

Original sponsors: Parr, Bennett,
Brown, et al

Offered: 4/18/77
Referred: Rules

1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 273 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to boroughs."

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

8 * Section 1. AS 29.41.010(a) and (b) are repealed and re-enacted to read:

9 (a) A third class borough shall exercise the areawide powers of
10 education and tax assessment and collection in the manner provided for
11 second class boroughs. Areawide exercise of powers other than education
12 and tax assessment and collection is not authorized.

13 (b) A third class borough may by a majority vote of the voters in
14 a general or special election provide for planning, platting and zoning
15 in accordance with AS 29.33.070 - 29.33.245 for boroughs and may exercise
16 any general law municipal power which a second class borough is author-
17 ized to assume by this title. Powers assumed by a third class borough
18 under this section may be exercised only within service areas. A third
19 class borough may establish, operate, alter or abolish service areas in
20 the manner provided by AS 29.63.090 for second class boroughs. The
21 acquisition of additional powers on a service area basis may be initiated
22 in either of two ways:

23 (1) a number of voters equal to 15 per cent of the number of
24 votes cast in the proposed service area at the preceding regular elec-
25 tion may file a petition with the assembly; or

26 (2) the assembly may place the question on the ballot.

27 * Sec. 2. AS 29.41.010 is amended by adding a new subsection to read:

28 (d) A military reservation within a third class borough is not
29 part of the borough school district until the military mission is ter-

1 minated or until inclusion in the borough school district is approved by
2 the Department of Education. However, operation of the military reser-
3 vation schools by the borough school district may be required by the
4 Department of Education under AS 14.14.110. If the military mission of
5 a military reservation terminates or continued management and control by
6 a regional educational attendance area is disapproved by the Department
7 of Education, operation, management and control of schools on the
8 military reservation transfers to the borough school district in which
9 the military reservation is located.

10 * Sec. 3. AS 29.08.040 is amended by adding a new subsection to read:

11 (j) The effective date of reclassification of a borough for which
12 reclassification is approved under (h) of this section is the first day
13 of the borough's fiscal year which begins at least six months after the
14 date on which the reclassification proposition has been approved by the
15 voters.

16 * Sec. 4. AS 29.58.340 is amended by adding a new subsection to read:

17 (d) The indebtedness of a municipality reclassified under AS 29.-
18 08.040 is not affected by reclassification. Not less than all property
19 within a municipality which is reclassified remains subject to taxation
20 to amortize bonded or other indebtedness affecting the municipality and
21 authorized on the effective date of reclassification.

22 * Sec. 5. AS 38.05.037(a) is amended to read:

23 (a) In areas of the state outside first, second or third class
24 boroughs [UNORGANIZED BOROUGH] where there is no municipality [POLITICAL
25 SUBDIVISION OF THE STATE] with a zoning power, the division of lands
26 shall exercise the zoning power by adopting zoning regulations.

27 * Sec. 6. AS 29.33.010(a) is amended to read:

28 (a) First and second class boroughs [BOROUGH] shall exercise the
29 powers as specified and in the manner specified in this chapter on an

1 areawide basis, both inside and outside cities within their boundaries.

2 * Sec. 7. AS 29.33.070(a) is amended to read:

3 (a) First and second class boroughs [BOROUGHES] shall provide for
4 planning, platting and zoning on an areawide basis.

5 * Sec. 8. AS 29.43.040 is amended to read:

6 Sec. 29.43.040. PLANNING AND ZONING. Home rule and first class
7 cities outside first and second class boroughs shall, and second class
8 cities outside first and second class boroughs may, provide for plan-
9 ning, platting and zoning, as provided by AS 29.33.070 - 29.33.245 for
10 boroughs.

11 * Sec. 9. AS 29.43.040 is amended by adding a new subsection to read:

12 (b) Home rule and first class cities within third class boroughs
13 shall, and second class cities within third class boroughs may, provide
14 for planning, platting and zoning, as provided by AS 29.33.070 - 29.33.-
15 245 for boroughs.

16 * Sec. 10. AS 29.78.010(1) is amended to read:

17 (1) "borough" means a general law first, [OR] second or third
18 class organized borough;

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