

LDIR#113
MUNICIPAL
CODE
COMMITTEE
HEARINGS
CSSB 101
1966

February 4, 1966

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

COMPILATION OF COMMENTS AND SUGGESTIONS ON COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

Secs. 29.03.010 and 29.03.020

Legislative Council:*

Policy:

Add provisions for assessment of real property in the unorganized borough.

Add provisions requiring residents of the unorganized borough to file a return of property owned by them, as required for organized borough residents under Sec. 29.53.070.

Add provisions establishing organized borough functions in the unorganized borough, with the legislature acting as borough assembly, and levy a tax to support the functions.

(Staff note: See HB 283 for treatment of the same subject.)

Municipal League:

NO COMMENTS ON THESE SECTIONS

Greater Anchorage Area Borough:

NO COMMENTS ON THESE SECTIONS

Agency Note:

See HB #350 providing for taxation in the unorganized borough.

Secs. 29.08.010 and 29.08.020

Legislative Council:

Sec. 29.08.010. Home Rule.

Policy:

February 8, 1966

Second Session

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

COMPILATION OF COMMENTS AND SUGGESTIONS ON COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

Sec. 29.18.050

Legislative Council:

(Public Comment at Hearings)

Change paragraph (10) to require for borough incorporation petition signatures equal to simply 15% of the number of voters in the proposed borough area based on the number who voted in the last general election, rather than, as now provided, 15% of voters in first class cities and 15% of voters in the area outside first class cities based on the number who voted in the area in the last general election.

Municipal League:

Sec. 29.18.050. PETITION. Unchanged except as to (10).

(10) for borough incorporation, the signature and resident address of 15 per cent of voters, [IN EACH FIRST CLASS CITY AND 15 PER CENT OF VOTERS IN THE AREA OUTSIDE FIRST CLASS CITIES] based on the number who voted in the area in the last general election.

Greater Anchorage Area Borough:

NO COMMENT ON THIS SECTION

Greater Juneau Borough:

Sec. 29.18.050. PETITION. Unchanged except as to (10)

(10) for borough incorporation, the signature and resident address of 15 per cent of voters in each first class city (AND 15PER CENT OF VOTERS IN THE AREA OUTSIDE FIRST CLASS CITIES) based on the number who voted in the area in the last general election.

February 10, 1966

Fourth Session

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

COMPILATION OF COMMENTS AND SUGGESTIONS ON COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

Sec. 29.23.150

Legislative Council

NO COMMENT ON THIS SECTION

Municipal League

NO COMMENT ON THIS SECTION

Greater Anchorage Area Borough

Sec. 29.23.150. EXECUTIVE ABSENCE OR DISABILITY.

The assembly presiding officer shall act as chairman during the chairman's temporary absence or disability. If a manager plan has been adopted, the assembly shall designate by resolution a borough administrative officer to act as manager during his absence or disability.

Comment. Existing AS 07.25.030(b) covers disability as well as absence. This coverage should be continued.

Greater Juneau Borough

Sec. 29.23.150. EXECUTIVE ABSENCE OR DISABILITY. The assembly presiding officer shall act as chairman during the chairman's temporary absence or disability. If a manager plan has been adopted, the assembly shall designate by resolution a borough administrative officer to act as manager during his absence or disability.

February 15, 1966

Fifth Session

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

COMPILATION OF COMMENTS AND SUGGESTIONS ON COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

Sec. 29.23.280

Legislative Council

(Public Comment at Hearings)

Authorize a special election to fill a mayor's vacancy at the option of the council, in addition to authorizing the council to choose a successor from its own membership.

Authorize a special election to fill the vacancy in the event no councilman is selected or agrees to serve as mayor.

Change the first sentence of the section to read as follows: "Within 30 days of a vacancy in the office of mayor, the council shall designate one of its members as mayor until the next regular or special election."

Municipal League

Sec. 29.23.280. FILLING A VACANCY. Within 30 days of a vacancy in the office of mayor, the council shall designate one of its members as mayor until the next regular election. In a first class city the councilman chosen shall resign his council seat. In the event no councilman is willing to serve as mayor, the council shall call a special election at least 30 days before the date of the election, for the purpose of electing a new mayor.

Greater Anchorage Area Borough

NO COMMENT ON THIS SECTION

February 16, 1966

Sixth Session

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

COMPILATION OF COMMENTS AND SUGGESTIONS ON COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

Sec. 29.28.020

Legislative Council

(Public Comment at Hearings)

Change the section so as to permit home rule municipalities to hold regular municipal elections on other than the required first Tuesday of October.

Municipal League

Sec. 29.28.020. ELECTION DATES.

(a) The date of a regular municipal election is the first Tuesday of October of each year, [THIS DATE APPLIES TO HOME RULE AND GENERAL LAW MUNICIPALITIES] except that home rule municipalities may provide for a different election date.

(b) The assembly or council may call [A] special elections upon 20 [30] days notice.

Greater Anchorage Area Borough

Comment. This section requires an election every

February 18, 1966

Seventh Session

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

COMPILATION OF COMMENTS AND SUGGESTIONS ON COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

Sec. 29.33.010

Legislative Council

Staff Comment: See comment following Sec. 29.13.080.

Greater Anchorage Area Borough]

Greater Juneau Borough]

- NO COMMENT ON THIS SECTION

Municipal League

Sec. 29.33.010. SCOPE OF AREAWIDE POWERS. Home rule and

general law boroughs shall exercise the powers specified in this chapter on an areawide basis, both inside and outside cities within their boundaries. No city, whether home rule or not, may exercise an areawide power once that power is being exercised by a borough, except as provided by this chapter.

Agency Note

The Agency recommends that the section be retained as written in CSSB #101 with the following changes:

Add "as" between "powers." and "specified" on Line 1, p. 40; and add "and in the manner specified" between "specified" and "in" on Line 1 and 2, p. 40.

The Municipal League suggestion could completely alter areawide borough powers.

Sec. 29.33.030

Legislative Council

(Public Comment at Hearings)

Change so as to restore present law that boroughs

February 24, 1966

Eighth Session

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

COMPILATION OF COMMENTS AND SUGGESTIONS ON COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

Secs. 29.33.070 - 140

These sections should be considered as a unit. The Agency has reviewed the written material presented by the Legislative Council, the Municipal League, the Greater Anchorage Area Borough, and the Greater Juneau Borough and has held several work sessions on these sections. In addition to the Agency's staff, the sessions were attended by Greg Machyowsky of the Legislative Council, Ron Bolton of the Juneau Borough planning office, and Ron Saroff, State director of planning and research. As a result of these sessions, the Agency recommends a complete revision of Secs. 29.33.070 - 140. The recommended revision appears at the end of the comments under the Legislative Council, the Alaska Municipal League, the Greater Anchorage Area Borough and the Greater Juneau Borough.

Legislative Council

(Public Comment at Hearings)

Sec. 29.33.070. Planning, Platting, and Zoning.

Subsection (a): Change the subsection so as to expressly exclude building code powers from planning, platting and zoning functions, rather than to expressly include them, as provided.

Add a requirement that some members of borough planning commission must be residents of cities within the borough.

Add a requirement that commission membership be apportioned according to population, with city membership to be appointed by the council, and borough membership to be appointed by the borough.

Change so as to leave planning, zoning and platting functions within cities to those cities.

Section might specify that planning commission members must be residents of the borough (which includes cities)

February 25, 1966

Ninth Session

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

COMPILATION OF COMMENTS AND SUGGESTIONS ON COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

Secs. 29.33.070-140
with changes drafted
by the Agency as sug-
gested by the Commit-
tee.

Sec. 29.33.070. PLANNING, PLATTING, AND ZONING. (a) Bor-
oughs shall provide for planning, platting, zoning, and building
and housing codes on an areawide basis.

(b) If a city within a borough is located more than 25 miles
from the borough seat, the assembly by ordinance may:

(1) designate the council of the city as a board of
adjustment within the city;

(2) grant the city the authority to administer and en-
force building and housing codes within the city and authorize it
extraterritorial jurisdiction for that purpose;

(3) delegate other planning and zoning administrative
and enforcement responsibilities to the city, provided that bor-
ough jurisdiction is not impaired;

(4) withdraw powers delegated under this subsection.

Sec. 29.33.080. PLANNING COMMISSION. (a) The borough plan-
ning commission consists of no more than nine citizens [SHALL HAVE
THE SAME NUMBER OF MEMBERS AS THE BOROUGH ASSEMBLY. AND SHALL BE
APPORTIONED IN THE SAME MANNER]. Commission membership shall be
apportioned so that the number of members from first class cities

March 1, 1966

Tenth Session

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

COMPILATION OF COMMENTS AND SUGGESTIONS ON COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

Sec. 29.38.010

Legislative Council

(Technical Suggestion - Council Staff)

Technical: To clarify intent change the provision to read as follows: "The first class borough may exercise in the area outside cities any general law municipal power. The exercise by the borough of a general law municipal power in the area outside cities does not abrogate the power of cities to exercise general law powers outside their boundaries to the extent authorized by law, unless otherwise provided by law. Before exercising a power outside cities only, the borough shall seek to have the identical power transferred from cities within the borough or propose joint borough-city exercise of the power."

Municipal League

Sec. 29.38.010. FIRST CLASS BOROUGH. The first class borough may exercise in the area outside cities any general law municipal power, [.] except the power herein granted shall not be interpreted to abrogate extraterritorial powers of cities otherwise authorized by law. Before exercising a power outside cities only, the borough shall seek to have the identical power transferred from cities within the borough or propose joint borough-city exercise of the power.

March 2, 1966

Eleventh Session

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

COMPILATION OF COMMENTS AND SUGGESTIONS ON COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

Sec. 29.48.010
Secs. 29.48.040-090
Sec. 29.48.160(c)

The Local Government Committee requested the Local Affairs Agency to further review these sections, which were discussed as part of the March 1 Compilation, and to include them in the March 2, Compilation for final Committee disposal.

Sec. 29.48.010

To solve the problems raised under this section, the Agency recommends the following changes:

1. Remove the colon on P. 54, Line 16 of CSSB #101 and add "subject to other provisions of law:"
2. Change Subpara. (8) to read "to enforce ordinances and to prescribe penalties for violations;"
3. Add a new Subpara. (11) to read "to borrow money and issue evidences of indebtedness."

Sec. 29.48.040-050

To solve the problems raised by Senator Pollock, the Agency recommends the following changes in Secs. 29.48.040 and 050:

1. At the end of the first sentence in Sec. 29.48.040(a), add "subject to the authority of a municipality within which any extended service lies to franchise and regulate as provided in AS 29.48.050."

2. In Sec. 29.48.050(a), delete "The assembly or council may by ordinance grant franchises" at the beginning of the first

"The assembly for the area outside cities or the council for the city may by ordinance

March 3, 1966

Twelfth Session

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

COMPILATION OF COMMENTS AND SUGGESTIONS ON COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

Sec. 29.53.030

Legislative Council

(Public Comment at Hearings)

Delete this section establishing a fixed assessed value on certain mining claims. (Staff note: If the section is deleted, mining claims would then be taxable at full and true value.)

Add an additional section following this section as follows: "Sec. 29.53.031. NON-OPERATING OR NON-PRODUCTIVE COMMERCIAL PROPERTIES. The assessed value of any commercial property which has not been operated or has been non-producing for a period of two consecutive years shall be automatically reduced by 20%, and by an additional 10% for each succeeding year up to a total of five years, after which the assessed valuation shall be reduced by 5% for each succeeding year of non-operation until the assessed value has reached a minimum of \$200."

Greater Anchorage Area Borough

AS 29.53.030.

[Sec. 29.53.030. MINING CLAIMS. The assessed value of an unimproved, unpatented mining claim which is not producing, and a nonproducing patented mining claim upon which the improvements originally required for patent have become useless and valueless through depreciation, removal or otherwise, is fixed at \$200 for each 20 acres or fraction of 20 acres. If the surface ground of a claim has a separate and independent is assessed at its full and true value.]

*Left
it to
determine
5%
July after
non-operation*

or industrial

March 4, 1966

Thirteenth Session

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

COMPILATION OF COMMENTS AND SUGGESTIONS ON COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

** Sec. 29.53.385

** New section proposed by the Greater Anchorage Area Borough

Greater Anchorage Area Borough

AS 29.53.385 (PROPOSED).

Sec. 29.53.385. PAYMENT OF TAX LIENS UPON PUBLIC UTILIZATION. If a city or borough holds or takes title to tax foreclosed property for a public purpose, the city or borough shall satisfy tax liens against the property held by other municipalities, with accrued interest but without penalty. If the amount required to satisfy such tax liens exceeds the assessed valuation of the property, the city or borough shall pay such lien holders the assessed valuation, which shall be divided between the lien holding municipalities in proportion to their respective tax liens.

Comment. The code should provide for payment of tax liens of municipalities by the municipality utilizing the property for a public purpose.

Agency Note

well taken and should be accepted.

March 5, 1966

Fourteenth Session

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

COMPILATION OF COMMENTS AND SUGGESTIONS ON COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

Legislative Council

Sec. 29.58.180

(Public Comment at Hearings)

Subsection (a): Change the subsection so as to place a limit on the amount of taxation which may be levied to pay general obligation bonded indebtedness on future bonds, rather than placing no limit, as provided.

Municipal League

Greater Anchorage Area Borough

Greater Juneau Borough

} - NO COMMENT ON THIS SECTION
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Agency Note

The Agency recommends that the section be retained as written in CSSB #101.

Sec. 29.58.200

Legislative Council

(Technical Suggestions - Council Staff)

Technical: To conform with Article IX, Section 9 of the state constitution, authorizing issuance of general obligation bonds locally, the term "capital improvements" should be substituted for the term "public facilities of a permanent character."

Municipal League

Sec. 29.58.200. REVENUE BONDS. A municipality may acquire, construct, improve and equip [PUBLIC FACILITIES OF A

March 7, 1966

Fifteenth Session

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

COMPILATION OF COMMENTS AND SUGGESTIONS ON COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101

Sec. 29.73.010

Sec. 29.73.015

NO COMMENTS ON THESE SECTIONS

Sec. 29.73.020

Legislative Council

(Technical Suggestions - Council Staff)

Technical: To eliminate past confusion and litigation as to municipalities' power to use declarations of taking in eminent domain proceedings, expressly authorize the power, notwithstanding that the provisions of AS 09 incorporated by reference in the section provide for such declarations.

Municipal League

NO COMMENT ON THIS SECTION

Greater Anchorage Area Borough

Sec. 29.73.020. EMINENT DOMAIN. Home rule and general law municipalities may exercise the [power] powers of eminent domain and declaration of taking as provided in AS 09.55.240 - AS 09.55.460.