

HOUSE BILL NO. 363

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE FATE

Introduced: 1/12/04

Referred: Community and Regional Affairs, State Affairs

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 one or more of
11 the cities within that borough must specify whether, if the proposal is approved by a
12 majority of the votes in the borough area outside of the cities proposed to be merged
13 or 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 area of the borough that is outside of a city; (2) in each of the cities in the**
 16 **borough; and (3) if one or more municipalities outside of the borough are also**
 17 **included within the proposal, in each of those other municipalities. The entire**
 18 **proposal is defeated if it is not separately approved in the area of the borough**
 19 **proposed to be merged or consolidated that is outside of a city and, if**
 20 **municipalities outside of the borough are included in the proposal, in each of**
 21 **those other municipalities. If the proposal is not approved in one or more of the**
 22 **cities within the borough that is proposed to be merged or consolidated but is**
 23 **otherwise approved in each of the areas separately tabulated, the proposal is**
 24 **either entirely defeated or partially approved as specified in the petition under**
 25 **AS 29.06.100(c). This subsection is intended to be consistent with the voting**
 26 **requirements for annexation specified in AS 29.06.040(c)(1).**

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

29 APPLICABILITY. The amendments to AS 29.06.100 in secs. 1 and 2 of this Act do
 30 not apply to a merger or consolidation petition filed with the Department of Community and
 31 Economic Development before the effective date of this Act. The amendment to

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