

CHAPTER 110

AN ACT

Relating to organized boroughs; amending Ch. 146, SLA 1961; and providing for an effective date.

(H.B. 488)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Subsec. (8), Sec. 2.02, Ch. 146, SLA 1961, is repealed and re-enacted to read:

(8) the signature and resident address of a percent of qualified voters in each first class city and a percent of qualified voters in the area outside first class cities according to the following schedule:

Number of Qualified Voters	Percent
Over 15,000	15
Less than 15,000 but over 7,500	15
Less than 7,500	25

The percent of qualified voters shall be based on the total number who voted in person in the area proposed for incorporation in the last general election.

Sec. 2. Sec. 2.04, Ch. 146, SLA 1961, is repealed and re-enacted to read:

Sec. 2.04. **Standards for Composition and Apportionment.** The borough assembly shall be composed and apportioned according to the following standards:

(1) If there is no first class city within the organized borough, the assembly is composed of the number of seats shown on the following table:

Population	Assembly Seats
under 6,000	5
6,000—12,000	7
12,001—30,000	9
over 30,000	11

(2) If there is but one first class city in the organized borough, the assembly is composed of at least two assemblymen from the first class city and at least three assemblymen from the area outside the first class city.

(3) If there is more than one first class city in the organized borough, the assembly is composed of at least one assemblyman from each first class city

and at least three assemblymen from the area outside first class cities.

(4) The assembly seats shall be apportioned as follows:

(a) Except as provided in subsec. (2), each first class city shall have the number of seats designated in the following table unless a lesser number is approved by a resolution of the city council of the city concerned:

Population	Assembly Seats
under 2,000	1
2,000— 6,000	2
6,001—12,000	3
12,001—30,000	4
over 30,000	5

(b) The area outside first class cities shall have a number of assemblymen which shall equal one more than the total number of all assemblymen who represent first class cities.

Sec. 3. Sec. 2.13, Ch. 146, SLA 1961, is amended to read:

Sec. 2.13. **Integration of Existing Special Districts and Service Areas.** Special service districts and service areas in the unorganized borough existing at the time of the incorporation of an organized borough and located within the boundaries of the organized borough shall be integrated into the organized borough within two years after the date of the borough's incorporation. An organized borough shall succeed to all of the rights, powers, and duties of any service area and of any school districts and public utility districts included within its boundaries, including but not limited to claims, franchises, and other contractual obligations, and liability for bonded and all other indebtedness, and shall succeed to all of the right, title, and interest in the real and personal property held by the service areas or districts. The borough assembly may levy and collect special charges, taxes, or assessments including interest for the purpose of amortizing bonded indebted-

ness previously incurred by the service area or special district, for continuing services in the area, or for the future indebtedness in the area. When a service area or special district had a previously incurred bonded indebtedness, no less than all property that was within the service area or special district at the time the bonds were issued shall remain subject to taxation to pay the principal of and interest on such bonds for as long as they remain outstanding.

Sec. 4. Sec. 2.14, Ch. 146, SLA 1961, is amended to add a new subsec. d. to read:

d. Each borough assembly shall determine the future use of any sales tax levied by an independent school district. It may make all or any part of the sales tax an area-wide sales tax for area-wide functions, and all or any part of the sales tax a tax limited to the area outside cities only for functions limited to the area outside cities. It may abandon all or any part of the sales tax. This subsection applies only to the transition of sales taxes levied by independent school districts.

Sec. 5. Sec. 3.01 (7) and (8), Ch. 146, SLA 1961, are amended and new subsecs. (8), (9), and (10) are added to read:

(7) to levy all taxes and special assessments, enforce tax liens, and assess and collect penalties in the manner provided for first class cities. It may levy

(a) area-wide taxes for area-wide functions, and

(b) taxes limited to the area outside cities for functions limited to the area outside cities;

(8) to prescribe penalties for violations of borough ordinances in the manner provided for first class cities;

(9) to acquire and dispose of real and personal property in the manner provided for first class cities;

(10) to acquire membership in organizations and to promote legislation to the good of the borough in the manner provided for first class cities; and

(11) the state shall share with the organized borough those taxes it shares with other units of local government to

the extent that the taxes are collected in the borough but outside any city which receives a share of the same tax.

Sec. 6. Sec. 3.03, Ch. 146, SLA 1961, is amended to read:

Sec. 3.03. **Indebtedness.** First and second class boroughs may incur indebtedness in the same manner and to the same extent as first class cities either

(1) on an area-wide basis for area-wide functions; or

(2) on a noncity basis for functions performed in the area outside cities only.

Sec. 7. Sec. 3.05, subsec. b, Ch. 146, SLA 1961, is amended and a new subsec. e added to read:

b. **Special Taxes, Charges, and Assessments.** The assembly may levy or authorize the levying of taxes, charges, or assessments in service areas to finance the special services. No special assessment may be levied except as provided by law for first class cities.

e. **Powers.** The assembly may delegate any of the powers prescribed by Sec. 3.71 to a service area. In a second class borough, each delegated power must be approved by a majority of the qualified voters voting on the question who reside within the service area. The rate of taxation and the issuance of bonds shall remain subject to the approval of the assembly.

Sec. 8. Sec. 3.32, Ch. 146, SLA 1961, is amended to read:

Sec. 3.32. **Assessment and Collection.**

a. The first and second class boroughs shall assess and collect all property taxes levied within their boundaries in the manner provided for first class cities. Taxes levied by the cities and collected by the borough shall be returned in full to the cities from which collected.

b. A first or second class borough may, by ordinance adopted without weighted voting, adjust its property tax structure in whole or in part to the property tax structure of any home rule city within it, including but not limited to excluding personal property from taxation, establishing exemptions, and extending the redemption period.

c. A home rule city shall have the same power to grant exemptions or exclude property from borough taxes that it has as to city taxes, provided that the exemptions or exclusions have been adopted as to city taxes, and further provided that the city appropriate to the borough sufficient monies to equal revenues lost by the borough because of the exemptions or exclusions, the amount to be determined annually by the assembly without weighted voting.

Sec. 9. Sec. 3.33, Ch. 146, SLA 1961, is amended to read:

Sec. 3.33. **Education.** a. Each organized borough constitutes a borough school district, and the first and second class borough shall establish, maintain, and operate a system of public schools on an area-wide basis, and shall do so in the manner provided by law for city school districts except as provided otherwise by this Act.

b. The state law relating to teacher salaries and tenure, to financial support, to supervision by the Department of Education, and other general laws relating to schools govern the exercise of the functions by the borough.

c. The terms of office and membership of the borough school board shall be as provided by law for an independent school district. All school board members shall be elected at large, but school board zones for the representation of separate and distinct areas may be established, altered, or abolished as provided by Sec. 6.11 of this Act.

Sec. 10. Sec. 3.34a, Ch. 146, SLA 1961, is amended to read:

Sec. 3.34. **Planning and Zoning.** a. The first and second class borough has the responsibility of planning, platting, and zoning on an area-wide basis and shall do so in the manner provided for first class cities, except that the planning commission shall also be the zoning commission. Nothing in this section prevents any city from having a planning and zoning commission in an advisory capacity. Appointment of borough planning and zoning commission members from a first class city shall be made from the city advisory commission membership.

Sec. 11. Sec. 3.91, Ch. 146, SLA 1961, is amended to read:

Sec. 3.91. **Transfer by City.** A city may transfer to the first or second class borough in which it is located any of its powers or functions subject to the approval of the borough assembly. A city may not revoke the transfer of any power or function to the borough unless the revocation is approved by a majority of its council.

Sec. 12. Sec. 4.01, Ch. 146, SLA 1961, is amended to read:

Sec. 4.01. **General Power.** The legislative power of the organized borough is vested in the assembly.

Sec. 13. Sec. 4.07c, Ch. 146, SLA 1961, is amended to read:

c. Voting. The final vote on each ordinance or resolution shall be by roll call and the ayes and nays shall be recorded in the journal. A majority of the members of the assembly shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the assembly. No action of the assembly is valid or binding unless adopted by a majority vote of all the votes to which the assembly is entitled on the question.

Sec. 14. Sec. 4.07, Ch. 146, SLA 1961, is amended by adding a new subsec. d. to read:

d. Counting votes. Whenever the assembly votes on an ordinance or resolution in exercising one or more of the powers prescribed by Secs. 3.01(7)a, 3.03(1), 3.06, 3.32, 3.33, 3.34, or 3.35, the votes shall be weighted as provided in this subsection to enable the assemblymen who represent a majority of the borough's population to have a majority of the votes.

(1) If one first class city has a majority of the borough's population, the votes of the assemblymen representing that city shall be weighted in the manner prescribed by subsec. (3).

(2) If one first class city does not have a majority of the borough's population, but two or more first class cities do have a majority of the borough's population, the votes of the assemblymen representing all the first class cities shall

be weighted in the manner prescribed by subsec (4).

(3) The weight to be given to each vote cast by the assemblymen present and voting who represent a first class city which has a majority of the borough's population shall be determined by dividing the number of all other assembly seats plus one by the number of all assembly seats apportioned to the first class city which has a majority of the population.

(4) The weight to be given to each vote cast by assemblymen present and voting who represent the first class cities which have a majority of the borough's population shall be determined by dividing the number of all assembly seats apportioned to the area outside cities plus one by the number of all assembly seats apportioned to the first class cities.

(5) If the area outside first class cities has the majority of the borough's population, no special weight may be used, and the vote of each assemblyman present and voting shall count as one vote.

Sec. 15. Sec. 5.08, Ch. 146, SLA 1961, is amended to read:

Sec. 5.08. **Right to Participate in Assembly Meetings.** The borough chairman shall have the right to take part in the discussion of all matters coming before the assembly, but may not vote. He may veto any ordinance or resolution of the assembly, but his veto may be overridden by two-thirds of all the votes to which the assembly is entitled on the question.

Sec. 16. Sec. 6.10, Ch. 146, SLA 1961, is amended to read:

Sec. 6.10. **Borough Sections.** The borough assembly may establish, alter, or abolish sections for the election of assemblymen in order to provide representation to separate and distinct areas within

the borough. If the assembly establishes sections, members representing the area outside first class cities shall be elected from the sections in which they reside. Qualified voters resident outside first class cities may vote upon the candidacy of all the candidates, but candidates from each section run only against other candidates from the same section. The number of sections shall equal the number of assemblymen representing the area outside the first class city. No section may have a population which is less than one-half that of any other section.

Sec. 17. Ch. 146, SLA 1961, is amended to add a new section 6.11 to read:

Sec. 6.11. **Borough Zones.** The borough assembly may establish, alter, or abolish zones for the election of school board members in order to provide representation to separate and distinct areas within the borough. If the assembly establishes zones, school board members shall be elected from the zones in which they reside. Qualified voters may vote upon the candidacy of all the candidates, but candidates from each zone run only against other candidates from the same zone. The number of zones shall equal the number of school board members. No zone may have a population which is less than one-half that of any other zone.

Sec. 18. Sec. 7.43, Ch. 146, SLA 1961, is amended to read:

Sec. 7.43. **Standards for Dissolution.** A borough may dissolve when (1) it is free of debt or, if in debt, each of its creditors is satisfied with a method of repayment, and (2) either it no longer meets the minimum standards prescribed for incorporation by this Act or it ceases to use each and every one of its powers.

Sec. 19. **Effective Date.** This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 14, 1962

CHAPTER 111

AN ACT

Relating to support of schools in new school districts; repealing and re-enacting Ch. 90, SLA 1960, as amended by Ch. 36, SLA 1961; and providing for an effective date.

(H.B. 489)