

HOUSE CS FOR SENATE BILL NO. 156(CRA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 5/12/99

Referred: Rules

Sponsor(s): SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE BY REQUEST

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

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

8 * **Sec. 2.** AS 29.05.100(a) is repealed and reenacted to read:

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

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

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

26 * **Sec. 4.** AS 29.06.130(a) is repealed and reenacted to read:

27 (a) The Local Boundary Commission may amend the petition and may impose
 28 conditions for the merger or consolidation. If the commission determines that the
 29 merger or consolidation, as amended or conditioned if appropriate, meets applicable
 30 standards under the state constitution and commission regulations, the municipality
 31 after the merger or consolidation would meet the standards for incorporation under

1 AS 29.05.011 or 29.05.031, and the merger or consolidation is in the best interests of
2 the state, it may accept the petition. Otherwise, it shall reject the petition.

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

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