

**SENATE BILL NO. 156**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE BY REQUEST

Introduced: 4/16/99

Referred: Community and Regional Affairs, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to municipal incorporation, to reclassification of cities, to  
2 municipal boundary changes, and to dissolution of municipalities."

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

4 \* **Section 1.** AS 29.04.040(a) is amended to read:

5 (a) A second class city may be reclassified as a first class city. A first class  
6 or home rule city may be reclassified as a second class city. Reclassification is  
7 proposed by filing a petition with the department. The department shall investigate the  
8 proposal and report its findings to the Local Boundary Commission with its  
9 recommendations. The commission shall hold at least one public hearing in the city  
10 on the proposal. The commission may amend the petition and may impose  
11 conditions on the reclassification. If the commission determines that the  
12 reclassification, as amended or conditioned if appropriate, meets applicable  
13 standards under the state constitution and commission regulations, [CITY] meets  
14 the standards for incorporation under AS 29.05.011 for the class of city proposed in

the reclassification petition, and [THAT RECLASSIFICATION] is in the best interests of the state, it may accept [OR AMEND AND ACCEPT] the petition. **Otherwise** [IF THE COMMISSION DETERMINES THAT THE CITY DOES NOT MEET THE STANDARDS OR THAT RECLASSIFICATION IS NOT IN THE BEST INTERESTS OF THE STATE], it shall reject the petition. The commission shall notify the city of its decision. The decision may be appealed under AS 44.62 (Administrative Procedure Act).

\* **Sec. 2.** AS 29.05.100(a) is repealed and reenacted to read:

(a) The Local Boundary Commission may amend the petition and may impose conditions on the incorporation. If the commission determines that the incorporation, as amended or conditioned if appropriate, meets applicable standards under the state constitution and commission regulations, meets the standards for incorporation under AS 29.05.011 or 29.05.031, and is in the best interests of the state, it may accept the petition. Otherwise it shall reject the petition.

\* **Sec. 3.** AS 29.06.040(a) is amended to read:

(a) The Local Boundary Commission may consider any proposed municipal boundary change. **The commission may amend** [IT MAY REJECT] the proposed change **and may impose conditions on** [, ACCEPT] the proposed change. **If the commission determines that the proposed change, as amended or conditioned if appropriate, meets applicable standards under the state constitution and commission regulations and is in the best interests of the state, it may accept the proposed change. Otherwise it shall reject the proposed change** [, OR AMEND AND ACCEPT THE PROPOSAL]. A Local Boundary Commission decision under this subsection may be appealed under AS 44.62 (Administrative Procedure Act).

\* **Sec. 4.** AS 29.06.130(a) is repealed and reenacted to read:

(a) The Local Boundary Commission may amend the petition and may impose conditions for the merger or consolidation. If the commission determines that the merger or consolidation, as amended or conditioned if appropriate, meets applicable standards under the state constitution and commission regulations, the municipality after the merger or consolidation would meet the standards for incorporation under AS 29.05.011 or 29.05.031, and the merger or consolidation is in the best interests of

1           the state, it may accept the petition. Otherwise, it shall reject the petition.

2       \* **Sec. 5.** AS 29.06.500(a) is repealed and reenacted to read:

3           (a) The Local Boundary Commission may amend the petition and may impose  
4       conditions for the dissolution. If the commission determines that the dissolution, as  
5       amended or conditioned if appropriate, meets applicable standards under the state  
6       constitution and commission regulations, meets the standards for dissolution under  
7       AS 29.06.470, and is in the best interest of the state, it may accept the petition.  
8       Otherwise it shall reject the petition.