

Introduced: 2/9/65
Referred: Local Government
and State Affairs

1 IN THE HOUSE

BY MESSRS. JACKSON,
ORBECK AND RADER

2

HOUSE BILL NO. 112

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the powers and duties

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of a borough assembly, the local affairs

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agency and the local boundary commission."

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

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* Section 1. AS 07.15 is amended by adding a new section to

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read:

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AS 07.15.063. RESTRICTION ON ESTABLISHMENT OF SERVICE

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AREAS. (a) A new service area may not be established if the

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new service can be provided by an existing service area,

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by incorporation as a city, or by annexation to a city.

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Whether the new service can be so provided shall be deter-

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mined by the assembly under standards prescribed by the

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local affairs agency and consistent with the purposes of

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art. X of the state constitution.

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(b) Before it may establish a service area, the assem-

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bly must declare in writing the findings upon which its

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determination under (a) of this section is made and mail a

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copy of its declaration by certified mail to each city

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within the borough and to the local affairs agency. An

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interested party may file a written notice of appeal of the

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assembly determination with the local boundary commission.

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Appeal may be taken within the time and upon such notice

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and opportunity to be heard as the commission shall prescribe.

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Review by the commission shall extend only to the question

1 of whether there was an abuse of discretion by the assembly
2 in making its determination. A person aggrieved by a com-
3 mission determination may appeal to the superior court in
4 the manner prescribed by AS 44.62.560 - 44.62.570. Appeal
5 to either the commission or the court stays further action
6 to establish the service area.

7 * Sec. 2. AS 44.19.220 is amended by adding a new paragraph
8 to read:

9 (11) to develop standards relating to the estab-
10 lishment of a service area, as prescribed in AS 07.15.063.

11 * Sec. 3. AS 44.19.260(a) is amended to read:

12 (a) The local boundary commission shall

13 (1) make studies of local government boundary
14 problems;

15 (2) develop [PROPOSED] standards and procedures
16 for changing local boundary lines;

17 (3) consider a local government boundary change
18 requested of it by the legislature, the director of local
19 affairs, [OR] a political subdivision of the state, or other
20 interested party; [AND]

21 (4) develop [PROPOSED] standards and procedures
22 for the extension of services and ordinances of incorporated
23 cities into contiguous areas for limited purposes and prepare
24 transition schedules and prorated tax mill levies as well as
25 standards for participation by voters of these contiguous
26 areas in the affairs of the incorporated cities furnishing
27 services;

28 (5) review borough assembly determinations relat-
29 ing to the establishment of a service area, as prescribed

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in AS 07.15.063.