within the area outside cities or within the service area, as the case may be, equal to the following per cent of the total number of votes cast at the last general election in the city or borough or borough area concerned, or special election called for the purpose of electing city or borough officers:

- (1) 25 per cent, when a city or borough has fewer than 7,500 persons, or
- (2) 15 per cent, when a city or borough has 7,500 persons or more.

(c) When signing a petition each voter shall write or print after his signature the date of signing the petition and his resident address.

(d) Illegible signatures unless accompanied by a legible printed name may be rejected by the municipal clerk.

(e) A petition signer may withdraw his signature upon written application to the clerk within seven days after the petition has been filed with the clerk. (§ 2 ch 118 SLA 1972)

Sec. 29.28.073. Sufficiency of petition. (a) Within 10 days from the filing date, the municipal clerk shall certify on the petition whether or not it is sufficient.

(b) If the petition is insufficient, it may be amended or supplemented within 10 days after the date on which the petition is rejected as insufficient.

(c) Within 10 days after supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record. (§ 2 ch 118 SLA 1972)

Sec. 29.28.075. Protest. If the municipal clerk certifies the petition is insufficient, a signer of the petition may file a protest with the municipal executive within seven days after the certification and the municipal executive shall present the protest at the next regular meeting to the assembly or council which shall hear and decide the protest. (§ 2 ch 118 SLA 1972)

Sec. 29.28.077. New petition. Failure to secure sufficient signatures does not preclude the filing of a new initiative or referendum petition. However, a new petition may not be filed sooner than six months after a petition is rejected. (§ 2 ch 118 SLA 1972)

Sec. 29.28.080. Presentation of initiative. (a) When a petition seeks enactment of an ordinance or resolution within the powers of the assembly or council and not otherwise restricted by § 60 of this chapter, the clerk shall present it to the assembly or council at its next meeting after certification. The assembly or council may reject the petition if the subject matter of the initiative or referendum is within the restrictions of § 60 of this chapter.

(b) Unless the petition is granted within 30 days of its submission to the assembly or council, the clerk shall, with the assistance of the municipal attorney, prepare an ordinance or resolution to implement the petition and shall submit it to the voters at the next regular election. The ordinance or resolution shall be published in full in the notice of election but may be summarized on the ballot to indicate clearly the proposal submitted.

(c) If a majority of those voting favor the proposal, it becomes effective when the election results are officially declared.

(d) The assembly or council may at any time not less than 10 days from the date of election adopt an ordinance or resolution to implement the petition. In that event an election shall not be held. (§ 2 ch 118 SLA 1972)

Sec. 29.28.090. Presentation of referendum. (a) When a petition seeks a referendum vote on an ordinance or resolution, the clerk shall submit the ordinance to the voters of the municipality at the next regular or special election. If no regular or special election occurs within 75 days of the filing of a sufficient petition with the clerk, the assembly or council shall hold a special election within 75 days of filing.

(b) If a sufficient petition for referendum is filed within 30 days after final passage of the ordinance, or before the effective date of the ordinance, the ordinance against which the petition is filed

shall be suspended pending the referendum on the ordinance. During the period of suspension the assembly or council may not enact an ordinance substantially similar to the suspended ordinance but may repeal the suspended ordinance.

(c) If a majority of those voting favor the referendum legislation, it remains in effect. If a majority rejects the legislation, it is repealed. A municipal charter may be amended as provided in the charter or by initiative and referendum as provided in §§ 60—110 of this chapter. (§ 2 ch 118 SLA 1972; am: § 10 ch 147 SLA 1972)

Effect of amendment — The 1972 amendment, effective September 10, 1972, inserted "assembly or" in the last sentence of subsection (b).

Sec. 29.28.110. Effect. (a) The assembly or council may not, within two years, act in any way to modify or negate the effect of a successful initiative or referendum. If an ordinance against which a referendum is directed has been repealed by the assembly or council after a petition has been filed but before the referendum, the council or assembly may not enact substantially similar legislation for a period of one year after repeal.

(b) An unsuccessful initiative or referendum precludes the filing of a new petition for the same purpose sooner than six months after voter disapproval of the initiative or referendum. (§ 2 ch 118 SLA 1972)

Article 3. Recall.

Section	Section
130. Recall	200. Election
140. Grounds	210. Form of recall ballots
150. Petition	220. Election procedure
160. Examination for sufficiency	230. Majority required
170. Supplemental petition	240. Effect
180. New petition	250. Election of successor
190. Submission	

Sec. 29.28.130. Recall. An elected official of a home rule or general law municipality may be recalled by the voters after he has served six months in office. (§ 2 ch 118 SLA 1972)

Section applies to city school board member.—A member of a city school board is an elected public official of an incorporated municipality, within the meaning of this section, to the same extent as a city councilman, and thus is subject to the recall provisions contained in this section. *Blue v. Stockton*, Sup. Ct. Op. No. 15 (File No. 7), 355 P.2d 395 (1960).

Sec. 29.28.140. Grounds. Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties. (§ 2 ch 118 SLA 1972)

Sec. 29.28.150. Petition. (a) A petition seeking recall of one or more municipal officials is filed with the municipal clerk. The petition shall contain

(1) the signatures and resident addresses of a number of voters as prescribed in § 70(b) of this chapter for initiative and referendum;

(2) the date each voter signed the petition; and

(3) a statement of the grounds of the recall stated with particularity as to specific instances.

(b) A petition for recall must be filed with the clerk within 60 days after the date of the earliest signature on the petition. (§ 2 ch 118 SLA 1972)

Sec. 29.28.160. Examination for sufficiency. The municipal clerk shall review the petition for content and signatures and shall certify on the petition within 10 days of the filing date whether it is accepted or rejected. Until the petition is accepted, a petition signer may withdraw his signature upon written application to the clerk. (§ 2 ch 118 SLA 1972)

Sec. 29.28.170. Supplemental petition. (a) If the petition is rejected because of insufficient signatures, it may be supplemented by additional signatures within 10 days after the date of rejection. If the petition is insufficient for any other reason, it shall be rejected and filed as a public record.

(b) Within 10 days after supplementary filing, the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record. (§ 2 ch 118 SLA 1972)

Sec. 29.28.180. New petition. Failure to secure sufficient signatures does not preclude the filing of a new recall petition. However, a new petition may not be filed sooner than six months after a petition is rejected. (§ 2 ch 118 SLA 1972)

Sec. 29.28.190. Submission. If a recall petition is sufficient, the clerk shall immediately submit it to the assembly or council. (§ 2 ch 118 SLA 1972)

Sec. 29.28.200. Election. (a) If a regular election occurs within 75 days of the submission, the assembly or council shall submit the recall at that election.

(b) If no regular election will occur within 75 days, the assembly or council shall hold a special election within 75 days of submission.

(c) If a vacancy occurs in the office after a recall petition is filed, the petition shall not be submitted to the voters. (§ 2 ch 118 SLA 1972)

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Sec. 29.28.210. Form of recall ballots. A recall ballot contains:

- (1) the grounds as stated in the recall petition;
- (2) the officer's statement of 200 words or less, if the statement is filed with the clerk for publication and public inspection within 20 days before the election;
- (3) the following question: "Shall (name of person) be recalled from the office of (office)? Yes [] No []". (§ 2 ch 118 SLA 1972)

Sec. 29.28.220. Election procedure. Procedures for conducting a recall election are those of a regular election. (§ 2 ch 118 SLA 1972)

Sec. 29.28.230. Majority required. A majority vote on the question is required to recall an officer. (§ 2 ch 118 SLA 1972)

Sec. 29.28.240. Effect. If an incumbent is not recalled at the recall election, a petition to recall the same incumbent may not be filed sooner than six months after the recall election. (§ 2 ch 118 SLA 1972)

Sec. 29.28.250. Election of successor. If the voters recall an officer, the clerk shall conduct an election for a successor to fill the unexpired term. The election shall be held at least 10 but not more than 45 days from the date of the recall election. However, if a regular or special election occurs within 75 days of the recall election, the successor to the recalled official shall be chosen at that regular or special election. The procedures and requirements for the regular election for the office from which the incumbent is recalled apply to the election conducted under this section. (§ 2 ch 118 SLA 1972)

Chapter 33. Areawide Borough Powers and Duties.

Article

1. Scope (§ 29.33.010)
2. Assessment and Collection of Taxes (§ 29.33.030)
3. Education (§ 29.33.060)
4. Planning, Platting and Zoning (§§ 29.33.070—29.33.245)
5. Additional Areawide Powers (§§ 29.33.250—29.33.290)

Article 1. Scope.

Section

10. Scope of areawide powers

Sec. 29.33.010. Scope of areawide powers. (a) Boroughs shall exercise the powers as specified and in the manner specified in this

Sec. 15.45.470. Provision and scope for use of recall. The governor, the lieutenant governor, and members of the state legislature are subject to recall by the voters of the state or the political subdivision from which elected. (§ 9.71 ch 83 SLA 1960)

Am. Jur. reference. — 28 Am. Jur., Initiative, Referendum and Recall, §§ 47 to 66.

Sec. 15.45.480. Filing application. The recall of the governor or a member of the state legislature is proposed by filing an application with the lieutenant governor. The recall of the lieutenant governor is proposed by filing an application with the attorney general, who shall perform the duties imposed on the lieutenant governor in the recall of other elected state officials. A deposit of \$100 must accompany the application. This deposit will be retained if a petition is not properly filed. If a petition is properly filed the deposit shall be refunded. (§ 9.72 ch 83 SLA 1960; am § 24 ch 125 SLA 1962)

Sec. 15.45.490. Time of filing application. No application may be filed during the first 120 days of the term of office of any state public official subject to recall. (§ 9.73 ch 83 SLA 1960)

Sec. 15.45.500. Form of application. The application shall include (1) the name and office of the person to be recalled, (2) the grounds for recall described in particular in not more than 200 words, (3) a statement that the sponsors are qualified voters who signed the application with the statement of grounds for recall attached, (4) the designation of a recall committee of three sponsors who shall represent all sponsors and subscribers in matters relating to the recall, (5) the appointment of at least 100 qualified voters who subscribe to the application as sponsors for purposes of circulation, and (6) the signatures and addresses of qualified voters equal in number to 10 per cent of those who voted in the preceding general election in the state or in the senate or electoral district of the official sought to be recalled. (§ 9.74 ch 83 SLA 1960)

Sec. 15.45.510. Grounds for recall. The grounds for recall are (1) lack of fitness, (2) incompetence, (3) neglect of duties, or (4) corruption. (§ 9.75 ch 83 SLA 1960)

Sec. 15.45.520. Manner of notice. Notice on all matters pertaining to the application and petition may be served on any member of the recall committee in person or by mail addressed to a committee member as indicated on the application. (§ 9.76 ch 83 SLA 1960)

Sec. 15.45.530. Notice of the number of voters. The lieutenant governor, upon request, shall notify the recall committee of the official number of persons who voted in the preceding general election in the state or in the senate or election district of the official to be recalled. (§ 9.77 ch 83 SLA 1960)

Sec. 15.45.540. Review of application. The lieutenant governor shall review the application and shall either certify it or notify the recall committee of the grounds of refusal. (§ 9.78 ch 83 SLA 1960)

Sec. 15.45.550. Bases of denial of certification. The lieutenant governor shall deny certification if he determines that (1) the application is not substantially in the required form, (2) the application was filed during the first 120 days of the term of office of the official subject to recall or within less than 180 days of the termination of the term of office of any official subject to recall, (3) the person named in the application is not subject to recall, or (4) there is an insufficient number of qualified subscribers. (§ 9.79 ch 83 SLA 1960)

Sec. 15.45.560. Preparation of petition. If the lieutenant governor certifies the application, he shall prescribe the form of, and prepare, a petition containing (1) the name and office of the person to be recalled, (2) the statement of the grounds for recall included in the application, (3) the statement of warning required in § 570 of this chapter, (4) sufficient space for signatures and addresses, and (5) other specifications prescribed by the lieutenant governor to assure proper handling and control. Petitions, for purposes of circulation, shall be prepared by the lieutenant governor in a number reasonably calculated to allow full circulation throughout the state or throughout the senate or election district of the official sought to be recalled. The lieutenant governor shall number each petition and shall keep a record of the petitions delivered to each sponsor. (§ 9.80 ch 83 SLA 1960)

Sec. 15.45.570. Statement of warning. Each petition and duplicate copy shall include a statement of warning that a person who signs a name other than his own to the petition, or who knowingly signs his name more than once for the same proposition at one election, or who signs the petition knowing he is not a qualified voter, upon conviction is punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both. (§ 9.81 ch 83 SLA 1960)

Sec. 15.45.580. Circulation by sponsor. The petitions may be circulated only by a sponsor and only in person throughout the state or senate or election district represented by the official sought to be recalled. (§ 9.82 ch 83 SLA 1960)

Sec. 15.45.590. Manner of signing and withdrawing name from petition. Any qualified voter may subscribe to the petition by signing his name and address. A person who has signed the petition may withdraw his name only by giving written notice to the lieutenant governor before the date the petition is filed. (§ 9.83 ch 83 SLA 1960)

Sec. 15.45.600. Certification of sponsor. Before being filed, each petition shall be certified by an affidavit by the sponsor who personally circulated the petition. The affidavit shall state in substance that (1) the

person signing the affidavit is a sponsor, (2) the person is the only circulator of that petition or copy, (3) the signatures were made in his actual presence, and (4) to the best of his knowledge, the signatures are those of the persons whose names they purport to be. In determining the sufficiency of the petition, the lieutenant governor shall not count subscriptions on petitions not properly certified. (§ 9.84 ch 83 SLA 1960)

Sec. 15.45.610. Filing of petition. No petition may be filed within less than 180 days of the termination of the term of office of a state public official subject to recall. The sponsor may file the petition only if signed by qualified voters equal in number to 25 per cent of those who voted in the preceding general election in the state or in the senate or election district of the official sought to be recalled. (§ 9.85 ch 83 SLA 1960)

Sec. 15.45.620. Review of petition. Within 30 days of the date of filing, the lieutenant governor shall review the petition and shall notify the recall committee and the person subject to recall whether the petition was properly or improperly filed. (§ 9.86 ch 83 SLA 1960)

Sec. 15.45.630. Bases for determining the petition was improperly filed. The lieutenant governor shall notify the committee that the petition was improperly filed if he determines that (1) there is an insufficient number of qualified subscribers, or (2) the petition was filed within less than 180 days of the termination of the term of office of the official subject to recall. (§ 9.87 ch 83 SLA 1960)

Sec. 15.45.640. Submission of supplementary petition. Upon receipt of notice that the filing of the petition was improper, the committee may amend and correct the petition by circulating and filing a supplementary petition within 20 days of the date that notice was given, if filed within less than 180 days of the termination of the term of office of the person subject to recall. (§ 9.88 ch 83 SLA 1960)

Sec. 15.45.650. Calling special election. If the lieutenant governor determines the petition is properly filed and if the office is not vacant, he shall prepare the ballot and shall call a special election to be held on a date not less than 60, nor more than 90, days after the date that notification is given that the petition was properly filed. If a primary or general election is to be held not less than 60, nor more than 90, days after the date that notification is given that the petition was properly filed, the special election shall be held on the date of the primary or general election. (§ 9.89 ch 83 SLA 1960; am § 37 ch 69 SLA 1970)

Legislative committee report. — For 1970 House Journal Supplement No. 2, p. 7. report on ch. 69, SLA 1970 (HB 564), see

Sec. 15.45.660. Preparation of ballot. The ballot shall be designed with the question of whether the public official shall be recalled, placed on the ballot in the following manner: "Shall (*name of official*) be

recalled from the office of?". Provision shall be made for marking the question "Yes" or "No." (§ 9.90 ch 83 SLA 1960)

Sec. 15.45.670. Conduct of special election. Unless specifically provided otherwise, all provisions regarding the conduct of a general election shall govern the conduct of a special election for the recall of a state public official, including but not limited to, provisions concerning voter qualification; provisions regarding duties, powers, rights and obligations of the lieutenant governor, of other election officials, and of cities and organized boroughs; provision for notification of the election; provision for the payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for counting, canvassing, and certification of returns; provision for the determination of votes and of recount contests and court appeal; and provisions for absentee voting and the use of voting machines. (§ 9.91 ch 83 SLA 1960)

Sec. 15.45.680. Display of bases for and against recall. The lieutenant governor shall provide each election board in the state or in the senate or election district of the person subject to recall with 10 copies of the statement of the grounds for recall included in the application and 10 copies of the statement of not more than 200 words made by the official subject to recall in justification of his conduct in office. The person subject to recall may provide the lieutenant governor with his statement within 10 days after the date the lieutenant governor gave notification that the petition was properly filed. The election board shall post three copies of the statements for and against recall in three conspicuous places in the polling place. (§ 9.92 ch 83 SLA 1960)

Sec. 15.45.690. Certification of election results. If a majority of the votes cast on the question of recall favor the removal of the official, the lieutenant governor shall so certify and the office is vacant on the day after the date of certification. (§ 9.93 ch 83 SLA 1960)

Sec. 15.45.700. Filling vacancy. A vacancy caused by a recall is filled as a vacancy caused by any other means is filled. (§ 9.94 ch 83 SLA 1960)

Sec. 15.45.710. Insufficiency of grounds, application, or petition. No recall submitted to the voters shall be held void because of the insufficiency of the grounds, application, or petition by which the submission was procured. (§ 9.95 ch 83 SLA 1960)

Sec. 15.45.720. Judicial review. Any person aggrieved by a determination made by the lieutenant governor may bring an action to have the determination reviewed within 30 days of the date on which notice of determination was given by any appropriate remedy in the superior court. (§ 9.96 ch 83 SLA 1960)

HB

293

COMMITTEE REPORT

HOUSE

FURTHER:

February 23, 1979

Date: 7 Mar 79

Mr. Speaker:

The Committee on C&RA has had HB 293

"An Act relating to the Alaska Right-Of-Way Leasing Act; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for 115 213 same title
 new title
- and recommends pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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[Signature]

[Signature]

[Signature]

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]
CHAIRMAN

AMENDMENT

OFFERED IN THE HOUSE:

By: _____

To: _____ HOUSE BILL No. HB 293

SENATE BILL No. _____

PAGE: _____

LINE: _____

Please prepare a Committee Substitute for HB 293 with the following changes:

P. 1 Line 21, ~~20~~ should read

able natural environment and its people, including measures reasonable
required to assure that potential

P. 1 Line 29 Strike "or not"

P. 2 Line 2 Add "not" after "will" and before "unreasonably"

P. 2 Line 4 Add "of the State" after "interest"

Page Lines 19,20 should read:

(D) provide local impact information and planning assistance for
communities located adjacent to the right-of-way which are affected
by the pipeline project; and

HB 293 TITLE & SPONSOR SUMMARY

13:51 3/20/79 PAGE 1 OF 2

AMENDED TITLE:

AN ACT RELATING TO THE ALASKA RIGHT-OF-WAY LEASING ACT;
AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSORS: MOSS.

CO-SPONSORS: ROGERS.

CURRENT STATUS: 3/09/79 IN (H) RULES

HB 293 HOUSE ACTION

13:52 3/20/79 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/23/79	01	0356	FIRST READING -- COMMITTEE REPORTS
03/09/79	02	0502	CRA -- CS06, NR01 RULES
****	**	**	*** ** *



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

DATE: 3/7/79

BILL NUMBER AND TITLE: HB 293 re Alaska Right of Way Leasing

ORIGINAL SPONSOR : Moss & Rogers

OTHER SPONSORS:

RECEIVED FROM: --

FURTHER REFERRALS: None

MEMBERS PRESENT:

Parker
Carney
Metcalf
Zharoff

Branson
Parr
O'Connell

MEMBERS ABSENT:

None

INDIVIDUALS CONCERNED:

WITNESSES TESTIFYING:

Moss introduced Bob Lohr .

Bob Lohr, Director of Upper Tanana Development Corp. Tok.

Bill attempts to deal with impact of construction in unorganized boroughs. Proposed a strategy for dealing with the impact. Defines planning necessary and sets standards.

Suggests some amendments in bill (see attached)

No fiscal impact to state.

Sees that Legislature has a role in socio/economic impact in communities.

Pat Conheady DNR. Dept. Supports bill. It spells out those things already being done.

Discussion follows on Metcalfe's suggested amendment related to "superior public interest of the state".

Amendment accepted.

Bill signed DO PASS by
Parker Zharoff
Branson O'Connell
Carney
Parr

Member having No Recommendation
Metcalf

COMMITTEE ACTION: Approved a Committee Substitute with attached amendments.

TAPE # 3 SIDE 2

Sections 0-716

BILL WORK SHEET

COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS
BILL NO. HB 293 re Right of Way Leasing Act
Original Sponsor Moss and Rodgers

Referred to _____
Received from _____

Fiscal Note Requested will assess "0"

Contacts:

Contacted re 3/7 Hearing:

- ✓ Brian Rogers
- ✓ Rep. Moss (contacted via Rogers)
- ✓ Bob Lohr, Director of Upper Tanana Development Corporation in Tok
- ✓ Dept. of Natural Resources (Pat Conheady)

LAA Legal Research contact: Rosenstein

According to Bob Lohr, it is not now clear in the regulations that this kind of socio-economic plan can be required. Federal regulatory people not sure it can be required under our existing statutes. Open endedness of regulations now in effect has been protested by Northwest. No minimum standards have been set by the State.

DNR -- will support bill.

Introduced: 2/23/79
Referred: Community and
Regional Affairs

1 IN THE HOUSE

BY MOSS AND ROGERS

2 HOUSE BILL NO. 293

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Right-Of-Way Leasing
7 Act; and providing for an effective date."

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

9 * Section 1. AS 38.35.010(a) is amended to read:

10 (a) The natural resources of this state in crude oil and natural
11 gas and in its land for transportation of these resources and their
12 products by pipeline toward markets both in and out of the state are
13 capable of making a significant contribution to the general welfare of
14 the people of this state. It is the policy of this state that the
15 development, use, and control of a pipeline transportation system be
16 directed to make the maximum contribution to the development of the
17 human resources of this state, the increase in the standard of living
18 for all of its residents, the advancement of existing and potential
19 sectors of its economy, the strengthening of free competition in its
20 private enterprise system, and the careful protection of its incompar-
21 able natural environment and the unique lifestyle of its people, in-
22 cluding all measures reasonably required to assure that potential
23 adverse impacts are minimized by adequate planning.

24 * Sec. 2. AS 38.35.100(a) is amended to read:

25 (a) The commissioner shall promptly determine, on an application
26 filed with him under AS 38.35.050, whether the applicant is fit, willing
27 and able to perform the transportation or other acts proposed in a
28 manner that will be required by the present or future public interest.
29 In making a determination the commissioner shall consider whether or not

1 the applicant has demonstrated that

2 (1) the proposed use of the right-of-way will ^{not} unreasonably
3 conflict with existing uses of the land involving a superior public
4 interest; *(of the State) ~~interest~~*

5 (2) the applicant has the technical and financial capacity to
6 protect state and private property interests;

7 (3) the applicant has the technical and financial capability
8 and has developed a plan adequate to take action to the extent reason-
9 ably practical to

10 (A) prevent any significant adverse environmental im-
11 pact, including but not limited to, erosion of the surface of the
12 land and damage to fish and wildlife and their habitat;

13 (B) undertake any necessary restoration or revegetation;
14 [AND]

15 (C) protect the interests of individuals living in the
16 general area of the right-of-way, especially those who rely on
17 fish, wildlife and biotic resources of the area for subsistence
18 purposes; *adjacent to the right-of-way - not affected*

19 (D) provide local impact information and planning
20 assistance for communities affected by the pipeline project; and

21 (E) avoid or minimize adverse impacts and maximize
22 positive local and regional social impacts caused by the construc-
23 tion, operation, maintenance and termination of the pipeline.

24 (4) the applicant has the financial capability to pay reason-
25 ably foreseeable damages for which he may become liable on claims
26 arising from the construction, operation, maintenance or termination of
27 the pipeline.

28 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.
29 070(c).

Introduced: 2/23/79
Referred: Community and
Regional Affairs

1 IN THE HOUSE

BY MOSS AND ROGERS

2 HOUSE BILL NO. 293

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

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12 products by pipeline toward markets both in and out of the state are
13 capable of making a significant contribution to the general welfare of
14 the people of this state. It is the policy of this state that the
15 development, use, and control of a pipeline transportation system be
16 directed to make the maximum contribution to the development of the
17 human resources of this state, the increase in the standard of living
18 for all of its residents, the advancement of existing and potential
19 sectors of its economy, the strengthening of free competition in its
20 private enterprise system, and the careful protection of its incompar-
21 able natural environment ^{and its people} ~~and the unique lifestyle~~ of its people, in-
22 cluding all measures reasonably required to assure that potential
23 adverse impacts are minimized by adequate planning.

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26 filed with him under AS 38.35.050, whether the applicant is fit, willing
27 and able to perform the transportation or other acts proposed in a
28 manner that will be required by the present or future public interest.
29 In making a determination the commissioner shall consider whether ~~or not~~

1 the applicant has demonstrated that

2 (1) the proposed use of the right-of-way will unreasonably
3 conflict with existing uses of the land involving a superior public
4 interest;

5 (2) the applicant has the technical and financial capacity to
6 protect state and private property interests;

7 (3) the applicant has the technical and financial capability
8 and has developed a plan adequate to take action to the extent reason-
9 ably practical to

10 (A) prevent any significant adverse environmental im-
11 pact, including but not limited to, erosion of the surface of the
12 land and damage to fish and wildlife and their habitat;

13 (B) undertake any necessary restoration or revegetation;

14 [AND]

15 (C) protect the interests of individuals living in the
16 general area of the right-of-way, especially those who rely on
17 fish, wildlife and biotic resources of the area for subsistence
18 purposes;

19 (D) provide local impact information and planning
20 assistance for communities affected by the pipeline project; and

21 (E) avoid or minimize adverse impacts and maximize
22 positive local and regional social impacts caused by the construc-
23 tion, operation, maintenance and termination of the pipeline.

24 (4) the applicant has the financial capability to pay reason-
25 ably foreseeable damages for which he may become liable on claims
26 arising from the construction, operation, maintenance or termination of
27 the pipeline.

28 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
29 070(c).

Gas Pipeline Financing Authority
Title 56.03H 5943
CA 0090 SCA 78

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 293
 Title An Act relating to right-of-way leasing
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Department of Natural Resources
 Program Category Affected NRMEC
 Budget Request Unit(s) Affected Minerals and Energy Management

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	--0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No fiscal impact results from this legislation.

IV. DATE 3/7/79 PREPARED BY Patrick W. Conheady
 AGENCY Dept. of Natural Resources
 PHONE 465-2400

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

HB

300



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

DATE: 4/9/79

BILL NUMBER AND TITLE: HB 300 Minimum entitlements to communities

ORIGINAL SPONSOR : Rep. NEls Anderson

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: Finance

MEMBERS PRESENT:

Parker Zharoff
Carney Branson
O'Connell Metcalfe Parr

MEMBERS ABSENT:

INDIVIDUALS CONTACTED:

Rep. Anderson
Municipal League

WITNESSES TESTIFYING:

Anderson -- The concept of a minimum entitlement also appears in HB 192. As fate of HB 192 was in question, Anderson is introducing idea as a separate bill. Anderson doesn't think that HB 300 would pass without the conditions suggested by Dept. of C&RA as the administration would not be supporting the bill without these conditions. The conditions for receipt of the \$25,000 are also included in HB 192 (Revenue Sharing).

Anderson describes conditions as outlined in HB 192. Suggests that the basic entitlement provisions would allow villages to hire someone to work on getting additional grants monies to the villages.

Anderson urges adoption of a CS for HB300 with the discussed restrictions.

McCarter -- The Dept. of C&RA is supportive of this bill with the restrictions contained in HB192. There is no tax base in these communities and the minimum entitlement is seen as "seed money".

#4 which requires codification of ordinances should perhaps be deleted from the conditions.

Also, the provision in the enumerated for compliance "during the fiscal year predecing" could be handled by a change of "tense" in the regulations or by rewording in the bill so that communities would not have to have had compliance in order to receive monies.

Parr -- Are these requirements in the existinr statutes meaningful or not? Doesn't understand why the Dept. is so willing to waive them.

COMMITTEE ACTION: No action taken.

TAPE # 7 SIDE 1

Sections 933-1520

McCarter -- Communities would get the \$25,000 minimum and then whatever else would be coming to them through the existing revenue sharing program. The presence of a "clerk" (who might be funded from the \$25,000) often makes or breaks the community in terms of its ability to organize.

Standards are presently on the books which must be met before incorporation can take place.

The former classification of "third class city" (villages) provided for just the basic "town meeting". McCarter recommends that minimum entitlement be granted to see if it helps 2nd class cities get off the ground.

Chitwood -- The Municipal League is in favor of the minimum entitlements only if the distribution to the other cities is not reduced.

Alaska State Legislature

REPRESENTATIVE
NELS A. ANDERSON, JR.
BOX 234
DILLINGHAM, ALASKA 99576
HOME PHONE 842-5302

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
PHONE 465-3738 OR 3739
HOME PHONE 789-7997



REPRESENTING DISTRICT 16
BRISTOL BAY — LOWER KUSKOKWIM

HOUSE MAJORITY LEADER
VICE CHAIRMAN JUDICIARY COMMITTEE
MEMBER, RULES COMMITTEE
MEMBER, SPECIAL COMMITTEE
ON SUBSISTENCE

House of Representatives

April 20, 1979

Mr. Carl Jack, President
Association of Village Council
Presidents
P.O. Box 219
Bethel, Alaska 99559

Dear Carl:

I have introduced a bill that would grant a minimum of \$25,000.00 to each municipality of the State. The bill is in House Community and Regional Affairs and I have been unable to move it at this writing.

I am hopeful that this policy will be adopted next year if it doesn't move this year.

Any help you can give to the House CRA committee members to justify the need would be appreciated.

Very Sincerely,

A handwritten signature in cursive script, appearing to read "Nels".

Nels A. Anderson, Jr.

cc: Bush Caucus Members
 Representative Bill Parker

NAA/ah

STATE OF ALASKA
Inter-Department Route Slip

TO: Legislature
MAIL STATION NUMBER 3100

DEPARTMENT _____

ATTENTION House C&RA Committee

- | | |
|--|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks:

FROM:
MAIL STATION NUMBER 2100

DEPARTMENT C&RA

BY Lynn W/dm DATE 3/12

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 300
 Title Minimum Grant for State Aid to Local Governments
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Community and Regional Affairs
 Program Category Affected Community Development
 Budget Request Unit(s) Affected Local Government Assistance Grants

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	0					
200 TRAVEL	0					
300 CONTRACTUAL	0					
400 COMMODITIES	0					
500 EQUIPMENT	0					
600 LAND & STRUCTURES	0					
700 GRANTS, CLAIMS, ETC.	0	1284.9	1409.9	1409.9	1409.9	
TOTAL	0	1284.9	1409.9	1409.9	1409.9	

FUNDING (Thousands of Dollars)

GENERAL FUND	0	1284.9	1409.9	1409.9	1409.9	
FEDERAL FUNDS	0	0	0	0	0	
OTHER (Specify)	0	0	0	0	0	

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Under the FY 79 State Revenue Sharing Program, 74 municipalities received less than \$25,000. A total of \$1,034,936 would be required to increase each of these municipality's entitlement to \$25,000. In FY 80, it is anticipated that 10 municipalities not participating in the FY 79 program will submit applications. These are small cities providing few services, therefore, they would no doubt receive the minimum grant proposed by House Bill No. 300.

\$1,034,936 Increases FY 79 participants' entitlements to \$25,000
 250,000 Payments to applicants not participating in FY 79 program
\$1,284,936 Anticipated FY 80 Need

(continued)

IV. DATE 3-7-79 PREPARED BY Mary Foster
 AGENCY Community and Regional Affairs - LGAD
 PHONE 465-4733
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

III. ANALYSIS (continued)

In FY 81, it is hoped that five more municipalities will submit revenue sharing applications; and provision is made to pay these new applicants the minimum grant.

\$1,284,936
125,000
<hr/>
\$1,409,936

This would bring the number of participants in the State Revenue Sharing Program as close to 100% of all municipalities as can be realistically expected.

House Bill No. 300 does not provide for a cost-of-living adjustment to the minimum grant.

Full funding was assumed when these figures were prepared. However, if the revenue sharing appropriation is insufficient to fund at 100% for any fiscal year, the proration factor can be applied to the above amounts.

HB

301

COMMITTEE REPORT

HOUSE

FURTHER: JUDIGIARY

February 26, 1979

Date: 15 MAR 79

Mr. Speaker:

The Committee on C&RA has had HB 301

"An Act relating to municipal service."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

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CHAIRMAN

HB 301 TITLE & SPONSOR SUMMARY

13:57 3/20/79 PAGE 1 OF 2

AMENDED TITLE:

AN ACT RELATING TO MUNICIPAL SERVICE

PRIME SPONSORS: MALONE.

CO-SPONSORS:

CURRENT STATUS: 3/15/79 IN (H) RULES

HB 301 HOUSE ACTION

13:58 3/20/79 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/26/79	01	0382	FIRST READING -- COMMITTEE REPORTS
03/10/79	02	0522	JUD COMM REFERL DELETED BY UNAN CONSENT
03/15/79	03	0597	CRA -- DP07 RULES
****	**	**	*** ** *



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Official Business

DATE: 3/15/79

Pouch V
State Capitol
Juneau, Alaska 99811

BILL NUMBER AND TITLE: HB 301 Relating to Municipal Service

ORIGINAL SPONSOR: Malone

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT:

MEMBERS ABSENT:

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Committee votes to pass HB 301 on to Rules with the committee unanimously voting DO PASS.

Do Pass

Parker
Branson
Carney
Parr
Zharof
O'Connell
Metcalf

COMMITTEE ACTION: See Above

TAPE # 4 SIDE 1 _____

Sections 1079-1081

HB

302

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811

April 27, 1979

The Honorable Bill Parker
Chairman
House Community and Regional
Affairs Committee
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Chairman:

RE: HOUSE BILL NO. 302

At the request of your staff, we have reviewed House Bill No. 302. We have four major concerns with the concepts contained in this legislation.

1) The idea of taxpayers residing in an area of a borough receiving few services, helping pay for a higher level of service in another area of the borough, appears to be unfair. It is difficult to justify a system requiring these taxpayers to finance services provided to others, even though this bill requires voter approval. High millage service areas, generally speaking, are those with concentrated populations and, therefore, concentrated voter power. It would not be difficult to obtain voter approval for an ordinance reducing the millage in highly populated areas at the expense of less populated areas receiving only minimal services. As the bill is drafted, only an areawide vote is required.

2) In order for a borough to provide the same level of service areawide, and fund service areas as contemplated by this proposed legislation, substantial millage increases would be required on an areawide basis or, ultimately, the tax base would have to be significantly increased. Again voter approval would not necessarily be an obstacle because the concentrated population centers would more than likely receive an actual decrease in millage, again at the expense of residents in the less populated areas receiving few services.

3) There could be a fiscal impact on the State if those boroughs that collect substantial oil and gas revenues and have substantial numbers of service areas were to fund those service areas by an areawide millage. The two boroughs with the greatest ability to impact State revenue collections would be the Kenai Peninsula Borough and Fairbanks North Star Borough. The following examples assume total conversion to areawide millages and are based on 1978 millage rates and values.

Example #1 - The Kenai Peninsula Borough currently levies an areawide millage of 4.50 mills; additionally, it levies additional service area millages of as much as 16.5 mills more in some areas. State assessed oil and gas properties (AS 43.56) are in areas with low millage. If this bill were to pass and one areawide rate were levied to maintain the current level of services, we estimate that rate would have to be raised to be 6.22 mills. The State of Alaska currently levies 20 mills on all state assessed oil and gas property and credits owners of this property for local property taxes paid. Any increase in local taxes on State assessed oil and gas property results in an equal decrease in State revenue. Therefore, the provision that would provide a boroughwide levy for local services could, we estimate, decrease State revenue \$518,827.

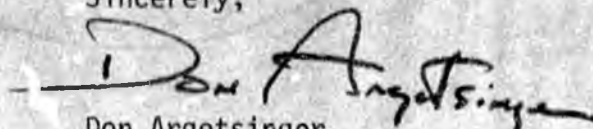
Example #2 - Fairbanks North Star Borough currently levies 7.20 mills areawide and has service areas that levy as much as 8.50 mills more. Again, assuming an areawide levy to maintain current service levels, an areawide millage rate of 10.13 would be required. Applying this new millage rate to State assessed oil and gas property in this borough results in an estimated increase in local taxes from this source in the amount of \$1,655,816. This, of course, would be a direct reduction in State revenues.

4) There have been several bills introduced this session that will either create or extend exemptions from property taxes (HB 103, HB 314, and SB 64, etc.). The impact of these decreases in tax base would be magnified. To illustrate this concern, assume passage of one of those bills. If the optional \$10,000 residential exemption were increased to \$50,000 and opted for by the Kenai Peninsula Borough and also assuming complete funding of all services at the current level by areawide levy, then the following would occur. An areawide levy of 7.22 mills and a reduction of millage from current rates of approximately 60% in cities and increase of approximately 60% in many areas outside of cities. As an example of the tax increase in low service areas under these conditions; currently the local oil and gas property owners pay \$2,289,026 to the borough. Under the assumed conditions they would pay \$3,269,724. Again, the difference of \$971,698 is a loss of revenue to the State. This same relationship could be transferred to every non-residential property located in less populated areas of the borough.

Although expression of these concerns necessitated some assumptions, we feel these assumptions are a realistic analysis of the possible results of implementation of this legislation.

The Department appreciates the opportunity to comment.

Sincerely,



Don Argetsinger
Deputy Commissioner

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 19, 1979

SUBJECT: HB 302 - Appropriations and grants to service areas

TO: Representative Bill Parker

FROM: Billy G. Berrier *BGB*
Director
Division of Legal Services

As you requested, I have reviewed the letter from Mr. Hartig relating to this bill. Art. X, sec. 5 of the constitution is a grant of power, not a limitation of power. Under the uniformity of taxation, principle courts have frequently held that differential taxation based on difference in service rendered is unconstitutional. The effect, and intended effect as the Constitutional Convention minutes make clear, is to allow differential taxation which is not otherwise allowed. There is no limitation expressed in the section nor do I think a limitation that no method of funding special services other than from taxes, charges or assessments within the service area may be implied.

He also cites Concerned Citizens of South Kenai Peninsula v. Kenai Peninsula Borough, 527 P.2d 447 (Alaska 1974). That case upheld the creation of a hospital service area by the borough. The court does hold that:

Substantive due process is denied when a legislative enactment has no reasonable relationship to a legitimate governmental purpose. It is not a court's role to decide whether a particular statute or ordinance is a wise one; the choice between competing notions of public policy is to be made by elected representatives of the people. The constitutional guarantee of substantive due process assures only that a legislative body's decision is not arbitrary but instead based upon some rational policy.

A court's inquiry into arbitrariness begins with the presumption that the action of the legislature is proper. The party claiming a denial of substantive due process has the burden of demonstrating that no rational basis for the challenged legislation exists. This burden is a heavy one, for if any conceivable legitimate public policy for the enactment is apparent on its face or is offered by those defending the enactment, the opponents of the measure must disprove the factual basis for such a justification.

Although in later cases, most specifically in State v. Erickson, 574 P.2d 1 (Alaska 1978) our court has adopted a less deferential approach, a reasonable basis test will still be applied. Since grants from a unit of government with a broader tax base to a unit with a narrower base is today a commonplace feature of government, in my opinion a reasonable basis exists.

BGB:jdn

COLE, HARTIG, RHODES, NORMAN & MAHONEY

HOYT M. COLE
ROBERT L. HARTIG
JAMES D. RHODES
JOHN K. NORMAN
ROBERT J. MAHONEY
BERNARD J. DOUGHERTY
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G. RODNEY KLEEDEHN
J. MICHAEL ROBBINS
ROGER H. BEATY
STEPHEN D. ROUTH
WEV W. SHEA
EDGAR R. LOCKE
C. WALT EBELL
SPENCER C. SNEED

March 23, 1979

REPLY TO:
Anchorage

OF COUNSEL:
G. KENT EDWARDS

Representative Bill Parker
Community & Regional
Affairs Committee, Chairman
Pouch V
Juneau, AK 99811

Re: H.B.-302 "An act relating
to appropriations and grants
from boroughs to service
areas and cities; and pro-
viding for an effective date."
Our Reference 844-19.3

Dear Representative Parker:

On behalf of my client, the City of Kodiak, Alaska, I want to express an opposition to the passage of H.B.-302 introduced on February 26, 1979 and sponsored by Representatives Hugh Malone and Margaret Branson.

The bill proposes to amend Chapter 29 of the Alaska Statutes to provide that boroughs may, by ordinance and after holding an areawide election on the question, authorize appropriations from areawide taxes or other areawide revenues to finance all or part of a special service.

The City's opposition to this proposed legislation is based upon several grounds. First, it is questionable that the legislation, if passed in its present form, is constitutional. Article X, Section 5, of the Constitution of Alaska provides:

" Service areas to provide special services within an organized borough may be established, altered, or abolished by the assembly, subject to the provisions of law or charter. A new service area shall not be established if, consistent with the purposes of the article, the new

Representative Parker
March 23, 1979
Page Two

service can be provided by an existing service area, by incorporation as a city, or by annexation to a city. The assembly may authorize the levying of taxes, charges, or assessments within a service area to finance the special services." (Emphasis added.)

The language is clear that the assembly's taxing authority is limited to that area encompassed within the established special service area. (See also Concerned Citizens of South Kenai Peninsula v. Kenai Peninsula Borough et al. 527 P2d. 447).

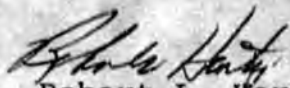
In addition to the constitutional prohibition against such taxing authority, it should be noted that the proposed authority if authorized, would not foster or encourage the contemplated substitution of city government for borough authority, when it would be proper to do so, but instead would continue to encourage competing and often overlapping and duplicate governmental services.

Also, such areawide taxation, because the tax base is often within the city, would have the effect of placing the tax burden on the city residents without providing accompanying benefits.

Your consideration of the City of Kodiak's opposition to this legislation will be appreciated and should any hearings on the legislation be scheduled, I would appreciate being notified so that I might have the opportunity to be present and to testify on behalf of my client.

Very truly yours,

COLE, HARTIG, RHODES,
NORMAN & MAHONEY

By: 
Robert L. Hartig

RLH:bjw

Article 2. Service Areas.

Section

90. Service areas

Sec. 29.63.090. Service Areas. (a) Service areas to provide special services within a borough may be established, operated, altered or abolished by the assembly by ordinance. Special services include services not provided on an areawide basis within the borough or the borough area outside cities or a higher or different level of service than that provided on an areawide basis or in the borough area outside cities. In a first class borough the assembly may exercise within a service area any power granted a first class city by general law; in a second class borough an exercise of the powers must be approved by a majority of the qualified voters residing within the service area and voting on the question at a regular or special election.

(b) The assembly may levy or authorize the levying of taxes, charges, or assessments in service areas to finance the special services.

(c) The assembly may provide for appointed or elected boards to supervise the furnishing of special services in service areas.

(d) A new service area may not be established if, consistent with the purposes of art. X of the state constitution, the new service can be provided by an existing service area, by annexation to a city, or by incorporation as a city.

(e) The assembly may exercise or delegate to a service area any powers which may be exercised by a first class borough in the area outside cities. In a second class borough, each exercised or delegated power must be approved by a majority vote at a regular or special election held within the service area. The rate of taxation and the issuance of bonds are subject to assembly approval. (§ 2 ch 118 SLA 1972)

Chapter 68. Alteration of Boundaries.

Article

1. Annexation and Exclusion (§ 29.68.010)
2. Merger and Consolidation (§§ 29.68.030—29.68.110)
3. Unification of Local Governments (§§ 29.68.240—29.68.440)
4. Dissolution (§§ 29.68.500—29.68.580)

Article 1. Annexation and Exclusion.

Section

10. Local boundary commission

Sec. 29.68.010. Local boundary commission. (a) The Local Boundary Commission may consider any proposed local government boundary change. It may present proposed changes to the

BILL NO. HB 302 re Grants to Boroughs to Service Areas

Received from _____
Referred to _____

Original Sponsor _____
Fiscal Note _____

LAA Legal Research Contact _____

CONTACTS: *Contacted re 4/18*

- ✓ Charles Conness (Area)
- ✓ Hartig 274-3576
- ✓ Municipal League
- ✓ CRA

*Hartig - expenses of grant can be financed.
Not right - Bureau*

HB

314



House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V
State Capitol
Juneau, Alaska 9

Official Business

DATE: 1/21/80 -

BILL NUMBER AND TITLE: HB 314 Optional Property Tax Exemptions

ORIGINAL SPONSOR : Malone

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: Finance

MEMBERS PRESENT:

Bill Parker X
Margaret Branson X
Pat O'Connell X

Pat Carney X
Charlie Parr X
Fred Zharoff X
Ray Metcalfe X

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Malone - Representing District 18 in sponsorship of HB 314. Recommends that in line 14 the "or" be removed. The bill adds an option for local government to structure its taxes. The Kenai Assembly has requested the exemption.

Malone opposes the recommendation of the Dept. of C&RA that the State offset the amount of the exemption by reimbursing it to the municipality.

Exemptions allowed in the residential real property tax are limited. In 1973 the allowable exemption was at a higher level than the current \$10,000.

*Malone will try to obtain the current cost of the existing \$10,000 exemption in the Kenai Peninsula.

Parr - Suggests amendment which would provide that the state's revenues from oil and gas property tax would not be diminished as a result.

Malone - Not sure how Parr's suggestion for an amendment would be enforced. It may be hard to establish a connection between the exemption and how much property tax is offset..the mill rate could be lowered.

Don't want to apply limitation on assessment. Could extend to include all classes of property including oil and gas.

Intent is not to have state reimburse.

Branson - Questions what the implications of HB 314 for service areas.

Malone - Will get that information.

Metcalfe - What would be the effect on the owner of a \$100,000 house?

Doesn't want any inequities and concerned that the proposed

COMMITTEE ACTION. No Action. Bill rescheduled for hearing on 1/25/80.

' bill would create such inequities by subsidizing the lower cost property owners.

Malone - It is necessary to find out what the percentage of other property which could be taxed it.

Data re who would end up paying taxes that the exempt group was not paying would be necessary. Malone contends that since this exemption is optional for the municipality that it should be acceptable to all.

Palmer McCarter, Dept. C&RA

Terry Early, State Assessor

Opposed to HB 314. Ordinarily the Dept. supports local control but this bill expands the inequity of the \$10,000 exemption. Most municipalities can't afford this and the three boroughs and the city which has opted for the exemption have pipeline revenues.

Early and McCarter referred to a study prepared by the Dept. at the request of the House C&RA Committee (see in folder) for reference of the Committee.

Parr - Pointed out that if the other municipalities reappraised, they also could afford to take the exemption. It may be they didn't want to exempt for people who couldn't afford.

t

Branson - Would borough as well as city taxes be effected?

There was discussion of the amount of money that would actually be lost to the state if there was an exemption.

O'Connell - Indicated that other segments of the community, such as the small business man would be effected if the exemption were put into effect.

Parr - Suggests that an alternative approach might be to use the real property tax as a credit on personal income tax. This method wouldn't favor one area over another.

Alaska State Legislature



Senate

SENATOR
ARLISS STURGULEWSKI

COMMITTEES
CHAIRMAN
Community & Regional Affairs

VICE-CHAIRMAN
Commerce

Health & Social Services

2957 SHELDON JACKSON
ANCHORAGE, ALASKA 99504
DISTRICT 10-H

While in Juneau
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3712

March 25, 1980

Mr. Dave Walsh, President
Alaska Municipal League
c/o Pouch 6-650
Anchorage, Alaska 99502

Dear Dave:

The ability for municipalities to have a fair and equitable tax base is absolutely critical to healthy local government. I would like to urge the Alaska Municipal League, possibly in conjunction with the Alaska Native Foundation, RuralCap and others, to undertake, prior to next session, a major review of the kind and amount of taxes that the various classes of municipalities can levy and collect. The current Legislature is addressing House Bill 192, dealing with municipal revenue sharing, and Senate Bill 199, dealing with the school foundation program. These two areas provide major cornerstones for municipal school revenues. A third cornerstone, real and personal property tax, is currently faced with possible erosion and decreased credibility.

The Senate Community and Regional Affairs Committee has some twelve bills pending which impact the municipal property tax by allowing certain classes of exemptions, imposing restrictions, etc. Some, but not all, of these bills allow the municipalities to be reimbursed for the changes in their ability to levy and collect real and personal property taxes. Certainly the bills carry a major fiscal impact. I am enclosing a summary of the bills currently before my Committee. Many other tax bills affecting municipalities are before the Legislature, such as changes in the amount of sales tax which can be levied in certain municipalities and elimination of the business inventory tax.

Relating specifically to real and property taxes, it seems to me that policies must be established regarding possible exemption. If such policies are not developed, we will create a hodgepodge of a program that will serve no one well. For example, should we consider exemptions on a need basis rather than exemptions for special groups of people? Should there be equality for a whole group, rather than special interest exemptions within a group? What kind of things would be better left to grant and aid programs as opposed to exemptions in the property tax approach?

The Department of Community and Regional Affairs recently completed a study of the exemption problem. Their study gives a synopsis of information developed that deals with major exemption problems, and in some cases, suggests several options that might be taken. Their broad policy statement favors few, if any, additional exemptions, and they feel that any exemption program should meet the following criteria: "any exemption granted should be either for public property or for sufficient public good to justify a transfer of burden to the balance of the community." They recognize that the credibility of property tax has been questioned continually and with increasing intensity these past few years, and that many taxpayers feel that they are paying more than their fair share.

The state has recognized certain senior citizens' exemptions, as a matter of public policy. These exemptions support a policy of encouraging age diversity in Alaskan society, show esteem for and gratitude to the pioneers of the state and give a method of helping many to afford to stay in our state, rather than have to leave family, and friends to begin a life in another state, where it might be cheaper to live. The senior citizens who are on a fixed income and cannot absorb property taxes increased by inflation certainly are in need of assistance. However, some bills are now reaching into special groups within the senior citizens; for example, allowing for surviving spouses 55 and older of those senior citizens who qualified for real property exemption to continue to benefit from the exemption. But, what about other senior citizens within that same age group who might have just as much, or a greater need for exemptions? Disabled veterans are another group being suggested for special exemptions, but what about the equity question of all other disabled people in our State? Other questions of equity need to be considered.

Each piece of proposed legislation offers a shift in public policy -- new groups which deserve special treatment, new funding approaches, and so forth. However, sound public policy decisions can be made only within the context of effects or impacts on local governments and the general public. How can we create a new special exemption, for example, unless we are certain of municipalities fiscal needs, alternative revenue sources and the impact of using those other sources?

Again, I would urge the Alaska Municipal League to take a leadership position in review of the municipal property tax, as well as the broader impact of local municipalities being able to raise adequate revenues to fund needed municipal services. I would be most pleased to have your response as to whether you feel the Alaska Municipal League finds merit

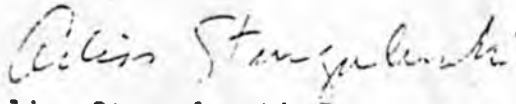
Mr. Dave Walsh

-3-

March 25, 1980

in this proposal, and if so, I sincerely hope the league will analyze the kind and amount of taxes that the various classes of municipalities can and should levy and collect.

Sincerely yours,



Arliss Sturgulewski
Senator, District 10-H

Enclosures

cc: Alaska Federation of Natives
RuralCap
Governor's Advisory Committee on
Aging
Ms. Dove Kull
Commissioner Lee McAnerney
Mayor George Sullivan
Mr. Phil Younker
Senator John Sackett
Senator Bill Ray
Representative Russ Meekins
Sponsors: SB 138, 154, 296, 299, 360, 370, 427, 431, 456, 465 & 510

Taxes
(home improve-
ment exemp-
tion) SENATE BILL NO. 138, by Senators Bradley and Stimson. Relates to establishment of tax exemption for home improvements. Amends AS 29.53 by adding section which provides that the "value of an alteration, repair, renovation, addition to, or improvement of an existing structure which is used by a taxpayer as his personal residence is exempt from assessment for purposes of levy and collection of property taxes under this chapter....." Repeals AS 29.53.025(f) & (g) relating to current exemptions for improvements. Provides Act effective January 1, 1979.

Introduced February 13 and referred to Community & Regional Affairs, then to Finance.

Veterans
(disabled)
(property tax
exemption) SENATE BILL NO. 154, by Senator Bradley. Amends AS 29.53.020(e) to include disabled veterans of any age to section which exempts persons 65 or over from payment of property tax. Applies to resident veterans, honorably separated from service whose service-related disability has been rated at 50% or more. Provides Act effective January 1, 1980.

Introduced February 13 and referred to Community & Regional Affairs, then to Finance.

Residential
Property Tax
(partial
exemption) SENATE BILL NO. 297, by Senator Stimson. Adds to list of exemptions from municipal property tax in AS 29.53.020(a) "the real property owned and occupied as a permanent place of abode by a resident, not exceeding \$25,000 in value." Provides state shall reimburse a borough or city for revenues lost. Repeals AS 29.53.025(a) which allows municipalities to exclude or exempt or partially exempt residential property from taxation by ordinance ratified by voters, the exemption not to exceed \$10,000 per residence. Provides Act effective January 1, 1981.

Introduced January 14 and referred to Community and Regional Affairs and then to Finance.

Property Tax
(municipal)
reduction of) SENATE BILL NO. 299, by Senator Kerttula. Amends AS 29.53.050(a) (Tax Limitation on Municipalities) to read: "A (NO) municipality may not levy and tax for any purpose in excess of nine-tenths of one (THREE) percent of the assessed valuation of property within the municipality in any one year." Provides Act effective 1/1/81.

Introduced January 14 and referred to Community and Regional Affairs.

Property
Tax
(disabled
Vets exempt) SENATE BILL NO. 360, by Senators Sumner and Hackney, by request. Exempts from municipal property tax the real property owned and occupied as a permanent place of abode by a disabled veteran. Provides exemption is allowed to veteran "for a percentage of the assessed value of the real property which is the same as his percentage of disability as established by his service disability rating." Provides Act effective January 1, 1981.

Introduced January 24 and referred to Community and Regional Affairs and Finance.

Fire Preven-
tion SENATE BILL NO. 370, by Senators Colletta and Bradley. Adds to AS 29.53.020 (Municipal Property Tax - Required Exemptions) "Two

percent of the assessed value of a structure is exempt from taxation if the structure contains fire protection systems in operating condition incorporated as a fixture or part of the structure. The exemption is limited to 1) an amount equal to two percent of the value of the structure based on the assessment for 1981, if fire protection systems are a fixture of the real property on January 1, 1981; or an amount equal to two percent of the value of the structure as of January 1 following the installation of the fire protection systems as fixtures of the structure after January 1, 1981.

Introduced January 31 and referred to Community & Regional Affairs.

Sr. Citizens
Tax Exemp.
(surviving
spouse)

SENATE BILL NO. 427, by Senators Ferguson, Ray, Sackett, Meland, Colletta, Sumner, Kerttula, Hohman, Mulcahy and Bradley. Amends AS 29.53.020(e) relating to municipal property tax exemption for senior citizens by adding: "The real property exempt from taxation under this subsection continues to be exempt if owned and occupied as a permanent place of abode by the surviving spouse of the resident, if the surviving spouse is 55 years or older and has a gross annual income of less than \$20,000. Does not provide for effective date.

Introduced February 12 and referred to Community and Regional Affairs, then to Finance.

Property Tax
Exemptions
(for energy

SENATE BILL NO. 431, by the Rules Committee by request of the Legislative Council by request. Adds new section to AS 29.53 (Municipal Assessment & Taxation) which exempts from municipal property tax "The value of an alternation or improvement of an existing structure that reduces energy consumption in the structure." Section applies to mobile homes also. Provides Act effective January 1, 1981.

Introduced February 12 and referred to Community and Regional Affairs, then to Finance.

Municipal Pro-
perty Taxes
(exemp. sr.
citizens--
personal
property)

SENATE BILL NO. 456, by Senators Stimson and Bradley. Amends Municipal Assessment and Taxation (AS 29.53), required exemptions (020) by stating that the property of certain residents of the state is exempt and further states that "(e) The real property owned and occupied as a permanent place of abode by a resident 65 years of age or over, and the personal property owned by a resident 65 years of age or over, is exempt from taxation of the assessed value of the (REAL) property." Deletes reference to "real" property throughout and repeals AS 29.53.020(i) which defines "real property" as property including, but not limited to mobile homes whether classified as real or personal property for municipal tax purposes. Provides Act takes effect January 1, 1981.

Introduced February 18 and referred to Community & Regional Affairs, then to Finance.

Property Tax
(residential-
partial exem.
from assess)

SENATE BILL NO. 465, by Senators Ferguson, Colletta, Fahrenkamp and Sumner. Exempts from general taxation (Municipal Assessment and Taxation, required exemptions--AS 29.53.020(a)) "(7) the real property owned and occupied as a permanent place of abode by a resident, not exceeding \$85,000 in value." Exempts real property owned and occupied by a resident 65 years of age or over from

taxation of the assessed value of property which exceeds \$85,000 in value. Repeals AS 29.53.025(a) (Municipal Assessment and Taxation. Optional Exemptions and exclusions. Section (a) states: "Municipalities may exclude or exempt or partially exempt residential property from taxation by ordinance ratified by the voters at a regular or special election."), and amends AS 29.53.020(g) (relating to reimbursement of borough or city for revenue lost by exemption) by deletion of language stating that upon proper application an individual would have been granted an exemption. Provides Act takes effect January 1, 1981.

Introduced February 18 and referred to Community and Regional Affairs, then to Finance.

Municipal Pro-
perty Tax
(exempting
business
inventory)

SENATE BILL NO. 510, by the Rules Committee by Request (for the Interim Tax Policy Committee). Exempts business inventory from municipal property tax levy and provides for reimbursement to municipalities of tax revenues lost by operation of the exemption. Reimbursement made on the basis of the application of the tax rate of the borough or city to the value of business inventory reported to the state by businesses for the purpose of taxation under the Alaska Net Income Tax Act, and subject to legislative appropriation to the Department of Community and Regional Affairs for the purpose. State Departments may adopt regulations to carry out the provisions of chapter. Repeals sections of Municipal Assessment and Taxation (AS 29.53) relating to assessment of business inventory and reassessment in the case of cessation of business during the tax year. Provides Act takes effect January 1, 1980.

Introduced March 5 and referred to Community and Regional Affairs, then to Finance.

April 3, 1980

Betty Warren, Chairman
Governor's Committee on Aging
Box 116
Kenai, Alaska 99611

Dear Betty:

Enclosed are copies of letters I recently sent to Dave Walsh, President of the Alaska Municipal League, and to Governor Jay Hammond regarding tax exemptions from the municipal property tax. It seems to me that your Committee on Aging would have interest in taking a good look at the issue raised in my letters, particularly as they relate to older Alaskans.

With the pending change before the legislature, regarding the continuation of your Committee on Aging and the possible Older Alaskans Commission, I wanted to be sure to touch all bases. If you feel the issues raised have merit for consideration by your committee, I would be very delighted to have whatever follow-up information you might develop. You might wish to contact Dave Walsh to give input to the work that the Municipal League will be doing over the next year.

Thank you for your consideration of this material, and I do look forward to hearing from you.

Kindest personal regards,

Arliss Sturgulewski
Senator, District 10-H

Enclosure