

Original sponsor: Rules Committee
by request

Offered: 4/19/72
Referred: Local Government

1 IN THE SENATE

BY LOCAL GOVERNMENT COMMITTEE
BY REQUEST

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CS FOR SENATE BILL NO. 363

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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."

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

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

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CHAPTER 4. BOUNDARIES AND ORGANIZATION OF BOROUGHS

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IN THE UNORGANIZED BOROUGH.

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ARTICLE 1. BOUNDARIES, ADMINISTRATION AND INCORPORATION.

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Sec. 07.04.010. BOUNDARIES. By the 10th day following the con-

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vening of the first session of the Eighth Legislature, the Local

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Boundary Commission shall propose to the legislature a division of the

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unorganized area of the state into unorganized boroughs. The Local

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Boundary Commission may propose adjustments to the boundaries of exist-

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ing boroughs to the extent necessary to secure conformity with the

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standards for borough boundaries set out in the statutes and in the

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Constitution of the State of Alaska. A proposed adjustment of existing

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boundaries shall provide for those transitional matters the commission

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considers necessary or appropriate. The Local Boundary Commission

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shall hold hearings at appropriate places within the unorganized borough

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before proposing tentative divisions of the unorganized area into

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unorganized boroughs. Following the publication of tentative boundaries

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of the unorganized boroughs, the Local Boundary Commission shall hold

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at least one hearing within the confines of the proposed tentative un-

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organized boroughs, before making final decision as to the division of

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the unorganized borough. The boundaries proposed by the Local Boundary

1 Commission become effective if concurred in by a majority of the
2 members of each house. The proposed division is not subject to modifi-
3 cation by the legislature as an alternative to disapproval, and if dis-
4 approved by the legislature the proposed division made in accordance
5 with this section is of no effect.

6 Sec. 07.04.020. ADMINISTRATION. Unorganized boroughs shall be
7 administered by the Local Affairs Agency as prescribed by the legisla-
8 ture.

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

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

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

1 boundaries.

2 ARTICLE 2. HOME RULE CHARTERS.

3 Sec. 07.04.050. ADOPTION OF CHARTER. An unorganized borough
4 established under this chapter may adopt a home rule charter in the
5 manner prescribed by AS 29.40.010 - 29.40.030 and AS 29.85.110(a) - (d)
6 except that the advisory council elected in accordance with sec. 30 of
7 this chapter shall perform the duties assigned to city councils, and
8 except that the charter commission shall consist of 11 members.
9 Vacancies on the charter commission shall be filled in the same manner
10 as vacancies on the advisory council.

11 Sec. 07.04.060. ORGANIZATION. The charter commission shall
12 initiate organization of the borough in accordance with the terms of
13 the charter by submission of the charter to the Local Affairs Agency.
14 The charter shall be submitted within one year of the first meeting of
15 the commission. The department shall review the charter in light of
16 the circumstances of the particular borough and, within 120 days from
17 receipt shall transmit the charter, together with its findings and
18 recommendations, to the Local Boundary Commission.

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

22 Sec. 07.04.080. LOCAL BOUNDARY COMMISSION DETERMINATION. The
23 Local Boundary Commission, within 90 days from receipt of the charter
24 and the recommendations and findings of the Local Affairs Agency,
25 shall determine whether the charter meets standards for organization
26 established by the laws and the Constitution of the State of Alaska
27 and by regulations adopted by the commission.

28 Sec. 07.04.090. REJECTION OF CHARTER. If the Local Boundary
29 Commission determines that the charter fails to meet the standards for

1 organization it shall reject the charter stating in writing its reasons
2 for the rejection.

3 Sec. 07.04.100. AMENDED CHARTER. A charter commission, within 60
4 days of rejection, may prepare and submit to the Local Affairs Agency
5 an amended charter fairly meeting the stated objections to the original
6 charter. The amended charter shall be evaluated in the same manner as
7 the original charter. No more than one original and one amended charter
8 may be submitted within one 12 month period.

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

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

28 Sec. 07.04.125. VOTERS, ELECTIONS AND COSTS. (a) A person is
29 qualified to vote in a borough election authorized in this chapter if

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he is qualified to vote in state elections and if he is a resident of the borough.

(b) The lieutenant governor shall supervise elections under this chapter as provided for supervision of other borough elections under AS 07.10.120(d).

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

* Sec. 2. Nothing in this Act affects any borough organization's petition now pending or pending in the future, but the Local Boundary Commission shall take into consideration planning which it has done in dividing the unorganized borough, in considering any organizing petition.

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

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