

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

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1 health facility sponsor each fiscal year \$2,500 a bed for the maximum
2 number of beds provided for in the construction design of the hospital
3 or health facility or five percent of the total project cost, whichever
4 is greater. State aid provided for in this section shall continue until
5 the municipality or other hospital or health facility sponsor has re-
6 ceived an amount that, combined with state matching money for construc-
7 tion of the hospital or health facility, equals 25 percent of the total
8 project cost. Money received for construction may not be used for any
9 other purpose.

10 (b) In this section "total project cost" means

11 (1) costs directly related to the project; and

12 (2) the total of all costs of financing and carrying out the
13 project, including but not limited to,

14 (A) the costs of all necessary studies, surveys, plans
15 and specifications, architectural, engineering or other special
16 services, acquisition of real property, site preparation and
17 development, purchase, construction, reconstruction and improvement
18 of real property, and the acquisition of machinery and equipment as
19 may be necessary in connection with the project;

20 (B) an allocable portion of the administrative and
21 operating expenses of the municipality or other hospital or health
22 facility sponsor;

23 (C) the cost of financing the project, including inter-
24 est on bonds issued to finance the project; and

25 (D) the cost of other items, including any indemnity and
26 surety bonds and premiums on insurance, legal fees, fees and ex-
27 penses of trustees, depositaries, financial advisors, and paying
28 agents for the bonds issued as the issuer considers necessary.

29 (c) This section applies to home rule and general law municipali-

1 ties.

2 Sec. 29.60.240. HOSPITAL AND HEALTH FACILITY CONSTRUCTION ASSIS-
3 TANCE ACCOUNT. The hospital and health facility construction assistance
4 account is established. Money to carry out the provisions of AS 29.-
5 60.230 - 29.60.240 shall be allocated by the department to the account
6 in accordance with AS 29.60.280. If amounts in the account are insuffi-
7 cient to pay each recipient's share authorized under AS 29.60.230 -
8 29.60.240, the amounts that are available shall be distributed pro rata
9 among eligible recipients.

10 ARTICLE 4. ADMINISTRATION OF STATE AID PROGRAMS.

11 Sec. 29.60.280. ALLOCATION AND DISTRIBUTION. (a) Each year, the
12 department shall allocate money appropriated to the accounts established
13 in AS 29.60.060, 29.60.170, and 29.60.240 in the amounts determined by
14 the legislature.

15 (b) Money in the miscellaneous services account established in
16 AS 29.60.170 that exceeds the amount required to fully fund distribu-
17 tions authorized by AS 29.60.100 - 29.60.180 shall be reallocated to the
18 tax equalization account established in AS 29.60.060 and distributed
19 according to the provisions of AS 29.60.010 - 29.60.080.

20 (c) Money in the hospital and health facility construction assis-
21 tance account established in AS 29.60.240 that exceeds the amount re-
22 quired to fully fund distributions authorized by AS 29.60.230 - 29.60.-
23 240 shall be reallocated to the tax equalization account established in
24 AS 29.60.060 and distributed according to the provisions of AS 29.60.-
25 010 - 29.60.080.

26 Sec. 29.60.290. QUALIFICATION FOR MINIMUM PAYMENT. (a) A munici-
27 pality qualifying for an entitlement under AS 29.60.010 - 29.60.080 or
28 29.60.100 - 29.60.180 shall receive a minimum payment of \$25,000 plus an
29 area cost-of-living differential for each fiscal year if

1 (1) the municipality has conducted a regular election during
2 the fiscal year preceding the year for which payment of an entitlement
3 is authorized by AS 29.60.010 - 29.60.080 or 29.60.100 - 29.60.180 and
4 has reported the results of the election to the commissioner;

5 (2) regular meetings of the governing body are held in the
6 municipality during the fiscal year preceding the year for which payment
7 of an entitlement is authorized by AS 29.60.010 - 29.60.080 or 29.60.-
8 100 - 29.60.180 and a record of the proceedings is maintained;

9 (3) a municipal budget has been adopted for the fiscal year
10 during which payment of an entitlement is authorized by AS 29.60.010 -
11 29.60.080 or 29.60.100 - 29.60.180 and an audit or financial statement
12 for the preceding fiscal year has been prepared and furnished to the
13 department in accordance with AS 29.20.640(a); and

14 (4) local ordinances adopted by the municipality have been
15 codified in accordance with AS 29.25.050.

16 (b) The area cost-of-living differential payable to each munici-
17 pality under this section shall be determined annually by election
18 district under the provisions of AS 39.27.030. Except as provided in
19 AS 29.60.300, application of the area cost-of-living differential may
20 not result in a payment that is less than the minimum payment determined
21 under (a) of this section. For purposes of this subsection, the elec-
22 tion districts used are those designated by the proclamation of reappor-
23 tionment and redistricting of December 7, 1961, and retained for the
24 house of representatives by proclamation of the governor September 3,
25 1965.

26 (c) The department shall pay to each municipality eligible to
27 receive a minimum payment under this section an amount equal to the
28 difference between the minimum payment determined under (a) and (b) of
29 this section and the sum of the amounts payable for the same fiscal year

1 under AS 29.60.010 - 29.60.080 and 29.60.100 - 29.60.180.

2 (d) A payment under this section may be prorated and reduced under
3 AS 29.60.300.

4 (e) Payments under this section shall be made from the money
5 allocated to the tax equalization account established in AS 29.60.060.

6 Sec. 29.60.300. PRORATION OF PAYMENTS. (a) Payments under AS 29.-
7 60.290 and 29.60.010 - 29.60.180 shall equal the amount allocated to the
8 tax equalization account (AS 29.60.060), adjusted in accordance with
9 AS 29.60.280.

10 (b) Adjustments of payments shall be determined by prorating
11 amounts payable under AS 29.60.290 and amounts payable under AS 29.-
12 60.010 - 29.60.180 by a factor that, when applied, reduces all payments
13 in equal proportion so that payment under AS 29.60.290 and payments
14 under AS 29.60.010 - 29.60.180 equal the amount allocated to the tax
15 equalization account established in AS 29.60.060.

16 ARTICLE 5. MUNICIPAL ASSISTANCE.

17 Sec. 29.60.350. MUNICIPAL ASSISTANCE FUND. (a) There is estab-
18 lished in the department the municipal assistance fund. The legislature
19 may appropriate to the municipal assistance fund during each fiscal year
20 an amount equal to or greater than 10 percent of the income tax revenue
21 received by the state under AS 43.20.011(e) and AS 43.21 for the previous
22 fiscal year.

23 (b) The department shall distribute money from the municipal
24 assistance fund to each municipality on an annual basis as provided in
25 AS 29.60.360 and 29.60.370. A municipality may not receive payment
26 until it submits to the department a resolution approved by the govern-
27 ing body of the municipality that requests the money. Distribution of
28 money from the municipal assistance fund to a municipality with a fiscal
29 year beginning on January 1 shall be made on February 1 of the state

1 fiscal year for which the appropriation to the fund is made. Distribu-
2 tion of money from the municipal assistance fund to all other muni-
3 cipalities shall be made on June 1 of the state fiscal year for which
4 the appropriation to the fund is made. A municipality that incorporates
5 after December 31 of a state fiscal year is not eligible for a distribu-
6 tion under this section until the following state fiscal year.

7 Sec. 29.60.360. BASE AMOUNT OF ASSISTANCE. (a) The base amount
8 to be distributed from the municipal assistance fund to each munici-
9 pality for the fiscal year shall be the amount received by the munici-
10 pality during fiscal year 1978 under AS 43.70.080. A city incorporated
11 within a borough after June 30, 1977, shall receive as a base amount a
12 share of the amount distributed to the borough in which it is located
13 based on the ratio of population in the city to the total population in
14 the borough. A city incorporated outside a borough after June 30, 1977,
15 shall receive as a base amount the amount received by the city in the
16 state most closely approximating it in population at the time of its
17 incorporation. A borough incorporated after June 30, 1977, shall receive
18 as a base amount the amount received by the borough in the state most
19 closely approximating it in population at the time of its incorporation.

20 (b) If the amount appropriated to the municipal assistance fund by
21 the legislature during a fiscal year is insufficient for distribution of
22 the full base amount to each municipality, the department shall prorate
23 the amount available for distribution on the basis of amounts received
24 during the fiscal year 1978 under AS 43.70.080.

25 Sec. 29.60.370. INCREASED ASSISTANCE. (a) If the amount in the
26 municipal assistance fund at the time of distribution exceeds the base
27 amount to be distributed under AS 29.60.360, the excess amount shall be
28 distributed to each municipality on the basis of population. Population
29 for the purpose of this section shall be as certified by the commis-

1 sioner of community and regional affairs. In determining the population
2 of a borough, the population of all cities in the borough shall be
3 deducted from the total population of the borough.

4 (b) The intent of (a) of this section is that a municipality that
5 levies property taxes reduce those levies in reasonable proportion to
6 the amount of increased state aid received by the municipality. The
7 governing body of each municipality shall furnish a notice with each tax
8 statement describing its use of this increased state aid.

9 ARTICLE 15. GENERAL PROVISIONS.

10 Sec. 29.60.800. DEFINITIONS. In this chapter

11 (1) "health facility"

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

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

19 (C) excludes a facility operated or wholly supported by
20 the state or the federal government;

21 (2) "hospital" means a licensed hospital determined by the
22 Department of Health and Social Services to be a general hospital; the
23 term excludes a facility operated or wholly supported by the state or
24 the federal government.

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

26 CHAPTER 65. GENERAL GRANT LAND.

27 Sec. 29.65.010. DETERMINATION OF ENTITLEMENT OF BOROUGHES AND
28 UNIFIED MUNICIPALITIES. The general grant land entitlement of each of
29 the municipalities in this section is the amount set out opposite each:

- 1 (1) Municipality of Anchorage - 44,893 acres;
- 2 (2) City and Borough of Juneau - 19,584 acres;
- 3 (3) City and Borough of Sitka - 10,500 acres;
- 4 (4) Bristol Bay Borough - 2,898 acres;
- 5 (5) Fairbanks North Star Borough - 112,000 acres;
- 6 (6) Haines Borough - 2,800 acres;
- 7 (7) Kenai Peninsula Borough - 155,780 acres;
- 8 (8) Ketchikan Gateway Borough - 11,593 acres;
- 9 (9) Kodiak Island Borough - 56,500 acres;
- 10 (10) Matanuska-Susitna Borough - 355,210 acres;
- 11 (11) North Slope Borough - 89,850 acres.

12 Sec. 29.65.020. DETERMINATION OF ENTITLEMENT FOR CITIES. The
13 general grant land entitlement of a city formerly eligible to receive
14 general grant land under the provisions of AS 29.18.190 and 29.18.200 is
15 10 percent of the maximum total acreage of vacant, unappropriated,
16 unreserved land in the boundaries of each city at any time between the
17 initial date of eligibility under former AS 29.18.190 and 29.18.200 and
18 July 1, 1978. Within six months after July 1, 1978, the director shall
19 determine the entitlement for each city eligible to receive general
20 grant land under this section and certify that entitlement to the city.

21 Sec. 29.65.030. DETERMINATION OF ENTITLEMENT FOR NEWLY INCOR-
22 PORATED MUNICIPALITIES. (a) The general grant land entitlement of a
23 municipality incorporated after July 1, 1978, is 10 percent of the total
24 acreage of vacant, unappropriated, unreserved land within the boundaries
25 of the municipality on the date of its incorporation.

26 (b) Within six months after the date of incorporation of a muni-
27 cipality that is incorporated after July 1, 1978, the director shall
28 determine the entitlement of each municipality eligible to receive
29 general grant land under (a) of this section and certify the entitlement

1 to the municipality.

2 Sec. 29.65.040. STATUS OF ENTITLEMENTS. (a) After July 1, 1978,
3 general grant land entitlements provided in AS 29.65.010 and 29.65.020
4 are vested property rights that must be fulfilled as provided in AS 29.-
5 65.050 or 29.65.080.

6 (b) General grant land entitlements provided by AS 29.65.030 are
7 property rights that vest on the date of incorporation of the munici-
8 pality. The entitlement must be fulfilled as provided in AS 29.65.050.

9 (c) Land may be selected or nominated for selection by a munici-
10 pality to satisfy a general grant land entitlement under AS 29.65.010
11 and 29.65.020 at any time before October 1, 1980. However, if a muni-
12 cipal selection or nomination or a part of a municipal selection or
13 nomination is rejected by the director, the municipality may, not later
14 than 90 days after receipt of the director's rejection, select addi-
15 tional state land as necessary to satisfy its entitlement.

16 (d) Land may be selected by a municipality to satisfy a general
17 grant land entitlement under AS 29.65.030 at any time within one year
18 after the director certifies the entitlement to the municipality.

19 (e) The time limitations imposed by (c) and (d) of this section
20 for exercising a vested general grant land entitlement do not apply to

21 (1) the portion of an entitlement that cannot be satisfied by
22 that date because of a shortage of land suitable for residential, com-
23 mercial, and industrial purposes that is vacant, unappropriated, unre-
24 served land;

25 (2) payments for land deficiency under AS 29.65.080;

26 (3) the portion of an entitlement that cannot be satisfied
27 because the land selected by a municipality has been selected by a party
28 entitled to select land owned by the United States or the state; or

29 (4) the portion of an entitlement that cannot be satisfied

1 because the land nominated for selection by the municipality is not
2 tentatively approved for patent to the state.

3 Sec. 29.65.050. FULFILLMENT OF LAND ENTITLEMENTS. (a) The acreage
4 of each municipality's land selections for which patent has been issued
5 before July 1, 1978, shall be credited toward fulfillment of the entitle-
6 ment of that municipality.

7 (b) All approved selections under former AS 29.18.190 and 29.-
8 18.200 for which patent has not been issued to a municipality on July 1,
9 1978, shall be reviewed by the director within nine months after July 1,
10 1978. Any approved selection of land that was vacant, unappropriated,
11 or unreserved on the date of selection is valid as of the date of the
12 approval under former AS 29.18.190 and 29.18.200, and a patent shall be
13 issued to the municipality within three months after approval by the
14 director of a plat of survey. The acreage shall be credited toward
15 fulfillment of the municipality's entitlement. A municipality is not
16 entitled to receive patent under this chapter to more than its entitle-
17 ment determined under AS 29.65.010 - 29.65.030. Any prior approval by
18 the director of municipal selections for land that was not vacant,
19 unappropriated, or unreserved on the date of selection shall be re-
20 scinded, and patent may not be issued except when disposal to a third
21 party by sale or lease has occurred. Transfers of land to municipali-
22 ties under this chapter are subject to AS 38.05.321. Classification
23 actions as reflected on the land status records of the Department of
24 Natural Resources are determinative of land classification status for
25 purposes of this chapter.

26 (c) The director shall approve each selection for patent within
27 nine months of its selection by a municipality, and a patent shall be
28 issued to the municipality for land selected in satisfaction of a
29 general grant land entitlement vested under AS 29.65.010 - 29.65.030

1 within three months after approval by the director of a plat of survey.

2 Sec. 29.65.060. SCHOOL, UNIVERSITY, AND MENTAL HEALTH LAND. (a)

3 If an entitlement determined in AS 29.65.010 or 29.65.020 results in a
4 per capita entitlement for the municipality of less than one and one-
5 half acre, the municipality may select vacant school, university, or
6 mental health land in the municipality in partial fulfillment of its
7 land entitlement under this chapter. School, university, or mental
8 health land may be selected notwithstanding the fact that these lands
9 are not unappropriated and unreserved within the meaning of this chapter
10 and under former AS 29.18.190 and 29.18.200, but each selection of
11 school, university, or mental health land by a municipality must be
12 vacant, unappropriated, or unreserved land as defined in this chapter,
13 except that it need not be general grant land.

14 (b) The acreage of school, university, or mental health land, if
15 any, in a municipality may not be included in the determination of
16 entitlement under AS 29.65.010 or 29.65.020.

17 (c) Land conveyed under this section will be credited against a
18 municipality's remaining land entitlement under this chapter.

19 (d) Within six months after approval of a municipal selection of
20 school, university, or mental health land, the director shall identify
21 state general grant land of approximately equal value to the land re-
22 quested by the municipality and shall propose the replacement land for
23 the concurrence of the appropriate board. If a proposal by the director
24 is rejected by the board, the director shall meet with the board as
25 often as necessary to determine the type and amount of equal value
26 replacement land that would be required to obtain the board's concur-
27 rence, and shall propose the replacement land for consideration by the
28 board. The replacement land shall thereafter be managed for the pur-
29 poses for which the land selected by the municipality was acquired by

1 the Territory and State of Alaska.

2 (e) The notice and review provisions of AS 38.05.305 and 38.05.345
3 apply to the designation of other general grant land as school, univer-
4 sity, or mental health land in replacement of land selected under this
5 section. The provisions of AS 38.50 and AS 38.05.032 do not apply to
6 such designations under this section. The provisions of AS 38.05.-
7 030(a), 38.05.030(e), and 38.05.035(a)(13) that require the approval of
8 the respective trust board before disposal of land by the director do
9 not apply to selections of school, university, or mental health land by
10 a local government under this section.

11 (f) For purposes of determining the per capita entitlement under
12 (a) of this section, the population of a municipality shall be the
13 population determined by the commissioner under former AS 43.18.010 for
14 the program year beginning July 1, 1978, for a municipality whose en-
15 titlement is determined under AS 29.65.010.

16 Sec. 29.65.070. SELECTION AND CONVEYANCE PROCEDURE. (a) If land
17 selected by a municipality is unsurveyed at the time of approval, the
18 director shall survey, or may approve the municipality's survey of, the
19 exterior boundaries of an approved selection without interior subdivi-
20 sion, and shall issue patent in terms of the exterior boundary survey.
21 The cost of the survey shall be borne by the municipality. If land
22 selected by a municipality has been surveyed at the time of its selec-
23 tion, the boundaries shall conform to the public land subdivisions
24 established by the approved survey.

25 (b) The director may approve municipal selections of land that
26 have been tentatively approved or patented to the state by the federal
27 government, but he may not issue patent to a municipality until the land
28 has first been patented to the state. After approval of a selection by
29 the director, but before patent to a municipality, the municipality may

1 execute conditional leases and make conditional sales only with the
2 consent of the director. Conditional sales and conditional leases made
3 before July 1, 1978, do not require the consent of the director.

4 (c) Nothing in this chapter affects a valid existing claim, loca-
5 tion, or entry under the laws of the state or the United States whether
6 for homestead, mineral, right-of-way, or other purposes. Nothing in
7 this chapter affects the rights of an owner, claimant, locater, or
8 entryman to the full use and enjoyment of the land so occupied.

9 Sec. 29.65.080. PAYMENT FOR LAND DEFICIENCY. (a) The Alaska
10 municipal land account is established in the general fund for the follow-
11 ing purposes:

12 (1) providing payment to the boroughs and unified municipali-
13 ties designated in AS 29.65.010 for a deficiency of land physically
14 suitable for residential, commercial, or industrial purposes; or

15 (2) providing payment to the boroughs and unified municipali-
16 ties designated in AS 29.65.010 for certain general grant lands selected
17 by the state and conveyed to a Native corporation under the provisions
18 of the Alaska Native Claims Settlement Act.

19 (b) A municipality shall receive payment for its land deficiency
20 from the municipal land account. A municipality is eligible to receive
21 payment for land deficiency if, after July 1, 1980, the amount of land
22 selected by a municipality that is physically suitable for residential,
23 commercial, or industrial purposes amounts to less than one-third acre
24 per capita. Any entitlement under AS 29.65.010 that is less than one-
25 third acre per capita will, for the purposes of this subsection, be
26 considered a land deficiency. An unselected remaining entitlement will,
27 for the purpose of deficiency payment under this subsection, be con-
28 sidered as land physically suitable for residential, commercial, or
29 industrial purposes. A municipality eligible under this subsection is

1 entitled to receive a payment for land deficiency equal to \$1,000 per
2 acre for a number of acres equal to the difference between one-third of
3 the population of the municipality less the number of acres physically
4 suitable for residential, commercial or industrial purposes that has
5 been selected by the municipality. For the purpose of this subsection,
6 the population of the municipality shall be the population determined in
7 accordance with AS 29.65.060(f). No payment may be made to a munici-
8 pality under this subsection in excess of \$9,000,000.

9 (c) If a municipality selected vacant, unappropriated, unreserved
10 land on or before December 18, 1971, to which the state had received
11 tentative approval or patent, and that land was also selected by a
12 Native corporation organized under the Alaska Native Claims Settlement
13 Act (P.L. 92-203), and title to that land is ultimately vested in that
14 Native corporation, the municipality may, at its option, request payment
15 for land deficiency from the municipal land account. The acceptance of
16 payment under this subsection by a municipality constitutes a relin-
17 quishment of any other right, title, or claim to the land by that muni-
18 cipality. The total payment to a municipality under this subsection may
19 not exceed \$1,000 per acre to a maximum of 8,000 acres.

20 (d) The governor shall annually submit to the legislature a request
21 for an appropriation to the municipal land account for the municipali-
22 ties that have elected to receive payments under (b) or (c) of this
23 section. The request for appropriation shall distinguish between
24 amounts necessary to make payments for land deficiency under (b) of this
25 section and those required to make payments for land deficiency under
26 (c) of this section.

27 (e) For purposes of fulfilling entitlements under this section,
28 the legislature is authorized to appropriate

29 (1) not more than \$4,000,000 per fiscal year, and not more

1 than \$12,000,000 in total, for the purpose of paying entitlements under
2 (b) of this section;

3 (2) not more than \$1,000,000 per fiscal year, and not more
4 than \$8,000,000 in total, for the purpose of paying entitlements under
5 (c) of this section.

6 (f) If an annual appropriation is not sufficient to meet the
7 amount due to all municipalities that have elected to accept payment for
8 land deficiency under (b) or (c) of this section, the governor shall
9 apportion the appropriation among the municipalities in proportion to
10 the payment calculated for each municipality for that year. When a
11 distribution of payments is made under (c) of this section, the remain-
12 ing entitlement of a municipality to which payment is made shall be
13 reduced in an amount equal to the number of acres for which payment was
14 received. An appropriation made under this section is in addition to
15 other grants and entitlements authorized to eligible municipalities.

16 (g) Payments authorized by this section may not be made to a muni-
17 cipality eligible for an entitlement under AS 29.65.020 or 29.65.030.

18 (h) Payments made under this section shall be used by a municipal-
19 ity that levies property taxes to reduce the levy in proportion to the
20 amount of state payments received by the municipality for a given fiscal
21 year. The governing body of each municipality shall furnish a notice
22 with the tax statement describing the effect on property tax levies of
23 payments received under this section.

24 Sec. 29.65.090. AUTHORIZATION FOR LAND EXCHANGES. The director,
25 with the concurrence of the commissioner, and a municipality are autho-
26 rized to exchange land or interests in land when it is in the public
27 interest. Land or interests in land exchanged under this section must
28 be of approximately equal value, including the nonmonetary value of
29 public benefits. Exchange procedures shall comply with applicable law

1 and municipal ordinances. The notice and review provisions of AS 38.-
2 05.305 and 38.05.345 apply to exchanges of land under this section. The
3 provisions of AS 38.50 do not apply to exchanges of land under this
4 section.

5 Sec. 29.65.100. PUBLIC PURPOSE AND EXPANSION NEEDS. (a) Consis-
6 tent with the best interests of the state, if a municipality does not
7 contain and cannot reasonably acquire sufficient nonfederal land within
8 its boundaries to meet its legitimate needs for public or private
9 settlement or development, it shall be the policy of the state to select
10 federal land reasonably necessary to meet the needs of the municipality
11 and to make the land selected available to the municipality under AS 38.-
12 05.315 or (b) of this section.

13 (b) Where state land is the most logical location for demonstrated
14 municipal expansion for nonpublic settlement and development purposes,
15 and when an exchange of land under AS 29.65.090 is not possible or is
16 not in the public interest, it is the policy of the state to sell or
17 lease the land at public auction. The state may contract with a muni-
18 cipality to act as its agent in an auction of state land under appli-
19 cable statutes. When a municipality acts as the agent of the state in
20 an auction, the municipality may retain from the proceeds of the auction
21 the expenses that the director determines to be necessary and reason-
22 able.

23 (c) Nothing in this chapter limits or impairs the authority of the
24 director to transfer land to municipalities, without limit or considera-
25 tion, for public purposes in accordance with AS 38.05.315. If there is
26 a remaining entitlement of the municipality, land transferred under
27 AS 38.05.315 shall be credited toward fulfillment of the entitlement.

28 Sec. 29.65.110. ELECTION OF BENEFITS. (a) A municipality that on
29 July 1, 1978, is engaged in litigation, or that becomes engaged in

1 litigation, regarding a claim to state land under former AS 29.18.190
2 and 29.18.200 shall elect either to obtain the benefits provided in this
3 chapter or to pursue the litigation and waive any claim to entitlement
4 under this chapter. An election shall be made by filing a motion for
5 dismissal with prejudice in the court in which the litigation is pending.
6 If the claim involves a municipality identified in AS 29.65.010, the
7 municipality shall file its motion for dismissal within 60 days after
8 July 1, 1978. If a claim involves a city eligible to receive an entitle-
9 ment under AS 29.65.020 the city shall file its motion for dismissal
10 within 60 days after receiving the certificate of entitlement provided
11 by the director under AS 29.65.020. Failure of the municipality to file
12 a motion for dismissal during the time period provided in this subsec-
13 tion is considered a waiver of entitlement under this chapter.

14 (b) A municipality that was eligible to file land selections under
15 former AS 29.18.190 and 29.18.200 and that does not enter into litiga-
16 tion over a claim to rights under those sections before the expiration
17 of the time period within which it could make an election under (a) of
18 this section is considered to have elected to receive benefits under
19 this chapter and to have waived any claim that might have been raised
20 under former AS 29.18.190 and 29.18.200.

21 (c) The provisions of this chapter do not affect the rights of a
22 party to litigation regarding the former AS 29.18.190, 29.18.200 or
23 29.18.420 maintained by a municipality that has elected not to obtain
24 the benefits provided by this chapter.

25 Sec. 29.65.120. ADMINISTRATION. The commissioner of natural
26 resources may adopt regulations in accordance with the Administrative
27 Procedure Act (AS 44.62) necessary to carry out the purposes of this
28 chapter.

29 Sec. 29.65.130. DEFINITIONS. In this chapter, unless the context

1 otherwise requires,

2 (1) "approved selection" means a municipal land selection
3 that has been approved in writing by the director for transfer by patent
4 to a municipality;

5 (2) "director" means the director of the division of lands,
6 Department of Natural Resources, or his designee;

7 (3) "general grant land" means land patented or tentatively
8 approved to the state from the United States under sec. 6(a) or (b) of
9 the Alaska Statehood Act;

10 (4) "mental health land" means land granted under Title II,
11 sec. 202 of P.L. 84-830, as amended before or after July 1, 1978;

12 (5) "municipal land selection" means a request by a munici-
13 pality, filed in writing with the director under authority of former
14 AS 29.18.190 and 29.18.200 or under this chapter for vacant, unappro-
15 priated, unreserved general grant land within its municipal boundaries
16 in partial fulfillment of its municipal entitlement;

17 (6) "patent" means a document, issued by the director to a
18 municipality for a previously approved selection, that conveys and
19 quitclaims all the right, title, and interest of the state without
20 reservation or condition except as may be required by law;

21 (7) "remaining entitlement" means the general grant land
22 entitlement determined in accordance with this chapter, reduced by the
23 total acreage of approved selections, including both patented and un-
24 patented parcels;

25 (8) "school land" means those rectangular sections 16 and 36
26 within each township surveyed on or before January 3, 1959, and con-
27 firmed and transferred to the State of Alaska upon its admission under
28 sec. 6(k), Alaska Statehood Act, 72 Stat. 339, and any other land
29 designated solely for school revenues;

1 (9) "university land" means all sections 33 reserved to the
2 university under 38 Stat. 1214, as amended (48 U.S.C. 353) and all land
3 granted to or reserved for the benefit of the university;

4 (10) "vacant, unappropriated, unreserved land" means general
5 grant land as defined in (4) of this section, excluding minerals as
6 required by sec. 6(i) of the Alaska Statehood Act, that

7 (A) has not been set aside by statute for one or more
8 particular uses or purposes;

9 (B) has not been approved for patent to a municipality
10 under this chapter or former AS 29.18.190 and 29.18.200; or

11 (C) is unclassified or, if classified under AS 38.05.-
12 300, is classified for agricultural, grazing, commercial, indus-
13 trial, private recreational, residential, utility, or open-to-entry
14 purposes, or is classified in accordance with an agreement between
15 a municipality and the state providing for state management of land
16 of the municipality.

17 Sec. 29.65.140. APPLICATION. This chapter applies to home rule
18 and general law municipalities.

19 * Sec. 17. AS 29 is amended by adding a new chapter to read:

20 CHAPTER 71. GENERAL PROVISIONS.

21 Sec. 29.71.010. ADVERSE POSSESSION. A municipality may not be
22 divested of title to real property by adverse possession.

23 Sec. 29.71.020. DEDICATION OF MUNICIPAL PROPERTY. Dedication of
24 streets, rights-of-way, easements or other areas for public use may not
25 be construed to require the municipality to maintain, improve or provide
26 for municipal services in the area dedicated and the dedication does not
27 impose any liability on the municipality for the condition of the area
28 dedicated.

29 Sec. 29.71.030. TAXATION OF MUNICIPALITIES. No state law or

1 regulation may assess or tax, or be construed to assess or tax, a muni-
2 cipality unless the law or regulation expressly provides that the muni-
3 cipality is to be assessed or taxed by the particular law or regulation.

4 Sec. 29.71.040. DEFINITIONS. In this title, unless otherwise
5 provided or the context otherwise requires,

6 (1) "areawide" means throughout a borough, both inside and
7 outside all cities in the borough;

8 (2) "assembly" means the governing body of a borough;

9 (3) "borough" means a general law first or second class
10 borough or a home rule borough;

11 (4) "city" means a general law first or second class city or
12 a home rule city;

13 (5) "commissioner" means the commissioner of community and
14 regional affairs;

15 (6) "consolidation" means dissolution of two or more muni-
16 cipalities and their incorporation as a new municipality;

17 (7) "council" means the governing body of a city;

18 (8) "department" means the Department of Community and
19 Regional Affairs;

20 (9) "election" means a regular or special municipal election
21 and does not include a state election;

22 (10) "governing body" means the legislative body of a muni-
23 cipality that is the assembly of a borough or the council of a city;

24 (11) "majority" means a simple majority;

25 (12) "merger" means dissolution of a municipality and its
26 absorption by another municipality;

27 (13) "municipality" means a political subdivision incorporated
28 under the laws of the state that is a home rule or general law city, a
29 home rule or general law borough, or a unified municipality;

1 (14) "nonareawide" means throughout the area of a borough
2 outside all cities in the borough;

3 (15) "owner" or "record owner" means the owner of record or
4 purchaser of record as shown in the records of the district recorder;

5 (16) "personal property" means tangible property other than
6 real property, such as merchandise, stock in trade, machinery, equip-
7 ment, furniture, fixtures, vehicles, boats, and aircraft;

8 (17) "property" means real and personal property;

9 (18) "published" means appearing at least once in a newspaper
10 of general circulation distributed in the municipality or, if there is
11 no newspaper of general circulation distributed in the municipality,
12 posting in three public places for at least five days;

13 (19) "real property" means land and improvements, all posses-
14 sory rights and privileges appurtenant to the property, and includes
15 personal property affixed to the land or improvements;

16 (20) "regular election" means the municipal election held on
17 the first Tuesday of October annually, or on a different date or inter-
18 val of years provided by ordinance or charter;

19 (21) "special election" means a municipal election and does
20 not include a regular election or a state election;

21 (22) "street" includes streets, avenues, boulevards, roads,
22 lanes, alleys, and other ways;

23 (23) "subdivision" means the division of a parcel of land into
24 two or more lots or other divisions for the purpose of sale or building
25 development, includes resubdivision, and relates to the process of
26 subdividing or to the land subdivided;

27 (24) "unified municipality" means a municipality unified in
28 accordance with AS 29.06.190 - 29.06.410;

29 (25) "voter" means a United States citizen who is qualified to

1 vote in state elections, has been a resident of the municipality for 30
2 days immediately preceding the election, is registered to vote in state
3 elections, and is not disqualified under art. V of the state constitu-
4 tion.

5 * Sec. 18. AS 01.10.060 is amended by adding a new paragraph to read:

6 (15) "municipality" means a political subdivision incorporated
7 under the laws of the state that is a home rule or general law city, a
8 home rule or general law borough, or a unified municipality.

9 * Sec. 19. AS 09.55.275 is amended to read:

10 Sec. 09.55.275. REPLAT APPROVAL. No agency of the state or
11 municipality may acquire property located within a municipality exercis-
12 ing the powers conferred by AS 29.40.070 - 29.40.160 that [AS 29.33.-
13 150 - 29.33.245 WHICH] results in a boundary change unless the agency or
14 municipality first obtains from the municipal platting authority pre-
15 liminary approval of a replat showing clearly the location of the pro-
16 posed public streets, easements, rights-of-way, and other taking of
17 private property. Final approval of replat shall be similarly obtained.
18 However, if a state agency clearly demonstrates an overriding state
19 interest, a waiver to the approval requirements of this section may be
20 granted by the governor. The platting authority shall treat applica-
21 tions for replat made by state or local governmental agencies in the
22 same manner as replat petitions originated by private landowners.

23 * Sec. 20. AS 09.65.070(e)(1) is amended to read:

24 (1) "municipality" means a home rule borough or city, a
25 general law borough or city of any class, or a unified municipality
26 [ESTABLISHED UNDER AS 29.68.240 - 29.68.440, OR A MUNICIPALITY ESTAB-
27 LISHED BY MERGER OR CONSOLIDATION UNDER AS 29.68.030 - 29.68.110]; the
28 term includes a public corporation established by a municipality;

29 * Sec. 21. AS 14.08.071(b) is amended to read:

1 (b) Except for the first election of regional school members under
2 (a) of this section, elections [ELECTION] shall be held annually on the
3 first Tuesday in October. Elections shall be supervised by the director
4 of elections in the office of the lieutenant governor, but shall be
5 administered within second class cities as part of the regular municipal
6 election. The lieutenant governor shall adopt [PROMULGATE] regulations
7 for the conduct of the election of regional school board members com-
8 parable, as far as practicable, to those prescribed for election of
9 school board members under AS 14.12 and AS 29.20.300 [AS 29.28] except
10 that the majority election requirements of AS 29.26.060 [AS 29.28.040]
11 do not apply to, nor may the regulations require runoff elections for,
12 the first election of regional school board members under (a) of this
13 section or, if a school board by resolution so requests, to subsequent
14 elections in the regional educational attendance area served by that
15 school board.

16 * Sec. 22. AS 14.08.081 is amended to read:

17 Sec. 14.08.081. RECALL. The members of a regional school board
18 are subject to recall in accordance with AS 29.26.240 - 29.26.360
19 [AS 29.28.130 - 29.28.250], except that the director of the division of
20 elections shall perform the functions of a municipal clerk, and the
21 lieutenant governor shall perform the functions of the assembly or
22 council under those sections.

23 * Sec. 23. AS 14.12.030(c) is amended to read:

24 (c) The [NOTWITHSTANDING THE] provisions of (a) and (b) of this
25 section do not apply if [, WHERE] the [BOROUGH] assembly serves as the
26 school board of the borough school district [UNDER AS 29.41.020 THE
27 NUMBER OF MEMBERS OF THE ASSEMBLY-SCHOOL BOARD SHALL BE DETERMINED IN
28 THE MANNER PRESCRIBED BY AS 29.23.020].

29 * Sec. 24. AS 14.12.110 is amended to read:

1 Sec. 14.12.110. SINGLE BODY AS ASSEMBLY AND SCHOOL BOARD. Not-
2 withstanding the provisions of this chapter or other law, a single body
3 may serve as both the [BOROUGH] assembly and [BOROUGH] school board in
4 the manner provided for third class boroughs under AS 29.20.300(b)
5 [AS 07.17.030], if

6 (1) an [A BOROUGH] ordinance for that purpose is approved by
7 the assembly and ratified by a referendum of a majority of the qualified
8 borough voters voting on the question at a regular or special election;
9 [,] and

10 (2) [IF] the public school population within the borough is
11 500 pupils or less.

12 * Sec. 25. AS 14.14.020 is amended to read:

13 Sec. 14.14.020. BOND REQUIRED. Before the officer responsible for
14 custody [OF], investment, or management of school district money enters
15 upon the duties of office, the district, or the municipality if the
16 treasury is centralized, shall obtain a bond with sufficient sureties in
17 an amount equal to the money that may come into the officer's official
18 custody, but not to exceed \$50,000. The bond shall be conditioned on
19 the officer's honest and faithful disbursement and accounting of all
20 money that may come into his official custody. The bond shall be filed
21 with the clerk of the school board. This section does not apply to an
22 officer who has been bonded under AS 29.20.610 [AS 29.23.520].

23 * Sec. 26. AS 14.14.050(d) is amended to read:

24 (d) The school board shall not make the audit if an audit that
25 [WHICH] satisfies the requirements of this section and that [WHICH] is
26 filed and posted as required by this section [,] is made according to
27 AS 29.35.110 [AS 29.48.220].

28 * Sec. 27. AS 14.17.14)(a) is amended to read:

29 (a) To determine the equalized percentage to be applied to basic

1 need under AS 14.17.021, and the matching ratio for required local
2 effort under AS 14.17.071, the Department of Community and Regional
3 Affairs, in consultation with the assessor for each district, shall
4 determine the full value of the taxable real and personal property in
5 each district. Exemptions granted under ch. 129, SLA 1957, known as the
6 Alaska Industrial Incentive Act (AS 43.25), shall be honored. If there
7 is no local assessor or current local assessment for a district, then
8 the Department of Community and Regional Affairs shall make the deter-
9 mination of full value from information available. In making the deter-
10 mination, the Department of Community and Regional Affairs shall be
11 guided by AS 29.45.110 [AS 29.53.060]. The determination of full value
12 shall be made before October 1 and sent by certified mail, return
13 receipt requested, before that date to the president of the school board
14 in each district. Duplicate copies shall be sent to the commissioner.
15 The governing body of the municipality that [BOROUGH OR CITY WHICH] is
16 the district may obtain judicial review of the determination by filing a
17 motion in the superior court of the judicial district in which the
18 district is located within 30 days after receipt of the determination.
19 The superior court may modify the determination of the Department of
20 Community and Regional Affairs only upon a finding of abuse of discre-
21 tion or upon a finding that there is no substantial evidence to support
22 the determination.

23 * Sec. 28. AS 15.13.010(a) is amended to read:

24 (a) This chapter applies in every election for governor, lieu-
25 tenant governor, a member of the state legislature, a delegate to a
26 constitutional convention, or judge seeking electoral confirmation. It
27 also applies to every candidate for election to a municipal office in a
28 municipality [CITY OR BOROUGH] with a population of more than 1,000
29 inhabitants according to the latest United States census figures or

1 estimates of population certified as correct for administrative purposes
2 by the Department of Community and Regional Affairs. A municipality may
3 exempt its elected municipal officers from the requirements of this
4 chapter if a majority of the voters voting on the question at a [ANY]
5 regular election, as defined by AS 29.71.040(20) [AS 29.78.010(14)], or
6 a special municipality-wide election called for that purpose, vote to
7 exempt its elected municipal officers from the requirements of this
8 chapter. The question of exemption from the requirements of this
9 chapter may be submitted by the governing body [CITY COUNCIL OR BOROUGH
10 ASSEMBLY] by ordinance or by initiative election [ORDINANCE]. Nothing
11 in this chapter prohibits a municipality from regulating by ordinance
12 campaign contributions and expenditures.

13 * Sec. 29. AS 15.56.110(b)(2) is amended to read:

14 (2) a borough assemblyman under AS 29.20.170(6) [AS 29.23.-
15 060(c)];

16 * Sec. 30. AS 15.56.110(b)(3) is amended to read:

17 (3) a borough mayor under AS 29.20.280(6) [AS 29.23.130(f)];

18 * Sec. 31. AS 15.56.110(b)(4) is amended to read:

19 (4) a city councilman under AS 29.20.170(6) [AS 29.23.-
20 210(b)];

21 * Sec. 32. AS 15.56.110(b)(5) is amended to read:

22 (5) a city mayor under AS 29.20.280(6) [AS 29.23.255];

23 * Sec. 33. AS 16.20.036(g) is amended to read:

24 (g) The establishment of a refuge under this section does not
25 impair or alter existing rights of a municipality [BOROUGH OR CITY] to
26 state land selected [SELECT STATE LAND] under former AS 29.18.190 -
27 29.18.200.

28 * Sec. 34. AS 16.20.038(g) is amended to read:

29 (g) The establishment of a refuge under this section does not

1 impair or alter existing rights of a municipality [BOROUGH OR CITY] to
2 state land selected [SELECT STATE LAND] under former AS 29.18.190 -
3 29.18.200.

4 * Sec. 35. AS 18.26.250(2) is amended to read:

5 (2) municipality [MUNICIPAL CORPORATION OR POLITICAL SUB-
6 DIVISION OF THE STATE AS THE TERMS ARE USED IN AS 29];

7 * Sec. 36. AS 18.80.290(d) is amended to read:

8 (d) The governing [LEGISLATIVE] body of a general law or home rule
9 municipality has the authority under AS 29.20.320 [AS 29.48.035] to
10 grant to local commissions powers and duties similar to those exercised
11 by the Alaska Human Rights Commission under the provisions of this Act.

12 * Sec. 37. AS 19.30.241(2) is amended to read:

13 (2) "home rule city" means a city as defined in AS 29.04.010
14 [AS 29.08.010];

15 * Sec. 38. AS 19.30.241(3) is amended to read:

16 (3) "local government" means an organized borough of any
17 class, a unified municipality [ORGANIZED UNDER AS 29.68.240 - 29.68.440],
18 a home rule city, or a first class city [OF THE FIRST CLASS];

19 * ~~Sec. 39. AS 23.30.005 is amended by adding a new subsection to read:~~

20 ~~(m) The board shall adopt regulations that permit two or more~~
21 ~~municipalities to form an employer group for the purpose of providing~~
22 ~~self-insurance under this chapter.~~

23 * Sec. 40. AS 26.23.230(5) is amended to read:

24 (5) "political subdivision" means a home rule or general law
25 borough or city [, WHETHER HOME RULE OR OTHERWISE,] including a unified
26 municipality [MUNICIPALITIES UNIFIED UNDER AS. 29.68.240 - 29.68.440],
27 an unincorporated village, or other unit of local government;

28 * Sec. 41. AS 28.15.051(d) is amended to read:

29 (d) The department may issue a special driver's permit to a person

1 who is at least 14 years of age with the consent of his parents or
2 guardians for the purpose of driving a motor-driven cycle. This permit
3 may be issued upon application and successful completion of all pre-
4 scribed tests and fees, and is valid for the same period of time as a
5 driver's license. The permit is not valid in a municipality that
6 [WHICH] by ordinance prohibits the driving of a motor-driven cycle by a
7 person under the age of 16 years; a borough may adopt the ordinance on a
8 nonareawide basis only, unless the power to adopt it on an areawide
9 basis is acquired under AS 29.35.300 - 29.35.330 or former AS 29.33.250 -
10 29.33.290.

11 * Sec. 42. AS 38.04.020(b)(1) is amended to read:

12 (1) land nominated for selection or selected by a municipal-
13 ity to satisfy a general grant land entitlement under AS 29.65 or former
14 AS 29.18.201 - 29.18.213;

15 * Sec. 43. AS 38.04.020(e)(4) is amended to read:

16 (4) for preliminary feasibility studies, engineering design
17 work, and construction of access roads and capital improvements required
18 by municipal subdivision ordinance or regulation of the platting author-
19 ity [BOARD UNDER AS 29.33.150]; if an accurate determination of the
20 amounts necessary for access roads or capital improvements cannot be
21 made at the time the estimate is submitted, a schedule for obtaining the
22 estimates, constructing the access roads or capital improvements, and
23 disposing of the land shall be submitted;

24 * Sec. 44. AS 38.04.021(a) is amended to read:

25 (a) A municipality may apply for financial assistance for the
26 execution of a land disposal program of general grant land entitlements
27 received from the state under AS 29.65 or former AS 29.18.201 - 29.18.-
28 213 by submitting a request to the commissioner for inclusion in the
29 request submitted to the legislature under AS 38.04.020(e). A municipi-

1 pality may request financial assistance for expenses of surveying land,
2 designing subdivision plats, installing improvements required by municipi-
3 pal ordinance or regulation of the local platting authority [BOARD], and
4 other reasonable direct costs of land disposal.

5 * Sec. 45. AS 38.04.021(d) is amended to read:

6 (d) A grant made under this section may not exceed five times the
7 amount of money appropriated by a first class city, a borough, or a
8 unified municipality [UNIFIED UNDER AS 29.68.240 - 29.68.440] for the
9 disposal of municipal land in the current fiscal year unless the commis-
10 sioner exempts the municipality from this subsection.

11 * Sec. 46. AS 38.04.021(e)(2) is amended to read:

12 (2) a first class city, a bozough, or a unified municipality
13 that [UNIFIED UNDER AS 29.68.240 - 29.68.440 WHICH] is exempted by the
14 commissioner under (d) of this section.

15 * Sec. 47. AS 38.04.900(b) is amended to read:

16 (b) A municipality has standing to petition the commissioner for
17 the adoption of a regulation, or for the amendment or repeal of an
18 existing regulation, or to appeal a decision of the commissioner with
19 respect to classification, management, or disposal of land made under
20 authority of a regulation adopted under (a) of this section with respect
21 to state land outside the corporate boundaries of the municipality to
22 protect any interest which the municipality is authorized to regulate
23 outside its boundaries under AS 29.35.020 [AS 29.48.037].

24 * Sec. 48. AS 38.05.127(d) is amended to read:

25 (d) Upon application by a municipality or an affected owner of
26 land, the department may vacate, release, modify, or relocate an ease-
27 ment and right-of-way for public access to or along navigable or public
28 waters reserved by the department in a patent issued under AS 29.18.-
29 510 - 29.18.610, AS 29.05, AS 29.65, or former AS 29.18.011 - 29.18.460.

1 [AS 29.18] if the commissioner determines the action is consistent with
2 the public interest.

3 * Sec. 49. AS 38.05.290(b) is amended to read:

4 (b) Consistent with the best interests of the state, in the selec-
5 tion of general grant land it is the policy of the state to make avail-
6 able the maximum land area from which municipalities may fulfill land
7 entitlements under AS 29.65 or former AS 29.18.201 - 29.18.213.

8 * Sec. 50. AS 38.05.321(b) is amended to read:

9 (b) State land classified as agricultural land that [WHICH] has
10 been selected by a municipality under former AS 29.18.190 - 29.18.200 or
11 former AS 29.18.205(e) may be approved by the director for patent under
12 AS 29.65.050(c) or former AS 29.18.205(f); however, only rights in the
13 land for agricultural purposes may be transferred and all other inter-
14 ests in the land will remain with the state. Agricultural land approved
15 for patent to a municipality [UNDER AS 29.18.205(f)] shall be credited,
16 acre for acre, toward fulfillment of that municipality's entitlement
17 under AS 29.65.010 - 29.65.030 or former AS 29.18.201 - 29.18.203. If
18 the director later determines it to be in the best interests of the
19 state to transfer some or all of the additional rights in that approved
20 or patented agricultural land, those rights shall pass without consider-
21 ation to the municipality in which the land is located. The notice and
22 review provisions of [AS 38.05.305 AND] AS 38.05.345 are applicable to
23 conveyance of rights under this section.

24 * Sec. 51. AS 38.05.321(c) is amended to read:

25 (c) The provisions of this section do not apply to state land
26 classified as agricultural land which has been selected by a municipal-
27 ity under the provisions of former AS 29.18.190 - 29.18.200 if the
28 selection is an approved selection before April 1, 1978 and is otherwise
29 valid under AS 29.65.050(b) or former AS 29.18.205(b).

1 * Sec. 52. AS 38.05.362(b) is amended to read:

2 (b) Nothing in this section affects the selection rights of a
3 municipality [BOROUGH OR CITY] under former AS 29.18.190 - 29.18.200 for
4 areas selected as of July 1, 1977, or a valid existing claim, location,
5 or entry under law, as of July 1, 1976.

6 * Sec. 53. AS 39.50.145 is amended to read:

7 Sec. 39.50.145. PARTICIPATION BY MUNICIPALITIES. A municipality
8 may exempt its municipal officers from the requirements of this chapter
9 if a majority of the voters voting on the question at a [ANY] regular
10 election, as defined by AS 29.71.040(20) [AS 29.78.010(14)], or a
11 special municipality-wide election, vote to exempt its municipal
12 officers from the requirements of this chapter. The question of
13 exemption from the requirements of this chapter may be submitted by the
14 city council or borough assembly by ordinance or by initiative election
15 [ORDINANCE].

16 * Sec. 54. AS 39.50.200(a)(6) is amended to read:

17 (6) "municipal officer" includes a borough or city mayor,
18 borough assemblyman, city councilman, school board member, elected
19 utility board member, city or borough manager, members of a city or
20 borough planning or zoning commission within a home rule or general law
21 city or borough or [INCLUDING BUT NOT LIMITED TO] a unified municipality
22 [UNDER AS 29.68];

23 * Sec. 55. AS 40.15.075 is amended to read:

24 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD
25 CLASS BOROUGH. The division of lands is the platting authority in the
26 area outside organized boroughs and outside cities in the unorganized
27 borough and in the third class borough for only the purposes of hearing
28 and acting on petitions for the change or vacation of plats and shall
29 execute this function substantially in conformity with the provisions of

1 AS 29.40.130 - 29.40.160 [AS 29.33.210 - 29.33.240]. Costs of publica-
2 tion and mailing [AS WELL AS OTHER COSTS] authorized in AS 29.40.130
3 [AS 29.33.210] shall be paid to the division by the petitioner. The
4 Department of Natural Resources shall adopt reasonable regulations
5 governing the exercise of the authority conferred by this section upon
6 the division of lands.

7 * Sec. 56. AS 40.15.200 is amended to read:

8 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS.
9 All subdivisions of land made by the state, its agencies, instrumentali-
10 ties and political subdivisions are subject to the provisions of this
11 chapter and AS 29.40.070 - 29.40.160 [AS 29.33.150 - 29.33.240], or home
12 rule ordinances or regulations governing subdivisions, and shall comply
13 with ordinances and other local regulations adopted under this chapter
14 and AS 29.40.070 - 29.40.160 or ~~former~~ AS 29.33.150 - 29.33.240, or
15 under home rule authority, in the same manner and to the same extent as
16 subdivisions made by other landowners.

17 * Sec. 57. AS 41.22.020(d) is amended to read:

18 (d) In (a) of this section "municipalities" includes cities or
19 organized boroughs of any class and unified municipalities exercising
20 powers to initiate projects described in AS 41.22.020 and acquire parks
21 and open space land, as otherwise authorized by law [, AND INCLUDES BUT
22 IS NOT LIMITED TO UNIFIED MUNICIPALITIES ORGANIZED UNDER AS 29.68.240 -
23 29.68.440].

24 * Sec. 58. AS 41.35.180(5) is amended to read:

25 (5) consult with local historical district commissions re-
26 garding the establishment of historical districts under AS 29.55.010 -
27 29.55.020 [AS 29.48.108 - 29.48.110] and the approval of project altera-
28 tions under AS 45.98.040; recommend, if appropriate, the formulation of
29 additional criteria for the designation of historical districts under

1 AS 29.55.020(b) [AS 29.48.110(b)]; approve plans for and evaluate the
2 suitability of specific structures for purposes of loan eligibility and
3 continuance under the historical district revolving loan fund (AS 45.98);
4 and consult with the Department of Commerce and Economic Development
5 relative to the adoption of regulations for historical district loans
6 under AS 45.98.

7 * Sec. 59. AS 43.18.430 is amended to read:

8 Sec. 43.18.430. POWER OF MUNICIPALITY. A municipality may own,
9 maintain and employ a facility constructed under AS 43.18.400 - 43.18.-
10 460. The exercise of this power on an areawide basis is at the option
11 of the borough and is not subject to the restrictions on acquiring
12 additional areawide powers in AS 29.35.300 - 29.35.330 [AS 29.33.250 -
13 29.33.290].

14 * Sec. 60. AS 43.18.500(d)(2)(A) is amended to read:

15 (A) has the authority under AS 29.35 [AS 29.41 OR AS 29.-
16 48] to provide and maintain a cultural facility;

17 * Sec. 61. AS 43.56.010(b) is amended to read:

18 (b) A municipality may levy and collect a tax under AS 29.45.080
19 [AS 29.53.045] at the rate of taxation that applies to other property
20 taxed by the municipality. The tax shall be levied at a rate no higher
21 than the rate applicable to other property taxable by the municipality.
22 No municipality may exempt from taxation property authorized to be taxed
23 under this chapter. Exemptions shall be limited to those in AS 29.-
24 45.030, 29.45.050, [AS 29.53.020 AND AS 29.53.025] and AS 43.56.020.

25 * Sec. 62. AS 43.56.010(c) is amended to read:

26 (c) If the total value of assessed property of a municipality
27 taxing under AS 29.45.080(c) [AS 29.53.045(c)] exceeds the product of
28 225 percent of the average per capita assessed full and true value of
29 property in the state (to be determined by the department and reported

1 to each municipality by January 15 of each year) multiplied by the
2 number of residents of the taxing municipality, the department shall
3 designate the portion of the tax base against which the local tax may be
4 applied. For purposes of this subsection the average per capita
5 assessed full and true value of property in the state shall be calcu-
6 lated without regard to the assessed value of taxable property under
7 AS 43.58.

8 * Sec. 63. AS 43.56.010(d) is amended to read:

9 (d) A tax paid to a municipality under AS 29.45.080 [AS 29.53.045]
10 on or before June 30 of the tax year shall be credited against the tax
11 levied under (a) of this section for that tax year. If, however, a tax
12 is not paid to a municipality until after June 30 of the taxable year,
13 the department upon application shall refund to the taxpayer the amount
14 of tax paid to the municipality under AS 29.45.080 [AS 29.53.045]. The
15 credit or refund of taxes paid to a municipality may not exceed the
16 total amount of tax levied by the department upon the taxpayer for the
17 tax year, under (a) of this section.

18 * Sec. 64. AS 43.56.060(a) is amended to read:

19 (a) The department shall assess property for the tax levied under
20 AS 43.56.010(b) and AS 29.45.080 [AS 29.53.045] on property used or
21 committed by contract or other agreement for use for the pipeline trans-
22 portation of gas or unrefined oil or for the production of gas or un-
23 refined oil at its full and true value as of January 1 of the assessment
24 year.

25 * Sec. 65. AS 43.75.130(1) is amended to read:

26 (1) to each unified municipality [UNIFIED UNDER AS 29.68.-
27 240 - 29.68.440,] and to each city located in the unorganized borough,
28 50 percent of the amount of tax revenue collected in the municipality
29 from taxes levied by AS 43.75;

1 * Sec. 66. AS 44.07.360(8) is amended to read:

2 (8) "municipality" means a home rule or general law city or
3 borough including but not limited to the capital city and a unified
4 municipality [ORGANIZED UNDER AS 29.68.240 - 29.68.440];

5 * Sec. 67. AS 44.08.065(c) is amended to read:

6 (c) A property owner aggrieved by determination of his assessment
7 may appeal under AS 29.45.190 [AS 29.53.130 - 29.53.135].

8 * Sec. 68. AS 44.08.065(d) is amended to read:

9 (d) All adjustments in valuation approved by the board of equali-
10 zation are subject to review and final approval by the commissioner. A
11 property owner may appeal the final determination in accordance with
12 AS 29.45.210 [AS 29.53.140].

13 * Sec. 69. AS 44.47 is amended by adding a new section to read:

14 Sec. 44.47.157. FEASIBILITY STUDIES OF PROPOSED BOROUGHES. (a)
15 There is established a program of financial assistance for studies of
16 the feasibility of forming boroughs in the unorganized borough. A
17 municipality located in the unorganized borough or a resident of the
18 unorganized borough may request a feasibility study of an area of the
19 unorganized borough. The request shall be in writing and shall be
20 delivered to the commissioner. The request shall include

21 (1) a description of the boundaries of the area to be stud-
22 ied, and

23 (2) a showing of local interest in the feasibility study
24 demonstrated by

25 (A) a petition for the feasibility study containing the
26 signatures and addresses of at least five percent of the voters
27 residing in the area to be studied based on the number who voted in
28 the area at the last statewide election, or

29 (B) resolutions adopted by the governing bodies of at

1 least five percent of the municipalities within the area to be
2 studied.

3 (b) Upon receipt of a request for a feasibility study and after a
4 public hearing in the area of the proposed study, the commissioner may
5 authorize a study of the area as requested or alter the boundaries of
6 the area of the proposed study and authorize a study of the area as
7 altered. In determining which geographical area is appropriate for
8 study as a proposed borough, the commissioner shall consider

9 (1) the standards applicable to the incorporation of boroughs
10 under AS 29.05.030;

11 (2) the boundaries of the Native regional corporations estab-
12 lished under the Alaska Native Claims Settlement Act (43 U.S.C.
13 secs. 1601 - 1628);

14 (3) census divisions of the state used for the 1980 census;

15 (4) boundaries of the regional educational attendance areas;
16 and

17 (5) coastal resource service areas organized under AS 46.-
18 40.110 - 46.40.130.

19 (c) Subject to appropriations for the purpose, the commissioner
20 shall award a contract in accordance with AS 37.05.220 - 37.05.280 for a
21 study authorized under (b) of this section. The commissioner shall
22 include terms in the contract that provide for maximum public participa-
23 tion in the preparation of the feasibility study.

24 (d) A feasibility study under this section shall include

25 (1) a recommendation for or against incorporation of a
26 borough government for all or part of the area studied;

27 (2) an evaluation of the economic development potential of
28 the area;

29 (3) an evaluation of capital facility needs of the area;

1 (4) an evaluation of demographic, social, and environmental
2 factors affecting the area;

3 (5) an evaluation of current relationships among the regional
4 educational attendance areas, the coastal resource service areas, and
5 other regional entities responsible for providing services in the area
6 studied;

7 (6) an evaluation of the relationships between the existing
8 municipal governments in the area studied and regional entities re-
9 sponsible for providing services in the area;

10 (7) review of a home rule charter if one is submitted for
11 review by the resident or municipality that requested the study;

12 (8) specific recommendations for

13 (A) organization of a borough government if one is rec-
14 ommended; or

15 (B) the improvement of the delivery of services by the
16 state in the area studied.

17 * Sec. 70. AS 44.83.162(m) is amended to read:

18 (m) For purposes of (c) of this section, the number of residents
19 of the community equals the number of residents of the community deter-
20 mined by the Department of Community and Regional Affairs in accordance
21 with AS 29.60.020 [AS 29.88.015].

22 * Sec. 71. AS 44.85.270(i) is amended to read:

23 (i) All references to the "reserve fund" in this section include
24 special accounts within the reserve fund which may be created by the
25 authority to secure the payment of particular bonds, including, without
26 limitation, bonds issued by the capital city established under AS 29.-
27 14.010 [AS 29.18.510]. The commissioner of revenue may lend surplus
28 money in the general fund to the authority for deposit to any account in
29 the reserve fund in an amount equal to the required debt service reserve.

1 The loans shall be made on such terms and conditions as may be agreed
2 upon by the commissioner of revenue and the authority, including, without
3 limitation, terms and conditions providing that the loans need not be
4 repaid until the obligations of the corporation secured and to be secured
5 by the account in the reserve fund are no longer outstanding.

6 * Sec. 72. AS 44.85.410(3)(A) is amended to read:

7 (A) a general obligation bond that [WHICH] is a direct
8 and general obligation of a political subdivision of the state, all
9 the taxable property within which is subject to taxation to ~~pay~~ the
10 bond, note or evidence of debt, and the interest without limita-
11 tion, as to rate or amount generally to the extent permitted by law
12 or to avoid a default as provided for second class cities under
13 AS 29.45.590 [AS 29.53.410]; or

14 * Sec. 73. AS 44.85.410(3)(D) is amended to read:

15 (D) a bond of a borough issued as a general obligation
16 of a service area under AS 29.47.440 or former AS 29.58.340; [.]

17 * Sec. 74. AS 45.98.020 is amended to read:

18 Sec. 45.98.020. HISTORICAL DISTRICT LOANS. Upon endorsement and
19 plan approval by a local historical district commission established
20 under AS 29.55.010 or former AS 29.48.108 and the recommendation of a
21 majority of the members of the Historic Sites Advisory Committee, the
22 Department of Commerce and Economic Development may make loans to a
23 person, firm, business or municipality subject to applicable laws for
24 the restoration, improvement, rehabilitation, or maintenance of a struc-
25 ture that [WHICH] is

26 (1) within the boundaries of a historical district estab-
27 lished under AS 29.55.020 or former AS 29.48.110;

28 (2) identified as important in state or national history as
29 provided for in AS 29.55.020(b) or former AS 29.48.110(b); and

1 (3) another building or structure within a historical dis-
2 trict, and suitable for superficial modification so that it can conform
3 to the period or motif of the surrounding buildings or structures that
4 are the reason for the area's designation as a historical district.

5 * Sec. 75. AS 46.03.210(a) is amended to read:

6 (a) A municipality with a population in excess of 1,000 may,
7 within five years from August 5, 1969, establish and administer within
8 its jurisdiction an air pollution control program. Organized boroughs
9 may establish an air pollution control program on an areawide basis, and
10 the exercise of powers with respect to the program is not subject to the
11 restrictions on acquiring additional areawide powers specified in
12 AS 29.35.300 - 29.35.330 [AS 29.33.250 - 29.33.290]. Local programs
13 shall

14 (1) provide by ordinance for requirements compatible with
15 those imposed by the provisions of AS 46.03.140 and 46.03.170 and
16 applicable regulations;

17 (2) provide for the enforcement of the requirements imposed
18 through appropriate administrative and judicial processes;

19 (3) provide for a local administrative organization, staff,
20 and other resources necessary to effectively carry out the purposes of
21 the program; and

22 (4) be approved by the department as being satisfactory to
23 meet the requirements of AS 46.03.140 - 46.03.170 and the applicable
24 regulations.

25 * Sec. 76. AS 46.11.040(3)(A) is amended to read:

26 (A) is constructed under an exception to the municipal
27 building code granted because the exception will result in in-
28 creased energy efficiency [UNDER AS 29.33.080(g)];

29 * Sec. 77. AS 46.11.900(8) is amended to read:

1 (8) "state financial assistance" means a loan, grant, guaran-
2 tee, insurance, payment, rebate, subsidy, or other form of state assis-
3 tance (other than aid under AS 29.60 [AS 29.88, AS 29.89, AS 29.90,
4 AS 29.95] and AS 43.18) including the purchase by a state agency of a
5 loan to finance the construction of a new residential, commercial, or
6 industrial building;

7 * Sec. 78. AS 46.35.200(3) is amended to read:

8 (3) "local government" means a city or borough including a
9 unified municipality [UNIFIED UNDER AS 29.68.240 - 29.68.440];

10 * Sec. 79. AS 46.40.140(h) is amended to read:

11 (h) Members of coastal resource service area boards are subject to
12 recall on the same grounds and in the same manner as provided for recall
13 of municipal officials in AS 29.26.240 - 29.26.350 [AS 29.28.130 -
14 29.28.250]. The lieutenant governor functions in place of the assembly
15 or council and municipal clerk for receipt and review of recall petitions
16 and the conduct of recall elections.

17 * Sec. 80. AS 46.40.210(2)(A) is amended to read:

18 (A) unified municipalities [ESTABLISHED UNDER AS 29.-
19 68.240 - 29.68.440];

20 * Sec. 81. AS 47.35.010(b) is amended to read:

21 (b) The department shall, within 90 days after receiving a written
22 request that it do so, delegate its powers relating to nurseries under
23 this section and under AS 47.35.040, 47.35.050 and 47.35.060 to a muni-
24 cipality which has adopted an ordinance providing for day care licensing
25 under home rule powers or as authorized under AS 29.35.200 - 29.35.210
26 [AS 29.48.035(a)(20)]. A municipality to which these powers have been
27 delegated may waive or modify any regulation or standard established by
28 the department under the authority of AS 47.35.010 - 47.35.080 as it
29 applies to nurseries or the application of any such regulation or stan-

1 dard as it applies to a particular day care licensee but must notify the
2 department of any waiver.

3 * Sec. 82. The following laws are repealed: AS 04.11.340(4), 04.11.-
4 400(c); AS 04.21.080(11); AS 14.56.065(b), 14.56.180(3); AS 15.13.130(6);
5 AS 18.55.950(10); AS 24.55.330(3); AS 28.35.260(10); AS 29.08; AS 29.13;
6 AS 29.18.011 - 29.18.460; AS 29.23; AS 29.28; AS 29.33; AS 29.38; AS 29.41;
7 AS 29.43; AS 29.48; AS 29.53; AS 29.58; AS 29.63; AS 29.68; AS 29.73; AS 29.-
8 78; AS 29.88; AS 29.89; AS 29.90; AS 29.95; AS 30.15.070(3); AS 30.30.170(2);
9 AS 35.15.080(3), 35.15.120(3); AS 42.06.630(6); AS 43.18.500(j)(6); AS 43.20.-
10 016; AS 43.56.210(8); AS 44.47.310(5); and AS 44.85.410(4).

11 * Sec. 83. A right or liability of a municipality existing on July 1,
12 1982, is not affected by the enactment of this Act. Ordinances and regula-
13 tions in effect on July 1, 1982, remain in effect unless they conflict with
14 provisions of this Act. Ordinances and regulations in effect on July 1,
15 1982, that conflict with provisions of this Act remain in effect for 180 days
16 after July 1, 1982. The terms of elected or appointed municipal officials in
17 office on July 1, 1982, are not affected by this Act, and their terms expire
18 as provided before July 1, 1982.

19 * Sec. 84. AS 29.45.030(a)(7), (m), and (n) as enacted in sec. 11 of this
20 Act are retroactive to December 31, 1980. AS 29.45.030(j) and (k) as enacted
21 in sec. 11 of this Act are retroactive to January 1, 1982.

22 * Sec. 85. AS 29.45.030(a)(7), (j), (k), (m), and (n) as enacted in sec.
23 11 of this Act and sec. 84 of this Act take effect immediately in accordance
24 with AS 01.10.070(c).

25 * Sec. 86. Except for AS 29.45.030(a)(7), (j), (k), (m), and (n) as
26 enacted in sec. 11 of this Act and sec. 84 of this Act, this Act takes effect
27 July 1, 1982.



Matanuska-Susitna Borough

BOX B. PALMER, ALASKA 99645 • PHONE 745-4801

DEPARTMENT OF ADMINISTRATION

June 3, 1982

The Honorable Jay S. Hammond
Governor of the State of Alaska
Pouch A
Juneau, Alaska 99811

Dear Governor Hammond:

Re: Senate Bill 180 Amendments of Title 29 Municipal Code

The Matanuska-Susitna Borough Assembly asked me to write this letter asking you to veto SB 180 on Title 29 municipal code amendments.

We have followed the progress of the revisions to Title 29 closely. They were much needed. The Department of Community and Regional Affairs, the Alaska Municipal League, the Senate Community and Regional Affairs Committee and others did a good job on Title 29 amendments.

Many public hearings and committee meetings were held over a period of more than two years. Much thought and effort was put into developing a workable, well balanced foundation from which local governments could serve their communities. The fundamental premise of the bill, however, was that it was a house-keeping bill and not intended to work fundamental changes in the operation or powers of municipalities in our State.

Unfortunately, the recent amendments to SB 180 are irresponsible and convert this bill from a carefully considered, house-keeping bill to one which makes questionable, substantive changes to the local governmental powers and tax base. The harm that would be done would outweigh the good the Senate version of SB 180 would accomplish.

And, if SB 180 were allowed to become law, it would reward a sleazy process of decision making. The House amendments were, in some cases, made without thought to the consequences and, in other cases, were used as a vehicle for promoting the interests of narrow special interest groups to the detriment to people who want to make local government work.

Examples of damage that would be caused by passage of SB 180, as amended by the House, are:

Municipal Assistance

The municipal assistance amendment to Title 29 (House Amendment No. 10) eliminates the requirement that population for municipal assistance be determined by census or on other reliable population data. This amend-

ment would not only reduce municipal assistance revenues to this Borough, but raises questions whether people who live in this Borough, fight fires in this Borough, send their children to Borough schools and participate in community activities are residents of Matanuska-Susitna Borough or North Slope Borough or other remote sites where they may work. Mat-Su residents should be counted as residents where they live, educate their children, and where they should have the right to vote for local officials because they know them.

If Mat-Su residents are counted as North Slope residents, we will experience substantial revenue losses in:

- State revenue sharing;
- Municipal assistance;
- Any per capita distributions such as last year's SB 168.

And, it might have an affect on how the Federal Government counts residents for federal revenue sharing purposes.

And, even if there is double-counting for State shared revenue and municipal assistance purposes, and Mat-Su residents are counted as residents of two different local governments for revenue sharing purposes, there will be a reduction in such revenues to this Borough and all other Alaska local governments, other than the North Slope Borough, to enlarge the total percentage of such monies going to the North Slope Borough.

The careful thought put into the Senate version of SB 180 has not been put into this eleventh hour amendment. What does it mean to eliminate the requirement that municipal revenue sharing be based on "reliable population data"? This ill-conceived amendment will do harm to Alaska citizens for years to come if it is allowed to become law.

Forest Lands Exemption from Property Tax

House amendment No. 17 exempts "forest land" from all taxation by municipalities. The definition of "forest land", from AS 41.17.950(6), includes nearly all land, lots and parcels with trees growing.

Most acreage in the Borough is wooded, although very little not owned by the State or the Borough is presently being logged. At least 56% of assessed valuation is in unimproved parcels. Nearly all of these unimproved parcels are covered by trees. To exempt them all from property taxation would result in a massive shift of property taxes to owners of homes and businesses in the Borough and cause more than a doubling of property taxes they have to pay.

Steve VanSant, our Borough Assessor, thinks that the situation may be even worse than that--that up to 80% of our tax parcels would be exempted from property taxation because of the overly broad wording of the forest exemption. I asked Mr. VanSant if we could interpret the forestry exemption as applying only to stands that have some commercial timber potential such as the stands in Southeast Alaska and Prince William Sound. Mr. VanSant thought that this would be very difficult to do in view of the wording of the forestry exemption, which apparently is intended to sweep up just about everything.

Abbreviated Subdivision Procedures

House amendment Nos. 8 and 16 significantly change the platting review powers of local governments. The Senate bill, approved after lengthy hearings, input and concurrence of both governmental and private real estate interests, has been transformed. No thought apparently was involved in all the consequences of these changes.

Amending abbreviated subdivision procedures to allow an unlimited number of five acre lots would create rural slums where roads don't connect, fires can't be fought and children cannot be economically transported to schools. We are proud of the subdivisions that have come into existence in the Matanuska-Susitna Borough since 1972. They have good maintainable roads, of good design that will handle growth of traffic, school populations, fire fighting effort. We would not want to see this Borough legislatively mandated as a rural slum by doing away with subdivision requirements for large lot subdivisions. The pre-1973 situation is a disaster for many of the people who bought into swamp without actual road access and it would be wrong to re-engineer this error.

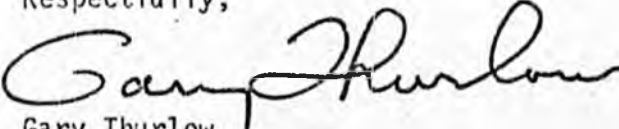
Very few people, including, probably, most House members, have any idea of the effect of the House amendment to the abbreviated subdivision procedure.

These amendments look like technical amendments that do not have any serious consequences. In fact, they create serious inconsistencies which may conceivably gut the ability of municipalities to meaningfully plan its roads and regulate its subdivisions.

In a rapidly developing area such as the Valley, you have to think about school buses, grades, curves, access, fire safety in newly developing areas, or you will get a mess you will never recover from.

Senate Bill 180, as it now stands, is a very bad bill for local governments and for people throughout the State who live in incorporated areas. It should be vetoed.

Respectfully,


Gary Thurlow
Borough Manager

er

cc: Assembly
Senator Sturglewski
Senator Kerttula
Senator Gilman
Representative Carney

MEMORANDUM

State of Alaska

TO: Hon. Lee McAnerney, Commissioner
Department of Community & Regional
Affairs

DATE: December 31, 1980

FILE NO: J-66-358-81

TELEPHONE NO: 465-3666

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Meaning of word "pop-
ulation" for revenue-
sharing purposes

By:

Rodger W. Pegues
Assistant Attorney General

This responds to your request for our advice on this subject.

We have concluded that the word "population" as used in the new Revenue Sharing Act, AS 29.88, includes all those persons who would ordinarily be counted in a given locality by the census. We draw this conclusion for several reasons.

First, the Act itself states that the population shall be determined by the latest census figures. AS 29.88.-015. Second, the Act prescribes that military personnel -- ordinarily not permanent residents but ordinarily included by the census as resident where they are stationed -- be included in the population. Third, municipal services are provided for, and generally required by, persons who are physically present for any length of time notwithstanding that their permanent residence is elsewhere. In other words, it is consistent with the Act's overall purpose to include them.

Ordinarily, those persons employed at Prudhoe Bay and in the Petroleum Reserve who spent at least four nights of the week during the referenced week at their work place would be counted there by the census. However, it appears that the Census Bureau, contrary to its general rule, counted most, if not all, of the oil company employees on the North Slope at their permanent place of residence rather than at their work place. That is perfectly legal and proper and probably gives a more accurate demographic picture of Alaska. (The vast majority of the oil company employees on the North Slope reside elsewhere in Alaska.) However, it distorts the picture from the standpoint of the Revenue Sharing Act.

As indicated above, it's people who cause problems and create needs to which local government must respond. There are some 3500 to 4000 or more persons who live and work in the North Slope Borough in addition to those which

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DEPT. OF COMM.
AND REGIONAL A.

will apparently be shown by the census. Under these circumstances, you should use other reliable data to determine their number, and include them in your determination of the borough's population. This will result in some double counting, but that appears to be inevitable in that most of these employees reside half of their time in one locality and half in another. Thus, both localities should be able to count them.

That the oil company camps are largely self-sustaining is irrelevant. The military reservations -- whose residents are counted -- are also largely self-sustaining, and at any event, the Revenue Sharing Act does not distinguish between municipalities on the basis of the level of services actually provided or of the intensity of the problems encountered.

RWP/pjg

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

1980 Census Count was
WRONG did not count any
oilfield workers.

This was corrected by 1982
state census conducted by
Dave Swanson. This census
~~did not~~ counted all workers
who spent more than 51%
of the time on the Slope.

This gives the N. Slope
Borough a population of 7,098.
(Compared to approx 4,500 from the
1980 census)

The House amendment would
give the N. Slope Borough a
population of approx 11,252.

This ~~is~~ method of counting
population would:

1) Cause a transfer of approx
\$18.8 million a year from the
General Fund to the N. Slope B.

2) cause a redistribution of over

\$1 Million in State Revenue Sharing
and Municipal Assistance

3) Cause the Federal Govt. to
refuse to accept state figures
data for any Federal Programs.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LABOR

Senator Arliss Sturgulewski
Senator Donald E. Gilman
Pouch V
Juneau, Alaska 99811

BOX 1149
JUNEAU, ALASKA 99811

May 27, 1982

Dear Senators:

In response to your request for an analysis of Amendment No. 10 to House CS for CS for Senate Bill No. 180 (copy attached), I am providing the following two examples of the amendment's fiscal impact.

1. This amendment's definition of population will cause the U.S. Bureau of the Census to reverse its current acceptance of state-assisted census results for federal revenue-sharing and other programs. As an example of the fiscal impact of such a reversal, the city of Nome is currently receiving a notice for a federal revenue-sharing entitlement of \$308,820 for period 14 (10/1/82-9/30/83) using a federal estimated population of 2,301. By using the state-assisted census figure of 3,242, the estimated revenue sharing entitlement could be as high as \$423,494, an increase of \$114,674 in federal revenue-sharing.

If the amendment had been in effect when Nome did its state-assisted census, the potential for an increase of \$114,674 in federal revenue sharing would not have been possible. Similar impacts will occur over the entire decade - projecting the loss for Nome to 1990 would find a loss of about \$1.1 million.

2. Under the current policy being developed at Community and Regional Affairs, no city or borough in the state except the North Slope Borough has an "isolated work site" as defined in the amendment. Had the amendment been in effect last year, the following cities could not have counted any of the following seasonal workers employed during their census counts.

<u>City</u>	<u>Number of Seasonal Workers Lost</u>	<u>Estimated State Revenue Sharing funds lost</u>
Cordova	98	\$32,000
Petersburg	95	\$22,400
Wrangell	42	\$10,900
Unalaska	890	\$258,500

The preceding seasonal workers were counted because they met the definition of a census resident. Fiscal losses due to the amendment would impact every community with canneries in a manner similar to those shown above.

Sincerely,

David Swanson
David Swanson
State Demographer

Encl. (1)

cc: Ed Orbeck, Commissioner

NORTH SLOPE BOROUGH

VALDEZ

U.S. BUREAU OF CENSUS

	U.S. B. of C. (7098)	SB 180 (11,252)	U.S. B. of C. (3279)	SB 180 (3279)
POP.				
MUNICIPAL ASSISTANCE	\$ 1,794,700	\$ 2,598,507 803,807	\$ 1,014,311	\$ 1,014,311 (?)
REVENUE SHARING	\$ 687,499	\$ 924,041 236,542	\$ 461,897	\$ 461,897 (?)
LOCAL COLLECTED OIL & GAS TAXES	\$ 32,207,512	\$ 51,056,484 18,848,972 DC+RA	\$ 3,143,004 18,789,577	\$ 3,143,004
		1040,349 19,889,321		

(?) => numbers will decline due to greater share of funds going to NSB.

	Avg. PER CAP. VAL.	MAX. STATUTORY ALLOWANCE	POPULATION
SB	\$ 70,538	X 225%	158,711 X 7098 =
NSB	70,538	X 225%	= 158,711 X 11252 =
VALDEZ	70,538	X 225%	= 158,711 X 3279 =

February 22, 1982

The Honorable Eugene Brower, Mayor
North Slope Borough
P.O. Box 69
Barrow, Alaska 99723

Dear Mayor Brower:

RE: FINAL POPULATION DETERMINATION
JULY 1, 1981

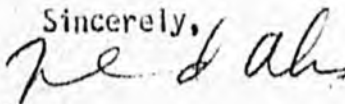
As previously stated in a letter to you dated December 21, 1981, the Department of Community and Regional Affairs withheld a final determination of the population of the North Slope Borough pending the outcome of a special census of unincorporated communities and oil-related worksites within the Borough.

Pursuant to a letter to you dated February 17, 1982 from David Swanson, State Demographer, I have decided to accept the figures he has certified (see enclosure) as the basis for my final July 1, 1981 determination of the population of the North Slope Borough. This results in an official population of 7,098 for the North Slope Borough and 2,539 for the City of Barrow. The population of all other municipalities in the North Slope Borough shall remain unchanged.

These population figures will be used to compute the amount of State Revenue Sharing funds that will be allocated to the North Slope Borough and the City of Barrow during the 1982 fiscal year.

If you have any questions, please write or call me.

Sincerely,



Lee McAnerney

Commissioner

Enclosure

cc: The Honorable Frank Ferguson, Alaska State Senate
The Honorable Al Adams, Alaska State House of Representatives
Nathaniel Olemaun, Mayor, City of Barrow
David Swanson, Alaska Demographer, State Department of Labor

May 6, 1982

The Honorable Eugene Brower
Mayor, North Slope Borough
P.O. Box 69
Barrow, Alaska 99723

Dear Mayor Brower:

Pursuant to AS 29.53.045(e), this letter serves as notification that I, Lee McAnerney, Commissioner of the Department of Community and Regional Affairs, have determined the population for the North Slope Borough to be 11,252 as of July 1, 1981.

This Department has relied on the Attorney General's Opinion dated December 31, 1980 to include the industrial workers in determining the population base.

Sincerely,

Lee McAnerney
Commissioner

cc: Commissioner Tom Williams
Department of Revenue

AMENDMENT NO. 8

On line 25: After "(23)" add "(A)"

After line 28 add: "(B) Does not include cadastral plats, cadastral control plats, open-to-entry plats, or remote parcel plats created by or on behalf of the State regardless of whether these plats include easements or other public dedications."

AMENDMENT NO. 9

Page 97, Line 22: Delete "\$10,000" and insert "\$25,000"

AMENDMENT NO. 10

page 103, line 4 through line 8. Delete text after "shall" through "year".

Insert:

"include permanent residents and military personnel or employees of a military reservation located in the municipality. Population shall also include all persons working at isolated job sites in a municipality. The commissioner of community and regional affairs shall determine the number of persons working at isolated sites from information supplied by employers which shows the number of persons employed on the sites as of July 1 of each year, notwithstanding the place of permanent residence of those employees".

page 104, delete lines 3 through 7.

Insert.

"include permanent residents and military personnel or employees of a military reservation located in the municipality. Population shall also include all persons working at isolated job sites in a municipality. The commissioner of community and regional affairs shall determine the number of persons working at isolated sites from information supplied by employers which shows the number of persons employed on the sites as of July 1 of each year, notwithstanding the place of permanent residence of those employees".

page 143, line 3, delete text after "shall" through line 6 "reliable".

Insert:

"include permanent residents and military personnel or employees of a military reservation located in the taxing unit. Population shall also include all persons working at isolated job sites

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

MEMORANDUM

State of Alaska

TO: Richard Aks, Deputy Commissioner
Community & Regional Affairs

DATE: April 20, 1982

FILE NO:

TELEPHONE NO: 465-2784

FROM: David Swanson, State Demographer
Research & Analysis
Department of Labor

SUBJECT: Critique of Proposed
Amendment to CSSB180

In response to your request, I am providing a critical review of the proposed amendment to CSSB180 (a copy of the amendment is attached) that would provide for a revised definition of population in AS 29.45.080.^{1/}

The amendment uses the term "permanent resident," which is neither tied to a census definition of resident nor clearly defined. By departing from the definition used by the U. S. Bureau of the Census, the amendment introduces a number of problems that have already been resolved during the 200 years of experience acquired by the U. S. Bureau of the Census. For example, the following types of persons can be clearly classified into a "resident" and "nonresident" status under the rules of residency used by the state and the U. S. Bureau of the Census; where would these types of persons be placed under the amendment's "permanent resident?"

1. A person with no usual place of residence.
2. A dependent who is living with a member of the military.
3. A person attending a boarding school.
4. A person attending college, who is living:
 - a. at home
 - b. away at school
5. A citizen of a foreign country who is studying or working temporarily in the United States.
6. An officer or crew member of an American Merchant vessel engaged in:
 - a. coastal transportation
 - b. foreign transportation
7. A person who has more than one home and divides his time between them.

8. A person who routinely spends extended periods of time away from home at a work site.
9. A person who lives in Household "A" during the day (a housekeeper or babysitter) but sleeps in Household "B" at night and on days off.
10. An American citizen abroad for a short time in connection with:
 - a. private work
 - b. government employment
11. A person who usually resides in Household "A" but is currently in:
 - a. a general hospital
 - b. jail
 - c. a TB ward
 - d. psychiatric institute
 - e. VA hospital
12. A newborn baby who has not yet been brought home from the hospital.
13. A member of the Armed Forces who:
 - a. lives on the installation
 - b. is stationed at a nearby installation but lives off post
 - c. is assigned to a military vessel and is:
 1. living on board
 2. living on shore

By introducing the possibility of defining a different "population" than the "population" defined by the U. S. Bureau of the Census, the amendment would lead to the following problems.

1. It will seriously weaken the state's position in acting as an advocate for local governments in dealing with the U. S. Bureau of the Census in regard to its estimates for federal revenue sharing and other programs. Currently, the U. S. Bureau of the Census will accept any census in Alaska that is certified. By changing the definition of residency, no census can be certified and thus will not be used by the U. S. Bureau of Census for federal revenue sharing. In addition, by changing the definition of residency, the state will not be able to evaluate and correct the federal estimates. Over the course of a decade, this could mean a substantial loss of federal funds for Alaska.

2. Comparability, trend evaluation and other forms of analysis will be severely restricted. For example, many health related programs are initiated on the basis of information concerning the levels of a particular "rate" for a population. If the definition of a "death" remains constant but the definition of the population at risk is changed, comparison and trends are impossible to determine. Similar problems will be found in measures of rates of employment and unemployment.

In order to maintain comparability within Alaska and outside of Alaska, two sets of population figures would have to be produced, one using the census definition and one using the amendment's "definition." This would be a clear case of inefficiency and, further, would create confusion among many data users.

By forcing the production of two sets of numbers, the amendment will have a fiscal impact both on the state agencies responsible for population determinations and the local governments providing the data needed for the determinations. Current funding levels are not sufficient.

Other problems with the amendment include:

1. The provision to include military personnel is one that is already captured by the definition of a "census resident."
2. The provision to include "the number of persons working at isolated job sites in a municipality" is vague. For example, would an "isolated job site" include: a temporary Fish Camp; a survey team that has a one day job in the bush; a cannery; a fishing boat; a processing ship; an abused women's shelter; and a jail?
3. Many of the "...persons working at isolated job sites in a municipality" may qualify as "permanent residents" of the same municipality. In this case, should they be counted twice, once as a worker at an isolated job site and once as a permanent resident or only in one of the two categories?

If they are to be counted only once, how will they be sorted out each year?

In summary, the proposed amendment will encourage duplication, inefficiency, and confusion. The state of Alaska already receives sufficient criticism in these areas. Why provide a legislative mandate that encourages the state to regress in a program where significant gains toward nonduplication, efficiency, and clarity have just been made?

Footnote

- 1/ This memo assumes that the amendment will only apply to AS 29.45.080. If it is applied to the state revenue-sharing program (AS 29.88.015 & AS 29.89.060), its unequal definitions will lead to inequalities in the revenue-sharing program where the few municipalities with "isolated job sites" will be taking funds away from municipalities without "isolated job sites." Virtually every municipality in the state is impacted by some type of special population - workers at isolated job sites, seasonal workers, tourists, and commuters, why should the impact of "workers at isolated job sites" be more important than the impact of the other types of population?

cc: John Post
Chuck Caldwell

DS:bb

Proposed Amendment

Page 107, line 21 after "and" insert:

Page 148, Line 8 after "is reliable" insert:

"shall include permanent residents and military personnel or employees of a military reservation located in the municipality. Population shall also include the number of persons working at isolated job sites in a municipality. The Commissioner of Community and Regional Affairs shall determine the number of persons working at isolated sites from information supplied by employers which show the number of persons employed on the sites as of July 1 of each year.

29,45,080?

FROM FISCHER

Reference Population definitions AS 29.45.080(e), AS 29.45.090(b), AS 29.60.020, AS 29.60.130(a):

Issue: These population definitions it is claimed cause losses in revenue.

Fact: Since 1974 industrial workers have been included in the North Slope Borough for taxation purposes and subsequently revenue sharing. (See Table reflecting figures certified by Commissioner of Community and Regional Affairs. However, some lower level bureaucrats attempted to redefine the basic law and legislative intent.

See Memorandum from Lee McAnerney, Commissioner of Community and Regional Affairs, to Attorney General, November 14, 1980.

See Memorandum from Attorney General to Community and Regional Affairs, December 31, 1980.

This Memorandum indicates that the heretofore practice was correct and that the lower level bureaucracy was not correct.

The definition arrived at was drafted by a former Attorney General (Avrum Gross) who conferred with the Commissioner and participated to ensure that the heretofore practice would be exactly defined in the law and subsequently preclude lower level bureaucrats from inserting their own definition.

language
stipulates NSB
prior
practice, but
may leave out
these communities
inadvertently

But it was not defined the same - See Dept of Labor memo 5-27-82

Issue: While temporary employees at "remote job sites could be counted by some communities, the same type of temporary or seasonal employee located in or near other communities could not be counted."

Fact: Not true. Nothing prevents the Commissioner from applying the same standards for those temporary or seasonal employees from being counted -- equity would demand it. Just in case some bureaucraft may

This begs the question of the actual language in the amendment. In effect, Dischner is recommending regulations be drafted to cover up a mistake in the statute.

DCRA Proposed a
Different
Definition.
DCRA suggested
average number
of workers; not
part of the present
amendment.

not quite understand the initial direction of Governor Hammond, the
Commissioner's initial effort in submitting the definitions to House
Finance, a letter of intent should accompany the legislation setting the
record straight.

Issue: Definition of population could affect future state and
local revenue from federal revenue sharing program.

Fact: Procedures to identify the impact people are available to
distinguish between federal census people and seasonal or temporary
personnel. *But at present, its the Revenue Sharing figures used
by Census Bureau. The State must pay for 2 population,
which is not noted in the bill.*
The results of an \$88,000 census conducted under the direction of counts,
the State Demographer (paid by the North Slope Borough) clearly
illustrates this point. The letter indicates there was a gross total of
6,610 oil related worksite employees of which 2,466 met U. S. Census
definition and the remainder temporary or seasonal. (See letter from
David A. Swanson, State Demographer, to Mayor Eugene Brower, North Slope
Borough, February 17, 1982.)

Based upon the Census and the Attorney General's letter, the
Commissioner of Community and Regional Affairs certified the 11,252
population in accordance with prior practices and the existing law.

Information supplied by employers on these types of workers would
be adequate for the demographer to make his calculations for the U. S.
Census Bureau reports.

Conclusions

The facts are:

1. The definition was to ensure maintaining the status quo in relation to prior practices in regards to property tax levies and revenue sharing. - *Language was just drafted wrong -*
2. Lower level bureaucrats attempted to make said changes not directed by the Governor or the Commissioner of Community and Regional Affairs.
3. Scare tactics have been used to mount an opposition, urban communities against rural resource communities, using a false assumption that these "new" definitions were taking funds from them when in fact it reflects attempts to take "again" from the North Slope Borough and other resource development areas.
4. The effort tracks the same philosophy the eastern states have in regards to taking the oil and other resource taxes from Alaska to redistribute same to them.

DEPARTMENT OF LABOR

BOX 1149
JUNEAU, ALASKA 99811
465-2784

February 17, 1982

Honorable Eugene Brower, Mayor
North Slope Borough
P. O. Box 69
Barrow, AK 99723

Dear Mayor Brower:

The special population count conducted over the unincorporated communities and oil-related work sites within the North Slope Borough has resulted in a final 1981 population determination for the entire Borough of 7,098. The determinations for each of the distinct areas within the Borough are provided in the attachment.

One important result of the special count is that it provides an empirical basis for estimating what the 1980 census figure for both the Borough and State would have been had the U.S. Bureau of the Census not "allocated out" all of the oil workers. This project will be finished so that an unduplicated estimate of the state's 1980 population is available that uses the same definition of "census resident" statewide. This revised 1980 baseline will be used as part of the data in developing 1982 determinations.

In addition to building a set of revised 1980 figures, we will provide certified 1981 census results for the unincorporated communities and the oil-related work sites to the U.S. Bureau of the Census, which will accept them for inclusion in its determinations for federal revenue-sharing.

Sincerely,

*David A. Swanson*David A. Swanson
State Demographer

Enclosure

cc: Lee McAnerney, Commissioner, Community and Regional Affairs
Brandon Wilson, North Slope Borough
Gillian Smythe, Alaska Consultants
Jim Baldwin, Department of Law

DS:bb

1981 POPULATION - NORTH SLOPE BOROUGH

Incorporated Places

Anaktuvuk Pass*.....	235	
Barrow.....	2539	
Kaktovik*.....	201	
Nuiqsut*.....	270	
Point Hope*.....	531	
Wainwright*.....	410	
Sub-Total Incorporated.....	4186	

Unincorporated Places

Pt. Lay Community**.....	105	
Atkasuk Community**.....	195	
Colville Village**.....	14	
Oil Related Worksites**.....	2466	6,620
	(net)	(gross)

Military Installations

		<i>actual Jan 82</i>	
POW Main.....	20	15	} 193 - DOL fig. 142
Liz-2.....	14	10	
Liz-3.....	15	10	
POW-1.....	12	10	
POW-2.....	19	10	
BAR-M.....	58	42	
Cape Lisburne.....	55	45	
Sub-Total Unincorporated.....	2912	2922	

TOTAL.....	7098	11,252
	(net)	(gross)
		11,313

* A census conducted in accordance with state guidelines.
 ** A census certified by the state demographer.

DOL used NSB's July 1981 figures for military installations (totalled ~~142~~ 142) vs. figures supplied by NSB because they must have been delayed in the mail. 1982 figures total 193 - difference of 51 people. Should be able to have them included.

TABLE A-8
POPULATION COUNTS - SUMMARY
NORTH SLOPE BOROUGH

CENSUS DIVISION (Community)	July 1981 ^a <i>Special Census</i>	July 1980 ^a	July 1979 ^a	July 1978 ^a	July 1977 ^a	July 1976 ^a	July 1975 ^a	Jan. 1975 ^a	Jan. 1974 ^a	Census 1970	Census 1960
BARROW											
Barrow	2,765	3,401	3,228	2,471	2,306	2,389	2,141	2,163	2,163	2,104	1,314
Wainwright	410	425	425	429	398	357	341	354	354	315	253
Anaktuvuk Pass	235	235	185	173	151	150	129	134	134	99	35
Cape Lisburne	68	92	92	92	92	112	112	112	112	83	H.A.
Atkasook	112	112	99	93							
Huqsut	271	257	206	182	157	152	149	145	145		
Point Lay	126	94	72	57	54	51	48	27	27		
Census Division Remainder	19	19	16	16	16	16		91	91	62	H.A.
Nat. Petroleum Reserve	138	119	353	155	33	55					
UPPER YUKON											
Kaktovik	201	195	193	192	134	123	119	141	141	123	H.A.
Prudhoe Bay/Deadhorse/ DEN Line**	6,620 5,064	3,758	2,659	3,863	5,410	8,801	5,022	3,158	927	279	
KOBUK											
Point Hope	511	527	527	464	412	408	384	404	404	386	324
TOTALS	11,257 9,910	9,234	8,055	8,187	9,163	12,614	8,445	6,729	4,490	3,451	

H.A. Not Available

^aBorough Planning staff count plus actual count by oil industry.

**As Deadhorse and Prudhoe Bay are petroleum development related camp settlements resulting from oil exploration and discovery activities on the North Slope that commenced subsequent to the 1960 Census, there were, for all practical purposes no people residing in these areas prior to that time.

¹Based upon births and deaths reported; however, the figure to be used for budget and Capital Improvements Program (CIP) is 9,139 based upon the certification of the Commissioner of Community and Regional Affairs. The July figures are used for the following January for computation of property taxes authorized for operating purposes.

TO: [Ronald W. Lorensen
Deputy State Attorney General

DATE: November 14, 1980.

FILE NO:

TELEPHONE NO:

FROM: Lee McAnerney, Commissioner
Community and Regional Affairs

SUBJECT:

SUBJECT: REQUEST FOR LEGAL OPINION ON THE USE OF THE TERM "RESIDENT" AS
IT APPLIES TO POPULATION DETERMINATION UNDER THE STATE REVENUE
SHARING PROGRAM

INTRODUCTION:

The Division of Local Government Assistance administers the State Revenue sharing program pursuant to AS 29, Chapter 88 and the emergency administrative regulations contained in Title 19, Chapter 30, of the AAC. Population is a major factor in the amounts of state aid received by communities under Chapter 88 of this program.

STATEMENT OF THE PROBLEM:

The Division of Local Government Assistance has approved a population estimate of 4,610 for the North Slope Borough as of July 1, 1980. The Borough had requested an adjustment to 9,234 which was subsequently denied by the Division. This denial was based on the Division's position that the higher figure included nearly 4,000 industrial and drilling workers who for the most part are stationed in "self-contained residential/industrial compounds" that are largely removed from the Borough's established centers of population. In previous years, however, the Division has certified population estimates for the North Slope Borough which included these workers whose residency is now being questioned. In 1979, the Division approved an estimate of 8,055 for revenue sharing purposes.

Because the Division believes there is sufficient reason to believe that many of the approximately 4,000 industrial and drilling workers on the North Slope are not "permanent" residents of the Borough as required by 19 AAC, Chapter 30, it acted accordingly in revising its 1980 population downward. While this is a departure from the previous policy of counting these persons as part of the North Slope Borough's population, the Division believes that its reversal is warranted so that previous mistakes will not be compounded and perpetuated under the "new" State revenue sharing law passed by the Alaska State Legislature earlier this year. The Division further believes that it is both proper and timely to act as it did in the case of the North Slope Borough since a "new law for State Revenue Sharing has taken effect.

Attached for your review is a copy of the formal appeal letter filed with my office by the North Slope Borough setting forth the various reasons why they have objected to the Division's determination of population for 1980.

SUMMARY OF APPLICABLE LAWS AND REGULATIONS:

With regard to the determination of population, AS 29.88.015 states that "the population of a taxing unit shall be determined annually by the latest figures of the United States Bureau of the Census or other population data which, in the judgement of the Department, is reliable."

In keeping with this statutory directive, the Department has adopted regulations which serve as the basis for administering the program in accordance with legislative intent and sound procedures. Specifically, 19 AAC 30.180, Population Determinations, states that the Department may approve adjustments in the population of communities which are derived from (1) the latest available figures of the U.S. Bureau of Census or (2) a locally prepared estimate which is based on three "reliable" indicators of population that show about the same rate of growth.

STATEMENT OF THE ISSUES:

The crux of the matter seems to be whether the North Slope Borough can include in its population estimate for certification by the Division for State revenue sharing purposes some 4,000 persons who, by the Borough's own admission are not "permanent" residents. This is clearly implied in the first few paragraphs of the Borough's appeal letter.

It is the Division's position that a population policy based along these lines would result in significant distortion of estimates since many persons would be counted twice (by place of work and then by place of legal residence) and would also open the door to allowing other communities to include vast numbers of summer tourists and transient workers in their annual July estimates.

The major issues with respect to the North Slope Borough appeal are summarized in the following questions:

1. Is the Department acting properly and in good faith in promulgating and working within the context of regulations that require the counting of "permanent" residents only in making annual adjustments of population?
2. Can people be counted or considered residents of one locality for purposes of the State revenue sharing program while claiming or exercising the right to vote elsewhere?

November 14, 1980

Page 3

3. The term "residence" has a meaning dependent on the context and purpose of the particular law in question. What is the intent behind the State revenue sharing law as regards "residence" and determination of population?
4. Military personnel may be counted by localities for purposes of State revenue sharing. Bearing in mind the decision reached in Egan vs Hammond with respect to the counting of military personnel for reapportionment purposes, do you see a similar analogy between them and oil industry workers on the North Slope thus leading one to the conclusion that both groups should be treated in much the same manner for State revenue sharing?
5. Is it the intent of AS 29, Chapter 88, to give U.S. Census figures precedence as regards population determination and does it follow that the Division must employ the same definition of residency used by the U.S. Bureau of the Census in counting residents of a locality?

The questions listed above may be treated separately or, if your desire, combined and treated thusly in your opinion. They are not meant to be restrictive or exhaustive in any sense; feel free to comment on any and all aspects of this issue which you consider to be pertinent.

Attachments

LMcA:rm

TO Hon. Lee McAnerney, Commissioner
Department of Community & Regional
Affairs

DATE: December 31, 1980

FILE NO: J-66-358-81

TELEPHONE NO: 465-3666

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Meaning of word "pop-
ulation" for revenue-
sharing purposes

By:

Rodger W. Pegues
Assistant Attorney General

This responds to your request for our advice on
this subject.

We have concluded that the word "population" as
used in the new Revenue Sharing Act, AS 29.88, includes all
those persons who would ordinarily be counted in a given lo-
cality by the census. We draw this conclusion for several
reasons.

First, the Act itself states that the population
shall be determined by the latest census figures. AS 29.88.-
015. Second, the Act prescribes that military personnel --
ordinarily not permanent residents but ordinarily included
by the census as resident where they are stationed -- be in-
cluded in the population. Third, municipal services are pro-
vided for, and generally required by, persons who are physi-
cally present for any length of time notwithstanding that
their permanent residence is elsewhere. In other words, it
is consistent with the Act's overall purpose to include them.

Ordinarily, those persons employed at Prudhoe Bay
and in the Petroleum Reserve who spent at least four nights
of the week during the referenced week at their work place
would be counted there by the census. However, it appears
that the Census Bureau, contrary to its general rule, counted
most, if not all, of the oil company employees on the North
Slope at their permanent place of residence rather than at
their work place. That is perfectly legal and proper and
probably gives a more accurate demographic picture of Alaska.
(The vast majority of the oil company employees on the North
Slope reside elsewhere in Alaska.) However, it distorts the
picture from the standpoint of the Revenue Sharing Act.

As indicated above, it's people who cause problems
and create needs to which local government must respond.
There are some 3500 to 4000 or more persons who live and
work in the North Slope Borough in addition to those which

RECEIVED
JAN 2 1981
DEPT. OF COMM.
AND REGIONAL A

will apparently be shown by the census. Under these circumstances, you should use other reliable data to determine their number, and include them in your determination of the borough's population. This will result in some double counting, but that appears to be inevitable in that most of these employees reside half of their time in one locality and half in another. Thus, both localities should be able to count them.

That the oil company camps are largely self-sustaining is irrelevant. The military reservations -- whose residents are counted -- are also largely self-sustaining, and at any event, the Revenue Sharing Act does not distinguish between municipalities on the basis of the level of services actually provided or of the intensity of the problems encountered.

RWP/pjg

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF LOCAL GOVERNMENT ASSISTANCE

April 28, 1982

The Honorable Don Gilman
State Senator
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Gilman:

RE: FY 1983 STATE REVENUE SHARING FOR ROADS

In order to answer the questions raised in your April 13 letter to this Department a test computer printout was run. The test run holds anticipated State Revenue Sharing funding at the FY 1982 level and holds all other variables constant except for the anticipated increase in road mileage for the Kenai Peninsula Borough. The run reflects an increase in borough road maintenance of 416 miles, the preliminary amount which will be applied for as indicated by Mr. G.S. Best in his April 2 letter to this Department.

The test run and FY 1982 report are enclosed for comparison. The major changes are a reduction in the Chapter 89 (the chapter that funds road maintenance and hospital/health facility operations) proration factor from about 92.865% in FY 1982 to about 86.466% in FY 1983. Realistically, the Chapter 89 proration factor could drop several more percentage points as a result of additional road mileage or health facility demand from other municipalities. However, it is very unlikely, given present funding assumptions, that the proration factor would drop below 80%. Of course, any additional funding for Chapter 89 above the FY 1982 level would help offset the more drastic prorationing.

The test run reveals that the 416 additional road miles would generate \$966,455 more in funding for the Kenai Peninsula Borough. This works out to \$2,323 per mile. Again, this is an optimistic projection based on present funding assumptions. It is very likely that the total increase for Kenai Peninsula Borough roads will be closer to \$900,000 or about \$2,164 per additional mile, as a result of other demands on Chapter 89 funding.

A circumstance we believe should be pointed out is that the road mileage increase will result in a lower prorationing factor. For that reason, not only will there be a reduction in the per mile allowance for roads, there will also be a reduction in hospital and health facility operating funds. This is due to the fact that this category is lumped into Chapter 89 with road maintenance, and the law requires prorationing within the Chapter. For example, the hospitals in the Kenai Peninsula Borough each received \$249,662 in FY 1982. Under the test run these hospitals will receive only \$232,436. Therefore, to some extent the increases required to pay for the additional road maintenance will be paid for by the hospitals and health facilities within the Kenai Peninsula Borough and throughout the rest of the State.

JAY S. HAMMOND, GOVERNOR

REPLY TO:

POUCH BH
JUNEAU, ALASKA 99811
(907) 465-4707

225 CORDOVA STREET, BLDG. B
ANCHORAGE, ALASKA 99501
(907) 264-2201

P.O. BOX 348
BETHEL, ALASKA 99559
(907) 543-3475

P.O. BOX 41
NOME, ALASKA 99762
(907) 443-5457

Don Gilman
April 28, 1982
Page: 2

Finally, it should be stressed that the enclosed test run is not an official document and in no way should be interpreted as a more than an "educated guess" as to how distribution will be made under the FY 1983 State Revenue Sharing program.

If this Department can answer any further questions regarding this matter please contact me.

Sincerely,

LEE McANERNEY
COMMISSIONER


BY: Doug Griffin
Local Government Specialist

Enclosures

cc: The Honorable Stan Thompson
with Enclosure

FY 1982 STATE REVENUE SHARING ENTITLEMENTS
FOR MUNICIPALITIES

FEBRUARY 22, 1982

(REPLACES 2/19/82 COMPUTER RUN)

STATE OF ALASKA
DEPARTMENT OF COMMUNITY & REGIONAL AFFAIRS
DIVISION OF LOCAL GOVERNMENT ASSISTANCE
POUCH BH
JUNEAU, ALASKA 99811

(907) 465-4733 or 465-4736

FY 1982 MUNICIPAL REVENUE SHARING ENTITLEMENTS

TOTAL APPROPRIATION = \$55,707,600
 CHAPTER 88 APPROPRIATION = \$34,913,800
 CHAPTER 89 APPROPRIATION = \$14,047,800
 CHAPTER 90 APPROPRIATION = \$6,746,000

CHAPTER 88 PRORATION FACTOR = 6.42407506040690
 CHAPTER 89 PRORATION FACTOR = 0.92865022020026
 CHAPTER 90 PRORATION FACTOR = 0.83123348099043
 MINIMUM ENT. PRORATION FACTOR = 0.96709754619341
 HOLD HARMLESS PRORATION FACTOR = 0.99905232582675

KEY	MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITL. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1982 ENTITL.
BOROUGH AND SERVICE AREAS								
0010	ANCHORAGE A.W.	180,740	6.25	\$6,005,670	\$7,565,322	\$0	\$0	\$13,570,992
0020	CITY S.A.	53,410	0.48	\$161,606	\$0	\$0	\$157,448	\$319,054
0030	EAGLE RIVER	7,639	0.78	\$37,384	\$60,281	\$0	\$0	\$97,665
0040	CHUGIAK	5,105	0.76	\$24,416	\$0	\$0	\$11,521	\$35,937
0060	GIRDWOOD	539	1.13	\$3,818	\$24,446	\$0	\$0	\$28,264
0070	GLEN ALPS	245	2.13	\$3,245	\$24,562	\$0	\$0	\$27,807
0080	FIRE S.A.	148,761	1.28	\$1,189,204	\$0	\$0	\$86,312	\$1,275,516
0090	ROADS & DRAINAGE	130,845	1.18	\$962,464	\$0	\$0	\$0	\$962,464
0095	LIMITED ROAD S.A.	5,172	0.77	\$25,002	\$0	\$0	\$0	\$25,002
0100	POLICE S.A.	146,004	1.87	\$1,699,341	\$0	\$0	\$414,200	\$2,113,541
0110	PARKS & REC	148,710	0.57	\$531,369	\$0	\$0	\$342,741	\$874,110
0120	P & R/CHUGIAK	13,789	0.60	\$51,969	\$0	\$0	\$10,290	\$62,259
0130	SOLID WASTE S.A.	149,215	0.32	\$299,716	\$0	\$0	\$0	\$299,716
0140	CHUGIAK/SOLID WASTE	13,789	0.16	\$14,342	\$0	\$0	\$0	\$14,342
0150	BUILDING SAFETY	148,676	0.17	\$157,829	\$0	\$0	\$0	\$157,829
0160	CITY SA ROADS & DRAINAGE	53,410	0.08	\$26,958	\$0	\$0	\$1,226	\$28,184
0170	SERVICE AREA 35	77,435	0.58	\$282,266	\$0	\$0	\$0	\$282,266
0175	UPPER O'MALLEY	1	0.00	\$0	\$33,863	\$0	\$0	\$33,863
0180	PORT OF ANCH.	180,740	0.35	\$397,677	\$0	\$0	\$0	\$397,677
0185	ROADS	1	0.00	\$0	\$134,897	\$0	\$0	\$134,897
0190	AIRPORT S.A.	180,740	0.01	\$17,127	\$0	\$0	\$0	\$17,127
0195	PUBLIC TRANSIT	180,740	0.09	\$108,844	\$0	\$0	\$0	\$108,844
0200	PARKING S.A.	180,740	0.13	\$150,294	\$0	\$0	\$0	\$150,294
TOTAL				\$12,150,542	\$7,243,375			\$21,018,067
0210	BRISTOL BAY BOROUGH	1,182	26.97	\$198,205	\$59,031	\$0	\$0	\$257,236
0230	FAIRBANKS BOROUGH	51,659	8.21	\$2,613,784	\$251,551	\$0	\$0	\$2,865,335
0240	ESTER F.P.	944	0.76	\$4,468	\$0	\$0	\$0	\$4,468
0250	NORTH STAR F.P.	5,575	1.05	\$36,425	\$0	\$0	\$19,636	\$56,061
0260	UNIVERSITY F.P.	6,156	1.49	\$57,195	\$0	\$0	\$4,702	\$61,897

FY 1982 MUNICIPAL REVENUE SHARING ENTITLEMENTS

TOTAL APPROPRIATION = \$55,707,600
 CHAPTER 88 APPROPRIATION = \$34,913,800
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 CHAPTER 90 APPROPRIATION = \$6,746,000

CHAPTER 88 PRORATION FACTOR = 6.43407116040690
 CHAPTER 89 PRORATION FACTOR = 0.32865022020026
 CHAPTER 90 PRORATION FACTOR = 0.33123348099043
 MINIMUM ENT. PRORATION FACTOR = 0.96709754619341
 HOLD HARMLESS PRORATION FACTOR = 0.98905232522675

KEY	MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITLE. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1982 ENTITLE.
BOROUGHS AND SERVICE AREAS								
TOTAL				\$2,711,877	\$251,551			\$2,967,759
0270	HAINES BOROUGH	1,712	5.85	\$62,294	\$0	\$0	\$0	\$62,294
0280	FIRE DISTRICT	394	1.89	\$4,632	\$0	\$0	\$0	\$4,632
TOTAL				\$66,926	\$0			\$66,926
0290	JUNEAU BOROUGH A.W.	21,080	14.81	\$1,932,690	\$424,736	\$0	\$0	\$2,357,426
0300	S.A. 1	4,383	12.35	\$374,886	\$33,005	\$0	\$0	\$407,891
0310	S.A. 2	1,378	6.60	\$56,586	\$11,782	\$0	\$0	\$68,368
0320	S.A. 3	14,819	1.18	\$109,615	\$83,692	\$0	\$0	\$199,307
0330	S.A. 4	1,848	0.56	\$6,482	\$0	\$0	\$5,450	\$11,932
0340	S.A. 5	10,322	1.57	\$106,234	\$0	\$0	\$0	\$106,234
0350	S.A. 6	855	1.01	\$5,406	\$0	\$0	\$338	\$5,744
0360	S.A. 7	326	0.76	\$1,554	\$0	\$0	\$0	\$1,554
0370	S.A. 8	605	0.28	\$1,219	\$0	\$0	\$3,077	\$4,296
TOTAL				\$2,594,675	\$558,217			\$3,152,739
0380	KENAI PENINSULA BOROUGH	26,520	4.01	\$649,435	\$6,965	\$0	\$0	\$656,400
0385	CENTRAL PENINSULA HOSPITAL	15,921	2.60	\$257,865	\$249,662	\$0	\$0	\$507,527
0390	NIKISKI F.P.	3,136	1.53	\$29,891	\$0	\$0	\$0	\$29,891
0395	SOUTH PENINSULA HOSPITAL	6,027	1.33	\$50,135	\$249,662	\$0	\$0	\$299,797
0400	NORTH KENAI REC.	2,344	0.58	\$2,571	\$0	\$0	\$11,971	\$20,542
0410	BEAR CREEK F.P.	674	2.82	\$11,830	\$0	\$0	\$0	\$11,830
TOTAL				\$1,007,729	\$506,291			\$1,525,989
0420	KETCHIKAN BOROUGH	11,373	9.12	\$643,174	\$0	\$0	\$0	\$643,174
0430	SHORELINE S.A.	.504	0.99	\$3,128	\$0	\$0	\$2,144	\$5,272

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 CHAPTER 89 PRORATION FACTOR = 0.92255022020026
 CHAPTER 90 PRORATION FACTOR = 0.83123348099043
 MINIMUM ENT. PRORATION FACTOR = 0.25709754619341
 HOLD HARMLESS PRORATION FACTOR = 0.99905232522675

KEY	MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITL. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1982 ENTITL.
BOROUGHES AND SERVICE AREAS								
TOTAL				\$646,302	\$0			\$646,302
0440	KODIAK ISLAND BOROUGH	8,358	6.84	\$355,490	\$375,493	\$0	\$0	\$730,983
0450	FIRE DISTRICT I	1,480	2.01	\$12,560	\$0	\$0	\$0	\$12,560
0455	SERVICE DISTRICT	1,207	1.16	\$3,748	\$0	\$0	\$0	\$3,748
0460	ROAD DISTRICT	230	4.00	\$5,727	\$37,443	\$0	\$0	\$43,170
TOTAL				\$387,525	\$412,942			\$800,467
0470	MAT-SU BOROUGH	19,123	7.42	\$831,340	\$0	\$0	\$0	\$831,340
0480	WASILLA F.P.	3,201	0.50	\$10,019	\$0	\$0	\$20,163	\$30,182
0490	BUTTE F.P.	2,063	0.68	\$8,839	\$0	\$0	\$10,653	\$19,492
0500	GREATER PALMER F.P.	2,498	0.49	\$7,635	\$0	\$0	\$20,182	\$27,817
0510	SUTTON F.P.	675	2.32	\$9,754	\$0	\$0	\$0	\$9,754
0520	NON AREA-WIDE	14,695	0.51	\$47,458	\$0	\$0	\$0	\$47,458
0525	TALKEETNA FLOOD S.A.	254	1.21	\$1,912	\$0	\$0	\$0	\$1,912
0530	TALKEETNA F.P.	371	0.61	\$1,420	\$0	\$0	\$0	\$1,420
0540	GARDEN TERRACE	65	1.62	\$654	\$0	\$0	\$0	\$654
0541	MIDWAY	1	0.00	\$0	\$1,417,528	\$0	\$0	\$1,417,528
0550	LAKES F.P.	1,485	1.35	\$12,551	\$0	\$0	\$0	\$12,551
TOTAL				\$931,523	\$1,417,528			\$2,349,051
0560	NORTH SLOPE BOROUGH	7,098	9.71	\$428,833	\$258,665	\$0	\$0	\$687,498
0570	SITKA BOROUGH	7,927	13.53	\$669,578	\$311,990	\$0	\$0	\$981,568
FIRST CLASS CITIES								
1000	BARROW	2,539	5.93	\$94,458	\$0	\$0	\$0	\$94,458
1010	CORDOVA	2,223	29.61	\$402,286	\$317,530	\$0	\$0	\$726,816
1020	CRAIG	560	31.15	\$108,455	\$32,654	\$0	\$0	\$142,109

FY 1982 MUNICIPAL REVENUE SHARING ENTITLEMENTS

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 CHAPTER 90 APPROPRIATION = \$6,746,000

CHAPTER 88 PRORATION FACTOR = 6.43407506040690
 CHAPTER 89 PRORATION FACTOR = 0.92865022020026
 CHAPTER 90 PRORATION FACTOR = 0.83123343099043
 MINIMUM ENT. PRORATION FACTOR = 0.96709754619741
 HOLD HARMLESS PRORATION FACTOR = 0.9990523252675

KEY	MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITL. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1982 ENTITL.
FIRST CLASS CITIES								
1030	DILLINGHAM	1,670	24.03	\$249,506	\$23,318	\$0	\$0	\$272,824
1040	FAIRBANKS	25,568	15.67	\$2,492,152	\$1,850,514	\$0	\$0	\$4,342,666
1050	GALENA	805	22.08	\$110,500	\$23,363	\$0	\$0	\$133,863
1060	HAINES	1,017	23.97	\$151,555	\$26,064	\$0	\$0	\$177,619
1070	HOMER	2,538	13.27	\$212,571	\$45,188	\$0	\$0	\$257,759
1080	HOONAH	799	5.38	\$26,768	\$9,995	\$0	\$28,312	\$65,075
1090	HYDABURG	356	4.79	\$10,622	\$7,352	\$5,421	\$0	\$23,395
1100	KAKE	583	16.78	\$60,929	\$12,441	\$0	\$0	\$73,370
1110	KENAI	4,558	23.13	\$655,599	\$130,498	\$0	\$0	\$786,097
1120	KETCHIKAN	7,200	28.29	\$1,266,560	\$246,215	\$0	\$0	\$1,512,775
1140	KING COVE	513	21.13	\$67,358	\$18,906	\$0	\$0	\$86,264
1150	KLAWOCK	399	2.93	\$7,094	\$11,341	\$5,091	\$0	\$23,526
1160	KODIAK	4,678	17.83	\$518,592	\$36,650	\$0	\$0	\$555,242
1170	NENANA	592	21.76	\$80,097	\$41,289	\$0	\$0	\$121,386
1180	NOME	3,039	16.96	\$320,508	\$418,924	\$0	\$0	\$739,432
1190	NORTH POLE	928	8.19	\$47,302	\$23,210	\$0	\$0	\$70,512
1200	PALMER	2,275	17.10	\$241,893	\$227,222	\$0	\$0	\$469,115
1210	PELICAN	172	22.30	\$23,952	\$10,795	\$0	\$0	\$34,747
1220	PETERSBURG	3,001	22.62	\$422,028	\$296,554	\$0	\$0	\$718,582
1230	SAND POINT	697	22.08	\$95,676	\$34,632	\$0	\$0	\$130,308
1240	SAINT MARY'S	432	28.36	\$76,165	\$53,732	\$0	\$0	\$129,897
1250	SELDOVIA	505	15.15	\$47,585	\$23,742	\$0	\$0	\$71,327
1260	SEWARD	1,943	16.45	\$199,795	\$439,291	\$0	\$0	\$639,086
1270	SKAGWAY	819	12.30	\$62,654	\$31,707	\$0	\$0	\$94,361
1280	SOLDOTNA	2,445	15.43	\$234,580	\$61,866	\$0	\$0	\$296,446
1290	UNALASKA	1,944	36.39	\$439,880	\$124,905	\$0	\$0	\$564,785
1300	VALDEZ	3,279	6.38	\$130,103	\$331,793	\$0	\$0	\$461,896
1330	WRANGELL	2,345	23.04	\$335,932	\$272,199	\$0	\$0	\$608,131
1360	YAKUTAT	430	16.92	\$45,233	\$16,253	\$0	\$0	\$61,486
SECOND CLASS CITIES								
3000	AKHTIC	102	0.00	\$0	\$8,356	\$16,341	\$0	\$24,697

FY 1982 MUNICIPAL REVENUE SHARING ENTITLEMENTS

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FEBRUARY 22, 1982

TOTAL APPROPRIATION = \$55,707,600
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 AFTER 90 APPROPRIATION = \$6,746,000

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MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITL. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1982 ENTITL.

COND CLASS CITIES							
01 AKIACHAK	435	3.23	\$8,753	\$31,760	\$0	\$1,115	\$39,154
20 AKIAK	197	0.00	\$0	\$9,984	\$22,790	\$0	\$32,758
30 AKOLMIUT	695	4.30	\$18,600	\$103,534	\$0	\$0	\$111,734
40 AKUTAN	189	##.##	\$151,277	\$0	\$0	\$0	\$151,277
50 ALAKANLIK	534	14.26	\$47,349	\$37,365	\$0	\$0	\$84,715
60 ALEKNAGIK	152	0.00	\$0	\$9,603	\$21,965	\$0	\$31,568
70 ALLAKAKET	158	0.00	\$0	\$5,722	\$25,207	\$0	\$30,929
80 AMBLER	192	8.05	\$9,919	\$27,200	\$0	\$0	\$37,120
90 ANAKTUVUK PASS	235	0.00	\$0	\$0	\$0	\$0	\$0
00 ANDERSON	500	3.75	\$11,659	\$16,152	\$6,362	\$0	\$34,173
10 ANGOON	445	1.43	\$3,983	\$12,476	\$9,034	\$13,274	\$38,763
20 ANIAK	538	5.28	\$11,100	\$93,381	\$0	\$0	\$104,461
30 ANVIK	110	3.94	\$2,698	\$10,337	\$20,946	\$0	\$33,981
40 ATMAUTLUAK	226	1.13	\$1,598	\$9,972	\$21,214	\$3,613	\$36,614
50 BETHEL	3,549	23.43	\$516,953	\$255,489	\$0	\$0	\$772,453
60 BREVID MISSION	149	7.11	\$6,590	\$10,337	\$17,054	\$0	\$33,962
70 BUCKLAND	211	6.03	\$7,917	\$0	\$25,724	\$0	\$33,642
80 CHEFORNAK	230	7.61	\$10,887	\$9,964	\$11,903	\$0	\$32,755
90 CHEVAK	491	2.55	\$7,811	\$11,521	\$13,473	\$0	\$32,806
00 CHUATHBALUK	104	5.72	\$3,700	\$34,829	\$0	\$0	\$38,529
10 CLARK'S POINT	78	12.74	\$5,177	\$9,603	\$15,788	\$0	\$30,568
20 DEERING	153	19.80	\$12,118	\$10,337	\$5,526	\$0	\$32,592
30 DELTA JUNCTION	345	0.00	\$0	\$37,876	\$0	\$4,927	\$42,803
40 DIOMEDE	149	2.35	\$2,181	\$0	\$29,071	\$0	\$31,252
50 EAGLE	186	2.11	\$2,450	\$6,423	\$19,325	\$0	\$28,198
60 EEK	226	0.00	\$0	\$0	\$0	\$0	\$0
70 EKWIK	76	0.00	\$0	\$0	\$0	\$0	\$0
80 ELIM	223	3.93	\$5,571	\$15,507	\$13,076	\$0	\$34,154
90 EMMONAK	568	6.32	\$22,318	\$34,594	\$0	\$0	\$56,912
00 FORT YUKON	599	10.86	\$40,465	\$43,611	\$0	\$0	\$84,077
10 FORTUNA LEDGE	243	3.87	\$5,256	\$25,533	\$1,877	\$0	\$32,666

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Y	MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITL. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1982 ENTITL.

	CND CLASS CITIES							
	O GAMBELL	480	3.91	\$11,651	\$0	\$21,960	\$0	\$33,611
	O GOLOVIN	94	6.93	\$4,050	\$10,337	\$19,594	\$0	\$33,981
	O GOODNEWS BAY	167	0.00	\$0	\$0	\$0	\$0	\$0
	O GRAYLING	202	0.00	\$0	\$0	\$0	\$0	\$0
	O HOLY CROSS	232	5.16	\$7,477	\$23,259	\$3,670	\$0	\$34,406
	O HOOPER BAY	624	2.45	\$9,512	\$0	\$22,913	\$0	\$32,425
	O HOUSTON	583	0.11	\$416	\$72,996	\$0	\$0	\$73,412
	O HUGHES	71	0.00	\$0	\$0	\$0	\$0	\$0
	O HUSLIA	230	0.00	\$1	\$67,517	\$0	\$0	\$67,518
	O KACHEMAK	425	2.08	\$5,461	\$0	\$20,538	\$0	\$25,999
	O KAKTOVIK	201	0.25	\$323	\$0	\$33,318	\$0	\$33,641
	O KALTAG	239	0.00	\$0	\$0	\$0	\$0	\$0
	O KASAAN	64	0.10	\$43	\$7,422	\$16,933	\$0	\$24,398
	O KIANA	356	2.64	\$5,856	\$17,444	\$10,915	\$0	\$34,215
	O KIVALINA	249	4.16	\$6,441	\$0	\$27,200	\$0	\$33,641
	O KOBUK	64	0.00	\$0	\$0	\$0	\$0	\$0
	O KOTLIK	339	3.42	\$7,339	\$9,964	\$15,451	\$0	\$32,754
	O KOTZEBUE	2,250	14.66	\$205,125	\$56,856	\$0	\$0	\$261,981
	O KOYUK	203	5.40	\$6,817	\$16,120	\$11,235	\$0	\$34,172
	O KOYUKUK	95	8.75	\$5,167	\$13,568	\$15,352	\$0	\$34,087
	O KUPREANOF	49	0.00	\$0	\$0	\$0	\$0	\$0
	O KWETHLUK	451	0.00	\$0	\$0	\$0	\$0	\$0
	O LARSEN BAY	167	0.00	\$0	\$0	\$25,999	\$0	\$25,999
	S LOWER KALSKAG	244	2.81	\$4,270	\$100,339	\$0	\$0	\$104,609
	O MANOKOTAK	290	1.51	\$2,737	\$10,294	\$17,980	\$0	\$31,011
	O MCGRATH	343	1.71	\$3,566	\$45,711	\$0	\$0	\$49,277
	O MEKORYUK	176	7.90	\$2,646	\$9,964	\$14,144	\$0	\$26,754
	O MOUNTAIN VILLAGE	580	13.89	\$50,109	\$54,492	\$0	\$0	\$104,601
	O NAPAKIAK	253	7.25	\$12,764	\$17,688	\$2,553	\$0	\$33,005
	O NAPASKIAK	242	0.00	\$0	\$9,964	\$22,791	\$0	\$32,755
	O NEWHALEN	135	0.39	\$335	\$9,603	\$21,630	\$0	\$31,568

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SECOND CLASS CITIES								
630	NEW STUYAHOK	327	0.00	\$0	\$9,503	\$21,365	\$0	\$30,819
640	NEWTOK	175	0.81	\$891	\$9,964	\$21,899	\$0	\$32,754
650	NIGHTMUTE	135	7.12	\$5,977	\$9,964	\$16,814	\$0	\$32,755
660	NIKOLAI	88	0.00	\$0	\$0	\$0	\$0	\$0
670	NONDALTON	171	0.18	\$197	\$14,105	\$17,414	\$0	\$31,717
680	NOORVIK	508	2.89	\$9,152	\$19,155	\$6,932	\$0	\$35,239
690	NULATO	338	2.07	\$4,362	\$29,074	\$1,162	\$0	\$34,598
700	NUIGSUT	271	0.00	\$0	\$0	\$0	\$0	\$0
710	OLD HARBOUR	234	0.18	\$287	\$11,110	\$14,667	\$0	\$26,064
720	GUZINKIE	170	1.39	\$1,473	\$7,739	\$17,041	\$0	\$26,253
730	PILOT STATION	323	5.17	\$10,398	\$6,227	\$16,005	\$0	\$32,630
740	PLATINUM	55	12.59	\$4,653	\$0	\$27,805	\$1,294	\$33,752
750	POINT HOPE	531	1.03	\$3,412	\$0	\$30,229	\$0	\$33,641
760	PORT ALEXANDER	90	2.59	\$1,450	\$0	\$23,609	\$0	\$25,059
770	PORT HEIDEN	91	1.08	\$613	\$59,422	\$0	\$0	\$60,035
780	FORT LIONS	218	8.99	\$12,189	\$6,453	\$5,624	\$0	\$24,266
790	QUINHAGAK	409	3.01	\$7,660	\$13,956	\$11,366	\$0	\$32,982
800	RUBY	190	0.60	\$715	\$0	\$32,927	\$0	\$33,642
810	RUSSIAN MISSION	168	0.00	\$0	\$0	\$0	\$0	\$0
820	SAINT MICHAEL	258	2.23	\$3,750	\$10,237	\$19,894	\$0	\$33,881
830	SAINT PAUL	591	8.45	\$31,051	\$112,541	\$0	\$0	\$143,592
840	SAVCONGA	530	6.59	\$21,794	\$10,337	\$1,910	\$0	\$34,041
850	SAXMAN	276	0.00	\$0	\$7,422	\$16,976	\$0	\$24,398
860	SCAMMON BAY	249	2.36	\$3,667	\$3,892	\$24,395	\$0	\$31,954
870	SELAWIK	372	0.00	\$0	\$0	\$0	\$0	\$0
880	SHAGELUK	127	0.92	\$730	\$6,460	\$25,663	\$0	\$32,853
890	SHAKTOOLIK	177	2.88	\$3,172	\$56,833	\$0	\$0	\$60,005
900	SHELDON POINT	103	5.67	\$3,636	\$9,964	\$19,154	\$0	\$32,754
910	SHISHMARF	425	3.06	\$8,092	\$6,296	\$19,363	\$0	\$33,751
920	SHUNGNAK	208	1.96	\$2,546	\$10,237	\$21,032	\$0	\$33,815
930	STEBBINS	357	3.79	\$8,432	\$10,237	\$15,212	\$0	\$33,881

FY 1982 MUNICIPAL REVENUE SHARING ENTITLEMENTS

TOTAL APPROPRIATION = \$55,707,600
 CHAPTER 88 APPROPRIATION = \$34,913,800
 CHAPTER 89 APPROPRIATION = \$14,047,800
 CHAPTER 90 APPROPRIATION = \$6,746,000

CHAPTER 88 PRORATION FACTOR = 6.43407506040690
 CHAPTER 89 PRORATION FACTOR = 0.92865022020026
 CHAPTER 90 PRORATION FACTOR = 0.83122348039043
 MINIMUM ENT. PRORATION FACTOR = 0.96709754619341
 HOLD HARMLESS PRORATION FACTOR = 0.93905232582675

KEY	MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITL. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1982 ENTITL.
SECOND CLASS CITIES								
5940	TANANA	463	3.08	\$8,866	\$102,274	\$0	\$0	\$111,240
5950	TELLER	229	7.51	\$10,695	\$19,027	\$4,545	\$0	\$34,267
5960	TENAKEE SPRINGS	132	2.33	\$1,912	\$12,513	\$11,046	\$0	\$25,471
5990	TOGIAK	511	2.69	\$8,559	\$24,609	\$0	\$0	\$37,168
6000	TOKSOOK BAY	331	6.48	\$13,351	\$9,964	\$9,439	\$0	\$32,754
6010	TULUKSAK	234	2.93	\$4,265	\$119,822	\$0	\$0	\$124,087
6015	TUNUNAK	301	1.92	\$3,611	\$3,964	\$19,179	\$0	\$26,754
6020	UNALAKLEET	672	6.36	\$25,608	\$41,091	\$0	\$0	\$66,699
6030	UPPER KALSKAG	128	2.52	\$2,007	\$36,827	\$0	\$0	\$38,834
6040	WAINWRIGHT	410	0.00	\$0	\$0	\$0	\$0	\$0
6050	WALES	143	1.21	\$1,079	\$0	\$30,174	\$0	\$31,253
6060	WASILLA	1,928	0.33	\$4,026	\$124,026	\$0	\$0	\$128,052
6070	WHITE MOUNTAIN	135	10.18	\$9,549	\$14,165	\$9,004	\$0	\$32,718
6080	WHITTIER	211	33.93	\$44,509	\$16,125	\$0	\$0	\$60,634
6090	EXT FIRE AREAS	7,443	0.00	\$0	\$69,053	\$0	\$0	\$69,053
6100	NATIVE VILLAGE GOVT	1	0.00	\$0	\$1,275,693	\$0	\$0	\$1,275,693
TOTAL				\$32,610,625	\$20,774,190	\$1,147,716	\$1,175,067	\$55,627,718

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

TEST RUN

(Increase of 416 road maintenance miles for the Kenai Peninsula Borough. Funding level and all other variables are held constant.)

FY 1982 MUNICIPAL REVENUE SHARING ENTITLEMENTS

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APRIL 15, 1982

TOTAL APPROPRIATION = \$55,707,600
 CHAPTER 88 APPROPRIATION = \$34,913,800
 CHAPTER 89 APPROPRIATION = \$14,047,800
 CHAPTER 90 APPROPRIATION = \$6,746,000

CHAPTER 88 PRORATION FACTOR = 6.43407506040690
 CHAPTER 89 PRORATION FACTOR = 0.86466238118747
 CHAPTER 90 PRORATION FACTOR = 0.83123348099043
 MINIMUM ENT. PRORATION FACTOR = 0.96590040891738
 HOLD HARMLESS PRORATION FACTOR = 0.99895030550008

KEY	NAME	POPULATION	MILL RATE EQV	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITLE ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1981 ENTITLE
BOROUGH AND SERVICE AREAS								
010	ANCHORAGE A.W.	180,740	6.25	\$5,991,314	\$7,421,143	\$0	\$0	\$13,412,458
020	CITY S.A.	53,410	0.48	\$161,389	\$0	\$0	\$157,665	\$319,055
030	EAGLE RIVER	7,639	0.78	\$37,334	\$56,122	\$0	\$0	\$93,456
040	CHUGIAK	5,105	0.76	\$24,383	\$0	\$0	\$11,954	\$36,338
060	GIRDWOOD	539	1.13	\$3,813	\$22,759	\$0	\$0	\$26,573
070	GLEN ALPS	245	2.13	\$3,240	\$22,867	\$0	\$0	\$26,108
080	FIRE S.A.	148,761	1.28	\$1,187,610	\$0	\$0	\$87,906	\$1,275,517
090	ROADS & DRAINAGE	130,845	1.18	\$961,174	\$0	\$0	\$0	\$961,174
095	LIMITED ROAD S.A.	5,172	0.77	\$24,969	\$0	\$0	\$0	\$24,969
100	POLICE S.A.	146,004	1.87	\$1,697,064	\$0	\$0	\$416,477	\$2,113,542
110	PARKS & REC	148,710	0.57	\$530,657	\$0	\$0	\$343,453	\$874,111
120	P & R/CHUGIAK	13,789	0.60	\$51,899	\$0	\$0	\$10,360	\$62,260
130	SOLID WASTE S.A.	149,215	0.32	\$299,315	\$0	\$0	\$0	\$299,315
140	CHUGIAK/SOLID WASTE	13,789	0.16	\$14,322	\$0	\$0	\$0	\$14,322
150	BUILDING SAFETY	148,676	0.17	\$157,617	\$0	\$0	\$0	\$157,617
160	CITY SA ROADS & DRAINAGE	53,410	0.08	\$26,922	\$0	\$0	\$1,262	\$28,185
170	SERVICE AREA 35	77,435	0.58	\$281,887	\$0	\$0	\$0	\$281,887
175	UPPER O'MALLEY	1	0.00	\$0	\$31,527	\$0	\$0	\$31,527
180	PORT OF ANCH.	180,740	0.35	\$397,144	\$0	\$0	\$0	\$397,144
185	ROADS	1	0.00	\$0	\$125,589	\$0	\$0	\$125,589
190	AIRPORT S.A.	180,740	0.01	\$17,104	\$0	\$0	\$0	\$17,104
195	PUBLIC TRANSIT	180,740	0.09	\$108,698	\$0	\$0	\$0	\$108,698
200	PARKING S.A.	180,740	0.13	\$150,092	\$0	\$0	\$0	\$150,092
TOTAL				\$12,127,959	\$7,680,011			\$20,837,050
210	BRISTOL BAY BOROUGH	1,182	26.97	\$197,940	\$54,958	\$0	\$0	\$252,898
230	FAIRBANKS BOROUGH	51,659	8.21	\$2,610,124	\$234,194	\$0	\$0	\$2,844,318
240	ESTER F.P.	944	0.76	\$4,462	\$0	\$0	\$0	\$4,462
250	NORTH STAR F.P.	5,575	1.05	\$36,376	\$0	\$0	\$19,685	\$56,062
260	UNIVERSITY F.P.	6,156	1.49	\$57,122	\$0	\$0	\$4,779	\$61,902