

SENATE CS FOR CS FOR HOUSE BILL NO. 296(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/2/02

Referred: Finance

Sponsor(s): REPRESENTATIVES WHITAKER, Kohring

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to mergers and consolidations of municipalities."**

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

3 * **Section 1.** AS 29.06.100(a) is amended to read:

4 (a) Residents of two or more municipalities may file a merger or consolidation
5 petition with the department. The petition must be signed **during a period that does**
6 **not exceed 365 consecutive days** by a number of voters of each existing municipality
7 equal to at least 25 percent of the number of votes cast in each municipality's last
8 regular election.

9 * **Sec. 2.** AS 29.06.100 is amended by adding a new subsection to read:

10 (c) A petition for the merger or consolidation of a borough and more than one
11 city within that borough shall provide that, if the proposal is approved by a majority of
12 the votes in the borough area outside of the cities proposed to be merged or
13 consolidated but is not approved by a majority of the votes in each of the cities,

14 (1) the entire proposal is defeated; or

15 (2) the proposal is partially approved and the borough is merged or

consolidated with the cities in which the proposal has been approved.

* **Sec. 3.** AS 29.06.140(a) is amended to read:

(a) The Local Boundary Commission shall immediately notify the director of elections of its acceptance of a merger or consolidation petition. Within 30 days after notification, the director of elections shall order an election in the area to be included in the new municipality to determine whether the voters desire merger or consolidation. The election shall be held not less than 30 or more than 90 days after the election order. A voter who is a resident of the area to be included in the proposed municipality may vote. **Unless the proposal includes the merger or consolidation of a borough and one or more of the cities within that borough, if a majority of the votes in each of the municipalities proposed to be merged or consolidated favors the merger or consolidation, the proposal is approved. Votes on a proposal that includes the merger or consolidation of a borough and one or more of the cities within that borough shall be separately tabulated as follows: (1) in the borough area outside of each city in that borough proposed to be merged or consolidated; (2) in each of the cities in the borough proposed to be merged or consolidated; and (3) if one or more municipalities outside of the borough are also included within the proposal, in each of those other municipalities. The entire proposal is defeated if it is not separately approved in the borough outside of the cities in that borough that are proposed to be merged or consolidated and, if municipalities outside of the borough are included in the proposal, in those other municipalities. If the proposal is not approved in one or more of the cities within the borough that are proposed to be merged or consolidated but is otherwise approved in each of the areas separately tabulated, the proposal is either entirely defeated or partially approved as provided in the petition under AS 29.06.100(c). This subsection is intended to be consistent with the voting requirements for annexation specified in AS 29.06.040(c)(1).**

* **Sec. 4.** The uncoded law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. The amendments to AS 29.06.100 in secs. 1 and 2 of this Act do not apply to a merger or consolidation petition filed with the Department of Community and

1 Economic Development before the effective date of this Act. The amendment to
2 AS 29.06.140(a) in sec. 3 of this Act does not apply to an election held as a result of a petition
3 filed with the Department of Community and Economic Development before the effective
4 date of this Act, and AS 29.06.140(a) as it read before the effective date of this Act applies to
5 that election.