

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 80/2

1284 SCRA SB 180 (#10) 1284

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

Sec. 29.20.060. No change. (AS 29.23.021).

Sec. 29.20.070. "Borough" has been dropped before the word "assembly" when it appears in this section, ~~as unnecessary~~. Since the section applies to both home rule and general law, "home rule or general law" has been added before the word "borough" throughout the section. The statutory citation contained in ^{AS 29.23.022} (e) (1) has been deleted as unnecessary since "unified municipality" is defined. (AS 29.23.023)

Sec. 29.20.080. "Borough" has been deleted when it appears before the word "assembly" ~~as unnecessary~~. In (e) "of the Department of Community and Regional Affairs" has been deleted since "commissioner" is defined. Statutory references are altered to reflect new numbering. (AS 29 23.025)

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

Sec. 29.20.100. "Borough" has been deleted where it appears before "assembly". "Of Community and Regional Affairs" has been deleted since "commissioner" is defined. Statutory references have been altered to reflect new numbering. (AS 29.23.031) 029

Sec. 29.20.110. Statutory references have been altered to reflect new numbering. (AS 29.23.034)

AS 29.20.120. The statutory reference in (1) has been deleted since "unified municipality" is defined. Statutory

citations are revised to reflect new numbering. (AS 29.23.033)

Sec. 29.20.130. No change. (AS 29.23.200)

Sec. 29.20.140. This section has been substantially rewritten to combine the qualifications for membership of assemblies and councils.

(a) Rewritten, but not substantive change. (AS 29.23.050, AS 29.23.200)(b) (b) Combines material currently found in different sections. (AS 29.23.050, 29.23.200)(b)

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

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

(e) This ~~section~~ is applicable to both home rule and general law municipalities. Under current law the qualifications for assemblymen are applicable to home rule and general law municipalities but the qualifications for city councilmen are not. (AS 29.24.140)

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

(a) This ~~section~~ is substantially rewritten, however, the only substantive change is that ~~an addition is made allowing~~ members of the council ^{may} serve different terms when allowed by charter, as well as by ordinance. (AS 29.23.040 (a),

AS 29.23.200)(c))

(b) No substantive change. (AS 29.23.040(a), AS 29.23.-200(c))

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

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

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

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

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

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

(d) Actions are adopted by a majority of the total membership of the governing body, while under existing law actions are adopted by a majority of votes authorized on the question. All members vote unless they are required to abstain by law, while under existing law ¹ members ¹ may abstain

if permitted by the governing body, unless he has a substantial financial interest in the question. This section is applicable to city councils as well as to assemblies, while under existing law four affirmative votes are required to adopt an action of the council. (AS 29.23.060(d), AS 29.23.210(c))

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

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

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

Sec 29.20.170. This allows the governing body to prescribe the manner in which a vacancy occurs in any elected office, other than the office of mayor or member of the school board. ^{The} Governing body is required to declare an elective office vacant under specific conditions, unless a municipality establishes otherwise by ordinance. ~~All the paragraphs contain new material except (7)~~, (AS 29.23.060(c), AS 29.23.080, AS 29.23.210(b), AS 29.23.220, AS 29.23.57)

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

(b) ~~This~~ is new material requiring appointments within seven days if ^{required} need to preserve a quorum.

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

material dealing with

(a) This is a clear statement that the executive power is vested in a mayor, which is only implied with reference to cities under current law. The mayor of ~~one rule~~ ^{or} unified municipalities is elected by the voters, which is not a substantive change. (AS 29.24.200(a), (c), AS 29.23.240)

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

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

Sec. 29.20.230. This has been substantially rewritten in order to combine material dealing with the election and term of a borough ^{mayor} and ~~of~~ a city mayor. (a) No substantive change. (AS 29.23.130(c), AS 29.23.250(b) (d))

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

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

Sec. 29.20.240. Rewritten to ~~combine~~ ^{combine} material dealing with the mayor of a borough and the mayor of a city. (a) ~~No~~ substantive change. (AS 29.23.130(b), AS 29.23.250(a), (c))

combine

(b) The reference in AS 29.23.250(a) to additional residency requirements prescribed by charter has been

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

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

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

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

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

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

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

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

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

(c) A veto does not extend to actions of a city council sitting as a board of equalization or a board of adjustment, nor may ~~be~~ ^{the} veto the adoption or repeal of a manager form of government. Current law is silent as to these issues.

(AS 29.23.170(a), (b), AS 29.23.270)

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

Sec. 29.20.280(a). ~~With the exception of (7), this is all new material requiring the governing body to declare the office of mayor vacant when certain things occur.~~ Under existing law the governing body has the option of declaring

the office of mayor vacant when he is convicted of a corrupt practice. (AS 29.23.130(f), AS 29.23.255~~3~~, ~~AS 29.23.540~~)

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

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

Sec. 29.20.300. The statutory reference to a repealed section is deleted, ~~and~~ school board members may be elected by area rather than at-large, if approved by the voters.

(AS 29.23.310)

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

29.23.340)

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

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

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

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

Sec. 29.20.410. Allow the governing body to provide for a classified service and to designate positions which are wholly or partially exempt from the classified service. (AS 29.23.550)

Sec. 29.20.390. The statutory reference is added to provide notice that ^{where} a central treasury is established for the school board and the municipality, the treasurer is not custodian of the funds. (AS 29.23.390)

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

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

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

Sec. 29.20.470. The last line of this section dealing with notice requirements was omitted because notice requirements for elections are now contained in Sec. 29.26.030. That ^{section} requires at least 20 days notice, while under current law 30 days notice is required before an election to adopt a manager plan. (AS 29.24.570)

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

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

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

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

Sec. 29.20.520. This has been substantially rewritten to combine material dealing with the duties of a manager of a city and of a borough. A statutory reference to the section dealing with appointment of school employees has been added to ~~(1) (7) in AS 29.23.140 and in AS 29.23.290 has been deleted as unnecessary in view of the fact that manager must make reports required by the governing body,~~ (8) of AS 29.23.140 and of AS 29.23.290 has been deleted. (10) (a) and (c) of AS 29.23.140 have been deleted, ~~as applied in (1) and (5)~~ these paragraphs have been reworded and reorganized. (AS 29.23.140, AS 29.23.290)

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

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

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

Sec. 29.20.620. A method of determining salaries shall be provided by ordinance, while under current law the governing body fixes by ordinance the salaries of elected officials. The salary of the mayor may be reduced during his term of office if a manager plan is adopted. An elected official may not receive other compensation for service to the municipality, unless provided otherwise by ordinance. (AS 29.23.530)

Material previously contained in AS 29.23.540(a) and (b) is deleted.

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

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

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

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

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

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

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

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

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

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

Sec. 29.26.020. The language "subject to other provisions of this title" was added because other sections in the title provide a procedure for the nomination of candidates, for example sec. 29.06.140, 29.06.230, and 29.10.020. (AS 29.28.015)

Sec. 29.26.030. At least 20 days notice is required of a regular or special election. This applies as a limitation

on home rule municipalities, whereas under existing law the notice requirement for a special election applies. (AS 29.28.020(b))

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

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

Sec. 29.26.060. The run^{off} election requirement if no candidate receives over 40% of the votes is limited to the office of mayor, member of the governing body, or school board and the municipality may adopt an ordinance to alter this run^{off} requirement. A run^{off} election shall be held three weeks after the date of certification, rather than within two weeks. (AS 29.28.040)

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

Sec. 29.26.100. The requirement that the powers of ^{initiative} ~~initiative~~ and referendum are reserved to the residents of municipalities has been made applicable as a limitation on home rule municipalities. ()

Sec. 29.26.110. This is new material establishing a process for applying for a petition for initiative or referendum. An

application is signed by 10 voters who sponsor the petition. If the clerk finds that an application is in proper form and that the four listed requirements are met, he shall certify the application. A decision by the clerk on an application for petition is subject to judicial review.

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

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

Sec. 29.26.140. Signatures must be secured within 60, rather than 90 days. The clerk shall determine the number of signatures required on a petition and inform each sponsor, however, the number of signatures required remains identical to the number required under current law. Illegible signatures ~~are required~~^{must} to be rejected by the

clerk, whereas under existing law they may be rejected. A signer may withdraw his signature before certification of the petition, whereas under existing law he must withdraw his signature within 7 days after the petition is filed. (AS 29.28.070)

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

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

Sec. 29.26.170. "On substantially the same matter" has been added so that it is clear that the waiting period for filing a new petition does not apply if the petition is on a different subject. ^(AS 29.28.075) Unless the same measure is adopted, the clerk submits a petition seeking an initiative vote to the voters at the next regular election occurring no sooner than 45 days after certification of the petition, or, if no regular election occurs within 75 days, a special election is held. If the governing body adopts the same measure, the petition is void and ^{this} subject is not placed before the voters, while ^{with} existing law the governing body may not adopt an ordinance or resolution within 10 days from the date of election. If the vote is favorable, the ordinance or resolution becomes effective upon certification of the election unless a different effective date is provided in the ordinance or resolution, while under existing law an ordinance or resolution becomes effective when the election results are declared. There is no provision for the governing body to reject a petition, as there is in current law. (AS 29.28.080)

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

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

Sec. 29.26.240. This has been broadened to include officials appointed to elected office, because when vacancies occur an official may be appointed, ~~and~~ he will be subject to recall just as an elected person would be. An official may be recalled when he has served 6 months of a term for which elected or appointed, while under existing law there is some ambiguity as to the status of an official who is reelected to the same office. (AS 29.28.130)

Sec. 29.26.250. No change. (AS 29.28.140)

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

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

Sec. 29.26.280. Signatures are secured within 60 days after a recall petition is issued. The clerk determines the number of signatures required and informs each sponsor. If a petitioner seeks to recall an official who represents the municipality at large, the petition shall be signed by a number of voters equal to 35% of the number of votes cast for that office. If a petition seeks to recall an official who represents a district, the petition shall be signed by a number of voters residing in the district equal to 35% of the number of votes cast in that district for the office. Under existing law signature requirements are identical to the requirements for initiative and referendum. Signatures not accompanied by a legible residence address are rejected. (AS 29.28.150, 29.28.160)

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

Sec. 29.26.300. Reworded that it is clear that the 6 month waiting period before a new petition may be obtained applies only to a petition seeking to recall the same official. (AS 29.28.180)

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

Sec. 29.26.320. The requirement that an election to recall an official not be held sooner than 45 days after submission

of the petition to the governing body has been added. The governing body may not appoint to the same office an official who resigns after a petition is filed. (AS 29.28.200)

Sec. 29.26.330. The grounds for recall must be 200 words or less. (AS 29.30.290)

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

Sec. 29.26.350. When an official is recalled, his office is filled in accordance with the provision dealing with vacancies. If all members of a governing body are recalled the governor appoints three persons and they appoint additional members need to fill vacancies in accordance with the provisions dealing with vacancies. If all members of the school board are recalled the governor appoints three persons and they appoint additional members to fill remaining vacancies. A person appointed by the governor serves until a successor is elected. After an official is recalled, the clerk conducts an election for a successor. The election is held not more than 60 days from the date the recall election is certified unless a regular election is held within 75 days, in which case the successor is chosen at the regular election. Nominations may be filed until seven days before the last date upon which notice of the election must be published, but they may not be filed until the election is certified. Under existing law the election of successor shall be held at least ten but not more than 45 days from the date of the recall election. There are no provisions dealing with a situation involving the recall of all members of the governing body or school board. (AS 29.28.250)

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

Sec. 29.35.010. The phrase "subject to other provisions of law" has been replaced with "subject to other provisions of Alaska statute" so that it is clear that the general powers may not be expanded by ordinance. Changes in the paragraphs of this section follow:

- (2) this has been added to the general powers, but is not a substantive change (AS 29.23.510)
- (6) "an imposed lean for their enforcement" has been added, but this is not a substantive change.
- (8) the language "for a purpose authorized under this title, federal law, or other law, or in accordance with such law" has been deleted.
- (9) "facilities, and services" has been added to this paragraph.
- (10) this is new material, but the right to regulate public right-of-ways, facilities, and services may be implied to exist under current law. (AS 29.48.010)

Sec. 29.35.020. the phrase "to the extent ~~of~~ otherwise authorized by Alaska statute" has been added so that it is clear that a municipality may not exercise outside of its boundaries a power which it may not exercise within its boundaries. The word "roads" has been changed to "streets" which is defined. The following have been included within the list of facilities which a municipality may provide outside its boundaries: solid and septic waste facilities, utility services, transportation facilities, wharfs, harbors and other marine facilities. A municipality which provides a facility outside its boundaries may regulate its use to the extent that the jurisdiction in which the facility is located does not regulate it. Existing law provides that a

See page 21 of 25

municipality may regulate a facility outside its boundaries, and provides no right for the municipality within which the facility is located ~~to regulate~~ to regulate it. (AS 29.48.037)

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

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

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

Sec. 29.35.060(a). ~~(a)~~ The language ~~for~~ "for the construction, operation and maintenance of bus transportation systems and public utilities not regulated under AS 42.05" has been eliminated, so that it is clear that franchises and permits may be granted without restrictions as to type of franchise involved. (AS 29.48.050(a)) (b) Unless a grant of a franchise or permanent permit is made on a competitive basis, the grant of any exclusive right to use a public

The material dealing with use of streets by utilities contained in AS 29.48.040(c) is deleted.

street or right-of-way for more than five years to a utility or transportation system which is not certified is valid only if approved by vote. Under existing law no franchise is valid unless it is submitted to the qualified voters for approval. (AS 29.48.050(b))

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

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

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

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

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

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

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

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

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

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

Sec. 29.35.200(A). (A) Allows a first class borough to exercise on a nonareawide basis any power not otherwise prohibited by statute. Under existing law a first class borough may exercise on a nonareawide basis any general law municipal

power, but before exercising the power, the borough must seek to have it transferred from cities or proposed joint city/borough exercise. (AS 29.38.010) ~~(EE)~~

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

(c) (A) Allows a first borough to exercise, on an areawide basis, any power not prohibited by statute if it has been acquired. Under existing law, a first class borough may acquire additional areawide municipal powers. but these powers are apparently limited to powers listed in title 29 as municipal powers. The authority to acquire powers which is granted in this bill is much broader than under existing law, since a borough may acquire any power not specifically prohibited by statute. (AS 29.33.250)

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

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

(8) This is new material.

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

- (1) Powers approved at incorporation (AS 29.38.020)
- (2) Regulates no vehicles, subject to other law (AS 29.48.020)
- (3) Licensing of day care facilities. (AS 29.48.035(b))

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

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

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

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

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

(c) Allows a second class borough to exercise a nonareawide power not otherwise prohibited by law if the exercise of the power is approved by the voters living in the borough area outside the cities. Under existing law a second class borough may acquire additional nonareawide powers upon approval of the voters by following a set procedure.

However, the powers which may be acquired are limited to those itemized in Title 29, so under this bill broader authority to acquire powers is provided, ~~since only those prohibited may not be acquired.~~ (AS 29.38.030, 29.38.040, 29.38.050)

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

Sec. 29.35.010(1). No change. (AS 29.48.010(2))

(2) No change, except for rewording due to a change in organization. (AS 29.23.510)

(3) No change. (AS 29.48.010(1))

(4) Minor rewording. (AS 29.48.010(5))

(5) Minor rewording. (AS 29.48.010(3))

(6) "and imposed ⁴⁸leas for their enforcement" has been added. (AS 29.35.010(7))

(7) No change. (AS 29.48.010(8))

(8) "for purpose authorized under this title, federal law, or other law, or in accordance with such law" has been deleted as excessive verbage. (AS 29.48.010(9))

(9) "facilities, and services" has been added. (AS 29.48.010(11))

(10) This has been added as a general power under existing law this power may be exercised by a first class borough on a nonareawide basis, so long as the borough seeks to have it transferred from cities or proposes joint city/borough exercise of the power. (AS 29.38.010, AS 29.48.035) A first class borough may exercise this power on an areawide basis if it is assumed. (AS 29.48.035) A second class borough may exercise this power on an areawide or nonareawide basis if it is assumed. (AS 29.48.035)

(11) No change. (AS 29.48.010(12))

(13) Minor rewording. (AS 29.48.010(4))

(14) No change. (AS 29.48.010(6))

(12) ?

add to
of that
29.35.010
P.S.
ES

Move and Ask Unanimous Consent
for adoption of CS SB 180

[SB 180] - - -

- Just a little Housekeeping Bill
- ^{Seriously} Title 29 was revamped about 10 yrs ago - Merged Title 7 (Borough act) with Title 29 (City act)
- became very convoluted
- Specifically had objectives of
 - consolidate into one chapter the various parts of 29
 - Provide a wider flexibility to municipalities ~~for~~ consistent with state ~~the~~ Art X, Sect I of state Constitution -
 - Purpose is to provide for maximum local control with a minimum of local govt units
 - a Liberal Construction shall be given to the Powers of local govt -
- Several Amendments

AGENDA

FOR 1981 SENATE AND HOUSE C&RA INTERIM HEARINGS

September 11, 12th. 8:00 A.M., Conference Room, Legislative Information Office, 1024 W. 6th, Anchorage

Senate Bill 180:

- Ch. 03 - THE UNORGANIZED BOROUGH
- Ch. 04 - CLASSIFICATION OF MUNICIPALITIES
- Ch. 05 - INCORPORATION
- Ch. 06 - ALTERATION OF MUNICIPALITIES
- Ch. 10 - HOME RULE MUNICIPALITIES
- Ch. 14 - CAPITAL CITY
- Ch. 20 - MUNICIPAL OFFICERS AND EMPLOYEES
- Ch. 25 - MUNICIPAL ENACTMENTS
- (Ch. 26 - ELECTIONS

October 9, 10. 8:00 A.M., Conference Room, Legislative Information Office, 1024 W. 6th, Anchorage

Senate Bill 180:

- 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

November 5, 6, 7. 8:00 A.M., Anchorage Sheraton Hotel, meeting room to be announced (in conjunction with the Alaska Municipal League Convention)

Senate Bill 180:

- Ch. 45 - MUNICIPAL TAXATION
- Ch. 46 - SPECIAL ASSESSMENTS
- Ch. 55 - MUNICIPAL PROGRAMS
- Ch. 60 - STATE PROGRAMS

December 4, 5. 8:00 A.M., Conference Room, Legislative Information Office, 1024 W. 6th, Anchorage

1. Any unfinished SB 180 business
2. Other legislation affecting the unorganized borough

Bethel
722 Money Kraning

Haines
730 ~~Geo Lande~~ Louise Homstad

765 Fbx. Richard Navin ~~5~~

Bethel
785 Barbara Albert

Sitka - same guy

p. 62

29.26.100 do the procedures
following also apply to home
rule

p. 177 35.170

~~do the same~~ are home rule
units to bond by all
of 29.45 ?

999 6.5
45.050

~~to~~ \$10,000 valuation
or taxes

Adj
880

Sold to

858 M. Dimmick 35.210 (8) should clarify:

Bethel

AUCP

351 Showalter Smith

planning service areas in
line of regional growths

Soldotna

437 Marilyn Dimmick AMU

Anch.

475 Alan Teehe City Atty

Hines

514 Louis Nelson

544 ~~Nome~~ Juan Widom

& see letter in files

change title p. 45 Article 3

Fbx

590 Mike Walleri TCC

bill should ~~incorporation~~ incorporate
SB 341

p.l. 6.12.80 doesn't like DNR
as planning authority in Unorg. boro

001 Sen Gil

Sitka Peter Halverson (?) City Atty

p. 46 l. 1
20:250 (c)

(apply to home rule?)

p. 90 l. 18

needs to change fair market value if vacated - unless it is original subdivider

p. 119 L. 7

need date certain to end repurchase right

Hainesboro Mayor
226 Robert Henderson - elim of 3rd class Bond

~~Sand Point~~

~~289 Ken Selby~~

Fbx.
276 ~~Dwight~~ James Kohler Yakutat

p. 92 . L. 27

David Dye

Arch. Municipality: letter from Mayor Sullivan

In favor of legislation - no suggested changes.

City of Wrangell: letter from Joyce Raster, City Mgr.
Opposed to legis as it crosses to home-rule gov't.

Changes to: Sec. 29.20.010 Conflict of Interest

29.20.140 Qualifications

29.20.640 Reports (a)(5)

29.46.160 Assessment Roll

29.45.320 Real Prop. Tax Collections

29.45.330 Foreclosure List

29.45.460 Disp^o: Sale of Forec. Property

29.45.470 Repurchase by Record Owner

also suggests: sections in Title 14 (Educ) which pertain to home rule munies should be enumerated in home rule limitations under 29.10.110

Sterling Gallagher - Nunez & Co. Inc.

Re: Statutory Limitations on Sales Prices of Municipal Bonds

to improve marketability - in current statute 29.58.300

- Change "No bonds may be sold at less than par value", to "All bonds shall be sold under conditions and at prices the municipality finds reasonable."

In SB 180 - 29.47.400 - Article 6 - language is acceptable and would improve the situation.

City of Nome - Ivan Widom City Mgr. - One major fault: (example)

Art 3: Bor Exec. & Administrators - 29.20.220(a) seems to refer to boroughs - also references to "other municipalities".

29.20.230 - reference to "first class city".

Since Art 3 only refers to "Bor Exec & Admin" why does it include references to 1st & 2nd Class cities?

29.28.040 - The 40% runoff election should be thoroughly considered if allowed to remain in the Statutes

29.28.140 - Research and grounds for recall should be more clear.

29.33.010 - Bor. are given too much power - a Bor should not plan for a city

29.48.150 - Clarify the no. of times an ordinance should be voted on.

The Fairbanks Delegation
Of The Alaska Legislators
Pouch V
Juneau Alaska 99811

RE: C.S.H.E. 170

A copy of House Bill "170," was released in Fairbanks, February 9th, 1982. It is extremely volumous, and consists of 193 pages of fine print, in a large book form, and holds hundreds of reference numbers on other political data. You have to look up in order to understand the complexity of the Bill. Some Senators have already been approached on this volumous concoction, and their response was " I am not familiar with it". That date was February 12, 1982.

The first reading of this bill "170"; scheduled before the house, is calandered for, February 17, th 1982.

This indicates that many, or possibly all, of our legislators will be forced to make a decision on this bill, without the familiarity of it ramification.

The heading on the bill of "170", suggests only, quote, A bill to redesign and recodify the Municipal Law. unquote.

However, it did not inform the unsuspecting reader, there have been Articles irrelevant to bill 170, injected into this new concoction, evidently in hope, "Polical Honorability," Would be accepted, and bill "170", would pass without a hitch.

Let it still remain very clear, in our minds, in our last election we voted down the "Bond Issue", put forth by Our Borrough, by a trouncing 75% of our voters. (Industrial Revenue)

Today, Thank God you did, for the passing of that Bond Issue would have given the Borrough government their own financing, to govern their own financing, for whatever they may desire.

Now an attempt is being made to by-pass the voter, at the same time ignore the wish desire, and better judgment, of Voters Responsible, for the Borrough Government.

Jeanie Flann
1/4 mile Broadway Rd
Fairbanks, Ak. 99701

Barty Reynolds
Harris Road at Rd
Fairbanks, Ak

Buried in the gunnels of house bill "170", on page 79 is the following Dictatorial, Political, Gem;-

Unrestricted Borough Industrial Development.

Voters, This is a re-introduction of the Bond Issue, we so soundly defeated, but is being sneaked in through the back door on a Public which they hope will not become aware.

What will unrestricted Borough industrial development mean if it passes? Below are listed only a few of the Dictatorial ramifications; i. e.

Starting their own Petrochemical Development, (which they have so long demonstrated ambition for),

Oil involvement and control, Gas Control, Gold and Mineral Mining, Resorts, Housing developments, manufacturing, Electrical, water sheds, land Control, in all areas etc., etc.

This Bill 170 leaves our Borough Government unrestricted in all fields, the privilege to ignore all competition, and the pleasure of not having to go to the voter for anything.

Can this bill 170 be stopped? You bet it can be stopped.....

Immediately, send a postcard, or simple few words in a letter, stating to your Senators and representatives.

Return Bill 170 to the Community and Regional Affairs, for the purpose of Public input.

Far too many bills, have been pushed through our legislature, with out time, and proper information, to the working, and voting Public that we may be aware of what our tax paid Law Makers are doing.

We Must Not Allow, the development of a Dictatorship, within our Borough Government.

Please act immediately before our Borough Government becomes our Dictator.

Sincerely Concerned,

February 10, 1982

Mr. W. Ralph Foster
SR Box 2614
Wasilla, AK 99687

Dear Ralph:

Thank you for your letter on SB 180, revising Title 29 of the Alaska Statutes. In general, I agree with your comments. As I recall, the short plat procedure in the new AS 29.40.090 was created to meet just the problems that you list. Just as in the case of the present waiver procedure, the short plat process would allow the Borough to exempt the creation of a small number of lots from the standard subdivision procedures.

First, the short plat procedure should not require any more formal procedures than the present waiver process. Rather, it is left to each local government to set whatever procedural requirements that suit their situation. Amending Title 29 to allow local governments, to the greatest extent possible, to set their own procedures was one of the main purposes of the revision effort.

Second, you recommend that the waiver process be retained to allow subdivision of a parcel into as many as four lots, and suggest that local governments be given authority to further waive the present five acre minimum size limitation in the current statute. I believe that the short plat procedure, as it presently appears in SB 180, meets your requirements. Section 29.40.090(a) states that the short plat procedure can be used to create up to four lots; no minimum size limitations are included in the proposed process. In theory, the Borough could incorporate the discretionary waiver process you describe in the proposed short plat procedure.

As you note, AS 29.40.090(a)(4) would not allow the short plat to be used if a public right of way were vacated or a lot created that would otherwise require a variance for its use. In the case of vacations of a dedicated right of way, property previously dedicated to some public use would be returned to private ownership. I think that those working on the revisions to Title 29 felt that such vacations should come before

some publicly accountable body for review, rather than be granted out right in a short plat process. This section also states that the short plat process cannot be used if a newly created lot was below the Borough's minimum size limits or would otherwise require a variance. I recall that this provision was included for two main reasons--so that the intent of local subdivision ordinances would not be circumvented by the short plat process (especially since the five acre minimum size was dropped), and to make sure future owner would not be forced to go through the difficulty of getting a variance for developing a lot that was created without any public review. You indicate that, at present, the platting board has the ability to approve discretionary waivers for situations that do not fall under the existing four lot--five acre minimum requirements for a waiver. The proposed short plat procedure would allow lots of any size within the Boroughs minimum standards. This should provide the maximum, reasonable local flexibility. (The applicability of the Borough's subdivision ordinance, of course, ultimately is a question for the Assembly to address.)

Finally, in proposed AS 24.40.040(b)(3), the word "solely" is retained, indicating that a variance may take account of financial hardship, but not be granted solely on such a basis.

I am sure that you are aware that SB 180 clarifies the role of the platting authority, and its separate identity. This was adopted to again provide maximum local flexibility. Some local governments may elect to appoint members of the planning commission to the platting board, or to create two district boards, as has traditionally been the case in the Mat-Su Borough.

Thanks again for your comments.

Sincerely

Arliss Sturgulewski
Senator, District 10-H

February 4, 1982

RECEIVED
FEB 9 1982

BUDGET/AUDIT
COMMITTEE

Dear Arlis:

I have been reviewing the 29.40 portion of S.B. 180 and would like to make a few comments.

I have been on the Mat-Su Borough Platting Board for almost six years, and feel that over the time we have made some improvements in the regulations and ordinances.

In 29.40.040 (b-3) please be sure that the word (solely) remains in this section as there are times when financial and pecuniary hardship can have an effect on granting a variance.

We have a Public Hearing for every Plat. I do not know that this should be a requirement in the law.

In 29.40.100 (a-4). There will be times when a variance may have to be considered. However, a vacation would not be considered in the Short Plat Procedure.

One other comment. This Bill does not address the Waiver Process. It is my opinion and also that of the others on our platting Board that the Waiver is an essential tool in the Platting procedure. To date the Waiver is the only tool that saves the property owner time and money and also expedites the subdivision of small parcels. We have the Short Plat Procedure in our ordinance, but it requires as much time and expense as the complete procedure.

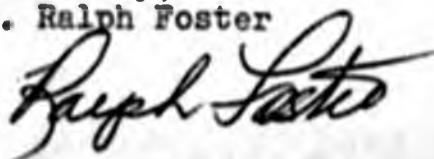
The Public keeps crying for less government and less regulations. I feel the Waiver, with guidelines that the Platting Board or Borough can establish can accomplish as much as going thru the Subdivision procedure.

In our ordinance we have provisions for Mandatory Waivers that do not allow more than 4 parcels, none smaller than 5 acres. These are granted by the Staff. Also, we have discretionary Waivers which must come before the Platting Board.

I believe the Platting Board, using their discretion, should be able to approve an owners subdividing these small parcels into parcels or lots as small as the minimum size Borough lot. However, the process would have to be within our guidelines and not be harmful to the public.

I hope I have made myself clear on these items. I wish our Capitol were more accessible so some of us could come talk to you.

Sincerely,
W. Ralph Foster



MEMORANDUM

State of Alaska

Department of Revenue

TO: McKie Campbell
Senator Gillman's Office
Community & Regional Affairs Committee
Juneau (465-4934)

DATE: January 28, 1982

FILE NO:

TELEPHONE NO:

SUBJECT:

FROM: *G. D. Heier*
Gerald D. Heier
Petroleum Property Assessor

Thru: Fred Loetsch *[Signature]*
Director

As I understand your request you would like to know what the property tax effect would be on the North Slope Borough for 1982 if there were to be a difference of 3,000 in their population count for purposes of AS 29.53.045(C).

The following assumptions will have to be made in order to show the tax effect:

State assessed property value:	\$7,500,000,000	<i>1/82 figures</i>
North Slope locally assessed value:	350,000,000	
TOTAL	<u>\$7,850,000,000</u>	

Average per capita statewide assessed value:	\$70,974	<i>1/81 figure</i>
Population for comparison purposes:	6,000 and 9,000	

Borough will levy a 30 mill tax on the allowable assessed value.

The calculations to show the difference are as follows:

A.P.C.S.A.V.	225%	Population	30 mills	Tax Amount
70,974 X	2.25 X	9,000 X	.03 =	\$43,116,705
70,974 X	2.25 X	6,000 X	.03 =	28,744,470
DIFFERENCE				<u>(\$14,372,235)</u>

95.5 percent of this difference, or \$13,725,484, is a direct loss to the state treasury.

Admin 30
Schools 0
61.5%

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF ADMINISTRATIVE SERVICES

POUCH B
JUNEAU, ALASKA 99811

January 28, 1982

The Honorable Donald E. Gilman
Chairman
Senate Community & Regional Affairs Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Gilman:

As requested by the Senate Community & Regional Affairs Committee, enclosed is a fiscal note for CS SB 180/CS HB 170, "An Act relating to municipal government."

Should you have any questions concerning this note please contact me at 465-4709.

Sincerely,



 Rod Mourant, Director
Division of Administrative Services

cc: Keith Specking, Legislative Assistant
Office of the Governor

Ron Lehr, Director
Division of Budget & Management
Office of the Governor

Elmer Lindstrom, Fiscal Analyst
Legislative Finance Division
Legislative Affairs Agency

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS SB 180/ CS HB 170
 Title "An Act relating to municipal government"
 Requested by Community and Regional Affairs Committee Date January 22, 1982

II. FISCAL DETAIL

Agency Affected Department of Community and Regional Affairs
 Program Category Affected Community Development
 BRU, Program, Or Subprogram(s) Affected Local Government Assistance
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

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

This bill, which substantially amends and restructures Title 29 of the Alaska Statutes, will not create any noticeable need for increases in administrative or grant program funding.

IV. DATE January 22, 1982

PREPARED BY Doug Griffin
 AGENCY C & RA/Local Gov't Assistance
 PHONE 465-4736

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 180 / HB 170

Title "An Act relating to municipal government"

Requested by Rules committee by request of Legislative Date January 20, 1982
Council

II. FISCAL DETAIL

Agency Affected Department of Community and Regional Affairs

Program Category Affected Community Development

BRU, Program, Or Subprogram(s) Affected Local Government Assistance

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		300.0	200.0	400.0	200.0	400.0
TOTAL		300.0	200.0	400.0	200.0	400.0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		300.0	200.0	400.0	200.0	400.0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		0	0	0	0	0
PART TIME						
TEMPORARY						

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

Funding for the Local Government Assistance BRU will be placed in the Local Boundary Commission Component.

Organizational Grants

AS 29.05.190 of the proposed bill provides for organizational grants for boroughs based on a formula of \$300,000 the first year, \$200,000 the second year and \$100,000 the third and final year. The proposed funding level in this fiscal note assumes one borough incorporation in each of the following years: FY 83, FY 85 and FY 87.

<u>700 Grants</u>	FY 83	\$300,000
	FY 84	200,000
	FY 85	400,000
	FY 86	200,000
	FY 87	400,000

IV. DATE January 20, 1982

PREPARED BY Doug Griffin
AGENCY C&PA/ Local Government Assistance

Original: Legislative Finance
cc: Budget and Management

PHONE 465-4736

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)



Official Business

Alaska State Legislature

Senate
Committee on

Community & Regional Affairs

465-4934
465-4935

Pouch V
State Capitol
Juneau, Alaska 99811

Donald Gilman, Chairman
Robert H. Ziegler, Sr., Vice-Chairman
Mike Colletta
Arliss Sturgulewski
Frank Ferguson

January 21, 1982

MEMORANDUM

TO: House and Senate Community and Regional Affairs Committees

FROM: Staff, House and Senate Community and Regional Affairs Committees

SUBJECT: Committee Substitute for House Bill 170/
Senate Bill 180

Attached is the draft of the Committee Substitute for House Bill 170/Senate Bill 180. Along with reviewing the Committee Substitute, there are three issues which the committees need to consider at today's joint meeting (3 p.m., Behrend's Conference Room). These issues are summarized below:

- 29.04.030 (1) With its current language, HB 170/SB 180 eliminates the third class borough as a form of local government with the specific exception of the Haines Borough, which it grandfathered. The Haines Borough would be required to abide by those sections of the existing Title 29 which pertain to it. It is not mentioned or included in the proposed Title 29. This could lead to the very awkward situation of having two Title 29's, one for the Haines Borough and one for the rest of the State. Legal Services has drafted proposed language that would eliminate this difficulty while maintaining the committees' intent.
- 29.45.060 (2) According to an Attorney General's opinion, current language in Section 29.45.060 does not include greenhouses used for commercial agricultural purposes in the definition

Continued on next page

of land eligible for an agricultural tax deferment. It has been suggested that greenhouses be included in this section and the State Assessor's Office supports their inclusion. Legal Services has draft language prepared.

29.71.040(16) (3) In the past, the committees have been concerned over the definition of "publish" as it is currently used in Title 29. Legal Services has prepared alternate draft language which the committees may wish to consider.



Alaska State Legislature

SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

465-4934
465-3824

JUNEAU, ALASKA

Pouch V
State Capitol
Juneau, Alaska 99811

January 19, 1982

MEMORANDUM

To: House and Senate Community and
Regional Affairs Committees

From: Staff, House and Senate Community and
Regional Affairs Committees

Subject: Committee Substitute for House Bill 170/Senate Bill 180

The following list has been compiled to briefly explain the major policy changes in the revision of Title 29; HB 170 and SB 180.

- 1) Numerical reorganization of Title 29.
- 2) Second Class Boroughs and Cities, with a population greater than 400, may now go directly to home rule status.
- 3) The procedure for Initiative Referendum and Recall petitions must now be drafted by City Clerks unlike former provisions requiring the petitioners' draft to be submitted to the Clerk.
- 4) Substantial easement of the approach to municipal powers with the differences between home rule municipalities and general law governments being less distinct.
- 5) Third Class Boroughs will no longer be able to be formed. Haines will be able to exist as a Third Class Borough or upgrade directly to home rule status.



Alaska State Legislature

Senate

Committee on

Community & Regional Affairs

465-4934
465-4935

Official Business

Donald Gilman, Chairman
Robert H. Ziegler, Sr., Vice-Chairman
Mike Colletta
Arliss Sturgulewski
Frank Ferguson

Pouch V
State Capitol
Juneau, Alaska 99811

January 19, 1982

MEMORANDUM

TO: House and Senate Community and
Regional Affairs Committees

FROM: Staff, House and Senate Community and
Regional Affairs Committees

SUBJECT: Committee Substitute for House Bill 170/
Senate Bill 180

Attached is the draft of the Committee Substitute for House Bill 170/Senate Bill 180 from Legal Services. Along with reviewing the Committee Substitute, there are ~~nine~~ ^{three} issues the Committees may wish to consider at the 3 p.m. meeting on Thursday, January 21. These issues are summarized below:

29.04.030

masd

1

(1) With it's current language, HB 170/SB 180 eliminates the third class borough as a form of government with the specific exception of the Haines Borough, which it grandfather's. The Haines Borough is required to abide by those sections of the existing Title 29 which pertain to it, and it is not mentioned or included in the new proposed Title 29. This will result in an awkward situation where there are two Title 29's, one for the Haines Borough and one for all other local governments in Alaska. Tam Cook has suggested that this situation could be resolved by not eliminating the third class borough but simply putting in a proviso that no future third class boroughs may be formed nor may any current boroughs downgrade to third class. HB 170/SB 180 does provide for the direct transition from third class to home rule status.

- 2
- 29.10.110 (2) Section ~~29.45.650~~ states that a person who furnishes proof that he has paid the sales tax on the source of which a use tax is levied is required to pay the use tax only to the extent of the difference. This subsection applies to any taxing jurisdiction whether inside or outside of the state. It would seem that this should properly be listed as a home rule limitation under Section 29.10.110.
- 7
- 29.20.080 (3) ~~During the December 5 meeting, the Committees briefly considered the language proposed by Steve Morrissette. His proposed amendment was based on the difficulty the Mat-Su Borough encountered in trying to reapportion in conformance with existing Title 29 language which is identical to the proposed language in 29.20.080. The Committee's deliberations were interrupted by John Messenger's telephone call and this issue was not disposed of.~~
- 8
- 29.40.010(b) (4) Section 29.40.010(b) mandates that boroughs provide for planning and zoning. This Section allows boroughs to delegate this authority to cities within their geographical limits with the consent of the city. The borough may re-assume the powers and take them away from the city without the city's consent. The City of Homer has sent us a resolution opposing unilateral power to withdraw planning powers, and the City of Soldotna has sent us a letter endorsing the City of Homer's resolution. Included in the resolution is proposed language which would allow the borough to take planning back over with the consent of the city, or without the consent of the city if the city was failing to provide service properly.
- 13
- 29.45.010(3)(c) (5) ~~This section allows municipalities to exempt personal property from taxation. It has been suggested that the Committees may wish to consider a separate bill at a later date to allow municipalities to classify personal property and tax different classes at different rates.~~
- 5
- 29.45.060 (2) ~~According to an Attorney General's opinion, current language in Section 29.45.060 does not include greenhouses used for commercial agricultural purposes. Senator Rodey's office has asked particularly that greenhouses be included in this Section and this request is supported by the State Assessor's office. Tam Cook has draft language prepared for a proposed amendment.~~
- 2
- 29.60.140 (7) ~~Section 29.60.140 is Revenue Sharing for Native Village Governments. The administration is expected to~~
- 0

~~propose that this section be deleted in its entirety and that a separate bill be offered to establish a program of financial assistance for unincorporated communities in the unorganized borough in Title 44.~~

29.60.230 (8) ~~The Committees indicated they wished to consider the repayment to the state of financial aid by a hospital which switches from public non-profit status to private profit-making status. There is currently no provision in the law to mandate this. Tam Cook has drafted proposed language which could either be incorporated into a new bill or incorporated into HB 170/SB 180.~~

3
29.71.040(16) (8) The Committee in the past had been concerned over the definition of "publish" as it is currently used in Title 29. Tam Cook has prepared draft language for a possible amendment if the Committee wishes to consider it.

3

January 19, 1982

MEMORANDUM

TO: House and Senate Community and
Regional Affairs Committees

FROM: Staff, House and Senate Community and
Regional Affairs Committees

SUBJECT: Committee Substitute for House Bill 170/
Senate Bill 180

Attached is the draft of the Committee Substitute for House Bill 170/Senate Bill 180 from Legal Services. Along with reviewing the Committee Substitute, there are nine issues the Committees may wish to consider at the 3 p.m. meeting on Thursday, January 21. These issues are summarized below:

- 29.04.030 (1) With it's current language, HB 170/SB 180 eliminates the third class borough as a form of government with the specific exception of the Haines Borough, which it grandfathers. The Haines Borough is required to abide by those sections of the existing Title 29 which pertain to it, and it is not mentioned or included in the new proposed Title 29. This will result in an awkward situation where there are two Title 29's, one for the Haines Borough and one for all other local governments in Alaska. Tam Cook has suggested that this situation could be resolved by not eliminating the third class borough but simply putting in a proviso that no future third class boroughs may be formed nor may any current boroughs downgrade to third class. HB 170/SB 180 does provide for the direct transition from third class to home rule status.

- 29.10.110 (2) Section 29.45.650 states that a person who furnishes proof that he has paid the sales tax on the source of which a use tax is levied is required to pay the use tax only to the extent of the difference. This subsection applies to any taxing jurisdiction whether inside or outside of the state. It would seem that this should properly be listed as a home rule limitation under Section 29.10.110.
- 29.20.080 (3) During the December 5 meeting, the Committees briefly considered the language proposed by Steve Morrisette. His proposed amendment was based on the difficulty the Mat-Su Borough encountered in trying to reapportion in conformance with existing Title 29 language which is identical to the proposed language in 29.20.080. The Committee's deliberations were interrupted by John Messenger's telephone call and this issue was not disposed of.
- 29.40.010(b) (4) Section 29.40.010(B) mandates that boroughs provide for planning and zoning. This Section allows boroughs to delegate this authority to cities within their geographical limits with the consent of the city. The borough may re-assume the powers and take them away from the city without the city's consent. The City of Homer has sent us a resolution opposing unilateral power to withdraw planning powers, and the City of Soldotna has sent us a letter endorsing the City of Homer's resolution. Included in the resolution is proposed language which would allow the borough to take planning back over with the consent of the city, or without the consent of the city if the city was failing to provide service properly.
- 29.45.010(3)(c) (5) This section allows municipalities to exempt personal property from taxation. It has been suggested that the Committees may wish to consider a separate bill at a later date to allow municipalities to classify personal property and tax different classes at different rates.
- 29.45.060 (6) According to an Attorney General's opinion, current language in Section 29.45.060 does not include greenhouses used for commercial agricultural purposes. Senator Rodgy's office has asked particularly that greenhouses be included in this Section and this request is supported by the State Assessor's office. Tam Cook has draft language prepared for a proposed amendment.
- 29.60.140 (7) Section 29.60.140 is Revenue Sharing for Native Village Governments. The administration is expected to

propose that this section be deleted in its entirety and that a separate bill be offered to establish a program of financial assistance for unincorporated communities in the unorganized borough in Title 44.

- 29.60.230 (8) The Committees indicated they wished to consider the repayment to the state of financial aid by a hospital which switches from public non-profit status to private profit-making status. There is currently no provision in the law to mandate this. Tam Cook has drafted proposed language which could either be incorporated into a new bill or incorporated into HB 170/SB 180.
- 29.71.040(16) (9) The Committee in the past had been concerned over the definition of "publish" as it is currently used in Title 29. Tam Cook has prepared draft language for a possible amendment if the Committee wishes to consider it.



JUNEAU, ALASKA

Alaska State Legislature

SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

465-4934
465-3824

Pouch V
State Capitol
Juneau, Alaska 99811

January 19, 1982

M E M O R A N D U M

To: House and Senate Community and
Regional Affairs Committees

From: Staff, House and Senate Community and
Regional Affairs Committees

Subject: Committee Substitute for House Bill 170/Senate Bill 180

The following list has been compiled to briefly explain the major policy changes in the revision of Title 29; HB 170 and SB 180.

- 1) Numerical reorganization of Title 29.
- 2) Second Class Boroughs and Cities, with a population greater than 400, may now go directly to home rule status.
- 3) The procedure for Initiative Referendum and Recall petitions must now be drafted by City Clerks unlike former provisions requiring the petitioners' draft to be submitted to the Clerk.
- 4) Substantial easement of the approach to municipal powers with the differences between home rule municipalities and general law governments being less distinct.
- 5) Third Class Boroughs will no longer be able to be formed. Haines will be able to exist as a Third Class Borough or upgrade directly to home rule status.

Alaska Association of Municipal Clerks

January 15, 1982

Honorable Senators and Representatives
Senate/House Committee on Community
and Regional Affairs
Pouch V
Juneau, Alaska 99801

Dear Senators and Representatives;

The Alaska Association of Municipal Clerks has closely followed the work of your committees and wish to begin this message with a note of appreciation for the consideration you have given the issues we have raised. The changes brought about through careful consideration of our testimony and comment are commendable.

A joint session of the House and Senate Committee on Community and Regional Affairs scheduled for January 21st is of interest to us. It seems appropriate to review generally a few very important areas that may still require your consideration, and perhaps could be taken up at that time.

Petition procedures remain a concern. In the existing bill, Municipal Clerks are charged with language composition duties which more appropriately are responsibilities best placed with a municipality's legal counsel. In the absence of municipal legal counsel we suggest the State Department of Community and Regional Affairs provide assistance to communities without formal legal counsel channels.
(29.26.130)

Sponsors of a petition may be numerous; currently, provisions require notification of these sponsor(s). Clarification of petition sponsor (s) and a definition of what constitutes notification, i.e. method, etc., are important to the proper execution of these acts. If a petition is multi-sponsored, then a spokesperson to act as group representative should be required. The petition format could provide for this instance. (29.26.130, 140, 150).

Finally, we believe local ordinance should determine majority elections. Of prime importance to the code of ethics established by clerks state and nationwide is the proper execution of the voting franchise. Time provisions allowed for run-off elections disenfranchise voters from balloting absentee. Determining the outcome of a candidate race by an election which draws historically yet fewer voters than the regular municipal election, should be left to the discretion of each community.

Alaska Assoc. Of Municipal Clerks
January 15, 1982 - page 2

In conclusion, may we request that each member of the committee receive a copy of this correspondence. We appreciate your patient consideration of these issues so vital to the profession.

Very truly yours,

JoAnne Shanley

JoAnne Shanley,
President

KPH



JUNEAU, ALASKA

Alaska State Legislature

SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

465-4934
465-3824

Pouch V
State Capitol
Juneau, Alaska 99811

December 22, 1981

MEMORANDUM

To: Billy Berrier, Director
Division of Legal Services

Attention: Tamara Brandt Cook
Legislative Counsel

From: Linda Otey, Committee Aide
House CRA Committee

McKie Campbell, Committee Aide
Senate CRA Committee

In their joint meeting on December 5, 1981, the House and Senate Community and Regional Affairs Committees approved a number of changes to the text of HB 170/SB 180. In previous meetings, the committees had suggested a number of changes but due to lack of quorums, had not formally adopted them. This has now been done.

The Division of Legal Services is requested to draft committee substitutes for HB 170/SB 180. These committee substitutes should incorporate the changes listed in the attached memos except for those items specifically noted where the committees, on reconsideration, rejected the change. The committee substitutes should also incorporate the attached list of changes that the committees made in their December 5 meeting.

Though there are a few remaining issues to be considered, the committees have requested that the committee substitutes be drafted and available when they return for the start of the session. Thank you for your assistance.

Joint CRA Committee Meeting
December 5, 1981

1. Pages 2 and 3, Section 29.04.050

Amend Section to grandfather existing third class borough and to allow third class borough to reclassify directly to home rule status.

2. Page 27, Section 29.10.010

Amend section to include allowing second class cities with 400 or more residents to reclassify directly to home rule status.

3. Page 42, Section 29.20.140

Change section to treat governing bodies in a fashion similar to the mayor. Allow limit on the number of terms, and number of consecutive terms if ratified by voters.

4. Page 62, lines 11 and 12, Section 29.26.100(b)

Delete this section.

5. Page 72, line 8, Section 29.35.010(9)

Add "subject to other provisions of law," at the start of subsection (9).

6. Page 78, Section 29.35.190.

Add language requiring home rule municipalities to provide for planning, platting and land use regulation though not necessarily in accordance with AS 29.40.

7. Pages 133 - 141, Section 29.47

Substitute "municipality" for "city or borough" throughout section.

(It was not entirely clear that this is what the committees intended. The committees should review this change to make certain it is what they wished.)

Page 2

8. Page 134, Section 29.47.040, line 23
Page 135, Section 29.47.120, lines 26 and 27

Change language to read "the full faith and credit of the municipality" so that the above two sections are consistent with 29.47.200.

9. Pages 133 - 141, Sections 29 - 47.

Insert "negotiable or nonnegotiable" in front of descriptions of types of bonds and notes as appropriate throughout the section. It appears the appropriate places are:

Page 133, Section 29.47.020, line 29
Page 137, Section 29.47.240, line 13
Page 138, Section 29.47.300, line 4
Page 138, Section 29.47.350, line 25

10. Page 138, Section 29.47.300, line 4

Insert "or resolution" after "by ordinance."

11. 1981 Change - Chapter 107, SLA 1981.

Page 1, Section 1, lines 9 and 10.

Delete "under AS 29.73.080."

Re: Memo of 9/22/81 .

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

TO: SB 180 and HB 170

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"

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"

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Cook

Re: Memo of 10/15/81

A M E N D M E N T SBY 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

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 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 clerks"

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 - 22:

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

21

22

23

24

25

26

27

28

29

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 BOROUGHS. (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)"

Renumber 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"

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 29.48.020(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.

Joint CRA Committee Meeting
December 5, 1981

1. Pages 2 and 3, Section 29.04.050

Amend Section to grandfather existing third class boroughs to reclassify directly to home rule status.
and to allow third class borough

2. Page 27, Section 29.10.010

Amend section to include allowing second class cities with 400 or more residents to reclassify directly to home rule status.

3. Page 42, Section 29.20.140

Change section to treat governing bodies in a fashion similar to the mayor. Allow limit on the number of terms, and number of consecutive terms if ratified by voters

4. Page 62, lines 11 and 12, Section 29.26.100(b)

Delete this section.

5. Page 72, line 8, Section 29.35.010(9)

Add "subject to other provisions of law," at the start of subsection (9).

6. Page 78, Section 29.35.190.

language
Add *and* require home rule municipalities to provide for planning, platting and land use regulation though not necessarily in accordance with AS 29.40.

7. Pages 133 - 141, Section 29.47

Substitute "municipality" for "city or borough" throughout section.

(It was not entirely clear that this is what the committees intended. The committees should review this change to make certain it is what they wished.)

Joint CRA Committee Meeting
December 5, 1981

1. Pages 2 and 3, Section 29.04.050

Amend Section to grandfather existing third class borough to reclassify directly to home rule status.

2. Page 27, Section 29.10.010

Amend section to include allowing second class cities with 400 or more residents to reclassify directly to home rule status.

3. Page 42, Section 29.20.140

Change section to treat governing bodies in a fashion similar to the mayor. Allow limit on the number of terms, and number of consecutive terms if ratified by voters.

4. Page 62, lines 11 and 12, Section 29.26.100(b)

Delete this section.

5. Page 72, line 8, Section 29.35.010(9)

Add "subject to other provisions of law," at the start of subsection (9).

6. Page 78, Section 29.35.190.

Add to require home rule municipalities to provide for planning, platting and land use regulation though not necessarily in accordance with AS 29.40.

7. Pages 133 - 141, Section 29.47

Substitute "municipality" for "city or borough" throughout section.

(It was not entirely clear that this is what the committees intended. The committees should review this change to make certain it is what they wished.)

Joint CRA Committee Meeting
December 5, 1981

- 1. Pages 2 and 3, Section 29.04.050

Amend Section to grandfather existing third class borough to reclassify directly to home rule status.

- 2. Page 27, Section 29.10.010

Amend section to include allowing second class cities with 400 or more residents to reclassify directly to home rule status.

- 3. Page 42, Section 29.20.140

Change section to treat governing bodies in a fashion similar to the mayor. Allow limit on the number of terms, and number of consecutive terms if ratified by voters.

- 4. Page 62, lines 11 and 12, Section 29.26.100(b)

Delete this section.

- 5. Page 72, line 8, Section 29.35.010(9)

Add "subject to other provisions of law," at the start of subsection (9).

- 6. Page 78, Section 29.35.190.

Add to require home rule municipalities to provide for planning, platting and land use regulation though not necessarily in accordance with AS 29.40.

Joint CRA Committee Meeting
December 5, 1981

planning, platting and land use regulation though not necessarily in accordance with AS 29.40.

- 7. Pages 133 - 141, Section 29.47

Substitute "municipality" for "city or borough" throughout section.

(It was not entirely clear that this is what the committees intended. The committees should review this change to make certain it is what they wished.)

- 8. Page 134, Section 29.47.040, line 23
Page 135, Section 29.47.120, lines 26 and 27

Change language to read "the full faith and credit of the municipality" so that the above two sections are consistent with 29.47.200.

- 9. Pages 133 - 141, Sections 29 - 47.

Insert "negotiable or nonnegotiable" in front of descriptions of types of bonds and notes as appropriate throughout the section. It appears the appropriate places are:

- Page 133, Section 29.47.020, line 29
- Page 137, Section 29.47.240, line 13
- Page 138, Section 29.47.300, line 4
- Page 138, Section 29.47.350, line 25

- 10. Page 138, Section 29.47.300, line 4

Insert "or resolution" after "by ordinance."

- 11. 1981 Change - Chapter 107, SLA 1981.

Page 1, Section 1, lines 9 and 10.

Delete "under AS 29.73.080."

19 A20

December 22, 1981

MEMORANDUM

To: Billy Berrier, Director
Division of Legal Services

Attention: Tamara Brandt Cook
Legislative Counsel

From: Linda Otey, Committee Aide
House CRA Committee

McKie Campbell, Committee Aide
Senate CRA Committee

In their joint meeting on December 5, 1981, the House and Senate Community and Regional Affairs Committees approved a number of changes to the text of HB 170/SB 180. In previous meetings, the committees had suggested a number of changes but due to lack of quorums, had not formally adopted them. This has now been done.

The Division of Legal Service is requested to draft committee substitutes for HB 170/SB 180. These committee substitutes should incorporate the changes listed in the attached memos except for those items specifically noted where the committees, on reconsideration, rejected the change. The committee substitutes should also incorporate the attached list of changes that the committees made in their December 5 meeting.

Though there are a few remaining issues to be considered, the committees have requested that the committee substitutes be drafted and available when they return for the start of the session. Thank you for your assistance.