

Introduced: 3/10/67
Referred: Local Govern-
ment and Judiciary

1 IN THE HOUSE

BY SMITH AND GETMAN

2 HOUSE BILL NO. 287

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the incorporation and dissolution
7 of cities."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 29.10.006 is amended to read:

10 Sec. 29.10.006. COMMUNITIES AUTHORIZED TO INCORPORATE [PROCEEDINGS
11 FOR INCORPORATION]. [(A)] A community having 400 or more permanent
12 inhabitants may incorporate as a first class city in the manner pro-
13 vided in this chapter [SECTION].

14 * Sec. 2. AS 29.10 is amended by adding new sections to read:

15 Sec. 29.10.008. PETITION FOR INCORPORATION. City incorporation
16 is proposed by filing a petition with the Local Affairs Agency. The
17 petition shall include the following information about the proposed
18 city:

19 (1) class,

20 (2) name,

21 (3) boundaries,

22 (4) maps, documents, and other information required by the
23 Local Affairs Agency to show that the proposed city meets the standards
24 of incorporation,

25 (5) the signature and resident address of 50 adult permanent
26 inhabitants of the proposed city who are at least 19 years of age.

27 Sec. 29.10.010. REVIEW. The Local Affairs Agency shall review
28 petitions for content and signatures and shall return deficient
29 petitions for correction or completion.

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1 **Sec. 29.10.013. INVESTIGATION.** (a) If the petition contains the
2 required information and signatures, the Local Affairs Agency shall
3 investigate the proposal. It may use U. S. Census Bureau reports or
4 other reliable information to determine most accurately the population
5 of the proposed city.

6 (b) The agency may combine petitions for incorporation from the
7 same general area.

8 **Sec. 29.10.016. REPORT AND HEARING.** (a) The Local Affairs Agency
9 shall report its findings to the Local Boundary Commission with its
10 recommendations regarding the incorporation.

11 (b) The Local Boundary Commission shall hold at least one public
12 hearing in the area proposed to be incorporated for the purpose of
13 gauging public sentiment on the incorporation proposal.

14 **Sec. 29.10.019. DECISION ON INCORPORATION.** (a) If the Local
15 Boundary Commission determines that proposed city boundaries are too
16 restrictive or too expansive for efficient local government, it may
17 alter the boundaries and accept the petition.

18 (b) If the Local Boundary Commission determines that the pro-
19 posed city should be incorporated as a different class than that
20 stated in the petition, it may change the class and accept the petition.

21 (c) The commission may reject a petition for incorporation of a
22 city if it determines that desired municipal services can more practi-
23 cally and economically be provided by a borough or by annexation to
24 an existing city, or that it is in the best interest of the community
25 or the state that no city be incorporated.

26 (d) Commission decisions under this section may be appealed under
27 the Administrative Procedure Act (AS 44.62).

28 **Sec. 29.10.022. INCORPORATION ELECTION.** (a) The Local Boundary
29 Commission shall immediately notify the secretary of state of its

1 acceptance of an incorporation petition. Within 30 days after notifica-
2 tion, the secretary of state shall order an election in the proposed
3 city to determine whether the voters desire incorporation. The election
4 shall be held not less than 30 nor more than 90 days after the date of
5 the election order. The election order shall specify the dates during
6 which nomination petitions may be filed.

7 (b) An Alaska voter who has been a resident of the area within
8 the proposed city for 30 days may vote.

9 (c) The secretary of state shall supervise the election in the
10 general manner prescribed by the Alaska Election Code (AS 15.05 - 15.-
11 60). The costs of election shall be a debt of the incorporated city.
12 If the petition for incorporation is rejected by the voters, the state
13 shall pay the election costs.

14 (d) The secretary of state shall certify the results of the
15 election to the Local Affairs Agency. If a majority of the votes cast
16 are in favor of incorporation, the Local Affairs Agency shall transmit
17 a copy of the certificate of election and the boundary description to
18 the city and shall record a copy of the certificate and boundary
19 description in the recording district within which the city is located.

20 Sec. 29.10.025. NOMINATION AND ELECTION OF INITIAL OFFICERS. (a)
21 Nominations for initial officers are made by petition filed with the
22 secretary of state during the time specified in the election order.
23 The petition shall be in the form prescribed by the secretary of state
24 and shall include the name and address of the nominee and his statement
25 that he is qualified under the provisions of this title for the office
26 which he seeks. Petitions to nominate initial officers shall include
27 the signature and resident address of 10 voters in the area of the
28 proposed city.

29 (b) At the incorporation election, the voters shall choose by a

1 separate ballot a council of seven members.

2 Sec. 29.10.029. CHALLENGE OF LEGALITY. No person may challenge
3 the formation of a city except within six months of the date of its
4 incorporation.

5 * Sec. 3. AS 29.15 is amended by adding a new section to read:

6 Sec. 29.15.021. INCORPORATION PROCEDURE. The procedure for the
7 incorporation of second class cities shall be the same as that provided
8 in AS 29.10.008 - AS 29.10.025 for first class cities, except that the
9 petition for incorporation shall include the signatures and resident
10 address of 15 adult permanent inhabitants of the proposed city, and
11 five persons shall be elected to the initial board of trustees.

12 * Sec. 4. AS 29.20.010 is amended to read:

13 Sec. 29.20.010. COMMUNITIES AUTHORIZED TO INCORPORATE. The
14 permanent inhabitants and the real property owners of a neighborhood
15 or district, not exceeding 50 square miles in area, and not within the
16 boundaries of a city or organized borough [AN INCORPORATED MUNICIPALITY,
17 INCORPORATED SCHOOL DISTRICT, OR AN INDEPENDENT SCHOOL DISTRICT], may
18 form a city of the third class.

19 * Sec. 5. AS 29.20 is amended by adding a new section to read:

20 Sec. 29.20.021. INCORPORATION PROCEDURE. The procedure for the
21 incorporation of third class cities shall be the same as AS 29.10.008 -
22 AS 29.10.025 for first class cities, except that the petition for
23 incorporation shall include the signature and resident address of five
24 adult permanent inhabitants of the proposed city, and five persons shall
25 be elected to the initial board of trustees.

26 * Sec. 6. AS 29.25.030 is amended to read:

27 Sec. 29.25.030. VILLAGES AUTHORIZED TO INCORPORATE. (a) A
28 village may become incorporated if it

29 (1) is not included in, or part of, an organized borough,

1 or within 10 miles of an incorporated city, or within five miles of
2 an organized borough [INDEPENDENT SCHOOL DISTRICT], except as provided
3 in (b) of this section; and

4 (2) has at least 25 permanent inhabitants 19 years of age or
5 older residing within a radius of three miles of a designated centrally
6 located point or structure.

7 (b) An exception may be made to (a)(1) of this section if the
8 Local Boundary Commission [SUPERIOR COURT OF THE JUDICIAL DISTRICT IN
9 WHICH THE VILLAGE SOUGHT TO BE INCORPORATED] finds that although a
10 village is within 10 miles of an incorporated city, or within five
11 miles of an organized borough [INDEPENDENT SCHOOL DISTRICT], geographi-
12 cal obstacles to transportation and communication make normal social,
13 cultural and commercial exchange difficult and impractical between the
14 village and the city or organized borough [SCHOOL DISTRICT].

15 * Sec. 7. AS 29.25 is amended by adding a new section to read:

16 Sec. 29.25.041. INCORPORATION PROCEDURE. The procedure for the
17 incorporation of villages or fourth class cities shall be the same as
18 provided in AS 29.10.008 - AS 29.10.025 for first class cities, except
19 that the petition for incorporation shall include the signature and
20 resident address of 10 adult permanent inhabitants of the village, and
21 five persons shall be elected to the initial council.

22 * Sec. 8. AS 29.80 is amended by adding new sections to read:

23 Sec. 29.80.011. METHODS OF DISSOLUTION. Two methods may be used
24 to initiate dissolution of home rule and general law cities:

25 (1) petition to the Local Boundary Commission under regula-
26 tions adopted by the commission; or

27 (2) the local option method specified in secs. 21 - 81 of
28 this chapter.

29 Sec. 29.80.021. PETITION. (a) City residents may file a

1 dissolution petition with the Local Affairs Agency in the form pre-
2 scribed by the agency. The petition must be signed by a number of city
3 voters equal to at least 25 per cent of the number of votes cast in the
4 last regular city election.

5 (b) The petition shall include:

6 (1) the name of the city;

7 (2) maps, documents and other information showing that the
8 city meets the standards of dissolution.

9 Sec. 29.80.031. STANDARDS. (a) Except as provided in (b) of
10 this section, a city may be dissolved when (1) it is free of debt, or
11 if in debt, each of its creditors is satisfied with a method of repay-
12 ment, and (2) either it no longer meets the minimum standards prescribe
13 for incorporation by ch. 10 of this title, or no election of councilmen
14 has been held for more than one year.

15 (b) A home rule or general law city in an organized borough may
16 petition for dissolution if the borough consents to assume the city's
17 rights, powers, duties, assets and liabilities. The consent must be
18 ratified by a majority of borough voters voting on the question. The
19 ratification may be included as a separate question on the ballot at
20 the election for the incorporation of a borough.

21 Sec. 29.80.041. REVIEW. The Local Affairs Agency shall review
22 a petition for content and signatures and shall return a deficient
23 petition for correction or completion.

24 Sec. 29.80.051. INVESTIGATION. If the petition contains the
25 required information and signatures, the Local Affairs Agency shall
26 investigate the proposal.

27 Sec. 29.80.061. REPORT AND HEARING. (a) The Local Affairs Agency
28 shall report its findings to the Local Boundary Commission with its
29 recommendation regarding the dissolution.

1 (b) The Local Boundary Commission shall hold at least one public
2 hearing in the area proposed to be dissolved.

3 Sec. 29.80.071. DECISION. If the Local Boundary Commission
4 determines that the city fails to meet the standards for dissolution,
5 it shall reject the petition. If the commission determines that the
6 city meets the standards, it shall accept the petition.

7 Sec. 29.80.081. ELECTION. (a) The Local Boundary Commission
8 shall immediately notify the secretary of state of its acceptance of
9 a dissolution petition. Within 30 days after notification, the
10 secretary of state shall order an election within the city to determine
11 whether the voters desire dissolution. The election shall be held not
12 less than 30 nor more than 90 days after the election order. The
13 election may be held at the same time as the election for the incorpora-
14 tion of a borough, however, the question of dissolution shall appear
15 on a separate ballot and only city voters may vote on the question.

16 (b) A person who is a qualified voter of the city may vote in
17 the dissolution election.

18 (c) The secretary of state shall supervise the election in the
19 general manner prescribed by the Alaska Election Code (AS 15.05 - 15.-
20 60). The state shall pay all election costs.

21 (d) The secretary of state shall certify the election results.
22 If dissolution is approved, he shall declare that the municipality is
23 dissolved effective on the date of certification. The certificate of
24 election shall be transmitted to the Local Affairs Agency which shall
25 record a copy in the recording district in which the dissolved city
26 is located.

27 Sec. 29.80.091. SUCCESSION. The government succeeding to a
28 dissolved city shall assume all its rights, powers, duties, assets and
29 liabilities as provided for special districts in AS 07.10.130 - 07.10.-

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2 Sec. 29.80.101. CHALLENGE OF LEGALITY. No person may challenge
3 the dissolution of a city except within six months of its dissolution.

4 * Sec. 9. The following laws are repealed: AS 29.10.006(b), AS 29.10.-
5 006(c), AS 29.10.009, AS 29.10.012, AS 29.10.015, AS 29.10.018, AS 29.10.021,
6 AS 29.10.024, AS 29.10.543, AS 29.10.546, AS 29.10.549, AS 29.15.020, AS 29.
7 15.030, AS 29.15.040, AS 29.15.050, AS 29.15.060, AS 29.15.070, AS 29.15.080,
8 AS 29.15.090, AS 29.15.100, AS 29.20.020, AS 29.20.030, AS 29.20.040, AS 29.-
9 20.050, AS 29.25.040, AS 29.25.050, AS 29.25.060, AS 29.25.070, AS 29.25.080,
10 AS 29.25.090, AS 29.25.100, AS 29.25.110, AS 29.25.130, AS 29.25.140, AS 29.-
11 25.150, AS 29.25.160, AS 29.25.500, AS 29.80.010, AS 29.80.020, AS 29.80.030,
12 AS 29.80.040, AS 29.80.050.

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