

Introduced: 3/7/67
Referred: Local Govern-
ment and Judiciary

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT
COMMITTEE BY REQUEST

2 HOUSE BILL NO. 269

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing a borough and all cities within
7 the borough to unite to form a single unit of home
8 rule local government; and providing for an effec-
9 tive date."

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

11 * Section 1. AS 29 is amended by adding a new chapter to read:

12 CHAPTER 85. UNIFICATION OF LOCAL GOVERNMENTS.

13 Sec. 29.85.010. UNIFICATION OF LOCAL GOVERNMENTS AUTHORIZED. A
14 borough and all cities within the borough may unite to form a single
15 unit of home rule local government by complying with this chapter.

16 Sec. 29.85.020. UNIFICATION TO BE PROPOSED BY PETITION. (a) Uni-
17 fication shall be proposed by petition.

18 (b) The borough assembly, a city council, or a person living
19 within the area of proposed unification may initiate the petition for
20 unification.

21 Sec. 29.85.030. PETITION REQUIREMENTS. (a) The petition shall
22 read:

23 "PETITION FOR UNIFICATION

24 We, the undersigned, qualified voters of the _____
25 Borough do hereby petition that the following two propositions be
26 placed before the voters as provided by law:

27 (1) Shall the _____ Borough and all cities
28 within it unite into a single unit of home rule government after the
29 election of a charter commission by the voters and the adoption of

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recommendations of the charter commission by a majority vote from the area of the borough outside first class and home rule cities and a majority vote from the remaining area composed of all first class and home rule cities of the borough?

YES NO

(2) Knowing that the powers and responsibilities of a home rule municipality are essentially the same whether it carries the name of borough or city, I would still prefer that, if the proposition above carries, the new home rule municipality be called a:

Borough

City

No preference: (I would expect the charter commission to recommend an appropriate designation consistent with existing law.)

		Inside First Class	Outside First Class
#	Signature	Address	or Home Rule City

(b) The petition shall be signed by at least

(1) that number of qualified voters of the borough living outside all first class and home rule cities in the borough equal to 25 per cent of the qualified voters who voted in the last regular borough election; and

(2) that number of qualified voters residing in each first class and home rule city located in the borough equal to 25 per cent of the qualified voters who voted in the last regular borough election in each city.

Sec. 29.85.040. REVIEW OF PETITION. Upon receipt of a petition for unification, the borough assembly shall review the petition within 15 days after its receipt to determine whether it complies with sec. 30 of this chapter. If the petition does not meet the designated require-

1 ments, it shall be immediately returned to the person who initiated the
2 petition with a statement indicating which requirements have not been
3 satisfied.

4 **Sec. 29.85.050. CALL FOR CHARTER COMMISSION NOMINATIONS.** Once it
5 is determined by the borough assembly that a petition for unification
6 meets the requirements of sec. 30 of this chapter, the assembly shall
7 issue a call for the nomination of charter commission candidates,
8 specifying the filing deadline and outlining the procedure prescribed
9 for making nominations under sec. 60 of this chapter.

10 **Sec. 29.85.060. NOMINATION OF CHARTER COMMISSION CANDIDATES. (a)**
11 Charter commission candidates shall be nominated by petition signed by
12 at least 50 qualified voters of the area from which the candidate seeks
13 election or by a number of qualified voters from that area equal to at
14 least 10 per cent of the number of votes cast from that area in the
15 last regular borough election, whichever is less.

16 (b) Nomination petitions shall be filed with the borough clerk on
17 or before the date fixed by the borough assembly, which date shall not
18 be less than 30 days after notice of the call for nomination has been
19 given throughout the borough.

20 **Sec. 29.85.070. QUALIFICATIONS OF CHARTER COMMISSION CANDIDATES.**
21 A person is eligible to be nominated as a candidate for the charter
22 commission if he has been a qualified voter of the area from which he
23 seeks election for at least one year immediately preceding the date
24 his nomination petition is filed with the borough clerk.

25 **Sec. 29.85.080. COMPOSITION OF CHARTER COMMISSION.** Each area of
26 the borough represented on the borough assembly shall elect to the
27 charter commission the same number of people as that area has on the
28 borough assembly. Those charter commission members who are to be
29 elected from a first class or home rule city shall be elected directly

1 by the qualified voters of that city rather than appointed in the
2 manner of an assemblyman.

3 **Sec. 29.85.090. ELECTION.** (a) After receipt of a valid petition
4 for unification, the borough assembly shall submit to the voters the
5 question of whether that borough and all cities within it shall unite
6 to form a single unit of home rule government. The vote shall be held
7 at the next regular borough election scheduled at least 90 days after
8 receipt of the valid petition.

9 (b) The ballots on the question of unification shall be worded
10 exactly as in sec. 30(a)(1) and (2) of this chapter.

11 (c) The election of charter commission members shall take place
12 at the same time as the election on the question of unification.

13 (d) All costs incurred in conducting an election under this
14 chapter shall be paid by the borough.

15 **Sec. 29.85.100. REQUIREMENTS FOR APPROVAL OF UNIFICATION AND**
16 **ELECTION OF CHARTER COMMISSION.** (a) The votes on unification shall
17 be tabulated in two separate classifications. One classification
18 shall consist of all votes cast in the first class and home rule cities
19 of the borough. The other classification shall consist of all votes
20 cast in the remaining areas of the borough. In order for unification
21 to be approved it is necessary that a majority of the votes in each
22 classification favor unification.

23 (b) If unification is approved, those charter commission candi-
24 dates who received the highest number of votes from their respective
25 areas shall serve as members of the commission.

26 **Sec. 29.85.110. CHARTER COMMISSION ORGANIZATION AND PROCEDURE.**
27 (a) The charter commission authorized by this chapter shall hold its
28 first meeting within 30 days of the date of certification of its
29 election. The commission shall elect from among its members a chairman

1 and a deputy chairman.

2 (b) A majority of the total membership of the charter commission
3 shall constitute a quorum. No decision of the commission is valid or
4 binding unless approved by that number of members necessary to consti-
5 tute a quorum.

6 (c) The charter commission may elect other officers from among
7 its membership, adopt rules governing its procedures and hire and
8 discharge commission employees. Rules adopted must conform with the
9 provisions of this chapter.

10 (d) Meetings of the charter commission shall be open to the public
11 at all times. A journal of commission proceedings shall be kept and
12 shall be available for public inspection at the borough office.

13 (e) Except as provided in sec. 160(e) of this chapter, vacancies
14 on the charter commission shall be filled by a majority vote of the
15 commission. The person appointed to fill a vacancy must be a qualified
16 voter of the same area as the person whom he succeeds and must have
17 been a qualified voter of that area for at least one year immediately
18 preceding the date of his appointment.

19 (f) The borough assembly may grant a per diem allowance to the
20 commission members and may reimburse the members for travel expenses
21 incurred in carrying out the duties prescribed by this chapter.

22 (g) Costs, fees and other expenses incurred by the charter com-
23 mission are a debt of the borough and shall be paid upon proper
24 verification.

25 **Sec. 29.85.120. CHARTER PREPARATION.** (a) A charter commission
26 established under this chapter shall prepare, adopt and submit to the
27 voters for approval or rejection at either the first or second regular
28 borough election occurring after the date of the charter commission's
29 first meeting, a proposed home rule charter for the area to be unified.

1 **The charter shall include among its provisions:**

2 **(1) provision for adjustment of existing bonded indebtedness**
3 **and other obligations in a manner which will preserve a fair and**
4 **equitable burden of taxation for debt service;**

5 **(2) provision for the establishment of**

6 **(A) service areas;**

7 **(B) sections, if desired; and**

8 **(C) reapportionment of the sections, if established;**

9 **(3) provision for nonpartisan government and provision for**
10 **the selection, organization, authority and responsibilities of the**
11 **governing body and its executive;**

12 **(4) the transfer or other disposition of property and other**
13 **rights, claims, assets and franchises of the local government to be**
14 **unified under the charter;**

15 **(5) provision for exercise of the rights of initiative and**
16 **referendum as required by AS 29.65.060;**

17 **(6) a method of amending the charter;**

18 **(7) the date on which the charter, if approved at the charter**
19 **election required by sec. 160 of this chapter, is effective;**

20 **(8) designation of the new municipality's official name,**
21 **subject to the provisions of (b) of this section;**

22 **(9) other charter provisions which the charter commission**
23 **elects to include and which may be included in a home rule charter**
24 **under this chapter and the constitution of the state.**

25 **(b) The charter commission shall determine and state in the**
26 **charter whether the area to be unified shall be known as a borough or**
27 **a city or by some other designation consistent with existing law,**
28 **except that if a majority of the votes cast on that question in the**
29 **election held under sec. 90 of this chapter were cast in favor of a**

1 particular designation, the charter commission shall adopt the designa-
2 tion preferred by the majority.

3 **Sec. 29.85.130. PUBLIC HEARINGS.** Both before and after drafting
4 the proposed charter, the charter commission shall hold a public hearing
5 in each area of the borough represented on the borough assembly. Other
6 public hearings may be held by the charter commission whenever and
7 wherever it believes necessary and appropriate.

8 **Sec. 29.85.140. FILING OF PROPOSED CHARTER.** Upon the adoption of
9 a proposed home rule charter by the charter commission, the charter
10 shall be signed by at least a majority of the total membership of the
11 commission and shall be filed with the borough clerk. A copy with
12 signatures affixed shall also be filed with the clerk of each city
13 within the borough.

14 **Sec. 29.85.150. PUBLICATION AND POSTING OF PROPOSED CHARTER.**
15 Within 10 days after filing the proposed charter, the borough clerk
16 shall have it published once in at least one newspaper having general
17 circulation within the borough, if there is a newspaper having general
18 circulation within the borough. In addition, the clerk shall have a
19 copy of the proposed charter posted in at least three public places
20 within each city of the borough and each area outside cities. Copies
21 of the proposed charter shall be made available by the borough assembly
22 to the public at both the office of the borough clerk and the office
23 of the clerk of each city within the borough. The clerk shall publish
24 notice by radio and television of the publication, posting and availa-
25 bility of the proposed charter in a manner intended to apprise the
26 entire borough population of the existence of the proposed charter.

27 **Sec. 29.85.160. ELECTION ON CHARTER.** (a) The proposed charter
28 adopted by the charter commission shall be submitted to the voters for
29 ratification or rejection at the borough election specified in sec. 120

1 of this chapter. The borough clerk shall prepare the ballots for use
2 in the election and shall give published notice of and otherwise conduct
3 the election in the manner in which regular municipal elections are
4 conducted. In addition, the clerk shall publish notice of the election
5 by radio and television in a manner intended to apprise the entire
6 borough population of the election.

7 (b) A person who is a qualified voter of the borough may vote in
8 the election on the proposed charter.

9 (c) If a majority of the votes cast in the area of the borough
10 outside all first class and home rule cities and a majority of the
11 votes cast in the remaining area of the borough, composed of all first
12 class and home rule cities, are cast in favor of the proposed charter,
13 the charter is ratified. If the charter is ratified, two copies of
14 the charter shall be filed with each of the following authorities:

- 15 (1) secretary of state,
- 16 (2) director of the local affairs agency,
- 17 (3) district recorder for the area of the borough,
- 18 (4) clerk of the borough,
- 19 (5) clerk of each city in the borough.

20 (d) If a proposed charter is rejected, the charter commission
21 shall prepare, adopt and submit a different proposed charter to the
22 voters at the next regular borough election. If the second proposed
23 charter is also rejected, the charter commission shall be dissolved
24 and the question of unification shall be treated as if it had never
25 been proposed or approved.

26 (e) If after the rejection of the first proposed charter, more
27 than one-half of the charter commission members resign from the commis-
28 sion the borough assembly shall appoint new members to fill the vacan-
29 cies in accordance with sec. 110(e) of this chapter.

1 **Sec. 29.85.170. EFFECT OF THE CHARTER AFTER RATIFICATION.** Upon
2 ratification, the charter of a unified municipality organized under
3 secs. 10 - 210 of this chapter operates to dissolve all local govern-
4 ments within the area of unification in accordance with the charter.

5 **Sec. 29.85.180. ASSETS AND LIABILITIES.** A municipality created
6 by unification shall succeed to all the assets and liabilities of the
7 local governments it unified. Any bonded indebtedness incurred before
8 unification shall remain the tax obligation of the area which contracted
9 the debt, except that the tax obligation may be spread over a larger
10 area by vote of the governing body of the unified municipality.

11 **Sec. 29.85.190. ORDINANCES.** Within two years after ratification
12 of the charter, the governing body of the unified municipality shall
13 revise, repeal or reaffirm all borough and city ordinances, resolutions,
14 and orders in force within the borough at the time of unification.
15 Each ordinance, resolution, regulation or order in force at the time of
16 unification shall remain in force until superseded by action of the
17 new governing body.

18 **Sec. 29.85.200. RIGHT TO STATE AND FEDERAL FUNDS PRESERVED.** All
19 provisions of law authorizing contributions of any kind, in money or
20 otherwise, from the state or federal government to boroughs and cities
21 shall remain in full force and effect with respect to a unified munici-
22 pality organized under secs. 10 - 210 of this chapter.

23 **Sec. 29.85.210. POWERS OF A UNIFIED MUNICIPALITY.** A municipality
24 organized under secs. 10 - 210 of this chapter shall have all powers

25 (1) not prohibited it by law or charter;

26 (2) granted to organized boroughs and first class cities.

27 * **Sec. 2.** This Act takes effect on the day after its passage and approval
28 or on the day it becomes law without approval.
29