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Referred: Community & Regional  
Affairs and Judiciary

BY THE RULES COMMITTEE BY REQUEST  
OF THE LEGISLATIVE COUNCIL (for the  
Community and Regional Affairs  
Committee Interim Joint Local  
Government Study)

1 IN THE HOUSE

2 HOUSE BILL NO. 584

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act eliminating third class boroughs."

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

8 \* Section 1. AS 29.08.030 is amended to read:

9 Sec. 29.08.030. CLASSES OF GENERAL LAW. General law municipali-  
10 ties are of four [FIVE] classes:

- 11 (1) first class boroughs;
- 12 (2) second class boroughs;
- 13 (3) [THIRD CLASS BOROUGHS;]
- 14 (4) first class cities;
- 15 (5) second class cities.

16 \* Sec. 2. AS 29.08.040(g) is amended to read:

17 (g) A second class borough may reclassify as a first class [OR  
18 THIRD CLASS] borough [, AND A THIRD CLASS BOROUGH MAY RECLASSIFY AS A  
19 FIRST CLASS OR SECOND CLASS BOROUGH,] in the manner provided by AS 29.-  
20 33.270 - 29.33.290 for the addition of powers by boroughs, except the  
21 petition or proposal requests reclassification instead of requesting  
22 addition of powers.

23 \* Sec. 3. AS 29.78.010(1) is amended to read:

24 (1) "borough" means a general law first or [,] second [OR  
25 THIRD] class organized borough;

26 \* Sec. 4. AS 02.15.260(10) is amended to read:

27 (10) "municipality" means a home rule or general law municipal  
28 corporation and political subdivision, which is a first or second class  
29 borough or city [, OR A THIRD CLASS BOROUGH,] incorporated under the

1 laws of the state;

2 \* Sec. 5. AS 14.12.110 is amended to read:

3 Sec. 14.12.110. SINGLE BODY AS ASSEMBLY AND SCHOOL BOARD. Not-  
4 withstanding the provisions of this chapter or other law, a single body  
5 may serve as both the borough assembly and borough school board in the  
6 manner provided for in this section [THIRD CLASS BOROUGH UNDER AS 07.-  
7 17.030], if a borough ordinance for that purpose is approved by the  
8 assembly and ratified by a referendum of a majority of the qualified  
9 borough voters voting on the question at a regular or special election,  
10 and if the public school population within the borough is 500 pupils or  
11 less. If a single body serves as both the borough assembly and school  
12 board, the borough executive is the presiding officer of the borough  
13 assembly and president of the school board and the borough executive  
14 has all powers of a borough executive under AS 29.23 except for the  
15 veto power.

16 \* Sec. 6. AS 38.05.037(a) is amended to read:

17 (a) In areas of the state outside first and [,] second [OR THIRD]  
18 class boroughs where there is no municipality with a zoning power, the  
19 division of lands shall exercise the zoning power by adopting zoning  
20 regulations.

21 \* Sec. 7. AS 40.15.070 is amended to read:

22 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be sub-  
23 divided or dedicated is situated within a first or second class borough,  
24 the proposed subdivision or dedication shall be submitted to the borough  
25 planning commission for approval. If the land is situated within a city  
26 in the unorganized borough, [OR THE THIRD CLASS BOROUGH] the proposed  
27 subdivision or dedication shall be submitted to the city planning com-  
28 mission for approval. The borough planning commission is the platting  
29 authority for the first or second class borough, the city planning

1 commission is the platting authority for the city, and the division of  
2 lands is the platting authority in the remaining areas of the state [AND  
3 THIRD CLASS BOROUGH] for the change or vacation of existing plats or a  
4 portion of such plats, as provided in AS 40.15.075. If the borough or  
5 the city does not have a planning commission, the borough assembly or  
6 the city governing body, respectively, is the platting authority and the  
7 proposed subdivision or dedication shall be submitted to it. No sub-  
8 division may be filed for record until it is approved by the platting  
9 authority.

10 \* Sec. 8. AS 40.15.075 is amended to read:

11 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH [AND THIRD  
12 CLASS BOROUGH]. The division of lands is the platting authority in the  
13 area outside organized boroughs and outside cities in the unorganized  
14 borough [AND IN THE THIRD CLASS BOROUGH] for only the purposes of  
15 hearing and acting on petitions for the change or vacation of plats and  
16 shall execute this function substantially in conformity with the provi-  
17 sions of AS 29.33.210 - 29.33.240. Costs of publication and mailing as  
18 well as other costs authorized in AS 29.33.210 shall be paid to the  
19 division by the petitioner. The Department of Natural Resources shall  
20 adopt reasonable regulations governing the exercise of the authority  
21 conferred by this section upon the division of lands.

22 \* Sec. 9. AS 43.35.130 is amended to read:

23 Sec. 43.35.130. REFUND TO LOCAL GOVERNMENTS. The department shall  
24 refund 75 percent of the tax collected from sales of punchboards in an  
25 organized borough or city of the first or [,] second [, OR THIRD] class  
26 to the local government. The balance shall be deposited in the general  
27 fund.

28 \* Sec. 10. A municipality which is incorporated as a third class borough  
29 on the effective date of this Act may continue to operate as such until

1 December 31, 1984 and shall retain all the rights, powers and privileges  
2 which it possessed on the effective date of this Act. A third class borough  
3 which has not reclassified itself in the manner provided by AS 29.33.270 -  
4 29.33.290 before December 31, 1984, is reclassified as a second class borough  
5 on that date.

6 \* Sec. 11. The following laws are repealed: AS 29.08.040(h), (i), and  
7 (j); AS 29.41; AS 29.43.040(b); and AS 38.05.037(b)(2).

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