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IN THE SENATE BY SENATOR MCNEES

SENATE BILL NO. 41

IN THE LEGISLATURE OF THE STATE OF ALASKA
SECOND LEGISLATURE - FIRST SESSION

A BILL

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

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

Section 1. INTENT. It is the intent of this Act to provide procedures for implementing Article X of the Constitution of the State of Alaska by providing methods and procedures for the intermediate local unit of government known as the organized borough. All other areas of the state not organized under the procedures set forth in this Act by January 1, 1963, shall be known as unorganized boroughs, and shall be governed by the procedures and methods set up by the Legislature of the State of Alaska for unorganized boroughs.

Sec. 2. CLASSIFICATIONS. Organized boroughs shall be of two classes, namely; General Law Boroughs and Home Rule Charter Boroughs.

(1) General Law Boroughs. General Law Boroughs shall be defined as those organized boroughs which shall organize and function as a local unit of government under regulations and procedures granted to it by the Legislature of the State of Alaska.

(2) Home Rule Charter Boroughs. Home Rule Charter Boroughs shall be defined as those organized boroughs which shall organize and function as a local unit of government under regulations and procedures contained in its home rule charter as

1 approved by a majority of its electorate and by the Legislature
2 of the State of Alaska, and such further functions as not speci-
3 fically denied to it by the legislature, but contained at the
4 time of its origin, or by later amendment in its charter.

5 Sec. 3. GENERAL PROVISIONS. It is the intention of this
6 Act to provide procedures for the establishment of organized
7 boroughs, of one of two classes, by local initiative and referen-
8 dum, and to further provide for their organization, functions,
9 and powers. It is the further intention of this Act to provide
10 for the election of an assembly as the representative body of
11 the organized borough, and for the election of a charter com-
12 mission to draw up the home rule charter in the case of the Home
13 Rule Charter Borough. In this Act, "city" means a city of the
14 first class, and "borough" means an organized borough, unless
15 specifically designated as an unorganized borough, a General
16 Law Borough, or a Home Rule Charter Borough.

17 Sec. 4. PROCEDURE FOR ESTABLISHING ORGANIZED BOROUGHS:
18 PETITION AND REFERENDUM. a. The establishment of an organized
19 borough shall be initiated by written petition bearing the
20 signatures of at least 200 persons whose names appear in the vot-
21 ing register made up at the last general election for the voting
22 precincts within the boundaries of the proposed organized borough.
23 At least 100 of the signatories shall be persons whose names
24 appear in voting registers from precincts within the city or
25 cities of the proposed organized borough, and at least 100 of
26 the signatories shall be persons whose names appear in voting
27 registers from precincts without the city or cities and whose
28 residences are within the boundaries of the proposed organized
29 borough.

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1 b. Petitions for establishment of an organized borough, of
2 either of the two classes, shall contain a definite description
3 of the proposed boundaries of the organized borough, utilizing
4 the system of rectangular surveys or natural objects and water-
5 sheds. A map clearly showing the proposed boundaries of the
6 borough shall be attached to each petition circulated. The peti-
7 tion shall clearly state the classification of the proposed bor-
8 ough, and shall bear the name of the proposed borough and the
9 signatures of persons signing shall show the full name, voting
10 precinct, residence address, and date of signature of each person
11 signing the petition.

12 c. Petitions shall be filed with the Local Affairs Agency.
13 If the Director of the Local Affairs Agency finds the petition
14 meets the standards required by this Act, he shall, within 20
15 days of its receipt, notify the Local Boundary Commission to hold
16 hearings in the area petitioning for the establishment of an
17 organized borough not earlier than 30 days nor later than 90
18 days after the filing of the petition and after giving public
19 notice of the time, date, place, and subject of the hearing.

20 d. The Local Boundary Commission, after the hearing, if
21 it finds that the establishment of the borough is in the best in-
22 terest of the state, shall within 30 days after the close of the
23 hearing, order an election in the area seeking to establish an
24 organized borough. The election shall be held at the next general
25 or special election to be held within the boundaries of the pro-
26 posed organized borough, if a general or special election is to
27 be held within one year of the order of the election; otherwise
28 it shall be held at a special election called for that purpose by
29 the secretary of state. The Local Boundary Commission shall state

1 its reasons for ordering the election in the form of written
2 findings and file them with the secretary of state.

3 e. The election shall be held by the secretary of state
4 under procedures established by him and in accordance with the
5 state election code so far as is practicable. Voters at the
6 election must reside in the proposed organized borough and meet
7 the constitutional qualifications of voters. Candidates for
8 assemblymen, in the case of a General Law Borough, or candidates
9 for assemblymen and/or for charter commission membership, in the
10 case of the Home Rule Charter Borough, of the proposed organized
11 borough from outside the cities, shall seek office at the same
12 election at which the question of establishing the organized
13 borough is voted upon, and they shall be elected by and from the
14 qualified voters of the proposed borough resident outside the
15 cities.

16 Sec. 5. ASSEMBLY AND/OR CHARTER COMMISSION MEMBERSHIP AND
17 APPORTIONMENT. Each assembly, in the case of a General Law
18 Borough, and each assembly and/or charter commission, in the case
19 of a Home Rule Charter Borough, shall have not less than seven
20 and not more than 25 members on its assembly or charter commission.
21 The Local Boundary Commission will prescribe the actual number of
22 members of the assembly or assembly and/or charter commission,
23 together with its reasons for doing so in the form of written
24 findings and file them with the secretary of state at the time
25 of ordering the election. Each city shall have at least one
26 member on the assembly or assembly and/or charter commission,
27 chosen from the council of that city, by its membership to serve
28 until the next regularly scheduled city election, at which time
29 the council member(s) of the assembly or assembly and/or charter

1 commission will run and be chosen by the electorate of the quali-
2 fied voters of that city. The assembly or assembly and/or char-
3 ter commission shall be allotted to the various cities and the
4 remainder of the borough in proportion to the total population
5 residing in each such part of the borough; fractional proportions
6 resolved in favor of the major fraction or fractions. Total
7 population shall be determined as follows:

8 (1) The 1960 census population figures shall be used,
9 and thereafter the figures as determined in any future decennial
10 census shall be used.

11 (2) Where a borough boundary, or the boundary of a
12 first class city therein, overlaps the census enumeration district
13 or voting precinct boundaries by which such population or voting
14 results are available, the Local Affairs Agency shall determine
15 the method to be used, either including or excluding the entire
16 district or precinct in question, or using a proportionate part
17 thereof.

18 Sec. 6. ORGANIZATION AND FUNCTIONS: ASSEMBLYMEN. a. If
19 the voters approve the establishment of an organized borough of
20 either class by a simple majority of all those voting, the
21 assemblymen chosen for the first assembly shall, upon certifica-
22 tion of their election by the secretary of state, meet on the
23 first Monday following their certification and elect one of their
24 number president of the assembly.

25 b. Assemblymen from areas outside the city or cities within
26 the organized borough must be qualified voters of the state and
27 residents of the borough but not of the city. Assemblymen from
28 the city or cities inside the organized borough shall, at the
29 first election, be selected by and from the city council of the

1 city which they represent, but at subsequent elections they shall
2 be selected from the city council in the manner prescribed by
3 the ordinances of the city which they represent.

4 c. Unless provided otherwise by borough ordinance, assembly-
5 men from outside the city or cities within the organized borough,
6 shall be elected at large from the area outside the cities.

7 d. Assemblymen serve three year terms. One third of the
8 assemblymen shall be elected each year. Members of the first
9 assembly shall determine their terms by lot; one third serving
10 one year, one third serving two years, and one third serving three
11 years. Providing a council member's term of office should expire
12 prior to the term drawn as assemblyman, he would be replaced
13 either by election within the council or by a general city-wide
14 election.

15 e. The assembly shall by ordinance provide for the manage-
16 ment, organization, and the administrative functions of the bor-
17 ough, and may create such offices as may be necessary to carry out
18 the borough's functions and powers as granted it by charter or
19 law.

20 Sec. 7. ORGANIZATION AND FUNCTIONS: CHARTER COMMISSION
21 MEMBERS. a. If the voters approve the establishment of a Home
22 Rule Borough by a simple majority of those voting, the charter
23 commission members chosen for the charter commission shall, upon
24 certification of their election by the secretary of state, meet
25 on the second Monday following their certification and elect one
26 of their number chairman of the commission and such other officers
27 as they deem necessary.

28 b. Charter commission members from areas outside the city
29 or cities within the organized Home Rule Charter Borough must be

1 qualified voters of the state and residents of the borough but
2 not of the cities. Charter commission members of the Home Rule
3 Charter Borough from the city or cities within the organized
4 Home Rule Charter Borough must be qualified voters of the state
5 and residents of the city within the borough boundaries.

6 c. Unless provided otherwise by borough ordinance or char-
7 ter provision, the charter commission members from areas outside
8 the city or cities within the organized borough shall be elected
9 at large from outside the cities. Unless provided otherwise by
10 borough ordinance or charter provision, the charter commission
11 members from areas within the city or cities of the organized
12 borough shall be elected according to ordinances of that city.

13 d. Charter commission members shall serve terms of three
14 years or until such time as the charter has been approved by the
15 electorate and the legislature.

16 e. The charter commission shall be charged with drafting a
17 home rule charter for the Home Rule Charter Borough, holding such
18 hearings or employing advisory personnel or secretarial personnel
19 as required and approved by the borough assembly.

20 f. The charter commission shall submit a home rule charter
21 to the electorate of the Home Rule Borough at a regular or spe-
22 cial election within one year of its election and each year
23 thereafter until such time as the home rule charter received a
24 majority approval of the electorate. If a majority approval of
25 the home rule charter is not received at the end of three years
26 from their election, the charter commission will be automatically
27 dissolved and the borough will continue to function as a General
28 Law Borough.

29 g. If the home rule charter of the organized borough is

1 not approved by a majority of the electorate within three years
2 of the date of the election of the commission, petition as pro-
3 vided in Sec. 4 of this Act, must again be sought from the Local
4 Affairs Agency and the choice left up to the electorate as to
5 whether to continue as a General Law Borough or continue to seek
6 a Home Rule Charter Borough.

7 h. If the home rule charter of the organized borough is
8 approved by the majority of the electorate within three years,
9 review of it is required by the Local Affairs Agency. After re-
10 view by the Local Affairs Agency, the home rule charter is sub-
11 mitted to the legislature at its next regular session within ten
12 days of its convening, together with its recommendations, for its
13 approval, modification, or rejection. The legislature has 45
14 days, or until its adjournment, to either approve or reject the
15 Local Affairs Agency's report. If the legislature fails to act,
16 the charter automatically goes into effect. If the legislature
17 approves the charter without modification, it automatically goes
18 into effect. If the legislature modifies the charter, the modi-
19 fied charter must be either approved or rejected by the organized
20 borough at its next regular or special election. If approved by
21 a majority of the electorate at that time, it goes into effect
22 immediately and the borough will then operate under its home rule
23 charter.

24 Sec. 8. BOARD OF EDUCATION. The borough assembly shall
25 provide by ordinance for a borough board of education which shall
26 be elected by the qualified voters of the borough. The board of
27 education shall have the responsibility for establishing policy
28 and standards for the public education program, at least equal to
29 those prevailing throughout the state, within the borough. The

1 borough assembly shall exercise fiscal control over the school
2 budget.

3 Sec. 9. POWERS OF ORGANIZED BOROUGHES. An organized borough,
4 of either class, is a political subdivision of the state, has the
5 powers specified in this Act and such others as may be necessary
6 to carry out the specific powers authorized in this Act. A
7 Home Rule Charter Borough, once its charter has met all the re-
8 quirements of this Act, and such other powers as provided in its
9 charter and not specifically denied it by the legislature. An
10 organized borough may:

11 (1) sue and be sued;

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

14 (3) make all contracts and do all other acts in rela-
15 tion to the property and concerns of the organized borough
16 necessary to the exercise of its corporate or administrative
17 powers;

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

21 (5) operate and construct schools;

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

23 (7) adopt building, boiler, fire, electrical, and
24 plumbing codes;

25 (8) provide for the control, enclosure and restraint
26 of animals;

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

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

- 1 (11) establish service areas;
- 2 (12) enter into contracts with the state;
- 3 (13) enforce the powers authorized by this Act.

4 Sec. 10. INTEGRATION OF EXISTING SERVICE DISTRICTS. a. An
5 organized borough established pursuant to this Act shall assume
6 all of the powers, duties, and responsibilities of any school
7 district which it succeeds, and within its boundaries, including
8 liability for bonded and other indebtedness, and shall succeed
9 to all of the rights, title, and other interest in and to all of
10 the real property and personal property previously held by the
11 school district which it succeeds.

12 b. An organized borough established pursuant to this Act
13 shall assume all the powers, duties, and responsibilities of any
14 public utility district included within its boundaries, includ-
15 ing liability for bonded and other indebtedness, and shall
16 succeed to all of the right, title, and interest in and to all of
17 the real property and personal property held by the public utility
18 district which it succeeds; provided, however, that the borough
19 assembly may by ordinance establish the area formerly included
20 within the public utility district as a service area and levy
21 and collect special charges, taxes, or assessments within said
22 area for the purpose of amortizing bonded indebtedness previously
23 incurred by the public utility district, including the payment
24 of interest thereon.

25 Sec. 11. BOROUGH-CITY RELATIONS. Each city within an or-
26 ganized borough is a part of that organized borough and as such,
27 is under the organized borough in matters of an interrelated
28 borough-city nature, when the borough has the powers. Each city
29 is predominant in matters which relate solely to it and not to

1 the borough at large or to the borough and the city jointly.

2 Sec. 12. EFFECTIVE DATE. This Act takes effect on the day
3 after its passage and approval or on the day it becomes law
4 without such approval.

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