

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 133

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES COGHILL, Harris, Salmon

Introduced: 2/16/05

Referred: Community and Regional Affairs, State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to incorporation of boroughs and to regulations of the Local Boundary
2 Commission to provide standards and procedures for municipal incorporation,
3 reclassification, dissolution, and certain municipal boundary changes; and providing for
4 an effective date."

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

6 * **Section 1.** AS 29.05.100(a) is amended to read:

7 (a) The Local Boundary Commission may **not** amend the petition **or** [AND
8 MAY] impose conditions on the incorporation. If the commission determines that the
9 incorporation [, AS AMENDED OR CONDITIONED IF APPROPRIATE,] meets
10 applicable standards under the state constitution and commission regulations, meets
11 the standards for incorporation under AS 29.05.011 or 29.05.031, and is in the best
12 interests of the state, it may accept the petition. Otherwise it shall reject the petition.

13 * **Sec. 2.** AS 29.05 is amended by adding a new section to read:

14 **Sec. 29.05.115. Incorporation with legislative review.** (a) If the Local

1 Boundary Commission submits a proposal for borough incorporation to the legislature
 2 under art. X, sec. 12, Constitution of the State of Alaska, AS 29.05.060 - 29.05.110 do
 3 not apply. However, before the proposal is submitted to the legislature, the Local
 4 Boundary Commission shall hold at least one public hearing in the area proposed for
 5 incorporation and shall notify the director of elections of the incorporation proposal.
 6 Within 30 days after notification, the director of elections shall order an election in the
 7 proposed borough area to determine whether the voters desire incorporation. Only if
 8 the voters approve the incorporation may the Local Boundary Commission submit the
 9 proposal to the legislature.

10 (b) This section may not be construed as granting authority to the Local
 11 Boundary Commission to propose a borough incorporation under art. X, sec. 12,
 12 Constitution of the State of Alaska.

13 * **Sec. 3.** AS 44.33.812(a) is amended to read:

14 (a) The Local Boundary Commission shall

15 (1) make studies of local government boundary problems;

16 (2) adopt regulations providing standards and procedures for municipal
 17 incorporation, annexation, detachment, merger, consolidation, reclassification, and
 18 dissolution; **the regulations providing standards and procedures are subject to**
 19 **AS 29.04 - AS 29.10;**

20 (3) consider a local government boundary change requested of it by the
 21 legislature, the commissioner of commerce, community, and economic development,
 22 or a political subdivision of the state; and

23 (4) develop standards and procedures for the extension of services and
 24 ordinances of incorporated cities into contiguous areas for limited purposes upon
 25 majority approval of the voters of the contiguous area to be annexed and prepare
 26 transition schedules and prorated tax mill levies as well as standards for participation
 27 by voters of these contiguous areas in the affairs of the incorporated cities furnishing
 28 services.

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

31 **APPLICABILITY.** A municipal incorporation, annexation, detachment, merger,

1 consolidation, reclassification, or dissolution proposal that has not taken effect on or before
2 the effective date of this Act and that has been initiated or considered under regulations that
3 do not meet the requirements of AS 44.33.812(a)(2), as amended in sec. 3 of this Act, or
4 under procedures that do not meet the requirements of AS 29.05.115, added by sec. 2 of this
5 Act, is void. The proposal may be initiated again under regulations that do meet the
6 requirements of AS 44.33.812(a)(2) or under procedures that do meet the requirements of
7 AS 29.05.115.

8 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).