

**LDIR#117  
MUNICIPAL  
LANDS  
BUILDINGS,  
PLANNING AND  
ZONING LOCAL  
BOUNDARY  
COMM.**

ALASKA  
LOCAL  
GOVERNMENT

---

VOLUME IV. NO. 5

AUGUST, 1964

---

IN THIS ISSUE

ATTORNEY GENERAL'S OPINION REGARDING  
BOUNDARY CHANGES

---

INTRODUCTION

Alaska's constitution defines the powers of the Local Boundary Commission in very general language. It allows the Commission to consider any proposed local government "boundary change." Alteration of boundaries occurs most frequently through annexation to existing units. However, AS 07, the 1961 Borough Act, brought the Commission into the areas of incorporation, consolidation, and dissolution of boroughs. Are these areas "boundary changes?" The following request to and reply from the Department of Law clarify the meaning of "boundary change."

MEMORANDUM FROM DENNIS COOK, ACTING DIRECTOR, LOCAL AFFAIRS  
AGENCY, TO WARREN COLVER, ATTORNEY GENERAL, JULY 7, 1964:

The Constitution of Alaska gives the Local Boundary Commission power to consider "any proposed local government boundary change" and to present its recommendations to the legislature. AS 44.19.260(a) (3) reaffirms this power.

Recently the Commission has been petitioned to act in cases which involve consolidation or dissolution. The Agency feels that consolidation, dissolution, and also incorporation of cities and boroughs fall within the scope of the Commission's power. We consider each of these functions to be a boundary change.

The Commission determines boundaries for areas wishing to incorporate as boroughs. To exclude the Commission from approving boundaries for city incorporations would be inconsistent and inefficient. The Commission would, in any case, assume jurisdiction immediately following incorporation and could then recommend that the boundaries be changed to those it felt should have been used for incorporation.

If the Commission is not authorized to act in cases of consolidation or dissolution or to deny incorporation in

Introduced: 4/11/64  
Referred: Labor & Man-  
agement Committee

BY THE LABOR AND  
MANAGEMENT COMMITTEE

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 30

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 Urging the use of the Uniform  
6 Building Code.

7 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CON-  
8 CURRING:

9 WHEREAS the natural disaster of March 27, 1964, makes clear  
10 the need for sound design and construction practices for all types  
11 of buildings in the state; and

12 WHEREAS the Uniform Building Code of the International Con-  
13 ference of Building Officials embodies those necessary sound  
14 principles; and

15 WHEREAS the major cities of the state have already adopted  
16 the Uniform Building Code as the building code within their corpo-  
17 rate limits, but there is no building code that applies throughout  
18 the state; and

19 WHEREAS pending legislative study of the problem and enact-  
20 ment of a fair and enforceable code, there is no standard guide to  
21 sound building practices in most of the state;

22 BE IT RESOLVED that the Uniform Building Code of the Inter-  
23 national Conference of Building Officials, as it is amended from  
24 time to time, is adopted as the standard for sound building prac-  
25 tices in the state; and be it

26 FURTHER RESOLVED that all architects, engineers, and builders

Introduced: 3/5/64  
Referred: Labor and  
Management and Judiciary

1 IN THE HOUSE

BY MESSRS. LEONARD AND MILLER

2 HOUSE BILL NO. 392

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the adoption and en-  
7 forcement of a state building code; and  
8 providing for an effective date."

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

10 \* Section 1. AS 23 is amended by adding a new chapter to read:

11 CHAPTER 37. STATE BUILDING CODE.

12 Sec. 23.37.010. INSPECTORS. The department shall  
13 employ building inspectors. The duty of a building inspector  
14 is to inspect building subject to the state building code,  
15 to determine whether or not the buildings comply with the  
16 requirements of the code.

17 Sec. 23.37.020. INSPECTIONS. An inspector employed un-  
18 der sec. 10 of this chapter may enter any building subject  
19 to the code at any reasonable time for the purpose of inspect-  
20 ing the building to determine whether or not it complies with  
21 the provisions of the code.

22 Sec. 23.37.030. ADVISORY INSPECTION. A person may  
23 submit building plans for a building subject to the code to  
24 the department for approval even though he is not required  
25 to do so. The department shall inspect all such building  
26 plans and approve or disapprove them.

Introduced: 3/9/65  
Referred: Local Govern-  
ment and Judiciary

1 IN THE HOUSE

BY MESSRS. JOSEPHSON AND  
STEVENS BY REQUEST

2 HOUSE BILL NO. 210

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the powers of platting  
7 boards."

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

9 \* Section 1. AS 40.15 is amended by adding a new section to  
10 read:

11 Sec. 40.15.095. HEARING OFFICER. A platting board may  
12 delegate authority to hear and decide cases under its rules  
13 and regulations to a hearing officer designated by the board.  
14 A person aggrieved, an officer of the political subdivision  
15 to which the board belongs, or a taxpayer of that subdivision  
16 may appeal a decision of the hearing officer to the board  
17 within the time and in the manner to be prescribed by board  
18 rule or regulation properly adopted and published. The board  
19 shall hear and decide the appeal de novo.

20 \* Sec. 2. AS 29.10.207(e) is amended to read:

21 (e) All plans, plats, or replats of land laid out in  
22 lots or plats, and the streets, alleys, or other portions of  
23 them intended to be dedicated to public or private use within  
24 the limits of a city shall first be submitted to the planning  
25 commission or a hearing officer designated by it for [ITS]

Original Sponsor:  
Mr. Hammond

Offered: 3/14/64  
Referred: Local Govern-  
ment

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 390

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the transfer of state  
7 lands to organized boroughs."

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

9 \* Section 1. AS 07.10.150 is repealed and re-enacted to read:

10 Sec. 07.10.150. STATE LANDS. An organized borough may  
11 select up to 10 per cent of the vacant, unappropriated, un-  
12 reserved state lands located within the borough boundaries  
13 which have been selected under general and community grants  
14 or otherwise acquired. Ten per cent of the tide and sub-  
15 merged lands lying seaward of state, borough, or private up-  
16 lands are also available for selection by the borough. Lands  
17 selected are subject to any valid existing rights. Selection  
18 procedures shall be established by regulations promulgated by  
19 the Department of Natural Resources in conformity with the  
20 Administrative Procedure Act (AS 44.62).

21 \* Sec. 2. AS 07.10.160 is repealed and re-enacted to read:

22 Sec. 07.10.160. SELECTION PROCEDURE. (a) The direc-  
23 tor of the division of lands shall adjudicate each selection  
24 by a borough, and shall grant tentative approval of the  
25 selection, if appropriate. This approval is conclusive as of  
26 the date of notation on the official land records of the

1 IN THE HOUSE

BY MR. HAMMOND

2 HOUSE BILL NO. 247

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act granting organized boroughs a por-  
7 tion of state revenues received under the  
8 Alaska Land Act."

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

10 \* Section 1. AS 07.10.150 is repealed and re-enacted to read:

11 Sec. 07.10.150. GRANT OF CERTAIN REVENUES. (a) The  
12 organized boroughs are entitled to receive from the state  
13 one-tenth of the total net revenues, including bonuses and  
14 royalties, received in each fiscal year from the sale, lease,  
15 or other disposition made under AS 38.05 of state lands,  
16 resources, property, or any interests in them, to be appor-  
17 tioned in accordance with (b) of this section.

18 (b) The money granted to boroughs by (a) of this sec-  
19 tion shall be apportioned among the organized boroughs  
20 according to the following formula:

21 (1) one-half according to the ratio which the  
22 population of each organized borough bears to the total popu-  
23 lation of all organized boroughs;

24 (2) one-half according to the ratio which the area  
25 of each organized borough bears to the total area of all  
26 organized boroughs.