

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR AND
THE LEGISLATIVE COUNCIL

1 IN THE HOUSE

2 HOUSE BILL NO. 17

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to organized and unorgan-
7 ized boroughs."

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

9 ARTICLE I

10 ESTABLISHMENT OF THE UNORGANIZED BOROUGH

11 Section 1.01. UNORGANIZED BOROUGH. All areas in the state
12 which are not within the boundaries of an organized borough con-
13 stitute a single unorganized borough.

14 Sec. 1.02. SERVICE AREAS IN THE UNORGANIZED BOROUGH. Allow-
15 ing for maximum local participation, the legislature, under the
16 powers of a borough assembly, may establish, alter, or abolish
17 service areas within the unorganized borough to provide special
18 services, including but not limited to, schools, utilities, land
19 use regulation, and fire protection. A new service area shall not
20 be established if the new service can be provided by an existing
21 service area, by incorporation as a city, or annexation to a city.

22 Sec. 1.03. SPECIAL SERVICE DISTRICTS IN UNORGANIZED BOROUGH.
23 Special service districts existing at the time of the establish-
24 ment of the unorganized borough may continue to exercise their
25 powers and functions under existing law until July 1, 1963 or
26 until such time within this period that they are integrated into
27 city or organized borough government, annexed to or incorporated
28 as cities, or established as service areas in the unorganized
29 borough.

HB #17

ARTICLE II

INCORPORATION OF AN ORGANIZED BOROUGH

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3 Sec. 2.01. INCORPORATION PROPOSED BY PETITION. The incor-
4 poration of a first or second class organized borough is proposed
5 by filing a petition with the Local Affairs Agency.

6 Sec. 2.02. FORM OF PETITION. The petition shall be in the
7 form prescribed by the Local Affairs Agency and shall include the
8 following:

9 (1) the class of the proposed organized borough, either
10 first class or second class;

11 (2) the boundaries of the proposed borough;

12 (3) the name and borough seat of the proposed borough;

13 (4) the proposed apportionment of the assembly;

14 (5) if the petition is for the incorporation of a first
15 class borough, a designation of the areawide powers, if any, to
16 be exercised in addition to those required by this Act;

17 (6) if the petition is for the incorporation of a second
18 class borough, a designation of the areawide powers, if any, to be
19 exercised in addition to those required by this Act and a desig-
20 nation of the powers, if any, to be exercised only in the area
21 outside cities and not on an areawide basis;

22 (7) (7) maps, documents, and other information which may
23 be required by the Local Affairs Agency to show that the proposed
24 organized borough meets the standards for incorporation; and

25 (8) the signature and resident address of residents of
26 the proposed borough who are qualified voters in Alaska and are of
27 a number equal to at least five per cent of the number of resi-
28 dents of the proposed borough.

29 Sec. 2.03. REVIEW BY LOCAL AFFAIRS AGENCY. Upon receipt of
HB #17

1 a petition, the Local Affairs Agency shall immediately proceed
2 with a review of it to determine (1) if the petition is substan-
3 tially in the proper form and (2) if the petition is signed by the
4 required number of qualified voters.

5 Sec. 2.04. STANDARDS FOR COMPOSITION AND APPORTIONMENT. The
6 borough assembly shall be apportioned according to the following
7 standards:

8 (1) the borough assembly is composed of five to 13
9 members;

10 (2) the borough assembly is composed of at least one
11 assemblyman from each first class city and at least one assembly-
12 man from the area outside the first class cities within the
13 organized borough;

14 (3) the remaining assembly seats are first apportioned
15 between each first class city and the remainder of the organized
16 borough in direct proportion to the total population residing in
17 each, with fractional proportions being resolved in favor of the
18 major fraction;

19 (4) in the final apportionment of the assembly, no
20 first class city or area outside the first class cities may have
21 a majority on the assembly greater than one unless having a
22 majority of only one member would result in a voter of the first
23 class city or area outside the first class cities having a vote
24 with a weight less than one-half that of the average weight of the
25 total of all other voters, in which case the majority may be as
26 much as, but no more than, two members.

27 Sec. 2.05. STANDARDS FOR INCORPORATION. No area may be
28 incorporated as an organized borough unless it conforms to the
29 following standards: (1) the population of the area proposed for

1 incorporation shall be composed of a resident population which is
2 interrelated and integrated as to its social, cultural, and
3 economic activities. The population shall be qualified and will-
4 ing to assume the duties arising out of incorporation, shall have
5 a clear understanding of the nature of the undertaking for which
6 they are petitioning, and shall be large enough and stable enough
7 to warrant and support the operation of organized borough govern-
8 ment; (2) the boundaries of the proposed organized borough shall
9 conform generally to the natural geography of the area proposed
10 for incorporation, shall include all areas necessary and proper
11 for the full development of integrated local government services,
12 but shall exclude all areas such as military reservations, glaciers
13 ice caps, and uninhabited and unused lands unless such areas are
14 necessary or desirable for integrated local government; (3) the
15 economy of the proposed organized borough shall encompass a trad-
16 ing area with the human and financial resources capable of pro-
17 viding an adequate level of governmental services. In determin-
18 ing the sufficiency and stability of an area's economy, land use,
19 property valuations, total economic base, total personal income,
20 present and potential resource or commercial development, antici-
21 pated functions, expenses, and income of the proposed organized
22 borough, shall be considered; (4) the transportation facilities
23 in the area proposed for incorporation shall be of such a unified
24 nature as to facilitate the communication and exchange necessary
25 for the development of integrated local government and a com-
26 munity of interests. Means of transportation may include surface
27 (both water and land) and air. Areas which are accessible to
28 other parts of a proposed organized borough by water or air only
29 may not be included within the organized borough unless access to

1 them is reasonably inexpensive, readily available, and reasonably
2 safe. In considering the sufficiency of means of transportation
3 within a proposed organized borough, existing and planned roads
4 and highways, air transport and landing facilities, boats and
5 ferry systems, and railroads, shall be included.

6 Sec. 2.06. STANDARDS FOR ASSIGNMENT OF AREAWIDE POWERS. In
7 addition to the areawide powers required by this Act, those area-
8 wide powers which can be exercised more efficiently and economic-
9 ally on an areawide basis or through the use of service areas by
10 the organized borough shall be assigned to the proposed borough.
11 In determining efficiency and economy, the present and anticipated
12 benefit and cost of operation, responsiveness to people served,
13 ability to operate over extended distances, the feasibility of
14 integration and other factors shall be considered.

15 Sec. 2.07. RETURN OF PETITION. If the Local Affairs Agency
16 determines that the petition is not substantially in the proper
17 form or lacks the minimum number of qualified voters signing the
18 petition, the agency shall not accept the petition but may return
19 it for correction or completion.

20 Sec. 2.08. INVESTIGATION. a. If the Local Affairs Agency
21 determines that the petition is substantially in the proper form
22 and contains the required number of qualified voters' signatures
23 the agency shall conduct an investigation to determine (1) if the
24 proposed apportionment of the borough assembly, (2) if the pro-
25 posed incorporation of the borough, and (3) if the proposed
26 assignment of areawide powers meet the standards required by this
27 Act. In investigating the proposed apportionment of the borough
28 assembly, the agency shall use the latest figures of the United
29 States Bureau of the Census. However, if these figures are

1 considered inadequate by the agency because of recent population
2 changes or other limitations in the use of these figures, the
3 agency may use any method necessary to determine most accurately
4 the actual population.

5 b. The Local Affairs Agency may combine petitions for in-
6 corporation from the same area whether all or part of the same
7 area is included in the petitions. Petitions shall be investi-
8 gated in the order deemed advisable by the Local Affairs Agency,
9 and not necessarily in the order received.

10 Sec. 2.09. REPORT TO LOCAL BOUNDARY COMMISSION. The Local
11 Affairs Agency shall report the findings of its investigation to
12 the Local Boundary Commission together with any recommendations it
13 may have regarding the apportionment of the assembly and the in-
14 corporation of the proposed organized borough.

15 Sec. 2.10. HEARING BY LOCAL BOUNDARY COMMISSION. The Local
16 Boundary Commission shall hold at least one hearing in the area
17 to be incorporated as an organized borough for the purpose of
18 hearing public comment on the proposal for the apportionment of
19 the borough assembly and the incorporation of the organized
20 borough.

21 Sec. 2.11. DETERMINATION BY LOCAL BOUNDARY COMMISSION. After
22 considering the findings of the Local Affairs Agency and the com-
23 ments at the public hearing, the Local Boundary Commission shall
24 determine if the petition is to be accepted. If the commission
25 determines that the proposed organized borough fails to meet the
26 standards for incorporation or apportionment prescribed by law,
27 the commission shall reject the petition. If the commission
28 determines that the proposed organized borough meets the standards
29 for incorporation and apportionment prescribed by law, the

1 commission shall accept the petition. If the Local Boundary
2 Commission determines that the proposed organized borough would
3 meet the standards prescribed by law if changes were made in the
4 apportionment of the borough assembly, the boundaries of the pro-
5 posed borough, or the areawide powers to be exercised by the pro-
6 posed borough, the commission may change the boundaries of the pro-
7 posed organized borough or the apportionment of the borough
8 assembly or the areawide powers of the proposed organized borough
9 and accept the petition.

10 Sec. 2.12. ELECTION. a. Date of Election. If the Local
11 Boundary Commission accepts the petition, it shall immediately
12 notify the secretary of state of its action and shall furnish him
13 with such information on the proposed incorporation as he requires.
14 Within 30 days after the receipt of his notification, the secre-
15 tary of state shall issue an order that an election be held with-
16 in the proposed organized borough to determine the question of
17 whether the people of the proposed organized borough desire to be
18 incorporated; and if so, to elect members of the first assembly
19 of the borough and the borough chairman. The date of the election
20 specified by the secretary of state in the order shall be not less
21 than 30 nor more than 90 days after the date of the order of
22 election. The secretary of state shall also specify in the
23 election order the dates during which petitions for nominations
24 may be filed with him.

25 b. Qualification of Voters. Any person who is a qualified
26 voter in Alaska and is a resident of the area within the proposed
27 organized borough is qualified to vote in the election.

28 c. Nominations. Nominations for the borough chairman and
29 for candidates for the first assembly to represent the area

1 outside any first class city may be made by petition. The peti-
2 tion shall be in the form prescribed by the secretary of state and
3 shall include the name and address of the nominee and a statement
4 of the nominee that he is qualified and will serve if elected.
5 Petitions to nominate assemblymen shall include the signatures of
6 at least 25 qualified voters who are residents of the proposed
7 borough in the area outside first class cities. Petitions for the
8 nomination of borough chairman shall include the signatures of at
9 least 50 qualified voters who are residents of the proposed borough
10 either inside or outside cities. The petitions shall be filed
11 with the secretary of state at the time designated by him in the
12 order of election.

13 d. Administration of Election. The secretary of state shall
14 supervise the administration of the election in the general manner
15 as prescribed by the Alaska Election Code including, but not
16 limited to, the establishment of precinct boundaries and polling
17 places, appointment of election officials, preparation of ballots
18 and other election materials and supplies, the giving of public
19 notice, certifying of election expenses, the count, canvass and
20 certification of returns, and the establishment of procedures for
21 voting absentee, the use of voting machines, and election recounts

22 e. Certification. If the majority of votes cast on the
23 question are not for incorporation, the secretary of state shall
24 so certify and the proposal is defeated. If the majority of votes
25 cast on the question are for incorporation, the secretary of state
26 shall so certify and the certification shall declare that the area
27 in which the election was held is an organized borough and a
28 municipal corporation; that the organized borough possesses all
29 the powers and privileges as prescribed by law; and that the

1 boundaries and borough seat are those specified in the petition
2 approved by the qualified voters. The secretary of state shall
3 also certify the name of the candidate who received the highest
4 number of votes as borough chairman and the names of those candi-
5 dates who received the highest number of votes for the available
6 seats to be elected to the assembly from the area outside first
7 class cities and shall issue election certificates to the elected
8 candidates.

9 f. First Term of Office. The elected borough chairman and
10 assembly members elected shall meet on the first Monday after
11 their certification and shall continue to serve until the next
12 regular election. Assembly members representing first class
13 cities are appointed from and by their city councils and shall
14 also meet at the time designated for elected members.

15 g. Costs. The secretary of state shall furnish the organ-
16 ized borough a statement of the cost incurred by the state in
17 conducting the election, and the organized borough shall reimburse
18 the state for the cost within one year of the date of incorpora-
19 tion.

20 Sec. 2.13. INTEGRATION OF EXISTING SPECIAL DISTRICTS AND
21 SERVICE AREAS. Special service districts and service areas in
22 the unorganized borough existing at the time of the incorporation
23 of an organized borough and located within the boundaries of the
24 organized borough shall be integrated into the organized borough
25 within one year after the date of the borough's incorporation.
26 An organized borough shall succeed to all of the rights, powers,
27 and duties of any service area and of any school districts and
28 public utility districts included within its boundaries, includ-
29 ing, but not limited to, claims, franchises and other contractual

1 with any other local government, with the state, or with the
2 United States;

3 (4) to require periodic and special reports from any
4 borough departments to be submitted through the chairman;

5 (5) to sue and be sued;

6 (6) to levy taxes and special assessments, enforce tax
7 liens, and assess and collect penalties in the manner provided for
8 first class cities. It may levy areawide taxes for areawide
9 functions and taxes limited to the area outside cities for func-
10 tions limited to the area outside cities; and

11 (7) the state shall share with the organized borough
12 those taxes it shares with other units of local government to the
13 extent that the taxes are collected in the borough but outside
14 any city which receives a share of the same tax,

15 Sec. 3.02. ANNEXATION AND EXCLUSION. First and second class
16 boroughs have the same powers of annexation and exclusion as first
17 class cities and shall follow the same procedures for annexation
18 and exclusion as first class cities, except that Article V of the
19 State Constitution governs voting qualifications.

20 Sec. 3.03. INDEBTEDNESS. First and second class boroughs
21 may incur indebtedness in the same manner and to the same extent
22 as first class cities either on an areawide basis for areawide
23 functions, or on a non-city basis for non-city functions.

24 Sec. 3.04. EXPENDITURE OF REVENUES. Tax and other revenues
25 levied on an areawide basis may be expended on general adminis-
26 trative costs and on areawide functions only. Tax and other
27 revenues levied in the area outside cities only may be expended on
28 functions which render services to the area outside cities only.

29 Sec. 3.05. SERVICE AREAS. a. Establishment, Alteration, and

1 Abolishment. Service areas to provide special services within a
2 first or second class borough may be established, altered, or
3 abolished by the assembly by ordinance.

4 b. Special Taxes, Charges, and Assessments. The assembly
5 may levy or authorize the levying of taxes, charges, or assess-
6 ments in service areas to finance the special services.

7 c. Boards. The assembly may provide for appointed or
8 elected boards to supervise the furnishing of special services in
9 service areas.

10 d. Restrictions. A new service area may not be established
11 if the new service can be provided by an existing service area, or
12 by annexation to a city, or incorporation as a city.

13 Sec. 3.06. TRANSFERRED POWERS. First and second class
14 boroughs shall exercise all powers transferred to them by cities
15 under this Article.

16 Part 2. Areawide Powers of First and Second Class Boroughs

17 Sec. 3.31. SCOPE OF AREAWIDE POWERS. First and second class
18 boroughs shall exercise the powers specified in this part on an
19 areawide basis, both within and outside cities of any class with-
20 in its boundaries. No city of any class, whether home rule or
21 not, within an organized borough may exercise any areawide power
22 provided in this section or specified in the petition approved by
23 the voters for incorporation once that power is being exercised by
24 an organized borough.

25 Sec. 3.32. ASSESSMENT AND COLLECTION. The first and second
26 class boroughs shall assess and collect all property taxes levied
27 within its boundaries in the manner provided for first class
28 cities. Taxes levied by the cities and collected by the borough
29 shall be returned to the cities.

1 Sec. 3.33. EDUCATION. a. The first and second class
2 borough shall establish, maintain, and operate a system of public
3 schools on an areawide basis, and, except when provided otherwise
4 by the borough assembly, shall do so in the manner provided by law
5 for city school districts.

6 b. The assembly may provide for a school board which shall
7 have the power and duties provided by law for school boards in
8 city school districts unless provided otherwise by the assembly.
9 The board may be appointed by the assembly or the assembly may
10 provide for their election. The school board shall be apportioned
11 the same as the assembly. Members of the assembly may also be
12 members of the school board.

13 c. The state law relating to teacher salaries and tenure, to
14 financial support, to supervision by the Department of Education,
15 and other general laws relating to schools, govern the exercise
16 of the functions by the borough.

17 Sec. 3.34. PLANNING AND ZONING. a. The first and second
18 class borough has the responsibility of planning, platting, and
19 zoning on an areawide basis and shall do so in the manner provided
20 for first class cities except that the planning commission shall
21 also be the zoning commission, and the commission shall be ap-
22 portioned the same as the assembly.

23 b. City councils continue to function as boards of adjust-
24 ment within their boundaries. The borough assembly is the board
25 of adjustment for the area outside cities and for cities which do
26 not exercise this power.

27 Sec. 3.35. ADDITIONAL AREAWIDE POWERS. First class boroughs
28 acquire additional areawide powers by transfer from a city.

29 Second class boroughs acquire additional areawide powers in the

1 same manner provided by Part 3 of this Article for their acquisi-
2 tion of additional powers to be exercised in the area outside
3 cities only, except that the vote on the question is areawide.

4 Part 3. First and Second Class Boroughs Powers in the Area
5 Outside Cities Only

6 Sec. 3.71. POWERS OF THE FIRST CLASS BOROUGH. In addition
7 to other powers granted by this Act, the first class borough may
8 exercise any power granted a city of the first class by general
9 law in the area outside any city in the borough. These powers
10 shall be exercised in the manner provided by general law for first
11 class cities except as provided otherwise by this Act. Before
12 exercising any of these powers in the area outside cities, the
13 borough shall first seek to have transferred from cities, or pro-
14 pose the joint exercise with cities, those powers which it intends
15 to exercise in the area outside any city.

16 Sec. 3.72. POWERS OF THE SECOND CLASS BOROUGH. In addition
17 to the other powers granted by this Act, the second class borough
18 may exercise only those powers in the area outside cities which
19 are among the powers of a city of the first class specified in the
20 petition and approved by the voters for incorporation or added as
21 provided by this Act. These powers shall be exercised in the
22 manner provided by general law for first class cities except as
23 provided otherwise by this Act. Before exercising any of these
24 powers in the area outside cities, the borough shall first seek to
25 have transferred from cities or propose the joint exercise with
26 cities, those powers which it intends to exercise in the area
27 outside any city.

28 Sec. 3.73. ADDITIONAL POWERS FOR SECOND CLASS BOROUGH. The
29 second class borough may add to the powers which it may exercise

1 outside cities by filing a petition with the Local Affairs Agency.

2 Sec. 3.74. FORM OF PETITION. The petition shall be in the
3 form prescribed by the Local Affairs Agency and shall include the
4 following:

5 (1) the name of the borough;

6 (2) the proposed additional powers to be exercised by
7 the borough;

8 (3) the certification of the borough chairman that the
9 assembly has approved the petition;

10 (4) other information which may be required by the
11 Local Affairs Agency.

12 Sec. 3.75. REVIEW BY LOCAL AFFAIRS AGENCY. Upon receipt of
13 a petition, the Local Affairs Agency shall immediately proceed
14 with a review of it to determine (1) if the petition is sub-
15 stantially in the proper form and (2) if the petition is certified
16 by the borough chairman.

17 Sec. 3.76. RETURN OF PETITION. If the Local Affairs Agency
18 determines that the petition is not substantially in the proper
19 form or lacks the certification by the borough chairman, the
20 agency shall not accept the petition but may return it for correc-
21 tion or completion.

22 Sec. 3.77. INVESTIGATION. If the Local Affairs Agency
23 determines that the petition is substantially in the proper form
24 and is certified by the borough chairman, the agency shall conduct
25 an investigation to determine the feasibility and practicability
26 of the borough's exercising the additional power or powers.

27 Sec. 3.78. REPORT TO THE LOCAL BOUNDARY COMMISSION. The
28 Local Affairs Agency shall report the findings of its investiga-
29 tion to the Local Boundary Commission together with any recom-

1 mendations it may have regarding the exercise of the additional
2 powers by the borough.

3 Sec. 3.79. HEARING BY LOCAL BOUNDARY COMMISSION. The Local
4 Boundary Commission shall hold at least one hearing in the borough
5 for the purpose of hearing public comment on the proposal for the
6 addition to the borough's powers.

7 Sec. 3.80. ELECTION. a. Date of Election. The Local
8 Affairs Agency shall notify the borough assembly immediately after
9 publication of its findings and those of the Local Boundary Com-
10 mission to hold an election in the borough on the question of
11 adding to the borough's powers. Within 30 days of the receipt of
12 its notification, the assembly shall call for an election to be
13 held to determine whether the borough shall add to its powers.
14 The date of the election shall be not less than 30 nor more than
15 90 days after the call for the election.

16 b. Qualification of Voters. Any person who is a qualified
17 voter in Alaska and a resident of the borough in the area outside
18 cities is qualified to vote on the question.

19 c. Certification. If the majority of the votes cast on the
20 question are not for the addition of a power or powers, the
21 borough chairman shall so certify to the Local Affairs Agency and
22 the proposal is defeated. If the majority of votes cast on the
23 question are for the addition of powers, the borough chairman
24 shall so certify to the Local Affairs Agency and the proposal is
25 accepted. The added powers go into effect on the day following
26 the date of the certification of their approval by the voters.

27 Part 4. Transfer of Powers to First and Second Class Boroughs

28 Sec. 3.91. TRANSFER BY CITY. A city may transfer to the
29 first or second class borough in which it is located any of its

1 powers or functions subject to the approval of a two-thirds vote
2 of the borough assembly. A city may not revoke the transfer of any
3 power or function to the borough unless the revocation is approved
4 by the borough assembly.

5 ARTICLE IV

6 ORGANIZED BOROUGH ASSEMBLY

7 Sec. 4.01. GENERAL POWER AND COMPOSITION. The legislative
8 power of the organized borough is vested in the assembly which
9 consists of five to thirteen members as determined by the incorpora-
10 tion petition.

11 Sec. 4.02. ELECTION AND APPOINTMENT. Members of the assembly
12 are appointed or elected according to the apportionment determined
13 by the incorporation petition until the assembly is reapportioned.
14 Members representing cities are appointed by and from the city
15 councils, unless provided otherwise by city charter or ordinance.
16 Members representing the area outside cities are elected.

17 Sec. 4.03. REAPPORTIONMENT. The assembly may be reappor-
18 tioned in the following manner:

19 (1) The assembly shall reapportion whenever the appor-
20 tionment of the assembly does not meet the standards of appor-
21 tionment provided by this Act.

22 (2) Any 50 qualified voters in an organized borough may
23 petition the borough assembly or the Local Affairs Agency to re-
24 apportion the assembly of the borough within which they reside.
25 The petition shall include evidence that the apportionment of
26 the assembly does not meet the standards prescribed by this Act.

27 (3) Upon receipt of a petition, the assembly or Local
28 Affairs Agency shall investigate its allegations and shall deter-
29 mine if the apportionment of the assembly meets the apportionment

1 standards prescribed by this Act. If it is determined that the
2 standards are not met, the assembly or Local Affairs Agency shall
3 reapportion the assembly accordingly. The reapportionment is
4 effective beginning with the next regular election of the assembly.

5 Sec. 4.04. TERM OF OFFICE. The term of office of members of
6 the assembly is the same as that of councilmen in the largest
7 first class city within the borough or three years if there is no
8 first class city within the borough. The term of office begins
9 on the same day as that of councilmen in the largest first class
10 city within the borough or on the first Monday following the
11 borough election if there is no first class city within the
12 borough. City councilmen on the assembly may not be replaced by
13 the council unless their terms expire or they cease to be a member
14 of either the assembly or the council. The assembly may provide
15 for different terms by ordinance.

16 Sec. 4.05. QUALIFICATION. A person is eligible to be a
17 member of the assembly if he is a qualified voter of the borough.
18 If a member ceases to be a qualified voter of the borough, he
19 shall immediately forfeit his office. If a member elected from
20 the area outside first class cities becomes a resident of a first
21 class city, he shall immediately forfeit his office.

22 Sec. 4.06. ORGANIZATION. a. Officers. The assembly shall
23 elect from among its members a presiding officer and a deputy
24 presiding officer, each of whom shall serve at its pleasure. The
25 presiding officer shall preside at assembly meetings. If at any
26 meeting the presiding officer is not present or is unable to act,
27 the deputy presiding officer shall preside.

28 b. Clerk. The assembly shall elect a clerk or appoint the
29 chairman or another administrative officer to serve as the clerk.

1 Under the supervision of the assembly, the clerk shall:
2 (1) Give due notice of the time and place of assembly
3 meetings to assembly members and to the public;
4 (2) Keep the journal of assembly proceedings;
5 (3) Procure for the assembly any required publication
6 of notices, ordinances, resolutions, and so forth;
7 (4) Maintain and make available for public inspection
8 an indexed file containing copies of the borough code, every
9 adopted ordinance, resolution, rule, regulation, and code of
10 regulations;
11 (5) Perform the duties assigned him by any of the pro-
12 visions of this Act; and
13 (6) Perform such other duties as the assembly may
14 prescribe.

15 Sec. 4.07. PROCEDURE. a. Meetings. The assembly shall
16 meet regularly at least once every month at the times and places
17 prescribed by the assembly. Special meetings may be held on the
18 call of the borough chairman, the presiding officer, or of one-
19 fourth or more members, and whenever practicable, upon no less
20 than 12 hours' effective notice to each member.

21 b. Order of Business. The assembly may determine its own
22 rules and order of business and shall provide for keeping a
23 journal of its proceedings. The journal is a public record.

24 c. Voting. The final vote on each ordinance or resolution
25 shall be by roll call and the ayes and nays shall be recorded in
26 the journal. A majority of the members of the assembly shall
27 constitute a quorum, but a smaller number may adjourn from time
28 to time and may compel the attendance of absent members in the
29 manner and subject to the penalties prescribed by the rules of the

1 assembly. No action of the assembly is valid or binding unless
2 adopted by the affirmative vote of at least a majority of all the
3 members of the assembly.

4 Sec. 4.08. ACTS REQUIRED TO BE BY ORDINANCE. a. In addi-
5 tion to other actions as this Act or any other provision of law
6 requires to be by ordinance, those acts of the assembly shall be
7 by ordinance which:

8 (1) establish, alter, or abolish any borough depart-
9 ment;

10 (2) fix the compensation of members of the assembly;

11 (3) provide for a fine or other penalty or establish
12 a rule or regulation for violation of which a fine or other
13 penalty is imposed;

14 (4) levy taxes;

15 (5) make supplemental appropriations or transfer
16 appropriations;

17 (6) grant, renew, or extend a franchise;

18 (7) regulate the rate charged for its services by any
19 public utility;

20 (8) authorize the borrowing of money;

21 (9) purchase lands or convey or lease any lands of the
22 borough, and the ordinance shall specify the terms of the pur-
23 chase, conveyance, or lease;

24 (10) adopt or modify the official map, platting or
25 subdivision controls or regulations, or the zoning plan;

26 (11) approve the transfer of any power from a city.

27 b. This section grants no authority or power not otherwise
28 granted by this Act or other law, but rather restricts the
29 assembly to the use of ordinances in exercising certain of its

1 powers.

2 Sec. 4.09. FORM OF ORDINANCES. Every ordinance shall be
3 introduced in writing and in the form required by the assembly.

4 Sec. 4.10. ORDINANCE PROCEDURE. a. Except as otherwise
5 provided in this Act, the following procedure shall govern the
6 enactment of all ordinances: An ordinance may be introduced by
7 any member or committee of the assembly or by the borough chair-
8 man at any regular or special meeting of the assembly. Upon
9 introduction of any ordinance, sufficient copies shall be fur-
10 nished to the clerk in order for him to immediately distribute
11 at least one copy each to the assembly members and to the chair-
12 man. After an ordinance has been introduced, and unless it is
13 rejected at the same meeting by the affirmative votes of not
14 less than two-thirds of the assembly members, the assembly shall
15 promptly cause the ordinance to be published, together with a
16 notice setting out the time and place for a public hearing on the
17 ordinance, and for its consideration by the assembly. The public
18 hearing on any ordinance not rejected shall follow the required
19 publication by at least one week, and it may be held separately
20 or in connection with a regular or special assembly meeting and
21 may be adjourned from time to time. At the public hearing held
22 in accordance with the notice, copies of the ordinance shall be
23 distributed to all persons present who request them or, in the
24 alternative, the ordinance shall be read in full. All persons
25 interested shall have an opportunity to be heard. After the
26 hearing, the assembly shall consider the ordinance and may adopt
27 it with or without amendment, or reject it. But if upon con-
28 sideration, the assembly amends the ordinance as to its substance,
29 it may not adopt the amended ordinance until the ordinance or its

1 amended sections have been published and until the ordinance has
2 been subjected to hearing and to all other procedures required in
3 the case of a newly introduced ordinance. The same procedure
4 shall govern if the amended ordinance is again amended as to its
5 substance. As soon as practicable after adoption of any ordin-
6 ance, the assembly shall cause it to be printed and published.

7 b. Except as otherwise provided in this Act, every adopted
8 ordinance shall become effective at the expiration of 30 days
9 after adoption or at any later date specified in the ordinance.

10 c. As used in this section, the term "published" means that

11 (1) at least a brief summary of the ordinance or sec-
12 tions concerned, together with any required notice, has been
13 published in one or more newspapers of general circulation in the
14 borough;

15 (2) copies of the ordinance or sections concerned,
16 together with any required notice, have been mailed to the same
17 newspapers and, in accordance with assembly regulations, to addi-
18 tional newspapers of general circulation in the borough;

19 (3) copies of the ordinance or sections concerned,
20 together with any required notice, have been posted conspicuously
21 for public inspection at the borough seat and at other cities in
22 the borough.

23 Sec. 4.11. EMERGENCY ORDINANCES. a. To meet a public
24 emergency affecting life, health, or property, the assembly may
25 adopt emergency ordinances; but emergency ordinances may not be
26 used to levy taxes, to grant, renew or extend a franchise, or to
27 regulate the rate charged by any public utility for its services.

28 b. Every emergency ordinance shall be plainly designated
29 as such and shall contain, after the enacting clause, a declaration

1 stating that an emergency exists and describing the claimed
2 emergency in clear and specific terms. Except as thus indicated,
3 it shall be introduced in the form and manner prescribed for or-
4 dinances generally. An emergency ordinance may be considered
5 and may be adopted with or without amendment or rejected at the
6 meeting at which it is introduced. The affirmative vote of all
7 assembly members present, or the affirmative vote of three-fourths
8 of those elected, is required for adoption of the ordinance.
9 After adoption of an emergency ordinance, the assembly shall cause
10 it to be printed and published as prescribed for other adopted
11 ordinances. An emergency ordinance is effective upon adoption.

12 c. Every emergency ordinance, including any amendments made
13 after its adoption, are invalid after the 61st day following the
14 date on which it was adopted.

15 Sec. 4.12. CODES OF TECHNICAL REGULATIONS. The assembly
16 may adopt any standard published code of technical regulations in
17 a single ordinance which shall be governed, except as otherwise
18 provided in this section, by the procedure and requirements pre-
19 scribed for ordinances generally. Upon introduction of the or-
20 dinance, the assembly promptly shall cause at least five copies
21 to be made available for public inspection and shall cause to be
22 published, by the means indicated in Sec. 4.10 c., and together
23 with the notice of hearing, a notice setting out the purpose of
24 the ordinance and the time and place at which it is available
25 for public inspection. No other publication is necessary before
26 adoption, unless after the hearing the ordinance is amended as to
27 its substance. If it is so amended, and also in the event of any
28 later amendment before adoption, the amended sections shall be
29 made available for inspection and notice published as earlier

1 provided, and the ordinance as amended shall be subjected to
2 hearing and to all other procedures as though newly introduced.
3 Neither the ordinance nor any of its amendments need be distri-
4 buted to the public or read in full at the hearings thereon.
5 Publication after adoption shall be by notice declaring such
6 adoption as published. The adopted code shall be sold to the
7 public in such form and at such reasonable price as the assembly
8 may direct.

9 Sec. 4.13. BUDGET. The assembly shall establish the dates
10 of the borough fiscal year, the manner for the preparation and
11 submission of the budget and capital program by the chairman.
12 The assembly shall hold a hearing on the proposed budget and
13 capital program. After public hearing, the assembly may adopt,
14 with or without amendment, the annual budget as proposed by the
15 chairman. The assembly may make supplemental and emergency
16 appropriations. No payment may be authorized or made and no ob-
17 ligation incurred against the borough except in accordance with
18 appropriations duly made. Nothing contained in this section or
19 other sections of this Act is intended to prevent the authoriz-
20 ing of payment or making of contracts for capital improvements
21 to be financed wholly or partly by the issuance of bonds; nor is
22 it intended to prevent the making, when permitted by law, of any
23 contract or any lease providing for the payment of funds at a
24 time beyond the end of the fiscal year in which the contract or
25 lease is made. But any contract, lease or other obligation re-
26 quiring the payment of funds from the appropriations of a later
27 fiscal year or of more than one fiscal year shall be made or
28 approved by ordinance.

29 Sec. 4.14. CENTRALIZED PURCHASING. The assembly shall

1 provide for centralized purchasing, storage, and distribution of
2 all supplies, material, and equipment for the borough and for its
3 departments.

4 Sec. 4.15. POST AUDIT. The assembly shall provide for an
5 annual independent audit of the accounts and other evidences of
6 financial transactions of the borough and of every borough depart-
7 ment. The audit shall be made by an accountant, designated by the
8 assembly, who has no personal interest, direct or indirect, in the
9 fiscal affairs of the borough or of any of its departments. The
10 designated accountant shall be thoroughly qualified by training
11 and experience to perform the audit.

12 Sec. 4.16. CODIFICATION. a. Each ordinance and resolution
13 after adoption shall be given a serial number and, together with
14 the date of adoption and the designation of the adopting auth-
15 ority, shall be entered by the clerk of the assembly in a proper-
16 ly indexed book kept for that purpose.

17 b. Within three years after incorporation under this Act,
18 the chairman, with the advice and assistance of a legal advisor,
19 shall cause to be prepared a general codification of all borough
20 ordinances and resolutions having the force and effect of law.
21 The borough code shall be revised and published at least every
22 five years.

23 c. The assembly, with the advice and assistance of a legal
24 advisor, shall cause each ordinance and resolution having the
25 force and effect of law to be printed as promptly as possible
26 following its adoption. The printed ordinances and resolutions
27 shall be sold to the public at reasonable prices to be fixed by
28 the assembly.

29

ARTICLE V

BOROUGH EXECUTIVE

1
2 Sec. 5.01. EXECUTIVE POWER. The executive power of the
3 organized borough is vested in the borough chairman who is elected
4 at large. His term of office is the same as that of the mayor in
5 the largest first class city in the borough or three years if
6 there is no first class city in the borough. The term of office
7 begins on the same day as that of the mayor in the largest first
8 class city in the borough or on the first Monday following his
9 election. The assembly may provide a different term by ordinance.

10 Sec. 5.02. POWERS AND DUTIES OF THE BOROUGH CHAIRMAN. a. The
11 borough chairman is the chief administrative officer of the
12 borough. He is responsible for the proper administration of all
13 borough affairs placed in his charge under this Act. The chairman
14 shall:

15 (1) except as otherwise provided by this Act, appoint
16 all borough employees and administrative officers and, when he
17 deems it necessary for the good of the service, suspend or remove
18 all borough employees, subject to review by the borough assembly,
19 and all borough administrative officers, but he may authorize any
20 appointive borough administrative officer to appoint, suspend, or
21 remove subordinates in that officer's department;

22 (2) see that all ordinances, resolutions, and orders of
23 the assembly and all laws of the state subject to enforcement by
24 him, or by officers who are subject under this Act to his direc-
25 tion and supervision, are faithfully executed;

26 (3) prepare and submit the annual budget and capital
27 program to the assembly and execute the budget and capital program
28 in accordance with appropriations and ordinances adopted by the
29 assembly;

1 (4) examine regularly the accounts, records, and
2 operation of every borough department; make regular monthly re-
3 ports to the assembly on borough affairs; keep the assembly fully
4 advised on the financial condition and future needs of the
5 borough, and make such recommendations on borough affairs as he
6 deems desirable;

7 (5) submit to the assembly at the end of the fiscal
8 year a complete report on the finances and administrative activi-
9 ties of the borough for the preceding year and prepare and make
10 available for distribution to the public, within three months
11 after the end of each fiscal year, an annual report on borough
12 affairs during that fiscal year;

13 (6) if the assembly provides for a personnel system,
14 he shall serve as the personnel officer of the borough and adminis-
15 ter the borough personnel system, unless the assembly authorizes
16 him to appoint a personnel officer to administer the system;

17 (7) carry into execution such other powers or duties
18 as are required by this Act or as may be prescribed by the
19 assembly; and

20 (8) hire such administrative assistants as he deems
21 necessary to help him in the administration of borough affairs.

22 b. The assembly presiding officer or his designee from the
23 assembly shall exercise the powers and perform the duties of
24 chairman during the chairman's temporary absence or disability.
25 If a manager plan has been adopted, the assembly shall designate
26 by resolution a qualified borough administrative officer or
27 employee to perform the duties of the manager during his temporary
28 absence or disability or during a vacancy in the office of
29 manager.

1 Sec. 5.03. FUNCTIONS UNDER DIRECTION AND SUPERVISION OF
2 BOROUGH CHAIRMAN. The borough chairman shall direct and super-
3 vise the administration of the following functions:

4 (1) The functions of all borough officers and employees
5 except as provided otherwise under this Act;

6 (2) The care and custody of all borough buildings and
7 of all real and personal property of the borough;

8 (3) The construction, maintenance, and operation of
9 borough roads, bridges, drains, buildings, and other public works.

10 Sec. 5.04. GENERAL PROVISIONS. a. The activities under the
11 direction and supervision of the borough chairman shall be dis-
12 tributed among such departments as are provided for by this Act
13 or may be established by ordinance of the assembly.

14 b. Each department shall be administered by an officer
15 appointed by and subject under this Act to the direction and
16 supervision of the chairman unless provided otherwise by or under
17 this Act. With the consent of the assembly, the chairman may
18 serve as the head of one or more departments; and with assembly
19 consent, he may appoint one person as the head of two or more
20 departments.

21 c. Borough administrative officers appointed by the chair-
22 man may be suspended or removed by written order of the chairman.

23 Sec. 5.05. BONDING OF OFFICERS. The borough chairman and
24 such other borough officers or employees as the assembly may pro-
25 vide shall give bond in the amount and with the surety prescribed
26 by the assembly. The premiums on such bonds shall be paid by the
27 borough.

28 Sec. 5.06. PERSONAL FINANCIAL INTEREST. Any borough officer
29 or employee who has a financial interest, direct or indirect, or

1 by reason of ownership of stock in any corporation, in any con-
2 tract with the borough or in the sale of any land, material,
3 supplies or services to the borough or to a contractor supplying
4 the borough, shall make known that interest. Any borough officer
5 or employee who willfully conceals such a financial interest or
6 willfully violates the requirements of this section shall be
7 guilty of malfeasance in office or position and shall forfeit his
8 office or position. Violation of this section with the knowledge
9 express or implied of the person or corporation contracting with
10 or making a sale to the borough renders the contract voidable by
11 the chairman or the assembly.

12 Sec. 5.07. RIGHT TO ATTEND ASSEMBLY MEETINGS. The borough
13 chairman and such other borough officers or employees as may be
14 designated by vote of the assembly, shall be entitled to seats in
15 the assembly, but may not vote. The chairman shall have the right
16 to take part in the discussion of all matters coming before the
17 assembly. He may veto any ordinance or resolution of the assem-
18 bly, but his veto may be overridden by the vote of two-thirds of
19 the assembly's membership.

20 Sec. 5.08. PROHIBITIONS. a. No person may be appointed
21 to or removed from, or in any way favored or discriminated against
22 with respect to any borough position or borough administrative
23 office because of his race or his political or religious opinions
24 or affiliations.

25 b. No person who seeks appointment or promotion with respect
26 to any borough position or borough administrative office may
27 directly or indirectly give, render, or pay any money, service,
28 or other valuable thing to any person for or in connection with
29 his test, appointment, proposed appointment, promotion, or

1 proposed promotion.

2 c. Any person who willfully violates any of the provisions
3 of Subsec. b. is guilty of a misdemeanor and upon conviction is
4 punishable by a fine of not more than \$1,000.00 or by imprison-
5 ment for not more than one year, or both, and in addition thereto
6 shall be ineligible, for a period of five years thereafter, to
7 hold any borough office or position and, if an officer or employee
8 of the borough, shall immediately forfeit the office or position
9 he holds.

10 Sec. 5.09. BOROUGH MANAGER. An organized borough may adopt
11 and abandon a borough manager plan in the same manner as is pro-
12 vided for first class cities. The manager serves at the pleasure
13 of the assembly and has all the powers and duties of the borough
14 chairman provided for by this Act except that he may not intro-
15 duce ordinances and has no veto power. There shall be no elected
16 borough chairman if the borough manager plan is adopted.

17 Sec. 5.10. BOROUGH PERSONNEL SYSTEM. All appointments and
18 promotions of borough officers and employees shall be made on the
19 basis of merit and fitness, and the assembly may provide for a
20 personnel system.

21 ARTICLE VI
22 ELECTIONS

23 Sec. 6.01. GENERAL ELECTION. The date of the regular
24 election for chairman and members of the assembly is the same as
25 that for mayor or council in the largest first class city within
26 the borough or on the second Tuesday of October every three years
27 if there is no first class city within the borough. The assembly
28 may provide for different dates of election by ordinance.

29 Sec. 6.02. SPECIAL ELECTION. The assembly may call a

1 special election at any time upon 30 days prior notice.

2 Sec. 6.03. ADMINISTRATION OF ELECTION. The assembly shall
3 prescribe the general rules for the conduct of the borough
4 election.

5 Sec. 6.04. NOMINATIONS. Candidates for assemblymen from
6 outside cities are nominated by petition of 25 qualified voters
7 of the organized borough who are resident outside any city.
8 Candidates for borough chairman are nominated by petition of 50
9 qualified voters of the organized borough.

10 Sec. 6.05. CREATING AND DECLARING VACANCIES IN OFFICE. The
11 office of assemblyman and borough chairman is vacated under the
12 following conditions and upon the declaration of vacancy by the
13 assembly. The assembly shall declare an elective office vacant
14 whenever

15 (1) the person elected to it fails to qualify or fails
16 to take office within 30 days after his selection by a city
17 council or his election;

18 (2) the officeholder departs from the organized
19 borough with the intent of remaining away for a period of 90 or
20 more days or resides outside the area from which he was elected
21 for a period of 90 or more days;

22 (3) the officeholder submits his resignation to the
23 assembly and the assembly accepts it;

24 (4) the officeholder is physically unable to attend
25 assembly meetings and will continue to be physically unable to
26 attend assembly meetings for a period of 180 or more consecutive
27 days;

28 (5) the officeholder has been removed from office.

29 Sec. 6.06. FILLING VACANCIES. Vacancies are filled as

1 follows:

2 (1) A vacancy in the office of chairman shall be filled
3 by special election unless the unexpired term is for less than
4 nine months. If the unexpired term is for less than nine months,
5 the assembly shall elect one of its members to be acting chairman
6 for the remainder of the unexpired term and until a successor is
7 elected and qualified. The assemblyman elected to act as chair-
8 man shall receive the same salary as that paid to the chairman.

9 (2) A vacancy in the city council representation on
10 the assembly shall be filled by the city council by selecting one
11 of its members to fill the unexpired term. The councilman
12 selected serves until his successor is selected and qualified.
13 He receives the same salary as the assemblyman he succeeds.

14 (3) A vacancy in the representation for the area out-
15 side a city is filled by special election, unless the unexpired
16 term is for less than nine months. If the unexpired term is for
17 less than nine months, the assembly shall elect a qualified voter
18 resident within the organized borough outside a city to fill the
19 unexpired term. The person elected serves until his successor is
20 elected and qualified. He receives the same salary as the
21 assemblyman he succeeds.

22 Sec. 6.07. INITIATIVE, REFERENDUM, RECALL. a. The powers
23 of initiative and referendum reserved by the Constitution of
24 Alaska to the people of the state are also reserved to the people
25 of the organized borough as provided by Ch. 187, SLA 1959.

26 b. Any elected public official of the organized borough
27 may be recalled as provided by Ch. 121, SLA 1959.

28 Sec. 6.08. MAJORITY ELECTIONS. The assembly may, by
29 ordinance, require a majority vote for election of the chairman

1 and the assembly. A run-off election or other means of obtaining
2 a majority may be used.

3 Sec. 6.09. BOROUGH SECTIONS. The borough assembly may
4 establish sections for the election of assemblymen in order to
5 provide representation to separate and district areas within the
6 borough. If the assembly establishes sections, members repre-
7 senting the area outside first class cities shall be elected from
8 the sections in which they reside. Qualified voters resident
9 outside first class cities may vote upon the candidacy of all
10 the candidates, but candidates from each section run only against
11 other candidates from the same section.

12 ARTICLE VII

13 CLASSIFICATION, RECLASSIFICATION, MERGER, CONSOLIDA- 14 TION, DISSOLUTION

15 Part 1. Classification and Reclassification

16 Sec. 7.01. CLASSIFICATION. Organized boroughs incorporated
17 under this Act are either first class or second class boroughs.
18 The first class borough is a general law borough and the second
19 class borough is an optional law borough. Original classification
20 is determined by the petition for incorporation approved by the
21 voters for incorporation. The unorganized borough established by
22 this Act is unclassified. Unless clearly not applicable, the
23 terms "borough" and "organized borough" mean both a first class or
24 second class organized borough.

25 Sec. 7.02. RECLASSIFICATION. a. A first class borough may
26 adopt or repeal a home rule charter in the manner prescribed by
27 Ch. 196, SLA 1959, except that members of the charter commission
28 shall be the same in number and the commission shall be appor-
29 tioned the same as the borough assembly.

1 b. A second class borough may reclassify as a first class
2 borough in the same manner provided by this Act for the addition
3 of powers by a second class borough. Instead of specifying powers
4 to be added, the petition shall request that the borough be re-
5 classified as a first class borough. Voting on reclassification
6 is limited to the qualified voters resident outside cities within
7 the borough.

8 Part 2. Merger and Consolidation

9 Sec. 7.11. WHO MAY PETITION. A petition for the merger or
10 consolidation of two or more organized boroughs may be filed with
11 the Local Affairs Agency if signed by qualified voters who are
12 residents of each of the organized boroughs and are equal in
13 number from each borough to at least 20 per cent of the qualified
14 voters who voted in the last borough election.

15 Sec. 7.12. FORM OF PETITION. The petition shall be in the
16 form prescribed by the Local Affairs Agency and shall include,
17 but is not limited to, the following information:

- 18 (1) The name and classification of each borough;
- 19 (2) The name and borough seat of the new borough;
- 20 (3) The proposed apportionment of the assembly;
- 21 (4) The classification of the proposed borough;
- 22 (5) Maps, documents, and other information which will
23 tend to show that the new organized borough to be incorporated as
24 a result of the proposed merger or consolidation meets the stan-
25 dards for incorporation.

26 Sec. 7.13. REVIEW BY LOCAL AFFAIRS AGENCY. Upon receipt of
27 a petition for the merger or consolidation, the Local Affairs
28 Agency shall immediately proceed with a review of the petition to
29 determine (1) if the petition is substantially in the proper form,

1 (2) if the petition is signed by the required number of qualified
2 voters, (3) if the proposed apportionment meets the standards
3 prescribed by law for the appointment of the borough assembly, and
4 (4) if the area of the proposed borough meets the standards pre-
5 scribed by law for the incorporation of organized boroughs.

6 Sec. 7.14. RETURN OF PETITION. If the Local Affairs Agency
7 determines that the petition is not substantially in the proper
8 form or lacks the minimum number of qualified voters signing the
9 petition, the agency shall return the petition for correction or
10 completion.

11 Sec. 7.15. INVESTIGATION. If the Local Affairs Agency
12 determines that the petition is substantially in the proper form
13 and contains the required number of qualified voters signing the
14 petition, the agency shall conduct an investigation as to whether
15 apportionment of the borough assembly and the proposed organized
16 borough meets the standards prescribed by this Act. In investi-
17 gating the proposed apportionment of the borough assembly, the
18 agency shall use the latest figures of the United States Bureau of
19 the Census. However, if the latest figures are considered in-
20 adequate by the agency because of population changes or limita-
21 tion in the figures available, the agency may use any method
22 necessary to most accurately determine actual population.

23 Sec. 7.16. REPORT TO LOCAL BOUNDARY COMMISSION. The Local
24 Affairs Agency shall report the findings of its investigation to
25 the Local Boundary Commission together with any recommendations
26 it may have regarding the apportionment of the assembly and the
27 merger or consolidation of the organized boroughs.

28 Sec. 7.17. HEARING BY LOCAL BOUNDARY COMMISSION. Upon re-
29 ceipt of the report from the Local Affairs Agency, the Local

1 Boundary Commission shall hold a hearing in each organized
2 borough included in the petition for the purpose of hearing public
3 comment on the proposal for the apportionment of the borough
4 assembly and the merger or consolidation of the organized boroughs

5 Sec. 7.18. DETERMINATION BY LOCAL BOUNDARY COMMISSION.

6 After considering the findings of the Local Affairs Agency and
7 the comments at the public hearing, the Local Boundary Commission
8 shall determine if the petition is to be granted. If the com-
9 mission determines that the proposed merger or consolidation fails
10 to meet the standards prescribed by this Act, the commission shall
11 reject the petition. If the commission determines that the pro-
12 posed merger or consolidation meets the standards prescribed by
13 this Act, the commission shall accept the petition. If the Local
14 Boundary Commission determines that the proposed merger or con-
15 solidation would meet the standards prescribed by law if changes
16 were made in the apportionment of the borough assembly, the com-
17 mission may change the apportionment of the assembly and accept
18 the petition.

19 Sec. 7.19. ELECTION. a. Date of Election. If the Local
20 Boundary Commission accepts the petition, it shall immediately
21 notify the secretary of state of its action and shall furnish him
22 with such information on the proposed merger or consolidation as
23 he requires. Within 30 days of the receipt of his notification,
24 the secretary of state shall issue an order that an election be
25 held within the proposed organized borough to determine the
26 question of whether the people of the proposed organized borough
27 desire to merge or consolidate, and if so, to elect members of
28 the first assembly of the borough. The date of the election
29 specified by the secretary of state in the order shall be not

1 less than 30 nor more than 90 days after the date of the order of
2 election. The secretary of state shall also specify in the elec-
3 tion order the dates during which petition for nomination may be
4 filed with him.

5 b. Qualification of Voters. Any person who is a qualified
6 voter in Alaska and is a resident in the organized borough, is
7 qualified to vote in the election.

8 c. Nominations. Nominations for candidates for the first
9 assembly to represent the area outside any first class city may
10 be made by petition. The petition shall be in the form prescribed
11 by the secretary of state and shall include the name and address
12 of the nominee, a statement of the nominee that he is qualified
13 and will serve if elected, and the signatures of at least 25
14 qualified voters who are residents of the proposed organized
15 borough in the area outside any first class city. The petition
16 shall be filed with the secretary of state at the time designated
17 by him in the order of election.

18 d. Administration of Election. The secretary of state shall
19 supervise the administration of the election in the general
20 manner as prescribed by the Alaska Election Code including, but
21 not limited to, the establishment of precinct boundaries and
22 polling places, appointment of election officials, preparation of
23 ballots and other election materials and supplies, the giving of
24 public notice, certifying of election expenses, the count, canvass
25 and certification of returns, and the establishment of procedures
26 for voting absentee, the use of voting machines, and election
27 recounts.

28 e. Certification. If the majority of votes cast on the
29 question are not for merger or consolidation, the secretary of

1 state shall so certify and the proposal is defeated. If the
2 majority of votes cast on the question are for merger or consoli-
3 dation, the secretary of state shall so certify and the certifi-
4 cation shall declare that the area in which the election was held
5 is one organized borough and a municipal corporation; that the
6 organized borough possesses all the powers and privileges as
7 prescribed by law; and that the boundaries and borough seat are
8 those specified in the petition approved by the qualified voters.
9 The secretary of state shall also certify the names of those
10 candidates who received the highest number of votes for the
11 available seats to be elected to the assembly from the area out-
12 side cities of the first class in the borough and shall issue
13 election certificates to the elected candidates.

14 f. Costs. The secretary of state shall furnish the new
15 organized borough a statement of the cost incurred by the state
16 in conducting the election, and the organized borough shall re-
17 imburse the state for the cost within one year of the date of
18 merger or consolidation.

19 Sec. 7.20. ASSETS, LIABILITIES OF MERGED OR CONSOLIDATED
20 BOROUGHES. When two or more boroughs merge or consolidate, a newly
21 organized borough is incorporated. The newly organized borough
22 succeeds to the rights, claims, assets, property, liens, debts,
23 franchises and other contractual obligations, and other lia-
24 bilities including but not limited to bonded and all other
25 indebtedness, of the merged or consolidated boroughs.

26 Sec. 7.21. ORDINANCES. The ordinances of the former
27 boroughs remain in force within their respective territories until
28 the governing body of the newly incorporated borough enacts a
29 code of ordinances for the government of the newly incorporated

1 borough. The ordinances by the governing body of the newly
2 organized borough supersedes the ordinances of the former boroughs
3 on the subject of the enactments.

4 Part 3. Dissolution

5 Sec. 7.41. WHO MAY PETITION. A petition for the dissolution
6 of an organized borough may be filed with the Local Affairs Agency
7 if signed by qualified voters who are residents of the organized
8 borough and are equal in number to at least 20 per cent of the
9 number of qualified voters who voted in the last borough election.

10 Sec. 7.42. FORM OF PETITION. The petition shall be in the
11 form prescribed by the Local Affairs Agency and shall include, but
12 is not limited to, the following information:

13 (1) The name of the borough;

14 (2) Maps, documents, and other information which will
15 tend to show that the organized borough meets the standards to
16 dissolve.

17 Sec. 7.43. REVIEW BY LOCAL AFFAIRS AGENCY. Upon receipt of
18 a petition for the dissolution of an organized borough, the Local
19 Affairs Agency shall immediately proceed with a review of the
20 petition to determine (1) if the petition is substantially in the
21 proper form, (2) if the petition is signed by the required number
22 of qualified voters, and (3) if the area of the proposed borough
23 meets the standards prescribed by law for the dissolution of
24 organized boroughs.

25 Sec. 7.44. STANDARDS FOR DISSOLUTION. A borough may dis-
26 solve when (1) it is free of debt, or if in debt, the creditors
27 are satisfied with the method for repayment, and (2) it no longer
28 meets the minimum standards prescribed for incorporation or it
29 ceases to use all its powers.

1 Sec. 7.45. RETURN OF PETITION. If the Local Affairs Agency
2 determines that the petition is not substantially in the proper
3 form or lacks the minimum number of qualified voters signing the
4 petition, the agency shall return the petition for correction or
5 completion.

6 Sec. 7.46. INVESTIGATION. If the Local Affairs Agency
7 determines that the petition is substantially in the proper form
8 and contains the required number of qualified voters signing the
9 petition, the agency shall conduct an investigation as to whether
10 the organized borough may dissolve under the standards prescribed
11 by law.

12 Sec. 7.47. REPORT TO LOCAL BOUNDARY COMMISSION. The Local
13 Affairs Agency shall report the findings of its investigation to
14 the Local Boundary Commission, together with any recommendations
15 it may have regarding the dissolution of the organized borough.

16 Sec. 7.48. HEARING BY LOCAL BOUNDARY COMMISSION. Upon
17 receipt of the report from the Local Affairs Agency, the Local
18 Boundary Commission shall hold a hearing in the organized borough
19 for the purpose of hearing public comment on the proposal for the
20 dissolution of the organized borough.

21 Sec. 7.49. DETERMINATION BY LOCAL BOUNDARY COMMISSION.
22 After considering the findings of the Local Affairs Agency and
23 the comments at the public hearing, the Local Boundary Commission
24 shall determine if the petition is to be granted. If the com-
25 mission determines that the organized borough fails to meet the
26 standards for dissolution prescribed by law, the commission shall
27 refuse the petition. If the commission determines that the
28 organized borough meets the standards prescribed by this Act, the
29 commission shall accept the petition.

1 Sec. 7.50. ELECTION. a. Date of Election. If the Local
2 Boundary Commission accepts the petition, it shall immediately
3 notify the secretary of state of its action and shall furnish him
4 with such information on the dissolution as he requires. Within
5 30 days of the receipt of his notification, the secretary of state
6 shall issue an order that an election be held within the organized
7 borough to determine the question of whether the people of the
8 proposed organized borough desire to dissolve. The date of the
9 election specified by the secretary of state in the order shall
10 be not less than 30 nor more than 90 days after the date of the
11 order of election.

12 b. Qualification of Voters. Any person who is a qualified
13 voter in Alaska and is a resident in the organized borough, is
14 qualified to vote in the election.

15 c. Administration of Election. The secretary of state shall
16 supervise the administration of the election in the general manner
17 as prescribed by the Alaska Election Code including, but not
18 limited to, the establishment of precinct boundaries and polling
19 places, appointment of election officials, preparation of ballots
20 and other election materials and supplies, the giving of public
21 notice, certifying of election expenses, the count, canvass and
22 certification of returns, and the establishment of procedures for
23 voting absentee, the use of voting machines, and election recounts.

24 d. Certification. If the majority of votes cast on the
25 question are not for dissolution, the secretary of state shall so
26 certify and the proposal is defeated. If the majority of votes
27 cast on the question are for dissolution, the secretary of state
28 shall so certify and the certification shall declare that the
29 area in which the election was held is dissolved as an organized

1 borough and a municipal corporation.

2 Sec. 7.51. IMMEDIATE DISSOLUTION. A borough is dissolved
3 whenever its entire territory becomes included within a city or
4 cities.

5 Sec. 7.52. ASSETS. Upon dissolution, all property and
6 debts owing to the borough become the property of the governments
7 succeeding it.

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