

**SENATE BILL NO. 280**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

**BY SENATORS TORGERSON, Green, Phillips**

**Introduced: 2/9/96**

**Referred: CRA, STA**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the mandatory incorporation of certain boroughs in the  
2 unorganized borough."

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

4 \* **Section 1.** LEGISLATIVE FINDING AND PURPOSE. (a) The legislature finds that  
5 the rights, opportunities, and obligations of borough residents are not equal to those of  
6 residents in the unorganized borough, particularly in respect to education, taxation, and land  
7 use regulation, and that this is not in keeping with art. I, sec. 1, Constitution of the State of  
8 Alaska, that states in part, ". . . . that all persons are equal and entitled to equal rights,  
9 opportunities, and protection under the law; and that all persons have corresponding  
10 obligations to the people and to the State."

11 (b) It is the purpose of this Act to abide by the intent of the framers of the state  
12 constitution and the voters who adopted it and to implement a more equitable distribution of  
13 rights, opportunities, and obligations among all residents of the state.

14 \* **Sec. 2.** BOROUGH INCORPORATION PROPOSAL. (a) The Department of

1 Community and Regional Affairs shall, by July 1, 1997, prepare a second class borough  
2 incorporation proposal for each of the model boroughs identified for formation in the report  
3 issued in 1995 by the Local Boundary Commission entitled "Model Borough Boundaries."  
4 During the process of preparing an incorporation proposal, the department shall hold at least  
5 one public hearing in the area covered by the proposal and consider recommendations  
6 regarding the proposal. The proposal must include the following information:

- 7 (1) name;
- 8 (2) boundaries;
- 9 (3) maps, documents, and other information considered by the department to  
10 be necessary;
- 11 (4) composition and apportionment of the assembly;
- 12 (5) a proposed operating budget for the borough projecting sources of income  
13 and items of expenditure through the first full fiscal year of operation; and
- 14 (6) a designation of areawide and nonareawide powers to be exercised.

15 (b) The department shall submit each borough incorporation proposal to the Local  
16 Boundary Commission as soon as it is completed and the commission may request the  
17 department to make changes to the proposal. When the commission determines that a  
18 proposal for incorporation meets the standards for incorporation of a second class borough,  
19 the commission shall accept the proposal and notify the director of elections of its acceptance.

20 \* **Sec. 3. ELECTION OF INITIAL OFFICIALS.** (a) Within 30 days after receiving notice  
21 from the Local Boundary Commission of its acceptance of an incorporation proposal, the  
22 director of elections shall order an election in the proposed borough for initial borough  
23 officials. The election shall be held under AS 29.05.120 not less than 30 nor more than 90  
24 days after the date of the election order. The election order must specify the dates during  
25 which nomination petitions of election of initial officials may be filed.

26 (b) At an election held under this section, each nonareawide power included in the  
27 incorporation proposal shall also be placed separately on the ballot. Adoption of a  
28 nonareawide power requires a majority of the votes cast on the question, and the vote is  
29 limited to the voters residing in the proposed borough but outside all cities in the proposed  
30 borough.

31 \* **Sec. 4. INCORPORATION OF NEW BOROUGHES.** A region is incorporated as a

- 1 second class borough on the first Monday following certification of the election held under
- 2 sec. 3 of this Act. AS 29.05.130 - 29.05.150 and 29.05.190 - 29.05.210 apply to boroughs
- 3 incorporated under this section.