

ALASKA LEGISLATIVE COMMITTEES HOUSE DOGS

1230

HCRA

HB 170

1230

Section-by-Section Analysis
SB 180

Sec. 29.03.030. This is added to the chapter dealing with the unorganized borough in order to cross-reference the section authorizing the division of lands to act as the platting authority in the unorganized borough.

Sec. 29.04.010. This section has been altered to allow a city of any class to adopt a home rule charter. Unified municipalities have been included within the definition of home rule municipality. (AS 29.08.010)

Sec. 29.04.020. No change. (AS 29.08.020)

Sec. 29.04.030. Third class boroughs are deleted from classes of general law municipalities. (AS 29.08.030)

Sec. 29.04.040. (a) The phrase "as provided in this subsection" has been deleted as unnecessary. (AS 29.08.040(a))

(b) No change. (AS 29.08.040(b))

(c) No change. (AS 29.08.040(c))

(d) No change. (AS 29.08.040(d) and (e))

(e) "Department of Community and Regional Affairs" has been altered to read "department". This bill adds "department" to the definitions section and uses that term throughout in place of "Department of Community and Regional Affairs". (AS 29.08.040(f))

(f) Deletes the reference to third class boroughs. (AS 29.08.040(g))

The material currently dealing with reclassification to third class status has been deleted. (AS 29.08.040(h), (i), and (j))

Sec. 29.04.050. (a) This is new material providing that a third class borough in existence on the effective date of this bill will continue in existence until it is reclassified.

(b) Allows for reclassification of a third class borough to first or second class status. (AS 29.08.040(g))

(c) Provides that if a third class borough is reclassified, a school board shall be elected. The assembly will continue to serve as the school board until the new board is elected. Under existing law, if a third class borough is reclassified, voters have the option of retaining a combined assembly and school board. Note that under AS 14.12.110 a single body may serve as the assembly and school board for any borough school district, so a third class borough could, under that section, still retain the combined assembly and school board upon reclassification. (AS 29.08.040(i))

Sec. 29.05.010. (a)(1) No change. (AS 29.18.011(a)(1))

(2) No change. (AS 29.18.011(a)(2))

(3) The term "local services" has been altered to "municipal services". (AS 29.18.011(a)(3))

(4) The term "local government" has been altered to "city government". (AS 29.18.011(a)(4))

(5) The term "local government" has been altered to "city government". AS 29.18.011(a)(5))

(b) No change. (AS 29.13.011(b))

Sec. 29.05.020. (a) No change. (AS 29.18.021(a))

(b) The term "organized borough" has been altered to "home rule or general law" because borough is defined to include general law only. (AS 29.18.020(b))

Sec. 29.05.030. This section contains several technical changes. The term "organized borough" has been replaced with "borough" since that is defined to include only organized boroughs. The term "local services" has been replaced by "municipal services". The term "local government" has been replaced by "borough government" as being more precise since this section deals with the incorporation of boroughs and not cities. (AS 29.18.030)

Sec. 29.05.060. "Department of Community and Regional Affairs" has been replaced by the word "department" and that word is defined in the bill. The word "municipality" has been replaced by "city or borough" because "municipality" is defined to include all classes of municipal government including home rule governments. Since only organized municipalities may adopt home rule charters, this section clearly does not apply to home rule municipalities.

(7) has been changed so that signature requirements apply to home rule and first class cities as a unit and then to the rest of the voters in the area of the proposed borough as another unit. Under existing law only first class cities are treated as a special unit for the purpose of gathering signatures. The paragraphs have been reorganized so that the most general requirements precede the most specific requirements for incorporation. (AS 29.18.050)

Sec. 29.05.070. "Department of Community and Regional Affairs" has been altered to "department" which is defined. (AS 29.18.060)

Sec. 29.05.080. (a) Combines material currently found in AS 29.-18.070(a) and (c). "Department of Community and Regional Affairs" has been altered to "department".

(b) No change. (AS 29.18.070)

Sec. 29.05.090. "Department of Community and Regional Affairs" has been altered to "department". (AS 29.18.080)

Sec. 29.05.100. "ON BOROUGH INCORPORATION" has been deleted from the heading because this section applies to incorporation of both cities and boroughs. The term "municipality" has been replaced by "city or borough". (AS 29.18.090)

Sec. 29.05.110. This section contains a few minor changes, so that the use of language is consistent throughout the bill. The word "officer" is changed to "official" and that is the term used throughout. Currently, Title 29 uses the terms municipal "officer" and "official" interchangeably. Effective January 1, 1981, the director of elections became responsible for conducting state elections rather than the lieutenant governor. I would recommend that the director of elections be made responsible for municipal elections under this section as well. (AS 29.18.110)

Sec. 29.05.120. This section has been reorganized. Once in, current references to the lieutenant governor ought to be changed to the director of elections.

(a) Contains material currently found in AS 29.18.120(b).

(b) Contains material currently found in AS 29.18.120(b).

(c) Contains material currently found in AS 29.18.120(b).

(d) Contains material currently found in AS 29.18.120(c).

(e) Contains material currently found in AS 29.18.120(d).

(f) Contains material currently found in AS 29.18.120(e). (AS 29.-18.120)

Sec. 29.05.130. The phrase "borough assembly or city council" has been replaced by the phrase "governing body" which is used consistently throughout this bill. The last line of the current section has been dropped as no longer necessary. The provisions of this section apply to all organized boroughs whether incorporated or organized before or after September 10, 1972. (AS 29.18.130)

Sec. 29.05.140. Minor wording changes have been made to this section to improve readability and to insure that terms are used consistently throughout the title.

(d) was added to indicate that the section applies to home rule and general law municipalities, however, this is not a substantive change because the section currently applies to home rule municipalities under AS 29.13.100. (AS 29.18.140)

Sec. 29.05.150. "Municipality" is replaced by "city or borough" defined to include general law cities and boroughs only. (AS 29.18.150)

Sec. 29.05.180. This section now applies only to organization grants for cities. A new section has been added to the bill to deal with organization grants for boroughs. A city shall be entitled to a first year organization grant of \$50,000 and to a second organization grant of \$25,000. Under existing law, a municipality is entitled to receive \$10 for every voter or \$25,000 minimum, and the municipality receives no grant the second year. (AS 29.18.180)

Sec. 29.05.190. This section deals with organization grants to boroughs only and would apply to boroughs incorporated after July 1, 1981. A borough shall be entitled to a first year organization grant of \$300,000; a second year grant of \$200,000; and a third year grant of \$100,000. Under existing law a borough receives \$10 for every voter or a minimum \$25,000 grant. (AS 29.18.180)

Sec. 29.05.200. This is new material establishing an organization grant fund. The Department of Community and Regional Affairs is required to prepare a yearly report on the fund to be presented the Department of Administration.

Sec. 29.05.210. This is new material which requires the Department of Community and Regional Affairs to determine the population of a newly incorporated borough, help the borough establish an initial assessment

and collection department if it has adopted a sales or use tax; and help the borough to determine the initial assessment roll if the borough has adopted a property tax.

Sec. 29.06.010. The phrase "qualified voters voting on the question at a regular or special election" has been replaced by "voters after an election". Both "voters" and "election" are defined. Subsection (d) has been added which applies the section to home rule municipalities, however, this is not a substantive change since the section applies under AS 29.13.100. Once again, references to the lieutenant governor ought to be changed to the director of elections. (AS 29.73.050)

Sec. 29.06.040. This section contains only minor word changes so that language used in Title 29 which is defined is uniformly used throughout the title.

(a) "Local government" is altered to "municipal government".

(b) "Cities and boroughs" is altered to "municipalities" which by definition includes home rule governments. "Assembly or council" is changed to governing body which is defined. (AS 29.68.010)

Sec. 29.06.050. "City or borough" is changed to "municipality" which includes general law and home rule municipalities by definition. In the second sentence, home rule or general law is added before "city" and "borough" because "city" and "borough" are defined to include general law municipalities only. The requirement contained in the section that territory annexed by a city in a borough automatically is annexed to the borough is made applicable to home rule municipalities as well. (AS 29.68.020)

Sec. 29.06.060. This is new material specifically applying all sections dealing with annexation as home rule limitations. The material contained in sec. 29.06.040 of this bill is currently a limitation on home rule municipalities.

Sec. 29.06.090. The phrase "home rule and general law" has been eliminated since "municipality" is now defined to include home rule and general law. (AS 29.68.030)

Sec. 29.06.100. "Department of Community and Regional Affairs" has been replaced by "department". The word "existing" has been added to make it clear that some requirements refer to the existing municipality and some to the proposed municipality. (AS 29.68.040)

Sec. 29.06.110. "Department of Community and Regional Affairs" has been changed to "department". (AS 29.68.050, 29.68.060)

Sec. 29.06.120. "Department of Community and Regional Affairs" has been changed to "department". (AS 29.68.070)

Sec. 29.06.130. "Assembly or council" has been changed to governing body. Material contained in the last sentence under current law has been placed into a new subsection (b). (AS 29.68.080)

Sec. 29.06.140. Material currently contained in AS 29.68.090(a) and (b) has been combined into (a). The statutory reference in AS 29.68.090(d) has been eliminated as unnecessary. References to "lieutenant governor" should be changed to "director of elections". (AS 29.68.090)

Sec. 29.06.150. No change. (AS 29.68.100)

Sec. 29.06.160. No change. (AS 29.68.110)

Sec. 29.06.170. This is a new section providing that the article on merger and consolidation applies to home rule municipalities. These sections are currently applied to home rule municipalities under AS 29.13.100.

Sec. 29.06.190. "Home rule or general law" has been added before "borough" and "cities" because the terms are defined to apply to general law municipalities only. (AS 29.68.240)

Sec. 29.06.200. "Borough" has been dropped before "assembly" as unnecessary. "City" has been dropped before "council" as unnecessary. (AS 29.68.250)

Sec. 29.06.210. "Unification" has been added to make it clear that this is a special type of petition. (b)(1) and (2) have been slightly rewritten for clarity. (AS 29.68.260)

Sec. 29.06.220. The statutory reference to the preceding section has been deleted as necessary. (AS 29.68.270)

Sec. 29.06.230. This has been slightly rewritten for clarity and the reference to the section which follows has been deleted as unnecessary. (AS 29.68.280, 29 68.290)

Sec. 29.06.240. No change. (AS 29.68.300)

Sec. 29.06.250. (a) This has been rewritten for clarity. Under existing law membership is divided between the area outside cities and the area inside cities. This approach is altered so that membership is divided between the area outside home rule and first class cities and

the area inside home rule and first class cities in the borough. (AS 29.68.310)

(b) This is new material providing that a resolution or petition for unification is void if insufficient nominations are received for the charter commission.

Sec. 29.06.260. The phrase "home rule and general law" has been added before borough because the section applies to home rule municipalities and "borough" is defined to exclude them. Material currently found in AS 29.68.320(b) has been added to subsection (a). (AS 29.-68.320)

Sec. 29.06.270. "Home rule or general law" has been added before "borough" since that term is defined to exclude home rule. "Those" has been eliminated from (b) as unnecessary. (AS 29.68.330)

Sec. 29.06.280. Minor wording changes have been made for clarity. (f) contains the material now found in AS 29.68.340(f) and (g). (AS 29.68.340)

Sec. 29.06.290. The language "at a regular or special borough election called by the borough assembly held within 60 days of the date of publication and posting of the proposed charter as required in sec. 380 of this chapter" has been deleted as unnecessary. Parts have been slightly rewritten for clarification and statutory references to other sections in AS 29.68.350(a)(5) and (7) are deleted as unnecessary. AS 29.68.-350(b) is deleted as unnecessary. (AS 29.68.350)

Sec. 29.06.300. Some excessive verbage has been eliminated. (AS 29.-68.360)

Sec. 29.06.310. "Home rule or general law" is added before "city" and "borough" since these terms are defined to exclude home rule municipalities. (AS 29.68.370)

Sec. 29.06.320. The language "once in at least one newspaper having general circulation distributed within the borough, if there is a newspaper having general circulation distributed in the borough" is eliminated as unnecessary since "published" is defined. "Home rule or general law" has been added since the word "city" or "borough" standing alone refers only to a general law municipality. (AS 29.-68.380)

Sec. 29.06.330. The reference to the section dealing with charter preparation has been deleted in favor of restating the requirement that the election be held within 60 days. Subsection (e) has been altered to

eliminate the reference to sec. 110(e) of this chapter, which is an incorrect reference. As changed the assembly shall simply appoint new members to fill vacancies. If these appointments are to conform with the area representation scheme established for the original charter commission, the subsection would have to be altered to require the assembly to appoint members to fill vacancies in accordance with AS 29.68.310, under this bill sec. 29.06.250. (AS 29.68.390)

Sec. 29.06.340. The statutory reference to the article on unification is eliminated as unnecessary. (AS 29.68.400)

Sec. 29.06.350. This section has been slightly reworded for clarity. (AS 29.68.410)

Sec. 29.06.360. This section has been slightly reworded for clarity. (AS 29.68.420)

Sec. 29.06.370. This has been reworded for clarity and the statutory reference to the unification article has been deleted as unnecessary. (AS 29.68.430)

Sec. 29.06.380. (2) has been changed so that it is clear that a unified municipality has the powers of a home rule borough, since a unified municipality is a home rule unit of government. (AS 29.68.440)

Sec. 29.06.390. This is a new section making the provisions dealing with unification applicable to home rule municipalities. Although annexation, merger and consolidation, and dissolution are currently home rule limitations, the sections dealing with unification are not applicable to home rule municipalities as limitations under existing law.

Sec. 29.06.420. No changes other than changes in terminology used consistently throughout in this bill. (AS 29.68.500)

Sec. 29.06.430. No changes except for minor rewording for clarity. (AS 29.68.510)

Sec. 29.06.440. No changes, except for minor rewording for clarity. (AS 29.68.520)

Sec. 29.06.450. "Department of Community and Regional Affairs" has been altered to "department". (AS 29.68.530, 29.68.540)

Sec. 29.06.460. No changes except for minor rewording for clarity. (AS 29.68.550)

Sec. 29.06.470. No change. (AS 29.68.560)

Sec. 29.06.480. Material contained in AS 29.68.570(a) and (b) is consolidated into (a). References to the "lieutenant governor" ought to be changed to the "director of elections", who is now in charge of state elections. (AS 29.68.570)

Sec. 29.06.490. The statutory reference contained in existing law is deleted as unnecessary. (AS 29.68.580)

Sec. 29.06.500. This is a new section providing that the article dealing with dissolution applies to home rule municipalities. AS 29.13.100 makes these sections applicable to home rule municipalities under current law.

Sec. 29.10.010. A city or borough of any class may adopt a home rule charter. This is a significant change from existing law which allows first class boroughs and cities, and second class boroughs to adopt a charter, but does not authorize a second class city to adopt a charter. (AS 29.13.010)

Sec. 29.10.020. (a) This has been reworded slightly, but contains no significant changes. (AS 29.13.020)

(b) This is new material providing that if nominations for candidates are not filed no election is held on the question of forming a charter commission.

Sec 29.10. 030. No change. (AS 29.13.030)

Sec. 29.10.040. The clerk shall have the charter published, which is defined, and shall make copies available. Under existing law the governing body is responsible for publishing a charter. (AS 29.13.040)

Sec. 29.10.050. No change, other than minor rewording. (AS 29.-13.050)

Sec. 29.10.060. "Municipal" is deleted as no longer necessary as "voter" is defined. "Regular or special" is deleted since "election" is defined. (AS 29.13.060)

Sec. 29.10.070. (a) The provision that the charter becomes effective on the date the election is certified has been added. (AS 29.13.070)

Sec. 29.10.080. The provision that a charter may be amended by initiative referendum has been deleted. (AS 29.13.080)

Sec. 29.10.110. The following paragraphs contain sections which have been added to the limitations of home rule powers:

- (5) unification of municipalities;
- (7) home rule municipalities (the provision dealing with charter amendment, now sec. 29.10.080, is the only limitation listed under existing law);
- (10) general power;
- (15) executive power;
- (22) powers of initiative and referendum;
- (31) assessment and collection of taxes;
- (34) title to vacated areas;
- (35) property taxes (this adds sec. 29.45.450 - 500 and sec. 29.-45.550 to the limitations listed under existing law);
- (39) construction;
- (42) general grant land;
- (44) dedication of municipal property;

The following paragraphs under AS 29.13.100 no longer appear as limitations:

- (4) election and term of mayor;
- (8) municipal elections (material now contained in AS 29.28.010 is not a limitation under this bill; material in AS 29.28.020(b) has been expanded so that the notice requirement covers both regular and special elections and the requirement is a limitation under this bill);
- (15) borough building code jurisdiction within cities (the material has been deleted from this bill);
- (20) expenditures of borough revenue;
- (25) bond attorneys (the material has been deleted from this bill);

(35) bonded debt for school construction (the material has been deleted from this bill);

(37) zoning of state land for homesite entry (this was repealed in 1979);

(39) applicability of local platting regulations (the material has been deleted from this bill);

(40) expulsion of borough assemblymen (this material has been substantially rewritten and not made binding upon home rule municipalities);

(41) removal of borough mayor from office (this material has been substantially rewritten and not made applicable as a home rule limitation);

(42) expulsion of city councilmen (this material has been substantially rewritten and not made applicable as a home rule limitation);

(43) removal of mayor from office (this material has been substantially rewritten and not made applicable as a home rule limitation);

(44) expulsion, removal from office (this material has been substantially rewritten and not made applicable as home rule limitation).

Sec. 29.14.010. No change. (AS 29.18.510)

Sec. 29.14.020. No change. (AS 29.18.520)

Sec. 29.14.030. No change, except that statutory reference in AS 29.-18.530(a) have been changed to reflect the new numbering in this bill. (AS 29.18.530)

Sec. 29.14.040. "Designate" has been changed to "appoint". (AS 29.18.540)

Sec. 29.14.050. No change, except the statutory reference has been altered to reflect renumbering in this bill. (AS 29.18.550)

Sec. 29.14.060. No change, except for minor rewording in (b) and a change in the statutory reference to reflect renumbering in this bill. (AS 29.18.570)

Sec. 29.14.070. No change, except for minor rewording of the heading. (AS 29.18.580)

Sec. 29.14.080. No change, except for minor rewording. The section has been divided into subsections for ease of use. (AS 29.18.590)

Sec. 29.14.090. No change, except the statutory references have been altered to reflect renumbering under this bill. (AS 29.18.600)

Sec. 29.14.100. No change, except that statutory references have been altered. This material has been placed in a separate chapter. (AS 29.18.610)

Sec. 29.20.010. A member of the governing body shall declare a financial interest he has in an official action and asked to be excused. The presiding officer rules on the question and his decision may be overridden. Under existing law an officer or employee is required to disqualify himself from participating in an official action in which he has a substantial financial interest. (AS 29.23.555)

Sec. 29.20.020. "Assembly and council" has been altered to "governing body" and the section is divided into subsections for ease of use. (AS 29.23.580)

Sec. 29.20.050. The second sentence is new material, however it does not substantively change existing law since it can be implied that the legislative power of a city is vested in the council. (AS 29.23.010)

Sec. 29.20.060. No change. (AS 29.23.021)

Sec. 29.20.070. "Borough" has been dropped before the word "assembly" when it appears in this section. Since the section applies to both home rule and general law municipalities, "home rule or general law" has been added before the word "borough" throughout the section. The statutory reference contained in AS 29.23.023(e)(1) has been deleted as unnecessary since "unified municipality" is defined. (AS 29.23.023)

Sec. 29.20.080. "Borough" has been deleted as unnecessary when it appears before the word "assembly". In (e) "of the Department of Community and Regional Affairs" has been deleted since "commissioner" is defined. Statutory references are altered to reflect new numbering. (AS 29.23.025)

Sec. 29.20.090. "Borough" has been deleted as unnecessary when it appears before "assembly". "Of Community and Regional Affairs", appearing several times in the section, has been deleted since "commissioner" is defined. Statutory references have been altered to reflect renumbering. (AS 29.23.027)

Sec. 29.20.100. "Borough" has been deleted where it appears before "assembly". "Of Community and Regional Affairs" has been deleted since "commissioner" is defined. Statutory references have been altered to reflect new numbering. (AS 29.23.029)

Sec. 29.20.110. Statutory references have been altered to reflect new numbering. (AS 29.23.031)

AS 29.20.120. The statutory reference in (1) has been deleted since "unified municipality" is defined. Statutory references are revised to reflect new numbering. (AS 29.23.033)

Sec. 29.20.130. No change. (AS 29.23.200)

Sec. 29.20.140. This section has been substantially rewritten to combine material concerning the qualifications for membership in assemblies with material concerning the qualifications for membership in councils.

(a) Rewritten, but no substantive change. (AS 29.23.050, AS 29.-23.200(b))

(b) Combines material currently found in different sections. (AS 29.-23.050, 29.23.200(b))

(c) Current law allows an assemblyman elected from one district who becomes a resident of another district to serve only until the next regular election. The subsection allows a municipality to provide otherwise by ordinance. It is also made applicable to city councils. Under existing law a council may be elected by district rather than at-large, but no provision deals with the possibility that a councilman might change his district residency. (AS 29.23.050, AS 29.23.200(a))

(d) This is new material allowing a municipality to establish district residency requirements for members of the assembly or council.

(e) This is applicable to both home rule and general law municipalities. Under current law the qualifications for assemblymen are applicable to home rule and general law municipalities but the qualifications for city councilmen are not. (AS 29.23.050, AS 29.23.200)

Sec. 29.20.150. Combines material dealing with the term of office of members of the assembly with material dealing with the term of office of members of the council.

(a) This is substantially rewritten, however, the only substantive change is that members of the council may serve different terms when

allowed by charter, as well as by ordinance. (AS 29.23.040 (a), AS 29.23.200)(c))

(b) No substantive change. (AS 29.23.040(a), AS 29.23.200(c))

(c) The material permitting a different date to be prescribed by charter or ordinance has been made applicable to city councils. (AS 29.23.040(b), AS 29.23.200(c))

(d) This has been made applicable as a home rule limitation with respect to city councils. (AS 29.23.040(c))

Sec. 29.20.160. Combines material dealing with assemblies and with councils into one section.

(a) The last line dealing with the presiding officer is new material as it applies to the council. (AS 29.23.060(b), AS 29.23.240))

(b) The material dealing with the calling of a special meeting has been substantively changed. Under existing law a special meeting may not be called unless all members receive 24 hours written notice or, if there is an emergency and all absent members waive the notice. As rewritten, a special meeting may be held if a majority of the members receive notice and reasonable efforts are made to notify all members. (AS 29.23.060(a), AS 29.23.210(a))

(c) A member of the governing body disqualified from voting is considered present for purposes of constituting a quorum. A majority of the membership of a council constitutes a quorum, while under existing law four councilmen constitute a quorum. This is not a substantive change, since a first class city has a council of six members and second class city has a council of seven members. Four councilmen are still required for a quorum. (AS 29.23.060(d), AS 29.23.210(c))

(d) Actions are adopted by a majority of the total membership of the governing body, while under existing law actions are adopted by a majority of votes authorized on the question. All members vote unless they are required to abstain by law, while under existing law a member may abstain if permitted by the governing body, unless he has a substantial financial interest in the question. This section is applicable to city councils as well as to assemblies, while under existing law four affirmative votes are required to adopt an action of the council. (AS 29.23.060(d), AS 29.23.210(c))

(e) Specificity provides that the journal shall be a public record. (AS 29.23.060(c), AS 29.23.210(b))

(f) Requires a governing body to determine by ordinance its rules and order of business. (AS 29.23.060(c), AS 29.23.210(b))

(g) This section is applicable as a limitation on home rule municipalities. Under existing law only AS 29.23.060(c) and AS 29.23.210(b) are applicable as limitations. (AS 29.13.100(40), (42))

Sec 29.20.170. This allows the governing body to prescribe the manner in which a vacancy occurs in any elected office, other than the office of mayor or member of the school board. The governing body is required to declare an elective office vacant under specific conditions, unless a municipality establishes otherwise by ordinance. (AS 29.23.060(c), AS 29.23.080, AS 29.23.210(b), AS 29.23.220, AS 29.23.570)

Sec. 29.20.180. (a) Requires a vacancy to be filled within 30 days unless a different period is established by ordinance. If less than 30 days remain in a term, a vacancy need not be filled, unless filling the vacancy is necessary to preserve a quorum. The material contained in AS 29.23.080 dealing with filling a vacancy in dual assembly council seats has been deleted. (AS 29.23.080, AS 29.23.220)

(b) This is new material requiring appointments within seven days if needed to preserve a quorum.

Sec. 29.20.220. This section is substantially rewritten to combine material dealing with the mayor of a city with material dealing with the mayor of a borough.

(a) This is a clear statement that the executive power is vested in a mayor, which is only implied with reference to cities under current law. The mayor of a home rule or unified municipality is elected by the voters, which is not a substantive change. (AS 29.23.200(a), (c), AS 29.23.240)

(b) This material currently exists with respect to city mayors but not with respect to borough mayors, although these duties may be implied for borough mayors. The language "and is responsible for additional duties and powers prescribed by this chapter or by home rule charter" is new, but is not a substantive change. (AS 29.23.240)

(c) This section is a limitation on home rule municipalities. Under existing law it is not listed as a limitation.

Sec. 29.20.230. This has been substantially rewritten in order to combine material dealing with the election and term of a borough mayor and a city mayor.

(a) No substantive change. (AS 29.23.130(c), AS 29.23.250(b), and (d))

(b) Allows a second class city to provide by ordinance for a term longer than one year for the office of mayor, as the mayor is a member of the council. Existing law provides a one year term of office for the mayor of a second class city. (AS 29.23.250(c) and (d))

(c) This is new material providing that the number of terms the mayor may serve may be not limited.

Sec. 29.20.240. Rewritten to combine sections dealing with the mayor of a borough and the mayor of a city.

(a) No substantive change. (AS 29.23.130(b), AS 29.23.250(a), (c))

(b) The reference in AS 29.23.250(a) to additional residency requirements prescribed by charter has been eliminated. This section is not a limitation on home rule governments, so a home rule municipality may prescribe additional residency requirements by charter without statutory authority. (AS 29.23.130(b), AS 29.23.250(a))

Sec. 29.20.250. This has been rewritten to combine sections dealing with a city and sections dealing with a borough, and to achieve a clear statement of existing law.

(a) No substantive change. (AS 29.23.130(a), AS 29.23.290)

(b) This material is only implied as a power of the mayor of a city under existing law. (AS 29.23.160)

(c) No substantive change. (AS 29.23.160, AS 29.23.260)

Sec. 29.20.260. No change, except for minor rewording for clarity. (AS 29.23.150)

Sec. 29.20.270. This has been substantially rewritten in order to combine sections dealing with the mayor of a borough and the mayor of a city.

(a) No substantive change. (AS 29.23.270(a))

(b) The material requiring that a veto be overridden within 21 days after the exercise of the veto or during the next regular meeting is new. Current law does not specify a time period during which a veto may be exercised. (AS 29.23.170(a), AS 29.23.270(a))

(c) A veto does not extend to actions of a city council sitting as a board of equalization or a board of adjustment, nor may the city mayor veto the adoption or repeal of a manager form of government. Current law is silent as to these issues. (AS 29.23.170(a), (b), AS 29.23.270)

(d) No change. (AS 29.23.270(b))

Sec. 29.20.280. (a) Under existing law the governing body has the option of declaring the office of mayor vacant when he is convicted of a corrupt practice. (AS 29.23.130(f), AS 29.23.255, AS 29.23.570)

(b) No substantive change. (AS 29.23.180, AS 29.23.280(a))

(c) No substantive change. (AS 29.23.280(b))

Sec. 29.20.300. The statutory reference to a repealed section is deleted. School board members may be elected by area rather than at-large, if approved by the voters. (AS 29.23.310)

Sec. 29.20.310. No change, except for minor rewording so the usage is consistent throughout the title. (AS 29.23.340)

Sec. 29.20.320. This is new material allowing the governing body to establish boards and commissions. Arguably, this power is implied in to exist current law is part of the ability of a governing body to delegate responsibility. (AS 29.48.010(1))

Sec. 29.20.360. This provides that certain officials shall be appointed by the chief administrative official unless otherwise provided by ordinance. Under current law these officials are appointed by the chief administrator or by the governing body as determined by ordinance. Current law provides that appointments by the chief administrator are subject to confirmation, and this section allows a municipality to provide otherwise by ordinance. (AS 29.23.360)

Sec. 29.20.370. No change, except for minor rewording to achieve consistent usage throughout the title. (AS 29.23.370)

Sec. 29.20.380. No change, except for minor rewording in order to achieve consistent usage. (AS 29.23.380)

Sec. 29.20.390. The statutory reference is added to provide notice that, when a central treasury is established for the school board and the municipality, the treasurer is not custodian of the funds. (AS 29.-23.390)

Sec. 29.20.400. Slightly reworded for clarity. (AS 29.23.070)

Sec. 29.29.410. Allows the governing body to provide for a classified service and to designate positions which are wholly or partially exempt from the classified service. (AS 29.23.550)

Sec. 29.20.450. No change, except for minor rewording to achieve consistent usage. (AS 29.23.410)

Sec. 29.20.460. No change, except for minor rewording to achieve consistent usage. (AS 29.23.420)

Sec. 29.20.470. The last line dealing with notice requirements was omitted because notice requirements for elections are now contained in Sec. 29.26.030. At least 20 days notice shall be provided, while under current law 30 days notice is required before an election to adopt a manager plan. (AS 29.23.430)

Sec. 29.20.480. No change, except for minor rewording to achieve consistent usage. (AS 29.23.440)

Sec. 29.20.490. In the second line the word "solely" and the word "executive" have been omitted, so that the manager is to be chosen on the basis of his administrative qualifications. A member of the governing body may not be appointed manager until one year after leaving office unless authorized by more than a majority vote. Under existing law this limitation applies to all elected municipal officials. (AS 29.23.450)

Sec. 29.20.500. No change, except for minor rewording to achieve consistent usage. (AS 29.23.460)

Sec. 29.20.510. After repeal of a manager plan, the governing body has 60 days to reorganize the municipal executive and administrative functions. Under existing law, no time period is provided for reorganization. (AS 29.23.480)

Sec. 29.20.520. This has been substantially rewritten to combine material dealing with the duties of a manager of a city with duties of a manager of a borough. A statutory reference to the section dealing with appointment of school employees has been added (8) of AS 29.23.140 and of AS 29.23.290 has been deleted. (10) (a) and (c) of AS 29.23.140 have been deleted. The paragraphs in this section have been reworded and reorganized. (AS 29.23.140, AS 29.23.290)

Sec. 29.20.530. Rewritten slightly for clarity. (AS 29.23.130(e))

Sec. 29.20.600. No change, except for rewording to achieve uniform usage. (AS 29.23.500)

Sec. 29.20.610. No change, except for minor rewording to achieve uniform usage. (AS 29.23.520)

Sec. 29.20.620. A method of determining salaries shall be provided by ordinance, while under current law the governing body fixes by ordinance the salaries of elected officials. The salary of the mayor may be reduced during his term of office if a manager plan is adopted. An elected official may not receive compensation for additional service to the municipality, unless provided otherwise by ordinance. (AS 29.-23.530)

Sec. 29.20.630. Material currently contained in AS 29.23.540(a) and (b) is deleted. Subject to requirements contained in the title dealing with education, a school district employee, or state employee may not be denied the right to serve as an elected municipal official. Current law allows a municipality to prohibit the right to serve by charter or ordinance. This section is applicable as a home rule limitation, and is a limitation under AS 29.13.100(5). (AS 29.23.540)

Sec. 29.20.640. No changes, except for rewording for consistency and changes in statutory references to reflect renumbering. (AS 29.23.560)

Sec. 29.25.010. The governing body is no longer required to fix the compensation of members of the assembly or council by ordinance, nor is it required to regulate the rate charged by a public utility by ordinance. (AS 29.48.130)

Sec. 29.25.020. This has been substantially reorganized, but contains no substantive changes. (AS 29.48.140, AS 29.48.150)

Sec. 29.25.030. No change, except for minor word changes in order to achieve maximum clarity. (AS 29.48.160)

Sec. 29.25.040. Requires the governing body to see that the adopted code is made available to the public at no more than cost, while existing law requires the governing body to provide for the adopted code to be sold to the public. (AS 29.48.170)

Sec. 29.25.050. (b) allows the designee of the municipal clerk to prepare a general codification of municipal ordinances and deletes the requirement that the codification be prepared with the assistance of a legal advisor. The rest of the section is unchanged. (AS 29.48.180)

Sec. 29.25.060. This has been made applicable as a home rule limitation. (AS 29.48.185)

Sec. 29.25.070. A penalty not to exceed that imposed for a class B misdemeanor may be imposed for a violation of an ordinance. The maximum fine for a class B misdemeanor is \$1,000 and the maximum sentence of imprisonment is 90 days, while under existing law punishment not to exceed \$500 or imprisonment for 30 days is provided for. A mandatory, nonsuspendable term of imprisonment for 5 days may be imposed for violation of an ordinance. The municipality or aggrieved person may institute a civil action against a person who violates an ordinance, and a civil penalty of up to \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought and, upon a finding of a violation, the superior court shall grant the injunction. Each day that a violation of an ordinance continues is a separate violation. These penalties are authorized only if copies of the ordinance are made available. (AS 29.48.200)

Sec. 29.26.010. A judge shall be a voter of the precinct for which he is appointed unless no voter is willing to serve. The language "the municipality may not alter voter qualification requirements of this title" had been deleted as unnecessary. This is no longer a limitation on home rule municipalities. (AS 29.28.010)

Sec. 29.26.020. The language "subject to other provisions of this title" was added because other sections in the title provide a procedure for the nomination and election of candidates, for example, see secs. 29.-06.140, 29.06.230, and 29.10.020. (AS 29.28.015)

Sec. 29.26.030. At least 20 days notice is required of a regular or special election. This applies as a limitation on home rule municipalities, whereas under existing law only the notice requirement for a special election applies. (AS 29.28.020(b))

Sec. 29.26.040. No change, except for minor rewording for clarity. (AS 29.28.020(a))

Sec. 29.26.050. This has been reorganized. A municipality may require a person to be registered to vote in the precinct in which he seeks to vote. (AS 29.28.030)

Sec. 29.26.060. The runoff election requirement is limited to the office of mayor, member of the governing body, or school board and the municipality may adopt an ordinance to alter this runoff requirement. A runoff election shall be held three weeks after the date of certification of the original election, rather than within two weeks. (AS 29.28.040)

Sec. 29.26.070 This has been rewritten for clarity. A requirement that the governing body authorize the election results to be certified has been added in (c). The provision that expulsion of certain officials is final and not subject to judicial review contained in AS 29.28.050(f) has been deleted. In this bill there is no provision denying judicial review in cases involving the declaration of vacancy in office. (AS 29.-28.050)

Sec. 29.26.100. The requirement that the powers of initiative and referendum are reserved to the residents of municipalities has been made applicable as a limitation on home rule municipalities. (AS 29.-28.060)

Sec. 29.26.110. This is new material establishing a process for applying for a petition for initiative or referendum. An application is signed by ten voters who sponsor the petition. If the clerk finds that an application is in proper form and that the four listed requirements are met, he shall certify the application. A decision by the clerk on an application for petition is subject to judicial review.

Sec. 29.26.120. No change. Requiring that an initiative petition be filed not less than 90 days before the next regular election conflicts with the requirement contained in sec. 29.26.180 relating to when a petition shall be submitted to the voters. I would recommend that this section be deleted. (AS 29.28.162)

Sec. 29.26.130. Within two weeks after certification of application a petition is prepared by the municipal clerk. Signatures must be obtained within 60, rather than 90 days from the date the petition is first circulated. Spaces are provided for signatures, the printed name of each signer, the date signature is affixed, and the residence and mailing addresses of each signer. Each petition contains a statement that the sponsor circulated the petition, that all signatures were fixed in his presence, and that he believes the signatures to be those of the persons whose names they purport to be. Spaces are provided for indicating the total number of signatures on a petition. If the petition consists of more than one page, each page contains a summary of the bill to be initiated or the act to be referred. Copies of the petition are supplied to each sponsor. (AS 29.28.065)

Sec. 29.26.140. Signatures must be secured within 60, rather than 90 days. The clerk shall determine the number of signatures required on a petition and inform each sponsor, however, the number of signatures required remains identical to the number required under current law. Illegible signatures must be rejected by the clerk, whereas under existing law they may be rejected. A signer may withdraw his signature before certification of the petition, whereas under existing law he

may only withdraw his signature within 7 days after the petition is filed. (AS 29.28.070)

Sec. 28.26.150. All copies of a petition are filed as a single instrument. An insufficient petition may be supplemented only with signatures obtained within ten days after the date the petition is rejected, while under current law there is no requirement that the signatures be obtained during this period. (AS 29.28.173)

Sec. 29.26.160. No change, except for minor rewording for consistency. (AS 29.28.075)

Sec. 29.26.170. "On substantially the same matter" has been added so that it is clear that the waiting period for filing a new petition does not apply if the petition sought to be filed deals with a different subject. (AS 29.28.077)

Sec. 29.26.180. Unless the same measure is adopted, the clerk submits a petition seeking an initiative vote to the voters at the next regular election occurring no sooner than 45 days after certification of the petition, or, if no regular election occurs within 75 days, a special election is held. If the governing body adopts the same measure, the petition is void and the subject is not placed before the voters, while under existing law the governing body may not adopt an ordinance or resolution within 10 days from the date of election. If the vote is favorable, the ordinance or resolution becomes effective upon certification of the election unless a different effective date is provided in the ordinance or resolution, while under existing law an ordinance or resolution becomes effective when the election results are declared. There is no provision for the governing body to reject a petition, as there is in current law. (AS 29.28.080)

Sec. 29.26.190. When a petition seeks a referendum vote the clerk shall submit the matter to the voters in the same manner as provided for an initiative election. Under current law the vote is held during the next regular or special election, or within 75 days of filing the petition. If a petition is certified before the effective date of the matter referred, the ordinance or resolution is suspended, while under existing law the suspension occurs if a sufficient petition is filed within 30 days after passage of the ordinance or before the effective date of the ordinance. If the governing body repeals the ordinance or resolution, the petition is void and no election is held. If a majority vote does not favor repeal of the matter referred, it remains in effect, or, if it has been suspended becomes effective upon certification of the election. Existing law is silent as to the effective date of a suspended ordinance in this situation. (AS 29.28.090)

Sec. 29.26.200. If adopted in an initiative election or if adopted after a petition has been filed, an ordinance or resolution may not be repealed within one year. If a ordinance or resolution is repealed in a referendum election, or after a petition has been filed, similar legislation may not be enacted for a period of one year. Existing law provides that the governing body may not act in any way to modify or negate the effect a successful initiative or referendum and if an ordinance has been repealed after a petition has been filed, the governing body may not enact similar legislation for one year. The ordinance or resolution enacted as a result of an initiative election or adopted after a petition has been filed may be amended at any time, while under existing law amendment is not permitted. (AS 29.28.110)

Sec. 29.26.240. This has been broadened to include an official appointed to elected office, because when a vacancy occurs an official may in certain cases be appointed. He will be subject to recall just as an elected person would be. An official may be recalled when he has served six months of a term for which elected or appointed, while under existing law there is some ambiguity as to the status of an official who is reelected to the same office. (AS 29.28.130)

Sec. 29.26.250. No change. (AS 29.28.140)

Sec. 29.26.260. This is new material establishing a procedure for applying for a recall petition. The application must contain information concerning 10 voters who will sponsor the petition, the address to which correspondence relating to the application may be sent, and a statement in 200 words or less of the grounds of the recall. Additional sponsors may be added.

Sec. 29.26.270. A recall petition is prepared by the clerk. It contains the names of the official sought to be recalled, the grounds for recall, the date the petition is issued by the clerk, notice that the signatures are secured within 60 days after the date the petition is issued (while under existing law a petition must be filed within 60 days after the date of the earliest signature on it), spaces for signatures, printed name, date of each signature, and residence and mailing addresses of each signor, a statement that the sponsor personally circulated the petition, all signatures were fixed in his presence, and he believes the signatures to be those of the persons they purport to be, and space for indicating the number of signatures on the petition. Copies of the petition are provided to each sponsor. (AS 29.28.150)

Sec. 29.26.280. Signatures are secured within 60 days after a recall petition is issued. Signatures not accompanied by a legible residence address are rejected. The clerk determines the number of signatures required and informs each sponsor. If a petition seeks to recall an

official who represents the municipality at large, the petition shall be signed by a number of voters equal to 35 percent of the number of votes cast for that office. If a petition seeks to recall an official who represents a district, the petition shall be signed by a number of voters residing in the district equal to 35 percent of the number of votes cast in that district for the office. Under existing law signature requirements are identical to the requirements for initiative and referendum. (AS 29.28.150, 29.28.160)

Sec. 29.26.290. Copies of a recall petition are filed as a single instrument. An insufficient petition may be supplemented with additional signatures obtained within ten days after the date on which the petition is rejected, while under existing law there is no requirement that the signatures be obtained during that time period. A petition which does not contain an adequate number of signatures, both valid and invalid signatures, may not be supplemented. This is a new requirement not contained in existing law. (AS 29.28.160, 29.28.170)

Sec. 29.26.300. Reworded so that it is clear that the six month waiting period before a new petition may be obtained applies only to a petition seeking to recall the same official. (AS 29.28.180)

Sec. 29.26.310. No change, except for minor rewording for consistency. (AS 29.28.190)

Sec. 29.26.320. The requirement that an election to recall an official not be held sooner than 45 days after submission of the petition to the governing body has been added. The governing body may not appoint to the same office an official who resigns after a petition is filed. (AS 29.28.200)

Sec. 29.26.330. The grounds for recall must be stated in 200 words or less. (AS 29.28.210)

Sec. 29.26.340. The provision that an office becomes vacant upon certification of the election has been added. (AS 29.28.230, 29.28.240)

Sec. 29.26.350. When an official is recalled, his office is filled in accordance with the provision dealing with vacancies. If all members of a governing body are recalled the governor appoints three persons and they appoint additional members need to fill vacancies in accordance with the provisions dealing with vacancies. If all members of the school board are recalled the governor appoints three persons and they appoint additional members to fill remaining vacancies. A person appointed by the governor serves until a successor is elected. After an official is recalled, the clerk conducts an election for a successor. The election is held not more than 60 days from the date the recall election is certi-

fied unless a regular election is held within 75 days, in which case the successor is chosen at the regular election. Nominations may be filed until seven days before the last date upon which notice of the election must be published, but they may not be filed until the election is certified. Under existing law the election of successor shall be held at least ten but not more than 45 days from the date of the recall election and there are no provisions dealing with a situation involving the recall of all members of the governing body or school board. (AS 29.28.250)

Sec. 29.26.360. The sections dealing with recall are made applicable as limitations on home rule municipalities, and are currently limitations under AS 29.13.100(9).

Sec. 29.35.010.

- (1) No change. (AS 29.48.010(2))
- (2) No change, except for rewording due to a change in organization. (AS 29.23.510)
- (3) No change. (AS 29.48.010(1))
- (4) Minor rewording. (AS 29.48.010(5))
- (5) Minor rewording. (AS 29.48.010(3))
- (6) "and imposed liens for their enforcement" has been added. (AS 29.48.010(7))
- (7) No change. (AS 29.48.010(8))
- (8) "for a purpose authorized under this title, federal law, or other law, or in accordance with such law" has been deleted as excessive verbage. (AC 29.48.010(9))
- (9) "facilities, and services" has been added. (AS 29.48.010(11))
- (10) This has been added as a general power. Under existing law the power may be exercised by a first class borough on a non-areawide basis, so long as the borough seeks to have it transferred from cities or proposes joint city/borough exercise of the power. (AS 29.38.010, AS 29.48.035) A first class borough may exercise the power on an areawide basis if it is assumed. (AS 29.48.035) A second class borough may exercise the power on an areawide or nonareawide basis if it is assumed. (AS 29.48.035)

- (11) No change. (AS 29.48.010(12))
- (12) Minor rewording. (AS 29.48.010(10))
- (13) Minor rewording. (AS 29.48.010(4))
- (14) No change. (AS 29.48.010(6))

Sec. 29.35.020. The phrase "to the extent otherwise authorized by Alaska statute" has been added so that it is clear that a municipality may not exercise outside of its boundaries a power which it may not exercise within its boundaries. The word "roads" has been changed to "streets" which is defined. The following have been included within the list of facilities which a municipality may provide outside its boundaries: solid and septic waste facilities, utility services, transportation facilities, wharfs, harbors and other marine facilities. A municipality which provides a facility outside its boundaries may regulate its use to the extent that the jurisdiction in which the facility is located does not regulate it. Existing law provides that a municipality may regulate a facility outside its boundaries, and provides no right for the municipality within which the facility is located to regulate it. (AS 29.-48.037)

Sec. 29.35.030. Allows all classes of municipalities to exercise eminent domain and declaration of taking. Under existing law a second class city may not exercise the power without formal approval of the Department Community and Regional Affairs, and must exercise the power by ordinance approved by the voters. This is a limitation on home rule municipalities, and is an existing limitation in AS 29.13.100(29). (AS 29.73.020)

Sec. 29.35.040. This becomes applicable when a disaster is declared by the governor as well as by the President. Since (a) allows a municipality within a disaster area to exercise the powers in the same manner as a home rule city, the subsection providing that differences between areawide and nonareawide powers do not apply has been eliminated as redundant. (AS 29.48.270)

Sec. 29.35.050. This has been reorganized and minor changes have been made to the wording for clarity. The phrase "provide the charges for collection and disposal shall be paid by the property owner or occupants of the premises" has been eliminated as implied within the specified ability to fix charges. (AS 29.48.033)

Sec. 29.35.060.

(a) The language "for the construction, operation and maintenance of bus transportation systems and public utilities not regulated under AS 42.05" has been eliminated, so that franchises and permits may be granted without restrictions as to type of franchise involved. (AS 29.-48.050(a))

(b) Unless a grant of a franchise or permanent permit is made on a competitive basis, the grant of any exclusive right to use a public street or right-of-way for more than five years to a utility or transportation system which is not certified is valid only if approved by vote. Under existing law no franchise is valid unless it is submitted to the qualified voters for approval. The material dealing with use of streets by utilities contained in AS 29.48.040(c) is deleted. (AS 29.-48.050(b))

Sec. 29.35.070. The governing body may regulate a utility to the extent that it is not regulated by the state. Under existing law, a municipality may regulate only a municipally owned utility which is not regulated by the state. Since all municipally owned utilities are regulated, by the state (AS 42.05.711(b)), under existing law a municipality has virtually no authority to regulate public utilities. This section applies as a home rule limitation, and is an existing limitation under AS 29.13.100(17). (AS 29.48.060)

Sec. 29.35.080. The governing body is required by ordinance to establish a formal procedure for acquisition and disposal of land. The provisions authorizing a municipality to acquire, hold and dispose of real property are deleted as unnecessary. The provisions dealing with the requirements which must be met in the formal procedure established for disposal of land have been eliminated to provide more flexibility. The provisions dealing with restricting land to agricultural use have been deleted. (AS 29.48.260)

Sec. 29.35.090. Under existing law, obligations requiring payment of funds from appropriations of later years must be approved by ordinance. This has been eliminated as misleading in that it could be construed to suggest that bonded indebtedness may be acquired, whether or not for a capital project, so long as the indebtedness is approved by ordinance. AS 29.48.190(d) has been eliminated as unnecessary. (AS 29.48.190)

Sec. 29.35.100. This has been rewritten for clarity. (AS 29.48.210)

Sec. 29.35.110. No change, except for minor rewording to achieve consistent usage throughout the title. (AS 29.48.220)

Sec. 29.35.150. Statutory references have been added to reflect reorganization. (b) is applicable as a home rule limitation, and exists as a home rule limitation under AS 29.13.100(10). (AS 29.33.010)

Sec. 29.35.160. No change, except for minor rewording to achieve consistent usage. This is a home rule limitation, and exists as a limitation under AS 29.13.100(34). (AS 29.33.050)

Sec. 29.35.170. The word "may" has been added before the word "collect", so that it is clear that a municipality which assesses taxes is not required to collect them. The section has been made applicable as a limitation on home rule municipalities. (AS 29.33.030)

Sec. 29.35.180. A statement authorizing special assessments has been added to this article so that it will be a complete list of areawide powers.

Sec. 29.35.190. A statement requiring first and second class boroughs to provide for planning and land use regulation has been added so that this article will be a complete list of areawide powers.

Sec. 29.35.200. (a) Allows a first class borough to exercise on a non-areawide basis any power not otherwise prohibited by statute. Under existing law a first class borough may exercise on a nonareawide basis any general law municipal power, but before exercising the power, the borough must seek to have it transferred from cities or propose joint city/borough exercise. (AS 29.38.010)

(b)(1) No change. (AS 29.48.030)

(2) No change. (AS 29.48.035(b))

(3) No change. (AS 29.48.035(b))

(4) No change. (AS 29.48.035(b))

(5) No change. (AS 29.48.035(b))

(c) Allows a first class borough to exercise on an areawide basis any power not prohibited by statute if it has been acquired. Under existing law, a first class borough may acquire additional areawide municipal powers, but only the powers listed in Title 29. The authority to acquire powers which is granted in this bill is much broader, since a borough may acquire any power not specifically prohibited by statute whether or not it is identified as a municipal power in Title 29. (AS 29.33.250)

Sec. 29.35.210. (a) Allows a second class borough to exercise certain powers on a nonareawide basis. Under existing law before a nonareawide power may be exercised, the borough must seek to have it transferred from cities or propose joint borough/city exercise of the power, and the requirement is not contained in this bill.

- (1) No change. (AS 29.48.030)
- (2) No change. (AS 29.48.020)
- (3) No change. (AS 29.48.020, 29.48.035(b))
- (4) Under existing law this power is subject to the section dealing with garbage and solid waste, sec. 29.35.050 of this bill. (AS 29.48.020)
- (5) Under existing law providing air pollution control is permitted on an areawide basis only. (AS 29.48.035(b))
- (6) No change. (AS 29.48.020)
- (7) Minor rewording. (AS 29.48.020(7))
- (8) This is new material.

Under existing law a second class borough may exercise the following additional nonareawide powers not contained in this bill:

- (1) powers approved at incorporation (AS 29.38.020);
- (2) regulate snow vehicles, subject to other law (AS 29.48.020);
- (3) licensing of day care facilities (AS 29.48.035(b)).

- (b)(1) No change. (AS 29.48.030)
- (2) No change. (AS 29.48.035(b))
 - (3) No change. (AS 29.48.035(b))
 - (4) No change. (AS 29.48.035(b))
 - (5) No change. (AS 29.48.035(b))

(c) Allows a second class borough to exercise a nonareawide power not otherwise prohibited by law if the exercise of the power is approved by the voters living in the borough area outside the cities. Under existing

law a second class borough may acquire additional nonareawide powers upon approval of the voters. However, the powers which may be acquired are limited to those itemized in Title 29, so under this bill broader authority to acquire powers is provided. (AS 29.38.030, 29.38.040, 29.38.050)

(d) Allows a second class borough to exercise an areawide power not otherwise prohibited by law if the exercise of the power is approved by the voters or transferred by the cities in the borough. Under existing law a borough may acquire only the powers authorized in Title 29. (AS 29.33.250)

Sec. 29.35.250. The phrase "a city inside a home rule or general law borough may exercise any power not otherwise prohibited by law" has been added. This expands the authority of the city to exercise powers, since under existing law a city may only exercise listed municipal powers. Under this bill a city may not exercise a power once that power has been exercised on an areawide basis by the borough. Existing law is in conflict as to whether a city may exercise a power being exercised on an areawide basis by the borough. In one section, existing law provides that the city may not do so, while in another section it provides that a city may exercise the power if the borough permits or ceases to exercise the power. (AS 29.33.010(b), 29.48.035(b))

Sec. 29.35.260. (a) A city outside a borough may exercise a power not otherwise prohibited by law. Under existing law, a city is granted only enumerated powers, so this is a broader authorization. (AS 29.-43.010)

(b) Minor rewording. (AS 29.43.030)

(c) Deletes the material applicable to cities inside third class boroughs, since third class boroughs are eliminated in this bill. Note that under existing law and under this bill a home rule city is not required to provide planning and land use regulation. Since, powers incorporated by reference to laws governing boroughs apply to home rule cities only in cases in which they are made applicable to home rule boroughs, this provision requires a home rule city to provide land use regulation only to the extent required by a home rule borough. And home rule boroughs are not required to provide land use regulation. Under existing law, only AS 29.33.150(b) forbidding the disapproval of a subdivision of state land or requiring the state to construct access roads or capital improvements, applies to home rule boroughs as a limitation. (AS 29.43.010, 29.43.040)

(d) This section is made applicable as a home rule limitation, except that it does not apply to unified municipalities because there is no

distinction between the cities and the borough if a municipality is unified. Under existing law material contained in (a) is not a limitation on home rule municipalities.

Sec. 29.35.300. Combines material dealing with the acquisition of area-wide and nonareawide powers, and deletes procedural requirements for acquisition of nonareawide powers. (AS 29.33.250, 29.38.030, 29.38.040, 29.38.050)

Sec. 29.35.310. No change, except for minor rewording for consistent usage. (AS 29.33.260)

Sec. 29.35.320. Provides that a petition shall be filed with the borough clerk who certifies whether it contains sufficient signatures. After certification the assembly orders an election to be held within 60 days of the order, while under existing law, the election is held at least 30 days after the order, but not later than the next regular election. Deletes the requirement that the assembly hold a public hearing on the question and evaluate the ability of the borough to exercise the power. (AS 29.33.270, 29.33.280, 29.33.290, 29.38.030)

Sec. 29.35.330. No change, except for minor rewording to achieve consistent usage. (AS 29.33.290(b), (c))

Sec. 29.35.400. No change. (AS 29.48.310)

Sec. 29.35.410. No change. (AS 29.48.320)

Sec. 29.35.420. No change. (AS 29.48.330)

Sec. 29.35.450. (a) Allows a borough to include a city in a service area if the city council agrees by ordinance or if approval is granted by a majority of voters residing in the city and by a majority of voters residing outside the city, but within the service area boundaries. Existing law is silent as to whether a city may be included within a service area. (AS 29.63.090(a))

(b) No change. (AS 29.63.090(d))

Sec. 29.35.460. No change. (AS 29.63.090(c))

Sec. 29.35.470. No change. (AS 29.63.090(b), (e))

Sec. 29.35.480. No change. (AS 29.63.090(a), (e))

Sec. 29.35.490. New material has been added to allow owners of real property within a service area to consent in writing to the exercise of a

power if no voters reside within the service area. (AS 29.63.090(a), (e))

(b) No change. (AS 29.68.010(f))

Sec. 29.40.010. The word "zoning" has been replaced by the phrase "land use regulation" throughout the title in order to confer broader planning powers on municipalities. The term "land use regulation" and allows a municipality to use a variety of planning tools which might not necessarily be regarded as "zoning". The section allows the assembly to delegate any of its planning responsibilities to a city if the city consents by ordinance. The assembly may, without obtaining the consent of the city, revoke the power delegated. Under existing law, there is no requirement that a city consent to the delegation of planning power. (AS 29.33.070)

Sec. 29.40.020. Membership on the planning commission shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in those cities. Under existing law membership is apportioned so that the number of members from first class cities reflects the proportion of borough population residing in first class cities, but the population of home rule cities is not taken into account. The planning commission shall prepare measures necessary to implement the comprehensive plan, while under existing law the planning commission is required to prepare a zoning ordinance to implement the plan. Under this bill, the planning commission has authority to utilize methods other than zoning to implement a plan. (AS 29.33.080(a), (b))

Sec. 29.40.030. This has been reorganized and reworded for clarity. After receiving the recommendations of the planning commission, the assembly is required to periodically to undertake an overall review of the plan and update it as necessary. Under existing law, the planning commission is required to undertake an overall review of the plan at least once every two years and present recommendations to the assembly. (AS 29.33.085)

Sec. 29.40.040. (a) This is substantially new material. It requires the assembly to implement a comprehensive plan through zoning regulations, land use permit requirements, or other methods. The material dealing with "contract zoning" has been eliminated. The list of items for which zoning may be used in AS 29.33.090(b), (c) has been eliminated. The material contained in AS 29.33.090(e), allowing a business licensed by the Alcoholic Beverage Control Board before the adoption of the zoning ordinance to continue to operate, has been eliminated. (AS 29.33.090(a))

(b) No change. (AS 29.33.110(c))

Sec. 29.40.050. (a) Requires the assembly to provide for an appeal from the application of a land use regulation. Under existing law, the board of adjustment hears appeals. (AS 29.33.110(b))

(b) Allows the assembly to provide for the appointment of hearing officers or of a board of adjustment to hear appeals. Under existing law, the assembly is the board of adjustment, but may delegate its functions. (AS 29.33.110(a))

Sec. 29.40.060. (a) Allows for an appeal from a decision dealing with land use regulation. Under existing law, appeals are limited to decisions from the board of adjustment. (AS 29.33.130(a), (b))

(b) An appeal from a land use regulation is an administrative appeal. The provision in AS 29.33.130(c) that an appeal stays enforcement proceeding unless the court issues an enforcement order has been eliminated. (AS 29.33.130(d), (e))

Sec. 29.40.070. (a) Material in paragraph (4) dealing with dedication of rights of way, and easements has been added. (AS 29.33.150(a))

(b) This is new material requiring the assembly to establish a platting authority. Under existing law, the planning commission acts as platting authority. The material contained in AS 29.33.150(b) dealing with subdivisions of state land, has been eliminated. (AS 29.33.150(a))

Sec. 29.40.080. This has been rewritten for clarity. Material dealing with filing a preliminary subdivision plat contained in AS 29.33.160(c) has been eliminated. (AS 29.33.160(a), (b))

Sec. 29.40.090. Rewritten for clarity. (AS 29.33.180)

Sec. 29.40.100. This is new material allowing the assembly to establish a short plat procedure for filing a plat which will only relocate or vacate lot lines, or subdivide a single tract.

Sec. 29.40.110. Allows a plat to be altered upon petition of the state, the borough, a public utility, or the owners of a majority of the land affected. Existing law allows a plat to be altered only upon petition of the owners of a majority of the land or by the platting board. A platted street may be vacated upon petition of the state, the borough, a public utility, or owners of the majority of the land fronting the portion of the street sought to be vacated. Under existing law, only the municipality or owners of the majority of the land fronting the part of the street sought to be vacated may petition to vacate a street. (AS 29.33.200)

Sec. 29.40.120. Requires the platting authority to publish notice of a hearing for a replat petition. "Published" is defined to require publication once in a newspaper of general circulation or posting in three public places. Under existing law, notice is required to be published once a week for two consecutive weeks. (AS 29.33.210)

Sec. 29.40.130. Rewritten for clarity. (AS 29.33.220)

Sec. 29.40.140. Minor rewording. (AS 29.33.230)

Sec. 29.40.150. Minor rewording. The material in (a) - (c) has been applied as a home rule limitation except the material in (a) does not apply to unified municipalities. None of this section is a limitation under existing law. (AS 29.33.240)

Sec. 29.40.160. Rewritten for clarity. (AS 29.33.245)

Sec. 29.40.170. A person who violates a land use regulation, condition imposed by a platting authority, or a section of law under the chapter dealing with land use regulation is guilty of a class B misdemeanor. A civil action may be initiated against a person who violates a section of law of the chapter dealing with land use regulation, a subdivision regulation or a term imposed by the platting authority. An action to enjoin may be brought and the superior court shall grant an injunction upon a finding of violation or threatened violation. In addition, a civil penalty not to exceed \$1,000 may be imposed and each day that an unlawful condition continues constitutes a separate violation. Under existing law, a person who transfers land in a subdivision before a plat has been recorded, and a person who records a plat which has not been approved by the platting board may be punished by a fine of not more than \$500. (AS 29.33.190)

Sec. 29.40.180. This is new material which provides that all subdivisions made by the state or by political subdivisions of the state are subject to the chapter dealing with land use regulation, and cross-references the applicable section contained in Title 40.

Sec. 29.45.010. The distinction between areawide and nonareawide property taxes as applied to a unified municipality has been eliminated. Cross-references to the provisions dealing with the taxing power of cities have been added. (AS 29.53.010)

Sec. 29.45.020. The language "or both" has been added so that it is clear that a municipality may levy a tax on either real property, personal property, or on both types of property. Some ambiguity exists under existing law as to whether a municipality which levies a property tax is obligated to levy the tax on both real and personal property. (AS 29.73.070(a), (c))

Sec. 29.45.030. Household furniture may be exempted from taxation without regard to the value of the furniture. Property of an auxiliary of nonbusiness organization may be exempted. Under existing law, lots supporting and adjacent to a structure used for religious purposes are exempt from taxation. That exemption has been eliminated. Property from which income is derived may be exempted if used by nonprofit educational groups for classroom space, or by nonprofit religious, charitable or hospital groups. Under existing law, there is some ambiguity as to whether property, other than property used for classroom space, may be exempted. An exemption for real property owned as a permanent place of abode by a resident 65 years of age or over may not be granted except upon written application. Under existing law, there is some ambiguity as to whether any exemption may be granted without a written application. (AS 29.53.020)

Sec. 29.45.040. No change, except that "Department of Community and Regional Affairs" has been replaced by "department". (AS 29.73.060)

Sec. 29.45.050. (a) No change, except "regular or special" has been deleted since "election" is defined.

(b) Eliminates the requirement that a tax based upon tonnage not exceed five dollars a year for a boat of less than five net tons, and not exceed fifteen dollars a year for a boat of more than five tons. The optional exemption of household furniture over five hundred dollars in value has been eliminated since all household furniture is exempted under this bill.

(c) The reference to "weighted" voting has been eliminated.

(d) "Act" has been changed to "chapter".

(e) No change.

(f) Minor rewording.

(g) No change. (AS 29.53.025)

Sec. 29.45.060. "city or borough" has been replaced by "municipality". "home rule or general law" has been added to (e). Some minor rewording for clarity. (AS 29.53.035)

Sec. 29.45.070. No change. (AS 29.53.040)

Sec. 29.45.080. No change. (AS 29.53.045)

Sec. 29.45.090. Requires all property upon which a tax is levied to be taxed at the same rate during the year. Reorganized and slightly reworded for clarity. (AS 29.53.050)

Sec. 29.45.100. Statutory references are altered to reflect new numbering. (AS 29.53.055)

Sec. 29.45.110. Statutory reference has been altered to reflect new numbering. (AS 29.53.060)

Sec. 29.45.120. "assembly" has been replaced by "governing body". (AS 29.53.070)

Sec. 29.45.130. Allows the assessor to seek a court order to compel production of records, as well as to compel entry. (AS 29.53.080)

Sec. 29.45.140. A person who fails to file a tax statement or makes a false tax statement is guilty of a class B misdemeanor. Under existing law, he would be guilty of a misdemeanor punishable by a fine of \$500 or by imprisonment for up to 30 days or both. (AS 29.53.090)

Sec. 29.45.150. "assembly" has been replaced by "governing body" and "borough" has been replaced by "municipality". (AS 29.53.095)

Sec. 29.45.160. Minor rewording. (AS 29.53.100)

Sec. 29.45.170. Minor rewording. (AS 29.53.110)

Sec. 29.45.180. Minor rewording for clarity. (AS 29.53.120)

Sec. 29.45.190. Minor rewording for clarity. (AS 29.53.130)

Sec. 29.45.200. (a) Requires an appointed board to be composed of no less than three persons, and eliminates the requirement that the board consist of the number of members of the assembly above the number required for a quorum. Requires the governing body to establish by ordinance the qualifications for board membership.

(b) Allows the board to alter an assessment only if an appeal is filed as to that particular lot.

(c) This subsection is new, allowing an appeal directly to the superior court on the issue of whether property is taxable. (AS 29.53.135)

Sec. 29.45.210. Provides that if upon appeal a valuation is found to be too low, the board may raise the assessment. An appeal to the superior court shall be tried as an administrative appeal, while under existing law an appellant is entitled to a regular jury trial. (AS 29.53.140)

Sec. 29.45.220. No change. (AS 29.53.150)

Sec. 29.45.230. Reassessment is permitted when property is affected by a disaster declared by the president, or by the governor. Under existing law, this section applies only when property is affected by a disaster declared by the president. (AS 29.53.160)

Sec. 29.45.240. Minor rewording. (AS 29.53.170)

Sec. 29.45.250. Allows a penalty not to exceed 20 percent of the tax due to be added to delinquent taxes and interest at the rate of 15 percent a year to accrue upon unpaid taxes. Under existing law, a penalty not to exceed 10 percent may be added, and interest at the rate of 8 percent shall accrue. A penalty not to exceed 20 percent of the tax due may be imposed upon the late return of personal property assessment forms. Under existing law, only 10 percent of the tax due may be imposed. If a taxpayer may pay a tax in two installments, penalty and interest on the unpaid installment accrues from the date the installment becomes due. Under existing law, if the taxpayer does not pay the first half when due, the entire tax becomes delinquent. A penalty of 8 percent is added on delinquent taxes until the due date fixed for payment of the second half, and after the due date of the payment of the second half, the penalty may be increased to 10 percent. (AS 29.53.180)

Sec. 29.45.290. No change. (AS 29.53.200)

Sec. 29.45.300. Property taxes, together with penalty and interest are a lien upon the property assessed, while under existing law, only real property taxes are mentioned as a lien upon the property assessed. However, under AS 29.53.220 it is clear that unpaid personal property taxes are also a lien. (AS 29.53.210)

Sec. 29.45.310. If property is sold for more money than needed to satisfy the tax, the municipality is required to remit the excess to the former record owner. A claim for excess filed after six months is barred. Under existing law, there is no provision for remitting the excess to the former record owner. (AS 29.53.220)

Sec. 29.45.320. Reworded slightly, and the statutory reference is altered to reflect new numbering. (AS 29.53.230)

Sec. 29.45.330. Minor rewording. (AS 29.53.240)

Sec. 29.45.340. "Borough" has been altered to "municipality."
(AS 29.53.250)

- Sec. 29.45.350. "such" has been altered to "the". (AS 29.53.26)
- Sec. 29.45.360. Minor rewording, and the statutory reference has been altered to reflect new numbering. (AS 29.53.270)
- Sec. 29.45.370. "tract" has been altered to "parcel". (AS 29.53.280)
- Sec. 29.45.380. Minor rewording. (AS 29.53.290)
- Sec. 29.45.390. Minor rewording and reorganization. (AS 29.53.300)
- Sec. 29.45.400. The material currently contained in AS 29.53.310(b), allowing a person holding a lien against part of real property included in a judgment and decree of foreclosure to redeem only that part, has been eliminated: (AS 29.53.310)
- Sec. 29.45.410. Receipt of redemption money by the municipality releases the judgment obtained through foreclosure. Under existing law, receipt of redemption by the clerk releases all claims of the municipality to the property. (AS 29.53.320)
- Sec. 29.45.420. No change. (AS 29.53.330)
- Sec. 29.45.430. No change. (AS 29.53.340)
- Sec. 29.45.440. Allows the clerk's designee to publish a redemption period expiration notice. Requires the clerk to send a copy of the notice to holders of liens if the assessed value of property being foreclosed is over \$100,000. Under existing law, notice must be sent if the assessed value is over \$10,000. (AS 29.53.350)
- Sec. 29.45.450. Minor rewording. (AS 29.53.360)
- Sec. 29.45.460. Allows the designee of the clerk to send a copy of the published notice, while under existing law, the clerk is required to send the copy. (AS 29.53.370)
- Sec. 29.45.470. Minor rewording. (AS 29.53.375)
- Sec. 29.45.490. "city or borough" has been changed to "municipality". (AS 29.53.385)
- Sec. 29.45.500. New material has been added to this section so that if, in the absence of suit, it becomes obvious to the governing body that judgment for recovery of taxes would be obtained the municipality shall refund the amount of taxes plus interest, and the governing body is permitted to correct manifest clerical errors at any time. (AS 29.53.-390)

Sec. 29.45.550. Minor rewording. (AS 29.43.020)

Sec. 29.45.560. Statutory references have been altered to reflect new numbering. All sections under existing law which apply to taxes levied by a city apply under this bill as well. Sec. 29.45.250, dealing with rates of penalty and interest; sec. 29.45.460, dealing with disposition and sale of foreclosed property; sec. 29.45.470, dealing with repurchase by record owner; sec. 29.45.490, dealing with payment of taxes upon public utilization; sec. 29.45.500, dealing with refund of taxes have been added as provisions which a city is subject to. (AS 29.53.400)

Sec. 29.45.570. This is new, applying the provisions dealing with property taxes to home rule municipalities as a limitation.

Sec. 29.45.580. Minor rewording. (AS 29.53.405)

Sec. 29.45.590. No change. (AS 29.53.410)

Sec. 29.45.600. This is new material allowing a petition for second class city incorporation to request that a property tax proposal be placed on the same ballot. The petition may request that incorporation be dependent on passage of the property tax. Under existing law, a petition may combine a request for sales and use tax with a request for incorporation, but no provision exists for combining a request for property tax with a request for incorporation.

Sec. 29.45.650. Interest at the rate 15 percent, rather than 8 percent may be charged on delinquent sales and use taxes, and this is applicable as a home rule limitation. Material in (e) has been added to allow a lien to be placed on the property to secure the payment of a sales and use tax. (AS 29.53.415)

Sec. 29.45.660. Minor rewording. (AS 29.73.070(b), (c))

Sec. 29.45.670. The requirement that a sales tax proposition be presented only once a year has been eliminated. (AS 29.53.420)

Sec. 29.45.700. Allows the borough assembly by ordinance to authorize the city to levy and collect sales and use taxes on sources other than the sources being taxed by the borough. Under existing law, a city within a borough may levy sales and use taxes only upon sources taxed by the borough. The provision that a city outside a borough may levy and collect sales and use taxes in the manner provided for boroughs has been added. (AS 29.53.440, 29.53.450)

Sec. 29.45.710. No change. (AS 29.53.460)

Sec. 29.46.010. Minor rewording and the statutory reference has been altered to reflect new numbering. (AS 29.63.010)

Sec. 29.46.020. A list of procedures which the governing body may prescribe includes procedures relating to creating special assessment districts, making local improvements, the levy and collection of assessments, and financing improvements. Under existing law, the governing body is authorized to prescribe the complete special assessment procedure for local improvements. Statutory references have been altered to reflect new numbering. (AS 29.63.015)

Sec. 29.46.030. The heading has been altered from "DECISION AND NOTICE" to "CREATING OF DISTRICT". Minor rewording. (AS 29.63.020)

Sec. 29.46.040. Minor rewording. (AS 29.63.025)

Sec. 29.46.050. Objections may be filed any time within 60 days after publication of notice. Under existing law, objections to an improvement plan may be filed not less than 30 nor more than 60 days after publication of notice on a date specified by the governing body. Minor rewording. (AS 29.63.030)

Sec. 29.46.060. Minor rewording for clarity. (AS 29.63.040)

Sec. 29.46.070. Requires a new hearing if the assessment is increased as a result of correcting errors and inequalities in the assessment roll. Objections to the increased assessment are limited to record owners of property on which the assessment was increased. Under existing law, there is no provision for an additional hearing if an assessment is increased as a result of correcting errors. (AS 29.63.050)

Sec. 29.46.080. Minor rewording for clarity, and statutory references have been altered to reflect new numbering. (AS 29.63.060)

Sec. 29.46.090. Slightly reorganized, and statutory references have been altered to reflect new numbering. The section is applicable as a home rule limitation, and is a limitation now under AS 29.13.100(36). (AS 29.63.065)

Sec. 29.46.100. Minor reorganization and rewording. (AS 29.63.070)

Sec. 29.46.110. This is new material itemizing the costs which may be included in a special assessment. The total amount of the assessment roll may not exceed actual costs, but actual costs may include reason-

able estimates of the costs incurred in connection with issuance of bonds. (AS 29.63.040(a))

Sec. 29.46.120. Minor rewording and reorganization. (AS 29.63.080)

Sec. 29.46.130. This is new material allowing the governing body to issue notes to secure payment of the costs of a local improvement project. The notes are payable out of special assessments for the improvement and the notes are claims against the assessments.

Sec. 29.46.140. Minor rewording. The last line of AS 29.63.085(c), providing that interest on the guarantee funds are a cost of the improvement district, has been eliminated. (AS 29.63.085)

Sec. 29.47.010. Minor rewording. (AS 29.58.010)

Sec. 29.47.020. Minor rewording. (AS 29.58.020)

Sec. 29.47.030. Minor rewording. (AS 29.58.040)

Sec. 29.47.040. Minor rewording. (AS 29.58.050)

Sec. 29.47.080. Minor rewording. (AS 29.58.070)

Sec. 29.47.090. "assembly or council" has been replaced with "governing body". (AS 29.58.080)

Sec. 29.47.100. "assembly or council" has been replaced by "governing body".

Sec. 29.47.110. No change. (AS 29.58.100)

Sec. 29.47.120. Minor rewording. (AS 29.58.110)

Sec. 29.47.130. Minor rewording. (AS 29.58.120)

Sec. 29.47.140. No change. (AS 29.58.130)

Sec. 29.47.180. Minor rewording. (AS 29.58.150)

Sec. 29.47.190. Minor rewording. The reference to a charter has been eliminated since this section does not apply as a home rule limitation. (AS 29.58.160)

Sec. 29.47.200. Minor rewording. The last sentence in (b) has been added since this subsection applies to home rule municipalities as a limitation. It is currently a limitation under AS 29.13.100(24). (AS 29.58.180)

Sec. 29.47.240. Rewritten for clarity. Material currently contained in AS 29.58.200(c) has been eliminated. (AS 29.58.200)

Sec. 29.47.250. Minor rewording. (AS 29.58.205)

Sec. 29.47.260. This is a new section excluding revenue bonds from the application of the prohibition against a political subdivision of the state making a subscription to the capital stock of a corporation, lending its credit for the use of a corporation, or borrowing money for the use of a corporation.

Sec. 29.47.300. Minor rewording. (AS 29.58.240)

Sec. 29.47.310. No change. (AS 29.58.250)

Sec. 29.47.320. "assembly or council" is replaced by "governing body". (AS 29.58.260)

Sec. 29.47.330. The statutory reference has been altered to reflect new numbering and the fact that sections dealing with payment on bonds have been combined into one section. (AS 29.58.270)

Sec. 29.47.340. The requirement that refunding bonds be exchanged at par for bonds being refunded has been eliminated, so that refunding bonds may be exchanged at the discretion of the governing body. (AS 29.58.280)

Sec. 29.47.350. This is new material allowing the issuance of revenue bonds to finance any project and to be secured and payable solely from the revenue and property of the project. The city or borough is not obligated to make payments on the bonds from any other sources. (AS 29.58.200(c))

Sec. 29.47.400. Bonds and notes may be sold in the manner and at the price determined by the municipality. Under existing law, no bonds may be sold at less than par value. (AS 29.58.060, 29.58.140, 29.58.300)

Sec. 29.47.410. Minor rewording. (AS 29.58.170, 29.58.210)

Sec. 29.47.420. Allows the interest rate payable on a bond or note to exceed the usury rate. Under existing law, no bond or note may bear an interest which exceeds the contract usury rate. (AS 29.58.310)

Sec. 29.47.430. No change. (AS 29.58.320)

Sec. 29.47.440. Rewritten for clarity. The statutory reference is altered to reflect new numbering. (AS 29.58.340)

Sec. 29.47.450. This is new material providing that the indebtedness of a service area will remain a debit even though a court subsequently determines that the service area was not validly formed under law.

Sec. 29.55.010. "general or home rule" has been eliminated since "municipality" includes by definition both a general law and a home rule municipality. (AS 29.48.108)

Sec. 29.55.020. The statutory reference to the preceding section has been eliminated as unnecessary. (AS 29.48.110)

Sec. 29.60.010. "local government services" has been replaced by "municipal services". (AS 29.88.010)

Sec. 29.60.020. Since municipal tax resource equalization is organized as an article, rather than a chapter, the statutory reference was added. (AS 29.88.015)

Sec. 29.60.030. Statutory references were added since this material is no longer located in a separate chapter. (AS 29.88.020)

Sec. 29.60.040. Statutory references were added since this material no longer appears as a separate chapter. (AS 29.88.025)

Sec. 29.60.050. "assembly or council" has been replaced by "governing body". (AS 29.88.030)

Sec. 29.60.060. Statutory references have been added, since this material is no longer contained in a separate chapter. The statutory references currently contained in this section have been altered to reflect new numbering. (AS 29.88.035)

Sec. 29.60.070. Statutory references have been added, since this material is no longer contained in a separate chapter. Statutory references currently contained in this section have been altered to reflect new numbering. (AS 29.88.040)

Sec. 29.60.080. Definitions of "department" and "municipality" have been eliminated since these are now defined with respect to the entire title. (AS 29.88.045)

Sec. 29.60.100. Statutory references have been altered to reflect new numbering. (AS 29.89.010)

Sec. 29.60.110. "local government" has been replaced by "municipality". (AS 29.89.020)

Sec. 29.60.120. No change. (AS 29.89.030)

Sec. 29.60.130. "borough or city" has been replaced by "municipality". (AS 29.89.040)

Sec. 29.60.140. No change. (AS 29.89.050)

Sec. 29.60.150. Statutory references have been added, since this material is no longer organized as a separate chapter. (AS 29.89.060)

Sec. 29.60.160. Statutory references have been altered to reflect new numbering. (AS 29.89.070)

Sec. 29.60.170. Statutory references have been added, since this material is no longer organized as a separate chapter. The statutory reference currently contained in this section has been altered to reflect new numbering. (AS 29.89.080)

Sec. 29.60.180. Statutory references have been added, since this material is no longer organized as a separate chapter. (AS 29.89.090)

Sec. 29.60.190. Statutory references have been added, since this material is no longer organized as a separate chapter. (AS 29.89.100)

Sec. 29.60.230. No change. (AS 29.90.010)

Sec. 29.60.240. Statutory references have been added, since this material is no longer organized as a separate chapter. The statutory reference currently contained in this section has been altered to reflect new numbering. (AS 29.90.020)

Sec. 29.60.250. Statutory references have been added, since this material is no longer organized as a separate chapter. The definition of "department" has been eliminated since it is defined for the entire title. (AS 29.90.030)

Sec. 29.60.260. This is a new section indicating that the municipal assistance programs apply to home rule municipalities. AS 29.13.-100(46), (47), currently lists this material as home rule limitations.

Sec. 29.60.280. The statutory references currently contained in this section have been altered to reflect new numbering. (AS 29.95.010)

Sec. 29.60.290. The statutory references currently contained in this section have been altered to reflect new numbering. A new subsection makes this applicable to home rule municipalities. Under existing law, it does not apply as a limitation on home rule municipalities. (AS 29.-95.020)

Sec. 29.60.300. The statutory references currently contained in this section have been altered to reflect new numbering. (AS 29.95.030)

Sec. 29.65.010. No change. (AS 29.18.201)

Sec. 29.65.020. Minor rewording. (AS 29.18.203)

Sec. 29.65.030. The statutory references currently contained in this section have been altered to reflect new numbering. (AS 29.18.204)

Sec. 29.65.040. The statutory references to repealed sections are deleted as unnecessary in (a). The statutory references contained in this section have been altered to reflect new numbering. (AS 29.18.205)

Sec. 29.65.050. AS 29.18.202 has been eliminated. It required that general grant land be certified as entitlements to cities within six months of 1978, so it no longer has any effect. The statutory reference to that section has been deleted. (AS 29.18.206)

Sec. 29.65.060. No change. (AS 29.18.207)

Sec. 29.65.070. Reworded for clarity. The statutory references contained in this section have been altered to reflect new numbering. (AS 29.18.208)

Sec. 29.65.080. "any" has been changed to "a". (AS 29.18.209)

Sec. 29.65.090. The statutory reference contained in this section has been altered to reflect new numbering. (AS 29.18.210)

Sec. 29.65.100. The statutory reference contained in this section have been altered to reflect new numbering. (AS 29.18.211)

Sec. 29.65.110. Since this material is now organized in a separate chapter, the statutory reference to the sections dealing with general grant land have been eliminated. (AS 29.18.212)

Sec. 29.65.120. Since this material is now organized in a separate chapter, the statutory reference have been eliminated. The definition of "municipality" has been eliminated since that term is now defined for the entire title to include both a home rule and a general law municipalities. (AS 29.18.213)

Sec. 29.65.130. This is a new section indicating that the chapter dealing with general grant land applies to home rule municipalities as well as to general law municipalities. This material is not a home rule limitation under existing law.

Sec. 29.71.010. This is made applicable to home rule municipalities. It is applicable as a home rule limitation under AS 29.13.100(30). (AS 29.-73.030)

Sec. 29.71.020. This is a new section providing that dedication of rights of way or other areas for public use does not require the municipality to maintain, improve, or provide for municipal services in the area dedicated and does not impose any liability on the municipality for the condition of the area dedicated. The section is applicable to home rule municipalities.

Sec. 29.71.030. The section is made applicable to home rule municipalities. Under AS 29.13.100(31) it is a home rule limitation currently.

Sec. 29.71.040. (1) "areawide" is defined to include cities in the borough.

(2) "borough" includes only first or second class boroughs, and not third class boroughs which have been eliminated by this bill.

(3) No change.

(4) This has been added.

(5) No change.

(6) No change.

(7) This has been added.

(8) "election" includes both regular and special municipal elections, but does not include a state election, while under existing law, "regular election" is defined.

(9) This has been added.

(10) No change.

(11) No change.

(12) "municipality" includes a home rule or general law borough, city, or unified municipality, while the existing definition includes only general law municipal corporations.

(13) "nonareawide" includes the area of a borough outside cities in the borough, while under existing law "nonareawide power" is defined.

(14) "owner" means the owner of record shown in the records of the district recorder.

(15) No change.

(16) No change.

(17) No change.

(18) No change.

(19) Minor rewording.

(20) This has been added.

(21) No change.

(22) Minor rewording.

(23) This has been added.

(24) Minor rewording.

The definition of "municipal election" has been eliminated. (AS 29.-78.010)

* Sec. 19. The statutory reference has been altered to reflect new numbering.

* Sec. 20. The statutory reference has been altered to reflect new numbering.

* Sec. 21. The statutory references have been altered to reflect new numbering.

* Sec. 22. The statutory references have been altered to reflect new numbering. References to merger and consolidation have been eliminated as unnecessary.

* Sec. 23. Minor rewording. The statutory references have been altered to reflect new numbering.

* Sec. 24. The statutory references have been altered to reflect new numbering.

* Sec. 25. The statutory references have been altered to reflect new numbering.

* Sec. 26. References to third class boroughs have been eliminated. (b) has been added containing material currently made applicable by the reference to third class boroughs.

* Sec. 27. Minor rewording. The statutory references have been altered to reflect new numbering.

* Sec. 28. The statutory references have been altered to reflect new numbering.

* Sec. 29. The statutory references have been altered to reflect new numbering.

* Sec. 30. The statutory references have been altered to reflect new numbering.

* Sec. 31. The statutory references have been altered to reflect new numbering. Minor rewording.

* Sec. 32. Minor rewording. The statutory references have been altered to reflect new numbering.

* Sec. 33. The statutory references have been altered to reflect new numbering.

* Sec. 34. The statutory references have been altered to reflect new numbering.

* Sec. 35. The statutory references have been altered to reflect new numbering.

* Sec. 36. The statutory references have been altered to reflect new numbering.

* Sec. 37. The statutory references have been altered to reflect new numbering.

- * Sec. 38. The statutory references have been altered to reflect new numbering.
- * Sec. 39. The statutory references have been altered to reflect new numbering.
- * Sec. 40. The statutory references have been altered to reflect new numbering.
- * Sec. 41. The statutory references have been altered to reflect new numbering.
- * Sec. 42. The statutory references have been altered to reflect new numbering. Minor rewording.
- * Sec. 43. Minor rewording. The statutory references have been altered to reflect new numbering.
- * Sec. 44. The statutory references have been altered to reflect new numbering.
- * Sec. 45. Minor rewording. The statutory references have been altered to reflect new numbering.
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- * Sec. 48. Minor rewording. The statutory references have been altered to reflect new numbering.
- * Sec. 49. The statutory references have been altered to reflect new numbering.
- * Sec. 50. The statutory references have been altered to reflect new numbering.
- * Sec. 51. The statutory references have been altered to reflect new numbering.
- * Sec. 52. The statutory references have been altered to reflect new numbering.
- * Sec. 53. The statutory references have been altered to reflect new numbering.

- * Sec. 54. The statutory references have been altered to reflect new numbering. Some references have been eliminated as unnecessary.
- * Sec. 55. The statutory references have been altered to reflect new numbering.
- * Sec. 56. The word "former" has been added before the statutory citation because those sections have been repealed.
- * Sec. 57. The statutory references have been altered to reflect new numbering. Minor rewording.
- * Sec. 58. Minor rewording. The statutory references have been altered to reflect new numbering.
- * Sec. 59. References to third class boroughs have been eliminated. The statutory references have been altered to reflect new numbering.
- * Sec. 60. The statutory references have been altered to reflect new numbering.
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- * Sec. 65. Minor rewording. The statutory references have been altered to reflect new numbering.
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- * Sec. 67. The statutory references have been altered to reflect new numbering.
- * Sec. 68. The statutory references have been altered to reflect new numbering.
- * Sec. 69. The statutory references have been altered to reflect new numbering.

* Sec. 70. The statutory references have been altered to reflect new numbering.

* Sec. 71. The statutory references have been altered to reflect new numbering.

* Sec. 72. Minor rewording. The statutory references have been altered to reflect new numbering.

* Sec. 73. The statutory references have been altered to reflect new numbering.

* Sec. 74. The statutory references have been altered to reflect new numbering.

* Sec. 75. The statutory references have been altered to reflect new numbering.

* Sec. 76. The statutory references have been altered to reflect new numbering.

* Sec. 77. The statutory references have been altered to reflect new numbering.

* Sec. 78. The statutory references have been altered to reflect new numbering.

* Sec. 79. The statutory references have been altered to reflect new numbering.

* Sec. 80. The statutory references have been altered to reflect new numbering.

* Sec. 81. The statutory references have been altered to reflect new numbering.

* Sec. 82. The statutory references have been altered to reflect new numbering.

* Sec. 83. The statutory references have been altered to reflect new numbering.

* Sec. 84. Minor rewording. The statutory references have been altered to reflect new numbering.

* Sec. 85. The statutory references have been altered to reflect new numbering.

* Sec. 86. The statutory references have been altered to reflect new numbering.

* Sec. 87. The statutory references has been eliminated because the material was deleted from this bill. The material incorporated by the statutory reference has been added.

* Sec. 88. The statutory references have been altered to reflect new numbering.

* Sec. 89. The statutory references have been altered to reflect new numbering.

* Sec. 90. The statutory references have been altered to reflect new numbering.

* Sec. 91. The statutory references have been altered to reflect new numbering.

* Sec. 92. The statutory references have been altered to reflect new numbering.

* Sec. 93. All of Title 29 is repealed except for AS 29.03.010 and 29.-03.020.

* Sec. 94. A right or liability of a municipality in existence on the effective date of this Act is not affected by this act. Ordinances and regulations in effect on the effective date of this Act remain in effect unless they conflict with a provision of this Act. If an ordinance or regulation conflicts, it remains in effect for 180 days. The terms of elected or appointed municipal officials are not affected by the Act and their terms expire as they would have before the effective date of this Act.

* Sec. 95. The Act takes effect July 1, 1981.

In addition to the material already noted as having been deleted from this bill, the following sections have been eliminated entirely:

- AS 29.18.220 - 29.18.460 (development cities);
- AS 29.18.202 (determination of entitlement for cities);
- AS 29.23.395 - 29.23.401 (involvement of young people in local government);
- AS 29.23.470 (appointment of temporary or new manager);
- AS 29.28.220 (election procedure);
- AS 29.33.120 (adjustment procedure);
- AS 29.33.170 (waiver in certain cases);
- AS 29.45.480 (proceeds of tax sale);
- AS 29.48.070 (hearing for regulation of utilities rates);
- AS 29.48.080 (right to participate and compel testimony);
- AS 29.48.090 (further proceedings);
- AS 29.48.100 (application);
- AS 29.48.250 (centralized purchasing);
- AS 29.53.030 (mining claims);

AS 29.58.220 (payment);

AS 29.58.315(bond attorneys, bond and financial
consultants);

AS 29.58.345 (bonded indebtedness for school
construction);

AS 29.58.350 (bond guarantee fund);

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FOR SB 180/HB 170 AND CROSS REFERENCE

TO PARALLEL PROVISIONS IN TITLE 29

<u>Title 29</u> <u>Section #</u>	<u>SB 180/HB 170</u> <u>Section #</u>	<u>SB 180/HB 170</u> <u>Heading</u>
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STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

August 6, 1981

SUBJECT: HB 170 - Municipal Code Revision

TO: Representative Patrick M. O'Connell, Chairman
Community and Regional Affairs Committee

FROM: Tamara Brandt Cook
Legislative Counsel *TBC*

Two errors in HB 170 have been brought to my attention by Mr. Gerald L. Sharp, Attorney for the City and Borough of Juneau. During the editing process the phrase "home rule or" was inadvertently added to Sec. 29.45.650(a) (existing AS 29.53.415) and to Sec. 29.45.700 (existing AS 29.53.440 450), making those sections apparently applicable to home rule as well as general law municipalities. There was no intention on the part of the Title 29 Revision Committee to limit the amount of sales tax which a home rule municipality may levy to 6 percent, and there was no intention to limit the power of a home rule city to levy sales and use taxes. While the list of home rule limitations contained in Sec. 29.-10.110 does not include either Sec. 29.45.650 or Sec. 29.53.415 (with the exception of subsection (d), limiting the amount of interest which may be charged on sales taxes), the inclusion of the language "home rule or" in Sec. 29.45.650(a) and Sec. 29.-45.700 ought to be deleted so that it is clear that home rule power is not limited by these sections.

In addition, I have discovered a potential area of confusion which was never considered during the revision of Title 29. Currently, AS 29.48.035(10) provides for regulation of "alcoholic beverages as provided by AS 04.15.070". AS 04.-15.070 was repealed in 1980 and replaced with AS 04.21.010 providing for only limited forms of regulation of the use and sale of alcoholic beverages, but, because the reference to the new section was not included in Title 29 it is unclear whether AS 29.48.035(10) grants powers of regulation in addition to those granted under Title 4. Also, AS 29.48.-010(7) grants municipalities the general power to tax, but

AS 04.21.010(c) specifically limits the power to tax alcoholic beverages.

A Senate letter of intent indicates that it was the purpose of AS 04.21.010 to limit municipal powers otherwise apparently granted in Title 29:

The purpose of this section is to describe with particularity the regulatory and taxing powers granted municipalities in regard to alcoholic beverages by Title 29 (see AS 29.48.010(7) and AS 29.48.035). Authorization is provided for municipalities to adopt ordinances "necessary to the orderly conduct of the business of selling alcoholic beverages" but the ordinances must be consistent with this title and regulations. Moreover, subsection (b) (sic) limits the circumstances in which taxes may be levied on alcoholic beverages inventories and sales. (1980 Senate Journal Supplement No. 23 adopted as a letter of intent by the Senate in 1980 Senate Journal, page 747)

While HB 170 no longer contains a specific grant of power to regulate the use and sale of alcoholic beverages, that power may be implied to exist as a power "not otherwise prohibited by Alaska statute" because AS 04.21.010 is a grant rather than a limitation of regulatory power. If it is the intention of the committee that municipalities regulate in this area only pursuant to AS 04.21.010 a cross-reference to that section would be appropriate to include in Sec. 29.35.200, Sec. 29.35.-210, Sec. 29.35.250 and Sec. 29.35.260. A cross-reference should also be included in Sec. 29.35.170 so that it is clear that the power to tax is subject to the limitation imposed under AS 04.21.010(c). I also note that AS 04.21.010 specifically applies to unified municipalities, and, presumably, to other home rule municipalities as a limitation on the power to regulate and to tax in this area. (AS 04.21.080(11)) It might be helpful to users of Title 29 if reference to this limitation were to appear there as well as in Title 4.

TBC:jdn

MEMORANDUM

State of Alaska

TO: Palmer McCarter
Director

DATE: August 10, 1981

Thru: Patrick K. Poland
Deputy Director

FILE NO:

TELEPHONE NO:

FROM: Dan Bockhorst
Local Government Specialist

SUBJECT: HB 170/SB 180;
proposed revisions
to AS 29

Please consider the comments listed below with respect to the subject legislation. The comments are presented in two categories; those which are technical in nature and those which deal with conceptual issues. References are given in terms of "P" for page and "L" for line.

TECHNICAL ISSUES

P1, L11 - Substitute "department of natural resources, division of technical services" for "division of lands".

P13, L6 - Substitute "AS 44.47.567" for AS 44.19 260".

P17, L11 - Precede the sentence with the following, "If the petition is initiated by the residents of the territory proposed for unification. . . .".

P19, L3-5 - Substitute "charter commission shall be formed" for "home rule or general law borough and all cities within it shall unite to form a single unit of home rule government".

P29, L25 - Substitute "29.10.110" for "29.10.115".

P30, between L11-12 - Add "AS 29.25.060 (resolutions)".

P30, L26 - Substitute "AS 29.35.330(b)" for "AS 29.35.330(c)".

P143, L8 - Substitute "(0.001)" for "(0.1)".

P143, L9 - Add "per capita" between "the" and "property".

P144, L11 - Substitute "Census" for "Censis".

CONCEPTUAL ISSUES

29.03.030 - The Department of Natural Resources is more a "replatting" authority for the unorganized borough (and third class boroughs). That is, it has no authority to approve initial plats, but may act only on amendments to existing plats and on vacations. It may be appropriate to extend DNR's authority in AS 40.15.075 to deal with initial plats.

August 10, 1981
Page Two

29.04.040 - It would seem appropriate to provide the option for a first class city to reclassify as a second class city. In 1977 to accomplish this end, the first class city Selawik was required to dissolve and then incorporate as a second class city.

29.04.050, 29.10.010 - As the authority to adopt a home rule charter would be extended to second class cities and boroughs, it may be appropriate to also include third class boroughs.

29.05.060, 29.35.450 - Boroughs should be given the authority to establish service areas at the time of incorporation.

29.05.060(8) - For information purposes, the petition for the incorporation of first class boroughs should require the designation of nonareawide powers.

29.05.080 - The action taken by the Department in this regard is truly (and properly) an informational meeting rather than a public hearing. It is suggested that the term be amended accordingly.

29.06 (Article 2), 29.10.110(3) - To be consistent with the term most commonly used and contained in the AAC, it is suggested that the word "detachment" be substituted for the word "exclusion".

29.06 (Article 2) - Provisions similar to Sec. 29.05.100 should be added, thus ending the question of the Local Boundary Commission's authority to alter boundaries from those presented in petitions for annexations and detachments. It would also provide for a formal process for appeal. The additional section would require the "29.06.060" citation in 29.10.110(3) to be renumbered.

29.06.320, 29.06.330 - Elimination of the phrase "by radio and television" would provide discretion that may be needed in certain cases.

29.06.330, 29.10.060 - Should provide for certification of election results to the Commissioner in order that a certificate of reclassification may be issued.

29.06.470 - Provisions similar to 29.05.100(b) should be added to provide a formal appeal procedure.

29.10.110(9), 29.20.020 - Transpose "meetings public" to "public meetings".

29.20.070 - The provision requires that the borough must submit only one plan of representation to the voters. Thus, it fails to insure that the voters will be given a choice. Further, there is no true provision for voter approval (e.g., a borough could submit only one plan which might get 100 favorable votes and 5,000 unfavorable votes. 29.20.070(a) would nonetheless require the adoption of the plan).

29.20.640 @ P55, L16 - Substitute "programs" for "chapters".

29.25.010(a)(4) - Why should supplemental or transfer appropriations be excluded?

29.26.350(c) - Add "Appointments to fill vacancies are for the unexpired term".

29.35.190, 29.10.110 - It would seem an oversight that unified municipalities, home rule boroughs and home rule cities in the unorganized borough are not subject to such provisions. If the apparent oversight is remedied, 29.40.150(c) should be stricken and a new section 29.40.190 should be added stating that AS 29.40.010 - 29.40.190 apply to home rule and general law municipalities.

29.35.250, 29.35.260 - This provision seem to give general law cities a power which is equivalent to the authority to adopt and modify a home rule charter by ordinance. As the State Constitution provides that the adoption and modification of a charter shall be by referendum, the propriety of these sections is questioned. Additionally, the subject provisions would allow a second class city in the unorganized borough to exercise the power of education.

29.45.050 - As a tax on personal property is relatively difficult to administer and collect, and because many municipalities have the option to exclude personal property from taxation under the provisions of AS 29.53.025(c), why not extend the option to all municipalities.

29.45.560 @ P120, L27 - It would seem that the provisions should include 29.45.080, 29.45.240(b) and 29.45.450.

Finally, AS 29.03.020, regarding service areas in the unorganized borough, lacks procedures for the creation of such service areas. The existing AS 29.03.020 is unaffected by HB 170/SB 180.

DB/1h

<u>STATUTE</u>	<u>ACTION</u>	<u>NUMBER</u>	<u>ABBREVIATED TITLE</u>	<u>SPONSOR</u>	<u>REQUESTOR</u>	<u>CURRENT STATUS</u>
24.20.445	AMENDED	SB 5	RE/ADMINISTRATIVE REGULATIONS; ED	FAHRENKAMP		VETOED BY GOVERNOR
	REFERENCE	SB 5	RE/ADMINISTRATIVE REGULATIONS; ED	FAHRENKAMP		VETOED BY GOVERNOR
	REFERENCE	SB 86	RE/RELOCATION ST CAPITAL/REP & REENACT FRANK INITIATIVE	KERTTULA		VETO SUSTAINED
24.20.450	REFERENCE	SB 86	RE/RELOCATION ST CAPITAL/REP & REENACT FRANK INITIATIVE	KERTTULA		VETO SUSTAINED
24.20.450	ADDED	SB 5	RE/ADMINISTRATIVE REGULATIONS; ED	FAHRENKAMP		VETOED BY GOVERNOR
	REFERENCE	SB 86	RE/RELOCATION ST CAPITAL/REP & REENACT FRANK INITIATIVE	KERTTULA		VETO SUSTAINED
24.30.130	REFERENCE	EO 49	NO HISTORY KEPT AT THIS TIME			
	REFERENCE	EO 50	NO HISTORY KEPT AT THIS TIME			
	REFERENCE	EO 51	NO HISTORY KEPT AT THIS TIME			
24.99.001	ADDED	SB 5	RE/ADMINISTRATIVE REGULATIONS; ED	FAHRENKAMP		VETOED BY GOVERNOR
	REFERENCE	SB 5	RE/ADMINISTRATIVE REGULATIONS; ED	FAHRENKAMP		VETOED BY GOVERNOR
25.25.010	AMENDED	SB 181	RE/CHILD SUPPORT/CHANGING RULE 77/CIVIL PROCEDURE	RAY		CHAPTER 0096 SLA 81
26.05.070	REFERENCE	SB 54	RE/AK NAT GUARD/NAVAL MILITIA; ED	RULES		CHAPTER 0056 SLA 81
26.05.260	ADDED	SB 54	RE/AK NAT GUARD/NAVAL MILITIA; ED	RULES		CHAPTER 0056 SLA 81
	AMENDED	SB 54	RE/AK NAT GUARD/NAVAL MILITIA; ED	RULES		CHAPTER 0056 SLA 81
	REPEALED	SB 54	RE/AK NAT GUARD/NAVAL MILITIA; ED	RULES		CHAPTER 0056 SLA 81
	REPD&REIN	SB 54	RE/AK NAT GUARD/NAVAL MILITIA; ED	RULES		CHAPTER 0056 SLA 81
26.05.265	AMENDED	SB 54	RE/AK NAT GUARD/NAVAL MILITIA; ED	RULES		CHAPTER 0056 SLA 81
	REFERENCE	SB 54	RE/AK NAT GUARD/NAVAL MILITIA; ED	RULES		CHAPTER 0056 SLA 81
26.05.296	AMENDED	SB 54	RE/AK NAT GUARD/NAVAL MILITIA; ED	RULES		CHAPTER 0056 SLA 81
26.10.070	AMENDED	SB 72	RE/VETERANS AND PUBLIC RECORDS	BRADLEY		CHAPTER 0035 SLA 81
27.09.010	REFERENCE	SB 214	APPROP/DEPT COM& ECON DEV/MINING LOAN FUND; ED	BENNETT		CHAPTER 0072 SLA 81
27.09.020	REPD&REIN	SB 226	RE/MINING LOAN FUND; ED	FAHRENKAMP		CHAPTER 0097 SLA 81
27.09.040	AMENDED	SB 226	RE/MINING LOAN FUND; ED	FAHRENKAMP		CHAPTER 0097 SLA 81
	REFERENCE	SB 226	RE/MINING LOAN FUND; ED	FAHRENKAMP		CHAPTER 0097 SLA 81
27.09.045	ADDED	SB 226	RE/MINING LOAN FUND; ED	FAHRENKAMP		CHAPTER 0097 SLA 81
28.15.241	AMENDED	HB 53	RE/POINT SYSTEM/DRIVING OFFENSES	RULES	GOVERNOR	CHAPTER 0008 SLA 81
29.18.000	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN		CHAPTER 0113 SLA 81
29.18.201	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN		CHAPTER 0113 SLA 81
29.18.202	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN		CHAPTER 0113 SLA 81

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<u>STATUTE</u>	<u>ACTION</u>	<u>NUMBER</u>	<u>ABBREVIATED TITLE</u>	<u>SPONSOR</u>	<u>REQUESTOR</u>	<u>CURRENT STATUS</u>
29.18.203	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
29.18.204	AMENDED REFERENCE	HB 31 HB 31	RE/STATE/MUNICIPAL LAND; ED RE/STATE/MUNICIPAL LAND; ED	FREEMAN FREEMAN	CHAPTER 0113 CHAPTER 0113	SLA 81 SLA 81
29.18.205	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
29.18.206	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
29.18.207	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
29.18.208	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
29.18.209	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
29.18.210	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
29.18.211	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
29.18.212	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
29.18.213	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
29.33.150	ADDED AMENDED REFERENCE	HB 31 HB 31 HB 31	RE/STATE/MUNICIPAL LAND; ED RE/STATE/MUNICIPAL LAND; ED RE/STATE/MUNICIPAL LAND; ED	FREEMAN FREEMAN FREEMAN	CHAPTER 0113 CHAPTER 0113 CHAPTER 0113	SLA 81 SLA 81 SLA 81
29.48.020	ADDED ADDED	HB 317 SB 368	RE/EMERGENCY SVCS COMMUNICATIONS RE/LOCAL SERVICE ROADS/TRAILS; ED	MALONE GILMAN	CHAPTER 0107 CHAPTER 0038	SLA 81 SLA 81
29.53.000	REFERENCE	SB 524	RE/TAXES; ED	FINANCE	CHAPTER 0116	SLA 81
29.63.000	REFERENCE	HB 297	APPROPS; ED	RULES	GOVERNOR	CHAPTER 0092 SLA 81
29.68.000	REFERENCE	HB 434	RE/MERGE/AK P-LINE CMSN/AK PUB UTIL CMSN; ED	RULES	GOVERNOR	CHAPTER 0110 SLA 81
29.68.220	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
29.68.230	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
29.68.240	REFERENCE REFERENCE REFERENCE REFERENCE	HB 31 HB 460 SB 86 SB 368	RE/STATE/MUNICIPAL LAND; ED RE/TAXES; ED RE/RELOCATION ST CAPITAL/REP & REENACT FRANK INITIATIVE RE/LOCAL SERVICE ROADS/TRAILS; ED	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 CHAPTER 0117 VETO SUSTAINED CHAPTER 0038	SLA 81 SLA 81 SLA 81 SLA 81
29.68.250	REFERENCE REFERENCE	HB 31 HB 460	RE/STATE/MUNICIPAL LAND; ED RE/TAXES; ED	FREEMAN RESOURCES	CHAPTER 0113 CHAPTER 0117	SLA 81 SLA 81

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29.68.250	REFERENCE SB 86 REFERENCE SB 368	RE/RELOCATION ST CAPITAL/REP & REENACT RE/LOCAL SERVICE ROADS/TRAILS; ED	FRANK INITIATIVE	KERTTULA GILMAN	VETO SUSTAINED CHAPTER 0038 SLA 81	
29.68.260	REFERENCE HB 31 REFERENCE HB 460 REFERENCE SB 86 REFERENCE SB 368	RE/STATE/MUNICIPAL LAND; ED RE/TAXES; ED RE/RELOCATION ST CAPITAL/REP & REENACT RE/LOCAL SERVICE ROADS/TRAILS; ED	FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81	
29.68.270	REFERENCE HB 31 REFERENCE HB 460 REFERENCE SB 86 REFERENCE SB 368	RE/STATE/MUNICIPAL LAND; ED RE/TAXES; ED RE/RELOCATION ST CAPITAL/REP & REENACT RE/LOCAL SERVICE ROADS/TRAILS; ED	FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81	
29.68.280	REFERENCE HB 31 REFERENCE HB 460 REFERENCE SB 86 REFERENCE SB 368	RE/STATE/MUNICIPAL LAND; ED RE/TAXES; ED RE/RELOCATION ST CAPITAL/REP & REENACT RE/LOCAL SERVICE ROADS/TRAILS; ED	FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81	
29.68.290	REFERENCE HB 31 REFERENCE HB 460 REFERENCE SB 86 REFERENCE SB 368	RE/STATE/MUNICIPAL LAND; ED RE/TAXES; ED RE/RELOCATION ST CAPITAL/REP & REENACT RE/LOCAL SERVICE ROADS/TRAILS; ED	FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81	
29.68.300	REFERENCE HB 31 REFERENCE HB 460 REFERENCE SB 86 REFERENCE SB 368	RE/STATE/MUNICIPAL LAND; ED RE/TAXES; ED RE/RELOCATION ST CAPITAL/REP & REENACT RE/LOCAL SERVICE ROADS/TRAILS; ED	FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81	
29.68.310	REFERENCE HB 31 REFERENCE SB 86 REFERENCE SB 368	RE/STATE/MUNICIPAL LAND; ED RE/RELOCATION ST CAPITAL/REP & REENACT RE/LOCAL SERVICE ROADS/TRAILS; ED	FRANK INITIATIVE	FREEMAN KERTTULA GILMAN	CHAPTER 0113 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81	
29.68.320	REFERENCE HB 31 REFERENCE HB 460 REFERENCE SB 86 REFERENCE SB 368	RE/STATE/MUNICIPAL LAND; ED RE/TAXES; ED RE/RELOCATION ST CAPITAL/REP & REENACT RE/LOCAL SERVICE ROADS/TRAILS; ED	FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81	
29.68.330	REFERENCE HB 31 REFERENCE HB 460 REFERENCE SB 86 REFERENCE SB 368	RE/STATE/MUNICIPAL LAND; ED RE/TAXES; ED RE/RELOCATION ST CAPITAL/REP & REENACT RE/LOCAL SERVICE ROADS/TRAILS; ED	FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81	
29.68.340	REFERENCE HB 31 REFERENCE HB 460 REFERENCE SB 86 REFERENCE SB 368	RE/STATE/MUNICIPAL LAND; ED RE/TAXES; ED RE/RELOCATION ST CAPITAL/REP & REENACT RE/LOCAL SERVICE ROADS/TRAILS; ED	FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81	
29.68.350	REFERENCE HB 31	RE/STATE/MUNICIPAL LAND; ED		FREEMAN	CHAPTER 0113 SLA 81	

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29.68.350	REFERENCE HB 460 RE/TAXES; ED REFERENCE SB 86 RE/RELOCATION ST CAPITAL/REP & REFERENCE SB 368 RE/LOCAL SERVICE ROADS/TRAILS; ED	REENACT FRANK INITIATIVE	RESOURCES KERTTULA GILMAN	CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81		
29.68.360	REFERENCE HB 31 RE/STATE/MUNICIPAL LAND; ED REFERENCE HB 460 RE/TAXES; ED REFERENCE SB 86 RE/RELOCATION ST CAPITAL/REP & REFERENCE SB 368 RE/LOCAL SERVICE ROADS/TRAILS; ED	REENACT FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81		
29.68.370	REFERENCE HB 31 RE/STATE/MUNICIPAL LAND; ED REFERENCE HB 460 RE/TAXES; ED REFERENCE SB 86 RE/RELOCATION ST CAPITAL/REP & REFERENCE SB 368 RE/LOCAL SERVICE ROADS/TRAILS; ED	REENACT FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81		
29.68.380	REFERENCE HB 31 RE/STATE/MUNICIPAL LAND; ED REFERENCE HB 460 RE/TAXES; ED REFERENCE SB 86 RE/RELOCATION ST CAPITAL/REP & REFERENCE SB 368 RE/LOCAL SERVICE ROADS/TRAILS; ED	REENACT FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81		
29.68.390	REFERENCE HB 31 RE/STATE/MUNICIPAL LAND; ED REFERENCE HB 460 RE/TAXES; ED REFERENCE SB 86 RE/RELOCATION ST CAPITAL/REP & REFERENCE SB 368 RE/LOCAL SERVICE ROADS/TRAILS; ED	REENACT FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81		
29.68.400	REFERENCE HB 31 RE/STATE/MUNICIPAL LAND; ED REFERENCE HB 460 RE/TAXES; ED REFERENCE SB 86 RE/RELOCATION ST CAPITAL/REP & REFERENCE SB 368 RE/LOCAL SERVICE ROADS/TRAILS; ED	REENACT FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81		
29.68.410	REFERENCE HB 31 RE/STATE/MUNICIPAL LAND; ED REFERENCE HB 460 RE/TAXES; ED REFERENCE SB 86 RE/RELOCATION ST CAPITAL/REP & REFERENCE SB 368 RE/LOCAL SERVICE ROADS/TRAILS; ED	REENACT FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81		
29.68.420	REFERENCE HB 31 RE/STATE/MUNICIPAL LAND; ED REFERENCE HB 460 RE/TAXES; ED REFERENCE SB 86 RE/RELOCATION ST CAPITAL/REP & REFERENCE SB 368 RE/LOCAL SERVICE ROADS/TRAILS; ED	REENACT FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81		
29.68.430	REFERENCE HB 31 RE/STATE/MUNICIPAL LAND; ED REFERENCE HB 460 RE/TAXES; ED REFERENCE SB 86 RE/RELOCATION ST CAPITAL/REP & REFERENCE SB 368 RE/LOCAL SERVICE ROADS/TRAILS; ED	REENACT FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81		
29.68.440	REFERENCE HB 31 RE/STATE/MUNICIPAL LAND; ED REFERENCE HB 460 RE/TAXES; ED REFERENCE SB 86 RE/RELOCATION ST CAPITAL/REP & REFERENCE SB 368 RE/LOCAL SERVICE ROADS/TRAILS; ED	REENACT FRANK INITIATIVE	FREEMAN RESOURCES KERTTULA GILMAN	CHAPTER 0113 SLA 81 CHAPTER 0117 SLA 81 VETO SUSTAINED CHAPTER 0038 SLA 81		

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29.73.080	ADDED	HB 317	RE/EMERGENCY SVCS COMMUNICATIONS	MALONE	CHAPTER 0107	SLA 81
	REFERENCE	HB 317	RE/EMERGENCY SVCS COMMUNICATIONS	MALONE	CHAPTER 0107	SLA 81
29.88.015	REFERENCE	SB 25	RE/ENERGY PROJECTS/PRGMS OF AK POWER AUTH; ED	KERTTULA	CHAPTER 0118	SLA 81
29.88.035	REFERENCE	SB 125	SUPPL APPROP/DEPT C&RA/REVENUE/FIN ASSIST/MUNIS; ED	DANKWORTH	CHAPTER 0006	SLA 81
29.89.030	AMENDED	HB 131	INCREASE STATE AID-HEALTH FAC & HOSPITALS; ED	HAUGEN	CHAPTER 0103	SLA 81
29.89.050	REFERENCE	SB 125	SUPPL APPROP/DEPT C&RA/REVENUE/FIN ASSIST/MUNIS; ED	DANKWORTH	CHAPTER 0006	SLA 81
29.89.080	REFERENCE	SB 125	SUPPL APPROP/DEPT C&RA/REVENUE/FIN AS 'ST/MUNIS; ED	DANKWORTH	CHAPTER 0006	SLA 81
29.90.010	AMENDED	HB 131	INCREASE STATE AID-HEALTH FAC & HOSPITALS; ED	HAUGEN	CHAPTER 0103	SLA 81
29.90.020	AMENDED	HB 131	INCREASE STATE AID-HEALTH FAC & HOSPITALS; ED	HAUGEN	CHAPTER 0103	SLA 81
	REFERENCE	SB 125	SUPPL APPROP/DEPT C&RA/REVENUE/FIN ASSIST/MUNIS; ED	DANKWORTH	CHAPTER 0006	SLA 81
29.90.030	ADDED	HB 131	INCREASE STATE AID-HEALTH FAC & HOSPITALS; ED	HAUGEN	CHAPTER 0103	SLA 81
<u>29.95.010</u>	REFERENCE	HB 131	INCREASE STATE AID-HEALTH FAC & HOSPITALS; ED	HAUGEN	CHAPTER 0103	SLA 81
31.15.050	AMENDED	HB 434	RE/MERGE/AK P-LINE CMSN/AK PUB UTIL CMSN; ED	RULES	GOVERNOR	CHAPTER 0110 SLA 81
33.15.010	REFERENCE	HB 510	CONTINUE EXISTENCE/STATE BOARD OF PAROLE; ED	CLOCKSIN	CHAPTER 0022	SLA 81
33.15.060	ADDED	HB 510	CONTINUE EXISTENCE/STATE BOARD OF PAROLE; ED	CLOCKSIN	CHAPTER 0022	SLA 81
33.35.010	ADDED	SB 115	RE/AGREEMENT ON DETAINERS; ED	RULES	CHAPTER 0039	SLA 81
	REFERENCE	SB 115	RE/AGREEMENT ON DETAINERS; ED	RULES	CHAPTER 0039	SLA 81
33.35.020	ADDED	SB 115	RE/AGREEMENT ON DETAINERS; ED	RULES	CHAPTER 0039	SLA 81
33.35.030	ADDED	SB 115	RE/AGREEMENT ON DETAINERS; ED	RULES	CHAPTER 0039	SLA 81
33.35.040	ADDED	SB 115	RE/AGREEMENT ON DETAINERS; ED	RULES	CHAPTER 0039	SLA 81
34.10.010	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
34.10.020	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
34.10.030	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
34.10.040	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
34.10.050	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81
34.10.060	REFERENCE	HB 31	RE/STATE/MUNICIPAL LAND; ED	FREEMAN	CHAPTER 0113	SLA 81

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TITLE 29 - MUNICIPAL CODE REVISIONS

SUGGESTIONS FOR ADDITIONS OR CHANGES TO

Ch. 40 - Planning, Platting, and Land

Use Regulations

Ch. 45 - MUNICIPAL TAXATION

Ch. 46 - SPECIAL ASSESSMENTS

Ch. 47 - MUNICIPAL DEBT

Ch. 55 - MUNICIPAL PROGRAMS

Ch. 60 - STATE PROGRAMS

Ch. 65 - GENERAL LAND GRANT

Ch. 71 - GENERAL PROVISIONS

29.40.040 - (Planning Association of Alaska)

(1) Under the section by section analysis, 29.40.040 states that AS 29.33.090(e) allowing a business licensed by the ABC board before the adoption of the zoning ordinance to continue to operate, has been eliminated.

In this sole instance, it appears zoning grandfather rights are being denied to one specific type of business by administrative state law decision. Does that not violate equal protection under the law? Are there funds to purchase the non-conforming business or are we talking adverse condemnation?

(2) 29.40.040 - eliminated "contract zoning." What was the problem or rationale behind this change? Is contract zoning subject to abuse? Did it seem to eliminate or circumvent comprehensive planning or create "spot zoning"?

29.40.040 - (Lee Sharp, Juneau City Attorney)

Page 86, lines 9 through 12. This section authorizes a permit system for the purpose of encouraging or discouraging certain activities. I suggest this section should be amended to include after the word "to" the word "prevent,". This would make it clear that a permit system could be used for more than mere encouragement or discouragement of uses.

29.04.050 - (Exxon)

This section should be amended to provide for a right of appeal of all decisions on a request for a variance.

29.40.060 - (Exxon)

We support the proposed provision in subsection (a) providing for the right of appeal on all decisions dealing with land use regulation.

But we also urge that a provision in the existing law be retained and expanded.

We suggest the addition of the following:

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- (c) An appeal under (a) and (b) of this section shall stay enforcement proceedings unless the court issues an enforcement order based on a sworn certificate of imminent peril to human life or property made by an administrative body.

29.40.100 - (Lee Sharp)

Page 89, lines 5 and 6. I suggest the phrase "all lots or tracts created" be replaced by the phrase "any lots within." It appears that the existing language could be read to allow one to use the short plat procedure as long as at least one lot had physical and legal access even though the rest did not.

29.40.100 (PAA)

State the assembly may provide for an administrative official to review and approve short plats (NO PLATTING BOARD ACTION STATED OR IMPLIED.)

However, the next section - 29.40.110 - states recorded plats cannot be altered except by platting authority.

The intent of allowing an administrative official to, under certain circumstances, act as a platting authority either needs to be included in the definition of platting authority or amended under 110 to provide for that exemption.

29.40.120 - (Exxon)

This section should be amended to state with specificity as to what information the notice shall contain, when it is to be published, and the earliest date after publication on which the hearing may be held. Publication by notice in a newspaper should require that the notice appear at least on two occasions not more than one week apart.

29.40.120 - (PAA)

Discusses re-plat petition and requires notice to applicants as well as affected property owners not signing petition.

Define affected?

- (a) only those within actual limits of change?
(b) within (300 foot) radius of external boundary of change?
NEEDS TO BE CLARIFIED

29.40.140 (Joe Burch, Div. of Technical Services, Dept. of Natural Resources)

Line 16: "recorded" should be changed to "filed."

29.40.150 (Peter Hallgren)

Vacating a street - returning the property to the original owner. If the property has been sold in the interim, they charge fair market value rather than giving property away free. Refers back to Sec. 29.10.110 - Para. (34)

29.40.150 - (Lee Sharp)

Page 91, lines 9 through 11. First, as a matter of drafting style, I had thought that where a section or subsections of Title 29 were made applicable to home rule municipalities, the section setting forth that applicability would be the last subsection in the section rather than one in the middle, as here. Also, it seems a little peculiar to state that the applicability section itself applies to home rule municipalities. That is, what is the sense of saying in subsection (c) that (c) itself applies to home rule municipalities when the only purpose of subsection (c) is to state that certain other section apply? Wouldn't it be simpler and more to the point just to state that "the provisions of (a) and (b) of this section apply to home rule...". As to the substance, there is no reason for (b) to apply to unified municipalities. Subsection (b) deals with cities within a borough. If a unified municipality wants to permit the vacation of streets acquired for legal consideration without having the abutting property owners pay fair market value, the unified municipality ought to be given that option. On the other hand, there is justification for making this section applicable to boroughs so that a borough platting authority cannot vacate such a city street without compensation going to the city.

29.40.170 - (Exxon)

The following language should be deleted from subsection (b):

"An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction."

These provisions are new to the statute and constitute a radical change in the established use of injunctive relief. Injunctive relief should be available only where no other remedy is available and its issuance should be within the sound discretion of the court.

29.40.170 - (Joe Burch)

Line 6: "recorded" should be changed to "filed."

Line 8: "record" should be changed to "file."

29.40.180 (Jim Kohler, City Manager of Yakutat)

State compliance with local subdivision regulations. Item that is going to be more than a sleeper, as well as elimination of third class boroughs.