

ALLSINKA JOURNAL OF THE AMERICAN SOCIETY OF
1245 HOCRA 180 SB 236
1295

CLOCKSIN : ~~is~~ WHY?

MORRISSETT: I WAS NOT AWARE OF THE PROBLEM AT THE TIME IT WAS IN FRONT OF THE SENATE.

AUDIE MOORE
ALASKA ASSOCIATION OF REALTORS
ANCHORAGE

MOORE I AM HERE ONLY TO SPEAK TO THE MANDATORY WAIVER PROCESS THAT MR. MORRISSETT JUST SPOKE TO. . . .

WE BELIEVE THAT IT IS WORKING VERY, VERY WELL. WE DON'T SEE ANY NEED FOR CHANGING IT AND WE WOULD LIKE TO HAVE THAT PORTION, THE PRESENT LAW 29.33.170 REINSERTED EXACTLY AS IT NOW IS.

WE ALSO HAD NO IDEA WHEN THIS BILL WAS IN THE SENATE THAT WE WERE EFFECTED IN ANYWAY BY THIS. IT'S JUST THE WAY THE BILL IS MADE AND SO FORTH, IT DOESN'T SPEAK TO IT. ONLY ON THE LAST PAGE DOES IT SAY THAT WHATEVER THEY DIDN'T CHANGE IS REPEALED. IT CAME AS A SHOCK WHEN WE FINALLY REALIZED THIS. IT MAY BE UNDER THE NEW SHORT PLAT PROCEDURE THAT IS SET UP, AND AS MR. MORRISSETT HAS

PROPOSED AN AMENDMENT FOR, MIGHT POSSIBLY SERVE THE SAME PURPOSE OR NEARLY THE SAME PURPOSE, HOWEVER, THESE THINGS ARE SUBJECT TO INTERPRETATION BY VARIOUS BOROUGHS AROUND THE STATE. WE WENT THROUGH IT WHEN THE FIRST LAW WAS PASSED AND FOR A NUMBER OF YEARS WE HAD CONSIDERABLE CONFUSION. ITS ONLY BEEN LATELY ITS BEEN INTERPRETED AS WE THINK PROPERLY AND IS BEING USED THAT WAY AND AS I SAID BEFORE, I THINK IT'S AN IDEAL SITUATION AND WORKING BEAUTIFULLY THE WAY IT IS

UNDER THE SHORT PLAT PROLEDURE MR. MORRISSETT HAS PUT IT HERE, WHERE HE HAS "MAY" IT SHOULD SAY "SHALL". VERY DEFINITELY IT SHOULD SAY "SHALL" THE PROBLEMS THAT WE HAD BEFORE WE HAD THIS LAW WAS WHERE THESE THINGS WERE "MAY" IT WAS INTERPRETED BY VARIOUS ASSEMBLIES, EVEN IN THE SAME BOROUGH AT DIFFERENT TIMES IN DIFFERENT MANNERS AND SOMETIMES YOU COULD DO THINGS AND SOMETIMES YOU COULDN'T. THE WAY IT READS NOW IT'S A VEHICLE THAT PERMITS PEOPLE, PRIMARILY OWNERS OF LARGE PIECES OF PROPERTY WHO MAY HAVE BEEN HOMESTEADERS, OR MAY HAVE BEEN OTHER PEOPLE THAT ASSEMBLED IT. IT PERMITS THEM A METHOD TO PEEL OFF SOME OF THIS WITHOUT GOING THROUGH A LONG PROCESS.

THE REALTORS FEEL THERE ARE 3 VERY IMPORTANT FACTORS IN THIS

1) YOU NEED TO HAVE A VERY ACCURATE DEFINABLE LEGAL DESCRIPTION, WHICH WE DO HAVE IN THIS CASE

2) YOU NEED TO HAVE PUBLIC ACCESS, WHICH IS IN THE PRESENT WAIVER.

3) NEED USABLE ROAD, WHICH IS IN PRESENT WAIVER.

AND ITS BEEN WORKING VERY WELL.

THIS LAST YEAR ^{IN} THE KENAI PENINSULA BOROUGH THE ASSEMBLY PASSED AN ORDINANCE THAT PERMITTED PAPER PLATS AND WITHOUT ROADS, ETC. IT CREATED QUITE A HASSLE. THE REALTORS, SURVEYORS AND TITLE COMPANIES JOINED IN TAKING THE BOROUGH TO COURT AND WERE SUCCESSFUL IN HAVING THAT THROWN OUT.

WE ARE INTERESTED IN HAVING PIECES OF PROPERTY THAT YOU CAN GET TO AND ARE DEFINABLE. I SEE NO REASON WHY THAT SHOULDN'T BE REINSERTED AND DON'T KNOW WHY LEFT OUT; DELIBERATE OR ACCIDENTAL. WE WOULD CERTAINLY LIKE TO HAVE

IT BACK IN.

CLOCKSIN: ... YOU WOULD LIKE THE LANGUAGE FROM THE EXISTING STATUTE IN PLACE OF THE ENTIRE 29.40.090? OR IN PLACE JUST OF THE LANGUAGE MR MORRISSETT HAS PROPOSED TO ADD?

MOORE IN PLACE OF THE LANGUAGE MR. MORRISSETT HAS ADDED. IT PROBABLY SHOULD BE A SEPARATE NUMBER SO IT DOESN'T COME UNDER THE SHORT PLAT PROCEDURE

CLOCKSIN IN THAT CASE AREN'T WE GOING TO HAVE A LOT OF DUPLICATION? 09.08 IN THE BILL BEFORE US DUPLICATES 29.33.170(a)

MOORE NO I DON'T THINK SO. UNDER PRESENT SITUATION YOU HAVE A WAIVER PROCESS AND I WOULD LIKE TO LEAVE WITH YOU A COPY THAT I HAVE DONE WITH THE BOROUGH UP THERE OF PRESENT WAIVER PROCESS AND HOW IT WORKS. YOU DO NOT ~~NEED~~ HAVE TO GO THROUGH A SHORT PLAT PROCEDURE. WE DO NOT HAVE TO MEET BEFORE A COMMITTEE. ALL YOU HAVE TO DO IS PROVE ACCESS AND ROAD AND PROPER LEGAL DESCRIPTIONS

O'CONNELL THE PRESENT 29.40.090 REQUIRES THAT AN ASSEMBLY SET UP SOME SORT OF A SHORT PLATTING AND THEN INCLUDING YOUR AMENDMENT AS ADDITIONAL LANGUAGE WOULD BE A WAIVER TO .090 REQUIRES IN THE EXTENT OF ALL LATE PARTS IN EXCESS OF 5 ACRES.

MOORE YES. IT MAY VERY WELL COME UNDER THE SAME 29.40.090, I'M NOT QUITE SURE HOW YOU'D DO IT.

WHAT IT SHOULD WAIVE IT OUT OF SHORT PLAT PROCEDURE AS WELL AS OUT OF OTHER REGULAR PLAT PROCEDURE

MORRISSETT THE CONCERN I WOULD HAVE IS THAT THE SHORT PLAT PROCESS AS IT'S BEEN DRAFTED AND PROPOSED IS DESIGNED TO ACCOMPLISH SOMETHING MORE THAN THE WAIVER IS. THERE ARE FREQUENTLY CASES WHERE IT IS NOT APPROPRIATE TO GO THROUGH A FULL PUBLIC HEARING, YET DO NOT FALL IN THE WAIVER CATEGORY.

FOR INSTANCE, 2 LOTS WHICH SOMEONE WANTS TO REMOVE A LOT LINE IS A TYPE OF A SITUATION WHICH OUGHT TO BE HANDLED ADMINISTRATIVELY. THERE'S NO REASON FOR A PUBLIC HEARING

AND PUTTING SOMEONE THROUGH THE COST OF EXPENSE.

A SHORT PLAT PROCESS WHICH IS NOT IN CURRENT CODE IS DESIGNED TO ACCOMPLISH THAT AS WELL. I THINK I DO SEE A PROBLEM WITH CONFUSION AND REDUNDANCY IN PUTTING BOTH THE SHORT PLAT IN THE WAY IT READS NOW AND THE WAIVER IN THE WAY IT READS BECAUSE THEY HAVE ALMOST EXACTLY THE SAME CONDITIONS DOWN EXCEPT FOR ONE.

THE PURPOSE IN MY AMENDMENT WAS TO TRY TO INCLUDE IN CERTAIN CASES THAN OTHER SITUATIONS. THE SITUATION WHERE YOU'RE ~~LOOKING~~ TALKING ABOUT PARCELS, THE DIVISION OF PARCELS BEING LARGER THAN 2 ACRES. IN THOSE CASES WHAT WE'RE CALLING A SHORT PLAT PROCESS WILL ACTUALLY INVOLVE A WAIVER OF REQUIREMENTS. I THINK THE TERM WAIVER IS KIND OF A MISNOMER IN THE CASE WHERE YOU'RE TALKING ABOUT A SUBDIVISION OF LARGE PARCELS.

WE HAVE A WAIVER PROCESS WHICH APPLIES TO LARGER; IF YOU'RE DIVIDING A 160 ACRES INTO PARCELS, NONE OF WHICH IS SMALLER THAN 40 ACRES THERE'S AN ABSOLUTE WAIVER. YOU DON'T HAVE TO

IN FRONT OF A LOCAL GOVERNMENT. THAT'S A
WAIVER. WHAT MR. MOORE IS CALLING A
WAIVER IS IN A SENSE A SUBDIVISION PROCESS.
IT'S JUST AN ABBREVIATED PROCESS OF
ADMINISTRATING. ALL THE PERSON HAS TO COME
IN AND FILE AN APPLIED AND GET THAT A
APPLICATION APPROVED. BY TERMINING THAT A
SHORT PLAT & YET COMBINING IT WITH THIS
OTHER; I DON'T KNOW THAT THERE'S ANY
SUBSTANTIAL DIFFERENCE IN WHAT SOMEONE
HAS TO DO. SOMEONE STILL HAS TO COME IN AND
FILE AN APPLICATION.

IT SIMPLIFIES THE LAW IN THE SENSE A PERSON
KNOWS HE EITHER GOES BEFORE PLAT BOARD
FOR PUBLIC HEARING OR ABBREVIATED PROCESS
WITH APPLICATION. I THINK IT'D BE POSSIBLE
TO PUT LANGUAGE BACK IN... IF PLOPPED BACK
IN HAVE SOME CONFUSION

O'CONNELL - DIRECTED TOWARD AUDIE MOORE -
MR. MORRISSETT HAS - LANGUAGE THAT SAYS "MAY"
PROVIDE FOR WAIVER, YOU SUGGEST AT A
MINIMUM IT SHOULD READ "SHALL"

MOORE YES

MORRISSETT ONLY CONCERN I HAVE ON THAT BY SAYING THEY "SHALL" PROVIDE FOR A WAIVER ALL YOU'RE DOING IS TELLING THE LOCAL GOV'T (ASSEMBLY) THAT THEY ARE REQUIRED TO PROVIDE SOME SORT OF WAIVER PROVISION. I THINK THAT'S GOING TO BE DECIDED, WHAT SORT OF WAIVER PROVISION, BY THE POLITICAL PROCESS ANYWAY. I DON'T KNOW THAT I PARTICULARLY OBJECT TO IT BUT I'M NOT SURE WHAT IT ACCOMPLISHES BY SAYING "SHALL" WAIVE SURVEY AND OTHER REQUIREMENTS IN THESE CONDITIONS. WHAT ARE YOU REALLY TRYING TO TELL THE LOCAL GOV'T WHAT YOU WANT TO DO. IS THIS A SUBJECT THAT THE STATE WANTS TO DICTATE TO THE LOCAL GOV'T OR IS IT SIMPLY A

MOORE IF WE DON'T SAY "SHALL" WE HAVE IN FACT DESTROYED THE INTENT OF THE PRESENT WAIVER WHICH DEFINITELY SAYS "SHALL" AND WE GET BACK TO THE SAME POINT WHERE A PERSON DOES NOT HAVE THE RIGHT. YOU HAVE TO GO IN AND PLEAD FOR THE RIGHT TO DO WHAT IS RIGHT (IN MY OPINION) RATHER THAN TO KNOW THAT YOU CAN DO IT AHEAD OF TIME AND BE ABLE TO DO IT. I DON'T THINK THAT THERE IS VERY MUCH DIFFERENCE BETWEEN WHAT STEVE (MORRISSETT) WANTS AND WHAT I WANT. AS FAR AS WE ARE PERSONNALLY CONCERNED

WOULD GET WORKED OUT. BUT AGAIN IT BRINGS IT DOWN SUBJECT TO INTERPRETATION AND WHEN WE GET IT DOWN TO INTERPRETATION IT GOES OFF IN 50 DIFFERENT DIRECTIONS.

CLOCKSIN WOULD YOU BE SATISFIED BY CHANGING MR. MORRISSETT'S AMENDMENT TO SAY "SHALL" PROVIDE FOR WAIVER?

MOORE IT FRIGHTENS ME SOMEWHAT. IT WOULD CERTAINLY HELP A GREAT DEAL, BUT IT STILL FRIGHTENS ME BECAUSE WE DON'T HAVE THE SAME THING; MAYBE WE DO BUT IN TRYING TO UNDERSTAND THE NEW SHORT PLAT PROCEDURE ... NOT SURE WE'RE GETTING ANYWHERE NEAR WHAT WE HAD BEFORE.

O'CONNELL PROBLEM IDENTIFIED - NEED LANGUAGE TO MAKE IT MUTUALLY WORK

GENE WILES
CHEVRON, USA

BASICALLY SUPPORT THE BILL

ONE OBJECTION - ^{NO} LIMITATION MADE UPON EXERCISE OF PLANNING, PLATTING, AND ZONING AUTHORITY WITH RESPECT TO A STATE OR FEDERAL LANDS. ~~BTB~~

IT'S OUR VIEW THE LAW NOW PROPOSES THAT A LOCAL LOCAL GOV'T, THROUGH THE PLANNING, ZONING, & COMMITTING PROCESS, ELIMINATE OIL & GAS ACTIVITIES ON STATE OR FEDERAL LANDS. ON STATE LANDS WE FEEL REASONABLY CERTAIN THIS LAW DOES NOT PROVIDE FOR A SITUATION WHERE STATE OWNED LANDS COULD ISSUE AN OIL & GAS LEASE & THAT CAN BE ZONED OUT BY A LOCAL COMMUNITY.

WE'VE PROPOSED 2 SOLUTIONS TO THE PROBLEM.

IN RESPONDING I'M ANTICIPATING WHAT MR. TESCHE IS GOING TO SAY. I THINK THE COMMUNITY OF ANCHORAGE IS WORRYING ABOUT PETROCHEMICAL PLANTS SO FORTH - I'M NOT TRYING TO ELIMINATE THE MUNICIPAL ZONING POWERS IN THAT RESPECT. I HAVE NO PRIDE OF AUTHORSHIP IN THIS & IF IT DOES ENCOMPASS THAT ACTIVITY, MAYBE SOME LANGUAGE CAN BE INSERTED TO ELIMINATE THAT. I'M INTERESTED IN MINING, ACTIVITIES ON STATE & FEDERAL LANDS; TIMBER INDUSTRIES ON STATE LANDS & FEDERAL LANDS, OIL & GAS INDUSTRY. WE FEEL THIS BILL WOULD GIVE LOCAL COMMUNITIES AUTHORITY TO OVERRIDE THE STATE

35. 30.030 ALLOWS THE GOVERNOR TO WAIVE COMPLIANCE WITH LOCAL ZONING REGS. FOR

CONSTRUCTION OF PUBLIC PROJECTS. THE GOVERNOR USED THIS ON ONE OF OUR DEALS IN ANCHORAGE. I DON'T THINK IT'S ASKING TOO MUCH; ON STATE LANDS, THAT THE STATE HAVE SOME AUTHORITY THAT CAN'T BE PRECLUDED BY A LOCAL COMMUNITY. ... YOUR RESOURCE ON STATE + FEDERAL LANDS CONTROLLED BY THE STATE

O'CONNELL DOES THAT SAME AUTHORITY CARRY INTO THE PLACEMENT OF OIL REFINERIES?

WILES DON'T THINK SO. READ IT AS VERY LIMITED

LEE SHARP
CITY BOROUGH ATTORNEY
JUNEAU

☺ OPORIT THE BILL

CONCERNS WITH CHANGES MADE ON SENATE FLOOR -
1) ELIMINATING THE AUTHORITY FOR MUNICIPALITIES TO IMPOSE MINIMUM MANDATORY NON-SUSPENDABLE SENTENCES LIMITED TO 5 DAYS. WE BELIEVE THAT THAT'S CERTAINLY A REASONABLE AUTHORITY FOR A MUNICIPALITY TO HAVE.

URGE YOU TO RESOLVE THAT AUTHORITY

2) THE REDUCTION TO PRESENT LEVEL TO EXISTING LEVEL FOR INTEREST ON DELINQUENT TAX PAYMENTS.

... 8% IS EVEN BELOW THE MAXIMUM LEGAL LIMIT; BELOW WHAT YOU GET ON JUDGEMENTS.

... RESOLVE WHAT THE ORIGINAL BILL HAD OR AT LEAST SOMETHING MORE IN LINE WITH WHAT INTEREST RATES ARE IN THE COMMERCIAL MARKET.

3) TAXATION OF BOATS ON TONAGE. THAT HAD BEEN LIBERALIZED SOMEWHAT IN THE PROPOSED BILL.

THE CHANGES MADE IN THE SENATE MOVE IT BACK TO EXISTING LAW WHICH MEANS IF YOU DO CHOOSE TO USE TONAGE AS A BASIS OF TAXATION, YOU MAY CHARGE ONLY \$5 OR \$15, WHICH MAKES IT HARDLY WORTHWHILE LEVYING THE TAX.

IF THERE ARE GOING TO BE NO CHANGES WE SUPPORT THE BILL AS IT IS BUT ARE A FEW CHANGES WE CERTAINLY SUPPORT.

(Comments in reference to Mr. Wiles - 35.03.020 - Governor's authority to waive for state projects, local zoning requirements)

THE GOVERNOR CAN DO THAT BUT FIRST HAS TO FIND THAT THERE'S AN OVERRIDING STATE INTEREST * THEN THE WAIVER SHOULD ONLY BE TO THE EXTENT THAT IT'S NECESSARY TO ACCOMPLISH

THAT VARIETY OF STATE INTEREST.

WHAT MR. WILES PROPOSAL GOES TO IS A TOTAL EXEMPTION IF ANY OF THESE INTERESTS EXIST; NOT MERELY ENOUGH TO GET THE PROJECT UNDERWAY, BUT A TOTAL EXEMPTION FROM PLATTING, PLANNING AND ZONING.

IF THE BASIS FOR THAT WAIVER IS THE FACT THAT IT'S A LEASE BY THE STATE OF AK, I WONDER HOW THE STATE WOULD FEEL IF THE SAME THING APPLIED AT THE FEDERAL LEVEL AND ANYTHING THE FEDS DO AND DECIDE HAS SOME SORT OF NATIONAL SIGNIFICANCE, NO MATTER WHOSE PROPERTY IT'S ON, IT HAS SOME SORT OF NATIONAL SIGNIFICANCE BECAUSE THE FEDS ISSUED A PERMIT THAT THE STATE WOULD HAVE NO CONTROL OVER IT. THE FACT THAT SOMETHING IS OF NATIONAL CONCERN DOES NOT MEAN THAT THERE'S NO LOCAL CONCERN.

WHEN YOU PUT IN A REFINERY CERTAINLY THERE'S A MAJOR LOCAL IMPACT & THE MUNICIPALITY OUGHT TO HAVE SOME VOICE IN HOW THAT PROJECT GOES IN, HOW IT IMPACTS THE COMMUNITY.

FOR THOSE REASONS I THINK WE OUGHT TO LEAVE THE EXISTING LAW THE WAY IT IS

IF THERE'S A PARTICULAR PROBLEM THAT THE OIL INDUSTRY HAS WITH A PARTICULAR COMMUNITY - FOCUS ON THAT PARTICULAR PROBLEM RATHER THAN ATTACKING IT IN SUCH A BROAD MANNER. I THINK MR. WILES RECOGNIZED THAT MAYBE THE LANGUAGE IS A LITTLE TOO BROAD.

THE 2ND ALTERNATIVE, I THINK, IS JUST GOING TO INVITE ENDLESS LITIGATION AS TO WHAT IS OF STATEWIDE CONCERN.

ANDERSON ARE YOU AWARE OF ANY MUNICIPALITY NOW THAT ARE TAXING VESSELS ON THE BASIS OF TONAGE? IS THAT SOMETHING THAT IS NOT NORMALLY DONE?

SHARP I BELIEVE KETCHIKAN. WE'VE EXEMPTED THEM HERE BECAUSE IF WE'RE GOING TO GO BY TONAGE IT DOESN'T BRING IN ENOUGH MONEY TO MAKE IT WORTHWHILE . . .

BYLSMA IT OCCURS TO ME THAT SOME COMMUNITIES DEPEND QUITE A LOT ON THAT FORM OF TAXATION. . . I'M WONDERING IF WE LIMITED ~~THIS~~ IN THIS BILL TO 5 TONS OR LESS OR 5 TONS OR MORE THEN PERHAPS THOSE MUNICIPALITIES THAT MIGHT WANT TO IMPOSE ON THE BASIS OF TONAGE, WERE

TAXATION THAN WHAT THEY'RE ALLOWED NOW ON THE BASIS OF TONAGE, THAT MAYBE WE'RE NOT GIVING THEM ENOUGH LEEWAY WITH THE KIND OF LANGUAGE THAT IS PROPOSED IN THE SENATE. IT OCCURS TO ME THAT IT MIGHT BE MORE SENSIBLE. I DON'T KNOW HOW THE TONAGE GOES ON THESE VESSELS BUT, PROBABLY 5 TONS OR LESS INCLUDES AN AWFUL LOT OF PLEASURE BOATS AND ANYTHING OVER 5 TONS WOULD PROBABLY INCLUDE SOME MORE PLEASURE BOATS BUT ALSO INCLUDE ALL THE COMMERCIAL VESSELS INCLUDING FORTY FOOTERS FIFTY FOOTERS UP TO MAYBE HUNDRED FOOTERS; IT SEEMS TO ME IT'D BE MORE SENSIBLE TO GIVE THEM ENOUGH LEEWAY TO BE ABLE TO IMPOSE A TAX THAT WOULD BE SOMEWHAT MORE REASONABLE FOR PLEASURE BOATS & THEN AS THE VESSELS GET LARGER AN ADDITIONAL TAX

SHARP THAT'S WHY I WAS URGING TO RETURN IT TO THE ORIGINAL LANGUAGE ... ALLOWED COMMUNITY TO SET UP A LIMITATION ON TONAGE BUT DETERMINE THE RATES ... URGE IF YOU CHANGE IT, TO ~~CHANGE TO~~ RETURN DECISION TO BE MADE LOCALLY

BYLSMA IN YOUR COMMENTS ABOUT MR. WILES TESTIMONY, YOU SAID THAT IN A COMMUNITY IF

THEY WANT TO HAVE A REFINERY OR A COMMERCIAL VENTURE, THAT WOULD STILL BE CONSIDERABLY DIFFERENT THAN THAT COULD BE MOVED SOMEWHERE ELSE WHERE THERE IS A NATURAL RESOURCE THAT MIGHT BE DEVELOPED. IT'D BE A LITTLE DIFFERENT SITUATION WOULDN'T IT?

SHARP FROM THE JINEAU EXPERIENCE, WHAT LITTLE NATURAL RESOURCE WE HAVE HERE, IT'S MOSTLY GRAVEL. ITS SITE ~~FEATURE~~ PECULIAR THE COMMUNITY HAS TO MAKE A DECISION IF THEY WANT IT MOVED OR NOT. IF PERMIT TO MOVE - THERE'S CONDITIONS. IF IN A RESIDENTIAL AREA, ... THEY'LL NEED AUTHORITY TO PUT RESTRICTIONS ON SO CAN BE COMPATIBLE WITH SURROUNDING PROPERTY AND EXISTING USERS. WITH CHEVRON'S PROPOSAL IT'D BE EXEMPT. THEY CAN DO WHATEVER THEY WANT IN RELATION TO THAT PROPERTY. NEED SOME PROTECTION FROM ADVERSE ACTIVITIES; NEED CONTROL

ANDERSON WHEN YOU TALK ABOUT LIMITING THE CONTROL THE COMMUNITY OR MUNICIPALITY MIGHT HAVE ARE YOU TALKING ABOUT SUCH THINGS AS ORDINANCES

SHARP YES; DOES SAY ANY MUNICIPAL REGULATIONS

O'CONNELL SET ASIDE FOR NOW; ON AGENDA FOR MONDAY + START WORKING ON PROPOSED AMENDMENTS

SB 830 ; SB 836 - THESE ARE IDENTICAL WORDING TO SSHB 723 ; SSHB 724 THAT WE MOVED OUT OF COMMITTEE A COUPLE WEEKS AGO

ANDERSON MADE A MOTION TO MOVE SB 830 OUT OF COMMITTEE

NO DISCUSSION NO OBJECTIONS
MOTION CARRIED UNANIMOUSLY

BYLSMA MADE A MOTION TO MOVE SB 836 OUT OF COMMITTEE

NO DISCUSSION NO OBJECTIONS
MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

April 1, 1982

The Honorable Patrick M. O'Connell, Chairman
House Community & Regional Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative ^{Pat}O'Connell:

RE: CSSB 180 (C&RA)am

This Department is pleased to note that CSSB 180am is being heard by your committee during this week. As you know, the Title 29 rewrite bill is a high legislative priority for this Department and we are hopeful it will receive prompt approval by your committee and the house.

The Department would, however, like to remind you of a concern we have regarding Sec. 29.60.140 (p. 154-155) of the current bill. This section pertains to making State Revenue Sharing payments to Native village governments. The language in this section is identical to present language found in AS 29.89.050. The Department's concerns about this language have been previously noted by the Joint Community and Regional Affairs Committee that worked on the Title 29 bill during the interim. However, that Joint Committee suggested that this language be revised in legislation specifically designed to amend the State Revenue Sharing Program. The Governor's legislation (SB 716/HB 746) to revise State Revenue Sharing substantially alters the process for funding unincorporated communities. We do, of course, hope to see enactment of the Governor's State Revenue Sharing bill as the solution to the present Native village government statute. However, in the event SB 716/HB 746 does not become law we would like to insure that AS 29.60.140 of CSSB 180am be addressed.

The enclosed September 2, 1981 Attorney General's opinion states that AS 29.89.050 is "unconstitutional if read literally to restrict aid to Native villages". The opinion goes on to say that the present law can only be interpreted as constitutional if the payments are made available to all similarly situated unincorporated communities regardless of racial or governmental status. Based on this opinion, the Department made FY 1982 State Revenue Sharing under AS 29.89.050 available on an application basis to all eligible unincorporated communities in the unorganized borough. This places the Department in a position of ignoring a statute, a position we would like to correct as soon as possible.

The Honorable Patrick M. O'Connell
April 1, 1982
Page 2

Another Attorney General's opinion (copy enclosed) identifies an additional problem with AS 29.89.050. Specifically, that unincorporated communities within organized boroughs are not eligible to receive revenue sharing funds. Currently AS 29.89.050 contains no such specific prohibition. Based on this Attorney General's opinion, the Department is not paying revenue sharing funds to unincorporated communities within organized boroughs. Again, however, this puts us in a position of administering a statute in contradiction to its literal interpretation.

To alleviate this situation the Department requests that AS 29.60.140 be
1) deleted from the bill, or as an alternative,
2) amended in such a manner as to make eligible those unincorporated communities of 25 or more in the unorganized borough.

The Department recognizes the need to make a reliable source of funding available to unincorporated communities to provide services and maintain and operate projects constructed with SB 168 funds. However, this Department and the Department of Law have always questioned the propriety of administering a program for unincorporated communities as part of a Municipal Revenue Sharing concept. State Revenue Sharing is also an "entitlement" program and the inclusion of unincorporated communities in an ongoing entitlement program has also been a source of some concern. The Department prefers, as illustrated in the Governor's Revenue Sharing bill, a program whereby unincorporated communities compete by application on the basis of need and merit with other unincorporated communities for a segregated "pot" of funding (i.e. a modified version of the current Rural Development Assistance program authorized in AS 44). The second alternative language suggested above would "legitimize" the manner in which the Department currently administers the present State Revenue Sharing program.

If we can provide you with additional information on this matter, please advise.

Sincerely,

LEE McANERNEY
COMMISSIONER

BY:  Palmer McCarter, Director
Local Government Assistance Division

Enclosures

cc: Senator Don Gilman
Senator Arliss Sturgelowski
Ginnie Chitwood, Alaska Municipal League
Tamara Brandt Cook, Legal Services

3-26-52

CRA

Alan Torche - supports w/ Senate Floor amendments -

- opposes zoning exemption proposal -
- rent control allowed under existing law & Home Rule Charter of Anch.
- & bill would not change that -

Stan Merrill - Mat-Su Borough

- supports
- proposes amendment

Audie Moore - Anch - 1st Assn of Realtors -

- ~~sup~~ wants original 20,33,170 back
- in - waiver of plat payment for large lots

3-29-52 -

Grady Chitwood

- DUL concerned that committees may not be authorized to join together to provide self-insurance for workers' comp. - proposed amendment

Amendment -

- 1) 400 to 600 - Sen. Ferguson: - to stop munic. from taking over REAA's functions - i.e. munic. takes over education functions -

2) temp. law - to allow pending applicants for reclassif. [related to 1]

3)

4) mayor vote in tier - for borough w/ imp. from of govt. - Kotik, Mat-Su, Kodiak, B.B. Hoines.

5) debated - power of munic. to impose mod. uninc. structures -

EXXON COMPANY U.S.A.

POUCH 6601 • ANCHORAGE, ALASKA 99502 (907) 278-4552

ALASKA OPERATIONS
WESTERN DIVISION

R.H. WEAVER
OPERATIONS MANAGER

October 9, 1981

Re: Twelfth Alaska Legislature
Joint House-Senate Committee
& Regional Affairs Committee
SB-180/HB-170 - Alaska
Municipal Code Review

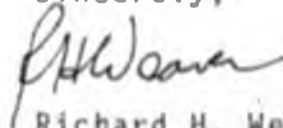
Senator Don Gilman, Co-Chairman
Representative Pat O'Connell, Co-Chairman
Joint House-Senate Community and
Regional Affairs Committee
Alaska State Legislature
Pouch V (MS3100)
Juneau, Alaska 99811

Gentlemen:

Exxon has followed with interest your committee deliberations on the captioned bills since they were introduced the middle part of last February. We would like to offer for your consideration the attached comments and suggestions to those chapters and sections of these bills which you propose to discuss at your October 9 and 10 meeting. Additional comments and suggestions on the chapters you will be considering at later meetings will be submitted at the appropriate time.

We sincerely appreciate your consideration of the attached material. If you should have any questions, please let us know.

Sincerely,



Richard H. Weaver

RHW:raw
Attachments

Sec. 29.25.020. ORDINANCE PROCEDURE.

Presently, the Assembly of a municipality is only required to give five day's notice before enacting an ordinance. The proposed revisions to Title 29 would not change this five-day requirement. Therefore, we would suggest that Section 29.25.020 of the revised Title 29 be amended to require that the hearing follow publication by at least 30 days. This time period would give interested persons an opportunity to review the ordinance and appear at the public hearing. The amendment would be as follows:

(b) (4) The hearing follows publication by at least 30 days;

Sec. 29.25.070 PENALTIES.

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. The violation of a municipal ordinance does not require this extraordinary remedy and the provisions for the imposition of a fine or possible imprisonment should be adequate to insure compliance. Injunctive relief should be granted only after these other remedies have proven to be inadequate.

Sec. 29.35.010 GENERAL POWERS.

Subsection (8) of this provision has been amended by the deletion of the following underlined language:

"to acquire, manage, control, use and dispose of real and personal property for a purpose authorized under this title, federal law, or other law, or in accordance with such law..."

This deleted language clearly recognized that federal and state law was to be considered in the management, control and use of this property by the city or borough. The language should be retained so that deletion may not in any way be viewed by a city or borough as a dispensation from the doctrine of pre-emption by federal or state entities.

Sec. 29.35.050. GARBAGE AND SOLID WASTE SERVICES.

Sec. 29 35.050 of the proposed revisions states that a municipality may provide for a system of garbage and solid waste collection and may require all persons within the municipality to use the system and to dispose of their garbage and solid waste as provided in the ordinance. Because of the remoteness of our locations, which may require sanitary waste facilities, we would propose that the following language be added to subsection (2) to allow for exceptions to a municipality's exclusive service right, provided certain conditions are met:

(2) Require all persons within the municipality or district to use the system and to dispose of their garbage and solid waste as provided in the ordinance. An exception to this requirement will be allowed if a person can demonstrate that he has adequate facilities for disposal of garbage and solid wastes and that such facilities are in compliance with all lawful laws and regulations.

Sec. 29.35.090 BUDGET AND CAPITAL PROGRAM.

Adequate public notice should be given of the hearing required by this section. The language in subsection (a) should specifically state what the notice shall contain and how the notice is to be published.

In addition, provision should be made for a period for public comment or a public hearing to be held prior to any non-emergency appropriation by the governing body.

Sec. 29.35.250. CITIES INSIDE BOROUGHS.

Clarification is needed in this section on the question of whether a city's power absolutely ceases once the borough exercises a similar power. A conflict currently exists between the literal interpretation of this statute and the provisions of AS 29.48.035(b) which provides that a city and borough may concurrently exercise a power if the borough agrees to the exercise.

Sec. 29.35.320. INITIATION OF ACQUISITION OF POWER.

This section proposes to delete from existing law the provision that a public hearing be held on the question of the ability of the borough to exercise the power to be acquired.

We recommend that this provision be retained in the revised Title 29 in that it serves a useful public service in apprising concerned parties of any changes in borough authority.

Sec.29.40.010. PLANNING, PLATTING AND LAND USE REGULATION.

We suggest the following addition to subsection (b) to provide:

"The Assembly may, by ordinance, without first obtaining the consent of the city, revoke any power or responsibility delegated under this section."

Any revocation by the Assembly of a power previously delegated to a city should be by ordinance to insure that the public will have an opportunity to comment at the required public hearing.

Sec. 29.40.020. PLANNING COMMISSION.

The proposed revisions to this chapter greatly enlarge the authority of the Planning Commission. Existing law calls only for the commission to prepare a Zoning Ordinance to implement the Comprehensive Plan, but this section would empower the Planning Commission to administer measures necessary to implement the Plan. This broad delegation of authority is unnecessary.

The powers of the Planning Commission should be firmly set by statute and enumerated in this section.

Sec. 29.40.030. COMPREHENSIVE PLAN.

This section provides for a "periodic" review of the Comprehensive Plan by the Assembly, based on recommendations from the Planning Commission. We believe that each Assembly should establish a definite time for these mandatory reviews. Existing law requires they be held every two years, however, each Assembly should have the discretion to determine a schedule in accordance with the particular needs or requirements of the municipality. In addition, a public hearing or a period for public comment should be provided so that the Assembly may consider the views of the public as well as that of the Planning Commission.

Sec. 29.40.040. LAND USE REGULATION.

Insofar as this section vests in the Assembly much greater authority over land use than currently exists, we suggest that the statute be revised by the addition of the following subsection:

(c) An ordinance adopted or amended under (a) of this section may not preclude or otherwise impede an activity authorized under a permit issued by a state regulatory agency or department having jurisdiction over the activity.

Sec.29.40.050. APPEALS FROM ADMINISTRATIVE DECISIONS.

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

Sec. 29.40.060. JUDICIAL REVIEW.

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:

- (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.

Sec. 29.40.120. NOTICE OF HEARING.

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.

Sec.29.40.170. REMEDIES.

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.

RS/TRH/009a
10/5/81

TITLE 29 - MUNICIPAL CODE REVISIONS
SUGGESTIONS FOR ADDITIONS OR CHANGES TO

- Ch. 25 - Municipal Enactments
- Ch. 26 - Elections
- Ch. 35 - Municipal Powers and Duties
- Ch. 40 - Planning, Platting, and Land
Use Regulations
- Ch. 47 - Municipal Debt
- Ch. 65 - General Land Grant
- Ch. 71 - General Provisions

29.25.010(a)(4) (Department of Community & Regional Affairs)

Why should supplemental or transfer appropriations be excluded?

29.25.060 (JoAnne Shanley)

"Relates to resolutions and states the section is applicable to Home Rule municipalities. However, this section is not cited under Sec. 29.10.110, 'Limitation of Home Rule Powers.'"

29.26.050 (JoAnne Shanley)

"This section has been amended by the addition of a requirement that a person be registered to vote in the precinct (or service area?!) in which he seeks to vote. However, the section still does not address residency in a district, precinct or service area. The AAMC in November drafted language which was forwarded to the Policy Advisory Committee which would have required an elector to be registered and a resident of the State, district, municipality, service area and/or precinct in which he seeks to vote.

"Without more specific language, clerks feel that there is a legal conflict with not counting questioned ballots of persons who are registered but who have moved to another area and not filed a change of address card.

"In small communities where voter turn-out is small, elections close, and everyone knows where everyone else lives, this is an important issue."

29.26.060 (JoAnne Shanley)

"I found the language in this section regarding majority election extremely cumbersome."

29.26.100 (Peter Hallgren)

This section reserves the powers of referendum and initiative to the residents of a municipality and is a limitation on home rule municipalities. Immediately following are a number of sections (Sec. 29.26.110 et seq.) which give the statutory procedures for referenda and initiatives. It is unclear whether these procedures are also limitations on home rule power to act otherwise.

29.26.120 (Tam Cook, Legislative Counsel)

This section "was inadvertently included in this bill. It is a section currently in Title 29 which conflicts with the changes made in the initiative and referendum process by this bill."

29.26.130 (JoAnne Shanley)

"Relates to the contents of an initiative or referendum petition. The AAMC is concerned with this section and urges clarifying language to establish that the petitioners are responsible for drafting the issues and the clerk only is responsible for supplying the petition format.

"Suggested language:

"(1) 'a summary of the bill to be initiated or the act to be referred, as submitted by the sponsor/s and reviewed and approved by the city attorney if applicable (to insure that the summary as submitted is not unclear or misleading)

"(2) the complete ordinance or resolution sought to be initiated or referred as submitted by the sponsor/s.'"

29.26.140 (JoAnne Shanley)

"Regarding signature requirements on petitions (b) states 'The clerk shall determine the number of signatures required on a petition and inform each sponsor.'

"The AAMC discussed this section and some concern was voiced that in larger municipalities there might be an overwhelming number of 'sponsors' which might pose a

problem when trying to contact all of them and coordinate the petition process. A suggestion was made that a maximum of 3-5 people be designated 'spokesmen' or 'coordinators' and the clerk, by contacting these individuals, would meet the requirements of law."

29.26.150 (JoAnne Shanley)

"Addresses the sufficiency of a petition. It states that 'Within 10 days after the date the petition is filed, the municipal clerk shall certify on the petition whether it is sufficient.'

"This section neglects to establish the time frame and means by which the clerk shall notify the sponsors of the sufficiency or insufficiency of the petition.

"Should also be clarified regarding the 'date on which the petition is rejected.' Is this the date the petitions are notified by certified mail?"

29.26.200 (JoAnne Shanley)

"Provides that an ordinance/resolution which was subject of a successful initiative election may not be repealed within one year BUT MAY BE AMENDED. Is there some way to place some controls on the amendment procedure whereby those amendments could not have the effect of creating 'lame duck,' ineffectual legislation?"

29.26.280 (JoAnne Shanley)

"See comments under 29.26.140 regarding number of sponsors.

"(b), last sentence

"I would support the addition of the word 'registered' because it takes the burden of proof off the clerk to prove that someone is residing in an area although the voter registration list indicates that he is registered in another area.

"If a petition seeks to recall an official who represents a district, the petition shall be signed by a number of the voters registered and residing within the district (or service area) equal to 35 percent of the number of votes cast in the district (or service area) for that office at the last regular election held before the issuance of the petition."

29.26.290 (JoAnne Shanley)

"See comments under 29.26.150 regarding a method whereby the clerk notifies the petitioners of the sufficiency or insufficiency of a petition."

29.26.310 (JoAnne Shanley)

"The word 'immediate' poses some problems. Does this mean the calling of a special meeting? What about substituting wording such as 'at the next regularly-scheduled meeting.'?"

29.26.350(c) (Department of Community & Regional Affairs)

Add "Appointments to fill vacancies are for the unexpired term."

more

29.35.200, 210, .250, .260, .170 (Tam Cook)

While SB 180 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.

29.35.210(a) (Tam Cook)

A paragraph was omitted from Sec. 29.35.210(a): "(9) tax, spend and regulate for the purpose of promoting economic development." A second class borough would be authorized to exercise this power on a nonareawide basis. No similar provision currently exists in Title 29.

29.35.250, .260 (Dept. of Community and Regional Affairs)

This provision seems 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.

29.35.260(c) (Tam Cook)

Incorrectly refers to AS 29.35.180, when it should refer to AS 29.35.190.

29.40.010 (Leo Rhode, Mayor of Homer)

(HB 170 or SB 180) has language which greatly improves the latitude in which this exchange may transpire i.e., "the City must first consent by ordinance to the delegation." Currently Title 29 allows no prerequisite affirmation by the City.

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

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

29.40.150 (Richard 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 - paragraph (34).

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.

29.35.020 (JoAnne Shanley, Seward City Clerk)

Regarding the control of watersheds outside a municipality's boundaries:

"Before this power may be exercised within the boundaries of another municipality, the approval of the other municipality must be given by ordinance."

A request had been made that some wording should be added similar to "such approval cannot be unreasonably withheld"; or, better still, "such approval cannot be withheld unless the other municipality is attempting to control the watershed."

A case in point is Homer. The city is trying to protect its watersheds located outside the city limits but within the boundaries of the Kenai Peninsula Borough. The Borough has refused to allow Homer to proceed with their plans but also refuses to take any action to protect the watershed.

29.35.170 (Richard Hallgren, Sitka Borough Mayor)

Page 77 - 29.35.170 - wishing to tie in all of this as mandatory in home rule municipalities. As it relates to 29.45.

29.35.190 and 29.10.110 (Dept. of Community & Regional Affairs)

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.

Re: Memo of 9/22/81 .

A M E N D M E N T S

TO: SB 190 and HB 170

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

1 Page 1, line 11:

2 Delete "division of lands" and insert "Department of Natural Resources"

3 Page 6, line 8:

4 Delete "hearing" and insert "informational meeting"

5 Page 6, line 9, after "incorporation.":

6 Insert "The department shall publish notice of the meeting."

7 Page 12, line 26:

8 Delete "EXCLUSION" and insert "DETACHMENT"

9 Page 12, line 28, after "It":

10 Insert "may reject the proposed change, accept the proposed change, or
11 alter the boundaries and accept the proposal as altered. A Local Bound-
12 ary Commission decision under this subsection may be appealed under the
13 Administrative Procedure Act (AS 44.62)."

14 Page 12, line 29, before "may":

15 Insert "(b) The Local Boundary Commission"

16 Page 12, line 29:

17 Delete "proposed changes" and insert "a proposed municipal boundary
18 change"

19 Page 13, line 5:

20 Delete "(b)" and insert "(c)"

21 Page 13, line 6:

22 Delete "AS 44.19.260" and insert "AS 44.47.560"

23 Page 13, line 7:

24 Delete "exclusion" and insert "detachment"

25 Page 13, line 11:

26 Delete "exclusion" and insert "detachment"

27 Page 13, line 12:

28 Delete "excluded" and insert "detached"

29

1 Page 13, line 18:

2 Delete "(c)" and insert "(d)"

3 Page 13, line 18, after "(a)":

4 Insert "and (b)"

5 Page 19, lines 3 - 5:

6 Delete "the home rule or general law borough and all cities within it
7 shall unite to form a single unit of home rule government" and insert "a
8 charter commission shall be formed to prepare a proposed unification
9 charter"

10 Page 19, lines 7 - 8:

11 Delete "on the question of unification"

12 Page 19, line 10:

13 Delete "unification" and insert "formation of a charter commission"

14 Page 19, line 13:

15 Delete "UNIFICATION" and insert "FORMATION OF CHARTER COMMISSION"

16 Page 19, line 14:

17 Delete "unification" and insert "the question of formation of a charter
18 commission"

19 Page 19, lines 18 - 19:

20 Delete "unification" and insert "the formation of a charter commission"

21 Page 19, line 20:

22 Delete "unification" and insert "the formation of the commission"

23 Page 19, line 21:

24 Delete "unification" and insert "formation of a charter commission"

25 Page 22, line 13:

26 Delete "publish" and insert "have"

27 Delete "by radio and television"

28 Page 22, lines 14 - 16:

29 Delete "in a manner intended to apprise the entire borough population of

- 1 the existence of the proposed charter" and insert "published"
- 2 Page 23, line 2, after "is ratified,"
- 3 Insert "election results shall be certified to the commissioner and"
- 4 Page 26, line 11, after "DECISION.":
- 5 Insert "(a)"
- 6 Page 26, following line 14: Insert:
- 7 "(b) A Local Boundary Commission decision under this section may
- 8 be appealed under the Administrative Procedure Act (AS 44.62)."
- 9 Page 29, line 25:
- 10 Delete "AS 29.10.010 - 29.10.115 (home rule municipalities)" and insert
- 11 "AS 29.10.080 (charter amendment)"
- 12 Page 30, line 5:
- 13 Delete all material and renumber following paragraphs accordingly.
- 14 Page 30, following line 11: Insert:
- 15 "(19) AS 29.25.060 (resolutions)"
- 16 Page 30, line 26:
- 17 Delete "AS 29.35.330(c)" and insert "AS 29.35.330(b)"
- 18 Page 37, line 17:
- 19 Delete "on a proposed form of representation"
- 20 Page 37, lines 18 - 20:
- 21 Delete "its composition and the form of assembly representation, and, if
- 22 applicable, the apportionment of assembly seats which corresponds to the
- 23 proposed form of representation which received the most votes at the
- 24 election" and insert:
- 25 "(1) composition of the assembly;
- 26 (2) the form of assembly representation which received the
- 27 majority of the votes; and
- 28 (3) if applicable, the apportionment of assembly seats in
- 29 accordance with the form of assembly representation which received the

1 majority of the votes"

2 Page 42, following line 18: Insert:

3 "A limit may not be placed on the number of terms that a voter may serve
4 on the governing body."

5 Page 44, lines 17 - 18:

6 Delete all material

7 Page 45, line 23:

8 Delete "BOROUGH" and insert "MUNICIPAL"

9 Page 46, line 21, after "serve":

10 Insert "except by ordinance ratified by the voters. The governing body
11 may not limit the number of consecutive terms a mayor may serve except
12 by ordinance ratified by the voters"

13 Page 55, line 16:

14 Delete "chapters" and insert "sections"

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Cook
Re: Memo of 10/15/81

A M E N D M E N T S

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

TO: SB 180 and HB 170

1 Page 28, lines 12 - 19:

2 Delete all material

3 Page 30, line 14, after "AS 29.26.100":

4 Insert "- 29.26.205"

5 Page 56, line 1:

6 Delete "except" and insert "including"

7 Page 59, line 6:

8 Delete "city or borough" and insert "municipality"

9 Page 61, lines 4 - 5:

10 Delete all material

11 Page 61, line 6:

12 Delete "(c)" and insert "(b)"

13 Page 62, line 3:

14 Delete "city or borough" and insert "municipality"

15 Page 62, line 7:

16 Delete "(a)"

17 Page 62, lines 11 - 12:

18 Delete all material

19 Page 62, line 29:

20 Delete all material

21 Page 63, lines 1 - 2:

22 Delete all material

23 Page 63, line 10, after "referred":

24 Insert "as submitted by the sponsors"

25 Page 64, line 21, after "shall":

26 Delete all material and insert:

27 "(1) certify on the petition whether it is sufficient; and

28 (2) if the petition is insufficient, identify the insuf-

29 ficiency and notify the sponsors by certified mail."

1 Page 64, line 22:

2 Delete all material

3 Page 66, line 18, after "repealed":

4 Insert "or amended"

5 Page 66, lines 20 - 21:

6 Delete "The ordinance or resolution may be amended at any time."

7 Page 66, following line 29:

8 Insert:

9 "Sec. 29.26.205. APPLICATION. AS 29.26.100 - 29.26.205 apply to
10 home rule and general law municipalities."

11 Page 67, line 4:

12 Delete "six months" and insert "the first 120 days"

13 Page 69, line 5, after "shall":

14 Delete all material and insert:

15 "(1) certify on the petition whether it is sufficient; and,

16 (2) if the petition is insufficient, identify the insuf-

17 ficiency and notify the sponsors by certified mail."

18 Page 69, line 18:

19 Delete "immediately"

20 Page 69, line 18, after "body":

21 Insert "at the next regular meeting or at a special meeting called for
22 the purpose before the next regular meeting"

23 Page 70, line 26, after "vacancies":

24 Insert "in accordance with AS 14.12.070"

25 Page 71, line 15:

26 Delete "cities and boroughs" and insert "municipalities"

27 Page 72, line 9:

28 Delete "city and borough" and insert "municipality"

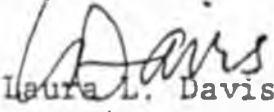
29

MEMORANDUM

State of Alaska

TO Hon. Lee McAnerney, Commissioner DATE September 2, 1981
Dept of Community & Regional Affairs
FILE NO J-66-829-81
ATTN: Palmer McCarter, Director
Div. of Local Gov't Asst TELEPHONE NO. 465-3600

FROM WILSON L. CONDON SUBJECT: State financial aid
ATTORNEY GENERAL to benefit unincor-
pated communities

By: 
Laura L. Davis
Assistant Attorney General

By your memoranda of May 17 and June 12, 1981, you have asked us to address a number of questions related to state financial assistance to benefit unincorporated communities. First, as to your authority to distribute money to unincorporated villages under AS 29.89.050, we believe that statute to be unconstitutional if read literally to restrict aid to Native villages. We also believe that the statute may be construed in a constitutional manner by severing the words "Native" and "government" and the definition of "Native village government." Second, with regard to state financial aid to unincorporated communities in general, we will discuss the relevant constitutional principles which apply to the questions you have raised.

AS 29.89 provides for annual revenue sharing with municipalities (for roads, AS 29.89.020), operators of health facilities and hospitals (AS 29.89.030), volunteer fire departments in the unorganized borough (AS 29.89.040), and Native village governments (AS 29.89.050). As discussed in our memorandum of April 27, 1981, aid to Native village governments raises serious issues under (1) article IX, section 6 of the Alaska Constitution which prohibits expenditure of public money unless the expenditure is for a public purpose; (2) article I, section 1, which accords equal protection to all persons; and, (3) article X, section 2, which provides for the exercise of local governmental powers only by cities and boroughs which are incorporated under state law.

We stated that the public purpose requirement was satisfied if the money were used for public benefit, and not for the private benefit of a racially exclusive group. We also indicated that a local organization could receive and spend state money for the benefit of a community without becoming a de facto unit of local government. As to equal protection, we stated that the distribution of state money to a racially exclusive organization did not deny equal protection to persons who are not members of the organization, if benefits provided with the funds were made available to the public at large.

September 2, 1981

However, as we noted, the payment of state money under AS 29.89.050 only to those unincorporated communities which are identified as Native villages does exclude from participation a number of similarly situated communities which are not Native villages. The first inquiry necessary to determine if a statute is valid under Alaska's equal protection test is whether the statute has a legitimate purpose. State v. Erickson, 574 P.2d 1 (Alaska 1978).

Of the three possible purposes for AS 29.89.050 which we have identified, the only legitimate one is to provide public services to residents of unincorporated communities. */ If the statutory purpose were illegitimate under the Alaska Constitution, the statute would be unenforceable. There is a heavy presumption in favor of the constitutionality of any statute. SUTHERLAND STATUTORY CONSTRUCTION § 45.11.

Assuming that the legislature intended by AS 29.89.050 to provide public services to the residents of unincorporated

*/ A purpose to benefit Native villages solely because of the racial ancestry of their inhabitants would not be legitimate in the absence of a special motivation such as compensation for loss of aboriginal property rights. No such special motivation appears to be present here. A purpose to encourage the Native villages to assume the responsibilities of local governmental units would be in conflict with article X, section 2, of the constitution, and thus will not be inferred, despite the use of the term "Native village government."

We note that the Act which added AS 29.89 stated no purpose for that chapter, but did state a purpose for adding the general revenue sharing chapter, AS 29.88, as follows:

It is the purpose of sec. 2 of this Act to

(1) improve the revenue raising and distribution system for the benefit of residents of home rule and general law municipalities by providing for more equitable allocation of financial resources among municipalities to improve their fiscal capacities; and

(2) assure that no municipality suffers impoverishment of necessary public services, relative to other municipalities, because of the chance location of taxable wealth in the state.

September 2, 1981

rated communities, the means chosen are only loosely suited to that purpose because of the existence in the state of a substantial number of unincorporated communities whose residents would not be benefitted by the literal language of AS 29.89.050. Since the distinction is based upon the racial ancestry of the communities, we might conclude that the statute is unconstitutional despite its legitimate purpose. However, we note that the Alaska Supreme Court has held that a statute which denied equal protection by limiting its application to members of one sex (prohibiting prostitution by females) could be construed as constitutional by severing the offending restrictive language, and thereby expanding application of the statute to all persons. Plas v. State, 598 P.2d 966 (Alaska 1979).

The interpretation of AS 29.89.050 presents an analogous problem. The effect of severing the offending restriction to "Native" village "governments," and deleting the definition of that term, is to expand the group of eligible communities to include all "villages." */ Although this interpretation alters the literal wording of the statute significantly and is, therefore, not to be implemented hastily, State v. Campbell, 536 P.2d 105 (Alaska 1975), it does avoid the alternative interpretation that the statute is unconstitutional and void. The law strongly favors the construction of statutes to be consistent with constitutional requirements. State v. Sundberg, 611 P.2d 44 (Alaska 1980); Summers v. Anchorage, 589 P.2d 863 (Alaska 1979). According to Sutherland:

It has even been said that "a strained construction is not only permissible, but desirable if it is the only construction that will save constitutionality."

SUTHERLAND STATUTORY CONSTRUCTION § 45.11 at 34 (footnote omitted). We believe that the interpretation of AS 29.89.050 to authorize grants of state money to all villages is the only interpretation consistent with our constitution.

According to your estimates, the dilution of revenue sharing funds caused by including other unincorporated communities under AS 29.89.050 will not cause significant diminution in the fund allotments. Further, this interpretation

*/ A parallel deletion of "Native" and "government" from AS 29.89.010(b) is also necessary.

September 2, 1981

is consistent with the subsequent action of the legislature in providing for grants to all unincorporated communities. 1981 Alaska Sess. L., ch. 60, § 2. We believe that under the circumstances, the Alaska courts would uphold an administrative interpretation of AS 29.89.050 to permit revenue sharing to all villages in the state, regardless of their racial composition or ancestry.

A question arises as to the meaning of "village" under AS 29.89.050, in the absence of the language limiting it to a Native village organized under federal law. Generally, a village is any discrete and identifiable place where a group of people reside in close proximity, intend to remain in the place indefinitely, and carry on ordinary human social and economic activities as a community. Wyandotte Sav. Bank v. Eveland, 78 N.W.2d 612, 617, 347 Mich. 33; Union Sav. Bank of Patchogue v. Saxon, 335 F.2d 718, 721 (D.C. Cir. 1964). Your administrative regulations interpreting and implementing chapter 60, SLA 1981 should provide appropriate guidelines for both that Act and for AS 29.89.050.

Your memorandum of May 17 asked a number of questions regarding your assistance to local governments and to communities in the unorganized borough. Generally, the three constitutional principles discussed above should guide your conduct. You must administer money under your control in order to ensure that it is spent to achieve a public purpose. This requires active supervision of all grants and contracts, especially those transferring money to an organization other than a municipal government. Village and regional Native corporations are not incorporated as cities or boroughs and are not considered to be local governments under state law.

The equal protection provision requires that you administer your programs in order to provide similar treatment for people or organizations which are similarly situated, unless there is a very strong reason for treating them differently. The distinction between a municipality and an unincorporated village is created by the Alaska Constitution. This different treatment of municipalities is justified because of their status and duties as governmental entities. For example, the state may make general revenue sharing grants to municipalities, to be used at the discretion of the municipal government. The public purpose requirement is met by the operation of state law and the Alaska Constitution controlling the activities of municipal governments. The state may not make general revenue sharing grants to non-governmental entities. In administering the grants to villages under AS 29.89 and to unincorporated communities under chapter 60,

Palmer McCarter, Director
C&RA - Local Gov't Assistance

- 5 -

September 2, 1981

SLA 1981, you must ensure that the money is spent to achieve a public purpose.

The local government article of the Alaska Constitution (article X) provides for the exercise of local government powers by cities and boroughs and for the provision of services by multi-purpose service areas. In administering services in the organized borough, the state may contract with any entity capable of providing the needed service, as long as the contractor is actively supervised by the state, and not permitted to become de facto, a local government.

You are not absolutely prohibited by the constitution from contracting for the delivery of services by profit-making corporations or by Native organizations which may have sovereign status, if the services are necessary and no other capable and responsible contractor is available. However, it would be inconsistent with your duties as an administrator of public funds, to contract with these organizations if another more responsible and capable contractor is available. An entity which may be immune from contract enforcement because of its sovereign status should be considered less responsible to accept a state grant than any corporate entity.

We will defer your request for an authoritative statement of the powers of tribal governments for the time being, and hope that these general guidelines are adequate to resolve your immediate problems.

LLD/pjg

CHAPTER 44. UNINCORPORATED COMMUNITY AID ACCOUNT.

Section

10. Application
20. Determination of qualified communities
30. Determination of qualified recipients
40. Operating expenses defined
50. Financial reporting

19 AAC 44.010. APPLICATION. (a) Application to participate in the distribution of funds from the unincorporated community aid account must be made on forms prescribed by the department.

(b) An application received after May 15 will be considered for payment during the following fiscal year. (Eff. / / , Reg.)

Authority: Ch. 63, SLA 1981
AS 44.47.050(6), (8),
(9), (11), (13) and (14)
AS 44.47.990

19 AAC 44.020. DETERMINATION OF QUALIFIED COMMUNITIES

(a) A place in the unorganized borough is considered an unincorporated community in which 25 or more persons reside as a social unit if the place satisfies at least three of the following factors

(1) the place is recognized as a census designated place by the U.S. Bureau of the Census and the residents consider themselves a discrete social unit,

(2) the persons reside in close proximity to the place and intend to remain there permanently,

(3) an operating school is located in the place which has students enrolled who reside in the vicinity of the place,

(4) at least one commercial establishment is located in the place, or

(5) there is more than one source of employment in the place,

(b) The following places with 25 or more residents in

the unorganized borough are not considered a community and are not eligible for a grant from the unincorporated community aid account:

(1) a place where the public does not have unrestricted access, including the right to move to the place and reside there;

(2) a place within three miles of the corporate limits of a municipality which

(A) exists primarily as a suburb to the municipality; and

(B) is dependent upon the municipality to the extent that it exists only because the municipality is present; or

(3) a place provided by an employer for persons who are required to reside there as a condition of their employment and who do not consider the place to be their permanent place of residence.

(c) In this section,

(1) "employment" includes subsistence activity; and

(2) "employer" includes the state or federal government. (Eff. / / , Reg.)

Authority § 6(4), ch 60, SIA 1981
AS 44.47.050(e), (8),
(9), (11), (13) and (14)
AS 44.47.980

19 AAC 44.030. DETERMINATION OF QUALIFIED RECIPIENTS.
If more than one entity is qualified to receive and expend a grant from the unincorporated community aid account, the department will, in its discretion, select the most qualified entity after considering the following factors

(1) the purpose for which the entity is incorporated or federally recognized,

(2) the extent to which the entity represents the community and the collective views of all residents of the community;

Register , COMMUNITY AND REGIONAL AFFAIRS 19 AAC 44.050

Authority: Ch. 60, SLA 1981
AS 44.47.050(6), (8),
(9), (11), (13) and (14)
AS 44.47.980

CHANGES TO TITLE 29 ADOPTED IN 1981 AND NOT REFLECTED IN SB 180, HB 170

AS 29.18.204(c) (amended by sec. 1, ch. 113, SLA 1981) (See Sec. 29.65.030)

(c) Land may be selected or nominated for selection by a municipality to satisfy a general grant land entitlement under AS 29.18.201 and 29.18.202 at any time before October 1, 1980. However, if a municipal selection or nomination or a part of a municipal selection or nomination is rejected by the director, the municipality may, not later than 90 days after receipt of the director's rejection, select additional state land as necessary to satisfy its entitlement.

AS 29.33.150(b) (amended by sec. 2, ch. 113, SLA 1981) (See Sec. 29.40.180)

(b) The regulations adopted under (a) of this section apply to subdivision plats of undeveloped state land for disposal under AS 38.05 or AS 38.08 filed with the platting board. The [, EXCEPT THAT THE] platting board may not disapprove the subdivision plat on the basis of [OR ADOPT] regulations which require [THE STATE TO CONSTRUCT ACCESS ROADS OR] capital improvements on or to state land included in the subdivision plat. Regulations adopted after the platting board is notified by the commissioner of natural resources of a proposed sale of subdivided state land under AS 38.05 or AS 38.08 do not apply to the state land in the proposed sale.

(See Sec. 29.40.180)

AS 29.33.150(c) - (g) (added by sec. 3, ch. 113, SLA 1981)

(c) The platting board must approve and sign the subdivision plat within 60 days of its receipt from the commissioner of natural resources unless the platting board

(1) determines that the plat does not comply with subdivision regulations other than those requiring capital improvements to state land; and

(2) notifies the commissioner of each determination of non-compliance within the 60-day period established in this subsection.

(d) The commissioner of natural resources may withdraw the subdivision plat and amend it in response to the determination of non-compliance by the platting board under (c) of this section. The platting board shall respond within 30 days to the amendment or response from the commissioner of natural resources.

(e) Notwithstanding any other provision of law, the provisions of (b) - (f) of this section apply to all disposals of land under AS 38.05 or AS 38.08.

(f) Nothing in this section relieves the Department of Natural Resources of its obligation to provide legal access to the subdivision.

(g) As used in this section, "capital improvements" includes but is not limited to access roads, other physical improvements, and their design and engineering.

AS 29.48.027(8) (added by sec. 12, ch. 38, SLA 1981) (See Sec. 29.35.210(a))

(8) provide for the acquisition and construction of local service roads and trails under AS 19.30.111 - 19.30.251.

AS 29.48.020(9) (added by sec. 1, ch. 107, SLA 1981)

(9) establish an emergency communications center under AS 29.73.080.

AS 29.73.080 (added by sec. 2, ch. 107, SLA 1981) (New Section)

Sec. 29.73.080. EMERGENCY SERVICES COMMUNICATIONS CENTERS. (a)

A municipality may establish an emergency services communications center with one or more other municipalities and one or more state, federal, or private agencies that provide emergency service communications to the same geographic area. An emergency services communications center established under this section may be organized and operated as a public nonprofit corporation under AS 10.20.

(b) An emergency services communications center under this section may be governed by a board of directors. A member of a board of directors of an emergency services communications center serves without compensation but is entitled to per diem and travel expenses. If an emergency services communications center is organized as a nonprofit corporation, a member of its board of directors may not be employed by the nonprofit corporation.

(c) An emergency services communications center may assess the feasibility and desirability of providing emergency services communications for the geographic area in which it is located through one central office. An emergency services communications center may

(1) combine or coordinate the existing emergency services communications programs of the participating municipalities and agencies;

(2) operate a dispatch center to receive all requests for emergency services and dispatch those services;

(3) study the need for improvement in the timely delivery of

emergency services to residents of the participating municipalities;

(4) hold public hearings to obtain information concerning the timely delivery of emergency services;

(5) apply for and accept federal, state, municipal, and private money, property, or assistance for use in providing the timely delivery of emergency services;

(6) enter into contracts to carry out the provisions of this chapter;

(7) employ personnel necessary to carry out the provisions of this chapter.

(d) In this section

(1) "emergency services" means services provided by law enforcement agencies, fire departments, ambulance services, and other organizations that are intended to respond to emergency situations of imminent danger to life or property;

(2) "state agency" means a department, division, or office in the executive branch of state government.

AS 29.89.030(a)(1) (amended by sec. 1, ch. 103, SLA 1981) (See Sec. 29.60.120)

(1) to a municipality which has the power to provide hospital facilities and services and which exercises that power, \$1,000 per bed for each bed actually used for patient care, limited to the number of beds provided for in the construction design of the hospital, or \$250,000 [\$75,000] a hospital for those hospitals with 10 or more beds, or \$50,000 [\$25,000] a hospital for those hospitals with less than 10

beds, as the municipality may elect; money received under this paragraph may be used only for hospitals and shall be apportioned among qualifying hospitals as the municipality determines;

AS 29.89.030(a)(3) (amended by sec. 2, ch. 103, SLA 1981) (See Sec. 29.60.120)

(3) to a municipality in which a health facility is operated, \$2,000 [\$1,000] per bed for each bed actually used for patient care, limited to the number of beds provided for in the construction design of the health facility, or \$8,000 [\$4,000] per health facility as the municipality determines.

AS 29.90.010 (amended by sec. 3, ch. 103, SLA 1981) (See Sec. 29.60.230)

Sec. 29.90.010. STATE AID FOR HOSPITAL AND HEALTH FACILITY CONSTRUCTION. If construction of a hospital began after January 1, 1968, or if construction of a health facility began after January 1, and before July 1, 1980, and state matching aid for construction approved for payment to the municipality or other hospital or health facility sponsor constitutes less than 25 percent of the total project cost, the department shall pay to the municipality or other hospital or health facility sponsor each fiscal year \$2,500 a bed for the maximum number of beds provided for in the construction design of the hospital or health facility or five percent of the total project cost, whichever is greater. State aid provided for in this section shall continue until the municipality or other hospital or health facility sponsor has received an amount which, combined with state matching money for construc-

tion of the hospital or health facility, equals 25 percent of the total project cost. Money received for construction may not be used for any other purpose.

AS 29.90.020 (amended by sec. 4, ch. 103, SLA 1981) (See Sec. 29.60.240)

Sec. 29.90.020. HOSPITAL AND HEALTH FACILITY CONSTRUCTION ASSISTANCE ACCOUNT. The hospital and health facility construction assistance account is established. Money to carry out the provisions of this chapter shall be allocated by the department to the account in accordance with AS 29.95.010. If amounts in the account are insufficient to pay each recipient's share authorized under this chapter, the amounts which are available shall be distributed pro rata among eligible recipients.

AS 29.90.030(4) (added by sec. 5, ch. 103, SLA 1981) (See Sec. 29.60.250)

(4) "health facility"

(A) means a facility that is licensed, when required, by the state under AS 18.20.010 - 18.20.130 and that is owned or operated or both by a municipality or by a nonprofit corporation or other nonprofit sponsor;

(B) includes a public health center, maternity home, community mental health center, facility for the mentally or physically handicapped, nursing home, or convalescent center;

(C) excludes a facility operated or wholly supported by the state or the federal government.

PROPOSED AMENDMENT TO SEC. 29.26.290 INCORPORATING PROVISIONS OF
AS 15.45.610 AND REQUIRING SUPPLEMENTAL SIGNATURES TO BE FILED
WITHIN 10 DAYS. (Re: (15) of memo dated 10/15/81)

Sec. 29.26.290. FILING PETITION. (a) The copies of a recall petition shall be assembled and filed as a single instrument. No petition may be filed within 180 days of the termination of the term of office of the official sought to be recalled.

(b) Within 10 days after the date the petition is filed, the municipal clerk shall certify on the petition whether it is sufficient and, if the petition is insufficient, shall identify the insufficiency and notify the sponsors by certified mail. A petition which is insufficient shall be rejected and filed as a public record, unless it is supplemented under (c) of this section.

(c) A petition may be supplemented with additional signatures obtained and filed within 10 days after the date on which the petition is rejected if

(1) The petition contains an adequate number of signatures counting both valid and invalid signatures; and

(2) the supplementary petition is filed before 180 days of the termination of the term of office of the official sought to be recalled.

(d) Within 10 days after the supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.

Page 68, line 19:

Delete "35" and insert "25"

Page 68, line 24:

Delete "35" and insert "25"

(Note: if this proposal is accepted, Sec. 29.26.150 should be redrafted to use similar language, but with no substantive changes)

PROPOSED AMENDMENT TO SEC. 29.26.350 TO AVOID CONFLICTS WITH SEC. 29.20.180
(Re: (19) of memo dated 10/15/81)

Sec. 29.26.350. SUCCESSORS. (a) If an official is recalled from the governing body, his office is filled in accordance with AS 29.26.180. If all members of the governing body are recalled, the governor shall appoint three qualified persons to the governing body. The appointees shall appoint additional members to fill remaining vacancies in accordance with AS 29.20.180.

(b) If a member of the school board is recalled, his office is filled in accordance with AS 14.12.070. If all members are recalled from a school board, the governor shall appoint three qualified persons to the school board. The appointees shall appoint additional members to fill remaining vacancies in accordance with AS 14.12.070.

(c) If an official other than a member of the school board or governing body is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held not more than 60 days from the date the recall election is certified, except that if a regular election occurs within 75 days after certification the successor shall be chosen at that election.

(d) Nominations for a successor may be filed until seven days before the last date upon which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

PROPOSED AMENDMENT TO SEC. 29.45.050 ALLOWING A MUNICIPALITY TO EXEMPT
CLASSES OF PERSONAL PROPERTY. (Re: (27) of memo dated 11/16/81)

Page 99, following line 22 insert:

"(3) classify personal property for the purposes of taxation and
exempt particular classifications of personal property from taxation."

PROPOSED AMENDMENT TO SEC. 29.45.090 ALLOWING A MUNICIPALITY TO TAX CLASSES
OF PERSONAL PROPERTY AT DIFFERENT RATES. (Re: (27) of memo dated
11/16/81)

Page 94, line 3:

After "the" insert "average"

Page 104, line 15:

After "All" insert "real"

Page 104, line 17:

After "year." insert "A municipality may by ordinance classify
personal property upon which a tax is levied and tax particular
classifications of personal property at different rates."

Page 111, line 21:

Delete "rate" and insert "rates"

Page 111, line 21:

Delete "rate" and insert "rates"

Page 120, line 29:

Delete "rate" and insert "rates"

PROPOSED AMENDMENT TO SEC. 29.35.250 INCORPORATING PROVISIONS OF
AS 29.48.035(b). (Re: suggestion by Lee Sharp)

Sec. 29.35.250. CITIES INSIDE BOROUGHES. (a) A city inside a home rule or general law borough may exercise any power not otherwise prohibited by law. On adoption of a borough ordinance to provide for areawide[~] exercise of a power, no city may exercise the power, unless the borough ordinance provides otherwise or the borough by subsequent ordinance ceases to exercise the power.

(b) This section applies to home rule and general law municipalities.

Page 30, after line 24 insert:

"(32) (cities inside boroughs)"

Re-number accordingly

PROPOSED AMENDMENT REQUIRING REIMBURSEMENT OF STATE AID FOR CONSTRUCTION
IF A FACILITY CEASES TO BE OPERATED AS A NONPROFIT HEALTH FACILITY
OR HOSPITAL. (Re: memo by Palmer McCarter dated 11/13/81)

Sec. 29.60.235. REIMBURSEMENT OF STATE AID. To qualify for state assistance under AS 29.60.230, the municipality or other sponsor shall agree, if the hospital or health facility ceases to operate as a nonprofit hospital or health facility within 20 years after construction of the project is completed, to pay the state an amount of money equal to

- (1) the fair market value of the hospital or health facility at the time it ceases to operate as a nonprofit hospital or health facility;
- (2) multiplied by the amount of state assistance received under AS 29.60.230; and
- (3) divided by the total project cost.

Page 153, line 27:

After "hospital" insert "that is owned or operated or both by a municipality, nonprofit corporation, or other nonprofit sponsor"

A M E N D M E N T SBY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

10: SB 180 and HB 170

1 Page 30, following line 24:

2 Insert

3 "(32) AS 29.35.190 (land use regulation)"

4 Renumber following paragraphs accordingly.

5 Page 31, lines 8 - 10:

6 Delete all material

7 Page 73, line 9:

8 Delete "an authorized" and insert "a"

9 Page 73, lines 9 - 10:

10 Delete "in accordance with" and insert "under the procedures established
11 in"

12 Page 76, line 5:

13 Delete "by the mayor"

14 Page 77, line 7:

15 Delete ", except unified municipalities"

16 Page 77, line 25:

17 Delete "may"

18 Page 77, line 26:

19 After "taxes" insert "that are"

20 Page 78, lines 2 - 4:

21 Delete all material

22 Page 78, line 5, after "REGULATION.":

23 Insert "(a)"

24 Page 78, line 5:

25 Delete "first or second class"

26 Page 78, following line 7:

27 Insert

28 "(b) This section applies to home rule and general law municipali-
29 ties."

1 Page 79, line 9:

2 Delete "receive and expend grants for a public purpose" and insert
3 "provide for economic development"

4 Page 80, line 11, following "boroughs.":

5 Insert "A second class city is not a school district."

6 Page 80, line 14:

7 Delete "AS 29.35.180" and insert "AS 29.35.190"

8 Page 80, lines 15 - 16:

9 Delete "municipalities, except unified municipalities" and insert
10 "cities"

11 Page 81, line 6:

12 Delete "assembly" and insert "borough clerk"

13 Page 81, lines 8 - 11:

14 Delete all material and insert:

15 "(b) The borough clerk shall certify whether a petition filed
16 under (a) of this section contains the required number of signatures.

17 (c) Within 30 days after a petition is certified as containing the
18 required number of signatures or the assembly proposes the acquisition
19 of a power, at least one public hearing shall be held in the borough on
20 the question. The assembly shall then evaluate the ability of the
21 borough to exercise the power and make its findings public. Within 60
22 days after its findings have been made public, the assembly shall order
23 an election on the question."

24 Page 84, line 21, following "may":

25 Insert "by ordinance"

26 Page 85, line 10:

27 Delete "prepare" and insert "review"

28 Page 85, line 13:

29 Delete "prepare" and insert "review"

1 Page 89, line 5:

2 Delete "all lots" and insert "a lot"

3 Page 89, line 6:

4 Delete "tracts" and insert "tract"

5 Page 89, line 11:

6 Delete "and" and insert "or"

7 Page 89, line 15, following "plats":

8 Delete ", and" and insert "and alterations to short plats. The
9 assembly"

10 Page 89, line 17:

11 Delete "A" and insert "Except as provided in AS 29.40.100(b), a"

12 Page 90, line 16:

13 Delete "recorded" and insert "filed"

14 Page 92, line 6:

15 Delete "recorded and insert "filed"

16 Page 92, line 8:

17 Delete "record" and insert "file"

18 Page 92, line 27:

19 Delete "AND POLITICAL SUBDIVISIONS"

20 Page 92, lines 28 - 29:

21 Delete all material and insert:

22 "This chapter applies to subdivision plats of undeveloped state land for
23 disposal under AS 38.05 or AS 38.08, except that the platting authority
24 may not disapprove the subdivision plat on the basis of requirements for
25 capital improvements on or to state land included in the subdivision
26 plat. Requirements for subdivision plats adopted after the platting
27 authority is notified by the commissioner of natural resources of a
28 proposed sale of subdivided state land under AS 38.05 or AS 38.08 do not
29 apply to the state land in the proposed sale."

1 Page 93, line 1:

2 Delete all material

3 Page 93, line 8:

4 Delete "and"

5 Page 93, line 10:

6 Delete the period and insert a semi-colon

7 Page 93, following line 10:

8 Insert

9 "(3) a property tax in a service area for functions limited to
10 the service area."

11 Page 95, line 27:

12 Delete "(a)" and insert "(a)(3) and (4)"

13 Page 99, line 5, following "exceed":

14 Insert "the assessed value of"

15 Page 107, line 22:

16 Delete "who" and insert ". The district recorder"

17 Page 110, line 2:

18 Delete "and amount of taxes"

19 Page 111, line 27:

20 Delete "at the rate of" and insert "not to exceed"

21 Page 112, line 2, following "forms.":

22 Insert "A penalty under this section may be imposed under a formula that
23 increases the amount of the penalty as the length of time increases
24 during which payment is delinquent or assessment forms are not returned."

25 Page 119, line 9:

26 Delete "at any time" and insert "within 10 years and"

27 Page 119, line 13:

28 Delete "at the rate of eight" and insert "not to exceed 15"

29

1 Page 119, following line 20:

2 Insert

3 "Sec. 29.45.480. PROCEEDS OF TAX SALE. (a) Upon sale of fore-
4 closed real or personal property the borough or city shall divide the
5 proceeds less cost of collection, between the borough and the city
6 having unpaid taxes against the property. The division is in proportion
7 to the respective municipal taxes against the property at the time of
8 foreclosure.

9 (b) The former record owner of tax-foreclosed real property which
10 has been held by a municipality for less than 10 years after the close
11 of the redemption period and never designated for a public purpose which
12 is sold at a tax-foreclosure sale is entitled to the portion of the
13 proceeds of the sale which exceeds the amount sufficient to satisfy
14 unpaid taxes, delinquent taxes assessed and levied as if the property
15 had continued in private ownership, penalty, interest and costs of
16 property sold, including costs incurred under AS 29.53.350(a). If the
17 proceeds of the sale of tax-foreclosed property exceed the total of
18 unpaid and delinquent taxes, penalty, interest, and costs, the borough
19 or city shall provide the former owner of the property written notice
20 advising of the amount of the excess and the manner in which a claim for
21 the balance of the proceeds may be submitted. Notice is sufficient
22 under this subsection if mailed to the former owner at his last address
23 of record. Upon presentation of a proper claim, the municipality shall
24 remit the excess to the former record owner. A claim for the excess
25 filed after six months of the date of sale is forever barred."

26 Page 121, lines 25 - 26:

27 Delete "home rule or general law"

28

29

1 Page 122, lines 20 - 21:

2 Delete "A lien established under this section has the force, priority,
3 and duration of a judgment lien." and insert "When recorded, a lien
4 authorized under this section has priority over other liens except those
5 for property taxes and special assessments."

6 Page 122, line 23:

7 Following "collects" insert "only"

8 Page 123, line 14:

9 Delete "(a)"

10 Page 123, lines 18

11 Delete all material

12 Page 143, line 8:

13 Delete "(0.1)"

14 Page 143, line 9, following "the":

15 Insert "per capita"

16 Page 148, line 12:

17 Delete "a Native village government" and insert "an unincorporated
18 community"

19 Page 150, line 27:

20 Delete "NATIVE VILLAGE GOVERNMENTS" and insert "UNINCORPORATED COMMUNI-
21 TIES"

22 Page 150, lines 28 - 29:

23 Delete "a Native village government for a village which is not incor-
24 porated as a city under this title" and insert "an unincorporated com-
25 munity"

26

27

28

29

- 1 Page 151, line 1:
- 2 Delete "Native village government" and insert "unincorporated community"
- 3 Page 151, line 1, following "means":
- 4 Insert "a place in the unorganized borough not incorporated as a city
- 5 and in which 25 or more persons reside within two miles of each other."
- 6 Page 151, lines 2 - 7:
- 7 Delete all material
- 8 Page 168, line 15:
- 9 Delete "(a)"
- 10 Page 168, lines 17 - 18:
- 11 Delete all material
- 12 Page 168, line 19:
- 13 Delete "(a)"
- 14 Page 168, lines 25 - 26:
- 15 Delete all material
- 16 Page 168, line 27:
- 17 Delete "(a)"
- 18 Page 169, lines 3 - 4:
- 19 Delete all material
- 20
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TITLE 29 COMMITTEE MARK-UP

Comments from Steven H. Morrissett

Attorney for the Matanuska-Susitna Borough

The Matanuska-Susitna Borough was probably the only Alaskan municipality to both declare itself malapportioned and change its form of government (from 5 to 7 members) in 1981. AS 29.23.023 and .025, adopted in 1980 are conflicting and create confusion in attempting to follow the statutory process. The following revisions are proposed to correct the conflicts for HB 170:

29.20.070. Delete subsection (d). It conflicts with subsection (b) of AS 29.20.080, which requires an ordinance adopting a plan or plans before submitting it to the voters.

29.20.080. Subsections (b), (d) and (e) appear redundant in part. The following amendments are suggested:

Sec. 29.20.080. ASSEMBLY RECOMPOSITION AND REAPPORTIONMENT

(a) Not later than two months after the official report of a federal decennial census, the assembly shall determine and declare by resolution whether the existing apportionment of the assembly meets the standards of AS 29.20.060.

(b) At other times the assembly may review on its own initiative whether the existing reapportionment of the assembly meets the standards of AS 29.20.050.

(c) [leave as is]

(d) The assembly shall provide, by ordinance, for a change in the existing apportionment of the assembly whenever it determines that the apportionment does not meet the standards of AS 29.20.060. At the same time the assembly may, by ordinance, provide for a change of composition of the assembly. Any change must be submitted to the voters for approval. If the assembly submits to the voters a form of representation which includes election of assembly members under AS 29.20.070(b)(2) or (b)(3) the assembly shall submit with the proposition a proposed plan of apportionment which corresponds to the form of representation proposed. The assembly shall describe the plan of apportionment in the ballot proposition, and may present the plan in any manner which it believes accurately describes the apportionment which is proposed under the form of

representation. If the assembly determines that its existing apportionment meets the standards of AS 29.20.060, it may submit the existing apportionment as a proposed plan of apportionment of assembly seats which corresponds to a form of representation which is proposed. Any change must be approved by a majority of the voters voting on the question, except that if more than one alternative is presented, the alternative receiving the most votes over 40% of the total votes cast shall be adopted.

(e) The assembly shall adopt an ordinance and submit the proposition to the voters within six months from the date on which it determines that the apportionment does not meet the standards of AS 29.20.060. If, at the end of the six-month time period, an ordinance providing for reapportionment has not been approved by the voters, the commissioner shall provide for the reapportionment in accordance with the standards of AS 29.20.060 by preparing an order of reapportionment and delivering the order to the borough mayor.

Changes are suggested in Section 29.45.400, relating to the tax foreclosure redemption periods. The present language would never require tax payments to be brought current. Proposed:

Sec. 29.45.400. REDEMPTION PERIOD.

Properties transferred to the municipality are held by the municipality for at least one year. During the redemption period a party having an interest in the property may redeem it by paying the lien amount including all taxes due plus penalties, interest, and costs, including all costs incurred under AS 29.45.440(a). Property redeemed is subject to all taxes, assessments, liens, and claims as though it had continued in private ownership.

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

Sen. Gilman 4934

November 30, 1981

Hon. Don Gilman
State Senator
Chairman, Senate Committee
on Community and Regional Affairs
Pouch V
State Capitol
Juneau, Alaska 99811

Hon. Pat O'Connell
State Representative
Chairman, House Committee
on Community and Regional Affairs
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Gilman and Representative O'Connell: !

Thank you for giving us the opportunity to comment on committee substitute for HB 170/SB 180, a revision of the existing Title 29 of the Alaska Municipal Code. The slowness of the mails (your letter was dated November 16 and received here on November 23) and the year-end rush prevents us from participating in your calendared hearing for December 5 and 6 in Juneau.

Nevertheless, please let us submit for the record the following comments with respect to the above draft bill:

1. I point out to the Committee that the 1972 revision of the Alaska Municipal Code deleted references to "city" or "borough" (except where required) and used the term "municipality". I do not see the utility of going back to using "city" or "borough", especially when the unified city and borough of Anchorage operates under the technical nomenclature of "Municipality of Anchorage".

2. With respect to AS 29.47.040 and 29.47.120 and 29.47.200, in my opinion a sufficient and full expression of the nature of a general obligation bond or note is that "the full faith and credit of a municipality are pledged". Note that in the first two mentioned sections variant phrases are used (e.g.,

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"a pledge of the full faith, credit and unlimited taxing power of the city and borough" is referred to in AS 29.47.040, line 23, and "the full faith, credit, taxing power and resources" is referred to in AS 29.47.120, line 26. All three sections should be made consistent and an adequate expression is to the "full faith and credit".

3. AS 29.47.180, line 13, the redundant phrase "negotiable or nonnegotiable" should be eliminated.

4. AS 29.47.190, line 16, the term "bond authorization ordinance" has required where applicable that lengthy ordinance proceedings must be undertaken by a municipality prior to submitting a bond proposition to the voters. Unless the Committee feels there are policy reasons for this requirement, the insertion of the term "or resolution" after the word "ordinance" would give municipalities the option to abbreviate this procedure prior to submission of the proposition to the voters.

5. The most important suggestion I would make would be to restore the language of 29.58.200(c) into next section 29.47-.350. This language provides "A municipality may also issue revenue bonds for any lawful purpose. The bonds are payable from any amounts pledged by the municipality except taxes and do not constitute general obligations of the municipality." The analogous provisions of proposed 29.47.350 would require that revenue bonds be payable solely from the revenue and property of the project being financed. This is an unnecessary limitation which was overcome by the above quoted language of 29.58.200(c). The reason for the AS 29.58.200(c) language was twofold:

(1) A municipality might desire to issue revenue bonds secured by the project being financed and another project already constructed. Such bonds would not be general obligation bonds, but would simply be bonds secured by the revenues of more than the project being financed.

(2) Secondly, a municipality might desire to issue industrial development bonds which are not necessarily secured by the project being financed, but are otherwise an obligation of the company on whose behalf the bonds are issued.

Both of these courses of action are desirable, but would be inhibited by the provisions of AS 29.47.350, page 138, lines 27 and 28; page 139, line 6 and line 14. In all these cases, revenue bonds may only be secured by the revenues of the

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projects being financed. Finally, 29.47.350 should more appropriately be made a part of Article 4 or 6 of the Chapter. Perhaps as Section 270 or 460.

Thank you for the opportunity to comment on your proposed revision.

Very truly yours,

WOHLFORTH & FLINT

By _____
Eric E. Wohlforth

EEW:jr

cc: Mr. Robert Berry
Assist nt to Senator Gilman

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LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

April 1, 1982

The Honorable Patrick M. O'Connell, Chairman
House Community & Regional Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative O'Connell:

RE: CSSB 180 (C&RA)am

This Department is pleased to note that CSSB 180am is being heard by your committee during this week. As you know, the Title 29 rewrite bill is a high legislative priority for this Department and we are hopeful it will receive prompt approval by your committee and the house.

The Department would, however, like to remind you of a concern we have regarding Sec. 29.60.140 (p. 154-155) of the current bill. This section pertains to making State Revenue Sharing payments to Native village governments. The language in this section is identical to present language found in AS 29.89.050. The Department's concerns about this language have been previously noted by the Joint Community and Regional Affairs Committee that worked on the Title 29 bill during the interim. However, that Joint Committee suggested that this language be revised in legislation specifically designed to amend the State Revenue Sharing Program. The Governor's legislation (SB 716/HB 746) to revise State Revenue Sharing substantially alters the process for funding unincorporated communities. We do, of course, hope to see enactment of the Governor's State Revenue Sharing bill as the solution to the present Native village government statute. However, in the event SB 716/HB 746 does not become law we would like to insure that AS 29.60.140 of CSSB 180am be addressed.

The enclosed September 2, 1981 Attorney General's opinion states that AS 29.89.050 is "unconstitutional if read literally to restrict aid to Native villages". The opinion goes on to say that the present law can only be interpreted as constitutional if the payments are made available to all similarly situated unincorporated communities regardless of racial or governmental status. Based on this opinion, the Department made FY 1982 State Revenue Sharing under AS 29.89.050 available on an application basis to all eligible unincorporated communities in the unorganized borough. This places the Department in a position of ignoring a statute, a position we would like to correct as soon as possible.

The Honorable Patrick M. O'Connell
April 1, 1982
Page 2

Another Attorney General's opinion (copy enclosed) identifies an additional problem with AS 29.89.050. Specifically, that unincorporated communities within organized boroughs are not eligible to receive revenue sharing funds. Currently AS 29.89.050 contains no such specific prohibition. Based on this Attorney General's opinion, the Department is not paying revenue sharing funds to unincorporated communities within organized boroughs. Again, however, this puts us in a position of administering a statute in contradiction to its literal interpretation.

To alleviate this situation the Department requests that AS 29.60.140 be
1) deleted from the bill, or as an alternative,
2) amended in such a manner as to make eligible those unincorporated communities of 25 or more in the unorganized borough.

The Department recognizes the need to make a reliable source of funding available to unincorporated communities to provide services and maintain and operate projects constructed with SB 168 funds. However, this Department and the Department of Law have always questioned the propriety of administering a program for unincorporated communities as part of a Municipal Revenue Sharing concept. State Revenue Sharing is also an "entitlement" program and the inclusion of unincorporated communities in an ongoing entitlement program has also been a source of some concern. The Department prefers, as illustrated in the Governor's Revenue Sharing bill, a program whereby unincorporated communities compete by application on the basis of need and merit with other unincorporated communities for a segregated "pot" of funding (i.e. a modified version of the current Rural Development Assistance program authorized in AS 44). The second alternative language suggested above would "legitimize" the manner in which the Department currently administers the present State Revenue Sharing program.

If we can provide you with additional information on this matter, please advise.

Sincerely,

LEE McANERNEY
COMMISSIONER


BY: Palmer McCarter, Director
Local Government Assistance Division

Enclosures

cc: Senator Don Gilman
Senator Arliss Sturgelowski
Ginnie Chitwood, Alaska Municipal League
Tamara Brandt Cook, Legal Services

LM/PM/j1/09175

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

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

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

- (1) each tract or parcel of land will have adequate access to a public highway or street;
- (2) each parcel created is five acres in size or larger and that the land is divided into four or fewer parcels;
- (3) the conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development;
- (4) no dedication of a street, alley, thoroughfare or other public area is involved or required.

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

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

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

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

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A M E N D M E N T

Offered in the HOUSE

By the Community and Regional
Affairs Committee

TO: CSSB 180(C&RA) am

Page 31, lines 3 - 29:

Delete all material

Pages 32 - 34:

Delete all material

Page 35, lines 1 and 2:

Delete all materi. 1

Renumber following bill sections accordingly

Page 182, line 29:

Delete "AS 29.18 or AS 29.05, AS 29.14, or AS 29.65," and insert
"AS 29.18.011 - 29.18.460, AS 29.18.510 - 29.18.610, AS 29.05, or
AS 29.65, [AS 29.18]"

Page 187, lines 27 - 29:

Delete all material

Page 188, lines 1 - 26:

Delete all material

Renumber following bill sections accordingly

Page 189, lines 15 - 27:

Delete all material

Renumber following bill sections accordingly

Page 192, line 28:

Delete "AS 29.18" and insert "AS 29.18.011 - 29.18.460"

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Sec. 43.20.015. Individual tax credit

Repealed by § 10 ch 1 SSSLA 1980 and § 9 ch 2 SSSLA 1980, effective September 25, 1980.

Editor's note. — The repealed section, derived from § 1, ch. 144, SLA 1978. For legislative findings and purpose of repealing acts, see § 1, ch. 1, SSSLA 1980, and § 1, ch. 2, SSSLA 1980, in the 1980 Temporary and Special Acts and Resolves.

Sec. 43.20.016 Sharing of corporate income tax revenue with municipalities. (a) There is established within the Department of Revenue the municipal assistance fund. The legislature may appropriate to the fund during each fiscal year an amount equal to or greater than 10 per cent of the income tax revenue received by the state under AS 43.20.011(e) and ch. 21 of this title for the previous fiscal year. The Department of Revenue shall distribute money from the fund to each organized borough and each city of any class on an annual basis as provided in (b) and (c) of this section.

(b) The base amount to be distributed from the fund to each borough and city for the fiscal year shall be the amount received by the borough or city during fiscal year 1978 under AS 43.70.080; however, if the amount appropriated to the fund by the legislature under (a) of this section is insufficient for distribution of the full base amount, the Department of Revenue shall prorate the amount available for distribution on the basis of amounts received during fiscal year 1978 under AS 43.70.080. A city incorporated within an organized borough after June 30, 1977 shall receive as a base amount a share of the amount distributed to the borough in which it is located based on the ratio of population in the city to the total population in the borough. A city incorporated outside an organized borough after June 30, 1977 shall receive as a base amount the amount received by the city in the state most closely approximating it in population at the time of its incorporation. A borough incorporated after June 30, 1977 shall receive as a base amount the amount received by the borough in the state most closely approximating it in population at the time of its incorporation.

(c) If the amount in the fund at the time of distribution exceeds the base amount to be distributed under (b) of this section, the excess amount shall be distributed to each borough and city on the basis of population. For the purpose of this subsection the population of a city within an organized borough shall be deducted from the population of the borough. Population, for the purpose of this section, shall be as certified by the commissioner of community and regional affairs.

(d) The intent of (c) of this section is that local governments which levy property taxes reduce those levies in reasonable proportion to the amount of increased state aid received by a local government. The governing body of each local government shall furnish a notice with the tax statement describing its use of this increased state aid. (§ 2 ch 144 SLA 1978)

Editor's note. — Section 7, ch. 144, SLA 1976, provides: "TRANSITIONAL RULES FOR REVENUE SHARING UNDER THIS ACT. The revenue raised under AS 43.70 which relates to the 1976 calendar year (including the \$25 license fee due March 1, 1978 and the fees on the total gross receipts for 1978 which accompany returns filed in 1979 under AS 43.70.030(d)) is the source of revenue to be

shared in 1979 in accordance with AS 43.70.060. The increase in the corporate income tax which goes into effect in 1979 is the source of revenue to be shared with the municipalities under AS 43.20.016 in 1980 and subsequent years. This Act does not entitle any organized borough or any city of any class to revenue under both AS 43.70.080 and AS 43.20.016, for the same period of time."

Sec. 43.20.017. Individual tax exemptions.

Repealed by § 10 ch 1 SSSLA 1980 and § 9 ch 2 SSSLA 1980, effective September 25, 1980.

Editor's note. — The repealed section derived from § 1, ch. 22, SLA 1980.

For Legislative findings and purpose of repealing acts, see § 1, ch. 1, SSSLA 1980, and § 1, ch. 2, SSSLA 1980, in the 1980 Temporary and Special Acts and Resolves.

In *Williams v. Zobel*, Sup. Ct. Order

(File Nos. 5400-5421), P.2d (Sept. 4, 1980), the supreme court held the tax exemption [AS 43.20.017] enacted by ch. 22, SLA 1980, unconstitutional as violative of the equal protection provision of art. I, § 1 of the Alaska constitution.

Sec. 43.20.021. Internal Revenue Code adopted by reference.

(c) For purposes of calculating the alternative tax on capital gains provided for in the provisions of Internal Revenue Code § 1201, the rate is 4.5 percent for corporations.

(d) Where a credit allowed under the Internal Revenue Code is also allowed in computing Alaska income tax, it is limited to 18 percent for corporations of the amount of credit determined for federal income tax purposes which is attributable to Alaska.

(e) Repealed by § 10 ch 1 SSSLA 1980 and § 9 ch 2 SSSLA 1980.

(f) For the purpose of calculating the minimum tax on tax preferences provided for in §§ 56 — 58 of the Internal Revenue Code (26 U.S.C. §§ 56 — 58), the rate is 18 percent for corporations of the applicable minimum federal tax rate.

(g) For purposes of calculating the accumulated earnings tax as provided in sec. 531 of the Internal Revenue Code, the rate is 4.95 percent of the first \$100,000 of accumulated taxable income and 6.93 percent of accumulated taxable income in excess of \$100,000.

(am §§ 12, 13 ch 113 SLA 1980; am §§ 3—5, 10 ch 1 SSSLA 1980; am §§ 3—5, 9 ch 2 SSSLA 1980)

Effect of amendments.

The 1980 first amendment, effective June 21, 1980, and retroactive to January 1, 1980, in subsection (d), deleted "of the amount of the credit determined for federal income tax purposes" following "is limited to 16 percent", inserted "and fiduciaries," and added "of the amount of credit determined for federal income tax

purposes which is attributable to Alaska"; and added subsection (g).

The second 1980 amendment, effective September 25, 1980, and retroactive to January 1, 1980, deleted "and 4 percent for individuals and fiduciaries" from the end of subsection (c), "16 percent for individuals and fiduciaries and" following "limited to" in subsection (d), and "16

percent for individuals and" (rate is" in subsection (f); subsection (e), which read purpose of calculating the rate on earned income as per § 1348 of the Internal Revenue U.S.C. § 1348), the rate is 9 individuals."

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Sec. 43.20.030. Ret
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(f) Repealed by § 1

(g) Repealed ' / § 1

(am § 2 ch 22 SLA 19
 2 SSSLA 1980)

Effect of amendments.

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
DIVISION OF BUDGET AND MANAGEMENT

REVENUE SHARING & MUNICIPAL ASSISTANCE COMPARISONS

BOROUGH, CITY, VILLAGE	FY81 RS	FY81 MA	FY 81 TOTAL	FY82 RS	SB 125 RS	SB 125 MA	FY 82 REVISED	FY83 RS	FY82 MA	FY 83 TOTAL
BOROUGH, CITY, VILLAGE	\$33,500.0	\$11,400.0	\$44,900.0	\$51,900.0	\$18,400.0	\$45,100.0	115,400.0	\$51,900.0	\$80,500.0	132,400.0
-- (BOROUGH) --	.0	.0	.0	.0	.0	.0	.0	.0	.0	.0
ANCHORAGE MUN.	15,073.6	5,277.2	20,350.8	20,488.7	5,415.1	20,709.6	46,613.4	20,488.7	37,021.4	57,510.1
BRISTOL BAY BOR.	208.5	17.2	225.7	504.0	295.5	170.7	970.2	504.0	278.7	782.7
FAIRBANKS BOR.	1,326.3	622.7	1,949.0	2,745.3	1,419.0	2,325.7	6,490.0	2,745.3	4,171.9	6,917.2
JUNEAU BOR.	1,801.4	417.0	2,218.4	4,155.5	2,354.1	2,453.9	8,963.5	4,155.5	4,176.2	8,331.7
HAINES BOROUGH	9.4	8.4	27.8	48.3	28.9	56.5	133.7	48.3	94.9	143.2
SIIKA BOROUGH	451.7	148.6	600.3	636.8	185.1	890.6	1,712.5	636.8	1,512.1	2,148.9
KENAI BOROUGH	354.7	374.1	728.8	694.7	340.0	1,409.5	2,444.2	694.7	2,532.1	3,226.8
KETCHIKAN BOROUGH	306.5	41.6	348.1	764.5	458.0	506.1	1,728.6	764.5	817.2	1,581.7
KODIAK BOROUGH	308.9	25.0	333.9	562.9	254.0	528.7	1,345.6	562.9	840.4	1,403.3
MAT-SU BOROUGH	978.3	126.6	1,104.9	1,605.4	627.1	1,870.8	4,103.3	1,605.4	2,990.7	4,596.1
NORTH SLOPE BOR.	327.6	1,228.5	1,556.1	670.2	342.6	512.5	1,525.3	670.2	2,015.4	2,685.6
<1ST CLASS CITY>	.0	.0	.0	.0	.0	.0	.0	.0	.0	.0
BARROW	48.3	29.3	77.6	56.6	8.3	275.1	340.0	56.6	450.5	507.1
CORDOVA	269.4	50.7	320.1	531.5	262.1	281.7	1,075.3	531.5	482.0	1,013.5
CRAIG	39.3	6.1	45.4	80.8	41.5	59.4	181.7	80.8	97.2	178.0
DILLINGHAM	116.8	30.4	147.2	266.5	149.7	167.8	584.0	266.5	287.3	553.8
FAIRBANKS	2,994.7	1,106.7	4,101.4	4,301.6	1,306.9	3,695.0	9,303.5	4,301.6	6,775.6	11,077.2
GALENA	53.7	8.7	62.4	94.0	40.3	96.9	231.2	94.0	157.2	251.2
HAINES	75.2	22.7	97.9	156.0	80.8	138.4	375.2	156.0	234.7	390.7
HOMER	107.5	66.3	173.8	209.2	101.7	225.7	536.6	209.2	411.8	621.0
HOONAH	55.4	9.1	64.5	64.9	9.5	110.7	185.1	64.9	178.7	243.6
HYDABURG	19.1	2.6	21.7	26.0	6.9	38.6	71.5	26.0	61.7	87.7
KAKE	41.3	3.8	45.1	88.0	46.7	71.9	206.6	88.0	114.0	202.0
KENAI	312.1	154.5	466.6	650.5	338.4	448.0	1,436.9	650.5	840.5	1,491.0
KETCHIKAN	594.0	225.4	819.4	1,570.3	976.3	926.3	3,472.9	1,570.3	1,644.9	3,215.2
KING COVE	36.4	3.2	39.6	52.5	16.1	74.2	142.8	52.5	116.9	169.4
KLAWOCK	19.8	2.3	22.1	24.0	4.2	40.9	69.1	24.0	64.9	88.9
KODIAK	232.3	173.6	405.9	470.7	238.4	583.1	1,292.2	470.7	1,066.5	1,537.2
KENANA	53.3	13.5	66.8	90.4	37.1	50.9	178.4	90.4	91.5	181.9
KOME	295.3	58.7	354.0	504.3	209.0	293.1	1,006.4	504.3	507.4	1,011.7
NORTH POLE	41.3	32.9	74.2	64.3	23.0	83.4	170.7	64.3	160.6	224.9
PALMER	179.4	58.0	237.4	291.2	111.8	212.3	615.3	291.2	383.1	674.3
PELICAN	21.2	3.3	24.5	37.6	16.4	22.3	76.5	37.6	37.6	75.2
PETERSBORO	259.8	49.8	309.6	523.6	263.8	324.0	1,111.4	523.6	545.8	1,069.4
SAND POINT	60.5	5.9	66.4	114.7	54.2	80.4	249.3	114.7	129.1	243.8
SAINT MARY'S	88.7	1.4	90.1	137.3	48.6	55.6	241.5	137.3	86.8	224.1
SELDOVIA	33.5	6.5	40.0	48.0	14.5	53.5	116.0	48.0	88.4	136.4
SEWARD	258.9	49.0	307.9	402.6	143.7	181.2	727.5	402.6	326.5	729.1
SKAGWAY	52.4	23.3	75.7	95.0	42.6	88.8	226.4	95.0	159.3	254.3
SOLDOTNA	138.7	107.6	246.3	271.0	132.3	239.7	643.5	271.0	474.5	743.5
UNALASKA	194.0	25.8	219.8	422.0	228.0	131.8	781.8	422.0	228.7	650.7
VALDEZ	304.0	376.1	680.1	356.3	52.3	412.1	820.7	356.3	1,007.0	1,363.3
WRANGELL	229.0	45.2	274.2	455.7	226.7	337.0	1,019.4	455.7	561.2	1,016.9
YAKUTAT	28.8	13.5	42.3	57.0	28.2	44.7	129.9	57.0	82.1	139.1

DATE = 4/24/81
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STATE OF ALASKA
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REVENUE SHARING & MUNICIPAL ASSISTANCE COMPARISONS

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<2ND CLASS CITY>	.0	.0	.0	.0	.0	.0	.0	.0	.0	.0
AKHIOK	20.6	.6	21.2	25.4	4.8	10.1	40.3	25.1	16.1	41.5
AKIACHAK	35.4	1.1	36.5	41.5	6.1	35.8	83.4	41.5	56.0	97.5
AKIAK	26.1	.5	26.6	31.9	5.8	21.8	59.5	31.9	34.0	65.9
AKOLMIUT	92.9	1.5	94.4	110.7	17.8	64.9	193.4	110.7	101.0	211.7
AKUTAN	24.7	.4	25.1	30.5	5.8	8.2	44.5	30.5	12.9	43.4
ALAKANUK	38.1	6.3	44.4	51.0	12.9	53.4	117.3	51.0	88.0	139.0
ALEKNAGIK	25.4	.9	26.3	30.9	5.5	23.0	59.4	30.9	36.1	67.0
ALLAKAKET	27.1	.5	27.6	33.1	6.0	21.8	60.9	33.1	34.0	67.1
AMBLER	28.7	1.0	29.7	34.1	5.4	21.9	61.4	34.1	34.6	68.7
ANAKTUVUK PASS	.0	.4	.4	32.8	32.8	17.5	83.1	32.8	27.2	60.0
ANDERSON	28.1	2.3	30.4	33.8	5.7	70.7	110.2	33.8	111.0	144.8
ANGOOK	33.0	4.0	37.0	38.6	5.6	53.4	97.6	38.6	85.7	124.3
ANIAK	78.1	3.9	82.0	94.6	16.5	35.9	147.0	94.6	58.9	153.5
ANVIK	27.1	.3	27.4	33.1	6.0	10.3	49.4	33.1	16.1	49.2
ATMAUTLUAK	31.0	.5	31.5	36.3	5.3	20.2	61.8	36.3	31.5	67.8
BETHEL	332.5	73.3	406.0	422.9	90.4	390.5	903.8	422.9	671.3	1,094.2
BREVIG MISSION	27.1	.5	27.6	33.1	6.0	14.8	53.9	33.1	23.2	54.3
BUCKLAND	26.6	.7	27.3	32.8	6.2	19.0	58.0	32.8	29.9	62.7
CHEFORMAK	26.1	1.0	27.1	31.9	5.8	23.9	61.6	31.9	37.6	69.5
CHEVAK	26.2	1.1	27.3	32.0	5.8	47.4	85.2	32.0	73.7	105.7
CHUATHBALUK	29.4	.6	30.0	34.6	5.2	12.8	52.6	34.6	20.2	54.8
CLARK'S POINT	25.2	.2	25.4	30.8	5.6	9.9	46.3	30.8	15.3	46.1
DEERING	27.1	.7	27.8	33.1	6.0	13.3	52.4	33.1	21.2	54.3
DELTA JUNCTION	39.2	31.0	70.2	42.7	3.5	90.4	136.6	42.7	169.4	212.1
DIOMEDE	6.6	.3	6.9	30.5	23.9	12.6	67.0	30.5	19.7	50.2
EAGLE	22.7	1.1	23.8	27.7	5.0	16.6	49.3	27.7	26.5	54.2
EEL	26.1	.9	27.0	31.9	5.8	22.3	60.0	31.9	35.0	66.9
EKWOK	25.2	.3	25.5	30.8	5.6	11.2	47.6	30.8	17.5	48.3
ELIM	27.1	.8	27.9	33.1	6.0	23.1	62.1	33.1	36.2	69.3
EMMONAK	28.8	4.1	32.9	44.0	19.2	55.2	122.4	48.0	88.7	136.7
FORT YUKON	62.6	7.9	70.5	91.6	29.0	64.5	185.1	91.6	106.7	198.3
FORTUNA LEDGE	27.6	1.0	28.6	32.8	5.2	26.3	64.3	32.8	41.3	74.1
GAMBELL	26.6	2.3	28.9	32.6	6.0	44.2	82.8	32.6	70.0	102.6
GOLOVIN	27.1	.9	28.0	33.1	6.0	11.9	51.0	33.1	19.1	52.2
GOODNEWS BAY	.0	.5	.5	31.6	31.6	25.1	88.3	31.6	39.0	70.6
GRAYLING	10.6	.8	11.4	32.8	22.2	18.3	73.3	32.8	28.8	61.6
HOLY CROSS	28.3	1.5	29.8	33.9	5.6	30.6	70.1	33.9	48.3	82.2
HOOVER BAY	29.6	3.6	29.2	31.6	6.0	60.6	98.2	31.6	96.4	128.0
HOUSTON	67.9	2.4	70.4	79.7	11.8	44.5	136.0	79.7	70.8	150.5
HUGHES	28.1	.3	28.4	33.8	5.7	9.9	49.4	33.8	15.4	49.2
HUSLIA	58.5	1.1	59.6	70.2	11.7	21.4	103.3	70.2	34.0	104.2
KACHEMAK	20.6	1.0	21.6	25.4	4.8	27.4	57.6	25.4	43.0	68.4
KAKTOVIK	26.6	1.3	28.1	32.8	6.2	19.4	58.4	32.8	31.2	64.0
KALIAQ	27.2	.5	27.7	33.2	6.0	26.0	65.2	33.2	40.3	73.5
KASAAM	4.9	.1	5.0	23.6	18.7	4.6	46.9	23.6	7.2	30.8
KIANA	26.6	2.0	28.6	32.8	6.2	35.7	74.7	32.8	54.8	89.6

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
DIVISION OF BUDGET AND MANAGEMENT

REVENUE SHARING & MUNICIPAL ASSISTANCE COMPARISONS

	FY81 RS	FY81 MA	FY 81 TOTAL	FY82 RS	SB 125 RS	SB 125 MA	FY 82 REVISED	FY83 RS	FY82 MA	FY 83 TOTAL
BOROUGH, CITY, VILLAGE	\$33,500.0	\$11,400.0	\$44,900.0	\$51,900.0	\$18,400.0	\$45,100.0	115,400.0	\$51,900.0	680,500.0	132,400.0
AKIVALINA	26.6	.7	27.3	32.8	6.2	25.3	64.3	32.8	39.4	72.2
AKOBUK	27.8	.2	28.0	33.6	5.8	6.1	45.5	33.6	9.5	43.1
AKOTLIK	26.1	1.7	27.8	31.9	5.8	30.9	68.6	31.9	49.0	80.9
AKOTZEBUE	157.9	38.8	196.7	202.4	44.5	256.0	502.9	202.4	430.7	633.1
AKOYUK	26.6	.6	27.2	32.8	6.2	18.0	57.0	32.8	28.2	61.0
AKOYUKUK	27.5	.7	28.2	33.4	5.9	12.5	51.8	33.4	19.8	53.2
AKUPREANOF	19.8	.1	19.9	24.4	4.6	5.5	34.5	24.4	8.4	33.0
AKWETHLUK	26.1	2.3	28.4	31.9	5.8	46.8	84.5	31.9	73.9	105.8
AKLARSEN BAY	20.6	.3	20.9	25.3	4.7	16.0	46.0	25.3	24.8	50.1
AKLOWER KALSKAG	83.5	.6	84.1	97.9	14.4	22.0	134.3	97.9	34.4	132.3
AKMANOKOTAK	25.3	.8	26.1	30.9	5.6	25.3	61.8	30.9	39.5	70.4
AKMCGRATH	38.5	4.0	42.5	47.0	8.5	38.7	94.2	47.0	63.3	110.3
AKMEKORYUK	26.1	.5	26.6	31.9	5.8	17.6	55.3	31.9	27.5	59.4
AKMOUNTAIN VILLAGE	55.1	3.4	58.5	64.5	9.4	55.0	128.9	64.5	87.6	152.1
AKNAPAKIAK	26.8	2.1	28.9	32.4	5.6	28.0	66.0	32.4	45.0	77.4
AKNAPASKIAK	26.1	.5	26.6	31.9	5.8	24.3	62.0	31.9	37.7	69.6
AKNEWHALEN	25.2	.4	25.6	30.8	5.6	10.6	47.0	30.8	16.6	47.4
AKNEW STUYAHOK	25.2	1.0	26.2	30.8	5.6	30.1	66.5	30.8	47.0	77.8
AKNEWTOK	26.1	.4	26.5	31.9	5.8	15.2	52.9	31.9	23.6	55.5
AKNIGHIMUTZ	26.4	.3	26.7	32.1	5.7	13.6	51.4	32.1	21.2	53.3
AKNIKOLAI	.0	.3	.3	32.8	32.8	15.4	81.0	32.8	23.8	56.6
AKNORDALTON	25.2	.9	26.1	30.8	5.6	22.9	59.3	30.8	35.9	66.7
AKNOORVIK	27.7	2.4	30.1	33.5	5.8	48.9	88.2	33.5	77.2	110.7
AKNULATO	28.5	1.3	29.8	34.0	5.5	34.8	74.3	34.0	54.6	88.6
AKNUIQSUT	.0	.4	.4	32.8	32.8	18.4	84.0	32.8	28.5	61.3
AKOLD HARBOR	21.6	1.0	22.6	26.0	4.4	34.4	64.8	26.0	53.8	79.8
AKOMZINKIE	20.6	.7	21.3	25.4	4.8	17.7	48.1	25.4	28.1	53.5
AKPILOT STATION	26.2	.9	27.1	32.0	5.8	30.5	68.3	32.0	47.5	79.5
AKPLATINUM	28.7	.6	29.3	33.6	4.9	5.8	44.3	33.6	9.6	43.2
AKPOINT HOPE	26.6	4.5	31.0	32.8	6.2	49.2	88.2	32.8	79.8	112.6
AKPORT ALEXANDER	19.8	.5	20.3	24.5	4.7	10.2	39.4	24.5	16.1	40.6
AKPORT HEIDEN	78.2	.4	78.6	92.5	14.3	9.2	116.0	92.5	14.4	106.9
AKPORT LIONS	21.1	.8	21.9	25.7	4.6	23.5	53.8	25.7	36.7	62.4
AKQUINHAGAK	26.5	1.6	28.1	32.2	5.7	45.4	83.3	32.2	71.0	103.2
AKRUBY	26.6	1.2	27.8	32.2	6.2	22.2	61.2	32.8	35.3	68.1
AKRUSSIAN MISSION	26.1	.4	26.5	31.9	5.8	16.9	54.6	31.9	26.2	58.1
AKST. MICHAEL	27.1	4.6	31.7	33.1	7	28.5	67.6	33.1	48.4	81.5
AKST. PAUL	120.9	1.6	122.5	165.1	44.2	57.4	266.7	165.1	89.5	254.6
AKTAVDONQA	26.6	3.1	29.7	32.8	6.2	47.4	86.4	32.8	75.8	108.6
AKTAXMAN	19.7	.5	20.2	24.0	4.3	27.5	55.8	24.0	42.7	66.7
AKTACAMMON BAY	26.5	1.0	27.5	32.2	5.7	26.2	64.1	32.2	41.2	73.4
AKTELAWIK	24.6	2.0	26.6	32.8	6.2	51.1	90.1	32.8	80.4	113.2
AKTHAGELUK	26.6	.6	27.2	32.8	6.2	22.6	61.6	32.8	35.2	68.0
AKTHAKTOOLIK	47.5	.4	47.9	56.1	8.6	16.2	80.9	56.1	25.2	81.3
AKTHMELDON POINT	26.1	.4	26.5	31.9	5.8	11.8	49.5	31.9	18.4	50.3
AKTHISHMAREF	26.6	1.7	28.3	32.8	6.2	38.3	77.3	32.8	6.3	93.1
AKTHUMONAK	27.1	1.6	28.7	33.1	6.0	20.0	59.1	33.1	2.3	65.4
AKTHEBBINS	27.1	.9	28.0	33.1	6.0	31.3	70.4	33.1	48.8	81.9
AKTHANANA	35.6	3.2	38.8	107.8	72.2	50.5	230.5	107.8	82.5	188.3

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REVENUE SHARING & MUNICIPAL ASSISTANCE COMPARISONS

BOROUGH, CITY, VILLAGE	FY81 RS	FY81 MA	FY 81 TOTAL	FY82 RS	SB 125 RS	SB 125 MA	FY 82 REVISED	FY83 RS	FY82 MA	FY 83 TOTAL
	\$33,500.0	\$11,400.0	\$44,900.0	\$51,900.0	\$18,400.0	\$45,100.0	115,400.0	\$51,900.0	\$80,500.0	132,400.0
TELLER	27.9	.7	28.6	37.2	9.3	26.1	72.6	37.2	40.7	77.9
TENAKEE SPRINGS	20.3	1.7	22.0	24.7	4.4	14.2	43.3	24.7	23.5	48.2
TOGIAK	26.6	4.0	30.6	31.6	5.0	49.3	85.9	31.6	79.6	111.2
TOKSOOK BAY	26.1	1.5	27.6	31.9	5.8	34.0	71.7	31.9	53.6	85.5
TULUKSAK	42.9	.6	43.5	76.3	33.4	26.1	135.8	76.3	40.6	116.9
TUNUNAK	25.6	.8	26.4	31.6	6.0	30.3	67.9	31.6	47.1	78.7
UNALAKLEET	47.8	5.3	53.1	61.8	14.0	64.0	139.8	61.8	103.3	165.1
UPPER KALSKAG	27.3	1.6	28.9	33.3	6.0	16.2	55.5	33.3	26.4	59.7
WAINWRIGHT	26.6	1.2	27.8	32.8	6.2	43.4	82.4	32.8	67.8	100.6
WALES	24.7	.3	25.0	30.5	5.8	13.1	49.4	30.5	20.4	50.9
WASILLA	104.4	58.7	163.1	124.6	20.2	221.3	366.1	124.6	397.6	522.2
WHITE MOUNTAIN	24.7	.2	24.9	30.5	5.8	11.6	47.9	30.5	18.0	48.5
WHITTIER	55.5	2.2	57.7	98.9	43.4	29.5	171.8	98.9	47.4	146.3
EXT FIRE AREAS	62.8	.0	62.8	74.4	11.6	.0	86.0	74.4	.0	74.4
NATIVE VILL GVT	1,254.6	.0	1,254.6	1,470.4	215.8	.0	1,686.2	1,470.4	.0	1,470.4
***** TOTALS *****	33,500.5	11,398.9	44,899.4	51,898.1	18,397.6	45,100.0	115,395.7	51,898.1	80,500.1	132,398.2