

SENATE BILL NO. 291

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY SENATOR DONLEY

Introduced: 2/9/94
Referred: CRA, JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to including all regions in the state in an organized borough
2 or unified municipality; and providing for an effective date."

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

4 * Section 1. LEGISLATIVE FINDINGS AND PURPOSE. (a) The legislature finds that
5 it is in the best interest of the state for all its residents to have the opportunity to participate
6 in government on the local level and enjoy the benefits of representation in local government.

7 (b) It is the purpose of this Act to eliminate the unorganized borough by including all
8 regions in the state in an organized borough or unified municipality.

9 * Sec. 2. COMMITTEE ON MUNICIPALITIES. (a) A committee on municipalities is
10 established in the Department of Community and Regional Affairs consisting of the
11 commissioner of community and regional affairs or the commissioner's designee, the chair of
12 the local boundary commission or the chair's designee, and the following members appointed
13 by the governor:

14 (1) a member of the senate;

- 1 (2) a member of the house of representatives;
2 (3) an employee or official of a borough or unified municipality;
3 (4) an employee or official of a city in the unorganized borough;
4 (5) a member of a regional educational attendance area school board;
5 (6) a resident of an unincorporated community in the unorganized borough who
6 is a member of a local governing body organized under 25 U.S.C. 476 or a traditional village
7 council of a Native village that meets the requirements of the Alaska Native Claims Settlement
8 Act (43 U.S.C. 1601 - 1628); and
9 (7) a representative of the Alaska Municipal League.

10 (b) Members are not entitled to receive compensation, but the members appointed
11 under (a)(3) - (7) of this section are entitled to per diem and travel expenses authorized for
12 boards and commissions under AS 39.20.180.

13 (c) The commissioner of community and regional affairs or the commissioner's
14 designee shall serve as committee chair. The committee shall consider means to eliminate or
15 reduce disincentives and enhance incentives for the formation of boroughs. The committee
16 shall also consider ways to ensure greater equity in the distribution of financial aid to all
17 municipalities. The committee shall submit a report of its findings and recommendations to
18 the legislature and to the local boundary commission by January 1, 1996. The Department
19 of Community and Regional Affairs shall make copies of the report available to all
20 municipalities.

21 (d) The committee terminates upon submission of its report under (c) of this section.

22 * **Sec. 3. BOUNDARY STUDY.** (a) The local boundary commission shall conduct a
23 boundary study of the unorganized borough to determine

24 (1) which regions meet the standards set out in AS 29.05.031 for borough
25 incorporation; and

26 (2) which areas should be annexed to existing boroughs or unified
27 municipalities.

28 (b) In conducting the boundary study, the local boundary commission shall consult
29 with existing municipalities, regional educational attendance areas, and coastal resource service
30 areas. The commission shall conduct at least one public hearing in each region found to have
31 met the standards for borough incorporation and in each area the commission determines

1 should be annexed. The study must be completed by May 1, 1996.

2 * **Sec. 4. ANNEXATION OR BOROUGH FORMATION.** (a) After completing the
3 boundary study, the local boundary commission shall notify the director of elections of each
4 region the commission determines should be incorporated as a borough and each area the
5 commission determines should be annexed. Within 30 days after notification, the director of
6 elections shall order an election in each region and area to determine whether the voters desire
7 borough incorporation or annexation in accordance with the boundary study. The elections
8 shall be held before December 1, 1996.

9 (b) The director of elections shall supervise each election in the general manner
10 prescribed by the Alaska Election Code (AS 15). The state shall pay all election costs.

11 (c) The director of elections shall certify the election results. If an annexation is
12 approved, the annexation is effective when the election results are certified. If a borough
13 incorporation is approved, incorporation is effective in accordance with sec. 8 of this Act.

14 (d) If an annexation is disapproved, the local boundary commission may submit the
15 proposal for annexation to the legislature under AS 44.47.567 - 44.47.583. If a borough
16 incorporation is disapproved, the commission may submit the proposal for incorporation to the
17 legislature during the first 10 days of the First Regular Session of the Eighteenth Alaska State
18 Legislature. A proposal for borough incorporation may be disapproved by a concurrent
19 resolution adopted by a majority of the members of each house within 45 days after the
20 proposal is submitted to the legislature. If it is not disapproved, borough incorporation be-
21 comes effective in accordance with sec. 8 of this Act.

22 * **Sec. 5. PROVISIONAL HOME RULE CHARTER.** (a) By March 1, 1997, the
23 Department of Community and Regional Affairs shall prepare a provisional home rule charter
24 for the boroughs to be incorporated under this Act. The charter must provide that each new
25 borough exercise only those powers a home rule borough must exercise by law.

26 (b) The voters of a region scheduled for incorporation under sec. 4(c) or (d) of this
27 Act may petition the department for an amendment to the provisional charter for that new
28 borough. If the department determines that at least 15 percent of the number of voters who
29 voted in the last general election in the region have signed the petition, the department shall
30 submit the proposed amendment to the director of elections.

31 * **Sec. 6. CHARTER COMMISSION.** (a) If a borough incorporation is approved under

1 sec. 4(c) of this Act, the director of elections shall schedule a charter commission election in
2 the region to be held by March 1, 1997. Any person who has been qualified to vote in the
3 region for at least one year immediately preceding the date set for the charter commission
4 election may become a charter commission candidate by notifying the director of elections.
5 The notification must be received by the director at least 30 days before the election date. If
6 at least seven candidates have not notified the director by the deadline, no charter commission
7 election may be held. If an election is held, the seven candidates receiving the highest number
8 of votes immediately organize as a charter commission.

9 (b) The Department of Community and Regional Affairs shall provide staff and
10 administrative assistance to each charter commission organized under this section. Charter
11 commission members serve without compensation, but are entitled to per diem and travel
12 expenses authorized for boards and commissions under AS 39.20.180.

13 (c) The charter commission shall prepare a proposed home rule charter. The charter
14 must be signed by a majority of the commission members and filed with the director of
15 elections. The commission shall hold at least one public hearing on the charter before signing
16 and filing it. The director of elections shall submit the proposed charter to the voters at an
17 election held before the first Tuesday in October 1997. If the charter is approved, it becomes
18 effective on the first Monday following certification of the election of initial borough officials.

19 (d) If no charter is prepared and approved by the voters under this section, the
20 provisional charter prepared under sec. 5 of this Act, together with any proposed amendments
21 adopted at the election of initial officials, operates as the charter for the new borough.

22 * Sec. 7. ELECTION OF INITIAL OFFICIALS. On or before the first Tuesday in
23 October 1997, the director of elections shall hold an election of initial borough officials under
24 AS 29.05.120 in each borough scheduled for incorporation under this Act. Unless a borough
25 has already adopted a charter under sec. 6 of this Act, any proposed amendments to the provi-
26 sional charter of the borough received by the director under sec. 5(b) of this Act shall be
27 submitted to the voters at the election of initial borough officials.

28 * Sec. 8. INCORPORATION OF NEW BOROUGHES. (a) A region is incorporated as a
29 home rule borough on the first Monday following certification of the election held under
30 sec. 7 of this Act. The home rule charter adopted under sec. 6 of this Act or the provisional
31 home rule charter prepared by the Department of Community and Regional Affairs under

1 sec. 5 of this Act, together with any charter amendments approved by the voters, operates as
2 the charter for the new borough.

3 (b) AS 29.05.140 and 29.05.190 - 29.05.210 apply to boroughs incorporated under this
4 section.

5 * Sec. 9. This Act takes effect immediately under AS 01.10.070(c).