

Original Sponsor: Mr. Rader

Offered: 3/13/63
Referred: Rules

1 IN THE HOUSE BY THE LOCAL GOVERNMENT COMMITTEE
2 CS FOR 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 organized boroughs and providing for certain
8 grants to boroughs."

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 organized boroughs by this Act does not necessarily
16 relieve the state of present service burdens. No area incorporated
17 as an organized borough shall be deprived of state services,
18 revenues or assistance or be otherwise penalized because of incor-
19 poration. With the exception of planning and zoning, education
20 and tax collection and assessment, all powers granted the first
21 class boroughs are exercised at the option of the borough assemblies.

22 * Sec. 2. FIRST AND SECOND CLASS BOROUGH INCORPORATION. In
23 addition to the incorporation of organized boroughs by local option,
24 first and second class organized boroughs are incorporated as pro-
25 vided by this Act.

26 * Sec. 3. AREAS INCORPORATED. (a) If an organized borough is
27 not incorporated by local option as provided by AS 07.10.010 with-
28 in areas designated in this section, each area designated becomes
29 on January 1, 1964, a first or second class organized borough as
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1 determined by local election, a municipal corporation, and posses-
2 ses all the powers and privileges prescribed by AS 07. Areas
3 designated are:

4 (1) Sitka Election District #3
5 (2) Juneau Election District #4
6 (3) Palmer-Wasilla-Talkeetna Election District #7
7 (4) Anchorage Election District #8
8 (5) Combined Seward Election District #9 and Kenai-
9 Cook Inlet Election District #10

10 (6) Kodiak Election District #11

11 (7) Ketchikan Election District #2 as designated in
12 Sec. 3, Art. XIV of the State Constitution, except the Annette
13 Island Indian Reservation created by Act of Congress dated March
14 3, 1961, 26 Stat. 1101.

15 (8) Fairbanks Election District #19 as designated in
16 Sec. 3, Art. XIV of the State Constitution.

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

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

26 (d) So long as the following areas remain military reserva-
27 tions the same shall be excluded from any borough incorporated
28 pursuant to this section, provided, however, that when any such
29 area shall no longer be subject to a military reservation the same
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1 shall become a part of the borough surrounding it. Areas excluded
2 at this time are:

- 3 (1) Kodiak Naval Station (base proper)
- 4 (2) Ft. Richardson Army Base (base proper)
- 5 (3) Elmendorf Air Force Base (base proper)
- 6 (4) Ft. Wainwright Army Base (base proper)
- 7 (5) Eielson Air Force Base (base proper)
- 8 (6) Ft. Greely Army Base (base proper)
- 9 (7) Wildwood Station (base proper)

10 * Sec. 4. ELECTION. (a) On October 1, 1963, the Local
11 Affairs Agency shall direct the secretary of state to hold elec-
12 tions for all borough officers and for determination of whether
13 the borough shall be first class or second class in the boroughs
14 incorporated by sec. 3 of this Act.

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

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

19 Sec. 07.05.030. TRANSITION OF SPECIAL SERVICE DISTRICTS.
20 Special service districts located in existing election
21 districts Nos. 3,4,7,8,9,10 and 11, and in districts Nos.
22 2 and 19 as designated in the State Constitution, continue
23 to exercise their powers and functions pursuant to AS 07.10.
24 130 and AS 07.10.140. Other special districts continue to
25 exercise their powers and functions under existing law until
26 July 1, 1964.

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

28 Sec. 07.10.010. INCORPORATION PROPOSED BY PETITION.

29 The incorporation of a first or second class organized

1 borough by local option is proposed by filing a petition with
2 the Local Affairs Agency.

3 * Sec. 7. AS 07.10 is amended by adding a new section to read:
4 Sec. 07.10.125. BOUNDARY ADJUSTMENTS. (a) The Local
5 Boundary Commission may hold public hearings in each area
6 incorporated as an organized borough to determine the neces-
7 sity for boundary adjustments.

8 (b) Boundary adjustments may include expanding the
9 boundaries, contracting the boundaries, dividing the areas
10 into two or more areas, or combining two or more areas.

11 (c) Boundary adjustments made by the Local Boundary
12 Commission shall be submitted to the legislature during the
13 first 10 days of a regular session. The boundary adjustments
14 shall become effective 45 days after presentation or at the
15 end of the session, whichever is earlier, unless disapproved
16 by a resolution concurred in by a majority of the members of
17 each house.

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

19 ARTICLE 2. TRANSITIONAL ASSISTANCE

20 Sec. 07.10.150. STATE LANDS. An organized borough may
21 select 10 per cent of the vacant, unappropriated, unreserved
22 state lands located within its boundaries within five years
23 after the date of availability of state lands in the borough.
24 Nothing in this section affects any valid existing claim,
25 location, or entry under the laws of the state or the United
26 States whether for homestead, mineral, right-of-way or other
27 purpose or affects the rights of any owner, claimant, locator,
28 or entryman to the full use and enjoyment of the land so
29 occupied.

1 Sec. 07.10.160. SELECTION PROCEDURE. (a) All selec-
2 tions shall be made in reasonably compact tracts, taking
3 into account the situation and potential uses of the lands
4 involved. The authority to make selections may not be
5 alienated or bargained away, in whole or in part, by the
6 borough.

7 (b) If lands desired by the borough are unsurveyed at
8 the time of their selection, the Department of Natural
9 Resources shall survey the exterior boundaries of the area
10 requested without any interior subdivision and shall issue a
11 patent for the selected area in terms of the exterior
12 boundary survey. The cost of survey is borne by the borough.
13 If lands desired by the borough have been surveyed at the
14 time of their selection, the boundaries of the area requested
15 shall conform to the public land subdivisions established by
16 the approval of the survey. Lands selected by the borough
17 pursuant to this chapter shall be patented to the borough by
18 the Department of Natural Resources.

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

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

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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.