

ALASKA LEGISLATURE COMMITTEE FILE 1985-1986 86/2

3214.11

HCRA HB 72

governor. Under existing law, this section applies only when property is affected by a disaster declared by the President. (AS 29.53.160)

Sec. 29.45.240. Minor rewording. (AS 29.53.170)

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

Sec. 29.45.290. No substantive change. (AS 29.53.200)

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

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

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

Sec. 29.45.330. Minor rewording. (AS 29.53.240)

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

Sec. 29.45.350. "Such" is altered to "the". (AS 29.53.260)

Sec. 29.45.360. Minor rewording, and the statutory reference is altered to reflect new numbering. (AS 29.53.270)

Sec. 29.45.370. "Tract" is altered to "lot".  
(AS 29.53.280)

Sec. 29.45.380. Minor rewording. (AS 29.53.)

Sec. 29.45.390. Minor rewording and reorganization.  
(AS 29.- 53.300)

Sec. 29.45.400. The material currently contained in AS 29.-53.310(b), allowing a person holding a lien against part of real property included in a judgment and decree of foreclosure to redeem only that part, has been eliminated.  
(AS 29.53.310)

Sec. 29.45.410. Receipt of redemption money by the municipality releases the judgment obtained through foreclosure. Under existing law, receipt of redemption by the clerk releases all claims of the municipality to the property.  
(AS 29.53.320)

Sec. 29.45.420. No change. (AS 29.53.330)

Sec. 29.45.430. No substantive change. (AS 29.53.340)

Sec. 29.45.440. Allows the clerk's designee to publish a redemption period expiration notice. Requires the clerk to send a copy of the notice to holders of liens if the assessed value of property being foreclosed is over \$100,000. Under existing law, notice must be sent if the assessed value is over \$10,000. (AS 29.53.350)

Sec. 29.45.450. Minor rewording. (AS 29.53.360)

Sec. 29.45.460. Allows the designee of the clerk to send a copy of the published notice, while under existing law, the clerk is required to send the copy. (AS 29.53.370)

Sec. 29.45.470. Minor rewording. (AS 29.53.375)

Sec. 29.45.480. No substantive change. (AS 29.53.380)

Sec. 29.45.490. "City or borough" is changed to "municipality". (AS 29.53.385)

Sec. 29.45.500. New material is added to this section so that if, in the absence of suit, it becomes obvious to the governing body that judgment for recovery of taxes would be obtained, the municipality shall refund the amount of taxes plus interest. The governing body is permitted to correct manifest clerical errors at any time. (AS 29.53.390)

Sec. 29.45.550. Minor rewording. (AS 29.43.020)

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

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

Sec. 29.45.580. Minor rewording. (AS 29.53.405)

Sec. 29.45.590. No substantive change. (AS 29.53.410)

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

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

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

Sec. 29.45.670. The requirement that a sales tax proposition be presented only once a year has been eliminated. Material now in AS 29.53.420(b) is deleted. (AS 29.53.420(a))

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

Sec. 29.45.710. No substantive change. (AS 29.53.460)

#### CHAPTER 46. SPECIAL ASSESSMENTS.

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

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

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

Sec. 29.46.040. Minor rewording. (AS 29.63.025)

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

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

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

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

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

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

Sec. 29.46.110. (a) This is new material itemizing the costs which may be included in a special assessment.

(b) The total amount of the assessment roll may not exceed actual costs, but actual costs may include reasonable estimates of the costs incurred in connection with issuance of bonds. (AS 29.63.040(a))

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

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

Sec. 29.46.140. Minor rewording. The last line of AS 29.-63.085(c), providing that interest on the guarantee funds are a cost of the improvement district, is eliminated. (AS 29.63.085)

#### CHAPTER 47. MUNICIPAL DEBT.

Sec. 29.47.010. Minor rewording. (AS 29.58.010)

Sec. 29.47.020. Minor rewording. (AS 29.58.020)

- Sec. 29.47.030. Minor rewording. (AS 29.58.040)
- Sec. 29.47.040. Minor rewording. (AS 29.58.050)
- Sec. 29.47.080. Minor rewording. (AS 29.58.070)
- Sec. 29.47.090. "Assembly or council" is replaced with "governing body". (AS 29.58.080)
- Sec. 29.47.100. "Assembly or council" is replaced by "governing body".
- Sec. 29.47.110. No substantive change. (AS 29.58.100)
- Sec. 29.47.120. Minor rewording. (AS 29.58.110)
- Sec. 29.47.130. Minor rewording. (AS 29.58.120)
- Sec. 29.47.140. No change. (AS 29.58.130)
- Sec. 29.47.180. Minor rewording. (AS 29.58.150)
- Sec. 29.47.190. Minor rewording. The reference to a charter is eliminated since this section does not apply as a home rule limitation. (AS 29.58.160)
- Sec. 29.47.200. Minor rewording. The last sentence in (b) is added since this subsection applies to home rule municipalities as a limitation. It is currently a limitation under AS 29.13.100(24). (AS 29.58.180)
- Sec. 29.47.240. Rewritten for clarity. (AS 29.58.200)
- Sec. 29.47.250. Minor rewording. (AS 29.58.205)
- Sec. 29.47.260. This is a new section excluding revenue bonds from the application of the prohibition against a political subdivision of the state making a subscription to the capital stock of a corporation, lending its credit for the use of a corporation, or borrowing money for the use of a corporation.
- Sec. 29.47.300. Minor rewording. (AS 29.58.240)
- Sec. 29.47.310. No substantive change. (AS 29.58.250)

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

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

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

Sec. 29.47.390. This contains new material allowing the issuance of revenue bonds to finance any project and to be secured and payable solely from the revenue and property of the project. The city or borough is not obligated to make payments on the bonds from any other sources. (AS 29.58.200(c))

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

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

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

Sec. 29.47.430. No substantive change. (AS 29.58.320)

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

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

#### CHAPTER 55. MUNICIPAL PROGRAMS.

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

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

CHAPTER 60. STATE PROGRAMS.

Sec. 29.60.010. "Local government services" is replaced by "municipal services". (AS 29.88.010)

Sec. 29.60.020. Material in AS 29.88.015(b) is deleted, which included within the population determination the population of any military reservation that is part of the taxing unit. Since municipal tax resource equalization is organized as an article, rather than a chapter, the statutory reference is added. (AS 29.88.015)

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

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

Sec. 29.60.050. Subsection (a), dealing with limitation on use of payments, is a home rule limitation. Under existing law all of the tax equalization program is a home rule limitation under AS 29.13.100(46). "Assembly or council" is replaced by "governing body". (AS 29.88.030)

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

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

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

Sec. 29.60.100. Statutory references are altered to reflect new numbering. Provision for revenue sharing payable to a "Native village government" is altered to "an unincorporated community". (AS 29.89.010)

Sec. 29.60.110. "Local government" is replaced by "municipality". (AS 29.89.020)

Sec. 29.60.120. Subsections (a) and (c) dealing with distribution and use of money, are home rule limitations. Under existing laws all of the program of aid for miscellaneous services is a limitation under AS 29.13.100(47). In (a)(3) the phrase "whether licensed or unlicensed" is inserted. (AS 29.89.030, 29.89.100(2) and (3))

Sec. 29.60.130. "Borough or city" is replaced by "municipality". (AS 29.89.040)

Sec. 29.60.140. Provides for aid to unincorporated communities rather than to Native village governments. The Department of Community and Regional Affairs shall pay the money to the entity in an unincorporated community most qualified to receive it. No money may be paid to a Native village council unless it waives immunity from suit. If there is no entity in an unincorporated community willing to receive the money, the community receives no entitlement. (AS 29.89.050)

Sec. 29.60.150. The last portion of the section listing possible sources of population data is eliminated. Statutory references are added, since this material is no longer organized as a separate chapter. (AS 29.89.060)

Sec. 29.60.160. Statutory references are altered to reflect new numbering. Authorizes area cost-of-living differentials to be reflected in payments to volunteer fire departments. (AS 29.89.070)

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

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

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

Sec. 29.60.290. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.95.020)

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

Sec. 29.60.350. Administration of the municipal assistance fund is transferred from the Department of Revenue to the Department of Community and Regional Affairs. (AS 43.20.016(a))

Sec. 29.60.360. No substantive change. (AS 43.20.016(b))

Sec. 29.60.370. No substantive change. (AS 43.20.016(c) and (d))

Sec. 29.60.400. Reorganized and reworded. (AS 29.89.110(a), (b), (h)(2))

Sec. 29.60.410. Reorganized and reworded. (AS 29.89.110(b), (e))

Sec. 29.60.420. Reorganized and reworded. (AS 29.89.110(f), (g))

Sec. 29.60.430. Reorganized and reworded. (AS 29.89.110(c))

Sec. 29.60.440. Reorganized and reworded. (AS 29.89.110(d))

#### CHAPTER 65. GENERAL GRANT LAND.

Sec. 29.65.010. No change. (AS 29.18.201)

Sec. 29.65.020. No substantive change. (AS 29.18.202)

Sec. 29.65.030. Minor rewording. (AS 29.18.203)

Sec. 29.65.040. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.18.204)

Sec. 29.65.050. The statutory references to repealed sections are deleted as unnecessary in (a). The statutory

references contained in this section are altered to reflect new numbering. (AS 29.18.205)

Sec. 29.65.060. Statutory references are altered to reflect new numbering. (AS 29.18.206)

Sec. 29.65.070. No substantive change. (AS 29.18.207)

Sec. 29.65.080. Reworded for clarity. The statutory references contained in this section are altered to reflect new numbering. (AS 29.18.208)

Sec. 29.65.090. "Any" is changed to "a". (AS 29.18.209)

Sec. 29.65.100. The statutory reference contained in this section is altered to reflect new numbering. (AS 29.18.210)

Sec. 29.65.110. The statutory reference contained in this section is altered to reflect new numbering. (AS 29.18.211)

Sec. 29.65.120. Since this material is now organized in a separate chapter, the statutory reference to the sections dealing with general grant land is eliminated. (AS 29.18.212)

Sec. 29.65.130. Since this material is now organized in a separate chapter, the statutory reference is eliminated. The definition of "municipality" is eliminated since that term is now defined for the entire title. (AS 29.18.213)

Sec. 29.65.140. This is a new section indicating that the chapter dealing with general grant land applies to home rule municipalities as well as to general law municipalities. This material is not a home rule limitation under existing law.

#### CHAPTER 71. GENERAL PROVISIONS.

Sec. 29.71.010. No substantive change. (AS 29.73.030)

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

Sec. 29.71.030. No substantive change. (AS 29.73.040)

Sec. 29.71.800. The following definitions are added or changed from existing law:

(1) "areawide" is defined to include cities in the borough. (AS 29.78.010(18))

(2) this is added;

(3) includes home rule as well as general law boroughs; (AS 29.78.010(1))

(4) includes home rule as well as general law cities; (AS 29.78.010(2))

(5) this is added;

(7) this is added;

(8) this is added;

(9) "election" includes both regular and special municipal elections, but does not include a state election; (AS 29.78.010(7))

(10) this is added to refer to either a borough or city legislative entity;

(13) "municipality" includes a home rule or general law borough, city, or unified municipality, while the existing definition includes only general law municipal corporations; (AS 29.78.010(8))

(14) "nonareawide" includes the area of a borough outside cities in the borough, while under existing law "nonareawide power" is defined; (AS 29.78.010(19))

(15) "owner" or "record owner" means the owner of record shown in the records of the district recorder; (AS 29.78.010(9))

(20) minor rewording; (AS 29.78.010(14))

(21) this has been added;

(23) subparagraph (A) has been reworded and (B) is new;  
(AS 29.78.010(16))

(24) this has been added; and

(25) a person qualified to vote in municipal elections  
under the applicable statute is a "voter".  
(AS 29.78.010(17))

The definition of "conditional use" has been eliminated.  
(AS 29.78.010(3))

\* Sec. 18. A definition of "municipality" is added for all  
Alaska Statutes.

\* Sec. 19. The statutory references are altered to reflect  
new numbering.

\* Sec. 20. The statutory references are altered to reflect  
new numbering.

\* Sec. 21. Incorporates definition of "municipality" added  
for all Alaska Statutes.

\* Sec. 22. The statutory references are altered to reflect  
new numbering. Minor rewording.

\* Sec. 23. Statutory references are altered to reflect new  
numbering.

\* Sec. 24. Reworded to delete incorrect statutory refer-  
ences.

\* Sec. 25. Reorganized. Statutory references are altered  
to reflect new numbering.

\* Sec. 26. Minor rewording. The statutory references are  
altered to reflect new numbering.

\* Sec. 27. The statutory references are altered to reflect  
new numbering.

\* Sec. 28. Minor rewording. The statutory references are  
altered to reflect new numbering.

\* Sec. 29. Minor rewording. The statutory references are  
altered to reflect new numbering.

\* Sec. 30. The statutory references are altered to reflect new numbering.

\* Sec. 31. The statutory references are altered to reflect new numbering.

\* Sec. 32. The statutory references are altered to reflect new numbering.

\* Sec. 33. The statutory references are altered to reflect new numbering.

\* Sec. 34. Minor rewording. The statutory references are altered to reflect new numbering.

\* Sec. 35. The statutory references are altered to reflect new numbering.

\* Sec. 36. Minor rewording. The statutory references are altered to reflect new numbering.

\* Sec. 37. The statutory references are altered to reflect new numbering.

\* Sec. 38. Minor rewording. The statutory references are altered to reflect new numbering.

\* Sec. 39. Minor rewording for consistency.

\* Sec. 40. Redundant language is deleted because "municipality" is defined for all statutes.

\* Sec. 41. Minor rewording and statutory references are altered.

\* Sec. 42. The statutory references are altered to reflect new numbering.

\* Sec. 43. Minor rewording. Incorrect statutory references are deleted.

\* Sec. 44. Minor rewording. Incorrect statutory references are deleted.

\* Sec. 45. Minor rewording. The statutory references are altered to reflect new numbering.

- \* Sec. 46. The statutory references are altered.
- \* Sec. 47. The statutory reference is deleted as unnecessary.
- \* Sec. 48. Minor rewording. The statutory references are altered to reflect new numbering.
- \* Sec. 49. The statutory references are deleted as unnecessary.
- \* Sec. 50. The statutory references are deleted as unnecessary.
- \* Sec. 51. The statutory reference is altered to reflect new numbering.
- \* Sec. 52. The statutory references are altered to reflect new numbering. "Former" is added before citations to sections repealed in this bill."
- \* Sec. 53. The statutory references are altered to reflect new numbering. "Former" is added before citations to sections repealed in this bill.
- \* Sec. 54. The word "former" is added before the statutory citation because those sections are repealed in this bill.
- \* Sec. 55. "Former" is added before citations to sections previously repealed in this bill.
- \* Sec. 56. Minor rewording. The statutory reference is altered to reflect new numbering.
- \* Sec. 57. Minor rewording. The statutory references are altered to reflect new numbering.
- \* Sec. 58. The statutory reference is deleted as unnecessary.
- \* Sec. 59. The statutory references are altered to reflect new numbering.
- \* Sec. 60. The statutory references are altered.
- \* Sec. 61. The statutory references are altered to reflect new numbering.

- \* Sec. 62. The statutory references are altered to reflect new numbering. Minor rewording,
- \* Sec. 63. The statutory references are altered to reflect new numbering.
- \* Sec. 64. The statutory references are altered to reflect new numbering.
- \* Sec. 65. The statutory references are altered to reflect new numbering.
- \* Sec. 66. The statutory references are altered to reflect new numbering. "Former" is added before sections repealed in this bill.
- \* Sec. 67. Statutory references are altered.
- \* Sec. 68. The statutory references are deleted as unnecessary.
- \* Sec. 69. Statutory references are altered.
- \* Sec. 70. Adds new sections dealing with borough feasibility studies. Authorizes the commissioner of community and regional affairs to contract for a study requested by a person residing in the area to be studied. Sets out requirements for the contract and what a study must include.
- \* Sec. 71. The statutory reference is altered to reflect new numbering.
- \* Sec. 72. The statutory reference is altered to reflect new numbering.
- \* Sec. 73. The statutory reference is altered to reflect new numbering.
- \* Sec. 74. The new statutory reference is inserted and "former" added before the citation to a section repealed by this bill.
- \* Sec. 75. The new statutory references are inserted and "former" added before citations to sections repealed by this bill.

\* Sec. 76. The statutory references are altered to reflect new numbering.

\* Sec. 77. The statutory reference to a repealed section is ~~deleted~~ and language inserted to take the place of the deleted reference.

\* Sec. 78. The statutory references are altered to reflect new numbering.

\* Sec. 79. The statutory references are deleted as unnecessary.

\* Sec. 80. The statutory references are altered to reflect new numbering.

\* Sec. 81. The statutory references are deleted as unnecessary.

\* Sec. 82. The statutory references are altered to reflect new numbering.

\* Sec. 83. All of Title 29 is repealed except for AS 29.03.010 and AS 29.03.020. Additional provisions are repealed to reconcile this bill with other titles.

\* Sec. 84. A right or liability of a municipality in existence on the effective date of this Act is not affected by this Act. Ordinances and regulations in effect on the effective date of this Act remain in effect unless they conflict with a provision of this Act. If an ordinance or regulation conflicts, it remains in effect for 180 days. The terms of elected or appointed municipal officials are not affected by the Act and their terms expire as they would have before the effective date of this Act.

\* Sec. 85. The Act takes effect January 1, 1986.

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

- AS 29.18.202 (determination of entitlement for cities);
- AS 29.18.220 - 29.18.460 (development cities);
- AS 29.18.510 - 29.18.610 (Capital City Incorporation Act);
- AS 29.23.395 - 29.23.401 (involvement of young people in local government);
- AS 29.23.470 (appointment of temporary or new manager);
- AS 29.28.220 (election procedure);
- AS 29.33.120 (adjustment procedure);
- AS 29.43.100 - 29.43.110 (curfews)
- AS 29.45.480 (proceeds of tax sale);
- AS 29.48.070 (hearing for regulation of utilities rates);
- AS 29.48.080 (right to participate and compel testimony);
- AS 29.48.090 (further proceedings);
- AS 29.48.100 (application);
- AS 29.48.250 (centralized purchasing);
- AS 29.53.030 (mining claims);
- AS 29.58.220 (payment);
- AS 29.58.315 (bond attorneys, bond and financial consultants);
- AS 29.58.345 (bonded indebtedness for school construction);
- AS 29.58.350 (bond guarantee fund).

TBC:ojb  
AS29/003

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

#1  
POUCH Y STATE CAPITOL  
UNFAU, ALASKA 99811  
907 465 3800

MEMORANDUM

February 19, 1985

SUBJECT: Municipal Code Revision (HB 72)

TO: Representative Peter Goll  
Chairman Community & Regional Affairs

FROM: Tamara Brandt Cook  
Deputy Director TBC  
Division of Legal Services

Here is the amendment you requested that would adjust dates in HB 72 to reflect the effective date of that bill. These dates appear to have been inadvertently carried over from last year's version of the bill, CSHB 172(Fin).

Please note that in the provisions dealing with organizational grants I have changed the dates from July 1 to June 30 in places where the applicable language refers to a period occurring after July 1. This change ties the bill to the fiscal year, that is, after June 30 or beginning on July 1. The year has been changed to 1986 instead of 1985 because the bill does not take effect in 1985, but rather, becomes effective in 1986. The provision at page 33 requiring a municipality to adopt a conflict of interest provision 180 days after a set date, has been changed from July 1, 1984 to January 1, 1986, the effective date of the bill. This section does not have a fiscal impact and, therefore, need not be tied to the fiscal year.

TBC:mkr  
111:WKJ11

A M E N D M E N T

Offered in the HOUSE

TO: HB 72

By the Community and  
Regional Affairs Committee

Page 10, line 27:

Delete "July 1, 1984" and insert "June 30, 1986"

Page 11, line 2:

Delete "1984" and insert "1986"

Page 11, line 3:

Delete "July 1, 1984" and insert "June 30, 1986"

Page 11, line 20:

Delete "July 1, 1984" and insert "June 30, 1986"

Page 12, line 21:

Delete "July 1, 1984" and insert "June 30, 1986"

Page 12, line 24:

Delete "July 1, 1984" and insert "June 30, 1986"

Page 33, line 22:

Delete "July 1, 1984" and insert "January 1, 1986"

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

#2  
POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

MEMORANDUM

February 20, 1985

SUBJECT: Municipal Code Revision (HB 72)

TO: Representative Peter Goll  
Chairman, House Community &  
Regional Affairs Committee

FROM: Tamara Brandt Cook *TBC*  
Deputy Director  
Division of Legal Services

In reviewing HB 72 I have discovered a potential problem with the provisions dealing with general grant land entitlements. They incorporate existing law and essentially no changes have been made to these sections. However, under the reorganization of Title 29, the former provisions have been repealed and new provisions enacted with different section numbers. This could lead to an argument that entitlements to existing municipalities under the former sections are terminated and that new entitlements of additional land are being made to those same municipalities.

In order to avoid any confusion as to the effect of renumbering sections dealing with general grant land entitlements to existing municipalities, I have prepared this amendment for consideration by the committee and, hopefully, inclusion into a committee substitute. Language added in the amendment would make it clear that general grant land entitlements to municipalities under the former provisions are simply continued, but that new entitlements are not being made.

HGB:lmb  
L3/053

A M E N D M E N T

Offered in the HOUSE

TO: HOUSE BILL NO. 72

By The Community and

Regional Affairs Committee

Page 171, line 29:

After "MUNICIPALITIES." insert "(a)"

Page 172, after line 13, insert:

"(b) This section is a continuation of the provisions of former AS 29.18.201 and does not grant additional entitlements."

Page 172, line 14:

After "CITIES." insert "(a)"

Page 172, line 22:

Delete "this section" and insert "former AS 29.18.202"

Page 172, after line 23, insert:

"(b) This section is a continuation of the provisions of former AS 29.18.202 and does not grant additional entitlements."

Page 173, after line 4, insert:

"(c) This section is a continuation of the provisions of former AS 29.18.203 and does not grant additional entitlements to municipalities incorporated before January 1, 1986."

Page 173, line 6:

Delete "AS 29.65.010" and insert "former AS 29.18.201"

Page 173, line 7:

Delete "29.65.020" and insert "former 29.18.202"

Page 176, line 16:

Delete "is" and insert "was"

Delete "AS 29.65.010" and insert "former AS 29.18.201 or 29.18.202"

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

#3

MEMORANDUM

February 20, 1985

SUBJECT: Municipal Code Revision  
(HB 72)

TO: Representative Peter Goll  
Chair, Community and Regional  
Affairs Committee

FROM: Tamara Brandt Cook  
Deputy Director <sup>100</sup>  
Division of Legal Services

Here is the amendment that you requested which incorporates legislation passed in 1984 that is also dealt with in HB 72. The changes are derived from section 38, chapter 6 SLA 1984; section 1, chapter 56 SLA 1984; sections 78 - 84 and 88, chapter 156 SLA 1984; and section 2, chapter 167 SLA 1984. Some items in the amendment return changes in HB 72 to language in existing law in order to conform with the above mentioned legislation passed in 1984 that left those portions of existing law intact. Since the Division of Lands has been eliminated and duties of the director of the division have been assigned to the director of lands, this amendment changes the definition of "director" used in sections dealing with general grant land entitlements to conform with this reorganization.

The section dealing with regulation of transportation carriers, section 29.35.140, was added by Initiative Number 83-02 effective February 28, 1985. It is altered only to delete a citation that no longer makes sense because chapter 35 on municipal powers is rewritten in HB 72. Please note that this section is not a home rule limitation under the initiative, nor under this amendment, although it appears that it may have been intended to bind home rule municipalities as well as general law municipalities.

Changes made under chapter 152 SLA 1984 to AS 29.33.150 are reflected in section 29.40.200 of HB 72. However, the 1984 legislation removed all references to "capital improvements"

Representative Peter Goll  
February 20, 1985  
Page 2

from the section without deleting the definition. The definition is deleted in this amendment. The changes relating to disabled veterans in AS 29.53.020, 29.73.060, and 29.73.062 made in chapter 40 LA 1984 have already been incorporated into HB 72. The change relating to the tax exemption for motor vehicles in AS 29.53.025 made in chapter 27 SLA 1984 has already been incorporated into section 29.45.050 of HB 72. The change relating to taxation records and errors in taxation procedures in AS 29.53.103 and 29.53.105 have already been incorporated into HB 72 as sections 29.45.103 and 29.45.105.

Lastly, several of the items in this amendment alter or delete citations to statutes that have been renumbered or repealed.

TBC:ojb  
J11/119

A M E N D M E N T

#3

Offered in the HOUSE

TO: HB 72

By The Community and

Regional Affairs Committee

✓ Page 79, after line 1, add a new section to read:

"Sec. 29.35.140. REGULATION OF TRANSPORTATION CARRIERS. A municipality may not regulate an activity regarding transportation of passengers or freight for hire if the regulation conflicts with the regulation of that activity by the Alaska Transportation Commission as the regulation existed on April 1, 1983 under former AS 01.05, former AS 42.07, or former AS 42.10."

Page 97, lines 27 - 29:

Delete all material and reletter the following subsection

Page 112, line 20:

Delete "For"

Page 112, lines 21 - 23:

Delete all material

Page 114, line 5:

After "data." delete all material

Page 114, lines 6 - 8:

Delete all material

Page 172, line 21:

Delete "commissioner" and insert "director"

Page 173, line 1:

Delete "commissioner" and insert "director"

Page 173, line 17:

Delete "commissioner" and insert "director"

Page 173, line 22:

Delete "commissioner" and insert "director"

Page 174, line 14:

Delete "commissioner" and insert "director"

Page 174, line 19:

Delete "commissioner" and insert "director"

Page 174, line 23:

Delete "commissioner" and insert "director"

Page 175, line 2:

Delete "commissioner" and insert "director"

Page 175, line 6:

Delete "commissioner" and insert "director"

Page 175, line 20:

After "school" insert ", university"

Page 175, line 26:

Delete "commissioner" and insert "director"

Page 176, line 1:

Delete "commissioner" and insert "director" in both places

Page 176, line 8:

Delete "AS 38.05.345" and insert "AS 38.05.945"

Page 176, line 9:

After "school" insert ", university"

Page 176, line 19:

Delete "commissioner" and insert "director"

Page 176, line 26:

Delete "commissioner" and insert "director"

Page 177, line 1:

Delete "commissioner:" and insert "director"

Page 177, line 3:

Delete "commissioner" and insert "director"

Page 177, line 5:

Delete "commissioner" and insert "director"

Page 180, lines 3 and 4:

Delete "commissioner" and insert "director"

Page 180, line 9:

Delete "AS 38.05.345" and insert "AS 38.05.945"

Page 180, line 19:

Delete "AS 38.05.315" and insert "AS 38.05.810"

Page 180, line 24:

Delete "commissioner" and insert "director"

Page 180, line 27:

Delete "commissioner" and insert "director"

Page 180, line 28:

Delete "AS 38.05.315" and insert "AS 38.05.810"

Page 181, line 1:

Delete "AS 38.05.315" and insert "AS 38.05.810"

Page 182, line 1:

After "commissioner" insert "of natural resources"

Page 182, line 9:

Delete "commissioner" and insert "director"

Page 182, lines 9 and 10:

Delete "commissioner of natural resources, or the commissioner's designee" and insert "director of lands, Department of Natural Resources"

Page 182, line 18:

Delete "Department of Natural Resources" and insert "director"

Page 182, line 23:

After "issued" insert "by the director"

Page 183, after line 6, insert:

"(9) 'university land' has the meaning given in AS 38.05.-365;"

Renumber the following paragraph accordingly

Page 186, after line 24, insert a new bill section to read:

"\* Sec. 20. AS 09.45.845 is amended to read:

Sec. 09.45.845. VACATING OF STREETS IN WHOLE OR IN PART. The

vacating of streets in whole or in part by the voluntary action of a municipality, for the purpose of making it possible for the court to mitigate the hardships suffered by individuals because of the change in land boundaries caused by the act of God, consisting of an earth-slide, can be accomplished by the offer of the municipality expressed in the complaint followed by the court's approval of it in the action authorized in AS 09.45.800 - 09.45.880, without other formalities. This provision is a special emergency substitute for the provisions contained in AS 29.40.120 - 29.40.160 [AS 29.33.200 - 29.33.240]."

Renumber the following bill sections accordingly

Page 192, after line 21, insert the following new bill sections:

"\* Sec. 45. AS 19.30.260 is amended to read:

Sec. 19 30.260. PURPOSE. The purpose of AS 19.30.260 - 19.30.320 is to facilitate funding for the upgrading, reconstruction, rehabilitation, or paving of existing subdivision roads within a road maintenance service area established under AS 29.35.450 [AS 29.63] or under a home rule charter.

\* Sec. 46. AS 19.30.280(a) is amended to read:

(a) After establishing a road maintenance service area under AS 29.35.450 [AS 29.63], or under a home rule charter, a municipality may apply to the department for a grant as money is available for road improvements, subject to regulations adopted by the department to carry out the provisions of AS 19.30.260 - 19.30.320. The department shall require a municipality to submit a five-year plan for the up-

grading, reconstructing, rehabilitating, or paving of maintenance service area roads for approval before October 1 of each fiscal year."

Renumber the following bill sections accordingly

Page 199, lines 7 - 10:

Delete "For purposes of this subsection the average per capita assessed full and true value of property in the state shall be calculated without regard to the assessed value of taxable property under AS 43.58." and insert "[FOR PURPOSES OF THIS SUBSECTION THE AVERAGE PER CAPITA ASSESSED FULL AND TRUE VALUE OF PROPERTY IN THE STATE SHALL BE CALCULATED WITHOUT REGARD TO THE ASSESSED VALUE OF TAXABLE PROPERTY UNDER AS 43.58.]"

Page 206, line 8:

Delete "AS 28.35.260(a)(10)" and insert "AS 28.40.100(a)(10)"

Introduced: 1/30/85  
Referred: Community & Regional  
Affairs and Finance

1 IN THE HOUSE

BY BINKLEY

2

HOUSE BILL NO.145

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act authorizing certain second class cities to  
7 adopt home rule charters."

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

9 \* Section 1. AS 29.08.010 is amended to read:

10 Sec. 29.08.010. HOME RULE. A home rule municipality is a munic-  
11 ipal corporation and political subdivision and is a city [OF THE FIRST  
12 CLASS] or an organized borough that has adopted a home rule charter.  
13 It has all legislative powers not prohibited by law or charter.

14 \* Sec. 2. AS 29.13.010(a) is amended to read:

15 (a) A first class municipality or second class borough may adopt  
16 a charter for its own government. A second class city may adopt a  
17 charter for its own government if the Department of Community and  
18 Regional Affairs determines from the best figures available that the  
19 population of the city is at least 3,500 permanent residents. A home  
20 rule municipality may amend its charter or adopt a new one.

21 \* Sec. 3. AS 29.18.180(a) is amended to read:

22 (a) For the purpose of defraying the cost of transition to  
23 borough or city government and in order to provide for development and  
24 interim governmental operations, each borough and city incorporated  
25 after January 1, 1968, or, in the case of a second class city, incor-  
26 porated or reclassified as a first class or home rule city after  
27 January 1, 1968, other than a unified municipality incorporated under  
28 the provisions of AS 29.68.240 - 29.68.440 or former AS 29.85, or a  
29 municipality otherwise incorporated by consolidation, is entitled to

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

COPY

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

#4

MEMORANDUM

February 22, 1985

SUBJECT: Municipal Code Revision  
(HB 72)

TO: Representative Peter Goll  
Chairman, Community and  
Regional Affairs Committee

FROM: Tamara Brandt Cook  
Deputy Director  
Division of Legal Services

Here is the amendment you requested that would change chapter 10 of HB 72 by incorporating the language as it appeared in CSHB 172(Fin) from last session. Chapter 10 of HB 72 now mirrors existing law. It permits only first class cities and first and second class boroughs to adopt home rule charters.

Under CSHB 172(Fin) the authority to adopt home rule charters was expanded to include second class cities with populations of at least 600 and third class boroughs. An unincorporated area was also permitted to directly incorporate as a home rule borough or, if an area contained at least 600 residents, it could become a home rule city. Changes from existing law were incorporated into chapter 10 to deal with the mechanics of adopting a charter in an unincorporated area and the material in the chapter was substantially reorganized. This amendment reflects all of these changes and, if adopted, would entirely replace chapter 10 of HB 72.

TBC:ojb  
J12/011

A M E N D M E N T

Goll

Offered in the HOUSE

By THE COMMUNITY AND REGIONAL  
AFFAIRS COMMITTEE

To: HB 72

Page 28 line 25 through page 31, line 4:

Delete all material and insert the following new sections:

"Sec. 29.10.010. MUNICIPAL CHARTER ADOPTION. (a) A general law borough or first class city may adopt a charter for its own government. A second class city may adopt a charter for its own government if the department determines from the best figures available that the population of the city is at least 600 permanent residents.

(b) At an election to incorporate as a city, an unincorporated community with at least 600 permanent residents may adopt a charter for its own government and incorporate as a home rule municipality.

(c) At an election for borough incorporation, an area in the unorganized borough may adopt a charter for its own government and incorporate as a home rule municipality.

(d) A home rule municipality may adopt a new charter.

(e) A proposed charter for an existing municipality is prepared by a charter commission of seven elected members. A charter commission election is called by filing a petition with the governing body or by resolution of the governing body. The petition shall be signed by a number of voters equal to 15 percent of the votes cast in the last regular election in the municipality.

(f) The proposed charter for an unincorporated community or an

area of the unorganized borough shall be prepared by the petitioners and filed under AS 29.05.060 with the petition to incorporate a home rule municipality.

Sec. 29.10.020. MODEL CHARTERS. The department shall prepare at least one model home rule charter for a borough and at least one model home rule charter for a city. The model charters shall be made available to persons interested in filing a petition to incorporate a home rule municipality under AS 29.05.060.

Sec. 29.10.030. INITIATIVE AND REFERENDUM. (a) A home rule charter shall provide procedures for initiative and referendum.

(b) A charter may not require an initiative or referendum petition to have a number of signatures greater than 25 percent of the total votes cast in the municipality at the last regular election.

(c) A charter may not permit the initiative and referendum to be used for a purpose prohibited by art. XI, sec. 7 of the state constitution.

Sec. 29.10.040. CHARTER COMMISSION CANDIDATES. (a) A candidate for a charter commission shall be a voter of an existing municipality for three years immediately preceding the charter commission election.

(b) A charter commission candidate is nominated by a petition signed by at least 50 voters or the number of voters equal to 10 percent of the number of votes cast in the municipality during the last regular election, whichever is less. A nomination petition shall be filed with the municipal clerk on or before a date fixed by the governing body.

(c) If at least seven nominations for qualified charter

commission candidates are not filed, the petition or resolution calling for a charter commission is void and no election on the question may be held.

Sec. 29.10.050. CHARTER COMMISSION ELECTION. At a charter commission election the voters of an existing municipality shall consider the question "Shall a charter commission be elected to prepare a proposed charter?" and shall elect the members of the commission. If the question is approved, the seven candidates receiving the highest number of votes shall immediately organize as a charter commission.

Sec. 29.10.060. PREPARATION OF CHARTER BY CHARTER COMMISSION. The charter commission shall, within one year, prepare a proposed home rule charter for an existing municipality. The proposed charter shall be signed by a majority of the members of the commission and filed in the office of the municipal clerk. Within 15 days, the clerk shall have the proposed charter published and make copies available. The commission shall give published notice of and hold at least one public hearing on the proposed charter before the signing and filing of the charter.

Sec. 29.10.070. CHARTER ELECTION. The proposed home rule charter for an existing municipality shall be submitted to the voters at an election held not less than 30 days or more than 90 days after the proposed charter is published. The proposed home rule charter for an unincorporated community or for an area in the unorganized borough shall be submitted to the voters at an incorporation election held under AS 29.05.110.

Sec. 29.10.080. CHARTER ADOPTION. (a) If a majority of those

voting in an existing municipality favor the proposed charter or if a majority of those voting in an unincorporated community or in an area in the unorganized borough favor incorporation of a home rule municipality, the proposed charter becomes the organic law of the municipality effective on the date the election is certified. Thereafter, a court shall take judicial notice of the charter. The new home rule municipality shall file the indicated number of copies of the charter with

- (1) the lieutenant governor -- two copies;
- (2) the department -- two copies;
- (3) the district recorder -- one copy;
- (4) the municipal clerk -- one copy.

(b) At the time of voting on the proposed charter in a third class borough, voters shall vote also on whether the borough shall, on adoption of the charter, retain a combined assembly and school board or elect a separate assembly and board as otherwise provided for home rule boroughs. If a combined assembly and school board are approved at the charter election, the assembly serving at the time of the election continues to serve as the assembly and board on voter approval of the charter and until terms of assembly members expire as provided before adoption of the charter. If a separate board and assembly are approved at the charter election, a school board shall be elected in conformity with AS 14.12.030 - 14.12.100 at the next regular election, if it occurs within 90 days of the date of the charter election, or otherwise at a special election within 90 days of the date of the charter election. Expiration dates of terms of school

board members elected at a special election must coincide with the date of the regular election. Until a board is elected and qualified the assembly continues to serve as the board.

Sec. 29.10.090. CHARTER REJECTION. (a) If a proposed charter for an existing municipality is rejected, the charter commission shall prepare another proposed charter to be submitted to the voters at an election to be held within one year after the date of the first charter election. If the second proposed charter is also rejected, the charter commission shall be dissolved and the question of adoption of a charter shall be treated as if it had never been proposed or approved.

(b) If incorporation of a home rule municipality is rejected by the voters in an unincorporated community or area in the unorganized borough, the proposed charter is rejected.

Sec. 29.10.100. CHARTER AMENDMENT. (a) A home rule charter may be amended as provided in the charter, except that no amendment is effective unless ratified by the voters.

(b) This section applies to home rule municipalities."

Page 31, line 6:

Delete "29.10.100" and insert "29.10.200"

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

# 5

MEMORANDUM

February 25, 1985

SUBJECT: Municipal Code Revision (HB 72)

TO: Representative Peter Goll  
Chairman, Community and  
Regional Affairs Committee

FROM: Tamara Brandt Cook *TBC*  
Deputy Director  
Division of Legal Services

Here is the amendment that your requested incorporating language submitted by the Department of Community and Regional Affairs. I have redrafted the language so that it meets requirements of style and replaced a reference to regulations with a reference to the statute that provides authority for the adoption of the regulations. Specific regulations are not referred to in statutes because they can be changed by the executive branch. Enacting a statute that depends upon regulations would amount to a delegation of the power to legislate to the executive branch of government. Please review this amendment carefully to determine if it reflects your intended changes.

You have asked what the effect of this amendment would be. It alters the definition of "health facility" in the section dealing with grants to those facilities. Under the amendment, these facilities would include those that are approved under regulations adopted by the Department of Community and Regional Affairs, and specifically would include domestic violence or sexual assault shelters and alcohol or drug abuse facilities. Existing law demands that the facility be licensed when that is required by the state, and this language is deleted. The definition under existing law is broad enough so that it might include the facilities specifically identified under the amendment, although the amendment makes that more clear. The amendment also specifically allows the department to designate any facility as a health facility by regulation, if it meets the other requirements that are unchanged under this amendment.

TBC:ojb  
J12/013

A M E N D M E N T

# 5

Offered in the HOUSE

TO: HB 72

BY THE COMMUNITY AND

REGIONAL AFFAIRS COMMITTEE

Page 161, lines 1 and 2:

Delete "whether licensed or unlicensed,"

Page 161, lines 17 and 18:

Delete ", when required, by the state under AS 18.20.010 - 18.20.130"  
and insert "or certified by the state or approved under regulations  
adopted by the department"

Page 161, line 23:

Delete "or"

After "center" insert ", domestic violence or sexual assault shelter  
qualified to receive a grant or contract under AS 18.66, or alcohol or drug  
abuse facility that meets standards established under AS 47.37"

REPRESENTATIVE  
PETER GOLL



POUCH V  
JUNEAU, ALASKA 99811  
(907) 485-4825

STATE OF ALASKA  
HOUSE OF REPRESENTATIVES

FOR IMMEDIATE RELEASE AFTER FINAL PASSAGE OF HB 72

The long awaited revision of the Municipal Code has passed as a result of cooperation between the House and Senate.

It a reasonable bill which will assist local governments in doing their work.

As Chair of House Community and Regional Affairs Committee, I have worked with the members of both bodies on House Bill 72. I wish to thank Senator DeVries, Chair of Senate Community and Regional Affairs, Senator Sturgulewski, and others who have worked so hard on the Governor's bill.

There are some amendments and portions of the bill which have raised legitimate policy issues. My committee will address these matters during the interim, and will welcome input from the public and all legislators in continuing the dynamic process of municipal code evolution.



STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

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

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van N. wegen

HC+RA	3-14-85	3:00 P.M.
	3-4-85	3:00 P.M.
	2-25-85	3:00 P.M.



# Alaska State Legislature

## House of Representatives

### Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4833

#### LETTER OF INTENT

It is not the intent of the House Community and Regional Affairs Committee in adopting AS 29.53.045 as the renumbered section 29.45.080 in CSHB 72 (C&RA) to alter the substance or effect of that provision.

Peter Goll  
Chairman

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PROPOSED AMENDMENTS TO HOUSE BILL 72.

1. AMENDMENT 2

Renumber as amendment number 1.

Leave HB72 language but add:

(a) A person may not be in any way favored or discriminated against with respect to municipal employment because of the person's race, color, sex, creed, national origin or, unless otherwise contrary to law, because of a person's political opinions or affiliations.

2. AMENDMENT 4

Renumber as amendment number 2

Delete 60

Add 90

3. AMENDMENT NUMBER 5

Renumber as amendment number 3

Delete: [obtained and]

4. AMENDMENT NUMBER 6

Renumber as amendment number 4

Delete one year

Insert two years

5. AMENDMENT NUMBER 7

Renumber as Amendment number 5

Add: In the case of a second class city, the exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or special election called for that purpose. A majority of the qualified voters voting on the question is required for approval of the ordinance.

6. AMENDMENT NUMBER 10

Renumber as amendment number 6.

ON PAGE 117:  
Line 4,

DELETE: [IS GUILTY OF A CLASS B MISDEMEANOR]

INSERT: is guilty of a misdemeanor punishable as provided by ordinance by a fine of not more than 1000 dollars, or by imprisonment for not more than 90 days, or both, together with the costs of prosecution.

ADD THE SAME CHANGE TO THE OTHER TWO PENALTY PROVISIONS.

1. platting
2. violation of ordinances

7. AMENDMENT NUMBER 12

Renumber as Amendment number 7.

DELETE: 20,000

Insert: 10,000



# Alaska State Legislature

## House of Representatives

Committee on  
Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4813

HEARING DATE: February 25, 1985

HB 72 - Title 29

NAME (Please Print)	ADDRESS	REPRESENTING	TESTIFY (Yes or No)	PHONE NUMBER
TOM WAGONER	4040 PRIMROSE PI	City of Kenai	yes	283-7535
TOM PETERSON	1417 BERANDE, Kenai	KORIAK Isl. BOROUGH	NO	486-58
John Dapcewich	Box 1081 SITKA	MAYOR, SITKA	NO	747 8382
GEORGIANNA BOOTH	344 FRONT ST	KETCHIKAN GATEWAY BORO	NO	225-6151
Georgia C. Skovones	510 BUREN - Ketchikan	City of Ketchikan	NO	225-2459
ELAINE SEYMOUR	Box 5018 Ktn 99901-0018	City of Ktn	No	225-4706
BILL ALLEN	PO Box 1267 FBX TALKEETNA 99676	FBX MS BOHO	No	452-4761
DOROTHY A. JONES	Box 109, MAT-SU BORO.			
Tommy Knouls	POUCH 6-650	ANCHORAGE		
William Lamson	Box 409 - Seldovia	Seldovia	No	262-9107
Art A. Burgess	Juneau	Alaska Municipal League	Yes	60-1325
Wm M Nelson	SAXMAN	MAYOR CITY OF SAXMAN	NO	225-4168
CHIP DENNERLEIN	1627 W 14th (6-650)	ANCHORAGE	NO	264 4960
Dorey Griffin	POUCH BH, Juneau 99811	DCRA	No	4750







# Alaska State Legislature

## House of Representatives

### Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4833

#### MEMORANDUM

DATE: March 4, 1985

TO: Senator Edna DeVries  
Chair  
Senate Committee on Community and Regional Affairs

FROM: Representative Peter Goll *P. Goll*  
Chair  
House Committee on Community and Regional Affairs

SUBJECT: Amendments to House Bill 72

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All amendments are either technical changes recommended by the Division of Legal Services (1, 2, 3) or retain existing law and practice.

Specifically:

Am # 1 passed on 2-25-85  
Am # 2 passed on 2-25-85  
Am # 3 passed on 2-25-85  
Am # 4 passed on 2-25-85  
Am # 5 passed on 2-25-85  
Am # 6 passed on 3-04-85  
Am # 7 passed on 3-04-85  
Am # 8 passed on 3-04-85  
Am # 9 passed on 3-04-85  
Am # 10 passed on 3-04-85  
Am # 11 passed on 3-04-85  
Am # 12 passed on 3-04-85

History: Amendments number 1 through 5 were developed in cooperation with the Department of Community and Regional Affairs and all members of the committee, and passed during the first hearing on the bill.

During the second meeting, Rep. Andre Marou introduced 15 amendments. Of these 7 were replaced with language acceptable to other members of the committee, and were passed. Rep Marou's remaining eight amendments failed.

All amendmerts are referenced as follows:

Amendments 1 through 5 were passed as submitted.

Rep. Marou's amendments were presented as follows:

CRA Am #	Marou's Am #	Action	Status
-	1	vote,	failed
6	2	replaced with new language,	passed
7	3	replaced with new language,	passed
8	4	replaced with similar language,	passed
9	5	replaced with new language,	passed
10	6	replaced with new language,	passed
11	7	replaced with new language,	passed
-	8	vote,	failed
-	9	vote,	failed
-	10	replaced with CRA am #7,	no action
-	11	vote,	failed
12	12	replaced with similar language,	passed
-	13	vote,	failed
-	14	vote,	failed
-	15	vote,	failed
-	16	replaced with CRA am #7	no action

# Alaska State Legislature

## COMMITTEES:

Committee on Community and Regional Affairs  
Committee on Transportation  
Special Committee on Oil and Gas  
Special Committee on Fisheries  
Finance Sub-committee on Fish and Game



District 5

Kenai	Sterling
Soldotna	Ancho: Point
Homer	Point: Graham
Seldovia	English Bay
Kachemak	Nikolaevsk
Kasilof	Halibut Cove
Ninilchik	Clam Gulch

Representative Andre Marrou

February 28, 1985

TO: Chairman and Members,  
House C&RA Committee

FROM: Andre Marrou,  
Committee Member

RE: HB72

It has been widely assumed by almost everybody--municipal officials, legislators, and the public--that HB72 represents only a restructuring of Title 29 (the Municipal Code) to make it more usable, without any substantive changes.

This is not so. Close examination of the 206 pages of the bill, or the 59 pages of Legislative Affairs' sectional analysis, reveals numerous subtle changes that--taken together--constitute a significant, if not considerable, shift of power from the citizen to the municipal government.

When I first started getting involved in this matter, I assumed that HB72 just rewrites Title 29. The more I and my staff read, studied and researched, the more changes, or "shifts of power", we unexpectedly found. To date I have not yet encountered a municipal official who is aware of such changes--they almost all think, as I did, that HB72 is just a redoing of Title 29 to facilitate its use.

It is important to note that these numerous proposed substantive changes would shift power from the citizen to municipal governments, not from the state to municipal governments. Devolvement of power from higher to lower levels of government brings control closer to the people. However, HB72 would produce the opposite--transferring power from the citizens to the municipal government.

Taken separately, each change is more or less insignificant. However, raindrops can cause a flood, and although those various proposed changes do not collectively constitute a flood, they are more significant than almost anyone suspected.

Therefore, I propose the attached 15 amendments to reverse this "shift of power" and restore the rights of citizens to their former approximate status vis-a-vis the municipal government.

I further stand ready to help facilitate the adoption and implementation of the overall HB72, so as to achieve the far-more-usable municipal code that is badly needed, and has been for years.



February 25, 1985

Rep. Peter Goll  
and members of the House Committee  
on Community and Regional Affairs  
Pouch V  
Juneau, Alaska 99811

Honorable Chairman and Committee Members:

Please recognize the City of Craig as one of the supporters for adoption of HB72, the long awaited revision of Title 29. As you know, municipalities, through the Alaska Municipal League, have been working each session to get a Title 29 revision adopted.

We hope this session to be the exception to the past six years of attempts. The revision will make administration of the statutes easier. We urge adoption of HB72 this session. Let us have a statute that, on the whole, represents a major improvement to the existing law. We can work out the minor problems with specific changes later, if necessary, but the substance of HB72 is vital to us all.

Thank you for your consideration.

Sincerely,

*Lee W. Axmaker*  
Lee Axmaker, Mayor  
City of Craig

cc: Members, Senate CRA Committee  
AML

Extraterritorial Jurisdiction: Solid and septic waste disposal, utility services, wharves, harbors, and other marine services are added to the list of powers that may be exercised outside the boundaries of the municipality, if the municipality has the authority to exercise the power inside its boundaries.

Economic Development: Allow economic development as a non-areawide power for second class boroughs, without requiring a vote of the people to exercise it.

Franchise: Requires a vote on franchises of more than 5 years; current law requires a vote on all franchises.

Eminent Domain: Removes the requirement that second class cities get permission from the Department of Community and Regional Affairs and the voters before exercising the power of eminent domain.

Planning, Platting, and Land Use: Updates the language, changing "zoning" to "land use".

Run-Off Elections: Allows run-off election procedures and requirements to be changed by ordinance.

Personal Property: Allows exemption of personal property from taxation.

Taxation of Boats: Removes the \$5 and \$15 property tax limit on boats if assessed on the basis of net tonnage.

Penalties and Interest: Increases the maximum penalty on delinquent property and sales tax from 10% to 20% and interest from 8% to 15%.

Revenue Bonds: Authorizes revenue bonds to be payable solely from the revenue and property of the project.

Municipal Assistance Fund: Moves the administration of the Municipal Assistance Fund from the Department of Revenue to the Department of Community & Regional Affairs.

Municipal Property Disposal: Requires municipalities to adopt formal procedures by ordinance; current law sets out procedures including requiring an election on the disposal of any property valued at more than \$25,000.

## TITLE 29 FACT SHEET

### SUMMARY OF HB 72/SB 142 - TITLE 29 (MUNICIPAL CODE)

HB 72 and SB 142 are comprehensive bills that reorganize and clarify Title 29 (Municipal Code), but do not substantially change that part of the state statutes that direct the operation of local government in Alaska.

History: The current Title 29, last revised in 1972, is a hodgepodge of 13 years worth of amendments. It is very difficult for the average citizen to read and understand.

Recognizing the problem, the Legislature adopted SCR 66 in 1980, directing the rewrite of Title 29. A broadly representative policy committee, with the assistance of a technical committee, prepared a revised code after an exhaustive series of meetings, hearings, and public presentations.

HB 170 and SB 180 were introduced in 1981. More hearings were held during the 1981 legislative session, during the interim, and continuing through the 1982 session. SB 180 passed the legislature, but because of controversial floor amendments, Governor Hammond vetoed the bill.

In 1983, SB 1 was introduced by Senators Sturgulowski and Gilman; HB 172, by Governor Sheffield. Both bills are basically the same as the bill that had passed the previous year minus the controversial amendments. More committee work was done in both the House and Senate on the 204 page bill. HB 172 passed the House in the Second Session of the 13th Legislature but it did not reach the Senate.

Governor Sheffield has introduced HB 72 and SB 142 in the 14th Legislature. These identical bills are the same as HB 172, the bill that passed the House last year, except for removing the ability of a second class city to adopt a home rule charter.

Changes: For the most part, these bills reorganize and reword Title 29 for clarity and flexibility. Policy changes of any substance are very few. The main changes are:

Third Class Boroughs: The existing third class borough, Haines Borough, continues in existence, but there is no provision for incorporating new third class boroughs in the future.

Municipal Powers: A general grant of municipal powers is given to municipalities, instead of a long list of enumerated powers. The difference is more semantic than actual, since the list includes almost every conceivable municipal power. There is no change in the manner in which boroughs acquire powers.

Organizational Grants/Feasibility Studies: The organizational grants are increased and expanded, depending on the category of local government. Studies for the feasibility of local government are authorized.

Incorporation Requirements: The minimum number of people required for incorporation as either a first class or home rule city is increased from 400 to 600.

Ordinance Violation: Penalties for ordinance violations are increased from a maximum \$500 and 30-days to class B misdemeanor penalties, which are a maximum of \$1000 and 90-days.

Extraterritorial Jurisdiction: Solid and septic waste disposal, utility services, wharves, harbors, and other marine services are added to the list of powers that may be exercised outside the boundaries of the municipality, if the municipality has the authority to exercise the power inside its boundaries.

Economic Development: Allow economic development as a non-areawide power for second class boroughs, without requiring a vote of the people to exercise it.

Franchise: Requires a vote on franchises of more than 5 years; current law requires a vote on all franchises.

Eminent Domain: Removes the requirement that second class cities get permission from the Department of Community and Regional Affairs and the voters before exercising the power of eminent domain.

Planning, Platting, and Land Use: Updates the language changing "zoning" to "land use".

Run-Off Elections: Allows run-off election procedures and requirements to be changed by ordinance.

Personal Property: Allows exemption of personal property from taxation.

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Municipal Property Disposal: Requires municipalities to adopt formal procedures by ordinance; current law sets out procedures including requiring an election on the disposal of any property valued at more than \$25,000.

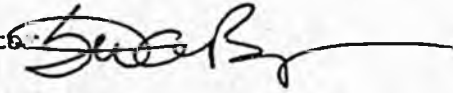
*Alaska*  
**MUNICIPAL**  
*League*

TELEPHONES  
(907) 586-1325  
(907) 586-6526

105 MUNICIPAL WAY, SUITE 301  
JUNEAU, ALASKA 99801

To: House Community and Regional Affairs Committee

From: Scott A. Burgess, Executive Director



Date: February 11, 1985

Subject: HB 72 - Resolutions of support

On behalf of the Board of Directors of the Alaska Municipal League, thank you for your time on February 1, 1985, and your apparent understanding of the League's legislative priorities - the passage HB 72 and the full funding of the State Revenue Sharing and Municipal Assistance Programs. As AML President Leo Rasmussen indicated the League has highlighted these as having the greatest positive impact on municipalities and our shared constituents in light of the State's declining revenue picture.

The Committee expressed an interest in receiving copies of the resolutions passed by municipalities in support of the basic revisions to Title 29 without controversial amendments. The resolutions attached were gathered on last year's HB 172, basically the same bill as HB 72. The League and its 100 member municipalities supports the quick passage of HB 72 for the betterment of local government State-wide. The League looks forward to Committee action in the near future.

Other letters of support and resolutions will undoubtedly be sent to the Committee members and other legislators; and, if necessary, the municipalities indicating their support in the attached documents will reaffirm their positions on HB 72.

Thank you.



TELEPHONES  
(907) 586-1325  
(907) 586-6526

105 MUNICIPAL WAY, SUITE 301  
JUNEAU, ALASKA 99801

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

A RESOLUTION REQUESTING THE THIRTEENTH ALASKA  
STATE LEGISLATURE TO ADOPT THE REVISED TITLE 29

WHEREAS Title 29 of the Alaska Statutes deals with local governments and is badly in need of revision; and

WHEREAS a proposed revision of Title 29 has been prepared and was introduced during the First Session of the Thirteenth Alaska State Legislature; and

WHEREAS the North and Northwest Alaska Mayors' Conference has previously endorsed this revision on several occasions;

NOW, THEREFORE, BE IT RESOLVED that the Alaska State Legislature act on the proposed Title 29 as revised without controversial amendments.

Adopted November 5, 1983

ALASKA CONFERENCE OF MAYORS

WHEREAS, Title 29 of the Alaska Statutes, the Municipal Code, has not been revised since 1972; and

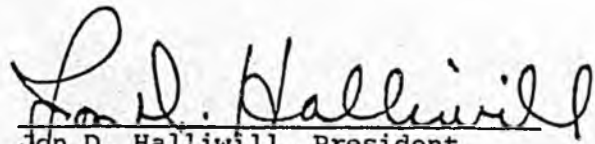
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read and understand; and

WHEREAS, the proposed revision of Title 29 reorganizes and clarifies the Municipal Code without making major policy changes; and

WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 revision a "clean" bill;

NOW, THEREFORE, BE IT RESOLVED, that the Alaska Conference of Mayors respectfully requests the Alaska State Legislature adopt this session the revised Title 29, as proposed, without any controversial amendments.

Adopted by the Alaska Conference of Mayors on March 5, 1984 in Juneau, Alaska.

  
John D. Halliwill, President

NORTH AND NORTHWEST ALASKA MAYOR'S CONFERENCE  
1st Session of the 4th Annual  
Nome, Alaska  
October 25-26, 1983

RESOLUTION NO. 83-06

A RESOLUTION REQUESTING THE ALASKA STATE LEGISLATURE TO ADOPT THE REVISED TITLE 29.

WHEREAS, Title 29 of the Alaska Statutes deals with local governments and is badly in need of revision; and

WHEREAS, a proposed revision of Title 29 has been prepared ; and

WHEREAS, the North and Northwest Alaska Mayor's Conference has previously endorsed this revision on several occasions.

NOW THEREFORE BE IT RESOLVED BY THE NORTH AND NORTHWEST ALASKA MAYOR'S CONFERENCE THAT: The Alaska State Legislature act on the proposed Title 29 as revised.

PASSED and APPROVED by the 1st Session, 4th Annual NORTH AND NORTHWEST ALASKA MAYOR'S CONFERENCE this 26th day of October, 1983.

Jim Eshels President      Chris H. Lewis Secretary

INTRODUCED BY: White Mountain

Vote: Yes Unanimous

SECONDED BY: St. Michael

No \_\_\_\_\_



President: Erling Nelson  
Vice-President: Ruby E. Smith  
Treasurer: Janet Whelan  
Secretary: Georgianna Booth

P. O. Box 870430  
Wasilla, Alaska 99587  
(907) 376-5227

RESOLUTION NO. 84-1

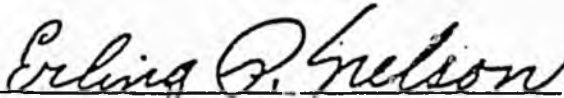
A RESOLUTION OF THE ALASKA ASSOCIATION OF MUNICIPAL CLERKS URGING PASSAGE OF HB 172 (TITLE 29 REWRITE).

WHEREAS, Municipal Clerks throughout the State of Alaska use Title 29 as their Bible; and

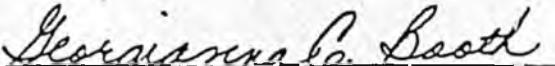
WHEREAS, the present hodgepodge within Title 29 smacks of the Tower of Babel; and

WHEREAS, Clerks cannot effectively help your constituents understand Title 29 without a language interpreter;

NOW, THEREFORE, BE IT RESOLVED; that the Alaska Association of Municipal Clerks urges immediate passage of HB 172 without any further amendments.

  
Erling P. Nelson  
President

ATTEST:

  
Georgianna C. Booth  
Secretary

Presented by: The Manager  
Introduced: 03/22/84  
Drafted by: G.L.S.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1027

A RESOLUTION URGING THE ALASKA LEGISLATURE TO TAKE  
IMMEDIATE ACTION TO ADOPT THE REVISED MUNICIPAL CODE.

WHEREAS, the present municipal code (Title 29 of the Alaska Statutes) was adopted in 1972 and was a consolidation of the former Title 29 that dealt with cities and the former Title 7 that dealt with boroughs, and

WHEREAS, such consolidation was the first effort at integrating the codes applying to these two forms of local government in Alaska, and

WHEREAS, local governments in Alaska have matured substantially since 1972 and now face different problems, and

WHEREAS, the Twelfth Legislature adopted a comprehensive revision of the municipal code, but the bill was vetoed by the governor because of certain controversial floor amendments that were added, and

WHEREAS, "clean" versions of the municipal code revision were introduced in each house by the Thirteenth Legislature during its first session, and

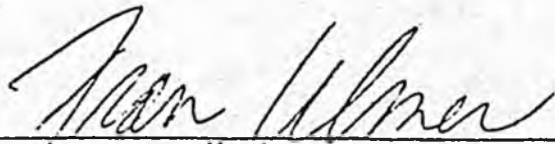
WHEREAS, the proposed municipal code revision reorganizes and clarifies Title 29 without making major policy changes, and

WHEREAS, the municipalities in Alaska need the proposed revisions to Title 29 to eliminate the existing confusion that exists within Title 29 and to provide municipalities in Alaska with a legal framework more suited to the 1980's;

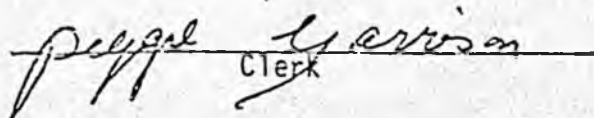
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

That the Alaska State Legislature is urged to act immediately on the proposed Title 29 revision and to pass out a "clean" version without additional policy changes or controversial amendments.

Adopted this 22nd day of March, 1984.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk

MATANUSKA-SUSITNA BOROUGH

RESOLUTION SERIAL NO. 84-38

A RESOLUTION OF THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH URGING  
PASSAGE OF HB 172 - TITLE 29 REVISIONS

WHEREAS, passage of HB 172 revising Title 29 on local government would increase the effectiveness and responsiveness of local governments; and

WHEREAS, the existing Title 29 has become difficult to interpret and work with; and

WHEREAS, a technical revision of Alaska local government laws is long overdue; and

WHEREAS, introduction of substantive issues would create confusion; and

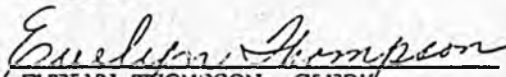
WHEREAS, any substantive legislation affecting local governments should be handled by separate bills so that the public would have adequate notice and opportunity to be heard with respect to substantive issues at the time the bills are considered;

NOW THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly urges the 1984 session of the Alaska State Legislature to pass HB 172 - Title 29 revisions "clean" and without amendments.

ACCEPTED AND APPROVED by the Assembly of the Matanuska-Susitna Borough this 3rd day of April, 1984.

  
EDNA ARMSTRONG, MAYOR

ATTEST:

  
EVELYN THOMPSON, CLERK

REVIEWED AND APPROVED:

  
GARY THURLOW, MANAGER

(SEAL)

KODIAK ISLAND BOROUGH  
RESOLUTION NO. 84-20-R

A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY SUPPORTING  
SENATE BILL 1 AND HOUSE BILL 172 WHICH REVISE AND REORGANIZE ALASKA STATUTES  
TITLE 29.

WHEREAS, Alaska Statutes Title 29 is that portion of State Law which  
governs municipal government within the State of Alaska, and

WHEREAS, Title 29 has been in need of revision and reorganization  
for many years, and

WHEREAS, Senate Bill 1 and House Bill 172 were filed during the  
First Session of the 13th Legislature, and

WHEREAS, either one of these bills would accomplish the needed  
revision and reorganization, and

WHEREAS, the bills do not contain any of the provisions which were  
criticized by Governor Hammond in his July 15, 1982 veto, and

WHEREAS, the bills make many non-controversial improvements that are  
long overdue and necessary for the smooth working of municipal government in  
our state.

NOW, THEREFORE, BE IT RESOLVED by the Kodiak Island Borough Assembly  
that the Alaska State Legislature's urge to pass Senate Bill 1 and/or House  
Bill 172 during the Second Session of the Thirteenth Legislature.

BE IT FURTHER RESOLVED that the Legislature refrain from making  
controversial amendments to these bills.

AND BE IT FURTHER RESOLVED that copies of this resolution be sent to:

The Honorable Bob Mulcahy, State Senate

The Honorable Fred F. Zharoff, House of Representatives

The Honorable Bill Ray, Chairman, Senate Judiciary Committee

The Honorable Mike W. Miller, Chairman, House Community  
and Regional Affairs Committee

The Alaska Municipal League

PASSED AND APPROVED this 1st day of March, 1984.

KODIAK ISLAND BOROUGH

By Jerome PA Selby  
Borough Mayor

ATTEST:

By Shirley Miller, CMC  
Borough Clerk

APPROVED  
Date: 3-6-84

Requested by: Assemblywoman Maser  
Prepared by: Municipal Clerk  
For Reading: March 6, 1984

ANCHORAGE, ALASKA

AR NO. 84-65 (Amended)

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY URGING THE STATE LEGISLATURE AND THE GOVERNOR TO PROCEED EXPEDITIOUSLY WITH THE PASSAGE OF TITLE 29 REWRITE.

WHEREAS, the current Title 29, last revised in 1972, is a hodgepodge of 13 years worth of amendments, and

WHEREAS, it is very difficult for the average citizen to read and understand, and

WHEREAS, recognizing the problem, the legislature adopted SCR 66 in 1980, directing the rewrite of Title 29, and

WHEREAS, a broadly representative policy committee, with the assistance of a technical committee, prepared a revised code after an exhaustive series of meetings, hearings, and public presentations, and

WHEREAS, SB 180, the original bill, was passed by the legislature in the 1982 session but because of controversial floor amendments, Governor Hammond vetoed the bill, and

WHEREAS, HB 172, the rewrite of Title 29, is a number one priority of the Alaska Municipal League.

BE IT, THEREFORE, RESOLVED, the Anchorage Municipal Assembly hereby requests the State Legislature and the Governor to proceed expeditiously with the passage of HB 172.

PASSED and APPROVED this 5th day of March, 1984.



Chairman

ATTEST:



Municipal Clerk

# CITY OF FORT YUKON

INCORPORATED 1959

Post Office Box 269

: Telephone (907) 662-2479 or 2379

Fort Yukon, Alaska 99740

## RESOLUTION 84-07

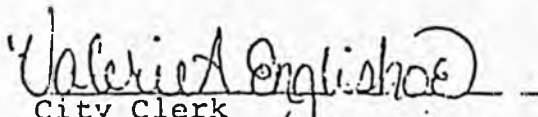
- WHEREAS, Title 29 of the Alaska Statutes, the Municipal code, has not been revised since 1972; and
- WHEREAS, Eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read and understand; and
- WHEREAS, The proposed revision of Title 29 reorganizes and clarifies the Municipal code without making major policy changes; and
- WHEREAS, Major Policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 revision a "Clean" bill;

NOW THEREFORE BE IT RESOLVED, That the City of Fort Yukon, Inc. respectfully requests the Alaska State Legislature adopt this session the revised Title 29, as proposed, without any controversial amendments.

PASSED AND APPROVED by the City council of the City of Fort Yukon, Alaska this 20 day of March, 1984.

  
MAYOR

ATTEST:

  
City Clerk

CITY OF UNALASKA  
UNALASKA, ALASKA

RESOLUTION 84-16

A RESOLUTION SUPPORTING HOUSE BILL 172  
WHICH AMENDS ALASKA STATUTES TITLE 29.

WHEREAS: Alaska Statutes 29 is the section of the statutes which deals with operation of local governments, and


WHEREAS: This title has been amended many times since statehood but not recodified in recent years, and


WHEREAS: That recodification is seriously needed to enable local government officials and citizens interested in local government to make more efficient use of the state law.

NOW, THEREFORE BE IT RESOLVED, that:

The City Council of the City of Unalaska supports the present recodification of Title 29 which is contained in HB 172 now under consideration by the Alaska Legislature.

Passed and approved this 8th day of March, 1984 by the City Council of the City of Unalaska, Alaska.

  
\_\_\_\_\_  
William Fisher  
Mayor

  
\_\_\_\_\_  
Glenda Martin Currier  
City Clerk



RESOLUTION 84-1

A RESOLUTION OF THE CITY OF HOUSTON, ALASKA ENDORSING THE ADOPTION BY THE ALASKA STATE LEGISLATURE OF HB 172, A REVISION OF THE MUNICIPAL CODE.

---

WHEREAS, as a second class City, the operation of City functions is mandated by Title 29 of the Alaska Statutes, and

WHEREAS, proposed Legislation in HB 172 will provide clarification and continuity of said Statutes,

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Houston does endorse and encourage passage of HB 172 during the 1984 Legislative session.

ADOPTED THIS 9th DAY OF FEBRUARY 1984.

John J. Eder, Deputy Mayor

ATTEST:

Elsie M. O'Bryan, City Clerk

COPY

RESOLUTION NO. 83/84-29

A RESOLUTION URGING THE ALASKA LEGISLATURE TO TAKE IMMEDIATE ACTION TO ADOPT THE REVISED MUNICIPAL CODE.

WHEREAS, the present municipal code (Title 29 of the Alaska Statutes) was adopted in 1972 and was a consolidation of the former Title 29 that dealt with cities and the former Title 7 that dealt with boroughs, and

WHEREAS, such consolidation was the first effort at integrating the codes applying to these two forms of local government in Alaska, and

WHEREAS, local governments in Alaska have matured substantially since 1972 and now face different problems, and

WHEREAS, the Twelfth Legislature adopted a comprehensive revision of the municipal code, but the bill was vetoed by the governor because of certain controversial floor amendments that were added, and

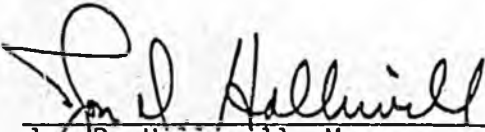
WHEREAS, "clean" versions of the municipal code revision were introduced in each house by the Thirteenth Legislature during its first session, and

WHEREAS, the proposed municipal code revision reorganizes and clarifies Title 29 without making major policy changes, and

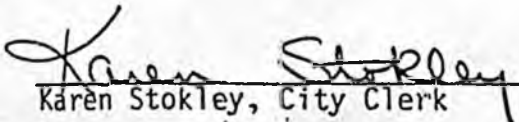
WHEREAS, the municipalities in Alaska need the proposed revisions to Title 29 to eliminate the existing confusion that exists within Title 29 and to provide municipalities in Alaska with a legal framework more suited to the 1980's;

NOW THEREFORE BE IT RESOLVED by the Haines City Council that the Alaska State Legislature is urged to act immediately on the proposed Title 29 revision and to pass out a "clean" version without additional policy changes or controversial amendments.

PASSED AND APPROVED this 18th day of April, 1984.

  
Jon D. Halliwill, Mayor

ATTEST:

  
Karen Stokley, City Clerk

SEAL:

# CITY OF SCAMMON BAY

GENERAL DELIVERY

Scammon Bay, Alaska 99662 / (907) 558-5529

The Honorable Frank Ferguson  
Alaska State Senator  
Alaska State Legislator  
Pouch V  
Juneau, Alaska 99811

May 23, 1984

REF: H.B. 172- Title revisions

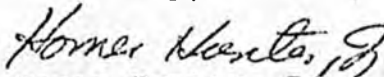
Dear Senator:

It has come to my attention that the Senate-Community And Regional Affairs of which you are a Chairman, has pushed aside H.B. 172.

I think H.B.172 is a clean bill and I <sup>'d</sup> rather not let it die after four years of effort and a year long of hard work by four House committees.

I am urgently asking that the Senate take action on this bill without no controversial amendments! I hope your committee and the others will seriously take consideration on this matter without any useless delays...

Sincerely,

  
Homer Hunter, Jr.  
Mayor

cc. file  
Senate finance committee  
Senate president Jay Kertulla  
Speaker Joe Hayes  
Governor Bill Sheffield  
Alaska Municipal League  
members of the Senate

Suggested by: Mayor Tom Wagoner

CITY OF KENAI

RESOLUTION NO. 84-30

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA URGING THE 13TH ALASKA STATE LEGISLATURE TO ADOPT THE REVISED TITLE 29 AS PROPOSED PRIOR TO ADJOURNMENT OF THE 13TH ALASKA STATE LEGISLATIVE SESSION.

WHEREAS, Title 29 of the Alaska Statutes, the Municipal Code, has not been revised since 1972, and

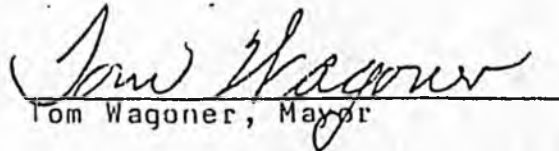
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is both difficult to read and to understand, and

WHEREAS, the proposed revision of Title 29 reorganizes and clarifies the municipal code without making major policy changes, and

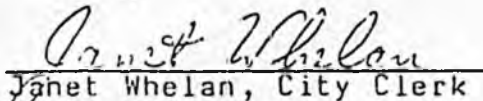
WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 revision a clear and understandable bill.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, that the Kenai City Council respectfully request the 13th Alaska State Legislature to adopt the proposed revision of Title 29 as submitted without any major or controversial amendments.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA this 21st day of MARCH, 1984.

  
Tom Wagoner, Mayor

ATTEST:

  
Janet Whelan, City Clerk

RESOLUTION 84-3  
OF THE CITY COUNCIL OF  
ST. MARY'S, ALASKA

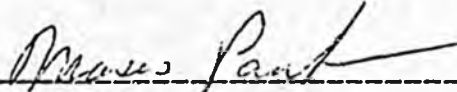
WHEREAS: The Alaska State Legislature is considering HB 172 providing for a comprehensive revision of Title 29 governing municipal governments;

WHEREAS: A comprehensive revision of Title 29 has been before the Legislature and the Governor since its introduction by the Title 29 Review Committee in 1981.

WHEREAS: Municipalities throughout the State favor the revisions proposed and have been urging passage of the revision since its introduction.

THEREFORE, BE IT RESOLVED: The City Council for the City of St. Mary's urges its representatives and the Governor to work for a quick and unencumbered passage of HB 172, the comprehensive revision of Title 29.

PASSED AND APPROVED by a duly established quorum of the City Council for the City of St. Mary's this        day of        , 1984.

  
-----  
Mayor

ATTEST:  
  
-----  
City Clerk

City of Tenakee Springs

RESOLUTION 84-11

In the Council  
March 22, 1984

Introduced by the  
Council President

A RESOLUTION REQUESTING ADOPTION OF REVISED ALASKA TITLE 29

WHEREAS, Title 29 of the Alaska Statutes, the Municipal Code, has not been revised since 1972; and

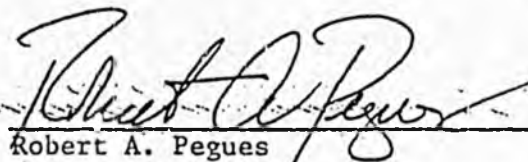
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read, understand and administer; and

WHEREAS, the proposed revision of Title 29 reorganizes and clarifies the Municipal Code without making major policy changes; and

WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 revision a "clean" bill; then

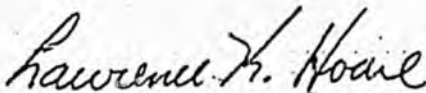
THEREFORE, BE IT RESOLVED, that the Council of the City of Tenakee Springs respectfully requests the Alaska State Legislature adopt this session the revised Title 29, as proposed, without any controversial amendments.

ADOPTED 5 YEA - 2 ABSENT THIS 22 DAY OF MARCH, 1984



Robert A. Pegues  
City Council President  
ex officio MAYOR

ATTEST:



Lawrence K. Hoare  
City Clerk

# City of Sand Point

P.O. Box 177  
Sand Point, Alaska 99661  
(907) 383-2695

RESOLUTION NO. 24-14

A RESOLUTION OF THE SAND POINT CITY COUNCIL TO REQUEST THE ALASKA STATE LEGISLATURE TO ADOPT THIS BILL AS THE REVISED TITLE 29

WHEREAS, Title 29 of the Alaska Statutes, the Municipal Code, has not been revised since 1972; and

WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read and understand; and

WHEREAS, the proposed revision of Title 29 reorganizes and clarifies the Municipal code without making major policy changes; and

WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the title 29 revision a "clean" bill;

NOW THEREFORE BE IT RESOLVED that the City Council of Sand Point respectfully requests the Alaska State Legislature adopt this session the revised Title 29, as proposed, without any controversial amendments.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE SAND POINT CITY COUNCIL THIS 10<sup>th</sup> DAY OF April, 1984.

*Jack R. Foster Sr.*  
MAYOR JACK R. FOSTER SR.

ATTEST:  
*Debra K. Dushkin*  
CITY CLERK DEBRA K. DUSHKIN

Final

CITY OF PALMER, ALASKA

RESOLUTION NO. 601

A RESOLUTION SUPPORTING PASSAGE OF HB 172 - TITLE 29 REVISIONS.

WHEREAS, the current Title 29 of the Alaska State Statutes is outdated in many instances and difficult to work with, and

WHEREAS, a technical revision of Alaska government law is long overdue, and

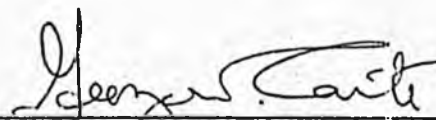
WHEREAS, many hours have been spent on the rewrite of Title 29 by both State and Local Elected and Appointed Officials, and

WHEREAS, a consensus has been reached on the Title 29 revisions as presented in HB 172,

NOW, THEREFORE, BE IT RESOLVED that the City of Palmer urges the 1984 Alaska State Legislature to pass HB 172 - Title 29 revisions as presented without any amendments.

Publication of this resolution shall be by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its passage and approval.

Passed and approved by the City Council of the City of Palmer, Alaska, this 15th day of April, 1984.

  
\_\_\_\_\_  
GEORGE W. CARTE, MAYOR

\_\_\_\_\_  
DAVID L. SOULAK, CITY CLERK

CITY OF KETCHIKAN, ALASKA

RESOLUTION NO. 1371

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, SUPPORTING THE REORGANIZATION OF TITLE 29 FOR CLARITY AND FLEXIBILITY AND URGING PASSAGE OF HOUSE BILL 172 (CSHB 172), AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 1980 the Legislature adopted SCR 66 which directed that Title 29 be reviewed and rewritten to provide clarity and readability; and

WHEREAS, a broadly representative policy committee representing rural and urban communities, with the assistance of a technical committee, prepared a revised code after an exhaustive series of meetings, hearing, and public presentations; and

WHEREAS, Title 29 as clarified was introduced as HB 170 and SB 180 in 1981; and

WHEREAS, more hearings were held during the First and Second Session of the Twelfth Alaska State Legislature and hearings were also held in the interim between sessions; and

WHEREAS, SB 180 passed the Legislature during the Second Session; and

WHEREAS, because of controversial floor amendments, the City of Ketchikan joined other local governments urging Governor Hammond to veto the bill; and

WHEREAS, Title 29 as clarified was again introduced as SB 1 and HB 172 during the First Session of the Thirteenth Alaska legislature; and

WHEREAS, both bills are basically a reorganization and rewording of Title 29 to enhance its clarity and flexibility; and

WHEREAS, the Council of the City of Ketchikan strongly feels that this clarification is in the best interests of all local governments in Alaska and that the content and intent of the bill is not controversial; and

WHEREAS, the City Council appreciates the hours of time and effort expended on this bill by Alaskans who harbor a great concern for the well-being of Alaska Local Government and believes those hours should not have been expended in vain.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Ketchikan, Alaska as follows:

Section 1: The Council of the City of Ketchikan supports the reorganization of Title 29 for clarity and flexibility and urges the State Legislature to pass House Bill 172 (CSHB 172).

Section 2: The City Council supports this bill in its basic form and requests other proposals which would constitute major policy revisions or innovations in the function of local government be considered in separate legislation.

Section 3: The Council further requests that all committees expeditiously consider House Bill 172 (CSHB 712) to assure action prior to adjournment of the Thirteenth Alaska Legislature.

Section 4: The City Clerk is hereby directed to send copies of this resolution to Representative McBride, Representative Wendte, Senator Ziegler, the House Community and Regional Affairs Committee, the House Judiciary Committee, and the House Rules Committee, the Senate Community and Regional Affairs Committee, the Senate Judiciary Committee, the Senate Finance Committee, the Senate Rules Committee, and the Alaska Municipal League.

Section 5: This resolution shall be effective immediately upon passage and approval.

PASSED AND APPROVED THIS 15 day of March, 1984.

Edward W. Zastrow  
Edward W. Zastrow, Mayor

ATTEST:

Karen M. Sund  
Karen M. Sund, Deputy Clerk

Submitted By:  
Mayor Rasmussen  
Action Taken:  
Yes /5/ No /0/

CITY OF NOME, ALASKA  
RESOLUTION

R-84-3-2

"A RESOLUTION REQUESTING  
THE ALASKA STATE LEGISLATURE  
ADOPT THE REVISED TITLE 29."

WHEREAS, Title 29 of the Alaska Statutes, the Municipal Code, has not been revised since 1972; and,

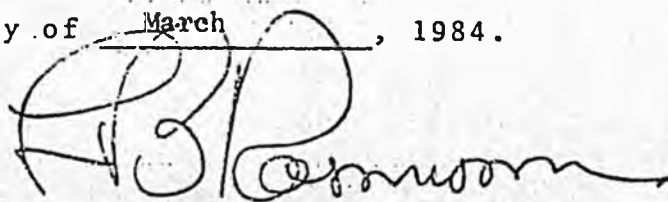
WHEREAS, eleven years of amendments to Title 29 have created a confusing patchwork that is very difficult to read and understand; and,

WHEREAS, the proposed revision of Title 29 reorganizes and clarifies the Municipal Code without making major policy changes; and,

WHEREAS, major policy changes to Title 29 should be considered in separate legislation in order to keep the Title 29 a "clean" bill;

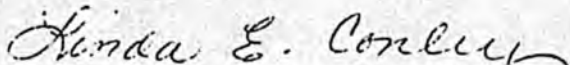
NOW, THEREFORE, BE IT RESOLVED by the Nome Common Council that the Alaska State Legislature adopt during this session the revised title 29, as proposed, without any controversial amendments.

SIGNED and DATED this 12th day of March, 1984.



Leo B. Rasmussen, Mayor

ATTEST:

  
Linda E. Conley, City Clerk

A RESOLUTION SUPPORTING SENATE BILL 1 AND HOUSE BILL 172 WHICH REVISE AND REORGANIZE ALASKA STATUTE TITLE 29

WHEREAS, Alaska Statute Title 29 is that portion of state law which governs municipal government within the State of Alaska; and

WHEREAS, Title 29 has been in need of revision and reorganization for many years; and

WHEREAS, Senate Bill 1 and House Bill 172 were filed during the first session of the Thirteenth Legislature; and

WHEREAS, either one of these bills would accomplish the needed revision and reorganization; and

WHEREAS, the bills do not contain any of the provisions which were criticized by Governor Hammond in his July 15, 1982, veto; and

WHEREAS, the bills make many noncontroversial improvements that are long overdue and necessary for the smooth working of municipal government in our state,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the Alaska State Legislature is urged to pass Senate Bill 1 and/or House Bill 172 during this second session of the Thirteenth Legislature.

BE IT FURTHER RESOLVED that the Legislature refrain from making any controversial amendments to these bills.

AND, BE IT FURTHER RESOLVED that copies of this resolution be sent to:

The Honorable Robert Mulcahy, Alaska State Senator  
The Honorable Fred Zharoff, Alaska Representative  
The Honorable Bill Ray, Chairman of the Senate Judiciary Committee  
The Honorable Mike W. Miller, Chairman of the House Community and Regional Affairs Committee

PASSED AND APPROVED this 23RD day of FEBRUARY, 1984.

CITY OF KODIAK

John R. Pica  
MAYOR

ATTEST:

Marcella Dalke  
CITY CLERK