

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 133(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 4/25/05

Offered: 4/19/05

Sponsor(s): REPRESENTATIVES COGHILL, Harris, Salmon, Thomas, Elkins, Neuman

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to incorporation of boroughs, to annexation by local action, and to**
2 **regulations of the Local Boundary Commission to provide standards and procedures for**
3 **municipal incorporation, reclassification, dissolution, and certain municipal boundary**
4 **changes; and providing for 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) **After providing public notice of each proposed amendment or**
8 **condition and an opportunity for public comment, the** [THE] Local Boundary
9 Commission may amend the petition and may impose conditions on the incorporation.
10 If the commission determines that the incorporation, as amended or conditioned if
11 appropriate, meets applicable standards under the state constitution and commission
12 regulations, meets the standards for incorporation under AS 29.05.011 or 29.05.031,
13 and is in the best interests of the state, it may accept the petition. Otherwise it shall
14 reject the petition.

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

2 **Sec. 29.05.115. Incorporation with legislative review.** (a) If the Local
3 Boundary Commission submits a proposal for borough incorporation to the legislature
4 under art. X, sec. 12, Constitution of the State of Alaska, AS 29.05.060 - 29.05.110 do
5 not apply. However, before the proposal is submitted to the legislature, the Local
6 Boundary Commission shall hold at least two public hearings in the area proposed for
7 incorporation.

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

11 * **Sec. 3.** AS 29.06.040(c) is amended to read:

12 (c) In addition to the regulations governing annexation by local action adopted
13 under AS 44.33.812, the Local Boundary Commission shall establish procedures for
14 annexation and detachment of territory by municipalities by local action. The
15 procedures established under this subsection must include a provision that

16 (1) **a proposed annexation must be approved by a majority of votes**
17 **on the question cast by voters residing in the annexing municipality;**

18 (2) a proposed annexation **or** [AND] detachment must be approved by
19 a majority of votes on the question cast by voters residing in the area proposed to be
20 annexed or detached;

21 (3) [(2)] municipally owned property adjoining the municipality may
22 be annexed by ordinance without voter approval; and

23 (4) [(3)] an area adjoining the municipality may be annexed by
24 ordinance without an election if all property owners and voters in the area petition the
25 governing body.

26 * **Sec. 4.** AS 44.33.812(a) is amended to read:

27 (a) The Local Boundary Commission shall

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

29 (2) adopt regulations providing standards and procedures for municipal
30 incorporation, annexation, detachment, merger, consolidation, reclassification, and
31 dissolution; **the regulations providing standards and procedures are subject to**

1 **AS 29.04 - AS 29.10;**

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

5 (4) develop standards and procedures for the extension of services and
6 ordinances of incorporated cities into contiguous areas for limited purposes upon
7 majority approval of the voters of the contiguous area to be annexed and prepare
8 transition schedules and prorated tax mill levies as well as standards for participation
9 by voters of these contiguous areas in the affairs of the incorporated cities furnishing
10 services.

11 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 **APPLICABILITY.** A municipal incorporation, annexation, detachment, merger,
14 consolidation, reclassification, or dissolution proposal that has not taken effect on or before
15 the effective date of this Act and that has been initiated or considered under regulations that
16 do not meet the requirements of AS 44.33.812(a)(2), as amended in sec. 4 of this Act, or
17 under procedures that do not meet the requirements of AS 29.05.115, added by sec. 2 of this
18 Act, is void. The proposal may be initiated again under regulations that do meet the
19 requirements of AS 44.33.812(a)(2) or under procedures that do meet the requirements of
20 AS 29.05.115.

21 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).