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*See
Berms
drafts*

CHAPTER 36. AREAWIDE BOROUGH POWERS AND DUTIES.

*ARTICLE 1 SCOPE
Consolidated to Berms chap 33*

Sec. 29.36.010. SCOPE OF AREAWIDE POWERS. (a) First and second class

boroughs shall exercise the powers as specified and in the manner specified in this chapter on an areawide basis, both inside and outside cities within their boundaries.

(b) No city, whether home rule or not, may exercise an areawide power once that power is being exercised by a borough.

ARTICLE 2. MANDATORY AREAWIDE POWERS AND DUTIES.

Sec. 29.36.040. EDUCATION. Each borough constitutes a borough school district and establishes, maintains, and operates a system of public schools on an areawide basis as provided in AS 14.14.060. A military reservation within an organized borough is not part of the borough school district until the military mission is terminated or until inclusion in the borough school district is approved by the Department of Education. However, operation of the military reservation schools by the borough school district may be required by the Department of Education under AS 14.14.110. If the military mission of a military reservation terminates or continued management and control by a regional educational attendance area is disapproved by the Department of Education, operation, management and control of schools on military reservation transfers to the borough school district in which the military reservation is located.

Sec. 29.36.050. ASSESSMENT AND COLLECTION OF TAXES. Boroughs shall assess and collect property, sales, and use taxes levied within their boundaries, subject to ~~ch. 45~~ *ch. 45* of this title. Taxes levied by a city and collected by a borough are returned in full to the levying city.

****Sec. 29.36.060. PLANNING, PLATTING, AND ZONING.

ARTICLE 3. ACQUISITION OF ADDITIONAL AREAWIDE POWERS.

1 Sec. 29.36.090. ADDITIONAL AREAWIDE POWERS. First and second class
2 boroughs acquire additional areawide municipal powers by transfer from a
3 city or by holding an areawide election on the question, except as provided
4 otherwise in AS 29.33.080 and 29.33.090.

5 Sec. 29.36.100. TRANSFER BY CITY. (a) A city may transfer to the
6 first or second class borough in which it is located any of its powers or
7 functions, subject to the approval of the borough assembly.

8 (b) First and second class boroughs shall exercise all powers
9 transferred to them by cities.

10 Sec. 29.36.110. PETITION FOR POWER. An election on the question of
11 adding an areawide power may be initiated in two ways:

12 (1) a number of voters equal to 15 percent of the number of votes
13 cast in the borough at the preceding regular election may file a petition
14 with the assembly, or

15 (2) the assembly may propose the acquisition of the power.

16 Sec. 29.36.120. INVESTIGATION. The assembly shall hold at least one
17 public hearing in the borough on the question. The assembly shall then
18 evaluate the ability of the borough to exercise the powers and make its
19 findings public.

20 Sec. 29.36.130. ELECTION. (a) The assembly shall, within 30 days
21 after its findings have been made public, order an election to be held on
22 the question. The election shall be held at least 30 days after the order
23 and not later than the next regular election occurring after the 30-day
24 period.

25 (b) If more than one power is proposed, each appears separately
26 on the ballot.

27 (c) The borough mayor shall certify the election results to the
28 Department of Community and Regional Affairs. The vote on the question of
29 adding an areawide power shall be tabulated in two separate classifications.

1 One shall consist of all votes cast in the home rule and first class cities
2 of the borough. The other shall consist of all votes cast in the remaining
3 borough area. If the majority of the votes cast in each classification is
4 favorable, the borough shall assume the added power within 30 days of certifi-
5 cation of the election results. Upon acquisition of an areawide power the
6 borough succeeds to all of the rights, powers and duties of any city or
7 service area with respect to that power. The borough succeeds to claims,
8 franchises and other contractual obligations, liability for bonded and all
9 other indebtedness and to all of the right, title and interest in the real
10 and personal property held by the city or service area for the exercise of
11 the power. The borough assembly may levy and collect special charges, taxes
12 or assessments including interest for the purpose of amortizing bonded in-
13 debtedness previously incurred by the city or service area for continuing
14 services in the area. When a city or service area had previously incurred
15 bonded indebtedness, no less than all property that was within the city or
16 service area at the time the bonds were issued shall remain subject to
17 taxation to pay the principal of and interest on the bond for as long as
18 they remain outstanding. Upon acquisition of additional areawide powers the
19 borough, in consultation with the city or service area personnel, shall
20 arrange for an orderly and equitable transfer of rights, assets, liabilities,
21 powers, duties and other matters related to acquisition of the areawide
22 powers. This section applies to home rule and general law cities.

23 ARTICLE 4. BOROUGH POWERS AND DUTIES IN THE AREA

24 OUTSIDE CITIES.

25 Sec. 29.36.160. FIRST CLASS BOROUGH. The first class borough may
26 exercise in the area outside cities any general law municipal power. Before
27 exercising a power outside cities only, the borough shall seek to have the
28 identical power transferred from cities within the borough or propose joint
29 borough-city exercise of the power.

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1 Sec. 29.36.170. SECOND CLASS BOROUGH. (a) The second class borough
2 may exercise in the area outside cities municipal powers approved at incorpora-
3 tion, conferred by AS 29.36.170 or added as provided in this chapter.
4 Before exercising a power outside cities only, the borough shall seek to
5 have the identical power transferred from cities within the borough or
6 propose joint borough-city exercise of the power.

7 ****(b) A second class borough may, in the area outside cities,

8 (1) regulate or prohibit the offering for sale, exposure for
9 sale, sale, use, or explosion of fireworks;

10 (2) provide for the licensing, impounding, and disposition of
11 animals;

12 (3) regulate the licensing and operation of motor vehicles and
13 operators;

14 (4) regulate snow vehicles as provided in AS 05.30.070;

15 (5) provide for garbage and solid waste collection and disposal
16 subject to AS 29.33.080;

17 (6) provide for water pollution control;

18 (7) establish or participate in federal and state government loan
19 programs for housing rehabilitation and improvement for conservation of
20 energy.

21 **** (8) Tax, spend, and regulate for the purpose of promoting economic
22 development.

23 Sec. 29.36.180. ADDITIONAL POWERS. The second class borough may
24 initiate the acquisition of additional powers outside cities in either of
25 two ways:

26 (1) a number of voters equal to 15 per cent of the number of votes
27 cast in the area outside cities at the preceding regular election may file a
28 petition with the assembly, or
29

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

2 Sec. 29.36.190. INVESTIGATION. The assembly shall hold at least one
3 public hearing in the borough on the question. The assembly shall then
4 evaluate the ability of the borough to exercise the powers and make its
5 findings public.

6 Sec. 29.36.200. ELECTION. (a) The assembly shall, within 30 days
7 after its findings have been made public, order an election on the question
8 in the borough area outside cities. The election shall be held at least 30
9 days after the order and not later than the next regular election occurring
10 after the 30-day period.

11 (b) If more than one power is proposed, each appears separately
12 on the ballot.

13 (c) The borough mayor shall certify the election results to the
14 Department of Community and Regional Affairs. If the majority of the votes
15 cast on the question is favorable, the borough shall assume the added power
16 within 30 days of certification of election results.

17 ARTICLE 5. POWERS OF THIRD CLASS BOROUGHS.

18 Sec. 29.36.230. POWERS OF THIRD CLASS BOROUGHS. (a) A third class
19 borough shall exercise the areawide powers of education and tax assessment
20 and collection in the manner provided for second class boroughs. Areawide
21 exercise of powers other than education and tax assessment and collection is
22 not authorized.

23 (b) A third class borough may by a majority vote of the voters in
24 a general or special election provide for planning, platting and zoning in
25 accordance with AS 29.42.010 - 29.42.150 for boroughs and may exercise any
26 general law municipal power which a second class borough is authorized to
27 assume by this title. Powers assumed by a third class borough under this
28 section may be exercised only within service areas. A third class borough
29 may establish, operate, alter or abolish service areas in the manner provided

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1 by AS 29.63.090 for second class boroughs. The acquisition of additional
2 powers on a service area basis may be initiated in either of two ways:

3 (1) a number of voters equal to 15 percent of the number of
4 votes cast in the proposed service area at the preceding regular election
5 may file a petition with the assembly; or

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

7 (c) A third class borough may borrow money and issue negotiable
8 general obligation, revenue or refunding bonds and other evidences of indebt-
9 edness as provided for first and second class boroughs in AS 29.51.200 -
10 29.51.510

11 (d) A military reservation within a third class borough is not
12 part of the borough school district until the military mission is terminated
13 or until inclusion in the borough school district is approved by the Depart-
14 ment of Education. However, operation of the military reservation schools
15 by the borough school district may be required by the Department of Education
16 under AS 14.14.110. If the military mission of a military reservation
17 terminates or continued management and control by a regional educational
18 attendance area is disapproved by the Department of Education, operation,
19 management and control of schools on the military reservation transfers to
20 the borough school district in which the military reservation is located.

21 Sec. 29.36.240. ASSEMBLY TO SERVE AS SCHOOL BOARD. Repeal.

22 ARTICLE 6. SERVICE AREAS.

23 Sec. 29.36.270. SERVICE AREAS. ****(a) Service areas to provide
24 special services within a borough may be established, operated, altered or
25 abolished by the assembly by ordinance. Special services include services
26 not provided on an areawide basis within the borough or the borough area
27 outside cities or a higher or different level of service than that provided
28 on an areawide basis or in the borough area outside cities. In a first
29 class borough the assembly may exercise within a service area any power
granted a first class city by general law. Except as provided in (f) of

1 this section, a second class borough may exercise the powers granted a first
 2 class city by general law but the exercise of the powers must be approved by
 3 a majority of the qualified voters residing within the service area and
 4 voting on the question at a regular or special election, or if no voters
 5 reside within the area, all owners of real property within the service area
 6 must consent in writing to the exercise of the power.

7 (b) The assembly may levy or authorize the levying of taxes,
 8 charges, or assessments in service areas to finance the special services.

9 (c) The assembly may provide for appointed or elected boards to
 10 supervise the furnishing of special services in service areas.

11 (d) A new service area may not be established if, consistent with
 12 the purposes of art. X of the state constitution, the new service can be
 13 provided by an existing service area, by annexation to a city, or by incor-
 14 poration as a city.

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*Proofed 12-31*CHAPTER 36. AREAWIDE BOROUGH POWERS AND DUTIES.u.c.
Article 1. SCOPE.

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5 their boundaries.
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7 (b) No city, whether home rule or not, may exercise an areawide
8 power once that power is being exercised by a borough.

u.c.
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12 within an organized borough is not part of the borough school district until
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14 district is approved by the Department of Education. However, operation of
15 the military reservation schools by the borough school district may be
16 required by the Department of Education under AS 14.14.110. If the military
17 mission of a military reservation terminates or continued management and
18 control by a regional educational attendance area is disapproved by the
19 Department of Education, operation, management and control of schools on
20 military reservation transfers to the borough school district in which the
21 military reservation is located.
22

23 Sec. 29.36.050. ASSESSMENT AND COLLECTION OF TAXES. [?]~~ASSESSMENT AND~~
24 ~~COLLECTION~~ [?] Boroughs shall assess and collect property, sales, and use
25 taxes levied within their boundaries, subject to ch. 45 of this title.
26 Taxes levied by a city and collected by a borough are returned in full to
27 the levying city.

28 ****Sec. 29.36.060. ~~(New Section)~~ PLANNING, PLATTING, AND ZONING.
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1 U.C.
2 Article 3. ACQUISITION OF ADDITIONAL AREAWIDE POWERS.

3 Sec. 29.36.090. ADDITIONAL AREAWIDE POWERS. First and second class
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12 Sec. 29.36.110. PETITION FOR POWER. An election on the question of
13 adding an areawide power may be initiated in two ways:

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15 cast in the borough at the preceding regular election may file a petition
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19 public hearing in the borough on the question. The assembly shall then
20 evaluate the ability of the borough to exercise the powers and make its
21 findings public.

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23 after its findings have been made public, order an election to be held on
24 the question. The election shall be held at least 30 days after the order
25 and not later than the next regular election occurring after the 30-day
26 period.

27 (b) If more than one power is proposed, each appears separately
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29 (c) The borough mayor shall certify the election results to the
Department of Community and Regional Affairs. The vote on the question of

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 8 service area with respect to that power. The borough succeeds to claims,
 9 franchises and other contractual obligations, liability for bonded and all
 10 other indebtedness and to all of the right, title and interest in the real
 11 and personal property held by the city or service area for the exercise of
 12 the power. The borough assembly may levy and collect special charges, taxes
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24 ^{U.C.}
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25 OUTSIDE CITIES •

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 27 exercise in the area outside cities any general law municipal power. Before
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5 have the identical power transferred from cities within the borough or
6 propose joint borough-city exercise of the power.

7 ****(b) A second class borough may, in the area outside cities,

8 (1) regulate or prohibit the offering for sale, exposure for
9 sale, sale, use, or explosion of fireworks;

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11 animals;

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13 operators;

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15 (5) provide for garbage and solid waste collection and disposal
16 subject to AS 29.33.080;

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18 (7) establish or participate in federal and state government loan
19 programs for housing rehabilitation and improvement for conservation of
20 energy.

21 **** (8) Tax, spend, and regulate for the purpose of promoting economic
22 development.

23 Sec. 29.36.180. ADDITIONAL POWERS. The second class borough may
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25 two ways:

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27 cast in the area outside cities at the preceding regular election may file a
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22 not authorized.

23 (b) A third class borough may by a majority vote of the voters in
24 a general or special election provide for planning, platting and zoning in
25 accordance with AS 29.42.010-29.42.150 for boroughs and may exercise any
26 general law municipal power which a second class borough is authorized to
27 assume by this title. Powers assumed by a third class borough under this
28 section may be exercised only within service areas. A third class borough
29 may establish, operate, alter or abolish service areas in the manner provided

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1 by ~~AS 29.63.090~~ for second class boroughs. The acquisition of additional
2 powers on a service area basis may be initiated in either of two ways:

3 (1) a number of voters equal to 15 percent of the number of
4 votes cast in the proposed service area at the preceding regular election
5 may file a petition with the assembly; or

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

7 (c) A third class borough may borrow money and issue negotiable
8 general obligation, revenue or refunding bonds and other evidences of indebtedne
9 as provided for first and second class boroughs in AS 29.51.200-29.51.510

10 (d) A military reservation within a third class borough is not
11 part of the borough school district until the military mission is terminated
12 or until inclusion in the borough school district is approved by the Department
13 of Education. However, operation of the military reservation schools by the
14 borough school district may be required by the Department of Education under
15 AS 14.14.110. If the military mission of a military reservation terminates
16 or continued management and control by a regional educational attendance
17 area is disapproved by the Department of Education, operation, management
18 and control of schools on the military reservation transfers to the borough
19 school district in which the military reservation is located.

20 Sec. 29.36.240. ASSEMBLY TO SERVE AS SCHOOL BOARD. Repeal.

21 ^{U.C.}
Article 6. SERVICE AREAS.

22 Sec. 29.36.270. SERVICE AREAS. ****(a) Service areas to provide
23 special services within a borough may be established, operated, altered or
24 abolished by the assembly by ordinance. Special services include services
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26 outside cities or a higher or different level of service than that provided
27 on an areawide basis or in the borough area outside cities. In a first
28 class borough the assembly may exercise within a service area any power
29 granted a first class city by general law. Except as provided in (f) of

1 this section, a second class borough may exercise the powers granted a first
2 class city by general law but the exercise of the powers must be approved by
3 a majority of the qualified voters residing within the service area and
4 voting on the question at a regular or special election, or if no voters
5 reside within the area, all owners of real property within the service area
6 must consent in writing to the exercise of the power.

7 (b) The assembly may levy or authorize the levying of taxes,
8 charges, or assessments in service areas to finance the special services.

9 (c) The assembly may provide for appointed or elected boards to
10 supervise the furnishing of special services in service areas.

11 (d) A new service area may not be established if, consistent with
12 the purposes of art. X of the state constitution, the new service can be
13 provided by an existing service area, by annexation to a city, or by incor-
14 poration as a city.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.36.170. SECOND CLASS BOROUGH POWERS OUTSIDE CITIES.

(8) tax, spend, and regulate for the purpose of promoting ~~industrial~~ ^{economic} development.

The rest of the section is the same.

EXPLANATION: This is added as a specific power which need not be assumed under AS 29.36.180. A first class borough may exercise this power under AS 29.36.160, the general grant of power to first class boroughs.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.24.420. SCHOOL BOARDS. ^{(a) Municipal} Each ~~borough and city~~ school district has a school board. ~~Members~~ ¹ are elected at the regular election held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance. Members are elected for three-year terms and until their successors take office. ~~All board members are elected at large.~~ ^{unless a different method of election has been approved by the voters in a regular election.}

(b) ~~Members of the school board shall be elected at large.~~ ^{in a third class borough as provided in the school board and where no president of the borough board}

EXPLANATION; The provision that school zones may be established as provided by Sec. 100 is deleted. AS 29.23.100 was repealed in 1972.

AS 29.23.100, repeal.
AS 29.24.420, repeal.

29.36.240.

- ① ~~The number of members shall be determined by ordinance. Subject to voter approval.~~
- ② ~~The election of board members shall be the same as provided for members of the governing body unless provided otherwise by ordinance ratified by the voters.~~

ck: any Constitutional problem

Clarify status of third class borough members are elected from districts

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.36.270. SERVICE AREAS. (a) (First two sentences the same). Except as provided in (f) of this section, a second class borough may exercise the powers granted a first class city by general law but the exercise of the powers must be approved by a majority of the voters residing within the service area and voting on the question at a regular or special election, ^{or reno} unless all owners of real property within the service area ^{must} consent in writing to the exercise of the power. ~~and no one resides~~

voters reside within the area

No other changes to this section.

EXPLANATION: Change in (a) to avoid the necessity of an election if there is no opposition by property owners who will be affected by the service area.

*Words from
Dumnick -
on cities w/in service
area
Is this allowed?
by consideration by Technical group.
* flag as needing
more work*

Combine
w/ CNAP
331

CHAPTER 36. AREAWIDE BOROUGH POWERS AND DUTIES

(CHAPTER 33. AREAWIDE BOROUGH POWERS AND DUTIES)

Article 1. SCOPE

Sec. 29.36.010. (Sec. 29.33.010.) SCOPE OF AREAWIDE POWERS. (a)

First and second class boroughs shall exercise the powers as specified and in the manner specified in this chapter on an areawide basis, both inside and outside cities within their boundaries.

(b) No city, whether home rule or not, may exercise an areawide power once that power is being exercised by a borough.

Article 2. MANDATORY AREAWIDE POWERS AND DUTIES

(Chapter 33, Article 2. ASSESSMENT AND COLLECTION OF TAXES)

Sec. 29.36.040. (Sec. 29.33.050.) EDUCATION. Each borough

constitutes a borough school district and establishes, maintains, and operates a system of public schools on an areawide basis as provided in AS 14.14.060. A military reservation within an organized borough is not part of the borough school district until the military mission is terminated or until inclusion in the borough school district is approved by the Department of Education. However, operation of the military reservation schools by the borough school district may be required by the Department of Education under AS 14.14.110. If the military mission of a military reservation terminates or continued management and control by a regional educational attendance area is disapproved by the Department of Education, operation, management and control of schools on military reservation transfers to the borough school district in which the military reservation is located.

Sec. 29.36.050. (Sec. 29.33.030.) ASSESSMENT AND COLLECTION OF TAXES.

(ASSESSMENT AND COLLECTION) Boroughs shall assess and collect property, sales, and use taxes levied within their boundaries, subject to ch. 45 (ch. 53) of this title. Taxes levied by a city and collected by a borough are returned in full to the levying city.

1 Sec. 29.36.060. (New Section) PLANNING, PLATTING, AND ZONING, *shall provide land use regulation*

2 *Boroughs* Article 3. ACQUISITION OF ADDITIONAL AREAWIDE POWERS

3 (Chapter 33. Article 5. ADDITIONAL AREAWIDE POWERS)

4 Sec. 29.36.090. (Sec. 29.33.250.) ADDITIONAL AREAWIDE POWERS. First
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6 transfer from a city or by holding an areawide election on the question,
7 except as provided otherwise in AS 29.33.010 (~~AS 29.48.030~~) and ~~AS 29.33.030~~
8 ~~[29.48.035(b)]~~.

9 Sec. 29.36.100. (Sec. 29.33.260.) TRANSFER BY CITY. (a) A city may
10 transfer to the first or second class borough in which it is located any of
11 its powers or functions, subject to the approval of the borough assembly.

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15 the question of adding an areawide power may be initiated in two ways:

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17 cast in the borough at the preceding regular election may file a petition
18 with the assembly, or

19 (2) the assembly may propose the acquisition of the power.

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21 hold at least one public hearing in the borough on the question. The
22 assembly shall then evaluate the ability of the borough to exercise the
23 powers and make its findings public.

24 Sec. 29.36.130. (Sec. 29.33.290.) ELECTION. (a) The assembly shall,
25 within 30 days after its findings have been made public, order an election
26 to be held on the question. The election shall be held at least 30 days
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28 the 30-day period.

1 (b) If more than one power is proposed, each appears separately
2 on the ballot.
3 *OWN SECTION* The borough mayor shall certify the election results to the
4 Department of Community and Regional Affairs. The vote on the question of
5 adding an areawide power shall be tabulated in two separate classifications.
6 One shall consist of all votes cast in the home rule and first class cities
7 of the borough. The other shall consist of all votes cast in the remaining
8 borough area. If the majority of the votes cast in each classification is
9 favorable, the borough shall assume the added power within 30 days of
10 certification of the election results. Upon acquisition of an areawide
11 power the borough succeeds to all of the rights, powers and duties of any
12 city or service area with respect to that power. The borough succeeds to
13 claims, franchises and other contractual obligations, liability for bonded
14 and all other indebtedness and to all of the right, title and interest in
15 the real and personal property held by the city or service area for the
16 exercise of the power. The borough assembly may levy and collect special
17 charges, taxes or assessments including interest for the purpose of
18 amortizing bonded indebtedness previously incurred by the city or service
19 area for continuing services in the area. When a city or service area had
20 previously incurred bonded indebtedness, no less than all property that was
21 within the city or service area at the time the bonds were issued shall
22 remain subject to taxation to pay the principal of and interest on the bond
23 for as long as they remain outstanding. Upon acquisition of additional
24 areawide powers the borough, in consultation with the city or service area
25 personnel, shall arrange for an orderly and equitable transfer of rights,
26 assets, liabilities, powers, duties and other matters related to acquisition
27 of the areawide powers. This ~~section~~ section applies to home rule and general
28 law cities.
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Article 4. BOROUGH POWERS AND DUTIES IN THE AREA

OUTSIDE CITIES

(CHAPTER 38. BOROUGH POWERS AND DUTIES IN THE
AREA OUTSIDE CITIES

Sec. 29.36.160. (Sec. 29.38.010.) FIRST CLASS BOROUGH. The first class borough may exercise in the area outside cities any general law municipal power. Before exercising a power outside cities only, the borough shall seek to have the identical power transferred from cities within the borough or propose joint borough-city exercise of the power.

Sec. 29.36.170. (Sec. 29.38.020.) SECOND CLASS BOROUGH. The second class borough may exercise in the area outside cities municipal powers approved at incorporation, conferred by AS 29.36.170 (AS 29.48.020), or added as provided in this chapter. Before exercising a power outside cities only, the borough shall seek to have the identical power transferred from cities within the borough or propose joint borough-city exercise of the power.

Sec. ~~29.36.170.~~ (Sec. 29.48.020.) ~~SECOND CLASS BOROUGH POWERS OUTSIDE CITIES.~~ [NOTE: THIS SECTION HAS BEEN COMBINED WITH SEC. 29.38.020] A second class borough may, in the area outside cities,

- (1) regulate or prohibit the offering for sale, exposure for sale, sale, use, or explosion of fireworks;
- (2) provide for the licensing, impounding, and disposition of animals;
- (3) regulate the licensing and operation of motor vehicles and operators;
- (4) regulate snow vehicles as provided in AS 05.30.070;
- (5) provide for garbage and solid waste collection and disposal subject to AS 29.33.080. (Sec. 33) of this chapter;

(6) provide for water pollution control;

(7) establish or participate in federal and state government loan programs for housing rehabilitation and improvement for conservation of energy.

(8) tax, spend, & regulate for the purposes of promoting industrial development.

Sec. 29.36.180. (Sec.29.38.030.) ADDITIONAL POWERS. The second class borough may initiate the acquisition of additional powers outside cities in either of two ways:

consolidate:

(1) a number of voters equal to 15 percent of the number of votes cast in the area outside cities at the preceding regular election may file petition with the assembly, or

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

Sec. 29.36.190. (Sec. 29.38.040.) INVESTIGATION. The assembly shall hold at least one public hearing in the borough on the question. The assembly shall then evaluate the ability of the borough to exercise the powers and make its findings public.

Sec. 29.36.200. (Sec. 29.38.050.) ELECTION. (a) The assembly shall, within 30 days after its findings have been made public, order an election on the question in the borough area outside cities. The election shall be held at least 30 days after the order and not later than the next regular election occurring after the 30-day period.

(b) If more than one power is proposed, each appears separately on the ballot.

(c) The borough mayor shall certify the election results to the Department of Community and Regional Affairs. If the majority of the votes cast on the question is favorable, the borough shall assume the added power within 30 days of certification of election results.

Article 5. POWERS OF THIRD CLASS BOROUGHS

(CHAPTER 41. POWERS OF THIRD CLASS BOROUGHS)

1 Sec. 29.36.230. (Sec. 29.41.010.) POWERS OF THIRD CLASS BOROUGHES.

2 (a) A third class borough shall exercise the areawide powers of education
3 and tax assessment and collection in the manner provided for second class
4 boroughs. Areawide exercise of powers other than education and tax
5 assessment and collection is not authorized.

6 (b) A third class borough may by a majority vote of the voters in
7 a general or special election provide for planning, platting and zoning in
8 accordance with AS 29.42.010-29.42.150 (~~AS 29.33.070-29.33.245~~) for boroughs
9 and may exercise any general law municipal power which a second class
10 borough is authorized to assume by this title. Powers assumed by a third
11 class borough under this section may be exercised only within service areas.
12 A third class borough may establish, operate, alter or abolish service areas
13 in the manner provided by ~~AS 29.63.090~~ for second class boroughs. The
14 acquisition of additional powers on a service area basis may be initiated in
15 either of two ways:

16 (1) a number of voters equal to 15 percent of the number of
17 votes cast in the proposed service area at the preceding regular election
18 may file a petition with the assembly; or

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

20 (c) A third class borough may borrow money and issue negotiable
21 general obligation, revenue or refunding bonds and other evidences of
22 indebtedness as provided for first and second class boroughs in AS
23 29.51.200-29.51.510 (~~AS 29.58.150-29.58.340~~).

24 (d) A military reservation within a third class borough is not
25 part of the borough school district until the military mission is terminated
26 or until inclusion in the borough school district is approved by the
27 Department of Education. However, operation of the military reservation
28 schools by the borough school district may be required by the Department of
29 Education under AS 14.14.110. If the military mission of a military

1 reservation terminates or continued management and control by a regional
2 educational attendance area is disapproved by the Department of Education,
3 operation, management and control of schools on the military reservation
4 transfers to the borough school district in which the military reservation
5 is located.

6 Sec. 29.36.240. (Sec. 29.41.020.) ASSEMBLY TO SERVE AS SCHOOL BOARD.
7 The borough assembly is the borough school board for third class boroughs.
8 The borough executive is the presiding officer of the borough assembly and
9 president of the school board. The borough executive has all powers of a
10 borough executive except for the veto power.

11 Article 6. SERVICE AREAS

12 Sec. 29.36.270. (Sec. 29.63.090) SERVICE AREAS. (a) Service areas
13 to provide special services within a borough may be established, operated,
14 altered or abolished by the assembly by ordinance. Special services include
15 services not provided on an areawide basis within the borough or the borough
16 area outside cities or a higher or different level of service than that
17 provided on an areawide basis or in the borough area outside cities. In a
18 first class borough the assembly may exercise within a service area any
19 power granted a first class city by general law. Except as provided in (f)
20 of this section, a second class borough may exercise the powers granted a
21 first class city by general law but the exercise of the powers must be
22 approved by a majority of the qualified voters residing within the service
23 area and voting on the question at a regular or special election.

24 (b) The assembly may levy or authorize the levying of taxes,
25 charges, or assessments in service areas to finance the special services.

26 (c) The assembly may provide for appointed or elected boards to
27 supervise the furnishing of special services in service areas.

28 (d) A new service area may not be established if, consistent with
29 the purposes of art. X of the state constitution, the new service can be

1 provided by an existing service area, by annexation to a city, or by incor-
2 poration as a city.

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