

ALASKA LEGISLATURE COMMITTEE FILES

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3863 SCRA SB 142 (FILE 3) - SB 142 (FILE 4)

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Signature of Camera Operator

10/31/89
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Alaska State Legislature

Senate

Committee on Community and Regional Affairs



Official Business

Senator Edna DeVries, Chairman

Members

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouet V

Juneau, Alaska 99811

March 4, 1985

To: Senator Coghill
Senator Vic Fischer
Senator Ferguson
Senator Sturgulewski

From: Senator Edna DeVries, Chair *Edna*
Community

Subj: Title 29 Revisions
SB 142

Attached is material that will assist us in our consideration of SB 142. Specifically included are:

- *1) Fact Sheet prepared by Ak Municipal League
- *2) "Brief History of Title 29 Rewrite (HB 72), ltr dtd 1/25/85 from Commissioner Emil Notti to HC&RA Chairman, Rep. Peter Goll
- 3) Bill introduction cover letter from the Governor with attached fiscal note
- *4) Position Paper on the bill by Dept of C&RA (2/15/85)
- 5) Memo from Tamara Cook stating that SB 142 and HB 72 are identical bills (2/21/85)
- 6) Comparison of HB 72 and last Session's CSHB 172(fin) (2/8/85)
- 7) Sectional analysis of the bill (2/15/85)
- 8) Copy of the bill
- *9) Copy of amendments passed by HC&RA; which passed the bill out of committee today

It is my understanding from Representative Goll that the next committee of referral in the House (Judiciary) will waive HB 72, permitting it to go directly to Finance.

I would urge you to look over as a minimum those items noted by an asterisk prior to our meeting; if at all possible.

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811



Official Business

C&RA Meeting - 5 March

Teleconference on SB 137 "An Act relating to
Senior Citizen Housing -- 3:30 - 4:15p

Overview -- SB 142 "An act relating to municipal
government" -- 4:15 - 5:00p

Edna,

You have received requests to expedite passage of SB 142, without any amendments, from the following local governments:

- 1) City of Whittier
- 2) City of Alakanuk
- 3) City of Ketchikan and Ketchikan Gateway Borough
- 4) City of McGrath
- 5) City and Borough of Sitka
- 6) City of Sand Point
- 7) City of Soldotna
- 8) City of Haines
- 9) Resolution from City Council, Ketchikan
- 10) Matanuska Susitna Borough
- 11) Haines Borough
- 12) City of Houston
- 13) City of Craig
- 14) City of Kodiak
- 15) Municipality of Anchorage

Resolutions urging passage have also been passed by: Alaska Municipal League, Yukon-Kuskokwim Delta Mayors Conference, North/Northwest Mayors Conference.

March 6 at 3:00p in room 209 to consider with House C&RA--HB 198, Muni Assistance to Metlakatla

March 7 C&RA will be considering SB 142 -- Title 29 revisions and SB 26 -- notification to Community Councils of certain state actions



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members

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Senator V. Fischer

Pouch V

Juneau, Alaska 99811

COMMITTEE MEETING 3/14/85

Will take up SB 159 by Senator Paul Fischer

The bill increases the percentage of municipal school construction debt retired by the state from 50 % to 75 %.

Will hear again SB 69

An Administration bill relating to licensing and regulation of the sale and distribution of alcoholic beverages

Committee heard this bill the first time on Feb 28

The committee had no recommended changes

however, Senator Coghill had a problem with

two sections....the bill was held for

he has two amendments to offer

The CS for 142 has been returned from Legal....attached is a letter of explanation from Tam Cook, a memo from the Revisor of Statutes affirming that the purpose clause will be set out in an editor's note following the title analysis; and a copy of the letter of intent that will accompany the bill.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 14, 1985

SUBJECT: Municipal Code Revision
(CSSB 142 (C&RA))

TO: Senator Edna DeVries
Chair, Community & Regional Affairs Committee

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

Checked

Here is the committee substitute that you requested. It incorporates all changes adopted by the House Community and Regional Affairs Committee in the house version of the municipal code revision with the exception of the change to Section 29.20.630. This committee substitute includes the purpose clause adopted by your committee and changes the population requirement for incorporation of a first class or home rule city from 600 to 400 residents. In addition, I have made two technical changes. Section 29.45.030(1) contains a citation to AS 19.70.081 which I have corrected to read AS 18.70.081. This cross-reference appears in existing law, and there is, in fact, no AS 19.70.081. Some changes were made in Section 29.45.080 in earlier versions of the municipal code revision bill to clarify that language. Mary Nordale, Commissioner of the Department of Revenue, has indicated to me that these changes create practical problems for the department in implementing its responsibilities under other provisions of law. Since no substantive change has ever been intended to be made to this section and since the attempt at clarifying the language has apparently failed, I have, as a drafting matter and with the permission of Yvonne Alford, conformed this section to the language that appears in existing law.

*was in
Amend #3
from HC&RA*

Please contact me if I can be of further assistance.

TBC:csh
c3/049

STATE OF ALASKA
THE LEGISLATURE

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


LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 13, 1985

SUBJECT: Purpose clause for SB 142

TO: Senator Edna DeVries
Chair, Senate Community and Regional Affairs

FROM: David R. Dierdorff 
Revisor of Statutes

I have reviewed the purpose clause proposed as an amendment to SB 142, the municipal code revision.

Should the legislature enact this bill, or another version of it, with the purpose clause included, you can be assured that the clause would be set out in an editor's note following the title analysis for AS 29 (page 1 of the pamphlet). It is my understanding that your committee wants a note to remain in AS for at least 10 years. My instructions to the Michie Company would include a request that the note be considered "permanent" and that it not be deleted until at least 1995, and thereafter only at the express direction of the revisor.

DRD:csh
c3/041



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

March 14, 1985

Letter of Intent to Accompany Committee Substitute for
Senate Bill 142

It is not the intent of the Legislature through the passage of CSSB 142 to change the taxing provisions for electric and telephone cooperatives as set forth by AS 10.25-540-560; nor is it the intent of the Legislature to change present statute provisions covering public utility access to municipal rights of way as set forth by AS 42.05.251.

SENATE COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS

Senator Edna DeVries, Chairman

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

SB 142

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill revising the municipal code (AS 29).

An identical bill, HB 72, was introduced in the House on January 16, 1985. At the request of the Alaska Municipal League, I am introducing this bill in the Senate today so that both houses of the Legislature can work on it concurrently.

The bill was modeled on the committee substitute prepared last session by the House Finance Committee as CSHB 172(Fin). There is one significant difference between former CSHB 172(Fin) and this bill with regard to home rule municipalities. Rather than allowing second class cities to move to home rule status in a single step, as sec. 5 of HB 172 and CSHB 172(Fin) had provided, this bill retains the requirement that second class cities become first class cities before voting for home rule, as AS 29.13.010 -- 29.13.080 currently provide.

This bill makes many uncontroversial improvements to our municipal code and I urge its prompt consideration and passage.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 142
 Title: An Act relating to
Municipal Government
 Sponsor: Rules/Governor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Community & Regional Affairs
 Program Category Affected: _____
Community Development
 BRU, Program or Subprogram(s) Affected: _____
 BRU: Community Assistance Grants
 Component: Organizational Grants

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		100.0	450.0	350.0		
800 MISCELLANEOUS						
TOTAL OPERATING		100.0	450.0	350.0		

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		100.0	450.0	350.0		
FEDERAL FUNDS						
OTHER						
TOTAL		100.0	450.0	350.0		

POSITIONS:

FULL-TIME		-0-	-0-	-0-		
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

(See Attached Page)

Prepared By: Doug Griffin, Deputy Director

Phone: 465-4750

Division: Municipal & Regional Assistance

Date: 1-10-85

Approved by Commissioner: Amiel Koster

Date: 1-10-85

Agency: Community & Regional Affairs

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 - 14th LEGISLATURE, 1ST SESSION
FISCAL NOTE

Bill/Resolution No.: _____

Title: An Act relating to municipal government

ANALYSIS:

Assumptions: Incorporation under Sec. 29.05.180--.190 of the proposed legislation provides for increased transitional assistance to newly incorporated cities and boroughs. For purposes of this fiscal note it is assumed that incorporations will occur as follows:

- FY 86: 2 cities incorporate
- FY 87: 2 cities and one borough incorporate
- FY 88: 2 cities incorporate

Program Summary: The only portion of this 206 page bill which will create fiscal impact is Sec. 29.05.180--29.05.190 which provides additional transitional assistance through increased organizational grants. These increased organizational grants more realistically provide the level of assistance required to establish new cities and boroughs. The Department is also required to provide additional assistance to newly formed cities and boroughs in setting up a sales tax collection system and tax rolls for property taxation. It is difficult to gauge whether this type of assistance will in fact be requested. If it is requested, additional work will be required of the State Assessor and technical assistance sections of the Division of Municipal and Regional Assistance. Given this uncertainty, possible costs for this type of technical assistance are not reflected in the fiscal note.

1. Positions: No new positions
2. Other Expenditures: N/A
3. Funding: General funds
4. Section Cost Analysis: All costs are contained in Section 3, Article 3 of this bill.

Computations: The costs for FY 86-FY 88 are computed as follows based on the assumptions previously stated:

Grants in FY 86.....	100.0
(2 cities incorporate @ \$50,000 per -- first year grant)	
Grants in FY 87.....	450.0
(2 cities @ \$50,000 per -- first year grant)	
(1 borough @ \$300,000 per -- first year grant)	
(2 cities @ \$25,000 per -- second year grant)	
Grants in FY 88.....	350.0
(2 cities @ \$50,000 per -- first year grant)	
(1 borough @ \$200,000 -- second year grant)	
(2 cities @ \$25,000 -- second year grant)	

Economic Impact: Other than providing newly incorporated municipalities with greater financial incentives to incorporate and a more realistic level of transitional assistance, the economic impact on the state and local governments will be limited.

Impact on Local Governments: This bill is strongly supported by the Alaska Municipal League and most municipalities of the State. Impacts will generally be positive, particularly for newly incorporated municipalities.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

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

949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

February 15, 1985

POSITION PAPER

RE: Senate Bill 142

SPONSOR: Rules Committee by request of the Governor

Program Effects of Bill

Senate Bill 142 is a comprehensive revision of the municipal code. It will establish better organization of Title 29 and greater flexibility for local governments than under existing law. It will result in greater efficiency in the general administration of department programs. Additionally, it will revise statutory language in the State Revenue Sharing Program which the Attorney General has found to be unconstitutional.

Comments

The Department has worked extensively over the past six years to achieve passage of this legislation. Currently Title 29 is a confused and sometimes controversial patchwork of state law dealing with local government. This bill is designed to restructure the organization of Title 29 to simplify administration of the law and to make it more understandable and usable to those who deal with it. Senate Bill 142 organizes most sections by class of municipality, making it easier to refer to specific sections and determine which classes of municipality are affected. Terminology is standardized through consistent use throughout Title 29 and more precise definition than in existing law. Powers and responsibilities of municipalities are thus clarified.

Aside from effecting a better organization of the contents of Title 29 and improved terminology, SB 142 also proposes some important improvements to the current body of municipal law.

Certain powers and responsibilities are clarified in SB 142, particularly in the areas of extraterritoriality and land disposal. Other portions of the bill create new flexibility for local communities, particularly in the areas of reclassification, home rule and zoning. Some changes are of great benefit to the Department in its administration of programs, such as revenue sharing for unincorporated communities. These are all worthwhile changes that argue in favor of the bill.

Extraterritorial Powers

- Extraterritorial power for all municipalities has been expanded to allow for the operation of additional facilities outside of municipal boundaries, including solid and septic waste facilities, wharfs, harbors and other marine facilities.
- A municipality which provides a facility outside its boundaries may regulate its use to the extent that the jurisdiction in which the facility is located does not regulate it. (Under existing statutes, a municipality could regulate a facility outside its boundaries, but no right to regulate was provided for the municipality within which the facility was located.)

Eminent Domain

- The exercise of eminent domain and declaration of taking is extended to second class cities. Under current law, second class cities must first receive the approval of the Department of Community and Regional Affairs (DCRA) before they can exercise this power in a specific instance.

Land Disposal

- Municipal land disposal provisions have been simplified, requiring only that the local governing body establish a set of formal procedures by ordinance.

Planning and Zoning

- Zoning laws have been broadened to allow for "land use regulations," thus providing a wider range of options for local governments to implement their local plans and programs.

All of these modifications must be viewed as important, positive and long sought after improvements to Title 29.

Revenue Sharing/Municipal Assistance

- This bill transfers the municipal assistance program to DCRA to provide for a coordinated administration.
- Cleans up an existing provision of Title 29 which makes revenue sharing funds available to "Alaska Native Village" governments, which an Attorney General's opinion ruled was unconstitutional. Senate Bill 142 would resolve this problem by making revenue sharing available to all unincorporated communities in the unorganized borough.

Incorporation and Transition Grants

- Raises the organization grant paid by the State to newly formed cities from \$10 per voter to a \$50,000 in the first year and \$25,000 in the second year. Boroughs would be eligible to receive a grant of \$300,000 in the first year, \$200,000 in the second, and \$100,000 in the third year following incorporation. Boroughs now receive \$25,000 on incorporation or \$10 per voter, whichever is higher. The increased organizational grants will make it much easier for communities or regions of the state to organize as municipalities.


Municipal Property Taxation

In the sections which deal with local property taxation, the bill clarifies several points which are confusing under current law. In addition, it allows municipalities more flexibility in the area of assessment policy.

In the past, property taxes were required to be levied equally against both real and personal property. Senate Bill 142 allows municipalities to exempt property in either category if it wishes to do so, an option which has been badly needed in some communities.

In addition, the Office of the State Assessor responds to numerous questions each year which are caused by the inferior organization of assessment and taxation laws under the current Title 29. The improved arrangement of these laws in SB 142 will be helpful in reducing the number of inquiries that the office currently addresses.

The changes in the bill are necessary to achieve these purposes and are supported by the Department. They are also supported by the Alaska Municipal League and most local governments.


Emil Notti, Commissioner

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 21, 1985

SUBJECT: Municipal Code Revision (SB 142)

TO: Senator Edna DeVries
Chairman, Community and Regional Affairs

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

You have asked me whether the versions of the municipal code revision bill, SB 142 and HB 72, are identical. According to the Governor's transmittal letter, SB 142 is identical to the house bill that was introduced first. (Senate Journal, February 8, 1985, page 250) I have compared both bills and found no difference between them.

If I may be of further assistance, please contact me.

TBC: csh
c3/015

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99801
PHONE: (907) 465-4700

949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1173

January 25, 1985

The Honorable Peter Goll, Chairman
House Community and Regional Affairs Committee
Alaska State House of Representatives
Pouch V
Juneau, AK 99811

RE: BRIEF HISTORY OF TITLE 29 REWRITE (HB 72)

Dear Representative Goll:

To place HB 72 into perspective the Department has prepared a brief history of the issue of the Title 29 revision bill.

CS for Senate concurrent Resolution No. 66 offered during the Eleventh Legislature noted that the municipal code was in need of comprehensive revision and appointed the Alaska Legislative Council to prepare a revision of Title 29 of the Alaska Statutes. This involved having the legal services division of the Legislative Affairs Agency work with a policy advisory group to draft a total revision of the Municipal Code. The policy advisory group in turn appointed a technical advisory group consisting of municipal attorneys, clerks, and other technically oriented staff.

These two groups worked diligently during the latter half of 1980 to hammer out an acceptable comprehensive revision of Title 29. For the most part, the new bill was drafted to insure greater uniformity of terminology, eliminate inconsistencies in the present statute, and, in general, reorder the statute to a more comprehensible format.

A few policy revisions were introduced, but they were not the main focus of the bill. In short, the general intent of the new Title 29 was to create a more understandable, easier to use document which clearly enunciated State policy regarding local governments. The document tended, as a whole, to give local governments greater flexibility and freedom to address local concerns.

The Honorable Peter Goll
January 25, 1985
Page 2


The new initiative was introduced as SB 180 during the Twelfth Legislature which convened in January 1981. The legislation was approved by this Legislature, but not before some controversial amendments regarding population, forest land taxation, and public utilities were attached on the floor of the House. These amendments resulted in a veto of the bill by then Governor Hammond. The attachment of these controversial amendments also prompted an unwritten policy among those interested in passage of this bill to keep future versions of the legislation free of controversial amendments which might stop or delay its passage.

The Title 29 bill was reintroduced in Thirteenth Legislature in generally the same form as the pre-amended SB 180. The bill that was introduced in 1982 by Governor Sheffield was numbered HB 172. The bill received extensive review by the House Community and Regional Affairs Committee and its companion in the Senate (SB 1) also received some attention by the Senate Community and Regional Affairs committee. HB 172 passed the House, but languished in the Senate Judiciary Committee until adjournment last year.

This brings us to the third legislature to address this comprehensive bill. Governor Sheffield has again identified a new Title 29 as a priority and has introduced it as HB 72. We hope to work with your committee and all supporters of a revised municipal code to assure speedy passage this year.

I hope this background information proves useful to you deliberations.

Sincerely,



Emil Notti
Commissioner

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 Sturgulewski 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-area-wide 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.

3/5/85

SB 142

Attorney who wrote bill is already scheduled for this
I will stay tonight and do packets on HC&RA amendments - they will be delivered to Court members tomorrow morning

Coghill

pg 1 - line 36

should make that discretionary

move pg 1 line 26 strike "shall"
and insert "may"

leave fiscal note as is

Sturgis move bill as amended
no objections

Sturgulowski -

Smith - C & RA supports this bill

Sturgulowski - Planning - has it changed - -
this is basic - we need to understand
this issue completely

Scott Burgess -

HB 172 - ~~new bill~~ was cleansed of
amendments that caused the bill to be vetoed

Doug Griffin

Hamm cited 3 amendments

- 1) population - oilfield \approx \approx differently
set up double \approx
- 2) exempted forest lands from muni tax
- 3) one that dealt with public utilities

Scott - SB 142 is what passed - cleansed of controversial amendments

Have discussed land use aspect w/ Mr Walker
concerned w/ powers of boros - cities
to regulate land use

This bill is not just a re-write -

Coghill - moved to adjourn

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 8, 1985

SUBJECT: Comparison of HB 72 and last session's
CSHB 172(Fin) revision of the municipal code

TO: Representative Peter Goll

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

You have asked me to compare HB 72 introduced this session with CSHB 172(Fin) from the thirteenth legislative session. According to the Governor's transmittal letter, this is the version of the municipal code revision bill upon which HB 72 is based.

The most significant difference between the two bills is in chapter 10 dealing with home rule municipalities. Under HB 72, as in existing law, only a first class borough, a second class borough, or a first class city may adopt a home rule charter. This provision had been liberalized significantly in CSHB 172(Fin). It allowed a third class borough to adopt a home rule charter as well as a second class city with a population of at least 600. In addition, it permitted an unincorporated area to adopt a charter and incorporate as a home rule city or borough without organizing into a general law municipality first. The difference between HB 72 and CSHB 172(Fin) is accomplished through changes made in each section of chapter 10, with the language in HB 10 generally mirroring existing law. However, the list of requirements for an incorporation petition had been expanded in CSHB 172(Fin) to include the requirement that a home rule charter be provided in cases involving direct home rule incorporation. Since that possibility for incorporation has been deleted in HB 72, section 29.05.060(13) should also be deleted from the bill, but appears to have been inadvertently carried over from CSHB 172(Fin).

Because of the extensive changes made in chapter 10, the sections in that chapter were renumbered. Section 29.10.080

*Call Bob
Berry*

dealing with charter amendment was originally section 29.10.100. In HB 72, section 29.10.100 (as renumbered) refers to the section dealing with charter amendment in paragraph (7) as it was originally numbered. This should be corrected to reflect the new numbering in HB 72.

Section 29.40.200 has been altered in the new bill. The provision prohibiting the platting authority from disapproving a subdivision of state land on the basis of requirements for capital improvements has been deleted. Since the section no longer refers to "capital improvements" the definition of that term in subsection (e) should have been deleted, but was not. Subsection (d) from CSHB 172(Fin) has also been deleted. It provided:

Notwithstanding any other provision of law, the provisions of this section apply to all disposals of land under AS 38.05 or AS 38.08.

Section 29.60.120(3) was changed by inserting after "health facility" at the end of the paragraph the phrase "whether licensed or unlicensed". This section deals with aid to health facilities and hospitals. Under the definition of "health facility" along with certain other restrictions the term can include only licensed facilities when the license is required by the state. Presumably, the term also includes an unlicensed facility if the facility can be deemed to be a "health" facility and if the state does not require that it be licensed. HB 72 does not change the definition of "health facility", so it is unclear whether the change in paragraph (3) is intended to allow an entitlement to a facility that is not licensed even though the license is, in fact, required by the state. If so, it appears to contradict the definition. This section, as changed by HB 72 needs to be clarified.

Chapter 65 dealing with general grant land entitlements was changed in HB 72 to reflect amendments under chapter 152, SLA 1984. However, not all the amendments made last year were picked up in HB 72. For example, changes in references from the "commissioner" to the director of the division of lands were not incorporated into HB 72. This chapter should be redrafted to include all changes made in 1984.

HB 72 contains some changes to the technical amendments at the end of the bill necessary to reflect legislation passed in 1984. The change to AS 38.05.321(c) contains a minor

Representative Peter Goll
February 8, 1985
Page 3

error that needs correcting and three sections altered in 1984 need to be added to the revision bill: AS 09.45.845, 19.30.260, and 19.30.280. In addition, AS 28.35.260(a)(10) was renumbered by the revisor in 1984 and needs to be corrected in the repealer section of HB 72. Sections 29.05.180 - 29.05.200 dealing with organization grants contained dates that should be revised. Since HB 72 does not take effect until January 1, 1986 and these provisions are of a fiscal nature, it seems that the dates should be July 1, 1986.

Lastly, as I just mentioned, HB 72 makes the revision effective January 1, 1986. CSHB 172(Fin) had an effective date tied to the fiscal year. Since the provisions dealing with taxation needed to correspond to the calendar year, certain sections of that bill had a January 1 effective date. HB 72 avoids the complexities caused by having two effective dates. However, this may create some slight administrative difficulty with the revenue sharing provisions which contain some changes that would then be in effect for only half a fiscal year.

If I can be of further assistance, please let me know.

TBC:ojb
J11/068



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

10/31/89
Date

S B

1 4 2

4 of 4

Mary Van Doren
3743/3745

See Ziegler's Office

CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99929 (907) 874-2381



ADOPTED AUGUST 1972

March 13, 1985

House Community & Regional Affairs Comm.
House Judiciary Committee
House Finance Committee
Pouch V
Juneau, AK 99801

Senate Community & Regional Affairs Comm.
Senate Judiciary Committee
Senate Finance Committee

Dear Sirs:

We have reviewed House Bill No. 72 (Senate Bill No. 142, Title 29 revisions, only insofar as it pertains to home rule municipalities. As a home rule municipality, the Wrangell City Council has the following concerns:

CS (C+24)

Sec. 29.10.100 (7) AS 29.10.100--(Charter Amendment) should read (7) AS 29.10.100--(limitation of home rule powers) Charter Amendment is 29.10.080.

CS (C+24)

Sec. 29.10.100 (44) AS 29.60.230 (state aid for hospital and health facility construction) is incorrect as there is no AS 29.60.230.

P. 35 L. 14

Sec. 29.20.010 Conflict of Interest (2) provides that the presiding officer shall rule on a request by a member of the governing body to be excused from a vote. Our municipal code provides that the Council will rule on the request. The manner of ruling on the request should be set by the governing body.

P. 43 L. 3

Sec. 29.20.140 Qualifications provides that a city voter is eligible to be a member of the Council and allows a municipality to establish durational residency requirements. A City voter is 18 years of age, our Charter sets an age requirement of 21 years of age. The voters of a home rule municipality should be allowed to establish an age requirement for their elected officials. This is supported by the United States and State of Alaska Constitutions which do establish age requirements for elected officials. The local governing body carries a great deal of responsibility and certainly deserves the maturity that is recognized as necessary for a State office.

P. 69 L. 10

Sec. 29.26.270 Recall Petition (a) provides that the City Clerk shall prepare a recall petition. The sponsors should be responsible for preparation of the petition. The City Clerk should only be responsible for certifying whether content of the petition is sufficient.

P. 72 L. 22

Sec. 29.26.350 Successors prescribes the manner of filling the office of an official that is recalled from a governing body (29.20.180). Home Rule municipal Charters should prescribe the manner of filling vacancies.

CITY OF WRANGELL, ALASKA

House Community & Regional Affairs Comm.
House Judiciary Committee
House Finance Committee
Page Two

Senate Community & Regional Affairs Comm.
Senate Judiciary Committee
Senate Finance Committee

P. 77 L. 21 Sec. 29.35.120 Past Audit (a) provides that copies of the audit shall be available to the public upon request. A strict reading by the public would require the audit to be available for distribution to the public at no cost. Although we understand this is not the intent, we request the section be amended for clarification to the public, to require the audit to be available for review or at cost.

P. 125 L. 24 Sec. 29.45.320 Real Property Tax Collection (a) provides for annual foreclosure unless otherwise provided by ordinance. Sec. 29.45.330 (a) (1) provides for annual foreclosure proceedings, but does not include "unless otherwise provided by ordinance." Sec. 29.45.330 (a) (1) should be amended to be consistent with 29.45.320 (a). The number of delinquent accounts in a small municipality may not justify the cost of annual foreclosure.

~~P. 134~~
P. 131 L. 1 Sec. 29.45.460 Disposition and Sale of Foreclosed Property (c) provides that the Clerk shall send a copy of the published notice of hearing of an ordinance by certified mail to the former record owner. Home rule municipalities are not required to publish notice of a hearing of an ordinance. This section should be amended to provide for notice to the former record owner prior to introduction of an ordinance by a home rule municipality.

The City of Wrangell supports revisions to Title 29. We cannot, however, support additional limitations and regulation of home rule powers. Some of our foregoing concerns are merely clerical errors and inconsistencies. Our review and comments are limited to home rule only. Any amendments that may have been made have not yet been received, so our comments are limited to the Bill as introduced.

Very truly yours,



Joyce Rasler
City Manager

JR:fv

cc: Senator Robert Ziegler
Representative Robin Taylor
Representative John Sund
Alaska Municipal League

ARECA CONCERNS ON SENATE BILL 142
submitted to Senate Judiciary Committee
April 11, 1985

1. Page 102. Exemption from municipal taxation.

Problem: Electric and telephone cooperatives are taxed under AS 10.25.540-560 and are exempt from municipal taxes. Our concern is that the enactment of a new Title 29 without an exemption for electric and telephone cooperatives could be interpreted as a change in public policy.

Solution: A letter of intent which clearly states that this does not represent a change of public policy and that electric and telephone cooperatives taxed under AS 10.25 will continue to be exempt from municipal taxes as provided in AS 10.25.540. The letter of intent from the Senate Committee on Community and Regional Affairs appears to be adequate.

2. Page 77 - 78. Franchises and permits.

Problem: The proposed AS 29.35.060 reenacts subsections (a) and (b), but it deletes the existing law now contained in AS 29.48.050(c). The missing language provides that utilities shall have the right to use municipal rights of way under reasonable terms and conditions and that the APUC shall decide what is reasonable when there is a disagreement between a municipality and a utility. Similar language also is found in AS 42.05.251. We are concerned that the enactment of a new Title 29 without this provision could be interpreted as a change in public policy.

Solution: A letter of intent which clearly states that this does not represent a change in public policy and that public utility access to municipal rights of way are governed by AS 42.05.251. The letter of intent from the Senate Committee on Community and Regional Affairs appears to be adequate.

3. Page 78. Utility Regulation.

Problem: The drafting style in this section opens the door for municipal regulation of utilities already regulated by the APUC if the regulation by the municipality is somehow different from the regulation by the APUC.

Solution: Amend p. 78, lines 8-11, to read:

"or its inhabitants by a utility that is not subject to regulation under AS 42.05 unless that utility is exempted from regulation under AS 42.05.711(a) or (d)-(k)."

4. Pages 74-75. Extraterritorial jurisdiction.

Problem: Existing law in AS 29.48.040 provides that a municipal utility may extend its service outside its municipal boundary into "adjacent areas." This language was written to solve real historical problems. The proposed AS 29.35.020 would give municipal utilities the legal authority to extend their service anywhere in the state. That authority, coupled with the power of eminent domain, could permit municipal imperialism at the expense of existing utilities.

Solution: Reenact the present law by amending AS 29.35.020, page 75, line 3, by deleting "utility services" and on line 15, by adding a new subsection (c) to read:

"(c) A municipality owning or operating utilities may extend service to adjacent areas outside its municipal limits. For that purpose the municipality may acquire, maintain and operate utility facilities together with necessary real property interests in real property outside its limits."

MEMORANDUM


State of Alaska Community and Regional Affairs

TO: Jeff Smith
Deputy Commissioner

DATE: April 12, 1985

THRU: Marty Rutherford
Director

FILE NO: 0109j/JP/sw

FROM: Jim Plasman 
Local Government Specialist IV

TELEPHONE NO: 465-4707

SUBJECT: Requested Senate
Bill 142 Amendment

You have requested I prepare an amendment for SB 142 which would essentially delete the House CRA amendment allowing second class cities and unincorporated communities to go directly to home rule status and restore the original language of the Governor's bill.

AMENDMENT

TO: SB 142

Page 29, line 9 through page 33, line 7:

Delete all material and insert the following new sections:

1 be appealed under the Administrative Procedure Act (AS 44.62).

2 Sec. 29.06.510. ELECTION. (a) The Local Boundary Commission
3 shall immediately notify the director of elections of its acceptance
4 of a dissolution petition. Within 30 days after notification, the
5 director of elections shall order an election in the municipality to
6 determine whether the voters desire dissolution. The election must be
7 held at least 30 and not more than 90 days after the election order.
8 A person who is a voter of the municipality may vote in the dissolu-
9 tion election.

10 (b) The director of elections shall supervise the election in
11 the general manner prescribed by the Alaska Election Code (AS 15).
12 The state shall pay all election costs.

13 (c) The director of elections shall certify the election re-
14 sults. If dissolution is approved, the director of elections shall
15 declare that the municipality is dissolved effective on the date of
16 certification.

17 Sec. 29.06.520. SUCCESSION. The government succeeding to a dis-
18 solved municipality succeeds to all its rights, powers, duties, as-
19 sets, and liabilities.

20 Sec. 29.06.530. APPLICATION. AS 29.06.450 -- 29.06.530 apply to
21 home rule and general law municipalities.

22 * Sec. 5. AS 29 is amended by adding a new chapter to read:

23 CHAPTER 10. HOME RULE MUNICIPALITIES.

24 ARTICLE 1. CHARTERS.

25 Sec. 29.10.010. MUNICIPAL CHARTER ADOPTION. A first class
26 municipality or second class borough may adopt a charter for its own
27 government. A home rule municipality may amend its charter or adopt a
28 new one. A charter is framed by a charter commission of seven members
29 chosen by the municipal voters at a regular or special election. A

1 candidate for the commission shall be a qualified voter of the munici-
2 pality and a resident of the municipality for three years immediately
3 preceding the election. A charter commission election is called by
4 filing a petition with the borough assembly or the city council, or by
5 resolution of the borough assembly or city council. The petition
6 shall be signed by a number of municipal voters equal to 15 percent of
7 the votes cast in the last regular election of the municipality.

8 Sec. 29.10.020. NOMINATION. Charter commission candidates are
9 nominated by petitions signed by 50 voters or the number of qualified
10 municipal voters equal to 10 percent of the number of votes cast in
11 the last regular election, whichever is less.

12 Sec. 29.10.030. ELECTION. At the charter commission election
13 the voters shall consider the question "Shall a charter commission be
14 elected to frame a proposed new charter?" and shall select the members
15 of the commission. If the question is approved, the seven candidates
16 receiving the highest number of votes shall immediately organize as a
17 charter commission.

18 Sec. 29.10.040. PREPARATION OF CHARTER. The charter commission
19 shall, within one year, prepare a municipal charter. The proposed
20 charter shall be signed by a majority of the charter commissioners and
21 filed in the office of the municipal clerk. Within 15 days, the
22 borough assembly or city council shall have the charter published once
23 in a newspaper of general circulation if distributed within the
24 municipality. The clerk shall post copies of the proposed charter in
25 at least three public places and make copies available at the office
26 of the clerk. The commission shall give published notice of and hold
27 at least one public hearing on the proposed charter before the signing
28 and filing of the charter.

29 Sec. 29.10.050. INITIATIVE AND REFERENDUM. (a) Municipal

1 charters shall provide the procedures for the initiative and referen-
2 dum.

3 (b) A charter may not require an initiative or referendum peti-
4 tion to have a number of signatures greater than 25 percent of the
5 total votes cast at the last regular municipal election.

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

9 Sec. 29.10.060. CHARTER ELECTION. The charter shall be submit-
10 ted to the municipal voters at a regular or special election held not
11 less than 30 days nor more than 90 days from the publication of the
12 charter.

13 Sec. 29.10.070. CHARTER ADOPTION. (a) If a majority of those
14 voting on the question favor the proposed charter, it becomes the
15 organic law of the municipality. Thereafter, the court shall take
16 judicial notice of the charter. The municipality shall file the
17 indicated number of copies of the charter with the

18 (1) lieutenant governor -- two copies;

19 (2) Department of Community and Regional Affairs -- two
20 copies;

21 (3) district recorder -- one copy;

22 (4) municipal clerk -- one copy.

23 (b) If a proposed charter is rejected, the charter commission
24 shall prepare another proposed charter to be submitted to the voters
25 at a regular or special election to be held within one year after the
26 date of the first charter election. If the second proposed charter is
27 also rejected, the charter commission shall be dissolved and the
28 question of adoption of a charter shall be treated as if it had never
29 been proposed or approved.

1 Sec. 29.10.080. CHARTER AMENDMENT. A municipal charter may be
2 amended as provided in the charter or by initiative referendum as
3 provided in AS 29.26.100 -- 29.26.190, except that no amendment shall
4 be effective unless ratified by the voters.

5 ARTICLE 2. HOME RULE LIMITATIONS.

6 Sec. 29.10.100. LIMITATION OF HOME RULE POWERS. Only the fol-
7 lowing provisions of this title apply to home rule municipalities as
8 prohibitions on acting otherwise than as provided. These provisions
9 supersede existing and prohibit future home rule enactments that
10 provide otherwise:

- 11 (1) AS 29.05.140 (transition)
- 12 (2) AS 29.06.010 (change of municipal name)
- 13 (3) AS 29.06.040 -- 29.06.060 (annexation and detachment)
- 14 (4) AS 29.06.090 -- 29.06.170 (merger and consolidation)
- 15 (5) AS 29.06.190 -- 29.06.420 (unification of municipali-
16 ties)
- 17 (6) AS 29.06.450 -- 29.06.530 (dissolution)
- 18 (7) AS 29.10.100 -- (charter amendment)
- 19 (8) AS 29.20.010 (conflict of interest)
- 20 (9) AS 29.20.020 (meetings public)
- 21 (10) AS 29.20.050 (legislative power)
- 22 (11) AS 29.20.060 -- 29.20.120 (assembly composition and
23 apportionment)
- 24 (12) AS 29.20.140 (qualifications of members of governing
25 bodies)
- 26 (13) AS 29.20.150 (term of office)
- 27 (14) AS 29.20.220 (executive power)
- 28 (15) AS 29.20.630 (prohibitions)
- 29 (16) AS 29.20.640 (reports)

HB 72
CSHB 72 C&RA AM

MEASURE HISTORY

PAGE 01 OF 0

AN ACT RELATING TO MUNICIPAL GOVERNMENT, AND PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: RULES COMMITTEE
CO-SPONSORS:

BY REQ OF THE GOVERNOR

\$000 GENERAL(FNOTE)

\$000 OTHER(FNOTE)

CURRENT STATUS: (S) C&RA

DATE		PAGE	ACTION
01/16/85	(H)	43	READ THE FIRST TIME - REFERRAL(S)
01/16/85	(H)	43	GOVERNOR'S TRANSMITTAL LETTER
01/16/85	(H)	43	FISCAL NOTE SUPPLEMENT NO4
03/08/85	(H)	538	C&RA RPT W/CS 5DP 2AMEND
03/08/85	(H)	599	LETTER OF INTENT FROM C&RA (3/15/85)
03/20/85	(H)	650	JUD REFERRAL WAIVED
04/08/85	(H)	837	FIN RPT W/CS(C&RA) & AMENDMENT 7DP
04/08/85	(H)	838	FISCAL NOTE SUPPLEMENT 43
04/15/85	(H)		RLS TO CALENDAR 4/15/85
04/15/85	(H)	924	READ THE SECOND TIME

HB 72

MEASURE HISTORY

PAGE 02 OF 0

DATE		PAGE	ACTION
04/15/85	(H)	924	CSHB 72(C&RA) ADOPTED UNAN CONSENT
04/15/85	(H)	924	AM NO 1 ADOPTED UNAN CONSENT
04/15/85	(H)	925	AM NO 2 FAILED Y15 N22 X2 A1
04/15/85	(H)	926	AM NO 3 FAILED Y10 N28 X2
04/15/85	(H)	927	AM NO 4 FAILED Y17 N30 X2 A1
04/15/85	(H)	927	AM NO 5 FAILED Y15 N22 X2 A1
04/15/85	(H)	928	AM NO 6 FAILED Y16 N21 X2 A1
04/15/85	(H)	929	AM NO 7 FAILED Y17 N20 X2 A1
04/15/85	(H)	930	RESCIND VOTE AM 2, Y24 N14 X2
04/15/85	(H)	930	AM NO 2 FAILED AGAIN Y19 N19 X2
04/15/85	(H)	931	ADVANCED TO THIRD READING UNAN CONSENT
04/15/85	(H)	931	READ THE THIRD TIME CSHB 72(C&RA)AM
04/15/85	(H)	931	PASSED Y37 N1 X2
04/15/85	(H)	932	EFFECTIVE DATES SAME AS PASSAGE
04/15/85	(H)	932	C&RA LETTER OF INTENT ADOPTED
04/15/85	(H)	932	PIGNALBERI NOTICE OF RECONSIDERATION
04/16/85	(H)	952	RECON TAKEN UP - IN THIRD READING
04/16/85	(H)	952	RETURN TO 2ND FOR AM 8 Y24 N13 X3
04/16/85	(H)	953	AM NO 8 FAILED Y17 N20 X3
04/16/85	(H)	953	AUTOMATICALLY IN THIRD READING
04/16/85	(H)	953	PASSED ON RECONSIDERATION Y36 N1 X3

HB 72

MEASURE HISTORY

PAGE 03 OF 0

DATE		PAGE	ACTION
04/16/85	(H)	954	EFFECTIVE DATES SAME AS PASSAGE
04/16/85	(H)	954	C&RA LETTER OF INTENT ADOPTED
04/16/85	(H)		TRANSMITTED TO (S)
04/17/85	(S)		READ THE FIRST TIME
			C&RA
			JUDICIARY
			FINANCE
			RULES

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Rec'd 3/18/85
copy to Rodey

Revision Date: 3/15/85

REQUEST

Bill/Resolution No.: CSSB 142 (C&RA)
Title: An Act Relating to
Municipal Government
Sponsor: Rules/Governor
Requestor: Senate C&RA Committee
Date of Request: _____

FISCAL DETAIL

Agency Affected: Community & Regional Affairs
Program Category Affected: _____
Community Development
BRU, Program or Subprogram(s) Affected: _____
BRU: Community Assistance Grants
Component: Organizational Grants

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		-0-	400.0	350.0		
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	400.0	350.0		

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	400.0	350.0		
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	400.0	350.0		

POSITIONS:

FULL-TIME		-0-	-0-	-0-		
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

SEE ATTACHED ANALYSIS

Prepared By: Doug Griffin, Deputy Director *griffin* Phone: 465-4750
Division: Municipal & Regional Assistance Date: 3/15/85

Approved by Commissioner: [Signature] Date: 3/15/85
Agency: Community & Regional Affairs

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

AN ACT RELATING TO MUNICIPAL GOVERNMENT

ANALYSIS: This bill commits the State to paying increased levels of transitional assistance to newly incorporated cities and boroughs. However, given the increasingly complex requirements for incorporation, the fact that the bill does not become effective until January 1, 1986 (half way through FY 86), and the ability to request supplemental funding to pay transitional grants after the fact on a reimbursement basis, assumptions have been changed to produce a zero fiscal effect for FY 86. This will prevent money from being tied up to address incorporations which may not occur.

The Legislature does need to acknowledge that the bill does carry possible increased financial obligations, but it is impossible to predict when these added costs will be borne by the State. For this reason, the fiscal note reflects no additional cost for FY 86, but assumptions for future years are included as follows:

Assumptions: FY 86 - no incorporations
 FY 87 - two cities and one borough incorporate
 FY 88 - two cities incorporate

Program Summary: The only portion of this bill which will create fiscal impact is Sec. 29.05.180-190 which provides additional transitional assistance through increased organizational grants. The Department is also required to provide additional assistance to newly formed cities and boroughs in setting up a sales tax collection system and tax rolls for property taxation. It is difficult to gauge whether this type of assistance will in fact be requested. If it is requested, additional work will be required of the State Assessor and technical assistance sections of the Division of Municipal and Regional Assistance. Given this uncertainty, possible costs for this type of technical assistance are not reflected in this fiscal note.

Computations:

Grants in FY 86.....	-0-
Grants in FY 87.....	400.0
(2 cities @ \$50,000 per -- first year grant)	
(1 borough @ \$300,000 per -- first year grant)	
Grants in FY 88.....	350.0
(2 cities @ \$50,000 per -- first year grant)	
(2 cities @ \$25,000 per -- second year grant)	
(1 borough @ 200,000 per -- second year grant)	

Economic Impact: The economic impact on State and local governments will be limited.

Impact on Local Governments: This bill is strongly supported by the Alaska Municipal League and most municipalities of the State. Impacts will generally be positive, particularly for newly incorporated municipalities.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 16, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill revising the municipal code (AS 29). The bill was modeled on the committee substitute prepared last session by the House Finance Committee as CSHB 172(Fin). There is one significant difference between former CSHB 172(Fin) and this bill with regard to home rule municipalities. Rather than allowing second class cities to move to home rule status in a single step, as sec. 5 of HB 172 and CSHB 172(Fin) had provided, this bill retains the requirement that second class cities become first class cities before voting for home rule, as AS 29.13.010 -- 29.13.080 currently provide.

This bill makes many uncontroversial improvements to our municipal code and I urge its prompt consideration and passage.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

AN ACT RELATING TO MUNICIPAL GOVERNMENT

ANALYSIS: This bill commits the State to paying increased levels of transitional assistance to newly incorporated cities and boroughs. However, given the increasingly complex requirements for incorporation, the fact that the bill does not become effective until January 1, 1986 (half way through FY 86), and the ability to request supplemental funding to pay transitional grants after the fact on a reimbursement basis, assumptions have been changed to produce a zero fiscal effect for FY 86. This will prevent money from being tied up to address incorporations which may not occur.

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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

SEP 43

Revision Date: 3/15/85

Page 1 of 2

REQUEST

Bill/Resolution No.: CSHB 72 (C&RA)
 Title: An Act Relating to
Municipal Government
 Sponsor: Rules/Governor
 Requestor: Senate C&RA Committee
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Community & Regional Affairs
 Program Category Affected: _____
Community Development
 BRU, Program or Subprogram(s) Affected: _____
BRU: Community Assistance Grants
 Component: Organizational Grants

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
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300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		-0-	400.0	350.0		
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	400.0	350.0		

CAPITAL						
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REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	400.0	350.0		
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	400.0	350.0		

POSITIONS:

FULL-TIME		-0-	-0-	-0-		
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

SEE ATTACHED ANALYSIS

Prepared By: Doug Griffin, Deputy Director *Griffin* Phone: 465-4750
 Division: Municipal & Regional Assistance Date: 3/15/85

Approved by Commissioner: *[Signature]* Date: 3/15/85
 Agency: Community & Regional Affairs

Distribution (by Agency preparing fiscal note): *Super*
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

115-72



Alaska State Legislature

House of Representatives

Committee on Community & Regional Affairs

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

LETTER OF INTENT
to
CSHB 72 (C&RA)

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

Peter Goll

ROD E. JEFF

Max [unclear]

[unclear]

[unclear]

Adopted by House 4/16/85

Cook ✓

Handwritten references are to House Bill

A M E N D M E N T

CSHB 72 (C&RA) am

Offered in the SENATE

TO: CSSB 142(C&RA)

Page 4, line ²~~15~~:

Delete "home rule or"

Page 6, line ¹³~~26~~:

Delete "home rule or"

Page ⁶~~7~~, line ²¹~~5~~:

Delete "municipality" and insert "borough"

Page 8, line ¹⁴~~27~~:

Delete "municipality" and insert "borough"

Page 11, line ³~~16~~:

Delete "home rule or"

Page ²⁸~~29~~, lines ²⁷⁻²⁹~~11-16~~, Page 29, lines 1-3

After "ment." delete all material and reletter the following subsections accordingly.

Page 29, line ¹⁴~~27~~:

Delete "an unincorporated community or"

Page ~~30~~²⁹, line ~~4~~¹⁷:

Delete "municipality" and insert "borough"

Page ~~30~~²⁹, lines ~~3~~¹⁹ and ~~4~~²⁰:

Delete "and at least one model home rule charter for a city"

Delete "charters" and insert "charter"

Page ~~30~~²⁹, line ~~6~~²²:

Delete "municipality" and insert "borough"

Page 31, line ~~10~~⁵:

Delete "unincorporated community or for an"

Page 31, line ~~23~~¹⁰:

Delete "an unincorporated community or in"

Page 31, lines ~~24~~¹¹ and ~~25~~¹²:

Delete "municipality" and insert "borough"

Page 31, line ~~28~~¹⁵:

Delete "municipality" and insert "borough"

Page ~~33~~³², line ~~4~~¹⁷:

Delete "municipality" and insert "borough"

Page ~~33~~³², line 2:

Delete "unincorporated community or"

*adopted by the Hse
4/15/85*

Cook ✓

A M E N D M E N T

Offered in the HOUSE

By Rieger

TO: CSHB 72 (C&RA)

Page 10, line 27:

Delete "June 30, 1986" and insert "December 31, 1985"

Page 11, line 2:

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

Page 11, line 3:

Delete "June 30, 1986" and insert "December 31, 1985"

Page 11, line 20:

Delete "June 30, 1986" and insert "December 31, 1985"

Page 12, line 21:

Delete "June 30, 1986" and insert "December 31, 1985"

Page 12, line 24:

Delete "June 30, 1986" and insert "December 31, 1985"

Page 105, line 28:

Delete "AS 19.70.081" and insert "AS 18.70.081"

Page 114, line 8:

Before "property" insert "taxable"

Page 114, line 12:

Before "property" insert "taxable"

Delete "under this chapter and"

Page 114, line 13:

Before "property" insert "taxable"

Delete "under this chapter and"

Cook ✓

A M E N D M E N T

Offered in the HOUSE

By Rieger

TO: CSHB 72 (C&RA)

Page 10, line 27:

pg 11 lines 13, 20, pg 12, lines 21, 24
Delete "June 30, 1986" and insert "December 31, 1985"

Page 11, line 2:

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

Page 105, line 28:

Delete "AS 19.70.081" and insert "AS 18.70.081"

-1-

4/4/85

Page 114, line 8:

Before "property" insert "taxable"

Page 114, lines 12 + 18

Before "property" insert "taxable"

Delete "under this chapter and"

CSHB 72(C&RA)am

CSHB 72(C&RA)AM RECONSIDERATION

Yeas: 36 Binkley, Boucher, Clocksin,
 Cotten, Davis, Duncan, Frank,
 Fuller, Furnace, Goll, Gruenberg,
 Grussendorf, Hanley, Herrmann,
 Hurley, Jenkins, Koponen, Larson,
 Marrou, Miller, M.M., Miller, M.W.,
 Navarre, Pearce, Pettyjohn,
 Phillips, Pignalberi, Pourchot,
 Rieger, Ringstad, Shultz, Sund,
 Szymanski, Taylor, Thompson,
 Uehling, Wallis

Nays: 1 Martin

Excused: 3 Adams, Cato, Collins

Absent: 0

Martin changed from "yea" to "nay".

And so, CSHB 72(C&RA)am passed the House on reconsideration.

Representative Clocksin moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clauses. There being no objection, it was so ordered.

Representative Clocksin moved and asked unanimous consent that the House adopt the Community & Regional Affairs Committee letter of intent (page 599). There being no objection, it was so ordered.

CSHB 72(C&RA)am was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

HB 21

Representative Szymanski added his name as co-sponsor to HOUSE BILL NO. 21 (relating to homesites for veterans).

HB 316

Representative Szymanski added his name as co-sponsor to HOUSE BILL NO. 316 (relating to the navigable or public waters of the state; effective date).

HJR 32am

HJR 32am was engrossed. Clerk and transmitted to

CSHB 72(C&RA)am

CSHB 72(C&RA)am was engrossed. Chief Clerk and transmitted for consideration.

CSHB 219(Fin)

CSHB 219(Fin) was engrossed. Chief Clerk and transmitted for consideration.

Majority Caucus

Dwayne Carlson
Retirement Roast

Democratic Luncheon
Representative Duncan,
Speaker

Revised Committee Schedule
separate cover.

Representative Clocksin moved and asked unanimous consent that the House adjourn. There being no objection, it was so ordered.

April 16, 1985

April 16, 1985

HOUSE JOURNAL

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CSHB 72(C&RA)am

CSHB 72(C&RA)AM MOTION

Yeas: 24 Binkley, Boucher, Cotton, Frank,
Fuller, Furnace, Hanley, Herrmann,
Jenkins, Marrou, Martin,
Miller, M.W., Navarre, Pearce,
Pettyjohn, Phillips, Pignalberi,
Rieger, Ringstad, Shultz,
Szymanski, Taylor, Thompson,
Uehling

Nays: 13 Clocksin, Davis, Duncan, Goll,
Gruenberg, Grussendorf, Hurley,
Koponen, Larson, Miller, M.M.,
Pourchot, Sund, Wallis

Excused: 3 Adams, Cato, Collins

Absent: 0

And so, CSHB 72(C&RA)am was returned to second reading.

Representative Pignalberi moved that Amendment No. 8 be adopted.

The question being: "Shall Amendment No. 8 be adopted?"
The roll was taken with the following result:

CSHB 72(C&RA)AM AM8

Yeas: 17 Binkley, Cotton, Frank, Furnace,
Hanley, Jenkins, Marrou, Martin,
Miller, M.W., Pettyjohn,
Pignalberi, Rieger, Ringstad,
Shultz, Szymanski, Thompson,
Uehling

Nays: 20 Boucher, Clocksin, Davis, Duncan,
Fuller, Goll, Gruenberg,
Grussendorf, Herrmann, Hurley,
Koponen, Larson, Miller, M.M.,
Navarre, Pearce, Phillips,
Pourchot, Sund, Taylor, Wallis

Excused: 3 Adams, Cato, Collins

Absent: 0

Szymanski changed from "nay" to "yea".

And so, Amendment No. 8 was not adopted.

The question to be reconsidered: "Shall CSHB 72(C&RA)am pass the House?" The roll was taken with the following result:

Committee referral on
S.B. NO. 165 (relating to
of the Co-Chairman.
Committee.

up reconsideration of
S.B. NO. 72 (Community &
relating to municipal

HOUSE BILLS

me.

increase taxes under this
to the voters in an
ally."

asked unanimous consent
second reading for the

nt of order concerning

well taken.

(C&RA)am be returned to
specific Amendment No.
owing result:

SSHB 165

The Speaker waived the Resources Committee referral on SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 165 (relating to transplanting of elk) at the request of the Co-Chairman.

SSHB 165 was sent to the Finance Committee.

CSHB 72(C&RA)am

CSHB 72(C&RA)AM MO

Yeas: 24

CSHB 72(C&RA)am

Representative Pignalberi brought up reconsideration of COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 72 (Community & Regional Affairs) amended (relating to municipal government; effective date).

Nays: 13

Excused: 3

Absent: 0

And so, CSHB 72(C&RA)

THIRD READING OF HOUSE BILLS

CSHB 72(C&RA)am was read the third time.

Representative Pignalberi adopted.

Amendment No. 8 by Pignalberi:

Page 136, line 11:

Add new language:

"Propositions to increase taxes under this section shall not be presented to the voters in an election more than once annually."

The question being:
The roll was taken w

CSHB 72(C&RA)AM AM6

Yeas: 17

Representative Pignalberi moved and asked unanimous consent that CSHB 72(C&RA)am be returned to second reading for the purpose of specific Amendment No. 8.

Nays: 20

Representative Pourchot objected.

Representative Sund rose to a point of order concerning debate straying from the amendment.

Excused: 3

Absent: 0

The Speaker ruled the point of order well taken.

Szymanski char.

And so, Amendment No

The question being: "Shall CSHB 72(C&RA)am be returned to second reading for the purpose o. specific Amendment No. 8?" The roll was taken with the following result:

The question to be
pass the House?"
result:

CSHB 72(C&RA)am

Representative Clocksin moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clauses. There being no objection, it was so ordered.

Representative Clocksin moved and asked unanimous consent that the House adopt the Community & Regional Affairs Committee letter of intent (page 599). There being no objection, it was so ordered.

Representative Pignalberi gave notice of reconsideration of his vote on CSHB 72(C&RA) am.

HB 92

HOUSE BILL NO. 92 (relating to child and spousal support; effective date) was read the second time with the Health, Education & Social Services Committee report (page 375), the Judiciary Committee report (page 717) and the Finance Committee report (page 883).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 92 (Judiciary) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 92(Jud)

Amendment No. 1 by Thompson:

Page 5, lines 3 and 4:

Delete "that may include cost-of-living adjustments"

Representative Thompson moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Goll objected.

The question being: "Shall Amendment No. 1 be adopted?"
The roll was taken with the following result:

CSHB 92(Jud)

CSHB 92(JUD) AM1

Yeas: 8

Nays: 30

Excused: 2

Absent: 0

And so, Amendment No. 1

Amendment No. 2 by Thompson

Page 5, lines 3 and 4:

Delete "that adjustments"

Add: "that adjustments"

Representative Thompson moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative M.M. Miller

The question being:
The roll was taken with

CSHB 92(JUD) AM2

Yeas: 5

Nays: 33

pted.

at the House rescind its
nt No. 2.

ouse rescind its action in
The roll was taken with

ACTION

ins, Cotten, Frank,
Hanley, Jenkins,
ou, Martin,
Pearce, Pettyjohn,
nalberi, Rieger,
itz, Sund, Szymanski,
son, Uehling

ksin, Davis, Duncan,
erg, Grussendorf,
ley, Larson,
Navarre, Pourchot,

ction in failing to adopt

the House adopt Amendment

a call of the House on

ndment No. 2 be adopted?"
ing result:

CSHB 72(C&RA)am

CSHB 72(C&RA)AM AM2

Yeas: 19 Binkley, Collins, Cotten, Frank,
Furnace, Hanley, Jenkins, Marrou,
Martin, Miller, M.W., Pettyjohn,
Pignalberi, Rieger, Ringstad,
Shultz, Szymanski, Taylor,
Thompson, Uehling

Nays: 19 Boucher, Clocksin, Davis, Duncan,
Fuller, Goll, Gruenberg,
Grussendorf, Herrmann, Hurley,
Koponen, Larson, Miller, M.M.,
Navarre, Pearce, Phillips,
Pourchot, Sund, Wallis

Excused: 2 Adams, Cato

Absent: 0

And so, Amendment No. 2 was not adopted.

Representative Clocksin moved and asked unanimous consent
that CSHB 72(C&RA)am be considered engrossed, advanced to
third reading and placed on final passage. There being no
objection, it was so ordered.

CSHB 72(C&RA)am was read the third time.

The question being: "Shall CSHB 72(C&RA)am pass the
House?" The roll was taken with the following result:

CSHB 72(C&RA)AM

Yeas: 37 Binkley, Boucher, Clocksin,
Collins, Cotten, Davis, Duncan,
Frank, Fuller, Furnace, Goll,
Gruenberg, Grussendorf, Hanley,
Herrmann, Hurley, Jenkins,
Koponen, Larson, Marrou,
Miller, M.M., Miller, M.W., Navarre,
Pearce, Pettyjohn, Phillips,
Pignalberi, Pourchot, Rieger,
Ringstad, Shultz, Sund, Szymanski,
Taylor, Thompson, Uehling, Wallis

Nays: 1 Martin

Excused: 2 Adams, Cato

Absent: 0

And so, CSHB 72(C&RA)am passed the House.

CSHB 72(C&RA)am

Excused: 2 Adams, Cato
Absent: 1 Shultz

And so, Amendment No. 7 was not adopted.

Representative Cotten moved that the House rescind its action in failing to adopt Amendment No. 2.

The question being: "Shall the House rescind its action in failing to adopt Amendment No. 2?" The roll was taken with the following result:

CSHB 72(C&RA)AM MOTION TO RESCIND ACTION

Yeas: 24 Binkley, Collins, Cotten, Frank, Furnace, Goll, Hanley, Jenkins, Koponen, Marrou, Martin, Miller, M.W., Pearce, Pettyjohn, Phillips, Pignalberi, Rieger, Ringstad, Shultz, Sund, Szymanski, Taylor, Thompson, Uehling
Nays: 14 Boucher, Clocksin, Davis, Duncan, Fuller, Gruenberg, Grussendorf, Herrmann, Hurley, Larson, Miller, M.M., Navarre, Pourchot, Wallis
Excused: 2 Adams, Cato
Absent: 0

And so, the House rescinded its action in failing to adopt Amendment No. 2.

Representative Cotten moved that the House adopt Amendment No. 2.

Representative Marrou placed a call of the House on Amendment No. 2.

The call was satisfied.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 72(C&RA)am

CSHB 72(C&RA)AM AN2

Yeas: 19
Nays: 19
Excused: 2
Absent: 0

And so, Amendment No. 2

Representative Clocksin moved that CSHB 72(C&RA)am be read a third reading and placed on the calendar. In objection, it was so ordered.

CSHB 72(C&RA)am was read

The question being: "Shall the House adopt Amendment No. 2?" The roll was taken with the following result:

CSHB 72(C&RA)AM

Yeas: 37
Nays: 1
Excused: 2
Absent: 0

And so, CSHB 72(C&RA)am

April 15, 1985

April 15, 1985

HOUSE JOURNAL

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CSHB 72(C&RA)am

CSHB 72(C&RA)AM AM6

Yeas:	16	Collins, Frank, Furnace, Hanley, Jenkins, Koponen, Marrou, Martin, Miller, M.W., Pearce, Phillips, Pignalberi, Ringstad, Szymanski, Taylor, Uehling
Nays:	21	Binkley, Boucher, Clocksin, Cotten, Davis, Duncan, Fuller, Goll, Gruenberg, Grussendorf, Herrmann, Hurley, Larson, Miller, M.M., Navarre Pettyjohn, Pourchot, Rieger, Sund, Thompson, Wallis
Excused:	2	Adams, Cato
Absent:	1	Shultz

And so, Amendment No. 6 was not adopted.

Amendment No. 7 by Marrou:

Page 203, line 19 (Sec. 44.47.700):

Delete "a person" and insert "petition with the signatures of at least 50 registered voters"

Representative Marrou moved and asked unanimous consent that Amendment No. 7 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 7 be adopted?"
The roll was taken with the following result:

CSHB 72(C&RA)AM AM7

Yeas:	17	Binkley, Clocksin, Collins, Frank, Furnace, Hanley, Jenkins, Marrou, Martin, Miller, M.W., Pettyjohn, Pignalberi, Rieger, Ringstad, Szymanski, Thompson, Uehling
Nays:	20	Boucher, Cotten, Davis, Duncan, Fuller, Goll, Gruenberg, Grussendorf, Herrmann, Hurley, Koponen, Larson, Miller, M.M., Navarre, Pearce, Phillips, Pourchot, Sund, Taylor, Wallis

asked unanimous consent

ent No. 5 be adopted?"
g result:

Furnace, Goll,
Martin,
Pearce, Phillips,
Taylor,
ing

r, Clocksin,
Duncan, Fuller,
sendorf, Hanley,
y, Koponen, Larson,
varre, Pettyjohn,
rchot, Sund,
is

ted.

0.500):

nd make available for
nal report on municipal

asked unanimous consent

ent No. 6 be adopted?"
y result:

CSHB 72(C&RA)am

Representative Marrou moved and asked unanimous consent that Amendment No. 5 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 5 be adopted?"
The roll was taken with the following result:

CSHB 72(C&RA)AM AM5

Yeas:	15	Cotten, Frank, Furnace, Goll, Jenkins, Marrou, Martin, Miller, M.W., Pearce, Phillips, Rieger, Ringstad, Taylor, Thompson, Uehling
Nays:	22	Binkley, Boucher, Clocksin, Collins, Davis, Duncan, Fuller, Gruenberg, Grussendorf, Hanley, Herrmann, Hurlley, Koponen, Larson, Miller, M.M., Navarre, Pettyjohn, Pignalberi, Pourchot, Sund, Szymanski, Wallis
Excused:	2	Adams, Cato
Absent:	1	Shultz

And so, Amendment No. 5 was not adopted.

Amendment No. 6 by Marrou:

Page 54, after line 8 (Sec. 29.20.500):

Insert new paragraph:

"(8) prepare and make available for public distribution an annual report on municipal affairs."

Representative Marrou moved and asked unanimous consent that Amendment No. 6 be adopted.

Representative Goll objected.

The question being: "Shall Amendment No. 6 be adopted?"
The roll was taken with the following result:

CSHB 72(C&RA)am

CSHB 72(C&RA)AM AM6

Yeas:	16	Collins, Jenkins, Miller, Pignalberi, Taylor
Nays:	21	Binkley, Cotten, Goll, Herrmann, Miller, Pourchot, Wallis
Excused:	2	Adams
Absent:	1	Shultz

And so, Amendment No. 6 was adopted.

Amendment No. 7 by Marrou:

Page 203, line 19 (Sec. 29.20.500):

Delete "a person's signatures of at least two other persons."

Representative Marrou moved and asked unanimous consent that Amendment No. 7 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 7 be adopted?"
The roll was taken with the following result:

CSHB 72(C&RA)AM AM7

Yeas:	17	Binkley, Furnace, Martinez, Pignalberi, Szymanski
Nays:	20	Boucher, Fuller, Grussendorf, Koponen, Navarre, Pourchot

CSHB 72(C&RA)am

Amendment No. 4 by Marrou:

Page 82, lines 5 and 7 (Sec. 29.35.180):

Delete "shall" and insert "may"

Representative Marrou moved and asked unanimous consent that Amendment No. 4 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 4 be adopted?"
The roll was taken with the following result:

CSHB 72(C&RA)AM AM4

Yeas: 7 Frank, Furnace, Herrmann, Marrou,
Martin, Miller, M.W., Ringstad

Nays: 30 Binkley, Boucher, Clocksin,
Collins, Cotten, Davis, Duncan,
Fuller, Goll, Gruenberg,
Grussendorf, Hanley, Hurley,
Jenkins, Koponen, Larson,
Miller, M.M., Navarre, Pearce,
Pettyjohn, Phillips, Pignalberi,
Pourchot, Rieger, Sund, Szymanski,
Taylor, Thompson, Uehling, Wallis

Excused: 2 Adams, Cato

Absent: 1 Shultz

Pignalberi changed from "yea" to "nay".

And so, Amendment No. 4 was not adopted.

Amendment No. 5 by Marrou:

Page 60, lines 4 - 6:

Delete all material (Sec. 29.25.070)

Insert old AS 29.48.200:

"PENALTIES. For the violation of an ordinance, the assembly or council may prescribe punishment not to exceed a fine of \$500 or imprisonment for 30 days, or both. However, the punishment authorized under this section may be imposed only if copies of the ordinance are made available for distribution to the public at cost."

pted.

40.060):

and decision of a hearing
sent or other body stays
less the court issues an
a certificate of immi-
property made by the

asked unanimous consent

ment No. 3 be adopted?"
ng result:

, Jenkins, Marrou,
, M.W., Ringstad,
, Uehling

er, Clocksin,
n, Davis, Duncan,
ruenberg,
anley, Herrmann,
n, Larson,
avarre, Pearce,
llips, Pignalberi,
er, Sund, Szymanski,
ls

pted.

CSHB 72(C&RA)am

Excused: 2 Adams, Cato

Absent: 1 Pignalberi

And so, Amendment No. 2 was not adopted.

Amendment No. 3 by Marrou:

Page 94, after line 6 (Sec. 29.40.060):

Insert new subsection:

"(c) An appeal from a decision of a hearing officer, board of adjustment or other body stays enforcement proceedings unless the court issues an enforcement order based on a certificate of imminent period to life or property made by the board."

Representative Marrou moved and asked unanimous consent that Amendment No. 3 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 3 be adopted?"
The roll was taken with the following result:

CSHB 72(C&RA)AM AM3

Yeas: 10 Frank, Furnace, Jenkins, Marrou, Martin, Miller, M.W., Ringstad, Shultz, Taylor, Uehling

Nays: 28 Binkley, Boucher, Clocksin, Collins, Cotten, Davis, Duncan, Fuller, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Koponen, Larson, Miller, M.M., Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Sund, Szymanski, Thompson, Wallis

Excused: 2 Adams, Cato

Absent: 0

And so, Amendment No. 3 was not adopted.

CSHB 72(C&RA)am

Amendment No. 4 by Marrou:

Page 82, lines 5 and 7

Delete "shall" and

Representative Marrou moved that Amendment No. 4 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 4 be adopted?"
The roll was taken with the following result:

CSHB 72(C&RA)AM AM4

Yeas: 7 Frank, Martin,

Nays: 30 Binkley, Collins, Fuller, Grussen, Jenkins, Miller, Pettyjohn, Pourchot, Taylor,

Excused: 2 Adams,

Absent: 1 Shultz

Pignalberi changed from

And so, Amendment No. 4 was adopted.

Amendment No. 5 by Marrou:

Page 60, lines 4 - 6:

Delete all material

Insert old AS 29.46

"PENALTIES. For the assembly or committee not to exceed a fine of 30 days, or both, for failure to comply with this article. The copies of the or distribution to the

onen, entitled:

usion of recom-
g access by the
buildings and
tal improvement
the governor to

red to the Transportation

nkley, entitled:

interest rate on
d providing for

red to the House Special
inance Committee.

DAILY CALENDAR

HOUSE BILLS

o municipal government;
nd time with the Community
eport (page 538) and the
)

i asked unanimous consent
SE BILL NO. 72 (Community
be adopted in lieu of the
o objection, it was so

mittee:

CSHB 72(C&RA)

Representative Clocksin moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Pettyjohn objected and withdrew his objection.

Representative Szymanski objected and withdrew his objection.

There being no further objection, Amendment No. 1 was adopted.

CSHB 72(C&RA)am

Amendment No. 2 by Marrou:

Page 136, line 11 (Sec. 29.45.670):

After "election." add "Sales tax propositions may be presented only once in any 12-month period."

Representative Marrou moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative M.M. Miller objected.

The question being: "Shall Amendment No. 2 be adopted?"
The roll was taken with the following result:

CSHB 72(C&RA)AM AM2

Yeas:	15	Frank, Furnace, Hanley, Jenkins, Marrou, Martin, Miller, M.W., Pearce, Pettyjohn, Rieger, Ringstad, Shultz, Szymanski, Thompson, Uehling
-------	----	------------------------------------------------------------------------------------------------------------------------------------------

Nays:	22	Binkley, Boucher, Clocksin, Collins, Cotten, Davis, Duncan, Fuller, Goll, Gruenberg, Grussendorf, Herrmann, Hurley, Koponen, Larson, Miller, M.M., Navarre, Phillips, Pourchot, Sund, Taylor, Wallis
-------	----	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

HB 377

HOUSE BILL NO. 377 by Goll and Koponen, entitled:

"An Act requiring inclusion of recommended plans for improving access by the handicapped to public buildings and facilities in the capital improvement program recommended by the governor to the legislature."

was read the first time and referred to the Transportation and Finance Committees.

HB 378

HOUSE BILL NO. 378 by Adams and Binkley, entitled:

"An Act relating to the interest rate on state loan programs; and providing for an effective date."

was read the first time and referred to the House Special Committee on State Loans and the Finance Committee.

CONSIDERATION OF THE DAILY CALENDARSECOND READING OF HOUSE BILLSHB 72

HOUSE BILL NO. 72 (relating to municipal government; effective date) was read the second time with the Community & Regional Affairs Committee report (page 538) and the Finance Committee report (page 837).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 72 (Community & Regional Affairs) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 72 (C&RA)

Amendment No. 1 by the Finance Committee:

(Text appears on page 837.)

CSHB 72 (C&RA)

Representative Clocksin moved that Amendment No. 1 be adopted.

Representative Pettyjohn moved in opposition.

Representative Szymanski moved in opposition.

There being no further opposition, the bill was adopted.

CSHB 72 (C&RA) AM

Amendment No. 2 by Marrou:

Page 136, line 11 (Section 101.01)

After "election,"
be presented only

Representative Marrou moved that Amendment No. 2 be adopted.

Representative M.M. Miller moved in opposition.

The question being: "Shall the bill be adopted?"
The roll was taken with the following result:

CSHB 72 (C&RA) AM AM2

Yeas:	15	Frank Marrou, Pearce, Ring, Thompson
-------	----	--------------------------------------

Nays:	22	Binkley, Collins, Fuller, Gruss, Koponen, Navar, Taylor
-------	----	---------------------------------------------------------

HB 72

and reports it back as follows: Adams (Chairman), Larson, Uehling, Rieger, Frank, Cotten and Duncan recommend do pass.

A new fiscal note was attached and appears in House Journal Supplement No. 43.

HB 72 was referred to the Rules Committee for placement on the calendar.

HB 126

The Finance Committee has considered HOUSE BILL NO. 126 (amending the Alaska Securities Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 126 (Judiciary) (page 638) and reports it back as follows: Adams (Chairman), Duncan, Larson, Uehling, Rieger, Frank and Cotten recommend do pass.

A new fiscal note was attached and appears in House Journal Supplement No. 43.

HB 126 was referred to the Rules Committee for placement on the calendar.

HB 140

The Finance Committee has considered HOUSE BILL NO. 140 (use of teleconferencing under the Administrative Procedure Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 140 (Finance) (same title) and reports it back as follows: Adams (Chairman), Duncan, Larson, Uehling, Rieger, Frank and Cotten recommend do pass.

A zero fiscal note with an analysis was attached and appears in House Journal Supplement No. 43.

HB 140 was referred to the Rules Committee for placement on the calendar.

HB 226

The Health, Education & Social Services Committee has considered HOUSE BILL NO. 226 (school boards), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 226 (HESS) (same title) and reports it back as follows: Koponen (Co-Chairman), Thompson, Hanley, Taylor and Hurley recommend do pass.

HB 226 was referred to the Rules Committee for placement on the calendar.

HB 231

The Health, Education considered HOUSE BILL temporary relief as follows: Koponen and recommend do pass. Taylor and Hanley recommend do

A fiscal note was attached Supplement No. 43.

HB 231 was referred to the

INTRODU

The following citations

Honoring - Yukon
by Representative
Shultz

Honoring - Dr. C
by Senator Ray and
Representative
Hurley, Sund, Ta

which were referred to the
the calendar.

INTRODUCTION, F

OF HC

HJR 33

HOUSE JOINT RESOLUTION
Grussendorf, Jenkins and

Relating to
on-shore commerce
by the Alaska se

was read the first time
Committee on Fisheries.

INTRODUCTION, F

OF

HB 355

HOUSE BILL NO. 355 by The

5, was received from Deputy
of Natural Resources, James
revision to regulations. A
tributed to each member and is
vice.

LEGISLATIVE COMMITTEES

3 considered SENATE JOINT
funding for conservation
back as follows: Shultz
Wallis, Thompson and Sund

Committee for placement on

considered SENATE BILL NO. 186
and up to \$3,400,000 from the
water failure on St. Paul
es the Letter of Intent of
State Loans (pages 742 and
follows: Adams (Chairman),
ing and Frank recommend do
tion.

and appears in House Journal

Committee for placement on

considered HOUSE CONCURRENT
wolf predation) and reports
-Chairman), Herrmann, Wallis
to pass. Sund has no

Committee for placement on

considered HOUSE BILL NO. 4 (debt
d municipalities; effective
d with COMMITTEE SUBSTITUTE
age 640) and reports it back

HB 4

as follows: Adams (Chairman), Larson, Uehling, Ri
Frank and Duncan recommend do pass. Cotten ha
recommendation.

A zero fiscal note with an analysis was attached and
appears in House Journal Supplement No. 43.

HB 4 was referred to the Rules Committee for placement on
the calendar.

HB 72

The Finance Committee has considered HOUSE BILL NO 72
(municipal government; effective date), recommends it be
replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 72
(C&RA) (page 538) with the following amendment:

Amendment No. 1 by the Finance Committee:

Page 10, line 27:
Delete "June 30, 1986" and insert "December 31,
1985"

Page 11, line 2:
Delete "July 1, 1986" and insert "January 1, 1986"

Page 11, line 3:
Delete "June 30, 1986" and insert "December 31,
1985"

Page 11, line 20:
Delete "June 30, 1986" and insert "December 31,
1985"

Page 12, line 21:
Delete "June 30, 1986" and insert "December 31,
1985"

Page 12, line 24:
Delete "June 30, 1986" and insert "December 31,
1985"

Page 105, line 28:
Delete "AS 19.70.081" and insert "AS 18.70.081"

Page 114, line 8:
Before "property" insert "taxable"

Page 114, line 12:
Before "property" insert "taxable"
Delete "under this chapter and"

Page 114, line 18:
Before "property" insert "taxable"
Delete "under this chapter and"

SPECIAL ORDERS

Representative Rieger moved and asked unanimous consent that the following citation be taken up as a Special Order of business at this time:

Honoring - Libby Riddles
1985 Iditarod Sled Dog Race Winner
by Representatives Fuller, Davis, Rieger
and Hurley; and Senator Fahrenkamp

There being no objection, it was so ordered.

Representative Rieger moved and asked unanimous consent that all other members of the House be shown as co-sponsors. There being no objection, it was so ordered.

Representative Rieger moved and asked unanimous consent that the House approve the citation Honoring Libby Riddles. There being no objection, it was so ordered and the citation was referred to the Chief Clerk for transmittal to the Senate.

UNFINISHED BUSINESS

Representative Clocksin moved and asked unanimous consent that the following members be excused from a call of the House:

Representative Pettyjohn - March 21 through
plane time, March 25, 1985

Representative Pourchot - after session,
April 3 through plane time, April 8, 1985

There being no objection, it was so ordered.

HB 72

The Speaker waived the Judiciary Committee referral on HOUSE BILL NO. 72 (relating to municipal government; effective date) at the request of the Chairman.

HB 72 was sent to the Finance Committee.

HJR 24

Representative Cato added her name as co-sponsor to HOUSE JOINT RESOLUTION NO. 24 (relating to sharing federal revenue generated from development of the outer continental shelf).

HB 50

Representative Taylor added
BILL NO. 50 (relating to Ala

HB 253

Representative Taylor added
BILL NO. 253 (allowing mun
property taxes and from sp
tection service and fire p
date).

HB 297

Representative Gruenberg a
HOUSE BILL NO. 297 (relatin
in foster care; amending Rul

ENGCSHB 50(Fin)

CSHB 50(Fin) was engrossed,
Clerk and transmitted to the

CSHB 253(C&RA)

CSHB 253(C&RA) was engros
Chief Clerk and trans
consideration.

ANNCHESS

Added to Schedule: C
HB 172 Rights of blind, h
and physically hand

w/Dr. Donald Bross C
on child abuse

State Affairs C
Work Session - held-over bi
HB 132 Salary limit for C
HB 236 Creating Quadrenni

HB 72

The letter of intent, which was signed by Goll, Chairman, Phillips, Gruenberg, Koponen and Marrou, appears below:

"LETTER OF INTENT
to
CSHB 72(C&RA)

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."

HB 110

The State Affairs Committee has considered HOUSE BILL NO. 110 (amending the election laws of the state; effective date) and reports it back as follows: Hurley (Chairman), M.M. Miller and Boucher recommend do pass; Navarre and Collins have no recommendation; Jenkins signed "with amendments".

HB 110 was referred to the Judiciary Committee.

HB 111

The Transportation Committee has considered HOUSE BILL NO. 111 (relating to local service roads and trails; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 111 (Transportation) (same title) and reports it back as follows: Cato (Chairman), Shultz, Herrmann, Marrou and Davis recommend do pass.

HB 111 was referred to the Resources Committee.

HB 121

The State Affairs Committee has considered HOUSE BILL NO. 121 (changing the name of the division of telecommunications systems in the Department of Administration; effective date) and reports it back as follows: Hurley (Chairman), Boucher, Cato, Collins and M.M. Miller recommend do pass; Jenkins has no recommendation.

HB 121 appears on today's calendar.

HB 123

The Health, Education & Social Services Committee has considered HOUSE BILL NO. 123 (extending the termination date of the Board of Pharmacy; effective date) and reports it back as follows: Koponen and Gruenberg (Co-Chairs), Thompson, Taylor and Hurley recommend do pass; Hanley signed "Do Not Pass - Substitute"; Pettyjohn signed "Do not pass unless amended".

HB 123

HB 123 was referred to the

HB 219

The Resources Committee (relating to the app. Utilities Commission A power development loans; and reports it back a Thompson, Cato and Su Wallis, M.W. Hiller recommendation.

HB 219 was referred to the

HB 226

The Community & Regional HOUSE BILL NO. 226 (rel. it be replaced with COMM 226 (Community & Regio reports it back as foll Phillips and Koponen rec was attached.

HB 226 was referred to Services Committee.

HB 232

The Labor & Commerce Co NO. 232 (relating to cla fund) and reports it ba recommend do pass; Nava: Boucher have no reco attached.

HB 232 was referred to the

The fiscal note appears i

HB 237

The State Affairs Commit 237 (relating to pensi reports it back as foll M.M. Miller, Collins and has no recommendation.

HB 237 was referred to the

excise tax on
aiding for an

referred to the Health,
Finance Committees.

NEWS

as received from James B.
Alaska Royalty Oil and Gas
transmitting a resolution
of the sale and purchase
pay Unit between the State
Electric Association, Inc.
87 (approving the sale of
State of Alaska to the
tion; effective date) and
t No. 29.

COMMITTEES

Services Committee has held
following individuals
State Commission for Human

Koponen and Gruenberg
Pettyjohn, Taylor and Hurley

is considered HOUSE JOINT
to visa waivers for
ers), recommends it be
STITUTE FOR HOUSE JOINT
merce) (same title) and
arre (Chairman), Pearce,
and Hanley recommend do

Committee for placement on

HB 2

The Finance Committee has considered HOUSE BILL NO. 2 (relating to adoption medical records; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2 (Judiciary) (same title) (page 518) and reports it back as follows: Adams (Chairman), Ringstad, Szymanski, Duncan, Larson, Pourchot, Rieger, Frank and Binkley recommend do pass; Uehling and Cotten have no recommendation.

HB 2 was referred to the Rules Committee for placement on the calendar.

HB 19

The Health, Education & Social Services Committee has considered HOUSE BILL NO. 19 (relating to runaway minors), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 19 (HESS):

"An Act relating to runaway and missing minors."

and reports it back as follows: Koponen and Gruenberg (Co-Chairs), Hurley, Taylor, Hanley and Pettyjohn recommend do pass. A zero fiscal note with analysis was attached.

HB 19 was referred to the Judiciary Committee.

The zero fiscal note with analysis appears in House Journal Supplement No. 30.

HB 50

The Finance Committee has considered HOUSE BILL NO. 50 (relating to Alaska bidder preference), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 50 (Finance) (same title), and reports it back as follows: Adams (Chairman), Ringstad, Cotten, Duncan, Frank, Rieger and Szymanski recommend do pass; Pourchot, Larson, Binkley and Uehling have no recommendation. A new zero fiscal note was attached.

HB 50 was referred to the Rules Committee for placement on the calendar.

HB 72

A letter of intent was received from the Community & Regional Affairs Committee to accompany HOUSE BILL NO. 72 (relating to municipal government; effective date) which was reported out of committee with a committee substitute (same title) (page 538). The letter of intent has been transmitted to the next committee of referral, the Judiciary Committee.

HB 64

The Labor & Commerce Committee has considered HOUSE BILL NO. 64 (elevator safety standards), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 64 (Labor & Commerce) (same title) and reports it back as follows: Navarre (Chairman), Koponen, Hanley, Pearce, Collins, Boucher and Davis recommend do pass.

A zero fiscal note was attached.

A letter of intent was attached and appears below:

Letter of Intent
for CSHB 64(L&C)

"It is the intent of the House Labor and Commerce Committee that the 1982 Manual of National Safety Practice for the Inspection of Elevators and Escalators is meant to serve as a procedural guideline for the inspectors, as is stated in the preface to the Manual, and is not intended to have the force of law.

/s/ Mike Navarre
Representative Mike Navarre, Chairman
House Labor & Commerce Committee"

HB 64 appears on today's calendar.

HB 72

The Community & Regional Affairs Committee has considered HOUSE BILL NO. 72 (relating to municipal government: effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 72 (Community & Regional Affairs) (same title) and reports it back as follows: Goll (Chairman), Wallis, Koponen, Phillips and Gruenberg recommend do pass. Furnace and Marrou recommend do pass if amended.

HB 72 was referred to the Judiciary Committee.

HB 103

The Finance Committee has considered HOUSE BILL NO. 103 (relating to royalty oil; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 103 (Finance):

"An Act relating to prerequisites for the disposal of royalty oil and gas; and providing for an effective date."

HB 103

and reports it back as follows: Sinkley, Frank, Rieger, Szymanski recommend do pass.

HB 103 appears on today's calendar.

HB 118

The Finance Committee has considered HOUSE BILL NO. 118 (small claim jurisdiction: magistrate: effective date) with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 118 (Judiciary) (page 410) and reports it back as follows: Ringstad (Vice-Chairman), Larson, Pourchot, Duncan and

HB 118 appears on today's calendar.

HB 170

The Judiciary Committee has considered HOUSE BILL NO. 170 (relating to land surveys) with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 170 (same title), and reports it back as follows: (Chairman), Sund, Gruenberg recommend do pass.

HB 170 was referred to the

HB 174

The Health, Education and Welfare Committee has considered HOUSE BILL NO. 174 (relating to emergency care and the certification of teachers) with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 174 (same title) and reports it back as follows:

"An Act requiring emergency care for teachers in the state."

and reports it back as follows: Hurley, Thompson and Hanley recommend do pass.

A zero fiscal note was attached.

HB 174 was referred to the

nd AS 39.20.310(8) and (9),
employees covered by a collec-
cluded from AS 39.20.200 --
/ provided by law." This
ndment in sec. 1.

for an immediate effective
one present situation in
be applied as soon as the
timely provision for this
st the state nothing, I
age of this bill.

y,

ffield
"

ommittee by request of the

ial appropriation
anent fund; and
tive date."

ferred to the State Affairs

r, dated January 16, 1985,

, sec. 18, of the Alaska
a bill making a special
the Alaska permanent fund
) . The bill provides for
to the principal of the

of its responsibilities to
and with foresight too
appropriated \$1.8 billion as a
permanent fund. When my
years ago, \$700 million of
Today, approximately 700
and it is time that we again
generations.

inal appropriation enacted
ation granted by this bill
increase the principal of
ted increase in state rev-
conditions. I share with
n protecting and enhancing
fund so that subsequent
plus revenues held in the

HB 71

state treasury. Only through generous contributions to the
permanent fund can our expectations be realized.

I urge your prompt action on this measure.

Sincerely,

/s/

Bill Sheffield
Governor"

HB 72

HOUSE BILL NO. 72 by the Rules Committee by request of the
Governor, entitled:

"An Act relating to municipal
government; and providing for an
effective date."

was read the first time and referred to the Community &
Regional Affairs, Judiciary and Finance Committees.

A fiscal note was attached and appears in House Journal
Supplement No. 4. The Governor's transmittal letter, dated
January 16, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska
Constitution, I am transmitting a bill revising the munic-
ipal code (AS 29). The bill was modeled on the committee
substitute prepared last session by the House Finance Com-
mittee as CSHB 172(Fin). There is one significant differ-
ence between former CSHB 172(Fin) and this bill with regard
to home rule municipalities. Rather than allowing second
class cities to move to home rule status in a single step,
as sec. 5 of HB 172 and CSHB 172(Fin) had provided, this
bill retains the requirement that second class cities
become first class cities before voting for home rule, as
AS 29.13.010 -- 29.13.080 currently provide.

This bill makes many uncontroversial improvements to our
municipal code and I urge its prompt consideration and
passage.

Sincerely,

/s/

Bill Sheffield
Governor"

HOUSE JOURNAL SUPPLEMENT

January 16, 1985

No. 4

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

HB
72

Page 1 of 2

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 72
 Title: An Act relating to
Municipal Government
 Sponsor: Rules/Governor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Community & Regional
 Program Category Affected: Affairs
Community Development
 BRU, Program or Subprogram(s) Affected:
 BRU: Community Assistance Grants
 Component: Organizational Grants

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		100.0	450.0	350.0		
800 MISCELLANEOUS						
TOTAL OPERATING		100.0	450.0	350.0		

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		100.0	450.0	350.0		
FEDERAL FUNDS						
OTHER						
TOTAL		100.0	450.0	350.0		

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME		-0-	-0-	-0-		
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

(See Attached Page)

Prepared By: Doug Griffin Deputy Director Phone: 465-4750
 Division: Municipal & Regional Assistance Date: 1-10-85
 Approved by Commissioner: Amie Todd Date: 1-10-85
 Agency: Community & Regional Affairs

Bill/Resolution No.: HB 72 Page 2 of 2

Title: An Act relating to municipal government

ANALYSIS:

Assumptions: Incorporation under Sec. 29.05.180--190 of the proposed legislation provides for increased transitional assistance to newly incorporated cities and boroughs. For purposes of this fiscal note it is assumed that incorporations will occur as follows:

- FY 86: 2 cities incorporate
- FY 87: 2 cities and one borough incorporate
- FY 88: 2 cities incorporate

Program Summary: The only portion of this 206 page bill which will create fiscal impact is Sec. 29.05.180--29.05.190 which provides additional transitional assistance through increased organizational grants. These increased organizational grants more realistically provide the level of assistance required to establish new cities and boroughs. The Department is also required to provide additional assistance to newly formed cities and boroughs in setting up a sales tax collection system and tax rolls for property taxation. It is difficult to gauge whether this type of assistance will in fact be requested. If it is requested, additional work will be required of the State Assessor and technical assistance sections of the Division of Municipal and Regional Assistance. Given this uncertainty, possible costs for this type of technical assistance are not reflected in the fiscal note.

1. Positions: No new positions
2. Other Expenditures: N/A
3. Funding: General funds
4. Section Cost Analysis: All costs are contained in Section 3, Article 3 of this bill.

Computations: The costs for FY 86-FY 88 are computed as follows based on the assumptions previously stated:

Grants in FY 86.....	100.0
(2 cities incorporate @ \$50,000 per -- first year grant)	
Grants in FY 87.....	450.0
(2 cities @ \$50,000 per -- first year grant)	
(1 borough @ \$300,000 per -- first year grant)	
(2 cities @ \$25,000 per -- second year grant)	
Grants in FY 88.....	350.0
(2 cities @ \$50,000 per -- first year grant)	
(1 borough @ \$200,000 -- second year grant)	
(2 cities @ \$25,000 -- second year grant)	

Economic Impact: Other than providing newly incorporated municipalities with greater financial incentives to incorporate and a more realistic level of transitional assistance, the economic impact on the state and local governments will be limited.

Impact on Local Governments: This bill is strongly supported by the Alaska Municipal League and most municipalities of the State. Impacts will generally be positive, particularly for newly incorporated municipalities.

HB 4

as follows: Adams (Chairman), Larson, Uehling, Rieger, Frank and Duncan recommend do pass. Cotten has no recommendation.

A zero fiscal note with an analysis was attached and appears in House Journal Supplement No. 43.

HB 4 was referred to the Rules Committee for placement on the calendar.

HB 72

The Finance Committee has considered HOUSE BILL NO 72 (municipal government; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 72 (C&RA) (page 538) with the following amendment:

Amendment No. 1 by the Finance Committee:

Page 10, line 27:
Delete "June 30, 1986" and insert "December 31, 1985"

Page 11, line 2:
Delete "July 1, 1986" and insert "January 1, 1986"

Page 11, line 3:
Delete "June 30, 1986" and insert "December 31, 1985"

Page 11, line 20:
Delete "June 30, 1986" and insert "December 31, 1985"

Page 12, line 21:
Delete "June 30, 1986" and insert "December 31, 1985"

Page 12, line 24:
Delete "June 30, 1986" and insert "December 31, 1985"

Page 105, line 28:
Delete "AS 19.70.081" and insert "AS 18.70.081"

Page 114, line 8:
Before "property" insert "taxable"

Page 114, line 12:
Before "property" insert "taxable"
Delete "under this chapter and"

Page 114, line 18:
Before "property" insert "taxable"
Delete "under this chapter and"

HB 72

and reports it back as follows: Adams (Chairman), Larson, Uehling, Rieger, Frank, Cotten and Duncan recommend do pass.

A new fiscal note was attached and appears in House Journal Supplement No. 43.

HB 72 was referred to the Rules Committee for placement on the calendar.

HB 126

The Finance Committee has considered HOUSE BILL NO. 126 (amending the Alaska Securities Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 126 (Judiciary) (page 638) and reports it back as follows: Adams (Chairman), Duncan, Larson, Uehling, Rieger, Frank and Cotten recommend do pass.

A new fiscal note was attached and appears in House Journal Supplement No. 43.

HB 126 was referred to the Rules Committee for placement on the calendar.

HB 140

The Finance Committee has considered HOUSE BILL NO. 140 (use of teleconferencing under the Administrative Procedure Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 140 (Finance) (same title) and reports it back as follows: Adams (Chairman), Duncan, Larson, Uehling, Rieger, Frank and Cotten recommend do pass.

A zero fiscal note with an analysis was attached and appears in House Journal Supplement No. 43.

HB 140 was referred to the Rules Committee for placement on the calendar.

HB 226

The Health, Education & Social Services Committee has considered HOUSE BILL NO. 226 (school boards), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 226 (HESS) (same title) and reports it back as follows: Koponen (Co-Chairman), Thompson, Hanley, Taylor and Hurley recommend do pass.

HB 226 was referred to the Rules Committee for placement on the calendar.

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman
Members
Senator Ferguson, Vice Chairman
Senator Coghill
Senator Sturgulewski
Senator Fischer

Printed by
July 1985 - Alaska 1985



Official Business

March 6, 1985

To: Senator Coghill
Senator Ferguson
Senator Vic Fischer
Senator Sturgulewski

From: Senator Edna DeVries, Chair
Community & Regional Affairs

Subj: House C&RA amendments to Title 29 revision

Attached are the amendments to HB 72 (SB 142) which have been passed by the Committee on Community and Regional Affairs in the House. The amendments are organized thusly: a copy of the explanation of the amendment by Tam Cook (where such explanation was forwarded on to us); a copy of the amendment; and a copy of the pages of the bill affected with the House changes noted on them.

Follows is a summary of the House amendments:

passed
Amend #1 Date changes. These date changes are necessary because the effective date of the bill is now
Technical January 1, 1986; and the changed dates relate to the effective date of the legislation. Changes on pages 10, 11, 12, and 33.

passed
Amend #2 Language stating that general grant land entitlements to municipalities
Technical under former provisions of Title 29 are simply being continued; and that new entitlements are not being established. There was some question by Legal that the repeal of former provisions and the different section numbers applied to these same provisions in the new bill might create a legal cloud as to whether existing municipalities would be eligible for new general grant land entitlements. Changes on pages 171, 172, 173, and 176.

passed
Amend #3 Incorporates legislation passed in 1984 that includes subject matter also
Technical dealt with in SB 142. Changes on pages 79, 97, 112, 114, 172, 173, 174, 175, 176, 177, 180, 181, 182, 183, 186, 192, 199, and 206.

Amend #4 Replaces Chap 10 of SB 142 so that it incorporates language as it appeared
Substantive in last Session's bill (CSHB 172-Fin). Authority to adopt home rule charter expanded to include 2nd class cities with populations of 600 or more, and third class boroughs. Page 28 through 31, line 4, deleted and replaced with new language.

*adopted
changed
600 To
400*

- passed*
Coquilly objected
Amend #5 Substantive Incorporates language submitted by the Dept of C&RA. Changes the definition of "Health Facility" as it relates to eligibility for grants. Defines "health facility" as a facility approved under Dept C&RA regulations, specifically including domestic violence/sexual assault shelters, alcohol/drug abuse facilities. Changes on page 161.
- Amend #6 Adds an anti discrimination clause for employment purposes under "Prohibitions". Changes on page 53.
- passed*
Amend #7 Clarification of class B misdemeanor. Grammar/style changes. Changes on pages 58, 96, 116, and 117.
- passed*
Amend #8 Substantive Time for securing signatures on initiative/referendum petitions changed from 60 days to 90 days. Changes on page 63.
- Amend #9 Grammar/style changes. Changes on pages 64 and 69.
Technical *passed*
- passed*
Amend #10 Substantive Grammar/style changes. Changes the time that must elapse prior to alteration of measures brought to vote by initiative or referendum from one year to two years. Changes on Page 66.
- passed*
Amend #11 Substantive Second class city may exercise power of eminent domain/declaration of taking upon approval of ordinance submitted for public vote. Changes on page 73.
- passed*
Amend #12 Substantive Notice of judgment of foreclosure to mortgage/lien holders of record when assessed value of property is more than \$10,000. Law presently reads ---more than "\$20,000". Change on page 127.

HCARA Amend #1

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

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"

1 municipality in which the service area was formerly located.

2 Sec. 29.05.140. TRANSITION. (a) The powers and duties exer-
3 cised by cities and service areas that are succeeded to by a newly
4 incorporated municipality continue to be exercised by the cities and
5 service areas until the new municipality assumes the powers and func-
6 tions, which may not exceed two years after the date of incorporation.
7 Ordinances, rules, resolutions, procedures, and orders in effect
8 before the transfer remain in effect until superseded by the action of
9 the new municipality.

10 (b) Before the assumption, the new municipality shall give
11 written notice of its assumption of the rights, powers, duties, as-
12 sets, and liabilities under this section and AS 29.05.130 to the city
13 or service area concerned. Municipal officials shall consult with the
14 officials of the city or service area concerned and arrange an orderly
15 transfer.

16 (c) After the incorporation of a new municipality, no service
17 area in it may assume new bonded indebtedness, make a contract, or
18 transfer an asset without the consent of the governing body.

19 (d) This section applies to home rule and general law municipal-
20 ities.

21 Sec. 29.05.150. CHALLENGE OF LEGALITY. A person may not chal-
22 lenge the formation of a municipality except within six months after
23 the date of its incorporation.

24 ARTICLE 3. TRANSITIONAL ASSISTANCE.

25 Sec. 29.05.180. ORGANIZATION GRANTS TO CITIES. (a) To defray
26 the cost of transition to city government and to provide for interim
27 government operations, each city incorporated after ~~July 1, 1981~~ **JUNE 30 1986** - RM#1 is
28 entitled to an organization grant of \$50,000 for the first full or
29 partial fiscal year after incorporation.

1 (b) To defray the cost of reclassification, each second class
2 city in the unorganized borough incorporated before July 1, ~~1984~~ that ¹⁹⁸⁶ ~~July 1, 1984~~ ^{JUNE 30, 1986} is **RM#1**
3 reclassifies as a home rule or first class city after ~~July 1, 1984~~ is
4 entitled to an organization grant equal to \$50,000 for the first full
5 or partial fiscal year after reclassification.

6 (c) The department shall disburse an organization grant under
7 (a) or (b) of this section within 30 days after certification of the
8 incorporation election or the reclassification election, or as soon
9 after certification as money is appropriated and available for the
10 purpose.

11 (d) A city entitled to an organization grant under (a) or (b) of
12 this section is entitled to a second organization grant of \$25,000.
13 The department shall disburse the second organization grant within 30
14 days after the beginning of the city's second fiscal year after incor-
15 poration or reclassification, or as soon after that time as money is
16 appropriated and available for the purpose.

17 Sec. 29.05.190. ORGANIZATION GRANTS TO BOROUGHES. (a) For the
18 purpose of defraying the cost of transition to borough government and
19 to provide for interim governmental operations, each borough incorpo-
20 rated after ~~July 1, 1984~~ ^{JUNE 30, 1986} is entitled to organization grants as fol- **RM#1**
21 lows:

- 22 (1) \$300,000 for the borough's first full or partial fiscal
23 year;
- 24 (2) \$200,000 for the borough's ~~second~~ second fiscal year; and
- 25 (3) \$100,000 for the borough's third fiscal year.

26 (b) The department shall disburse the first organization grant
27 to a borough within 30 days after certification of the incorporation
28 election favoring incorporation of a borough, or as soon after that as
29 money is appropriated and available for the purpose. The second grant

1 shall be disbursed within 30 days after the beginning of the borough's
2 second fiscal year, or as soon after that as money is appropriated and
3 available for the purpose. The third grant shall be disbursed with in
4 30 days after the beginning of the borough's third fiscal year, or as
5 soon after that as money is appropriated and available for the pur-
6 pose.

7 (c) This section does not apply to a borough incorporated by
8 consolidation or to a unified municipality.

9 Sec. 29.05.200. ORGANIZATION GRANT FUND. (a) The organization
10 grant fund is established in the department. An appropriation made to
11 the fund shall be used for organization grants to municipalities that
12 qualify under AS 29.05.180 or 29.05.190.

13 (b) Before August 31 of each fiscal year the department shall
14 submit a report to the Department of Administration indicating

15 (1) each municipality expected to qualify to receive an
16 organization grant during the next fiscal year;

17 (2) the amount of money needed to cover all organization
18 grants expected to be awarded during the next fiscal year.

19 Sec. 29.05.210. TRANSITIONAL ASSISTANCE TO BOROUGHS. (a)
20 Within 30 days after the date of incorporation of a borough incorpo-
21 rated after ~~July 1, 1984~~ **JUNE 30, 1986**, the department shall determine the popula-
22 tion of the borough.

23 (b) The department shall provide assistance to each borough in-
24 corporated after ~~July 1, 1984~~ **JUNE 30, 1986** in

25 (1) establishing the initial sales and use tax assessment
26 and collection department if the borough has adopted a sales or use
27 tax;

28 (2) determining the initial property tax assessment roll if
29 the borough has adopted a property tax, including contracting for

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1 facilities and hospitals)

2 (44) AS 29.60.230 (state aid for hospital and health facil-
3 ity construction)

4 (45) AS 29.65.010 -- 29.65.140 (general grant land)

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

6 CHAPTER 20. MUNICIPAL OFFICERS AND EMPLOYEES.

7 ARTICLE 1. CONFLICT OF INTEREST AND PUBLIC MEETINGS.

8 Sec. 29.20.010. CONFLICT OF INTEREST. (a) Each municipality
9 shall adopt a conflict of interest ordinance that provides that

10 (1) a member of the governing body shall declare a substan-
11 tial financial interest the member has in an official action and ask
12 to be excused from a vote on the matter;

13 (2) the presiding officer shall rule on a request by a
14 member of the governing body to be excused from a vote;

15 (3) the decision of the presiding officer on a request by a
16 member of the governing body to be excused from a vote may be overrid-
17 den by the majority vote of the governing body; and

18 (4) a municipal employee or official, other than a member
19 of the governing body, shall not participate in an official action in
20 which the employee or official has a substantial financial interest.

21 (b) If a municipality fails to adopt a conflict of interest
22 ordinance within 180 days after ~~July 1, 1985~~ **JAN 1 1986**, the provisions of this **RM #1**
23 section are automatically applicable to and binding upon that munici-
24 pality.

25 (c) This section applies to home rule and general law municipal-
26 ities.

27 Sec. 29.20.020. MEETINGS PUBLIC. (a) Meetings of all municipal
28 bodies shall be public as provided in AS 44.62.310. The governing
29 body shall provide reasonable opportunity for the public to be heard

HCRA Amend #2

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

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.

BGB:lmb
L4/053

A M E N D M E N T

Offered in the HOUSE

By The Community and

TO: HOUSE BILL NO. 72

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 29.19.202"

1 would have qualified for a grant at the time of initial construction
2 if AS 29.60.400 -- 29.60.440 had been in effect;

3 (6) remedies in case of failure to perform the agreement or
4 noncompliance with regulations adopted under AS 29.60.420.

5 (c) The commissioner of commerce and economic development shall
6 require in negotiations and in each grant agreement that continued
7 maintenance of the community facility is the responsibility of the
8 municipality. The municipality must show the feasibility of continu-
9 ing to maintain the facility before state money may be authorized for
10 a grant.

11 Sec. 29.60.420. POWERS AND DUTIES OF THE COMMISSIONER. (a) The
12 commissioner of commerce and economic development shall provide an
13 annual report to the legislature about grants made under AS 29.60.400.

14 (b) The commissioner of commerce and economic development shall
15 adopt regulations to carry out the purposes of AS 29.60.400 -- 29.60.-
16 440.

17 Sec. 29.60.430. ALLOCATION OF MONEY. If the amount of money
18 appropriated by the legislature for grants under AS 29.60.400 is not
19 adequate to satisfy amounts required for approved grant applications,
20 money shall be allocated on the basis of priority established by
21 regulations of the Department of Commerce and Economic Development.

22 *Sec. 29.60.440. LIMITATION* . AS 29.60.400 -- 29.60.440 does not
23 require that a recipient of a grant for a feasibility study must
24 proceed with construction of the project, *regardless of whether* the
25 project is determined to be feasible.

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

27 CHAPTER 65. GENERAL GRANT LAND.

28 Sec. 29.65.010. DETERMINATION OF ENTITLEMENT OF BOROUGH AND
29 UNIFIED MUNICIPALITIES. ^{"(a)"} The general grant land entitlement of each of

1 the municipalities in this section is the amount set out opposite
2 each:

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

→ "(b)"

14 Sec. 29.65.020. DETERMINATION OF ENTITLEMENT FOR CITIES. ^{"(a)"} The
15 general grant land entitlement of a city formerly eligible to receive
16 general grant land under the provisions of former AS 29.18.190 and
17 29.18.200 is 10 percent of the maximum total acreage of vacant, unap-
18 propriated, unreserved land in the boundaries of each city at any time
19 between the initial date of eligibility under former AS 29.18.190 and
20 29.18.200 and July 1, 1978. Within six months after July 1, 1978, the
21 commissioner shall determine the entitlement for each city eligible to
22 receive general grant land under ~~this section~~ ^{FORMER AS 29.18.202} and certify that en-
23 titlement to the city.

→ "(b)"

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

29 (b) Within six months after the date of incorporation of a

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