

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3884 SCRA SB 467 - HB 72

760

147.0 BYERS LAKE STATE PARK Byers Lake State Park is on a small, attractive lake. There is a boat launch, campground and picnicing area on the north side of the lake. There are 62 camping and 20 picnic sites, pit toilets and drinking water at the lake. A trail starts at the north end of the lake crossing a small creek by a suspension bridge. From there it is possible to hike to the east end of the lake to view salmon and to campsites, and to walk upstream (east) about six miles along the Cascade Ridge Trail to Curry Ridge and numerous upland lakes above timberline.

The Byers Lake Trail climbs quite steeply from the campground to Curry Ridge, which is a very good viewing location. There are dozens of small lakes on top of the ridge. This was Sidney Laurence's favorite spot for painting Mt. McKinley. (The Dutch Hills area at the end of Petersville Road was another favorite spot.) It is possible to follow the ridge 20 miles to a point near the former Mt. McKinley Roadhouse and come down the ridge at that point to the highway. It is also possible to follow the Troublesome Creek Trail down.

156.0 CHULITNA RIVER LODGE On Ermine Lake. Breakfast menu and fast food for lunch and dinner, hamburgers, groceries and small gift shop, rafting trips, great views for photographers. Rustic in appearance. Guided wilderness and float trip. Open from May 29 to September 15.

163.2 COAL CREEK Rainbow trout, Grayling and Silver salmon fishing.

185.1 CHULITNA TRAIL The Chulitna Trail takes off from the Alaska Railroad, about six miles southeast of the crossing of the Parks Highway and the Alaska Railroad near the Chulitna River. It heads southeast 7.5 miles to the Susitna River. This trail is fairly close to the proposed access road from the Parks Highway to the proposed Susitna River dam site.

185.7 EAST FORK REST AREA On right, northbound. Gravel picnic area with overnight parking, 23 tables, concrete fireplaces, rest rooms with hot and cold water and flush toilets, and a dump station. The rest area is in a bend of the East Fork Chulitna River.

188.5 IGLOO SERVICE Gasoline and diesel.

200.0 SUMMIT LAKE TRAIL This is a quarter of a mile road from the Parks Highway southeast to Summit Lake. It is a hiking, fishing and picnicing trail.

202.1 BOUNDARY OF THE MATANUSKA-SUSITNA BOROUGH

209.9 JUNCTION OF THE DENALI HIGHWAY Turn west to Cantwell, turn east to Paxson.

Byers Lake





DENALI HIGHWAY

The area in the northeast corner of the Matanuska-Susitna Borough is rolling country, mostly high tundra, with little tree cover.

The Denali Highway joins the Parks Highway near Cantwell. It was built in the 1950s to make Denali National Park (formerly called McKinley National Park) accessible by road. The highway has never been paved, and even under the best of conditions can not be traveled at more than 40 miles an hour. The wise traveler uses this slow speed to his advantage. The scenery encountered continuously is breathtaking and spectacular and hardly has its equal any other place in the world. There is very little evidence of human habitation. It's a land of animals, and also a favorite destination of hunters.

Starting from Cantwell, the traveler will find the following points of interest:

VALDEZ CREEK Just east of the Susitna River and north of the Denali Highway is an old gold placer mining district going back to the 1910s. There are still ten to fifteen small operators working claims. In this vicinity, the Susitna River occupies a broad flood plain from one-half to nearly a mile in width at an elevation of almost 2,500 feet. Valdez Creek is a westerly flowing tributary within the Clearwater Mountains which rise to summit elevations of some 6,000 feet. These mountains are moderately steep on the lower slopes and rugged near the crests.



Mile

30.7 **BRUSHKANA RIVER BLM CAMPGROUND** 12 sites beside river, outhouses and water. Watch for moose.

35.0 **ADVENTURES UNLIMITED** is situated on the south slope of the Alaskan Range with magnificent views of the Nenana and Susitna Glaciers, including Mount Hayes, Mount Hess and Mount Deborah. The lodge is completely modern with power and water systems and offers reasonable rates, home cooking, unguided and guided big game hunts, and backcountry trips for bird watching, photography, fishing, gold panning and glacier exploring.

46.3 **TURN-OUT** Scenic viewing of Alaska Range.

53.0 **GRACIOUS HOUSE LODGE** has been at this location since 1951, and surrounded by some of Alaska's most beautiful scenery, centered between the Talkeetna and Alaska mountain ranges. Home cooked meals are served from 5 a.m. to 10 p.m. Prices range from \$4 to \$10 per meal. There are two cabins at \$30 a night with private bathrooms. Groceries are available, camping facilities are nearby with electrical hookups. If it's game you want, the area offers some of the finest hunting in Alaska, the fishing is great. Guided hunts are also available. Horseback hunts, photography guides, and an airport for flying the backcountry. Back in the mountains behind the lodge is a mining area famous for its large gold nuggets in the Valdez Creek Mining District.

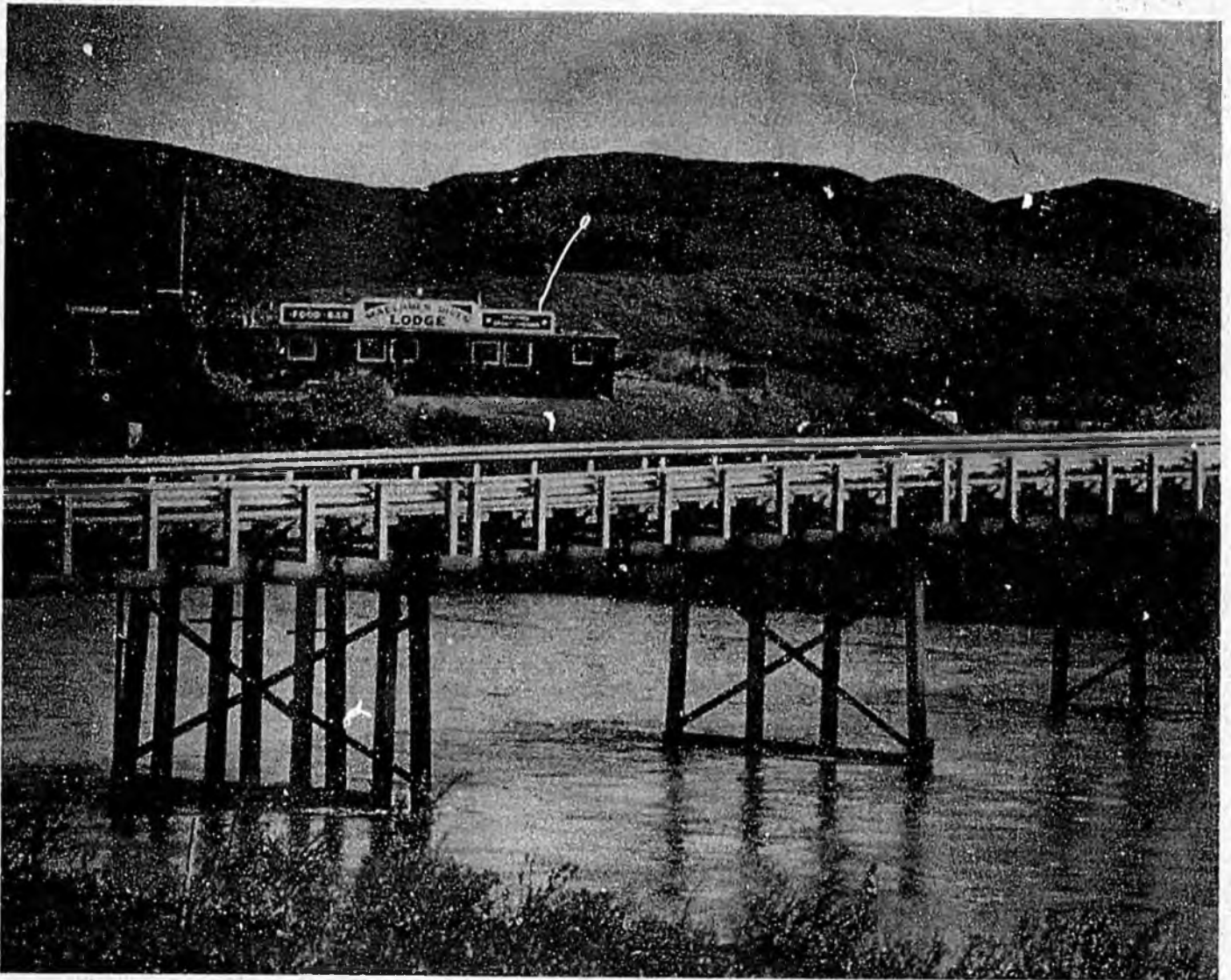
76.8 **CLEARWATER TRAIL** A 14-mile hunting trail that crosses the Denali Highway, the trail provides access to the Maclaren River Trail to the north, and to the headwaters of the Maclaren River to the south.

79.1 **CLEARWATER CREEK** Camping area along creek with outhouses.

MACLAREN RIVER TRAIL This 55-mile hunting trail starts at the Valdez Creek Trail and runs north of the Denali Highway and parallel to the highway for about 15 miles and continues to the east boundary of the borough, where it rejoins the Denali Highway near Mile 93.1. A spur — the Clearwater Creek Trail, drops southward 14 miles to join the Denali Highway.

93.0 **MACLAREN RIVER LODGE**

93.1 **MATANUSKA-SUSITNA BOROUGH BOUNDARY**



Maclaren River Lodge on Denali Highway

TOURISM

an Alaska industry deserving support

The Matanuska-Susitna Borough has supported tourism to create steady jobs in the borough and to create recreational opportunities for its residents and others. Here are the Borough's chief legislative goals for development of tourism.

HATCHER PASS — INDEPENDENCE MINE Restoration and adaption of the old mine buildings at Independence Mine State Park for tourism. Creation of winter and summer recreation opportunities — downhill and cross country skiing, bobsledding, snow-machining, hiking and horseback riding. This includes an adequate road to the area and facilities for visitors.

STREAM ACCESS Creation of stream access for fishing, boating, and canoeing on the Little Susitna River, Willow Creek, and the many other fishing streams along the Parks Highway — Little Willow Creek, Kashwitna River, Sheep Creek, Montana Creek, Sunshine Creek, etc. This involves land acquisition, road building, parking and camping areas.

CAMPER PARKS Establishment of a camper park at Palmer on the Matanuska River, a camper park in Wasilla on Lake Lucille, and enlargement of the Houston camper park to include the area on the Little Susitna River on both sides of the Parks Highway bridge.

HISTORIC PRESERVATION Preservation and restoration of historic sites and exhibits including Independence Mine, the Alaska Historical and Transportation Museum at the Alaska State Fairgrounds, the Knik and Wasilla Museums, the Talkeetna Museum, the Knik Dogmushers Hall of Fame, the Iditarod National Historic Trail, the Fairview Territorial School and grounds, and many others.

TRAILS The establishment, preservation and marking of historic and recreational trails throughout the borough.

FARMLANDS The preservation of established farm areas and, in particular, the old Matanuska Colony farms. Although promotion of agriculture as part of the Mat-Su economy is the primary reason for preservation of high-quality farm lands, they also have a high economic value as a tourist destination. The Borough supports legislation to purchase, on a voluntary basis, development rights in farms threatened by urbanization.

CAMPGROUNDS AND WAYSIDES Development of existing state parks and waysides and new pullouts and waysides at scenic points along the Glenn Highway, the Parks Highway, and the Talkeetna Spur Road. Many of the scenic locations described in this publication lack pullouts.

INFORMATION CENTER An information center near the junction of the Glenn and Parks Highways to direct the visitor to tourist destinations and points of interest in the borough and beyond.



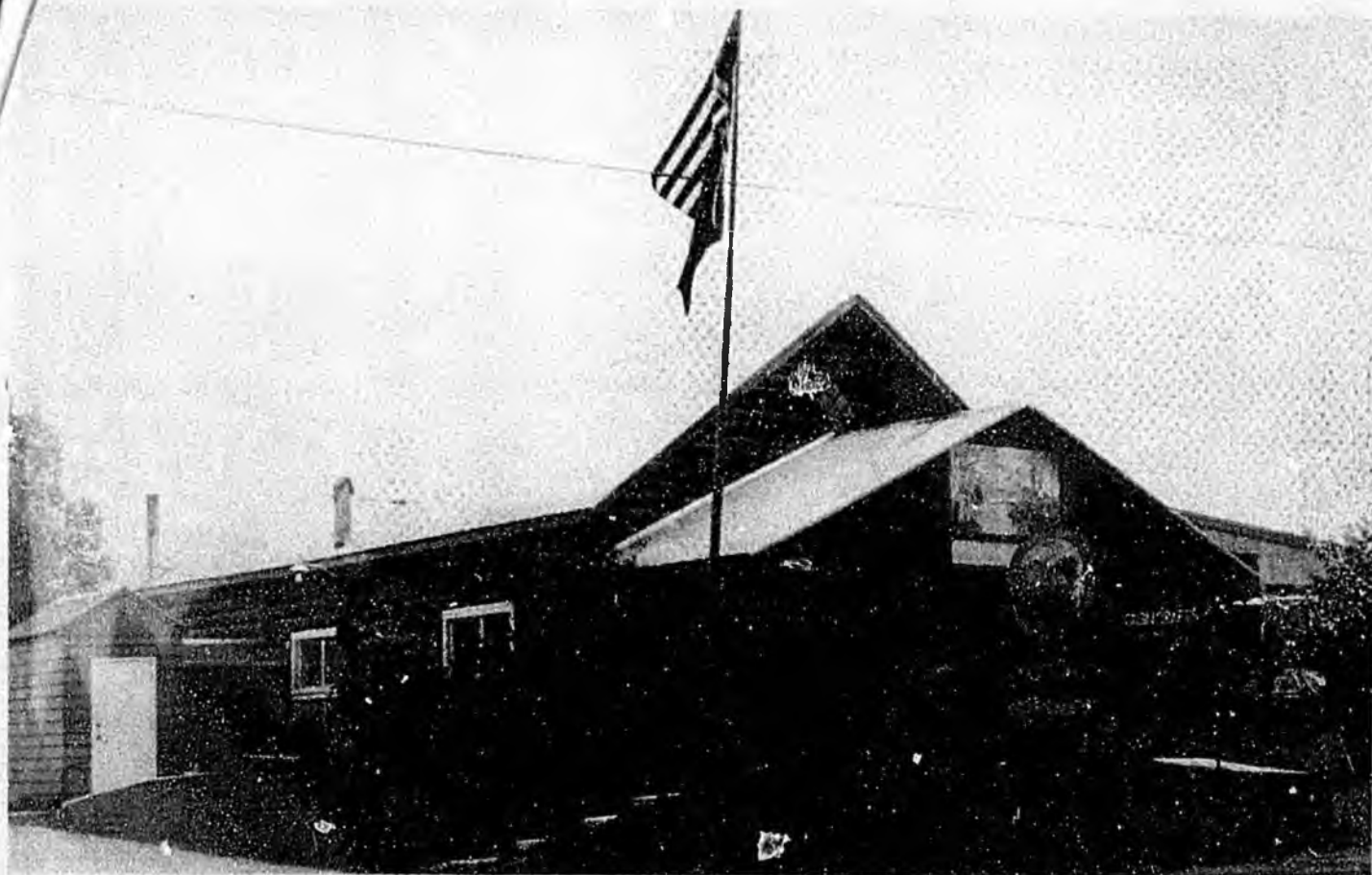
Prices and rates for goods, services or accommodations may have changed during the preparation of this publication. The Matanuska-Susitna Borough cannot be held responsible for accuracy of prices, or hours and times of operation at the various establishments. Please contact the individual businesses for current information.



A view of the Knik River Valley rewards the hiker on Bodenbug Butte trail.



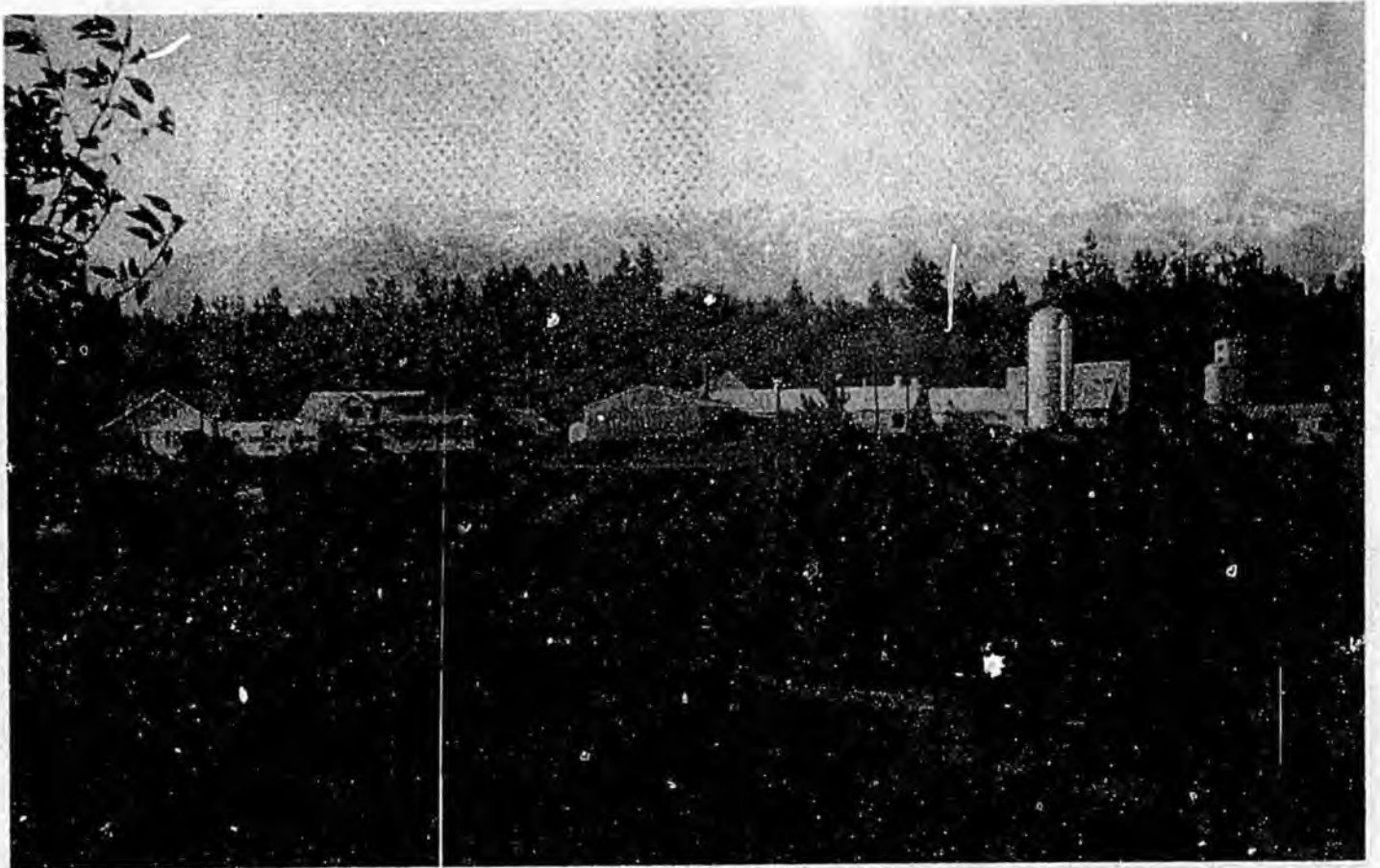
The log cabin visitor center in downtown Palmer.



Wasilla Historical Museum and Visitor Center.



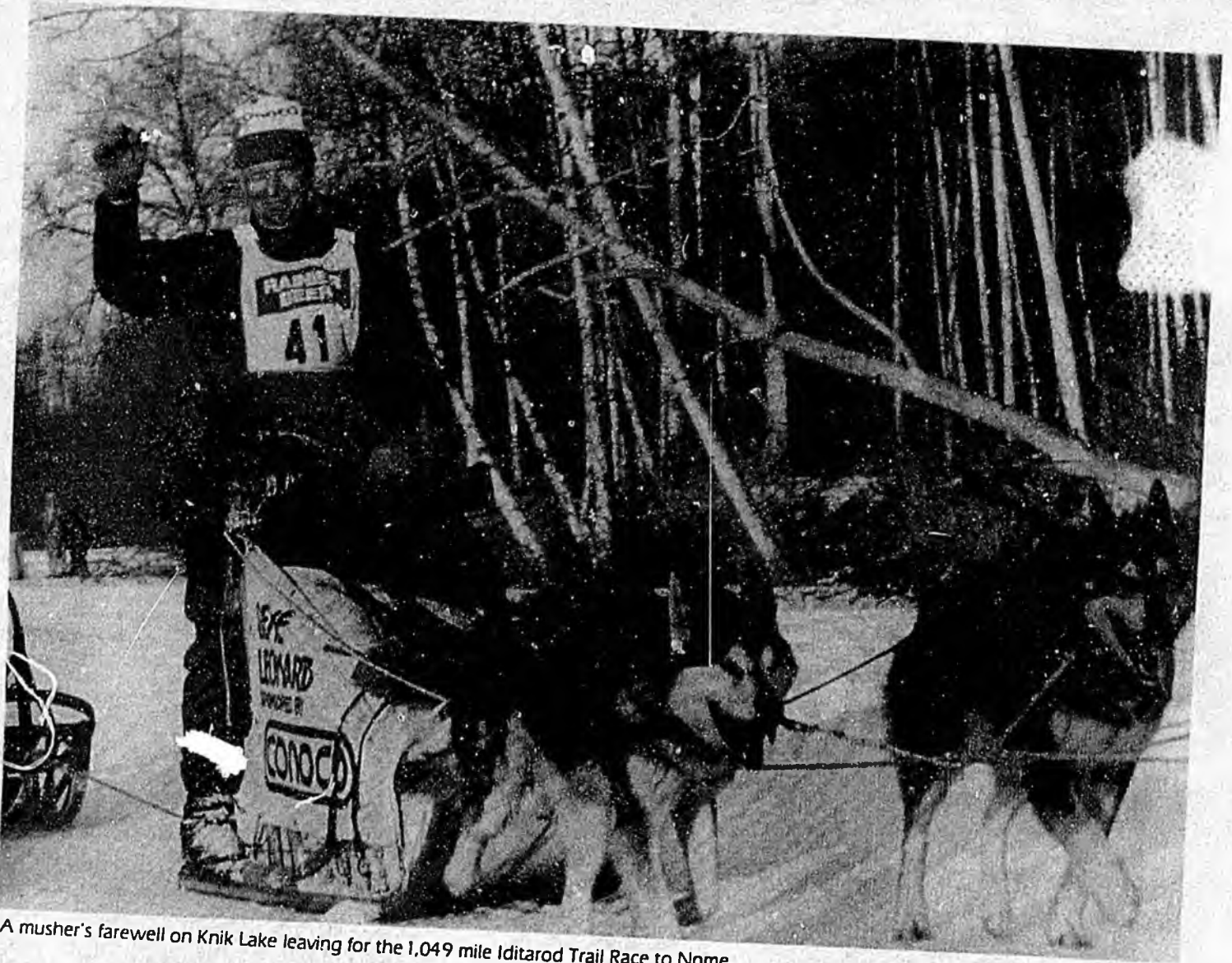
4-H horse meet at the Alaska State Fairgrounds in Palmer.



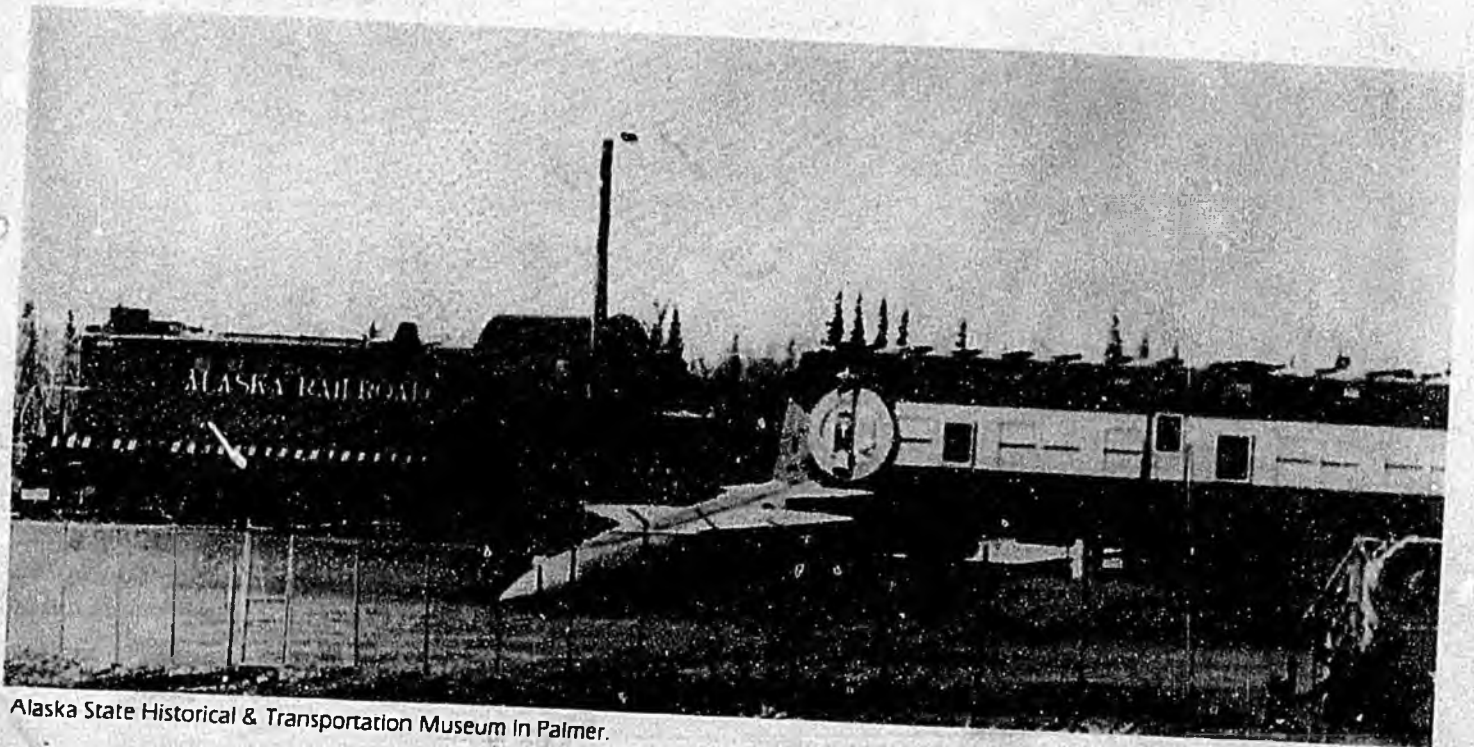
Alaska Agricultural Experiment Station on Trunk Road between Palmer and Wasilla.



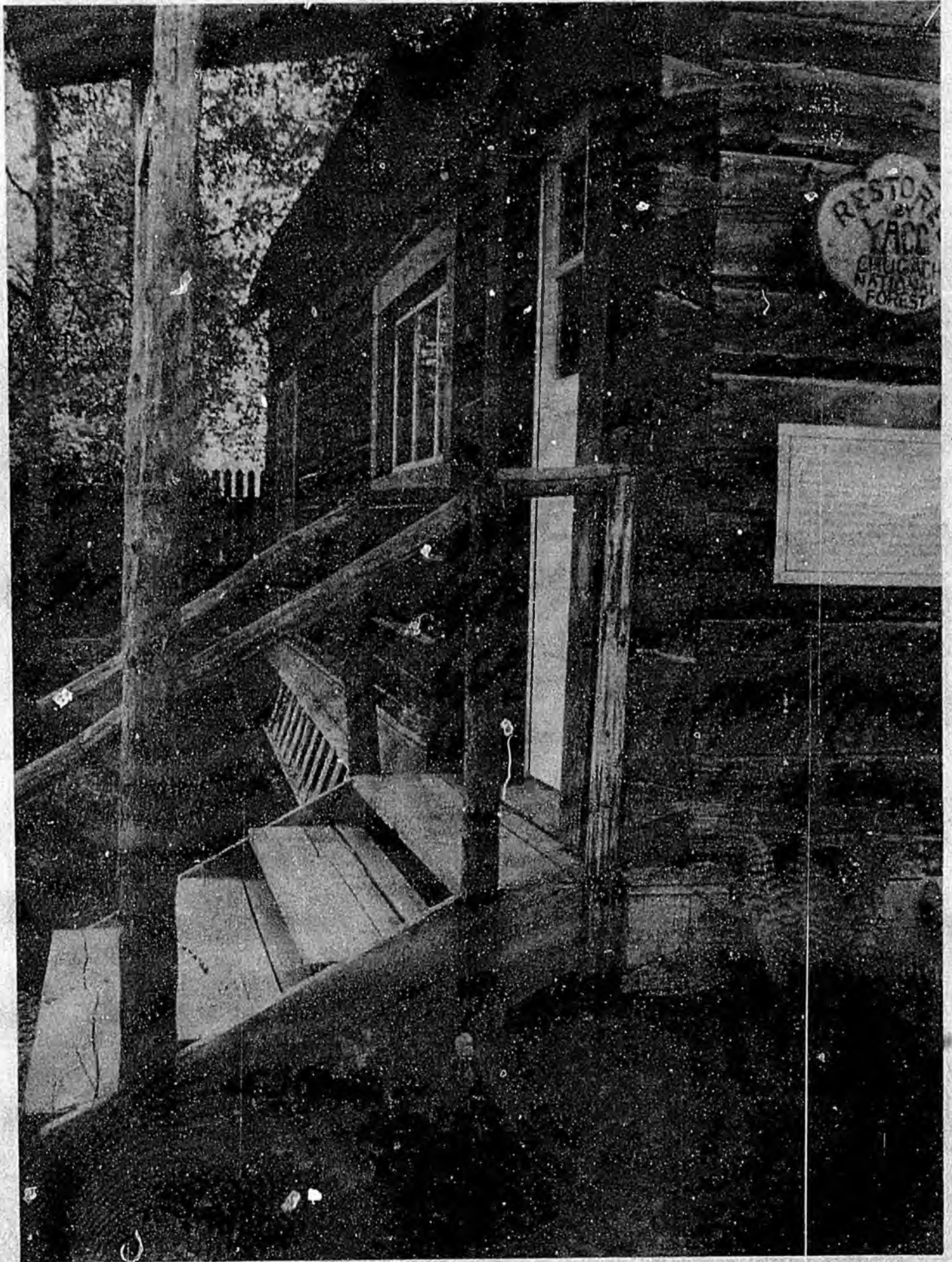
Horses in the Bodenbug Butte farming area are always a welcome sight for visiting youngsters.



A musher's farewell on Knik Lake leaving for the 1,049 mile Iditarod Trail Race to Nome.



Alaska State Historical & Transportation Museum in Palmer.



Frontier Village in Wasilla



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

SJR

17

4.1
COMMITTEE REPORT
SENATE

FURTHER:

2/22/85

Date Feb 28 85

Mr. President

The Committee on CSRA considered SJR 17

disapproving the recommendation of the Local Boundary Commission for annexation of territory of the City of Fairbanks.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature] NO NOT PASS
[Signature] DO NOT
[Signature] PASS

[Signature]
Chairman

[Signature]
Chairman recommendation

14-0710
Cook
2/20/85 ✓

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IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

SEN/ . JOINT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

Disapproving the recommendation of the
Local Boundary Commission for annexation
of territory to the City of Fairbanks.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS, under art. X, sec. 12, Constitution of the State of Alaska,
the Local Boundary Commission has presented to the legislature its recom-
mendation number one dated January 23, 1985, entitled "Recommendation for
the Annexation of Territory to the City of Fairbanks"; and

WHEREAS a recommendation of the Local Boundary Commission presented to
the legislature becomes effective 45 days after presentation or at the end
of the session, whichever is earlier, unless disapproved by a resolution
concurring in by the majority of the members of each house;

BE IT RESOLVED by the Alaska State Legislature that recommendation
number one of the Local Boundary Commission dated January 23, 1985, and
entitled "Recommendation for the Annexation of Territory to the City of
Fairbanks" is disapproved.



RECORDS CERTIFICATION

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Signature of Camera Operator


Date

SJR

18

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

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

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

*Senate Community & Regional Affairs ;
2/28/85, 3:30pm.*

2/28/85 Tabled

COMMITTEE REPORT
SENATE

Motion by Ferguson -
V. Fischer, F. Ferguson,
J. Coghill, A. Sturgulewski
FURTHER: voted yes - DeVries voted
NO.

2/22/85

Date _____

Mr. President

The Committee on C&RA considered SJR 18
disapproving the recommendation of the Local Boundary Commission for
annexation of territory to the City of Togiak.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Introduced: 2/22/85
Referred: Community and Regional Affairs

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

1 IN THE SENATE

2 SENATE JOINT RESOLUTION NO. 18

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 Disapproving the recommendation of the
6 Local Boundary Commission for annexation
7 of territory to the City of Togiak.

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

9 WHEREAS, under art. X, sec. 12, Constitution of the State of Alaska,
10 the Local Boundary Commission has presented to the legislature its recom-
11 mendation number two dated January 23, 1985, entitled "Recommendation for
12 the Annexation of Territory to the City of Togiak"; and

13 WHEREAS a recommendation of the Local Boundary Commission presented to
14 the legislature becomes effective 45 days after presentation or at the end
15 of the session, whichever is earlier, unless disapproved by a resolution
16 concurred in by the majority of the members of each house;

17 BE IT RESOLVED by the Alaska State Legislature that recommendation
18 number two of the Local Boundary Commission dated January 23, 1985, and
19 entitled "Recommendation for the Annexation of Territory to the City of
20 Togiak" is disapproved.

ALASKA STATE LEGISLATURE

1985 Legislature FIRST Session

SENATE JOINT RESOL. NO. 15....

By THE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Disapproving the recommendation of the Local Boundry Commission for annexation of territory to the City of Togiak.

Introduced in the Senate 2/22..., 1985

HISTORY IN THE SENATE

1985

2

22

Read first time and referred to Committee on

COMMUNITY & REGIONAL AFFAIRS
Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.



RECORDS CERTIFICATION



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James O. Smith
Signature of Camera Operator

10/31/89
Date

HB

15

CS HB15 (CRA) Advisory Elections, Certain Annexation Proposals

5/2 Told Bob Berry, Aide to Rep Goll, that
bill was set due, 5/6

✓ Advised Elections. Ofc (x4611) bill
scheduled due, 5/6

✓ Informed Jennifer Tate, DCRA (x4700)
bill set due, 5/6 - requested she
furnish Dept position on bill

✓ Contacted AMU, informed date/time bill
set + requested AMU position in writing

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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Mary Van Nimwegen

S PRA 5-6-86 4pm

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

5/1/86

Date 5-6-86

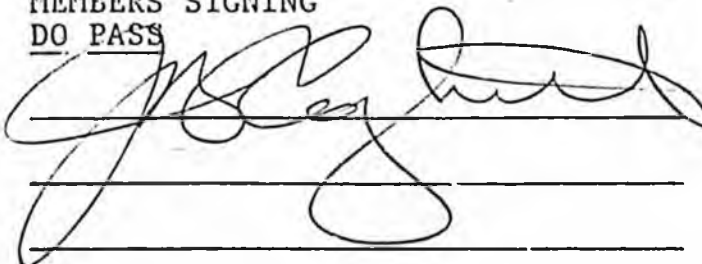
Mr. President

The Committee on C&RA considered CSHB 15(C&RA)
relating to advisory elections on certain annexation proposals.

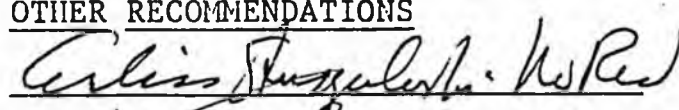
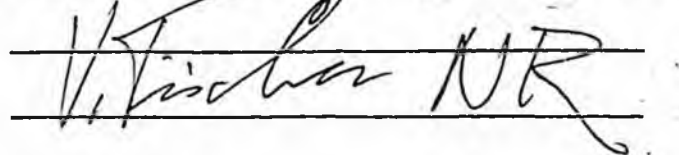
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the following recommendations:

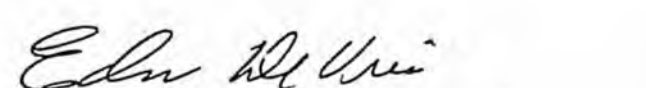
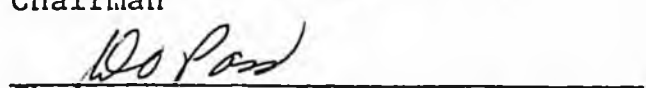
- do pass
- do pass with attached amendment(s)
- replace with/or adopt SCS for CSHB15 (SA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS



MEMBERS HAVING
OTHER RECOMMENDATIONS


Chairman

Chairman recommendation

Offered: 5/1/86
Referred: Community & Regional Affairs
and Finance

Original sponsors: Goll and Marrou
by request

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 15 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to advisory elections on certain
7 annexation proposals."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 29.06 is amended by adding a new section to read:
10 Sec. 29.06.045. ADVISORY ELECTIONS ON ANNEXATIONS. (a) If a
11 municipality requests an annexation proposed to be effected under
12 AS 29.06.040(a) and (b), and if there are people residing in the area
13 proposed for annexation, the municipality shall present the results of
14 an advisory election on the proposal to the Local Boundary Commission
15 at the hearing conducted under AS 44.47.581. The advisory election
16 shall be conducted by the municipality in the area proposed for
17 annexation in accordance with procedures for a regular or special
18 election.
19 (b) If an annexation that is not requested by a municipality is
20 proposed to be effected under AS 29.06.040(a) and (b), and if there
21 are people residing in the area proposed for annexation, the director
22 of elections shall present the results of an advisory election on the
23 proposal to the Local Boundary Commission at the hearing conducted
24 under AS 44.47.581. The advisory election shall be conducted by the
25 director of elections in the area proposed for annexation in the
26 general manner prescribed by the Alaska Election Code (AS 15). The
27 state shall pay all election costs for elections under this
28 subsection.
29 (c) A municipality may conduct an advisory election on an

1 annexation proposal in which all municipal voters may participate and
2 the municipality may present the results of the election to the Local
3 Boundary Commission if the area of the proposed annexation is

4 (1) located within the municipality; or

5 (2) proposed to be annexed to the municipality.

6 (d) Nothing in this section affects the authority of the Local
7 Boundary Commission to present proposed boundary changes to the legis-
8 lature under art. IX, sec. 12, Constitution of the State of Alaska.

9 (e) This section applies to home rule and general law municipal-
10 ities.

11 * Sec. 2. AS 29.10.200 is amended by adding a new paragraph to read:

12 (47) AS 29.06.045 (advisory elections on annexations)



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

COMMITTEE MEETING -- May 6, 1986

CS HB 15 (C&RA) - An Act relating to advisory elections
on certain annexation proposals

CS HB 327 (Jud) am -- An Act relating to protection for
public employees

Materials attached:

- (1) Fiscal Note from Division of Elections dtd 1-31-86
on CSHB 15 (C&RA).
- (2) Position Paper from Dept. of C&RA dtd 3-22-85 on
CSHB 15 (C&RA).
- (3) Bill History on CSHB 15 (C&RA).

Offered: 5/1/86
Referred: Community & Regional Affairs
and Finance

Original sponsors: Goll and Marrou
by request

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2 SENATE CS FOR CS FOR HOUSE BILL NO. 15 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to advisory elections on certain
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7 Boundary Commission to present proposed boundary changes to the legis-
8 lature under art. IX, sec. 12, Constitution of the State of Alaska.

9 (e) This section applies to home rule and general law municipal-
10 ities.

11 * Sec. 2. AS 29.10.200 is amended by adding a new paragraph to read:

12 (47) AS 29.06.045 (advisory elections on annexations)

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 1/31/86

REQUEST Page 1 of 2
 Bill Resolution No.: CS for HB 15 (C&RA)
 Title: An Act Relating to advisory elections on annexations
 Sponsor: CRA Committee
 Requestor: House RULES
 Date of Request: 1/29/86

FISCAL DETAIL
 Agency Affected: Office of the Governor
 BRU: Division of Elections
 Components: Elections

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	8.6	9.0	9.5	10.0	10.5	11.0

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND	8.6	9.0	9.5	10.0	10.5	11.0
FEDERAL FUNDS						
OTHER						
TOTAL	8.6	9.0	9.5	10.0	10.5	11.0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

See attached page.

Prepared by: Sherry Valentine Phone: 465-4611
 Division: Elections Date: 1/31/86

Approved by Commissioner: Sherry Valentine Date: 2/10/86
 Agency: Elections

Distribution (by Agency preparing fiscal note):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill Resolution No. CS FOR HB 15 (C&RA) page 2 of 2

This fiscal note was developed on the basis of two elections per year from areas outside municipalities wishing to be annexed. It assumes that one request would be received from a punch card precinct and the other from a handmarked precinct. The cost for a punch card precinct is \$5.8 while a handmarked precinct is \$2.8. Computer counted (punch card) precincts are generally higher due to the need for computer programming and a Data Processing Review Board to oversee the computer counting of ballots.

We have specified the costs for each type of precinct so that if there were more than two such elections administered by the State within a year, the Legislature could identify the potential costs by multiplying the precinct cost by the number of additional elections beyond two.

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

May 6, 1986

POSITION PAPER

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

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

RE: SCSCS HB 15 (State Affairs)

SPONSORS: Representatives Goll and Marrou by request

Program Effects of Bill

If a municipality requests annexation under the legislative review process [AS 29.06.040(b)], the bill would require the municipality to conduct an advisory election on the proposed boundary change among the registered voters residing in the area proposed for annexation. If the annexation was not initiated by the municipality whose boundaries were to be changed, the Alaska Division of Elections would be responsible for conducting the election. In either case, the results of the advisory election must be made available to the Local Boundary Commission at a hearing to be conducted on the proposed annexation.

The effects of subsection (c) of the bill are unclear. Presumably, it is intended to permit municipalities to gain advisory opinions from individuals other than the registered voters of the territory proposed for annexation.

Additional confusion results from the reference in the bill to AS 29.06.040(a).

Comments

The Department opposes this bill for the following reasons:

- ° The special elections required under the bill would, we believe, be subject to the provisions of the Federal Voting Rights Act of 1965, as amended (FVRA). Thus, before such an election could be held, the concurrence of the U.S. Department of Justice to hold the election would have to be gained under the provisions of the FVRA. The preparation of the FVRA submission will, in most instances, represent a substantial effort for a municipality to comply with this requirement. Review of the submission by the Department of Justice would typically entail a minimum 60 day period of time.

- Conducting elections will be expensive for the municipalities involved. (NOTE: nearly all of the legislative review annexation petitions are initiated by municipalities. Thus, the burden of this bill would fall principally upon those entities) In addition to preparing the FVRA submission, municipalities would have to schedule and conduct the elections. Because the area proposed for annexation will, in virtually every instance, differ from any established voting precinct, conducting such elections will be particularly difficult.
- We believe that the bill would add three months or more to the time required to prepare and submit a petition for annexation under the legislative review process.
- Last, but certainly not least, we believe that the requirement that the Local Boundary Commission must consider the results of such advisory elections contravenes the intent of Article X, Section 12 of the State Constitution. It is the specific purpose of this Article that such boundary changes be considered by the Local Boundary Commission and the Legislature in the broad interests of the State, outside of the parochial interests of the area affected by the boundary change.

Therefore, we do not recommend that the bill become law.

APPROVED: *Emil Notti*
Emil Notti, Commissioner

HB 15
CSHB 15 C&RA

MEASURE HISTORY

PAGE 01 OF 02

AN ACT RELATING TO ADVISORY ELECTIONS ON CERTAIN ANNEXATION PROPOSALS.

PRIME SPONSOR: GOLL
CO-SPONSORS: MARROU

BY REQ

\$000 GENERAL(FNOTE)

\$000 OTHER(FNOTE)

CURRENT STATUS: (S) C&RA

DATE		PAGE	ACTION
01/14/85	(H)	16	READ THE FIRST TIME - REFERRAL(S)
04/11/85	(H)	881	C&RA RPT CS, NEW TITLE 4DP 3NR
04/11/85	(H)	881	FISCAL NOTE HSE SUPPL 46
04/25/85	(H)	1076	SA RPT CS(C&RA) 4DP 3NR
05/09/85	(H)	1473	FIN RPT CS(C&RA) 3DP 7NR
05/09/85	(H)	1473	ZERO FISCAL NOTE
04/04/86	(H)		RULES TO CALENDAR 4/7/86
04/07/86	(H)	2599	FISCAL NOTE HSE SUPPL 110(FROM C&RA)
04/07/86	(H)	2601	READ THE SECOND TIME
04/07/86	(H)	2601	C&RA CS ADOPTED UNAN CONSENT

HB 15

MEASURE HISTORY

PAGE 02 OF 02

DATE		PAGE	ACTION
04/07/86	(H)	2601	ADVANCED TO THIRD READING UNAN CONSENT
04/07/86	(H)	2602	READ THE THIRD TIME CSHB 15(C&RA)
04/07/86	(H)	2602	PASSED Y39 N1
04/07/86	(H)	2615	TRANSMITTED TO (S)
04/08/86	(S)	2267	READ THE FIRST TIME - REFERRAL(S)
05/01/86	(S)	2558	SA RPT SCS 3DP 1NR C&RA FINANCE RULES

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

March 22, 1985

POSITION PAPER

RE: CSHB 15

SPONSORS: Representatives Peter Goll and Andre Marrou (by request)

Program Effects of the Bill (with Division of Election's involvement)

The Committee Substitute is substantially different from the original bill in two respects:

1. The Committee Substitute would require that an advisory election be conducted only in the area proposed for annexation. The original bill would also have required advisory elections in:
 - a) any municipality that includes the area proposed to be annexed; and
 - b) the municipality proposing annexation.
2. The Committee Substitute would no longer require the State to conduct the elections in those instances where a "legislative review" annexation petition is initiated by a municipality. However, our experience has been that such petitions are virtually always submitted by a municipality (although administrative regulations also permit such petitions to be submitted by residents or the Commissioner of the Department of Community and Regional Affairs).

Comments

The effects of these changes are to:

1. Reduce the fiscal impact of the bill by reducing the extent of the elections required;
2. Transfer this reduced fiscal impact from the State to municipal governments (again, our experience has been that legislative review annexation petitions are virtually always submitted by a municipality).

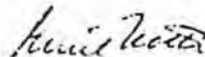
CSHB 15
March 22, 1985
Page 2

As such, the philosophical issues concerning the aspects of this bill which do not relate to cost are basically the same as those expressed in the Department's position paper regarding the original bill.

Again, it must be recognized that the Legislative Review process for annexation has been a part of the State Constitution since its ratification by the people of Alaska in 1956. This process was included in the Constitution in order to provide municipal governments with the means to effect an annexation to accommodate a compelling public need or public interest in those circumstances where a majority of the residents in the territory proposed for annexation might not support it.

While CSHB 15 would not require that Legislative Review annexations gain approval from the voters, it does require that the Commission consider the results of the advisory election. Further, the results of the advisory election would, no doubt, enter into the deliberations of the Legislature. Again, the nature of Legislative Review annexations is such that they are seldom supported by the people proposed for annexation. As such, the implications of requiring an advisory election seem to conflict with the principles behind this process.

Therefore, the Department is opposed to this measure.



Emil Notti
Commissioner

Offered: 5/1/86
Referred: Community & Regional Affairs
and Finance

Original sponsors: Goll and Marrou
by request

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 15 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to advisory elections on certain
7 annexation proposals."

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

9 * Section 1. AS 29.06 is amended by adding a new section to read:

10 Sec. 29.06.045. ADVISORY ELECTIONS ON ANNEXATIONS. (a) If a
11 municipality requests an annexation proposed to be effected under
12 AS 29.06.040(a) and (b), and if there are people residing in the area
13 proposed for annexation, the municipality shall present the results of
14 an advisory election on the proposal to the Local Boundary Commission
15 at the hearing conducted under AS 44.47.581. The advisory election
16 shall be conducted by the municipality in the area proposed for
17 annexation in accordance with procedures for a regular or special
18 election.

19 (b) If an annexation that is not requested by a municipality is
20 proposed to be effected under AS 29.06.040(a) and (b), and if there
21 are people residing in the area proposed for annexation, the director
22 of elections shall present the results of an advisory election on the
23 proposal to the Local Boundary Commission at the hearing conducted
24 under AS 44.47.581. The advisory election shall be conducted by the
25 director of elections in the area proposed for annexation in the
26 general manner prescribed by the Alaska Election Code (AS 15). The
27 state shall pay all election costs for elections under this
28 subsection.

29 (c) A municipality may conduct an advisory election on an
S

1 annexation proposal in which all municipal voters may participate and
2 the municipality may present the results of the election to the Local
3 Boundary Commission if the area of the proposed annexation is

4 (1) located within the municipality; or

5 (2) proposed to be annexed to the municipality.

6 (d) Nothing in this section affects the authority of the Local
7 Boundary Commission to present proposed boundary changes to the legis-
8 lature under art. IX, sec. 12, Constitution of the State of Alaska.

9 (e) This section applies to home rule and general law municipal-
10 ities.

11 * Sec. 2. AS 29.10.200 is amended by adding a new paragraph to read:

12 (47) AS 29.06.045 (advisory elections on annexations)



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

H B

7 2

5/21/86

HB72: See also
files on SB 142

COMMITTEE REPORT
SENATE

FURTHER: JUDICIARY
FINANCE

Date April 18, 1985

Mr. President

The Committee on C&RA considered CSHB 72(C&RA) am
municipal government; efd.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
Chairman

[Signature]
Chairman recommendation



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

Committee Meeting 4/17/85 ----

CSHB 253 (C&RA) -- An Act allowing municipalities to exempt certain land from property taxes and from special assessments for fire protection service and fire protection facilities

Heard April 2 -- no action taken -- heard testimony from Borough Mayor Bill Allen, Rep. Koponen, State Assessor, Mike Worley

See Atch #1

CSHB 72 (C&RA) am -- Title 29 revisions

Following is a summary of differences between this bill and the bill that passed out of committee March 12 (CSSB 142)

- 1) Does not include Committee amendment #1a, "Purpose Clause"(see atch #2a)
- 2) Includes HC&RA amend #6 (Prohibition against Discrimination) see atch #2b
- 3) Requires 600 population for incorporation as first class or home rule (changed to 400 in SB142)
- 4) Includes one amendment passed on House floor that deals with technical changes only (see atch #2c)
- 5) Includes a letter of intent that was rendered irrelevant by the passage of the House amendment. (see atch #2d)
- 6) Does not include committee Letter of Intent. (see atch #2e)
- 7) A revised fiscal note has been attached both the House and the Senate bill (see atch #2f)

Offered: 3/18/85
Referred: Rules

Atch #1

Original sponsors: Koponen, Davis,
Larson, et al

1 IN THE HOUSE
2
3 CS FOR HOUSE BILL NO. 253 (C&RA)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act allowing municipalities to exempt land from
8 property taxes and from special assessments for fire
9 protection service and fire protection facilities;
10 and providing for an effective date."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * Section 1. AS 29.53.025 is amended by adding a new subsection to
13 read:
14 (h) A municipality may by ordinance partially or wholly exempt
15 land from a tax for fire protection service and fire protection facil-
16 ities and may levy the tax only on improvements, including personal
17 property affixed to the improvements.
18 * Sec. 2. AS 29.63 is amended by adding a new section to read:
19 Sec. 29.63.066. OPTIONAL EXEMPTION. If an assessment under this
20 chapter is for a fire protection facility, a municipality may exempt
21 land and levy the assessment only on improvements, including personal
22 property affixed to the improvements.
* Sec. 3. This Act takes effect January 1, 1986.

CSHB 253 (C&RA)-----

Permits local government to partially or wholly exempt land from a tax for fire protection; allowing the tax to be levied only on improvements (including personal property).

Public Safety -- supports the bill and attaches a zero fiscal note

Community & Regional Affairs -- is opposed to the bill and attaches a zero fiscal note

Fairbanks North Star Borough supports the bill by Resolution 85-024

The Alaska Conference of Mayors supports the bill by Resolution 84-8

3/11/85 1:50p

Cook

Atch 21

A M E N D M E N T #1A

Offered in the SENATE

TO: SB 142

By the Community and Regional

Affairs Committee

Page 1, after line 8, insert a new bill section to read:

"* Section 1. PURPOSE. The legislature finds that the municipal code contains many provisions that have created problems for municipalities that must function under AS 29 and that the title is poorly organized and difficult for people to use. Therefore, it is the purpose of the legislature to revise and reorganize the municipal code to permit local government to function more effectively. Except as expressly provided, the legislature does not intend by this Act to alter or affect in any way the relationship or balance of authority between the state and home rule or general law municipalities with respect to the timing or manner of resource development under AS 31, AS 38, or other provisions of law. Except as expressly provided, the legislature does not intend by this Act to increase or reduce the authority of state agencies to carry out their functions under other titles."

Renumber following bill sections accordingly.

HCRA #6

Atch 2b

A M E N D M E N T

Offered in the HOUSE

TO: HB 72

Page 53, line 26, after "PROHIBITIONS." insert:

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

Reletter following subsections accordingly.

Page 53, line 29:

Delete "section" and insert "subsection"

Atch 2c

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

COPY

POUCHY STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

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
Deputy Director
Division of Legal Services

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.

Please contact me if I can be of further assistance.

TBC:csh
c3/049

Other than date changes, this House amendment adopts the technical amendments recommended by counsel and included in CSSB 142.

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"

date changes

Alaska State Legislature

House of Representatives

Committee on
Community & Regional Affairs

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

Rebecca J. Jorgensen

Maxine M. ...

John ...

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



Official Business

Alaska State Legislature

Senate

Committee on
Community and Regional Affairs

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

Edna DeVries

Senator Edna DeVries, Chairman

Senator Edna DeVries, Chair
Members
Senator Ferguson, Vice Chairman
Senator Coghill
Senator Sturgulewski
Senator V. Fischer

Pouch V
Juneau, Alaska 99811

Attch #2 f

AN ACT RELATING TO MUNICIPAL GOVERNMENT

CSHB 72 (C&RA) Page 2 of 2

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Page 1 of 2

Revision Date: 3/15/85

REQUEST	FISCAL DETAIL
Bill/Resolution No.: <u>CSHB 72 (C&RA)</u>	Agency Affected: <u>Community & Regional Affairs</u>
Title: <u>An Act Relating to</u>	Program Category Affected: <u></u>
<u>Municipal Government</u>	<u>Community Development</u>
Sponsor: <u>Giles/Governor</u>	BRU, Program or Subprogram(s) Affected: <u></u>
Requestor: <u>Senate C&RA Committee</u>	Program: <u>Community Assistance Grants</u>
Date of Request: <u></u>	Component: <u>Organizational Grants</u>

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.

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						
----------------	--	--	--	--	--	--

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

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUNDS						
FEDERAL FUNDS		-0-	400.0	350.0		
OTHER						
TOTAL		-0-	400.0	350.0		

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

SEE ATTACHED ANALYSIS

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

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



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

April 18, 1985

Letter of Intent to Accompany Committee Substitute for
CSHB 72 (C&RA) am

It is not the intent of the Legislature through the passage of HB 72 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 & REGIONAL AFFAIRS

A handwritten signature in cursive script, reading "Edna DeVries".

Senator Edna DeVries, Chairman



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

April 18, 1985

To: Tam Cook

From: Yvonne M. Alford
PA, Senate C&RA Committee

Subj: Committee amendment to CSHB 72 am

This is to confirm our telecon this date pertaining to the changes made by Senate C&RA to CSHB 72 (C&RA)

It was my understanding that all changes can be included in one amendment that can accompany the bill so that it will not have to be reprinted.

Changes:

- 1) Adopted purpose clause.
- 2) Delete HCRA amendment #6.
- 3) Change population requirement for 1st class or home rule to 400.
- 4) Adopted amendment #1, adopted on House floor 4/15
- 5) Adopted HC&RA Letter of Intent (although it is now irrelevant since passage of House amendment #1)
- 6) Adopted Senate C&RA Letter of Intent.
- 7) Adopted amendment proposed by Sturgulewski/Ferguson identified as Senate C&RA amendment #3

I have attached data pertaining to the above changes.

3/11/85 1:30P

Cook

Atch 2A

A M E N D M E N T #1A

Offered in the SENATE
TO: SB 142

By the Community and Regional
Affairs Committee

add to

Page 1, after line 8, insert a new bill section to read:

"* Section 1. PURPOSE. The legislature finds that the municipal code contains many provisions that have created problems for municipalities that must function under AS 29 and that the title is poorly organized and difficult for people to use. Therefore, it is the purpose of the legislature to revise and reorganize the municipal code to permit local government to function more effectively. Except as expressly provided, the legislature does not intend by this Act to alter or affect in any way the relationship or balance of authority between the state and home rule or general law municipalities with respect to the timing or manner of resource development under AS 31, AS 38, or other provisions of law. Except as expressly provided, the legislature does not intend by this Act to increase or reduce the authority of state agencies to carry out their functions under other titles."

Renumber following bill sections accordingly.

HCRA #6

Atch 26

A M E N D M E N T

Offered in the HOUSE

TO: HB 72

Delete from

Page 53, line 26, after "PROHIBITIONS." insert:

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

Reletter following subsections accordingly.

Page 53, line 29:

Delete "section" and insert "subsection"

Atch 2c

COPY

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

FOURTH STATE CAPITOL
NINEAU ALASKA 99511
907 465 3800

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
Deputy Director
Division of Legal Services

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.

Please contact me if I can be of further assistance.

TBC:cash
c3/049

Other than date changes, this House amendment adopts the technical amendments recommended by counsel and included in CSSB 142.

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"

date changes

Hand written references are to House Bill

Cook ✓

AMENDMENT

CSHB 72 (C&RA) am

Senate C&RA amend # 2

↓ add to

Offered in the SENATE

TO: CSSB 142 (C&RA)

Page 4, line ~~15~~²:

Delete "home rule or"

Page 6, line ~~26~~¹³:

Delete "home rule or"

Page ~~7~~⁶, line ~~5~~²¹:

Delete "municipality" and insert "borough"

Page 8, line ~~27~~¹⁴:

Delete "municipality" and insert "borough"

Page 11, line ~~16~~³:

Delete "home rule or"

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

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

Page 29, line ~~27~~¹⁴:

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 ~~8~~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"

-2-

A M E N D M E N T

Offered in the SENATE

By the Community and Regional

TO: CSHB 72(C&RA) am

Affairs Committee

Page 1, after line 8, insert a new bill section to read:

"* Section 1. PURPOSE. The legislature finds that the municipal code contains many provisions that have created problems for municipalities that must function under AS 29 and that the title is poorly organized and difficult for people to use. Therefore, it is the purpose of the legislature to revise and reorganize the municipal code to permit local government to function more effectively. Except as expressly provided, the legislature does not intend by this Act to alter or affect in any way the relationship or balance of authority between the state and home rule or general law municipalities with respect to the timing or manner of resource development under AS 31, AS 38, or other provisions of law. Except as expressly provided, the legislature does not intend by this Act to increase or reduce the authority of state agencies to carry out their functions under other titles."

Page 1, line 9, delete "* Section 1." and insert "* Sec. 2."

Re-number following bill sections accordingly.

Page 2, line 4, delete "600" and insert "400"

Page 4, line 2, delete "home rule or"

Page 4, line 4, delete "600" and insert "400"

Page 6, line 13, delete "home rule or"

Page 6, line 21, delete "municipality" and insert "borough"

Page 8, line 14, delete "municipality" and insert "borough"

Page 11, line 3, delete "home rule or"

Page 28, line 28, after "ment." through page 29, line 4:

Delete all material and reletter following subsections accordingly.

Page 29, line 15, delete "unincorporated community or an"

Page 29, line 18, delete "municipality" and insert "borough"

Page 29, lines 20 and 21:

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

Page 29, line 21, delete "charters" and insert "charter"

Page 29, line 23, delete "municipality" and insert "borough"

Page 31, line 6, delete "unincorporated community or for an"

Page 31, line 11, delete "unincorporated community or in an"

Page 31, lines 12 and 13, delete "municipality" and insert "borough"

Page 31, lines 13 and 14, delete "municipality" and insert "borough"

Page 32, line 18, delete "municipality" and insert "borough"

Page 32, line 19, delete "unincorporated community or"

Page 55, lines 15 - 19, after "PROHIBITIONS.":

Delete all material and reletter the following subsections accordingly.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 7, 1985

SUBJECT: Franchises and permits (SCS CSHB 72(Jud))

TO: Senator Jan Faiks, Chair
Senate Finance Committee

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

You have asked for an explanation of the section of the municipal code revision bill dealing with franchises and permits. Sec. 29.35.060 is not a home rule limitation and has not been a home rule limitation under any of the earlier versions of the municipal code. The section itself has not been changed from earlier versions either.

The existing provision on the subject is AS 29.48.050, which is a home rule limitation under AS 29.13.100(17). Subsection (c) of AS 29.48.050 specifically deals with the treatment of utilities that are regulated under AS 42.05, giving them the right to use streets and public places, and giving the municipalities the right to establish permit fees and reasonable terms and conditions. That subsection was entirely eliminated in the municipal code revision bill, so the section now addresses only franchises and permits for utilities not certificated by the Alaska Public Utilities Commission. Since the section does not prohibit the granting of franchises and permits to utilities that are regulated by APUC, and, in fact, does not address their treatment at all, merely making the section a home rule limitation would not clearly have the effect of prohibiting a home rule municipality from acting with regard to regulated utilities. At best, it might be argued that the grant of authority regarding franchises and permits for utilities that are not regulated amounts to a restriction regarding franchises and permits for utilities that are regulated through negative implication. This creates unnecessary confusion in the law.

Senator Jan Faiks
May 7, 1985
Page 2

If the Senate Finance Committee wishes to limit the power of a home rule municipality with respect to franchises and permits for regulated utilities, a possible approach would be to reincorporate AS 29.48.050(c) into Sec. 29.35.060 and make that section a home rule limitation. This would preserve the status quo by ensuring that the regulated utilities could use streets and public places while allowing both home rule and general law municipalities to establish reasonable fees and reasonable terms and conditions for that use.

TBC:ojb
J14/093

5/7/85

Cook,
Eliaison

#2

Pending

2

A M E N D M E N T

Offered in the SENATE

By ELIASON

TO: SCS CSHB 72(Jud)

Page 189, after line 9 insert the following new bill section:

"* Sec. 20. AS 04.21.010(c) is amended to read:

(c) A municipality may not impose taxes on alcoholic beverages except

(1) property taxes on alcoholic beverage inventories; [AND]

(2) sales taxes on alcoholic beverage sales if sales taxes are imposed on other sales within the municipality; and

(3) sales taxes on alcoholic beverage sales that were in effect before July 1, 1985."

Renumber the following bill sections accordingly

1 by or on behalf of the state regardless of whether these plats
2 include easements or other public dedications;

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

5 (25) "voter" means a United States citizen who is qualified
6 to vote in state elections, has been a resident of the municipality
7 for 30 days immediately preceding the election, is registered to vote
8 in state elections, and is not disqualified under art. V of the state
9 constitution.

10 * Sec. 19. AS 01.10.060 is amended by adding a new paragraph to read:

11 (15) "municipality" means a political subdivision incor-
12 porated under the laws of the state that is a home rule or general law
13 city, a home rule or general law borough, or a unified municipality.

14 * Sec. 20. AS 04.21.010(c) is amended to read:

15 (c) A municipality may not impose taxes on alcoholic beverages
16 except

17 (1) property taxes on alcoholic beverage inventories; [AND]

18 (2) sales taxes on alcoholic beverage sales on alcoholic
19 beverage sales if sales taxes are imposed on other sales within
20 the municipality; and

21 (3) sales taxes on alcoholic beverages that were in effect
22 before July 1, 1985.

23 * Sec. 21. AS 05.35.040 is amended to read:

24 Sec. 05.35.040. POWER OF MUNICIPALITY. A municipality may own,
25 maintain and employ a facility constructed under AS 05.35.010 -
26 05.35.070. The exercise of this power on an areawide basis is at the
27 option of the borough and is not subject to the restrictions on ac-
28 quiring additional areawide powers in AS 29.35.300 - 29.35.330
29 [AS 29.33.250 - 29.33.290].

pg 164 29.60.140 added deleted } Coghill
29.89.050 added

5/7/85
multivise
#3
w/d amend 4
replace w/6
Sackett

PROPOSED AMENDMENT TO SENATE CS FOR CS
FOR HOUSE BILL NO. 72 (JUDICIARY)

Franchise section - Section now inapplicable to home rule
new - would be AS 29.48.050
inserted by amendment

On page 34, line 3, add new (26) as follows and renumber remaining sections accordingly:

26) AS 29.35.060 (local franchising)

On page 202, line 2, replace (1) with the following:

A person, utility, or cooperative that is exempt from regulation under AS 42.05.711(a) or (d) - (k) is not subject regulation by a municipality under AS 29.35.060 - 29.35.070 [AS 29.48.060 - 29.48.090].

Cook
#2
Adopted

A M E N D M E N T

Offered in the SENATE

Amend # 2 — By ELIASON

TO: SCS CSHB 72(Jud)

Page 189, after line 9 insert the following new bill section:

"* Sec. 20. AS 04.21.010(c) is amended to read:

(c) A municipality may not impose taxes on alcoholic beverages except

(1) property taxes on alcoholic beverage inventories; [AND]

(2) sales taxes on alcoholic beverage sales if sales taxes are imposed on other sales within the municipality; and

(3) sales taxes on alcoholic beverage sales that were in effect before July 1, 1985."

Renumber the following bill sections accordingly

Testimony:

Senator Reef
Scott Burgess, AK Man League
Jeff. Smith, C & RA

In favor.
Against
Supports

Am #2 Adopted — no ob

Burns Am

#3

Ted Burns
MultiVisions amendment

Adopted

PROPOSED AMENDMENT TO SENATE CS FOR CS
FOR HOUSE BILL NO. 72 (JUDICIARY)

On page 34, line 3, add new (26) as follows and renumber remaining sections accordingly:

(26) AS 29.35.060 (local franchising)

On page 202, line 2, replace (1) with the following:

A person, utility, or cooperative that is exempt from regulation under AS 42.05.711(a) or (d) - (k) is not subject regulation by a municipality under AS 29.35.060 - 29.35.070 [AS 29.48.060 - 29.48.090].

FF: y 1 86

Testimony:

Ted Burns
Scott Burgess

Holl Am

Adopted

A M E N D M E N T

Offered in the SENATE

TO: SCS CSHB 72(Jud)

Amend #5 - Goll

Page 75, line 17:

After "may" insert ", only within its boundaries,"

Testimony:

Holl
Cook
Burgess

6

AMENDMENT

Substitute

Sec. 29.89.050. State aid to Native Village Government.

for Sec 29.60.140 STATE AID TO UNINCORPORATED COMM.

DELETE

P.164/Lines 24-29

P.165/Lines 1-18

INSERT

Existing AS 29.89.050

ated irrevocably to a public purpose. (§ 3 ch 155 SLA 1980; am §§ 1, 2 ch 103 SLA 1981)

Effect of amendments. — The 1981 amendment substituted "\$250,000" for "\$75,000" preceding "a hospital" and substituted "\$50,000" for "\$25,000" preceding "a hospital" in paragraph (1) of subsection

(a). The amendment also substituted "\$2,000" for "\$1,000" preceding "per bed" and substituted "\$8,000" for "\$4,000" preceding "per health facility" in paragraph (3) of subsection (a).

NOTES TO DECISIONS

For case interpreting the former revenue sharing scheme for hospitals and health care facilities, see Municipality

of Anchorage v. Sisters of Providence in Wash., Inc., Sup. Ct. Op. No. 2343 (File Nos. 5017, 5018, 5329), 628 P.2d 22 (1981).

Sec. 29.89.040. State aid to volunteer fire departments in the unorganized borough. (a) The department shall pay to a volunteer fire department registered with the state fire marshal and serving an area not in an organized borough or city a sum for protection purposes equal to \$10 per capita for the population served by the department, as determined by the state fire marshal.

(b) A grant shall be made under (a) of this section to facilitate the organization of a volunteer fire department in an area not in an organized borough or city, upon application of the proposed fire protection group to the state fire marshal and upon approval of applications according to standards of organization and service prescribed by regulations adopted by the state fire marshal. (§ 3 ch 155 SLA 1980)

Sec. 29.89.050. State aid to Native village governments. The state shall pay \$25,000 to a Native village government for a village which is not incorporated as a city under this title. In this section, "Native village government" means

(1) a local governing body organized by authority of the Act of Congress of 25 U.S.C. 476 (the Act of Congress of June 18, 1934)

(2) a traditional village council or, if there is no traditional village council, the paramount chief or other governing body of a Native village which meets the requirements of 43 U.S.C. 1601-1628 (Alaska Native Claims Settlement Act). (§ 3 ch 155 SLA 1980)

Sec. 29.89.060. Population determination. For purposes of AS 29.89.01 — 29.89.100, population shall be determined by the latest figures of the United States Bureau of the Census or other reliable population data, including but not limited to public school enrollment figures, public utility connection, registered voters or certified employment payrolls. (§ 3 ch 155 SLA 1980)

AMENDMENT

Amend # 7 - HOLD
Adopted
5/8/85
PM

by Sackett

To: SCS CSHB-72(Jud)

Date: May 8, 1985 a.m.

Replace amendment #4 with the following:

Page 74, line 28, add the following:

After the phrase "waste disposal," add
"utility services"

Am #4
of: y, 186; - 06

Testimony:
Hutchins
~~Smith~~ Smith
Cook

1 (5) to investigate an affair of the municipality and make
2 inquiries into the conduct of a municipal department;

3 (6) to levy a tax or special assessment, and impose a lien
4 for its enforcement;

5 (7) to enforce an ordinance and to prescribe a penalty for
6 violation of an ordinance;

7 (8) to acquire, manage, control, use, and dispose of real
8 and personal property, whether the property is situated inside or
9 outside the municipal boundaries; this power includes the power of a
10 borough to expend, for any purpose authorized by law, money received
11 from the disposal of land in a service area established under AS 29.-
12 35.450;

13 (9) to expend money for a community purpose, facility, or
14 service for the good of the municipality to the extent the municipal-
15 ity is otherwise authorized by law to exercise the power necessary to
16 accomplish the purpose or provide the facility or service;

17 (10) to regulate the operation and use of a municipal right-
18 of-way, facility, or service;

19 (11) to borrow money and issue evidences of indebtedness;

20 (12) to acquire membership in an organization that promotes
21 legislation for the good of the municipality;

22 (13) to enter into an agreement, including an agreement for
23 cooperative or joint administration of any function or power with a
24 municipality, the state, or the United States;

25 (14) to sue and be sued.

26 Sec. 29.35.020. EXTRATERRITORIAL JURISDICTION. (a) To the
27 extent a municipality is otherwise authorized by law to exercise the
28 power necessary to provide the facility or service, the municipality
29 may provide parks, playgrounds, cemeteries, emergency medical

1 services, solid and septic waste disposal, utility services, airports,
2 streets (including ice roads), trails, transportation facilities,
3 wharves, harbors and other marine facilities outside its boundaries
4 and may regulate their use and operation to the extent that the juris-
5 diction in which they are located does not regulate them. A regu-
6 lation adopted under this section must state that it applies outside
7 the municipality.

8 (b) A municipality may adopt an ordinance to protect its water
9 supply and watershed, and may enforce the ordinance outside its bound-
10 aries. Before this power may be exercised inside the boundaries of
11 another municipality, the approval of the other municipality must be
12 given by ordinance.

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

15 Sec. 29.35.030. EMINENT DOMAIN. (a) A municipality may exer-
16 cise the powers of eminent domain and declaration of taking in the
17 performance of a power or function of the municipality under the
18 procedures set out in AS 09.55.250 -- 09.55.460.

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

21 Sec. 29.35.040. EMERGENCY DISASTER POWERS. (a) A municipality
22 that is wholly or partially in an area that is declared by the Presi-
23 dent or governor to be a disaster area may participate in and provide
24 for housing, urban renewal, and redevelopment in the same manner as a
25 home rule city. The exercise of these powers by a borough shall be on
26 a nonareawide basis, except a borough may exercise the powers trans-
27 ferred to it by a city as provided by AS 29.35.310.

28 (b) Powers granted by this section must be initiated within a
29 period of not more than five years after the date of declaration of a

COMMITTEE REPORT
SENATE

adopted by Senate Judiciary
4/30/85

①

FURTHER: JUDICIARY
FINANCE

Date April 18, 1985

Mr. President

The Committee on C&RA considered CSHB 72(C&RA) am
municipal government; efd.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title _____
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Handwritten Signature]
Chairman

[Handwritten Signature]
Chairman recommendation



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

MEMORANDUM

April 23, 1985

TO: Senator Pat Rodey
FROM: Edna DeVries
SUBJ: CS HB 72 (C&RA)

A member of my staff informs me that you also received a copy of Eric Wohlforth's letter to Representative Reiger concerning a section in the subject municipal code revisions bill -- issuance of municipal bonds.

Attached for your consideration is a copy of a memorandum from Tamara Cook, Division of Legal Services, on this same subject.

Atch 1

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 23, 1985

SUBJECT: Municipal Financing
(CSHB 72(C&RA) am)

TO: Senator Edna DeVries

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

You have supplied me with a letter from Mr. Eric E. Wohlforth concerning Sec. 29.47.390(a) in the municipal code revision bill. In the earliest versions of the bill that subsection read:

A city or borough may authorize by ordinance or resolution the issuance of revenue bonds to finance any project which serves a public purpose, and the bonds shall be secured and payable solely from the revenue and property of the project. (Emphasis added)

The subsection was altered in HCS CSSB 180(Jud) during the Second Session of the Twelfth Legislature and has remained in this form during all subsequent versions of the municipal code revision:

A municipality may authorize by ordinance or resolution the issuance of negotiable or nonnegotiable revenue bonds to finance any project that serves a public purpose, and the bonds shall be secured and payable from any source except revenues, including tax revenue, of the municipality. (Emphasis added)

I have checked the committee files and this change was included within a list of several changes adopted by the House Judiciary Committee that appear to be unrelated to each other. I have no idea why it was originally proposed.

Mr. Wohlforth points out in his letter that the language virtually prohibits any revenue bonds because all receipts

Senator Edna DeVries
April 23, 1985
Page 2

of a municipality from any source are revenues. He suggests the language be changed to ". . . from any revenues of the municipality except tax revenues." This would, I believe, grant authority to a municipality to issue of revenue bonds that are secured by certain assets, but not necessarily by revenue generated from the project for which the bonds are issued. Existing law seems to provide for this possibility in AS 29.58.200(c):

A municipality may also issue revenue bonds for any lawful purpose. The bonds are payable from any amounts pledged by the municipality except taxes and do not constitute general obligations of the municipality.

I certainly do not object to the change recommended by Mr. Wohlforth and, as it would probably serve to improve an unworkable section, I encourage the legislature to consider adopting it. Please note, however, that while it could be concluded from the letter that under CSSB 142(C&RA) am no municipality can effectively issue any revenue bonds at all, this is not the case. Even though it may not be practical for a municipality to issue revenue bonds under Sec. 29.47.390(a), as Mr. Wohlforth asserts, a municipality is also given authority to issue revenue bonds under Sec. 29.47.240 for "a public enterprise or public corporation of the municipality" or for "the purchase of residential mortgage loans".

TBC:ojb
J14/022

M E M O R A N D U M

April 22, 1985

TO: File

FROM: TPA

SUBJ: CSHB 72 (C&RA) Municipal Code Revisions (Title 29)

Requested Tam Cook, LAA Legal Services, to prepare position paper on Eric Wohlforth's letter on the bill.

Asked her to advise Senator DeVries whether or not she agrees with opinion expressed in Wohlforth's letter.