

**HOUSE BILL NO. 38**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE WHITAKER**

**Introduced: 1/21/03**

**Referred: Community and Regional Affairs, Finance**

**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

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

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

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

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

30 APPLICABILITY. The amendments to AS 29.06.100 in secs. 1 and 2 of this Act do  
 31 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.