

721

HCRA

HB

689

-

HB

804

721

1 (2) Urban water and sewer con-

2 construction grants Statewide 23,000,000

3 * Sec. 3. If the issuance of these bonds is authorized by the qualified
4 voters of the state, the amount of \$89,400, or as much of that amount as is
5 found necessary is appropriated from the general fund of the state to the
6 state bond committee to carry out the provisions of this Act and to pay
7 expenses incident to the sale and issuance of the bonds authorized in this
8 Act. The amounts expended from the appropriation authorized by this section
9 shall be reimbursed to the general fund from the proceeds of the sale of the
10 bonds authorized by this Act.

11 * Sec. 4. The amount withdrawn from the public facility planning fund for
12 the purpose of advance planning for the improvements financed under this Act
13 shall be reimbursed from the proceeds of the sale of bonds authorized by this
14 Act.

15 * Sec. 5. The question whether the bonds authorized in this Act are to be
16 issued shall be submitted to the qualified voters of the state at the next
17 general election and shall read substantially as follows:

18 Proposition

19 State General Obligation Water Supply and Sewerage Systems

20 Bonds \$25,520,000

21 Shall the State of Alaska issue its general obligation bonds in the
22 principal amount of not more than \$25,520,000 for the purpose of
23 paying the cost of capital improvements for water and sewer
24 systems?

25 Bonds Yes []

26 Bonds No []

27 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
28 10.070(c).

29

CARA

BILL WORK SHEET

BILL NO. 689 re NO Bonds \$25,520,000 Water & Sewer

Received from _____
Referred to _____

Original Sponsor _____
Fiscal Note _____

LAA Legal Research Contact _____

CONTACTS:

See SB 342 (same)

*SB 342 made part of CS SB 131 \$41,520,000
and solid waste facility construction added*

Demming Cole Contacted

Kristl Patton (DEC) 15 min. statement

*Go along 75% - should be more \$ in the
bond fund.*

SB 131 8-10 million for 2 yrs. for solid waste

Terry Lerritt - City Mgr. Cordova. meet - talk

Committee Substitute for Senate Bill 131 presently reflects:

1. Title and body contents of SB 342
2. \$10 million G.O. Bond increase - covering solid waste facilities, plus new wording when relating to same.
3. \$ 6 million G.O. Bond increase - raising State share from 50% to 75%

Committee Substitute for Senate Bill 436 presently reflects:

1. Page 1, line 10, section 1 - new wording (per Dept. Environmental Conservation request) to incorporate the raising of the State share from 50% to 75%
2. Amending typewriter error, page 1, line 28 to read (d) instead of (e)
3. Page 2, Line 21, Section 5 - adding a new paragraph stating "solid waste" definition as stated in HB 353, (per D.E.C. request and in answer to Mr. Baldwin's concern, our bill drafter.)

Issue Paper
Water and Sewer Construction Grants
December 1979

The Department, through the Facilities Construction and Operation section, administers a grant program which is directed toward providing incorporated communities with assistance in the construction of water and sewerage services. Two basic grant programs are administered: the State general obligation bond water and sewer grant program authorized by AS 46.03.030; and the federal wastewater pollution control program authorized by the Clean Water Act of 1977.

Under the State water and sewer grant program, incorporated municipalities may apply for grants to fund up to 50 percent of project costs for new water and sewerage facilities. If federal funding is involved in a project, State grants are limited to half the non-federal share of eligible project costs. Funded projects include facilities needed for community expansion as well as facilities needed to correct existing public health and environmental problems.

The Department performs the following administrative responsibilities in support of this program:

- review of grant applications
- review of project plans and specifications
- analysis of project construction and operating costs

- processing of grant offers and payment requests
- inspection of projects during construction and following completion
- preparation of project audit reports to ensure that grant funds were properly utilized by grantees.

Eligible projects are presently funded as need arises, after a review to ensure that projects are capable of meeting the need identified at an acceptable life cycle cost. The source of funding for these grants is general obligation bond funds which have been periodically authorized by the voters. Presently, approximately \$18,112,626 are available for obligation to projects through this program.

Since July, 1976, \$37,358,030 has been obligated to water and sewage projects throughout the state. Of this total, \$14,465,117 (38.7%) was for community water supply projects; \$9,450,000 (25.3%) was for sewage treatment and interceptor facilities (matching EPA funding); and \$13,442,850 (36.0%) was for sewage collection facilities. These grants have supported projects in major communities in all regions of the state. The program is not heavily used by bush communities because the Public Health Service and the State Village Safe Water programs are addressing utility needs of remote areas. It is also usually difficult for small remote communities to raise the 50 percent matching requirements. In some instances, however, projects in remote areas are funded through the program in conjunction with other federal, state, or local funding sources.

The grant program for construction of sewage treatment facilities is administered under the authorization of the federal Clean Water Act of 1977. This Act mandates that community sewage treatment works achieve secondary treatment by 1983, except those communities capable of discharging effluent into marine coastal waters which receive good tidal mixing may be allowed to follow less stringent requirements. Secondary treatment is a broad term for many methods of treating sewage through the use of biological processes, and usually results in removal of 85% of the pollutants. Depending upon congressional appropriations from year to year, Alaska is allocated \$16-25 million annually. These funds are then available to communities to finance 75 percent of the cost of sewage treatment and interceptor projects. The State water and sewage grant program mentioned above contributes an additional 12 1/2 percent toward such projects leaving only 12 1/2 percent to be funded locally.

The Clean Water Act assigns the Environmental Protection Agency the responsibility for this grant program. The Act also stipulates that EPA may delegate the administration of the program to the states, and makes funding available to those states which assume administration of the program. Alaska assumed responsibility for a major portion of the program in December of 1978 (one of the first states to do so) and was awarded a grant of \$245,349 to cover costs of administration through June, 1980. EPA has reserved funding to defray State administration expenses in subsequent fiscal years.

In order to reduce the significant delays in grant processing which occurred under EPA administration, and to better ensure that projects are consistent with the unique requirements of Alaska, the Department assumed responsibility for the following administrative tasks:

- preparation of annual project priority list
- review of grant applications
- review of consultant agreements
- review and approval of plans and specifications
- review and approval of project change orders
- review and approval of O & M manuals.

Under agreement with EPA, State certification of these items will be accepted as if performed by EPA staff (subject to periodic audit). It is expected that additional administrative tasks will be delegated to the state, including:

- facility plan approval
- interim and final project inspections
- eligibility determinations
- review and approval of planning documents
- preparation of necessary environmental assessments
- issuance of numerous other technical approvals required for each project.

Since 1975, grants averaging \$20,000,000 a year have been awarded to 30 communities throughout the state. As with the State water and sewer grant program, mainly the larger communities have benefitted from the program. Recent modifications of the Clean Water Act present opportunities for making funding available to smaller communities for innovative, individual, or non-conventional sewage handling facilities.

AMENDED TITLE:

AN ACT PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$8,000,000 FOR THE PURPOSE OF PAYING THE COST OF SEWERAGE SYSTEMS CONSTRUCTION; AND PROVIDING FOR AN EFFECTIVE DATE \$8,000,000 (BONDS)

PRINCIPAL SPONSOR: KERTTULA.

CURRENT STATUS 2/20/80 IN (S) FINANCE

DATE	SEN	PAGE	LEGISLATIVE ACTION
02/12/80	01	0241	FIRST READING -- COMMITTEE REPORTS
02/20/80	01	0319	CRA -- CS04

FINANCE
RULES

In S Finance
3/5/80

*** ** **

HB

698

COMMITTEE REPORT

(7)

HOUSE

2/11/80

FURTHER:

Date: _____

Mr. Speaker:

The Committee on COMMUNITY AND REGIONAL AFFAIRS has had HB 698

"An Act relating to the composition and representation requirements of general law boroughs; 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 _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Margaret ...

John ...

CHAIRMAN



Alaska State Legislature

House of Representatives

Committee on

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

Community & Regional Affairs

BILL NUMBER AND TITLE:

HB 698 Composition and Apportionment

of Assemblies

ORIGINAL SPONSOR: Branson

OTHER SPONSORS: _____

RECEIVED FROM: _____

FURTHER REFERRALS: _____

HEARING DATE: 4/11/80

MEMBERS PRESENT: Bill Parker X
Margaret Branson X
Pat O'Connell

Pat Carney X
Charlie Parr X
Fred Zharoff
Ray Metcalfe X

Branson - Discusses concept of the proposed bill as an amendment to correct dual majority problem created by floor amendment when bill was passed during the last session.

Chitwood - Presents alternative proposal developed by the Municipal League. Says AML proposal is an attempt to simplify the law yet solve some of the problems.

Branson - Doesn't support the League's suggested bill and approach. Maintains that once every 10 years isn't too often to ask the voters if they want to retain their existing method of representation.

Metcalfe - Expresses concern for the people outside of the cities and says that the dual majority is vital.

Palmer McCarter, Director of Local Assistance, Dept. of C&RA Support HB698. Floor amendment of 1979 jeopardizes local governments ability to develop a plan for representation and to have it adopted. Discusses the difficulty of getting a majority when you have 3 options or plans for 2 different categories of voters (inside and outside cities) to vote on. Strongly urges that the committee support the bill. Attorney General has raised an issue related to the current law in the second option offered the voters -- current law allows that a borough may create districts and have election at large but require the candidates to live within districts of substantially equal population. The use of the term "substantially" may be a problem. A.G. has recommended elimination of that term.

Branson - Legal people have stated that 10% deviation is allowable and Billy Barrier of Legislative Research does not think the existing wording is a problem.

COMMITTEE ACTION: No action.

TAPE # 8 SIDE 1 Footage 921-1280



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

BILL NUMBER AND TITLE: HB 598 Composition/Representation-Boroughs

ORIGINAL SPONSOR: Branson, Malone, O'Connell OTHER SPONSORS: _____
RECEIVED FROM: _____ FURTHER REFERRALS: _____

HEARING DATE: 4/18/80

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

The bill was passed out of committee with committee recommendations (see attached). There were no witnesses to testify.

COMMITTEE ACTION: Bill passed out.

TAPE # 9 SIDE 1 Footage 0-91

Alaska MUNICIPAL League

TELEPHONES
(907) 586-1325
586-6526

204 N. FRANKLIN ST.
JUNEAU, ALASKA 99801

December 21, 1979

To: Elected Officials
Administrators
Attorneys
Board of Directors
Legislative Committee

From: Ginny Chitwood

Re: Borough Assembly Apportionment

Enclosed are copies of the current law on borough assembly apportionment and a draft of proposed revisions. Ron Larson, Legislative Committee Chairman, will preside at a hearing on this subject in Juneau on Friday, January 25 at 9:00 am in the Juneau Municipal Building. The purpose of the meeting is to bring all ideas together and draft a final version for presentation to the AML Board of Directors. Mayor Larson asks that you review the enclosed material. If you cannot attend the meeting, please forward your suggestions to him at the Matanuska-Susitna Borough or to the AML office.

cc: Senator Sturgulewski
Representative Parker
Representative Branson
Jack Chenoweth

Alaska
MUNICIPAL
League

TELEPHONES
(907) 586-1325
586-6526

204 N. FRANKLIN ST.
JUNEAU, ALASKA 99801

March 4, 1980

to: House Community & Regional Affairs Committee

from: Ginny Chitwood

re: assembly composition, apportionment and reapportionment

Attached for your consideration is a draft of a proposed assembly composition, apportionment and reapportionment bill prepared by a special Alaska Municipal League committee. I am preparing a sectional analysis and a comparison between this bill, HB 698, SB 137 - passed last year, and current law that I will distribute prior to Friday's committee meeting.

OFFICE OF THE MUNICIPAL ATTORNEY

KETCHIKAN GATEWAY BOROUGH

AND

CITY OF KETCHIKAN

334 FRONT STREET

P. O. BOX 7300

KETCHIKAN, ALASKA 99901

(907) 225-3111, EX. 327

March 13, 1980

Ms. Marge Gorsuch
Pouch Y
Capital, Room 104
House Community & Regional
Affairs Committee
Juneau, Alaska 99811

Re: H.B. 689 - Composition and Apportionment of General
Law Boroughs

Dear Ms. Gorsuch:

As per your request, attached is a list of the points contained in the Alaska Municipal League proposal for amendment of A.S. §§ 29.23.021 - .025. This summarizes the problems perceived by the boroughs and the Municipal League in the statutes on the subject of borough apportionment and composition which was enacted last year.

Please note, however, that we do agree with Representative Parr's comments at the committee hearing on March 7 that the law in this area could be greatly simplified and that, in effect, A.S. 29.23.023 and A.S. 29.23.025 could be repealed completely. Representative Parr suggested that the only duty of the State was to ensure that equal representation was provided in all borough assemblies, but beyond that (except for any special provisions governing weighted voting or institutional representation) the boroughs (like cities) should be permitted to determine their own local apportionment and composition. In support of that position, a bill was drafted to be presented to the House Community and Regional Affairs Committee by the Municipal League.

I would strongly recommend that this latter alternative be considered favorably by the committee as a simple and concise way to clear up the problems raised in the attached memo.

Thank you.

Sincerely,

Richard M. Treiser

Richard M. Treiser
Assistant Municipal Attorney

cc: Ginny Chitwood,
Alaska Municipal League

Enclosure

OFFICE OF THE MUNICIPAL ATTORNEY

KETCHIKAN GATEWAY BOROUGH

AND

CITY OF KETCHIKAN

334 FRONT STREET

P. O. BOX 7300

KETCHIKAN, ALASKA 99901

(907) 225-3111, EX. 7

TO: HOUSE COMMITTEE ON COMMUNITY AND REGIONAL
AFFAIRS

FROM: *RMT* RICHARD M. TREISER, ASSISTANT MUNICIPAL ATTORNEY
KETCHIKAN GATEWAY BOROUGH, FOR ALASKA MUNICIPAL
LEAGUE

DATE: MARCH 13, 1980

RE: APPORTIONMENT AND COMPOSITION OF GENERAL LAW
BOROUGHES

The following is a summary of problems and recommendations for changes in the provisions of A.S. 29.28.021 - .025. References are made to the statutes enacted last year, effective January 1, 1981.

1. Provide that review and change in form of representation/ composition be by ordinance (ratified by the voters) at the option of the Assembly or as necessary to accomplish reapportionment, not mandatory every ten years. (See A.S. 29.23.023(a)).
2. Provide a forth alternative to forms of representation to permit a combination of the other forms and clarify that multiple member districts are permissible. (See A.S. 29.23.023(a)).
3. Provide a specific and sufficient time schedule (90 days after ordinance adopted) to hold an election to approve a change of form of representation. (See A.S. 29.23.023(b)).
- x 4. Provide that only one form of representation be selected by the assembly and presented for ratification, not all four alternatives. (See A.S. 29.23.023(b)).
- r 5. Provide that a simple majority, not a dual majority is required for ratification of a form of representation. (See A.S. 29.23.023(b)).

6. Provide a specific time period (4 months) for the Assembly to seek approval of a different form if the first is rejected. (See A.S. 29.23.023(c)).
7. Provide that the Department of Community and Regional Affairs shall determine the form upon failure to gain ratification, but then only if a change in representation is necessary and not if the existing form may lawfully be retained.
8. Clarify that any districts called for will be determined after a form is approved at election and provide a specific and sufficient time to prepare the same (2 months for at-large forms, 6 months for districts).
9. Provide a specific and sufficient amount of time to effectuate the new form of representation (the next regular election held not sooner than 60 days after adoption of the implementing ordinance).
10. Clarify that institutional representation is prohibited, but that Council members are not ineligible to be elected to the Assembly and vice-versa. (See A.S. 29.23.023(c)).
11. Clarify that any general law borough which changes its form of representation while reapportioning must do so according to the election and other procedures and time limits provided in A.S. § 29.23.023. (See A.S. 29.25.025(b)).
12. Provide for a moratorium (of 2 years) on citizen's reapportionment petitions after the Assembly has reviewed its apportionment and found it proper or has corrected it. (See A.S. 29.23.025(d)). This does not prevent reapportionment by the Assembly at its own initiative or by court order or law during this period.
13. Provide that reapportionment shall not be subject to election or approval by the voters except inasmuch as it involves a change in form of representation. (See A.S. 29.23.025(d)).
14. Provide specific and sufficient time limits: 1) for preparing a new apportionments plan (6 months for districting plans), 2) for the Department of Community and Regional Affairs to do so upon failure of the Borough, and 3) for the Borough to effectuate that plan (at the next regular election not sooner than 60 days after adoption. (See A.S. 29.23.025(e) and (g)).
15. Permission for weighted voting, which is otherwise lawful. (See A.S. 29.23.021(c)).

from Matanuska-Susitna
Borough - 3-7-80

TESTIMONY OF JAMES EKSTEDT ON HOUSE BILL 698 BEFORE

THE HOUSE COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS, MARCH 7, 1980

Jim Ekstedt

Ladies and gentlemen my name is James Ekstedt and I am a member of the Assembly of the Matanuska-Susitna Borough and represent the Palmer area before the Borough Assembly. I have been a member of the Borough Assembly for three years and also am serving as a member of the City Council for the City of Palmer. I am also a member of the Board of Directors of the Alaska Municipal League. I have been asked to appear before this Committee today on behalf of the Assembly of the Matanuska-Susitna Borough and the citizens of the Matanuska-Susitna Borough whose form of government and assembly apportionment will be affected by State Statutes during the coming year.

I wish to first address House Bill 698, offered by Representatives Branson, Malone and O'Connell. As I understand the bill, it would replace a subsection in Alaska Statutes 29.23.023 which presently requires that proposals concerning modification of the form of representation be submitted to the voters and that votes be tabulated in separate classifications for first and home rule cities of the borough and on the other hand for the remaining area of the borough. House Bill 698 would eliminate the need to classify votes cast on proposed forms of representation and would instead provide that a plurality of the votes on the question would decide the issue. While I am in general agreement with the change proposed by House Bill 698, I believe that that bill does not go far enough in addressing some of the major problems which our Borough Assembly and the Alaska Municipal League see in the present reapportionment statutes which were

enacted into law last year. I believe that your Committee should seriously consider additional amendments to Alaska Statutes 29.23 which would correct many of the deficiencies our Assembly sees in those reapportionment statutes. I understand that Mrs. Ginny Chitwood, the Executive Director of the Alaska Municipal League has furnished this Committee with a copy of a bill drafted by the Assistant Municipal Attorney for the Ketchikan Gateway Borough which bill has both the support of the Alaska Municipal League and the Assembly of the Matanuska-Susitna Borough.

We believe that enactment of the bill prepared by the Alaska Municipal League would correct many of the deficiencies that presently exist in statutes governing selection of the form of representation and reapportionment. I would like to address some of those problems that exist in present law and indicate how the bill proposed by the Alaska Municipal League would effectively deal with and resolve those problems.

1. Present law (found at AS 29.23.021(C)) categorically prohibits weighted voting on borough assemblies even though weighted voting schemes can be implemented in order to make the one man one vote principal work. On the other hand the bill proposed by the Alaska Municipal League would allow weighted or fractional voting so long as the basis for doing so is not contrary to the one man one vote principal of the Federal and State Constitutions. In other words, the bill proposed by the Municipal League would allow general law boroughs such as the Kenai Peninsula Borough who have serious problems of distance and communication between various population centers to continue to use the fractional or weighted vote if the fractional or weighted vote complies with the one man one vote principal.

While I do not believe that the Assembly of the Matanuska-Susitna Borough wishes to use the fractional or weighted vote, I believe that other municipalities in the state should be allowed that option if the fractional weighted vote can be used to assist them in implementing the one man one vote principal.

2. The present law found at AS 29.23.023 absolutely requires that all boroughs submit a ballot proposition to their voters no later than January 31, 1981 and every ten years thereafter asking voters to select from among certain alternate forms of representation of their assemblies. This requirement is mandatory; and borough assemblies have no choice but submit the question of form of representation to their voters even though neither the assemblies nor the electorate wish to even face that question. On the other hand the bill proposed by the Alaska Municipal League merely allows boroughs to modify their form of representation from time to time if the question is submitted to the voters for their approval. If the assembly is satisfied with its form of representation, it would not be required to endure the expense, delay and confusion of submitting the question of its own form of representation to the voters. We believe that the Legislature should not be in the business of mandating to local governments that, contrary to the wishes of many local governments including the Matanuska-Susitna Borough they submit the question of its form of representation to the voters on a periodic basis. We do believe that if the assembly chooses to alter its form of representation then that question should be submitted to the voters for their approval.

3. The wording of the present statutes governing submission of the form of representation to the voters appears to require that the voters select from three alternate propositions: First, that assembly members be elected at large; second, that assembly members be elected at large but be required to live within certain election districts; and third, that assembly members be elected by and from election districts established by the borough. We believe that such a ballot would be cumbersome, expensive and confusing. On the other hand the bill proposed by the Municipal League would allow the assemblies to select a new form of representation and submit only that form of representation to the voters. Obviously, if the voters rejected that form of representation the assembly could continue with its existing form or alternatively submit yet another form to the voters. We believe that this alternate method of submitting the question to the voters is much less confusing and would probably result in more reasoned decisions by the electorate on this important question.

4. The present law preserves the requirement that votes cast on the form of representation be tabulated in dual categories, one or first class and home rule cities and the other for all other areas of the borough. The bill prepared by the Alaska Municipal League abolishes the classification system and would allow a change in the form of representation if that change were approved by a majority of votes cast on that question. To the extent that House Bill 698 abolishes the dual classification system, our Assembly is in accordance with the change proposed in that bill.

Present law requires that borough assemblies determine whether they are malapportioned if they receive a petition signed by 50 voters which "contains evidence" that the existing apportionment scheme does not meet constitutional standards. We believe that the standard contained in present law for determination of reapportionment is far too low and would require assemblies to suspend their business and evaluate those petitions even though many do not contain sufficient evidence to persuade the assembly that in fact the body is malapportioned. On the other hand the bill proposed by the Alaska Municipal League requires assemblies to consider reapportionment petitions only if the petition has "reliable and accurate data" showing that the assembly is malapportioned and if that data is sufficient to serve as a basis for reapportionment. Certainly our Assembly does not want to impose undue burdens on citizens who honestly believe that our body is malapportioned but our Assembly also feels that we should not be required to engage in the time consuming and expensive process of determining whether we are in fact malapportioned unless a petition contains accurate data which effectively demonstrates the need for consideration of our apportionment and can assist us in resolving any inequities in our present districting.

5. The present statutes have no provisions whatsoever limiting the number of reapportionment petitions which can be submitted to the borough assembly. In other words, the assembly is legally obligated to consider virtually frivolous reapportionment petitions ad seriatim even though similar petitions have been previously rejected. On the other hand the bill proposed by the Alaska Municipal League proposes a two year moratorium on consideration of reapportionment petitions if the assembly

hears such a petition and decides that it is apportioned fairly within the one man one vote principal of the constitution. We believe that such a moratorium is an important change that should be made to existing law to eliminate presentation of frivolous or repetitive reapportionment petitions to our borough assembly.

The present statutes provide only that changes in assembly apportionment shall be effective on the first regular election after approval of a reapportionment ordinance. This section does not in any way tell us how the new assembly is to be elected, how to deal with existing terms, and how to determine the length of terms of new members. On the other hand the bill proposed by the Alaska Municipal League addresses transition between existing and future apportionment plans and would require an election for all assembly seats within 60 days after reapportionment of the assembly. After that election, borough assembly members would draw straws for the length of their respective terms and would establish staggered terms of office. While there may be alternate methods of handling transition between present and future apportionment, we believe that the method contained in the bill proposed by the Alaska Municipal League satisfactorily addresses that question and should be adopted by your Committee.

6. Current law also requires that the reapportionment plan adopted by the assembly be submitted to the voters for approval. Our Assembly believes that location of boundaries of assembly districts is ultimately a technical or legal question which should not be submitted to the voters. Clearly the assembly is required by the Constitution of the

State of Alaska and that of the United States to devise a reapportionment plan which is consistent with the one man one vote principal. Once that decision has been properly made, we believe the voters should not be required to decide whether they agree with the precise boundaries selected by the borough assembly provided that such boundaries preserve the one man one vote principal. The bill proposed by the Alaska Municipal League eliminates the requirement that redistricting plans be submitted to the voters for their approval, and thereby eliminates the need to have voters decide technical or legal questions beyond their expertise or capabilities.

In summary, our Assembly finds that many problems exist with the present statutes governing reapportionment. While we are in agreement with Representatives Branson, Malone and O'Connell that the dual classification system for counting votes on representation questions should be ended, we believe that House Bill 698 does not go far enough in addressing the problems our Assembly finds in those existing statutes. I would therefore, on behalf of the Assembly and citizens of the Matanuska-Susitna Borough urge this Committee to adopt the recommendations made by the Alaska Municipal League for modification of the reapportionment statutes. I would be happy to answer any questions this Committee may have.

I. REQUEST
 Bill/Resolution No. HB 698 boroughs
 Title An Act relating to the composition and representation requirements of general law
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Community & Regional Affairs
 Program Category Affected Community Development
 BRU, Program, or Subprogram(s) Affected Local Government Assistance

(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						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME		0	0	0	0	0
PART TIME						
TEMPORARY						

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

No fiscal impact

IV. DATE _____ PREPARED BY McKie Campbell *McK*
 AGENCY Community & Regional Affairs
 PHONE 465-4735

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

Assembly Composition, Apportionment and Reapportionment

AML Draft - sectional analysis

Section 1

Repeals AS 29.23.021, 29.23.023, and 29.23.025 on assembly composition and apportionment, composition and representation requirements for general law boroughs, and assembly recombination and reapportionment. These three sections were enacted into law during 1979 and become effective January 1, 1981.

Section 2

Sec.29.23.021. Assembly composition and apportionment.

- (a) consistent with U.S. Constitution
- (b) assembly of newly incorporated borough as set out in incorporation petition; existing assembly consistent with this chapter.
- (c) weighted vote allowed.

Sec.29.23.023. Composition and representation of general law borough.

- (a) assembly by ordinance may change to:
 - 1.-elected at large
 - 2.-elected at large, reside in district
 - 3.-elected by and from districts
 - 4.-combination of above
- (b) ordinance ratified by voters and not subject to referendum
- (c) if voters turn down ordinance, assembly may propose another form of representation; if no form ratified within 4 months of the first election, Dept. of C&RA selects form.
- (d) if at large, assembly has 60 days to adopt implementing ordinance; with other forms, assembly has six months to implement; if not done, Dept. of C&RA has six months to implement.
- (e) ordinance applicable at next election held not sooner than 60 days after apportionment becomes effective;
- (f) assembly by ordinance may change the number of assembly members.
- (g) no institutional representation.

Sec.29.23.025. Assembly reapportionment.

- (a) not later than 7/31/81 and thereafter within four months after decennial census, assembly by resolution determines if malapportioned.
- (b) at times other than decennial census assembly by resolution may determine if malapportioned when presented by a petition of borough voters or upon its own initiative.
- (c) 2 year reapportionment moratorium after change in apportionment.
- (d) if malapportioned, assembly shall devise new apportionment according to standards of AS 29.23.021 and may change form of representation or composition.
- (e) according to procedures in AS.29.23.023 for ^{changes called for in (d) must be} changes general law boroughs.
- (f) six month time limit to reapportion; if not then Dept of C&RA does it.
- (g) effective at the next election held not sooner than 60 days.

Assembly Composition, Apportionment, and Reapportionment

SB 137 - effective 1/1/81

Repeals existing AS 29.23.020.

AS.29.23.021. Assembly Composition, and Apportionment.

- (a) consistent with US Constitution
- (b) assembly of newly incorporated borough composed and apportioned as set out in incorporation petition and may be changed by ordinance; assembly of existing borough as set out in 29.23.023.
- (c) no weighted voting.

AS.29.23.023. Composition and Representation Requirements for General Law Boroughs.

- (a) by 7/31/81 and thereafter within four months of a decennial census report, election on alternate forms of representation:
 - 1.-elected at large
 - 2.-elected at large, reside in district
 - 3.-elected by and from districts.
- (b) two tabulations of votes - inside cities and outside. (no provision for what happens with different pluralities.)
- (c) no institutional representation

AS.29.23.025. Assembly recomposition and reapportionment.

- (a) by 7/31/81 and thereafter within four months of a decennial census report, assembly by resolution determines if malapportioned.
- (b) if malapportioned assembly by ordinance shall reapportion within three months and may change composition.
- (c) assembly by ordinance may reapportion or change composition on the basis of other reliable population data or by petition of more than 50 voters.
- (d) ordinances in (b) and (c) must be ratified by voters.
- (e) establishes four month time limit for (b) and if ordinance not approved then Dept. of C&RA reapportions.
- (f) provides for judicial review.
- (g) effective date - next regular election.

AS.29.18.050(4). assembly of ^{new} general law boroughs may not exceed 11 members.

HB 698.

AS 29.23.023(b) repeals the dual tabulation and replaces it with assembly by ordinance providing for form of representation which conforms to election results cf (a)

3/6/80

Assembly Composition, Apportionment, & Reapportionment

existing law until 1/1/81

AS.29.23.020

(a) number of assembly members, apportionment, and voting procedures determined by incorporation petition, charter, or ordinance; must be consistent with US Constitution.

(b) reapportionment - within six months after decennial census

1.-assembly by resolution determines is malapportioned;

2.-if malapportioned, assembly by ordinance provides for reapportionment;

3.-ordinance must be ratified by voters.

(c) tabulation of vote - two classifications: inside first class and home rule cities and outside; if voters don't approve plan, Dept. of CGRA provides for reapportionment.

(d) may reapportion following same procedures between decennial census reports if petitioned by voters or on assembly initiative.

(e) effective next regular election

(f) provides for judicial review.

repealed by sec. 21 [24] of ch. 83, SLA 1979, or is effected as required or proposed under AS 29.23.021 — 29.23.025, added by sec. 1 of ch. 83, SLA 1979.

Sec. 29.23.021. Assembly composition and apportionment [Effective January 1, 1981]. (a) Assembly composition and apportionment shall be consistent with the equal representation standards of the Constitution of the United States.

(b) The assembly of a newly incorporated borough is, after incorporation and until the adoption of an ordinance providing for a change in composition or apportionment, composed of the number of members and apportioned as set out in the incorporation petition approved by the voters. If the borough is already incorporated, the assembly shall be composed and apportioned in a manner that is consistent with AS 29.23.023 and prescribed by charter or ordinance.

(c) An assembly may not provide for weighted voting. (§ 1 ch 83 SLA 1979)

Effective date. — Section 27, ch. 83, SLA 1979, makes this section effective January 1, 1981.

Editor's note. — Section 26, ch. 83, SLA 1979, effective June 2, 1979, provides: "Notwithstanding AS 29.23.040, amended by sec. 4 of ch. 83, SLA 1979, the terms of office of borough assemblymen elected or appointed to dual borough assembly-city council seats are not affected by the amendment made to AS 29.23.040 in sec. 4 of ch. 83, SLA 1979 until reapportionment

of the borough assembly is required or proposed under AS 29.23.020, repealed by sec. 21 [24] of ch. 83, SLA 1979, or is effected as required or proposed under AS 29.23.021 — 29.23.025, added by sec. 1 of ch. 83, SLA 1979."

Statute superseded home-rule enactments. — See Roderick v. Sullivan, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974), decided under former AS 29.23.020.

Sec. 29.23.023. Composition and representation requirements for general law boroughs [Effective January 1, 1981]. (a) The borough assembly shall provide for its composition and for the form of its representation. Not later than July 31, 1981, and thereafter within four months after the report of a federal decennial census, the assembly shall propose and submit to the voters at a regular election or special election called for the purpose, alternative forms of representation by which members are

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

(2) elected at large by all qualified voters of the borough, but required to live within an election district or zone established by the borough for election of assembly members, with each district or zone being of substantially equal population; or

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

(b) The proposals set out in (a) of this section shall be submitted to the voters. The vote on the proposals submitted to the voters shall be tabulated in two separate classifications. One classification shall consist of all votes cast in the first class and home rule cities in the borough.

Malone
Charter or ordinance
be approved by
voters
Meaning of
"qualified voters"
How do I get
review of the
Plan to assure
that it conforms
to equal rights
requirements -
Dept. of Law Review
Upon petition
by people

Plan as directly
to C.A.R.A. for
review? C.A.R.A.
HB 301
(State Affairs)

providing for its composition and the form of representation which conforms to the form of representation receiving a plurality of the votes in each classification at that election.

(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. (§ 1 ch 83 SLA 1979)

Effective date. — Section 27, ch. 83, SLA 1979, makes this section effective January 1, 1981.

Editor's note. — Section 26, ch. 83, SLA 1979, effective June 2, 1979, provides: "Notwithstanding AS 29.23.040, amended by sec. 4 of ch. 83, SLA 1979, the terms of office of borough assemblymen elected or appointed to dual borough assembly-city

council seats are not affected by the amendment made to AS 29.23.040 in sec. 4 of ch. 83, SLA 1979 until reapportionment of the borough assembly is required or proposed under AS 29.23.020, repealed by sec. 21 [24] of ch. 83, SLA 1979, or is effected as required or proposed under AS 29.23.021 — 29.23.025, added by sec. 1 of ch. 83, SLA 1979."

Sec. 29.23.025. Assembly recomposition and reapportionment [Effective January 1, 1981]. (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.

(d) An ordinance adopted by the assembly under (b) or (c) of this section shall be submitted to the voters for approval. In order for the ordinance to be approved it must receive the approval of a majority of the votes cast.

(e) Within four months of a determination by the assembly that the current apportionment does not meet the standards of AS 29.23.021 — 29.23.025, the assembly shall adopt an ordinance providing for

shorter?

reapportionment has not been approved, the Department of Community and Regional Affairs shall provide for the reapportionment in accordance with the standards of AS 29.23.021 — 29.23.023.

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

(g) A change in assembly apportionment or composition under this section is effective beginning with the first regular election for members of the assembly which follows approval of a reapportionment ordinance. (§ 1 ch 83 SLA 1979)

Effective date. — Section 27, ch. 83, SLA 1979, makes this section effective January 1, 1981.

Editor's note. — Section 26, ch. 83, SLA 1979, effective June 2, 1979, provides: "Notwithstanding AS 29.23.040, amended by sec. 4 of ch. 83, SLA 1979, the terms of office of borough assemblymen elected or appointed to dual borough assembly-city council seats are not affected by the amendment made to AS 29.23.040 in sec. 4 of ch. 83, SLA 1979 until reapportionment of the borough assembly is required or proposed under AS 29.23.020, repealed by sec. 21 [24] of ch. 83, SLA 1979, or is

effected as required or proposed under AS 29.23.021 — 29.23.025, added by sec. 1 of ch. 83, SLA 1979."

Statute superseded home-rule enactments. — See Roderick v. Sullivan, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974), decided under former AS 29.23.020.

The legislature intended that all reapportionment ordinances be submitted to the electorate. Roderick v. Sullivan, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974), decided under former AS 29.23.020.

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. The regular term of office begins on the first Monday following certification of the election. 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; am § 4 ch 83 SLA 1979)

Effect of amendment.

The 1979 amendment, effective June 2, 1979, rewrote the second sentence.

Editor's note. — Section 26, ch. 83, SLA 1979, effective June 2, 1979, provides that the terms of borough assemblymen elected or appointed to dual borough assembly-city

council seats are not effected by the amendment made to AS 29.23.040 by sec. 4, ch. 83, SLA 1979 until reapportionment of the assembly is required or proposed under AS 29.23.020 or under AS 29.23.021 — 29.23.025.

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.

TO: Bill Parker

FROM: Ginny Chitwood

change to AS 29.23.021

add (d) - see next page

eliminate Sec 29.23.023

Sec. 29.23.021. Assembly composition and apportionment [Effective January 1, 1981]. (a) Assembly composition and apportionment shall be consistent with the equal representation standards of the Constitution of the United States.

(b) The assembly of a newly incorporated borough is, after incorporation and until the adoption of an ordinance providing for a change in composition or apportionment, composed of the number of members and apportioned as set out in the incorporation petition approved by the voters. If the borough is already incorporated, the assembly shall be composed and apportioned in a manner that is consistent with AS 29.23.020 and prescribed by charter or ordinance.

(c) An assembly may not provide for weighted voting. (§ 1 ch 83 SLA 1979)

(d)

Effective date. — Section 27, ch. 83, SLA 1979, makes this section effective January 1, 1981.

Editor's note. — Section 26, ch. 83, SLA 1979, effective June 2, 1979, provides: "Notwithstanding AS 29.23.040, amended by sec. 4 of ch. 83, SLA 1979, the terms of office of borough assemblymen elected or appointed to dual borough assembly-city council seats are not affected by the amendment made to AS 29.23.040 in sec. 4 of ch. 83, SLA 1979 until reapportionment

of the borough assembly is required or proposed under AS 29.23.020, repealed by sec. 21 [24] of ch. 83, SLA 1979, or is effected as required or proposed under AS 29.23.021 - 29.23.025, added by sec. 1 of ch. 83, SLA 1979."

Statute superseded home-rule enactments. — See Roderick v. Sullivan, Sup. Ct. Op. No. 1099 (File No. 2213), 528 P.2d 450 (1974), decided under former AS 29.23.020.

~~Sec. 29.23.023. Composition and representation requirements for general law boroughs [Effective January 1, 1981]. (a) The borough assembly shall provide for its composition and for the form of its representation. Not later than July 31, 1981, and thereafter within four months after the report of a federal decennial census, the assembly shall propose and submit to the voters at a regular election or special election called for the purpose, alternative forms of representation by which members are~~

- ~~(1) elected at large by all qualified voters of the borough;~~
- ~~(2) elected at large by all qualified voters of the borough, but required to live within an election district or zone established by the borough for election of assembly members, with each district or zone being of substantially equal population; or~~
- ~~(3) elected by and from election districts or zones established by the borough for the election of borough assembly members.~~

~~(b) The proposals set out in (a) of this section shall be submitted to the voters. The vote on the proposals submitted to the voters shall be tabulated in two separate classifications. One classification shall consist of all votes cast in the first class and home rule cities in the borough.~~

The other classification shall consist of all votes cast in the remaining area of the borough. The borough assembly shall, within three months of the certification of the results of the election adopt an ordinance providing for its composition and the form of representation which conforms to the form of representation receiving a plurality of the votes in each classification at that election.

(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. (S 1 ch 83 SLA 1979)

Effective date. — Section 27, ch. 83, SLA 1979, makes this section effective January 1, 1981.

Editor's note. — Section 26, ch. 83, SLA 1979, effective June 2, 1979, provides: "Notwithstanding AS 29.23.040, amended by sec. 4 of ch. 83, SLA 1979, the terms of office of borough assemblymen elected or appointed to dual borough assembly-city

council seats are not affected by the amendment made to AS 29.23.040 in sec. 4 of ch. 83, SLA 1979 until reapportionment of the borough assembly is required or proposed under AS 29.23.020, repealed by sec. 21 [24] of ch. 83, SLA 1979, or is effected as required or proposed under AS 29.23.021 — 29.23.025, added by sec. 1 of ch. 83, SLA 1979."

Sec. 29.23.025. Assembly recomposition and reapportionment (Effective January 1, 1981). (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.

(d) An ordinance adopted by the assembly under (b) or (c) of this section shall be submitted to the voters for approval. In order for the ordinance to be approved it must receive the approval of a majority of the votes cast.

(e) Within ^{six} four months of a determination by the assembly that the current apportionment does not meet the standards of AS 29.23.021 — 29.23.025, the assembly shall adopt an ordinance providing for

include this wording as part (d) in AS 29.23.021

- (a) Eliminate 1st phrase, change "four" to "two", delete reference to 29.23.023
- (b) Eliminate reference to 29.23.023 and add "by ordinance"
- (c) Add "by ordinance" and a provision at the end requiring Dept of C+RA review if requested by petitioners.

(e) change "four" to "six"

(e) cont. change "four" to "six"
and delete reference to 29.23.023.

(s) delete "which follows
approval of a reapportionment
ordinance" + replace with
"held not sooner than sixty (60)
days following approval of
a reapportionment ordinance."

reapportionment, and submit the ordinance to the voters. If, at the end of the ^{four}four-month time period, an ordinance providing for reapportionment has not been approved, the Department of Community and Regional Affairs shall provide for the reapportionment in accordance with the standards of AS 29.23.021 — ~~29.23.023~~.

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

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

(§ 1 ch 83 SLA 1979) held not sooner than sixty (60) days following approval of a reapportionment ordinance

Effective date. — Section 27, ch. 83, SLA 1979, makes this section effective January 1, 1981.

Editor's note. — Section 26, ch. 83, SLA 1979, effective June 2, 1979, provides: "Notwithstanding AS 29.23.040, amended by sec. 4 of ch. 83, SLA 1979, the terms of office of borough assemblymen elected or appointed to dual borough assembly-city council seats are not affected by the amendment made to AS 29.23.040 in sec. 4 of ch. 83, SLA 1979 until reapportionment of the borough assembly is required or proposed under AS 29.23.020, repealed by sec. 21 [24] of ch. 83, SLA 1979, or is

effected as required or proposed under AS 29.23.021 — 29.23.025, added by sec. 1 of ch. 83, SLA 1979."

Statute superseded home rule enactments. — See Roderick v. Sullivan, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974), decided under former AS 29.23.020.

The legislature intended that all reapportionment ordinances be submitted to the electorate. Roderick v. Sullivan, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974), decided under former AS 29.23.020.

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. The regular term of office begins on the first Monday following certification of the election. 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; am § 4 ch 83 SLA 1979)

Effect of amendment.

The 1979 amendment, effective June 2, 1979, rewrote the second sentence.

Editor's note. — Section 26, ch. 83, SLA 1979, effective June 2, 1979, provides that the terms of borough assemblymen elected or appointed to dual borough assembly-city

council seats are not affected by the amendment made to AS 29.23.040 by sec. 4, ch. 83, SLA 1979 until reapportionment of the assembly is required or proposed under AS 29.23.020 or under AS 29.23.021 — 29.23.025.

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.

- (1) class;
- (2) name;
- (3) boundaries;
- (4) ~~Effective until January 1, 1981~~ composition and apportionment of the assembly or council;
- ~~Effective January 1, 1981~~ composition and apportionment of the assembly or council, but the number of members of a borough assembly may not exceed 11;
- (5) for a first class borough, a designation of areawide powers to be exercised;
- (6) for a second class borough, a designation of areawide and nonareawide powers to be exercised;
- (7) maps, documents, and other information required by the Department of Community and Regional Affairs;
- (8) for first class city incorporation, the signatures and resident address of 50 permanent resident voters or of 15 per cent of the permanent resident voters within the proposed municipality, whichever is greater, based on the number who voted in the area in the last general election;
- (9) for second class city incorporation, the signature and resident address of 25 permanent resident voters or of 15 per cent of the permanent resident voters within the proposed municipality, whichever is greater, based on the number who voted in the area in the last general election;
- (10) for borough incorporation, the signature and resident address of 15 per cent of the permanent resident voters in each first class city and 15 per cent of voters in the area outside first class cities based on the number who voted in the respective areas in the last general election;
- (11) for a city, a designation of the powers proposed by the petitioners to be exercised;
- (12) a proposed operating budget for the municipality projecting sources of income and items of expenditure through the first full fiscal year of operation. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972; am § 2 ch 212 SLA 1976; am § 3 ch 83 SLA 1979)

Effect of amendments.

The 1976 amendment, effective June 21, 1976, substituted "and nonareawide powers to be exercised" for "powers to be exercised and of powers to be exercised in the area outside cities only" at the end of paragraph (6), deleted "to show that the proposed municipality meets the standards for incorporation" from the end of paragraph (7), inserted "or of 15 per cent of the permanent resident voters" in paragraph (8), added the language beginning "whichever is greater" to the

end of paragraph (8), substituted "25 permanent resident voters or of 15 per cent of the permanent resident voters" for "10 permanent resident voters" in paragraph (9), added the language beginning "whichever is greater" to the end of paragraph (9), and added paragraphs (11) and (12).

The 1979 amendment, effective January 1, 1981, added "but the number of members of a borough assembly may not exceed 11" to the end of paragraph (4).

(4) delete provision enacted last year + go back to original

Jan Williams

Election

Fed. requirement

Voting Rights Act -
any 1 / has had a test
come up under the Act.
Other standard -

Ab. covered -
minority language group
' average intelligence
' less than average

districts included

Abk / Fla. not covered -
Provide assistance at polls.
Anything / effects

not effective until
Any state or fed agency
willing to review & done
so 60 days for response

* Court could determine who
pay costs -
Court discretion towards
feds.

HB

797



Alaska State Legislature

House of Representatives

Committee on

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

Community & Regional Affairs

BILL NUMBER AND TITLE: HB 797 Reclassification of Home Rule Cities

ORIGINAL SPONSOR: Branson
RECEIVED FROM: _____

OTHER SPONSORS: _____
FURTHER REFERRALS: _____

HEARING DATE: 3/21/80

Teleconference with Anch., Fbks.,
Valdez, Ketchikan, Sitka

MEMBERS PRESENT: Bill Parker X
Margaret Branson X
Pat O'Connell

Pat Carney
Charlie Parr X
Fred Zharoff X
Ray Metcalfe X

Charlie LaPage. City Council Member, Valdez/Box 830, Valdez 99686
Support HB 797. Has two questions:

1. p. 3 Lines 10,11 Assumes that the charter of the home rule city would become the charter of the unified municipality -What about provision for a new or transitional charter? This is not addressed.
 2. P. 3 Lines 25-29 This section seems to make moot the intent of the legislation as the unified municipality could be included in a borough at some later date.
- Parr - Asks if this isn't really annexation? Cites p. 3 lines 25-29.

LaPage points out that Valdez has discussed the situation with Cordova and agreed that it would be difficult for them to be together. Provides for a one-step conversion to a home rule municipality.

Parr- Again asks what the difference is between home rule borough and unified municipality and home rule city with annexed areas? Would have to provide services to annexed areas.

LaPage- Unified city/borough would be the best situation.

Parr- Isn't the issue that the pipeline revenues are at stake?

COMMITTEE ACTION: No action.

TAPE # SIDE _____ Footage _____

(b) If a proposed charter is rejected, the charter commission shall prepare another proposed charter to be submitted to the voters at a regular or special election to be held within one year after the date of the first charter election. If the second proposed charter is also rejected, the charter commission shall be dissolved and the question of adoption of a charter shall be treated as if it had never been proposed or approved. (§ 2 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 (2) substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in paragraph (2) of subsection (a).

Sec. 29.13.080. Charter amendment. A municipal charter may be amended as provided in the charter or by initiative referendum as provided in AS 29.28.060—29.28.110, except that no amendment shall be effective unless ratified by the voters. (§ 2 ch 118 SLA 1972)

Article 2. Home Rule Limitations.

Section

100. Limitation of home rule powers

Sec. 29.13.100. Limitation of home rule powers. Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise than as provided. They supersede existing and prohibit future home rule enactments which provide otherwise:

- (1) AS 29.13.080 (charter amendment)
- (2) AS 29.18.140 (borough transition)
- (3) AS 29.23.020—29.23.050 (city representation and vote on borough assembly)
- (4) AS 29.23.250(a) (election and term of mayor)
- (5) AS 29.23.540 (prohibitions respecting appointment and removal of personnel)
- (6) AS 29.23.560 (municipal reports)
- (7) AS 29.23.580 (meetings public)
- (8) AS 29.28.010, 29.28.020(b) — 29.28.030 (municipal elections)
- (9) AS 29.28.130—29.28.250 (recall)
- (10) AS 29.33.010(b) (areawide borough powers)
- (11) AS 29.33.290(c) (acquisition of additional areawide powers)
- (12) AS 29.43.020—29.43.040 (powers of cities outside boroughs)
- (13) AS 29.48.033 (garbage and solid waste services)
- (14) AS 29.48.035(b) (effect of areawide exercise of borough power)

- (15) AS 29.48.035 (c) (borough building code jurisdiction within cities)
- (16) AS 29.48.037 (extraterritorial jurisdiction)
- (17) AS 29.48.040—29.48.100 (utilities)
- (18) AS 29.48.180 (codification)
- (19) Repealed by § 8 ch 147 SLA 1972, effective September 10, 1972.
- (20) AS 29.48.210 (expenditure of borough revenue)
- (21) AS 29.48.220 (post audit)
- (22) AS 29.53.010—29.53.350, 29.53.400 (borough and city property tax)
- (23) AS 29.53.415 (d) (interest on sales tax)
- (24) AS 29.58.180 (b) (security for bonds)
- (25) AS 29.58.315 (bond attorneys, bond and financial consultants)
- (26) AS 29.68.010 (annexation and exclusion)
- (27) AS 29.68.030—29.68.110 (merger and consolidation)
- (28) AS 29.68.500—29.68.580 (dissolution)
- (29) AS 29.73.020 (eminent domain)
- (30) AS 29.73.030 (adverse possession)
- (31) AS 29.73.040 (taxation of municipalities)
- (32) AS 29.73.050 (municipal name changes)
- (33) AS 29.23.555 (conflict of interest). (§ 2 ch 118 SLA 1972; am §§ 2, 8 ch 147 SLA 1972)

Revisor's note (1972).—In ch. 118, SLA 1972, AS 29.48.035(b) was omitted from the list in AS 29.13.100. Since, by its own terms, it applies to home rule municipalities, it has been included here as AS 29.13.100(14); succeeding paragraphs (including the one added by § 2, ch. 147 SLA 1972)

have been renumbered. For specific discussion of AS 29.13.100, see 1972 House Journal, p. 1720 or 1972 Senate Journal Supplement No. 3, p. 3.

Effect of amendment. — The 1972 amendment, effective September 10, 1972, added paragraph (33) and repealed paragraph (19).

Chapter 18. Incorporation.

Article

1. Requirements (§§ 29.18.010—29.18.030)
2. Procedures (§§ 29.18.050—29.18.150)
3. Transitional Assistance (§§ 29.18.180—29.18.200)
4. Development Cities (§§ 29.18.220—29.18.460)

Article 1. Requirements.

Section

10. First class cities
20. Second class cities

Section

30. Organized boroughs

Sec. 29.18.010. First class cities. A community having 400 or more permanent residents may incorporate as a first class city. (§ 2 ch 118 SLA 1972)

C&RA

BILL WORK SHEET

BILL NO. ^{HB} 797 re Reclassification of Home Rule Cities

Received from _____
Referred to _____

Original Sponsor Bronson
Fiscal Note _____

LAA Legal Research Contact _____

CONTACTS:

- *Valdez - Mark Lewis ✓
- Cordova - Perry Loretto ✓
- Strangell - Joyce Pasler, Clerk ✓ Four communities have messed out.
- Petersburg 772-4511 Jerry Van Vleet
- Elections - Patty Ann Palley re fiscal note
Official impact

Alaska State Legislature
**TELECONFERENCE
HEARINGS**



DATE 3/12/80

CONFIRMATION OF TELECONFERENCE

TO MARGE GORSUCH

FROM DEBORAH GAZAWAY

SCHEDULED DATE OF TELECONFERENCE 3/12/80

LOCATIONS ANCHORAGE - 1024 W. 6th

(Site, Room, etc.) FAIRBANKS - 101 College Rd., Bldg F, Rm 252
* KKen - 415 Main St., Rm 301

* SITKA - 210 LAKE ST

JUNEAU - CAPITOL BLDG, GOVERNOR'S CONFERENCE RM

TIME 1:30 PM.

SUBJECT HB 797

CHAIRMAN Rep. PARKER

NOTES * municipal officials from Haines + PETERSBURG WILL ATTEND
at either Sitka L.I.O. or Ketchikan L.I.O.

If any of the above information is incorrect or has changed since our last contact with you, please call the Juneau Teleconference Office ASAP.

Mailing Lists

Copy of Teleconference
Notice and copy of HB 797)

Cordova Times
PO 200
Cordova 99574

Petersburg Pilot
PO Box 9/30

Petersburg 99833

Valdez
Vanguard
PO Box 157

Valdez 99686

Strangell Sentinel
Box 798

Strangell 99929

KLAM

Cordova
Box 278
99574

KFSK - FM
Box 149
Petersburg 99833

KSTK - FM
Box 382

Strangell



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Rep. Margaret Branson
FROM: Rep. Bill Parker
RE: Teleconference HB 797
DATE: 3/14/80

Margaret,

Copies of HB 797 and the Teleconference notice have been forwarded to those on the attached mailing list.

Please let us know if you want any additional people contacted.

Mrs. Sheila Gallagher ^{ABC}
3201 " C" ST., Suite 201
Anchorage, Ak. 99503

Mr. Tom MOrhouse
Institute of Social/Ec
Research
707 A St. #206
Anchorage, Ak. 99501

Mr. Kenneth Van Brocklin
Council Member
P.O. Box 1210
Cordova, Ak. 99574

Mrs. Josephine Anderson
P.O. Box 351 ^{ABC}
Wrangell, Ak. 99929

Mr. James Nordale, Attorney
North Star Borough
P.O. Box 1267
Fbks., Ak. 99701

Mr. Hollis Henrichs
Council Member
P.O. Box 1210
Cordova, Ak. 99574

Mr. Charles Bettisworth
Local Boundary Commission
P.O. Box 80299
Fairbanks, Ak. 99701

Mrs. Lisa Rudd
2827 Lore Road
Anchorage, Ak. 99507

M.C. Connie Taylor
Council Member
P.O. Box 1210
Cordova, Ak. 99574

Mr. Sig Strandberg
Local Boundary Commission
7235 Blackberry St.
Anchorage, Ak. 99502

Dr. Lidiá Selkregg
P.O. Box 2217
Anchorage, Ak. 99510

Mr. Pete Isleib
Council Member
P.O. Box 1210
Cordova, Ak. 99574

Mr. Ed Blantchford, Pres
Chugach Natives
903 W Northern Lights Blvd.
Anchorage, Ak. 99501

Mr. Lee Sharp
155 Soth Seward St.
Juneau, Ak. 99510

Ms. Jerry Van Vleck
Acting City Mgr.
P.O. Box 329
Petersburg, Ak. 99833

Mr. Barny Meyring
Philleo Engineering
129 Fbks. St.
Valdez, Ak. 99686

Mr. Tom Klinkner
900 W 5th Ave.
Anchorage, Ak. 99501

Mayor Richard Kito
P.O. Box 329
Petersburg, Ak. 99833

Mr. Jim Poor
Box 399
Cordova, Ak. 99574

Mr. Greg Machyowski
1220 Glacier
Juneau, Ak. 99801

Ms. Joyce Rasler
Clerk
P.O. Box 531
Wrangell, Ak. 99929

Mr. Perry Lovett
P.O. Box 1210
Cordova, Ak. 99574

Mayor Richard McCormick
P.O. Box 531
Wrangell, Ak. 99929

Mr. Richard Garnett, III
1342 W 12th Ave.
Anchorage, Ak. 99501

Mayor A.W. Hall
P.O. Box 1210
Cordova, Ak. 99574

Mr. Kenneth Mason
Council Member
P.O. Box 531
Wrangell, Ak. 99929

Mr. John Havelock
2024 Esquire Dr.
Anchorage, Ak. 99501

Mr. D. Narrance, Coucil
Member
P.O. Box 1210
Cordova, Ak. 99574

Mr. Robert Maxand
Council Member
P.O. Box 531
Wrangell, Ak. 99929

Mr. Vic Fischer
221 E 7th #204
Anchorage, Ak. 99501

Mr. Glenn Mast
Council Member
P.O. Box 1210
Cordova, Ak. 99574

Mr. Ken Bell
Council Member
P.O. Box 531
Wrangell, Ak. 99929

Larry Crawford
City Manager
Pouch 6-650
Anchorage, Alaska 99502

Mayor William R. Wood
410 Cushman Street
Fairbanks, Alaska 99701

Mr. Paul Bear
Assemblyman
Pouch 6-650
Anchorage, Alaska 99502

Mr. Willis Droz
City Manager
410 Cushman Street
Fairbanks, Alaska 99701

Mr. Garry O'Conner
Assemblyman
Pouch 6-650
Anchorage, Alaska 99502

Ms. Ruth Burnett
Council member
410 Cushman Street
Fairbanks, Alaska 99701

Mr. Fred Chiei
Assemblyman
Pouch 6-650
Anchorage, Alaska 99502

Mr. Ted Lehne
Council Member
410 Cushman Street
Fairbanks, Alaska 99701

Mr. Rick Mystrom
Assemblyman
Pouch 6-650
Anchorage, Alaska 99502

Mr. Joseph Marshall
Council Member
410 Cushman Street
Fairbanks, Alaska 99701

Mr. John Jaeger
Council Member
P.O. Box 307
Valdez, Alaska 99686

Mr. Ben March
Assemblyman
Pouch 6-650
Anchorage, Alaska 99502

Mr. Mike Mikell
Council Member
410 Cushman Street
Fairbanks, Alaska 99701

Mr. Stephen McAlpine
Council Member
P.O. Box 307
Valdez, Alaska 99686

Mr. Dave Rose
Assemblyman
Pouch 6-650
Anchorage, Alaska 99502

Mr. Ron Punton
Council Member
410 Cushman Street
Fairbanks, Alaska 99701

Mr. Art Vergere
Council Member
P.O. Box 307
Valdez, Alaska 99686

Ms. Lidia Selkregg
Assemblyperson
Pouch 6-650
Anchorage, Alaska 99502

Mr. Robert Sunberg
Council Member
410 Cushman Street
Fairbanks Alaska 99701

Ms. Carol Maser
Assemblyperson
Pouch 6-650
Anchorage, Alaska 99502

Mayor Bill Walker
P.O. Box 307
Valdez, Alaska 99686

KRBD
2415 Hemlock St.
Ketchikan, AK 99901
Att: Carolyn Willingham

Name Nugget
P.O. Box 610
Nome, AK 99762
Att: Albro Gregory

Ketchikan Daily News
P.O. Box 7900
Ketchikan, AK 99901
Att: Ken O'Toole

KIFW
P.O. Box 229
Sitka, AK 99835
Att: Dave Selaski

Southeastern Log
P.O. Box 7900
Ketchikan, AK 99901
Att: Ken O'Toole

Sitka Daily Sentinel
P.O. Box 799
Sitka, AK 99835
Att: Thad Paulson

KMYT
P.O. Box 484
Kodiak, AK 99615
Att: Lin Stafford

KVOK
P.O. Box 53
Kodiak, AK 99615
Att: Loren Bridges

Kodiak Times
P.O. Box 631
Kodiak, AK 99615

Kodiak Daily Mirror
P.O. Box 1307
Kodiak, AK 99616
Att: Roger Brigham

KOTZ
P.O. Box 78
Kotzebue, AK 99752
Att: Brad Reeve

KICY
P.O. Box 820
Nome, AK 99762
Att: Ralph Fondell

KNOM
P.O. Box 988
Nome, AK 99762
Att: Tom Busch

KJZZ
338 Denali St.
Anchorage, AK 99501
Att: Bill Hampton

Anchorage Daily News
Pouch 6616
Anchorage, AK 99502
Att: Stan Abbott

KIAK
P.O. Box 73410
Fairbanks, AK 99707
Att: Peter Van Nort

KFQD
9200 Lake Otis
Anchorage, AK 99507
Att: Norma Herrin

Tundra Times
639 "I" St.
Anchorage, AK 99501

KJNP
P.O. Box 0
North Pole, AK 99705
Att: News Dept.

KANC
8819 Jewel Lake
Anchorage, AK 99502
Att: Shari Gilbert

The Valley Sun
Pouch M
Wasilla, AK 99687

KUAC
Univ. of AK
Fairbanks, AK 99701
Att: Phil Falkowski

KBYR
1007 W. 32nd Ave.
Anchorage, AK 99503
Att: Norma Goodman

The Chugiak-Eagle River
Star
Box 1107
Eagle River, AK 99577

Daily News Miner
P.O. Box 710
Fairbanks, AK 99707
Att: Dermot Cole

KENI
P.O. Box 1160
Anchorage, AK 99510
Att: Lynn Roberts

KYUK
P.O. Box 468
Bethel, AK 99559
Att: Carol Schatz

Tundra Times
410 2nd Ave.
Fairbanks, AK 99701
Attn: Editor

KHAR
3900 Old Seward Hwy.
Anchorage, AK
Att: Sandi Marsh

Tundra Drums
P.O. Box 868
Bethel, AK 99559
Att: Rosie Porter

KQOK
P.O. Box 950
Soldotna, AK 99669
Att: John Davidson

KYAK/KGOT
2800 E. Dowling
Anchorage, AK 99507
Att: Les Snow

KDLG
P.O. Box 670
Dillingham, AK 99576
Att: Bob King

KSRM
P.O. Box 950
Soldotna, AK 99669
Att: Jim Heim

KHVN
2607 Fairbanks
Anchorage, AK 99503
Att: Clay Shelton

Bay Advertiser
P.O. Box 224
Dillingham, AK 99576
Att: Dorothy Anderson

Peninsula Clarion
P.O. Box 1341
Kenai, AK 99611

KSKA
P.O. Box 1900
Anchorage, AK 99510

KFAR
P.O. Box 910
Fairbanks, AK 99707
Att: Phyllis Whitehead

Homer News
P.O. Box 254
Homer, AK 99603
Att: Tom Gibboney

Anchorage Times
P.O. Box 40
Anchorage, AK 99510
Att: Clint Andrews

KFRB
P.O. Box 950
Fairbanks, AK 99707
Att: Anne Spink

KTKN
P.O. Box 8500
Ketchikan, AK 99901

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 797
 Title An Act relating to the reclassification of home rule cities
 Requested by House Community & Regional Affairs Committee Date 3-18-80

II. FISCAL DETAIL

Agency Affected Community & Regional Affairs
 Program Category Affected Development
 BRU, Program, or Subprogram(s) Affected Local Boundary Commission
 (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 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME						
PART TIME						
TEMPORARY						

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

The agencies responsible for carrying out the tasks required by HB 797 are already in place and sufficiently funded. Reclassification by a home rule municipality to unified status would not, in itself, create any fiscal impact.

IV. DATE 3-18-80 PREPARED BY Palmer McCarter
 AGENCY Community & Regional Affairs
 PHONE 465-4707

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



ADOPTED AUGUST 1972

CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99929 (907) 874-2381

March 19, 1980

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

Re: HB 797, Reclassification of Home Rule Cities

Dear Sir:

The City of Wrangell is a Home Rule City located outside an organized borough and are very concerned with any legislation which may affect us.

We support the concept of House Bill No. 797. Adoption of this legislation would provide us with a flexibility that is not now available. The Voters would have the option of reclassification if they should determine it would be beneficial to the community.

Very truly yours,

A handwritten signature in cursive script that reads "Joyce Rasler".

Joyce Rasler, CMC
City Clerk

cc: E. J. Haugen, Representative
Pete Melend, Senator
Dept. of Community & Regional Affairs
Alaska Municipal League

TELECONFERENCE HEARINGS



SUBJECT: HB 797 - reclassification of home rule cities

COMMITTEE: House C&RA

DATE: March 21, 1980

TIME: 1:30 p.m.

SITES PARTICIPATING: Anch, Fbx, Ktn, Jnu, Sitka

CONFERENCE MODE: Audio

LOCATION: Room 301, SOB

MODERATOR: Bonnie Potter

NOTES:

CONFIRMATION OF CONFERENCE

CENTER: yes

PUBLICITY:

Invitational -

	Date	Quantity
PSAs	<u>3/17/8</u>	<u>3</u>
News releases (local)	<u>Ktn Daily News</u> <u>KRBA</u> <u>KTKN</u>	<u> </u>
News releases (outlying media)	<u> </u>	<u> </u>
Direct mail	<u> </u>	<u> </u>
Phone contacts	<u> </u>	<u> </u>
Other:		

NUMBER IN ATTENDANCE 3
NUMBER TESTIFYING 0

TELECONFERENCE HEARINGS



Time - PACIFIC STANBARD

TELECONFERENCE CONTACT SHEET

TAKEN BY FRED/DEBORAH

TOPIC: HB 997 - 'Reclassification of home rule cities'

CONTACT MAR Gonsuch

PHONE 465-3824

COMMITTEE: H CRA

DATE SCHEDULED 3/6/80

DATE: 3/21/80 DAY: FRIDAY

LOCATION _____

TIME: 1:30 AM SCHEDULED DURATION: 2-3 hrs.

MODERATOR _____

SITES PARTICIPATING: ANCH; Fbx; KKAN; JNO; STKA

CONFERENCE MODE: Audio Video _____

PUBLICITY:

PERSONS PARTICIPATING

SITE

chair: RFP. PARKER

JUNEAU

Invitational

Committee making contacts

PSAs date quantity

News Release date quantity

Summary to be provided

Text to be provided

Quotes to be provided

Direct Mail date quantity

Phone date quantity

Post at Info. Office

Post other local locations

SPECIAL NOTES:

Final committee is contacting the municipal people of each area

JUNEAU LOCATION:

Gov.'s Conf. Rm.

POST-TELECONFERENCE NOTE:

Participants 0

Observers 0

Total 0

TELECONFERENCE HEARINGS



Please Print.
To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME CHARLES F. LAPAGE

Here to Testify

REPRESENTING CITY OF VALDEZ

Here to Observe

MAILING ADDRESS Box 830 VALDEZ Zip 99686

TELEPHONE NUMBER 835 4451

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Charles F. Lape
(signature)

EVALUATION: Have you participated in other legislative teleconferences? No If so, how many? _____

How did you learn about this hearing?

Would you have participated in this hearing if the network were not available? No

If yes, did you use the network
 instead of travel
 instead of phone conversations
 instead of mailed testimony?

Are you also providing written testimony? _____

DATE March 21, 1980 SUBJECT House Senate HB 797 LOCATION Valdez

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 797
Title An Act relating to the reclassification of home rule cities
Requested by House Community & Regional Affairs Committee Date 3-18-80

II. FISCAL DETAIL

Agency Affected Community & Regional Affairs
Program Category Affected Development
BRU, Program, or Subprogram(s) Affected Local Boundary Commission

(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 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The agencies responsible for carrying out the tasks required by HB 797 are already in place and sufficiently funded. Reclassification by a home rule municipality to unified status would not, in itself, create any fiscal impact.

IV. DATE 3-18-80 PREPARED BY Palmer McCarter
AGENCY Community & Regional Affairs
PHONE 465-4707
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Article 5. Simultaneous
Incorporation and Unification

Sec. 29.68.620. SIMULTANEOUS INCORPORATION AND UNIFICATION AUTHORIZED. Notwithstanding other provisions of law relating to incorporation and unification, an area conforming to the standards set forth in A.S. 29.18.030, which contains one or more cities within its proposed boundaries, may simultaneously incorporate and unite to form a single unified municipality by complying with this chapter.

Sec. 29.68.630. SIMULTANEOUS INCORPORATION AND UNIFICATION TO BE PROPOSED BY PETITION OR RESOLUTION. Simultaneous incorporation and unification of an area shall be proposed by filing a petition with the Department of Community and Regional

Affairs conforming with the requirements of section 640 of this chapter, or by resolution of the council of a first class home rule city within the proposed unified municipality. Such a resolution shall present the proposition required in §640(a) of this chapter, include all information required by §640(c), and shall be presented to the Department of Community and Regional Affairs. Such a resolution may be adopted not more often than once every 12 months.

Sec. 29.68.640. PETITION REQUIREMENTS.

(a) The petition shall read:

"PETITION FOR ELECTION CONCERNING
SIMULTANEOUS INCORPORATION AND
UNIFICATION AND ELECTION OF
CHARTER COMMISSION TO PROPOSE
UNIFICATION CHARTER

We, the undersigned, qualified voters of the proposed unified municipality do hereby petition that the following proposition be placed before the voters within the proposed unified municipality as provided by law:

'Shall there be simultaneous incorporation of the area described as and formation of a charter commission (the charter commission members to be elected as elsewhere provided in this ballot) to prepare, adopt and submit to the voters for their approval or rejection a proposed charter uniting the incorporated area and all cities within it as a single unit of home rule government having the powers,

duties and functions of a unified government as authorized by law?

Yes [] No []'

	Inside First Class or Home Rule City	Outside First Class or Home Rule City"
Signature	Address	Rule City"

(b) The petition shall be signed by at least

(1) that number of qualified voters within the proposed unified municipality who live outside of all first class and home rule cities in the proposed unified municipality equal to 25 per cent of the qualified voters who voted in the last general election; and

(2) that number of qualified voters residing in each first class and home rule city located within the proposed unified municipality equal to 25 per cent of the qualified voters who voted in the last general election in each city.

(c) The petition shall include all information about the proposed unified municipality which is required by A.S. 29.18.050.

Sec. 29.68.650. REVIEW. The Department of Community and Regional Affairs shall review the petition to determine whether it complies with §640 of this chapter. A deficient petition shall be immediately returned to the person who initiated it with a statement indicating which requirements have not been satisfied.

Sec. 29.68.660. INVESTIGATION AND CALL FOR CHARTER COMMISSION NOMINATIONS. Once it is determined by the Department of Community and Regional Affairs that a petition meets the requirements of §640 of this chapter, the following actions shall be taken:

(1) the Department of Community and Regional Affairs shall comply with the provisions of A.S. 29.18.070 and A.S. 29.18.080(a), concerning the incorporation aspects of the petition or resolution;

(2) the Local Boundary Commission shall comply with the provisions of A.S. 29.18.080(b) and A.S. 29.18.090 concerning the incorporation aspects of the petition or resolution.

Sec. 29.68.780. ELECTION ON CHARTER.

(a) The proposed charter adopted by the charter commission shall be submitted to the voters at the election specified in §740 of this chapter. The Department of Community and Regional Affairs shall prepare the ballots for use in the election in the manner in which regular municipal elections are conducted. In addition, the Department of Community and Regional Affairs shall publish notice of the election by radio and television in a manner intended to apprise the entire proposed unified municipality population of the election.

(b) A person who is a qualified voter within the proposed unified municipality may vote in the election on the proposed charter.

(c) If a majority of the votes cast in the area of the proposed unified municipality outside all first class and home rule cities and a majority of the votes cast in the remaining area of the proposed unified municipality, composed of all first class and home rule cities, are cast in favor of the proposed charter, the charter is ratified. If the charter is ratified, two copies of the charter shall be filed with each of the following authorities:

the Department of Community and Regional Affairs. A copy with signatures affixed shall also be filed with the clerk of each city within the proposed unified municipality.

Sec. 29.68.770. PUBLICATION AND POSTING OF PROPOSED CHARTER. Within 10 days after filing the proposed charter, the Department of Community and Regional Affairs shall have it published once in at least one newspaper having general circulation distributed within the proposed unified municipality, if there is a newspaper having general circulation distributed within the proposed unified municipality. In addition, the Department of Community and Regional Affairs shall have a copy of the proposed charter posted in at least three public places within each city of the proposed unified municipality and each area outside cities. Copies of the proposed charter shall be made available by the Department of Community and Regional Affairs to the public at both the office of the Department of Community and Regional Affairs and the office of the clerk of each city within the proposed unified municipality. The Department of Community and Regional Affairs shall publish notice by radio and television of the publication, posting, and availability of the proposed charter in a manner intended to apprise the entire proposed unified municipality population of the existence of the proposed charter.

- (1) lieutenant governor;
- (2) commissioner of the Department of Community and Regional Affairs;
- (3) district recorder for the area of the unified municipality;
- (4) clerk of each city in the unified municipality.

(d) If a proposed charter is rejected, the charter commission shall prepare, adopt and submit another proposed charter to the voters within the proposed unified municipality at a general election, or a special election called by the Department of Community and Regional Affairs, held within 120 days of the date of the first charter election. If the second proposed charter is also rejected, the Charter Commission shall submit a third proposed charter to the voters at an election called by the Department of Community and Regional Affairs and held within 120 days of the second charter election. If the third proposed charter is rejected, the Charter Commission shall be dissolved, and the question of simultaneous incorporation and unification shall be treated as if it had never been proposed or approved.

Sec. 29.68.790. ELECTION OF INITIAL OFFICERS AND EFFECT OF RATIFIED CHARTER.

(a) After ratification of the charter, nominations for initial officers of the unified municipality shall be made by petition in the form prescribed by the lieutenant governor which include the name and address of the nominee and a statement of the nominee that he is qualified under the provisions of this title for the office that he seeks. A person may file for and occupy more than one office, but he may not serve simultaneously as municipal mayor and as member of the municipal assembly or council. Petitions to nominate elected municipal officers must include the signatures and resident addresses of 50 voters in the area of the unified municipality, or that area of the unified municipality from which the officers are to be elected under the composition and apportionment set out in the accepted incorporation petition.

(b) Election of the initial officers shall occur within 90 days after ratification of the charter. The elected initial officers shall take office on the first Monday following certification of their election. The initial elected assembly or council members shall determine by lot the length of their terms of office so that a proportionate number of terms expire each year, resulting in staggered terms of office for members subsequently elected.

(8) designation of the new unified municipality's official name, subject to the provisions of (b) of this section;

(9) other charter provisions which the charter commission elects to include and which may be included in a home rule charter under this chapter and the state constitution.

(b) The area to be unified shall be known as a borough or a city or by some other designation consistent with existing law.

Sec. 29.68.750. PUBLIC HEARINGS. Both before and after drafting the proposed charter, the charter commission shall hold a public hearing in each area of the proposed unified municipality represented on the charter commission by the eight charter commission members who were not elected at large. Other public hearings may be held by the charter commission whenever and wherever it believes necessary and appropriate.

Sec. 29.68.760. FILING OF PROPOSED CHARTER. Upon the adoption of a proposed home rule charter by the charter commission, the charter shall be signed by at least a majority of the total membership of the commission and shall be filed with

(1) provisions for adjustment of existing bonded indebtedness and other obligations in a manner which will reserve a fair and equitable burden of taxation for debt service, subject to §800 of this chapter;

(2) provision for the establishment of

(A) service areas;

(B) sections, if desired; and

(C) reapportionment of the sections, if established;

(3) provision for nonpartisan government and provision for the selection, organization, authority and responsibilities of the governing body and its executive and administrator;

(4) the transfer or other disposition of property and other rights, claims, assets and franchises of the local government to be unified under the charter;

(5) provision for exercise of the rights of initiative and referendum as required by A.S. 29.13.050;

(6) a method of amending the charter;

(7) the date on which the charter, if approved at the charter election required by §780 of this chapter, is effective;

(e) Vacancies on the charter commission shall be filled by a majority vote of the commission. The person appointed to fill a vacancy must be a qualified voter of the same area as the person whom he succeeds and must have been a qualified voter of that area for at least one year immediately preceding the date of his appointment.

(f) The Department of Community and Regional Affairs may grant a per diem allowance to the commission members and may reimburse the members for travel expenses incurred in carrying out the duties prescribed by this chapter.

(g) Costs, fees, and other expenses incurred by the charter commission shall be paid by the State.

Sec. 29.68.740. CHARTER PREPARATION.

(a) A charter commission established under this chapter shall prepare, adopt and submit a proposed home rule charter for the area to be unified to the voters for approval or rejection at an election called by the Department of Community and Regional Affairs and held within 60 days of the date of publication and posting of the proposed charter as required in §770 of this chapter. The charter shall include among its provisions:

candidates who received the highest number of votes from their respective areas shall serve as members of the commission.

Sec. 29.68.730. CHARTER COMMISSION ORGANIZATION AND PROCEDURE. (a) The charter commission authorized by this chapter shall hold its first meeting within 30 days of the date of certification of its election. The commission shall elect from among its members a chairman and a deputy chairman.

(b) A majority of the total membership of the charter commission constitutes a quorum. No decision of the commission is valid or binding unless approved by that number of members necessary to constitute a quorum.

(c) The charter commission may elect other officers from among its membership, adopt rules governing its procedures and hire and discharge commission employees. Rules adopted must conform with the provisions of this chapter.

(d) Meetings of the charter commission shall be open to the public at all times. A journal of commission proceedings shall be kept and shall be available for public inspection at the Department of Community and Regional Affairs.

(c) The election of charter commission members shall take place at the same time as the election on the question of simultaneous incorporation and unification. If the petition fails, no charter commission members are elected.

(d) An Alaska voter who has been a resident of the area within the proposed unified municipality for 30 days before the date of the election order may vote.

(e) The lieutenant governor shall supervise the election in the general manner prescribed by the Alaska Election Code (A.S. 15.05 - 15.60). The State shall pay all election costs under this section.

Sec. 29.68.710. REQUIREMENTS FOR APPROVAL OF SIMULTANEOUS INCORPORATION AND UNIFICATION. If a majority of the votes cast within the boundaries of the proposed unified municipality favors the proposition for simultaneous incorporation and unification, the proposition shall be approved.

Sec. 29.68.720. REQUIREMENTS FOR ELECTION OF CHARTER COMMISSION. If simultaneous incorporation and unification is approved, those charter commission

each of these areas shall be proportionate to the respective populations as determined by the Department of Community and Regional Affairs.

Sec. 29.68.700. ELECTION. (a) After accepting the petition or resolution for simultaneous incorporation and unification, and after the date fixed for receiving nominations for charter commission candidates, the Department of Community and Regional Affairs shall immediately notify the lieutenant governor of its acceptance of the petition. Within 30 days after notification, the lieutenant governor shall order an election in the proposed unified municipality to determine whether the voters desire simultaneous incorporation and unification of the proposed unified municipality. The election shall be held not less than 30 nor more than 90 days after the date of the election order.

(b) The ballot on the question of simultaneous unification and incorporation shall be worded exactly as provided in §640(a) of this chapter.

after notice of the call for nominations has been given by the Department of Community and Regional Affairs.

Sec. 29.68.680. QUALIFICATIONS OF CHARTER COMMISSION CANDIDATES. A person is eligible to be nominated as a candidate for the charter commission if he has been a qualified voter of the area within the proposed unified municipality from which he seeks election for at least one year immediately preceding the date his nomination petition is filed with the Department of Community and Regional Affairs.

Sec. 29.68.690. COMPOSITION OF CHARTER COMMISSION. The charter commission members shall be qualified voters and shall consist of 11 members, three of whom shall be residents elected at large from the area of the proposed unified municipality and 8 of whom shall be (1) residents of and elected from the area outside cities in the proposed unified municipality or (2) residents of and elected from a city or cities in the proposed unified municipality. The number representing

(3) if the Local Boundary Commission determines that the proposed municipality meets the standards for incorporation, it shall accept the petition or resolution and the Department of Community and Regional Affairs shall issue a call for the nomination of charter commission candidates, specifying the filing deadline and outlining the procedure described for making nominations under §670 of this chapter.

Sec. 29.68.670. NOMINATION OF CHARTER COMMISSION CANDIDATES. (a) Charter commission candidates shall be nominated by a petition signed by at least 50 qualified voters of the area within the proposed unified municipality from which the candidate seeks election or by a number of qualified voters from that area equal to at least 10 per cent of the number of votes cast from that area in the last general election, whichever is less.

(b) Nomination petitions shall be filed with the Department of Community and Regional Affairs on or before the date set by the Department of Community and Regional Affairs, which date shall not be less than 30 days

Sec. 29.68.650. REVIEW. The Department of Community and Regional Affairs shall review the petition to determine whether it complies with §640 of this chapter. A deficient petition shall be immediately returned to the person who initiated it with a statement indicating which requirements have not been satisfied.

Sec. 29.68.660. INVESTIGATION AND CALL FOR CHARTER COMMISSION NOMINATIONS. Once it is determined by the Department of Community and Regional Affairs that a petition meets the requirements of §640 of this chapter, the following actions shall be taken:

(1) the Department of Community and Regional Affairs shall comply with the provisions of A.S. 29.18.070 and A.S. 29.18.080(a), concerning the incorporation aspects of the petition or resolution;

(2) the Local Boundary Commission shall comply with the provisions of A.S. 29.18.080(b) and A.S. 29.18.090 concerning the incorporation aspects of the petition or resolution.

duties and functions of a unified
government as authorized by law?

Yes [] No []'

Inside First Outside First
Class or Home Class or Home

Signature Address Rule City Rule City"

(b) The petition shall be signed by at least

(1) that number of qualified voters within
the proposed unified municipality who live out-
side of all first class and home rule cities in
the proposed unified municipality equal to
25 per cent of the qualified voters who voted
in the last general election; and

(2) that number of qualified voters residing
in each first class and home rule city located
within the proposed unified municipality equal
to 25 per cent of the qualified voters who voted
in the last general election in each city.

(c) The petition shall include all information
about the proposed unified municipality which is
required by A.S. 29.18.050.

shall revise, repeal, or reaffirm all city ordinances, resolutions and orders in force within the unified municipality at the time of unification. Each ordinance, resolution, regulation, or order in force at the time of unification shall remain in force until superseded by action of the new governing body.

Sec. 29.68.820. RIGHT TO STATE AND FEDERAL FUNDS PRESERVED. All provisions of law authorizing contributions of any kind, in money or otherwise, from the state or federal government to cities shall remain in full force and effect with respect to a unified municipality organized under §§ 620 - 830 of this chapter.

Sec. 29.68.830. POWERS OF A UNIFIED MUNICIPALITY. A municipality organized under §§ 620 - 830 of this chapter shall have all powers

(1) not prohibited it by law or charter;

(2) granted to organized boroughs and first class cities.

Sec. 29.68.840. EFFECT. §§620 - 830 of this chapter do not modify the procedures for incorporation pursuant to §§29.18.050 - 29.18.150 or for unification pursuant to §§29.68.240 - 29.68.440.

(c) The ratified charter becomes effective on the same day that the elected initial officers take office and operates to dissolve all local governments within the area of the unified municipality in accordance with the charter.

Sec. 29.68.800. ASSETS AND LIABILITIES.

A municipality created by simultaneous incorporation and unification shall succeed to all the assets and liabilities of the local governments it unified. A bonded indebtedness or other debt incurred before unification shall remain the tax obligation of the area which contracted the debt, except that the tax obligation may be spread over a larger area by ordinance if the governing body determines that the asset for which the bonded indebtedness or other debt was incurred was used for the benefit of the larger area before unification, or is so used after unification. However, pre-unification bonded indebtedness or other debt for sewage collection systems, water distribution systems, and streets, even if determined to be used for the benefit of a larger area than that which incurred the debt, shall remain the tax obligation of the area which incurred the debt.

Sec. 29.68.810. ORDINANCES. Within two years after ratification of the charter, the governing body of the unified municipality

HB

804

COMMITTEE REPORT

HOUSE

7

2/18/80

FURTHER: FINANCE

Date: _____

Mr. Speaker:

The Committee on COMMUNITY AND REGIONAL AFFAIRS has had HB 804

"An Act making a special appropriation to the City of Cordova for improvements and extensions to the city's water supply system; 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 _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN