

Original Sponsor: Mr. Rader

Offered: 3/13/63
Referred: Rules

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IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

CS FOR HOUSE BILL NO. 90

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRD LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the incorporation of organized boroughs and providing for certain grants to boroughs."

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

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

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

* Sec. 3. AREAS INCORPORATED. (a) If an organized borough is not incorporated by local option as provided by AS 07.10.010 within areas designated in this section, each area designated becomes on January 1, 1964, a first class organized borough, a municipal

CS for HB #90

1 corporation, and possesses all the powers and privileges prescrib-
2 ed by AS 07. Areas designated are:

3 (1) Sitka Election District #3

4 (2) Juneau Election District #4

5 (3) Lynn Canal-Icy Straits Election District #5

6 (4) Palmer-Wasilla-Talkeetna Election District #7

7 (5) Anchorage Election District #8

8 (6) Kenai-Cook Inlet Election District #10

9 (7) Kodiak Election District #11

10 (8) Ketchikan Election District #2 as designated in
11 Sec. 3, Art. XIV of the State Constitution

12 (9) Fairbanks Election District #19 as designated in
13 Sec. 3, Art. XIV of the State Constitution.

14 (b) If a portion of any district designated above is incor-
15 porated by local option prior to October 1, 1963, and the remain-
16 ing portion of the district meets the standards for incorporation
17 as provided in AS 07.10.030, the Local Affairs Agency shall make
18 a finding to that effect and notify the secretary of state to hold
19 elections in the area. The area is incorporated as a first class
20 organized borough on January 1, 1964.

21 (c) The borough assembly may select the borough seat and
22 borough name in the boroughs designated by this section.

23 * Sec. 4. ELECTION. (a) On October 1, 1963, the Local
24 Affairs Agency shall direct the secretary of state to hold elec-
25 tions for all borough officers in the boroughs incorporated by
26 sec. 3 of this Act.

27 (b) Upon receipt of the notification, the secretary of state
28 shall hold elections before December 15, 1963, for all borough
29 officers as prescribed by AS 07.10.120.

1 * Sec. 5. AS 07.05.030 is repealed and re-enacted to read:

2 Sec. 07.05.030. TRANSITION OF SPECIAL SERVICE DISTRICTS
3 Special service districts located in existing election
4 districts Nos. 3, 4, 5, 7, 8, 10 and 11, and in districts
5 Nos. 2 and 19 as designated in the State Constitution, con-
6 tinue to exercise their powers and functions pursuant to
7 AS 07.10.130 and AS 07.10.140. Other special districts con-
8 tinue to exercise their powers and functions under existing
9 law until July 1, 1964.

10 * Sec. 6. AS 07.10.010 is amended to read:

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

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

16 Sec. 07.10.125. BOUNDARY ADJUSTMENTS. (a) The Local
17 Boundary Commission may hold hearings in each area incorpor-
18 ated as an organized borough to determine the necessity for
19 boundary adjustments.

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

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

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

2 ARTICLE 2. TRANSITIONAL ASSISTANCE

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

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

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

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the Department of Natural Resources.

(c) After the selection of the lands by the borough but before the issuance of final patent, the borough may execute conditional leases and make conditional sales of selected lands.

Sec. 07.10.170. ORGANIZATIONAL GRANTS. (a) For the purpose of defraying the cost of transition to borough government and in order to provide for development and interim governmental operations, each organized borough is entitled to an organization grant equal to \$10 for every qualified voter within the borough who voted in the last general election. However, each borough is entitled to at least \$25,000.

(b) The Local Affairs Agency shall determine, within 60 days after the date of incorporation of an organized borough, the number of qualified voters in the borough who voted in the last general election.

(c) Within 30 days after the completion of its findings, the Local Affairs Agency shall transmit to each organized borough from money appropriated to it the total amount of money to which the borough is entitled.