

Introduced: 3/17/67  
Referred: Local Govern-  
ment

1 IN THE HOUSE

BY BANFIELD

2 HOUSE BILL NO. 297

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 first class borough and all  
7 cities within the borough to unite to form a single  
8 unit of home rule local government; and providing  
9 for an effective 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 first class borough and all cities within the borough may unite to form a  
15 single 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

HB 297

-1-

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

5 YES  NO

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

10  Borough

11  City

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

	Inside First Class	Outside First Class
15		
16	Signature	Address or Home Rule City or Home Rule City

17 (b) The petition shall be signed by at least

18 (1) that number of qualified voters of the borough living  
19 outside all first class and home rule cities in the borough equal to  
20 25 per cent of the qualified voters who voted in the last regular  
21 borough election; and

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

26 Sec. 29.85.040. REVIEW OF PETITION. Upon receipt of a petition  
27 for unification, the borough assembly shall review the petition within  
28 15 days after its receipt to determine whether it complies with sec. 30  
29 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.**

11 (a) Charter commission candidates shall be nominated by petition signed  
12 by at least 50 qualified voters of the area from which the candidate  
13 seeks election or by a number of qualified voters from that area equal  
14 to at least 10 per cent of the number of votes cast from that area in  
15 the 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 shall  
18 consist of all votes cast in the first class and home rule cities of  
19 the borough. The other classification shall consist of all votes cast  
20 in the remaining areas of the borough. In order for unification to  
21 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  
23 commission 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 - 220 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 munic-  
22 ipality organized under secs. 10 - 220 of this chapter.

23           **Sec. 29.85.210. POWERS OF A UNIFIED MUNICIPALITY.** A municipality  
24 organized under secs. 10 - 220 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. 29.85.220. SCOPE OF CHAPTER.** The procedure for unification  
28 authorized under secs. 10 - 220 of this chapter applies only to first  
29 class boroughs and cities within those boroughs.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

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