

740

HCRA

SB

137

740

SB

137

# COMMITTEE REPORT

## HOUSE

FURTHER:

April 6, 1979

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on C&RA has had CSSB 137 (Rules)

"An Act relating to the municipal code; eff. date."

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

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

MEMBERS SIGNING  
DO PASS

*[Handwritten signatures]*

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 998

DATE: 4/27/79

BILL NUMBER AND TITLE: SB 137 Relating to the Municipal Code

ORIGINAL SPONSOR : Rules at the request of  
the Governor

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT:

Bill Parker X  
Margaret Branson X  
Pat O'Connell X

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

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Sterling Gallagher-- Consultant with John Nuveen  
Discussed proposed amendment and need for it. Provisions of AS 29.58,200-220 which govern the issuance of revenue bonds by a general law municipality such as the Fairbanks North Star Borough do not allow for the authorization of revenue bonds for the purpose of acquiring home mortgages. The proposed amendment would provide the requisite assurance that revenue bonds issued by the Borough would be valid.

Larry Kimball, Dept. of C&RA  
Discussed Dept. support of amendment suggested by Ketchikan Gateway Borough (see attached letter) re responsibility of the borough in regard to function as board of adjustment,

Discussion followed on inclusion of "election at large" as an option in the reapportionment plan. Branson opposed to "at large" concept but will go along with it. Metcalf suggests that there be a dual vote on the reapportionment plan, that a majority inside and outside of the cities support it for passage. This concept is not given committee support.

Consensus of the committee is to support the House CS for CSSB137 which incorporated HB 384, Apportionment and Composition of Borough Assemblies, and to add amendment proposed by Sterling Gallagher. Election at Large concept is to be retained as an option in the House CS.

COMMITTEE ACTION: House CS passed out.

TAPE # 8 SIDE 1

Sections 61-1051

Also testifying:

Palmer McCarter & Don ARgetsinger

Support concept of municipalities being given the option of having voting "at large".

Marilyn Miller, Municipal League

Supports concept of "at large" option being included. Six out of 11 municipalities now have "at large" representation including three home rule boroughs.

Randy Phillips

Raises possibility of HB 429 being considered as an amendment to SB137. After discussion it is decided that HB 429 will be acted upon separately.



## KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET  
KETCHIKAN, ALASKA 99901

April 10, 1979

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

Dear Representative Parker:

With regard to CSSB 137 (Rules), Section 10, which amends AS 29.33.110(a), I would like to offer the following comments and suggestions:

AS 29.33.070(a) says that Boroughs shall provide for planning, platting and zoning on an areawide basis. Paragraph (b) of the same section allows a borough to delegate planning, platting, and zoning responsibilities to the council of a city. AS 29.33.110(a) usurps the borough's prerogative to delegate the responsibility of board of adjustment by stating: " \* \* \* The city council is the board of adjustment for the area within the city boundaries \* \* \* "

There are two cities within the Ketchikan Gateway Borough. The City of Ketchikan is a home-rule city and the City of Saxman is a second-class city. The Ketchikan Gateway Borough provides for planning, platting, and zoning on an areawide basis. The Borough also provides for board of adjustment procedures by ordinance. The City of Ketchikan does not provide for board of adjustment procedures by ordinance, and I doubt the City of Saxman is even aware that they have the responsibility for board of adjustment. Conceivably there could be three different determinations and/or interpretations of the zoning code on similar appeals depending upon where property is located. Title 29 does not provide that these cities will prescribe procedures for appeals. AS 29.33.245 says: " \* \* \* The assembly shall prescribe procedures for hearings and appeals. \* \* \* " I question whether Title 29 has any influence on the home-rule city in the area of zoning. It

April 10, 1979  
Page two

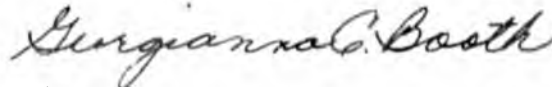
appears more logical that the Borough which has a vested interest in zoning regulation because they are charged with enforcing the decisions of the board of adjustment should retain the board of adjustment function unless they so chose to delegate it. Therefore, I suggest . . .

"(a) The borough assembly is the board of adjustment but may delegate by ordinance part or all of its functions to a city within the borough in accordance with AS 29.33.070(b). \* \* \*"

Your comments and/or questions are welcome.

Sincerely,

KETCHIKAN GATEWAY BOROUGH



Georgianna C. Booth  
Deputy Clerk

cc: The Honorable Mike Colletta  
Chairman, Senate Rules

# STATE OF ALASKA

JAY S. HAMMOND, Governor

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B—JUNEAU 99801

April 26, 1979

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

Dear Mr. Chairman:

At the request of your staff we have reviewed the proposed legislation providing for simultaneous incorporation and unification of municipalities and offer the following comments:

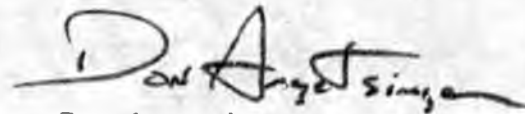
- 1) The proposal presents a very significant alternative because it does present a one-step option for an area to go from unorganized borough status to home rule unified status, the most sophisticated and autonomous form of local government recognized under State law. In special cases this may be the optimum method of unifying, but it could also be used by areas who wish "automatic autonomy" but do not possess the skills or financial base to adequately govern as a home rule municipality. This problem of attaining home rule status before a regional local area is prepared to shoulder the responsibilities could occur under the present two-step process but it would be a slower and more deliberate process.
- 2) Upon unification all cities within the area are dissolved. We feel this may also prove to be a negative aspect of this proposal if a large area opts to unify under this mechanism. Governing a large land area with great distances between populated areas presents many different types of problems which would not confront a small second class city.
- 3) The proposed legislation requires an area wishing to unify meet borough standards set forth in AS 29.18.030, and that it contain one or more cities. This may allow a single city to make a case that it meets the borough standards and use this legislation to, in effect, unify "with itself" in an attempt to keep from being annexed by an existing borough or block the formation of a newly formed borough. If the precedent is set allowing this "single city unification" Alaska could ultimately, in the extreme case, have hundreds of small unified governments. This would defeat the whole purpose of regional borough government.

April 26, 1979

4) Although we feel this proposed legislation may fill a need in some instances and this draft is certainly an improvement over earlier proposals, legislation of this magnitude should be subjected to careful review and study, and in our view, is certainly deserving of a full range of public hearings.

We appreciate the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Don Argetsinger". The signature is written in a cursive style with a large initial "D" and "A".

Don Argetsinger  
Deputy Commissioner

513 157

ANALYSIS OF PROPOSED LEGISLATION  
PROVIDING FOR SIMULTANEOUS INCORPORATION  
AND UNIFICATION OF MUNICIPALITIES

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RE: SECOND DRAFT

Purpose of Proposed Legislation

The proposed addition to Title 29, Chapter 68 would have the effect of allowing the incorporation and unification of a municipality to occur simultaneously. The current statutory scheme provides only for separate incorporation and unification procedures, with A.S. 29.18.050 - 29.18.150 providing for incorporation and A.S. 29.68.240 - 29.68.440 providing for unification.

By allowing the simultaneous incorporation and unification of an area, the State would avoid duplicity of petition and election procedures inherent in the seriatim incorporation and unification procedure currently provided for. Additionally, the State and local governments would avoid the myriad of lawsuits between an incorporated borough and municipal entities within its boundaries which inevitably arise between the time of incorporation and eventual unification.

The proposed legislation, however, is not designed to change existing procedures for separate incorporation and unification. It merely adds a third alternative for those areas which are geographically and sociologically ready to take a single step from the unorganized borough to existing as a unified municipality. In this respect,

the proposed legislation does not take away from the State the prerogatives it has under current legislation for granting or denying petitions to incorporate, or to otherwise supervise the division of the State into organized boroughs. In fact, the proposed legislation would give to the State a greater power of supervision than currently exists, since the State would assume the supervisory functions otherwise performed by a borough concerning the question of unification.

Under the current statutory scheme for separate incorporation and unification, various supervisory functions are performed by the Department of Community and Regional Affairs, the Local Boundary Commission, and the Borough Assembly. For the purpose of efficiency, the proposed legislation for simultaneous incorporation and unification places all of these supervisory functions in the Department of Community and Regional Affairs, except for the functions of the local Boundary Commission under A.S. 29.18.080(b) and A.S. 29.18.090 pertaining to incorporation.

#### Location in the Statute

The proposed legislation has been drafted as Article 5 of Chapter 68. In effect, a new Article is thereby added to Chapter 68, which will require no amendments to the currently numbered sections in that Chapter. Chapter 68 is an appropriate chapter since it concerns alteration

of boundaries, and Article 3 therein provides for unification of local government. The proposed legislation could not be added as a new Article under Chapter 18 of Title 29, since that Chapter is devoted solely to incorporation.

#### Section by Section Analysis

##### Section 29.68.620

This section authorizes a procedure for incorporating and unifying an area at the same time notwithstanding other procedural requirements, including those applicable to separate incorporation or unification. It should be noted that §29.68.840 of the proposed legislation provides that the procedures for simultaneous incorporation and unification do not change the procedures for separate incorporation and unification provided elsewhere.

##### Section 29.68.630

This section is a blending of the provisions of 29.18.050 and 29.68.250, which respectively provide for the commencement of incorporation and unification procedures by petition. The petition requirements of 29.18.050 are incorporated by reference in the proposed section 640, discussed infra. The provision of 29.68.250 that formation of a Charter Commission may be proposed by resolution of the Assembly is modified to allow initiation by resolution of a first class home rule city within the proposed municipality. There is precedent for allowing a local government body's resolution to affect a surrounding area (§35149 Cal. Govt. Code). This would present no due process violation since the resolution merely proposes the question to be presented to all affected voters.

#### Section 29.68.640

This section represents a modification of A.S. 29.68.260 to reflect the fact that the petition will be asking for an election on both incorporation and unification. It should be noted that the question to be posed to the voters is not severable into the question of incorporation and the question of unification. In other words, the proposition submitted to the voters would only raise the question of whether the singular procedure of simultaneous unification and incorporation should occur, and there would be no opportunity to vote only for incorporation without unification.

This section also incorporates the provisions of A.S. 29.68.260 concerning the signature requirements for the petition, and the provisions of A.S. 29.18.050 concerning the informational requirements.

#### Section 29.68.650

This section incorporates the provisions of 29.18.060 and 29.68.270 concerning review of the petition for statutory compliance. This section represents very little change to the current scheme in incorporation procedures, but substitutes the Department of Community & Regional Affairs for the Borough Assembly concerning review of the unification aspect of the petition.

#### Section 29.68.660

This section incorporates by reference A.S. 29.18.070 concerning investigation, combination of petitions, and the requirement of at least one public hearing on the question of incorporation. It also utilizes the provisions of A.S. 29.18.090, by providing that the Local Boundary Commission makes the final decision on whether the proposed unified municipality

meets the standards for incorporation, with appeal of such decision pursuant to the Administrative Procedure Act.

Section 29.68.670

The source of this new section is 29.68.290. In lieu of requiring the petitions to be filed with "the Borough Clerk", the new section requires filing with the Department of Community & Regional Affairs.

Section 29.68.680

The language of this section is taken from A.S. 29.68.300, with the exception that the new section substitutes the Department of Community & Regional Affairs for the Borough Clerk.

Section 29.68.690

The language of this section is taken from A.S. 29.68.310, except the term "proposed unified municipality" is substituted for the word "borough".

Section 29.68.700

This section consists of a blending of the provisions of A.S. 29.18.110 and 29.68.390, with modifications thereof to reflect the fact that the Department of Community & Regional Affairs shall perform the functions under the new section that would otherwise be performed by either the Local Boundary Commission or the Borough Assembly under the sections for separate incorporation or unification. In the election provided for by this section, the voters will address the question of simultaneous unification incorporation and, if the petition passes, elect charter commission members. It should be noted that this section

does not provide for election of initial officers, since that will occur after ratification of the charter. See discussion of §29.68.790, infra.

#### Section 29.68.710

This section uses the election scheme of A.S. 29.18.110 in that a simple majority of all votes cast within the boundaries of the proposed unified municipality will approve the proposition for simultaneous incorporation and unification. Since initial incorporation of an area has as much, if not greater, impact upon the individuals residing in that area as unification would have, and since A.S. 29.18.110 currently requires only a simple majority vote to approve of incorporating an area, it is felt that the same simple majority requirement can be fairly applied to that portion of the proposition pertaining to unification.

#### Section 29.68.720

This section is an adaptation of A.S. 29.68.330, describing how the Charter Commissioners are elected in the charter election.

#### Section 29.68.730 thru 29.68.830

These sections are basically adaptations of A.S. 29.68.340 to 29.68.440, with some exceptions noted below, and with changes in language to reflect the fact that the Department of Community & Regional Affairs would be performing the functions pertaining to unification procedures which would otherwise be performed by a borough in the current statutory scheme, and to reflect the fact that the entity within which

the procedures occur is a "proposed unified municipality" instead of a borough.

Proposed §29.68.730(g) provides that the expenses incurred by the Charter Commission will be borne by the State, since there would be no existing borough to bear the costs.

The lack of an existing borough also was the basis for the provision in proposed §29.68.750 whereby public hearings would occur in each area represented by the eight charter commission members not elected at large, rather than areas represented on the "Borough Assembly" as provided by A.S. 29.68.360.

Proposed §29.68.780 deviates from its source (A.S. 29.68.390) by providing that the Department of Community and Regional Affairs perform functions that §29.68.39 required of a borough clerk, and by omitting the filing of the ratified charter with a borough clerk.

Additionally, §29.68.78(d) provides for three chances to ratify the charter, instead of two, as provided under A.S. 29.68.390.

The provisions of A.S. 29.68.390(e), relating to borough assembly appointments to Charter Commission vacancies, have not been incorporated into the proposed legislation. The reason is that there would be no borough assembly to make such appointments in an area seeking simultaneous incorporation and unification. The Charter Commission will still be able to fill vacancies pursuant to the provisions of §29.68.730(e), which was adapted from A.S. 29.68.340(e).

Proposed §26.68.790 provides for election of initial officers of the unified municipality in an election to be held after ratification of the charter. It is reasonable to delay the election of initial officials until the candidates and voting public know what kind of government will be established by

by the charter. The procedural aspects of the nomination and election of initial officers, as well as qualification requirements, are adapted from A.S. 29.18.120. Of course, the ratified charter should not become effective until there are elected officers to run the new government, so this proposed section provides that the charter takes effect the same day as the newly elected officers are certified. The effect of the charter will be to dissolve all local governments within the area of unification in accordance with the charter, which is currently provided for under A.S. 29.68.400.

Section 29.68.840

This section provides that current legislation on incorporation and unification as separate procedures will remain intact. In short, the proposed legislation will apply only to simultaneous incorporation and unification. A borough which has already incorporated and now wishes to unify would, therefore, still proceed under the provisions of 29.68.240 thru 29.68.440 for separate unification. By the same token, an area within the unorganized borough which desires to only incorporate would proceed according to the provisions of A.S. 29.18.050 thru 29.18.150.

The effect of this section, therefore, is to prevent legislative repeal of any of the provisions in currently existing legislation pertaining to incorporation and unification of municipal entities.

AMENDED TITLE: CS SB 137 (RLS)

AN ACT RELATING TO THE MUNICIPAL CODE; AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSORS: SENATE RULES COMMITTEE

CO-SPONSORS:

CURRENT STATUS: 4/06/79 IN (H) C&RA

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/12/79	01	0199	FIRST READING -- COMMITTEE REPORTS
02/12/79	02	0199	GOV TRANSMITTAL LETTER
02/12/79	03	0199	FISCAL NOTE IS ZERO
03/08/79	04	0402	CRA -- CS05
03/12/79	05	0437	RLS -- OTHER05
03/03/79	06	0708	RLS -- CS04, NR04
04/04/79	07	0722	SECOND READING
04/04/79	08	0722	RLS CS ADOPTED BY UNAN CONSENT
04/04/79	09	0723	ADVANCED TO 3RD READING BY UNAN CONSENT
04/04/79	10	0723	THIRD READING
04/04/79	11	0723	PASSED BY DIV 17-02-01
04/04/79	12	0723	EFFECTIVE DATE VOTE SAME AS PASSAGE
04/04/79	13	0723	NOTICE OF RECONSIDERATION GIVEN
04/05/79	14	0738	RECONSIDERATION NOT TAKEN UP

\*\*\* \*\* \*\* \*\*\* \*\* \*

*Amendment  
proposed for addition  
to SB 131 - not  
considered*

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.

(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

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

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.

(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

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.

(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:

(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;

(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

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. 29.62.770. 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.

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:

(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.

## 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 includes 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.

(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

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.

(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;

*Janar - I am not  
sure this page is  
in the right  
sequence*

Messages dated May 1, 1979 were read stating the Senate has concurred in the House amendments to the following bills, thus adopting:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 22, (limited entry program)	HCS SCF 22
HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 86 (legislative oversight and designat- ing programs and activities for review and termination under AS 44.6b; effective date)	HCS SB 86
COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 145 amended House (implementation of the Alaska coastal management program)	CSSB 145 amH
HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 192 amended House (leasing and exploration of state land for oil and gas development; effective date)	HCS SB 192 amH
HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 198 (hiring of nonpermanent employees in the state personnel system; effective date)	HCS SB 198
HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 234 (Finance) amended House (materialmen's and mechanics' liens)	HCS SB 234 (Fin) amH

Messages dated May 1, 1979 were read transmitting the following Senate amendments to House bills. They will be considered at a later time:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 3 (designation of incompatible uses within the Chena River Recreational Area)	HCR 3am
COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 29 amended Senate (public employees' and teachers' retirement systems, effective date)	CSSB 29

A message dated May 1, 1979 was read stating the Senate has passed the following and it is returned:

HB HOUSE BILL NO. 81  
81 (trapping license receipts;  
effective date)

The above bill was referred to the Chief Clerk for enrollment.

HB A message dated May 1, 1979 was read stating the Senate  
359 has adopted the FREE CONFERENCE COMMITTEE Report on  
am HOUSE BILL NO. 359 amended 'salmon enhancement and SENATE  
COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 359 amended Senate  
(enhancement of the salmon fishery through private  
hatchery development), thus adopting:

FREE CONFERENCE COMMITTEE SUBSTITUTE  
FOR HOUSE BILL NO. 359  
(relating to salmon enhancement)

#### REPORTS OF SPECIAL COMMITTEE

CSHL The Free Conference Committee which has had CSHB 34 (pre-  
34 paration and distribution of a taxpayer's summary of  
the budget) and SCS CSHB 34 (budget and appropriation  
information) under consideration, recommends that

FCCSHB 34 (relating to budgets, to  
appropriations, and to fiscal informa-  
tion; and providing for an effective  
date)

be adopted. The report was signed by Senators Sackett  
(Chairman), Sumner and Hohman, and Representatives  
Rogers (Chairman), Duncan and Montgomery.

#### CONSIDERATION OF THE DAILY CALENDAR

#### SECOND READING OF SENATE BILLS

CSSB COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 137 (Rules)  
137 (the municipal code; and providing for an effective date)  
(Rls) was read the second time with the Community and Regional  
Affairs Committee report (page 1144 of the journal)

Mr. Anderson moved and asked unanimous consent that HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 137 (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

HCS  
CSSB  
137

Amendment No. 1 by Cotten:

Page 8, line 8

Add new subsection:

"(c) A municipality may also issue revenue bonds for any lawful purpose. The bonds shall be payable from any amounts pledged by the municipality except taxes and shall not constitute general obligations of the municipality."

Mr. Cotten moved and asked unanimous consent that Amendment No. 1 be adopted.

Mr. Miller objected.

The question being: "Shall Amendment No. 1 be adopted?"  
The roll was taken with the following result:

Yeas:	24	Anderson, Barnes, Bettisworth, Branson, Buchholdt, Carney, Chatterton, Cotten, Halford, Hayes, McKinnon, Malone, Martin, Metcalfe, Montgomery, Moss, Munson, Osterback, Parr, Phillips, Randolph, Schaeffer, Smith, Zharoff.
Nays:	7	Beirne, Freeman, Gardiner, Miller, O'Connell, Parker, Rogers.
Not voting:	9	Brown, Duncan, Eliason, Fuller, Guy, Haugen, Hurlbert, Meekins, Miles.

And so, Amendment No. 1 was adopted.

HCS  
CSSB  
137  
amH

Mr. Metcalfe moved and asked unanimous consent that HCS CSSB 137amH be moved to the bottom of the calendar.

Mr. Malone objected.

Mr. Metcalfe withdrew his motion.

Mr. Malone moved and asked unanimous consent that HCS CSSB 137amH be returned to the Rules Committee to be placed on this afternoon's supplemental calendar. There being no objection, it was so ordered.

SB SENATE BILL NO. 250 (continuing the existence of the Alcoholic Beverage Control Board; effective date) was read the second time with the Commerce Committee report (page 1154 of the journal).

HCS  
SB  
250 Mr. Anderson moved and asked unanimous consent that HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 250 (terminating the existence of the Alcoholic Beverage Control Board, reassigning its responsibilities to the Department of Commerce and Economic Development, amending laws relating to the department's responsibilities; and providing for an effective date) be adopted in lieu of the original bill. There being no objection, it was so ordered.

Amendment No. 1 by Randolph:

Page 7, line 10

Delete "may in its discretion," and insert "shall"

Page 7, lines 14 through 17

Delete all material after the word "resort"

Mr. Randolph moved and asked unanimous consent that Amendment No. 1 be adopted.

Mr. Miller objected.

The question being: "Shall Amendment No. 1 be adopted?"  
The roll was taken with the following result:

Yeas:	26	Barnes, Beirne, Bettisworth, Carney, Chatterton, Cotten, Freeman, Halford, Hayes, Hurlbert, McKinnon, Malone, Martin, Metcalfe, Miles, Montgomery, Moss, Munson, O'Connell, Osterback, Parker, Parr, Phillips, Randolph, Rogers, Schaeffer.
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Nays:	10	Anderson, Branson, Brown, Buchholdt, Eliason, Fuller, Gardiner, Miller, Smith, Zharoff.
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Not voting:	4	Duncan, Guy, Haugen, Meekins.
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HCS And so, Amendment No. 1 was adopted.

SB  
250  
amH Mr. Anderson moved and asked unanimous consent that HCSSB 250amH be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 137amH (relating to worker's compensation for volunteer ambulance attendants and police), which had been returned to the Rules Committee (page 1289 of the Journal), was read the second time.

HCS  
CSSB  
137  
amH

Amendment No. 2 by Malone:

Page 1, lines 22 and 23:

Delete subsection (a)

Renumber subsequent sections

Mr. Malone moved and asked unanimous consent that Amendment No. 2 be adopted.

Mr. Parker objected.

The question being: "Shall the House adopt Amendment No. 2?" The roll was taken with the following result:

Yeas:	21	Barnes, Bettisworth, Brown, Buchholdt, Chatterton, Cotten, Eliason, Freeman, Gardiner, Halford, Hurlbert, Malone, Martin, Metcalfe, Montgomery, Munson, Osterback, Randolph, Schaeffer, Smith, Zharoff.
Nays:	12	Anderson, Branson, Carney, Fuller, Hayes, Miles, Miller, Moss, O'Connell, Parker, Parr, Phillips.
Not voting:	7	Beirne, Duncan, Guy, Haugen, McKinnon, Meekins, Rogers.

And so, Amendment No. 2 was adopted.

Amendment No. 3 by Metcalfe:

Page 2, line 8:

Replace subsection (c) with the following:

(c) The proposals set out in (b) 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.

HCS Mr. Metcalfe moved and asked unanimous consent that  
 CSSB Amendment No. 3 be adopted.

137  
 amH Mr. Malone objected and withdrew his objection.

There being no further objection, Amendment No. 3 was adopted.

Mr. Anderson moved and asked unanimous consent that HCS CSSB 137amH be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 137amH was read the third time.

The question being: "Shall HCS CSSB 137amH pass the House?"  
 The roll was taken with the following result:

Yeas: 27 Anderson, Beirne, Bettisworth, Eranson, Brown, Carney, Chatterton, Cotten, Eliason, Freeman, Fuller, Gardiner, Halford, Hayes, Hurlbert, McKinnon, Malone, Metcalfe, Miles, Montgomery, Moss, Munson, Osterback, Parker, Parr, Randolph, Schaeffer.

Nays: 5 Barnes, Martin, Miller, O'Connell, Phillips.

Not voting: 8 Buchholdt, Duncan, Guy, Haugen, Meekins, Rogers, Smith, Zharoff.

And so, HCS CSSB 137amH passed the House.

Mr. Anderson moved and asked unanimous consent that the roll call on the passage of HCS CSSB 137amH be considered the roll call on the effective date clause. There being no objection, it was so ordered.

Representative Malone served notice of reconsideration on HCS CSSB 137amH on the next legislative day.





# Alaska State Legislature

## HOUSE CALENDAR

OFFICIAL BUSINESS OF THE HOUSE

ONE HUNDRED EIGHTH DAY

Wednesday

Chaplain: Danny Plotnick, lay Rabbi  
Juneau Jewish Community

May 2, 1979  
Convenes: 10:00 a.m.

*14. minutes for  
SB 137 re  
amendment  
factory*

### SECOND READING OF SENATE BILLS

*(am)*  
↓

CSSB 137 "An Act relating to the municipal code; and providing for an effective date."  
(C&RA report w/HCS (same title), p. 1144)

SB 250 "An Act continuing the existence of the Alcoholic Beverage Control Board; and providing for an effective date."  
(Commerce report w/HCS (new title), p. 1154)

*Cotton amendment - OK.*  
*Metcalf - dual Magas majority amendment*  
*Revenue bond for any "lawful" purposes*



*Schroeder House*

*W*

Face Conference

CS 5B 137

p. 2 l. 21

+ 29. 18. 09. > Promotion of

p. 3 l. 17

H  
Floor  
announcements

p. 1 Line 22-23 > Malone  
Deleted subsection "A"

p. 2 l. 8 Metcalfe >  
10 pp. review.  
dual surality

SENATE BILL NO. 137 by the Rules Committee by request of the Governor, entitled:

SB  
137

"An Act relating to the municipal code; and providing for an effective date."

was read the first time and referred to the Community and Regional Affairs Committee.

Fiscal note is zero.

Governor's transmittal letter follows:

February 9, 1979

The Honorable Clem Tillion  
President of the Senate  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. President:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting for your consideration a measure to amend certain features of the Alaska Municipal Code to eliminate some of its problems. The bill is very similar to last legislature's CSHB 483 am, which was introduced by the Community and Regional Affairs Committee.

The first section merely specifies when newly elected assemblymen take office correcting an obvious oversight. The second deletes a redundant specification of a borough's mayoral election. AS 29.28.020 specifies the date for all municipal elections. The third section eliminates the altogether unwarranted delay in implementing the manager plan of government. The fourth straightens out the seating date for newly elected councilmen and also eliminates a redundant reference to the date of councilmanic elections.

200

SB 137 Section five adds a provision for emergency meeting of city councils; none now exists. A similar provision for borough assemblies is currently contained in AS 29.23.060(a).

Section six reduces the term of mayor in second class cities from three years (as a rule) to one. The rationale for the change is that a term of one year is ample where, as here, the office is filled by and from the council rather than by a vote of all the voters in the municipality.

Section 7 removes still another redundant reference to municipal election dates. Section 8 places a 60-day deadline on the assembly or council to move ahead with a manager plan following voter approval. Legally, there is no choice on the matter. The manager plan is actually adopted by the voters. The amendment merely tells the courts how long the legislature is giving the council or assembly to act.

Section 9 deletes a cross reference to other sections of the code. The proposed amendment here means that this provision will stay current when and if new areawide powers are added by the legislature. The deletion of the specific cross reference in section 10 (board of adjustment) accomplishes the same result.

Section 11 substitutes the word "borough" for the words "plating board" in identifying who may bring suit to enjoin a prohibited transfer of an interest in realty. It is the borough, and not its plating board, which is the juridical entity to sue and be sued.

Section 12 deletes resolutions from the requirements for codification. As with legislative resolutions, there is no need to codify a municipal resolution. Section 13 revises the language defining the word "codified" and more particularly the word "ordinance." The existing language is meaningless.

Section 14 adds a new provision requiring that resolutions -- which will no longer be codified -- will be kept serially for future reference.

Section 15 revises AS 29.48.200 to conform with the changes recommended for sec. 180.

Section 16 adds a new chapter authorizing municipalities to establish public corporations or other authorities to operate public facilities or services. There is no prohibition against their doing so, and therefore home rule municipalities may do so now. This is a device which investors outside are familiar with, and it should facilitate municipal revenue bonding.

Sincerely,

Ray S. Hammond  
Governor

THE FOLLOWING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

*Handwritten notes at the top of the page, including a signature and some illegible text.*

...the assembly of the borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (b) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (c) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (d) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (e) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (f) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (g) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (h) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (i) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (j) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (k) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (l) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (m) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (n) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (o) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (p) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (q) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (r) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (s) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (t) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (u) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (v) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (w) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (x) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (y) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska. (z) The assembly of a borough shall provide, by ordinance, for the representation of the borough in the legislature of the State of Alaska.

Section 1, AS 29.23 is amended by adding new sections to read:

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
for an effective date."

for an act entitled: "An act relating to the municipal code; and providing

A BILL

INTRODUCED BY THE LEGISLATURE - FIRST SESSION

BY THE LEGISLATURE OF THE STATE OF ALASKA

HOUSE OF REPRESENTATIVES BILL NO. 137

BY THE GOVERNOR AND LEGISLATURE  
ALASKA

IN THE SENATE

Original sponsor: Mayor/Governor

1 finished by the borough for the election of borough assembly members.

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

4 Sec. 29.23.025. ASSEMBLY RECOMPOSITION AND REAPPORTIONMENT. (a)  
5 Not later than July 31, 1981, and, thereafter, within four months after  
6 the official report of a federal decennial census, the assembly shall  
7 determine and declare by resolution if the existing apportionment of the  
8 assembly meets the applicable standards of AS 29.23.021 - 29.23.023.

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

13 (c) In addition to providing for apportionment at the times re-  
14 quired under (b) of this section, the borough assembly shall provide by  
15 ordinance for its reapportionment and may provide for a change in its  
16 composition whenever it determines, on the basis of federal census  
17 reports or other reliable population data, that the existing apportion-  
18 ment does not meet the standards for apportionment in AS 29.23.021. If  
19 a petition signed by not less than 50 borough voters requests the  
20 assembly to determine whether the existing apportionment meets the  
21 standards for apportionment in AS 29.23.021, and the petition contains  
22 evidence that the existing apportionment does not meet those standards,  
23 the assembly shall make the determination requested.

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

28 (e) Within four months after the determination by the assembly that the  
29 assembly does not meet the applicable standards of AS 29.23.021 -

29.23.025; the assembly shall adopt an ordinance providing for reapportionment, and submit the ordinance to the voters. If, at the end of the 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.

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

(2) AS 29.23.021; 29.23.025 - 29.23.030 (composition and apportionment of borough assembly, borough assembly reposition and reapportionment; assembly representation)

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

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

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

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 provided by borough charter or ordinance. The regular term of office shall end on the first Monday following certification of the election.

HOWEVER, IF THERE IS A BOROUGHS REORGANIZATION OR REAPPORTIONMENT OF MEMBERSHIP, THE TERM OF OFFICE OF THE MEMBERS OF THE ASSEMBLY SHALL BE EXTENDED TO THE DATE OF THE NEXT REGULAR ELECTION.

1 TER OR COUNCIL, OR THEY CEASE TO BE A MEMBER OF EITHER THE ASSEMBLY  
 2 COUNCIL.) The current term of incumbent assemblymen may not be altered  
 3 under this section. This section applies to home rule and general law  
 4 boroughs.

5 \* Sec. 5. AS 29.23.130(c) is amended to read:

6 (c) The borough mayor's regular term of office is three years and  
 7 until a successor is elected and has qualified and begins on the first  
 8 Monday following certification of the mayor's [EVS] election, WHICH  
 9 MUST BE THE FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT DATE OF ELECTION  
 10 IS PROVIDED BY ORDINANCE]. The assembly may provide by ordinance for  
 11 different term not to exceed four years, except that the current term  
 12 of an incumbent borough mayor may not be altered.

13 \* Sec. 6. AS 29.23.130(f) is amended to read:

14 (f) A borough may adopt or abandon a manager plan at any time,  
 15 provided in AS 29.23.410 - 29.23.460. The borough mayor may not pass  
 16 ordinance or resolution calling for an election on this question. The  
 17 manager has all the powers and duties of the borough mayor as chief  
 18 administrative officer. [IF THE MANAGER PLAN IS ADOPTED, IT BECOMES  
 19 EFFECTIVE FOLLOWING CERTIFICATION OF THE RESULTS OF THE FIRST REGULAR  
 20 ELECTION OCCURRING AT LEAST SIX MONTHS AFTER ADOPTION OF THE PLAN.]  
 21 The mayor then serves as borough executive.

22 \* Sec. 7. AS 29.23.2600(c) is amended to read:

23 (c) Councilmen are selected [AS 29.23.2600 IS REPEALED] ON THE  
 24 FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT ELECTION DATE IS DETERMINED  
 25 BY ORDINANCE, TO SERVE AN ELECTION TERM OF THREE-  
 26 YEAR TERMS and all their successors are elected and have qualified. The  
 27 mayor is elected on the first Monday following certification  
 28 of the election. The council may provide by ordinance for different  
 29 terms of office, not to exceed four years, except that the current term  
 30 of an incumbent councilman may not be altered.

incumbent councilmen may not be altered.

\* Sec. 8. AS 29.23.210(a) is amended to read:

(a) The council shall meet at least once every month, unless otherwise provided by ordinance. Special meetings may be held on the call of the mayor or two councilmen upon not less than 24 hours written or oral notice communicated to each member. In an emergency, a special meeting called on less than 24 hours notice is a legal meeting if all members are present or there is a quorum and all absent members have waived in writing the required notice. A waiver may be made either before or after the time of the meeting. The waiver shall be attached to and read a part of the journal for that meeting.

\* Sec. 9. AS 29.23.250(c) is amended to read:

(c) The mayor of a second class city is elected by and from the council for a term of one year and until a successor is elected and is qualified [EQUAL IN LENGTH TO A COUNCILMAN'S TERM].

\* Sec. 10. AS 29.23.250(d) is amended to read:

(d) The mayor's regular term begins on the first Monday following certification of the mayor's [HIS] election [, WHICH IS HELD ON THE FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT DATE OF ELECTION IS PROVIDED BY ORDINANCE]. The council of a second class city shall meet on the first Monday after certification of the regular election [DATE] and elect a mayor who takes office immediately.

\* Sec. 11. AS 29.23.440(a) is amended to read:

(a) If the manager plan is approved, the assembly or council shall, within 90 days, adopt the plan by ordinance or resolution.

\* Sec. 12. AS 29.23.010(b) is amended to read:

(b) Council, whether by ordinance or resolution, may exercise an exclusive

power to determine the location of the city hall, provided that the location is within the city limits.

Nothing in this section shall be construed to limit the power of the council to determine the location of the city hall.

\* Sec. 13. AS 29.33.070(b)(2) and (3) are amended to read:

(2) delegate other planning and zoning powers conferred by this chapter [ADMINISTRATIVE AND ENFORCEMENT RESPONSIBILITIES] to a [TOWN] city within the borough [, PROVIDED THAT BOROUGH JURISDICTION IS NOT IMPAIRED];

(3) revoke or modify any part or all of the [WITHDRAWN] powers delegated under this subsection.

\* Sec. 14. AS 29.33.110(c) is amended to read:

(a) The assembly is the board of adjustment for areas outside cities. The city council is the board of adjustment for the area within the city boundaries but may delegate by resolution or ordinance part or all of its functions to the borough [, SUBJECT TO AS 29.33.070(b)(2)], in addition to making delegations as provided for an assembly under AS 29.33.245. Meetings of the borough board are held at the call of the presiding officer and of the city board by the mayor. The presiding officer or mayor may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public and the board shall keep minutes of its proceedings as a public record.

\* Sec. 15. AS 29.33.190(a) is amended to read:

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

\* Sec. 16. AS 29.33.1000 is amended to read:

(a) The [TOWN] city within the borough [, PROVIDED THAT BOROUGH JURISDICTION IS NOT IMPAIRED];

1     Sec.

2     \* Sec. 17. AS 29.48.180(c)(2) is amended to read:

3             (2) The ordinance is a provision which establishes a code of  
4     conduct or behavior and which is included, or to be included, in a code  
5     of ordinances or other complete system of [POSITIVE] law enacted [PRO-  
6     POSED BY THE COUNCIL] and kept current [BY THE CLERK] at reasonable  
7     intervals.

8     \* Sec. 18. AS 29.48 is amended by adding a new section to read:

9             Sec. 29.48.185. RESOLUTIONS. The assembly or council shall pro-  
10     vide for the maintenance of a permanent file of resolutions that have  
11     been adopted.

12     \* Sec. 19. AS 29.48.200 is amended to read:

13             Sec. 29.48.200. PENALTIES. For the violation of an ordinance, the  
14     assembly or council may prescribe punishment not to exceed a fine of  
15     \$100 or imprisonment for 30 days, or both. However, the punishment  
16     authorized under this section may be imposed only if [AN ORDINANCE IS  
17     CODIFIED AND] copies of the ordinance are made available for distri-  
18     bution to the public at cost.

19     \* Sec. 20. AS 29.63.065(b)(2) is amended to read:

20             (2) a claimant receiving the exemption must file with the  
21     department by March [JANUARY] 15 of each subsequent year a separate  
22     application proving eligibility as of January 1 in order to retain the  
23     exemption. Within the same year the department [THE ASSEMBLY OR  
24     COUNCIL] for good cause shown may waive the claimant's failure to make  
25     timely application and approve the application as if timely filed.

26     \* Sec. 21. AS 29.63.020 is repealed.

27     \* Sec. 22. AS 29.63 is amended:

28     \* Sec. 23. Chapter 29, AS 29.63.000, amended by sec. 4 of this Act,

1 Borough assembly - city council seats are not affected by the amendment made  
2 to AS 29.25.040 in sec. 4 of this Act until reappointment of the Borough  
3 assembly is required or proposed under AS 29.23.020, repealed by sec. 21 of  
4 this Act, or is effected as required or proposed under AS 29.23.021 - 29.23.  
5 025, added by sec. 1 of this Act.

6 \* Sec. 24. Sections 1 - 3 and 21 of this Act take effect January 1, 1981  
7 Sections 4 - 20, 22 and 23 of this Act take effect immediately in accordance  
8 with AS 01.10.070(c).

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THE PRECEDING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.



1 \* Sec. 3. AS 29.23.130(d) is amended to read:

2 (d) A borough may adopt or abandon a manager plan at any time,  
3 as provided in secs. 410 - 480 of this chapter. The borough mayor may  
4 not veto an ordinance or resolution calling for an election on this  
5 question. The manager has all the powers and duties of the borough  
6 mayor as chief administrative officer. [IF THE MANAGER PLAN IS ADOPTED,  
7 IT BECOMES EFFECTIVE FOLLOWING CERTIFICATION OF THE RESULTS OF THE  
8 FIRST REGULAR ELECTION OCCURRING AT LEAST SIX MONTHS AFTER ADOPTION OF  
9 THE PLAN.] The borough mayor then serves as borough executive.

10 \* Sec. 4. AS 29.23.200(c) is amended to read:

11 (c) Councilmen are selected [AN ELECTION IS HELD ANNUALLY ON THE  
12 FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT ELECTION DATE OR INTERVAL  
13 OF YEARS IS PROVIDED BY ORDINANCE, TO CHOOSE COUNCILMEN] for three-  
14 year terms and until their successors are elected and have qualified.  
15 The regular term of office begins on the first Monday following the  
16 election. The council may provide by ordinance for different terms  
17 not to exceed four years, except that the current term of incumbent  
18 councilmen may not be altered.

19 \* Sec. 5. AS 29.23.210(a) is amended to read:

20 (a) The council shall meet at least once every month, unless  
21 otherwise provided by ordinance. Special meetings may be held on the  
22 call of the mayor or two councilmen upon not less than 24 hours  
23 written or oral notice communicated to each member. In an emergency,  
24 a special meeting called on less than 24 hours notice is a legal  
25 meeting if all members are present or there is a quorum and all absent  
26 members have waived in writing the required notice. A waiver may be  
27 made either before or after the time of the meeting. The waiver shall  
28 be attached to and made a part of the journal for that meeting.

29 \* Sec. 6. AS 29.23.250(c) is amended to read:

*Willie J. ...*  
*Mayor elected from Council*

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(c) The mayor of a second class city is elected by and from the council for a term of one year and until a successor is elected and has qualified [EQUAL IN LENGTH TO A COUNCILMAN'S TERM].

\* Sec. 7. AS 29.23.250(d) is amended to read:

(d) The mayor's regular term begins on the first Monday following his <sup>election</sup> [ , WHICH IS HELD ON THE FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT DATE OF ELECTION IS PROVIDED BY ORDINANCE]. The council of a second class city shall meet on the first Monday after the regular election date and elect a mayor who takes office immediately.

\* Sec. 8. AS 29.23.440(a) is amended to read:

(a) If the manager plan is approved, the assembly or council shall, within 60 days, adopt the plan by ordinance or resolution.

\* Sec. 9. AS 29.33.010(b) is amended to read:

(b) No city, whether home rule or not, may exercise an areawide power [CONFERRED IN, OR ASSUMED BY MEANS OF SECS. 250 - 290 OF, THIS CHAPTER] once that power is being exercised by a borough.

\* Sec. 10. AS 29.33.110(a) is amended to read:

(a) The assembly is the board of adjustment for areas outside cities. The city council is the board of adjustment for the area within the city boundaries but may delegate by resolution or ordinance part or all of its functions to the borough [ , SUBJECT TO SEC. 70(b)(1) OF THIS CHAPTER,] in addition to making delegations as provided for an assembly under sec. 245 of this chapter. Meetings of the borough board are held at the call of the presiding officer and of the city board by the mayor. The presiding officer or mayor may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public and the board shall keep minutes of its proceedings as a public record.

\* Sec. 11. AS 29.33.190(a) is amended to read:

1 (a) The owner or agent of the owner of land located within a  
2 subdivision who transfers, sells, or enters into a contract to sell  
3 land in a subdivision before a plat of the subdivision has been pre-  
4 pared, approved, and recorded, is guilty of a misdemeanor and upon  
5 conviction is punishable by a fine of not more than \$500 for each lot  
6 or parcel transferred, sold, or included in a contract to be sold.  
7 The borough [PLATTING BOARD] may enjoin a transfer, sale, or contract  
8 to sell, and may recover the penalty by appropriate legal action.

9 \* Sec. 12. AS 29.48.180(a) is amended to read:

10 (a) Each ordinance [AND RESOLUTION] after adoption shall be  
11 codified.

12 \* Sec. 13. AS 29.48.180(c)(2) is amended to read:

13 (2) the ordinance is a provision which establishes a rule  
14 of conduct or behavior and which is included, or to be included, in a  
15 code of ordinances or other complete system of [POSITIVE] law promul-  
16 gated [BY THE COUNCIL] and kept current [BY THE CITY] at reasonable  
17 intervals.

18 \* Sec. 14. AS 29.48 is amended by adding a new section to read:

19 Sec. 29.48.185. RESOLUTIONS. The assembly or council shall  
20 provide for the maintenance of a permanent file of resolutions that  
21 have been adopted.

22 \* Sec. 15. AS 29.48.200 is amended to read:

23 Sec. 29.48.200. PENALTIES. For the violation of an ordinance,  
24 the assembly or council may prescribe punishment not to exceed a fine  
25 of \$500 or imprisonment for 30 days, or both. However, the punishment  
26 authorized under this section may be imposed only if [AN ORDINANCE IS  
27 CODIFIED AND] copies of the ordinance are made available for distri-  
28 bution to the public at cost.

29 \* Sec. 16. AS 29 is amended by adding a new chapter to read:

1 CHAPTER 59. OBLIGATIONS ISSUED ON BEHALF  
2 OF MUNICIPALITIES.

3 Sec. 29.59.010. AUTHORITY TO ISSUE OBLIGATIONS FOR SPECIFIED  
4 PURPOSES. (a) A general law municipality may establish a public  
5 corporation or other municipal instrumentality. This public corpora-  
6 tion or other municipal instrumentality may issue obligations to  
7 provide the public facilities and services enumerated in AS 29.48.-  
8 030(a).

9 (b) The public corporation or other municipal instrumentality  
10 created under authority of (a) of this section shall be created and  
11 operated solely to provide one or more of the public facilities or  
12 services enumerated in AS 29.48.030(a).

13 \* Sec. 17. This Act takes effect immediately in accordance with AS 01.-  
14 10.070(c).

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*Started on to  
municipal Board 13th.  
Bill would legal to do  
1760w so even though sponsored  
197 would put into effect  
Could be court problem subject  
See Kadey and originally  
This language great now in Sec 29.59.010  
and considering using this  
Proposed C+RA amendment adopted.  
Gene - 5/2/79. This section never used.*

Original sponsor: Rules/Governor

Offered: 3/8/79  
Referred: Rules

1 IN THE SENATE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 137

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the municipal code; and providing  
7 for an effective date."

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

9 \* Section 1. AS 29.23.040 is amended to read:

10 Sec. 29.23.040. REGULAR TERM OF OFFICE. Assemblymen are selected  
11 for three-year terms and until their successors are selected and have  
12 qualified, unless different terms not exceeding four years are pre-  
13 scribed by borough charter or ordinance. The regular term of office  
14 begins on the first Monday following certification of the election.

15 However, if under a borough apportionment city councilmen are appointed  
16 as assemblymen or elected to dual assembly-council seats, they may not  
17 be replaced until their assembly term expires as provided by city char-  
18 ter or ordinance, or they cease to be a member of either the assembly or  
19 council. The current term of incumbent assemblymen may not be altered  
20 under this section. This section applies to home rule and general law  
21 boroughs.

22 \* Sec. 2. AS 29.23.130(c) is amended to read:

23 (c) The borough mayor's regular term of office is three years and  
24 until a successor is elected and has qualified and begins on the first  
25 Monday following certification of the mayor's [HIS] election [, WHICH IS  
26 HELD THE FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT DATE OF ELECTION  
27 IS PROVIDED BY ORDINANCE]. The assembly may provide by ordinance for a  
28 different term not to exceed four years, except that the current term of  
29 an incumbent borough mayor may not be altered.

1 \* Sec. 3. AS 29.23.130(d) is amended to read:

2 (d) A borough may adopt or abandon a manager plan at any time, as  
3 provided in AS 29.23.410 - 29.23.480. The borough mayor may not veto an  
4 ordinance or resolution calling for an election on this question. The  
5 manager has all the powers and duties of the borough mayor as chief  
6 administrative officer. [IF THE MANAGER PLAN IS ADOPTED, IT BECOMES  
7 EFFECTIVE FOLLOWING CERTIFICATION OF THE RESULTS OF THE FIRST REGULAR  
8 ELECTION OCCURRING AT LEAST SIX MONTHS AFTER ADOPTION OF THE PLAN.] The  
9 borough mayor then serves as borough executive.

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11 (c) Councilmen are selected [AN ELECTION IS HELD ANNUALLY ON THE  
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15 regular term of office begins on the first Monday following certifica-  
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17 different terms not to exceed four years, except that the current term  
18 of incumbent councilmen may not be altered.

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21 otherwise provided by ordinance. Special meetings may be held on the  
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23 or oral notice communicated to each member. In an emergency, a special  
24 meeting called on less than 24 hours notice is a legal meeting if all  
25 members are present or there is a quorum and all absent members have  
26 waived in writing the required notice. A waiver may be made either  
27 before or after the time of the meeting. The waiver shall be attached  
28 to and made a part of the journal for that meeting.

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1 (c) The mayor of a second class city is elected by and from the  
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3 has qualified [EQUAL IN LENGTH TO A COUNCILMAN'S TERM].

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5 (d) The mayor's regular term begins on the first Monday following  
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7 FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT DATE OF ELECTION IS PRO-  
8 VIDED BY ORDINANCE]. The council of a second class city shall meet on  
9 the first Monday after certification of the regular election [DATE] and  
10 elect a mayor who takes office immediately.

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12 (a) If the manager plan is approved, the assembly or council  
13 shall, within 60 days, adopt the plan by ordinance or resolution.

14 \* Sec. 9. AS 29.33.010(b) is amended to read:

15 (b) No city, whether home rule or not, may exercise an areawide  
16 power [CONFERRED IN, OR ASSUMED BY MEANS OF AS 29.33.250 - 29.33.290]  
17 once that power is being exercised by a borough

18 \* Sec. 10. AS 29.33.110(a) is amended to read:

19 (a) The assembly is the board of adjustment for areas outside  
20 cities. The city council is the board of adjustment for the area within  
21 the city boundaries but may delegate by resolution or ordinance part or  
22 all of its functions to the borough [, SUBJECT TO AS 29.33.070(b)(1),]  
23 in addition to making delegations as provided for an assembly under  
24 AS 29.33.245. Meetings of the borough board are held at the call of the  
25 presiding officer and of the city board by the mayor. The presiding  
26 officer or mayor may administer oaths and compel attendance of witnes-  
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3 in a subdivision before a plat of the subdivision has been prepared,  
4 approved, and recorded, is guilty of a misdemeanor and upon conviction  
5 is punishable by a fine of not more than \$500 for each lot or parcel  
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7 [PLATTING BOARD] may enjoin a transfer, sale, or contract to sell, and  
8 may recover the penalty by appropriate legal action.

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10 (a) Each ordinance [AND RESOLUTION] after adoption shall be codi-  
11 fied.

12 \* Sec. 13. AS 29.48.180(c)(2) is amended to read:

13 (2) the ordinance is a provision which establishes a rule of  
14 conduct or behavior and which is included, or to be included, in a code  
15 of ordinances or other complete system of [POSITIVE] law enacted [PRO-  
16 MULGATED BY THE COUNCIL] and kept current [BY THE CITY] at reasonable  
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20 vide for the maintenance of a permanent file of resolutions that have  
21 been adopted.

22 \* Sec. 15. AS 29.48.200 is amended to read:

23 Sec. 29.48.200. PENALTIES. For the violation of an ordinance, the  
24 assembly or council may prescribe punishment not to exceed a fine of  
25 \$500 or imprisonment for 30 days, or both. However, the punishment  
26 authorized under this section may be imposed only if [AN ORDINANCE IS  
27 CODIFIED AND] copies of the ordinance are made available for distri-  
28 bution to the public at cost.

29 \* Sec. 16. AS 29.59 is repealed and re-enacted to read:

1 CHAPTER 59. OBLIGATIONS ISSUED ON BEHALF  
2 OF MUNICIPALITIES.

3 Sec. 29.59.010. AUTHORITY TO ISSUE OBLIGATIONS FOR SPECIFIED  
4 PURPOSES. (a) A home rule or general law municipality may establish a  
5 public corporation or other municipal instrumentality. This public  
6 corporation or other municipal instrumentality may issue obligations to  
7 provide the public facilities and services enumerated in AS 29.48.-  
8 030(a).

9 (b) The public corporation or other municipal instrumentality  
10 created under authority of (a) of this section shall be created and  
11 operated solely to provide one or more of the public facilities or  
12 services enumerated in AS 29.48.030(a).

13 \* Sec. 17. AS 29.63.065(b)(2) is amended to read:

14 (2) a claimant receiving the exemption must file with the  
15 department by March [JANUARY] 15 of each subsequent year a separate  
16 application proving eligibility as of January 1 in order to retain the  
17 exemption. Within the same year the department [THE ASSEMBLY OR  
18 COUNCIL] for good cause shown may waive the claimant's failure to make  
19 timely application and approve the application as if timely filed.

20 \* Sec. 18. This Act takes effect immediately in accordance with AS 01.-  
21 10.070(c).

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH 6  
JUNEAU, ALASKA 99811

April 26, 1979

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

Dear Mr. Chairman:

The Department of Community and Regional Affairs has considered points raised by Ms. Georgianna C. Booth, Deputy Clerk, Ketchikan Gateway Borough, in her April 10 letter to you with regard to Committee Substitute for Senate Bill 137 (Rules), Section 10. We concur with Ms. Booth in both her analysis and recommendations.

There does indeed appear to be an inconsistency between AS 29.33.070 and AS 29.33.110(a), as Ms. Booth alleges. Subsection (a) of AS 29.33.070 clearly assigns to first and second class boroughs planning, platting and zoning authority on an areawide basis, including the responsibility of serving as the board of adjustment, also on an areawide basis. Subsection (b) of AS 29.33.070 allows, but does not require the borough assembly by ordinance to delegate to a city council the borough's responsibility to serve as a board of adjustment within the city.

AS 29.33.110(a) implies that a city council acts as the board of adjustment for the area within the city's boundary whether or not the borough assembly delegates such authority to the city council. However, AS 29.33.070 and concept of areawide planning lead to the conclusion that a city council may serve as the board of adjustment only if such authority is delegated to the city council by the borough assembly. For this reason, we support Ms. Booth's recommendation to amend AS 29.33.110(a) to read:

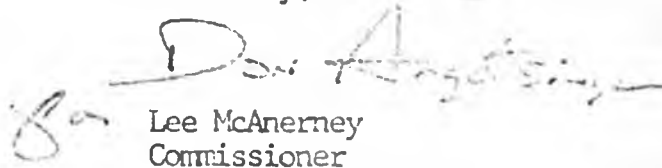
Sec. 29.33.110. Board of adjustment. (a) The assembly is the board of adjustment but may delegate by ordinance part or all of this function to a city within the borough in accordance with

The Honorable Bill Parker  
April 26, 1979  
Page 2

§70(b)(1) of this chapter, in addition to making delegations as provided for an assembly under §245 of this chapter. Meetings of the borough...

We encourage the Community and Regional Affairs Committee to consider amending Committee Substitute for Senate Bill 137 as proposed in this letter.

Sincerely,

  
Lee McAnerney  
Commissioner

cc: Ms. Georgianna C. Booth  
Deputy Clerk  
Ketchikan Gateway Borough

## WOHLFORTH &amp; FLINT

A PROFESSIONAL CORPORATION

845 D STREET

ANCHORAGE, ALASKA 99501

ERIC E. WOHLFORTH  
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TIMOTHY G. MIDDLETON  
PETER ANDREJCHER  
SARAH FORBES76-99  
ANCHORAGE, ALASKA  
274-7511  
274-4419

April 13, 1979

James Nordale, Esq.  
Borough Attorney  
FAIRBANKS NORTH STAR  
BOROUGH  
P. O. Box 1267  
Fairbanks, Alaska 99701Re: Proposed Issuance of Fairbanks North Star Borough Home  
Mortgage Revenue Bonds.

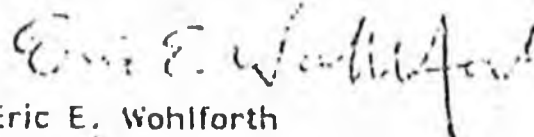
Dear Jim:

Yesterday we discussed the power of the Fairbanks North Star Borough to issue revenue bonds for the purpose of acquiring home mortgage loans under the plan submitted to you by John Huveen & Co. In this respect, we noted the provisions of AS 29.50.200-220 which govern the issuance of revenue bonds by a general law municipality such as the Fairbanks North Star Borough. These provisions apparently authorize bonds for public facilities, the rates or fees to be charged for which would be pledged to the payment of the bonds. The statute does not contemplate the authorization of revenue bonds for the purpose of acquiring home mortgages where the essential security for the bonds would be the home mortgages and the payments of principal and interest made thereon.

Accordingly, we discussed the fact that an amendment to the above quoted sections would probably be necessary in order to provide the requisite assurance that revenue bonds issued by the Borough for home mortgages would be valid.

I enclose on the attached sheets, alternative proposals, one amending the revenue bo. J section to expand generally revenue bonding powers, and the other one limited to an expansion for home revenue mortgage purposes.

Very truly yours,



Eric E. Wohlforth

EEW:jr

Enclosures - as stated.

THE FOLLOWING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

## IN THE LEGISLATURE OF THE STATE OF ALASKA

## ELEVENTH LEGISLATURE - FIRST SESSION

## A BILL

For an Act entitled: "An Act concerning revenue bonds of municipalities"

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

\* Section 1. AS 29.58.200 is amended to read as follows:

Sec. 29.58.200. REVENUE BONDS. (a) A municipality may acquire, construct, improve and equip capital improvements to be operated upon a revenue-producing basis, and bonds for these purposes shall be payable solely from pledged revenue of the public facilities for which the bonds are issued.

(b) A municipality may also issue revenue bonds for any lawful purpose. The bonds shall be payable from any amounts pledged by the municipality except taxes and shall not constitute general obligations of the municipality.

\* Sec. 2. AS 29.58.205 shall read as follows:

Sec. 29.58.205. NO ELECTION REQUIRED. No election is required to authorize the issuance and sale of revenue bonds, unless otherwise provided by ordinance.

\* Sec. 3. AS 29.58.210 is amended to read as follows:

Sec. 29.58.210. FORMS AND TERMS. The assembly or council shall fix the date of the bonds, denominations, maturities, rate or rates of interest, place and manner of payment, redemption terms, registration privileges, manner of execution and signatures required and all other details of the bonds. If an officer whose

signature appears on the bonds or coupons ceases to be an officer. before delivery of the bonds, his signature is valid as if he had remained in office until delivery.

\* Sec. 4. AS 29.58.220 is amended to read as follows:

Sec. 29.58.220. PAYMENT. Bonds issued under §§200-220 of this chapter or the proceedings of the assembly or council authorizing their issuance may contain the covenants which the assembly or council considers advisable concerning

(1) the rates or fees to be charged for services rendered by the public facilities, the revenue of which is pledged to the payment of the bonds or the terms and conditions of any other charges or other amounts collected which are pledged to the payment of the bonds;

(2) the deposit and use of the revenue of the public facilities or of the charges or other amounts collected which are pledged to the payment of the bonds;

(3) the issuance of additional bonds payable from the revenue of the public facilities or from the charges or other amounts collected which are pledged to the payment of the bonds;

(4) the rights of the bondholders in case of default in the payment of the principal or interest on the bonds, including the appointment of a receiver to operate the public facilities;

(5) other covenants as the assembly or council determines.

\* Sec. 5. This Act takes effect immediately, in accordance with AS 01.10.070(c).

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act concerning revenue bonds of municipalities".

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

\* Section 1. AS 29.58.200 is amended to read as follows:

Sec. 29.58.200. REVENUE BONDS. (a) A municipality may acquire, construct, improve and equip capital improvements to be operated upon a revenue-producing basis, and bonds for these purposes are payable solely from unpledged revenue of the public facilities for which the bonds are issued.

(b) A municipality may also issue revenue bonds to finance the purchase of residential mortgage loans. The bonds shall be payable from the principal and interest of the mortgage loans and from any other amounts pledged by the municipality except taxes and shall not constitute general obligations of the municipality.

\* Sec. 2. AS 29.58.205 reads as follows:

Sec. 29.58.205. NO ELECTION REQUIRED. No election is required to authorize the issuance and sale of revenue bonds, unless otherwise provided by ordinance.

\* Sec. 3. AS 29.58.210 is amended to read as follows:

Sec. 29.58.210. FORMS AND TERMS. The assembly or council shall fix the date of the bonds, denominations, maturities, rate or rates of interest, place and manner of payment, redemption terms, registration privileges, manner of execution and signatures

required and all other details of the bonds. If an officer whose signature appears on the bonds or coupons ceases to be an officer before delivery of the bonds, his signature is valid as if he had remained in office until delivery.

\* Sec. 4. AS 29.58.220 is amended to read as follows:

Sec. 29.58.220. PAYMENT. Bonds issued under §§200-220 of this chapter or the proceedings of the assembly or council authorizing their issuance may contain the covenants which the assembly or council considers advisable concerning

(1) the rates or fees to be charged for services rendered by the public facilities, the revenue of which is pledged to the payment of the bonds, or the terms and conditions of any other amounts collected which are pledged to the payment of the bonds;

(2) the deposit and use of the revenue of the public facilities or of other amounts collected which are pledged to the payment of the bonds;

(3) the issuance of additional bonds payable from the revenue of the public facilities or other amounts collected which are pledged to the payment of the bonds;

(4) the rights of the bondholders in case of default in the payment of the principal or interest on the bonds, including the appointment of a receiver to operate the public facilities;

(5) other covenants as the assembly or council determines.

\* Sec. 5. This Act takes effect ~~immediately~~ in accordance with AS 01.10.070(c).

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Official Business

# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99801

April 30, 1979

Ms. Georgianna Booth  
Deputy Clerk  
Ketchikan Gateway Borough  
344 Front St.  
Ketchikan, Ak. 99901

Dear Ms. Booth,

Thank you for your comments of April 10, 1979 on CSSB 137 (Rules) relating to the Municipal Code. The Department of Community and Regional Affairs agreed with your suggested amendment and the Committee supported its incorporation in House CSSB 137 (Rules).

It seems more logical that the Borough retain the board of adjustment function and more consistent with the provisions of AS 29.33.070 (a).

Thank you for your comments. Enclosed please find a copy of the House Committee Substitute with the amendment on p. 6, Sec. 14, Lines 19-23.

Yours truly,

Bill Parker  
Chairman



## KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET  
KETCHIKAN, ALASKA 99901

April 10, 1979

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

Dear Representative Parker:

With regard to CSSB 137 (Rules), Section 10, which amends AS 29.33.110(a), I would like to offer the following comments and suggestions:

AS 29.33.070(a) says that Boroughs shall provide for planning, platting and zoning on an areawide basis. Paragraph (b) of the same section allows a borough to delegate planning, platting, and zoning responsibilities to the council of a city. AS 29.33.110(a) usurps the borough's prerogative to delegate the responsibility of board of adjustment by stating: " \* \* \* The city council is the board of adjustment for the area within the city boundaries \* \* \* "

There are two cities within the Ketchikan Gateway Borough. The City of Ketchikan is a home-rule city and the City of Saxman is a second-class city. The Ketchikan Gateway Borough provides for planning, platting, and zoning on an areawide basis. The Borough also provides for board of adjustment procedures by ordinance. The City of Ketchikan does not provide for board of adjustment procedures by ordinance, and I doubt the City of Saxman is even aware that they have the responsibility for board of adjustment. Conceivably there could be three different determinations and/or interpretations of the zoning code on similar appeals depending upon where property is located. Title 29 does not provide that these cities will prescribe procedures for appeals. AS 29.33.245 says: " \* \* \* The assembly shall prescribe procedures for hearings and appeals. \* \* \* " I question whether Title 29 has any influence on the home-rule city in the area of zoning. It

April 10, 1979  
Page two

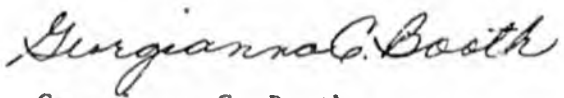
appears more logical that the Borough which has a vested interest in zoning regulation because they are charged with enforcing the decisions of the board of adjustment should retain the board of adjustment function unless they so chose to delegate it. Therefore, I suggest . . .

"(c) The borough assembly is the board of adjustment but may delegate by ordinance part or all of its functions to a city within the borough in accordance with AS 29.33.070(b). \* \* \*"

Your comments and/or questions are welcome.

Sincerely,

KETCHIKAN GATEWAY BOROUGH



Georgianna C. Booth  
Deputy Clerk

cc: The Honorable Mike Colletta  
Chairman, Senate Rules

Page 1, line 24 --

1 (b) The borough assembly shall provide for its composition and for  
2 the form of its representation. Not later than July 31, 1981, and there-  
3 after within four months after the report of a federal decennial census, the  
4 assembly shall propose and submit to the voters at a regular election or  
5 special election called for the purpose alternative forms of representation  
6 by which members are

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

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

13 (c) The borough assembly shall, within three months of the certifi-  
14 cation of the results of the election held in accordance with (b) of this  
15 section, adopt an ordinance providing for its composition and the form of  
16 representation which conforms to the form of representation receiving a  
17 majority of the votes at that election.

18  
19 (( Existing (c) becomes new (d). ))  
20  
21  
22  
23  
24





# KENAI PENINSULA BOROUGH

BOX 850 • SOLDOTNA, ALASKA 99669  
PHONE 262-4441

DON GILMAN  
MAYOR

*June - Don  
Kenai - mail  
issue at hearing  
Please check today  
to find out for sure  
whether amendment  
needed or not  
Salt to Lake  
C. Purbeck  
91*

February 28, 1979

Senator Arliss Sturgulewski  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Re: SB 137

Dear Senator Sturgulewski:

It is difficult to debate the proposed amendments to Title 29, SB 137 when the reasons for the requested changes are not known.

A.S. 29.23.040 Proposed Amendment "The regular term of office begins on the first Monday following their election."

The above amendment will create difficulties with most municipal elections. The Alaska Municipal Clerks Association adopted a uniform model election code for local elections, and most of us have our elections on the first Tuesday in October. In this borough some of the city clerks have allowed us to combine their elections with the borough election. All 5 cities and the borough has the regular election on the first Tuesday in October. We use the same polling places and in most instances the same election judges and split the expense.

In the Kenai Peninsula Borough there are 26 precincts, some in remote areas. At times we cannot get all the ballots back to this office until the Monday following the election. We start canvassing at 9 A.M. on that particular Monday. Canvassing is sometimes continued until Tuesday a.m. The election is certified Tuesday night by the assembly and if the elected or appointed candidate is present he assumes the office on that night.

It seems to me the assembly and Mayor's term should begin when the election is certified and the person has been administered the oath of office. Occasionally an elected person is certified, but may be out of town on that particular night or ill and cannot be administered the oath until a later date. (He has 30 days from date of election or appointment to take the oath and be seated.)

Each municipality has its own problems with timing and coordination of the entire election process. For example, our ballots returning from the Hope Precinct, leave Hope on Friday; 2 P.M. They arrive

Senator Arliss Sturgulewski  
February 28, 1979  
Page 2.

at the Soldotna Post Office on Saturday after the Post Office has closed. Mail leaves Hope only on Tuesday and Friday.

English Bay and Port Graham mail pick up is on Friday; weather permitting. Cook Inlet Aviation gets the mail out usually after 1 P.M. from these areas. The pilot put these packets in the mail at Homer sometime late Friday. The mail leaves Homer about 12:30 or 1 p.m. on Friday, so the materials do not reach Soldotna until Monday. The Post Office is usually closed on Monday as this is Columbus Day. We make arrangements with the postmaster to pick up what we can on Saturday, but sometimes this is inconvenient for the postal employees.

Sec. 2. A.S. 29.23.130 (c) indicates deletion from Title 29 of the Tuesday in October for the regular election day, which leads me to believe the state may be considering combining municipal with state elections. Most municipal clerks will object to this, however, there may be some who have different procedures set out in charters, and they might not object to the combination.

The reasons we would object to combining with the State are:

1. Polling place space is limited; ballot boxes, booths limited.
2. State election law and municipal election laws differ to some extent.
3. Municipal Clerks would not want the legality of their elections to depend on state management or vice versa.
4. Combining the city/borough with state elections would be most confusing. We have found this true at times when combining our city and borough elections. The judges get very busy at certain hours, and the voter may put his city ballots in the borough ballot box or his questioned ballot in the borough questioned ballot envelope.

I have talked with the City Clerk of Soldotna, also Kenai and our assembly representative from Homer. You will probably receive more correspondence on this subject.

It seems once a procedure has been established and people get accustomed to it, it is difficult to change.

Yours very truly,

*Frances Brymer*  
(Mrs) Frances Brymer,  
Borough Clerk

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

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

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

Editor's note.—Section 20, ch. 119, SLA 1972, provides: "The terms of

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

Sec. 29.23.130. Power generally. (a) If the borough has not adopted a manager plan, the borough executive and administrative power is vested in an elected borough mayor. If the borough has adopted a manager plan, the administrative power is vested in an appointed manager and the executive power in an elected borough mayor who has the same functions as those of the mayor of a manager-plan city under § 240 of this chapter.

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

(c) The borough mayor's regular term of office is three years and until a successor is elected and has qualified and begins on the first Monday following his election, which is held the first Tuesday of October, unless a different date of election is provided by ordinance. The assembly may provide by ordinance for a different term not to exceed four years, except that the current term of an incumbent borough mayor may not be altered.

(d) A borough may adopt or abandon a manager plan at any time, as provided in §§ 410—430 of this chapter. The borough mayor may not veto an ordinance or resolution calling for an election on this question. The manager has all the powers and duties of the borough mayor as chief administrative officer. If the manager plan is adopted, it becomes effective following certification of the results of the first regular election occurring at least six months after adoption of the plan. The borough mayor then serves as borough executive. (§ 2 ch 118 SLA 1972)

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

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

Sec. 29.23.200. Composition, eligibility, election and term. (a) Each first class city has a council of six members elected by the voters at large. Each second class city has a council of seven members elected by the voters at large. The council of a first or second class city may by ordinance provide for election of members other than on an at-large basis for all members.

(b) A city voter is eligible to hold office as a member of the council. The council may by ordinance establish residence requirements for council members not exceeding three years. A council member who ceases to be eligible to be a city voter immediately forfeits that office. (§ 2 ch 63 SLA 1976)

(c) An election is held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance, to choose councilmen for three-year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following the election. The council may provide by ordinance for different terms not to exceed four years, except that the current term of incumbent councilmen may not be altered. (§ 2 ch 118 SLA 1972)

Sec. 29.23.210. Procedure. (a) The council shall meet at least once every month, unless otherwise provided by ordinance. Special meetings may be held on the call of the mayor or two councilmen upon not less than 24 hours written or oral notice communicated to each member.

(b) The council shall determine its own rules and order of business and provide for keeping a journal of its proceedings.

(c) Four councilmen constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution, or motion.