

Introduced: 2/7/72
Referred: Local Government
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 596

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for boroughs in the unorganized
7 borough; and providing for an effective date."

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

9 * Section 1. AS 07 is amended by adding a new chapter to read:

10 CHAPTER 04. BOUNDARIES AND ORGANIZATION OF BOROUGHS

11 IN THE UNORGANIZED BOROUGH.

12 ARTICLE 1. BOUNDARIES, ADMINISTRATION AND INCORPORATION.

13 Sec. 07.04.010. BOUNDARIES. By the tenth day following the
14 convening of the first session of the Eighth Legislature, the Local
15 Boundary Commission shall propose to the legislature a division of the
16 unorganized area of the state into unorganized boroughs. The Local
17 Boundary Commission may propose adjustments to the boundaries of exist-
18 ing boroughs to the extent necessary to secure conformity with the
19 standards for borough boundaries set forth in the statutes and in the
20 Constitution of the State of Alaska. A proposed adjustment of existing
21 boundaries shall provide for those transitional matters the commission
22 considers necessary or appropriate. The boundaries proposed by the
23 Local Boundary Commission become effective 45 days after presentation
24 or at the end of the session whichever is earlier, unless disapproved
25 by resolution concurred in by a majority of the members of each house.
26 The proposed division is not subject to modification by the legislature
27 as an alternative to disapproval, and if disapproved by the legislature
28 the proposed division made in accordance with this section is of no
29 effect.

1 Sec. 07.04.020. ADMINISTRATION. Unorganized boroughs shall be
2 administered by the Department of Community and Regional Development
3 as prescribed by the legislature.

4 Sec. 07.04.030. ADVISORY COUNCIL. In each unorganized borough
5 the lieutenant governor, within 60 days of the establishment of unorg-
6 anized boroughs in the manner provided in sec. 10 of this chapter shall
7 provide for election of an advisory council of 11 members. The council
8 may participate in an advisory capacity in the development and imple-
9 mentation of state programs and projects relating to the borough.
10 Elections of council members shall be held every four years.

11 Sec. 07.04.035. COUNCIL MEMBERSHIP. At the time of election and
12 during their tenure advisory council members shall be qualified voters
13 of the state and residents of the borough. A vacancy on the advisory
14 council shall be filled by a person qualified for election to the
15 advisory council and selected by majority vote of the remaining members
16 of the council. If a majority of seats on the advisory council are
17 vacant concurrently, the lieutenant governor shall fill the vacancies
18 by appointment of persons qualified for election to the advisory
19 council.

20 Sec. 07.04.040. INCORPORATION. A percentage, determined in
21 accordance with AS 07.10.020(8), of the qualified voters of an unorgan-
22 ized borough may petition for organization of the borough as a borough
23 of the first, second or third class in the manner provided in AS 07.10
24 and 07.17, except that the petition need not include matter relating to
25 boundaries.

26 ARTICLE 2. HOME RULE CHARTERS.

27 Sec. 07.04.050. ADOPTION OF CHARTER. An unorganized borough
28 established under this chapter may adopt a home rule charter in the
29 manner prescribed by AS 29.40.010 - 29.40.030 and AS 29.85.110(a) - (d),

1 except that the advisory council elected in accordance with sec. 30 of
2 this chapter shall perform the duties assigned to city councils, and
3 except that the charter commission shall consist of 11 members. Vacan-
4 cies on the charter commission shall be filled in the same manner as
5 vacancies on the advisory council.

6 Sec. 07.04.060. ORGANIZATION. The charter commission shall
7 initiate organization of the borough in accordance with the terms of
8 the charter by submission of the charter to the Department of Community
9 and Regional Development. The charter shall be submitted within one
10 year of the first meeting of the commission. The department shall
11 review the charter in light of the circumstances of the particular
12 borough and, within 120 days from receipt shall transmit the charter,
13 together with its findings and recommendations, to the Local Boundary
14 Commission.

15 Sec. 07.04.070. HEARING. The Local Boundary Commission shall
16 hold at least one hearing in the area proposed to be organized for the
17 purpose of hearing public comment on the charter.

18 Sec. 07.04.080. LOCAL BOUNDARY COMMISSION DETERMINATION. The
19 Local Boundary Commission, within 90 days from receipt of the charter
20 and the recommendations and findings of the Department of Community and
21 Regional Development, shall determine whether the charter meets stand-
22 ards for organization established by the laws and the Constitution of
23 the State of Alaska and by regulations adopted by the commission.

24 Sec. 07.04.090. REJECTION OF CHARTER. If the Local Boundary
25 Commission determines that the charter fails to meet the standards for
26 organization it shall reject the charter stating in writing its reasons
27 for the rejection.

28 Sec. 07.04.100. AMENDED CHARTER. A charter commission, within 60
29 days of rejection, may prepare and submit to the Department of

1 Community and Regional Development an amended charter fairly meeting
2 the stated objections to the original charter. The amended charter
3 shall be evaluated in the same manner as the original charter. No more
4 than one original and one amended charter may be submitted within one
5 12 month period.

6 Sec. 07.04.110. RATIFICATION OF CHARTER. If the Local Boundary
7 Commission determines that the charter meets the standards for organ-
8 ization it shall notify the lieutenant governor. As soon thereafter as
9 practicable the lieutenant governor shall provide for an election in
10 the borough on the question of whether or not the charter is ratified
11 and for election of the officers provided for in the charter. The
12 election shall be preceded by publication and posting of the proposed
13 charter by the lieutenant governor substantially in the manner provided
14 for other charter elections in AS 29.85.150.

15 Sec. 07.04.120. CERTIFICATION OF RESULTS. If a majority of the
16 votes cast by the qualified voters of the borough are against ratific-
17 ation the lieutenant governor shall so certify and shall certify that
18 the charter is defeated. If a majority of the votes cast by the quali-
19 fied voters on the question are in favor of ratification the lieutenant
20 governor shall so certify and declare that the borough in which the
21 election was held is an organized borough and a municipal corporation
22 in accordance with the terms of the charter. The lieutenant governor
23 shall also certify the names of those candidates who received the great-
24 est number of votes for the offices established by the charter.

25 Sec. 07.04.125. VOTERS, ELECTIONS AND COSTS. (a) A person
26 is qualified to vote in a borough election authorized in this chapter
27 if he is qualified to vote in state elections and if he is a resident
28 of the borough.

29 (b) The lieutenant governor shall supervise elections under this

1 chapter as provided for supervision of other borough elections under
2 AS 07.10.120(d).

3 (c) The state through the office of the lieutenant governor
4 shall assume the costs of elections and charter preparation under this
5 chapter.

6 * Sec. 2. Nothing in this Act may be construed to affect any organiz-
7 ation petition pending on the effective date of this Act. All such petitions
8 shall be acted upon in the manner provided by law in effect prior to the
9 effective date of this Act.

10 * Sec. 3. AS 07.05.010 and AS 07.05.040 are repealed.

11 * Sec. 4. This Act takes effect July 1, 1972.
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