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Official Business

# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

### LEGISLATIVE PACKAGE

INTRODUCED BY THE RULES COMMITTEE  
BY REQUEST OF THE LEGISLATIVE COUNCIL FOR  
THE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
INTERIM JOINT LOCAL GOVERNMENT STUDY

HB 580	(SB 348)	Establishing unorganized boroughs
HB 581	(SB 350)	Responsibilities of DPDP
HB 582	(SB 349)	Program of Planning Assistance
HB 583	(SB 351)	State aid to local governments
HB 584	(SB 354)	Eliminating the third class borough
HB 585	(SB 353)	Incorporation of second class as Home Rule boroughs
HB 586	(SB 352)	Requiring fiscal notes for bills affecting a municipality

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 SENATE

2 SENATE BILL NO. 348

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing unorganized boroughs, amending the  
7 responsibilities of state agencies for state programs  
8 and services for residents of organized and unorganized  
9 boroughs, and authorizing adoption of home rule char-  
10 ters by unorganized boroughs; and providing for an  
11 effective date."

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

13 \* Section 1. PURPOSE. The purpose of this Act is to provide for the  
14 division of the state's single unorganized borough into unorganized boroughs  
15 to accommodate the delivery of services and programs by state agencies within  
16 common boundaries and to require the collection of data and information about  
17 state programs with reference to a set of boundaries adopted for use by all  
18 state agencies for the purpose of improving the delivery of state services  
19 and encouraging the development of regional responsibilities for the planning  
20 and implementation of these services.

21 \* Sec. 2. AS 29.03 is amended by adding new sections to read:

22 Sec. 29.03.011. ESTABLISHMENT OF UNORGANIZED BOROUGHES. Except as  
23 the boundaries are adjusted as provided in AS 29.03.021, the geographic  
24 area within each regional educational attendance area established under  
25 AS 14.08.031 is, effective 120 days after the effective date of this  
26 Act, established as an unorganized borough.

27 Sec. 29.03.021. ADJUSTMENT OF BOUNDARIES BY COMMISSIONER. The  
28 commissioner may, after public hearings in the areas affected, establish  
29 boundaries other than the boundaries of a regional educational attend-

1           ance area for an unorganized borough under AS 29.03.011. In making  
2           adjustments, the commissioner shall consider the standards applicable to  
3           the incorporation of boroughs under AS 29.18.030 and the regional boun-  
4           daries adopted by the Native regional corporations established under the  
5           Alaska Native Claims Settlement Act. The commissioner may not establish  
6           boundaries for an unorganized borough which include territory within  
7           more than one Native regional corporation established under the Alaska  
8           Native Claims Settlement Act unless the inclusion of the territory is  
9           reasonably necessary for the efficient administration of programs and  
10          services by state agencies.

11 \* Sec. 3. AS 44.17 is amended by adding new sections to read:

12           ARTICLE 2. COLLECTION OF DATA AND INFORMATION

13                   ABOUT STATE SERVICES IN DISTRICTS.

14           Sec. 44.17.100. DISTRICTS. Each of the following is a district of  
15           the state:

16                   (1) a borough or unified municipality incorporated under  
17           AS 29; and

18                   (2) an unorganized borough determined under AS 29.03.011 -  
19           29.03.021.

20           Sec. 44.17.110. DATA AND INFORMATION. Each state agency, in-  
21           cluding a board or commission assigned to an agency for administrative  
22           purposes, shall provide for the administration of the programs for which  
23           it is responsible on the basis of districts designated in AS 44.17.100  
24           by

25                   (1) collecting data, processing and analyzing statistics, and  
26           providing information about programs on the basis of each of the dis-  
27           tricts;

28                   (2) developing program planning for districts;

29                   (3) coordinating program planning for agency activities with

1 the plans and activities of other agencies, municipalities, and federal  
2 departments and agencies in each district; and

3 (4) providing information to the governor, legislature and  
4 the public for use in the preparation and consideration of the state  
5 budget and other legislation bearing on the provision of state services  
6 in each district.

7 Sec. 44.17.120. EXEMPTIONS AND MODIFICATIONS. (a) An exemption  
8 from AS 44.17.110 may be granted by the legislature to an agency if  
9 conformity would cause undue expense, hardship, or decreased efficiency  
10 in the development and operation of an agency program. The agency  
11 requesting the exemption shall submit to the Legislative Council

12 (1) a written statement naming the program for which the  
13 exemption is sought and explaining the reasons for seeking the exemp-  
14 tion; and

15 (2) an evaluation of the practicality of conforming to AS 44.-  
16 17.110 within a five-year period.

17 (b) The boundaries of a district may be modified by the legisla-  
18 ture if the requirements of conformity to the boundaries as set out in  
19 AS 44.17.100 would be detrimental to the accomplishment of the objec-  
20 tives of an agency program. An agency requesting modification of the  
21 boundaries shall submit to the Legislative Council

22 (1) a statement naming the program for which modification of  
23 district boundaries is requested and the reasons for seeking a modifica-  
24 tion;

25 (2) a map depicting the revised boundaries which will be used  
26 if a modification of boundaries is granted; and

27 (3) an evaluation of the likelihood of conforming to the  
28 boundaries established in AS 44.17.100 within a five-year period.

29 \* Sec. 4. AS 29 is amended by adding a new chapter to read:

1 CHAPTER 19. DIRECT INCORPORATION OF A HOME RULE BOROUGH.

2 Sec. 29.19.010. INCORPORATION. (a) The residents of an unorgan-  
3 ized borough established in accordance with AS 29.03.011 - 29.03.021 may  
4 apply for the incorporation of a home rule borough. The petition for  
5 borough incorporation shall be filed with the Department of Community  
6 and Regional Affairs and shall include the information and signatures  
7 required by AS 29.18.050. Petitions for incorporation filed under this  
8 section shall be processed, reviewed and determined in accordance with  
9 AS 29.18.060 - 29.18.090.

10 (b) The standards applicable to the incorporation of an organized  
11 borough under art. X, sec. 3 of the state constitution and AS 29.18.030  
12 apply to the incorporation of an organized borough under this section.

13 Sec. 29.19.020. CHARTER ELECTION. If the Local Boundary Commis-  
14 sion accepts the petition filed under AS 29.19.010, it shall immediately  
15 notify the lieutenant governor. Within 30 days after notification, the  
16 lieutenant governor shall order an election within the proposed home  
17 rule borough to determine whether the voters will elect a charter com-  
18 mission of 11 members, and to determine the persons elected to serve on  
19 the charter commission. The lieutenant governor shall provide not less  
20 than 20 or more than 30 days during which candidates for the charter  
21 commission may present nominating petitions. The election on the  
22 question of election of a charter commission and the determination of  
23 persons elected to serve on the charter commission shall be held not  
24 less than 60 or more than 75 days after the date of the election order.

25 Sec. 29.19.030. PREPARATION OF CHARTER. (a) If, at the election  
26 called by the lieutenant governor under AS 29.19.020, a majority of the  
27 voters favors election of a charter commission, the 11 persons receiving  
28 the highest number of votes cast at that election constitutes the char-  
29 ter commission. The charter commission shall prepare a proposed charter

1 and submit it to the Department of Community and Regional Affairs within  
2 one year of the first meeting of the charter commission. The commis-  
3 sioner of community and regional affairs shall review the proposed  
4 charter for compliance with laws applicable to home rule municipalities  
5 and, if it complies, request the lieutenant governor to submit the  
6 proposed borough incorporation petition and proposed home rule charter  
7 to residents of the proposed home rule borough. If the proposed charter  
8 does not comply with law, the commissioner shall return the proposed  
9 charter to the charter commission with a statement of the legal defi-  
10 ciencies.

11 (b) Within 90 days of the receipt of comments from the commis-  
12 sioner of community and regional affairs with respect to provisions of a  
13 proposed home rule charter which are not in compliance with the laws  
14 applicable to home rule municipalities, the charter commission may  
15 prepare and submit to the commissioner an amended charter which meets  
16 the objections in the original proposed charter.

17 (c) Only one original and one amended charter may be submitted to  
18 the commissioner of community and regional affairs under this section.

19 Sec. 29.19.040. RATIFICATION OF CHARTER. The lieutenant governor  
20 shall order an election on the question of whether the area shall be  
21 incorporated as a home rule borough in accordance with the charter  
22 approved by the commissioner of community and regional affairs. The  
23 proposed charter shall be posted throughout the proposed borough by the  
24 lieutenant governor before the election is held. The election shall be  
25 held not less than 60 or more than 90 days following the election order.

26 Sec. 29.19.050. RESULTS OF RATIFICATION ELECTION. (a) If a  
27 majority of the votes cast by the qualified voters of the proposed  
28 borough is against the incorporation of a borough under the proposed  
29 home rule charter, the proposal is defeated. ✓ *Look at*

1 (b) If a majority of the votes cast by the qualified voters of the  
2 proposed borough favors incorporation of the borough under the proposed  
3 home rule charter, the lieutenant governor shall declare that the un-  
4 organized borough in which the election was held is incorporated as an  
5 organized borough and a municipal corporation in accordance with the  
6 provisions of the home rule charter. The lieutenant governor shall  
7 provide for the election of the officers provided for in the charter.

8 (c) The election and qualification of officers under (b) of this  
9 section shall be completed by the lieutenant governor in accordance with  
10 AS 29.18.120 and the provisions of the home rule charter of the borough.

11 Sec. 29.19.060. VOTERS, ELECTIONS AND COSTS. (a) A person is  
12 qualified to vote in an election authorized by AS 29.19.010 - 29.19.060  
13 if he is qualified to vote in state elections and if he is a resident of  
14 the unorganized borough proposed for incorporation as a home rule  
15 borough.

16 (b) The lieutenant governor shall conduct elections authorized by  
17 AS 29.19.010 - 29.19.050 substantially in the manner provided in the  
18 Alaska Election Code (AS 15.05 - 15.60), and shall certify the results  
19 of all elections under this chapter. Costs of elections under this  
20 chapter shall be paid by the office of the lieutenant governor.

21 (c) Costs of charter preparation under this chapter shall  
22 be paid by the Department of Community and Regional Affairs.

23 Sec. 29.19.070. APPLICABILITY OF GENERAL TRANSITIONAL PROVISIONS.  
24 The provisions of AS 29.18.130 - 29.18.180 apply to home rule boroughs  
25 incorporated under this chapter.

26 \* Sec. 5. AS 29.03.010 and 29.03.020 are repealed.

27 \* Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-  
28 070(c).

Introduced: 1/21/80  
Referred: Community & Regional  
Affairs and Finance

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 SENATE

2 SENATE BILL NO. 349

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a program of planning assistance  
7 for unorganized boroughs; and providing for an effective  
8 date."

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

10 \* Section 1. AS 44.47 is amended by adding a new section to read:

11 Sec. 44.47.085. ASSISTANCE FOR DEVELOPMENT OF REGIONAL MANAGEMENT  
12 PROGRAMS IN THE UNORGANIZED BOROUGH. (a) For the purpose of preparing  
13 a management program for an unorganized borough, the commissioner may  
14 contract as provided by this section with

15 (1) a municipality or group of municipalities; or

16 (2) a nonprofit corporation organized under the laws of the  
17 state.

18 (b) The commissioner may contract for the preparation of only one  
19 management program for each unorganized borough. The commissioner may  
20 contract only if he is satisfied that the municipality, group of municipalities,  
21 or corporation with which he contracts is capable of preparing a management  
22 program that considers the entire population of the unorganized borough.  
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24 (c) A municipality, group of municipalities, or corporation interested  
25 in preparing a management program for an unorganized borough  
26 may ask the commissioner to request a proposal or [the commissioner may  
27 request a proposal on his own initiative.] A request for proposal shall  
28 be advertised. The advertisement of a request for a proposal for the  
29 preparation of a management program for the unorganized borough shall

1 outline the work to be completed, and contain other information which  
2 the commissioner believes necessary and which he requires to advise the  
3 public of the work to be completed under the contract, and which will  
4 assist him in evaluating proposals received. The commissioner shall  
5 advertise for a period of not less than 45 days by any means which he  
6 believes will provide adequate notice to interested parties and resi-  
7 dents of the unorganized borough.

8 (d) After receiving the proposals the commissioner shall evaluate  
9 them. The commissioner may refuse all proposals and readvertise, or may  
10 accept a proposal and contract in accordance with (e) of this section.

11 (e) A contract entered into under this section shall

12 (1) require that the report to be completed under the con-  
13 tract include an analysis and recommendations concerning incorporation  
14 of a borough government for all or a portion of the unorganized borough;  
15 and

16 (2) provide that

17 (A) the work to be performed shall be completed not  
18 later than the June 30 following the third anniversary of the date  
19 of the contract;

20 (B) payment for work performed under the contract is  
21 subject to legislative appropriation to the account established in  
22 (g) of this section; and

23 (C) payment for work performed under the contract during  
24 each fiscal year in which the contract is in effect may not exceed  
25 the limit established in (h) of this section.

26 (f) A contract entered into under this section may require the  
27 contractor to consider additional topics, including but not limited to,

28 (1) evaluation of the economic development potential of the  
29 unorganized borough;

*ADD*

*( A process for regional public participation  
mechanism for representatives in an oversight  
function for (regional representatives) group*

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(2) determination of housing and capital facility needs;

(3) examination of demographic, social and environmental factors; and

(4) presentation of a process for developing the report and implementing its recommendations. *How to implement*

(g) There is established in the Department of Community and Regional Affairs the unorganized borough planning account. The account shall be administered by the commissioner and shall be used to pay for contracts entered into under this section.

(h) During each fiscal year, the commissioner may not pay to a contractor under a contract authorized by this section more than \$25,000 plus \$25 per capita for each person residing within the unorganized borough, as determined by the commissioner.

(i) In this section, "unorganized borough" means a subdivision established under AS 29.03.011 - 29.03.021.

\* Sec. 2. This Act takes effect on the effective date of a version of an Act entitled, "An Act establishing unorganized boroughs, amending the responsibilities of state agencies for state programs and services that benefit residents of organized and unorganized boroughs, and authorizing adoption of home rule charters by unorganized boroughs; and providing for an effective date."

Introduced: 1/21/80  
Referred: Community & Regional  
Affairs and Finance

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 SENATE

2 SENATE BILL NO. 350

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the responsibilities of the divi-  
7 sion of policy development and planning, Office of the  
8 Governor; and providing for an effective date."

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

10 \* Section 1. The division of policy development and planning shall study  
11 and report to the legislature, not later than January 31, 1981, as to the  
12 conformity by state agencies, boards and commissions with the program re-  
13 quirements under AS 44.17.100 - 44.17.120, including but not limited to  
14 recommendations which require legislation and for the development and im-  
15 plementation of a master geographical coding system to report on the coordi-  
16 nation of delivery of state services by districts.

17 \* Sec. 2. This Act takes effect on the effective date of a version of a  
18 bill entitled "An Act establishing unorganized boroughs, amending the respon-  
19 sibilities of state agencies for state programs and services for residents of  
20 organized and unorganized boroughs, and authorizing adoption of home rule  
21 charters by unorganized boroughs; and providing for an effective date."

Introduced: 1/21/80  
Referred: Community & Regional  
Affairs and Finance

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 SENATE

2 SENATE BILL NO. 351

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state aid to local governments; and  
7 providing for an effective date."

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

9 \* Section 1. AS 43.18 is amended by adding a new section to read:

10 Sec. 43.18.015. ADDITIONAL ENTITLEMENT. A city or organized  
11 borough of any class which is entitled to state aid under AS 43.18.010  
12 shall receive additional state aid for each fiscal year in the amount of  
13 \$25,000 adjusted to include an area cost-of-living differential deter-  
14 mined in accordance with AS 43.18.012.

15 \* Sec. 2. This Act takes effect July 1, 1980.

16 *A municipality qualifying settlement*  
17 *under AS 29.88 or AS 29.89 shall receive*  
18 *a minimum payment of \$25,000 plus a*  
19 *area cost-of-living differential for each*  
20 *fiscal year -*

Introduced: 1/21/80  
Referred: Community & Regional  
Affairs and Finance

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 SENATE

2 SENATE BILL NO. 352

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring fiscal notes for bills affecting a  
7 municipality."

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

9 \* Section 1. AS 24.30.035 is amended to read:

10 Sec. 24.30.035. FISCAL NOTES ON BILLS. Before a bill is reported  
11 from the committee of first referral, there shall be attached to the  
12 bill a fiscal note containing an estimate of the amount of the appropria-  
13 tion increase or decrease which would result from enactment of the bill  
14 for the ensuing fiscal year and at least two succeeding fiscal years.  
15 If enactment of the bill would require an expenditure or appropriation  
16 by any municipality, a fiscal note shall be attached to the bill con-  
17 taining an estimate of the amount of the total expenditure or appropria-  
18 tion which would be required during each of the first three fiscal  
19 years by all affected municipalities. If [OR, IF] the bill has no  
20 fiscal impact, a statement to that effect shall be attached. The fiscal  
21 note or statement relating to a state program shall be prepared by the  
22 department or departments affected. The fiscal note or statement relat-  
23 ing to municipalities shall be prepared by the Department of Community  
24 and Regional Affairs, but that department may obtain the assistance of  
25 any other state agency in the preparation of the note or statement. If  
26 the bill is presented by the governor for introduction in accordance  
27 with AS 24.30.060(b) and the uniform rules of the legislature, the  
28 fiscal note or statement shall be attached to the bill before the bill  
29 is introduced. An amendment or a substitute bill proposed by a commit-

tee of referral that changes the fiscal impact of a bill shall be explained in a revised fiscal note or statement attached to the bill.

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Introduced: 1/21/80  
Referred: Community & Regional  
Affairs and Finance

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 SENATE

2 SENATE BILL NO. 353

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the incorporation of second class  
7 boroughs as home rule boroughs."

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

9 \* Section 1. AS 29.13.010 is amended to read:

10 Sec. 29.13.010. MUNICIPAL CHARTER ADOPTION. A first class muni-  
11 cipality or second class borough may adopt a charter for its own govern-  
12 ment. A home rule municipality may amend its charter or adopt a new  
13 one. A charter is framed by a charter commission of seven members  
14 chosen by the municipal voters at a regular or special election. A  
15 candidate for the commission must be a qualified voter of the muni-  
16 cipality and a resident of the municipality for three years immediately  
17 preceding the election. A charter commission election is called by  
18 filing a petition with the borough assembly or the city council, or by  
19 resolution of the borough assembly or city council. The petition must  
20 be signed by a number of municipal voters equal to 10 percent of the  
21 votes cast in the last regular election of the municipality.

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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 SENATE

2 SENATE BILL NO. 354

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 BOROUGHS]. 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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Original sponsor: Rules/Legislative Council

Offered: 3/26/80  
Referred: Finance

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 580

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unorganized boroughs, establishing  
7 unorganized boroughs, establishing a program of finan-  
8 cial assistance for the preparation of regional plans  
9 by unorganized boroughs, permitting adoption of home  
10 rule charters by unorganized boroughs, and directing  
11 submission of recommendations concerning adjustment of  
12 the boundaries of service areas of the unorganized  
13 borough; and providing for an effective date."

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

15 \* Section 1. PURPOSE. The legislature finds that the single unorganized  
16 borough of the state has proven unworkable in accommodating demands from its  
17 residents for change and recognizes that a more systematic approach to the  
18 planning and delivery of services for residents of this area is necessary.  
19 In providing, in this Act, for identifying a common set of boundaries by  
20 which to subdivide the state's single unorganized borough into multiple  
21 unorganized boroughs, it is the purpose of the legislature to extend the  
22 opportunity to residents of unorganized boroughs to assist in planning and  
23 program development by

24 (1) preparing regional plans; and

25 (2) broadening the range of methods by which residents may in-  
26 corporate a regional government.

27 \* Sec. 2. INTENT. In providing for the division of the state's unorga-  
28 nized borough into unorganized boroughs, it is the intent of the legislature  
29 that all future transfers of functions or services from state agencies to

1 regions within unincorporated areas be made only within the boundaries for  
2 unorganized boroughs established under AS 29.03.011 - 29.03.021, added by  
3 sec. 3 of this Act.

4 \* Sec. 3. AS 29.03 is amended by adding new sections to read:

5       Sec. 29.03.011. ESTABLISHMENT OF UNORGANIZED BOROUGHs. Except as  
6 the boundaries are adjusted as provided in AS 29.03.021, the geographic  
7 area within each regional educational attendance area established under  
8 AS 14.08.031 is, effective 180 days after the effective date of this  
9 Act, established as an unorganized borough.

10       Sec. 29.03.021. ADJUSTMENT OF BOUNDARIES BY COMMISSIONER. The  
11 commissioner of community and regional affairs may establish boundaries  
12 other than the boundaries of a regional educational attendance area for  
13 an unorganized borough under AS 29.03.011. If requested by residents  
14 of an unorganized borough, the commissioner shall hold at least one  
15 public hearing within each regional educational attendance area before  
16 establishing boundaries for unorganized boroughs under this section. In  
17 establishing boundaries under this section, the commissioner shall  
18 consider

19           (1) the standards applicable to the incorporation of boroughs  
20 under AS 29.18.030;

21           (2) the regional boundaries adopted by the Native regional  
22 corporations established under the Alaska Native Claims Settlement Act;  
23 and

24           (3) census divisions of the state used for the 1980 census.

25 \* Sec. 4. AS 44.47 is amended by adding a new section to read:

26       Sec. 44.47.085. ASSISTANCE FOR REGIONAL PLANS IN THE UNORGANIZED  
27 BOROUGH. (a) The commissioner may contract with a municipality, a  
28 group of municipalities, or one or more regional Native corporations  
29 organized as nonprofit corporations under the laws of the state to

1 prepare a regional plan for an unorganized borough.

2 (b) The commissioner may contract for the preparation of only one  
3 regional plan for each unorganized borough. The commissioner may con-  
4 tract only if he is satisfied that the party with whom he contracts is  
5 capable of preparing a regional plan that considers the entire popu-  
6 lation of the unorganized borough.

7 (c) When a municipality, group of municipalities, or one or more  
8 regional Native nonprofit corporations proposes to prepare a regional  
9 plan for an unorganized borough, the commissioner shall request pro-  
10 posals for preparation of a regional plan. The residents of an un-  
11 organized borough may petition the commissioner to request proposals for  
12 preparation of a regional plan, and the commissioner shall request  
13 proposals if the petition is signed by a number of qualified voters  
14 equal to not less than 15 percent of the number of votes cast in the  
15 unorganized borough at the last state general election.

16 (d) A request for proposal for preparation of a regional plan for  
17 an unorganized borough made under (c) of this section shall be adver-  
18 tised. The commissioner shall advertise for a period of not less than  
19 45 days by public notice announcements provided to newspapers and radio  
20 and television stations. The advertisement of a request for a proposal  
21 for the preparation of a regional plan shall

22 (1) invite a municipality, group of municipalities or re-  
23 gional Native nonprofit corporation to submit a proposal for the  
24 preparation of a regional plan;

25 (2) outline the work to be completed; and

26 (3) contain other information which the commissioner believes  
27 will inform the public of the work to be completed under the contract,  
28 and which will assist him in evaluating proposals received.

29 (e) After receiving the proposals for preparation of a regional

1 plan, the commissioner shall evaluate them. In evaluating the pro-  
2 posals, the commissioner may request advice from residents of an un-  
3 organized borough for which the regional plan is proposed. The commis-  
4 sioner may refuse all proposals and readvertise, or may accept a pro-  
5 posal and enter into a contract as provided in (f) of this section.

6 (f) A contract entered into under this section

7 (1) shall require that the regional plan include

8 (A) an analysis and recommendations concerning incor-  
9 poration of a borough government for all or a portion of the un-  
10 organized borough;

11 (B) an evaluation of the economic development potential  
12 of the unorganized borough;

13 (C) a recommendation concerning capital facility needs  
14 of the unorganized borough;

15 (D) an examination of demographic, social and environ-  
16 mental factors affecting the unorganized borough;

17 (E) an examination of

18 (i) interrelationships among the regional educa-  
19 tional attendance area, the coastal resource service area, and  
20 any other regional entity responsible for services in the  
21 unorganized borough; and

22 (ii) the interrelationships between the governments  
23 of cities within the unorganized borough and regional entities  
24 listed in (1) of this subparagraph; and

25 (F) a process for implementing the recommendations made  
26 as part of the regional plan;

27 (2) shall provide

28 (A) a mechanism for securing public participation in the  
29 preparation of the regional plan;

1 (B) that the regional plan be completed not later than  
2 the June 30 following the third anniversary of the date of the  
3 contract; and

4 (C) that payment for work performed under the contract  
5 is subject to legislative appropriation to the account established  
6 in (g) of this section;

7 (3) may permit the contractor to subcontract parts of the  
8 work to be performed to one or more subcontractors.

9 (g) There is established in the Department of Community and Re-  
10 gional Affairs the unorganized borough regional planning account. The  
11 account shall be administered by the commissioner and shall be used to  
12 pay for contracts entered into under this section.

13 (h) During each fiscal year, the commissioner may not pay to a  
14 contractor under a contract authorized by this section more than \$25,000  
15 plus \$25 per capita for each person residing within the unorganized  
16 borough for which the regional plan is to be prepared, as determined by  
17 the commissioner.

18 (i) In this section, "unorganized borough" means a subdivision  
19 established under AS 29.03.011 - 29.03.021.

20 \* Sec. 5. AS 29 is amended by adding a new chapter to read:

21 CHAPTER 19. DIRECT INCORPORATION OF A HOME RULE BOROUGH.

22 Sec. 29.19.010. INCORPORATION. (a) The residents of an unorgan-  
23 ized borough established in accordance with AS 29.03.011 - 29.03.021 may  
24 apply for the incorporation of a home rule borough. The petition for  
25 borough incorporation shall be filed with the Department of Community  
26 and Regional Affairs and shall include the information and signatures  
27 required by AS 29.18.050. Petitions for incorporation filed under this  
28 section shall be processed, reviewed and determined in accordance with  
29 AS 29.18.060 - 29.18.090.

1 (b) A petition submitted under (a) of this section shall

2 (1) specify the number of members of the charter commission,  
3 but the number of members may not exceed 15; and

4 (2) describe the manner of election of members of the charter  
5 commission; if election is to be by district, a description of the  
6 boundaries of each district shall be included in or attached to the  
7 petition.

8 (c) If the petition submitted under (a) of this section requests  
9 election of charter commission members on a basis other than at large  
10 within the unorganized borough, the manner of election of the members of  
11 the commission shall conform to standards applicable to the composition  
12 and apportionment of legislative bodies which are imposed by art. I,  
13 sec. 1 of the state constitution.

14 (d) The standards applicable to the incorporation of an organized  
15 borough under art. X, sec. 3 of the state constitution and AS 29.18.030  
16 apply to the incorporation of an unorganized borough under this section.

17 Sec. 29.19.020. CHARTER ELECTION. (a) If the Local Boundary  
18 Commission accepts the petition filed under AS 29.19.010, it shall  
19 immediately notify the lieutenant governor. Within 30 days after noti-  
20 fication, the lieutenant governor shall order an election within the  
21 proposed home rule borough to determine whether the voters will elect a  
22 charter commission, and to determine the persons elected to serve on the  
23 charter commission.

24 (b) Charter commission candidates are nominated by petition signed  
25 by at least 50 registered voters residing within the unorganized  
26 borough. The lieutenant governor shall allow not less than 20 or more  
27 than 30 days during which candidates for the charter commission may  
28 present nominating petitions.

29 (c) The election on the question of election of a charter com-

1 mission and the determination of persons elected to serve on the charter  
2 commission shall be held not less than 60 or more than 75 days after the  
3 date of the election order.

4 Sec. 29.19.030. PREPARATION OF CHARTER. (a) If, at the election  
5 called by the lieutenant governor under AS 29.19.020, a majority of the  
6 voters favors election of a charter commission, the persons receiving  
7 the highest number of votes cast at that election constitute the charter  
8 commission. The charter commission shall prepare a proposed charter and  
9 submit it to the Department of Community and Regional Affairs within one  
10 year of the first meeting of the charter commission. The commissioner  
11 of community and regional affairs shall review the proposed charter for  
12 compliance with laws applicable to home rule municipalities and, if it  
13 complies, request the lieutenant governor to submit the proposed borough  
14 incorporation petition and proposed home rule charter to residents of  
15 the proposed home rule borough. If the proposed charter does not comply  
16 with law, the commissioner of community and regional affairs shall  
17 return the proposed charter to the charter commission with a statement  
18 of the legal deficiencies.

19 (b) Within 90 days of the receipt of the statement of the commis-  
20 sioner of community and regional affairs indicating that the proposed  
21 home rule charter does not comply with law, the charter commission may  
22 prepare and submit to the commissioner an amended charter which meets  
23 the objections to the original proposed charter.

24 Sec. 29.19.040. RATIFICATION OF CHARTER. The lieutenant governor  
25 shall order an election on the question of whether the unorganized  
26 borough shall be incorporated as a home rule borough in accordance with  
27 the charter approved by the commissioner of community and regional  
28 affairs. The proposed charter shall be posted throughout the proposed  
29 borough by the lieutenant governor before the election is held. The

1 election shall be held not less than 60 or more than 90 days following  
2 the election order.

3 Sec. 29.19.050. RESULTS OF RATIFICATION ELECTION. (a) If a  
4 majority of the votes cast by the qualified voters of the proposed  
5 borough favors incorporation of the borough under the proposed home rule  
6 charter, the lieutenant governor shall declare that the unorganized  
7 borough in which the election was held is incorporated as an organized  
8 borough and a municipal corporation in accordance with the provisions of  
9 the home rule charter. The lieutenant governor shall provide for the  
10 election of the officers provided for in the charter.

11 (b) The election and qualification of officers under (a) of this  
12 section shall be completed by the lieutenant governor in accordance with  
13 AS 29.18.120 and the provisions of the home rule charter of the borough.

14 Sec. 29.19.060. RESUBMISSION OF CHARTER. If a proposed charter is  
15 rejected, the charter commission shall prepare, adopt and submit a  
16 second proposed charter to the voters in accordance with AS 29.19.030 -  
17 29.19.050. The second proposed charter shall be submitted to the voters  
18 within one year of the date of the charter election held under AS 29.-  
19 19.040. If the second proposed charter is rejected, the charter com-  
20 mission is dissolved.

21 Sec. 29.19.070. VOTERS, ELECTIONS, COSTS, AND VACANCIES. (a) A  
22 person is qualified to vote in an election authorized by AS 29.19.010 -  
23 29.19.060 if he is qualified to vote in state elections and if he is a  
24 resident of the unorganized borough proposed for incorporation as a home  
25 rule borough.

26 (b) The lieutenant governor shall conduct elections authorized by  
27 AS 29.19.010 - 29.19.060 substantially in the manner provided in the  
28 Alaska Election Code (AS 15.05 - 15.60), and shall certify the results  
29 of all elections under this chapter. Costs of elections under this

1 chapter shall be paid by the office of the lieutenant governor.

2 (c) Costs of charter preparation under this chapter shall be paid  
3 by the Department of Community and Regional Affairs.

4 (d) The commissioner of community and regional affairs shall ap-  
5 point a registered voter of the unorganized borough for which a charter  
6 is being prepared to fill a vacancy occurring on the charter commission  
7 established under this chapter.

8 Sec. 29.19.080. APPLICABILITY OF TRANSITIONAL PROVISIONS. The  
9 provisions of AS 29.13.130 - 29.18.180 apply to home rule boroughs  
10 incorporated under this chapter.

11 Sec. 29.19.090. STATUS OF HOME RULE BOROUGHES. (a) A home rule  
12 borough incorporated under this chapter shall exercise all powers  
13 required of a borough under AS 29.33.

14 (b) For purposes of acquisition of areawide powers, the provisions  
15 of AS 29.38.010 apply to a home rule borough incorporated under this  
16 chapter unless otherwise specifically provided in the charter of the  
17 borough.

18 \* Sec. 6. AS 29.03.010 and 29.03.020 are repealed.

19 \* Sec. 7. UNORGANIZED BOROUGH SERVICE AREAS. (a) The commissioner of  
20 education shall recommend to the legislature, not later than January 31,  
21 1981, whether changes should be made in the boundaries of a regional  
22 educational attendance area organized under AS 14.08 to conform the bound-  
23 aries of the regional educational attendance area to an unorganized borough  
24 of which it is a part.

25 (b) The Alaska Coastal Policy Council shall recommend to the legis-  
26 lature, not later than January 31, 1981, whether changes should be made in  
27 the boundaries of an existing coastal resource service area organized under  
28 AS 46.40 to conform the boundaries of the coastal resource service area to an  
29 unorganized borough of which it is a part.

1 \* Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-  
2 070(c).

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Original sponsor: Rules/Legislative Council

Offered: 3/26/80  
Referred: Rules

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 581

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the responsibilities of executive  
7 departments of state government for certain state  
8 programs; and providing for an effective date."

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

10 \* Section 1. AS 44.17 is amended by adding new sections to read:

11 ARTICLE 2. PLANNING AND MANAGEMENT OF STATE SERVICES.

12 Sec. 44.17.100. PROGRAM DATA AND INFORMATION. (a) A principal  
13 department of the executive branch of state government, including a  
14 board or commission assigned to a department for administrative pur-  
15 poses, shall use the home rule and general law boroughs, unified muni-  
16 cipalities, and regional educational attendance areas as the geographic  
17 units by which to collect and report data and information and process  
18 and analyze statistics about each of its programs.

19 (b) The information, data and statistics required to be collected  
20 and reported by this section include but are not limited to

21 (1) information which may be required by the division of  
22 policy development and planning in the Office of the Governor to  
23 describe the geographic distribution of the state's population, economic  
24 activities, and public services; and

25 (2) information about the program, including

26 (A) the estimated number of persons needing a service;

27 (B) the number of persons served by the program;

28 (C) the costs of the services provided by the program;

29 and

1 (D) the conditions addressed or corrected by a service  
2 provided by the program.

3 (c) A department, board or commission may request an exemption  
4 from this section. An exemption granted under this subsection expires  
5 on June 30, 1982. The request for exemption shall be submitted to the  
6 governor, who may grant the exemption if he finds that additional ex-  
7 pense, increased workload, or decreased efficiency in the operation of a  
8 program or development of a new program would be substantially greater  
9 than the public interest in compliance with this section. A department,  
10 board or commission requesting an exemption under this subsection shall  
11 submit to the governor a written statement

12 (1) naming the program for which an exemption is requested;

13 (2) describing the problems which would be encountered if the  
14 department, board or commission were required to conform to this sec-  
15 tion; and

16 (3) evaluating the effect of an exemption granted under this  
17 subsection on the collection and reporting requirements of (a) of this  
18 section for other programs administered by the department, board or  
19 commission.

20 \* Sec. 2. AS 44.17 is amended by adding new sections to read:

21 Sec. 44.17.110. PROGRAM PLANNING AND MANAGEMENT. (a) A principal  
22 department of the executive branch of state government, including a  
23 board or commission assigned to a department for administrative pur-  
24 poses, shall use the home rule and general law boroughs, unified muni-  
25 cipalities, and regional educational attendance areas of the state as  
26 the geographic units by which to develop and implement plans for provid-  
27 ing services and to coordinate program planning and administration with  
28 the plans and programs of other agencies, municipalities and the federal  
29 government.

1 (b) A department, board or commission may combine one or more home  
2 rule boroughs, general law boroughs, unified municipalities, and regional  
3 educational attendance areas to define the geographical area within  
4 which a program is provided.

5 Sec. 44.17.120. REPORTING OF SERVICE COSTS. (a) A principal  
6 department of the executive branch of the government, including a board  
7 or commission assigned to a department for administrative purposes,  
8 shall provide information giving the direct cost of providing services  
9 to each municipality and regional educational attendance area used by  
10 the department under AS 44.17.110(a) for the management and administra-  
11 tion of its programs. The information shall be available to

12 (1) the division of budget and management in the Office of  
13 the Governor, for its use in making recommendations for the program  
14 budget of a department, board or commission;

15 (2) the legislature, for its use in consideration of the  
16 state budget and other legislation relating to state services; and

17 (3) the public, upon request to the department, board or  
18 commission.

19 (b) In this section, "direct cost" means a cost which is related  
20 to providing a service, exclusive of general administrative and support  
21 costs.

22 Sec. 44.17.130. EXEMPTION. The provisions of AS 44.17.110 -  
23 44.17.120 do not apply to

24 (1) a program of an executive department, board or commission  
25 which provides only professional or technical support services for  
26 another state department, board or commission, as determined by the  
27 governor; and

28 (2) a program for which exemption is specifically requested  
29 by the department, board or commission, and granted by the governor

1 because

2 (A) the program concerns the conservation or development  
3 of a natural resource; and

4 (B) the application of AS 44.17.110 - 44.17.120 would  
5 cause a substantial impediment to the performance of duties by the  
6 department, board, or commission.

7 Sec. 44.17.140. DEFINITION. In AS 44.17.100 - 44.17.140, "regional  
8 educational attendance area" means a subdivision of the part of the  
9 state not within an organized borough as determined by the commissioner  
10 of community and regional affairs under AS 14.08.031.

11 \* Sec. 3. AS 44.17 is amended by adding new sections to read:

12 ARTICLE 2. PLANNING AND MANAGEMENT OF STATE SERVICES.

13 Sec. 44.17.100. PROGRAM DATA AND INFORMATION. (a) A principal  
14 department of the executive branch of state government, including a  
15 board or commission assigned to a department for administrative pur-  
16 poses, shall use the home rule and general law boroughs, unified muni-  
17 cipalities, and unorganized boroughs as the geographic units by which to  
18 collect and report data and information and process and analyze statis-  
19 tics about each of its programs.

20 (b) The information, data and statistics required to be collected  
21 and reported by this section include but are not limited to

22 (1) information which may be required by the division of  
23 policy development and planning in the Office of the Governor to describe  
24 the geographic distribution of the state's population, economic activi-  
25 ties, and public services; and

26 (2) information about the program, including

27 (A) the estimated number of persons needing a service;

28 (B) the number of persons served by the program;

29 (C) the costs of the services provided by the program;

1           and

2                         (D) the conditions addressed or corrected by a service  
3           provided by the program.

4           (c) A department, board or commission may request an exemption  
5           from this section. An exemption granted under this subsection expires  
6           on June 30, 1982. The request for exemption shall be submitted to the  
7           governor, who may grant the exemption if he finds that additional ex-  
8           pense, increased workload, or decreased efficiency in the operation of a  
9           program or development of a new program would be substantially greater  
10          than the public interest in compliance with this section. A department,  
11          board or commission requesting an exemption under this subsection shall  
12          submit to the governor a written statement

13                         (1) naming the program for which an exemption is requested;

14                         (2) describing the problems which would be encountered if the  
15          department, board or commission were required to conform to this sec-  
16          tion; and

17                         (3) evaluating the effect of an exemption granted under this  
18          subsection on the collection and reporting requirements of (a) of this  
19          section for other programs administered by the department, board or  
20          commission.

21 \* Sec. 4. AS 44.17 is amended by adding new sections to read:

22                         Sec. 44.17.110. PROGRAM PLANNING AND MANAGEMENT. (a) A principal  
23          department of the executive branch of state government, including a  
24          board or commission assigned to a department for administrative pur-  
25          poses, shall use the home rule and general law boroughs, unified muni-  
26          cipalities, and unorganized boroughs of the state as the geographic  
27          units by which to develop and implement plans for providing services and  
28          to coordinate program planning and administration with the plans and  
29          programs of other agencies, municipalities and the federal government.

1 (b) A department, board or commission may combine one or more home  
2 rule boroughs, general law boroughs, unified municipalities, and un-  
3 organized boroughs to define the geographical area within which a pro-  
4 gram is provided.

5 Sec. 44.17.120. REPORTING OF SERVICE COSTS. (a) A principal  
6 department of the executive branch of the government, including a board  
7 or commission assigned to a department for administrative purposes,  
8 shall provide information giving the direct cost of providing services  
9 to each municipality and unorganized borough used by the department  
10 under AS 44.17.110(a) for the management and administration of its  
11 programs. The information shall be available to

12 (1) the division of budget and management in the Office of  
13 the Governor, for its use in making recommendations for the program  
14 budget of a department, board or commission;

15 (2) the legislature, for its use in consideration of the  
16 state budget and other legislation relating to state services; and

17 (3) the public, upon request to the department, board or  
18 commission.

19 (b) In this section, "direct cost" means a cost which is related  
20 to providing a service, exclusive of general administrative and support  
21 costs.

22 Sec. 44.17.130. EXEMPTION. The provisions of AS 44.17.110 -  
23 44.17.120 do not apply to

24 (1) a program of an executive department, board or commission  
25 which provides only professional or technical support services for  
26 another state department, board or commission, as determined by the  
27 governor; and

28 (2) a program for which exemption is specifically requested  
29 by the department, board or commission, and granted by the governor

1 because

2 (A) the program concerns the conservation or development  
3 of a natural resource; and

4 (B) the application of AS 44.17.110 - 44.17.120 would  
5 cause a substantial impediment to the performance of duties by the  
6 department, board, or commission.

7 Sec. 44.17.140. DEFINITION. In AS 44.17.100 - 44.17.140, "un-  
8 organized borough" means a subdivision of the part of the state not  
9 within an organized borough as determined by the commissioner of com-  
10 munity and regional affairs under AS 29.03.011 - 29.03.021.

11 \* Sec. 5. RESPONSIBILITIES OF THE DIVISION OF POLICY DEVELOPMENT AND  
12 PLANNING. The division of policy development and planning in the Office of  
13 the Governor shall

14 (1) by December 31, 1980, evaluate the cost and suitability of  
15 data and information reference systems and recommend the use of a system by  
16 the principal departments of the executive branch of the state government,  
17 including boards and commissions assigned to those departments for adminis-  
18 trative purposes; the data and information system recommended by the division  
19 shall

20 (A) permit cross-referencing of data and information by the  
21 executive departments, boards and commissions; and

22 (B) classify data and information on the basis of the geo-  
23 graphic units used by a department, board or commission for program  
24 management and cost reporting under AS 44.17.110 - 44.17.120.

25 (2) report to the legislature by July 1, 1983, alternatives and  
26 recommendations for improving coordination of programs which provide direct  
27 services to people, which are not exempt under AS 44.17.130.

28 \* Sec. 6. Sections 3 and 4 of this Act take effect and secs. 1 and 2 of  
29 this Act are repealed only if a version of an Act entitled "An Act relating

1 to unorganized boroughs, establishing unorganized boroughs, establishing a  
2 program of financial assistance for the preparation of regional plans by  
3 unorganized boroughs, permitting adoption of home rule charters by un-  
4 organized boroughs, and directing submission of recommendations concerning  
5 adjustment of the boundaries of service areas of the unorganized borough; and  
6 providing for an effective date", becomes law.

7 \* Sec. 7. Sections 1 and 3 of this Act take effect July 1, 1981.

8 \* Sec. 8. Sections 2 and 4 of this Act take effect July 1, 1982.

9 \* Sec. 9. Sections 5 and 6 of this Act take effect immediately in accor-  
10 dance with AS 01.10.070(c).

Introduced: 1/21/80  
Referred: Community & Regional  
Affairs and Finance

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. 582

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a program of planning assistance  
7 for unorganized boroughs; and providing for an effec-  
8 tive date."

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

10 \* Section 1. AS 44.47 is amended by adding a new section to read:

11 Sec. 44.47.085. ASSISTANCE FOR DEVELOPMENT OF REGIONAL MANAGEMENT  
12 PROGRAMS IN THE UNORGANIZED BOROUGH. (a) For the purpose of preparing  
13 a management program for an unorganized borough, the commissioner may  
14 contract as provided by this section with

15 (1) a municipality or group of municipalities; or

16 (2) a nonprofit corporation organized under the laws of the  
17 state.

18 (b) The commissioner may contract for the preparation of only one  
19 management program for each unorganized borough. The commissioner may  
20 contract only if he is satisfied that the municipality, group of muni-  
21 cipalities, or corporation with which he contracts is capable of pre-  
22 paring a management program that considers the entire population of the  
23 unorganized borough.

24 (c) A municipality, group of municipalities, or corporation in-  
25 terested in preparing a management program for an unorganized borough  
26 may ask the commissioner to request a proposal or the commissioner may  
27 request a proposal on his own initiative. A request for proposal shall  
28 be advertised. The advertisement of a request for a proposal for the  
29 preparation of a management program for the unorganized borough shall

1 outline the work to be completed, and contain other information which  
2 the commissioner believes necessary and which he requires to advise the  
3 public of the work to be completed under the contract, and which will  
4 assist him in evaluating proposals received. The commissioner shall  
5 advertise for a period of not less than 45 days by any means which he  
6 believes will provide adequate notice to interested parties and resi-  
7 dents of the unorganized borough.

8 (d) After receiving the proposals the commissioner shall evaluate  
9 them. The commissioner may refuse all proposals and readvertise, or may  
10 accept a proposal and contract in accordance with (e) of this section.

11 (e) A contract entered into under this section shall

12 (1) require that the report to be completed under the con-  
13 tract include an analysis and recommendations concerning incorporation  
14 of a borough government for all or a portion of the unorganized borough;  
15 and

16 (2) provide that

17 (A) the work to be performed shall be completed not  
18 later than the June 30 following the third anniversary of the date  
19 of the contract;

20 (B) payment for work performed under the contract is  
21 subject to legislative appropriation to the account established in  
22 (g) of this section; and

23 (C) payment for work performed under the contract during  
24 each fiscal year in which the contract is in effect may not exceed  
25 the limit established in (h) of this section.

26 (f) A contract entered into under this section may require the  
27 contractor to consider additional topics, including but not limited to,

28 (1) evaluation of the economic development potential of the  
29 unorganized borough;

- 1 (2) determination of housing and capital facility needs;  
2 (3) examination of demographic, social and environmental  
3 factors; and  
4 (4) presentation of a process for developing the report and  
5 implementing its recommendations.

6 (g) There is established in the Department of Community and Re-  
7 gional Affairs the unorganized borough planning account. The account  
8 shall be administered by the commissioner and shall be used to pay for  
9 contracts entered into under this section.

10 (h) During each fiscal year, the commissioner may not pay to a  
11 contractor under a contract authorized by this section more than \$25,000  
12 plus \$25 per capita for each person residing within the unorganized  
13 borough, as determined by the commissioner.

14 (i) In this section, "unorganized borough" means a subdivision  
15 established under AS 29.03.011 - 29.03.021.

16 \* Sec. 2. This Act takes effect on the effective date of a version of an  
17 Act entitled, "An Act establishing unorganized boroughs, amending the respon-  
18 sibilities of state agencies for state programs and services that benefit  
19 residents of organized and unorganized boroughs, and authorizing adoption of  
20 home rule charters by unorganized boroughs; and providing for an effective  
21 date."

Original sponsor: Rules/Legislative Council

Offered: 2/22/80  
Referred: Finance

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 583

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state aid to local governments; and  
7 providing for an effective date."

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

9 \* Section 1. AS 43.18.010 is amended by adding a new subsection to read:

10 (m) A city or organized borough which is entitled to state aid  
11 under this section shall receive each fiscal year a minimum amount under  
12 this section of \$25,000 adjusted to include an area cost-of-living  
13 differential determined in accordance with AS 43.18.012.

14 \* Sec. 2. This Act takes effect July 1, 1980.  
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Introduced: 1/21/80  
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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Original sponsor: Rules/Legislative Council

Offered: 6/5/80

1 IN THE HOUSE

BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR HOUSE BILL NO. 585

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to municipalities: amending AS 29 to  
7 provide for the incorporation of home rule boroughs;  
8 increasing the limit on the rate of sales tax which may  
9 be levied by municipalities, and amending requirements  
10 relating to adjustments of the rate of sales tax."

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

12 \* Section 1. AS 29.08.010 is amended to read:

13 Sec. 29.08.010. HOME RULE. A home rule municipality is a municipal  
14 corporation and political subdivision and is a [BOROUGH OF THE FIRST  
15 CLASS OR] city of the first class or an organized borough which has  
16 adopted a home rule charter. It has all legislative powers not prohib-  
17 ited by law or charter.

18 \* Sec. 2. AS 29.13.010 is amended to read:

19 Sec. 29.13.010. MUNICIPAL CHARTER ADOPTION. A first class muni-  
20 cipality or second class borough may adopt a charter for its own govern-  
21 ment. A home rule municipality may amend its charter or adopt a new  
22 one. A charter is framed by a charter commission of seven members  
23 chosen by the municipal voters at a regular or special election. A  
24 candidate for the commission shall [MUST] be a qualified voter of the  
25 municipality and a resident of the municipality for three years immedi-  
26 ately preceding the election. A charter commission election is called  
27 by filing a petition with the borough assembly or the city council, or  
28 by resolution of the borough assembly or city council. The petition  
29 shall [MUST] be signed by a number of municipal voters equal to 15 [10]

1 percent of the votes cast in the last regular election of the municipi-  
2 pality.

3 \* Sec. 3. AS 29.53.415(a) is amended to read:

4 (a) A borough may levy and collect a sales tax not exceeding six  
5 [THREE] percent on sales or rents, and on services made within the  
6 borough. The sales tax may apply to any or all of these sources.  
7 Exemptions may be granted by ordinance.

8 \* Sec. 4. AS 29.53.420 is amended to read:

9 Sec. 29.53.420. REFERENDUM, ADOPTION AND MODIFICATION. (a) The  
10 assembly shall hold a referendum vote on the question of enacting a  
11 sales tax or increasing the rate of levy of sales taxes. Borough sales  
12 tax propositions may be presented only once in any 12-month period.  
13 A sales tax proposition may be submitted to the voters at a regular  
14 or special election or at a general election of the state.

15 (b) If the proposition receives a majority of the votes cast, the  
16 assembly may enact the sales tax or increase the rate of the sales tax  
17 as a levy upon buyers, sellers, or both. The sales tax is collected at  
18 the time of sale or at the time of payment in credit transactions and  
19 transmitted to the borough.  
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Original sponsor: Rules/Legislative Council

Offered: 3/13/80  
Referred: Rules

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 586

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring fiscal notes for bills affecting a  
7 municipality."

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

9 \* Section 1. AS 24.30.035 is amended to read:

10 Sec. 24.30.035. FISCAL NOTES ON BILLS. Before a bill is reported  
11 from the committee of first referral, there shall be attached to the  
12 bill a fiscal note containing an estimate of the amount of the appropri-  
13 ation increase or decrease which would result from enactment of the bill  
14 for the ensuing fiscal year and at least two succeeding fiscal years.  
15 If enactment of the bill would require a significant expenditure or ap-  
16 propriation by a municipality, a fiscal note shall be attached to the  
17 bill containing an estimate of the amount of the total expenditure or  
18 appropriation which would be required during each of the first three  
19 fiscal years by all affected municipalities. If [OR, IF] the bill has  
20 no fiscal impact, a statement to that effect shall be attached. The  
21 fiscal note or statement relating to a state program shall be prepared  
22 by the department or departments affected. The fiscal note or statement  
23 relating to municipalities shall be prepared by the Department of Commun-  
24 ity and Regional Affairs, but that department may obtain the assistance  
25 of any other state agency in the preparation of the note or statement.  
26 If the bill is presented by the governor for introduction in accordance  
27 with AS 24.30.060(b) and the uniform rules of the legislature, the  
28 fiscal note or statement shall be attached to the bill before the bill  
29 is introduced. An amendment or a substitute bill proposed by a commit-

tee of referral that changes the fiscal impact of a bill shall be explained in a revised fiscal note or statement attached to the bill.

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Original sponsor: Rules/Legislative Council

Offered: 3/26/80  
Referred: Finance

1 IN THE SENATE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 348

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unorganized boroughs, establishing  
7 unorganized boroughs, establishing a program of finan-  
8 cial assistance for the preparation of regional plans  
9 by unorganized boroughs, permitting adoption of home  
10 rule charters by unorganized boroughs, and directing  
11 submission of recommendations concerning adjustment of  
12 the boundaries of service areas of the unorganized  
13 borough; and providing for an effective date."

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

15 \* Section 1. PURPOSE. The legislature finds that the single unorganized  
16 borough of the state has proven unworkable in accommodating demands from its  
17 residents for change and recognizes that a more systematic approach to the  
18 planning and delivery of services for residents of this area is necessary.  
19 In providing, in this Act, for identifying a common set of boundaries by  
20 which to subdivide the state's single unorganized borough into multiple  
21 unorganized boroughs, it is the purpose of the legislature to extend the  
22 opportunity to residents of unorganized boroughs to assist in planning and  
23 program development by

24 (1) preparing regional plans; and  
25 (2) broadening the range of methods by which residents may in-  
26 corporate a regional government.

27 \* Sec. 2. INTENT. In providing for the division of the state's unorga-  
28 nized borough into unorganized boroughs, it is the intent of the legislature  
29 that all future transfers of functions or services from state agencies to

1 regions within unincorporated areas be made only within the boundaries for  
2 unorganized boroughs established under AS 29.03.011 - 29.03.021, added by  
3 sec. 3 of this Act.

4 \* Sec. 3. AS 29.03 is amended by adding new sections to read:

5       Sec. 29.03.011. ESTABLISHMENT OF UNORGANIZED BOROUGHES. Except as  
6 the boundaries are adjusted as provided in AS 29.03.021, the geographic  
7 area within each regional educational attendance area established under  
8 AS 14.08.031 is, effective 180 days after the effective date of this  
9 Act, established as an unorganized borough.

10       Sec. 29.03.021. ADJUSTMENT OF BOUNDARIES BY COMMISSIONER. (a)  
11 The commissioner of community and regional affairs may establish boun-  
12 daries other than the boundaries of a regional educational attendance  
13 area for an unorganized borough under AS 29.03.011. Before establishing  
14 boundaries for unorganized boroughs under this section, the commissioner  
15 shall hold at least one public hearing within each regional educational  
16 attendance area. In establishing boundaries under this section, the  
17 commissioner shall consider

18           (1) the standards applicable to the incorporation of boroughs  
19 under AS 29.18.030;

20           (2) the regional boundaries adopted by the Native regional  
21 corporations established under the Alaska Native Claims Settlement Act;  
22 and

23           (3) census divisions of the state used for the 1980 census.

24       (b) The commissioner of community and regional affairs may not  
25 establish boundaries so that an unorganized borough includes territory  
26 within more than one Native regional corporation established under the  
27 Alaska Native Claims Settlement Act.

28 \* Sec. 4. AS 44.47 is amended by adding a new section to read:

29       Sec. 44.47.085. ASSISTANCE FOR REGIONAL PLANS IN THE UNORGANIZED

1 BOROUGH. (a) The commissioner may contract with a municipality, a  
2 group of municipalities, or one or more regional Native corporations  
3 organized as nonprofit corporations under the laws of the state to  
4 prepare a regional plan for an unorganized borough.

5 (b) The commissioner may contract for the preparation of only one  
6 regional plan for each unorganized borough. The commissioner may con-  
7 tract only if he is satisfied that the party with whom he contracts is  
8 capable of preparing a regional plan that considers the entire popu-  
9 lation of the unorganized borough.

10 (c) When a municipality, group of municipalities, or one or more  
11 regional Native nonprofit corporations proposes to prepare a regional  
12 plan for an unorganized borough, the commissioner shall request pro-  
13 posals for preparation of a regional plan. The residents of an un-  
14 organized borough may petition the commissioner to request proposals for  
15 preparation of a regional plan, and the commissioner shall request  
16 proposals if the petition is signed by a number of qualified voters  
17 equal to not less than 15 percent of the number of votes cast in the  
18 unorganized borough at the last state general election.

19 (d) A request for proposal for preparation of a regional plan for  
20 an unorganized borough made under (c) of this section shall be adver-  
21 tised. The commissioner shall advertise for a period of not less than  
22 45 days by public notice announcements provided to newspapers and radio  
23 and television stations. The advertisement of a request for a proposal  
24 for the preparation of a regional plan shall

25 (1) invite a municipality, group of municipalities or re-  
26 gional Native nonprofit corporation to submit a proposal for the  
27 preparation of a regional plan;

28 (2) outline the work to be completed; and

29 (3) contain other information which the commissioner believes

1 will inform the public of the work to be completed under the contract,  
2 and which will assist him in evaluating proposals received.

3 (e) After receiving the proposals for preparation of a regional  
4 plan, the commissioner shall evaluate them. In evaluating the pro-  
5 posals, the commissioner may request advice from residents of an un-  
6 organized borough for which the regional plan is proposed. The commis-  
7 sioner may refuse all proposals and readvertise, or may accept a pro-  
8 posal and enter into a contract as provided in (f) of this section.

9 (f) A contract entered into under this section

10 (1) shall require that the regional plan include

11 (A) an analysis and recommendations concerning incor-  
12 poration of a borough government for all or a portion of the un-  
13 organized borough;

14 (B) an evaluation of the economic development potential  
15 of the unorganized borough;

16 (C) a recommendation concerning capital facility needs  
17 of the unorganized borough;

18 (D) an examination of demographic, social and environ-  
19 mental factors affecting the unorganized borough;

20 (E) an examination of

21 (i) interrelationships among the regional educa-  
22 tional attendance area, the coastal resource service area, and  
23 any other regional entity responsible for services in the  
24 unorganized borough; and

25 (ii) the interrelationships between the governments  
26 of cities within the unorganized borough and regional entities  
27 listed in (i) of this subparagraph; and

28 (F) a process for implementing the recommendations made  
29 as part of the regional plan;

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(2) shall provide

(A) a mechanism for securing public participation in the preparation of the regional plan;

(B) that the regional plan be completed not later than the June 30 following the third anniversary of the date of the contract; and

(C) that payment for work performed under the contract is subject to legislative appropriation to the account established in (g) of this section;

(3) may permit the contractor to subcontract parts of the work to be performed to one or more subcontractors.

(g) There is established in the Department of Community and Regional Affairs the unorganized borough regional planning account. The account shall be administered by the commissioner and shall be used to pay for contracts entered into under this section.

(h) During each fiscal year, the commissioner may not pay to a contractor under a contract authorized by this section more than \$25,000 plus \$25 per capita for each person residing within the unorganized borough for which the regional plan is to be prepared, as determined by the commissioner.

(i) In this section, "unorganized borough" means a subdivision established under AS 29.03.011 - 29.03.021.

\* Sec. 5. AS 29 is amended by adding a new chapter to read:

CHAPTER 19. DIRECT INCORPORATION OF A HOME RULE BOROUGH.

Sec. 29.19.010. INCORPORATION. (a) The residents of an unorganized borough established in accordance with AS 29.03.011 - 29.03.021 may apply for the incorporation of a home rule borough. The petition for borough incorporation shall be filed with the Department of Community and Regional Affairs and shall include the information and signatures

1 required by AS 29.18.050. Petitions for incorporation filed under this  
2 section shall be processed, reviewed and determined in accordance with  
3 AS 29.18.060 - 29.18.090.

4 (b) A petition submitted under (a) of this section shall

5 (1) specify the number of members of the charter commission,  
6 but the number of members may not exceed 15; and

7 (2) describe the manner of election of members of the charter  
8 commission; if election is to be by district, a description of the  
9 boundaries of each district shall be included in or attached to the  
10 petition.

11 (c) If the petition submitted under (a) of this section requests  
12 election of charter commission members on a basis other than at large  
13 within the unorganized borough, the manner of election of the members of  
14 the commission shall conform to standards applicable to the composition  
15 and apportionment of legislative bodies which are imposed by art. I,  
16 sec. 1 of the state constitution.

17 (d) The standards applicable to the incorporation of an organized  
18 borough under art. X, sec. 3 of the state constitution and AS 29.18.030  
19 apply to the incorporation of an unorganized borough under this section.

20 Sec. 29.19.020. CHARTER ELECTION. (a) If the Local Boundary  
21 Commission accepts the petition filed under AS 29.19.010, it shall  
22 immediately notify the lieutenant governor. Within 30 days after noti-  
23 fication, the lieutenant governor shall order an election within the  
24 proposed home rule borough to determine whether the voters will elect a  
25 charter commission, and to determine the persons elected to serve on the  
26 charter commission.

27 (b) Charter commission candidates are nominated by petition signed  
28 by at least 50 registered voters residing within the unorganized  
29 borough. The lieutenant governor shall allow not less than 20 or more

1 than 30 days during which candidates for the charter commission may  
2 present nominating petitions.

3 (c) The election on the question of election of a charter com-  
4 mission and the determination of persons elected to serve on the charter  
5 commission shall be held not less than 60 or more than 75 days after the  
6 date of the election order.

7 Sec. 29.19.030. PREPARATION OF CHARTER. (a) If, at the election  
8 called by the lieutenant governor under AS 29.19.020, a majority of the  
9 voters favors election of a charter commission, the persons receiving  
10 the highest number of votes cast at that election constitute the charter  
11 commission. The charter commission shall prepare a proposed charter and  
12 submit it to the Department of Community and Regional Affairs within one  
13 year of the first meeting of the charter commission. The commissioner  
14 of community and regional affairs shall review the proposed charter for  
15 compliance with laws applicable to home rule municipalities and, if it  
16 complies, request the lieutenant governor to submit the proposed borough  
17 incorporation petition and proposed home rule charter to residents of  
18 the proposed home rule borough. If the proposed charter does not comply  
19 with law, the commissioner of community and regional affairs shall  
20 return the proposed charter to the charter commission with a statement  
21 of the legal deficiencies.

22 (b) Within 90 days of the receipt of the statement of the commis-  
23 sioner of community and regional affairs indicating that the proposed  
24 home rule charter does not comply with law, the charter commission may  
25 prepare and submit to the commissioner an amended charter which meets  
26 the objections to the original proposed charter.

27 Sec. 29.19.040. RATIFICATION OF CHARTER. The lieutenant governor  
28 shall order an election on the question of whether the unorganized  
29 borough shall be incorporated as a home rule borough in accordance with

1 the charter approved by the commissioner of community and regional  
2 affairs. The proposed charter shall be posted throughout the proposed  
3 borough by the lieutenant governor before the election is held. The  
4 election shall be held not less than 60 or more than 90 days following  
5 the election order.

6 Sec. 29.19.050. RESULTS OF RATIFICATION ELECTION. (a) The votes  
7 cast at an election held under AS 29.19.040 shall be tabulated in two  
8 classifications. One classification shall consist of all votes cast  
9 within cities of the proposed home rule borough. The second classi-  
10 fication shall consist of all votes cast in the remaining area of the  
11 proposed borough. If a majority of the votes cast in each classifica-  
12 tion by the qualified voters of the proposed borough favors incorporation  
13 of the borough under the proposed home rule charter, the lieutenant  
14 governor shall declare that the unorganized borough in which the  
15 election was held is incorporated as an organized borough and a  
16 municipal corporation in accordance with the provisions of the home rule  
17 charter. The lieutenant governor shall provide for the election of the  
18 officers provided for in the charter.

19 (b) The election and qualification of officers under (a) of this  
20 section shall be completed by the lieutenant governor in accordance with  
21 AS 29.18.120 and the provisions of the home rule charter of the borough.

22 Sec. 29.19.060. RESUBMISSION OF CHARTER. If a proposed charter is  
23 rejected, the charter commission shall prepare, adopt and submit a  
24 second proposed charter to the voters in accordance with AS 29.19.030 -  
25 29.19.050. The second proposed charter shall be submitted to the voters  
26 within one year of the date of the charter election held under AS 29.-  
27 19.040. If the second proposed charter is rejected, the charter com-  
28 mission is dissolved.

29 Sec. 29.19.070. VOTERS, ELECTIONS, COSTS, AND VACANCIES. (a) A

1 person is qualified to vote in an election authorized by AS 29.19.010 -  
2 29.19.060 if he is qualified to vote in state elections and if he is a  
3 resident of the unorganized borough proposed for incorporation as a home  
4 rule borough.

5 (b) The lieutenant governor shall conduct elections authorized by  
6 AS 29.19.010 - 29.19.060 substantially in the manner provided in the  
7 Alaska Election Code (AS 15.05 - 15.60), and shall certify the results  
8 of all elections under this chapter. Costs of elections under this  
9 chapter shall be paid by the office of the lieutenant governor.

10 (c) Costs of charter preparation under this chapter shall be paid  
11 by the Department of Community and Regional Affairs.

12 (d) The commissioner of community and regional affairs shall ap-  
13 point a registered voter of the unorganized borough for which a charter  
14 is being prepared to fill a vacancy occurring on the charter commission  
15 established under this chapter.

16 Sec. 29.19.080. APPLICABILITY OF TRANSITIONAL PROVISIONS. The  
17 provisions of AS 29.18.130 - 29.18.180 apply to home rule boroughs  
18 incorporated under this chapter.

19 Sec. 29.19.090. STATUS OF HOME RULE BOROUGHES. (a) A home rule  
20 borough incorporated under this chapter shall exercise all powers  
21 required of a borough under AS 29.33.

22 (b) For purposes of acquisition of areawide powers, the provisions  
23 of AS 29.38.010 apply to a home rule borough incorporated under this  
24 chapter unless otherwise specifically provided in the charter of the  
25 borough.

26 \* Sec. 6. AS 29.03.010 and 29.03.020 are repealed.

27 \* Sec. 7. UNORGANIZED BOROUGH SERVICE AREAS. (a) The commissioner of  
28 education shall recommend to the legislature, not later than January 31,  
29 1981, whether changes should be made in the boundaries of a regional

1 educational attendance area organized under AS 14.08 to conform the bound-  
2 aries of the regional educational attendance area to an unorganized borough  
3 of which it is a part.

4 (b) The Alaska Coastal Policy Council shall recommend to the legis-  
5 lature, not later than January 31, 1981, whether changes should be made in  
6 the boundaries of an existing coastal resource service area organized under  
7 AS 46.40 to conform the boundaries of the coastal resource service area to an  
8 unorganized borough of which it is a part.

9 \* Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-  
10 070(c).

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 SENATE

2 SENATE BILL NO. 349

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a program of planning assistance  
7 for unorganized boroughs; and providing for an effective  
8 date."

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

10 \* Section 1. AS 44.47 is amended by adding a new section to read:

11 Sec. 44.47.085. ASSISTANCE FOR DEVELOPMENT OF REGIONAL MANAGEMENT  
12 PROGRAMS IN THE UNORGANIZED BOROUGH. (a) For the purpose of preparing  
13 a management program for an unorganized borough, the commissioner may  
14 contract as provided by this section with

15 (1) a municipality or group of municipalities; or

16 (2) a nonprofit corporation organized under the laws of the  
17 state.

18 (b) The commissioner may contract for the preparation of only one  
19 management program for each unorganized borough. The commissioner may  
20 contract only if he is satisfied that the municipality, group of muni-  
21 cipalities, or corporation with which he contracts is capable of pre-  
22 paring a management program that considers the entire population of the  
23 unorganized borough.

24 (c) A municipality, group of municipalities, or corporation in-  
25 terested in preparing a management program for an unorganized borough  
26 may ask the commissioner to request a proposal or the commissioner may  
27 request a proposal on his own initiative. A request for proposal shall  
28 be advertised. The advertisement of a request for a proposal for the  
29 preparation of a management program for the unorganized borough shall

1 outline the work to be completed, and contain other information which  
2 the commissioner believes necessary and which he requires to advise the  
3 public of the work to be completed under the contract, and which will  
4 assist him in evaluating proposals received. The commissioner shall  
5 advertise for a period of not less than 45 days by any means which he  
6 believes will provide adequate notice to interested parties and resi-  
7 dents of the unorganized borough.

8 (d) After receiving the proposals the commissioner shall evaluate  
9 them. The commissioner may refuse all proposals and readvertise, or may  
10 accept a proposal and contract in accordance with (e) of this section.

11 (e) A contract entered into under this section shall

12 (1) require that the report to be completed under the con-  
13 tract include an analysis and recommendations concerning incorporation  
14 of a borough government for all or a portion of the unorganized borough;  
15 and

16 (2) provide that

17 (A) the work to be performed shall be completed not  
18 later than the June 30 following the third anniversary of the date  
19 of the contract;

20 (B) payment for work performed under the contract is  
21 subject to legislative appropriation to the account established in  
22 (g) of this section; and

23 (C) payment for work performed under the contract during  
24 each fiscal year in which the contract is in effect may not exceed  
25 the limit established in (h) of this section.

26 (f) A contract entered into under this section may require the  
27 contractor to consider additional topics, including but not limited to,

28 (1) evaluation of the economic development potential of the  
29 unorganized borough;

1 (2) determination of housing and capital facility needs;  
2 (3) examination of demographic, social and environmental  
3 factors; and

4 (4) presentation of a process for developing the report and  
5 implementing its recommendations.

6 (g) There is established in the Department of Community and Re-  
7 gional Affairs the unorganized borough planning account. The account  
8 shall be administered by the commissioner and shall be used to pay for  
9 contracts entered into under this section.

10 (h) During each fiscal year, the commissioner may not pay to a  
11 contractor under a contract authorized by this section more than \$25,000  
12 plus \$25 per capita for each person residing within the unorganized  
13 borough, as determined by the commissioner.

14 (i) In this section, "unorganized borough" means a subdivision  
15 established under AS 29.03.011 - 29.03.021.

16 \* Sec. 2. This Act takes effect on the effective date of a version of an  
17 Act entitled, "An Act establishing unorganized boroughs, amending the respon-  
18 sibilities of state agencies for state programs and services that benefit  
19 residents of organized and unorganized boroughs, and authorizing adoption of  
20 home rule charters by unorganized boroughs; and providing for an effective  
21 date."

Original sponsor: Rules/Legislative Council

Offered: 3/26/80  
Referred: Finance

1 IN THE SENATE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2

CS FOR SENATE BILL NO. 350

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the responsibilities of executive  
7 departments of state government for certain state  
8 programs; and providing for an effective date."

9

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

10

\* Section 1. AS 44.17 is amended by adding new sections to read:

11

ARTICLE 2. PLANNING AND MANAGEMENT OF STATE SERVICES.

12

Sec. 44.17.100. PROGRAM DATA AND INFORMATION. (a) A principal

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department of the executive branch of state government, including a

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board or commission assigned to a department for administrative pur-

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poses, shall use the home rule and general law boroughs, unified muni-

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icipalities, and regional educational attendance areas as the geographic

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units by which to collect and report data and information and process

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and analyze statistics about each of its programs.

19

(b) The information, data and statistics required to be collected  
20 and reported by this section include but are not limited to

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(1) information which may be required by the division of

22

policy development and planning in the Office of the Governor to

23

describe the geographic distribution of the state's population, economic

24

activities, and public services; and

25

(2) information about the program, including

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(A) the estimated number of persons needing a service;

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(B) the number of persons served by the program;

28

(C) the costs of the services provided by the program;

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and

1 (D) the conditions addressed or corrected by a service  
2 provided by the program.

3 (c) A department, board or commission may request an exemption  
4 from this section. An exemption granted under this subsection expires  
5 on June 30, 1982. The request for exemption shall be submitted to the  
6 governor, who may grant the exemption if he finds that additional ex-  
7 pense, increased workload, or decreased efficiency in the operation of a  
8 program or development of a new program would be substantially greater  
9 than the public interest in compliance with this section. A department,  
10 board or commission requesting an exemption under this subsection shall  
11 submit to the governor a written statement

12 (1) naming the program for which an exemption is requested;

13 (2) describing the problems which would be encountered if the  
14 department, board or commission were required to conform to this sec-  
15 tion; and

16 (3) evaluating the effect of an exemption granted under this  
17 subsection on the collection and reporting requirements of (a) of this  
18 section for other programs administered by the department, board or  
19 commission.

20 \* Sec. 2. AS 44.17 is amended by adding new sections to read:

21 Sec. 44.17.110. PROGRAM PLANNING AND MANAGEMENT. (a) A principal  
22 department of the executive branch of state government, including a  
23 board or commission assigned to a department for administrative pur-  
24 poses, shall use the home rule and general law boroughs, unified muni-  
25 cipalities, and regional educational attendance areas of the state as  
26 the geographic units by which to develop and implement plans for provid-  
27 ing services and to coordinate program planning and administration with  
28 the plans and programs of other agencies, municipalities and the federal  
29 government.

1 (b) A department, board or commission may combine one or more home  
2 rule boroughs, general law boroughs, unified municipalities, and regional  
3 educational attendance areas to define the geographical area within  
4 which a program is provided.

5 Sec. 44.17.120. REPORTING OF SERVICE COSTS. (a) A principal  
6 department of the executive branch of the government, including a board  
7 or commission assigned to a department for administrative purposes,  
8 shall provide information giving the direct cost of providing services  
9 to each municipality and regional educational attendance area used by  
10 the department under AS 44.17.110(a) for the management and administra-  
11 tion of its programs. The information shall be available to

12 (1) the division of budget and management in the Office of  
13 the Governor, for its use in making recommendations for the program  
14 budget of a department, board or commission;

15 (2) the legislature, for its use in consideration of the  
16 state budget and other legislation relating to state services; and

17 (3) the public, upon request to the department, board or  
18 commission.

19 (b) In this section, "direct cost" means a cost which is related  
20 to providing a service, exclusive of general administrative and support  
21 costs.

22 Sec. 44.17.130. EXEMPTION. The provisions of AS 44.17.110 -  
23 44.17.120 do not apply to

24 (1) a program of an executive department, board or commission  
25 which provides only professional or technical support services for  
26 another state department, board or commission, as determined by the  
27 governor; and

28 (2) a program for which exemption is specifically requested  
29 by the department, board or commission, and granted by the governor

1 because

2 (A) the program concerns the conservation or development  
3 of a natural resource; and

4 (B) the application of AS 44.17.110 - 44.17.120 would  
5 cause a substantial impediment to the performance of duties by the  
6 department, board, or commission.

7 Sec. 44.17.140. DEFINITION. In AS 44.17.100 - 44.17.140, "regional  
8 educational attendance area" means a subdivision of the part of the  
9 state not within an organized borough as determined by the commissioner  
10 of community and regional affairs under AS 14.08.031.

11 \* Sec. 3. AS 44.17 is amended by adding new sections to read:

12 ARTICLE 2. PLANNING AND MANAGEMENT OF STATE SERVICES.

13 Sec. 44.17.100. PROGRAM DATA AND INFORMATION. (a) A principal  
14 department of the executive branch of state government, including a  
15 board or commission assigned to a department for administrative pur-  
16 poses, shall use the home rule and general law boroughs, unified muni-  
17 cipalities, and unorganized boroughs as the geographic units by which to  
18 collect and report data and information and process and analyze statis-  
19 tics about each of its programs.

20 (b) The information, data and statistics required to be collected  
21 and reported by this section include but are not limited to

22 (1) information which may be required by the division of  
23 policy development and planning in the Office of the Governor to describe  
24 the geographic distribution of the state's population, economic activi-  
25 ties, and public services; and

26 (2) information about the program, including

27 (A) the estimated number of persons needing a service;

28 (B) the number of persons served by the program;

29 (C) the costs of the services provided by the program;

1 and

2 (D) the conditions addressed or corrected by a service  
3 provided by the program.

4 (c) A department, board or commission may request an exemption  
5 from this section. An exemption granted under this subsection expires  
6 on June 30, 1982. The request for exemption shall be submitted to the  
7 governor, who may grant the exemption if he finds that additional ex-  
8 pense, increased workload, or decreased efficiency in the operation of a  
9 program or development of a new program would be substantially greater  
10 than the public interest in compliance with this section. A department,  
11 board or commission requesting an exemption under this subsection shall  
12 submit to the governor a written statement

13 (1) naming the program for which an exemption is requested;

14 (2) describing the problems which would be encountered if the  
15 department, board or commission were required to conform to this sec-  
16 tion; and

17 (3) evaluating the effect of an exemption granted under this  
18 subsection on the collection and reporting requirements of (a) of this  
19 section for other programs administered by the department, board or  
20 commission.

21 \* Sec. 4. AS 44.17 is amended by adding new sections to read:

22 Sec. 44.17.110. PROGRAM PLANNING AND MANAGEMENT. (a) A principal  
23 department of the executive branch of state government, including a  
24 board or commission assigned to a department for administrative pur-  
25 poses, shall use the home rule and general law boroughs, unified muni-  
26 cipalities, and unorganized boroughs of the state as the geographic  
27 units by which to develop and implement plans for providing services and  
28 to coordinate program planning and administration with the plans and  
29 programs of other agencies, municipalities and the federal government.

1 (b) A department, board or commission may combine one or more home  
2 rule boroughs, general law boroughs, unified municipalities, and un-  
3 organized boroughs to define the geographical area within which a pro-  
4 gram is provided.

5 Sec. 44.17.120. REPORTING OF SERVICE COSTS. (a) A principal  
6 department of the executive branch of the government, including a board  
7 or commission assigned to a department for administrative purposes,  
8 shall provide information giving the direct cost of providing services  
9 to each municipality and unorganized borough used by the department  
10 under AS 44.17.110(a) for the management and administration of its  
11 programs. The information shall be available to

12 (1) the division of budget and management in the Office of  
13 the Governor, for its use in making recommendations for the program  
14 budget of a department, board or commission;

15 (2) the legislature, for its use in consideration of the  
16 state budget and other legislation relating to state services; and

17 (3) the public, upon request to the department, board or  
18 commission.

19 (b) In this section, "direct cost" means a cost which is related  
20 to providing a service, exclusive of general administrative and support  
21 costs.

22 Sec. 44.17.130. EXEMPTION. The provisions of AS 44.17.110 -  
23 44.17.120 do not apply to

24 (1) a program of an executive department, board or commission  
25 which provides only professional or technical support services for  
26 another state department, board or commission, as determined by the  
27 governor; and

28 (2) a program for which exemption is specifically requested  
29 by the department, board or commission, and granted by the governor

1 because

2 (A) the program concerns the conservation or development  
3 of a natural resource; and

4 (B) the application of AS 44.17.110 - 44.17.120 would  
5 cause a substantial impediment to the performance of duties by the  
6 department, board, or commission.

7 Sec. 44.17.140. DEFINITION. In AS 44.17.100 - 44.17.140, "un-  
8 organized borough" means a subdivision of the part of the state not  
9 within an organized borough as determined by the commissioner of com-  
10 munity and regional affairs under AS 29.03.011 - 29.03.021.

11 \* Sec. 5. RESPONSIBILITIES OF THE DIVISION OF POLICY DEVELOPMENT AND  
12 PLANNING. The division of policy development and planning in the Office of  
13 the Governor shall

14 (1) by December 31, 1980, evaluate the cost and suitability of  
15 data and information reference systems and recommend the use of a system by  
16 the principal departments of the executive branch of the state government,  
17 including boards and commissions assigned to those departments for adminis-  
18 trative purposes; the data and information system recommended by the division  
19 shall

20 (A) permit cross-referencing of data and information by the  
21 executive departments, boards and commissions; and

22 (B) classify data and information on the basis of the geo-  
23 graphic units used by a department, board or commission for program  
24 management and cost reporting under AS 44.17.110 - 44.17.120.

25 (2) report to the legislature by July 1, 1983, alternatives and  
26 recommendations for improving coordination of programs which provide direct  
27 services to people, which are not exempt under AS 44.17.130.

28 \* Sec. 6. Sections 3 and 4 of this Act take effect and secs. 1 and 2 of  
29 this Act are repealed only if a version of an Act entitled "An Act relating

1 to unorganized boroughs, establishing unorganized boroughs, establishing a  
2 program of financial assistance for the preparation of regional plans by  
3 unorganized boroughs, permitting adoption of home rule charters by un-  
4 organized boroughs, and directing submission of recommendations concerning  
5 adjustment of the boundaries of service areas of the unorganized borough; and  
6 providing for an effective date", becomes law.

7 \* Sec. 7. Sections 1 and 3 of this Act take effect July 1, 1981.

8 \* Sec. 8. Sections 2 and 4 of this Act take effect July 1, 1982.

9 \* Sec. 9. Sections 5 and 6 of this Act take effect immediately in accor-  
10 dance with AS 01.10.070(c).

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Original sponsor: Rules/Legislative Council

Offered: 4/10/80  
Referred: Finance

1 IN THE SENATE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2

CS FOR SENATE BILL NO. 351

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to state aid to local governments; and

7

providing for an effective date."

8

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

9

\* Section 1. AS 43.18.010 is amended by adding a new subsection to read:

10

(m) A city or organized borough which is entitled to state aid

11

under this section shall receive each fiscal year a minimum amount under

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this section of \$25,000 adjusted to include an area cost-of-living

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differential determined in accordance with AS 43.18.012.

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\* Sec. 2. This Act takes effect July 1, 1980.

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Introduced: 1/21/80  
Referred: Community & Regional  
Affairs and Finance

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 SENATE

2 SENATE BILL NO. 352

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring fiscal notes for bills affecting a  
7 municipality."

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

9 \* Section 1. AS 24.30.035 is amended to read:

10 Sec. 24.30.035. FISCAL NOTES ON BILLS. Before a bill is reported  
11 from the committee of first referral, there shall be attached to the  
12 bill a fiscal note containing an estimate of the amount of the appropria-  
13 tion increase or decrease which would result from enactment of the bill  
14 for the ensuing fiscal year and at least two succeeding fiscal years.  
15 If enactment of the bill would require an expenditure or appropriation  
16 by any municipality, a fiscal note shall be attached to the bill con-  
17 taining an estimate of the amount of the total expenditure or appropria-  
18 tion which would be required during each of the first three fiscal  
19 years by all affected municipalities. If [OR, IF] the bill has no  
20 fiscal impact, a statement to that effect shall be attached. The fiscal  
21 note or statement relating to a state program shall be prepared by the  
22 department or departments affected. The fiscal note or statement relat-  
23 ing to municipalities shall be prepared by the Department of Community  
24 and Regional Affairs, but that department may obtain the assistance of  
25 any other state agency in the preparation of the note or statement. If  
26 the bill is presented by the governor for introduction in accordance  
27 with AS 24.30.060(b) and the uniform rules of the legislature, the  
28 fiscal note or statement shall be attached to the bill before the bill  
29 is introduced. An amendment or a substitute bill proposed by a commit-

tee of referral that changes the fiscal impact of a bill shall be explained in a revised fiscal note or statement attached to the bill.

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Introduced: 1/21/80  
Referred: Community & Regional  
Affairs and Finance

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 SENATE

2 SENATE BILL NO. 353

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the incorporation of second class  
7 boroughs as home rule boroughs."

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

9 \* Section 1. AS 29.13.010 is amended to read:

10 Sec. 29.13.010. MUNICIPAL CHARTER ADOPTION. A first class muni-  
11 cipality or second class borough may adopt a charter for its own govern-  
12 ment. A home rule municipality may amend its charter or adopt a new  
13 one. A charter is framed by a charter commission of seven members  
14 chosen by the municipal voters at a regular or special election. A  
15 candidate for the commission must be a qualified voter of the muni-  
16 cipality and a resident of the municipality for three years immediately  
17 preceding the election. A charter commission election is called by  
18 filing a petition with the borough assembly or the city council, or by  
19 resolution of the borough assembly or city council. The petition must  
20 be signed by a number of municipal voters equal to 10 percent of the  
21 votes cast in the last regular election of the municipality.

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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 SENATE

2 SENATE BILL NO. 354

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 BOROUGHS]. 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).