

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7753 HOUSE • COMMUNITY & REGIONAL AFFAIRS •

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**STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS**

DEPARTMENT Natural Resources	DIVISION Parks and Outdoor Recreation	BILL NUMBER HB 322	SPONSOR Representative Kott
SHORT TITLE OF BILL An Act relating to the regulation of alcohol in State Parks			
DEPARTMENT POSITION Support the Bill			
PREPARED BY Peter J. Panarose	DATE January 1994	COMMISSIONER'S SIGNATURE	DATE
SUMMARY			
OTHER AGENCIES AFFECTED BY BILL Department of Public Safety Municipal Police Departments		CONSTITUENT GROUP(S) AFFECTED BY BILL Visitors to certain units of the state park system	
ORGANIZATIONAL SUPPORT FOR BILL Unknown		ORGANIZATIONAL OPPOSITION TO BILL Unknown	
FISCAL IMPACT NONE		FISCAL NOTE ATTACHED	
LEGISLATIVE INTENT The Legislature believes that the use of alcoholic beverages contributes greatly to excessive behavior and reduced public safety in units of the state park system. The park operating experience of Alaska State Parks indicates that alcoholic beverages used in conjunction with certain activities are frequently a significant factor in law enforcement and vandalism incidents. Complaints received from park visitors about the disruptive behavior of others is often tied to the consumption of alcohol. Regulations that limit or prohibit the use of alcoholic beverages in certain units of the state park system will greatly reduce the problem.			
ANALYSIS OF BILL/PROGRAM EFFECTS The Bill provides the department with the discretion to determine at which facilities the use and possession of alcoholic beverages should be limited or prohibited. The majority of park visitors who consume alcoholic beverages do so in a manner that does not interfere with health and safety or preservation of the peace. Those visitors are generally associated with overnight camping, family outings or group activities authorized under permit. The problems arise primarily at areas established for day use, i.e., picnic areas, swim beaches, water access sites, and trailheads. The Bill directs DNR to determine which areas have health and safety problems related to the use of alcoholic beverage and to promulgate regulations limiting or prohibiting that use. This action, while reasonable and justifiable at some locations will be seen by some people as an infringement of their freedom.			

January 18, 1994

The Honorable Pete Kott
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Kott:

Thank you for the opportunity to review HB 322. The Department of Natural Resources supports the Bill, but suggests a few changes. A Bill Analysis and Fiscal Note are attached.

The Bill should be amended to refer to "alcoholic beverages" rather than alcohol. This will alleviate confusion regarding the possession and use of denatured alcohol as a cooking fuel or other alcohol based substances used for a variety of purposes other than human consumption.

It is also suggested that Section 1, (a)(4) of the Bill be amended to read: "develop, manage, control, and maintain state parks and recreation areas," and Section 1, (a)(5) amended to read: "provide for the acquisition, care, management, preservation of the peace, supervision, improvement, development, extension, and..."

Section 3, requires the department to make determinations regarding the incompatibility of the use and possession of alcoholic beverages within one year of the effective date of the Act. This is unnecessarily confining. I recommend dropping this section. The department needs to evaluate the issue on an ongoing basis.

Please contact Neil Johannsen at 762-2600 for further assistance.

Sincerely,

Harry A. Noah
Commissioner

attachments

cc: Neil C. Johannsen
Jerry Gallagher

DEPARTMENT	DIVISION	BILL NUMBER	SPONSOR
Natural Resources	Parks and Outdoor Recreation	HB 322	Representative Kott
SHORT TITLE OF BILL			
An Act relating to the regulation of alcohol in State Parks			
DEPARTMENT POSITION			
Support the Bill			
AMENDMENTS PROPOSED			
<p>The Bill should be amended to refer to "alcoholic beverages" rather than alcohol. This specificity is necessary to alleviate confusion regarding the possession and use of denatured alcohol as a cooking fuel or other alcohol based substances used for a variety of purposes other than human consumption.</p> <p>It is also suggested that Section 1, (a)(4) of the Bill be amended to read: develop, manage, <u>control</u>, and maintain state parks and recreation areas; and Section 1, (a)(5) amended to read: provide for the acquisition, care, management, preservation of the peace, supervision, improvement, development, extension, and ...</p>			
PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS			

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886

February 1, 1994

The Honorable Pete Kott
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Kott:

Thank you for the opportunity to review HB 322. The Department of Natural Resources supports the Bill, but suggests a few changes.

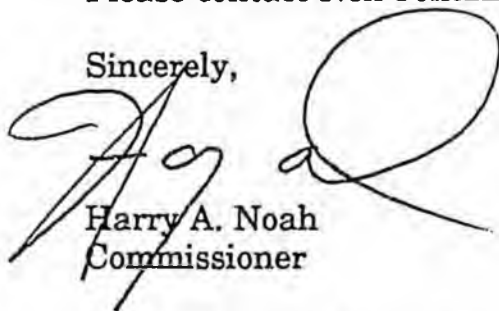
The Bill should be amended to refer to "alcoholic beverages" rather than alcohol. This will alleviate confusion regarding the possession and use of denatured alcohol as a cooking fuel or other alcohol based substances used for a variety of purposes other than human consumption.

It is also suggested that Section 1, (a)(4) of the Bill be amended to read: "develop, manage, control, and maintain state parks and recreation areas," and Section 1, (a)(5) amended to read: "provide for the acquisition, care, management, preservation of the peace, supervision, improvement, development, extension, and..."

Section 3, requires the department to make determinations regarding the incompatibility of the use and possession of alcoholic beverages within one year of the effective date of the Act. This is unnecessarily confining. I recommend dropping this section. The department needs to evaluate the issue on an ongoing basis.

Please contact Neil Johannsen at 762-2600 for further assistance.

Sincerely,



Harry A. Noah
Commissioner

cc: Neil C. Johannsen
Jerry Gallagher

**Alaska State Legislature
House of Representatives**

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HOME:
9843 CHICHAGOF LOOP
EAGLE RIVER, AK 99577
PHONE (907) 694-7943

DURING SESSION:
STATE CAPITOL
JUNEAU, AK 99811
PHONE (907) 465-3777

Representative Pete Kott

**SECTIONAL ANALYSIS
HOUSE BILL 322**

Section 1 of House Bill 322 requires the Department to promulgate regulations prohibiting or limiting the use or possession of alcohol in state parks, recreational areas, or historic sites. This duty is triggered if the Department determines that the use or possession of alcohol is incompatible with public health, safety, or peace.

Section 2 of House Bill 322 makes it a class A misdemeanor to violate a regulation promulgated under the authority granted in Section 1.

Section 3 of House Bill 322 gives the Department one year to make a determination as to whether the use or possession of alcohol in state parks, recreational areas, and historic sites is incompatible with public peace, health, and safety.



Alaska State Legislature
House of Representatives

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Representative Pete Kott

SPONSOR STATEMENT
HOUSE BILL 322

Alaska is blessed with parks and recreational areas of unparalleled beauty. Situated throughout the state, these public facilities provide rest and relaxation to many, both Alaskans and visitors from the entire world. What we possess is a treasure to be cherished and protected.

Unfortunately, a problem has begun to manifest itself. Increasingly, alcohol is being abused in state parks and recreational areas. When this occurs, the peace, health, and safety of the public is compromised.

House Bill 322 is intended to solve this problem. It directs the Department of Natural Resources to evaluate whether the use or possession of alcohol is incompatible with public peace, health, and safety. If it so determines, the Department must promulgate regulations "...governing the limitation or prohibition of the use or possession of alcohol in a state park...". A violation of any such regulation would be a class A misdemeanor.

It is not the sponsor's intent to legislate prohibition. Rather, this bill is intended to require the Department to take only such steps as are necessary to solve problems of alcohol abuse. By doing so through regulation, a great amount of flexibility is accorded. That is to say, regulations may be site-specific and tailored to local conditions.

Absent some action to ameliorate the problem of alcohol abuse, our state parks, recreational areas, and historic sites will become increasingly dangerous and unpleasant. Passage of House Bill 322 would address this problem in a restrained, and yet effective, manner.



FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: HB 322

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to regulation of alcohol
in state parks" BRU: Alaska State Troopers
 Sponsor: Rep Kort Component: Detachments
 Requestor: H. CRA COMPONENT SERIAL NO. 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

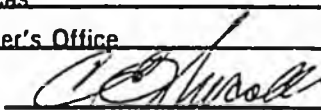
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
 No significant fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Lee Ann Lucas Phone: 465-4322
 Division: Commissioner's Office Date: 2/1/94
 Approved by Commissioner:  Date: 2/1/94
 Agency: Richard I. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 322

Revision Date: _____ Dept. Affected: Corrections
 Title: An act relating to the regulation of alcohol. BRU: Statewide Operations
 Sponsor: Representative Korr Component: All Institutions
 Requestor: House Community & Regional Affairs COMPONENT SERIAL NO. 704-726

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004-GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY94) cost: \$ 0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Diane Schenker, Special Assistant *Diane Schenker* Phone: 786-2147/465-4643
 Division: Corrections Date: 1/29/94
 Approved by Commissioner: J. Frank Prewitt, Jr. *J. Frank Prewitt* Date: 1/31/94
 Agency: Corrections

Fiscal Note/DOC

IIB 322

January 29, 1994

Page 2 of 2

The bill would authorize the Department of Natural Resources to limit or prohibit the use or possession of alcohol in certain parks and recreational areas, through regulation. Violation of such regulations would constitute a misdemeanor punishable by up to six months of incarceration.

Assumptions

1. It is assumed that alcohol use or possession will be prohibited in some locations, through regulation. The impact is difficult to predict until the Department of Natural Resources determines which sites are appropriate and promulgates regulations. Where such prohibitions are imposed in geographical areas near state correctional centers, it is assumed that rarely, but inevitably, some individuals will be incarcerated for this misdemeanor. This impact cannot be predicted accurately in any quantifiable way, but is expected to be very slight.
2. By prohibiting the use or possession of alcohol in certain recreational areas, it is assumed that some other types of alcohol-related criminal activities will be minimized at those locations. Although this impact cannot be predicted accurately in any quantifiable way, it is assumed that it will offset the impact of any incarcerations which might occur as a result of violating the potential regulations.
3. Any additional days of incarceration which would occur as a result of the potential regulations would cost \$113 per day, based upon the average statewide cost of incarceration in a state correctional facility. The same cost would apply to any days of incarceration potentially avoided as a result of discouraging use and possession of alcohol at these sites.

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB322

1994 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: "An Act relating to the regulation of alcohol BRU: Parks and Recreation Management
in state parks, recreation areas and historical sites." Component: Parks Management
 Sponsor: Representative Kott
 Requestor: Representative Kott Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ None

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The bill directs the Department to promulgate regulations regarding the possession and use of alcohol in units of the state parks system. It provides the department with the discretion to determine at which facilities the use and possession of alcohol may be limited or prohibited. The staff work necessary to carry out the intent of the Bill will occur in conjunction with existing park operating activities and park regulation projects currently underway. No additional expenses or future commitments of operating budget dollars is anticipated.

Prepared by: Neil Johannsen, Director Phone: 762-2600
 Division: Parks Date: 28-Jan-94
 Approved by Commissioner: Harry A. Noah Date: 28-Jan-94
 Agency: Natural Resources

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 322

Revision Date: January 12, 1994
Title: "...regulation of alcohol in state parks, recreation areas and historic sites."
Sponsor: Representative Kott
Requestor: Representative Kott

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0091

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard I. Peques, Director Phone: 465-3672
Division: Administrative Services Division Date: January 12, 1994
Approved by Commissioner: Bruce M. Botelho, Acting Attorney General
Agency: Department of Law Date: January 12, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 322

ANALYSIS CONTINUATION:

This bill would allow the Department of Natural Resources to limit or prohibit the use or possession of alcoholic beverages in state parks, recreation areas, historic sites, where the abuse of alcohol by some has annoyed and disturbed other recreational users of the state's park system. The bill is not expected to have a fiscal impact on the Department of Law.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 322

Revision Date: _____
 Title: "An Act relating to the regulation of alcohol
in state parks . . ."
 Sponsor: Rep. Kott
 Requestor: (H) C&RA

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUNDING SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Brant McGee, Director
 Division: Office of Public Advocacy

Phone: 274-1684
 Date: _____

Approved by Commissioner: Nancy Bear Usery
 Agency: Department of Administration

Date: 1/18/94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 322

Revision Date: _____
 Title: "An Act relating to the regulation of alcohol
in state parks . . ."
 Sponsor: Rep. Kott
 Requestor: (H) C&RA

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUNDING SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: John Salemi, Public Defender
 Division: Public Defender Agency

Phone: 279-7541
 Date: _____

Approved by Commissioner: Nancy Bear Usual
 Agency: Department of Administration

Date: 1/18/94

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A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE JAMES

TO: SSHB 352

Page 1, line 1, following "approval":

Insert ", change, or vacation"

Page 2, line 20, following "section":

Insert "and may adopt regulations establishing fees for the services provided under this section. Fees established under this section shall reflect the administrative cost to the department and must include costs for personnel, contractual, and material services. A fee established under this section is in addition to other charges authorized by this section"

H B

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HOUSE COMMITTEE REPORT

(7)

Date Referred: January 21, 1994

FURTHER REFERRALS:

Resources
Finance

Date of Committee Action: _____

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

SSHB 352

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352

SUBDIVISION PLAT APPROVAL: UNORGANIZED BOR

"An Act relating to the approval of subdivision plats in areas outside organized boroughs, in the unorganized borough outside of cities, and in the third class boroughs; and relating to the definitions of 'street' and 'subdivision'."

RECOMMENDATIONS:

be replaced with CSHB 352 the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note DNR

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Jan Sanders</i>	✓	<i>E.J. Willis</i>		X	
<i>Don Brude</i>	✓	<i>W.K. Williams</i>		✓	
<i>[Signature]</i>	✓				
<i>Harley Olberg</i>	✓				

Harley Olberg
CHAIRMAN'S SIGNATURE

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886

January 28, 1994

The Honorable Jeannette James
Alaska State House of Representatives
State Capitol
Juneau, AK 99801-1182

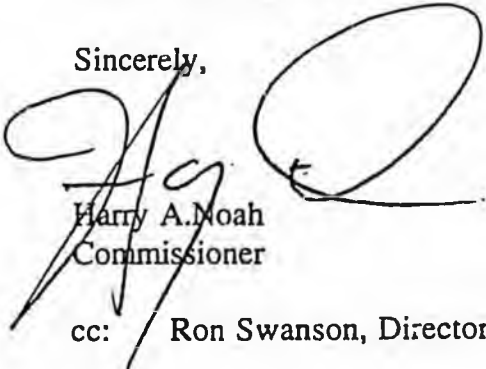
Dear Representative James:

The Department of Natural Resources supports the Sponser Substitute for House Bill 352, which includes the addition of the definitions of "streets" and "subdivisions." We also understand that the Alaska Society of Professional Surveyors also supports HB 352. They specifically requested that the bill include the definitions of "streets" and "subdivisions" as in the Sponsor Substitute. These two definitions are needed to establish a common definition of streets and subdivisions for use by all state agencies that are involved in permitting and approval of subdivisions. The lack of a common definition has made it difficult for surveyors to meet the requirements of all state agencies.

This bill will greatly benefit anyone purchasing or having property in the unorganized borough or third class boroughs. There is more and more subdivision activity in our outlying areas. The passage of this bill will ensure that land offered for sale in these areas meets the applicable laws, reduces the chances of clouded title, ensures proper location of sale parcels, and ensures that all subdivided parcels have legal access.

Thank you for sponsoring this bill. If the Department can be of assistance, please contact Ron Swanson at 762-2692.

Sincerely,



Harry A. Noah
Commissioner

cc: Ron Swanson, Director, Division of Land

james-hb.352



*Department of Transportation
and Public Facilities*

POSITION PAPER

BILL NO: HB 352

APPROVED: 

TITLE: Subdivision Plat Approval:
Unorganized Boroughs

DATE: February 9, 1994

In principal, we support the need for a platting authority in the unorganized borough, but we believe this bill will be detrimental to certain activities we perform as a public agency. Specifically, the application of subdivision procedures to (1) plats solely used to establish right-of-way boundaries, and (2) to lots used to convey leasehold interests on airports is unnecessary and cumbersome.

Platting Procedures and Right-of-Way Acquisitions

The general process of subdivision rules simply does not work well in the context of right-of-way plats. For example, a typical subdivision is done to create lots, voluntarily with the landowner's consent. In contrast, right-of-way acquisitions are often accomplished under condemnation procedures, making such routinely required tasks as surveying, platting, boundary monumentation, signature approvals and recording, prior to conveyance, exceedingly difficult or impossible.

In recent years the various platting authorities in the organized borough (under the authorities of AS 09.55.275, 35.30.020, and 40.15.070) have required that their platting ordinances fully apply to our right-of-way acquisitions. Fortunately, most of these jurisdictions have discovered how atypical right-of-way plats really are, and in response have amended their ordinances to specifically address right-of-way platting. In general, the amended ordinances validated the long-standing procedures we had been following prior to local enforcement. One borough in particular, has not taken this relaxed approach, to the detriment of project advancement in their jurisdiction.

In many other states, state law specifically exempts right-of-way plats from the oversight of local platting authorities, in favor of a general mandate, to conduct such platting with regard to recording plat documents, and appropriate boundary monumentation. Such an exemption would be the best solution to our circumstances.

Moreover, the new definition of "subdivision" contained in Section 3 further ensnares our activities. In a recent Fairbanks project, a land owner objecting to a condemnation action challenged the state, in part, due to a claim that the state failed to comply with AS 40.15.200. The judge specifically ruled that our subdivision plat was exempt based on the existing definition of "a tract or parcel of land into two or more lots". By adding the new

For Further Information contact J.K. Ginger Johnson at 465-3904.

BILL NO: HB 352

TITLE: Subdivision Plat Approval: Unorganized Boroughs

DATE: February 9, 1994

clause "or by creation of public access" to the definition, we could lose future legal challenges. It is important to again point out the impracticality of requiring that we subdivide a piece of property, prior to conveyance, that is being purchased involuntarily.

Another feature of typical subdivision procedures is the time involved to provide public notice, hold hearings and proceed through multiple-step approvals. Yet our transportation projects are already subject to other public hearing and public notice requirements, making the subdivision public reviews tedious, expensive and a cause of delay.

We would urge that the legislation be amended to generally exempt right-of-way plats in favor of existing practices used by the department.

Leasehold Interest Lots on State Airports

Historically, when leasing lots on state-owned airports we have retained unallocated land until a leasing demand arises. Then, based upon the requirements of the lessee, the department establishes the lot size, access ways, and other requirements. In earlier versions of this bill (such as SB 81 in the previous Legislature) we successfully convinced the sponsor to insert language which declared that subdivision procedures do not apply to maps prepared for the purpose of transferring a leasehold interest.

We believe that a similar provision is beneficial to the important business development functions that airport leases play, and that the requirements of subdivision reviews, surveying, monumentation and recording, do not serve the public interest in these circumstances.

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES
P.O. Box 56622
North Pole, Alaska 99705
(907) 488-0862

House District 34



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743

House Of Representatives

Sponsor Substitute for HB 352
January 31, 1994

SPONSOR STATEMENT

Currently no legal authority reviews plats in the unorganized boroughs for compliance with State law. This means that there is no agency review of access to each lot, the outcome is that there are landlocked lots created. Currently "paper plats" are allowed to be recorded without being surveyed, HB 352 corrects this oversight. This legislation requires the Department of Natural Resources to review plats for compliance with State law.

There are several definitions of Street and Subdivision in various statutes, this legislation defines them as requested by the Department of Natural Resources.

Amendment #2

Page 3 B

As ~~40-15-070~~ does not apply to
plots prepared for the Dept of Transf
PF for the purpose of creating or
adjusting Right-of-way boundaries or
transferring leasehold interests at state-
owned airports.



HOUSE COMMUNITY AND REGIONAL AFFAIRS

DATE: 2/10/94

PLACE: Rm. 124

SUBJECT OF MEETING:
 HB 352
 HB 398

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Ron Swanson	DNR	P.O. Box 10-7005 Anch	99516		762-2692	(Y) N	HB 352 ? HB 398
Jack Ottosen	DOT PK	3737 Channel Junction	99501		405 6954	(Y) N	IF QUESTIONS ON P.P.
John Walsh	DCRA	Box 112100 JNU	99811		4898	(Y) N	IF QUESTIONS HB 398, 55398, CS 398
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SSHB352

Revision Date: 24-Jan-94 Dept Affected: Natural Resources
 Title: "An Act relating to the approval of subdivision
plats in areas outside organized boroughs..." BRU: Resource Development
 Sponsor: Representative James Component: Land Development
 Requestor: Representative James Component Serial No. 431

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	66.0	66.0	66.0	66.0	66.0	66.0
TRAVEL						
CONTRACTUAL	10.0					
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	80.0	70.0	70.0	70.0	70.0	70.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	80.0	70.0	70.0	70.0	70.0	70.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	80.0	70.0	70.0	70.0	70.0	70.0

Estimate of any current year (FY94) cost: \$ None

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS:

(Attach a separate page if necessary)

See attached analysis page.

Prepared by: Ron Swanson, Director Phone: 762-2692
 Division: Land Date: 24-Jan-94
 Approved by Commissioner: Harry A. Noah Date: 24-Jan-94
 Agency: Natural Resources

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

ATTACHMENT A

BACK UP FOR FISCAL NOTE FY 95

PERSONAL SERVICES:

Anticipate 250 subdivision plats submitted for review per year.

Preliminary reviews will be performed by CSA II, at \$31.41 per hour.

Estimated review time will be 7.5 hours per plat.

250 plats X 7.5hrs/plat X \$31.41/hr = \$58,893.00 \$58,893.00

Final reviews and approval will be performed by CS I, at \$39.58 per hour.

Estimated review and approval time will be 0.75 hours per plat.

250 plats X 0.75hrs/plat X \$39.58/hr = \$7,421.00 \$ 7,421.00

TOTAL PERSONAL SERVICES \$66,314.00

CONTRACTUAL:

The State must purchase existing land records, survey plats and field survey notes from BLM and the recording offices to carry out the functions required by this bill. The one time purchase cost for microfiche copys of survey plats and field notes to cover the State is \$10,000.00. Document purchases from the recording office will be covered through the supply budget. _____

TOTAL CONTRACTUAL \$10,000.00

SUPPLY:

The supply budget will consist of phone calls, copy purchases from the Recorders Office, office supplies and space rent. Estimate of \$4,000.00. _____

TOTAL SUPPLY \$ 4,000.00

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSSSHB352

Revision Date: 11-Feb-94 Dept Affected: Natural Resources
 Title: Establishing DNR as Plotting Authority in BRU: Resource Development
certain areas of the State Component: Land Development
 Sponsor: Representative James
 Requestor: House Resources Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	66.0	66.0	66.0	66.0	66.0	66.0
TRAVEL						
CONTRACTUAL	10.0					
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	80.0	70.0	70.0	70.0	70.0	70.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	80.0	70.0	70.0	70.0	70.0	70.0
1006 GF/MHTIA						
Other						
TOTAL	80.0	70.0	70.0	70.0	70.0	70.0

Estimate of any current year (FY94) cost: \$ _____

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See attached analysis page.

Prepared by: Ron Swanson, Director Phone: 762-2692
 Division: Land Date: 11-Feb-94
 Approved by Commissioner: Harry A. Noah Date: 11-Feb-94
 Agency: Natural Resources

ATTACHMENT A

BACK UP FOR FISCAL NOTE FY 95

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TOTAL PERSONAL SERVICES \$66,314.00

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TOTAL CONTRACTUAL \$10,000.00

SUPPLY:

The supply budget will consist of phone calls, copy purchases from the Recorders Office, office supplies and space rent. Estimate of \$4,000.00. _____

TOTAL SUPPLY \$ 4,000.00

Analysis

This bill will greatly benefit anyone purchasing property in the unorganized borough or third class boroughs. There is more and more subdivision activity in our outlying areas. The passage of this bill will ensure that land offered for sale meets the applicable laws, reduces the chances of clouded title, ensures proper location of parcels, and ensures that all subdivided parcels have legal access.

The committee substitute (House Community and Regional Affairs) added a section that authorizes the department to "adopt regulations establishing fees for the services provided." Fees are to include costs for personal, contractual, and material services. Based on this amendment this fiscal note reflects a change from general fund to general fund/program receipt funding.

We estimate that the DNR Survey Unit's work load will increase by approximately 250 plat reviews per year. Attached is a cost breakdown of dealing with this additional work.

We currently have existing regulations that should cover the costs of this program. These regulations cover both preliminary, final plat reviews and recording fees. These costs are \$200.00 per plat, with an additional charge of \$50.00 per parcel. At an average cost of \$350.00 per review, \$87,500.00 would be generated which is higher than our requested program receipt funding level of \$80,000.00. These plat review fees are comparable with existing borough platting fees.

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LEGISLATIVE TELECONFERENCE NETWORK

PAGE 3

DATE & TIME

DATE & TIME 02/17/93 3:00 TO 4:30 STAT0216 85 DURNED

SPONSOR NAME

SPONSOR NAME HOUSE COMMUNITY AND REGIONAL AFFAIRS

QUALITY OLBERG

CONTACT NAME

CONTACT NAME WAYS

PHONE 907/463-1857

ADDRESS

SPONSOR REMARKS (PG1): TESTING NOT ALLOWED

30 MINUTE LIMIT

TESTING NOT ALLOWED

AGENDA

1. HOUSE ADOPTION BY APPROVAL

2. HOUSE ADOPTION BY CONSENT

PARTICIPATING LISTS

ANCHORAGE

ANCHORAGE

FBI AIRBORNE

JRU ONLINE

ANCHORAGE

ANCHORAGE

119 CUSHMAN ST

ANCHORAGE

LOCATION STAFF

LOCATION STAFF

LOCATION STAFF

LOCATION STAFF

PARTICIPANTS IN ANCHORAGE

RICH

1600 4 ST. STE 100

LEE

420 L ST. STE 400

CORY

20X 100

MAX

PO BOX 929

JIM

10050 PROSPECT DR

WILSON

ANCHORAGE

ANCHORAGE

MILLERHS

ANCHORAGE

MARAVANSKY

ST GEORGE

BARNETT

ANCHORAGE

ST GEORGE

ANCHORAGE

ST GEORGE

ANCHORAGE

WHITTIER

WHITTIER

ST GEORGE

ST GEORGE

WHITTIER

ANCHORAGE

T377, HB 398

AK 99501 (907)272-6664

T377, HB 398

AK 99501 (907)272-19A7

T377, HB 398

AK 99573 (907)472-2357

OBSV, HB 398

AK 99501 (907)859-2263

OBSV, HB 398

AK 99501 (907)346-3755

PARTICIPANTS IN DILLINGHAM

DLC

MR. LAWRENCE F. LANGST

PO BOX 589

CITY OF DLC

DILLINGHAM

OBSV, HB 398

AK 99573 (907)861-0293

H B

3 9 3

Sponsor Statement
HB 393
Representative Carl E. Moses

HB 393 relates to the unincorporated community capital matching grant program.

HB 393 amends AS 37.06.020, the eligibility requirements to participate in the **Unincorporated** community capital matching grants program. Currently, only unincorporated communities outside of organized boroughs can participate directly in the program. Unincorporated communities within boroughs do not participate directly, and only receive a portion of the borough's allocation of the **Municipal Capital Matching Grants Program**, if the borough sees fit.

HB 393 will level the playing field for all unincorporated communities by allowing those outside of boroughs, and those inside of boroughs where 25 or more residents permanently reside, and where there is no roadway connection to other communities, to participate in the program currently administered from the Department of Community and Regional Affairs. The bill will take effect July 1, 1994.

When the language to develop the Capital Matching Grants Programs was drafted, there was an oversight in recognizing that the Lake and Peninsula Borough, for instance, has 13 unincorporated communities that must share the pool of Municipal grant monies that the borough receives. I would appreciate prompt consideration for HB 393, so that the 24 unincorporated communities that will be made eligible to participate in the program can do so in FY'05

FISCAL NOTE

Revision Date: January 21, 1994 Dept. Affected: Community & Regional Affairs
 Title: An Act relating to unincorporated community capital project matching grant program BRU: Administration & Support
 Component: Administrative Services
 Sponsor: Rep. Moses
 Requestor: _____ COMPONENT SERIAL NO. 584

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
----------------	------------	------------	------------	------------	------------	------------

REVENUE FUND SOURCE: _____

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current (FY94) impact \$ none

ANALYSIS: (Attach a separate page if necessary)
 Based on the definition of communities that would be made eligible for program participation under this legislation, the Department has determined an additional 24 unincorporated communities could participate. The program provides for a \$25,000 match for each unincorporated participant. Therefore, an additional \$600,000 would be needed to fully fund the unincorporated element of the amended capital match program administered by the Department. However, it is our understanding these funds would be re-allocated to the Department from the municipal element of the program administered by the Department of Administration. That being the case, there would be zero net fiscal impact to the state under the proposed amendment. (Continued on separate page.)

Prepared by: Remond Handerson, Director *Remond Handerson* Phone: 485-4708
 Division: Administrative Services Date: 1/27/94
 Approved by Commissioner: *Sam R. Juyett* DEPUTY COMMISSIONER Date: 1/28/94
 Agency: Community & Regional Affairs

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Fiscal Note Analysis Continued

The addition of 24 new participants to the unincorporated community Capital Match Program administered by the Department will translate into increased burdens of grant tracking and community assistance for departmental staff. Nevertheless, the Department feels these additional duties can be absorbed by existing staffing levels. One new grant administration position was created in the Department in conjunction with the passage of the original Capital Match Program legislation in 1993. This position should be able to accommodate the additional work load that would result from passage of HB393.

ARK 1-28-94

FISCAL NOTE

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

BILL NO. HB 393

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to the unincorporated community BPU: Administrative Services
capital project matching grant program; and providing..." Component: Administrative Services
 Sponsor: Representative Moses
 Requestor: (H) CRA COMPONENT SERIAL NO. 46

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: \$ None

POSITIONS:

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

ANALYSIS: (Attach a separate page in necessary)

Prepared by: Sharon Barton, Director
 Division: Administrative Services

Phone: 465-2277
 Date: _____

Approved by Commissioner: Nancy Bear Usura
 Agency: Administration

Date: 1/27/94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 393

Revision Date: January 24, 1994
 Title: "An Act relating to the unincorporated community capital project matching grant program..."
 Sponsor: Representative Moses
 Requestor: Representative Moses

Department Affected: Department of Law
 BRU: Legal Services
 Component: Operations
 COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
 Please see the attached analysis.

Prepared by: Richard T. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: January 24, 1994
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law Date: January 24, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 393

ANALYSIS CONTINUATION:

This bill amends AS 37.06 to provide that unincorporated communities located within boroughs that are not connected by road to a city, unified municipality, or another unincorporated community, are eligible to participate in the unincorporated community capital project matching grant program. This program has no direct relationship with the Department of Law, and there will not be a fiscal impact for the department.

02/22/94
13:08:32

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)

LTN1150
BY:ANC
FOR:ANC

~~TOP SECRET~~ SCHEDULED FOR:02/22/94 13:00 TO 14:45
PUBLIC HEARING HOUSE COMMUNITY AND REGIONAL AFFAIRS

LOCATION:ANCHORAGE
HR 393

LAMAR

COTTEN

TESTIFY

A M E N D M E N T

OFFERED IN THE HOUSE
TO: HB 393

BY REPRESENTATIVE MOSES

Page 2, lines 7 - 11:

Delete "unincorporated community that was entitled to receive state aid under AS 29.60.140 during the preceding fiscal year; or is located in a borough, other than a unified municipality, is not connected by road to a city, a unified municipality, or another unincorporated community, and in which 25 or more individuals resided as a social unit during the preceding fiscal year."

Insert: "eligible unincorporated community [THAT WAS ENTITLED TO RECEIVE STATE AID UNDER AS 29.60.140 DURING THE PRECEDING FISCAL YEAR]."

Page 2, line 14, after "community":

Insert "(1)"

Page 2, line 15, after "or":

Insert "(2)"

Page 2, lines 16 - 18:

Delete "is not connected by road to a city, a unified municipality, or another unincorporated community, and was a place in which 25 or more individuals resided as a social unit during the preceding fiscal year."

Insert "and was a place in which 25 or more individuals resided as a social unit during the preceding fiscal year."

A M E N D M E N T

OFFERED IN THE HOUSE
TO: HB 393

BY REPRESENTATIVE MOSES

Page 2, after line 23:

Insert the following new bill section to read:

** Sec. 3. AS 37.06.020(e) is amended to read:

(e) By October 1 of each fiscal year, the incorporated nonprofit entity or Native village council designated by the department under (d) of this section shall submit to the governor a prioritized list of capital projects and estimated costs to be financed with money from the community's individual grant account established under (b) of this section. The list must include the amount and source of the local share required by AS 37.06.030. If the community is located in a borough, the list is subject to approval of the assembly and must be accompanied by written evidence of that approval. The governor shall include in the capital improvements program presented to the legislature under AS 37.07.060 the projects submitted by designated entities under this subsection that the governor recommends for funding. If, in the capital improvements program, the governor includes projects in other than the priority order submitted by a designated entity, the governor shall provide the legislature with a written statement of the reasons for that action."

Renumber the following bill sections accordingly.



Alaska State Legislature

House of Representatives Community & Regional Affairs

LETTER OF INTENT

FOR CSHB 393

Relating to
Unincorporated Community Capital Matching Grant Program

February 22, 1994

In passage of CSHB 393 from the Community and Regional Affairs Committee, it is our intent that the following be considered in the Finance Committee:

That changes in eligibility caused by this legislation not adversely impact current recipients. As a consequence, we request that the funding for the new eligible communities not dilute the unincorporated community capital matching grant fund but, to some extent, these funds be derived from the municipal account.

That some manipulation of the unincorporated and municipal accounts should be addressed to accommodate the changes brought forth with CSHB 393 to proportionately benefit all recipients.

That in the interest of fairness, you may consider lowering the minimum distribution, currently \$25,000, in the unincorporated community capital project matching grant program.

Harley Olberg, Chairman

397

HB

HOUSE COMMUNITY AND REGIONAL AFFAIRS HEARING ON HB 397

Testimony of Gary Williams, City Manager of Whittier, February 1, 1994

Chairman Olberg, and members of the Committee. My name is Gary Williams. I am the City Manager of the City of Whittier, a second class city in western Prince William Sound. I appreciate the opportunity to offer testimony in support of SSB 397.

There of 117 second class cities in Alaska all of whom depend upon various forms of state assistance including Municipal Assistance and Revenue Sharing and grants to supplement revenue derived from their local tax structures. We depend upon these outside sources not only because we have become accustomed to the revenue stream but because small communities have few sources from which to raise revenue to provide services. Economies of scale work against small communities who have most of the same needs as their larger counter parts but much less in taxable base.

It is an added burden for a small community to be saddled with a statutory limitation on the rate it may establish as the levy for the provision of local services. That is the matter HB 397 addresses.

I would like to bring this into perspective by using Whittier as an example. The assessed value of real property in Whittier is \$33.5 million. But, when exemption allowed under state law are deducted the taxable assessed value is a mere \$8.3 million. As you may know the Alaska Railroad is the largest land owner with some 60% ownership of Whittier proper. Quick math will show that the property tax that can be raised on \$8.3 million in taxable property at 5 mills is \$40,000.00. That's about half the amount necessary to employ our nurse practitioner and, coincidentally, amounts to one-half of one percent of the city's general fund budget. The city also levies the 5 mill tax on personal property including boats, machinery, and recreational equipment. This tax raises another \$60,000, an amount equal to about one third of our Public Safety budget.

Given the past and proposed reductions in state assistance and a policy which places more fiscal responsibility on local governments what is missing in this picture is the transfer of authority to local governments to tax themselves in order to survive. It is inappropriate to tie a knot in the shared revenue stream and yet expect second class cities to not only survive but to be actively involved in developing local economies. It is similar to the federal government mandating that state take over services but not providing resources with which to fund them.

Will the change in the ad valorem tax limitation create any negative effects? We can think of none. Today, the limitation simply has the appearance of being an arbitrary and unreasonable limitation on local self-determination. The public still has a voice in the rate of taxation through the public hearing process that each annual budget must face and annual

elections city councils must face. No council, in my experience in local government over a number of years, takes lightly the matter of raising the mill levy.

We have given this matter a great deal of thought. The Whittier City Council is unanimous in its call for removal of this statutory limitation. We at the local level know and understand the fiscal issues that make it imperative that we as individuals and municipal governments take a greater measure of responsibility for our own destiny. But the state must give us the authority to use the tools at hand.

Thank you for hearing this bill and taking my testimony.

HOUSE BILL NO. 397

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE OLBERG

Introduced: 1/26/94

Referred: Community & Regional Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the power to levy property taxes in second class cities."

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

3 * Section 1. AS 29.45.590 is amended to read:

4 Sec. 29.45.590. [LIMITED] PROPERTY TAXING POWER FOR SECOND
5 CLASS CITIES. A second class city may by ordinance approved by the voters
6 [REFERENDUM] levy property taxes as provided for first class cities [. HOWEVER,
7 LEVY BY A SECOND CLASS CITY MAY NOT EXCEED ONE-HALF OF ONE
8 PERCENT OF THE ASSESSED VALUE OF THE PROPERTY TAXED], except that
9 the requirement of voter approval [LIMIT] does not apply to a levy necessary to
10 avoid a default upon payment of principal and interest of bonded or other indebtedness
11 that is secured by a pledge to levy ad valorem or other taxes without limit to meet debt
12 payments.

SPONSOR SUMMARY SSHB 397

An Act relating to the power to levy property taxes in second class cities and combining a property tax and incorporation question.

Need for the Legislation

Alaska Statute 29.45.590 presents an operations and economic development problem for second class cities. That law places a 5 mill limit on the rate of real and personal property second class cities may levy. Given new and emerging fiscal policies of the state which result in less municipal assistance and revenue sharing, less state and federal grant money and heavy competition for these scarce dollars, second class cities, who have traditionally relied on these sources to make up their budgets, face revenue shortfalls which threaten their economic stability and hinder development.

The effect of state and federal fiscal problems increasingly comes to rest at the local level. It is unlikely that this trend will reverse. The bulk of Alaska's municipal governments are second class cities, 117 in all. The State of Alaska wishes to transfer more fiscal responsibility to local governments for the operation of a host of programs formerly well funded through grants. The missing link in this policy is the transfer of full taxation powers to second class cities so they can make decisions regarding the level of taxation they wish to impose upon themselves for services.

AS 29.45.590 was written in an era much different than we find today. We have researched the legislative history of this issue and can find nothing in the written record to suggest the reason second class cities were limited to 5 mills. However, anecdotal information gleaned from legal scholars who have studied Title 29 suggest that the limitation was included as an incentive for communities to incorporate without the fear that in so doing they would be setting themselves up for high taxes. While this may have been an incentive many years ago given the revenue 5 mills will raise in a small communities, it would most likely not be such an incentive today.

If the state wishes to impose greater financial responsibility on second class cities it must remove the legal shackles. SSHB 397 is the most important step the legislature can take in this regard.

Primary Changes In The Law

1. Amends current statutes giving authority for home rule and first class cities to levy a property tax to include second class cities and giving them taxation powers equal to those of home rule and first class cities.
2. Repeals current statutes limiting the power of second class cities to levy real and personal property taxes.
3. Repeals a current statute which would be irrelevant if all cities are treated as equal in their power to levy property and personal property taxes.
4. Repeals language referencing AS 29.45.590 which is repealed under SSHB 397.



217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907) 586-1325, Fax (907) 463-5480

January 31, 1994

TO: Representative Harley Olberg, Chair
and Members
House Committee on Community & Regional Affairs

FROM: Kent E. Swisher, Executive Director

RE: **HB 397 - Power of second class cities to levy property taxes**

The Alaska Municipal League supports the intent of HB 397, which would remove the limitation on the power of second class cities to levy property taxes. This issue was addressed by the League's members at the 1993 Local Government Conference, and at that time AML members passed Resolution 94-11 (copy attached), which outlines our position.

As noted in the resolution, locally generated revenue is one of the main sources of funding for second class cities. In 1990, for example, according to the Department of Community and Regional Affairs, nearly 70 percent of the operating budgets of the state's second class cities came from local taxes and user fees, an average of \$860 per capita. State aid in the form of State Revenue Sharing and Municipal Assistance accounted for another \$191/capita, on average, and other outside assistance (state and federal grants), averaged \$179 per capita.

As the legislature has cut back drastically on funding for State Revenue Sharing and Municipal Assistance (cuts have been over 50 percent during the last nine years), second class cities have faced increasingly difficult financial situations. Property taxation is a key funding mechanism for Alaskan municipalities, but the ability of second class cities to use it has been severely curtailed by the current statutes, which limit property taxes in second class cities to one half of one percent of the assessed value. Although at the current time only a few second class cities impose a property tax (the majority prefer to raise revenues by means of sales taxes and user fees), the League and its members see any limitation on the power of second class cities to tax themselves that differs from the limitations on other municipalities as unnecessary and arbitrary.

The League supports HB 397 (and the proposed Sponsor Substitute), which would allow second class cities to determine the appropriate property tax rate for their situations and remove an arbitrary limit on their ability to generate revenue locally.

Enclosure

LEG94.hb397.131

Resolution of the Alaska Municipal League

Resolution No. 94-11

**A RESOLUTION SUPPORTING ELIMINATION OF THE
AD VALOREM TAX LIMITATION FOR
SECOND CLASS CITIES**

WHEREAS, many second class cities have been established under Alaska law and second class cities are now the most numerous form of local government in the State of Alaska; and

WHEREAS, the principal means of financing the administration of second class city government is through local municipal taxation and state-funded Municipal Assistance and Revenue Sharing programs; and

WHEREAS, ad valorem property taxation is established for all municipal governments as a key funding mechanism, with limits set as provided by AS 29.45.090 and .100; and

WHEREAS, there is an additional property tax limitation established for second class cities only, whereby under AS 29.45.590 such cities may tax only up to one-half of one percent of the assessed value of real and personal property within their boundaries; and

WHEREAS, such special limitations on the powers of second class cities are arbitrary, unnecessary, and unreasonable and should be eliminated in order to enable such cities to cope better with reduced revenues in the future:


NOW, THEREFORE, BE IT RESOLVED by the Alaska Municipal League that the Alaska Legislature is respectfully encouraged to repeal the provisions of AS 29.45.590 as they limit the ability of second class cities to assess ad valorem taxes in any way different than other cities in the State of Alaska.

BE IT FURTHER RESOLVED that consideration of this issue should be addressed in the context of examining the overall structure of cities and their powers.

Adopted this 12th day of November 1993 in Soldotna, Alaska.


Rosalee T. Walker, President

ATTEST:


Kent E. Swisher, Executive Director

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 397
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE OLBERG

Introduced:
 Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the power to levy property taxes in second class cities and
 2 to combining a property tax and incorporation question."

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

4 * Section 1. AS 29.45.010(b) is amended to read:

5 (b) A home rule, [OR] first class, or second class city may levy a property tax
 6 subject to AS 29.45.550 - 29.45.560. [A SECOND CLASS CITY MAY LEVY A
 7 PROPERTY TAX SUBJECT TO AS 29.45.590.]

8 * Sec. 2. AS 29.45.550 is amended to read:

9 Sec. 29.45.550. CITIES OUTSIDE BOROUGHES. Home rule, [AND] first
 10 class, and second class cities outside boroughs may assess, levy, and collect a
 11 property tax. A property tax if levied must be assessed, levied, and collected as
 12 provided by AS 29.45.010 - 29.45.500.

13 * Sec. 3. AS 29.45.560 is amended to read:

14 Sec. 29.45.560. CITIES INSIDE BOROUGHES. Home rule, [AND] first class,

1 and second class cities inside boroughs may levy a property tax. A property tax, if
2 levied, is subject to AS 29.45.010 - 29.45.050, 29.45.090 - 29.45.100, 29.45.250,
3 29.45.400 - 29.45.440 and 29.45.460 - 29.45.500. The council shall by June 15 of
4 each year present to the assembly a statement of the city's rate of levy unless a
5 different date is agreed upon by the borough and city.

6 * Sec. 4. AS 44.85.410(3) is amended to read:

7 (3) "municipal bond" means a bond or note or evidence of debt that
8 constitutes

9 (A) a general obligation bond that is a direct and general
10 obligation of a political subdivision of the state, all the taxable property within
11 which is subject to taxation to pay the bond, note, or evidence of debt, and the
12 interest without limitation, as to rate or amount generally to the extent
13 permitted by law [OR TO AVOID A DEFAULT AS PROVIDED FOR
14 SECOND CLASS CITIES UNDER AS 29.45.590];

15 (B) a revenue bond, except a revenue bond for electrical
16 generation purposes other than diesel-powered generation, issued by a
17 municipality or a port authority that pledges the revenue of a
18 revenue-producing capital improvement and that is payable solely from the
19 revenue of the revenue-producing capital improvement;

20 (C) a general obligation bond or revenue bond combined or
21 additionally secured;

22 (D) a bond of a borough issued as a general obligation of a
23 service area under AS 29.47.440 or former AS 29.58.340; or

24 (E) an obligation of a municipality secured only by

25 (i) special assessments on benefited property;

26 (ii) tax increments and a letter of credit or equal

27 security; or

28 (iii) a lease for equipment or building improvements if

29 the state is not a lessee;

30 * Sec. 5. AS 29.45.590 and 29.45.600 are repealed.

- | | |
|---|---|
| 80. Tax on oil and gas production and pipeline property | 200. Board of equalization |
| 90. Tax limitation | 210. Hearing |
| 100. No limitations on taxes to pay bonds | 220. Supplementary assessment rolls |
| 103. Taxation records | 230. Tax adjustments on property affected by a natural disaster |
| 105. Errors in taxation procedures | 240. Tax levy and rate |
| 110. Full and true value | 250. Rates of penalty and interest |

Sec. 29.45.010. Property tax. (a) A unified municipality may levy a property tax. A borough may levy

(1) an areawide property tax for areawide functions;
 (2) a nonareawide property tax for functions limited to the area outside cities;

(3) a property tax in a service area for functions limited to the service area.

(b) A home rule or first class city may levy a property tax subject to AS 29.45.550 - 29.45.560. A second class city may levy a property tax subject to AS 29.45.590.

(c) If a tax is levied on real property or on personal property, the tax must be assessed, levied, and collected as provided in this chapter. (§ 12 ch 74 SLA 1985)

Notes to Decisions - Imposition of higher property tax mill rate on oil and gas invalid. - City's imposition of a higher property tax mill rate on oil and gas property than on other property in the city, for the purpose of paying the cost of providing oil spill prevention and response services, was invalid, because the tax violated AS 43.56.010(b), which specifically prohibits a municipal tax rate higher than that which applies to "other property taxable by the municipality." *City of Valdez v. State, Dep't of Community and Regional Affairs*, 793 P.2d 532 (Alaska 1990).

Collateral references. - 71 Am. Jur. 2d, *State and Local Taxation*, sec. 201 et seq.; 72 Am. Jur. 2d, *State and Local Taxation*, secs. 759-772.

64 C. J. S., *Municipal Corporations*, sec. 1978 et seq.; *Taxation*, secs. 57 et seq.

Sec. 29.45.020. Taxpayer notice. (a) If a municipality levies and collects property taxes, the governing body shall provide the following notice:

than that which applies to "other property taxable by the municipality." *City of Valdez v. State, Dep't of Community & Regional Affairs*, 793 P.2d 532 (Alaska 1990).

Sec. 29.45.590. Limited property taxing power for second class cities. A second class city may by referendum levy property taxes as provided for first class cities. However, levy by a second class city may not exceed one-half of one percent of the assessed value of the property taxed, except that the limit does not apply to a levy necessary to avoid a default upon payment of principal and interest of bonded or other indebtedness that is secured by a pledge to levy ad valorem or other taxes without limit to meet debt payments. (§ 12 ch 74 SLA 1985)

Sec. 29.45.600. Combining property tax with incorporation of a second class city. A petition for second class city incorporation may request that a property tax proposal be placed on the same ballot. The petition must state the proposed tax rate. The petition may request that incorporation be dependent on the passage of the property tax proposition. If so, the incorporation proposition fails if the property tax fails. (§ 12 ch 74 SLA 1985)

ARTICLE 4. Borough Sales and Use Tax.

Section

650. Sales and use tax	680. Combing sales and use tax with incorporation of a borough
660. Notice of sales and use tax	
670. Referendum, adoption, and modification	

Sec. 29.45.650. Sales and use tax. (a) Except as provided in AS 04.21.010(c) and in (f) and (h) of this section, a borough may levy and collect a sales tax on sales, rents, and on services provided in the borough. The sales tax may apply to any or all of these sources. Exemptions may be granted by ordinance.

(b) A borough levying a sales tax may also by ordinance levy a use tax on the storage, use, or consumption of tangible personal property in the borough. The use tax rate must equal the sales tax rate and the use tax shall be levied only on buyers.

(c) A person who furnishes proof, in the form required by the borough tax collector, that the person has paid a sales tax on the source on which a use tax is levied by the borough is required to

cial feasibility with respect to a public project, purpose, or improvement, or the financial or fiscal responsibility or ability of a political subdivision making application for loan to the bond bank authority and for the purchase by the bond bank authority of municipal bonds to be issued by that municipality. The cost and expense of a service requested by the bond bank authority, at the request of the officer, department, board, agency, division, or commission rendering the service, shall be paid by the bond bank authority. (§ 1 ch 79 SLA 1975)

Revisor's notes. — Formerly AS 44.58.390. Renumbered in 1980.

Sec. 44.85.400. Public records; open meetings. The provisions of AS 09.25.110 — 09.25.120 (public records) and AS 44.62.310 — 44.62.312 (agency public meetings) apply to the bond bank authority. (§ 1 ch 79 SLA 1975)

Revisor's notes. — Formerly AS 44.58.400. Renumbered in 1980.

Sec. 44.85.410. Definitions. In this chapter, unless the context requires otherwise,

(1) "bond bank authority" means the Alaska Municipal Bond Bank Authority established by AS 44.85.020;

(2) "bonds" means bonds of the bond bank authority issued under this chapter;

(3) "municipal bond" means a bond or note or evidence of debt that constitutes

(A) a general obligation bond that is a direct and general obligation of a political subdivision of the state, all the taxable property within which is subject to taxation to pay the bond, note, or evidence of debt, and the interest without limitation, as to rate or amount generally to the extent permitted by law or to avoid a default as provided for second class cities under AS 29.45.590;

(B) a revenue bond, except a revenue bond for electrical generation purposes other than diesel-powered generation, issued by a municipality or a port authority that pledges the revenue of a revenue-producing capital improvement and that is payable solely from the revenue of the revenue-producing capital improvement;

(C) a general obligation bond or revenue bond combined or additionally secured;

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

(E) an obligation of a municipality secured only by

(i) special assessments on benefited property;

(ii) tax increments and a letter of credit or equal security; or

cial feasibility with respect to a public project, purpose, or improvement, or the financial or fiscal responsibility or ability of a political subdivision making application for loan to the bond bank authority and for the purchase by the bond bank authority of municipal bonds to be issued by that municipality. The cost and expense of a service requested by the bond bank authority, at the request of the officer, department, board, agency, division, or commission rendering the service, shall be paid by the bond bank authority. (§ 1 ch 79 SLA 1975)

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(A) a general obligation bond that is a direct and general obligation of a political subdivision of the state, all the taxable property within which is subject to taxation to pay the bond, note, or evidence of debt, and the interest without limitation, as to rate or amount generally to the extent permitted by law or to avoid a default as provided for second class cities under AS 29.45.590;

(B) a revenue bond, except a revenue bond for electrical generation purposes other than diesel-powered generation, issued by a municipality or a port authority that pledges the revenue of a revenue-producing capital improvement and that is payable solely from the revenue of the revenue-producing capital improvement;

(C) a general obligation bond or revenue bond combined or additionally secured;

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

(E) an obligation of a municipality secured only by

(i) special assessments on benefited property;

(ii) tax increments and a letter of credit or equal security; or

Second Class Borough

Powers: Three mandatory area-wide powers: taxation; education; and planning, platting and zoning. The exercise of other areawide powers must be approved by referendum. Non-areawide powers are either adopted by ordinance or by referendum, depending on the types of power.

Municipal Officers: Elected borough assembly and mayor. Elected school board. Appointed planning and zoning commission. May adopt the manager plan of government.

Third Class Borough

Powers: Two mandatory area-wide powers: taxation and education. Must establish service areas for the exercise of additional powers.

Municipal Officers: Elected borough assembly. The borough assembly is the school board chairperson is also president of the school board.

Unified Municipality

Requirements: An organized borough and all cities included within it may unite to form a single unit of home rule local government called a unified municipality.

Powers: A unified municipality has all powers granted by charter or by law as for boroughs and cities of the first class.

Local Action Needed: A unified municipality may be initiated through a petition to the State Department of Community and Regional Affairs. A charter commission, if approved by referendum, drafts a charter for the municipality. Following public hearings, an election is held.

Municipal Officers: Elected assembly. Elected school board. Commissions as provided by charter. May adopt the manager plan of government.

Home Rule Municipality

Provisions for home rule municipalities is also provided for in the Municipal Code. A home rule municipality is a municipal corporation and political subdivision. It has all powers not prohibited by law or charter.

First Class City

Requirements: A community that meets the following standards may incorporate as a first class city:

1. The community has 400 or more permanent residents.
2. The boundaries of the proposed city include all areas necessary to provide municipal services on an efficient scale.
3. The economy includes the human and financial resources necessary to provide local services. In considering the economy of the community, the Local Boundary Commission shall consider property valuations, economic base, personal income, resource and commercial development, anticipated functions, and the expenses and income of the proposed city,

- including the ability of the community to generate local revenue.
4. The population of the community is stable enough to support local government.
5. There is a demonstrated need for local government.

Powers: If the city is not in a borough, by law it must provide planning, platting, zoning; taxation; and education. Can add other powers for services (police, water, sewer, etc.) by council action.

Local Action Needed: Petition to the Department of Community and Regional Affairs with the signature and resident addresses of 50 permanent resident voters or 15 percent of the permanent resident voters within the proposed municipality whichever is greater, based on the number who voted in the last general election.

Municipal Officers: Elected council and mayor. If the city is not part of a borough, it will have an elected school board and appointed planning and zoning commission. May adopt the manager plan of government.

Second Class City

Requirements: A community which meets all of the above standards except (1) may incorporate as a second class city.

Powers: If the city is not in a borough, it may provide planning, platting and zoning. It is not required by law to do so. May add other powers for services (such as police, water, sewer, etc.) by council action. The city does not have the power of education; therefore, the city is not a school district.

Local Action Needed: Petition to the Department of Community and Regional Affairs with the signatures and resident addresses of 25 permanent resident voters or 15 percent of the permanent resident voters within the proposed municipality whichever is greater, based on the number who voted in the last general election.

Municipal Officers: Elected council. The mayor is appointed from council members. If the city is not part of a borough, it could have an appointed planning and zoning commission and an advisory school board. May adopt the manager plan of government.

Source: Adapted from Title 29 of State of Alaska Municipal Code. Detailed information on local government can be obtained from the State Department of Community and Regional Affairs, Juneau, Alaska. Also prepared by the League of Women Voters of Alaska.

12 Home Rule Cities

19 First Class Cities

110 Second Class Cities

Summary of City Government

CHARACTERISTIC	TYPE OF CITY CLASSIFICATION		HOME RULE
	SECOND CLASS	FIRST CLASS	
	<u>Term of Office</u>		
City Council	3 or 4 years	3 years	Home Rule: All characteristics determined by home rule charter
School Board	No school powers	3 years	
Mayor	1 year	3 years	
City Manager	Serves at pleasure of Council	Serves at pleasure of Council	
City Administrator	Serves at pleasure of Mayor or Mayor assumes Administrator duties	Serves at pleasure of Mayor or Mayor assumes Administrator duties	
	<u>Method of Election</u>		
City Council	Elected at large	Elected at large	
School Board	No school powers	Elected at large	
Mayor	Elected by City Council	Elected at large	
City Manager	Manager Plan adopted by Referendum. City Manager appointed by Council	Manager Plan adopted by Referendum. City Manager appointed by Council	
City Administrator	Appointed by Mayor in absence of Manager Plan	Appointed by Mayor in absence of Manager Plan	
	<u>Membership</u>		
City Council	7 members	6 members	
School Board	No school powers	5 members	
Voting Power (Mayor)	Votes on all issues	Only votes in case of ties	
Veto Power (Mayor)	No veto power	Veto power over Council action; Council has 2/3 override	

Summary of Municipal Powers

Powers	TYPE OF CITY CLASSIFICATION		
	Second Class	First Class	Home Rule
Codify Ordinances	Mandatory	Mandatory	Mandatory
Establish Election Procedures	Mandatory; election procedure established by ordinance	Mandatory; election procedure established by ordinance	Mandatory; election procedure established by home rule charter and by ordinance
Taxation: Property Tax	Optional; tax and levy established by referendum	Optional; property tax and rate established by council action	Optional; property tax and rates established by ordinance unless referendum required by home rule charter
Sales Tax	Optional; tax and levy established by referendum	Optional; tax and levy established by referendum	Optional; procedure established in home rule charter
Education	Provided by REAA	Mandatory school district*	Mandatory school district*
Planning and Zoning	Optional	Mandatory	Mandatory
Eminent Domain	Granted by referendum	Granted by ordinance	Granted by ordinance unless required by home rule
Sell, Buy, Exchange Real Property	Granted by ordinance	Granted by ordinance	Granted by home rule charter and by ordinance
Incur Indebtedness	Referendum required	Referendum required	Referendum required
Revenue Bonds	Ordinance required	Ordinance required	Ordinance required unless referendum required by home rule charter
General Administrative Powers	Optional	Optional	Optional
Operate Facilities and Services	Optional	Optional	Optional
Regulate Rights-of-Way	Optional	Optional	Optional
Establish Historical Districts	Optional	Optional	Optional
Extraterritorial Jurisdiction	Optional; powers adopted by ordinance	Optional; powers adopted by ordinance	Optional; powers adopted by ordinance

* Only applies to cities outside of an organized borough.

Organized Boroughs and Home Rule Municipalities

Aleutians East Borough	Second Class
Municipality of Anchorage	Unified Home Rule
Bristol Bay Borough	Second Class
Denali Borough	Home Rule
Fairbanks North Star Borough	Second Class
Haines Borough	Second Class
City and Borough of Juneau	Unified Home Rule
Kenai Peninsula Borough	Second Class
Ketchikan Gateway Borough	Second Class
Kodiak Island Borough	Second Class
Lake and Peninsula Borough	Home Rule
Matanuska-Susitna Borough	Second Class
North Slope Borough	Home Rule
Northwest Arctic Borough	Home Rule
City and Borough of Sitka	Unified Home Rule
City and Borough of Yakutat	Home Rule

Cities Within Organized Boroughs

Aleutian East Borough

Akutan	Second Class
Cold Bay	Second Class
False Pass	Second Class
King Cove	First Class
Sand Point	First Class

Denali Borough

Anderson	Second Class
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Fairbanks North Star Borough

Fairbanks	Home Rule
North Pole	Home Rule

Kenai Peninsula Borough

Homer	First Class
Kachemak	Second Class
Kenai	Home Rule
Seldovia	First Class
Seward	Home Rule
Soldotna	First Class

Ketchikan Gateway Borough

Ketchikan	Home Rule
Saxman	Second Class

Haines Borough

Haines	First Class
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Kodiak Island Borough

Akhiok	Second Class
Kodiak	Home Rule
Larsen Bay	Second Class
Old Harbor	Second Class
Ouzinkie	Second Class

Lake and Peninsula Borough

Chignik	Second Class
Newhalen	Second Class
Nondalton	Second Class
Port Heiden	Second Class

Matanuska-Susitna Borough

Houston	Second Class
Palmer	Home Rule
Wasilla	First Class

North Slope Borough

Anaktuvuk Pass	Second Class
Atkasuk	Second Class
Barrow	First Class
Kaktovik	Second Class
Nuiqsut	Second Class
Point Hope	Second Class
Wainwright	Second Class

Northwest Arctic Borough

Ambler	Second Class
Buckland	Second Class
Deering	Second Class
Kiana	Second Class
Kivalina	Second Class
Kobuk	Second Class
Kotzebue	Second Class
Noorvik	Second Class
Selawik	Second Class
Shungnak	Second Class

Local Government Directory

Municipalities and Boroughs

Aleutians East Borough
 Second Class Borough
 P.O. Box 349
 Sand Point 99661
 383-2699/ fax: 383-3496
 Incorporated: 10/23/87
 Population: 2,745

Municipality of Anchorage
 Unified Home Rule Municipality
 P.O. Box 196650
 Anchorage 99519-6650
 343-4431/ fax: 258-5210
 Incorporated: Sept. 1975
 Population: 240,258

Bristol Bay Borough
 Second Class Borough
 P.O. Box 189
 Naknek 99633
 246-4224/ fax: 246-6633
 Incorporated: 10/02/62
 Population: 1,415

Denali Borough
 Home Rule Borough
 P.O. Box 480
 Healy 99743

683-1330/ fax: 683-1340
 Incorporated: 12/07/90
 Population: 1,832

Fairbanks North Star Borough
 Second Class Borough
 P.O. Box 71267
 Fairbanks 99707
 452-4761/ fax: 459-1102
 Incorporated: 1/01/64
 Population: 79,730

Haines Borough
 Third Class Borough
 Box 1209
 Haines 99827
 766-2711/ fax: 766-2716
 Incorporated: 8/29/68
 Population: 2,212

City and Borough of Juneau
 Unified Home Rule Municipality
 155 S. Seward Street
 Juneau 99801
 586-5278
 fax: 586-5385
 Incorporated: 7/01/70
 Population: 29,251

Kenai Peninsula Borough
 Second Class Borough
 144 N. Binkley St.
 Soldotna 99669
 262-4441/ fax: 262-1892
 Incorporated: 1/01/64
 Population: 42,242

Ketchikan Gateway Borough
 Second Class Borough
 344 Front Street
 Ketchikan 99901
 228-6625/ fax: 247-6625
 Incorporated: 9/06/63
 Population: 14,110

Kodiak Island Borough
 Second Class Borough
 710 Mill Bay Road
 Kodiak 99615
 486-5736/ fax: 486-9374
 Incorporated: 9/24/63
 Population: 15,535

Lake and Peninsula Borough
 Home Rule Borough
 P.O. Box 495
 King Salmon 99613
 246-3421/ fax: 246-6602
 Incorporated: 4/24/89
 Population: 1,722

Matanuska-Susitna Borough
 Second Class Borough
 350 E. Dahlia Ave.
 Palmer 99645-6488
 745-4801/ fax: 745-0886
 Incorporated: 1/01/64
 Population: 41,797

North Slope Borough
 Home Rule Borough
 P.O. Box 69
 Barrow 99723
 852-2611/ fax: 852-0337
 Incorporated: 7/01/72
 Population: 8,578

Northwest Arctic Borough
 Home Rule Borough
 P.O. Box 1110
 Kotzebue 99752
 442-2500/ fax: 442-2930
 Incorporated: 6/02/96
 Population: 6,300

City and Borough of Sitka
 Unified Home Rule Municipality
 304 Lake St.
 Sitka 99835
 747-3294/ fax: 747-7403
 Incorporated: 12/02/71
 Population: 8,815

City and Borough of Yakutat
 Home Rule
 P.O. Box 160
 Yakutat 99689
 784-3323/ fax: 784-3281
 Incorporated: 9/22/92
 Population: 729

Cities

Akhiok
Second Class City
P.O. Box 5050
Kodiak 99615
Phone: 836-2229
Fax: 836-2209
Incorporated: 1972
Population: 81

Akiak
Second Class City
P.O. Box 52167
Akiak 99552
Phone: 765-7411
Fax: 765-7936
Incorporated: 1970
Population: 287

Akutan
Second Class City
General Delivery
Akutan 99553
Phone: 698-2228
Fax: 698-2202
Also:
721 Sesame St.,
Suite 2A
Anchorage 99501
Phone: 279-9245
Incorporated: 1979
Population: 487

Alakanuk
Second Class City
P.O. Box 167
Alakanuk 99554
Phone: 238-3313
Fax: 238-3620
Incorporated: 1969
Population: 559

Aleknagik
Second Class City
P.O. Box 33
Aleknagik 99555
Phone: 842-5953/2528
Fax: 842-2107
Incorporated: 1973
Population: 200

Allakaket
Second Class City
P.O. Box 30
Allakaket 99720
Phone: 968-2241
Fax: 968-2251
Incorporated: 1975
Population: 172

Ambler
Second Class City
P.O. Box 9
Ambler 99786
Phone: 445-2122
Fax: 445-2174
Incorporated: 1971
Population: 301

Anaktuvuk Pass
Second Class City
P.O. Box 21030
Anaktuvuk 99721
Phone: 661-3612
Fax: 661-3613
Incorporated: 1957
Population: 246

Anchorage
(See Municipalities and
Boroughs)

Anderson
Second Class City
P.O. Box 3100
Anderson 99744
Phone: 582-2500
Fax: 582-2496
Incorporated: 1962
Population: 649

Angoon
Second Class City
P.O. Box 189
Angoon 99820
Phone: 788-3653
Fax: 788-3821
Incorporated: 1953
Population: 705

Aniak
Second Class City
P.O. Box 43
Aniak 99557
Phone: 675-4481
Fax: 675-4486
Incorporated: 1972
Population: 529

Anvik
Second Class City
P.O. Box 50
Anvik 99558
Phone: 663-6328
Fax: 663-6321
Incorporated: 1969
Population: 104

Atka
Second Class City
P.O. Box 47070
Atka 99547
Phone: 839-2233
Fax: 839-2234
Incorporated: 1988
Population: 87

Atmautluak
Second Class City
General Delivery
Atmautluak 99559
Phone: 553-5610
Incorporated: 1976
Population: 267

Atqasuk
Second Class City
P.O. Box 91119
Atqasuk 99791
Phone: 633-6811
Fax: 633-6812
Incorporated: 1982
Population: 217

Barrow
First Class City
P.O. Box 629
Barrow 99723
Phone: 852-5211
Fax: 852-5871
Incorporated: 1959
Population: 3,702

Bethel
Second Class City
P.O. Box 388
Bethel 99559
Phone: 543-2097/2047
Fax: 543-4171
Incorporated: 1957
Population: 4,868

Bettles
Second Class City
P.O. Box 26023
Bettles 99726
Phone: 692-5191
Incorporated: 1985
Population: 33

Brevig Mission
Second Class City
P.O. Box 85021
Brevig Mission 99785
Phone: 642-3851
Incorporated: 1969
Population: 234

Buckland
Second Class City
P.O. Box 49
Buckland 99727
Phone: 494-2121
Fax: 494-2149
Incorporated: 1966
Population: 340

Chefnak
Second Class City
P.O. Box 29
Chefnak 99561
Phone: 867-8528
Fax: 867-8920
Incorporated: 1974
Population: 330

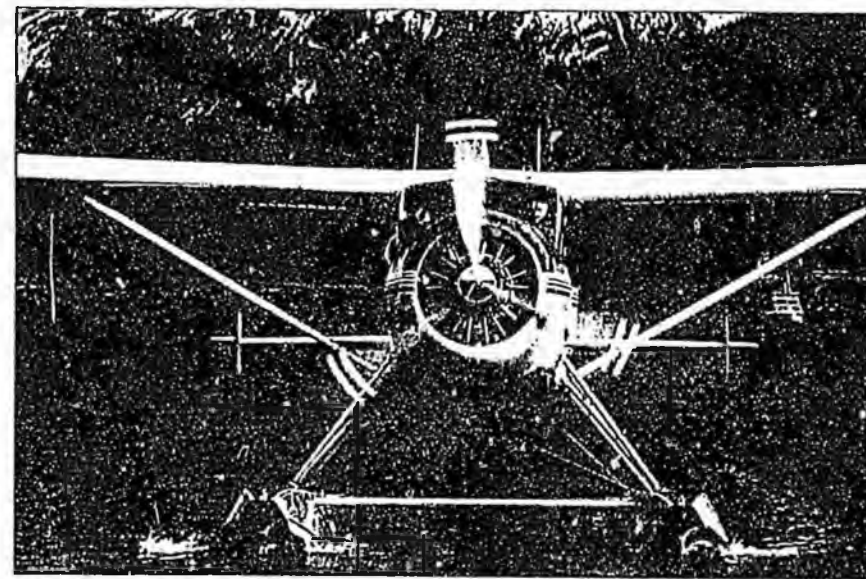
Chevak
Second Class City
P.O. Box 136
Chevak 99563
Phone: 858-7926
Fax: 858-7128
Incorporated: 1967
Population: 619

Chignik
Second Class City
P.O. Box 110
Chignik 99564
Phone: 749-2280/2281
Fax: 749-2300
Incorporated: 1983
Population: 177

Chuathbaluk
Second Class City
P.O. Box CHV
Chuathbaluk 99557
Phone: 467-4115
Fax: 467-4313
Incorporated: 1975
Population: 129

Clarks Point
Second Class City
P.O. Box 9
Clarks Point 99569
Phone: 236-1221
Fax: 236-1221
Incorporated: 1971
Population: 58

Coffman Cove
Second Class City
310 Harbor Ave.
Coffman Cove 99918
Phone: 329-2232
Fax: 329-2212
Incorporated: 1989
Population: 198



The mail plane! For many of Alaska's small communities, airplanes provide only practical means of transportation. (Photo by Peter Metcalfe)

Second Class City
P.O. Box 10
Cold Bay 99571
Phone: 532-2401
Fax: 532-2401
Incorporated: 1982
Population: 137

Cordova
Home Rule City
P.O. Box 1210
Cordova 99574
Phone: 424-6200
Fax: 424-6000
Incorporated: 1909
Population: 2,504

Craig
First Class City
P.O. Box 725
Craig 99921
Phone: 826-3275
Fax: 826-3278
Incorporated: 1922
Population: 1,637

Deering
Second Class City
P.O. Box 36049
Deering 99736
Phone: 363-2136
Fax: 363-2156
Incorporated: 1970
Population: 158

Delta Junction
Second Class City
P.O. Box 229
Delta Junction 99737
Phone: 895-4656
Fax: 895-4102
Incorporated: 1960
Population: 736

Dillingham
First Class City
P.O. Box 889
Dillingham 99576
Phone: 842-5211
Fax: 842-5691
Incorporated: 1963
Population: 2,110

Second Class City
P.O. Box 7039
Little Diomed 99762
Phone: 686-3071
Fax: 686-3061
Incorporated: 1970
Population: 180

Eagle
Second Class City
P.O. Box 1901
Eagle 99738
Phone: 547-2282 (Mon-
days)
Incorporated: 1901
Population: 161

Eek
P.O. Box 009
Eek 99578
Phone: 563-5129
Fax: 536-5711
Incorporated: 1970
Population: 284

Ekwok
Second Class City
P.O. Box 49
Ekwok 99580
Phone: 464-3311
Fax: 464-3328
Incorporated: 1974
Population: 78

Elim
Second Class City
P.O. Box 39009
Elim 99739
Phone: 890-3441
Fax: 890-3811
Incorporated: 1970
Population: 267

Emmonak
Second Class City
P.O. Box 9
Emmonak 99581
Phone: 949-1227
Fax: 949-1926
Incorporated: 1964
Population: 692

Home Rule City
410 Cushman Street
Fairbanks 99701
Phone: 452-6719
Fax: 459-6710
Incorporated: 1903
Population: 32,156

False Pass
Second Class City
P.O. Box 50
False Pass 99583-0050
Phone: 548-2212
Fax: 548-2214
Incorporated: 1990
Population: 84

Fort Yukon
Second Class City
P.O. Box 269
Fort Yukon 99740
Phone: 662-2379/2479
Fax: 662-2717
Incorporated: 1959
Population: 718

Galena
First Class City
P.O. Box 149
Galena 99741
Phone: 656-1301/1302
Fax: 656-1769
Incorporated: 1971
Population: 829

Gambell
Second Class City
P.O. Box 189
Gambell 99742
Phone: 985-5112
Fax: 985-5927
Incorporated: 1963
Population: 546

Golovin
Second Class City
P.O. Box 62059
Golovin 99762
Phone: 779-3681
Incorporated: 1971
Population: 146

Second Class City
P.O. Box 70
Goodnews Bay 99589
Phone: 967-8614
Fax: 967-8925
Incorporated: 1970
Population: 236

Grayling
Second Class City
P.O. Box 89
Grayling 99590
Phone: 453-5148
Fax: 453-5148
Incorporated: 1969
Population: 203

Haines
First Class City
P.O. Box 1049
Haines 99827
Phone: 766-2231
Fax: 766-3179
Incorporated: 1910
Population: 1,265

Holy Cross
Second Class City
P.O. Box 203
Holy Cross 99602
Phone: 476-7139
Fax: 476-7141
Incorporated: 1968
Population: 273

Homer
First Class City
491 E. Pioneer Avenue
Homer 99603
Phone: 235-8121
Fax: 235-3149
Incorporated: 1964
Population: 3,937

Hoonah
First Class City
P.O. Box 360
Hoonah 99829
Phone: 945-3663
Fax: 945-3445
Incorporated: 1946
Population: 793

Second Class City
P.O. Box 37
Hooper Bay 99604
Phone: 758-4311
Fax: 758-4912
Incorporated: 1966
Population: 890

Houston
Second Class City
P.O. Box 27
Houston 99694
Phone: 892-6869
Fax: 892-6180
Incorporated: 1966
Population: 815

Hughes
Second Class City
P.O. Box 45010
Hughes 99745
Phone: 889-2206
Fax: 889-2220
Incorporated: 1973
Population: 66

Huslia
Second Class City
P.O. Box 10
Huslia 99746
Phone: 829-2256
Fax: 829-2224
Incorporated: 1969
Population: 224

Hydaburg
First Class City
P.O. Box 49
Hydaburg 99922
Phone: 285-3761
Fax: 285-3760
Incorporated: 1927
Population: 405

Juneau
(See Municipalities and
Boroughs)

Kachemak
Second Class City
P.O. Box 958
Homer 99603
Phone: 235-8897
Fax: 235-8854
Incorporated: 1961
Population: 372

First Class City
P.O. Box 500
Kake 99830
Phone: 785-3804
Fax: 785-4815
Incorporated: 1952
Population: 725

Kaktovik
Second Class City
P.O. Box 27
Kaktovik 99747
Phone: 640-6313
Fax: 640-6314
Incorporated: 1971
Population: 224

Kaltag
Second Class City
P.O. Box 9
Kaltag 99748
Phone: 534-2230
Fax: 534-2236
Incorporated: 1969
Population: 257

Kasaan
Second Class City
P.O. Box KXA-Kasaan
Ketchikan 99950-0340
Phone: 542-2212
Fax: 542-2223
Incorporated: 1976
Population: 52

Kasigluk
Second Class City
Akula Heights
Kasigluk 99609
Phone: 477-5929
Incorporated: 1982
Population: 459

Kenai
Home Rule City
210 Fidalgo Ave.
Kenai 99611
Phone: 283-7535
Fax: 283-3014
Incorporated: 1960
Population: 6,535

Home Rule City
334 Front Street
Ketchikan 99901
Phone: 225-3111
Fax: 225-5075
Incorporated: 1900
Population: 8,478

Kiana
Second Class City
P.O. Box 150
Kiana 99749
Phone: 475-2136
Fax: 475-2174
Incorporated: 1964
Population: 401

King Cove
First Class City
P.O. Box 37
King Cove 99612
Phone: 497-2340
Fax: 497-2594/ Also:
1007 W. 3rd Ave., #201
Anchorage 99501
Phone: 274-7555
Incorporated: 1947
Population: 871

Kivalina
Second Class City
P.O. Box 50079
Kivalina 99750
Phone: 645-2137
Fax: 645-2175
Incorporated: 1969
Population: 327

Klawock
First Class City
P.O. Box 113
Klawock 99925
Phone: 755-2261
Fax: 755-2403
Incorporated: 1929
Population: 758

Kobuk
Second Class City
P.O. Box 20
Kobuk 99751
Phone: 948-2217
Fax: 948-2228
Incorporated: 1973
Population: 110

Home Rule City
P.O. Box 1397
Kodiak 99615
Phone: 486-8636
Fax: 486-8600
Incorporated: 1940
Population: 7,229

Kotlik
Second Class City
P.O. Box 20268
Kotlik 99620
Phone: 899-4313
Fax: 899-4826
Incorporated: 1970
Population: 503

Kotzebue
Second Class City
P.O. Box 46
Kotzebue 99752
Phone: 442-3401
Fax: 442-3742
Incorporated: 1958
Population: 3,075

Koyuk
Second Class City
P.O. Box 29
Koyuk 99753
Phone: 963-3441
Fax: 963-3442
Incorporated: 1970
Population: 277

Koyukuk
Second Class City
P.O. Box 49
Koyukuk 99754
Phone: 927-2214
Fax: 927-2215
Incorporated: 1973
Population: 127

Kupreanof
Second Class City
P.O. Box 50
Petersburg 99833
Phone: 772-3660
Incorporated: 1975
Population: 24

Second Class City
P.O. Box 63
Kwethluk 99621
Phone: 757-6614
Incorporated: 1975
Population: 55

Larsen Bay
Second Class City
P.O. Box 8
Larsen Bay 99624
Phone: 847-2211
Fax: 847-2239
Incorporated: 1974
Population: 149

Lower Kalskag
Second Class City
P.O. Box 81
Lower Kalskag 99626
Phone: 471-2228
Fax: 471-2308
Incorporated: 1969
Population: 299

Manokotak
Second Class City
P.O. Box 170
Manokotak 99628
Phone: 289-1027/2007
Fax: 289-2035
Incorporated: 1970
Population: 404

Marshall
Second Class City
P.O. Box 09
Marshall 99585
Phone: 639-6415/6215
Fax: 679-6220
Incorporated: 1970
Population: 318

McGrath
Second Class City
P.O. Box 30
McGrath 99627
Phone: 542-3825
Fax: 524-3536
Incorporated: 1975
Population: 531

Mekoryuk
Second Class City
P.O. Box 29
Mekoryuk 99630
Phone: 827-8314
Fax: 827-8626
Incorporated: 1969
Population: 206

Mettlakatla
Federal Law City
P.O. Box 8
Mettlakatla 99926
Phone: 886-4441
Fax: 886-7997
Incorporated: 1944
Population: 1,564

Mountain Village
Second Class City
P.O. Box 32085
Mountain Village 99632
Phone: 591-2929/2715
Fax: 591-2920
Incorporated: 1967
Population: 727

Napakiak
Second Class City
General Delivery
Napakiak 99634
Phone: 589-2611
Fax: 589-2412
Incorporated: 1970
Population: 323

Napaskiak
Second Class City
P.O. Box 6109
Napaskiak 99559
Phone: 737-7626
Fax: 737-7412
Incorporated: 1971
Population: 362

Nenana
Home Rule City
P.O. Box 70
Nenana 99760
Phone: 832-5501
Fax: 832-5503
Incorporated: 1921
Population: 504

New Stuyahok
Second Class City
P.O. Box 10
New Stuyahok 99636
Phone: 693-3111/3171
Fax: 693-3176
Incorporated: 1972
Population: 396

Newhalen
Second Class City
P.O. Box 165
Iliamna 99606
Phone: 571-1226
Incorporated: 1971
Population: 161

Newtok
Second Class City
Gen. Delivery/City Office
Newtok 99559
Phone: 237-2315
Incorporated: 1976
Population: 213

Nightmute
Second Class City
P.O. Box NME
Nightmute 99690
Phone: 647-6426
Incorporated: 1974
Population: 178

Nikolai
Second Class City
P.O. Box 25
Nikolai 99691
Phone: 293-2113
Fax: 293-2428
Incorporated: 1970
Population: 107

Nome
First Class City
Pouch 281
Nome 99762-0281
Phone: 443-5242
Fax: 443-5349
Incorporated: 1901
Population: 4,559

Nondalton
Second Class City
P.O. Box 089
Nondalton 99640
Phone: 294-2235
Fax: 294-2239
Incorporated: 1971
Population: 212

Noorvik
Second Class City
P.O. Box 146
Noorvik 99763
Phone: 636-2100/2211
Fax: 636-2135
Incorporated: 1964
Population: 520

North Pole
Home Rule City
P.O. Box 55109
North Pole 99705
Phone: 488-2281
Fax: 488-3002
Incorporated: 1953
Population: 1,671

Nuiqsut
Second Class City
P.O. Box 148
Nuiqsut 99789
Phone: 480-6727
Fax: 480-6928
Incorporated: 1975
Population: 391

Nulato
Second Class City
P.O. Box 65009
Nulato 99765
Phone: 898-2205
Fax: 898-2207
Incorporated: 1963
Population: 364

Nunapitchuk
Second Class City
P.O. Box 190
Nunapitchuk 99641
Phone: 527-5327
Incorporated: 1969
Population: 475

Second Class City
P.O. Box 109
Old Harbor 99643
Phone: 286-2204/2203
Fax: 286-2278
Incorporated: 1966
Population: 298

Ouzinkie
Second Class City
P.O. Box 109
Ouzinkie 99644
Phone: 680-2209
Fax: 680-2223
Incorporated: 1967
Population: 216

Palmer
Home Rule City
231 W. Evergreen Ave.
Palmer 99645
Phone: 745-3271
Fax: 745-0930
Incorporated: 1951
Population: 3,039

Pelican
First Class City
P.O. Box 757
Pelican 99832
Phone: 735-2202
Fax: 735-2258
Incorporated: 1943
Population: 265

Petersburg
Home Rule City
P.O. Box 329
Petersburg 99833
Phone: 772-4511
Fax: 772-3759
Incorporated: 1910
Population: 3,680

Pilot Point
Second Class City
P.O. Box 430
Pilot Point 99649-0430
Phone: 797-2200
Fax: 797-2211
Incorporated: 1992
Population: 97

Second Class City
P.O. Box 5040
Pilot Station 99650
Phone: 549-3211
Fax: 549-3014
Incorporated: 1969
Population: 470

Platinum
Second Class City
General Delivery
Platinum 99651
Phone: 979-8114
Fax: 979-8114
Incorporated: 1975
Population: 54

Point Hope
Second Class City
P.O. Box 169
Point Hope 99766
Phone: 368-2537/2836
Fax: 368-2835
Incorporated: 1966
Population: 680

Port Alexander
Second Class City
P.O. Box 8068
Port Alexander 99836
Phone: 568-2211
Incorporated: 1974
Population: 119

Port Heiden
Second Class City
P.O. Box 490
Port Heiden 99549
Phone: 837-2209
Fax: 837-2248
Incorporated: 1972
Population: 126

Port Lions
Second Class City
P.O. Box 110
Port Lions 99650
Phone: 454-2352
Fax: 454-2420
Incorporated: 1966
Population: 238

Second Class City
P.O. Box 90
Quinhagak 99655
Phone: 556-8315/8615
Incorporated: 1975
Population: 501

Ruby
Second Class City
P.O. Box 90
Ruby 99768
Phone: 468-4401/4424
Fax: 468-4443
Incorporated: 1973
Population: 207

Russian Mission
Second Class City
P.O. Box 49
Russian Mission 99657
Phone: 584-5111
Incorporated: 1979
Population: 266

St. George
Second Class City
P.O. Box 929
St. George Island 99591
Phone: 859-2263/2264
Fax: 859-2212 Also:
4000 Old Seward Highway,
Suite 301
Anchorage 99503
Phone: 561-2124
Incorporated: 1983
Population: 287

St. Mary's
First Class City
P.O. Box 163
St. Mary's 99658
Phone: 438-2515/2617
Fax: 438-2719
Incorporated: 1967
Population: 477

St. Michael
Second Class City
P.O. Box 70
St. Michael 99659
Phone: 923-3222
Fax: 932-2284
Incorporated: 1969
Population: 324

Second Class City
P.O. Box 901
St. Paul Island 99660
Phone: 546-2331
Fax: 546-2365
Incorporated: 1971
Population: 771

Sand Point
First Class City
P.O. Box 249
Sand Point 99661
Phone: 383-2696
Fax: 383-2698
Also:
1007 W. 3rd Ave., #201
Anchorage 99501
Phone: 274-7555
Incorporated: 1966
Population: 1,073

Savoonga
Second Class City
P.O. Box 87
Savoonga 99769
Phone: 984-6614
Fax: 984-6411
Incorporated: 1969
Population: 545

Saxman
Second Class City
Route 2, Box 1
Saxman 99901
Phone: 225-4166
Fax: 225-6450
Incorporated: 1930
Population: 379

Scammon Bay
Second Class City
P.O. Box 90
Scammon Bay 99662
Phone: 558-5529
Fax: 558-5626
Incorporated: 1967
Population: 360

Second Class City
P.O. Box 49
Selawik 99770
Phone: 484-2132
Fax: 484-2209
Incorporated: 1977
Population: 597

Seldovia
First Class City
P.O. Drawer B
Seldovia 99663
Phone: 234-7643
Fax: 234-7430
Incorporated: 1945
Population: 302

Seward
Home Rule City
P.O. Box 167
Seward 99664
Phone: 224-3331
Fax: 224-3248
Incorporated: 1912
Population: 2,806

Shageluk
Second Class City
P.O. Box 107
Shageluk 99665
Phone: 473-8221
Fax: 473-8220
Incorporated: 1970
Population: 144

Shaktoolik
Second Class City
P.O. Box 10
Shaktoolik 99771-0027
Phone: 955-3441
Fax: 955-3221
Incorporated: 1969
Population: 212

Sheldon Point
Second Class City
P.O. Box SXP
Sheldon Point 99666
Phone: 498-4226/4250
Fax: 498-4250
Incorporated: 1974
Population: 103

Shishmaref
Second Class City
General Delivery
Shishmaref 99772
Phone: 649-3781/4811
Fax: 649-3731
Incorporated: 1969
Population: 466

Shungnak
Second Class City
P.O. Box 59
Shungnak 99773
Phone: 473-2161
Fax: 437-2176
Incorporated: 1967
Population: 224

Skagway
First Class City
P.O. Box 415
Skagway 99840
Phone: 983-2297
Fax: 983-2151
Incorporated: 1900
Population: 735

Soldotna
First Class City
177 N. Birch St.
Soldotna 99669
Phone: 262-9107
Fax: 262-1245
Incorporated: 1967
Population: 3,652

Stebbins
Second Class City
P.O. Box 22
Stebbins 99671
Phone: 934-3451
Fax: 934-3452
Incorporated: 1969
Population: 442

Tanana
First Class City
P.O. Box 249
Tanana 99777
Phone: 366-7159
Fax: 366-7205
Incorporated: 1961
Population: 407

Federal Government and International

CHAPTER
6

Teller
Second Class City
P.O. Box 548
Teller 99778
Phone: 642-3401
Fax: 642-2051
Incorporated: 1963
Population: 254

Tenakee Springs
Second Class City
P.O. Box 52
Tenakee Springs 99841
Phone: 736-2221
Incorporated: 1971
Population: 106

Thorne Bay
Second Class City
P.O. Box 19110
Thorne Bay 99919
Phone: 828-3380
Fax: 828-3374
Incorporated: 1982
Population: 637

Togiak
Second Class City
P.O. Box 99
Togiak 99678-0099
Phone: 493-5820/5920
Fax: 493-5932
Incorporated: 1969
Population: 738

Toksook Bay
Second Class City
Gen. Delivery, Nelson Is.
Toksook Bay 99637
Phone: 427-7613/7511
Incorporated: 1972
Population: 449

Tuluksak
Second Class City
General Delivery
Tuluksak 99679
Phone: 695-6212
Incorporated: 1970
Population: 371

Tununak
Second Class City
P.O. Box 69
Tununak 99681
Phone: 652-6527
Incorporated: 1975
Population: 333

Unalakleet
Second Class City
P.O. Box 28
Unalakleet 99684
Phone: 624-3531
Fax: 624-3130
Incorporated: 1974
Population: 732

Unalaska
First Class City
P.O. Box 89
Unalaska 99685
Phone: 581-1251
Fax: 581-1417
Incorporated: 1942
Population: 3,825

Upper Kalskag
Second Class City
P.O. Box 80
Upper Kalskag 99607
Phone: 471-2220
Incorporated: 1975
Population: 173

Valdez
Home Rule City
P.O. Box 307
Valdez 99686
Phone: 835-4313
Fax: 835-2992
Incorporated: 1901
Population: 4,360

Wainwright
Second Class City
P.O. Box 9
Wainwright 99782
Phone: 763-2815
Fax: 763-2811
Incorporated: 1962
Population: 536

Wales
Second Class City
P.O. Box 489
Wales 99783
Phone: 664-3501
Fax: 664-3641
Incorporated: 1964
Population: 147

Wasilla
First Class City
290 E. Herning Ave.
Wasilla 99654-7091
Phone: 373-9050
Fax: 373-9085
Incorporated: 1974
Population: 4,124

White Mountain
Second Class City
P.O. Box 66
White Mountain 99784
638-3411/ fax: 638-3421
Incorporated: 1969
Population: 182

Whittier
Second Class City
P.O. Box 608
Whittier 99693
472-2327/ fax: 472-2404
Incorporated: 1969
Population: 279

Wrangell
Home Rule City
P.O. Box 531
Wrangell 99929
874-2382/ fax: 874-3952
Incorporated: 1903
Population: 2,539

Yakutat
(See Municipalities and
Boroughs)



FEDERAL GOVERNMENT and INTERNATIONAL

Congressional Delegation

Alaska Congressional Office Addresses ...

Federal Judges Since Statehood

International Trade

Foreign Consuls in Residence in Alaska ...

Military in Alaska

Source: *Municipal Officials Directory 1993*, Department of Community and Regional Affairs and the Alaska Municipal League. The population of some towns may differ from federal census figures.

Revision Date: _____ Dept. Affected: Community & Regional Affairs
 Title: "An Act relating to the power to levy BRU: _____
property taxes in second class cities." Component: _____
 Sponsor: Representative Olberg
 Requestor: House C&RA COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current (FY94) Impact \$ none

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Remond Henderson Director Phone: 465-4708
 Division: Administrative Services Date: 1/31/94
 Approved by Commissioner: [Signature] Deputy Commissioner Date: 1/31/94
 Agency: Community & Regional Affairs

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SPONSOR SUMMARY

HB398

An Act relating to rights in certain tide and submerged land

Need for the Legislation

At a time when the State of Alaska is imposing a greater measure of self-sufficiency on local governments and promoting economic development at the local level, current state statutes work against communities of a certain class or which were or will be incorporated after April 1, 1964.

In particular, Title 38 of Alaska Statutes fails to recognize second class cities as eligible to obtain tide and submerged lands despite the fact that home rule and first class cities incorporated prior to April 1, 1964, have this right. The effect of this oversight places coastal second class cities at a disadvantage as they pursue economic development along their waterfront.

Those second class cities who are proactively involved in waterfront development must negotiate with the State of Alaska, Division of Lands for permits or leases which often take as much as a year to process, are subject to bureaucratic requirements which lack the flexibility required in diverse local government, and which impose financial and legal obligations on local governments which are often untenable.

Research into the legislative history of this issue reveal no reason why second class cities were left out of the conveyance authorization nor the reason for the incorporation deadline date of April 1, 1964.

Primary Changes in the Law

Changes simply include second class cities as eligible for conveyance of tidelands and makes appropriate grammatical changes in the process.

It allows the director of the division of lands the discretion to quitclaim land to a municipality to correct past errors and omissions.

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB398

1994 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: "An Act relating to rights in certain tide and submerged land." BRU: Resource Development
 Component: Land Development
 Sponsor: Representative Olberg
 Requestor: Representative Olberg Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	237.5	194.8	194.8	194.8		
TRAVEL	10.0	10.0	10.0	10.0		
CONTRACTUAL	20.0	8.0	8.0	8.0		
SUPPLIES	4.0	4.0	4.0	4.0		
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	271.5	216.8	216.8	216.8	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	271.5	216.8	216.8	216.8		
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	271.5	216.8	216.8	216.8	0.0	0.0

Estimate of any current year (FY94) cost: \$ None

POSITIONS

FULL-TIME	4	3	3	3	0	0
PART-TIME	1	1	1	1	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See Attached. This fiscal note assumes the project can be completed within four years. It is difficult to estimate the duration at this time; it may be more or less than the four years identified here. If the Department's suggested changes to the bill are incorporated, a revised fiscal note will be significantly less.

Prepared by: Ron Swanson, Director Phone: 762-2692
 Division: Land Date: 1-Feb-94
 Approved by Commissioner: Harry A. Noah Date: 1-Feb-94
 Agency: Natural Resources

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(7)

Date Referred: January 26, 1994

FURTHER REFERRALS:

Resources

Date of Committee Action: _____

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

HB 398

HOUSE BILL NO. 398

RIGHTS IN TIDE AND SUBMERGED LAND

"An Act relating to rights in certain tide and submerged land."

RECOMMENDATIONS:

be replaced with C.S HB 398 the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note CFA + DNR

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>John Sanders</i>	<input checked="" type="checkbox"/>	<i>Ed Willis</i>		<input checked="" type="checkbox"/>	
<i>Carl Bionde</i>	<input checked="" type="checkbox"/>	<i>W.F. Williams</i>		<input checked="" type="checkbox"/>	
<i>Scott [unclear]</i>	<input checked="" type="checkbox"/>				
<i>Harley Olberg</i>	<input checked="" type="checkbox"/>				

Harley Olberg
CHAIRMAN'S SIGNATURE

Analysis of Bill/Program Effects:

In addition to the general grant land entitlements under AS 29.65, qualified cities within Alaska have been conveyed tide and submerged land. To understand the purpose of these conveyances of public trust land it is necessary to review federal mandates for management of tide and submerged land prior to Alaska's admission into the Union.

In 1898 Congress passed an act extending the homestead laws to the District of Alaska. The act declared that "all such rights to [tide lands and beds of any navigable waters] shall continue to be held by the United States in trust for the people of any state or states which may hereafter be erected out of said District [Alaska]."

Thus territorial tidelands constituted a federal trust early in Alaska's history and as such could not be disposed of through lease or sale. Additionally, permanent improvements were not authorized to be constructed upon tide and submerged land.

The importance of improved tidelands to the vitality of the territory's economy and the health of its people is readily apparent. It was a territory whose economy, mobility and recreation were intimately tied to the sea. Log transfer facilities, seafood processors, municipal docks, private boat ways and even residences were partially or wholly constructed on tidelands with no method for individuals or businesses to acquire proper authorization for use. The need for these activities was readily recognized by the federal managers. However, the mechanism for authorizing such use was non-existent.

In full recognition of these shortcomings, Congress enacted a law on September 7, 1957 (P.L. 85-303), that conveyed tidelands adjacent surveyed townsites to the territory. The conveyance was for tidelands and all improvements and natural resources between the line of mean high tide and the pierhead line. The pierhead line was defined as a "line parallel to the existing line of mean low tide at such distance offshore from the line of mean low tide that encompasses to the landward all stationary, manmade structures in existence as of February 1, 1957". Under this law acceptance by the Secretary of Interior of new townsite surveys effected conveyances of attendant tidelands to the territory.

The act authorized the territory to manage and dispose of any tract of tidelands acquired under the act for municipal, business, residential or other beneficial purposes. A tidelands occupant or the occupant's successor in interest had a preference right to acquire an improved tract if a disposal occurred. These improved tracts could be conveyed to the incorporated town or school district. However, if this occurred, the town or school district must accord any occupant a preference right in any disposals contemplated in the future.

The Army Corps of Engineers was given the authority to establish pierhead lines for all surveyed townsites to enable conveyances to the territory. This process was initiated soon after passage of the act. Alaska's statehood interrupted this process with the conveyance of all tide and submerged land under section 6(m) of the statehood act to the new state.

The Alaska Legislature incorporated specific language in the Alaska Land Act to recognize and implement the provisions of the September 7, 1957, federal law. AS 38.05.320(b) provided:

- 1) The corporation must have been incorporated on or before January 3, 1959;
- 2) Tidelands subject to conveyance lay between the mean high tide line and the pierhead line, the harbor line or in their absence, a line subject to the approval of the director;
- 3) The corporation had to prepare a plat of the area conveyed showing all structures and improvements thereon and each tract that was occupied or developed with the owner or claimant noted; and,
- 4) The corporation had to recognize preference rights for occupied and developed tracts.

The tidelands conveyances to municipal corporations were mandatory and gave the department few discretionary powers over the process.

In 1964 (ch 81, SLA 1964) "municipal corporation" was changed to "(h)ome rule cities and cities of the first class"

Incorporated on or before April 1, 1964.

Following is a current list of Alaska's home rule, first class and second class cities that would qualify under this bill.

<u>Home Rule</u>	<u>First Class</u>	<u>Second Class</u>
*Cordova	*Barrow	Akhlok
*Kenai	*Craig	Akutan
*Ketchikan	Dillingham	Angoon
*Kodiak	*Haines	Atka
*Petersburg	*Homer	Bethel
*Seward	*Hoonah	Brevig Mission
*Valdez	*Hydaburg	Chignik
*Wrangell	*Kake	Clark's Point
	*King Cove	Coffman Cove
	*Klawock	Cold Bay
	*Nome	Deering
	*Pelican	Diomede
	Sand Point	Ellm
	*Seldovia	False Pass
	*Skagway	Gambell
	Soldotna	Golovin
	Unalaska	Goodnews Bay
		Hooper Bay
		Kachemak
		Kaktovik
		Kasaan
		Kivalina
		*Kotzebue
		Kupreanof
		Larsen Bay
		Mekoryuk
		Nightmute
		Old Harbor
		Ouzinkle
		Pilot Point
		Platinum
		Point Hope
		Port Alexander
		Port Heiden
		Port Lyons
		Quinhagak
		Saint George
		Saint Michael
		Saint Paul
		Savoonga
		*Saxman
		Scammon Bay
		Shaktolik
		Sheldon Point
		Shishmaref
		Stebbins
		Teller
		*Tenakee Springs
		Thorne Bay
		Togiak
		Tooksook Bay
		Unalakleet
		Wainwright
		Wales
		Whittier

*home rule and first class cities as April 1, 1964 that received tidelands previously

It should be pointed out that a mechanism already exists that allows cities to develop state-owned tidelands for local purposes. AS 38.05.810 allows cities to lease tidelands. If the city's use of the tidelands is for public purposes, lease rental is at less than fair market value; if for a private purpose, rental is at fair market value. Ownership is not necessary to fulfill local needs for use of tidelands. We have met all municipal needs to date using this statutory authority.

Amendments Proposed:

The public trust doctrine holds that there are inextinguishable real property interests held by the public in tidelands. The state, as principle trustee for tidelands, must ensure that these public rights continue when a tideland property interest is created. Property interests could be limited, a private tideland lease, or could be broad a conveyance to a city. Because of this public trust doctrine the state is prohibited from conveying tidelands to private parties, except under very limited historic circumstances where use and occupancy preceded statehood. There is, however, no such limitation on cities for tracts of tidelands that they have been conveyed under AS 38.05.820. The public's rights under the public trust doctrine must be protected in conveyances to a city.

If conveyance does occur, public rights must be protected through a reversionary interest retained by the state if the public trust is breached.

Municipal dissolutions are a trend that is apparently increasing. If a municipal government chooses to dissolve, the state must have the authority to recover title in order to protect the public trust.

Any conveyances should be limited to existing or proposed public or development projects.

Another amendment is needed stating that tide and submerged lands cannot be used to increase and municipalities land entitlement under AS 29.65. Any conveyances, however, should be charged against a municipalities AS 29.65 land entitlement.



217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907) 586-1325, Fax (907) 463-5480

January 31, 1994

TO: Representative Harley Olberg, Chair
and Members
House Committee on Community & Regional Affairs

FROM: Kent E. Swisher, Executive Director

RE: **HB 398 - Rights in certain tide and submerged land**

The Alaska Municipal League supports HB 398, which would allow all Alaskan cities the right to select and receive title to state-owned tide and submerged lands within their municipal boundaries. In November 1993, AML's members discussed this issue and passed Resolution 94-10 (copy enclosed) supporting the concept included in HB 398.

Present statutes limit the ability of municipalities to obtain ownership to tide and submerged lands within their boundaries, yet often these lands are among the most valuable for economic development purposes. AML and its members support making such lands available to all municipalities, as part of their municipal entitlement to state-owned land.

Enclosure

LEG94.hb398.131

Resolution of the Alaska Municipal League

Resolution No. 94-10

**A RESOLUTION AUTHORIZING THE SELECTION AND
CONVEYANCE OF STATE TIDE AND SUBMERGED LANDS
TO CITIES AND BOROUGHES IN ALASKA**

WHEREAS, pursuant to the Alaska Statehood Act, the State of Alaska received title to most of the tidelands offshore of the state land boundary, from the mean high tide to the three-mile limit; and

WHEREAS, current provisions of Alaska Statutes have authorized the conveyance of state-owned tide and submerged lands to a limited number of Alaska's communities, i.e., Home Rule and First Class Cities incorporated on or before April 1, 1964; and

WHEREAS, it is the policy of the Department of Natural Resources (DNR) to lease tidelands to municipalities only at full value if the municipality will be making what DNR believes is a commercial use of the tidelands; and

WHEREAS, boroughs never qualified for tidelands under the Tide and Submerged Lands Act; and

WHEREAS, DNR will not allow for municipal selection of tidelands under a municipality's land entitlement; and

WHEREAS, limitations on the ability of municipalities to obtain ownership to tide and submerged lands within their boundaries are arbitrary, unnecessary, and unreasonable and should be eliminated in order to enhance the economic future of all of Alaska's communities:

NOW, THEREFORE, BE IT RESOLVED by the Alaska Municipal League that the Alaska Legislature is respectfully encouraged to repeal the provisions of AS 38.05.820(b) as they limit the ability of Second Class Cities and Home Rule and First Class Cities incorporated after April 1, 1964, to obtain title from the state to tide and submerged lands within their municipal boundaries, notwithstanding a prior fulfillment of the municipality's land entitlement.

BE IT FURTHER RESOLVED the State of Alaska is urged to convey to each municipality all tidelands currently leased to the municipality and to convey tidelands to a municipality for which it has a lease application pending.

BE IT FURTHER RESOLVED the State of Alaska is urged to permit each borough to take up to 20 percent of its land entitlement in tidelands.


BE IT FURTHER RESOLVED that the Alaska Legislature is urged to take such action as may be necessary to implement the foregoing.

BE IT FURTHER RESOLVED that tidelands made available to municipalities shall include tidelands currently leased or permitted to third parties, subject to such leases or permits.

Adopted this 12th day of November 1993 in Soldotna, Alaska.


Rosalee T. Walker
Rosalee T. Walker, President

ATTEST:


Kent E. Swisher
Kent E. Swisher, Executive Director

8-LS1582E
Cook
1/31/94

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 398
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES OLBERG, Mackie

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to rights in certain tide and submerged land, and allowing the
2 Department of Natural Resources to quitclaim land or interests in land, including
3 submerged or shore land, to a municipality to correct errors or omissions of the
4 municipality when inequitable detriment would result to a person due to that
5 person's reliance upon the errors or omissions of the municipality."

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

7 * Section 1. AS 38.05.035(b) is amended to read:

8 (b) The director may

9 (1) delegate the administrative duties, functions or powers imposed
10 upon the director to a responsible employee in the division;

11 (2) grant preference rights for the lease or purchase of state land
12 without competitive bid in order to correct errors or omissions of a state or federal
13 administrative agency when inequitable detriment would otherwise result to a diligent