

1 IN THE HOUSE

BY MR. GRAY AND MR. HURLEY

2

HOUSE BILL NO. 355

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIRST LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act providing for the establishment of
7 certain organized boroughs within the State;
8 prescribing their powers; providing for the
9 establishment by local action of organized
10 boroughs and for the annexation of areas
11 to organized boroughs; and providing an
12 effective date."

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

14 Section 1. INTENT. It is the intent of this Act to create
15 organized boroughs within the State of Alaska as an intermediate
16 level of government. All of the powers herein granted to the
17 organized boroughs shall be effective throughout their boundaries,
18 within cities, as well as outside of cities. Whenever a conflict
19 arises between the powers of the organized boroughs and the powers
20 of the incorporated cities within their boundaries, the powers
21 granted to the organized boroughs shall prevail.

22 Sec. 2. ORGANIZED BOROUGHES ESTABLISHED. There are hereby
23 established eight organized boroughs within the State as follows:

24 a. Ketchikan Borough. All of that area presently included
25 within the confines of the Ketchikan Independent School District.

26 b. Sitka Borough. All of that area presently included
27 within the confines of the Sitka Independent School District.

28 c. Juneau-Douglas Borough. All of that area presently in-
29 cluded within the confines of the Juneau-Douglas Independent

1 School District.

2 d. Haines Borough. All of that area presently included
3 within the confines of the Haines Independent School District.

4 e. Kodiak Borough. All of that area presently included
5 within the confines of the Kodiak Independent School District.

6 f. Anchorage Borough. All of that area presently included
7 within the confines of the Anchorage Independent School District.

8 g. Palmer Borough. All of that area presently included
9 within the confines of the Palmer Independent School District.

10 h. Fairbanks Borough. All of that area presently included
11 within the confines of the Fairbanks Independent School District.

12 Sec. 3. POWERS AND FUNCTIONS OF ORGANIZED BOROUGHES.

13 a. Governmental powers of organized boroughs shall be in-
14 stituted through the borough assembly by means of borough ordin-
15 ances which shall be proposed and adopted in the same manner as
16 prescribed by law for general law cities of the first class. The
17 powers of organized boroughs shall be limited to the following:

18 (1) Providing a program of public education within the
19 limits of state law.

20 (2) Providing a program of public safety for the pro-
21 tection of its residents and the enforcement of borough ordinances.

22 (3) Providing a program for the protection of the
23 public health.

24 (4) Levying of an ad valorem tax on the real and per-
25 sonal property within the organized borough.

26 (5) Levying of a consumers' sales tax within the or-
27 ganized borough.

28 (6) Receiving grants for public purposes from indivi-
29 duals, corporations and federal, state and municipal governments.

1 (7) Providing public utility services to its residents
2 and making a charge therefor, subject to the rules and regulations
3 of the State Public Service Commission.

4 (8) Establishing service areas within their boundaries
5 for the purpose of furnishing any of the foregoing services to the
6 residents of the service area and in connection therewith levying
7 and collecting an ad valorem real and/or personal property tax
8 within the service area and levying and collecting assessments
9 for public improvements against the real property in the service
10 area especially benefitted by the improvement.

11 b. No tax or special assessment shall be levied or made
12 within the organized borough until the ordinance providing for the
13 tax or assessment has been submitted to referendum election and
14 adopted by a majority of the qualified voters voting thereon.

15 c. Agreements, including those for cooperative or joint
16 administration of any functions or powers, may be made by any
17 local government with any other local government, with the State,
18 or with the United States. A city may transfer to the borough
19 in which it is located any of its powers or functions unless pro-
20 hibited by law or charter, and may in like manner revoke the
21 transfer.

22 Sec. 4. ASSUMPTION OF ASSETS AND LIABILITIES. a. Organized
23 boroughs established pursuant to this Act shall assume all of the
24 powers, duties and responsibilities of the Independent School
25 District which they succeed, including liability for bonded and
26 other indebtedness, and shall succeed to all of the right, title
27 and interest in and to all of the real and personal property pre-
28 viously held by the Independent School District which they succeed.

29 b. Organized boroughs established pursuant to this Act shall

1 assume all the powers, duties and responsibilities of any public
2 utility district included within their boundaries including
3 liability for bonded and other indebtedness and shall succeed to
4 all of the right, title and interest in and to all of the real
5 and personal property held by the said public utility district;
6 provided, however, that the borough assembly may by ordinance
7 establish the area formerly included within the public utility
8 district as a special service area and levy and collect ad
9 valorem real and/or personal property taxes within said area for
10 the purpose of amortizing bonded indebtedness previously incurred
11 by said public utility district including the payment of interest
12 thereon.

13 Sec. 5. BOROUGH ASSEMBLY--COMPOSITION. a. The borough
14 assembly shall be the governing body for the borough. The number
15 of borough assemblymen for each of the boroughs established in
16 Sec. 2 shall be as follows:

17 (1) Ketchikan Borough-- 9 borough assemblymen, 6 of
18 whom shall be members of the Ketchikan City Council and 3 of whom
19 shall be elected by and from the residents outside of the city
20 limits of Ketchikan.

21 (2) Sitka Borough -- 7 borough assemblymen, 4 of whom
22 shall be members of the Sitka City Council and 3 of whom shall be
23 elected by and from the residents outside of the city limits of
24 Sitka.

25 (3) Juneau-Douglas Borough -- 9 borough assemblymen,
26 2 of whom shall be members of the Douglas City Council, 5 of whom
27 shall be members of the Juneau City Council and 2 of whom shall
28 be elected by and from the residents outside of the city limits
29 of Douglas and Juneau.

1 (4) Haines Borough -- 7 borough assemblymen, 3 of
2 whom shall be members of the Haines City Council and 4 of whom
3 shall be elected by and from the residents outside of the city
4 limits of Haines.

5 (5) Kodiak Borough -- 7 borough assemblymen, 5 of whom
6 shall be members of the Kodiak City Council and 2 of whom shall
7 be elected by and from the residents outside of the city limits
8 of Kodiak.

9 (6) Anchorage Borough -- 11 borough assemblymen, 5 of
10 whom shall be members of the Anchorage City Council and 6 of whom
11 shall be elected by and from the residents outside of the city
12 limits of Anchorage.

13 (7) Palmer Borough -- 7 borough assemblymen, 2 of whom
14 shall be members of the Palmer City Council and 5 of whom shall
15 be elected by and from the residents outside of the city limits
16 of Palmer.

17 (8) Fairbanks Borough -- 11 borough assemblymen, 5 of
18 whom shall be members of the Fairbanks City Council 6 of whom
19 shall be elected by and from the residents outside of the city
20 limits of Fairbanks.

21 b. After the initial establishment of the borough assembly
22 the assembly may provide for another method of selecting borough
23 assemblymen by the adoption of an ordinance which ordinance shall
24 be approved by a majority of the qualified voters voting thereon

25 Sec. 6. BOROUGH ASSEMBLYMEN, ELECTION. a. Until the first
26 city election after the effective date of this Act, those member
27 of the borough assembly who are members of the city councils as
28 provided in Sec. 5 shall be selected by a vote of the City Council
29 of which they are members. Thereafter the city may provide the

1 procedure by which city councilmen who serve on the borough
2 assembly shall be selected.

3 b. Borough assemblymen elected by and from the residents
4 outside the limits of first class cities within the borough shall
5 be elected at the same time and in the same manner as provided for
6 the election of city councilmen in general law cities of the first
7 class.

8 Sec. 7. BOARD OF EDUCATION. The borough assembly shall
9 provide by ordinance for a borough board of education who shall
10 be elected by the qualified voters of the borough and said board
11 shall have the responsibility for the public education program
12 within the borough.

13 Sec. 8. PROVISION FOR THE ANNEXATION TO AND CREATION OF
14 ORGANIZED BOROUGHES BY LOCAL ACTION. The residents of any area of
15 the state outside of the organized boroughs created by this Act
16 may form an organized borough or annex themselves to one of the
17 organized boroughs created by this Act, by petition and referendum.
18 The procedure for the creation of, or annexation to, an organized
19 borough by local action shall be as follows:

20 a. A petition signed by not less than ten percent of the
21 residents of the area seeking to become organized either initially
22 or through annexation shall be filed with the Director of the
23 Division of Local Affairs who shall present the petition to the
24 Local Boundary Commission. A statement on the petition alleging
25 that the number of petitioners equals or exceeds ten percent of
26 the population of the area sought to be annexed or organized
27 shall be prima facie evidence of the fact. The petition shall
28 prescribe the boundaries of the area sought to be organized or
29 annexed and in the case of a new organization shall prescribe

1 a name for the area and in the case of an annexation shall pre-
2 scribe the organized borough to which the area seeks to be annexed.
3 The Local Boundary Commission shall, within a reasonable time of
4 the receipt of the petition, hold hearings in the area sought to
5 be organized or annexed. The Local Boundary Commission shall give
6 adequate notice of the date set for the hearing on the petition
7 and shall hear all those persons desiring to be heard on the
8 question of both the boundaries described in the petition and the
9 desirability of organizing or annexing the same. If, as a result
10 of the hearing, the Local Boundary Commission is satisfied that
11 it is reasonable to expect that a majority of the residents of the
12 area included in the petition desire to organize a borough, or to
13 annex to an organized borough, the Commission shall direct the
14 Secretary of State to conduct a referendum election within the
15 area described in the petition. If the petition is for the annex-
16 ation to an organized borough the referendum election shall be
17 held both within the area sought to be annexed and within the or-
18 ganized borough, and a majority of the qualified voters voting
19 thereon in each area shall be necessary to ratify the annexation
20 petition.

21 b. The procedure for the referendum election shall be pre-
22 scribed by the Secretary of State and shall follow as nearly as
23 possible the State Election Code of 1960. The cost of holding
24 the election shall be born by the state in the case of a petition
25 to create a new organized borough. If the election is for the
26 annexation of an area to an organized borough the cost of the
27 election shall be born by the organized borough to which the area
28 will be annexed.

29 c. If the election is on the question of creating a new

1 organized borough, borough assemblymen to represent the area out-
2 side of general law cities of the first class shall be elected at
3 the same election. The procedure by which candidates may file for
4 the election shall be established by the Secretary of State.

5 d. If a majority of the qualified voters voting on the
6 question are in favor of the creation of a new organized borough
7 or of the annexation, the Secretary of State shall so certify to
8 the Local Boundary Commission. The Local Boundary Commission
9 shall submit to the next session of the state legislature a pro-
10 posal for the creation of an organized borough or the changing of
11 boundaries reflecting the results of the referendum election.

12 e. Until other provisions are made by borough ordinance the
13 number of assemblymen elected at the organization election shall
14 be seven. Only those assemblymen to be elected by and from the
15 residents outside of the cities within the area sought to be or-
16 ganized shall be elected at the organization election. The number
17 to be elected from outside the city or cities shall be determined
18 by the Local Boundary Commission and shall be based upon the pro-
19 portionate population outside of the cities compared to the total
20 population of the area sought to be organized.

21 Sec. 9. SAVINGS CLAUSE. Nothing in this Act shall be
22 construed to prevent the Local Boundary Commission from proposing
23 to the state legislature, as prescribed by law, the creation of
24 a borough or any proposal for the adjustment of boundaries of a
25 borough or city. Nor shall any provision of this Act be construed
26 as preventing the legislature either on its own initiative, or
27 by the lack of action on a Local Boundary Commission proposal,
28 from establishing boroughs or changing the boundaries of boroughs
29 or cities.

1 Sec. 10. EFFECTIVE DATE. This Act shall take effect
2 July 1, 1960.

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