

CHAPTER 52

AN ACT

Relating to the incorporation of organized boroughs and providing for certain grants to boroughs.

(C.S.H.B. 90)

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

Section 1. **Declaration of Intent.** It is the intention of the legislature to provide for maximum local self-government with a minimum number of local government units and tax-levying jurisdictions, and to provide for the orderly transition of special service districts into constitutional forms of government. The incorporation of organized boroughs by this Act does not necessarily relieve the state of present service burdens. No area incorporated as an organized borough shall be deprived of state services, revenues, or assistance or be otherwise penalized because of incorporation. With the exception of planning and zoning, education, and tax collection and assessment, all powers granted the first-class boroughs are exercised at the option of the borough assemblies.

Sec. 2. **First- and Second-Class Borough Incorporation.** In addition to the incorporation of organized boroughs by local option, first- and second-class organized boroughs are incorporated as provided by this Act.

Sec. 3. **Areas Incorporated.** (a) If an organized borough is not incorporated by local option as provided by AS 07.10.010 within areas designated in this section, each area designated becomes, on January 1, 1964, a first- or second-class organized borough as determined by local election and a municipal corporation, and possesses all the powers and privileges prescribed by AS 07. Areas designated are:

- (1) Sitka Election District #3
- (2) Juneau Election District #4
- (3) Palmer-Wasilla-Talkeetna Election District #7
- (4) Anchorage Election District #8
- (5) Combined Seward Election District #9 and Kenai-Cook Inlet Election District #10
- (6) Kodiak Election District #11

(7) Ketchikan Election District #2 as designated in Sec. 3, Art. XIV, of the State Constitution, except the Annette Island Indian Reservation created by Act of Congress dated March 3, 1961, 26 Stat. 1101.

(8) Fairbanks Election District #19 as designated in Sec. 3, Art. XIV, of the State Constitution.

(b) If a portion of any district designated above is incorporated by local option before October 1, 1963, and the remaining portion of the district meets the standards for incorporation as provided in AS 07.10.030, the Local Affairs Agency shall make a finding to that effect and notify the secretary of state to hold elections in the area. The area is incorporated as an organized borough on January 1, 1964.

(c) The borough assembly may select the borough seat and borough name in the boroughs designated by this section.

(d) So long as the following areas remain military reservations, they shall be excluded from any borough incorporated in accordance with this section; provided, however, that when an area shall no longer be subject to a military reservation, it shall become a part of the borough surrounding it. Areas excluded at this time are:

- (1) Kodiak Naval Station (base proper)
- (2) Ft. Richardson Army Base (base proper)
- (3) Elmendorf Air Force Base (base proper)
- (4) Ft. Wainwright Army Base (base proper)
- (5) Eielson Air Force Base (base proper)
- (6) Ft. Greely Army Base (base proper)
- (7) Wildwood Station (base proper)

Sec. 4. **Election.** (a) On October 1,

1963, the Local Affairs Agency shall direct the secretary of state to hold elections for all borough officers and for determination of whether the borough shall be first-class or second-class in the boroughs incorporated by sec. 3 of this Act.

(b) Upon receipt of the notification, the secretary of state shall hold elections before December 15, 1963, for all borough officers as prescribed by AS 07.10.120.

Sec. 5. AS 07.05.030 is repealed and re-enacted to read:

Sec. 07.05.030. **Transition of Special Service Districts.** Special service districts located in existing election districts Nos. 3, 4, 7, 8, 9, 10, and 11, and in districts Nos. 2 and 19 as designated in the State Constitution continue to exercise their powers and functions in accordance with AS 07.10.130 and 140. Other special districts continue to exercise their powers and functions under existing law until July 1, 1964.

Sec. 6. AS 07.10.010 is amended to read:

Sec. 07.10.010. **Incorporation Proposed by Petition.** The incorporation of a first- or second-class organized borough by local option is proposed by filing a petition with the Local Affairs Agency.

Sec. 7. AS 07.10 is amended by adding a new section to read:

Sec. 07.10.125. **Boundary Adjustments.** (a) The Local Boundary Commission may hold public hearings in each area incorporated as an organized borough to determine the necessity for boundary adjustments.

(b) Boundary adjustments may include expanding the boundaries, contracting the boundaries, dividing the areas into two or more areas, or combining two or more areas.

(c) Boundary adjustments made by the Local Boundary Commission shall be submitted to the legislature during the first 10 days of a regular session. The boundary adjustments shall become effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

Sec. 8. AS 07.10 is amended by adding

new sections to read:

Article 2

Transitional Assistance

Sec. 07.10.150. **State Lands.** An organized borough may select 10 per cent of the vacant, unappropriated, unreserved state lands located within its boundaries within five years after the date of availability of state lands in the borough. Nothing in this section affects any valid existing claim, location, or entry under the laws of the state or the United States, whether for homestead, mineral, right-of-way, or other purpose, or affects the rights of any owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

Sec. 07.10.160. **Selection Procedure.** (a) All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved. The authority to make selections may not be alienated or bargained away, in whole or in part, by the borough.

(b) If lands desired by the borough are unsurveyed at the time of their selection, the Department of Natural Resources shall survey the exterior boundaries of the area requested without any interior subdivision, and shall issue a patent for the selected area in terms of the exterior boundary survey. The cost of survey is borne by the borough. If lands desired by the borough have been surveyed at the time of their selection, the boundaries of the area requested shall conform to the public land subdivisions established by the approval of the survey. Lands selected by the borough in accordance with this chapter shall be patented to the borough by the Department of Natural Resources.

(c) After the selection of the lands by the borough but before the issuance of final patent, the borough may execute conditional leases and make conditional sales of selected lands.

Sec. 07.10.170. **Organizational Grants.** (a) For the purpose of defraying the cost of transition to borough government and in order to provide for development and interim governmental operations, each organized borough is entitled to an organizational grant equal to \$10 for every qualified voter within the borough

who voted in the last general election. However, each borough is entitled to at least \$25,000.

(b) The Local Affairs Agency shall determine, within 60 days after the date of incorporation of an organized borough, the number of qualified voters in the

borough who voted in the last election.

(c) Within 30 days after the completion of its findings, the Local Affairs Agency shall transmit to each organized borough from money appropriated to it the total amount of money to which the borough is entitled.

Approved April 12, 1963

CHAPTER 53

AN ACT

Relating to the election of members of the borough assembly.

(H.B. 214)

AN ACT

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

Section 1. AS 07.10.120(b) is amended to read:

(b) Qualification of voters. Any person who is a qualified voter in Alaska and is a resident of the area within the proposed organized borough is qualified to vote in the election. However, if sections have been established as provided for by AS 07.30.100, the election of assemblymen is governed by the provisions of that section.

Sec. 2. AS 07.30.100 is amended to read:

Sec. 07.30.100. **Borough Sections.** (a) The members of the borough assembly representing the area outside the first-class cities 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 the first-class cities shall be elected from the sections in which they reside. Qualified voters resident outside first-class cities may vote upon the can-

didacy 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 cities. Section boundaries shall be established in such a way as to provide, insofar as possible, clarity of boundaries, compactness of area, equal voter representation among different sections, and homogeneity of interest within the section. No section may have a number of voters which is less than one-half that of any other section, as determined from the records of the last general election.

(b) If more than 40,000 people, as determined by the Local Affairs Agency on the basis of the best available information, reside in the area to be included in the proposed organized borough, the Local Affairs Agency shall, as soon as possible, and in no event later than 60 days before the initial election of borough officers, establish sections for the election of assemblymen, as provided in (a) of this section. The first election of assemblymen shall be from the sections established by this subsection.

Approved April 12, 1963

CHAPTER 54

AN ACT

Relating to the pay of teachers and school administrators; and providing for an effective