

1 IN THE HOUSE BY THE LOCAL GOVERNMENT COMMITTEE  
2 CS FOR 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 THE UNORGANIZED BOROUGH

11 Section 1.01. ESTABLISHMENT. All areas in the state which  
12 are not within the boundaries of an organized borough constitute  
13 a single unorganized borough.

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

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

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,  
10 either first class or second class as provided in Art. III of  
11 this Act;

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

13           (3) the boundaries of the proposed borough under the  
14 standards prescribed by Sec. 2.03 of this Act;

15           (4) the proposed composition and apportionment of the  
16 assembly under the standards prescribed by Sec. 2.04 of this Act;

17           (5) if the petition is for the incorporation of a  
18 first class borough, a designation of any areawide power to be  
19 exercised under the standards prescribed by Sec. 2.05 of this Act;

20           (6) if the petition is for the incorporation of a  
21 second class borough, a designation of any areawide power to be  
22 exercised under the standards prescribed by Sec. 2.05 of this  
23 Act and a designation of any power to be exercised in the area  
24 outside cities only and not on an areawide basis as prescribed by  
25 Sec. 3.72 of this Act;

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

29           (8) the signature and resident address of 25 percent

1 of the qualified voters in each first class city and 25 percent  
2 of the qualified voters in the area outside first class cities  
3 who voted in person in the last general election.

4 Sec. 2.03. STANDARDS FOR INCORPORATION. No area may be  
5 incorporated as an organized borough unless it conforms to the  
6 following standards:

7 (1) the population of the area proposed for incorpor-  
8 ation shall be interrelated and integrated as to its social,  
9 cultural, and economic activities. The population shall be  
10 qualified and willing to assume the duties arising out of incor-  
11 poration, shall have a clear understanding of the nature of the  
12 undertaking for which they ask, and shall be large enough and  
13 stable enough to warrant and support the operation of organized  
14 borough government;

15 (2) the boundaries of the proposed organized borough  
16 shall conform generally to the natural geography of the area  
17 proposed for incorporation, shall include all areas necessary  
18 and proper for the full development of integrated local govern-  
19 ment services, but shall exclude all areas such as military  
20 reservations, glaciers, ice caps, and uninhabited and unused  
21 lands unless such areas are necessary or desirable for integrated  
22 local government;

23 (3) the economy of the proposed organized borough  
24 shall encompass a trading area with the human and financial re-  
25 sources capable of providing an adequate level of governmental  
26 services. In determining the sufficiency and stability of an  
27 area's economy, land use, property valuations, total economic  
28 base, total personal income, present and potential resource or  
29 commercial development, anticipated functions, expenses, and

1 income of the proposed organized borough, shall be considered;

2 (4) the transportation facilities in the area pro-  
3 posed for incorporation shall be of such a unified nature as to  
4 facilitate the communication and exchange necessary for the  
5 development of integrated local government and a community of  
6 interests. Means of transportation may include surface (both  
7 water and land) and air. Areas which are accessible to other  
8 parts of a proposed organized borough by water or air only may  
9 not be included within the organized borough unless access to  
10 them is reasonably inexpensive, readily available, and reasonably  
11 safe. In considering the sufficiency of means of transportation  
12 within a proposed organized borough, existing and planned roads  
13 and highways, air transport and landing facilities, boats and  
14 ferry systems, and railroads, shall be included.

15 Sec. 2.04. STANDARDS FOR COMPOSITION AND APPORTIONMENT.

16 The borough assembly shall be apportioned according to the  
17 following standards:

18 (1) the borough assembly is composed of 5 to 13  
19 members;

20 (2) the borough assembly is composed of at least one  
21 assemblyman from each first class city and at least one assembly-  
22 man from the area outside the first class cities within the or-  
23 ganized borough;

24 (3) except as provided in Paragraph (4) of this sec-  
25 tion; the remaining assembly seats are first apportioned between  
26 each first class city and the remainder of the organized borough  
27 in direct proportion to the total population residing in each,  
28 with fractional proportions being resolved in favor of the major  
29 fraction;

1 (4) after apportioning the assembly by population, the  
2 apportionment shall be adjusted as follows:

3 (a) if a first class city or the area outside  
4 first class cities has more than half of the total popula-  
5 tion of the borough, it shall have a delegation on the  
6 assembly larger than the total number of all other members;

7 (b) if a first class city or the area outside  
8 first class cities has a population that is more than twice  
9 as large as the remaining population of the borough, it may  
10 have only two more members on its delegation than the total  
11 number of all other members;

12 (c) if a first class city or the area outside of  
13 first class cities has a population that is not more than  
14 twice as large as the remaining population of the borough,  
15 it may have only one more member on its delegation than  
16 the total number of all other members.

17 Sec. 2.05. STANDARDS FOR ASSIGNMENT OF AREAWIDE POWERS.

18 In addition to the areawide powers required by this Act, those  
19 areawide powers which can be exercised more efficiently and  
20 economically on an areawide basis or through the use of service  
21 areas by the organized borough shall be assigned to the proposed  
22 borough. In determining efficiency and economy, the present and  
23 anticipated benefit and cost of operation, responsiveness to  
24 people served, ability to operate over extended distances, the  
25 feasibility of integration, and other factors shall be consider-  
26 ed.

27 Sec. 2.06. REVIEW BY LOCAL AFFAIRS AGENCY. Upon receipt of  
28 a petition, the Local Affairs Agency shall immediately proceed  
29 with a review of it to determine (1) if the petition is substan-

1 tially in the proper form and (2) if the petition is signed by  
2 the required number of qualified voters.

3 Sec. 2.07. RETURN OF PETITION. If the Local Affairs  
4 Agency determines that the petition is not substantially in the  
5 proper form or lacks the minimum number of qualified voters sign-  
6 ing the petition, the agency shall not accept the petition but  
7 may return it for correction or completion.

8 Sec. 2.08. INVESTIGATION. a. If the Local Affairs Agency  
9 determines that the petition is substantially in the proper form  
10 and contains the required number of qualified voters' signatures,  
11 the agency shall conduct an investigation to determine (1) if the  
12 proposed incorporation of the borough, (2) if the proposed com-  
13 position and apportionment of the borough assembly, and (3) if  
14 the proposed assignment of areawide powers meet the standards  
15 prescribed by this Act. In investigating the proposed apportion-  
16 ment of the borough assembly, the agency shall use the latest  
17 figures of the United States Bureau of the Census. However, if  
18 these figures are considered inadequate by the agency because of  
19 recent population changes or other limitations in the use of  
20 these figures, the agency may use any method necessary to deter-  
21 mine most accurately the actual population.

22 b. The Local Affairs Agency may combine petitions for in-  
23 corporation from the same general area whether all or part of the  
24 same area is included in the petitions. Petitions shall be in-  
25 vestigated in the order deemed advisable by the Local Affairs  
26 Agency, and not necessarily in the order received.

27 Sec. 2.09. REPORT TO LOCAL BOUNDARY COMMISSION. The Local  
28 Affairs Agency shall report the findings of its investigation to  
29 the Local Boundary Commission together with any recommendations

1 it may have regarding the incorporation of the proposed organized  
2 borough, the composition and apportionment of the assembly, and  
3 the assignment of areawide powers.

4 Sec. 2.10. HEARING BY LOCAL BOUNDARY COMMISSION. The  
5 Local Boundary Commission shall hold at least one hearing in the  
6 area to be incorporated as an organized borough for the purpose  
7 of hearing public comment on the proposal for the incorporation  
8 of the organized borough, the composition and apportionment of  
9 the borough assembly, the assignment of areawide powers, and the  
10 location of borough boundaries.

11 Sec. 2.11. DETERMINATION BY LOCAL BOUNDARY COMMISSION.  
12 After considering the findings of the Local Affairs Agency and  
13 the comments at the public hearing, the Local Boundary Commission  
14 shall determine if the petition is to be accepted. If the com-  
15 mission determines that the proposed organized borough fails to  
16 meet the standards for incorporation or the composition and  
17 apportionment of the assembly prescribed by this Act, the commis-  
18 sion shall reject the petition. If the commission determines  
19 that the proposed organized borough meets the standards for in-  
20 corporation and the composition and apportionment of the assembly  
21 prescribed by this Act, the commission shall accept the petition.  
22 If the Local Boundary Commission determines that the proposed  
23 organized borough would meet the standards prescribed by this  
24 Act, if changes were made in the composition and apportionment of  
25 the borough assembly, the boundaries of the proposed borough, or  
26 the areawide powers to be exercised by the proposed borough, the  
27 commission may change the boundaries of the proposed organized  
28 borough or the composition and apportionment of the borough  
29 assembly or the areawide powers of the proposed organized borough

1 and accept the petition.

2       Sec. 2.12. ELECTION. a. Date of Election. If the Local  
3 Boundary Commission accepts the petition, it shall immediately  
4 notify the secretary of state of its action and shall furnish  
5 him with such information on the proposed incorporation as he  
6 requires. Within 30 days after the receipt of his notification,  
7 the secretary of state shall issue an order that an election be  
8 held within the proposed organized borough to determine the  
9 question of whether the qualified voters of the proposed organ-  
10 ized borough desire to be incorporated; and if so, to elect  
11 members of the first assembly of the borough, the borough chair-  
12 man, and the members of the first school board. The date of the  
13 election specified by the secretary of state in the order shall  
14 be not less than 30 nor more than 90 days after the date of the  
15 order of election. The secretary of state shall also specify in  
16 the election order the dates during which petitions for nomina-  
17 tions may be filed with him.

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

21       c. Nominations. Nominations for the borough chairman, for  
22 school board members, and for candidates for the first assembly  
23 to represent the area outside any first class city may be made  
24 by petition. The petition shall be in the form prescribed by  
25 the secretary of state and shall include the name and address of  
26 the nominee and a statement of the nominee that he is qualified  
27 and will serve if elected. Petitions to nominate assemblymen  
28 shall include the signatures of at least 50 qualified voters who  
29 are residents of the proposed borough in the area outside first

1 class cities. Petitions for the nomination of borough chairman  
2 and school board members shall include the signatures of at  
3 least 50 qualified voters who are residents of the proposed  
4 borough either inside or outside cities. The petitions shall be  
5 filed with the secretary of state at the time designated by him  
6 in the order of election.

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

17 e. Separate Voting. (1) Areawide powers, if any, added  
18 to the original petition by the Local Boundary Commission shall  
19 be placed separately on the ballot in order that each may be  
20 voted on separately. The adoption of an added areawide power  
21 requires a favorable majority of the votes cast both in the  
22 cities and in the area outside cities.

23 (2) In an election for the incorporation of a second  
24 class borough, each power, if any, to be exercised in the area  
25 outside cities only shall be placed separately on the ballot in  
26 order that each may be voted on separately. The adoption of a  
27 power to be exercised in the area outside cities only requires a  
28 favorable majority of the votes cast, and the vote on the ques-  
29 tion is limited to the qualified voters residing outside cities.

1 f. Certification. If the majority of votes cast on the  
2 question are not for incorporation, the secretary of state shall  
3 so certify and the proposal is defeated. If the majority of  
4 votes cast on the question are for incorporation, the secretary  
5 of state shall so certify and the certification shall specify  
6 any powers adopted under the provisions of Subsec. e of this  
7 section, and shall declare that the area in which the election  
8 was held is an organized borough and a municipal corporation;  
9 that the organized borough possesses all the powers and privi-  
10 leges as prescribed by this Act; and that the boundaries and  
11 borough seat are those specified in the petition approved by the  
12 qualified voters. The secretary of state shall also certify the  
13 name of the candidate who received the highest number of votes  
14 as borough chairman and the names of those candidates who  
15 received the highest number of votes for the school board and  
16 for the available seats to be elected to the assembly from the  
17 area outside first class cities and shall issue election certi-  
18 ficates to the elected candidates.

19 g. First Term of Office. The elected borough chairman and  
20 assembly members elected shall meet on the first Monday after  
21 their certification and shall continue to serve until the next  
22 regular election. Assembly members representing first class  
23 cities are appointed from and by their city councils and shall  
24 also meet at the time designated for elected members.

25 h. Costs. The secretary of state shall furnish the organ-  
26 ized borough a statement of the cost incurred by the state in  
27 conducting the election, and the organized borough shall reim-  
28 burse the state for the cost within three years of the date of  
29 incorporation.

1           Sec. 2.13. INTEGRATION OF EXISTING SPECIAL DISTRICTS AND  
2 SERVICE AREAS. Special service districts and service areas in  
3 the unorganized borough existing at the time of the incorporation  
4 of an organized borough and located within the boundaries of the  
5 organized borough shall be integrated into the organized borough  
6 within two years after the date of the borough's incorporation.  
7 An organized borough shall succeed to all of the rights, powers,  
8 and duties of any service area and of any school districts and  
9 public utility districts included within its boundaries, includ-  
10 ing, but not limited to, claims, franchises and other contractual  
11 obligations, and liability for bonded and all other indebtedness,  
12 and shall succeed to all of the right, title, and interest in the  
13 real and personal property held by the service areas or districts.  
14 The borough assembly may levy and collect special charges, taxes,  
15 or assessments including interest for the purpose of amortizing  
16 bonded indebtedness previously incurred by the service area or  
17 special district, for continuing services in the area, or for  
18 the future indebtedness in the area.

19           Sec. 2.14. TRANSITION. a. The powers exercised by cities,  
20 service areas, and special districts which are succeeded to by  
21 an organized borough shall continue to be exercised by them  
22 until such time as the borough assumes the powers, which time  
23 may not exceed two years after the date of incorporation. Ordin-  
24 ances, rules, regulations, procedures, and orders in effect prior  
25 to the assumption of these powers by the organized borough  
26 remain in effect until superseded by the action of the organized  
27 borough.

28           b. The borough shall make written notice of its assumption  
29 of the powers, duties, and other items enumerated in Sec. 2.13

1 to the city, service area, or special district concerned prior  
2 to the assumption. Borough officials shall consult with the  
3 officials of the city, service area, or special district concern-  
4 ed and arrange for an orderly transfer.

5 c. After the incorporation of an organized borough, no  
6 service area or special district within it may assume new bonded  
7 indebtedness, make any contract, or transfer any assets without  
8 the consent of the borough assembly.

### 9 ARTICLE III

#### 10 POWERS OF FIRST AND SECOND CLASS BOROUGHES

##### 11 Part 1. General Powers of First and Second Class Boroughs

##### 12 Sec. 3.01. POWERS OF THE FIRST AND SECOND CLASS BOROUGHES.

13 The first and second class boroughs have the following general  
14 powers:

15 (1) to establish and prescribe the function of bor-  
16 ough departments, offices, or agencies;

17 (2) to establish and prescribe salaries for the  
18 borough assembly, the borough chairman, and borough officers and  
19 employees;

20 (3) to make investigations of the affairs of the  
21 borough and make inquiries into the conduct of any borough de-  
22 partment;

23 (4) to enter into agreements, including those for  
24 cooperative or joint administration of any functions or powers  
25 with any other local government, with the state, or with the  
26 United States;

27 (5) to require periodic and special reports from any  
28 borough departments to be submitted through the chairman;

29 (6) to sue and be sued;

1 (7) to levy taxes and special assessments, enforce  
2 tax liens, and assess and collect penalties in the manner pro-  
3 vided for first class cities. It may levy areawide taxes for  
4 areawide functions and taxes limited to the area outside cities  
5 for functions limited to the area outside cities; and

6 (8) the state shall share with the organized borough  
7 those taxes it shares with other units of local government to  
8 the extent that the taxes are collected in the borough but out-  
9 side any city which receives a share of the same tax.

10 Sec. 3.02. ANNEXATION AND EXCLUSION. First and second  
11 class boroughs have the same powers of annexation and exclusion  
12 as first class cities and shall follow the same procedures for  
13 annexation and exclusion as first class cities, except that  
14 Article V of the State Constitution governs voting qualifications.

15 Sec. 3.03. INDEBTEDNESS. First and second class boroughs  
16 may incur indebtedness in the same manner and to the same extent  
17 as first class cities either on an areawide basis for areawide  
18 functions, or on a non-city basis for functions performed in the  
19 area outside cities only.

20 Sec. 3.04. EXPENDITURE OF REVENUES. Tax and other revenue  
21 measures levied on an areawide basis may be expended on general  
22 administrative costs and on areawide functions only. Tax and  
23 other revenue measures levied in the area outside cities only  
24 may be expended on functions which render services to the area  
25 outside cities only.

26 Sec. 3.05.. SERVICE AREAS. a. Establishment, Alteration,  
27 and Abolishment. Service areas to provide special services  
28 within a first or second class borough may be established, alter-  
29 ed, or abolished by the assembly by ordinance.

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

4           c. Boards. The assembly may provide for appointed or  
5 elected boards to supervise the furnishing of special services in  
6 service areas.

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

10           Sec. 3.06. TRANSFERRED POWERS. First and second class  
11 boroughs shall exercise all powers transferred to them by cities  
12 under this Article.

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

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

22           Sec. 3.32. ASSESSMENT AND COLLECTION. The first and second  
23 class boroughs shall assess and collect all property taxes levied  
24 within their boundaries in the manner provided for first class  
25 cities. Taxes levied by the cities and collected by the borough  
26 shall be returned in full to the cities from which collected.

27           Sec. 3.33. EDUCATION. a. The first and second class  
28 borough shall establish, maintain, and operate a system of public  
29 schools on an areawide basis, and shall do so in the manner pro-  
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1 vided by law for city school districts, except that the school  
2 board shall be apportioned the same as the assembly.

3 b. The state law relating to teacher salaries and tenure,  
4 to financial support, to supervision by the Department of Educa-  
5 tion, and other general laws relating to schools, govern the  
6 exercise of the functions by the borough.

7 Sec. 3.34. PLANNING AND ZONING. a. The first and second  
8 class borough has the responsibility of planning, platting, and  
9 zoning on an areawide basis and shall do so in the manner pro-  
10 vided for first class cities, except that the planning commission  
11 shall also be the zoning commission, and the commission shall be  
12 apportioned the same as the assembly.

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

17 Sec. 3.35. ADDITIONAL AREAWIDE POWERS. First class  
18 boroughs acquire additional areawide powers by transfer from a  
19 city. Second class boroughs acquire additional areawide powers  
20 in the same manner provided by Part 3 of this Article for their  
21 acquisition of additional powers to be exercised in the area out-  
22 side cities only, except that the vote on the question is area-  
23 wide.

24 Part 3. First and Second Class Boroughs' Powers in the Area  
25 Outside Cities Only

26 Sec. 3.71. POWERS OF THE FIRST CLASS BOROUGH. In addition  
27 to other powers granted by this Act, the first class borough may  
28 exercise any power granted a first class city by general law in  
29 the area outside any city in the borough. These powers shall be

1 exercised in the manner provided by general law for first class  
2 cities except as provided otherwise by this Act. Before exer-  
3 cising any of these powers in the area outside cities, the  
4 borough shall first seek to have transferred from cities, or  
5 propose the joint exercise with cities, those powers which it  
6 intends to exercise in the area outside any city.

7 Sec. 3.72. POWERS OF THE SECOND CLASS BOROUGH. In addition  
8 to other powers granted by this Act, the second class borough  
9 may exercise only those powers in the area outside cities which  
10 are among the powers of a city of the first class and either (1)  
11 specified in the petition and approved by the voters for incor-  
12 poration or (2) added as provided by this Act. These powers  
13 shall be exercised in the manner provided by general law for  
14 first class cities except as provided otherwise by this Act.  
15 Before exercising any of these powers in the area outside cities,  
16 the borough shall first seek to have transferred from cities or  
17 propose the joint exercise with cities, those powers which it  
18 intends to exercise in the area outside any city.

19 Sec. 3.73. ADDITIONAL POWERS FOR SECOND CLASS BOROUGH. The  
20 second class borough may add to the powers which it may exercise  
21 in the area outside cities only by filing a petition with the  
22 Local Affairs Agency.

23 Sec. 3.74. FORM OF PETITION. The petition shall be in the  
24 form prescribed by the Local Affairs Agency and shall include  
25 the following:

- 26 (1) the name of the borough;  
27 (2) the proposed additional powers to be exercised by  
28 the borough;  
29 (3) the certification of the borough chairman that the

1 assembly has approved the petition;

2 (4) other information which may be required by the  
3 Local Affairs Agency.

4 Sec. 3.75. REVIEW BY LOCAL AFFAIRS AGENCY. Upon receipt of  
5 a petition, the Local Affairs Agency shall immediately proceed  
6 with a review of it to determine (1) if the petition is substan-  
7 tially in the proper form and (2) if the petition is certified  
8 by the borough chairman.

9 Sec. 3.76. RETURN OF PETITION. If the Local Affairs Agency  
10 determines that the petition is not substantially in the proper  
11 form or lacks the certification by the borough chairman, the  
12 agency shall not accept the petition but may return it for cor-  
13 rection or completion.

14 Sec. 3.77. INVESTIGATION. If the Local Affairs Agency  
15 determines that the petition is substantially in the proper form  
16 and is certified by the borough chairman, the agency shall con-  
17 duct an investigation to determine the feasibility and practica-  
18 bility of the borough's exercising the additional power or  
19 powers.

20 Sec. 3.78. REPORT TO THE LOCAL BOUNDARY COMMISSION. The  
21 Local Affairs Agency shall report the findings of its investiga-  
22 tion to the Local Boundary Commission together with any recom-  
23 mendations it may have regarding the exercise of the additional  
24 powers by the borough.

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

29 Sec. 3.80. ELECTION. a. Date of Election. The Local  
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1 Affairs Agency shall notify the borough assembly immediately  
2 after publication of its findings and those of the Local Boundary  
3 Commission to hold an election in the borough on the question of  
4 adding to the borough's powers. Within 30 days of the receipt  
5 of its notification, the assembly shall call for an election to  
6 be held to determine whether the borough shall add to its powers.  
7 The date of the election shall be not less than 30 nor more than  
8 90 days after the call for the election.

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

12 c. Separate Voting. If more than one power is to be added,  
13 they shall be placed separately on the ballot in order that each  
14 may be voted on separately.

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

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

25 Sec. 3.91. TRANSFER BY CITY. A city may transfer to the  
26 first or second class borough in which it is located any of its  
27 powers or functions subject to the approval of a two-thirds vote  
28 of the borough assembly. A city may not revoke the transfer of  
29 any power or function to the borough unless the revocation is

1 approved by a majority of its council.

2 ARTICLE IV

3 ORGANIZED BOROUGH ASSEMBLY

4 Sec. 4.01. GENERAL POWER AND COMPOSITION. The legislative  
5 power of the organized borough is vested in the assembly which  
6 consists of 5 to 13 members as determined by the incorporation  
7 petition approved by the voters.

8 Sec. 4.02. ELECTION AND APPOINTMENT. Members of the assem-  
9 bly are appointed or elected according to the apportionment  
10 determined by the incorporation petition approved by the voters  
11 until the assembly is reapportioned. Members representing first  
12 class cities are appointed by and from the city councils, unless  
13 provided otherwise by city charter or ordinance. Members repre-  
14 senting the area outside first class cities are elected.

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

17 (1) The assembly shall reapportion itself whenever  
18 the apportionment of the assembly does not meet the standards of  
19 apportionment provided by this Act.

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

25 (3) Upon receipt of a petition, the assembly or Local  
26 Affairs Agency shall investigate its allegations and shall  
27 determine if the apportionment of the assembly meets the appor-  
28 tionment standards prescribed by this Act. If it is determined  
29 that the standards are not met, the assembly or Local Affairs

1 Agency shall reapportion the assembly accordingly. A reappor-  
2 tionment by the Local Affairs Agency prevails over one by an  
3 assembly. The reapportionment is effective beginning with the  
4 next regular election to the assembly.

5 Sec. 4.04. TERM OF OFFICE. The term of office of members  
6 of 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  
8 no first class city within the borough. The term of office  
9 begins on the same day as that of councilmen in the largest first  
10 class city within the borough or on the first Monday following  
11 the 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  
14 member of either the assembly or the council. The assembly may  
15 provide for different terms by ordinance but no term of office  
16 may exceed three years.

17 Sec. 4.05. QUALIFICATION. A person is eligible to be a  
18 member of the assembly if he is a qualified voter of the borough.  
19 If a member ceases to be a qualified voter of the borough, he  
20 shall immediately forfeit his office. If a member elected from  
21 the area outside first class cities becomes a resident of a  
22 first class city, he may continue to serve only until the next  
23 regular election.

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

1           b. Clerk. The assembly shall elect a clerk or appoint the  
2 chairman or another administrative officer to serve as the clerk.  
3 Under the supervision of the assembly, the clerk shall:

4           (1) Give due notice of the time and place of assembly  
5 meetings to assembly members and to the public;

6           (2) Keep the journal of assembly proceedings;

7           (3) Procure for the assembly any required publication  
8 of notices, ordinances, resolutions, and so forth;

9           (4) Maintain and make available for public inspection  
10 an indexed file containing copies of the borough code, every adop-  
11 ted ordinance, resolution, rule, regulation, and code of regula-  
12 tions:

13           (5) Perform the duties assigned him by any of the pro-  
14 visions of this Act; and

15           (6) Perform such other duties as the assembly may  
16 prescribe.

17           Sec. 4.07. PROCEDURE. a. Meetings. The assembly shall  
18 meet regularly at least once every three months at the times and  
19 places prescribed by the assembly. Special meetings may be held  
20 on the call of the borough chairman, the presiding officer, or of  
21 one-fourth or more members, and whenever practicable, upon no less  
22 than 24 hours' effective notice to each member.

23           b. Order of Business. The assembly may determine its own  
24 rules and order of business and shall provide for keeping a jour-  
25 nal of its proceedings. The journal is a public record.

26           c. Voting. The final vote on each ordinance or resolution  
27 shall be by roll call and the ayes and nays shall be recorded in  
28 the journal. A majority of the members of the assembly shall  
29 constitute a quorum, but a smaller number may adjourn from time

1 time and may compel the attendance of absent members in the manner  
2 and subject to the penalties prescribed by the rules of the  
3 assembly. No action of the assembly is valid or binding unless  
4 adopted by the affirmative vote of at least a majority of all the  
5 members of the assembly.

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

10 (1) establish, alter, or abolish any borough depart-  
11 ment;

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

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

16 (4) levy taxes;

17 (5) make supplemental appropriations or transfer appro-  
18 priations;

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

20 (7) regulate the rate charged for its services by any  
21 public utility;

22 (8) authorize the borrowing of money;

23 (9) purchase lands or convey or lease any lands of the  
24 borough, and the ordinance shall specify the terms of the purchase,  
25 conveyance, or lease;

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

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

29 b. This section grants no authority or power not otherwise

1 granted by this Act or other law, but rather obliges the assem-  
2 bly to use ordinances in exercising certain of its powers.

3 Sec. 4.09. FORM OF ORDINANCES. Every ordinance shall be in-  
4 troduced in writing and in the form required by the assembly.

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

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

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

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

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

16 (2) copies of the ordinance or sections concerned, to-  
17 gether with any required notice, have been mailed to the same news-  
18 papers and, in accordance with assembly regulations, to additional  
19 newspapers of general circulation in the borough;

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

24 Sec. 411. EMERGENCY ORDINANCES. a. To meet a public emer-  
25 gency affecting life, health, welfare, or property, the assembly  
26 may adopt emergency ordinances; but emergency ordinances may not be  
27 used to levy taxes, to grant, renew or extend a franchise, or to  
28 regulate the rate charged by any public utility for its services.

29 b. Every emergency ordinance shall be plainly designated as  
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1 such and shall contain, after the enacting clause, a declaration  
2 stating that an emergency exists and describing the claimed emer-  
3 gency in clear and specific terms. Except as thus indicated, it  
4 shall be introduced in the form and manner prescribed for ordin-  
5 ances generally. An emergency ordinance may be considered and may  
6 be adopted with or without amendment or rejected at the meeting at  
7 which it is introduced. The affirmative vote of all assembly mem-  
8 bers present, or the affirmative vote of three-fourths of those  
9 elected, is required for adoption of the ordinance. After adop-  
10 tion of an emergency ordinance, the assembly shall cause it to be  
11 printed and published as prescribed for other adopted ordinances.  
12 An emergency ordinance is effective upon adoption.

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

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

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

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

28       Sec. 4.14. CENTRALIZED PURCHASING. The assembly may provide  
29 for centralized purchasing, storage, and distribution of any

1 supplies, material, and equipment for the borough and for its  
2 departments.

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

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

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

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

27 ARTICLE V

28 BOROUGH EXECUTIVE

29 Sec. 5.01. EXECUTIVE POWER. The executive power of the

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

10 Sec. 5.02. BOROUGH MANAGER. An organized borough may adopt  
11 and abandon a borough manager plan in the same manner as is pro-  
12 vided for the first class cities. The borough chairman may not  
13 veto an ordinance or resolution calling for an election on the  
14 question of adopting a manager plan. The manager serves at the  
15 pleasure of the assembly and has all the powers and duties of the  
16 borough chairman provided for by this Act except that he may not  
17 introduce ordinances and has no veto power. There shall be no  
18 elected borough chairman if the borough manager plan is adopted.

19 Sec. 5.03. POWERS AND DUTIES OF THE BOROUGH CHAIRMAN.

20 a. The borough chairman is the chief administrative officer of the  
21 borough. He is responsible for the proper administration of all  
22 borough affairs placed in his charge under this Act. The chairman  
23 shall:

24 (1) except as otherwise provided by this Act, appoint  
25 all borough employees and administrative officers and, when he  
26 deemed it necessary for the good of the service, suspend or remove  
27 any borough employee, subject to review by the borough assembly,  
28 and any borough administrative officer, but he may authorize any  
29 appointive borough administrative officer to appoint, suspend, or

1 remove subordinates in that officer's department;

2 (2) see that all ordinances, resolutions, and orders  
3 of the assembly and all laws of the state subject to enforcement  
4 by him, or by officers who are subject under this Act to his  
5 direction and supervision, are faithfully executed;

6 (3) prepare and submit the annual budget and capital  
7 program to the assembly and execute the budget and capital  
8 program in accordance with appropriations and ordinances adopted  
9 by the assembly;

10 (4) examine regularly the accounts, records, and opera-  
11 tion of every borough department; make regular monthly reports to  
12 the assembly on borough affairs; keep the assembly fully advised  
13 on the financial condition and future needs of the borough, and  
14 make such recommendations on borough affairs as he deems desirable

15 (5) submit to the assembly at the end of the fiscal  
16 year a complete report on the finances and administrative activi-  
17 ties of the borough for the preceding year and prepare and make  
18 available for distribution to the public, within three months  
19 after the end of each fiscal year, an annual report on borough af-  
20 fairs during that fiscal year.

21 (6) if the assembly provides for a personnel system,  
22 he shall serve as the personnel officer of the borough and admini-  
23 ster the borough personnel system, unless the assembly authorizes  
24 him to appoint a personnel officer to administer the system;

25 (7) carry into execution such other powers or duties  
26 as are required by this Act or as may be prescribed by the as-  
27 sembly; and

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

1           b. The assembly presiding officer or his designee from the  
2 assembly shall exercise the powers and perform the duties of  
3 chairman during the chairman's temporary absence or disability.  
4 If a manager plan has been adopted, the assembly shall designate  
5 by resolution a qualified borough administrative officer or  
6 employee to perform the duties of the manager during his tempor-  
7 ary absence or disability or during a vacancy in the office of  
8 manager.

9           Sec. 5.04. FUNCTIONS UNDER DIRECTION AND SUPERVISION OF  
10 BOROUGH CHAIRMAN. The borough chairman shall direct and supervise  
11 the administration of the following functions:

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

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

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

18           Sec. 5.05. GENERAL PROVISIONS. a. The activities under  
19 the direction and supervision of the borough chairman shall be  
20 distributed among such departments as are provided for by this Act  
21 or may be established by ordinance of the assembly.

22           b. Each department shall be administered by an officer  
23 appointed by and subject under this Act to the direction and  
24 supervision of the chairman unless provided otherwise by or under  
25 this Act. With the consent of the assembly, the chairman may serve  
26 as the head of one or more departments; and with assembly consent,  
27 he may appoint one person as the head of two or more departments.

28           c. Any borough administrative officer appointed by the chair-  
29 man may be suspended or removed by written order of the chairman.

1           Sec. 5.06. BONDING OF OFFICERS. The borough chairman and  
2 such other borough officers or employees as the assembly may pro-  
3 vide shall give bond in the amount and with the surety  
4 prescribed by the assembly. The premiums on such bonds shall be  
5 paid by the borough.

6           Sec. 5.07. PERSONAL FINANCIAL INTEREST. Any borough  
7 officer or employee who has a financial interest, direct or indirect  
8 or by reason of ownership of stock in any corporation, in any con-  
9 tract with the borough or in the sale of any land, material, sup-  
10 plies or services to the borough or to a contractor supplying  
11 the borough, shall make known that interest. Any borough officer  
12 or employee who willfully conceals such a financial interest or  
13 willfully violates the requirements of this section shall be guilty  
14 of malfeasance in office or position and shall forfeit his office  
15 or position. Violation of this section with the knowledge express  
16 or implied of the person or corporation contracting with or making  
17 a sale to the borough renders the contract voidable by the assembly.

18           Sec. 5.08. RIGHT TO PARTICIPATE IN ASSEMBLY MEETINGS. The  
19 borough chairman shall have the right to take part in the discus-  
20 sion of all matters coming before the assembly, but may not vote.  
21 He may veto any ordinance or resolution of the assembly, but his  
22 veto may be overridden by the vote of two-thirds of the assembly's  
23 membership.

24           Sec. 5.09. PROHIBITIONS. a. No person may be appointed to  
25 or removed from, or in any way favored or discriminated against  
26 with respect to any borough position or borough administrative  
27 office because of his race or his political or religious opinions  
28 or affiliations.

29           b. No person who seeks appointment or promotion with respect

1 to any borough position or borough administrative office may  
2 directly or indirectly give, render, or pay any money, service, or  
3 other valuable thing to any person for or in connection with his  
4 test, appointment, proposed appointment, promotion, or proposed  
5 promotion.

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

13 Sec. 5.10. BOROUGH PERSONNEL SYSTEM. All appointments and  
14 promotions of borough officers and employees shall be made on the  
15 basis of merit and fitness, and the assembly may provide for a  
16 personnel system.

17 ARTICLE VI  
18 ELECTIONS

19 Sec. 6.01. QUALIFICATION OF VOTERS. a. Any person who is  
20 a qualified voter in Alaska and is a resident of an organized  
21 borough is a qualified voter of that organized borough.

22 b. Only qualified voters whose names appear on the last tax-  
23 assessment roll or record of such borough for purposes of borough  
24 taxation on real property may vote on a question of incurring  
25 bonded indebtedness by a borough. If the debt to be incurred is to  
26 be an areawide debt, the vote shall be areawide. If the debt to be  
27 incurred is to be limited to the area outside cities only, the  
28 vote shall be limited to the qualified voters whose names appear  
29 on the last tax assessment roll or record of such borough for

1 purpose of borough taxation on real property located in the area  
2 outside cities.

3 Sec. 6.02. REGULAR ELECTION. a. Chairman, The date of the  
4 regular election for chairman is the same as that for mayor in the  
5 largest first class city within the borough or on the first Tuesday  
6 of October every three years if there is no first class city within  
7 the borough.

8 b. Assembly. The date of the regular election for the assem-  
9 bly is the same as that for the council in the largest first class  
10 city within the borough or on the first Tuesday of October every  
11 three years if there is no first class city within the borough.

12 c. School Board. The date of the regular election for the  
13 school board is the same as that for the council in the largest  
14 first class city within the borough or annually on the first Tues-  
15 day of October if there is no first class city within the borough.

16 d. Change in Dates. The assembly may provide for different  
17 dates of election by ordinance.

18 Sec. 6.03. SPECIAL ELECTION. The assembly may call a special  
19 election at any time upon 30 days prior notice, which notice shall  
20 be made substantially in the manner prescribed by Sec. 3.07 of the  
21 Alaska Election Code.

22 Sec. 6.04. ADMINISTRATION OF ELECTION. The assembly shall  
23 prescribe the general rules for the conduct of the borough elec-  
24 tion.

25 Sec. 6.05. NOMINATIONS. Candidates for assemblymen from  
26 outside cities are nominated by petition of 50 qualified voters  
27 of the organized borough who are resident outside any city.  
28 Candidates for borough chairman are nominated by petition of 50  
29 qualified voters of the organized borough.

1           Sec. 6.06. CREATING AND DECLARING VACANCIES IN OFFICE. The  
2 office of assemblyman and borough chairman is vacated under the  
3 following conditions and upon the declaration of vacancy by the  
4 assembly. The assembly shall declare an elective office vacant  
5 whenever

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

9           (2) the officeholder departs from the organized borough  
10 with the intent of remaining away for a period of 90 or more days  
11 or resides outside the area from which he was elected for a period  
12 of 90 or more days, unless excused by the assembly;

13           (3) the officeholder submits his resignation to the  
14 assembly and the assembly accepts it;

15           (4) the officeholder is physically unable to attend  
16 assembly meetings and will continue to be physically unable to  
17 attend assembly meetings for a period of 180 or more consecutive  
18 days;

19           (5) the officeholder has been removed from office;

20           (6) the officeholder misses three or more consecutive  
21 regular meetings, unless excused by the assembly.

22           Sec. 6.07. FILLING VACANCIES. Vacancies are filled as  
23 follows:

24           (1) A vacancy in the office of chairman shall be filled  
25 by and from the assembly which shall elect one of its members to  
26 be acting chairman until the next regular election and until a  
27 successor is elected and qualified to fill the remainder of the  
28 unexpired term. The assemblyman elected to act as chairman shall  
29 receive the same salary as that paid to the chairman.

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

6 (3) A vacancy in the representation for the area outside  
7 a first class city shall be filled by the assembly which shall  
8 elect a qualified voter resident within the organized borough  
9 outside a first class city to be acting assemblyman until the  
10 next regular election and until a successor is elected and qualified  
11 to fill the remainder of the unexpired term. The person elected  
12 by the assembly receives the same salary as the assemblyman he  
13 succeeds.

14 Sec. 6.08. INITIATIVE, REFERENDUM, RECALL. a.. The Powers  
15 of initiative and referendum reserved by the Constitution of  
16 Alaska to the people of the state are also reserved to the people  
17 of the organized borough as provided by Ch. 187, SLA 1959.

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

20 Sec. 6.09 MAJORITY ELECTIONS. The assembly may, by  
21 ordinance, require a majority vote for election of the chairman and  
22 the assembly. A run-off election or other means of obtaining a  
23 majority may be used.

24 Sec. 6.10. BOROUGH SECTIONS. The borough assembly may es-  
25 tablish sections for the election of assemblymen in order to pro-  
26 vide representation to separate and distinct areas within the  
27 borough. If the assembly establishes sections, members represen-  
28 ting the area outside first class cities shall be elected from  
29 the sections in which they reside. Qualified voters resident

1 outside first class cities may vote upon the candidacy of all the  
2 candidates, but candidates from each section run only against  
3 other candidates from the same section. The number of sections  
4 shall equal the number of assemblymen representing the area out-  
5 side the first class city. No section may have a population  
6 which is less than one half that of any other section.

7 ARTICLE VII

8 CLASSIFICATION, RECLASSIFICATION, MERGER, CONSOLIDATION,  
9 DISSOLUTION

10 Part 1. Classification and Reclassification

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

20 Sec. 7.02. RECLASSIFICATION. a. A first class borough may  
21 adopt or repeal a home rule charter in the manner prescribed by  
22 Ch. 196, SLA 1959, except that members of the charter commission  
23 shall be the same in number and the commission shall be apportioned  
24 the same as the borough assembly.

25 b. A second class borough may reclassify as a first class  
26 borough in the same manner provided by this Act for the addition  
27 of powers by a second class borough. Instead of specifying powers  
28 to be added, the petition shall request that the borough be  
29 reclassified as a first class borough. Voting on reclassification

1 as a first class borough is limited to the qualified voters residing  
2 outside cities within the borough.

3 Part 2. Merger and Consolidation

4 Sec. 7.11. WHO MAY PETITION. A petition for the merger or  
5 consolidation of two or more organized boroughs may be filed with  
6 the Local Affairs Agency if signed by qualified voters who are  
7 residents of each of the organized boroughs and are equal in  
8 number from each borough to at least 25 per cent of the qualified  
9 voters who voted in the last regular borough election.

10 Sec. 7.12. 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 and classification of each borough;  
14 (2) The name and borough seat of the new borough;  
15 (3) The proposed apportionment of the assembly;  
16 (4) The classification of the proposed borough;  
17 (5) Maps, documents, and other information which will  
18 tend to show that the new organized borough to be incorporated as  
19 a result of the proposed merger or consolidation meets the  
20 standards for incorporation.

21 Sec. 7.13. REVIEW BY LOCAL AFFAIRS AGENCY. Upon receipt of  
22 a petition for the merger or consolidation, the Local Affairs  
23 Agency shall immediately proceed with a review of the petition to  
24 determine (1) if the petition is substantially in the proper form,  
25 (2) if the petition is signed by the required number of qualified  
26 voters, (3) if the proposed apportionment meets the standard pre-  
27 scribed by law for the apportionment of the borough assembly, and  
28 (4) if the area of the proposed borough meets the standards  
29 prescribed by law for the incorporation of organized boroughs.

1           Sec. 7.14. 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. 7.15. 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 apportionment of the borough assembly and the proposed organized  
11 borough meets the standards prescribed by this Act. In investi-  
12 gating the proposed apportionment of the borough assembly, the  
13 agency shall use the latest figures of the United States Bureau of  
14 the Census. However, if the latest figures are considered  
15 inadequate by the agency because of population changes or limita-  
16 tion in the figures available, the agency may use any method  
17 necessary to most accurately determine actual population.

18           Sec. 7.16. REPORT TO LOCAL BOUNDARY COMMISSION. The Local  
19 Affairs Agency shall report the findings of its investigation to  
20 the Local Boundary Commission together with any recommendations  
21 it may have regarding the apportionment of the assembly and the  
22 merger or consolidation of the organized boroughs.

23           Sec. 7.17. HEARING BY LOCAL BOUNDARY COMMISSION . Upon  
24 receipt of the report from the Local Affairs Agency, the Local  
25 Boundary Commission shall hold a hearing in each organized borough  
26 included in the petition for the purpose of hearing public comment  
27 on the proposal for the apportionment of the borough assembly  
28 and the merger or consolidation of the organized boroughs.

29           Sec. 7.18. DETERMINATION BY LOCAL BOUNDARY COMMISSION.  
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1 After considering the finds of the Local Affairs Agency and  
2 the comments at the public hearing, the Local Boundary Commission  
3 shall determine if the petition is to be granted. If the com-  
4 mission determines that the proposed merger or consolidation fails  
5 to meet the standards prescribed by this Act, the commission shall  
6 reject the petition. If the commission determines that the pro-  
7 posed merger or consolidation meets the standards prescribed by  
8 this Act, the commission shall accept the petition. If the Local  
9 Boundary Commission determines that the proposed merger or conso-  
10 lidation would meet the standards prescribed by this Act if changes  
11 were made in the apportionment of the borough assembly, the  
12 commission may change the apportionment of the assembly and  
13 accept the petition.

14 Sec. 7.19. ELECTION. The election on the proposed merger  
15 or consolidation shall be held in accordance with the provisions  
16 of Subsections a, b, c, d, f, g, and h of Sec. 2.12 of this Act.

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

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

1 of the enactments.

2 Part 3. Dissolution

3 Sec. 7.41. WHO MAY PETITION. A petition for the dissolution  
4 of an organized borough may be filed with the Local Affairs Agency  
5 if signed by qualified voters who are resident of the organized  
6 borough and are equal in number to at least 25 per cent of the  
7 number of qualified voters who voted in the last regular borough  
8 election.

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

12 (1) The name of the borough;

13 (2) Maps, documents, and other information which will  
14 tend to show that the organized borough meets the standard for  
15 dissolution prescribed in Sec. 7.43.

16 Sec. 7.43. STANDARDS FOR DISSOLUTION. A borough may dissolve  
17 when (1) it is free of debt, or if in debt, each of its creditors  
18 is satisfied with a method of repayment, and (2) either it no  
19 longer meets the minimum standards prescribed for incorporation  
20 by this Act, or it ceases to use each and everyone of its powers,  
21 or its population is no longer willing to assume the duties arising  
22 out of incorporation.

23 Sec. 7.44. REVIEW BY LOCAL AFFAIRS AGENCY. Upon receipt of  
24 a petition for the dissolution of an organized borough, the Local  
25 Affairs Agency shall immediately proceed with a review of the  
26 petition to determine (1) if the petition is substantially in the  
27 proper form, (2) if the petition is signed by the required number  
28 of qualified voters, and (3) if the area of the proposed borough  
29 meets the standards prescribed by law for the dissolution of

1 organized boroughs.

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

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

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

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

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

1 commission shall accept the petition.

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

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

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

25       d. Certification. If the majority of votes cast on the  
26 question are not for dissolution, the secretary of state shall so  
27 certify and the proposal is defeated. If the majority of votes  
28 cast on the question are for dissolution, the secretary of  
29 state shall so certify and the certification shall declare that

1 the area in which the election was held is dissolved as an organiz-  
2 ed borough and municipal corporation.

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

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

9 ARTICLE VIII

10 FORMAL PROVISIONS

11 Sec. 8.01. ADOPTED LAWS. Statutes and general laws adopted by  
12 reference by this Act are adopted as they now exist and as they  
13 may be amended hereafter.

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