

70 / HCRA

HB 3 / 3 - HB 3 / 4

707

Lee Sharp, Attorney City/Borough Juneau

1. Municipalities should be able to define "indigency" for themselves if they are to be responsible for costs.

2. Repayment provision is not currently being enforced by the AG. If it isn't being enforced for the state, the municipalities would not be repaid either.

3. Supreme Court ruled that costs included P.D., jury fees, court room, etc.

4. If the municipality decides the costs are too great, they will ask the state to prosecute. So the state would then be paying for both the defense and the prosecution.

5. There is a danger that the indigent would not get the best possible defense as that state might "paper to death" and the municipality would be in the position of pushing for dismissal to cut costs.

Sharp- The basic problem is the definition of indigency.

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. pending HOUSE BILL NO. 375
 Title An act relating to costs of attorney services provided to indigents
 Requested by Office of the Governor Date March 5, 1979

II. FISCAL DETAIL
 Agency Affected Office of the Governor
 Program Category Affected Administration of Justice
 BRU, Program, or Subprogram(s) Affected Public Defender Agency
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

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						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

<u>GENERAL FUND</u>		-0-				
<u>FEDERAL FUNDS</u>						
<u>OTHER (Specify Fund Source)</u>						

POSITIONS

<u>FULL TIME</u>		-0-				
<u>PART TIME</u>						
<u>TEMPORARY</u>						

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

Since July 1, 1976 the Public Defender Agency has been charged with the defense of indigents charged with violations of municipal ordinances. Out of necessity, the agency has assumed this obligation using existing personnel and resources. For FY 79 two additional positions were authorized in HB 909; one Attorney III for 6 months and one Legal Secretary for 7 months.

Transferring the responsibility for indigent defense to the municipalities is not expected to reduce the case load of the Public Defender Agency, as it is assumed the municipalities would continue to contract with this agency for such services. Any such receipts would be deposited in the general fund.

IV. DATE March 5, 1979 PREPARED BY Janet Green
 AGENCY Office of the Governor
 PHONE 465-3545
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

BILL NO. HB 375 re Cost of Attorney Services

Received from _____

Original Sponsor _____

Referred to Quinn

Fiscal Note _____

LAA Legal Research Contact _____

CONTACTS:

Alan Hickey 3428 Admin.

Brian Shortell 279-7541

Frank Butchford 4911

RECEIVED: 3/13/79

14B 3'

March 12, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III sec. 18, of the Alaska Constitution, I am transmitting a bill transferring to municipalities the cost of providing defense counsel to indigents charged with violation of municipal ordinances.

In the past, the cost of judicial services, including the cost of defending indigent defendants, was borne by the municipality which filed the charges against the person under municipal ordinance. Because it was difficult, if not impossible, for the court system to precisely apportion the cost of judicial services, legislation was passed in 1976 amending AS 22.15.270 to have the state bear those costs. However, the transfer of responsibility for providing defense counsel for indigents charged with violations of municipal ordinances has imposed a substantial burden on the Public Defender Agency. These defense costs, unlike normal court operating costs, are easily identifiable. This bill would transfer back to the municipality bringing the charge against the indigent the responsibility for paying those costs, and thus more fairly allocate the costs to the user of the services.

Sincerely,

S/JSH

Jay S. Hammond
Governor

HB

383

DEVELOPMENT CITIES

*See continuation
of file # 8733
CRA File
77/78*

Chapter 22 includes maximum participation by state agencies in review, guidance, financial and program assistance, but gives major control to the development city. The development city has all the powers of a regular general law city of its particular class.

There is no clear designation of the responsibilities of the developer, financial or otherwise, except that he must present an approved local hire agreement as a prerequisite to incorporation, and he must show satisfactory contracts for company products to show that the whole project should succeed.

State participation:

- 1) Council, membership includes Commissioner of DC&RA
Members appointed by Governor and serve at his pleasure.
- 2) State review of preliminary planning.
(Doesn't say anything about consistency with state regulations, though I suppose that is implied.
Doesn't say anything about the final comprehensive plan.
Doesn't say who will pay for either the preliminary plan or the comprehensive plan. Just says the city shall do it. So, it seems within the city's prerogative to approach the state for at least partial funding.)
- 3) State review of contracts for sale of company products before city can proceed with capital plans. This seems to be the major limitation on the city.
- 4) State to participate in local hire agreement with developer e.g., recruitment, vocational training, relocation assistance...
- 5) State agencies to look out for funds to help finance city's capital improvement program.
- 6) Revenue sharing program, state land selection.

Major control and options to City:

- 1) Time limits provided for all state action, but none designated for city.
- 2) All provisions of Title 29 apply where consistent with Chapt. 22
Thus city has all the powers and prerogatives of a general law city.
- 3) Council acts as own housing and urban renewal authority.
- 4) At least 2 council members represent the developer.

Differences from regular cities:

- 1) Council is 5 members instead of 6 or 7
Appointed by governor - 1 mbr = Commissioner of DC&RA
- 4 public members
- 2) Exec. Dir. appointed by Council instead of Mayor
Has all powers of executive under Title 29
so he can be manager and mayor

The Development City concept by itself changes the values and practices that have built our free enterprise system.

In the past, the self sufficient family farm has been accepted as the necessary first step to developing an economy in undeveloped land.

The Development Cities Act, on the other hand, allows major developers to control and develop large resources with no concern or participation to the family unit who seeks (now more than ever) the security and satisfaction of being self supporting and controlling their own destiny.

My wife and I on that basis alone object to development cities entirely.

In my presentation this morning, however, I will approach the Act solely from the viewpoint of protecting Alaska interest within the Development City context.

The law in general must separate clearly the city and the developer and their relationship to each other, allowing the city to be an entity in itself, open to the general public and commerce.

29-10-220 LEGISLATIVE FINDING

We now have new information from Afognak City's first attempt. This information has created new questions that are not adequately dealt with under the existing law. It is my opinion that law as it is written is grossly deficient in protecting Alaska's interest and dealing with social and economic needs of our State.

29-18-230 to 29-18-340

This section of the law deals with procedures of the petitioner which must be made to include financial investigation of the petitioners over the previous ten years in order to develop a reasonable assurance that the petitioner has the management experience, stability and capital to execute such an undertaking to a desirable conclusion.

29-18-340 DEVELOPMENT CITY COUNCIL

It is clear that the governor has complete control of the city, with the city council serving at his pleasure. The city council members do not have to be residents during the first five years. A developing city is going to need a city council which is present and public to deal effectively with actual growth and need of a city just getting off the ground. Further, after being appointed, the city council should serve at no one's pleasure other than their public, and all members elected after they have their first forty permanent residents with specific language used to tie down who and who is not a permanent resident.

It is important here to look down the road a bit and realize the power that would be given the governor if, perhaps, ten to fifteen of these cities are being developed and all at the control of one governor, with the possibility of major developers coming

into the State with only one person's consideration. This is clearly not in the public interest.

A city council must live in the development city and be available to the public. The law as it reads now doesn't even say the city council has to be in Alaska. This means that a citizen would be required to pay long distance rates to talk to his appointed rulers.

29-18-380 PROCEDURES

This allows no public participation of any kind. It has been suggested that the meetings be put on public address systems, but this would still severely hamper the needed exchange between the community and its appointed rulers.

29-18-390 DEVELOPMENT OF CITY CAPITAL IMPROVEMENT FUND

This should be clarified to specific purposes and be implemented in stages as required by specific development. For example, the needs for fun in a paper stage will be different from those of implementation.

29-18-400(4)

This section should read "appointed" from the public by the governor, not "nominated by the developer".

20-18-360(2) POWERS AND DUTIES

This section isolates the development city from existing borough planning if one exists. Therefore, there is no recourse for the general geographic area and existing economy to participate in decisions that might affect them, i.e., offshore experimental drilling facility in Afognak Bay, which is a reasonable assumption if Afognak City is there with the dock facility which the Afognak Native Corporation plans to build. The impact would certainly affect all of Kodiak Island Borough.

29-18-430 REVENUE BOND

Some consideration must be given to existing residence. In the initial petition, the eighty-five of us presently living there became 1/85 of the taxable tax base and 1/85 of the liability of a \$2 million project. ANCSA 21(d) states that Native lands are not taxable and (22) miscellaneous states that no liens, exclusions or judgments of any kind can be executed within twenty years.

Further, each revenue bond must show its relevance to the city sector as opposed to corporation development. This particular train of thought should be questioned throughout the Act. Our purpose and tax dollars should be spent to a d in the cost of the city, and not in the development of the resource. In a case where the purpose of a facility services both, the cost should be divided between the city and the developer proportionally.

EXAMP

If a city dock that would serve the city alone could be built for \$500, but to meet the needs of the developer must now cost \$2,000. The developer should have to generate \$1500 capital outside of the bonds. My concern here is the tax liability of the bond on the city should the industry fail to be profitable and the collateral not redeemable as under ANCSA (22) or not of sufficient value to satisfy its creditors. It appears to me that if the debts are kept reasonable that city could possibly survive the loss of its major developer by participating in existing economics such as fishing. On the other hand, if town liabilities are allowed to far exceed those of a realistic population projections ability to handle the city would most probably end up a ghost with many

citizens losing their shirts, as well as their dreams.

29-18-450 APPLICABILITY OF OTHER PROVISION OF THIS TITLE

This paragraph was not applied nor adhered to in Community and Regional Affairs' administration of the Act as it applied to the Afognak City's first petition, though it sheds a lot of light on the intent and composition of the Act. In its sweeping centralization, however, it creates contradiction within the law itself.

EXAMPLE

29-18-050(8) THE PROVISION FOR A FIRST CLASS CITY INCORPORATION

The signature and residence address of 50 permanent resident voters within the proposed municipality, which with eighty-five residents as applicable and Title 29-18-240 are both in Chapter 13. Hence, 29-18-240 has to be improved and clarified giving guidelines for public participation under a democratic government, as the character of its location changes from unpopulated - no existing economy - to populated with existing economies population and borough government.

First and most important, there is no provision under the law that necessitates the establishment of public sector. There must be land made available to the general public and general business community.

This land must in no way be controlled by the developers other than its original planning and zoning. Land should be sold at a fixed percentage above cost and a provision requiring development within a given time to discourage land speculation. My concern here is that the law permits the possibility of Alaska's future growth to be exactly like Prudho Bay, where a group of corporations owns

all the land and commerce. Any city in Alaska must be open to the public at the public's own discretion. Finally, I feel the State or petitioner should advertise the new city to the national business community, asking for their economic participation in fields other than that of the founding developer. For example, offshore oil exploration drilling support facilities and bottom-fishing processors are very real possibilities in the Afognak City and would go a long way in ensuring orderly development of well planned, diversified and economically sound new cities necessary to support the sound development of the State resources by both private and public sector.

CONCLUSION

In conclusion it is extremely important to consider our states goals and values as we now look at our future.

International bankers and multinational corporation have acted and planned far in advance of the political concepts of the nation_ state by cutting off our states opportunity to proceed in its family oriented past by completely stopping land transfer to public and regulating every thing from limited entry to placer mining out of reach of most of the general public. They now have created a state of mind in Alaska that believes our only future is to develop on a big scale with major multinational corporation, If we go that route the future is clear. If the only future development in Alaska is with big corporation then we will be allowing our main stream economy to be controlled by multinational corporations.

It is my opinion that we should guard our six trillion dollars of natural resource like a miser, his purse only developing them in as much as it allows us to develop a free enterprise family oriented economy in aquaculture, farming, musk ox, reindeer and small mining.

What we need is a development of family oriented business act and not a development cities act.

Presumption that I would be no residents.

Conflict of Bors planning powers' Development Cities
Act could be applied differently in unorganized borough.
Corporation towns (concept)

Definition "permanent" residents must be clarified

Strandberg

Flannery Afoymuch - Petition

Encourages industry in rural areas which mineral potential (East River) 147 -

Afoymuch - native developer 126 -

Should labor be native or imported. 127 -

Structure of govt. needs to be considered! 146 -

David Shary
Box 2913
Kodiak

(2) act of the legislature. (§ 19 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in paragraph (1).

Sec. 29.18.250. Petition for incorporation. A development city incorporation petition proposed by an industrial developer shall include the following information about the proposed city:

- (1) class,
- (2) name,
- (3) boundaries,
- (4) composition of the council,
- (5) maps, documents, preliminary economic development projections, preliminary population projections, outline of the industrial developer's investigative and development expenditures and its proposed capital program, and other information required by the Department of Community and Regional Affairs to show that the proposed city meets the standards for incorporation,

(6) the proposed agreement required under § 330 of this chapter. (§ 19 ch 118 SLA 1972; am §§ 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in paragraph (5).

Sec. 29.18.260. Review. The Department of Community and Regional Affairs shall review the petition for content and shall return deficient petitions for correction and completion. (§ 19 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency."

Sec. 29.18.270. Investigation. If the petition contains the required information, the Department of Community and Regional Affairs shall investigate the proposal to determine whether the development expenditures and proposed capital program by the developer serve the public interest and demonstrate a probability of being carried forward to a successful conclusion. (§ 19 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency."

Sec. 29.18.280. Report. (a) The Department of Community and Regional Affairs shall report its findings to the Local Boundary Commission with its recommendations regarding the incorporation within 60 days of receipt of the petition for incorporation.

(b) The Local Boundary Commission shall review the petition and the findings and recommendations of the Department of Com-

Article 4. Development Cities.

Section	Section
220. Legislative findings	360. Powers and duties of council
230. Development cities	370. Powers and duties of development city executive director
240. Incorporation	380. Procedures
250. Petition for incorporation	390. Development city capital improvement funds
260. Review	400. Transition
270. Investigation	410. Housing powers
280. Report	420. Land selection
290. Decision on development city incorporation	430. Revenue bonds
300. Preliminary planning	440. Shared revenue
310. Review and report	450. Applicability of other provisions of this title
320. Limitation	460. Definition
330. Local hire	
340. Development city council	
350. Filling a vacancy	

Revisor's note (1972).—Provisions virtually identical to §§ 220—460 of this chapter were originally enacted as AS 29.76, in ch. 106, SLA 1972.

Also see ch. 110, SLA 1972, which incorporated the development city of Lost River.

Sec. 29.18.220. Legislative findings. The legislature finds that the development of natural resources in isolated and relatively unpopulated areas requires a policy and procedure which will provide planning, financial and other assistance necessary for encouraging orderly development of well-planned, diversified and economically sound new cities necessary to support the sound development of the state's resources by both the private and public sector. It is the purpose of §§ 220—460 of this chapter to set out the mutual responsibilities of the private and public sectors to achieve these objectives with a view to securing information valuable to future legislatures so that general legislation applicable to the establishment of development cities may be perfected. (§ 19 ch 118 SLA 1972)

Sec. 29.18.230. Development cities. Subject to reclassification under § 400(c) of this chapter, a development city is a city of the class designated by the Department of Community and Regional Affairs. (§ 19 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency."

Sec. 29.18.240. Incorporation. An area not served by an existing municipality which is not reasonably practicable to be served by an existing municipality may be incorporated as a development city by

(1) petition of the industrial developer to the Department of Community and Regional Affairs to be acted on by the Local Boundary Commission; or

munity and Regional Affairs within 60 days of receiving them. (§ 19 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Commu- nity and Regional Affairs" for "Local Affairs Agency" in subsections (a) and (b).

Sec. 29.18.290. Decision on development city incorporation. (a) The Local Boundary Commission may reject a petition for incorporation if it finds that

(1) the area proposed for incorporation is served by an existing municipality or could be served by an existing municipality;

(2) it is improbable that the proposed development will take place;

(3) the program and activities contemplated by this chapter may be undertaken through expansion of the corporate limits of an existing city and then declares that city to be a development city for the purpose of preferential designation under §§ 10 and 340—460 of this chapter;

(4) the program and activities contemplated by this chapter may be undertaken by establishing a service area within an existing organized borough for a development project, and declares the service area to be eligible for preferential designation under §§ 410 and 450 of this chapter;

(5) the proposed development does not serve the public interest.

(b) If the Local Boundary Commission finds that a service area within an organized borough is to be designated for preferential treatment under (a) (4) of this section, the assembly may undertake the project in the manner of a development city and shall present to the Local Boundary Commission a contractual agreement outlining responsibilities assumed by the borough and the industrial developer to implement the proposed development program.

(c) The assembly may decline findings under (b) of this section to establish a service area and in the alternative request the Local Boundary Commission to approve incorporation of a development city.

(d) The Local Boundary Commission may dissolve a development city established under § 20 of this chapter if subsequent to its incorporation

(1) the major economic development projected does not occur within a period of five years; and

(2) if the development project had been reviewed as a new project the Local Boundary Commission determines it would have rejected the petition on the basis that it is improbable the proposed development would have taken place.

(e) A commission decision under this section may be appealed under the Administrative Procedure Act (AS 44.62). (§ 19 ch 118 SLA 1972)

Sec. 29.18.300. Preliminary planning. The city shall prepare and submit to the state preliminary plans in advance of completion of the final basic comprehensive plan for the city. The preliminary plans shall include

(1) maps, documents, preliminary economic development projections, preliminary population projections, outline of the industrial developer's investigative and development expenditures and its proposed capital program, and other information required by reviewing agencies of the state;

(2) a report on the physical and biological character of the proposed city's site and a land and water use plan and the design and siting of the community to be developed based upon these natural factors. (§ 19 ch 118 SLA 1972)

Sec. 29.18.310. Review and report. (a) The division of planning and research, in conjunction with the Departments of Community and Regional Affairs, Natural Resources, and Environmental Conservation and other departments as determined appropriate by the division of planning and research, shall review the preliminary planning and additional data may be requested.

(b) The division of planning and research shall coordinate the preparation of a report and recommendations, if any, which shall be submitted to the governor within 60 days of receipt by the state of the preliminary plans from the city. The city may proceed to the completion of the final basic comprehensive plan upon satisfying any specific recommendations contained in the report.

(c) During the course of planning toward completion of the basic comprehensive development plan the division of planning and research and the Department of Community and Regional Affairs shall be kept currently informed and the final plan shall be subject to review and recommendation by the division of planning and research, which shall act in its coordinating capacity to secure review by the Department of Environmental Conservation and other state agencies as appropriate. (§ 19 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, in subsection (a), deleted "Local Affairs Agency and the" following "conjunction with the" and inserted "Community and Regional Affairs" following "Departments of." In subsection (c), the amendment substituted "Department of Community and Regional Affairs" for "Local Affairs Agency."

Sec. 29.18.320. Limitation. The city may not proceed with commitment of funds or formal undertakings for physical development until it has a signed contract or contracts for sale of the company's products in quantities shown in the economic data and submitted by the company to be adequate to sustain an economically viable operation. The company may submit alternative valid evidence that the projected operation will proceed. The company shall notify the

Department of Community and Regional Affairs of the meeting of this requirement. Unless the Department of Economic Development makes a determination that the data is insufficient, the city may proceed. (§ 19 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in the third sentence.

Sec. 29.18.330. Local hire. In consideration of the incorporation of a development city under this chapter, the major developer shall enter into an agreement with the appropriate agencies of the state concerning

(1) establishing and maintaining an approved Department of Labor on-the-job training program to qualify Alaska residents lacking in the requisite technical skills of the activities to be undertaken;

(2) establishing resident hire goals in terms of per cent of employees at the end of the first year, second year and third year of operation;

(3) establishing the responsibilities of the various state agencies towards providing technical assistance, manpower procurement, relocation assistance, job opportunity services to residents in the area, supplemental vocational training, and the scope of effort each state agency has in this regard with specific commitments in terms of numbers of residents, time schedule and dollar value of training;

(4) establishing the penalties and conditions of noncompliance with the agreement. (§ 19 ch 118 SLA 1972)

Sec. 29.18.340. Development city council. The council of a development city has five members consisting of the commissioner of the Department of Community and Regional Affairs, or his designee, and four public members designated by the governor. The governor shall appoint no fewer than two public members from a list of nominees designated by the major developer providing the industrial base of the city as measured by employment and capital investment. The council shall serve at the pleasure of the governor. The designated councilmen need not be residents of the city during its development stage. (§ 19 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, in the first sentence, substituted "commissioner" for "director" following "consisting of the" and substituted "Department of Community and Regional Affairs" for "Local Affairs Agency."

Sec. 29.18.350. Filling a vacancy. If a vacancy occurs in the council as constituted under § 340 of this chapter, the applicable appointing authority shall designate the replacement during the development stage of the city. (§ 19 ch 118 SLA 1972)

Sec. 29.18.360. Powers and duties of council. During the development stage the council of a development city may

(1) exercise the powers and duties of a school board if the city is located outside an organized borough;

(2) exercise the powers and duties of a planning commission under AS 9.33.080, except that during the first five years or until the development city has 400 permanent residents, zoning and zoning changes will be reviewed and approved by the division of planning and research and the Department of Environmental Conservation. (§ 19 ch 118 SLA 1972)

Sec. 29.18.370. Powers and duties of development city executive director. During the development stage the council shall appoint an executive director of the development city, who may be one of its members, to serve at the pleasure of the council. The executive director shall have the powers and duties of all executive and administrative city officials set out in this title in order to develop the city under a comprehensive community development plan. (§ 19 ch 118 SLA 1972)

Sec. 29.18.380. Procedures. During the development stage, the council may provide for conference telephone or radiophone meetings at times determined by the council and shall determine its own rules and order of business. (§ 19 ch 118 SLA 1972)

Sec. 29.18.390. Development city capital improvement funds. All state agencies shall, where appropriate, adopt procedures to insure that, during the development stage, the needs of a development city are carefully considered in the allocation of funds available for capital improvement projects where those funds have not otherwise been committed by the legislature. (§ 19 ch 118 SLA 1972)

Sec. 29.18.400. Transition. (a) When a development city has 400 permanent residents elections shall take place according to the following schedule:

(1) in the first year two additional councilmen who shall be city residents elected for three-year terms;

(2) in the second year two councilmen who shall be city residents elected for three-year terms to replace one of the councilmen nominated by the industrial developer and one of the public members designated by the governor;

(3) in the third year two councilmen who shall be city residents elected for three-year terms to replace the commissioner of the Department of Community and Regional Affairs and one of the councilmen nominated by the industrial developer;

(4) in the fourth year a mayor who shall be a city resident elected for a three-year term to replace the remaining councilman nominated by the industrial developer.

(b) At the time of the election under (a) (4) of this section, or any time after it, the electorate may exercise the right to become a home rule city as authorized under this title.

(c) If, within a period of five years from the incorporation of a development city, the number of permanent residents does not reach 400, the Department of Community and Regional Affairs shall order an election for city officials and designate a successor class of city based on population as provided in this title. If the department designates a successor class of city, the provisions of this title relating to that class of city apply, and the city shall be reclassified accordingly. (§ 19 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "commissioner of the Department of Community and Regional Affairs" for "local affairs director" in paragraph (3) of subsection (a). The amendment also substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in the first sentence of subsection (c) and substituted "department" for "agency" in the second sentence of that subsection.

Sec. 29.18.410. Housing powers. From the time of the appointment of the first city council and for a period of 10 years following the first election of councilmen, the council may act as its own housing and urban renewal authority if such powers have been granted to cities under applicable provisions of law. (§ 19 ch 118 SLA 1972)

Sec. 29.18.420. Land selection. (a) The Department of Natural Resources shall attempt to secure the transfer of the available federally owned land located within the boundaries of a development city into state ownership. After the transfer, a development city may select 10 per cent of the vacant, unappropriated, unreserved state land located within its boundaries. Nothing in this section affects a valid existing claim, location, or entry under the laws of the state or the United States whether for homestead, mineral, right-of-way or other purposes or affects the rights of an owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

(b) If land desired by the development city is unsurveyed at the time of its selection, the Department of Natural Resources shall survey or approve a survey by the city of the exterior boundaries of the area requested without interior subdivision and shall issue a patent for the selected area in terms of the exterior boundary survey. The cost of the survey is borne by the city. If land desired by the city has been surveyed at the time of its selection, the

boundaries of the areas requested must conform to the public land subdivisions established by the approval of the survey. Land selected by the city under this section is patented to the city by the Department of Natural Resources.

(c) After the selection of the land by the development city but before the issuance of final patent, the city may execute conditional leases and make conditional sales of selected land. (§ 19 ch 118 SLA 1972)

Sec. 29.18.430. Revenue bonds. Revenue bonds may be issued by a development city under the provisions of AS 29.58.200—29.58.220. However, no vote of the people is required to issue revenue bonds during the development stage. During the development stage revenue bonds may be issued by a majority vote of the city council. (§ 19 ch 118 SLA 1972)

Sec. 29.18.440. Shared revenue. A development city is entitled to shared revenue and other state funds on the same basis as a city or organized borough of the first class or, if reclassified under § 400(c) of this chapter, on the basis of the reclassification. During the development stage the Department of Community and Regional Affairs may establish an assumed population figure which shall be used to determine shared revenue based on population on per capita grants. (§ 19 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in the second sentence.

Sec. 29.18.450. Applicability of other provisions of this title. All applicable provisions of this title consistent with the provisions of this chapter apply to development cities. Provisions of this chapter prevail over other provisions of this title which are inconsistent. (§ 19 ch 118 SLA 1972)

Sec. 29.18.460. Definition. In this chapter "development stage" means that period of time extending from the date of incorporation of a development city until such time as the city may attain a population of 400 permanent residents, or five years from the date of incorporation, whichever is earlier. (§ 19 ch 118 SLA 1972)

HB

384



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V
State Capitol
Juneau, Alaska 99801

Official Business

DATE: 4/18/79

BILL NUMBER AND TITLE: HB384 Composition and Apportionment of Borough Assemblies

ORIGINAL SPONSOR : Branson, Malone, Parker

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 Y
Ray Metcalfe X

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Branson - Offered revised work draft for consideration by the Committee. Reviewed basic concepts of HB384.

Parr-- Suggests elimination of "elected by or appointed from" p. 2 lines 2-3. Or strike "by" and "from"

Chitwood - Municipal League has no position on the bill but suggests retaining options for municipalities to choose their own method of representation.

Palmer McCarter - Dept. of C&RA supports the concepts in the bill. Also supports options for method of local government representation.. Weighted voting needs to be removed. Court decision has declared institutionalized representation unconstitutional.

Eleven members on an Assembly should be adequate. Kenai is the only general law municipality which exceeds this number.

Questions raised as to the need for separate classifications for voter approval. (p. 2 lines 26-29)

COMMITTEE ACTION: Action to be continued.

4/27/79 HB384 Basically incorporated into H CSSB 137

TAPE # 7

SIDE

2

Sections 633-1150

Margaret.
As soon as my Committee gets its draft and I will forward it to you. We are addressing most of these questions. I hope that we make good progress.
OK

1 IN THE HOUSE

BY BRANSON

2 HOUSE BILL NO.

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 composition and apportionment
7 of borough assemblies; and providing for an effective
8 date."

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

0 * Section 1. AS 29.23 is amended by adding new sections to read:

1 Sec. 29.23.021. ASSEMBLY COMPOSITION AND APPORTIONMENT. (a)

2 Assembly composition and apportionment shall be consistent with the
3 equal representation standards of the Constitution of the United States.

4 (b) The assembly of a newly incorporated borough is, after incor-
5 poration and until the adoption of an ordinance providing for a change
6 in composition or apportionment, composed of the number of members and
7 apportioned as set out in the incorporation petition approved by the
8 voters. If a borough is already incorporated, the assembly shall be
9 composed and apportioned in a manner that is consistent with AS 29.23.-
0 023 and prescribed by charter or ordinance.

1 (c) An assembly may not provide for weighted voting.

2 Sec. 29.23.023. COMPOSITION AND REPRESENTATION REQUIREMENTS FOR

3 GENERAL LAW BOROUGHS. (a) The assembly of a general law borough may
4 not be composed of more than 11 members. *OK To Large Num.*

5 (b) The assembly of a general law borough shall provide, by ordi-
6 nance, that members of the borough assembly are

7 (1) elected at large by all qualified voters of the borough;

8 (2) elected at large by all qualified voters of the borough

9 but required to live within an election district or zone established by

Some mechanism other than the way will at the elected Assembly, how should be looked at. I will have to think some more about that.

I prefer #3 We are working now on these very questions. #2 as an alternative

the borough for the election of borough assembly members; or

(35) elected by and from election districts or zones established by the borough for the election of borough assembly members.

(c) A member of the assembly of a general law borough may not be elected or appointed by and from the council of a city in the borough.

This will be very controversial. - My experience is that it is a hell of a lot of work to save on both, but it keeps a year close to the city's problems. It also helps to have a good second assembly man if you know what I mean.

Sec. 29.23.025. ASSEMBLY RECOMPOSITION AND REAPPORTIONMENT. (a)

Not later than July 31, 1981, and, thereafter, within four months after the official report of a federal decennial census, the assembly shall determine and declare by resolution if the existing apportionment of the assembly meets the applicable standards of AS 29.23.021 - 29.23.023.

(b) If the existing apportionment of the assembly does not meet the applicable standards of AS 29.23.021 - 29.23.023, the assembly shall provide by ordinance for its reapportionment. At the same time, the assembly may change the composition of the assembly.

(c) In addition to providing for apportionment at the times required under (b) of this section, the borough assembly shall provide by ordinance for its reapportionment and may provide for a change in its composition whenever it determines, on the basis of federal census

reports or other reliable population data, that the existing apportionment does not meet the standards for apportionment in AS 29.23.021. If a petition signed by not less than 50 borough voters requests the assembly to determine whether the existing apportionment meets the standards for apportionment in AS 29.23.021, and the petition contains evidence that the existing apportionment does not meet those standards, the assembly shall make the determination requested.

To Low no could be reapportioning all the time with a Federal Census Every five yrs. That clause maybe could be eliminated.

(d) An ordinance adopted by the assembly under this section shall be submitted to the voters for approval. The vote on an ordinance submitted to the voters shall be tabulated in two separate classifications. One classification shall consist of all votes cast in

*4 Mos
Fink's
MAY
Never
get
Reapportioned*

Could be off. BAT is protection for one segment of population if they feel they are being treated unfairly. Reply about

1 the first class and the home rule cities in the borough. The other
2 classification shall consist of all votes cast in the remaining areas of
3 the borough. In order for the ordinance to be approved it must receive
4 majority approval in each classification.

5 (e) Within four months of a determination by the assembly that the
6 current apportionment does not meet the standards of AS 29.23.021 -
7 29.23.025; the assembly shall adopt an ordinance providing for reapportionment,
8 and submit the ordinance to the voters. If, at the end of the
9 four month time period, an ordinance providing for reapportionment has
10 not been approved, the Department of Community and Regional Affairs
11 shall provide for the reapportionment in accordance with the standards
12 of AS 29.23.021 - 29.23.023.

13 (f) A reapportionment ordinance, or a determination of the borough
14 assembly that applicable standards do not require adoption of a change
15 in apportionment, is subject to judicial review.

16 (g) A change in assembly apportionment or composition under this
17 section is effective beginning with the first regular election for
18 members of the assembly which follows approval of a reapportionment
19 ordinance.

20 * Sec. 2. AS 29.13.100(3) is repealed and re-enacted to read:

21 (3) AS 29.23.021; 29.23.025 - 29.23.050 (composition and
22 apportionment of borough assembly; borough assembly recomposition and
23 reapportionment; assembly representation)

24 * Sec. 3. AS 29.18.050(4) is amended to read:

25 (4) composition and apportionment of the assembly or council,
26 but the number of members of a borough assembly may not exceed 11; CK.

27 * Sec. 4. AS 29.23.040 is amended to read:

28 Sec. 29.23.040. REGULAR TERM OF OFFICE. Assemblymen are selected
29 for three-year terms and until their successors are selected and have



KENAI PENINSULA BOROUGH

BOX 850 • SOLDOTNA, ALASKA 99669
PHONE 262-4441

DON GILMAN
MAYOR

April 11, 1979

Hon. Bill Parker, Chairman
House Community and Regional Affairs Committee
Pouch V
Juneau, Alaska 99811

Re: HB 343 and HB 384

Dear Mr. Parker:

Attached is an excerpt of the Kenai Peninsula Borough
assembly minutes of April 3, 1979.

Please note the assembly opposes both bills.

Yours very truly,

Frances Brymer
(Mrs) Frances Brymer,
Borough Clerk

enc.

fb

(c) OEDP (Fischer/Moses)

Mr. Fischer reported the General Committee met and although the economic status of the borough is in a low, there is more activity in Seward than any other area. Mayor O'Reilly of Kenai reported there may be a chopstick factory in Kenai which will employ 40 people.

Mr. Moses reported Mr. Don Wold, Director, Alaska Royalty Oil Board, stated that Bonner and Moore is the consultant helping the Royalty Board in promotion and development program of a petrochemical industry. He indicated the first step to consider before inviting the petrochemical industry to the community is for that community to know what it wants and be ready to accept the consequences. The next step is to do the research then contact local oil companies for their help. It seems that community leaders talk too much and act too little.

(d) Finance Committee

Mr. McCloud reported the committee discussed the school budget and will have recommendations by the next meeting. The personal property taxes were also discussed. The recommendation on Ord. 79-13 is to postpone until further study.

(e) Solid Waste (no report)

(f) Roads and Trails Committee

Mr. Long reported the committee met last night and discussed the proposed legislation. At a future date, Mr. Bob Hadline, Regional Engineer from Anchorage, will be meeting with the committee and he will travel over some of the roads to be improved.

(g) Ports and Harbors Committee

Mr. Arness reported the committee has not had a meeting, but he had previously reported a representative of Woodward-Clyde would be present April 17 to make a presentation. Due to illness this representative will make his presentation May 1 instead.

(h) Local Affairs Committee

Mr. Campbell reported the work on the service area board's responsibilities and duties has been completed. The ordinance will be introduced April 17. It will be sent to all service area board members and at the public hearing anyone may make comment.

It is expected the attorneys on reapportionment will be at the next meeting of the committee on April 17.

(i) Legislative Overview Committee

Mr. Long reported HB 343 and 384 were included in the packet for study. The committee would like to receive recommendations from the assembly to present to the legislature on these bills.

ASSEMBLYMEMBER CORR MOVED THE ASSEMBLY GO ON RECORD AS OPPOSING HB 343 AND 384.

Mr. Campbell reported he has sent Mrs. Branson his comments on the reapportionment bill and cautioned her that the assembly is addressing many of these points. It may well be that from

the legal advice received, the assembly may have to seriously consider some of these points as an avenue to provide proper apportionment.

On HB 343, Mr. Campbell did not feel the assembly could or would mandate the control of land to a village of at least 25 persons.

Mr. Arness stated that by looking at districting of the state legislature, it is obvious it does not work well. As an example, he cited the case of the senator representing the Seward area while residing in Palmer.

Mrs. Dimmick did not believe a bill which was as poorly written as HB 343 would go anywhere. It could be very detrimental to various areas of the state.

Mr. Campbell requested division of the question.

QUESTION WAS CALLED ON OPPOSING HB 343 AND THE MOTION PASSED BY A VOTE OF 106.83 "YES" TO 7.5 "NO"; Campbell voting negatively.

QUESTION WAS CALLED ON OPPOSING HB 384 AND THE MOTION PASSED BY A VOTE OF 196.83 "YES" TO 7.5 "NO"; Campbell voting negatively.

J. MAYOR'S REPORT

(a) Tentative General Government Budget FY 1979-80

Mayor Gilman reported the tentative budget is submitted at this time to assist in examining the status of the School District and General Government proposed FY 1979-80 budgets. The general government budget has not been entirely finalized, however, the data reflects where the borough stands at this time in projecting for the coming year.

K. SCHOOL CONSTRUCTION REPORT

(a) Furniture and Equipment List (Anchor Point Elem., Seward and Soldotna High Schools (Appv. 3-19-79)

ASSEMBLYMEMBER LONG MOVED TO APPROVE THE FURNITURE AND EQUIPMENT LISTS FOR ANCHOR POINT ELEMENTARY, SEWARD AND SOLDOTNA HIGH. VOTE WAS UNANIMOUS.

(b) Memo 79-63 "Minor Capital Projects Report

During the discussion of the memo, Mrs. Douglas objected to the system of budgeting items such as the \$90,000 designated for relocating 6 portables and then finding only two portables need to be moved; also budgeting for paving hockey rinks that will not be paved. Then the borough decides to take these funds, which should have been returned to the general fund and plans to build a teacherage at English Bay. She protested this type of budgeting procedure and committing \$125,000 to building a teacherage that the assembly has heard nothing about.

Mrs. Dimmick asked about problems with the roof of the new addition at Tustumena and Mr. Hakert explained there are design problems at the Sterling and Tustumena Schools. These are mainly caused by the addition of insulation which the borough requested and this in turn caused some glaciering and other roof problems. The administration will meet with the architect on defects in the design which may have been his responsibility.



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Chapter 23. Municipal Officers and Employees.

Article

1. Borough Assembly (§§ 29.23.010—29.23.100)
2. Borough Executive and Administrator (§§ 29.23.130—29.23.180)
3. City Council (§§ 29.23.200—29.23.220)
4. City Executive and Administrator (§§ 29.23.240—29.23.290)
5. School Boards (§ 29.23.310)
6. Utility Boards (§ 29.23.340)
7. Other Officers and Employees (§§ 29.23.360—29.23.401)
8. Adoption or Repeal of Manager Plan (§§ 29.23.410—29.23.480)
9. Miscellaneous Provisions (§§ 29.23.500—29.23.580)

Article 1. Borough Assembly.

Section

10. General power
20. Composition, apportionment, and reapportionment
30. [Repealed]
40. Regular term of office
50. Qualifications

Section

60. Procedure
70. Departments
80. Assembly vacancies
90. [Repealed]
100. [Repealed]

HB 384

Sec. 29.23.010. General power. The legislative power of a borough is vested in the assembly. (§ 2 ch. 118 SLA 1972)

Establishment of department and procedures for exercise of areawide power. — The establishment of a department and of standards and procedures to be used in the exercise of an areawide power is a task for the borough assembly, in which is vested the general legislative power. 1962 Op. Att'y Gen., No. 9.

The borough assembly may set up a board of health as an advisory board and be substantially guided by such a board of health in its exercise of the public health power, as long as the borough assembly is the body finally expressing the public health power. 1962 Op. Att'y Gen., No. 9.

Borough chairman cannot serve on borough assembly. — To permit the borough chairman to serve on the borough assembly would constitute a clear violation of this section, and would violate the common law prohibition against holding incompatible offices. 1963 Op. Att'y Gen., No. 27.

But positions of borough assemblyman and school board representative can be served concurrently. — A person elected to the positions of borough assemblyman and borough school board could properly exercise the powers, privileges and duties of both offices concurrently. 1963 Op. Att'y Gen., No. 27.

Sec. 29.23.020. Composition, apportionment, and reapportionment. (a) The assembly shall be composed of the number of members and be apportioned in a manner set out in the incorporation petition approved by the voters or, if a borough is already incorporated, the assembly shall be composed and apportioned in a manner prescribed by charter or ordinance. Assembly composition and apportionment, including voting procedures based on the apportionment, may be prescribed in any manner consistent with the equal representation standards of the Constitution of the United States.

(b) Within six months of October 14, 1972, and thereafter within six months of the official report of a federal decennial census and issuance of any supplementary data to the report necessary to

4 mos.

establish population distribution within the borough, the assembly shall

(1) determine and declare by resolution whether the existing assembly apportionment meets the standards designated under (a) of this section;

(2) if the existing apportionment does not meet the designated standards, provide by ordinance for reapportionment and, if it chooses, changes in assembly composition, in accordance with the designated standards;

(3) submit the ordinance to borough voters for approval or rejection as provided in (c) of this section.

Same

(c) The vote on an ordinance submitted under (b) (3) of this section shall be tabulated in two separate classifications. One classification shall consist of all votes cast in the first class and the home rule cities of the borough. The other classification shall consist of all votes cast in the remaining areas of the borough. In order for the ordinance to be approved it must receive majority approval in each classification. If, at the end of the time period prescribed in (b) of this section, no ordinance has been approved, the Department of Community and Regional Affairs shall provide for the reapportionment in accordance with the standards designated in (a) of this section.

Same

(d) In addition to providing for apportionment at the times required under (b) of this section, the borough assembly shall provide for its reapportionment and, if it chooses, a change in assembly composition, whenever, on the basis of federal census reports or other reliable population data, it determines that the existing apportionment does not meet the standards for apportionment designated in (a) of this section. The assembly is required to determine whether the standards are being met upon petition of 50 borough voters. The petition must include reliable evidence that the existing apportionment of the assembly does not meet the designated standards. Reapportionment under this section shall be implemented by ordinance or by act of the Department of Community and Regional Affairs in the same manner as prescribed for reapportionment in (c) of this section.

Same

(e) Members of the assembly are selected according to assembly composition and apportionment set out in the incorporation petition approved by the voters or subsequently provided in accordance with this section. A change in assembly composition or apportionment under this section shall be effective beginning with the next regular election to the assembly.

(f) Assembly or Department of Community and Regional Affairs determinations or reapportionments made under this section are subject to judicial review. The running of time periods specified

in (b) of this section shall be tolled until a final judgment is rendered in an action brought under this subsection.

Same

(g) This section applies to home rule and general law boroughs. (§ 2 ch 118 SLA 1972; am § 12 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Cross reference.—See Editor's note to AS 29.18.120.

Effect of amendments. — The first 1972 amendment rewrote this section.

The second 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in the last sentence of subsections (c) and (d), and in the first sentence of subsection (f).

This section provides a convenient method for reapportioning whenever necessary. 1965 Op. Att'y Gen., No. 5.

It does not indicate what population data may be used by the reapportioning agency. 1965 Op. Att'y Gen., No. 5.

However, the agency may use population data other than official census figures in reapportioning seats or votes. 1965 Op. Att'y Gen., No. 5.

The only limit imposed by this section is that a reapportionment plan may not take effect until the next assembly election. 1965 Op. Att'y Gen., No. 5.

Sec. 29.23.030. Election and appointment.

Repealed by § 16 ch 118 SLA 1972.

Cross reference.—See Editor's note to AS 29.18.120.

Editor's note.—The repealed section derived from § 2, ch. 118, SLA 1972.

Sec. 29.23.040. Regular term of office. Assemblymen are selected for three-year terms and until their successors are selected and have qualified, unless different terms not exceeding four years are prescribed by borough charter or ordinance. However, if under a borough apportionment city councilmen are appointed as assemblymen or elected to dual assembly-council seats, they may not be replaced until their assembly term expires as provided by city charter or ordinance, or they cease to be a member of either the assembly or council. The current term of incumbent assemblymen may not be altered under this section. This section applies to home rule and general law boroughs. (§ 2 ch 118 SLA 1972; am § 13 ch 118 SLA 1972)

Cross reference.—See Editor's note to AS 29.18.120.

Effect of amendment. — The 1972 amendment rewrote this section.

Editor's note.—Section 20, ch. 118, SLA 1972, provides: "The terms of

elected officials who are incumbents on September 10, 1972, are not affected by this Act. Their terms expire as provided before enactment of this Act."

Sec. 29.23.050. Qualifications. A resident of the borough is eligible to be an assemblyman if he is a borough voter. An assemblyman who ceases to be a borough voter immediately forfeits his office. An assemblyman elected from or selected to represent a borough area less than the borough area at large and who becomes a resident of another area may continue to serve only until the next regular election. The assembly may by ordinance establish residence requirements for assemblymen not exceeding three years.

Chapter 23. Municipal Officers and Employees.

Article 1. Borough Assembly.

Sec. 29.23.010. General power.

Lack of a valid legislative body would not prevent the valid incorporation of a municipality. This conclusion is bolstered by noting that Alaska's newly-enacted Municipal Government Code has completely separated the statutes relating to the incorporation procedure from those relating to the borough's legislative body.

Jefferson v. State, Sup. Ct. Op. No. 1084 (File No. 2000), 527 P.2d 37 (1974).

The incorporation of a municipality is a process both conceptually and functionally distinct from that of establishing a legislative body for that corporation. *Jefferson v. State*, Sup. Ct. Op. No. 1084 (File No. 2000), 527 P.2d 37 (1974).

Sec. 29.23.020. Composition, apportionment, and reapportionment.

Section supersedes home-rule enactments. — By AS 29.13.100 the legislature has specifically provided that this section supersedes existing and prohibits future home-rule enactments which provide otherwise. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

Section is ambiguous as to when voter ratification of subsequent apportionment plan required. — This section is ambiguous as to whether there must be voter ratification of an apportionment plan when the existing plan has not been determined to be unconstitutional. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

Such ratification is required when existing plan not found unconstitutional. — Voter ratification of a subsequent apportionment plan is required when the existing plan has not been determined to be unconstitutional. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

Authority to alter apportionment, etc., when apportionment is unconstitutional. — The assembly is required to take action when it determines that the apportionment of its assembly fails to meet the standards of the equal protection clause of the United States Constitution. Under those circumstances, authorization is granted to the assembly to make changes in its composition as well as to make the necessary reapportionment. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

But section is ambiguous as to authority when apportionment not found unconstitutional. — This section is

ambiguous as to whether the assembly may alter either its apportionment or composition when the existing arrangement has not been found by the assembly to be unconstitutional. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

This section may have several referents: (a) that the make-up of the assembly may initially be composed and apportioned in a manner prescribed by the charter or ordinance, (b) that there may be changes made in the composition and apportionment by charter or ordinance at any time or (c) such changes may only be made in the manner spelled out in subsections (b) and (d) of this section which mandate such changes when the assembly apportionment fails to meet equal representation standards. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

The words in subsection (a), "... If a borough is already incorporated, the assembly shall be composed and apportioned in a manner prescribed by charter or ordinance," while not ambiguous in themselves, refer to several different possible applications. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

This particular ambiguity is best resolved in favor of the assembly having the power of reapportionment itself or alter its composition even when there has been no determination of unconstitutionality. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

Section is ambiguous as to when election required for reapportionment. — Taking in conjunction this section's silence

as to whether an election is required for reapportionment with its silence on the power of the assembly to reapportion in the absence of a determination of unconstitutionality, the supreme court found ambiguity exists as to whether an election is required. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 523 P.2d 450 (1974).

The legislature intended that all reapportionment ordinances be submitted to the electorate. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 523 P.2d 450 (1974).

Sec. 29.23.060. Procedure.

Cross reference.

As to abstaining from official action when there is a conflict of interests, see AS 29.23.555.

Article 2. Borough Executive and Administrator.

Section

130. Power generally

Sec. 29.23.130. Power generally.

(b) A borough voter is eligible to be borough mayor. The assembly may by ordinance establish residence requirements for candidates for borough mayor not exceeding three years.

(e) A borough adopting a manager plan may, by agreement with a city, enter into a contract providing for the manager of a city located within the borough to serve also as borough manager. A city adopting a manager plan may, by agreement with a borough, enter into a contract providing for the manager of a borough within which the city is located to serve also as city manager. Appointment and service of the manager shall be as otherwise provided for managers in §§ 130 — 150 and §§ 450 — 470 of this chapter. Nothing in this subsection affects the authority of the assembly or council to provide for other dual officeholding if the dual offices held are compatible or otherwise to appoint officers and employees in accordance with law.

(am § 1 ch 6 SLA 1975; am § 1 ch 63 SLA 1976)

Effect of amendments. — The 1975 amendment, effective February 17, 1975, added subsection (e).

The 1976 amendment added the second sentence of subsection (b).

As the rest of the section was not affected by the amendments, it is not set out.

Article 3. City Council.

Section

200. Composition, eligibility, election and term

Presented by: Committee of The Whole
Introduced: 07-20-78
Referred to:
Public Hearing: 08-03-78

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU ALASKA

Serial No. 78-25

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE
REAPPORTIONMENT OF ASSEMBLY SEATS AND DETERMINING
THE ELECTION OF CANDIDATES IN MULTI-MEMBER DISTRICTS

Section 1. This ordinance is of a general and permanent nature and shall become a part of the city and borough code.

Section 2. City and Borough of Juneau Title 11 is amended by adding a new chapter 30 reading as follows:

CHAPTER 11.30
ASSEMBLY REAPPORTIONMENT

Section 010. Definitions. (a) "Adequate census" shall be the decennial census of the United States or such other similar, comprehensive census or data as may be performed or collected more frequently by the United States, the state or the municipality which has been determined by the assembly by motion to indicate that there is a representational disparity between assembly districts of greater than 15% and to be an adequate basis for establishing appropriate districts. Except for the United States decennial census, census data must be less than 2 years old when presented to the assembly or when filed with the clerk if filed as a part of a petition under section 30.

(b) "Commission" shall be the commission appointed by the assembly or the court as provided in this chapter for the purpose of reapportioning the assembly.

(c) "Date of the determination of an adequate census" and similar terms mean the day upon which the assembly determines that a report of population distribution within the city and borough and/or other data or materials constitute an adequate census as defined in section 10 of this chapter or is the date of its receipt at a regular or special meeting of the findings, conclusions and order of the court under section 30 (c) of this chapter.

(d) "Employee of the municipality" includes all persons whose salary is paid out of appropriations made by the assembly.

Section 020. Voluntary Census Determination. The assembly may, on its own motion or the request of any resident or local organization, consider whether a designated report of

population distribution and/or other data constitutes an adequate census as defined in section 10 of this chapter.

Section 030. Census Determination Upon Petition. (a) Upon the receipt of a valid petition signed by municipal voters equal to 25% of those who voted in the last regular municipal election requesting the assembly determine certain population and/or other data to be a census as defined in section 10 of this chapter, the assembly shall, within 30 days of receipt of the petition hold a public hearing on the question and at the same or a later meeting determine whether the material accompanying the petition and any other material presented at the hearing or any combination of materials before the assembly constitutes an adequate census as defined in section 10 of this chapter.

(b) If within 60 days of the receipt of a valid petition, the assembly has not made a final determination of whether the materials before it constitute an adequate census as defined in section 10 of this chapter or if the assembly has determined that such materials do not constitute an adequate census, one or more persons who signed the petition may appeal to the Superior Court the assembly's negative determination or its failure or refusal to decide. The question on appeal shall be whether the population report and other materials filed with the petition, and offered at the hearing if a hearing was held, constitute an adequate census as defined in section 10 of this chapter.

(c) If the court finds in favor of the appellants, it shall enter its findings of fact and conclusions of law and shall order reapportionment to proceed under the ordinance as if the assembly itself had determined the relevant materials constitute an adequate census as defined in section 10 of this chapter.

(d) No petition shall be valid unless it contains sufficient signatures which conform to the requirements for signatures for city and borough initiative and referendum petitions. The petition shall be filed with the clerk and shall be accompanied by all materials and data which the petitioners believe constitute an adequate census. The data and materials need not accompany the petitions while being circulated for signatures. Signatures must be gathered within 6 months of the date of filing. No petition shall be valid if filed with the clerk within 4 years of an election at which a reapportionment was implemented. Each page of the petition shall contain a petition request reading substantially as follows: "The undersigned qualified municipal voters petition the Assembly of the City and Borough of Juneau to determine that the materials and data filed with this petition show a representational disparity between assembly districts of greater than 15% and that the materials and data are also an adequate basis for establishing appropriate districts and otherwise meet the requirements of an adequate census as

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defined in City and Borough of Juneau Ordinance CBJ 11.30 and that the assembly proceed with reapportionment."

Section 040. Assembly Reapportionment. The assembly shall cause to be introduced an ordinance reapportioning the assembly in accordance with the standards provided in this chapter within 90 days of the date of determination of an adequate census.

Section 050. Appointment of Reapportionment Commission by Assembly. The assembly shall appoint a reapportionment commission immediately upon:

(1) The failure of the assembly to introduce a reapportionment ordinance within 90 days of its determination of an adequate census, or

(2) the failure of the assembly to adopt a reapportionment ordinance within 120 days after its determination of an adequate census, or

(3) a determination by the assembly that it should be reapportioned by a commission.

Section 060. Appointment of Reapportionment Commission by Court. The Superior Court having jurisdiction over the city and borough of Juneau may appoint a reapportionment commission upon the petition of any resident of the city and borough and upon a showing that:

(1) the assembly has failed or refused, for any reason, to introduce a reapportionment ordinance within 90 days of the determination of an adequate census or to adopt a reapportionment ordinance within 120 days of such determination, or

(2) the effect of an adopted reapportionment ordinance has been suspended or defeated by rescission, reconsideration or other act of the assembly during the 30 day period between the adoption of the ordinance and the date upon which it becomes effective and such suspension or defeat has continued more than 180 days after the determination of an adequate census.

Section 070. Reapportionment Commission Composition, Functions and Duties. (a) The reapportionment commission appointed by the assembly or by the court under this chapter shall consist of three persons who are qualified municipal voters, none of whom may be an employee of the municipality or a member of the assembly or any municipal commission, committee or board created by ordinance, charter or statute. The commission shall meet within 30 days of the appointment of the third member and shall elect from its membership a chairman, vice-chairman, and secretary and shall adopt rules of procedure to govern the conduct of its meetings.

(b) The manager or his designee shall provide all support needed for the commission in the execution of its duties. Costs incurred by the commission shall be borne by the municipality. All purchases of goods and services in support of commission activities shall be accomplished by the manager or his designee in accordance with applicable ordinances. The assembly, by resolution, may provide for the payment of an honorarium, per diem, or compensation to members of the commission.

(c) The commission shall, within 90 days of its first meeting, adopt and transmit to the assembly, a resolution for the reapportionment of the assembly. The resolution shall be accompanied by a comprehensive report by the commission supporting its plan, which summarizes the public testimony before the commission, and which addresses the factors considered by the commission in reaching its decision. The commission shall hold at least one public hearing to receive public suggestions for reapportionment schemes prior to its proposing a plan and shall hold at least one public hearing for the purpose of receiving public comment on the reapportionment plan proposed by the commission. The first public hearing on the proposed reapportionment plan shall be held not less than two weeks nor more than four weeks after the publication by the commission of its proposed reapportionment plan and notice of the hearing. After the first public hearing on the proposed reapportionment plan, the commission may, by resolution, adopt its proposed plan with or without modification.

(d) Unless extended by the assembly by motion, the term of the commission shall expire 15 days after receipt by the assembly of both the reapportionment resolution and report adopted by the commission.

Section 080. Status of Commission Reapportionment Plan. (a) The reapportionment plan adopted by resolution by the commission shall be deemed to be an assembly-instituted plan, whether the commission is appointed by the assembly or the court.

(b) The assembly may change a commission adopted plan only by ordinance.

Section 090. Effective Date of Reapportionment. (a) A reapportionment by ordinance shall become effective on the day the ordinance takes effect.

(b) A reapportionment by commission shall become effective upon the date the commission delivers its reapportionment resolution and report to the assembly at a regular or special assembly meeting.

(c) If a reapportionment plan must be reviewed and approved by an agency of the State of Alaska or the United States before such reapportionment may take effect, the assembly shall cause the reapportionment ordinance or resolution and supporting data to be submitted to the appropriate agency immediately upon assembly adoption or receipt. Notwithstanding paragraphs (a) and (b) of this section, a reapportionment subject to state or federal review shall not take effect until the day of the meeting at which the assembly receives notice of agency approval or the day the assembly determines the agency no longer has authority to disapprove the reapportionment or it is otherwise deemed by agency inaction to be approved.

(d) A reapportionment which has become effective shall be implemented at the next regular municipal election at which assemblymen are elected which occurs 90 or more days after the reapportionment becomes effective and which is not less than the fifth regular election following the last election at which a reapportionment was implemented.

Section 100. Reapportionment Standards, Methods and Goals. (a) Reapportionment shall be for assemblyman residency purposes only. Election of assemblymen shall be at large.

(b) The assembly or commission shall give consideration to the following factors when establishing a reapportionment plan:

(1) overall population distribution, which shall be the primary factor and which shall be utilized to insure that the one person one vote standard applicable to such municipal apportionment is met,

(2) available demographic factors which affect voter behavior shall be utilized to insure that the voting strength of racial and political elements of the voting population are not minimized or cancelled out,

(3) the policy expressed by the voters in adopting a charter for the unification of all local governments in 1970,

(4) clarity of boundaries,

(5) the geographic extent of different local government functions and concerns and the extent of common municipal interests to insure that each assembly district is compact, contiguous and contains a population with common municipal interests and concerns; provided, compactness and contiguity need not exist where it is shown that common municipal interests are better served by combining areas which are not compact or are not contiguous,

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(6) boundaries of historically recognized or newly developed communities within the city and borough,

(7) other appropriate factors.

(c) Reapportionment may be accomplished by the creation of new districts, the creation of one or more multi-member districts, the deletion of existing districts, the modification of existing district boundaries, or any combination of the foregoing.

Section 110. Content of Plan. A reapportionment plan, whether by ordinance or commission resolution, shall,

(1) describe the boundaries of each district,

(2) designate the number of seats to which residents of each district are to be elected, and

(3) designate the length of the initial term for each seat in order to minimize and make more uniform the number of seats open for election within the entire city and borough and within multi-member districts at any subsequent election.

Section 120. Effect of Plan on Incumbents. The term of an assemblyman representing a district which will be changed in size or shape or which will lose one or more seats shall end on the date of the election at which the reapportionment plan is implemented. The addition of one or more seats to a district which will not be changed in size or shape shall not affect the term of an incumbent elected from that district.

Section 3. CBJ 29.05.060 is hereby repealed and reenacted to read as follows:

CBJ 29.05.060 Candidate Districts. (a) School board candidates shall run and be elected at large.

(b) Candidates for the office of mayor shall run and be elected at large.


(c) Candidates for the office of assemblyman shall be elected at large but shall be residents of the district from which they run.

(d) In any election of school board members or any election of assembly members involving a multi-member district, the candidates receiving the highest number of votes shall be deemed elected to the vacant seats. If vacancies exist on the school board or within a multi-member assembly district for seats with different terms, the candidate receiving the

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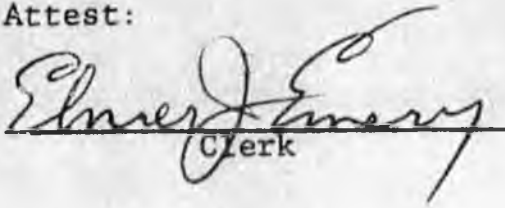
highest number of votes shall be deemed elected to the seat with the longest term and the candidate who was elected with the fewest number of votes shall be deemed elected to the seat with the shortest term; seats for other terms of different lengths shall be similarly determined in accordance with the number of votes received.

Adopted this 3rd day of August, 1978.



Mayor

Attest:



Clerk

Presented by: C.O.W.
Introduced: 1-4-79
Referred to:
Public Hearing:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 79-1

AN ORDINANCE AMENDING CBJ 11.10.030
TO REAPPORTION THE SEATS ON THE ASSEMBLY

WHEREAS, the assembly, by Ordinance 78-25, has established a procedure for the reapportionment of assembly seats, and

WHEREAS, the assembly has examined the current voter registration records of each precinct within the City and Borough of Juneau, an extrapolation of population from such figures and an estimate of population made from other sources by the Planning Department of the City and Borough of Juneau, and

WHEREAS, the assembly, on December 21, 1978 determined that the data therein constitutes an adequate census as defined in CBJ 11.30.010 and

WHEREAS, the assembly deems it appropriate to reapportion itself by ordinance, and

WHEREAS, the assembly has considered the standards, methods and goals of reapportionment as set forth in CBJ 11.30.100 and finds that the standards will be best met and an appropriate balance of the goals expressed therein will be achieved by retaining the existing election district boundaries and moving one seat from District No. 1 to District No. 3,

NOW THEREFORE BE IT ENACTED by the assembly of the City and Borough of Juneau, Alaska:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the city and borough code.

Section 2. Amendment of Section. CBJ 11.10.030(b) is amended to read as follows:

(b) Other assemblymen shall be elected at large by the qualified voters of the municipality and shall each be residents of individual districts as follows:

(1) Three assemblymen shall be residents of District No. 1;

(2) One assemblyman shall be a resident of District No. 2;

(3) Four assemblymen shall be residents of District No. 3;

Section 3. Amendment of Section. CBJ 11.10.030(c) is amended to read as follows:

(c) the term of office of the Mayor and other assemblymen shall be three years and shall begin immediately following the certification of the election at which they were elected; provided, at the election at which the reapportionment set forth in Ordinance Serial No. 79-1 is implemented, in District No. 1, one seat shall be for an initial term of one year, one seat shall be for an initial term of two years and one seat shall be for an initial term of three years; the new seat in District No. 3 shall be for an initial term of three years.

Section 4. Addition of New Section. There is adopted a new section CBJ 11.10. 030(d) reading as follows:

(d) The boundaries of the election districts shall be as follows:

(1) District No. 1 consists of the former City of Juneau including West Juneau.

(2) District No. 2 consists of all of Douglas Island which is not a part of District No. 1.

(3) District No. 3 consists of the remaining area within the boundaries of the City and Borough of Juneau.

Section 5. Renumbering of Existing Section.
Existing section CB.I 11.30.030(d) is renumbered as (e).

Adopted this 18th day of January, 1979.

D. D. Asintra
Mayor

Attest:

Elmer J. Emery
Clerk

BILL NO. HB 384 re Composition Apportionment of Borough Assembly

Received from _____
Referred to Judiciary

Original Sponsor _____
Fiscal Note _____

LAA Legal Research Contact Chenoweth

CONTACTS:

- ✓ Benson
- ✓ Malone
- ✓ Parker
- ✓ C+RA
- ✓ Municipal League

HB

417

DR. ROY A. BOX and DR. GILBERT H. KEMP
OPTOMETRISTS
611 WILLOUGHBY AVENUE • JUNEAU, ALASKA 99801

March 23, 1979

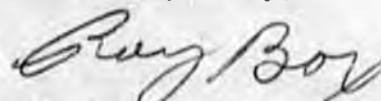
Rep. Parker, Chairman
Community & Regional Affairs
Pouch V
Juneau, Alaska 99811

Re: House Bill 417

Dear Rep. Parker:

I'd like to make a suggestion concerning an amendment on H.B. 417, relating to state shared revenues for support of medical and dental services in rural areas etc. A better title for the bill might be "Relating to An Act Relating to State Shared Revenues for the Support of Health Care Services in Rural Areas." The reason for this suggested title change is that many health care services are provided by practitioners other than physicians and dentists. My profession is a prime example of this and if this bill were enacted with the present language it would deprive citizens in these areas of the services of an optometrist. I'd also like to suggest that on page 2, line 16, define health care provider as a person licensed to provide health care in the state of Alaska. This would also allow doctors of optometry and other licensed health care practitioners to provide services under this legislation. If the writers of the legislation intended for just medical and dental services, then it would be my suggestion that these services be limited to conditions that are not treated by other health care providers. If this is the case, it would seem that the legislation is short sighted because one of the most common problems in remote areas of Alaska is the lack of adequate vision care services. The P.H.S. has put two optometrists on their staff in the past ten years to help alleviate this situation and an optometrist is now on the staff of the Yukon Kuskokwim Health Corp. also as an attempt to help alleviate this very serious problem. I would be interested in the progress of this bill and would appreciate it if you could give me a call at my office at 586-2501, if and when hearings are to be held. Thank you for your consideration.

Yours very truly,


Roy A. Box, O.D.

RAB:jc

cc: Rep. Miller & Rep. Duncan

COMMUNITIES IN THE UNINCORPORATED BOROUGH

HOME RULE	FIRST CLASS	SECOND CLASS	UNINCORPORATED	POPULATION
1			ADAK	?
2			AGUIKCHUK	?
3		AKIACHAK		354
4		AKIAK		192
5		AKOLMIUT		608
6			AKULLIRAK	?
7			AKUTAN	68
8			ALAGANIK	?
9		ALAKANUK		533
10		ALEKNAGIK		227
11		ALLAKAKET		216
12		AMBLER		273
13			ANANDALE	?
14		ANDERSON VILLAGE		470
15		ANGDON		527
16		ANIAK		355
17			ANOGOK	?
18		ANVIK		102
19			ARCTIC VILLAGE	120
20			ATKA	90
21		ATMAUTLUAK		186
22			ATTU	?
23			BEAVER	85
24			BELKOFSKI	25
25		BETHEL		3,608 +++
26			BETTLES	84
27			BIG DELTA	?
28			BOUNDARY	?
29		BREVIK MISSION		194
30		BUCKLAND		176
31			CALDER	?
32			CANDLE	4
33			CANTWELL	150
34			CAPE FANSHAW	?
35			CAPE POLE	250
36			CAPE YAKATAGA	?
37			CARD	?
38			CENTRAL	20
39			CHALKYITSIK	92
40			CHANDALAR	?
41		CHEFORNAK		204
42			CHENEGA	?
43		CHEVAK		461
44			CHICHAGOF ISLAND	?
45			CHICKEN	?
46			CHIGNIK	68
47			CHIGNIK LAKE	68
48			CHISANA	?
49			CHISTOCHINA	180
50			CHITINA	84
51			CHOMLY	?
52			CHRISTIAN	?
53		CHUATHBALLIK		119
54			CIRCLE	76
55			CIRCLE HOT SPRINGS	10
56		CLARKS POINT		98
57			COLD BAY	128
58			COPPER CENTER	384
59	CORDOVA			2,780 +++
60			COUNCIL	15

62			CROOKED CREEK	125
63		DEERING		117
64		DELTA JUNCTION		892
65			DIAMOND	?
66	DILLINGHAM			1,360
67		DIOMEDE		125
68			DISHKAKAT	?
69			DOT LAKE	266
70			DUNBAR	?
71			DUTCH HARBOR	?
72		EAGLE		124
73			EDNA BAY	?
74		EEK		307
75			EGAVIK	?
76			EGEGIK	100
77			EKUK	18
78		EKWOK		111
79			ELFIN COVE	55
80		ELIM		288
81			EMANGUK	?
82		EMMONAK		556
83			EUREKA LODGE	?
84			EVANSVILLE	?
85			FALSE PASS	50
86			FAREWELL	?
87			FERRY	?
88			FLAT	61
89			FORT GLEN	?
90		FORT YUKON		637
91		FORTUNA LEDGE		210
92			FUNTER	?
93			GAKONA	85
94	GALENA			631
95		GAMBELL		447
96			GEORGETOWN	?
97			GLENNALLEN	494
98			GOLDEN	?
99		GOLOVIN		118
100		GOODNEWS BAY		248
101		GRAYLING		181
102			GULKANA	58
103			GUSTAVUS	70
104			HAWK INLET	?
105			HAYCOCK	?
106			HEALY	300
107			HERENDEEN BAY	?
108			HUG RIVER	?
109			HOLOGACHAKET	?
110		HOLY CROSS		302
111	HOONAH			1,093
112		HOOPER BAY		648
113		HUGHES		98
114		HUSLIA		216
115	HYDABURG			380
116			HYDER	55
117			IDITAROD	?
118			IGIAK	?
119			IGUIGIG	52
120			IGUSHIK	?
121			ILIAMNA	204
122			INGER	?
123			ITULILIK	?
124			IVANOF BAY	26
125			JACK WADE	?
126	KAKE			679

128			KALLA	?
129				218
130			KALSKAG (LOWER)	164
131			KALSKAG (UPPER)	257
132			KALTAG	?
133			KANATAK	?
134			KANTISHNA	?
135			KARHEEN	?
136			KASAAN	46
137			KASHEGELOK	?
138			KASHIAGAMIUT	?
139			KASKANAK	?
140			KATALLA	?
141			KIANA	331
142		KING COVE	KINEGAK	?
143				566
144			KIPNUK	387
145				227
146		KLAWOK	KIVALINA	323
147			KOBUK	176
148			KOGGIUNG	?
149			KOKRINES	?
150			KOLIGANEK	141
151			KONGIGANAK	193
152			KOTLIK	305
153			KOTZEBUE	2,526
154			KOYUK	160
155			KOYUKUK	124
156			KULIUK	?
157			KUPREANDF	42
158			KUSKOVAK	?
159			KVICHAK	?
160			KWETHLUK	444
161			KWIGAMIUT	?
162			KWIGILLINGOK	194
163			KWIKPAK	?
164			LATOCHE	?
165			LEVELOCK	98
166			LIME VILLAGE	45
167			LIVENGOOD	100
168			LONG	?
169			LOWER TONSINA	?
170			MANLEY HOT SPRINGS	74
171			MANDKOTAK	250
172			MCCARTHY	?
173			MCGRATH	382
174			MCKINLEY PARK	100
175			MEAKERVILLE	?
176			MEDFRA	17
177			MEKORYUK	186
178		* METLAKATLA	MENTASTA LAKE	152
179				1,119
180			MEYERS CHUCK	48
181			MILLER HOUSE	?
182			MILLERS CAMP	?
183			MINTO	150
184			MOUNTAIN VILLAGE	573
185			NABESNA	?
186			NABESNA VILLAGE	?
187			NAPAIMUIT	?
188			NAPAKIAK	307
189			NAPASKIAK	215
190			NATION	?
191			NELSON LAGOON	?
192		NENANA		503
193			NEW ILIAMNA	?

194		NEWHALEN		105	
195		NEWTOK		154	
196		NIGHTMUTE		135	
197		NIKOLAI		152	
198			NIKOLSKI	55	
199			NIZINA	?	
200			NOATAK	280	
201			NOGAMUT	?	
202	NOME			2,892	+++
203		NONDALTON		226	
204		NOORVIK		524	
205			NORTHEAST CAPE	?	
206			NORTHWAY	?	
207			NORTHWAY JUNCTION	?	
208			NUCHEK	?	
209		NULATO		382	
210			NUNCHUAK	?	
211			NUSHAGAK	?	
212			NYAC	?	
213			OLD RAMPART	?	
214			OPHIR	?	
215			PAVLOFF HARBOR	?	
216			PAXSON	391	
217			PEDRO BAY	38	
218	PELICAN			221	
219			PERRYVILLE	90	
220	PETERSBURG			3,197	+++
221			PIKMIKTALIK	?	
222			PILGRIM SPRINGS	?	
223			PILOT POINT	60	
224		PILOT STATION		301	
225			PITKAS POINT	88	
226		PLATINUM		58	
227			POORMAN	?	
228		PORT HEIDEN		89	
229			PORT MOLLER	51	
230			PORT NELLY	?	
231			PORT SAN JUAN	?	
232			PTARMIGAN	?	
233			PUGUVILLAK	?	
234		QUINHAGEK		451	
235			RAMPART	60	
236			RAMPART HOUSE	?	
237			RAPIDS	?	
238			RED DEVIL	47	
239			REINDEER STATION	?	
240		RUBY		219	
241		RUSSIAN MISSION		167	
242			SAINT GEORGE ISLAND	?	
243	SAINT MARYS			436	
244		SAINT MICHAEL		283	
245		SAINT PAUL ISLAND		522	
246			SALMON	?	
247			SANAK	?	
248	SAND POINT			773	
249		SAVOONGA		409	
250		SCANMON BAY		193	
251			SCOW BAY	?	
252		SELAWIK		554	
253			SERPENTINE HOT SPRINGS	?	
254		SHAGELUK		223	
255		SHAKTOOLIK		163	
256		SHELDON POINT		143	
257			SHEMYA	?	
258		SHISHMAREF		353	

260		SINUK	?
261	SKAGWAY		877
262		SIANA	?
263		SLEETMUTE	175
264		SOLOMON	?
265		SOURDOUGH	?
266		SQUAW HARBOR	20
267			326
268		STEBBINS	1,250
269		STERLING	80
270		STEVENS VILLAGE	70
271		STONE RIVER	?
272		STUYDOK	?
273		SUMDUM	?
274		SUNTRANA	100
275		TACHIKUGA	?
276		TAKOTNA	50
277		TANACROSS	128
278		TANALIAN POINT	?
279			499
280		TANANA	
281		TATITLEK	69
282		TAYLOR	?
283		TELLER	258
284		TENAKEE SPRINGS	134
285			
286		TETLIN	107
287		TETLIN JUNCTION	?
288		THORNE BAY	500
289			455
290		TOGIK	
291		TOK	735
292		TOKEEN	60
293		TOKLAT	?
294			336
295		TOKSOOK BAY	
296		TONGASS	?
297		TONSINA	?
298			231
299		TULUKSAK	221
300		TUNTUTULIAK	299
301	UNALASKA		
302		TWIN HILLS	82
303		TYEE	?
304	VALDEZ	UGASHIK	?
305			632
306		UNALAKLEET	619
307			
308		LINGA	?
309		UNIMAK ISLAND	?
310		USIBELLI	100
311			4,481 +++
312		VENETIE	130
313	WRANGELL	VENETIE LANDING	?
314	YAKUTAT		130
		WALES	15
		WATERFALL	115
		WHITE MOUNTAIN	356
		WHITTIER	?
		WISEMAN	?
		WOODCHOPPER	?
			3,152 +++
			442

Prepared by:
Legislative Affairs Agency

MAR 23 1979

Research Division

* ORGANIZED UNDER FEDERAL LAW
 +++ POPULATION >= 2000 AND <= 7500
 TOTAL POPULATION IN UNORGANIZED BOROUGH = 69,415
 (1) OPERATIONS ON ALL COMMUNITIES IN UNORGANIZED BOROUGH

(1) OPERATIONS ON ALL COMMUNITIES IN UNORGANIZED BOROUGH

HB

429

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY

March 27, 1979

Date: _____

Mr. Speaker:

The Committee on C&RA has had HB 429

"An Act relating to the levy of property taxes by municipalities; and providing for an effective 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 HB 429 same title
 new title
- and recommends do not 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]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Do Not Pass Margaret Brown

Do Not Pass [Signature]

Charles [Signature]

Fred A. Zhauff Do Not Pass

[Signature]

CHAIRMAN



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

COMMITTEE MINUTES

DATE: 4/27/79

BILL NUMBER AND TITLE: HB429 HB429 Relating to the levy of property taxes
by municipalities,

ORIGINAL SPONSOR : Phillips

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT:	Bill Parker	X	Pat Carney	X
	Margaret Branson	X	Charlie Parr	X
	Pat O'Connell	X	Fred Zharoff	X
			Ray Metcalfe	X

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Randy Phillips, Sponsor
Reviews provisions of bill and need for it. Suggests that is be amended on SB 137.

Metcalfe suggests rewriting by striking
Lines 10-16.

Marilyn Miller, Municipal League
Opposed to bill. There is sufficient opportunity for public input now. The deadlines would hold up the process.

Don Argetsinger, Dept. of C&RA
Budget process provides for adequate opportunity for input now. Opposes burdening the municipalities further.

Mark up done on bill. CS to be drafted.

COMMITTEE ACTION: Bill passed out with above noted changes in CS.

TAPE # 8 SIDE 1 Sections 1241-1565

C&RA

BILL WORK SHEET

BILL NO. HB 429 re Levy of Property Taxes by Municipalities

Received from _____
Referred to _____

Original Sponsor _____
Fiscal Note _____

LAA Legal Research Contact _____

CONTACTS:

✓ Phillips 4949

Introduced: 3/27/79
Referred: Community & Regional
Affairs and Judiciary

1 IN THE HOUSE

BY PHILLIPS

2 HOUSE BILL NO. 429

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 levy or property taxes by
7 municipalities; and providing for an effective date."

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

9 * Section 1. AS 29.53.170(b) is amended to read:

10 (b) The manager of a borough which has adopted a manager plan, or
11 the mayor of a borough which has not adopted a manager plan, shall, on
12 or before May 15, present to the assembly an estimate of the tax rate
13 which, if applied to the value of taxable property within the borough
14 during the current assessment year, would yield the same amount of
15 revenue received from the levy and collection of ad valorem taxes during
16 the preceding assessment year. A tax rate which is higher than the
17 estimated tax rate presented by the mayor or manager may be imposed only
18 if the assembly first advertises its intention to impose the higher tax
19 rate by mailing to every owner of real property in the borough a notice
20 of the proposed higher tax rate which describes the reasons for or pur-
21 pose of the higher tax rate, provides notice of the time and place of a
22 hearing on the proposed budget, and gives the name of the assembly mem-
23 ber from the district in which the property owner resides, *shall annually*
24 shall annually determine the rate of levy before June 5. By July 1 the
25 tax collector shall mail tax statements setting out the levy, dates when
26 taxes are payable and delinquent, and penalties and interest.

27 * Sec. 2. This Act takes effect January 1, 1981.

28 *members in borough where election is at large*

HB

574



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 Committee hearing HB 574

January 28, 1980

Pappy Moss,
witness

Mr. Moss said his bill was asking for an addition of a 20 X 40 storeroom for a crisis center. He said that Delta Junction had several fires lats year where the people were "burnt out," and that the community need to have a storage facility for there belongings. Moss said he hoped to finish the building by the end of the construc-tion season this year.

Parr

Mr. Parr wanted to know the population of Delta Junction.

Moss

Mr. Moss said the population of the town was about 800; 3,052 people lived in the area. He added that there were 100 senior citizens that would be served by the community center.

Parr

Mr. Parr asked if Delta Junction was a first or second class city.

Moss

Mr. Moss thought it wasssecond class. He said there had been many problems trying to organize the borough, and thought the interim study had done some good. Said the potential for DJ was tremendous.

Parr

Mr. Parr wanted to know what structures Delta Jct. had either paid for or owned.

Moss

Mr. Moss said none, that the community had no tax structure, but that local labor had been used in construction.

Metcalfe

Mr. Metcalfe said he thought it would be a good idea to hold the requested funds out as a "carrot" to convince the people to organize as a borough.

Moss

"I'm sive the infinite wisdom of this com- mittee will prevail."



Official Business

Alaska State Legislature

JOINT SENATE AND HOUSE
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
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Juneau, Alaska 99811

HB 574----2

Parr

Mr. Parr noted that the money for the facility should come from the office of the aging.

Palmer McCarter,
C&RA

Mr. McCarter said that it boiled down to the fact that this was one of 56 capitol improvement projects passed last year, and the money was needed to get the building off the ground...needed to make it whole. He said that at one time the plan had been to pay off the architect and go to a pre-engineered building. McCarter said he was concerned there was no local money going in, but if additional funds were needed, he strongly supported it.

Parr

Mr. Parr wondered if the architect wasn't ripping the community off. He noted payment was for \$37,500, yet he thought standard pmt. was 15%. The amount was more than the standard architect fee.

O'Connell

Mr. O'Connell said he wouldn't object to giving the money, but wanted to find out if cash was being squandered on the architect.

Moss

Moss said he would find out about that.

Branson

Mrs. Branson expressed concern that the plan for the building would change a few more times.

Moss

Mr. Moss said he didn't think that would happen. He said he would provide the committee with the information it needed: architect fee, plans, sq. footage, and the background of the project.

City of Delta Junction

Box 229

Delta Junction, Alaska 99737

The North End of the Alaska Highway

January 14, 1980

Representative Pappy Moss
District 19
Pouch V
Juneau, Alaska 99811

Dear Pappy;

Per our telephone conversation of today (January 14, 1980) the city is submitting the following list for consideration for FY81.

Multi-purpose facility \$75,000.00
Senior/youth activities

1. addition 20x40 to house crisis center store room (this is for persons who are burnt out and other disasters.
2. garage for 2 vehicles, plus tool stall and arctic entrance.
3. vehicle for seniors (van for transportation of persons) plus radio (CB/VHF) and storage fuel tank.

Library \$10,000.00

1. arctic entrance and replace front door.
2. storm windows and storm door for back.
3. repair railing on back door.
4. insulate underneath building and wrap pipes.
5. pressure check all pipes & plumbing and repair leaks.
6. antifreeze in heating system.
7. alarm system for low temperatures.
8. library book shelving.
9. typewriter.

Park \$50,000.00

1. fencing (900 ft).

2. bleachers (2 sets)
3. back stop (baseball) 2 each.
4. maintenance equipment (mower, bush cutters etc.).
5. construction of restrooms.
6. cement slab for concession stand (14x60).
7. clearing.
8. baseball diamond, hockey rink, picnic area and exercise path.

Streets \$100,000.00

1. new construction.
2. upgrading and improvements
3. streets signs (name).

Sanitary landfill site \$30,000.00

1. fencing (state requires fencing around new site)
for 40 acres.

Cemetery \$20,000.00

1. clearing and improving.

The total the city is requesting is \$300,000.00. Your help in these areas would be greatly appreciated. We all know how much you have helped us to date and thank you.

Sincerely



Estelle Schrupf
city clerk

ROBERT H MACHADO
Mile 111 1/2 Alaska Highway
Delta Junction, Alaska 99737

Representative H "Pappy" Moss
Delta Junction

Nov 7, 1979

As a non-elected spokesman for your constituents in this area, I have a few items for your consideration, and perhaps legislation, if you choose. As you know, I am on the building committee for the Delta Seniors, and am the President of the Delta Historical Society. My comments are after research into the subjects covered:

1. Planning for the Community Recreation Building is well under way--before construction starts, the Architect, Charles Bettisworth, requires \$37,500 to firm up plans and for insurance. His first sketch was for a single-floor slab-on-grade building, which cannot be built here, due to the base gravel lying seven feet under river silt of poor compaction quality. This means that a basement is required, and expenditure of more money than provided in your line-itemed funding. May we try for another \$75,00? This would repay the architect fees, and give \$37,500 toward the basement, and perhaps a garage, which would be used for a Senior Citizen Bus, if you could get that at a later time.
2. You attended a meeting on the treatment of the Bison Range, and Bison in the area--during which many citizens stated the irresponsible overlooking of the Delta Land Management Agreement by Bob Palmer, in placing Agricultural Project Lands on the South side of the Alaska Highway, where it would interfere with the proper management of Bison Migration within the refuge. Unit A of the Barley Project is South of the Highway--I wrote Governor Hammond about this, and suggested that Mr Walsky be transplanted to 2,000 acres ON the Barley Project. Another transgression is planned in the same manner, but this time by Bob La Resche, who is disposing of 1200 acres to the public, but only TWO 600 acre farms--South of the Highway, known as the "Six Creeks area" for sale soon. May I suggest that it be revised in to smaller plots for the red-meat potential of feed-lotting, but not the possibility of turning this into Barley Project, and thus shutting out the bison herd one more time?
3. Reference Rika's Landing, which has been proceeding toward restoration. Part of the plans the Historical Society had was the building of a boat landing and ramp just North of the Roadhouse. A safer area would be provided for launching, due to the extreme speed of the Tanana River at the Bridge where the present Public Area is located--if a motor were to malfunction in the first fourteen (14) seconds, the boat can be crushed against the bridge footings. It was with this in mind that the Rika location was promulgated. The State is proceeding with restoration feasibility studies under the Direction of Bob Mitchell, but funds will be needed for the Landing, and more cleanup before the Site can be opened to the Public as a Historical Site and the Ramp and Picnic Grounds could be used to partially support the enterprise.
4. Question could be raised as to the hiring practices of the Delta Coop and the Barley Project. Out-of-State persons have been selected, and no local advertising for positions made, which precludes the opportunity for local hire of talent which does exist in this area.

Thank you for consideration,

Robert H. Machado