

1 IN THE HOUSE

BY MR. FREEMAN

2 HOUSE BILL NO. 368

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act classifying organized boroughs; pre-
7 scribing procedures for their organization;
8 prescribing their powers; prescribing the
9 composition of the borough assembly; and pro-
10 viding for an effective date."

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

12 Section 1. INTENT. It is the intent of this Act to provide
13 procedures for the organization of boroughs by local initiative
14 and referendum. The powers herein granted boroughs are concurrent
15 with powers granted cities except that in matters which transcend
16 city boundaries the borough government shall prevail.

17 Sec. 2. CLASSIFICATION OF ORGANIZED BOROUGHES. There shall
18 be two classes of organized boroughs:

19 (1) Home Rule boroughs;

20 (a) No borough having a population less than
21 10,000 bona fide residents may adopt a home rule charter;

22 (b) No borough having less than 30 million dollars
23 assessed real property valuation may adopt a home rule char-
24 ter.

25 (2) General Law boroughs.

26 Sec. 3. PROCEDURES FOR ORGANIZING BOROUGHES. Boroughs shall
27 be organized in the following manner:

28 (1) By presentation to the director of local affairs of
29 a petition which (a) bears the signatures of 200 bona fide resi-

1 dents of the area desiring to organize; (b) describes the proposed
2 borough boundaries; and (c) states the class of borough to be
3 organized.

4 (2) Upon receipt and certification of the petition the
5 director of local affairs shall (a) direct the Local Boundary Com-
6 mission to hold public hearings in the area petitioning or organi-
7 zation, such hearing to be held not less than 30 or more than 90
8 days from the date of the receipt of the petition; and (b) give
9 adequate public notice of the time and place of the hearings.

10 (3) If, upon review of the Local Boundary Commission
11 hearings, the director of local affairs deems it in the best
12 interest of the state, he may direct the secretary of state to
13 provide for a referendum election in the area seeking to organize
14 at the next special or general election.

15 (4) The secretary of state shall make provisions on the
16 ballot of the referendum election for the election of the assem-
17 blymen of a General Law borough or charter commission members of
18 Home Rule boroughs.

19 (5) Candidates for assemblymen in the initial election
20 who reside outside cities shall have their names placed upon the
21 ballot only after presentation of a petition bearing the signa-
22 tures of not less than 25 qualified voters who reside outside the
23 city boundaries of the area seeking to organize.

24 (6) Cities shall by ordinance determine how the coun-
25 cil members of the assembly are chosen.

26 (7) No borough shall become a Home Rule borough unless:
27 (a) it has formed a charter commission, and
28 (b) the charter has been approved by referendum
29 by a majority of those voting.

1 (8) Any area which shall have established a borough
2 charter commission, selected its members, and the members of which
3 shall have met and organized, all prior to January 1, 1960, shall
4 be deemed to have created a charter commission in conformity with
5 this Act.

6 Sec. 4. THE BOROUGH ASSEMBLY. a. The governing body of the
7 organized borough shall be the assembly.

8 b. The borough assembly shall:

9 (1) prescribe rules regulating the conduct of assembly
10 meetings;

11 (2) elect one of its members to act as presiding of-
12 ficer of the assembly;

13 (3) sit as a board of equalization;

14 (4) institute by ordinance the powers granted under
15 this Act.

16 c. Boroughs having a total population of less than 10,000
17 shall have seven assemblymen. Boroughs having a total population
18 of 10,000 or more but less than 20,000 shall have nine assembly-
19 men. Boroughs having a total population of 20,000 or more shall
20 have eleven assemblymen.

21 d. The number of assemblymen to be allotted cities shall be
22 determined by dividing the total population of the borough by the
23 total number of borough assemblymen and then dividing the total
24 population of the city by the quotient of the first division. The
25 remaining assemblymen shall be elected from and by the qualified
26 voters residing outside cities; Provided that when such division
27 results in a fraction of a membership, the area otherwise having
28 the least number of assemblymen shall receive the fractional
29 membership.

1 Sec. 5. POWERS AND FUNCTIONS OF ORGANIZED BOROUGHES. a. A
2 Home Rule borough may exercise all legislative powers not pro-
3 hibited by law or charter.

4 b. A General Law borough may exercise only those governmen-
5 tal powers required to:

- 6 (1) provide for the protection of the public health;
- 7 (2) provide for public education;
- 8 (3) provide for a borough school board;
- 9 (4) provide for borough planning, zoning, and building
10 codes;
- 11 (5) levy and collect an ad valorem property tax;
- 12 (6) levy and collect a consumers sales tax;
- 13 (7) operate a public utility or establish a service
14 area;
- 15 (8) provide for public safety and enforcement of the
16 powers herein granted.

17 Sec. 6. PROVISIO. Nothing in this Act shall be construed to
18 prevent a General Law borough from later becoming a Home Rule
19 borough under the provisions of this Act. Nothing in this Act
20 shall be construed to prevent borough boundary changes, as pre-
21 scribed by Ch. 185, SLA 1959, after a borough is organized.

22 Sec. 7. EFFECTIVE DATE. This Act takes effect on the day
23 after its passage and approval or on the day it becomes law with-
24 out such approval.

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