

**HOUSE BILL NO. 250**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE ROKEBERG**

**Introduced: 3/10/95**

**Referred: Community and Regional Affairs, State Affairs, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the mandatory incorporation of certain boroughs and to  
2 annexation of certain areas in the unorganized borough; and providing for an  
3 effective date."

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

5 \* **Section 1.** LEGISLATIVE FINDING AND PURPOSE. (a) The legislature finds that  
6 (1) the rights, opportunities, and obligations of residents of the unorganized  
7 borough outside home rule and first class cities are not equal to those of borough residents,  
8 particularly with respect to education, taxation, and land use regulation, and that this is not  
9 in keeping with art. I, sec. 1, of the state constitution that states in part, that ". . . all persons  
10 are equal and entitled to equal rights, opportunities, and protection under the law; and that all  
11 persons have corresponding obligations to the people and to the State";  
12 (2) the unorganized borough established under AS 29.03.010 does not  
13 encompass ". . . an area and population with common interests to the maximum degree  
14 possible. . ." as required by art. X, sec. 3, of the state constitution;

1 (3) the inequities noted in (1) of this subsection and the failure of  
2 AS 29.03.010 to comply with art. X, sec. 3, of the state constitution promote interest in  
3 detachment of territory from existing organized boroughs and interest in dissolving existing  
4 boroughs;

5 (4) declining state aid to municipalities promotes interest in annexing to  
6 existing boroughs areas with substantial capacity to generate local revenue, thereby  
7 diminishing the financial viability of organizing new boroughs;

8 (5) the formation of organized boroughs throughout the state would provide  
9 an effective means to resolve many of the challenging policy issues surrounding growing  
10 interest in dissolving city governments since

11 (A) organized boroughs could become the successors to dissolved cities,  
12 thereby relieving the state of that responsibility;

13 (B) services on the community level could be provided on a service  
14 area basis; and

15 (C) representatives of culturally suitable entities could be designated  
16 to serve on service area boards to supervise the provision of local services;

17 (6) the formation of organized boroughs throughout the state provides attractive  
18 opportunities to promote more effective and efficient delivery of services needed by all of the  
19 people in the state, such as education, public safety, social services, and utilities, while also  
20 providing communities with greater capacity to address local issues such as alcohol control  
21 in unique ways;

22 (7) sufficient incentives to organize boroughs do not exist, so, in the absence  
23 of legislative action, the unorganized areas of the state are likely to remain so indefinitely;

24 (8) the circumstances identified in (1) - (7) of this subsection are matters of  
25 statewide concern and common interest to the people of the entire state.

26 (b) It is the purpose of this Act to address the state of affairs noted in (a) of this  
27 section by including all areas of the state within an organized borough.

28 \* **Sec. 2. BOROUGH BOUNDARY REPORT.** (a) By January 1, 1998, the Local  
29 Boundary Commission shall submit a borough boundary report to the governor and the  
30 legislature that identifies areas of the unorganized borough to be annexed to existing boroughs  
31 or unified municipalities and areas of the unorganized borough to be incorporated as second

1 class boroughs. The entire unorganized borough shall be divided into areas, each of which  
2 is to be included within the boundaries of a borough or unified municipality under the report.  
3 Notwithstanding other provisions of law relating to annexations and to the formation of  
4 boroughs, the boundary changes identified in the report are effective January 3, 1999, upon  
5 the terms set out in this Act and in the report. AS 29.05.140, 29.05.190 - 29.05.210, and  
6 AS 29.65.030 apply to boroughs incorporated under this Act.

7 (b) In preparing the borough boundary report, the Local Boundary Commission shall  
8 hold hearings in areas affected and consider recommendations from residents of those areas.  
9 Boundaries for new second class boroughs shall be established in accordance with standards  
10 set out in AS 29.05.031. The commission shall include in the report the following information  
11 about each new second class borough:

- 12 (1) name;
- 13 (2) boundaries;
- 14 (3) maps, documents, and other information required by the Department of  
15 Community and Regional Affairs;
- 16 (4) a designation of areawide and nonareawide powers to be exercised.

17 \* **Sec. 3. ELECTION OF INITIAL OFFICIALS.** On the Tuesday immediately after the  
18 first Monday in November 1998, the director of elections shall hold an election of initial  
19 borough officials under AS 29.05.120 in each borough scheduled for incorporation under this  
20 Act. The assembly of each new borough incorporated under this Act consists of seven  
21 members. A borough school district with an average daily membership of 5,000 or less has  
22 a school board consisting of five elected members and a borough school district with a greater  
23 membership has a school board of seven elected members. The mayor, members of the  
24 assembly, and members of the school board shall be elected at large. Initial officials take  
25 office January 1, 1999.

26 \* **Sec. 4.** The revisor of statutes shall prepare a bill conforming the Alaska Statutes to the  
27 changes made by this Act. The bill shall be presented to the House and Senate Rules  
28 Committees for introduction on the first day of the Second Regular Session of the Twentieth  
29 Alaska State Legislature.

30 \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).