

Introduced: 3/1/73
Referred: Community and
Regional Affairs, Judiciary
and Finance

1 IN THE HOUSE

BY GARDINER

2 HOUSE BILL NO. 291

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

11 CHAPTER 19. BOUNDARIES AND ORGANIZATION OF DISTRICTS

12 AND BOROUGHS IN THE UNORGANIZED BOROUGH.

13 ARTICLE 1. BOUNDARIES, ADMINISTRATION AND INCORPORATION.

14 Sec. 29.19.010. BOUNDARIES. By the 10th day following the con-
15 vening of the second session of the eighth legislature, the Local
16 Boundary Commission shall propose to the legislature a division of the
17 unorganized area of the state into unorganized borough districts. The
18 Local Boundary Commission may propose adjustments to the boundaries of
19 existing boroughs to the extent necessary to secure conformity with
20 the standards for borough boundaries set out in the statutes and in the
21 Constitution of the State of Alaska. A proposed adjustment of existing
22 boundaries shall provide for those transitional matters the commission
23 considers necessary or appropriate. The Local Boundary Commission shall
24 hold hearings at appropriate places within the unorganized borough be-
25 fore proposing tentative divisions of the unorganized area into unorgan-
26 ized borough districts. Following the publication of tentative boundaries
27 in the unorganized borough, the Local Boundary Commission shall hold
28 at least one hearing within the confines of the proposed tentative
29 district before making final decision as to the division of the

1 unorganized borough. The boundaries proposed by the Local Boundary
2 Commission become effective if concurred in by a majority of the
3 members of each house. The proposed division is not subject to modi-
4 fication by the legislature as an alternative to disapproval, and if
5 disapproved by the legislature the proposed division made in accordance
6 with this section is of no effect.

7 Sec. 29.19.020. ADMINISTRATION. Unorganized borough districts
8 shall be administered by the Department of Community and Regional
9 Affairs as prescribed by the legislature.

10 Sec. 29.19.030. ADVISORY COUNCIL. In each district the lieutenant
11 governor, within 60 days of the establishment of districts in the
12 manner provided in sec. 10 of this chapter, shall provide for election
13 of an advisory council of 11 members. The council may participate in
14 an advisory capacity in the development and implementation of state
15 programs and projects relating to the district. Election of council
16 members shall be held every four years.

17 Sec. 29.19.040. COUNCIL MEMBERSHIP. At the time of election and
18 during their tenure, advisory council members shall be qualified voters
19 of the state and residents of the district. A vacancy on the advisory
20 council shall be filled by a person qualified for election to the
21 advisory council and selected by majority vote of the remaining members
22 of the council. If a majority of seats on the advisory council are
23 vacant concurrently, the lieutenant governor shall fill the vacancies
24 by appointment of persons qualified for election to the advisory
25 council.

26 Sec. 29.19.050. INCORPORATION. A percentage, determined in
27 accordance with AS 29.18.050(10), of the qualified voters of an unorgan-
28 ized borough district may petition for organization of the district as
29 a borough of the first, second or third class in the manner provided

1 in ch. 18 of this title, except that the petition need not include
2 matter relating to boundaries.

3 ARTICLE 2. HOME RULE CHARTERS.

4 Sec. 29.19.060. ADOPTION OF CHARTER. An unorganized borough
5 district established under this chapter may adopt a home rule charter
6 in the manner prescribed by AS 29.13.010 - 29.13.100, except that the
7 advisory council elected in accordance with sec. 30 of this chapter
8 shall perform the duties assigned to city councils and except that the
9 charter commission shall consist of 11 members. Vacancies on the
10 charter commission shall be filled in the same manner as vacancies on
11 the advisory council.

12 Sec. 29.19.070. ORGANIZATION. The charter commission shall
13 initiate organization of the district into a borough in accordance with
14 the terms of the charter by submission of the charter to the Department
15 of Community and Regional Affairs. The charter shall be submitted
16 within one year of the first meeting of the commission. The department
17 shall review the charter in light of the circumstances of the parti-
18 cular borough and within 120 days from receipt shall transmit the
19 charter, together with its findings and recommendations, to the Local
20 Boundary Commission.

21 Sec. 29.19.080. HEARING. The Local Boundary Commission shall
22 hold at least one hearing in the area proposed to be organized for the
23 purpose of hearing public comment on the charter.

24 Sec. 29.19.090. LOCAL BOUNDARY COMMISSION DETERMINATION. The
25 Local Boundary Commission, within 90 days from receipt of the charter
26 and the recommendations and findings of the department, shall determine
27 whether the charter meets standards for organization established by the
28 laws and the Constitution of the State of Alaska and by regulations
29 adopted by the commission.

1 Sec. 29.19.100. REJECTION OF CHARTER. If the Local Boundary
2 Commission determines that the charter fails to meet the standards for
3 organization, it shall reject the charter stating in writing its
4 reasons for the rejection.

5 Sec. 29.19.110. AMENDED CHARTER. A charter commission, within
6 60 days of rejection, may prepare and submit to the Department of
7 Community and Regional Affairs an amended charter fairly meeting the
8 stated objections to the original charter. The amended charter shall
9 be evaluated in the same manner as the original charter. No more than
10 one original and one amended charter may be submitted within one 12-
11 month period.

12 Sec. 29.19.120. RATIFICATION OF CHARTER. If the Local Boundary
13 Commission determines that the charter meets the standards for organi-
14 zation, it shall notify the lieutenant governor. As soon thereafter as
15 practicable the lieutenant governor shall provide for an election in
16 the district on the question of whether or not the charter is ratified
17 and for election of the officers provided for in the charter. The
18 election shall be preceded by publication and posting of the proposed
19 charter by the lieutenant governor substantially in the manner provided
20 for other charter elections in AS 29.13.060.

21 Sec. 29.19.130. CERTIFICATION OF RESULTS. If a majority of the
22 votes cast by the qualified voters of the district are against ratifi-
23 cation, the lieutenant governor shall so certify and shall certify that
24 the charter is defeated. If a majority of the votes cast by the
25 qualified voters on the question are in favor of ratification, the
26 lieutenant governor shall so certify and declare that the district in
27 which the election was held is an organized borough and a municipal
28 corporation in accordance with the terms of the charter. The lieuten-
29 ant governor shall also certify the names of those candidates who

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received the greatest number of votes for the offices established by the charter.

Sec. 29.19.140. VOTERS, ELECTIONS AND COSTS. (a) A person is qualified to vote in a borough election authorized in this chapter if he is qualified to vote in state elections and if he is a resident of the proposed borough.

(b) The lieutenant governor shall supervise elections under this chapter as provided for supervision of other borough elections under AS 29.18.110.

(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. This Act takes effect July 1, 1973.