

Introduced: 3/6/64
Referred: Local Govern-
ment

1 IN THE HOUSE

BY MR. RADER

2

HOUSE BILL NO. 401

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRD LEGISLATURE - SECOND SESSION

5

A BILL

6

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

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

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* Section 1. AS 07.10.130 is amended to read:

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Sec. 07.10.130. INTEGRATION OF EXISTING SPECIAL DIS-

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TRICTS AND SERVICE AREAS. Special service districts and

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service areas in the unorganized borough existing at the time

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of the incorporation of an organized borough and located

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within the boundaries of the organized borough shall be inte-

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grated into the organized borough within two years after the

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date of the borough's incorporation. An organized borough

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shall succeed to all of the rights, powers, and duties of any

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service area and of any school districts and public utility

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districts included within its boundaries, including, but not

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limited to, claims, franchises and other contractual obliga-

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tions, and liability for bonded and all other indebtedness,

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and shall succeed to all of the right, title, and interest in

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the real and personal property held by the service areas or

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districts. The assembly may exercise, within the area of the

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district, all the powers of special districts, service areas,

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school districts, and public utility districts to which it

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succeeds whether such powers were previously exercised by the

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districts or areas. These powers shall be exercised by the

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assembly in the same manner provided for by boroughs or for

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the districts, whichever is the least restrictive. The

1 borough assembly may levy and collect special charges, taxes,
2 or assessments including interest for the purpose of amortiz-
3 ing bonded indebtedness previously incurred by the service
4 area or special district, for continuing services in the area,
5 or for the future indebtedness in the area. When a service
6 area or special district had a previously incurred bonded
7 indebtedness, no less than all property that was within the
8 service area or special district at the time the bonds were
9 issued shall remain subject to taxation to pay the principal
10 of and interest on the bonds for as long as they remain out-
11 standing.

12 * Sec. 2. AS 07.15.020 is repealed and re-enacted to read:

13 Sec. 07.15.020. ANNEXATION AND EXCLUSION. First and
14 second class boroughs have the same power of annexation as
15 first class cities and shall follow the same procedures as
16 first class cities. Areas may be excluded in the manner pro-
17 vided for dissolution of boroughs when the area meets the
18 standards for dissolution prescribed by AS 07.35.430. No area
19 which contains a public school shall be excluded unless the
20 Local Affairs Agency finds that adequate provision has been
21 made for the continued uninterrupted education of the children
22 involved.

23 * Sec. 3. AS 07.15.340(b) is repealed.

24 * Sec. 4. AS 07.15.350 is amended to read:

25 Sec. 07.15.350. ADDITIONAL AREAWIDE POWERS. First and
26 second class boroughs acquire additional areawide powers by
27 transfer from a city or by

28 (1) filing a petition with the borough assembly
29 containing the signature and resident address of 10 per cent

1 of the qualified voters who voted in the last general elec-
2 tion in the area outside cities; or

3 (2) the borough assembly placing on the ballot the
4 question of an additional areawide power. [SECOND CLASS
5 BOROUGHS ACQUIRE ADDITIONAL AREAWIDE POWERS IN THE SAME MAN-
6 NER PROVIDED BY SECS. 710 - 800 OF THIS CHAPTER FOR THEIR
7 ACQUISITION OF ADDITIONAL POWERS TO BE EXERCISED IN THE AREA
8 OUTSIDE CITIES ONLY, EXCEPT THAT THE VOTE ON THE QUESTION IS
9 AREAWIDE.]

10 * Sec. 5. AS 07.15 is amended by adding new sections to read:

11 Sec. 07.15.360. HEARING BY BOROUGH ASSEMBLY. The
12 borough assembly shall hold at least one hearing in the
13 borough for the purpose of hearing public comment on the pro-
14 posal to add additional areawide powers to be exercised by
15 the borough.

16 Sec. 07.15.370. ELECTION. (a) Notice of election. The
17 borough assembly shall determine from the public hearing and
18 from its own investigation the feasibility and practicability
19 of the borough's exercising the additional areawide power or
20 powers. If the determination is for placing the question on
21 the ballot, an election shall be held. If the determination
22 is against the proposal, an election shall not be held. The
23 borough assembly shall make public notice of its findings.

24 (b) Date of election. Within 30 days of the assembly's
25 notice, the assembly shall call for an election to be held
26 to determine whether the borough shall add to its areawide
27 powers. The date of the election shall not be less than 30
28 days after the notice of election nor later than the date of
29 the next regular election.

1 (c) Qualification of voters. Any person who is a
2 qualified voter in Alaska and is a resident of the borough is
3 qualified to vote on the question.

4 (d) Separate voting. If more than one areawide power
5 is to be added, the powers shall be placed separately on the
6 ballot in order that each may be voted on separately.

7 (e) Certification. If the majority of the votes cast
8 on the question are not for the addition of an areawide
9 power, the borough chairman shall so certify and the proposal
10 is defeated. If the majority of votes cast on the question
11 are for addition of a power, the borough chairman shall so
12 certify and the proposal is accepted. The added areawide
13 power or powers go into effect within 30 days after the date
14 of certification of their approval by the voters.

15 Sec. 07.15.380. REPORT TO LOCAL AFFAIRS AGENCY. The
16 borough chairman shall, after certifying the election, send
17 a notice to the Local Affairs Agency which shall include

18 (1) the additional powers voted upon,

19 (2) the election results containing the number of
20 votes cast in favor of the proposal and the number of votes
21 cast against the proposal.

22 * Sec. 6. AS 07.15.730 is amended to read:

23 Sec. 07.15.730. ADDITIONAL POWERS FOR SECOND CLASS
24 BOROUGH. The second class borough may add to the powers which
25 it may exercise in the area outside cities only by

26 (1) filing a petition with the borough assembly
27 containing the signature and resident address of 10 per cent
28 of the qualified voters who voted in the last general elec-
29 tion in the area outside cities; or

1 (2) the borough assembly placing on the ballot the
2 question of adding an additional power [LOCAL AFFAIRS AGENCY].

3 * Sec. 7. AS 07.15 is amended by adding new sections to read:

4 Sec. 07.15.741. HEARING BY BOROUGH ASSEMBLY. The
5 borough assembly shall hold at least one hearing in the
6 borough for the purpose of hearing public comment on the
7 proposal to add additional powers to be exercised in the area
8 outside cities only.

9 Sec. 07.15.751. ELECTION. (a) Notice of election.
10 The borough assembly shall determine from the public hearing
11 and from its own investigation the feasibility and practica-
12 bility of the borough's exercising the additional power or
13 powers. If the determination is for placing the question on
14 the ballot, an election shall be held. If the determination
15 is against the proposal, an election shall not be held. The
16 borough assembly shall make public notice of its findings.

17 (b) Date of election. Within 30 days of the assembly's
18 notice, the assembly shall call for an election to be held
19 to determine whether the borough shall add to its powers.
20 The date of election shall not be less than 30 days after the
21 notice of election nor later than the date of the next regular
22 election.

23 (c) Qualification of voters. Any person who is a
24 qualified voter in Alaska and is a resident of the borough in
25 the area outside cities is qualified to vote on the question.

26 (d) Separate voting. If more than one power is to be
27 added, the powers shall be placed separately on the ballot in
28 order that each may be voted on separately.

29 (e) Certification. If the majority of the votes cast

1 on the question are not for the addition of a power to be
2 exercised in the area outside cities, the borough chairman
3 shall so certify and the proposal is defeated. If the
4 majority of votes cast on the question are for addition of a
5 power, the borough chairman shall so certify and the proposal
6 is accepted. The added power or powers go into effect with-
7 in 30 days after the date of certification of their approval
8 by the voters.

9 Sec. 07.15.761. REPORT TO LOCAL AFFAIRS AGENCY. The
10 borough chairman shall, after certifying the election, send a
11 notice to the Local Affairs Agency which shall include

12 (1) the additional powers voted upon,

13 (2) the election results containing the number of
14 votes cast in favor of the proposal and the number of votes
15 cast against the proposal.

16 * Sec. 8. AS 07.15.740 - 07.15.800 are repealed.

17 * Sec. 9. AS 07.30.070(3) is amended to read:

18 (3) A vacancy in the representation for the area
19 outside a first class city shall be filled by those members of
20 the assembly representing the area outside a first class city
21 who [THE ASSEMBLY WHICH] shall elect a qualified voter
22 resident within the organized borough outside a first class
23 city to be acting assemblyman until the next regular election
24 and until a successor is elected and qualified to fill the
25 remainder of the unexpired term. The person elected by the
26 members of the assembly representing the area outside a first
27 class city [ASSEMBLY] receives the same salary as the
28 assemblyman he succeeds.

29 * Sec. 10. AS 07.30.070 is amended by adding a new subsection

1 to read:

2 (4) A vacancy in the representation of a borough
3 section established under sec. 100 of this chapter shall be
4 filled by those members of the assembly representing the
5 area outside first class cities who shall elect a qualified
6 voter from that borough section affected by the vacancy to be
7 acting assemblyman until the next regular election and until
8 a successor is elected and qualified to fill the remainder of
9 the unexpired term. The person elected receives the same
10 salary as the assemblyman he succeeds.

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