

1 IN THE HOUSE BY THE LOCAL GOVERNMENT COMMITTEE
2 HOUSE BILL NO. 488
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SECOND LEGISLATURE - SECOND SESSION

5 A BILL
6 For an Act entitled: "An Act relating to organized boroughs;
7 amending Ch. 146, SLA 1961; and providing
8 for an effective date."

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

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11 repealed and re-enacted to read:

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

16	NUMBER OF QUALIFIED VOTERS	PERCENT
17	Over 15,000	20
18	Less than 15,000 but over 7,500	20
19	Less than 7,500	25

20 The percent of qualified voters shall be based on the total
21 number who voted in person in the area proposed for incorpo-
22 ration in the last general election.

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 Sec. 2.04, Ch. 146, SLA 1961 is repealed and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

25 Sec. 2.04. STANDARDS FOR COMPOSITION AND APPORTIONMENT.
26 The borough assembly shall be composed and apportioned
27 according to the following standards:

28 (1) If there is no first class city within the
29 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
13 included 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
27 principal of and interest on such bonds for as long as they
28 remain 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. In a city or inde-
8 pendent school district in which a sales tax has been levied
9 and dedicated to the repayment of bonded or other indebtedness,
10 this section shall not be construed to increase or decrease
11 the amount or percentage of the tax dedicated, or to enlarge
12 or diminish the area from which the dedicated tax is
13 collected, or in any other way to decrease the security upon
14 which the bonds were issued. A city which has a dedicated
15 sales tax shall pay to the borough from other revenues the
16 amount which the borough would have received from the sales
17 tax if it were not dedicated. Nothing in this subsection
18 prevents a borough or city from levying an additional sales
19 tax as provided by law.

20 Sec. 5. Sec. 3.01 (7) and (8) are amended and new subsecs.
21 (8), (9), and (10) are added to read:

22 (7) to levy all taxes and special assessments,
23 enforce tax liens, and assess and collect penalties in the
24 manner provided for first class cities. It may levy

25 (a) areawide taxes for areawide functions and

26 (b) taxes limited to the area outside cities

27 for functions limited to the area outside cities; [AND]

28 (8) to prescribe penalties for violations of

29 borough ordinances in the manner provided for first class

1 cities;

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

4 (10) to acquire membership in organizations and to
5 promote legislation to the good of the borough in the manner
6 provided for first class cities; and

7 (11) [(8)] the state shall share with the organize
8 borough those taxes it shares with other units of local
9 government to the extent that the taxes are collected in the
10 borough but outside any city which receives a share of the
11 same tax.

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

13 Sec. 3.03. INDEBTEDNESS. First and second class
14 boroughs may incur indebtedness in the same manner and to
15 the same extent as first class cities either

16 (1) on an areawide [AREA WIDE] basis for areawide
17 functions, or

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

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

22 e. Powers. The assembly may delegate any of the powers
23 prescribed by Sec. 3.71 to a service area. In a second class
24 borough, each delegated power must be approved by a majority
25 of the qualified voters voting on the question who reside
26 within the service area. The rate of taxation and the
27 issuance of bonds shall remain subject to the approval of
28 the assembly.

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

1 a. Each organized borough constitutes a borough school
2 district and the [THE] first and second class borough shall
3 establish, maintain, and operate a system of public schools
4 on an areawide basis, and shall do so in the manner provided
5 by law for city school districts, except as provided otherwise
6 by this Act [THAT THE SCHOOL BOARD SHALL BE APPORTIONED THE
7 SAME AS THE ASSEMBLY].

8 b. The state law relating to teacher salaries and tenure,
9 to financial support, to supervision by the Department of
10 Education, and other general laws relating to schools, govern
11 the exercise of the functions by the borough.

12 c. The terms of office and membership of the borough
13 school board shall be as provided by law for an independent
14 school district. All school board members shall be elected
15 at large, but school board zones for the representation of
16 separate and distinct areas may be established, altered, or
17 abolished as provided by Sec. 6.11 of this Act.

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

19 Sec. 3.34. PLANNING AND ZONING. a. The first and
20 second class borough has the responsibility of planning,
21 platting, and zoning on an areawide basis and shall do so in
22 the manner provided for first class cities, except that the
23 planning commission shall also be the zoning commission
24 [, AND THE COMMISSION SHALL BE APPORTIONED THE SAME AS THE
25 ASSEMBLY]. Nothing in this section prevents any city from
26 having a planning and zoning commission in an advisory
27 capacity. Appointment of borough planning and zoning commis-
28 sion members from a first class city shall be made from the
29 city advisory commission membership.

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

2 Sec. 3.91. TRANSFER BY CITY. A city may transfer to
3 the first or second class borough in which it is located any
4 of its powers or functions subject to the approval of [A TWO-
5 THIRDS VOTE OF] the borough assembly. A city may not revoke
6 the transfer of any power or function to the borough unless
7 the revocation is approved by a majority of its council.

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

9 Sec. 4.01. GENERAL POWER[AND COMPOSITION]. The legis-
10 lative power of the organized borough is vested in the
11 assembly [WHICH CONSISTS OF 5 TO 13 MEMBERS AS DETERMINED BY
12 THE INCORPORATION PETITION APPROVED BY THE VOTERS].

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

14 c. Voting. The final vote on each ordinance or resolu-
15 tion shall be by roll call and the ayes and nays shall be
16 recorded in the journal. A majority of the members of the
17 assembly shall constitute a quorum, but a smaller number may
18 adjourn from time to time and may compel the attendance of
19 absent members in the manner and subject to the penalties
20 prescribed by the rules of the assembly. No action of the
21 assembly is valid or binding unless adopted by a majority vote
22 of all the votes to which the assembly is entitled on the
23 question [THE AFFIRMATIVE VOTE OF AT LEAST A MAJORITY OF ALL
24 THE MEMBERS OF THE ASSEMBLY].

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

27 d. Counting votes. Whenever the assembly votes on an
28 ordinance or resolution in exercising one or more of the
29 powers prescribed by Secs. 3.01(7)a, 3.03(1), 3.06, 3.32, 3.33,

1 N 3.34, or 3.35, the votes shall be weighted as provided in this
2 E subsec. to enable the assemblymen who represent a majority of
3 W the borough's population to have a majority of the votes.

4 (1) If one first class city has a majority of the
5 borough's population, the votes of the assemblymen representing
6 that city shall be weighted in the manner prescribed by
7 subsec. (3).

8 (2) If one first class city does not have a majority
9 of the borough's population, but two or more first class
10 cities do have a majority of the borough's population, the
11 votes of the assemblymen representing all the first class
12 cities shall be weighted in the manner prescribed by subsec.
13 (4).

14 (3) The weight to be given to each vote cast by
15 the assemblymen present and voting who represent a first class
16 city which has a majority of the borough's population shall
17 be determined by dividing the number of all other assembly
18 seats plus one by the number of all assembly seats apportioned
19 to the first class city which has a majority of the population.

20 (4) The weight to be given to each vote cast by
21 assemblymen present and voting who represent the first class
22 cities which have a majority of the borough's population shall
23 be determined by dividing the number of all assembly seats
24 M apportioned to the area outside cities plus one by the number
25 A of all assembly seats apportioned to the first class cities.

26 T (5) If the area outside first class cities has the
27 T majority of the borough's population, no special weight may
28 E be used, and the vote of each assemblyman present and voting
29 R shall count as one vote.

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

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

3 The borough chairman shall have the right to take part in the
4 discussion of all matters coming before the assembly, but may
5 not vote. He may veto any ordinance or resolution of the
6 assembly, but his veto may be overridden by two-thirds of all
7 the votes to which the assembly is entitled on the question
8 [THE VOTE OF TWO-THIRDS OF THE ASSEMBLY'S MEMBERSHIP].

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

10 Sec. 6.10. BOROUGH SECTIONS. The borough assembly may
11 establish, alter, or abolish sections for the election of
12 assemblymen in order to provide representation to separate
13 and distinct areas within the borough. If the assembly
14 establishes sections, members representing the area outside
15 first class cities shall be elected from the sections in which
16 they reside. Qualified voters resident outside first class
17 cities may vote upon the candidacy of all the candidates, but
18 candidates from each section run only against other candidates
19 from the same section. The number of sections shall equal the
20 number of assemblymen representing the area outside the first
21 class city. No section may have a population which is less
22 than one half that of any other section.

23 Sec. 16. Ch. 146, SLA 1961 is amended to add a new subsection

24 6.11 to read:

25 Sec. 6.11. BOROUGH ZONES. The borough assembly may
26 establish, alter, or abolish zones for the election of school
27 board members in order to provide representation to separate
28 and distinct areas within the borough. If the assembly
29 establishes zones, school board members shall be elected from

1 the zones in which they reside. Qualified voters may vote
2 upon the candidacy of all the candidates, but candidates from
3 each zone run only against other candidates from the same
4 zone. The number of zones shall equal the number of school
5 board members. No zone may have a population which is less
6 than one half that of any other zone.

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

8 Sec. 7.43. STANDARDS FOR DISSOLUTION. A borough may
9 dissolve when (1) it is free of debt, or if in debt, each of
10 its creditors is satisfied with a method or repayment and (2)
11 either it no longer meets the minimum standards prescribed
12 for incorporation by this Act [,] or it ceases to use each
13 and everyone of its powers [, OR ITS POPULATION IS NO LONGER
14 WILLING TO ASSUME THE DUTIES ARISING OUT OF INCORPORATION].

15 Sec. 18. EFFECTIVE DATE. This Act takes effect on the day
16 after its passage and approval or on the day it becomes law without
17 such approval.

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