

1 IN THE HOUSE

BY MR. KENDALL

2

HOUSE BILL NO. 283

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 governing of the
unorganized borough."

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

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* Section 1. AS 07.05 is amended by adding new sections to
read:

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Sec. 07.05⁽⁰²¹⁾. AUTHORITY. (a) The unorganized borough

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is vested with the powers and privileges granted first class

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boroughs under this title, with the exception of establish-

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ing, maintaining and operating a system of public schools.

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All powers and privileges are exercised at the option of the

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borough assembly and in the manner of a first class borough,

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except as provided otherwise in this chapter.

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(b) Areawide powers and powers in the area outside

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cities granted organized boroughs under this title may be

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exercised by the assembly of the unorganized borough only in

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service areas established, operated, altered or abolished as

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provided for organized boroughs under AS 07.15.050.

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(c) A home rule or general law city which is included

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within a service area established by the assembly may not

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exercise any power which is exercised by the assembly within

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the service area. However, unless the assembly provides

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otherwise, boards of equalization, boards of adjustment, and

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planning, platting and zoning commissions continue to exer-

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cise their functions upon establishment of a service area and

1 may be granted additional territorial jurisdiction by the
2 assembly.

3 Sec. 07.05.031. ASSEMBLY OF UNORGANIZED BOROUGH. The
4 assembly of the unorganized borough is composed of 20 assem-
5 blymen each elected from one of 20 election sections compris-
6 ing the borough and apportioned as prescribed in sec. 40 of
7 this chapter.

8 Sec. 07.05.040. APPORTIONMENT. (a) The Local Affairs
9 Agency shall make the initial apportionment of borough elec-
10 tion sections. Sections shall be apportioned as nearly as
11 possible on the basis of equal population, as determined from
12 the latest population figures of the United States Bureau of
13 the Census, but reasonable consideration shall be given
14 clarity of boundaries, compactness of area, and homogeneity of
15 interest within a section. No section may have a population
16 which totals less than 90 per cent of that of any other
17 borough section, as determined from the latest population
18 figures of the United States Bureau of the Census.

19 (b) The Local Affairs Agency shall reapportion borough
20 election sections when the apportionment does not meet the
21 requirements of sec. 31 of this chapter or the standards pre-
22 scribed in (a) of this section. A reapportionment is
23 effective beginning with the next regular election to the
24 assembly.

25 (c) An initial apportionment or reapportionment of
26 borough election sections is subject to judicial review for
27 abuse of discretion.

28 (d) Borough election sections may not be apportioned
29 or reapportioned other than as prescribed in this section.

1 Sec. 07.05.050. QUALIFICATIONS OF ASSEMBLYMEN. A
2 person is eligible to be a member of the assembly if he is
3 a qualified voter of the borough election section he seeks
4 to represent. If a member ceases to be a qualified voter
5 of the section he shall immediately forfeit his office.

6 Sec. 07.05.060. TERM. The term of office of members
7 of the assembly of the unorganized borough is three years
8 and begins on the first Monday following their election.
9 The assembly may provide for different terms by ordinance but
10 no term of office may exceed three years.

11 Sec. 07.05.070. NOMINATIONS. A candidate for assembly-
12 man is nominated by petition of 50 qualified voters of the
13 borough election section he seeks to represent.

14 Sec. 07.05.080. ELECTION. (a) The date of the regular
15 election for assemblymen of the unorganized borough is the
16 first Tuesday of October every three years, unless the
17 assembly provides for a different date of election by
18 ordinance.

19 (b) The assembly shall prescribe the general rules for
20 the conduct of the election for assemblymen. Elections shall
21 be nonpartisan. Candidates run only against other candidates
22 seeking to represent the same borough election section.
23 Qualified voters of the borough vote only on the candidacy of
24 candidates seeking to represent the section in which the
25 voters reside.

26 Sec. 07.05.090. QUALIFICATION OF VOTERS. (a) A
27 person who is a qualified voter in Alaska and is a resident
28 of the unorganized borough is eligible to vote in borough
29 elections. The assembly may by ordinance limit voting in.

1 bond issue elections to qualified voters who are record
2 owners of real property within the borough.

3 Sec. 07.05.100. ORGANIZATION. (a) The assembly shall
4 elect from among its members a chairman, a presiding officer,
5 and a deputy presiding officer, each of whom shall serve at
6 its pleasure. The chairman shall have the powers and duties
7 prescribed for the chairman of an organized borough under
8 AS 07.25.030 - 07.25.050, subject to approval of the assembly,
9 in addition to his powers and duties as assemblyman. He
10 shall have no veto power.

11 (b) The presiding officer shall preside at assembly
12 meetings. If at any meeting the presiding officer is not
13 present or is unable to act, the deputy presiding officer
14 shall preside.

15 (c) The assembly shall elect a clerk or appoint the
16 chairman or other officer to serve as the clerk. The clerk
17 shall perform the duties prescribed for the clerk of an
18 organized borough under AS 07.20.060(b).

19 (d) The assembly may provide by ordinance for
20 additional officers.

21 (e) A simple majority of the authorized membership of
22 the assembly constitutes a quorum to do business. A majority
23 of a quorum is necessary for the adoption of an ordinance
24 or resolution by the assembly.

25 (f) The assembly may adopt rules for the conduct of
26 its business.

27 Sec. 07.05.110. VACANCIES. (a) The office of assembly-
28 man is vacated under the following conditions and upon the
29 declaration of vacancy by the assembly. The assembly shall

1 declare a vacancy when

2 (1) the person elected to be assemblyman fails to
3 qualify or fails to take office within 30 days after his
4 election;

5 (2) the assemblyman ceases to be a qualified voter
6 of the election district he represents;

7 (3) the assemblyman submits his resignation to the
8 assembly and the assembly accepts it;

9 (4) the assemblyman is physically unable to attend
10 assembly meetings and will continue to be physically unable
11 to attend assembly meetings for a period of 180 or more con-
12 secutive days;

13 (5) the assemblyman has been removed from office;

14 (6) the assemblyman is absent from three or more
15 consecutive regular meetings, unless excused by the assembly.

16 (b) A vacancy shall be filled by the assembly. It
17 shall elect a qualified voter residing within the election
18 district in which the vacancy occurs to be acting assembly-
19 man until the next regular election and until a successor is
20 elected and qualified to fill the remainder of the unexpired
21 term.

22 (c) If the assemblyman whose office is vacated has
23 been serving as chairman, presiding officer, or deputy pre-
24 siding officer of the assembly, the assembly shall elect a
25 new chairman, presiding officer, or deputy presiding officer
26 to fill the vacancy for the unexpired term. The person
27 elected receives the same rate of compensation as may have
28 been fixed by the assembly for his predecessor.

29 Sec. 07.05.120. BONDING OF OFFICERS. Borough officers

1 and employees shall give bond with surety as prescribed for
2 organized boroughs under AS 07.25.060.

3 Sec. 07.05.130. BUDGET. The assembly shall provide for
4 its budget as prescribed for organized boroughs under
5 AS 07.20.130.

6 Sec. 07.05.140. POST AUDIT. The assembly shall provide
7 for an annual audit as prescribed for organized boroughs
8 under AS 07.20.150.

9 Sec. 07.05.150. PERSONAL FINANCIAL INTEREST. Borough
10 officers and employees are subject to the restrictions
11 relating to personal financial dealings as prescribed for
12 officers and employees of organized boroughs under
13 AS 07.25.070.

14 Sec. 07.05.160. PERSONNEL. Appointments, promotions
15 and removals of borough personnel are subject to the re-
16 strictions prescribed for organized boroughs under
17 AS 07.25.090.

18 Sec. 07.05.170. INITIATIVE, REFERENDUM, AND RECALL.
19 The powers of initiative, referendum, and recall reserved to
20 the people of organized boroughs as prescribed in AS 07.30.-
21 080 are reserved also to the people of the unorganized
22 borough.

23 * Sec. 2. (a) The secretary of state, within 90 days of the
24 effective date of this Act, shall conduct the initial election for
25 assemblymen of the unorganized borough. He shall conduct the
26 election consistently with the provisions of this chapter and in
27 the general manner as prescribed by the Alaska Election Code
28 (AS 15.05 - 15.60) including, but not limited to, the establish-
29 ment of precinct boundaries and polling places, appointment of

1 election officials, preparation of ballots and other election
2 materials and supplies, the giving of public notice, certifying of
3 election expenses, the count, canvass and certification of returns,
4 and the establishment of procedures for voting absentee, the use
5 of voting machines, and election recounts. The state shall pay
6 costs of the initial election of assemblymen.

7 (b) The candidates for assemblymen receiving the highest
8 number of votes in the borough election sections they seek to
9 represent shall be certified elected. They shall take office
10 upon the day following their certification and shall hold office
11 until the date of the first regular election for assemblymen
12 occurring after three years from the date of their initial
13 election.

14 * Sec. 3. (a) The initial meeting of the assembly shall be
15 held at Juneau at a time set by the governor and mutually agree-
16 able to the membership of the assembly.

17 (b) At its initial meeting the assembly shall determine by
18 rule the time and place of future regular or special meetings.

19 * Sec. 4. AS 07.05.020 and 07.05.030 are repealed.
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