

LDIR#125

MUNICIPAL

CODE

REVISION 1965

March 25, 1965

SENATE
LOCAL GOVERNMENT COMMITTEE

SB 101

SECTIONS REQUIRING FURTHER ACTION

- 29.18.140 [SB 101, Pg. 11]
- 29.18.150 [SB 101, Pg. 12]
- 29.18.180 [SB 101, Pg. 12]
- 29.23.060 [SB 101, Pg. 16]
- 29.23.070 [SB 101, Pg. 18]
- 29.23.080 [SB 101, Pg. 18]
- 29.23.090 [SB 101, Pg. 18]
- 29.23.140 [SB 101, Pg. 21]
- 29.23.310 - 345 [Agency amendments of March 16, attached]
- 29.23.430 [SB 101, Pg. 31]
- 29.23.440 [SB 101, Pg. 31]
- 29.23.490 (Becomes 480) [SB 101, Pg. 32]
- 29.23.570 [SB 101, Pg. 33]
- 29.23.580 [SB 101, Pg. 33]
- 29.28.010 [SB 101, Pg. 35]
- 29.28.077 [Agency amendments of March 17, 1965, attached]
- 29.28.150 [SB 101, Pg. 37]
- 29.28.170 [SB 101, Pg. 37]
- 29.28.180 [SB 101, Pg. 37]
- 29.28.210 - 260 [SB 101, Pg. 38,39]
- 29.33.050 [SB 101, Pg. 39]
- 29.33.190 [SB 101, Pg. 46]
- 29.33.240 [SB 101, Pg. 47]
- 29.33.260 [SB 101, Pg. 48]

MARCH 16

CHAPTER 23

SUGGESTED ORGANIZATIONAL AND SUBSTANTIVE CHANGES

SECTIONS 29.23.310 THROUGH END OF CHAPTER

[NO SUBSTANTIVE CHANGES ARE RECOMMENDED AT THIS TIME IN ARTICLE 5.]

1 ARTICLE 5. SCHOOL BOARD AND SCHOOL SUPERINTENDENT

2 29.23.310. POWERS.

3 29.23.320. COMPOSITION, ELIGIBILITY, ELECTION, AND TERM.

4 29.23.330. PROCEDURE.

5 29.23.340. FILLING A VACANCY.

6 * 29.23.345. SCHOOL SUPERINTENDENT. "The school board shall
7 appoint a school superintendent who shall:

8 (1) carry out all policies and rules of the board,

9 (2) attend all board meetings and act as an
10 advisory officer to the board,

11 (3) hire and supervise all professional school
12 personnel, subject to the review of the school board,

13 (4) prepare the proposed annual school budget and
14 submit it to the school board,

15 (5) submit a school calendar for board approval
16 well in advance of the start of each school year,

17 (6) submit an annual report to the board covering
18 the operation of the school system, as well as other reports
19 requested by the board,

20 (7) perform other duties specified in this title
21 or lawfully prescribed by the board."

22 ARTICLE 6. UTILITY BOARDS

23 * 29.23.350. UTILITY BOARDS. (a) The assembly or council

24
25 by ordinance for a managing board of five members and define



ALASKA LEGISLATIVE COUNCIL

ABSTRACT OF PROPOSALS OFFERED DURING 1965
LEGISLATIVE COUNCIL HEARINGS

on

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 101
(THE PROPOSED REVISED MUNICIPAL CODE)

with

Some Staff Comments and Suggested Technical Revisions



ALASKA LEGISLATIVE COUNCIL

SUMMARY OF

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 101
(The Proposed Revised Municipal Code)

with

Index to Sections

October

1965



Supplemented
copy
12/65

ALASKA LEGISLATIVE COUNCIL

SUMMARY OF

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 101
(The Proposed Revised Municipal Code)

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Index to Sections



ALASKA LEGISLATIVE COUNCIL

SUMMARY OF

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 101

with

Index to Sections

October

1965

BURR, BONEY & PEASE
ATTORNEYS
204 TURNAGAIN ARMS
ANCHORAGE, ALASKA 99501

Feb. 26, 1965

Burr, Boney and Pease
204 Turnagain Arms
Anchorage, Alaska 99501

Attn: Mr. L. S. Kurtz, Jr.

Re: Suggested municipal law revisions

Dear Mr. Kurtz:

This is to advise that the suggested revisions of municipal law relating to platting powers set forth in your letter of December 15, 1964 were yesterday brought to the attention of the joint House and Senate committees deliberating on the proposed revised municipal code currently before the Legislature (SB 101). This action was taken to facilitate consideration of the suggestions, inasmuch as your letter was received too late to permit extensive consideration for inclusion in the proposed code as prepared by the Local Affairs Agency, and, in addition, the Legislative Council voted in January to introduce the proposed code into the Legislature without substantive change or recommendation.

With reference to the borough superseding home rule cities in the exercise of areawide powers, the revised version of AS 07.15.310 in the proposed code eliminates the phrase "of any class" in the second sentence.

Your interest in the revision continues of course to be appreciated.

Very truly yours,

John C. Doyle
Executive Director

By
Gregory Machyowsky
Legislative Counsel

GM/mh

cc: Local Affairs Agency

19.17.107(c) Consider and investigate development and betterment of the city.

ACCOUNTING OF SECTIONS

TITLE 29. MUNICIPAL CORPORATIONS

PRESENT A.S. NUMBER

PROPOSED CODE NUMBER

CHAPTER 05. CLASSIFICATION OF CITIES

29.05.010	29.08.010
29.05.020	29.08.010, 29.13.100
29.05.030	29.08.020-29.08.030
29.05.040	29.08.020

CHAPTER 8. HOME RULE CITIES

29.08.010	29.13.100
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CHAPTER 10. FIRST CLASS CITIES
Article 1. Incorporation.

29.10.003	29.08.030-050
29.10.006	29.18.010, 29.18.050
29.10.009	29.18.060-080, 29.18.100-110
29.10.012	29.18.110(b)
29.10.015	29.18.110(d)
29.10.018	29.18.120(a)
29.10.021	29.18.120
29.10.024	29.18.120
29.10.027	29.23.500
29.10.030	Article 2. Mayor and Council. 29.23.200, 29.23.250
29.10.033	29.23.200
29.10.036	29.28.015
29.10.039	29.28.015
29.10.042	29.28.010
29.10.045	29.28.020
29.10.051	29.23.570



CS SENATE BILL NO. 101

TITLE 29. MUNICIPAL GOVERNMENT

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CHAPTER

- 03. The Unorganized Borough (29.03.010-29.03.020)
- 08. Classification of Municipalities (29.08.010-29.08.050)
- 13. Home Rule Municipalities (29.13.010-29.13.100)
- 18. Incorporation (29.18.010-29.18.200)
- 23. Municipal Officers and Employees (29.23.010-29.23.570)
- 28. Elections (29.28.010-29.28.250)
- 33. Areawide Borough Powers and Duties (29.33.010-29.33.290)
- 38. Borough Powers and Duties in the Area Outside Cities
(29.38.010-29.38.050)
- 43. Powers of Cities Outside Boroughs (29.43.010-29.43.080)
- 48. Powers Applicable to All Municipalities (29.48.010-29.48.-
260)
- 53. Municipal Assessment and Taxation (29.53.010-29.53.460)
- 58. Municipal Debt (29.58.010-29.58.340)
- 63. Special Assessments and Service Areas (29.63.010-29.63.090)
- 68. Alteration of Boundaries (29.68.010-29.68.210)
- 73. Miscellaneous Provisions (29.73.010-29.73.030)
- 78. General Provisions (29.78.010)

SECTION

- 10. Establishment

November 26, 1965

Mr. Donald E. Young
President, City Council
Fort Yukon, Alaska

Dear Mr. Young:

Thank you for your recent letter to the Council concerning the effect which Senate Bill 101, the proposed revised municipal code, would have upon the classification of the City of Fort Yukon. As you correctly point out, the proposed code would effect an automatic reclassification of the city to first class status, with accompanying responsibility to support its local school system. However, by virtue of the Public School Foundation Program (Alaska Statutes, Title 14, Chapter 17) and federal Public Law 874, it would appear that given the city's present assessed property valuation and present school operating budget, the costs of maintaining the school system would be entirely assumed through these state and federal subsidies. Of course, changes in valuation or increased operating costs, or school construction programs might alter this situation and require some local contribution. I understand that the Local Affairs Agency has discussed in some detail the state and federal aid formula in its reply to your letter.

The effect of the classification provisions of the proposed code upon specific existing cities was raised several times during the statewide public hearings conducted by the Council during this and last month. Thus, there is an awareness of the possible hardship which might accrue to existing cities and communities by virtue of being reclassified as first class cities under sections 29.18.010(a) and 29.18.130 of the proposed code. Like the entire proposed code, these sections may be changed by the Legislature, either in legislative committee, or at such time as the bill is brought to the floor of either the Senate or House of Representatives. I'll be sure to transmit a copy of your letter to the Senate Local Government Committee, which will be considering the bill further at the start of the forthcoming legislative session.

If I can be of any further assistance, please do let me know.

Very truly yours,

JOHN C. DOYLE
EXECUTIVE DIRECTOR

cc: Barry Jackson

Gregory Machyowsky
Legislative Council

October 15, 1965

Dr. Don M. Dafoe, Superintendent
Greater Anchorage Area Borough School District
1602 Hillcrest Drive
Anchorage, Alaska

Dear Don:

Your letter of September 17 arrived just after I left town and I was gone for three weeks. In the meantime your letter has been clutched close to the bosoms of the staff members working on the revision of the municipal and education laws and it has just recently been released to me. We are truly appreciative of the detailed attention you have given to the pending legislation and the teacher compensation report.

I am sending your comments on the compensation report to Donna who is now toiling in the Hastings School of Law in San Francisco. I know how she values your opinions and if time allows I am certain she will drop you a line. I trust you know that Vi has abandoned the public service for holy wedlock (she slipped out of town at the end of the month) and will not be back here for several weeks yet.

The Legislative Council hearing on assigned subjects will be held in Anchorage on November 10, probably at the library meeting room since Mayor Rasmussen is making the arrangements. I hope to see you then.

Our thanks again for your thoughtful letter.

Sincerely,

John C. Doyle
Executive Director

JCD/mh

BURR, BONEY & PEASE

LAW OFFICES

825 W. EIGHTH AVENUE

ANCHORAGE, ALASKA 99501

December 28, 1965

E. L. ARNELL 1913-1958

D. A. BURR

G. F. BONEY

T. M. PEASE, JR.

L. S. KURTZ, JR.

W. W. MATTHEWS, JR.

R. A. NESBETT

TELEPHONE
272-3563

*Subject matter has
been discussed in
proposals
submitted to
Council*

R

DEC 30 1965

ALASKA LEGISLATIVE COUNCIL
JUNEAU, ALASKA

Mr. Ronald C. Cease
Director, Local Affairs Agency
Box 710
Juneau, Alaska

Re: Legislation to provide for the levy and fore-
closure of liens and the cost of clearing junk.

Dear Mr. Cease:

During the Spring and Summer of 1965 the Greater Anchorage Area Borough undertook a campaign to eliminate junk on private property which was as vigorous as the limitations of budget and existing state law would allow. Its zoning ordinance contained a prohibition against private accumulations of junk and made violation of the ordinance a misdemeanor. Within the restrictions imposed by budget and personnel limitations, good results were obtained. During the Summer of 1966 the Greater Anchorage Area Borough hopes to increase and intensify its war on junk in an effort to have the environs reasonably clear of unsightly accumulations of junk by the 1967 Centennial Celebration.

The attempt to eliminate junk, working through the existing laws, has brought to light one common situation which cannot be remedied without new legislation. Frequently, the borough enforcement officer has found land covered with wrecked cars and other junk which is owned by someone residing out of state, making criminal sanctions impossible. What is needed is a law authorizing boroughs to go on private property, to remove accumulations of junk where the owner refuses to do so after due warning, and to make the borough's cost of removing the junk assessable against the owner of the property. The law must further provide that the cost of such removal will constitute an assessment and lien against the property which can be foreclosed in the same manner as a tax lien or a lien for special improvements. In the hopes that the Legislative Council would be able to draft the necessary bill, I have not attempted to do so myself. I do feel, however, that such a bill should include the following:

Municipal Code

October 19, 1965

Mr. Clayton H. Schmitt
Administrator
City of Wrangell
Box 531
Wrangell, Alaska

Dear Mr. Schmitt:

In response to your letter of October 15, I am enclosing a copy of the Council's local sales and use tax information form.

Thank you for your assistance in this tax study.

Very truly yours,

John C. Doyle
Executive Director

By
Gregory Machyowsky
Legislative Counsel

GM/mh

Encl.

ALASKA
STATE LEGISLATURE

LEGISLATIVE COUNCIL

BOX 2199-JUNEAU

M E M O R A N D U M

October 4, 1965

SUBJECT: (1) Committee Substitute for Senate Bill No. 101
(2) Legislative Council Sales Tax Study

TO: Chief Executives of Cities and Boroughs

To facilitate study of CSSB No. 101 (the proposed revised municipal code), copies of which have previously been mailed to municipal chief executives, a summary of the bill has been prepared and two copies are enclosed.

In order to assist the Council staff in expediting its local sales and use tax study, municipal chief executives are urged to have the Council sales tax information form recently sent to them completed and returned by October 15, if they have not already done so. Should all the information requested not be readily available, so much as can be readily supplied will be appreciated.

Thank you for your assistance.

Very truly yours,

JOHN C. DOYLE
EXECUTIVE DIRECTOR

By Gregory Machyowsky
Gregory Machyowsky
Legislative Counsel

GM:lmk
Enclosures

ALASKA
STATE LEGISLATURE

LEGISLATIVE COUNCIL

BOX 2199-JUNEAU

M E M O R A N D U M

October 4, 1965

SUBJECT: Committee Substitute for Senate Bill No. 101

TO: Members of the Legislature

To facilitate study of CSSB No. 101 (the proposed revised municipal code), copies of which have previously been mailed to you, a summary of the bill has been prepared and two copies are enclosed.

Very truly yours,



Gregory Machyowsky
Legislative Counsel

Encl.

July 15, 1965

Dr. Don M. Dafoe
Superintendent
Greater Anchorage Area
Borough School District
1602 Hillcrest Drive
Anchorage, Alaska

Dear Don:

We thank you for your letter of July 12 relating to your interest in and support of CSSB #101 and HB #12.... if they are changed.

Under separate cover we are sending you the copies of CSSB #101. The proposed revision of Title 14 (Education) as presented by the Department of Education and introduced by the Council pro forma is before the Council for hearings this fall. The need for considerable change is indicated.

The dates and places for the hearings on the proposed municipal and education codes and other subjects on which hearings have been directed have not been determined yet. I expect that the Council at its August meeting will make some tentative plans and will announce a schedule as soon as possible. At the moment I don't expect that the hearings will start any earlier than October. Fall is the only time to hold hearings, but even then there are always so many conflicts with other activities. The hearings will be had in all major population centers.

Regards,

John C. Doyle
Executive Director

JCD:vd

July 8, 1965

Mrs. Thyra Thompson
Secretary of State
State Capitol
Cheyenne, Wyoming

Re: Newly-enacted Wyoming Municipal Code

Dear Mrs. Thompson:

In connection with proposed legislation revising municipal laws currently before the Alaska legislature, it would be most appreciated if you could supply us with two or three copies of the comprehensive revision of laws relating to cities and towns enacted by the 1965 Wyoming legislature.

Thank you for your assistance.

Very truly yours,

JOHN C. DOYLE
EXECUTIVE DIRECTOR

By: Gregory Machyowsky
Legislative Counsel

GM:lmk

WILLIAM A. EGAN
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

May 1, 1965

Mr. Raymond C. Hardy
Pioneer Trailer Court
2201 Cushman Street
Fairbanks, Alaska

Dear Bud:

Thank you for your recent letter. I can certainly sympathize with your problem.

Under Alaska law, improvements to land are real property and are assessed against the whole property in the name of the owner or purchaser of record. Normally, this creates no difficulty. On the other hand, when wannigans or mobile homes are classified for tax purposes as real property, a problem may arise, since the owner of the land on which the mobile home rests and the owner of the mobile home itself are different persons. However, it is the understanding of the Local Affairs Agency in my office that the North Star Borough has sufficient authority to correct the problem you raise.

Committee Substitute for Senate Bill No. 101 (the revised Municipal Code) proposes that "Mobile homes permanently attached to land or connected with water, gas, electricity, or sewage facilities are real property for tax purposes. To remove confusion as to which person is responsible for paying the property tax on a mobile home and wannigan, the director of the agency will suggest to the Senate Local Government Committee next session that an amendment be added to the Code which would provide that only the owner of property is responsible for taxes levied against his property.

Again, thank you for your letter. If I can be of further service, please do not hesitate to call on me.

Sincerely,

William A. Egan
Governor

ALASKA LEGISLATIVE COUNCIL

Subcommittee Hearing

Seward, October 25

A subcommittee of the Council met with the Alaska Municipal League during its annual convention at Seward on October 25 to hear members of the League on problems of legislative concern.

The hearing convened at 9:00 a.m. in the council chambers of the Seward city hall. Council members present were Sen. Lester Bronson and Rep. Bruce Kendall. Other legislators sitting with the Council were Rep. Charles Cole, Rep. Edgar Baggen and Sen. Yule Kilcher. Sen. John B. Coghill was present as Mayor of Nenana.

Mayor Marcus Jensen of Douglas introduced the subcommittee. Sen. Bronson, presiding, welcomed the League members to the hearing and introduced the legislators and staff. The executive director explained the Council interest in and action thus far on the major topics of concern at the hearing: the water use act proposals, the business license tax and the taxation of business, and revision of the state municipal code.

WATER USE ACT PROPOSALS

Harland Davis - City Attorney, Anchorage. Written statement of October 23 on subject of watershed withdrawals. Suggests withdrawals for municipal water supply be included in the legislation.

Warren Christiansen - City Attorney, Sitka. Questions the necessity for HB #73. If act is needed, it should provide an exemption for small users of water.

Marcus Jensen - Mayor, Douglas. Asks who would define "pollution" as it is construed by the various types of users. Once source should determine in terms of a given activity, e.g. logging. Legislation should specify types of tests for pollution.

BUSINESS TAXATION

George Sharrock - Mayor, Anchorage. The impact of the repeal of the shared business license tax on cities.