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IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

HOUSE BILL NO. 488

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An act relating to organized boroughs; amending Ch. 146, SLA 1961; and providing for an effective date."

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

Section 1. Subsec. (8), Sec. 2.02, Ch. 146, SLA 1961 is repealed and re-enacted to read:

(8) the signature and resident address of a percent of qualified voters in each first class city and a percent of qualified voters in the area outside first class cities according to the following schedule:

NUMBER OF QUALIFIED VOTERS	PERCENT
Over 15,000	10
Less than 15,000 but over 7,500	15
Less than 7,500	25

The percent of qualified voters shall be based on the total number who voted in person in the area proposed for incorporation in the last general election.

Sec. 2. Sec. 2.04, Ch. 146, SLA 1961 is repealed and re-enacted to read:

Sec. 2.04. STANDARDS FOR COMPOSITION AND APPORTIONMENT.

The borough assembly shall be composed and apportioned according to the following standards:

(1) If there is no first class city within the organized borough, the assembly is composed of the number of

seats shown on the following table:

POPULATION	ASSEMBLY SEATS
under 6,000	5
6,000 - 12,000	7
12,001 - 30,000	9
over 30,000	11

(2) If there is but one first class city in the organized borough, the assembly is composed of at least two assemblymen from the first class city and at least three assemblymen from the area outside first class cities.

(3) If there is more than one first class city in the organized borough, the assembly is composed of at least one assemblyman from each first class city and at least three assemblymen from the area outside first class cities.

(4) The assembly seats shall be apportioned as follows:

(a) Except as provided in Subsec. (2), each first class city shall have the number of seats designated in the following table, unless a lesser number is approved by a resolution of the city council of the city concerned:

POPULATION	ASSEMBLY SEATS
under 2,000	1
2,000 - 6,000	2
6,001 - 12,000	3
12,001 - 30,000	4
over 30,000	5

(b) The area outside first class cities shall have a number of assemblymen which shall equal one more

1 than the total number of all assemblymen who represent  
2 first class cities.

3 Sec. 3. Sec. 2.13, Ch. 146, SLA 1961 is amended to read:

4 Sec. 2.13. INTEGRATION OF EXISTING SPECIAL DISTRICTS  
5 AND SERVICE AREAS. Special service districts and service  
6 areas in the unorganized borough existing at the time of the  
7 incorporation of an organized borough and located within the  
8 boundaries of the organized borough shall be integrated into  
9 the organized borough within two years after the date of the  
10 borough's incorporation. An organized borough shall succeed  
11 to all of the rights, powers, and duties of any service area  
12 and of any school districts and public utility districts in-  
13 cluded within its boundaries, including, but not limited to,  
14 claims, franchises and other contractual obligations, and  
15 liability for bonded and all other indebtedness, and shall  
16 succeed to all of the right, title, and interest in the real  
17 and personal property held by the service areas or districts.  
18 The borough assembly may levy and collect special charges,  
19 taxes, or assessments including interest for the purpose of  
20 amortizing bonded indebtedness previously incurred by the  
21 service area or special district, for continuing services in  
22 the area, or for the future indebtedness in the area. When  
23 a service area or special district had a previously incurred  
24 bonded indebtedness no less than all property that was within  
25 the service area or special district at the time the bonds  
26 were issued shall remain subject to taxation to pay the prin-  
27 cipal of and interest on such bonds for as long as they re-  
28 main outstanding.

29 Sec. 4. Sec. 2.14, Ch. 146, SLA 1961 is amended to add a new

1 subsec. d to read:

2 d. Sales taxes levied by independent school districts  
3 shall become borough sales taxes and shall be levied on an  
4 areawide basis. That portion of a city sales tax which equals  
5 the sales tax levied by the school district shall become a  
6 part of the areawide borough sales tax, and the city sales  
7 tax rate shall be reduced accordingly. Nothing in this sub-  
8 section prevents a borough or city from levying an additional  
9 sales tax as provided by law.

10 Sec. 5. Sec. 3.01 (7) and (8) are amended and new subsecs.  
11 (8), (9), and (10) are added to read:

12 (7) to levy all taxes and special assessments, en-  
13 force tax liens, and assess and collect penalties in the man-  
14 ner provided for first class cities. It may levy

15 (a) areawide taxes for areawide functions and

16 (b) taxes limited to the area outside cities

17 for functions limited to the area outside cities; ~~AND~~

18 (8) to prescribe penalties for violations of bor-  
19 ough ordinances in the manner provided for first class cities;

20 (9) to acquire and dispose of real and personal  
21 property in the manner provided for first class cities;

22 (10) to acquire membership in organizations and to  
23 promote legislation to the good of the borough in the manner  
24 provided for first class cities; and

25 (11) ~~(8)~~ the state shall share with the organized  
26 borough those taxes it shares with other units of local gov-  
27 ernment to the extent that the taxes are collected in the bor-  
28 ough but outside any city which receives a share of the same  
29 tax.

1 Sec. 6. Sec. 3.03, Ch. 146, SLA 1961 is amended to read:

2 Sec. 3.03. INDEBTEDNESS. First and second class bor-  
3 oughs may incur indebtedness in the same manner and to the  
4 same extent as first class cities either

5 (1) on an areawide AREA WIDE basis for areawide  
6 functions, or

7 (2) on a non-city basis for functions performed in  
8 the area outside cities only.

9 Sec. 7. Sec. 3.05, Ch. 146, SLA 1961 is amended to add a new  
10 subsection e to read:

11 e. Powers. The assembly may delegate any of the powers  
12 prescribed by Sec. 3.71 to a service area. In a second class  
13 borough, each delegated power must be approved by a majority  
14 of the qualified voters voting on the question who reside  
15 within the service area. The rate of taxation and the issu-  
16 ance of bonds shall remain subject to the approval of the  
17 assembly.

18 Sec. 8. Sec. 3.33 is amended to read:

19 a. Each organized borough constitutes a borough school  
20 district and the THE first and second class borough shall  
21 establish, maintain, and operate a system of public schools  
22 on an areawide basis, and shall do so in the manner provided  
23 by law for city school districts, except as provided otherwise  
24 by this Act THAT THE SCHOOL BOARD SHALL BE APPORTIONED THE  
25 SAME AS THE ASSEMBLY.

26 b. The state law relating to teacher salaries and tenure,  
27 to financial support, to supervision by the Department of Edu-  
28 cation, and other general laws relating to schools, govern  
29 the exercise of the functions by the borough.

1           c. The terms of office and membership of the borough  
2 school board shall be as provided by law for an independent  
3 school district. All school board members shall be elected  
4 at large, but school board zones for the representation of  
5 separate and distinct areas may be established, altered, or  
6 abolished as provided by Sec. 6.11 of this Act.

7 Sec. 9. Sec. 3.34a, Ch. 146, SLA 1961 is amended to read:

8           Sec. 3.34. PLANNING AND ZONING. a. The first and sec-  
9 ond class borough has the responsibility of planning, plat-  
10 ting, and zoning on an areawide basis and shall do so in the  
11 manner provided for first class cities, except that the plan-  
12 ning commission shall also be the zoning commission AND THE  
13 COMMISSION SHALL BE APPORTIONED THE SAME AS THE ASSEMBLY.

14 Nothing in this section prevents any city from having a plan-  
15 ning and zoning commission in an advisory capacity. Appoint-  
16 ment of borough planning and zoning commission members from a  
17 first class city shall be made from the city advisory commis-  
18 sion membership.

19 Sec. 10. Sec. 3.91, Ch. 146, SLA 1961 is amended to read:

20           Sec. 3.91. TRANSFER BY CITY. A city may transfer to  
21 the first or second class borough in which it is located any  
22 of its powers or functions subject to the approval of A TWO-  
23 THIRDS VOTE OF the borough assembly. A city may not revoke  
24 the transfer of any power or function to the borough unless  
25 the revocation is approved by a majority of its council.

26 Sec. 11. Sec. 4.01, Ch. 146, SLA 1961 is amended to read:

27           Sec. 4.01. GENERAL POWER AND COMPOSITION. The legis-  
28 lative power of the organized borough is vested in the as-  
29 sembly WHICH CONSISTS OF 5 TO 13 MEMBERS AS DETERMINED BY THE

1 INCORPORATION PETITION APPROVED BY THE VOTERS<sup>7</sup>.

2 Sec. 12. Sec. 4.07c, Ch. 146, SLA 1961 is amended to read:

3 c. Voting. The final vote on each ordinance or resolu-  
4 tion shall be by roll call and the ayes and nays shall be re-  
5 corded in the journal. A majority of the members of the  
6 assembly shall constitute a quorum, but a smaller number may  
7 adjourn from time to time and may compel the attendance of  
8 absent members in the manner and subject to the penalties  
9 prescribed by the rules of the assembly. No action of the  
10 assembly is valid or binding unless adopted by a majority vote  
11 of all the votes to which the assembly is entitled on the  
12 question /THE AFFIRMATIVE VOTE OF AT LEAST A MAJORITY OF ALL  
13 THE MEMBERS OF THE ASSEMBLY<sup>7</sup>.

14 Sec. 13. Sec. 4.07, Ch. 146, SLA 1961 is amended by adding a  
15 new subsec. d to read:

16 N d. Counting votes. Whenever the assembly votes on an  
17 E ordinance or resolution in exercising one or more of the pow-  
18 W ers prescribed by Secs. 3.01(7)a, 3.03(1), 3.06, 3.32, 3.33,  
19 3.34, or 3.35, the votes shall be weighted as provided in this  
20 subsec. to enable the assemblymen who represent a majority of  
21 the borough's population to have a majority of the votes.

22 (1) If one first class city has a majority of the  
23 borough's population, the votes of the assemblymen represent-  
24 M ing that city shall be weighted in the manner prescribed by  
25 A subsec. (3).

26 T (2) If one first class city does not have a majori-  
27 T ty of the borough's population, but two or more first class  
28 E cities do have a majority of the borough's population, the  
29 R votes of the assemblymen representing all the first class

1 N cities shall be weighted in the manner prescribed by subsec.  
2 (4).

3 E (3) The weight to be given to each vote cast by  
4 the assemblymen present and voting who represent a first class  
5 W city which has a majority of the borough's population shall  
6 be determined by dividing the number of all other assembly  
7 seats plus one by the number of all assembly seats apportioned  
8 to the first class city which has a majority of the population.

9 M (4) The weight to be given to each vote cast by  
10 assemblymen present and voting who represent the first class  
11 A cities which have a majority of the borough's population  
12 shall be determined by dividing the number of all assembly  
13 T seats apportioned to the area outside cities plus one by the  
14 number of all assembly seats apportioned to the first class  
15 T cities.

16 (5) If the area outside first class cities has the  
17 E majority of the borough's population, no special weight may  
18 be used, and the vote of each assemblyman present and voting  
19 R shall count as one vote.

20 Sec. 14. Sec. 5.08, Ch. 146, SLA 1961 is amended to read:

21 Sec. 5.08. RIGHT TO PARTICIPATE IN ASSEMBLY MEETINGS.

22 The borough chairman shall have the right to take part in the  
23 discussion of all matters coming before the assembly, but may  
24 not vote. He may veto any ordinance or resolution of the as-  
25 sembly, but his veto may be overridden by two-thirds of all the  
26 votes to which the assembly is entitled on the question ~~THE~~  
27 VOTE OF TWO-THIRDS OF THE ASSEMBLY'S MEMBERSHIP7.

28 Sec. 15. Sec. 6.10, Ch. 146, SLA 1961 is amended to read:

29 Sec. 6.10. BOROUGH SECTIONS. The borough assembly may

1 establish, alter, or abolish sections for the election of as-  
2 semblymen in order to provide representation to separate and  
3 distinct areas within the borough. If the assembly estab-  
4 lishes sections, members representing the area outside first  
5 class cities shall be elected from the sections in which they  
6 reside. Qualified voters resident outside first class cities  
7 may vote upon the candidacy of all the candidates, but candi-  
8 dates from each section run only against other candidates from  
9 the same section. The number of sections shall equal the num-  
10 ber of assemblymen representing the area outside the first  
11 class city. No section may have a population which is less  
12 than one half that of any other section.

13 Sec. 16. Ch. 146, SLA 1961 is amended to add a new subsec-  
14 tion 6.11 to read:

15 N Sec. 6.11 BOROUGH ZONES. The borough assembly may es-  
16 E tablsh, alter, or abolish zones for the election of school  
17 W board members in order to provide representation to separate  
18 and distinct areas within the borough. If the assembly es-  
19 tablshes zones, school board members shall be elected from  
20 M the zones in which they reside. Qualified voters may vote  
21 A upon the candidacy of all the candidates, but candidates from  
22 T each zone run only against other candidates from the same  
23 T zone. The number of zones shall equal the number of school  
24 E board members. No zone may have a population which is less  
25 R than one half that of any other zone.

26 Sec. 17. Sec. 7.43, Ch. 146, SLA 1961 is amended to read:

27 Sec. 7.43. STANDARDS FOR DISSOLUTION. A borough may  
28 dissolve when (1) it is free of debt, or if in debt, each of  
29 its creditors is satisfied with a method or repayment and (2)

1 either it no longer meets the minimum standards prescribed  
2 for incorporation by this Act [ , ] or it ceases to use each  
3 and everyone of its powers [ , OR ITS POPULATION IS NO LONGER  
4 WILLING TO ASSUME THE DUTIES ARISING OUT OF INCORPORATION ] .

5 Sec. 18. EFFECTIVE DATE. This Act takes effect on the day  
6 after its passage and approval or on the day it becomes law with-  
7 out such approval.  
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