

LDIR#129

MUNICIPAL

CODE

1972

Introduced: 1/19/71
Referred: Local Government,
State Affairs and Finance

1 IN THE HOUSE

BY WHITTAKER

2 HOUSE BILL NO. 81

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the establishment of a Department
7 of Regional and Community Affairs and making certain
8 provisions for local government within boroughs; and
9 providing for an effective date."

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

11 * Section 1. AS 44 is amended by adding a new chapter to read:

12 CHAPTER 48. DEPARTMENT OF REGIONAL

13 AND COMMUNITY AFFAIRS.

14 Sec. 44.48.010. POLICY. The legislature declares that it is the
15 policy of the state to promote the general welfare and security of the
16 people by insuring the maximum extent of self government at the local
17 and regional level, in accordance with the mandate of Art. X of the
18 state constitution. In recognition of the need for economic stability
19 and adequate governmental forms in carrying out this purpose, it is
20 further declared to be the policy of the state to provide for the fair
21 sharing of the capital and natural resources of the state among all
22 local and regional governments for the benefit of all the people of the
23 state, who are the real owners of state resources. To carry out this
24 policy, the legislature finds that establishment of an executive depart-
25 ment is necessary and desirable to provide technical and financial
26 assistance to regional and local government, to assist the governor in
27 achieving maximum coordination of the various state and federal programs
28 available to such units of government, to encourage the solution of
29 problems at the lowest practicable level of government and to provide

Original sponsor: Reed

Offered: 2/5/71
Referred: Rules

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

2 CS FOR HOUSE BILL NO. 86

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for municipal name changes."

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

8 * Section 1. AS 29.95 is amended by adding a new section to read:

9 Sec. 29.95.050. CHANGE OF MUNICIPAL NAME. (a) The governing body of
10 a city or organized borough, whether home rule or otherwise, may change
11 the official municipal name by adopting an ordinance for the purpose and
12 filing the ordinance with the office of the lieutenant governor. Upon
13 receipt of a legally adopted ordinance ratified by the qualified voters
14 voting on the question at a regular or special election, the lieutenant
15 governor shall issue an appropriate order to the municipality changing
16 its existing name. The name change shall become effective on a date fixed
17 in the order and occurring within 45 days of receipt of the ordinance.
18 A copy of the order shall be transmitted to the Local Affairs Agency.

19 (b) If an ordinance adopted under (a) of this section which
20 results in an order changing the municipal name is subsequently repealed,
21 the lieutenant governor shall issue a further order reinstating the
22 former municipal name within 45 days of the date of the order, unless
23 a different municipal name is adopted by ordinance transmitted to the
24 lieutenant governor for implementation as provided in (a) of this
25 section.

26 (c) When a municipal name change takes effect by means of an
27 order issued under (a) or (b) of this section, civil or criminal suits,
28 applications, petitions, hearings and other proceedings to which the
29 municipality is a party and pending at or brought after the date the

Introduced: 1/22/71
Referred: Local Government
and Finance

1 IN THE HOUSE

BY WHITTAKER

2 HOUSE BILL NO. 96

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act excluding rents as a source of sales tax
7 levy by cities and organized boroughs; and providing
8 for an effective date."

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

10 * Section 1. AS 29.10.357 is amended to read:

11 Sec. 29.10.357. SALES TAX. [(A)] The council may levy and
12 collect a consumer's sales tax not exceeding three per cent of the
13 sales price on all retail sales [, ON ALL RENTS,] and on all services
14 made within the municipality. The sales tax may be levied and
15 collected on any one or more of these tax sources, at the option of
16 the council.

17 [(B) NOTHING IN THIS SECTION PROHIBITS A POLITICAL SUBDIVISION
18 THAT WAS COLLECTING A SALES TAX ON RENTS ON APRIL 7, 1959, FROM
19 CONTINUING TO COLLECT THE TAX.]

20 * Sec. 2. AS 29.10.366 is amended to read:

21 Sec. 29.10.366. PURPOSE OF SECS. 357 - 363 OF THIS CHAPTER. The
22 sole purpose of secs. 357 - 363 of this chapter is to enable cities,
23 with the consent of the residents, to impose sales taxes, but although
24 this method of taxation is established in a city, the council may
25 at any time abandon it or may abandon one or more of the [THREE] tax
26 sources. If consent to a sales tax is obtained for a special purpose,
27 the proceeds of the tax may not be used for any other purpose without
28 consent of the voters at another referendum.

29 * Sec. 3. AS 29.15.230 is amended to read:

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL

2 HOUSE BILL NO. 111

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act revising the Alaska Statutes to reflect cor-
7 rective amendments by the revisor of statutes."

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

9 * Section 1. AS 01.05.026 is amended to read:

10 Sec. 01.05.026. SUPPLEMENTS AS PART OF ALASKA STATUTES. The laws
11 contained in the most recent cumulative supplement to and replacement
12 pamphlets [PAMPHLET] for the Alaska Statutes constitute prima facie
13 a part of the Alaska Statutes, and the laws contained in the Temporary
14 and Special Act pamphlets constitute prima facie the temporary and
15 special law of Alaska, when prepared in accordance with this chapter
16 and authenticated by the lieutenant governor.

17 * Sec. 2. AS 01.05.031(a) is amended to read:

18 (a) Subject to the general policies which may be promulgated by
19 the legislative council for the preparation and publication of the
20 annual cumulative supplement to and replacement pamphlets for the Alaska
21 Statutes and of the accompanying Temporary and Special Act pamphlets,
22 the revisor of statutes shall revise for consolidation into the Alaska
23 Statutes and the accompanying pamphlets all laws of a general and
24 permanent nature and all laws of a temporary or special nature enacted
25 by the legislature.

26 * Sec. 3. AS 02.05.100(a) is amended to read:

27 (a) Upon a petition or accusation filed by any person or the
28 commission [UNDER THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62)], and
29 after notice and opportunity for hearing, the commission by order may

Introduced: 4/13/71
Referred: Local Government

1 IN THE HOUSE

BY COLLETTA AND GUESS

2 HOUSE BILL NO. 423

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the involvement of young people
7 in local government and school governance; and pro-
8 viding for an effective date."

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

10 * Section 1. PURPOSE. It is the intent of the legislature in enacting
11 this statute to provide an opportunity for the young people of Alaska to
12 become involved in the institutions and processes of local government and
13 school governance comparable to that embodied in legislation under considera-
14 tion at the 1971 session of the legislature providing for participation in
15 the executive branch of state government.

16 * Sec. 2. AS 07.40 is amended by adding new sections to read:

17 ARTICLE 2. INVOLVEMENT OF YOUNG PEOPLE

18 IN BOROUGH GOVERNMENT.

19 Sec. 07.40.020. ESTABLISHMENT OF COMMISSION. A borough assembly
20 may by ordinance create a commission on the involvement of young
21 people in borough government.

22 Sec. 07.40.021. COMPOSITION AND CHAIRMAN. The commission may
23 consist of not more than nine members, drawn from fields of public
24 affairs, education, the sciences, the professions, other fields of
25 private endeavor, from the state or local service, and three additional
26 members from the 17 through 22 age group, and shall include women and
27 representatives of minority groups. The members shall be appointed
28 by the borough assembly in the manner prescribed by ordinance without
29 regard to political affiliation and shall serve at the pleasure of

Introduced: 4/30/71
Referred: Local Government

1 IN THE HOUSE

BY SPECKING BY REQUEST

2 HOUSE BILL NO. 456

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to exercise of planning, platting
7 and zoning powers within organized boroughs."

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

9 * Section 1. AS 07.15.340 is amended by adding new subsections to read:

10 (d) The governing body of a home rule or first class city may
11 at its option by ordinance assume the exercise of planning, platting
12 and zoning powers within its boundaries in lieu of borough exercise of
13 those powers within the city. The provisions of (a) and (b) of this
14 section do not restrict the authority conferred in this subsection,
15 and the city may exercise the planning, platting and zoning power as
16 provided in its charter or by ordinance.

17 (e) If the governing body of a home rule or first class city
18 within a borough elects to exercise planning, platting and zoning
19 powers as provided in (d) of this section, the borough continues to
20 exercise the powers in all areas of the borough outside that city. In
21 addition the city governing body may by ordinance choose to reinvest
22 the assembly with authority to exercise the powers within the city.

23 * Sec. 2. AS 07.15.310 is amended to read:

24 Sec. 07.15.310. SCOPE OF AREAWIDE POWERS. Except as provided in
25 sec. 340(d) and (e) of this chapter, first [FIRST] and second class
26 boroughs shall exercise the powers specified in secs. 310 - 350 of
27 this chapter on an areawide basis, both within and outside cities of
28 any class within its boundaries. Except as provided in sec. 340(d) and
29 (e) of this chapter, no [NO] city of any class, whether home rule or

Introduced: 5/10/71
Referred: Local Government
and Finance

1 IN THE HOUSE

BY HUBER, BRADNER, FINK, HOLM
AND WARWICK

2 HOUSE BILL NO. 470

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sources of revenue for the
7 payment of bonded indebtedness; and providing for an
8 effective date."

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

10 * Section 1. AS 07.15.030(3) is amended to read:

11 (3) on a service area basis for functions performed in a
12 service area only; payment of debt principal and interest as well as
13 other costs shall be limited to the service area, except that, subject
14 to the election requirements of AS 07.30.010(b), the full faith and
15 credit of the entire borough, subject to AS 29.30.025, may be pledged
16 to guarantee payment of principal and interest.

17 * Sec. 2. AS 29.30 is amended by adding a new section to read:

18 Sec. 29.30.025. PERMISSIBLE SOURCES OF REVENUE FOR DEBT PAYMENTS.
19 If, after the effective date of this Act, a city or borough, whether
20 home rule or general law, is unable to pay the principal and interest
21 of bonded or other indebtedness from municipal revenue sources other
22 than ad valorem taxes, the state shall levy and collect, in a manner
23 prescribed by regulation of the Department of Revenue, a consumers
24 sales tax on the sales price of all retail sales, rents, and services
25 made within the city or borough, only for the purpose of, and at a
26 rate not exceeding two per cent for a maximum of 20 years, satisfying
27 the payments, notwithstanding other provisions of law limiting the
28 permissible rate of sales tax levy within a municipality or requiring
29 voter approval for a sales tax levy. In no event may ad valorem

Introduced: 2/7/72
Referred: Local Government
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 596

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for boroughs in the unorganized
7 borough; and providing for an effective date."

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

9 * Section 1. AS 07 is amended by adding a new chapter to read:

10 CHAPTER 04. BOUNDARIES AND ORGANIZATION OF BOROUGHS

11 IN THE UNORGANIZED BOROUGH.

12 ARTICLE 1. BOUNDARIES, ADMINISTRATION AND INCORPORATION.

13 Sec. 07.04.010. BOUNDARIES. By the tenth day following the
14 convening of the first session of the Eighth Legislature, the Local
15 Boundary Commission shall propose to the legislature a division of the
16 unorganized area of the state into unorganized boroughs. The Local
17 Boundary Commission may propose adjustments to the boundaries of exist-
18 ing boroughs to the extent necessary to secure conformity with the
19 standards for borough boundaries set forth in the statutes and in the
20 Constitution of the State of Alaska. A proposed adjustment of existing
21 boundaries shall provide for those transitional matters the commission
22 considers necessary or appropriate. The boundaries proposed by the
23 Local Boundary Commission become effective 45 days after presentation
24 or at the end of the session whichever is earlier, unless disapproved
25 by resolution concurred in by a majority of the members of each house.
26 The proposed division is not subject to modification by the legislature
27 as an alternative to disapproval, and if disapproved by the legislature
28 the proposed division made in accordance with this section is of no
29 effect.

Introduced: 2/14/72
Referred: Local Government
and State Affairs

1 IN THE HOUSE

BY FISCHER AND HUBER

2 HOUSE BILL NO. 660

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the governance of the unorganized
7 borough; and providing for an effective date."

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

9 * Section 1. AS 07.05 is amended by adding new sections to read:

10 Sec. 07.05.050. ASSEMBLY. The legislature, in joint session
11 sitting as a unicameral body, acts by ordinance or resolution as the
12 assembly for the unorganized borough.

13 Sec. 07.05.060. ASSEMBLY OFFICERS. The president of the senate
14 serves as temporary borough chairman until the permanent chairman is
15 elected by a majority vote of the membership of the assembly. The
16 assembly may provide for the election of additional officers.

17 Sec. 07.05.070. RULES AND QUORUM. The assembly may adopt rules
18 for the conduct of its business by a majority vote of the membership
19 of the assembly. A majority of the membership of the assembly consti-
20 tutes a quorum to do business. Passage of an ordinance or adoption
21 of a resolution requires an affirmative vote of a majority of the mem-
22 bership of the assembly.

23 Sec. 07.05.080. POWERS. The assembly has the powers of a first
24 class borough. It may pass ordinances relating to schools, planning
25 and zoning, assessment and taxation, and any other subject or activity
26 with which a first class organized borough is empowered to deal.

27 * Sec. 2. This Act takes effect on the date a constitutional amendment
28 amending sec. 6, art. X, Constitution of the State of Alaska, establishing
29 the legislature as the assembly for the unorganized borough becomes effective

Introduced: 2/29/72
Referred: Health, Welfare
and Education

1 IN THE HOUSE

BY THE HEALTH, WELFARE AND
EDUCATION COMMITTEE

2 HOUSE BILL NO. 709

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the terms of office of members of
7 school boards."

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

9 * Section 1. AS 14.12.050(b) is repealed and re-enacted to read:

10 (b) When a transition is made from a five-man school board to a
11 seven-man school board, the length of the terms of office for the two
12 new members to be elected shall be determined by lot so that when the
13 terms of office for the two new members are assigned, the terms of
14 office for the entire seven-man board shall be as follows: three
15 members have a three-year term, two members have a two-year term, and
16 two members have a one-year term. A seven-man school board, the terms
17 of office of whose members at the time of transition from a five-man
18 board did not result in terms expiring in the manner provided in this
19 section, may, by resolution adopted by a majority of the members of
20 the board, adjust the terms of office to conform to the schedule for
21 expiration of terms of office provided in this section.
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Introduced: 3/3/72
Referred: Local Government,
State Affairs and Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 720

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the incorporation of boroughs;
7 and providing for an effective date."

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

9 * Section 1. AS 07.10 is amended by adding a new section to read:

10 Sec. 07.10.115. APPROVAL BY LEGISLATURE. If the Local Boundary
11 Commission accepts the petition, and before an election under sec. 120
12 of this chapter, the commission shall present the proposed borough
13 incorporation to the legislature during the first 10 days of a regular
14 session. The incorporation shall be approved by the legislature 45
15 days after presentation or at the end of the session, whichever is
16 earlier, unless disapproved by a resolution concurred in by a majority
17 of the members of each house.

18 * Sec. 2. AS 07.10.120(a) is amended to read:

19 (a) Date of election. Upon the approval of the proposed incor-
20 poration by the legislature, the Local Boundary Commission [IF THE
21 LOCAL BOUNDARY COMMISSION ACCEPTS THE PETITION, IT] shall immediately
22 notify the lieutenant governor of its action and shall furnish him
23 with such information on the proposed incorporation as he requires.
24 Within 30 days after the receipt of his notification, the lieutenant
25 governor shall issue an order that an election be held within the
26 proposed organized borough to determine the question of whether the
27 qualified voters of the proposed organized borough desire to be
28 incorporated; and if so, to elect members of the first assembly of the
29 borough, the borough chairman, and the members of the first school

Introduced: 3/9/72
Referred: Resources and
State Affairs

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 729

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to parks and open space areas within
7 cities, organized boroughs and the unorganized borough;
8 and providing for an effective date."

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

10 * Section 1. AS 29.10 is amended by adding a new section to read:

11 Sec. 29.10.128. DEDICATION OF PARKS AND OPEN SPACE AREAS. (a) As
12 a condition to approval by the platting board of a proposed subdivision
13 for new housing construction, a subdivider shall dedicate a designated
14 net acreage per cent of the gross area on the plat for park and open
15 space purposes, according to the following formula: $H = \left[\left(\frac{B}{A} \right) XC \right] XE$ XG
16 H = percentage of net acreage required for neighborhood park purposes
17 A = average lot size in proposed subdivision (sq. ft.)
18 B = the number of square feet in an acre available for residential
19 development
20 C = maximum dwelling units per lot allowed by the applicable zoning
21 ordinance
22 E = average persons per dwelling unit in the zoning district
23 G = acreage standard for neighborhood parks divided by the number of
24 people that acreage should serve.

25 (b) For purposes of the formula specified in (a) of this section,
26 the platting board shall determine the number of square feet in an
27 acre available for residential development "B", and the acreage standard
28 for neighborhood parks and the number of people that acreage should
29 serve "G".

SENATE BILLS

ACE 584989

Original sponsor: Local Government
Committee

Offered: 4/12/71
Referred: Rules

1 IN THE HOUSE BY THE LOCAL GOVERNMENT COMMITTEE

2 CS FOR HOUSE BILL NO. 208

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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Since CS FOR HOUSE BILL NO. 208 is identical to
CS FOR SENATE BILL NO. 113 (which has been printed
and distributed - a 125 page bill) copies of
CS FOR HOUSE BILL NO. 208 will not be mailed or
distributed.

Original sponsor: Local Government Committee

Offered: 4/9/71
Referred: Rules

1 IN THE SENATE BY THE LOCAL GOVERNMENT COMMITTEE

2 CS FOR SENATE BILL NO. 113

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 * Section 1. The following laws are repealed: AS 07.05 - 07.40;
10 AS 18.75.010 - 18.75.030, 18.75.050 - 18.75.060; AS 29.05 - 29.95; AS 40.15.
11 070, and 40.15.100 - 40.15.180.

12 * Sec. 2. AS 29 is amended by adding new chapters to read:

13 TITLE 29. MUNICIPAL GOVERNMENT.

14 CHAPTER 3. THE UNORGANIZED BOROUGH.

15 Sec. 29.03.010. ESTABLISHMENT. Areas of the state which are not
16 within the boundaries of an organized borough constitute a single un-
17 organized borough.

18 Sec. 29.03.020. SERVICE AREAS. Allowing for maximum local par-
19 ticipation, the legislature may establish, alter, or abolish service
20 areas within the unorganized borough to provide special services, which
21 may include but are not limited to schools, utilities, land use regula-
22 tions and fire protection. A new service area may not be established
23 if the new service can be provided by an existing service area, by
24 incorporation as a city, or by annexation to a city.

25 CHAPTER 8. CLASSIFICATION OF MUNICIPALITIES.

26 Sec. 29.08.010. HOME RULE. A home rule municipality is a munici-
27 pal corporation and is a borough of the first class or city of the
28 first class which has adopted a home rule charter. It has all legis-
29 lative powers not prohibited by law or charter.