

LDIR#124

SENATE BILL

101

1965

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:

STATE OF ALASKA

WILLIAM A. EGAN, GOVERNOR

OFFICE OF THE GOVERNOR

LOCAL AFFAIRS AGENCY / BOX 710—JUNEAU

February 24, 1965

Honorable Harold Z. Hansen, Chairman
Senate Local Government Committee
Alaska State Legislature
Juneau, Alaska

Dear Senator Hansen:

The following proposed additions and deletions to Senate Bill No. 101 are presented for the consideration of your committee. These changes clarify the intent of the bill's drafters.

I. Page 1, line 25: Insert "of the first class" after "borough".

II. Page 2, line 13: Delete "borough incorporation" and substitute "the addition of powers by boroughs" and delete "incorporation" and substitute "the addition of powers".

III. Page 4, lines 26 and 27: Delete "Proposed amendments are ratified by a majority vote".

IV. Page 5, line 1: Insert "in the provisions" after "indicated".

V. Page 5: Add the following material in parentheses to each section as indicated.

- (1) AS 29.13.010 - 29.13.080 (Borough and City Charters)
- (2) AS 29.23.020 (Apportionment of Borough Assembly)
- (3) AS 29.23.030 - 29.23.050 (Election, Term and Qualifications of Assemblymen)

COUNCIL MEMORANDUM NO. 65-481

October 8, 1965

G. Mackowski
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copy
(additional
filed in
front office)

To: City Council

From: City Attorney

Subject: Municipal Code - CSSB101

The City Attorney has reviewed the new comprehensive municipal code and has the following comments to make in respect to this code. At the outset, the City Attorney would like to state that this memorandum does not intend to be exhaustive, but intends to highlight the policy changes and areas in which the City is particularly interested and which reflects the philosophy behind the municipal code. No attempt is made herein to discuss the merits of minor technical requirements, clerical mistakes or places where greater clarification may be necessary. Many of these latter changes might best be resolved by the League of Alaska Cities upon review by many varied communities.

As a whole, the philosophy of the municipal code appears to balance the law more favorably to the borough than to the cities. The idea as expressed by some delegates to the Constitutional Convention that both the boroughs and cities could exist together has been abandoned for the concept that the borough should replace the city rather than exist as an intermediate body between the state and cities. This analysis will further develop the reasons for this statement. Evident throughout the code is the concept that a borough is not one indivisible body, but consists of city and outside city areas. This concept not only violates the intent of our constitutional framers, but under the "one man, one vote" rule established by the United States Supreme Court, this concept may be unconstitutional. In effect, the code, in differentiating between areas within cities and areas outside of cities within the borough, invites the same comparison to the urban-rural imbalance problem existing on the state level. The various sections of the code amply illustrate the imbalance detrimental to the city. An examination of the Code raises the over-all question as to whether the clear intent of the constitution to provide the maximum amount

debatable
"integrated"
concept seemed
to be main one
at convention
present
borough
law

STATEMENT OF E. JACK SCHOOP, PLANNING DIRECTOR
GREATER ANCHORAGE AREA BOROUGH
REGARDING CSSB 101

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copy
(additional
filed in front
office)*

The following comments have been reviewed with and concurred in by the Greater Anchorage Area Borough Planning and Zoning Commission.

Overall, we find the proposed bill is a great step forward. Following are specific recommendations for relatively minor changes.

<u>Page</u>	<u>Section</u>	
42	29.33.080(b)(6)	Strongly recommend the word "variances" be changed to "exceptions." The intent was surely "exceptions" but the legislative draftsmen no doubt were confused about the difference between exceptions and variances.
44	29.33.110(b)	Strongly recommend that (2) read "appeals from the decision of the planning commission on requests for exceptions," and that (3) read "requests for variances from the terms of the ordinance, etc.", all in accordance with comments concerning Page 42, Section 29.33.080(b)(6) above (variances).
45	29.33.120	Strongly recommend elimination of the words "and with the Borough Clerk" in the second sentence so as not to unduly complicate the appeals procedure.
49	29.33.210	Strongly recommend that the second, third and fourth sentences regarding publication of notice be deleted. Such notice requirement imposes an intolerable delay in the expeditious processing of plats required in a rapidly developing area, especially with short construction seasons. Such notice furthermore serves no effective public purpose since each affected property owner is either signatory to the replat or receives notice by certified mail, per the last sentence. Strongly recommend that the last sentence be amended by striking the word "also" (in accordance with preceding comment) and changing the word "registered" to "certified."

GREATER ANCHORAGE AREA BOROUGH

after copy

Memorandum To Legislative Council Regarding
Committee Substitute For Senate Bill No. 101

December 9, 1965

INTRODUCTION.

Administrative officials of the Greater Anchorage Area Borough presented brief statements regarding the proposed revision of Alaska's municipal law to the Legislative Council at hearings held in Anchorage on November 10, 1965. This memorandum explains some of the statements in detail and makes additional suggestions and comments. It represents the opinion of the administration and the majority of the assembly of the Greater Anchorage Area Borough.

The Greater Anchorage Area Borough urges that a new municipal code be enacted in the forthcoming legislative session, based on Committee Substitute for Senate Bill No. 101. The changes proposed in this memorandum are intended to improve that bill, which as it stands is far superior to the present hodge-podge of law concerning municipalities.

General Comment. All references herein to existing statutory sections are preceded by the word "existing." Any other statutory reference is to Committee Substitute For Senate Bill No. 101 unless otherwise indicated.

General Comment. Tenses are not used consistently in the bill. The most common example is use of "shall be" in the same subsection with "is" or "are" AS 29.18.120(a)-(c).

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Original Sponsor: Rules Committee
By Request of the Legislative Council

IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

ALASKA MUNICIPAL LEAGUE AMENDMENTS TO
CS FOR SENATE BILL NO. 101
IN THE LEGISLATURE OF THE STATE OF ALASKA
FOURTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act to revise and codify the law
relating to cities and boroughs."

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

* Section 1. AS 29 and 7 are repealed and re-enacted
to read:

TITLE 29. MUNICIPAL GOVERNMENT

CHAPTER 3. THE UNORGANIZED BOROUGH

Sec. 29.08.010. HOME RULE. A "home rule municipality"
is a borough of the first class or city of the first class which
has adopted a home rule charter. It has all legislative powers
not prohibited by law or charter. The establishment of a home
rule borough does not of itself dissolve any cities within it
or derogate their powers. Home rule powers are derived directly
from the Constitution.

Sec. 29.08.010

(b) [A SECOND CLASS BOROUGH MAY RECLASSIFY AS A FIRST

February 18, 1966

Proceedings of the Meeting
of the Juneau City Council
Relating to CSSB #101 on
Thursday, February 17, 1966,
and broadcast over KINY radio.

JOSEPH HENRI (City Attorney): Senator Hansen, the Chairman of the Senate Local Government Committee, who considers all the borough and city legislation and so forth, has requested any suggestions that we might have on a borough-city merger bill. Speaking of Senator Hansen, Mr. Chairman, if the Council has any suggestions, we can get them to him somehow or other.

I would like to report this, from an iron-clad source, that all the work the Alaska Municipal League did in the Ketchikan, also here in Juneau in December, to work up a substitute - that the legislative committee was composed of an equal number of borough and city people and it was ratified by everyone in the Municipal League consisting of 25 cities, and five boroughs, except the Greater Juneau Borough - still in all, the Municipal League amendments are being received extremely poorly in the Local Government Committee of the Senate. A comment was made by one of the members of that committee that a bone ought to be thrown to the Municipal League on some very innocuous and meaningless provision which we advocated, but we haven't been able to get any of the substantial amendments in that committee whatsoever. As you know, one of the strong points made by this council was that councilmen continue to be appointed to the assembly by the council as assembly for the city, and of course, that was our amendment. Now, that was voted down, to be very specific about this. What's happening in that committee apparently is that the Local Government---Local Affairs Agency, rather, sends down memorandums on sections by section of the Code, as they did last year, and these memorandums contain their recommendations for changes on the subject - they're still recommended changes. They contain the Municipal League's suggestions as we submitted them, they contain suggestions by the Greater Anchorage Area Borough and suggestions by the Greater Juneau Borough - which I wasn't aware that the Greater Juneau Borough submitted any suggestions - they weren't floating around until very recently.

There aren't any suggestions which the City of Juneau submitted--which you know were submitted--we had written 29 pages which we submitted, but that is left off the sheet.

So, it's a very discouraging thing for all the work we've done. I personally think that the compromises we worked out, the borough and city people together, to make cities and boroughs work together more closely, more agreeably, were very desirable and apparently this committee isn't the least bit interested.

Roger
Greg
Reese-----

Wallace C. Drah (Dros) Fairbanks City Manager
§2908.050 -----change 400 to 250

? p 13
p 17 ----- Sailer likes as is
p 21
p 43 p 29 -- §29.23.320
p 98
Stanley Sailors, City Council

PSC BILL 138

"Jack" Lowell Jenkins, wrecker from North Pole -- re/wreckers -- why should PSC control wreckers -- serves no useful purpose -- not enough private wreckers in existence -- and prohibitive cost to follow bill -- cost more than can make in year -- "closed shop" device-- gangster-type collecting agency for filing tariffs; won't accept filed tariffs unless certain persons do the preparations -- State Police use certain wreckers on patronage basis -- no advertising; no contract; no uniform procedure.

Municipal

Dick Jones -- Fairbanks Municipal Board -- elected board

--want entire new bill
--opposed to political appointees -- ^{should} ~~should~~ have

§ 8.28.040 Helen Burgess -- Cosmetologist re/wigs sales
-under Dept. of Commerce

Mrs. Brown worried by sales of wigs by persons not licensed -- style, modeling and sale of wigs -- §8.28.320? -- what done in other states? demonstrator certificate
1. consumer being taken re/quality 2. licensed estab. being infringed upon. 3. adver. say styled by licensed hairdressers-----800-1000 licensed cosmetologists (fit, cleaning, styling) "just the service"
808.28.080 -- can promulgate rules and regulations

Don Hopkins, Planning Director for North Star Borough Municipal Code.
Likes Oct. 4 re/planning, _____, and zoning -- very good

Carey M. Mackey
21 October 1965
Juneau, Alaska
copy
(additional filed in front office)

PROPOSED MUNICIPAL CODE

1 This is a critique of the proposed Municipal Code, C. S. S. B. 101;
2 it is arranged in the order of the chapters and sections as they appear in the
3 Code, although not every section receives comment. At the conclusion of the
4 sectional treatment, some general comments on the Code follow.
5

6 (When a proposed Code section is binding on home rule municipal-
7 ities as well as general law, the annotation "H. R." is placed immediately
8 following the citation.)

9 (1) 29. 13. 010 H. R. : Under this section a charter commissioner's
10 qualifications are merely that he be a "voter of the municipality." Under
11 present statute (A. S. 29. 40. 010) the charter commissioner must be a three-
12 year resident. The concept of home rule originates in the belief that a local-
13 ity knows what is best for itself and is best able to ordain its local laws and
14 procedures. It is very doubtful that a person can ordain a home rule charter,
15 best suited for the area, when he has lived there only one year. A three-year
16 residency is preferable for a charter commissioner. Therefore, this change
17 is suggested at line 14, page 3: "A candidate must be a voter of the munic-
18 ipality, and must have resided within the municipality for the three years
19 immediately preceding the election."
20

21
22 (2) 29. 13. 020 H. R. : For clarity, at the end of l. 23, p. 3, the follow-
23 ing phrase should be added: "... whichever is less." Confusion would other-
24 wise result since no one would be sure, whether, in a case where ten per cent
25 of the municipal voters is more than fifty, fifty signatures of the lesser
26 number is required. The seeming intent is that the lesser number is the