

LDIR#136

MUNICIPAL

CODE 1971

1711

*Followed
by CS HB 208
and SCS CS HB 208*

INDEX

SENATE BILL NO. 113

TITLE 29. MUNICIPAL GOVERNMENT

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FREE CONFERENCE CS FOR SENATE CS FOR CS FOR HOUSE BILL NO. 208

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STATE OF ALASKA

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

WILLIAM A. EGAN, Governor

POUCH F — ALASKA OFFICE BUILDING
JUNEAU 99801

March 5, 1971

MEMORANDUM

TO: The Honorable John Rader, Chairman
Senate Local Affairs Committee

The Honorable Mike Miller, Chairman
House Local Affairs Committee

FROM: Robert P. Isaac
Assistant to the Commissioner
Department of Education

SUBJECT: Review of Senate Bill 113, Municipal Code

I am herewith transmitting a review of the education provisions in Senate Bill 113. In our opinion the proposed code, if modified as suggested, would meet most of the objections which have been raised.

A small committee of school administrators and school board members would like an opportunity to meet with the respective legislative local affairs committees when hearings are again scheduled to discuss Senate Bill 113 as redrafted.

R. P. I.

RPI:cjb

Attachment

THE CITY AND BOROUGH OF JUNEAU
CAPITAL OF ALASKA

March 9, 1971

The Honorable Edward A. Merdes
Alaska State Senate
Pouch "V" State Capitol Building
Juneau, Alaska 99801

Dear Senator Merdes:

Enclosed is my memorandum stating some of the major changes
between the provisions of SB 113 and existing municipal law.

Very truly yours,

Billy G. Berrier/LB

Billy G. Berrier
City-Borough Attorney

BGB/lb

Enclosure

155 SOUTH SEWARD ST.
JUNEAU, ALASKA 99801

THE CITY AND BOROUGH OF JUNEAU
CAPITAL OF ALASKA

March 10, 1971

*Manager - info
file - Taxation
586.3300
All*

SB# 113

For: Ed Mercedes - from John Lean

Mr. Don King, Chairman
Ketchikan Gateway Borough
Ketchikan, Alaska

*Suggest amendments as on
page 2*

Thanks
Dear Don:

Since assuming the responsibility of an Alaska Municipal League board member last November, I have tried to stay abreast of developments in the Legislature regarding our proposed bills, particularly the Alaska Municipal Code. Unfortunately, I was away from the State for six weeks beginning January 15 and was not able to participate in hearings that the respective committees have held. I am happy, though, that the outlook for the passage of the Code looks good; and, coming in late now with some additional ideas may hardly seem advisable. But, the dire situation of revenues for cities may be worth some additional thought.

In the past few months I have tried to formulate some thoughts as to how this situation may be improved and always come back to the need for adjustment in our property tax, the basic source of our funds. I know that you and the board members have wrestled with various ideas for many years and I am somewhat of a neophyte, but new enough in the game to think that the property tax as such is not outmoded but can be improved.

Essentially, all over the nation, there are complaints as to malfunctioning of the property tax concept and now much of the noise relates it to a cause for urban decay. The answer as I see it stems from the fact that most people do not recognize that it actually represents two different taxes, each with its own separate impact.

One is a tax on an improvement, such as a building; the other is a tax on the value of the location. Here in Alaska we are required by our municipal code to tax land and buildings at the same rate, which appears to be the common practice everywhere and largely serves to place the heaviest burden on the improvement, usually 4 or 5 times as much as the tax collected on land.

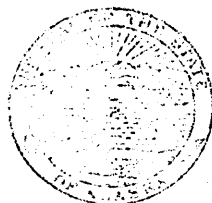
This heavy tax on improvements penalizes and discourages investment in improvements, and rewards with lower taxes those who let their properties deteriorate into slums or other obsolete structures. At the same time, our tax on locations is so small that the owner is under little pressure to put the land to better use. Saying it another way, underuse or uneconomic use of land is encouraged.

Alaska State Legislature

SENATOR EDWARD A. MERDES

P. O. BOX 810
FAIRBANKS, ALASKA 99701

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99801



SENATOR DISTRICT "1" (CENTRAL ALASKA)
COMMITTEES
STATE AFFAIRS
LOCAL GOVERNMENT
MEMBER OF LEGISLATIVE COUNCIL

Senate

March 19, 1971

Mr. Donald D. Gilmer
President
Box 1267
Fairbanks, Alaska 99707

Dear Don:

Thank you for yours of March 11 pointing out that proposed state legislation presently before the Legislature omits the granting of P & Z power to second and third class cities.

As you may know, the Senate and House Local Government Committees have been diligently working on producing a comprehensive municipal code. Among other things, this code eliminates third class cities, but it does grant zoning powers to second class cities which were classified previously as fourth class.

To insure that this matter will be explicitly taken care of, I am sending a copy of your letter along with a copy of my reply to Greg Machyowsky of the Legislative Affairs Agency, who is the staff member assigned to the joint House-Senate Committee.

Thank you for writing. I appreciate your obvious interest in this matter.

Sincerely yours,

EDWARD A. MERDES

EAM:sb

TO WHOM IT MAY CONCERN:

The following materials were sent to the Fairbanks area at the request of Representative John Huber:

1. Cover letter from Rep. Mike Miller
2. House Local Government Committee Report re education amendments.
3. Copy of CSHB 208
4. Copy of CSSB 113 with 3 comparisons stapled inside (with comparison sheet).
5. Copy of SB 113

These materials were sent to the following persons:

City of Fairbanks

Hon. Julian Rice - Mayor
Mr. Ernie Carter - Councilman
Mr. Wallace F. Burnett - Councilman
Mr. Joseph M. Jackovich - Councilman
Mr. Thosmas Miklautsch - Councilman
Mr. Robt. Parsons - Councilman

Mr. Wallis C. Droz - City Manager
Mr. Ben T. Delahay - City Attorney
Miss Sally Rusnell - City Clerk
Mr. Clifford J. Rogers Jr. - City Treasurer
Mr. Richard Levine - City Engineer
Mr. Robt. Wolting - Finance Director
Mr. James A. Movius - General Manager, MUS

City of North Pole

Mr. J. Wright - Mayor

Fairbanks North Star Borough

Mr. John A. Carlson - Borough Chairman
Mr. John O. Gustafson, - Presiding Officer
Mr. Robt. H. Bettisworth - Assemblyman
Mr. Lynne Carpenter - Assemblyman
Mr. Foye L. Gentry - Assemblyman
Mr. Tom Kouremetis - Assemblyman
Mr. Joseph P. Lawlor - Assemblyman
Mr. Con B. Miller - Assemblyman
Mr. Joe Marshall - Assemblyman

Mr. James Bruce - Borough Attorney
Mr. Kenneth W. Anderson - Borough Clerk
Mr. Earl Wyman - Borough Assessor
Mr. Walter H. Peirce - Borough Engineer
Mr. Donald Gilmer - Borough Planning Director
The Chairman - Fairbanks N. Star Borough Planning & Zoning Commission

Municipal Code Tape Summaries

3/24/11
Side 1
Discussion of proposed amendments to SB113, Revise and Codify the law relating to cities and boroughs. These amendments were proposed by Senator John Rader and Representative Mike Miller, Chairmen of the Senate and House Local Government Committees.

- Second Class cities which reclassify to First-Class cities will receive transitional grants of \$10 per voter (grant for assuming school power).
- Elections of borough assemblies, city councils & school boards will be held every 2 years on same date as State elections.
- A borough chairman does not have the right to line item veto on school budget appropriations.
- City council members may be elected by districts as well as at-large as provided by ordinance.
- Second Class (Current 4th Class) Cities may submit an annual statement of income & expenditure to the Local Affairs Agency in place of an audit (Currently not required to make any type of statement).

1971
(SB113, HB208)

Sen. Local Government Committee
Sen. John Rader, Chairman

April 19, 1971 - 2:00 P.M.

Present: Senators Rader, Merdes, Miller, Groh, Gregg Machyowski, Jim Rhode, Bill Berrier, Don Berry.

Item for discussion - CSHB 208 - amendments thereto.

- OK #2 Page 124, line 14 - new matter added concerning regular elections for municipalities - Approved by committee.
- OK #3 Sec. 29.18.030(2) concerning borough incorporation. Matter inserted on page 9, line 9 - approved by committee.
- OK #4 Sec. 29.53.050 - Tax limitation language substitution approved by committee; Sec. 29.53.055 - No limitation on taxes to pay bonds language substitution approved by committee.
- OK #5 Sec. 29.53.010 concerning rates of taxation for property, approved by committee.
- OK #7 Sec. 29.33.290(c) concerning "dual majority", Page 55, line 4, matter stricken and that substituted approved by committee.
- OK #8 Amendment to section 38.05 concerning platting authority approved by committee.
- OK #9 Sec. 29.53.410 concerning taxing power (property) of second class cities within boroughs - amendment approved, subject to deletion of phrase "within a borough". Amendment to be revised to reflect this deletion.
- OK #10 Sec. 29.48.010(9) - substitution of material on page 59, line 20 approved by committee.

Technical amendments approved by committee:

- #1 TA
TA
TA
TA
- Sec. 29.53.400 - deletion and substitution on Page 92, line 22;
- Sec. 29.53.180 - pages 8, 84, 85, 93 insertions, approved by committee;
- Sec. 29.33.110(b)(4) - references relating to official maps;
- Substitutions - page 17, lines 27, 28; page 25, line 28; page 65, line 15; page 73, line 12; page 106, line 19