

Introduced: 4/17/74
Referred: Community & Regional
Affairs

BY THE RULES COMMITTEE
BY REQUEST

1 IN THE HOUSE

CS HOUSE BILL NO. 853

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to municipal incorporation; and
7 providing for an effective date."

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

9 * Section 1. INCORPORATION. (a) At the first statewide election
10 occurring after the effective date of this Act, the lieutenant governor shall
11 hold a special election within the area designated in sec. 2 of this Act at
12 which the qualified voters of the area vote upon the following proposition:

13 "Shall the Eagle River-Chugiak area be incorporated as a second class
14 organized borough? Yes [] No []

15 Shall the Eagle River-Chugiak area be incorporated as a second class
16 city? Yes [] No []"

17 (b) If the plurality of voters voting on the proposition votes "Yes"
18 on either question, the question receiving the favorable vote, or the
19 larger favorable vote if both questions receive a favorable vote, results in
20 the incorporation of the area designated. On the date of certification of
21 election results by the lieutenant governor, the area designated is incor-
22 porated as an organized borough of the second class or a city of the second
23 class having all the rights, powers, privileges and duties provided under
24 AS 29, and otherwise by the general laws of the state, for the municipality
25 incorporated, including but not limited to entitlement from the date of
26 incorporation to transitional assistance and state revenue sharing as
27 provided under AS 29.18.180 - 29.18.200 and AS 43.18.

28 (c) The lieutenant governor shall provide for and supervise the election
29 directed in (a) of this section in the general manner prescribed by the

1 Alaska Election Code (AS 15.05 - 15.60). The state shall pay all election
2 costs under this section.

3 (d) If, before incorporation under provisions of this Act, the area
4 designated in sec. 2 of this Act is incorporated by local option as an
5 organized borough or city, the provisions of this Act are superseded and of
6 no effect.

7 * Sec. 2. BOUNDARIES. The boundaries of the area designated for incor-
8 poration under the provisions of sec. 1 of this Act are as follows: All
9 that land included on the effective date of this Act in the Greater Anchorage
10 Area Borough and lying northerly of the following line: commencing in Knik
11 Arm on the west boundary of the Greater Anchorage Area Borough and on the
12 south boundary of section 17, T14N, R3W, SM; thence east along the south
13 boundary of sections 17, 16, 15, 14, and 13, T14N, R3W, SM; thence east along
14 the south boundary of sections 18, 17, and 16, T14N, R2W, SM; thence south
15 between sections 21 and 22, thence east along the south boundary of sections
16 22, 23, and 24, T14N, R2W, SM; thence southeasterly to the southwest protracted
17 corner of section 1, T12N, R1W SM; thence southeasterly to the southwest
18 protracted corner of section 34, T12N, R2E, SM; thence east along the south
19 boundaries of townships 12N, ranges 2E, 3E, 4E and 5E to the east boundary of
20 the Greater Anchorage Area Borough.

21 * Sec. 3. BOUNDARY ADJUSTMENTS. Within six months of incorporation of the
22 municipality as provided in sec. 1 of this Act, the local boundary commission
23 shall hold public hearings within the area incorporated to determine the
24 necessity for boundary adjustments and shall submit its recommendations if
25 any to the legislature in the manner required by law.

26 * Sec. 4. INITIAL ELECTION OF OFFICERS. (a) If incorporation of an
27 organized borough or city takes effect as provided in this Act, the
28 lieutenant governor shall provide for the first election of officers of the
29 municipal governing body, in accordance with the provisions of AS 29.18.120.

1 (b) Members of the first governing body are elected and serve terms
2 of office as provided in AS 29.18.120. The first governing body shall select
3 the official name and the governing seat of the municipality.

4 * Sec. 5. DIVISION IF INCORPORATION IS AS BOROUGH. Incorporation of an
5 organized borough of the second class under this Act divides the area desig-
6 nated in sec. 2 of this Act from the Greater Anchorage Area Borough. Upon
7 incorporation of the borough as provided in this Act, the local boundary
8 commission, after due notice and hearing to parties concerned, shall prepare
9 an order providing for an equitable allocation between the Greater Anchorage
10 Area Borough and the borough incorporated under this Act of assets and
11 liabilities attaching to the area incorporated, including but not limited
12 to bonded or other indebtedness attaching to the area incorporated. The
13 commission decision may be appealed under the Administrative Procedure Act
14 (AS 44.62). A final determination under this section is binding on the
15 municipalities. Not less than all property within the area incorporated
16 under provisions of this Act remains subject to taxation to amortize bonded
17 or other indebtedness affecting the area incorporated and existing at the
18 time of incorporation. The assembly of a borough incorporated under
19 provisions of this Act is authorized to levy and collect special charges,
20 taxes, or assessments to amortize the indebtedness.

21 * Sec. 6. EFFECTIVE DATE. This Act takes effect on the day after its
22 passage and approval or on the day it becomes law without approval.
23
24
25
26
27
28
29