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IN THE SENATE BY SENATOR MCNEES

SENATE BILL NO. 42

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to establishing unorganized 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, Section 3, of the Constitution of the State of Alaska by dividing the entire State of Alaska into unorganized boroughs, taking into consideration population, geography, economy, transportation, and other factors. It further is the intention of this Act to provide a basis for the formation of organized boroughs.

Sec. 2. PROCEDURE FOR ESTABLISHING UNORGANIZED BOROUGHs, AND PROVIDING FOR FURTHER ADVANCEMENT OF THOSE BOROUGHs HEREIN ESTABLISHED. The unorganized borough boundaries shall be those of the established House election districts determined by the reapportionment following the decennial 1960 census as prescribed for in the Constitution of the State of Alaska. The borough shall be named as provided for in the Constitution of the State of Alaska in Article XIV, Section 1, as amended by the reapportionment it would then have the combined name of the district as provided therein, if annexed to an adjoining district.

Sec. 3. ADVISORY ASSEMBLY AUTHORIZED. Any unorganized borough may petition the Local Affairs Agency to establish rules by which an advisory assembly of not less than three members nor more than seven members may be created for the purpose of

1 advising regulation of special service districts within its
2 boundaries and/or studying and programming a plan of organization
3 for itself. The method of determining the membership on such
4 advisory assembly shall be the responsibility of the Local Affairs
5 Agency, but shall take into consideration the inclusion of any
6 local government unit, incorporated city, or special service
7 district within such unorganized borough. Actual expenses for
8 meetings of the advisory assembly may be paid for by the state,
9 or limited revenue producing privileges granted by the legisla-
10 ture to meet such costs. A maximum amount to cover such costs
11 must be included as a line item for the particular unorganized
12 borough in the Local Affairs Agency budget and approved by the
13 legislature prior to the election of such an advisory assembly.
14 Election of the members to the advisory assembly shall be by all
15 the qualified voters within the unorganized borough. Such an
16 election will take place under rules promulgated by the Local
17 Affairs Agency and only at such times as a statewide election is
18 being held, whether regular or special.

19 Sec. 4. REVIEW OF BOUNDARY CHANGES. A periodic review of
20 boundary changes of all unorganized boroughs would be the res-
21 sponsibility of the Local Boundary Commission. This review must
22 be made at least once each ten years following the decennial
23 census. The Local Boundary Commission would submit any proposed
24 boundary changes, together with a study of its reasons and in-
25 cluding a map showing those proposed changes, to the legislature
26 within a period of ten days of its convening at any regular
27 session. If the legislature failed to disapprove such boundary
28 changes as submitted, they would become effective 90 days after
29 the adjournment of that session of the legislature.

1 Sec. 5. REVIEW OF FUNCTIONS. A periodic review of func-
2 tions performed within any unorganized borough would be the res-
3 ponsibility of the Local Affairs Agency. This review must be
4 made at least once each five years at the turn of the decade and
5 at the intermediate five year interval. The Local Affairs Agency
6 would submit any proposed changes, extensions, dissolutions, or
7 proposals, together with appropriate study material including
8 maps, to the legislature within a period of ten days of the con-
9 vening of any regular session. If the legislature failed to
10 disapprove such changes, extensions, dissolutions, or proposals
11 as submitted, they would become effective 90 days after the ad-
12 journment of that session of the legislature. It would be the
13 responsibility of the Local Affairs Agency to submit a review of
14 each unorganized borough to each session of the legislature even
15 if the report consisted of the words, "No recommended changes in
16 the unorganized borough of"

17 Sec. 6. SPECIAL SERVICE DISTRICTS AUTHORIZED. The legis-
18 lature, acting on the recommendation of the Local Affairs Agency,
19 may establish or abolish special service districts within an
20 unorganized borough and may delegate or remove the limited revenue
21 authority necessary for the performance of such services.

22 Sec. 7. REFERENDUM ELECTIONS TO BE HELD. No service area
23 is to be established within any unorganized borough without first
24 submitting it to the qualified voters involved in either a regular
25 or a special election. The time and method of the referendum
26 will be the responsibility of the Local Affairs Agency.

27 Sec. 8. PROHIBITION OF SPECIAL SERVICE AREAS. No special
28 service areas shall be established where an organized borough,
29 or incorporation as a city, or annexation to an already existing

1 service area, service district, organized borough or incorporated
2 city is practicable or feasible.

3 Sec. 9. DISSOLUTION OF SPECIAL SERVICE AREAS. Special ser-
4 vice areas will be abolished whenever, at the recommendation of
5 the Local Affairs Agency as approved by the legislature, the
6 service can best be performed by the establishment of an organized
7 borough, or incorporation as a city, or annexed to another special
8 service district, organized borough, or incorporated city.

9 Sec. 10. PETITION BY SPECIAL SERVICE AREAS. Special service
10 areas can, at any time, petition the Local Affairs Agency for
11 establishment of an organized borough or incorporation into a
12 city in the same manner as provided for in Sec. 13 of this Act,
13 or as otherwise provided for by law.

14 Sec. 11. EXISTING SPECIAL SERVICE DISTRICTS. Existing
15 special service districts, school districts, public utility dis-
16 tricts, or any other incorporated local unit of government would
17 continue to function as at the time of passage of this Act until
18 it either became an organized borough, incorporated as a city,
19 or annexed to an organized borough or incorporated city. At the
20 time of its organization, incorporation or annexation, its
21 property, rights, powers, debts and other obligations and func-
22 tions would automatically become that of its successor. Exist-
23 ing special service districts, not becoming organized boroughs,
24 incorporated as cities or annexed to an organized borough or
25 incorporated city, would follow the procedure set forth in sec-
26 tions of this Act for unorganized boroughs or special service
27 districts by petitioning the appropriate agency; either the Local
28 Affairs Agency or the Local Boundary Commission, or be dissolved.
29 All such special service districts must either have organized,

1 incorporated, or been annexed by January 1, 1963, or have action
2 pending before the Local Affairs Agency, the Local Boundary
3 Commission or the legislature for continuation as a special ser-
4 vice district, or they are automatically dissolved.

5 Sec. 12. AUTOMATIC INCLUSION OF SPECIAL SERVICE DISTRICTS
6 IN ORGANIZED BOROUGHES. Automatically, all special service dis-
7 tricts within the boundaries of an organized borough are included
8 in that borough, and the organized borough becomes the successor
9 to its property, rights, powers, debts, and all other obliga-
10 tions.

11 Sec. 13. PROCEDURE FOR PETITION AND ELECTION WITHIN UNOR-
12 GANIZED BOROUGHES. a. Petition. Petitions for establishment of
13 an organized borough, embracing all or a portion, of the un-
14 organized borough shall contain a definite description of the
15 proposed boundaries of the organized borough, utilizing a system
16 of rectangular surveys or natural objects and watersheds. A
17 map clearly showing the proposed borough boundaries shall be
18 attached to each petition circulated. The petition shall clearly
19 state the classification desired, shall bear the name of the
20 proposed borough and the signatures shall show the full name,
21 voting precinct, residence address, and date of signature of each
22 person signing the petition.

23 b. Review. Petitions shall be filed with the Local Affairs
24 Agency. If the Director of Local Affairs finds the petition meets
25 the standards required for establishment of an organized borough
26 as further provided by law, he shall, within 20 days of its
27 receipt, notify the Local Boundary Commission to hold hearings
28 in the area petitioning for establishment of an organized borough,
29 not earlier than 30 days and not more than 90 days after the

1 filing of the petition and after giving public notice of the time,
2 date, place, and subject of the hearing.

3 c. Hearing. The Local Boundary Commission, after the hear-
4 ing, if it finds the establishment of the borough is in the best
5 interest of the state, shall within 30 days after the close of the
6 hearing, order an election in the area seeking to establish an
7 organized borough. If there is a regularly scheduled or special
8 election called for any other purpose within one year of this
9 order, the election shall be held in conjunction with such elec-
10 tion, otherwise provision for a special election shall be made.
11 The Local Boundary Commission shall state its reasons for order-
12 ing the election in the form of written findings and file them
13 with the secretary of state.

14 d. Election. The election shall be held by the secretary
15 of state under procedures established by him and in accordance
16 with the state election code so far as is practicable. Voters
17 at the election must reside in the proposed organized borough
18 and meet the constitutional qualifications of voters. Candidates
19 for assemblymen of the proposed borough from outside cities shall
20 seek office at the same election at which the question of estab-
21 lishing the organized borough is voted upon, and they shall be
22 elected by and from the qualified voters of the proposed organized
23 borough resident outside the cities.

24 e. Apportionment. Assembly membership and apportionment
25 shall be as follows. Each borough shall have not less than seven
26 members and not more than 25 members on its assembly. The Local
27 Affairs Agency will prescribe the actual number of members of the
28 assembly, together with its reasons for doing so in the form of
29 written findings and file them with the secretary of state at the

1 time of ordering the election. Each city shall have at least one
2 member on the assembly, chosen from the council of that city by
3 its membership until the next regularly scheduled city election
4 at which time the council member(s) of the assembly will run and
5 be chosen by election of the qualified voters in that city.
6 The assemblymen shall be allotted to the various cities and the
7 remainder of the borough in proportion to the total population
8 residing in each such part of the borough, with fractional propor-
9 tions resolved in favor of the major fraction or fractions. Total
10 population shall be determined as follows:

11 (1) The 1960 census population figures shall be used,
12 and thereafter the figures as determined in any future decennial
13 census shall be used.

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

21 f. Organization and functions. After organization and
22 election of assemblymen, the borough shall be governed by those
23 laws pertaining to organized boroughs.

24 Sec. 14. PETITION OF GRIEVANCES. Any unorganized borough
25 may at any time appeal a decision of the Local Affairs Agency
26 or the Local Boundary Commission to the legislature for review.
27 The petition must be signed by not less than ten per cent of the
28 qualified voters within the boundaries of the unorganized borough,
29 based upon the general election returns in the year of the latest

1 presidential election. The form of such petition shall be
2 established by the Local Affairs Agency and shall be presented
3 through the Legislative Council for review and presentation in
4 bill form to the legislature.

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