

1 IN THE HOUSE

BY LEFEVRE AND JACKSON

2 HOUSE BILL NO. 410

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the assembly of an
7 organized borough, requiring the election of
8 all assemblymen either at large or from
9 borough sections apportioned on a population
10 basis, eliminating use of the weighted vote
11 in assembly deliberations, and otherwise pro-
12 viding for the organization of the assembly;
13 and providing for an effective date."

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

15 * Section 1. AS 07.10.020 is amended to read:

16 Sec. 07.10.020. FORM OF PETITION. The petition shall be
17 in the form prescribed by the Local Affairs Agency and shall
18 include the following:

19 (1) the class of the proposed organized borough,
20 either first class or second class as provided in ch. 15 of
21 this title;

22 (2) the name and borough seat of the proposed
23 borough;

24 (3) the boundaries of the proposed borough under
25 the standards prescribed by sec. 30 of this chapter;

26 (4) the proposed composition [AND APPORTIONMENT]
27 of the assembly under the standards prescribed by sec. 40 of
28 this chapter;

29 (5) if the petition is for the incorporation of a

1 first class borough, a designation of any areawide power to
2 be exercised under the standards prescribed by sec. 50 of
3 this chapter;

4 (6) if the petition is for the incorporation of a
5 second class borough, a designation of any areawide power to
6 be exercised under the standards prescribed by sec. 50 of this
7 chapter and a designation of any power to be exercised in the
8 area outside cities only and not on an areawide basis as
9 prescribed by AS 07.15.720;

10 (7) maps, documents, and other information which
11 may be required by the Local Affairs Agency to show that the
12 proposed organized borough meets the standards for incor-
13 poration; and

14 (8) the signature and resident address of a per
15 cent of qualified voters in each first class city and a per
16 cent of qualified voters in the area outside first class
17 cities according to the following schedule:

18	Number of Qualified Voters	Per Cent
19	Over 15,000	15
20	Less than 15,000 but over 7,500	15
21	Less than 7,500	25

22 The per cent of qualified voters shall be based on the total
23 number who voted in person in the area proposed for incor-
24 poration in the last general election.

25 * Sec. 2. AS 07.10.040 is repealed and re-enacted to read:

26 Sec. 07.10.040. STANDARDS FOR COMPOSITION AND APPORTION-
27 MENT. (a) The borough assembly is composed of a number of
28 assembly seats determined according to the following table of
29 borough population.

	<u>Population</u>	<u>Assembly Seats</u>
1		
2	Under 6,000	5
3	6,000 - 12,000	7
4	12,001 - 30,000	9
5	Over 30,000	11

6 (b) Assemblymen shall be elected at large, unless
7 assembly seats are apportioned among borough election sections
8 in the manner prescribed by AS 07.30.100.

9 * Sec. 3. AS 07.10.080(a) is amended to read:

10 Sec. 07.10.080. INVESTIGATION. (a) If the Local
11 Affairs Agency determines that the petition is substantially
12 in the proper form and contains the required number of quali-
13 fied voters' signatures, the agency shall conduct an investi-
14 gation to determine if (1) the proposed incorporation of the
15 borough, (2) the proposed composition [AND APPORTIONMENT] of
16 the borough assembly, and (3) the proposed assignment of
17 areawide powers meet the standards prescribed by this title.
18 In investigating the proposed composition [APPORTIONMENT] of
19 the borough assembly, the agency shall use the latest figures
20 of the United States Bureau of the Census. However, if these
21 figures are considered inadequate by the agency because of
22 recent population changes or other limitations in the use of
23 these figures, the agency may use any method necessary to
24 determine most accurately the actual population.

25 * Sec. 4. AS 07.10.090 is amended to read:

26 Sec. 07.10.090. REPORT TO THE LOCAL BOUNDARY COMMISSION.
27 The Local Affairs Agency shall report the findings of its
28 investigation to the Local Boundary Commission together with
29 any recommendations it may have regarding the incorporation

1 of the proposed organized borough, the composition [AND AP-
2 PORTIONMENT] of the assembly, and the assignment of areawide
3 powers.

4 * Sec. 5. AS 07.10.100 is amended to read:

5 Sec. 07.10.100. HEARING BY LOCAL BOUNDARY COMMISSION.
6 The Local Boundary Commission shall hold at least one hearing
7 in the area to be incorporated as an organized borough for the
8 purpose of hearing public comment on the proposal for the in-
9 corporation of the organized borough, the composition [AND
10 APPORTIONMENT] of the borough assembly, the assignment of
11 areawide powers, and the location of borough boundaries.

12 * Sec. 6. AS 07.10.110 is amended to read:

13 Sec. 07.10.110. DETERMINATION BY LOCAL BOUNDARY COM-
14 MISSION. After considering the findings of the Local Affairs
15 Agency and the comments at the public hearing, the Local
16 Boundary Commission shall determine if the petition is to be
17 accepted. If the commission determines that the proposed
18 organized borough fails to meet the standards for incorpor-
19 ation or the composition [AND APPORTIONMENT] of the assembly
20 prescribed by this title, the commission shall reject the
21 petition. If the commission determines that the proposed
22 organized borough meets the standards for incorporation and
23 the composition [AND APPORTIONMENT] of the assembly pre-
24 scribed by this title, the commission shall accept the petition.
25 If the Local Boundary Commission determines that the proposed
26 organized borough would meet the standards prescribed by this
27 title, if changes were made in the composition [AND AP-
28 PORTIONMENT] of the borough assembly, the boundaries of the
29 proposed borough, or the areawide powers to be exercised by

1 the proposed borough, the commission may change the boundaries
2 of the proposed organized borough or the composition [AND
3 APPORTIONMENT] of the borough assembly or the areawide powers
4 of the proposed organized borough and accept the petition.
5 Any person aggrieved by any determination of the commission
6 may appeal to the superior court in the manner and within
7 the scope of review prescribed by the Administrative Pro-
8 cedure Act (AS 44.62).

9 * Sec. 7. AS 07.10.120(c) is amended to read:

10 (c) Nominations. Nominations for the borough chairman,
11 for school board members, and for candidates for the first
12 assembly [TO REPRESENT THE AREA OUTSIDE ANY FIRST CLASS CITY]
13 may be made by petition. The petition shall be in the form
14 prescribed by the secretary of state and shall include the
15 name and address of the nominee and a statement of the nominee
16 that he is qualified and will serve if elected. Petitions to
17 nominate assemblymen shall include the signature of at least
18 50 qualified voters who are residents of the proposed borough
19 [IN THE AREA OUTSIDE FIRST CLASS CITIES]. Petitions for the
20 nomination of borough chairman and school board members shall
21 include the signatures of at least 50 qualified voters who
22 are residents of the proposed borough [EITHER INSIDE OR OUT-
23 SIDE CITIES]. The petitions shall be filed with the secretary
24 of state at the time designated by him in the order of election.

25 * Sec. 8. AS 07.10.120(f) is amended to read:

26 (f) Certification. If the majority of votes cast on the
27 question are not for incorporation, the secretary of state
28 shall so certify and the proposal is defeated. If the
29 majority of votes cast on the question are for incorporation,

1 the secretary of state shall so certify and the certification
2 shall specify any powers adopted under the provisions of (e)
3 of this section, and shall declare that the area in which the
4 election was held is an organized borough and a municipal
5 corporation; that the organized borough possesses all the
6 powers and privileges as prescribed by this title; and that
7 the boundaries and borough seat are those specified in the
8 petition approved by the qualified voters. If the majority
9 of votes cast on the question are in favor of an appointed
10 borough manager, the secretary of state shall so certify and
11 shall not certify any candidate as borough chairman. If the
12 majority of votes cast on the question are not in favor of a
13 borough manager, the secretary of state shall certify the
14 name of the candidate who received the highest number of votes
15 as borough chairman. The secretary of state shall also certi-
16 fy the names of those candidates who received the highest
17 number of votes for the school board and for the [AVAILABLE]
18 seats to be elected to the assembly [FROM THE AREA OUTSIDE
19 FIRST CLASS CITIES] and shall issue election certificates to
20 the elected candidates.

21 * Sec. 9. AS 07.10.120(g) is amended to read:

22 (g) First term of office. The elected borough chairman
23 and assembly members elected shall meet on the first Monday
24 after their certification and shall continue to serve until
25 the next regular election. [ASSEMBLY MEMBERS REPRESENTING
26 FIRST CLASS CITIES ARE APPOINTED FROM AND BY THEIR CITY
27 COUNCILS AND SHALL ALSO MEET AT THE TIME DESIGNATED FOR
28 ELECTED MEMBERS.]

29 * Sec. 10. AS 07.15.320(b) is amended to read:

1 (b) A first or second class borough may [, BY ORDINANCE
2 ADOPTED WITHOUT WEIGHTED VOTING,] adjust its property tax
3 structure in whole or in part to the property tax structure
4 of any home rule city within it, including, but not limited
5 to, excluding personal property from taxation, establishing
6 exemptions, and extending the redemption period.

7 * Sec. 11. AS 07.15.320(c) is amended to read:

8 (c) A home rule city shall have the same power to grant
9 exemptions or exclude property from borough taxes that it has
10 to city taxes, provided that the exceptions or exclusions
11 have been adopted as to city taxes and further provided that
12 the city appropriate to the borough sufficient monies to
13 equal revenues lost by the borough because of the exemptions
14 or exclusions, the amount to be determined annually by the
15 assembly [WITHOUT WEIGHTED VOTING].

16 * Sec. 12. AS 07.20.020 is amended to read:

17 Sec. 07.20.020. ELECTION AND APPOINTMENT. Members of
18 the assembly are [APPOINTED OR] elected according to the
19 composition [APPORTIONMENT] determined by the incorporation
20 petition approved by the voters until the assembly composition
21 is altered in accordance with the provisions of sec. 30 of
22 this chapter [IS REAPPORTIONED. MEMBERS REPRESENTING FIRST
23 CLASS CITIES ARE APPOINTED BY AND FROM THE CITY COUNCILS,
24 UNLESS PROVIDED OTHERWISE BY CITY CHARTER OR ORDINANCE.
25 MEMBERS REPRESENTING THE AREA OUTSIDE FIRST CLASS CITIES ARE
26 ELECTED].

27 * Sec. 13. AS 07.20.030 is amended to read:

28 Sec. 07.20.030. REAPPORTIONMENT AND CHANGES IN COMPOSI-
29 TION OF ASSEMBLY. The following provisions govern the manner

1 in which the assembly composition may be altered and the
2 manner in which the assembly shall be reapportioned if
3 borough sections for the election of assemblymen exist within
4 a borough [THE ASSEMBLY MAY BE REAPPORTIONED IN THE FOLLOWING
5 MANNER].

6 (1) The assembly shall alter its composition or
7 reapportion itself whenever the composition or apportionment
8 of the assembly does not meet the standards of composition or
9 apportionment provided by AS 07.10.040 and AS 07.30.100 [THIS
10 TITLE].

11 (2) Any 50 qualified voters in an organized borough
12 may petition the borough assembly or the Local Affairs Agency
13 to alter the composition of or reapportion the assembly of the
14 borough within which they reside. The petition shall include
15 evidence that the composition or apportionment of the assembly
16 does not meet the standards prescribed by AS 07.10.040 and
17 AS 07.30.100 [THIS TITLE].

18 (3) Upon the receipt of a petition, the assembly
19 or Local Affairs Agency shall investigate its allegations and
20 shall determine if the composition and apportionment of the
21 assembly meets the [APPORTIONMENT] standards prescribed by
22 AS 07.10.040 and AS 07.30.100 [THIS TITLE]. If it is deter-
23 mined that the standards are not met, the assembly or Local
24 Affairs Agency shall alter the composition or reapportion the
25 assembly accordingly. A change in composition or reapportion-
26 ment by the Local Affairs Agency prevails over one by an
27 assembly. The change in composition or reapportionment is
28 effective beginning with the next regular election to the
29 assembly. Assemblymen representing sections prior to the

1 reapportionment continue to serve only until assemblymen
2 representing sections as reapportioned are elected and qualify
3 for office.

4 * Sec. 14. AS 07.20.040 is amended to read:

5 Sec. 07.20.040. TERM OF OFFICE. The term of office of
6 members of the assembly is the same as that of councilmen in
7 the largest first class city within the borough or three years
8 if there is no first class city within the borough. The term
9 of office begins on the same day as that of councilmen in the
10 largest first class city within [WITH] the borough or on the
11 first Monday following the borough election if there is no
12 first class city within the borough. [CITY COUNCILMEN ON THE
13 ASSEMBLY MAY NOT BE REPLACED BY THE COUNCIL UNLESS THEIR TERMS
14 EXPIRE OR THEY CEASE TO BE A MEMBER OF EITHER THE ASSEMBLY OR
15 THE COUNCIL.] The assembly may provide for different terms
16 by ordinance but no term of office may exceed three years.

17 * Sec. 15. AS 07.20.050 is amended to read:

18 Sec. 07.20.050. QUALIFICATIONS. A person is eligible
19 to be a member of the assembly if he is a qualified voter of
20 the borough. If a member ceases to be a qualified voter of
21 the borough, he shall immediately forfeit his office. [IF A
22 MEMBER ELECTED FROM THE AREA OUTSIDE FIRST CLASS CITIES BE-
23 COMES A RESIDENT OF A FIRST CLASS CITY, HE MAY CONTINUE TO
24 SERVE ONLY UNTIL THE NEXT REGULAR ELECTION.]

25 * Sec. 16. AS 07.20.070(c) is amended to read:

26 (c) The final vote on each ordinance or resolution shall
27 be by roll call and the ayes and nays shall be recorded in the
28 journal. A majority of the members of the assembly shall
29 constitute a quorum, but a smaller number may adjourn from

1 time to time and may compel the attendance of absent members
2 in the manner and subject to the penalties prescribed by the
3 rules of the assembly. No action of the assembly is valid or
4 binding unless adopted by a majority vote [OF ALL THE VOTES
5 TO WHICH THE ASSEMBLY IS ENTITLED ON THE QUESTION].

6 * Sec. 17. AS 07.20.070(d) is repealed.

7 * Sec. 18. AS 07.20.110(b) is amended to read:

8 (b) Every emergency ordinance shall be plainly designated
9 as such and shall contain, after the enacting clause, a
10 declaration stating that an emergency exists and describing
11 the claimed emergency in clear and specific terms. Except as
12 thus indicated, it shall be introduced in the form and manner
13 prescribed for ordinance generally. An emergency ordinance
14 may be considered and may be adopted with or without amend-
15 ment or rejected at the meeting at which it is introduced.
16 The affirmative vote of all assembly members present, or the
17 affirmative vote of three-fourths of the total membership of
18 the assembly [THOSE ELECTED], is required for adoption of the
19 ordinance. After adoption of an emergency ordinance, the
20 assembly shall cause it to be printed and published as pre-
21 scribed for other adopted ordinances. An emergency ordinance
22 is effective upon adoption.

23 * Sec. 19. AS 07.30.050 is amended to read:

24 Sec. 07.30.050. NOMINATIONS. Candidates for assemblymen
25 [FROM OUTSIDE CITIES] are nominated by petition of 50 quali-
26 fied voters of the organized borough [WHO ARE RESIDENT OUT-
27 SIDE ANY CITY]. Candidates for borough chairman and for the
28 borough school board are nominated by petition of 50 quali-
29 fied voters of the organized borough.

1 * Sec. 20. AS 07.30.070 is amended to read:

2 Sec. 07.30.070. FILLING VACANCIES. Vacancies are filled
3 as follows.

4 (1) A vacancy in the office of chairman shall be
5 filled by and from the assembly which shall elect one of its
6 members to be acting chairman until the next regular election
7 and until a successor is elected and qualified to fill the
8 remainder of the unexpired term. The assemblyman elected to
9 act as chairman shall receive the same salary as that paid to
10 the chairman.

11 [(2) A VACANCY IN THE CITY COUNCIL REPRESENTATION
12 ON THE ASSEMBLY SHALL BE FILLED BY THE CITY COUNCIL BY
13 SELECTING ONE OF ITS MEMBERS TO FILL THE UNEXPIRED TERM. THE
14 COUNCILMAN SELECTED SERVES UNTIL HIS SUCCESSOR IS SELECTED
15 AND QUALIFIED. HE RECEIVES THE SAME SALARY AS THE ASSEMBLY-
16 MAN HE SUCCEEDS.]

17 (3) A vacancy in the representation on the assembly
18 [FOR THE AREA OUTSIDE A FIRST CLASS CITY] shall be filled by
19 the assembly which shall elect a qualified voter resident
20 within the organized borough [OUTSIDE A FIRST CLASS CITY] to
21 be acting assemblyman until the next regular election and
22 until a successor is elected and qualified to fill the re-
23 mainder of the unexpired term. The person elected by the
24 assembly receives the same salary as the assemblyman he suc-
25 ceeds. If the assembly has been apportioned into sections for
26 the election of assemblymen, the person elected by the assembly
27 must be a resident of the same section as that of the
28 assemblyman he succeeds.

29 * Sec. 21. AS 07.30.100 is amended to read:

1 Sec. 07.30.100. BOROUGH SECTIONS. (a) The [MEMBERS OF
2 THE] borough assembly [REPRESENTING THE AREA OUTSIDE THE
3 FIRST-CLASS CITIES] may establish, alter, or abolish sections
4 for the election of assemblymen in order to provide repre-
5 sentation to separate and distinct areas in the borough. If
6 the assembly establishes sections, members [REPRESENTING THE
7 AREA OUTSIDE THE FIRST-CLASS CITIES] shall be elected from the
8 sections in which they reside. Qualified voters [RESIDENT
9 OUTSIDE FIRST-CLASS CITIES] may vote upon the candidacy of all
10 the candidates, but candidates from each section run only
11 against other candidates from the same section. The number
12 of sections shall equal the number of assemblymen
13 [REPRESENTING THE AREA OUTSIDE THE FIRST-CLASS CITIES]. Section
14 boundaries shall be established in such a way as to provide,
15 insofar as possible, clarity of boundaries, compactness of
16 area, equal voter representation among different sections, and
17 homogeneity of interest within the section. No section may
18 have a number of voters which is less than ninety per cent
19 [ONE-HALF] that of any other section, as determined from the
20 records of the last general election.

21 (b) [IF MORE THAN 40,000 PEOPLE, AS DETERMINED BY THE
22 LOCAL AFFAIRS AGENCY ON THE BASIS OF THE BEST AVAILABLE IN-
23 FORMATION, RESIDE IN THE AREA TO BE INCLUDED IN THE PROPOSED
24 ORGANIZED BOROUGH, THE LOCAL AFFAIRS AGENCY SHALL, AS SOON AS
25 POSSIBLE AND IN NO EVENT LATER THAN 60 DAYS BEFORE THE INITIAL
26 ELECTION OF BOROUGH OFFICERS, ESTABLISH SECTIONS FOR THE
27 ELECTION OF ASSEMBLYMEN, AS PROVIDED IN (a) OF THIS SECTION.
28 THE FIRST ELECTION OF ASSEMBLYMEN SHALL BE FROM THE SECTIONS
29 ESTABLISHED BY THIS SUBSECTION.] The [MEMBERS OF THE]

1 borough assembly [REPRESENTING THE AREA OUTSIDE THE FIRST
2 CLASS CITIES] may vary the provisions of (a) of this section
3 to provide that in subsequent elections the qualified voters
4 of each section may vote only upon the candidacy of candidates
5 residing in that section. An ordinance to vary the provisions
6 of (a) of this section must be approved by a majority of the
7 qualified borough voters [RESIDING WITHIN THE BOROUGH AREAS
8 TO BE AFFECTED AND VOTING ON THE QUESTION].

9 * Sec. 22. REAPPORTIONMENT OF EXISTING BOROUGH SECTIONS. If
10 on the effective date of this act borough sections for the election
11 of assemblymen outside cities exist within a borough which is an
12 incorporated borough on the effective date of this act, borough
13 sections shall be established or altered to comply with the pro-
14 visions of AS 07.30.100. Reapportionment shall be in accordance
15 with the provisions of AS 07.20.030.

16 * Sec. 23. TRANSITION. (a) An election within each organized
17 borough which is an incorporated borough on the effective date of
18 this act shall be held to fill all assembly seats in conformity
19 with the provisions of this act. The election shall be held on the
20 date of the first regular borough election following the effective
21 date of this act.

22 (b) The terms of office of members of the assembly of an
23 organized borough which is an incorporated borough on the effective
24 date of this act expire on the date on which assemblymen elected
25 at the first regular borough election following the effective date
26 of this act are qualified and take office.

27 * Sec. 24. EFFECTIVE DATE. This Act takes effect at the time
28 and upon the condition that an amendment to Article X, Section 4 of
29 the Constitution of the State of Alaska to require the election of

1 all members of the assembly of an organized borough is ratified by
2 the people and becomes effective.

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