

1 IN THE HOUSE

BY MR. RADER

2 HOUSE BILL NO. 90

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the incorporation of  
7 first class organized boroughs; and pro-  
8 viding for an effective date."

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

10 \* Section 1. DECLARATION OF INTENT. It is the intention of  
11 the legislature to provide for maximum local self-government with  
12 a minimum number of local government units and tax levying juris-  
13 dictions, and to provide for the orderly transition of special  
14 service districts into constitutional forms of government. The  
15 incorporation of first class organized boroughs by this Act does  
16 not necessarily relieve the state of present service burdens.  
17 No area incorporated as a first class borough shall be deprived  
18 of state services, revenues or assistance or be otherwise penal-  
19 ized because of incorporation. With the exception of planning  
20 and zoning, education and tax collection and assessment, all  
21 powers granted the boroughs are exercised at the option of the  
22 borough assemblies.

23 \* Sec. 2. FIRST CLASS BOROUGH INCORPORATION. In addition to  
24 the incorporation of organized boroughs by local option, first  
25 class organized boroughs are incorporated as provided by this  
26 Act.

27 \* Sec. 3. AREAS INCORPORATED. (a) Under authority contained  
28 in arts. X and XV of the state constitution, each area designated  
29 in this section becomes, on January 1, 1964, a first class

1 organized borough and a municipal corporation, unless the greater  
2 part of any such area has been incorporated by local option as  
3 provided by AS 07.10.010. As of that date it possesses all the  
4 powers and privileges prescribed by AS 07. Areas designated are:

- 5 (1) Anchorage Election District
- 6 (2) Lynn Canal-Icy Straits Election District
- 7 (3) Ketchikan-Prince of Wales Election District
- 8 (4) Kodiak Election District
- 9 (5) Palmer-Wasilla-Talkeetna Election District
- 10 (6) Sitka Election District
- 11 (7) Fairbanks-Fort Yukon Election District
- 12 (8) Juneau Election District
- 13 (9) Kenai-Cook Inlet Election District

14 (b) The borough assembly may select the borough seat and  
15 borough name in the boroughs designated by this section.

16 \* Sec. 4. ELECTION. (a) On October 1, 1964, the Local  
17 Affairs Agency shall direct the secretary of state to hold elec-  
18 tions for all borough officers in the first class boroughs  
19 incorporated by sec. 3 of this Act unless a borough was incorpor-  
20 ated in the general area by local option.

21 (b) Upon receipt of the notification, the secretary of state  
22 shall conduct an election for all borough officers as prescribed  
23 by this Act.

24 (c) The secretary of state shall certify the election of  
25 officers and declare that the area is an organized borough and  
26 municipal corporation as provided by this Act, and the organized  
27 borough shall proceed to operate as prescribed by this Act.

28 \* Sec. 5. AS 07.05.030 is amended to read:

29 Sec. 07.05.030. TRANSITION OF SPECIAL SERVICE DISTRICTS.

1 Special service districts existing on October 1, 1961, may  
2 continue to exercise their powers and functions under exist-  
3 ing law until January 1, 1964 [JULY 1, 1963], or until such  
4 time within this period that they are integrated into city  
5 or organized borough government, annexed to or incorporated  
6 as cities, or established as service areas in the unorganized  
7 borough.

8 \* Sec. 6. AS 07.10.010 is amended to read:

9 Sec. 07.10.010. INCORPORATION PROPOSED BY PETITION.  
10 The incorporation of a first or second class organized  
11 borough by local option is proposed by filing a petition  
12 with the Local Affairs Agency.

13 \* Sec. 7. AS 07.10 is amended by adding a new section to read:

14 Sec. 07.10.125. BOUNDARY ADJUSTMENTS. (a) The Local  
15 Boundary Commission shall hold hearings in each area manda-  
16 torily incorporated as an organized borough to determine  
17 the necessity for boundary adjustments.

18 (b) Boundary adjustments may include expanding the  
19 boundaries, contracting the boundaries, dividing the areas  
20 into two or more areas, or combining two or more areas.

21 (c) Boundary adjustments made by the Local Boundary  
22 Commission shall be submitted to the legislature during the  
23 first 10 days of a regular session. The boundary adjustments  
24 shall become effective 45 days after presentation or at the  
25 end of the session, whichever is earlier, unless disapproved  
26 by a resolution concurred in by a majority of the members  
27 of each house.

28 \* Sec. 8. AS 07.10 is amended by adding new sections to read:

29 ARTICLE 2. TRANSITIONAL ASSISTANCE

1           Sec. 07.10.150. STATE LANDS. A first class organized  
2 borough may select 10 per cent of the vacant, unappropriated,  
3 unreserved state lands located within its boundaries within  
4 five years after the date of availability of state lands in  
5 the borough. Nothing in this section affects any valid  
6 existing claim, location, or entry under the laws of the  
7 state or the United States whether for homestead, mineral,  
8 right-of-way or other purpose or affects the rights of any  
9 owner, claimant, locator, or entryman to the full use and  
10 enjoyment of the land so occupied.

11           Sec. 07.10.160. SELECTION PROCEDURE. (a) All selec-  
12 tions shall be made in reasonably compact tracts, taking  
13 into account the situation and potential uses of the lands  
14 involved. The authority to make selections may not be  
15 alienated or bargained away, in whole or in part, by the  
16 borough.

17           (b) If lands desired by the borough are unsurveyed at  
18 the time of their selection, the Department of Natural  
19 Resources shall survey the exterior boundaries of the area  
20 requested without any interior subdivision and shall issue  
21 a patent for the selected area in terms of the exterior  
22 boundary survey. The cost of survey is borne by the borough.  
23 If lands desired by the borough have been surveyed at the  
24 time of their selection, the boundaries of the area requested  
25 shall conform to the public land subdivisions established by  
26 the approval of the survey. Lands selected by the borough  
27 pursuant to this chapter shall be patented to the borough by  
28 the Department of Natural Resources.

29           (c) After the selection of the lands by the borough

1 but before the issuance of final patent, the borough may  
2 execute conditional leases and make conditional sales of  
3 selected lands.

4 Sec. 07.10.170. ORGANIZATIONAL GRANTS. (a) For the  
5 purpose of defraying the costs of incorporating as a first  
6 class organized borough and to provide for the development  
7 of areas within first class organized boroughs, any first  
8 class organized borough incorporated as of January 2, 1964,  
9 is entitled to an organizational grant. The grant is equal  
10 to ten dollars for every qualified voter who voted in the  
11 last general election.

12 (b) The Local Affairs Agency shall determine, within  
13 30 days and no more than 60 days after the date of incorpor-  
14 ation of a first class organized borough, the number of  
15 qualified voters in the borough who voted in the last  
16 general election.

17 (c) Within 30 days after the completion of its findings  
18 and no more than 60 days, the Local Affairs Agency shall  
19 transmit to the first class organized borough from moneys  
20 appropriated to it the total amount of money to which the  
21 borough is entitled.

22 \* Sec. 9. This Act takes effect on the day after its passage  
23 and approval or on the day it becomes law without such approval.  
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