

BY THE RULES COMMITTEE
BY REQUEST OF THE SPECIAL
COMMITTEE ON BOROUGHs

1 IN THE HOUSE

2 HOUSE BILL NO. 463

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to organized boroughs."

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

8 Section 1. INTENT. It is the intent of this Act to provide
9 procedures for the establishment of organized boroughs by local
10 initiative and to provide for their organization, functions, and
11 powers. In this Act city means a city of the first class and
12 borough means an organized borough.

13 Sec. 2. PROCEDURE FOR ESTABLISHING ORGANIZED BOROUGHs: PETI-
14 TION AND ELECTION. a. The establishment of an organized borough
15 shall be initiated by written petition bearing the signatures of at
16 least 200 persons whose names appear in the voting register made
17 up at the last general election for the voting precincts within
18 the boundaries of the proposed organized borough. At least 100 of
19 the signatories shall be persons whose names appear in voting
20 registers from precincts within the city or cities within the pro-
21 posed organized borough and at least 100 of the signatories shall
22 be persons whose names appear in voting registers from precincts
23 without the city or cities and whose residences are within the
24 boundaries of the proposed organized borough.

25 b. Petitions for establishment of an organized borough shall
26 contain a definite description of the proposed boundaries of the
27 organized borough utilizing the system of rectangular surveys or
28 natural objects and watersheds. A map clearly showing the proposed
29 borough boundaries shall be attached to each petition circulated.

1 The petition shall bear the name of the proposed borough and the
2 signatures shall show the full name, voting precinct, residence
3 address, and date of signature of each person signing the petition.

4 c. Petitions shall be filed with the local affairs agency.
5 If the director of local affairs finds the petition meets the
6 standards required by this Act, he shall, within 20 days of its
7 receipt, notify the Local Boundary Commission to hold hearings in
8 the area petitioning for establishment of an organized borough not
9 earlier than 30 days nor later than 90 days after the filing of
10 the petition and after giving public notice of the time, date,
11 place, and subject of the hearing.

12 d. The Local Boundary Commission, after the hearing, if it
13 finds that the establishment of the borough is in the best interest
14 of the state, shall within 30 days after the close of the hearing,
15 order an election in the area seeking to establish an organized
16 borough. The election shall be held at the next special or
17 general state election to be held within the boundaries of the pro-
18 posed organized borough, if a special or general state election is
19 to be held within 90 days of the order of election; otherwise it
20 shall be held at a special election called for that purpose by the
21 secretary of state. The Local Boundary Commission shall state its
22 reasons for ordering the election in the form of written findings
23 and file them with the secretary of state.

24 e. The election shall be held by the secretary of state under
25 procedures established by him and in accordance with the State
26 Election Code so far as is practicable. Voters at the election
27 must reside in the proposed organized borough and meet the consti-
28 tutional qualification of voters. Candidates for assemblymen of
29 the proposed organized borough from outside cities shall seek

1 office at the same election at which the question of establishing
2 the organized borough is voted upon, and they shall be elected by
3 and from the qualified voters of the proposed borough resident out-
4 side cities.

5 Sec. 3. ASSEMBLY MEMBERSHIP AND APPORTIONMENT. Until changed
6 by action of the borough assembly, each borough shall have nine
7 assemblymen. Each first class city within the borough shall have
8 one or more assemblymen; and the balance of the borough shall have
9 one or more assemblymen. The assemblymen shall be allotted to the
10 various cities and the remainder of the borough in proportion to
11 total population residing in each such part of the borough, with
12 fractional proportions resolved in favor of the major fraction or
13 fractions. Total population shall be determined as follows:

14 (1) After the 1960 U. S. census figures have been made
15 public, such population figures shall be used;

16 (2) Until such 1960 figures become available, the local
17 affairs agency shall determine the most accurate substitute avail-
18 able for use; providing that wherever possible the official re-
19 turns of the general election of 1958 shall be used;

20 (3) Where a borough boundary, or the boundary of a
21 first class city therein, overlaps the census enumeration district
22 or voting precinct boundaries by which such population or voting
23 results are available, the local affairs agency shall determine
24 the method to be used, either including or excluding the entire
25 district or precinct in question, or using a proportionate part
26 thereof.

27 Sec. 4. ORGANIZATION AND FUNCTIONS: ASSEMBLYMEN. a. If the
28 voters approve the establishment of an organized borough by a
29 simple majority of all those voting, the assemblymen chosen for

1 the first assembly shall, upon certification of their election by
2 the secretary of state, meet on the first Monday following their
3 certification and elect one of their number president of the
4 assembly.

5 b. Assemblymen from areas outside of the city or cities with-
6 in the organized borough must be qualified voters of the state and
7 residents of the borough but not of a city. Assemblymen from the
8 city or cities within the organized borough shall, at the first
9 election, be selected by and from the city council of the city
10 which they represent, but at subsequent elections they shall be
11 selected from the city council in the manner prescribed by the
12 ordinances of the city which they represent.

13 c. Unless provided otherwise by borough ordinance, assembly-
14 men from outside the city or cities within the organized borough
15 shall be elected at large.

16 d. Assemblymen serve three year terms. One third of the
17 assemblymen shall be elected each year. Members of the first
18 assembly shall determine their terms by lot, one third serving one
19 year, one third serving two years, and one third serving three
20 years.

21 e. The assembly shall by ordinance provide for the manage-
22 ment, organization, and the administrative functions of the borough,
23 and may create such offices as may be necessary to carry out the
24 borough's powers and functions.

25 Sec. 5. BOARD OF EDUCATION. The borough assembly shall pro-
26 vide by ordinance for a borough board of education which shall be
27 elected by the qualified voters of the borough. The board shall
28 have the responsibility for establishing policy and standards for
29 the public education program within the borough. The borough

1 assembly shall exercise fiscal control over the school budget.

2 Sec. 6. POWERS OF ORGANIZED BOROUGHES. An organized borough
3 is a political subdivision of the state, has the powers specified
4 in this Act and such others as may be necessary to carry out the
5 specific powers authorized by this Act. An organized borough may

6 (1) sue and be sued;

7 (2) acquire, hold, manage, and dispose of real and per-
8 sonal property;

9 (3) make all contracts and do all other acts in rela-
10 tion to the property and concerns of the organized borough neces-
11 sary to the exercise of its corporate or administrative powers;

12 (4) assess property and levy and collect property and
13 sales taxes as authorized and in the manner provided by law for
14 cities of the first class;

15 (5) operate schools;

16 (6) provide for public health, welfare, and safety;

17 (7) adopt building, boiler, fire, electrical, and
18 plumbing codes;

19 (8) provide for the control, enclosure, and restraint of
20 animals;

21 (9) provide for zoning and planning for the borough;

22 (10) exercise any powers throughout the borough trans-
23 ferred to it by a city or cities within its boundaries;

24 (11) establish service areas;

25 (12) enforce the powers authorized by this Act.

26 Sec. 7. INTEGRATION OF EXISTING DISTRICTS. a. An organized
27 borough established pursuant to this Act shall assume all of the
28 powers, duties, and responsibilities of any school district in-
29 cluded within its boundaries, including liability for bonded and

1 other indebtedness, and shall succeed to all of the right, title,
2 and interest in and to all of the real and personal property pre-
3 viously held by the school district which it succeeds.

4 b. An organized borough established pursuant to this Act
5 shall assume all the powers, duties, and responsibilities of any
6 public utility district included within its boundaries, including
7 liability for bonded and other indebtedness, and shall succeed to
8 all of the right, title, and interest in and to all of the real
9 and personal property held by the public utility district which it
10 succeeds; provided, however, that the borough assembly may by
11 ordinance establish the area formerly included within the public
12 utility district as a service area and levy and collect special
13 charges, taxes, or assessments within said area for the purpose of
14 amortizing bonded indebtedness previously incurred by the public
15 utility district including the payment of interest thereon.

16 Sec. 8. BOROUGH-CITY RELATIONS. Each city within an organ-
17 ized borough is a part of that organized borough and as such is
18 under the organized borough in matters of an interrelated borough-
19 city nature when the borough has powers in those matters. Each
20 city is predominant in matters which relate solely to it and not
21 to the borough at large or to the borough and the city jointly.

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