

706

HCRA

HB

314

-

HB

375

706

# Alaska State Legislature

SENATOR  
ARLISS STURGULEWSKI

COMMITTEES  
CHAIRMAN  
Community & Regional Affairs

VICE-CHAIRMAN  
Commerce

Health & Social Services



Senate

2957 SHELDON JACKSON  
ANCHORAGE, ALASKA 99504  
DISTRICT 10-H

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

April 2, 1980

Jay S. Hammond, Governor  
State of Alaska  
Pouch A  
Juneau, Alaska 99811

Dear Jay:

Re: Senior Citizens Tax Exemption from Municipal Property Tax

The legislature has under consideration, SB 328, which would establish an Older Alaskans Commission. In the event this legislation is adopted, I would like to bring to them, through you, a matter for their review and, hopefully, recommendations to the next session of the legislature. I am bringing this matter to the attention of your Advisory Committee on Aging.

The Senate Regional and Community Affairs Committee has had over 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. Since real and property taxes create such a major corner stone of tax revenue source for municipalities, I have asked the Alaska Municipal League to look into the matter of establishing policies regarding possible exemptions. We will create a hodgepodge of a program in the absence of such policy. Dave Walsh, Chairman of the Alaska Municipal League, has indicated to me that the League will undertake such a study. However, I feel it would be important that a commission, dealing particularly with older Alaskans' needs, undertake a study of that part of the real and personal property tax which deals with older Alaskans.

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, they show esteem for and gratitude to the pioneers of the state, and give a method of helping many to afford to stay in the state, rather than 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 citizens who qualified for real property exemption to continue to benefit from the exemption. But, what about other senior citizens with the

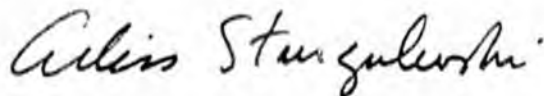
same age group who might have just as much, or a greater need for exemptions?

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 that we have considered offers a shift in public policy. New groups which deserve special treatment, new funding approaches, etc. However, sound public policy decisions can be made only within the context of effects or impacts on the general public, and certainly on local governments.

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.

Again, I think the matter of senior citizens exemptions merits consideration by the Older Alaskans Commission. If such a commission is established by the legislature I would appreciate it if you would approach them on this subject.

Sincerely,



Arliss Sturgulewski  
Senator, District 10-H

# STATE OF ALASKA

JAY S. HAMMOND, Governor

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B  
JUNEAU, ALASKA 99811

January 18, 1980

The Honorable William Parker, Chairman  
House Community and Regional Affairs Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Representative Parker:

RE: OPTIONAL RESIDENTIAL EXEMPTIONS

The enclosed memo was submitted by this department to the Governor's Office in response to a request for information regarding increase of the optional \$10,000 exemption which is the same topic as that addressed in House Bill 314.

I hope this information will assist your committee in its deliberation on this bill.

Sincerely,

Lee McAnerney  
Commissioner

  
By: Palmer McCarter  
Director

Enclosure

cc: Keith Specking, Legislative Assistant  
Office of the Governor

DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

Don Argetsinger  
Administrative Assistant  
Office of the Governor

December 24, 1979

Lee McAnerney  
Commissioner

Optional Residential Exemptions

By: Terry L. Earley  
State Assessor

AS 29.53.025 "Optional exemptions and exclusions. (a) municipalities may exclude or exempt or partially exempt residential property from taxation by ordinance ratified by the voters at a regular or special election. An exclusion or exemption authorized by this section may not exceed \$10,000 for any one residence."

The second sentence was added by the Legislature in 1973 and took effect January 1, 1974. Prior to that time there was no limit.

Currently there are four municipalities who have opted for this exemption. They are the North Slope Borough, Kenai Peninsula Borough, Fairbanks North Star Borough, and the City of Valdez.

It is very apparent that only those municipalities with relatively high natural resource wealth have opted for this exemption. It seems a reasonable assumption that if the \$10,000 limit were raised that only the above mentioned municipalities would take advantage of it.

The following paragraphs outline the expected effect if the \$10,000 limit were increased.

The North Slope Borough would implement the exemption to the maximum extent possible as soon as possible. Due to the limits on taxation placed by AS 29.53.045 and AS 29.53.050 the additional exemptions would result in no loss in revenue to the borough. The limitation option currently selected by the North Slope Borough allows them to levy taxes on a value of \$966,973,585 (225% times an average per capita value statewide of 53,354; times a population of 8055). Under the current procedures this value consists of 5.7% locally assessed property and 94.25% state assessed oil and gas property. If the Optional Residential Exemption limit were raised the allowable value would remain the same. The percentage of locally assessed would decrease and the state assessed would increase. For every one thousand dollars the limit was raised the net loss to the State General Fund would be \$15,320.

The Kenai Peninsula Borough would also opt for any increase allowable to the maximum extent allowed. There was an advisory vote on the question of raising the exemption to \$50,000 two years ago. The voters in Kenai indicated a strong desire to have the limit increased to \$50,000.

Don Argetsinger  
December 24, 1979  
Page Two

The anticipated fiscal effect in this case would be a direct reduction of operating revenues to all the municipalities in the Kenai Peninsula Borough. A probable result of that reduction would be a millage increase. This millage increase would partially negate the increase in exemption. A millage increase would be a direct tax increase to non-residential property. Over 60% of the value in Kenai is non-residential property and 21% is state assessed oil and gas property. Due to the fact that the state levies 20 mills minus the local levy the state would also lose revenue in the Kenai Peninsula Borough. For every one mill increase State General Fund revenue would be decreased by \$44,462.

The Fairbanks North Star Borough would probably not opt for an increase in the residential exemption at this time.

The City of Valdez would implement the exemption to the fullest extent possible. Valdez is in nearly the same situation as North Slope. Implementation of an increased residential exemption would result in a revenue loss to the state of \$6,028 for every additional 1,000 dollars that the exemption limit is raised.

Combining the possible revenue losses in all of these municipalities results in approximately \$32,500 in total State General Fund revenue lost for every \$1,000 the limit is increased. That is by no means a large or significant impact. It does however, only benefit a very select group of municipalities and residents thereof.

It would seem to make more sense to grant property tax relief in a form that would benefit the population in general.

During the 1978 session there were two separate bills that addressed the residential exemption question.

House Bill No. 103, sponsored by Representative Randolph and currently referred to the House Finance Committee, seeks to increase the amount optionally exemptable to \$50,000.

House Bill No. 314, sponsored by Representative Malone and currently in the House Community and Regional Affairs Committee, seeks to optionally allow either the residential exemption up to \$50,000 or a personal property exemption up to \$10,000.

In order to make this type of tax relief available to the majority of the residents of the state it would be necessary to attach a reimbursement (by the state) to the municipalities which neither of the above mentioned bills does. This would be the only way the majority of municipalities could afford this exemption. Although relatively expensive this would be one method of property tax relief that would benefit nearly all the residents of the state.

Don Argetsinger  
December 24, 1979  
Page Three

The most progressive form of property tax relief is an approach called a "circuit breaker". This type of reform prevents property taxes from becoming disproportionate to a person's income.

I have attached some comments prepared by this office concerning the proposed \$50,000 limit and a copy of a paper entitled "An Examination of Property Tax Exemptions", that was prepared at the request of the House Community and Regional Affairs Committee.

TLE:edo

Attachments

## ESTIMATED REVENUE LOSSES BY MUNICIPALITY

## FOR \$50,000 RESIDENTIAL EXEMPTION

	<u>NUMBER OF PARCELS</u>	<u>TOTAL EXEMPT VALUE</u>	<u>AVERAGE RATE (MILLS)</u>	<u>ESTIMATED REVENUE LOSS</u>
ANCHORAGE	62,054 x 50,000	3,125,200,000	13.79	43,096,508
FAIRBANKS	31,800 x 50,000	1,590,000,000	15.68	24,931,200
HAINES	1,653 x 50,000	82,650,000	8.20	677,730
JUNEAU	8,127 x 50,000	406,350,000	12.38	5,030,613
KENAI	34,408 x 50,000	1,720,400,000	11.90	20,472,760
KETCHIKAN	5,447 x 50,000	272,350,000	16.00	4,357,600
KODIAK	4,311 x 50,000	215,550,000	12.18	2,625,399
MATANUSKA-SUSITNA	40,300 x 50,000	2,015,500,000	9.40	24,548,790
NORTH SLOPE	2,000 x 50,000	100,000,000	7.66	766,000
BRISTOL BAY	1,600 x 50,000	80,000,000	10.50	840,000
CITIES	5,200 x 50,000	260,000,000	14.50	3,770,000

TOTAL REVENUE LOSS \$131,489,000

STATEWIDE COST PER \$1,000 OF EXEMPTION \$2,629,780

C&RA

BILL WORK SHEET

BILL NO. HB 314 re Optional Property Tax Exemptions

Received from \_\_\_\_\_  
Referred to \_\_\_\_\_

Original Sponsor Malone  
Fiscal Note : 3/16/79

LAA Legal Research Contact Chenoweth

CONTACTS:

Malone  
J. Corley (get info - additional background material)  
Municipal League

STATE OF ALASKA

Int 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 Hyman W. Kim DATE 3/21

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 314

Title Relating to optional property tax exemptions

Requested by Representative Malone

Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected N/A

Program Category Affected N/A

Budget Request Unit(s) Affected N/A

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				
TOTAL		0				

FUNDING (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		0				
PART TIME						
TEMPORARY						

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

This bill allows municipalities the option to either, 1) allow a \$50,000 residential property exemption (current statute allows \$10,000 residential property exemption) or, 2) allow a \$10,000 personal property exemption. Currently, AS 29.53.025(d) permits municipalities now exempting personal property to continue to do so, this bill will not affect this option.

The fiscal note for HB 103 (HB 103 increases the \$10,000 residential property exemption to \$50,000) estimates a loss of \$850,000 in state oil and gas tax revenues.

Due to the municipal options available in this bill, a meaningful estimate of the reduction in state oil and gas tax revenues cannot be provided.

(Continued on following page)

IV. DATE March 16, 1979

PREPARED BY Terry L. Farley, State Assessor

AGENCY Department of Community & Regional Affairs

PHONE 465-4730

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

Analysis (Continued from previous page)

However, state oil and gas revenues could be reduced in two ways. The first revenue reduction would be in those municipalities currently limited by statutory property tax limits due to local oil and gas tax revenues. If, due to the exemptions contained in this bill, these municipalities choose to reduce local tax revenues, the same municipalities could increase local oil and gas revenues in proportion to the local decrease. This has the effect of reducing state oil and gas revenue.

The second revenue reduction would come from municipalities that choose to increase local mill rates to offset revenue losses generated by the optional exemptions allowed by this bill. Should the local tax base include oil and gas tax revenues, the effect would be to increase the local share, and to decrease the state share, of oil and gas tax revenues.



Official Business

# Alaska State Legislature

JOINT SENATE AND HOUSE  
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
LOCAL GOVERNMENT STUDY

Co-Chairmen  
Senator Arliss Sturgulewski  
Representative Bill Parker

Address all  
correspondence to:

LOCAL GOVERNMENT STUDY

Pouch V  
State Capitol  
Juneau, Alaska 99811

## C&RA hearing on HB 314

Hugh Malone,  
bill sponsor

Mr. Malone was questioned as to the amount of tax base in the Kenai borough related to the oil industry. He stated that approx. 50% was not oil related. He added that the statewide property tax extends to oil, exploration and transportation but does not extend to refining. The bill would not affect the amount of revenue the state receives.

Charlie Parr

Mr. Parr wanted to know how much of the 1.8 billion tax base (Kenai borough, referred to information supplied by Malone's office) is affected by 20 mill statewide property tax.

Arness  
assessor(?) for  
Kenai Borough

400 million is affected by 20 mill property tax.

Malone

If the present tax exemption (\$50,000 proposed in 314) were applied, Malone said there would probably be a loss of revenue of one-half million dollars. He added that an increase in the millage rate would make it a 20-25% loss.

Branson

Mrs. Branson noted some would not pay property tax at all.

Malone

Mr. Malone stated the exemption could be extended to all real and personal property; "A soak the rich approach, but that's basically what all property tax does."

Parr

Mr. Parr wondered where the initial \$10,000 exemption came from. He said that property values have gone up tremendously (since the exemption first went into effect) and could see the justification for wanting to raise it, but questioned the \$50,000 figure.



Official Business

# Alaska State Legislature

JOINT SENATE AND HOUSE  
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
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Pouch V  
State Capitol  
Juneau, Alaska 99811

2

Branson

Mrs. Branson wanted to know if it wouldn't make more sense to lower the assessment of property.

Malone

Malone said no, that that action would affect the millage rate. He added that the original aim of the bill was to provide a degree of tax relief on residential property, and that there was merit in having the assessor appraise the property at market value.

Malone said he agreed that (314) wasn't a comprehensive reform of the property tax system, in that it didn't get at the basic question of equity across the state. He said it was designed to provide a little break for people. "To be plain, I don't think comprehensive legislation will pass this session. (314) doesn't make a bad situation that much better, but it does make it a little better. That's as much as I can say about the bill."

O'Connell

Mr. O'Connell asked what the rationale was for not enlarging the range of the bill, extending beyond residential property.

Malone

Mr. Malone didn't have objections of the extension, but he didn't plan to add to the 1973 law change.

Parr

Mr. Parr requested an estimate of the increase in assessed valuation statewide since the \$10,000 limit was put in statewide.

Metcalfe

Mr. Metcalfe also wanted C&RA to find what affect the legislation would have on owners of \$50,000, 100,000 and \$150,000 homes.



Official Business

# Alaska State Legislature

JOINT SENATE AND HOUSE  
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
LOCAL GOVERNMENT STUDY

Co-Chairmen  
Senator Arliss Sturgulewski  
Representative Bill Parker

Address all  
correspondence to:  
LOCAL GOVERNMENT STUDY

Peuch V  
State Capitol  
Juneau, Alaska 99811

HB 314

Total property tax base of Kenai borough	\$1,842,000,000
No. of persons requesting \$10,000 exemption	3,360
Revenue lost	\$84,000
Projected revenue lost /\$50,000 exemption	\$420,000

Don Argetsinger  
Administrative Assistant  
Office of the Governor

January 25, 1980

Lee McAnerney  
Commissioner

Optional Residential  
Exemptions

By: Terry L. Earley  
State Assessor

Reference is made to the memorandum to you dated December 24, regarding a \$50,000 optional residential exemption. It has come to my attention that there was a mistake made in the statewide cost of such a program.

On the last page of that memorandum, under line item "Total Revenue Loss", there should have been a deduction for non-residential properties. If this deduction had been correctly made, the final analysis of "Statewide Cost Per \$1,000 of Exemption" would have been 1,627.5. This figure coincides with the one used in preparing the fiscal analysis for S.B. 96, (mandatory \$25,000 residential exemption with state reimbursement).

I am sorry for any inconvenience this oversight on our part may have caused you.

CC: Representative, William Parker ✓  
CC: Palmer McCarter, Director

HB

331

# COMMITTEE REPORT

## HOUSE

FURTHER: FINANCE

March 2, 1979

Date: 23 9 79

Mr. Speaker:

The Committee on C&RA has had HB 331

"An Act making a special appropriation for a grant to the City of McGrath for comprehensive planning; 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 \_\_\_\_\_  same title
- and recommends \_\_\_\_\_  new title
- 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:

Don P...

Patricia / G...

Robert ...

Richard ...

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

...

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Bill P...

CHAIRMAN

March 16, 1979

The Honorable Vernon L. Hurlbert  
Alaska State House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Hurlbert:

The purpose of this letter is to provide information you requested on House Bill 331 and the need for comprehensive planning in the City of McGrath.

McGrath has been growing fairly rapidly (at an average of about 4% a year) since 1970. Present population is estimated at 328; the city's population was 279 in 1970. The community's strategic location on the upper Kuskokwim River has been largely responsible for its development into a regional center for transportation, education and related services. As you are well aware, there have been considerable mineral and other resource exploration and development activities in the surrounding area. An FAA station and a BLM facility are located within the community and the U.S. Fish and Wildlife Service is considering McGrath as headquarters site for the proposed Innoko Wildlife Refuge. A HUD/BIA housing project is nearly completed.

This development has highlighted a variety of issues that should be addressed in a rational and comprehensive manner. A long-range comprehensive plan is needed to deal with the issues of: municipal land reconveyances for community expansion under Section 14(c)(3) of the Alaska Native Claims Settlement Act; housing; utilities; land use; and economic development. The plan is needed in order to establish a firm basis and continuing process for guiding development in McGrath.

By means of a \$12,600 planning contract (\$8,400 federal grant and \$4,200 local contribution) administered through the Community Planning Division in our Department, the city has begun work on several elements of a comprehensive plan. Elements which will be completed by June 30, 1979, the expiration date for the grant, include: (1) the development of base maps; (2) a survey of residents concerning their opinions about goals and objectives for the community; and (3) a housing inventory. Additional funding of \$30,000 to \$40,000 will be necessary to complete the comprehensive plan. The community, with our assistance and encouragement,

The Honorable Vernon L. Harlbert  
March 16, 1979  
Page 2

has applied for an \$18,000 planning grant from the Farmers Home Administration. At the present time, it is uncertain whether the Farmers Home Administration will award McGrath the planning grant it has requested. In conclusion, House Bill 331 would assure McGrath of the additional funding it needs to complete work already under way on its comprehensive plan.

We hope this information is useful to you; if you require further clarification, please feel free to contact us and we will assist as much as we are able.

Sincerely,

Lee McAnerney  
Commissioner

LMcA:TL/lb

bcc: Larry Kimball/Ed Busch  
Veronica Clark/Tom Lane

GF - McGrath



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

DATE: 3/28/79

BILL NUMBER AND TITLE: HB 331 Planning appropriation for McGrath

ORIGINAL SPONSOR : Hurlbert

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT: Parker Parr  
Carney Branson  
Metcalfe  
O'Connell

MEMBERS ABSENT: Zharoff

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Rep. Vern Hurlbert  
Cheryle Derabek, Sec't. for Hurlbert  
Gave background of need for planning appropriation. (See attached letter from C&RA)

Committee passes HB331 on to Finance with the following recommendations:

DO PASS

Parker  
Branson  
Carney  
Parr  
O'Connell

Metcalfe--No Recommendation

COMMITTEE ACTION: Passed bill out of committee with above recommendations.

TAPE # 5 SIDE 2

Sections 715-796

# STATE OF ALASKA

JAY S. HAMMOND, Governor

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B - JUNEAU 99801

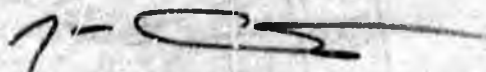
March 19, 1979

The Honorable Bill Parker  
Chairman  
House Community & Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Chairman:

Pursuant to a request from the Committee staff, I am enclosing a copy of our recent letter to Representative Hurlbert along with additional financial information for the City of McGrath.

Sincerely,



Don Argetsinger  
Deputy Commissioner

Enclosures

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B - JUNEAU 99811

March 16, 1979

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Alaska State House of Representatives  
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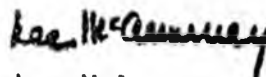
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The Honorable Vernon L. Hurlbert  
March 16, 1979  
Page 2

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We hope this information is useful to you; if you require further clarification, please feel free to contact us and we will assist as much as we are able.

Sincerely,



Lee McAnerney  
Commissioner

McGRATH PROFILE

HB 331  
March 20, 1979

Municipal Status: Second-class city in the unorganized borough  
(Planning, platting and zoning authority optional)

Planning Efforts: 1976 Planning commission established

1977-1979 Technical assistance obtained from the Division of Community Planning in acquiring and planning for sites for 30 new housing units and in addressing reconveyance of 1,280 acres from the village corporation to the city for community expansion

FY 1979 City met the State's revenue sharing criteria for provision of land use planning services

Initial phase of comprehensive plan conducted under a planning contract (\$8,400 federal, \$4,200 local)

Fiscal Data:

FY 1978	Total revenues	\$ 38,533.39
	Total expenditures	27,855.00
	Land use planning expenditures	5,551.00
FY 1979	Total revenues (estimated)	43,932.00
	Total expenditures (estimated)	50,336.80*
	Land use planning entitlement (State revenue sharing)	764.00
	Land use planning budget	5,000.00

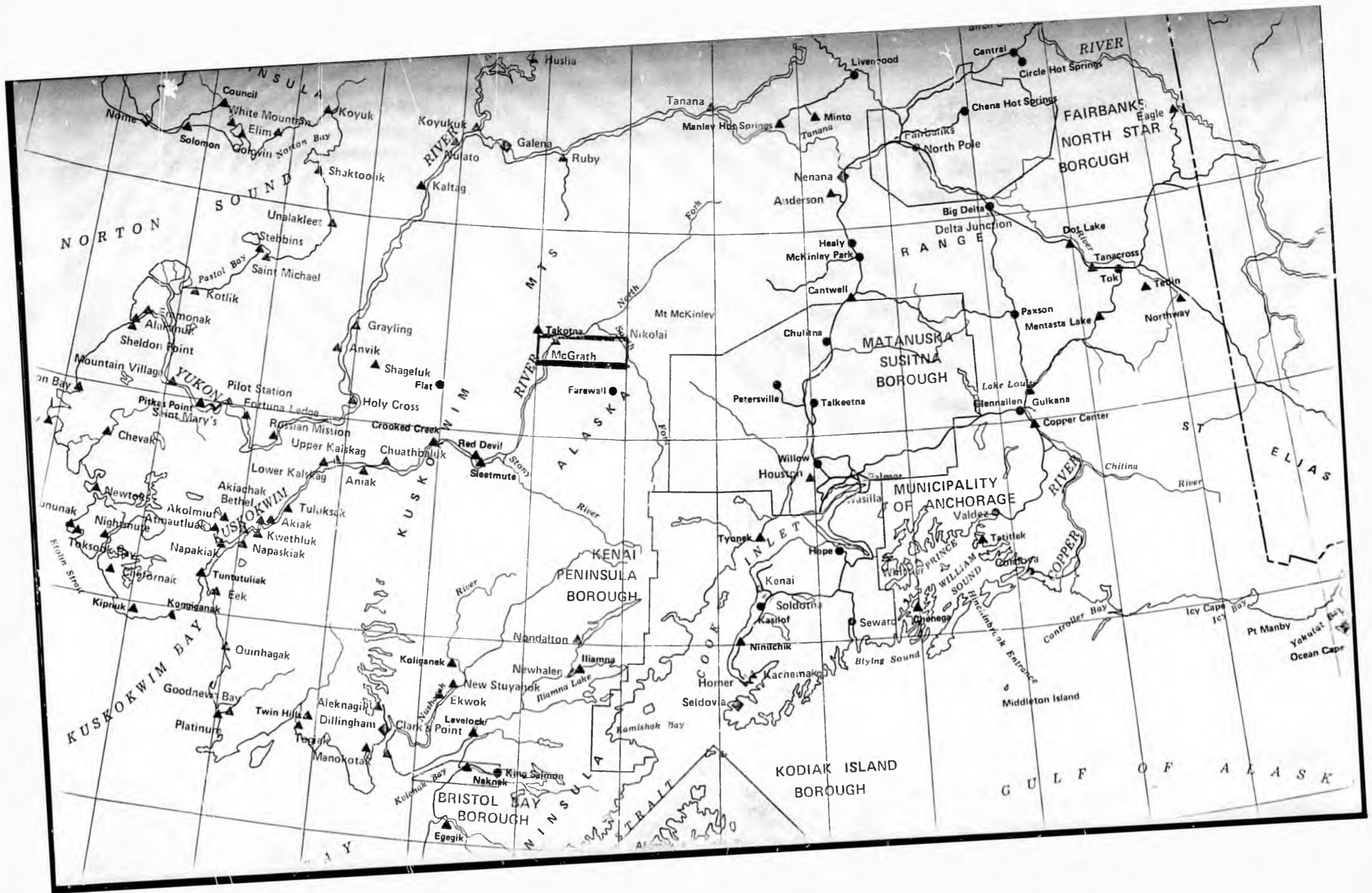
Property tax - 0 mills  
Sales tax - 0%  
Other revenue sources - licenses and permits, federal revenue sharing, state revenue sharing, business license refunds, anti-recession funds, charges for services

Municipal Services: Fire protection  
Land use planning  
Parks and recreation  
Maintenance of public roads

Demographic Data:

Population (July 1, 1978)	382
Average annual growth rate since 1970	4%
School enrollment (October 1, 1978)	92
Population (1970)	279
Families (1970)	55
Alaska Native (1970)	40%
Non-Native (1970)	60%

\*Increase due in large part to employment of a full-time city administrator



HB

332

# COMMITTEE REPORT

## HOUSE

FURTHER: FINANCE

3-5-79

Date: 14 MAR 79

Mr. Speaker:

The Committee on C&RA has had HB 332

"An Act making a special appropriation to the Department of Community & Regional Affairs for grants to the cities of Palmer and Wasilla; eff. dte."

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
- and recommends \_\_\_\_\_  new title
- 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]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature]  
CHAIRMAN

Continuously Re-folded & Made  
980321

HB 332 TITLE & SPONSOR SUMMARY

13:54 3/20/79 PAGE 1 OF 2

AMENDED TITLE:

AN ACT MAKING A SPECIAL APPROPRIATION TO THE DEPARTMENT  
OF COMMUNITY AND REGIONAL AFFAIRS FOR GRANTS TO THE  
CITIES OF PALMER AND WASILLA, AND PROVIDING FOR AN EFFECTIVE  
DATE

\$66,000 (APPROP)

PRIME SPONSORS: CARNEY.

CO-SPONSORS:

CURRENT STATUS: 3/14/79 IN (H) FINANCE

HB 332 HOUSE ACTION

13:55 3/20/79 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
03/05/79	01	0445	FIRST READING --- COMMITTEE REPORTS
03/14/79	02	0576	CRA --- DP04, NR02 FINANCE RULES
****	**	**	*** *** **



# Alaska State Legislature

## House of Representatives

### Committee on

### Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

#### COMMITTEE MINUTES

DATE: 3/14/79

BILL NUMBER AND TITLE: HB 332 Appropriation to CRA for grants to cities of Palmer and Wasilla

ORIGINAL SPONSOR : Carney

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: Finance

MEMBERS PRESENT: Parker  
Carney  
Metcalf  
O'Connell

Parr  
Zharoff(left after  
discussion on HB172)  
Branson

MEMBERS ABSENT:

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Carney -- Speaking as Representative of District #6

Mat Su declared disaster area by Governor because of high winds this winter. All of Wasilla and Palmer's snow monies were used up. Governor's appropriation given to National Guard. Local communities didn't really see the money.

Else O'Bryan of Wasilla --asks if Houston was considered for an appropriation. She was told that something could probably be worked out when the bill went to Finance

-----

Do Pass

No Recommendation

Parker  
Branson  
Carney  
O'Connell

Parr  
Metcalf

COMMITTEE ACTION: Passed on to Finance

TAPE # 4 SIDE 1

Sections

905-930

BILL WORK SHEET

COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS

Referred to Finance  
Received from \_\_\_\_\_

BILL NO. HB 332 re Appropriation \$36,000 Palmer \$30,000 Hasilla-snow emergency

Original Sponsor Carney

Fiscal Note \_\_\_\_\_

Contacts:

LAA Legal Research contact: Barnstead

*Carney (3878) suggested \$ come from disaster office.  
\$45,000 DOT Gov reimburse Natl Guard (snow emergency)  
All of Hasilla snow-clearing money has been used.  
This appropriation is for the rest of the year.*

HB

341

# COMMITTEE REPORT

## HOUSE

FURTHER: JUDICIARY

March 6, 1979

Date: 4 1 79

Mr. Speaker:

The Committee on C&RA has had HB 341

"An Act relating to the requirements for runoff elections in municipal elections."

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 HB 341  same title  
 new title
- and recommends 03 Pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
NO PASS

Bob DeLoach

Thomas

William

Robert

Paul

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Bill Paul

CHAIRMAN



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V  
State Capitol  
Juneau, Alaska 9981

Official Business

DATE: 4/2/79  
3/30/79

BILL NUMBER AND TITLE: HB 341 Related to runoffs in municipal elections

ORIGINAL SPONSOR :

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT: Parker  
Carney Branson  
Zharoff O'Connell  
Metcalfe Parr

MEMBERS ABSENT:

*Metcalfe*  
*O'Connell*

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Ginney Chitwood, Municipal League

Favors giving option of going with 40% majority. Other bills would have repealed 40% requirement altogether. What is 40%-- how is it determined? This is addressed in HB 341. Low voter turnout is a key feature of the runoff elections. The runoff rarely changes the outcome of the original election. There is an overshadowing of state and federal campaigning when a runoff is being held. Anchorage would not be affected by this as their charter requires a runoff.

Parker suggests deleting ("unless Council or Assembly provides otherwise by ordinance")

Branson thinks that the mayor should have to be elected with the 40% support.

Chitwood- Individual municipalities could deal with this point. Initiative and referendum powers are protection for the public on this point.

O'Connell sees a certain threat to the integrity of an election which is based on the fact that everyone had a chance to vote and the majority elects.

It is decided that the option is acceptable if the opt-out ordinance is ratified by the public through the ordinance process. CS incorporating this concept is passed out of committee.

COMMITTEE ACTION: CS passed out by Committee.

TAPE # 6 SIDE 1

Sections 597-600, 690-774

ALASKA ASSOCIATION OF MUNICIPAL CLERKS

Tabulation of Data from Election Survey

Regular and Runoff Elections

Year	(1) Number of Municipalities which held Runoff Elections	(2) Number of Seats in Runoff Election	(3) Number of Seats in which Runoff Changed Results	(4) Number of those Voting in Reg. Elec.**	(5) Number of those Voting in Runoff Elections	(6) Voter Turnout Difference (4) - (5)
1972	4	5	0	35,580	16,070	19,510 (55%) less in runoff
1973	3	6	1	6,735	4,208	2,527 (33%) less in runoff
1974	4	5	1	10,951	4,546	6,405 (68.5%) less in runoff
1975	4	5	1	28,035	11,936	16,099 (57.4%) less in runoff
1976	5	8	1	31,307	13,919	17,388 (55.6%) less in runoff

(7) % of Registered Voting in Reg. Elec.	(8) % of Registered Voting in Runoff Elec.	Comments
41.6%	18.4%	
30.2%	21.5%	
26%	15%	
29%	12%	
28%	11%	\$66,825 cost to municipalities for runoff**\$4.80/person voting in runoff

\*\*Figures for only those municipalities having runoffs

Note: Runoff provision applies to 12 of 19 municipalities reporting

Municipalities Reporting:

- Wasilla
- Nome
- Fairbanks North Star Borough
- Anchorage Municipality & old Boro
- Soldotna
- Kenai Peninsula Borough
- Homer

- Kodiak
- Skagway
- Haines
- Dillingham
- Ketchikan Gateway Borough
- Wrangell
- Valdez
- Juneau-City/Boro
- Cordova
- Sitka-City/Boro
- North Pole
- Ketchikan-City

HB

342



# Matanuska-Susitna Borough, Inc.

BOX B, PALMER, ALASKA 99645 • PHONE 745-3246

DEPARTMENT OF ADMINISTRATION

March 6, 1978

Re: HB342

old

HB900

Ms. Lisa Rudd, Chair  
Committee on Community &  
Regional Affairs  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Ms. Rudd:

Subject: Recordation of Property Splits Not Approved by Platting Authority

This is a follow up to Marilyn Miller's contact with you concerning the need for legislation to carry out the position of the Alaska Municipal League that proof of approval by the local platting authority should be required prior to the biling of an instrument affecting the boundaries of land.

A serious problem has arisen because Statutes do not prohibit the recording of property splits which have not been approved.

AS 29.33.190(b) provides as follows: "No person may record a plat or seek to have a plat recorded unless it bears the approval of the platting board. A person who knowingly violates this requirement is punishable upon conviction by a fine of not more than \$500." This Borough is not anxious to prosecute persons who knowingly or unknowingly violate the State Statutes requiring platting authority approval of property splits. More importantly, such prosecution does not resolve the multitude of problems which stem from such recordation. Here's an example of what happens:

The owner of a 20 acre tract describes by aliquot parts 5 acres of the 20 acres and sells the 5 acres. The 5 acres may or may not be physically accessible or legally accessible.

A subsequent owner wants to split the 5 acres into 1 acre parcels. He cannot do so because the 5 acre parcel is illegally created and not recognized by the Platting Board. The new owner then has to retrace the proper platting procedure (or get a waiver of platting requirements under AS 29.33.170). It may or may not be possible for the original 5 acre split to be done in conformance with platting requirements.

A big hassle results.

**Sec. 40.10.030. Certificate in form required for acknowledgment inside state.** A certificate of acknowledgment of a deed or other instrument acknowledged outside the United States before any officer mentioned in § 10 of this chapter shall be valid if in the same form as now is or hereafter may be required by law for an acknowledgment within the state. (§ 23-2-3 ACLA 1949)

**Sec. 40.10.040. Construction of chapter.** This chapter shall be interpreted and construed as to effect its general purpose to make uniform the laws of those states and territories which enact it. (§ 23-2-4 ACLA 1949)

**Sec. 40.10.050. Short title.** This chapter may be cited as the Uniform Foreign Acknowledgment Act. (§ 23-2-5 ACLA 1949)

### Chapter 15. Subdivisions and Dedications.

**Article**

1. Recording of Plats (§§ 40.15.010—40.15.060)
2. Control of Plats, Subdivisions and Dedications (§§ 40.15.070—40.15.130)
3. Vacation and Change of Plats and Streets (§§ 40.15.140—40.15.180)
4. General Provisions (§ 40.15.190)

#### Article 1. Recording of Plats.

**Section**

10. Approval and recording of subdivisions
20. Plats to be acknowledged and contain certificate that taxes and assessments are paid

**Section**

30. Dedication of streets, alleys and thoroughfares
40. Certified copy of plat is evidence
50. Recorded plats legalized
60. Missing plats

**Sec. 40.15.010. Approval and recording of subdivisions.** Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be submitted for approval to the authority having jurisdiction, as prescribed in this chapter. The regular approval of the authority shall be shown on it or attached to it and the subdivision or dedication shall be filed for record in the office of the recorder. The recorder shall not accept a subdivision or dedication for filing unless it shows this approval. If no platting authority exists as provided in §§ 70—130 of this chapter, lands may be sold without approval. (§ 1 (ch I) ch 115 SLA 1953; am § 1 ch 95 SLA 1955; am § 67 ch 69 SLA 1970)

**Cross reference.** — For sections dealing with inspection of public records and their use as evidence, see AS 09.25.110 and AS 09.25.120.

**Effect of amendment.** — The 1970 amendment deleted "platting board or" preceding "platting authority" in the last sentence.

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

**Approved plat must be filed for recording.** — This section and AS 40.15.020 are sufficient authority to require the recorder to file for recording a plat when properly approved. *Tullinen v.*

Malone's suggested amendments (3/28/79 Hearing)

- \* Jan. 1, 1980 should be the effective date. This would give people an opportunity to know what is happening and to be aware that there would be a new method of enforcement of land exchanges.
- \* Transitional language should grandfather in existing subdivisions.
- \* Delete lines 20-21 of p. 1. It should read:  
"The recorder may not accept a deed or contract of sale unless it exhibits evidence of subdivision approval given by the municipality , or by a certified waiver of the requirement of the plat approval under AS 29.33.170"

Rep. Carney's suggested amendment to the bill;

Sec. 29.33.170 (2) eliminate "and that the land is divided into four or fewer parcels;" (See attached statutes)

**DORIS LOENNIG**  
A PROFESSIONAL CORPORATION  
ATTORNEY AT LAW

SUITE 206. 613 CUSHMAN STREET - FAIRBANKS, ALASKA 99701  
907 452-2005

March 21, 1979

Representatives:

Brian Rogers  
Sally Smith  
Bob Bettisworth  
Fred Brown  
Charlie Parr  
Dick Randolph

Dear Representatives:

I have just become aware of House Bill number 342, "An Act relating to approval and recording of subdivisions;". I strongly disapprove of the proposed amendments to the act and urge that you do everything within your power to defeat the act.

As most of you know, I have nearly thirty years experience as a title examiner for title companies both in the State of Oregon and Alaska, I have practiced law in the State of Alaska since 1970 and I am now presently a member of the Fairbanks North Star Borough Planning and Zoning Commission. I consider the act not only inherently unworkable, but it also imposes an impossible burden on the recorders office. Furthermore I consider the proposed amendment completely reprehensible with respect to a free people's right to own and deal with their real estate.

It is my observation since being a member of the Planning and Zoning commission that the present provisions for subdividing, and/or waiving of subdivision regulations is being observed by the landowners of this area. However, I am certainly not in favor of the bureaucracy imposing itself to a greater degree by further restricting the private right of landowners to freely exchange and sell their real estate. Nor do I consider that the collective wisdom of an appointed bureaucracy can, or should, replace the wisdom of the individual property owners.

Representatives  
Re: Subdivisions

March 21, 1979  
Page two

I have long been critical of many of the provisions of the present Subdivision Act. Particularly am I critical of the present definition of a subdivision. It is overly simplified and inartfully drafted; therefore, it is overly restrictive in its application. It is my opinion the legislature could well propose a more artful definition of a subdivision which would relieve much of the onerous burden from land owners, as well as relieving some of the more time consuming aspects of its administration by the planning and zoning commission.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Doris Loennig", with a long, sweeping flourish extending to the right.

Doris Loennig

DL:dcm



# THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

DATE: April 3, 1979

FILE NO. 1979 Legislature - HB 342

SUBJECT: Proposed committee substitute  
for HB 342

Bill Parker, Chairman  
House Community & Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Dear Representative Parker,

I understand your committee is considering a possible committee substitute for House Bill 342 which deals with the approval and recording of subdivisions. The proposed committee substitute would delete the present language in the bill which deals with the requirement for an affidavit of the grantor or maker and would substitute for that requirement the requirement that the deed or contract merely exhibit evidence of subdivision approval. This approach, unfortunately, will not accomplish what was originally aimed at in the bill as introduced. It was the purpose of the bill as drafted to require the grantor to make an affirmative statement, under oath, that the instrument to be recorded did not have the effect of subdividing land unless the instrument contained the approval of the local platting authority. This would force the grantor or maker of the instrument to focus his or her attention on the requirement that no subdivision be created without local platting approval. It would also permit criminal sanctions to be taken against the person who makes a false statement in such an affidavit.

Under the language in the proposed committee substitute, neither of these effects would be obtained. A person owning a lot in an approved subdivision could create an unlawful subdivision and never be aware of it nor make any false affidavit. For example, if a person owns lot 7, block A of the Riverdale Subdivision, he or she could create an unlawful subdivision by conveying an unsubdivided part of that lot as follows:

The northern one-half of lot 7, block B of the Riverdale Subdivision as shown on Plat No. 76-24, recorded on June 14, 1976 in the Juneau Recording District, First Judicial District, Juneau, Alaska.

The foregoing description would meet the requirements of the proposed committee substitute and is probably the way such a

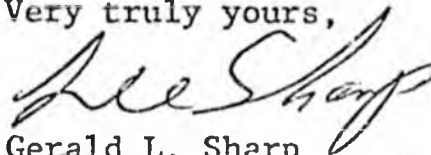
Representative Bill Parker  
April 3, 1979  
Page Two

conveyance would be described. Note that it contains ample evidence of subdivision approval, even though the unlawful subdivision created by this description is not approved. There is no way for the recording clerk to determine whether the instrument creates an unlawful subdivision and the instrument would be recordable.

Also, there are many subdivisions which occurred prior to the requirement for plat approval. These older subdivisions have been validated by statute and by ordinance and are lawful. Under the proposed language, however, a conveyance of such property could not be made inasmuch as it would not be possible to exhibit evidence of subdivision approval given by the municipality.

I urge you to pass out House Bill 342 as introduced as the language in the committee substitute appears to provide no more protection than already exists in the present statute.

Very truly yours,



Gerald L. Sharp  
City-Borough Attorney

GLS/sb

cc: Ginny Kline, Director, AML

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF ADMINISTRATION

DIVISION OF GENERAL SERVICES AND SUPPLY

State Recorder

941 4th Avenue  
ROOM 810 MACRAE BUILDING  
220 DENALI STREET  
ANCHORAGE, ALASKA 99501

March 30, 1979

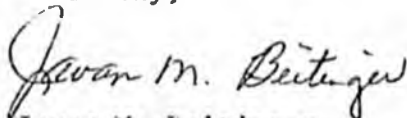
The Honorable Bill Parker  
House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Sir:

The enclosed information was sent to Richard Winchell, Deputy Director, Division of General Services and Supply, Department of Administration, last year when HB 900 was introduced.

Since HB 342 is virtually the same, this information is to inform you of the impact of this bill on the Recorder's Office as well as the honest Alaskan citizenry.

Sincerely,



Javan M. Beitzinger  
State Recorder

cc: Barry Jackson, Assistant Director, General Services & Supply

Richard Winchell, Deputy Director  
Division of General Services & Supply  
Juneau

March 30, 1978

Tom E. Hain, Assistant Director  
Division of General Services & Supply  
Anchorage

HB 900

HB 900 has been introduced to amend A.S. 40.15.010.

The addition of the words "or conveyed" and "a plat of" are desirable.

However, the addition of the penultimate sentence in the section is without merit. This would place a burden on the approximate 40,000 deeds to be recorded annually, of which a minute fraction may be conveyances of illegal subdivisions. The requirement would apply to obviously legal subdivisions. It would increase the work of the Recording Section by the addition of another requirement to be reviewed before accepting a document. If the approval, affidavit, or certificate necessitates another piece of paper, then it too must be recorded, indexed, microfilmed, etc. and the grantee must pay \$2 more for the service.

A.S. 29.33.190 already provides a \$500 penalty for selling land in an unapproved subdivision and the platting board "... may enjoin a transfer, sale, or contract to sell, and may recover the penalty by appropriate legal action. . .". The political subdivisions get copies of every recorded conveyance and can easily determine if an illegal subdivision has been established. They can take legal action against the few offending parties.

What does the affidavit provide? The law already says that you shall not sell illegally subdivided land and provides a penalty. Does the affidavit add perjury to the offense? If the political subdivisions are not willing to enforce the existing statutes, what good will more laws be? Why should all of the legal deeds and honest people be burdened because the platting boards won't prosecute the offenders?

It is not mandatory that a conveyance be recorded (A.S. 34.15.290) so it would still be the platting board's responsibility to act.

Deeds are not filed, they are recorded. (Filing applies to documents held by the Recorder. Recording applies to documents which are indexed, copied and returned to their owners.)

Last, and very important, the District Recorders should not be used as enforcement agencies when the purpose of the recording function is to be a place of public record.

cc: Javan Beitinger ✓

TELETYPE

TO: RICHARD WINCHELL, G S&S, JUNEAU  
DEPT:

DATE: 4-  
TIME: 8

FROM: TOM E. MAIN, G S&S, ANCHORAGE  
DEPT:

WE DIDN'T RECEIVE ANY TWX REGARDING NOME, BETHEL OR HB900.

MY ORIGINAL ESTIMATE OF COST OF HB900 DIDN'T CONSIDER THE DIFFICULTY OF APPORTIONING PARTS<sup>CF</sup> EMPLOYEES. BASED ON STATEWIDE COSTS THE \$32,000 WOULD BE 100, \$25,800; 300, \$4,800 AND 400, \$1,400. HOWEVER, THIS MEANS ONE EMPLOYEE MORE FOR ANCHORAGE, ONE-HALF FOR FAIRBANKS AND ONE-QUARTER FOR PALMER, ALL RANGE 8. I WOULD LIKE TO AMEND COST ESTIMATE FOR 100 TO \$32,200 MAKING TOTAL COST \$38,300. THIS IS BASED ON 20,000 ADDITIONAL DOCUMENTS WHICH IS ONLY A GUESS.

board. The board shall state on its record and in writing to the applicant its reason for disapproval of a plat.

(b) The platting board shall submit an approved plat to the district recorder in compliance with AS 40.15.010—40.15.020. (§ 2 ch 118 SLA 1972)

Sec. 29.33.170. Waiver in certain cases. (a) The platting authority shall, in individual cases, waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that

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

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

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

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

(b) In other cases the platting authority may waive the preparation, submission for approval, and recording of a plat, if the transaction involved does not fall within the general intent of §§ 29.33.150—29.33.240 of this chapter and AS 40.15 if it is not made for the purpose of, or in connection with, a present or projected subdivision development and no dedication of a street, alley, thoroughfare, park or other public area is involved or required. (§ 2 ch 118 SLA 1972)

Sec. 29.33.180. Information required. A plat shall show initial point of survey, original or reestablished corners and their descriptions, and actual traverse showing area of closure and all distances, angles and calculations required to determine initial point, corners and distances of the plat, as well as other information which may be required by ordinance. (§ 2 ch 118 SLA 1972)

Sec. 29.33.190. Penalties. (a) The owner or agent of the owner of land located within a subdivision who transfers, sells, or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved, and recorded, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500 for each lot or parcel transferred, sold, or included in a contract to be sold. The platting board may enjoin a transfer, sale, or contract to sell, and may recover the penalty by appropriate legal action.

(b) No person may record a plat or seek to have a plat recorded unless it bears the approval of the platting board. A person who knowingly violates this requirement is punishable upon conviction by a fine of not more than \$500. (§ 2 ch 118 SLA 1972)

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. H.B. 342 C & R.A. Committee  
 Title " . . . Approval & Recording of Subdivisions . . . "  
 Requested by C & R. A. Committee Date 4/2/79

II. FISCAL DETAIL

Agency Affected \_\_\_\_\_  
 Program Category Affected \_\_\_\_\_  
 Budget Request Unit(s) Affected \_\_\_\_\_

EXPENDITURES (Thousands of Dollars)

	<sup>80</sup> FY 79	<sup>81</sup> FY 80	<sup>82</sup> FY 81	<sup>83</sup> FY 82	FY 83	FY 84
100 PERSONAL SERVICES	35,400	38,900	42,800	47,100		
200 TRAVEL	0	0	0	0		
300 CONTRACTUAL	5,100	5,400	5,700	6,100		
400 COMMODITIES	1,450	1,500	1,600	1,700		
500 EQUIPMENT	0	0	0	0		
600 LAND & STRUCTURES	0	0	0	0		
700 GRANTS, CLAIMS, ETC.	0	0	0	0		
<b>TOTAL</b>	<b>41,950</b>	<b>45,800</b>	<b>50,100</b>	<b>54,900</b>		

FUNDING (Thousands of Dollars)

	41,950	45,800	50,100	54,900		
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

\* POSITIONS

	1				
FULL TIME					
PART TIME	3/4				
TEMPORARY					

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

- \* Anchorage = 1 Range 8
- Fairbanks = 1/2 Range 8
- Palmer = 1/4 Range 8

This would place a burden on the approximate 40,000 deeds to be recorded annually, of which a minute fraction may be conveyances of illegal subdivisions. The requirement would apply to obviously legal subdivisions. It would increase the work of the Recording Section by the addition of another requirement to be reviewed before accepting a document. If the approval, affidavit, or certificate necessitates another piece of paper, then it too must be recorded, indexed, microfilmed, etc., and the grantee must pay \$2 more for the service.

A.S. 29.33.]90 already provides a \$500 penalty for selling land in an unapproved subdivision and the platting board " . . . may enjoy a transfer, sale, or contract

IV. DATE 4/2/79

PREPARED BY Richard C. Bradley  
 AGENCY Department of Administration, Division of General Services & Supply  
 PHONE 465-2250

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

to sell, and may recover the penalty by appropriate legal action . . . ". The political subdivisions get copies of every recorded conveyance and can easily determine if an illegal subdivision has been established. They can take legal action against the few offending parties. It is not mandatory that a conveyance be recorded (A.S. 34.]5.290) so it would still be the platting board's responsibility to act.

Deeds are not filed, they are recorded. (Filing applies to documents held by the Recorder. Recording applies to documents which are indexed, copied and returned to their owners.)

Last, and very important, the District Recorders should not be used as enforcement agencies when the purpose of the recording function is to be a place of public record.

WO#6206/  
Chenoweth

BY HUGH - WANTS  
TO TESTIFY ON IT.

Original sponsor: Community and Regional  
Affairs Committee

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 342

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 approval and recording of subdivi-  
7 sions; and providing for an effective date."

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

9 \* Section 1. AS 40.15.010 is amended to read:

10 Sec. 40.15.010. APPROVAL AND RECORDING OF SUBDIVISIONS. Before  
11 the lots or tracts of any subdivision or dedication may be sold, [OR]  
12 offered for sale, or conveyed, the subdivision or dedication shall be  
13 submitted for approval to the authority having jurisdiction, as pre-  
14 scribed in this chapter. The regular approval of the authority shall be  
15 shown on it or attached to it and the subdivision or dedication shall be  
16 filed for record in the office of the recorder. The recorder may  
17 [SHALL] not accept a plat of a subdivision or dedication for filing  
18 unless it shows this approval. The recorder may not accept a deed or  
19 contract of sale unless it is accompanied by this approval, or unless  
20 the deed or contract of sale exhibits (a recorder's file number,) a plat  
21 approval number, or other evidence of subdivision approval given by the  
22 municipality, or by a certified waiver of the requirement of plat  
23 approval under AS 29.33.170. If no platting authority exists as pro-  
24 vided in AS 40.15.070 - 40.15.075, lands may be sold without approval.

25 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-

26 070(c). *Can any copy of municipal platting conveyances?*  
27 *Subordinate or not conveyed?*  
28 *Subordinate or not conveyed? showing to plat Georgetown*  
29 *Subordinate or not conveyed? showing to plat Georgetown*  
*Allocate parts within the diagram*



# Matanuska-Susitna Borough, Inc.

BOX B, PALMER, ALASKA 99645 • PHONE 745-3246

DEPARTMENT OF ADMINISTRATION

March 6, 1978

Re: HB342

old

HB 900

Ms. Lisa Rudd, Chair  
Committee on Community &  
Regional Affairs  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99817

Dear Ms. Rudd:

Subject: Recordation of Property Splits Not Approved by Platting Authority

This is a follow up to Marilyn Miller's contact with you concerning the need for legislation to carry out the position of the Alaska Municipal League that proof of approval by the local platting authority should be required prior to the filing of an instrument affecting the boundaries of land.

A serious problem has arisen because Statutes do not prohibit the recording of property splits which have not been approved.

AS 29.33.190(b) provides as follows: "No person may record a plat or seek to have a plat recorded unless it bears the approval of the platting board. A person who knowingly violates this requirement is punishable upon conviction by a fine of not more than \$500." This Borough is not anxious to prosecute persons who knowingly or unknowingly violate the State Statutes requiring platting authority approval of property splits. More importantly, such prosecution does not resolve the multitude of problems which stem from such recordation. Here's an example of what happens:

The owner of a 20 acre tract describes by aliquot parts 5 acres of the 20 acres and sells the 5 acres. The 5 acres may or may not be physically accessible or legally accessible.

A subsequent owner wants to split the 5 acres into 1 acre parcels. He cannot do so because the 5 acre parcel is illegally created and not recognized by the Platting Board. The new owner then has to retrace the proper platting procedure (or get a waiver of platting requirements under AS 29.33.170). It may or may not be possible for the original 5 acre split to be done in conformance with platting requirements.

A big hassle results.

Ms. Lisa Rudd

March 6, 1978

Recordation of Property Splits Not Approved by Platting Authority

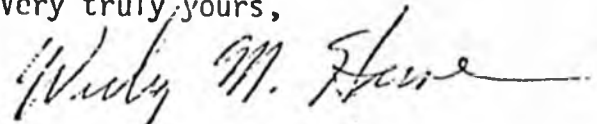
-2-

The grantee suffers. An extraordinary amount of staff time is required to clean up the mess. The grantor who violated the platting requirements has long since sold the other 15 acres and flown to Hawaii. He does not suffer. The platting statutes are circumvented.

The proposed legislation would provide an effective means of getting compliance to Statutes which require platting authority approval of all property splits. We do not now have an effective means.

I hope you will see fit to get such legislation introduced so that Boroughs can more effectively carry out their platting mandate.

Very truly yours,



Wesley M. Howe  
Borough Manager

WHL:er

cc: Alaska Municipal League

Malone's suggested amendments (3/28/79 Hearing)

- \* Jan. 1, 1980 should be the effective date. This would give people an opportunity to know what is happening and to be aware that there would be a new method of enforcement of land exchanges.
- \* Transitional language should grandfather in existing subdivisions.
- \* Delete lines 20-21 of p. 1. It should read:  
"The recorder may not accept a deed or contract of sale unless it exhibits evidence of subdivision approval given by the municipality , or by a certified waiver of the requirement of the plat approval under AS 29.33.170"

Rep. Carney's suggested amendment to the bill:

Sec. 29.33.170 (2) eliminate "and that the land is divided into four or fewer parcels;"(See attached statutes)

**Sec. 40.10.030. Certificate in form required for acknowledgment inside state.** A certificate of acknowledgment of a deed or other instrument acknowledged outside the United States before any officer mentioned in § 1C of this chapter shall be valid if in the same form as now is or hereafter may be required by law for an acknowledgment within the state. (§ 23-2-3 ACLA 1949)

**Sec. 40.10.040. Construction of chapter.** This chapter shall be interpreted and construed as to effect its general purpose to make uniform the laws of those states and territories which enact it. (§ 23-2-4 ACLA 1949)

**Sec. 40.10.050. Short title.** This chapter may be cited as the Uniform Foreign Acknowledgment Act. (§ 23-2-5 ACLA 1949)

### Chapter 15. Subdivisions and Dedications.

**Article**

1. Recording of Plats (§§ 40.15.010—40.15.060)
2. Control of Plats, Subdivisions and Dedications (§§ 40.15.070—40.15.130)
3. Vacation and Change of Plats and Streets (§§ 40.15.140—40.15.180)
4. General Provisions (§ 40.15.190)

#### Article 1. Recording of Plats.

Section	Section
10. Approval and recording of subdivisions	30. Dedication of streets, alleys and thoroughfares
20. Plats to be acknowledged and contain certificate that taxes and assessments are paid	40. Certified copy of plat is evidence
	50. Recorded plats legalized
	60. Missing plats

**Sec. 40.15.010. Approval and recording of subdivisions.** Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be submitted for approval to the authority having jurisdiction, as prescribed in this chapter. The regular approval of the authority shall be shown on it or attached to it and the subdivision or dedication shall be filed for record in the office of the recorder. The recorder shall not accept a subdivision or dedication for filing unless it shows this approval. If no platting authority exists as provided in §§ 70—130 of this chapter, lands may be sold without approval. (§ 1 (ch I) c. 15 SLA 1953; am § 1 ch 95 SLA 1955; am § 67 ch 69 SLA 1970)

**Cross reference.** — For sections dealing with inspection of public records and their use as evidence, see AS 09.25.110 and AS 09.25.120.

**Effect of amendment.** — The 1970 amendment deleted "platting board or" preceding "platting authority" in the last sentence.

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

**Approved plat must be filed for recording.** — This section and AS 40.15.020 are sufficient authority to require the recorder to file for recording a plat when properly approved. *Tullinen v.*

**Sec. 40.10.030. Certificate in form required for acknowledgment inside state.** A certificate of acknowledgment of a deed or other instrument acknowledged outside the United States before any officer mentioned in § 10 of this chapter shall be valid if in the same form as now is or hereafter may be required by law for an acknowledgment within the state. (§ 23-2-3 ACLA 1949)

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20. Plats to be acknowledged and contain certificate that taxes and assessments are paid

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# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

DATE: 4/11/79

BILL NUMBER AND TITLE: HB 342 Approval and Recording of Subdivisions

ORIGINAL SPONSOR : (H) C&RA Committee

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: Judiciary

MEMBERS PRESENT: Parker  
Parr Carney  
Branson Zharoff  
Metcalf O'Connell

MEMBERS ABSENT:

INDIVIDUALS CONTACTED:

### WITNESSES TESTIFYING:

Richard Bradley, Director of Division of General Services, Dept. of Admin.  
Bev Mueller, Recorder

The administration is opposed to the bill. Enforcement is already provided and it should not be the recorder's office which serves this function.

Parr--Doesn't see listing the circumstances under which recorders may or may not record as enforcement.

Ginny Chitwood - Municipal League

Doesn't see this as bringing enforcement into the hands of the recorder's office. Grandfather provisions are already in effect to a certain extent in that existing parcels are grandfathered in when subdivision ordinances are adopted by municipalities.

The basic problem this bill addresses is that land is being exchanged without being recorded.

Hugh Malone - There have been illegal subdivisions created since municipal ordinances were adopted. Those should be dealt with by a grandfathering provision. Otherwise, there will be a cloud on transactions.

Rep. Pat Carney - speaks to his suggested amendment. Sees this as an acceptable redefining of the subdivision definition.

Malone -- Doesn't see bill as essential. Thinks that the administration could handle the problem by regulations.

Carney - Sees that state will be in violation of the 4 parcel division of land waiver when disposing of state lands.

COMMITTEE ACTION: No action. Definition of subdivision might be considered in interim study.

TAPE # 7 SIDE 2

Sections 1-373



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

### COMMITTEE MINUTES

DATE: 3/28/79

BILL NUMBER AND TITLE: HB 342 Relating to approval and recording of subdivisions

ORIGINAL SPONSOR : Community and Regional OTHER SPONSORS:  
Affairs Committee

RECEIVED FROM: FURTHER REFERRALS:

MEMBERS PRESENT: Parker Carney MEMBERS ABSENT:  
Parr O'Connell  
Metcalf Branson Zharoff

#### INDIVIDUALS CONTACTED:

Malone  
C&RA

#### WITNESSES TESTIFYING:

Malone -- The bill aids in better compliance with state laws. Parcels are now created and transferred in violation of local law. Background of problem discussed.

\* Jan 1, 1980 should be the effective date. This would give people an opportunity to know what is happening and to be aware that there would be a new method of enforcement of land exchanges.

\*Transitional language should grandfather in existing subdivisions.

\*Delete lines 20-21 of p. 1. It should read:"The recorder may not accept a deed or contract of sale unless it exhibits evidence of subdivision approval given by the municipality, or by a certified waiver of the requirement of the plat approval under AS 29.33.170."

\* Suggested amendments to the bill

Parr- Some subdivisions created in the early 1900's which were not under subdivisions regulations might be sold today. How would this be dealt with. Malone sees this covered under the proposed transitional provision which would grandfather in this type of land.

Metcalf-- Perhaps a title company, as well as the recorder's office, should be involved. Malone-Title Companies now routinely exempt illegally created lots.

Malone--The procedure should be as simple as possible.

COMMITTEE ACTION:Rep. Carney appointed as sub-committee to study the bill.

TAPE # 5 SIDE 2 Sections 797-1055

Questions related to HB 342

eliminate the reference on p. 1 line 20 re "recorder's file number"  
(how is it used? Does a recorder always use a file number?)

Chenoweth -- The use of the term conveyed, is intended to cover all transactions of real estate which would pass land from one individual to another. Close the door on handing land from one person to another.



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

DATE: 3/12/79

BILL NUMBER AND TITLE: HB 342 Relating to approval and recording of subdivisions

ORIGINAL SPONSOR : Community and Regional Affairs Committee OTHER SPONSORS:

RECEIVED FROM: FURTHER REFERRALS: Judiciary

MEMBERS PRESENT: Parker Metcalfe  
Carney O'Connell  
Branson Parr  
Zharoff  
MEMBERS ABSENT:  
None

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Lee Sharp -- Testified as to the purpose and intent of bill. Lines 12, 16,17 clean up language

Parr -- Problem re meaning of "conveyed". Is "conveyed" really needed? If property were devided by federal decree would there be an official recording?  
Would "Conveyed" include "gifts"?

Problems discussed. It was decided to hold the bill over pending development of amendments by Parr & Carney

COMMITTEE ACTION: Held over pending amendments being worked on by Parr & Carney

TAPE # 4 SIDE 1  
Sections 1-190



# THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

DATE: April 3, 1979

FILE NO. 1979 Legislature - HB 342

SUBJECT: Proposed committee substitute  
for HB 342

Bill Parker, Chairman  
House Community & Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Dear Representative Parker,

I understand your committee is considering a possible committee substitute for House Bill 342 which deals with the approval and recording of subdivisions. The proposed committee substitute would delete the present language in the bill which deals with the requirement for an affidavit of the grantor or maker and would substitute for that requirement the requirement that the deed or contract merely exhibit evidence of subdivision approval. This approach, unfortunately, will not accomplish what was originally aimed at in the bill as introduced. It was the purpose of the bill as drafted to require the grantor to make an affirmative statement, under oath, that the instrument to be recorded did not have the effect of subdividing land unless the instrument contained the approval of the local platting authority. This would force the grantor or maker of the instrument to focus his or her attention on the requirement that no subdivision be created without local platting approval. It would also permit criminal sanctions to be taken against the person who makes a false statement in such an affidavit.

Under the language in the proposed committee substitute, neither of these effects would be obtained. A person owning a lot in an approved subdivision could create an unlawful subdivision and never be aware of it nor make any false affidavit. For example, if a person owns lot 7, block A of the Riverdale Subdivision, he or she could create an unlawful subdivision by conveying an unsubdivided part of that lot as follows:

The northern one-half of lot 7, block B of the Riverdale Subdivision as shown on Plat No. 76-24, recorded on June 14, 1976 in the Juneau Recording District, First Judicial District, Juneau, Alaska.

The foregoing description would meet the requirements of the proposed committee substitute and is probably the way such a

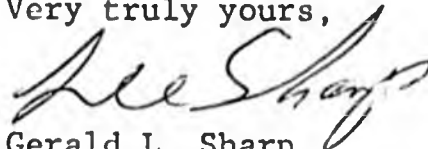
Representative Bill Parker  
April 3, 1979  
Page Two

conveyance would be described. Note that it contains ample evidence of subdivision approval, even though the unlawful subdivision created by this description is not approved. There is no way for the recording clerk to determine whether the instrument creates an unlawful subdivision and the instrument would be recordable.

Also, there are many subdivisions which occurred prior to the requirement for plat approval. These older subdivisions have been validated by statute and by ordinance and are lawful. Under the proposed language, however, a conveyance of such property could not be made inasmuch as it would not be possible to exhibit evidence of subdivision approval given by the municipality.

I urge you to pass out House Bill 342 as introduced as the language in the committee substitute appears to provide no more protection than already exists in the present statute.

Very truly yours,



Gerald L. Sharp  
City-Borough Attorney

GLS/sb

cc: Ginny Kline, Director, AML

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

REQUEST

Bill/Resolution No. House Bill No. 342

Title "An Act relating to approval and recording of subdivisions..."

Requested by Community & Regional Affairs Committee

Date March 12, 1979

II. FISCAL DETAIL

Agency Affected Community & Regional Affairs

Program Category Affected Community Development

Budget Request Unit(s) Affected \_\_\_\_\_

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME	0	0	0			
PART TIME	0	0	0			
TEMPORARY	0	0	0			

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

IV. DATE March 12, 1979 PREPARED BY Doug Griffin

AGENCY Community & Regional Affairs - LGAD

Original: Legislative Finance

PHONE 465-3918

cc: Budget and Management

Prime Sponsor (If : Legislator Named)

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF ADMINISTRATION

DIVISION OF GENERAL SERVICES AND SUPPLY

State Recorder

941 4th Avenue  
~~ROOM 810 MACRAE BUILDING~~  
~~228 DENALI STREET~~  
ANCHORAGE, ALASKA 99501

March 30, 1979

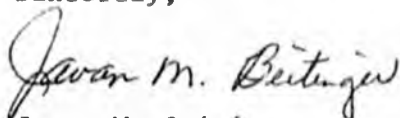
The Honorable Bill Parker  
House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Sir:

The enclosed information was sent to Richard Winchell, Deputy Director, Division of General Services and Supply, Department of Administration, last year when HB 900 was introduced.

Since HB 342 is virtually the same, this information is to inform you of the impact of this bill on the Recorder's Office as well as the honest Alaskan citizenry.

Sincerely,



Javan M. Beitinger  
State Recorder

cc: Barry Jackson, Assistant Director, General Services & Supply

Richard Winchell, Deputy Director  
Division of General Services & Supply  
Juneau

March 30, 1978

Tom E. Main, Assistant Director  
Division of General Services & Supply  
Anchorage

HB 900

HB 900 has been introduced to amend A.S. 40.15.010.

The addition of the words "or conveyed" and "a plat of" are desirable.

However, the addition of the penultimate sentence in the section is without merit. This would place a burden on the approximate 40,000 deeds to be recorded annually, of which a minute fraction may be conveyances of illegal subdivisions. The requirement would apply to obviously legal subdivisions. It would increase the work of the Recording Section by the addition of another requirement to be reviewed before accepting a document. If the approval, affidavit, or certificate necessitates another piece of paper, then it too must be recorded, indexed, microfilmed, etc. and the grantee must pay \$2 more for the service.

A.S. 29.33.190 already provides a \$500 penalty for selling land in an unapproved subdivision and the platting board ". . . may enjoin a transfer, sale, or contract to sell, and may recover the penalty by appropriate legal action. . .". The political subdivisions get copies of every recorded conveyance and can easily determine if an illegal subdivision has been established. They can take legal action against the few offending parties.

What does the affidavit provide? The law already says that you shall not sell illegally subdivided land and provides a penalty. Does the affidavit add perjury to the offense? If the political subdivisions are not willing to enforce the existing statutes, what good will more laws be? Why should all of the legal deeds and honest people be burdened because the platting boards won't prosecute the offenders?

It is not mandatory that a conveyance be recorded (A.S. 34.15.290) so it would still be the platting board's responsibility to act.

Deeds are not filed, they are recorded. (Filing applies to documents held by the Recorder. Recording applies to documents which are indexed, copied and returned to their owners.)

Last, and very important, the District Recorders should not be used as enforcement agencies when the purpose of the recording function is to be a place of public record.

cc: Javan Beitinger ✓

TELETYPE

TO: RICHARD WINCHELL, G S&S, JUNEAU  
DEPT:

DATE: 4-13-78  
TIME: 8:25<sup>0</sup>

FROM: TOM E. MAIN, G S&S, ANCHORAGE  
DEPT:

WE DIDN'T RECEIVE ANY TWX REGARDING NOME, BETHEL OR HB900.  
MY ORIGINAL ESTIMATE OF COST OF HB900 DIDN'T CONSIDER THE DIFFICULTY OF  
APPORTIONING PARTS<sup>OF</sup> EMPLOYEES. BASED ON STATEWIDE COSTS THE \$32,000 WOULD BE  
100, \$25,800; 300, \$4,800 AND 400, \$1,400. HOWEVER, THIS MEANS ONE EMPLOYEE  
MORE FOR ANCHORAGE, ONE-HALF FOR FAIRBANKS AND ONE-QUARTER FOR PALMER, ALL  
RANGE 8. I WOULD LIKE TO AMEND COST ESTIMATE FOR 100 TO \$32,200 MAKING TOTAL  
COST \$38,300. THIS IS BASED ON 20,000 ADDITIONAL DOCUMENTS WHICH IS ONLY  
A GUESS.

# STATE OF ALASKA

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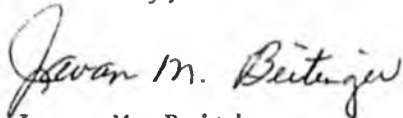
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DORIS LOENNIG  
A PROFESSIONAL CORPORATION  
ATTORNEY AT LAW

SUITE 206. 613 CUSHMAN STREET - FAIRBANKS, ALASKA 99701  
907 462-2005

March 21, 1979

Representatives:

Brian Rogers  
Sally Smith  
Bob Bettisworth  
Fred Brown  
Charlie Parr  
Dick Randolph

Dear Representatives:

I have just become aware of House Bill number 342, "An Act relating to approval and recording of subdivisions;". I strongly disapprove of the proposed amendments to the act and urge that you do everything within your power to defeat the act.

As most of you know, I have nearly thirty years experience as a title examiner for title companies both in the State of Oregon and Alaska, I have practiced law in the State of Alaska since 1970 and I am now presently a member of the Fairbanks North Star Borough Planning and Zoning Commission. I consider the act not only inherently unworkable, but it also imposes an impossible burden on the recorders office. Furthermore I consider the proposed amendment completely reprehensible with respect to a free people's right to own and deal with their real estate.

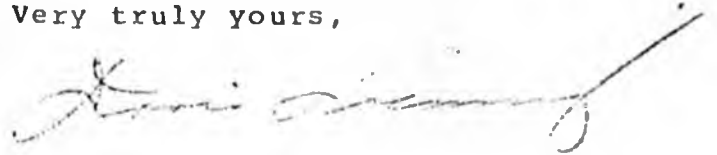
It is my observation since being a member of the Planning and Zoning commission that the present provisions for subdividing, and/or waiving of subdivision regulations is being observed by the landowners in this area. However, I am certainly not in favor of the bureaucracy imposing itself to a greater degree by further restricting the private right of landowners to freely exchange and sell their real estate. Nor do I consider that the collective wisdom of an appointed bureaucracy can, or should, replace the wisdom of the individual property owners.

Representatives  
Re: Subdivisions

March 21, 1979  
Page two

I have long been critical of many of the provisions of the present Subdivision Act. Particularly am I critical of the present definition of a subdivision. It is overly simplified and inartfully drafted; therefore, it is overly restrictive in its application. It is my opinion the legislature could well propose a more artful definition of a subdivision which would relieve much of the onerous burden from land owners, as well as relieving some of the more time consuming aspects of its administration by the planning and zoning commission.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Doris Loennig', written in dark ink. The signature is fluid and extends across the width of the page.

Doris Loennig

DL:dcm

HB

343



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 9981

Official Business

COMMITTEE MINUTES

DATE: 3/30/79

BILL NUMBER AND TITLE: HB 343 Management of General Grant Lands by Municipalities.

ORIGINAL SPONSOR : Branson

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT:

MEMBERS ABSENT:

Parker Parr  
Branson Metcalfe O'Connell  
Carney Zharoff

INDIVIDUALS CONTACTED:

*Branson*  
*Municipal League*  
*Tu Sharp*  
*Dept of C & RA* *Dept. 7/79*  
*Rural Cos*

WITNESSES TESTIFYING:

Alan Cromk, Fairbanks North Star Borough  
— Opposed strongly to the bill. Definition of a "village" is not clear. If 25 adults were living in an area, could they be considered a social unit? Objects to an advisory body being given veto power over an elected body.

Parr questions exactly what lands the bill is supposed to refer to. If is all community grant lands or just Forest Service allotments? If it is just the latter, language should be added which would specify this.

Don Argetsinger and Veronica Clark, Dept. of C&RA

Supports concept of advisory committee. However, it appears that statutory powers are being extended beyond the scopy they should be. There are technical problems with the bill which would make it confusing to implement. Petition process not clear. What number of residents would cause it to be set up? Term "village" is a problem. Perhaps "incorporated and Unincorporated" could be distinction. Assembly should probably have override powers.

Village defination needs work.. It is suggested that this concept be included in the local government interim study.

COMMITTEE ACTION: No action taken.

TAPE # 6 SIDE 1

Sections 210-505, 859 949

HB

344



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

### COMMITTEE MINUTES

DATE: 3/14/79

BILL NUMBER AND TITLE: HB 344 Appropriation to ~~DER~~ for grants to municipalities and other recipients in place of entitlements under the program of state aid to local governments;

ORIGINAL SPONSOR :

Branson

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT: Zharoff

Carney O'Connell

Metcalf Parr

Parker Branson

MEMBERS ABSENT:

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Doug Griffin- Dept. of C&RA These communities didn't get applications in on time. Dept. thinks there has to be some incentive for complying with deadlines. Seward apparently had their application ready to go and due to an error it was not mailed.

Branson -- CS SB 134 incorporates changes wanted by C&RA.  
That bill is presently in Senate Rules.

COMMITTEE ACTION: Action pending status of Senate bill

TAPE # 44 SIDE 1 930-996

BILL WORK SHEET

COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS

Referred to \_\_\_\_\_  
Received from \_\_\_\_\_

BILL NO. HB 344 re \_\_\_\_\_  
Original Sponsor \_\_\_\_\_

Fiscal Note \_\_\_\_\_

Contacts: McCarten

LAA Legal Research contact: \_\_\_\_\_

S.B. 134 - Dept. C+RA

*Need to add amendment to make technically correct.  
Opposed. They were late so why reward. Exceeds Gov's  
appropriation. (Probably get vetoed except for Sward-  
Keith Spunking's district)  
Sward - attempted to get them to file on time*

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 344  
 Title Special appropriation. . . for grants to municipalities  
 Requested by Representative Branson Date 3/6/79

II. FISCAL DETAIL

Agency Affected Community and Regional Affairs  
 Program Category Affected Community Development  
 Budget Request Unit(s) Affected \_\_\_\_\_

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.	106.3	0	0	0		
TOTAL	106.3	0	0	0		

FUNDING (Thousands of Dollars)

GENERAL FUND	106.3					
FEDERAL FUNDS	0					
OTHER (Specify)	0					

POSITIONS

FULL TIME	0					
PART TIME	0					
TEMPORARY	0					

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

House Bill 344 calls for \$99,482 to be appropriated to make grants to the following recipients in the amounts shown on the right. Our bill analysis makes corrections in the amounts requested, adds the Iliamna VFD, and prorates at 88.712% rather than 89%.

	<u>HB 344</u>	<u>Corrected 88.712% Proration</u>
City of Lower Kalskag	11,097	11,275
City of Seward	80,413	86,165
City of Upper Kalskag	4,648	4,633
Copper Center VFD	3,324	3,313
Iliamna VFD	-0-	941

*Doug Griffin*

IV. DATE 3/13/79 PREPARED BY Doug Griffin  
 AGENCY C & RA - LGAD  
 Original Legislative Finance PHONE 465-3918  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

HB

375

# COMMITTEE REPORT

## HOUSE

FURTHER: JUDICIARY

March 12, 1979

Date: 23 April 79

Mr. Speaker:

The Committee on C&RA has had HB 375

"An Act relating to costs of attorney services provided to indigents charged with violations of municipal ordinances."

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**

*[Handwritten signatures]*

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**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

*[Handwritten signatures and notes]*

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*[Handwritten signature]*  
\_\_\_\_\_  
CHAIRMAN



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V  
State Capitol  
Juneau, Alaska 99801

Official Business

DATE: 4/23/79

BILL NUMBER AND TITLE: HB 375 Relating to costs of attorney services provided to indigents charged with violations of municipal ordinances

ORIGINAL SPONSOR : Rules by Request of the Governor

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: Judiciary

MEMBERS PRESENT:

Bill Parker X  
Margaret Branson X  
Pat O'Connell X

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

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Brian Shortell -Public Defender

The proposed law would clarify the statutes. Prior to '75 the municipalities assumed court costs for the defense of criminal cases prosecuted under municipal law. The system of accounting was said to be too cumbersome for the municipalities. the impact of the trasferral to the state P D. office has been tremendous. The Anchorage P.D. office is in a desparate situation as the P.D. office had been underfunded from the beginning. Survival of Anchorage office depends on something being done to remedy the situation. Statute should be clarified to make clar that the court costs and defense costs are not the same.

1971 - Alexander vs. City of Anchoarge

1973 - State vs. City of Anchorage

AS 22.15.270 Outlines defense court costs.

Misdemeanors classified as defendable by Public Defender if the penalty involves jail time. A person is entitled to defense if: he could lose a license; jail is a possibility; the fine is heavy enough to connote criminality.

Expenses vary from community to community.. P.D. office was funded for one lawyer and 1 secretary. Attorneys now have to handle 70-90 cases. If bill passes, Shortell would either contract with the municipalities to perform services or would bill for services performed.

Parr:Parr- Municipal tax payers should pay for enforcement of their own laws. Presecution and defense should be municipal costs.

O'Connell - Definition of indigency is the main problem.

Present law requires that a person make repayment to the state if they are found not be be indigent.

COMMITTEE ACTION:

Passed out of committee.

TAPE # 7

SIDE

2

Sections 1236=1732