

LDIR#135

MUNICIPAL

CODE

DRAFTING

WORKING

PAPERS

February 9, 1966

Third Session

LOCAL GOVERNMENT COMMITTEE
ALASKA STATE SENATE

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

Sec. 29.23.050

Legislative Council:

(Public Comment at Hearings)

Change the section so as to require the residency qualification of candidates for borough assemblyman to be the same as that for a councilman candidate in the largest first class city of the borough, rather than simply requiring an assembly candidate to be a municipal voter.

Require more restrictive requirement than municipal voter status for running for assemblyman.

Staff comment: See comment under sec. 29.23.200.

Municipal League:

NO COMMENT ON THIS SECTION

Greater Anchorage Area Borough:

NO COMMENT ON THIS SECTION

Greater Juneau Borough:

NO COMMENT ON THIS SECTION

Agency Note:

It is the Agency's view that residency requirements, other than general voter qualifications, unnecessarily and unwisely limit the availability of candidates.

Refer to comments of the Legislative Council staff under 29.23.200, pp. 14-15 of Abstract.

Sec. 29.23.060

Legislative Council:

Introduced: 6/3/72
Referred: Local Government

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST

2 SENATE BILL NO. 433

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For An Act entitled: "An Act including municipal conflict of interest pro-
7 visions within the revised municipal code and making
8 certain technical corrections in code citations and
9 provisions; and providing for an effective date."

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

11 * Section 1. AS 29.23 is amended by adding a new section to read:

12 Sec. 29.23.555. CONFLICT OF INTEREST. Each home rule and general
13 law municipality shall adopt a conflict of interest ordinance which,
14 other provisions of this chapter notwithstanding, includes the provi-
15 sions that an officer or employee shall disqualify himself from partici-
16 pating in any official action in which he has a direct or indirect finan-
17 cial interest and that, when one or more members of the assembly or
18 council, or other voting body of the municipality, disqualifies himself
19 from voting because of direct or indirect financial interest as required
20 under this section, the number of votes necessary for a majority, or
21 otherwise necessary to determine a question, shall be determined as if
22 the membership did not include the member or members disqualified. In
23 the event any home rule or general law municipality fails to adopt said
24 conflict of interest ordinance within 90 days from the effective date of
25 this Act, the conflict of interest provision of this section shall auto-
26 matically be applicable to and binding upon said municipalities.

27 * Sec. 2. AS 29.13.100 is amended by adding a new paragraph to read:

28 (32) AS 29.23.555 (conflict of interest)

29 * Sec. 3. AS 29.23.290(1) is amended to read:

Introduced: 6/3/72
Referred: Local Government

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16 pating in any official action in which he has a direct or indirect
17 financial interest and that, when one or more members of the assembly
18 or council, or other voting body of the municipality, disqualifies
19 himself from voting because of direct or indirect financial interest
20 as required under this section, the number of votes necessary for a
21 majority, or otherwise necessary to determine a question, shall be
22 determined as if the membership did not include the member or members
23 disqualified.

24 * Sec. 2. AS 29.13.100 is amended by adding a new paragraph to read:

25 (32) AS 29.23.555 (conflict of interest)

26 * Sec. 3. AS 29.23.290(1) is amended to read:

27 (1) appoint city employees and administrative officers,
28 except as provided otherwise in sec. 360 of this chapter and AS 14.14.-
29 065 [29.33.050]; he may hire necessary administrative assistants and

AGENDA

MATTERS PENDING BEFORE MUNICIPAL CODE FREE CONFERENCE COMMITTEE

I. Proposed amendments to be considered

- Page 66 - relating to appointment of bond and financial consultants
- " 67 - relating to priority of boundary changes
- " 68 - relating to court review of tax assessment appeals (SB 159)
- " 69 - relating to voting residency requirements
- " 70 - relating to full and true value definition for tax purposes to be reconsidered from last meeting.
- " 72 - relating to payment of cost on election appeals
- " 73 - relating to designation of temporary chairman
- " 74 - relating to vote on assumption of non area-wide powers
- " 75 - relating to assembly proposing formation of unification charter commission
- " 76-80 - revised draft of borough composition and apportionment
- " 81 - relating to flood control powers

Technical amendments relating to election dates, board and commission function and others to be submitted.

II. Policy Matters

1. Adding more detailed provisions regarding issuance of tax and other revenue anticipation notes by local governments. (SB 316)
2. Providing for borough executive in addition to manager in manager planned boroughs (consider page 22 of CSSB 113).
3. Requiring run-offs in local government elections (consider page 36, lines 5-7 in CSSB 113).
4. Adding development cities provision to code.
5. Adding provisions on operational control of local government and school facilities used jointly (see memo on page 32 of book).
6. Retention or deletion of Sec. 29.33.090 (d) (page 48 of CSSB 113).
*Study
has draft amendment.*
7. Requiring systematic reevaluation of property as prerequisite to taxation regarding assessments (see draft of amendment on page 43 of book).
*Study
has draft amendment*
8. Exempting food stamp purchases from local sales taxes (see draft of amendment on page 48 of book).
9. Senior citizens local property tax relief.
10. Integration of other local government bills and consideration

Thursday, April 27, 1972

MATTERS PENDING BEFORE MUNICIPAL CODE FREE CONFERENCE COMMITTEE

I. Proposed Amendments to be Considered

- X-relating to municipal revenue anticipation notes (SB 316)
- X-relating to mass transit powers (and technically-related amendment)
- X-relating to exclusion of territory from boroughs
- X-relating to runoffs in local government elections (approval as to form)
- X-relating to voter qualification (approval as to form)
- X-relating to borough mayor in manager plan borough (to be submitted)
- X-relating to senior citizen property tax relief (to be submitted for approval as to form)
- X-technical amendments relating to election dates, delegations of powers by municipal boards and commissions, and other (to be submitted for approval as to form)

II. Policy Matters

- inclusion of development cities provisions in code (consideration pending)
- inclusion of food stamp purchases sales tax exemption in code (consideration pending)
- other bills and policy matters as the committee determines

Original sponsor: Fischer

Offered: 4/9/71
Referred: Finance

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

2 CS FOR HOUSE BILL NO. 296

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act exempting from city and borough taxation the
7 real property of certain residents having limited
8 incomes; and providing for an effective date."

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

10 * Section 1. AS 29.10.336(a) is amended to read:

11 (a) Property owned by the city or the state; the real property
12 of certain residents of the state to the extent and subject to the
13 conditions provided in (e) of this section; the household furniture of
14 the head of a family or a householder not exceeding \$500 in value;
15 all property used exclusively for nonprofit religious, charitable,
16 cemetery, hospital, or educational purposes; the property of an organi-
17 zation, not organized for business purposes, whose membership is
18 composed entirely of individuals with 90 days or more of active service
19 in the armed forces of the United States whose conditions of service
20 and separation were other than dishonorable, or the property of the
21 auxiliary of any such organization; and all money on deposit are exempt
22 from taxation.

23 * Sec. 2. AS 29.10.336 is amended by adding new subsections to read:

24 (e) The real property owned and occupied as a permanent place
25 of abode by a resident 65 years of age or over whose gross annual
26 income totals less than \$10,000 is exempt from taxation of the assessed
27 value of the real property. Only one exemption may be granted with
28 respect to the same property and, if two or more persons are eligible
29 for an exemption with respect to the same property, the parties shall



LAWS OF ALASKA

1972

Source

CSHB 290

Chapter No.

AN ACT

Relating to land subdivision.

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

* Section 1. AS 40.15.110 is repealed and re-enacted to read:

Sec. 40.15.110. WAIVER IN CERTAIN CASES. (a) The platting authority shall, in individual cases, waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that:

(1) each tract or parcel of land will have adequate access to a public highway or street;

(2) each parcel created is five acres in size or larger and that the land is divided into four or fewer parcels;

(3) the conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development;

(4) no dedication of a street, alley, thoroughfare or other public area is involved or required.

(b) In other cases the platting authority may waive the preparation, submission for approval, and recording of a plat, if the transaction involved does not fall within the general intent of this chapter and if it is not made for the purpose of, or in connection with, a present or projected subdivision development and that

H Rules 4-6-72

Local Option Composition

Introduced: 2/2/72
Referred: Local Government

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE JOINT RESOLUTION NO. 52

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 Amending the local government
6 article of the Constitution of the
7 State of Alaska relating to
8 representation of cities on borough
9 assemblies.

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

11 * Section 1. Sec. 4, art. X of the Constitution of the State of Alaska
12 is amended to read:

13 SECTION 4. ASSEMBLY. The governing body of the organized
14 borough shall be the assembly, and its composition shall be established
15 by law or charter. [EACH CITY OF THE FIRST CLASS, AND EACH CITY OF
16 ANY OTHER CLASS DESIGNATED BY LAW, SHALL BE REPRESENTED ON THE
17 ASSEMBLY BY ONE OR MORE MEMBERS OF ITS COUNCIL. THE OTHER MEMBERS OF
18 THE ASSEMBLY SHALL BE ELECTED FROM AND BY THE QUALIFIED VOTERS RESIDENT
19 OUTSIDE SUCH CITIES.]

20 * Sec. 2. The amendment proposed by this resolution shall be placed
21 before the voters of the state at the next statewide election in conformity
22 with sec. 1, art. XIII of the Constitution of the State of Alaska and the
23 state election laws.
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Introduced: 3/4/71
Referred: Local Government
and Judiciary

1 IN THE HOUSE

BY TILLION

2 HOUSE BILL NO. 258

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 borough assemblymen representing
7 a first class city to be elected by city voters rather
8 than being appointed by and from city councils; and
9 providing for an effective date."

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

11 * Section 1. AS 07.20.020 is amended to read:

12 Sec. 07.20.020. ELECTION [AND APPOINTMENT]. (a) Members of the
13 assembly are [APPOINTED OR] elected according to the apportionment
14 determined by the incorporation petition approved by the voters until
15 the assembly is reapportioned. Members representing first class cities
16 are elected by and from the qualified voters of each city [APPOINTED BY
17 AND FROM THE CITY COUNCILS, UNLESS PROVIDED OTHERWISE BY CITY CHARTER
18 OR ORDINANCE]. Members representing the area outside first class cities
19 are elected by and from the qualified voters of the area outside first
20 class cities.

21 (b) Nothing in this section prevents a candidate from seeking
22 election or serving as both a borough assemblyman and city councilman.

23 * Sec. 2. AS 07.10.120(c) is amended to read:

24 (c) Nominations. Nominations for the borough chairman, for school
25 board members, and for candidates for the first assembly [TO REPRESENT
26 THE AREA OUTSIDE ANY FIRST CLASS CITY] may be made by petition. The
27 petition shall be in the form prescribed by the lieutenant governor
28 and shall include the name and address of the nominee and a statement
29 of the nominee that he is qualified and will serve if elected. Petitions

Election of all assemblymen

Original sponsor: Tillion

Offered: 3/24/71
Referred: Judiciary

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IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

CS FOR HOUSE JOINT RESOLUTION NO. 38

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTH LEGISLATURE - FIRST SESSION

Proposing that the Constitution of the State of Alaska be amended to enable borough assemblymen representing a first class city, or other class of city designated by law, to be elected by city voters rather than being appointed by and from the city council.

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

* Section 1. Sec. 4, art. X, Constitution of the State of Alaska is amended to read:

SECTION 4. ASSEMBLY. The governing body of the organized borough shall be the assembly, and its composition shall be established by law or charter. Each city of the first class, and each city of any other class designated by law, shall be represented on the assembly by one or more members of its council, or by assemblymen elected from and by the qualified voters of the city upon approval by the qualified city voters of an ordinance prescribed by law to authorize such direct election of assemblymen. The other members of the assembly shall be elected from and by the qualified voters resident outside such cities.

* Sec. 2. The amendment proposed by this Resolution shall be placed before the voters of the state at the next statewide election in conformity with sec. 1, art. XIII of the Constitution of the State of Alaska and the election laws of the state.