



LAWS OF ALASKA

1977

Source

CSHB 273 am

Chapter No.

93

AN ACT

Relating to boroughs.

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

* Section 1. AS 29.41.010(a) and (b) are repealed and re-enacted to read:

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

(b) A third class borough may by a majority vote of the voters in a general or special election provide for planning, platting and zoning in accordance with AS 29.33.-070 - 29.33.245 for boroughs and may exercise any general law municipal power which a second class borough is authorized to assume by this title. Powers assumed by a third class borough under this section may be exercised only within service areas. A third class borough may establish, operate, alter or abolish service areas in the manner provided by AS 29.63.090 for second class boroughs. The acquisition of additional powers on a service area basis may be initiated in either of two ways:

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

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

* Sec. 2. AS 29.41.010 is amended by adding a new subsection

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to read:

(d) A military reservation within a third class 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 the military reservation transfers to the borough school district in which the military reservation is located.

* Sec. 3. AS 29.08.040 is amended by adding a new subsection to read:

(j) The effective date of reclassification of a borough for which reclassification is approved under (h) of this section is the first day of the borough's fiscal year which begins at least six months after the date on which the reclassification proposition has been approved by the voters.

* Sec. 4. AS 29.58.340 is amended by adding a new subsection to read:

(d) The indebtedness of a municipality reclassified under AS 29.08.040 is not affected by reclassification. Not less than all property within a municipality which is reclassified remains subject to taxation to amortize bonded or other indebtedness affecting the municipality and authorized on the effective date of reclassification.

* Sec. 5. AS 38.05.037(a) is amended to read:

(a) In areas of the state outside first, second or third class boroughs where there is no municipality with a zoning power, the division of lands shall exercise the zoning power by adopting zoning regulations.

* Sec. 6. AS 29.33.010(a) is amended to read:

(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.

* Sec. 7. AS 29.33.070(a) is amended to read:

(a) First and second class boroughs shall provide for planning, platting and zoning on an areawide basis.

* Sec. 8. AS 29.43.040 is amended to read:

Sec. 29.43.040. PLANNING AND ZONING. Home rule and first class cities outside first and second class boroughs shall, and second class cities outside first and second class boroughs may, provide for planning, platting and zoning, as provided by AS 29.33.070 - 29.33.245 for boroughs.

* Sec. 9. AS 29.43.040 is amended by adding a new subsection to read:

(b) Home rule and first class cities within third class boroughs shall, and second class cities within third class boroughs may, provide for planning, platting and zoning, as provided by AS 29.33.070 - 29.33.245 for boroughs.

* Sec. 10. AS 29.78.010(1) is amended to read:

(1) "borough" means a general law first, second or third class organized borough;