

Introduced: 2/27/76
Referred: Community and
Regional Affairs

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

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SENATE BILL NO. 683

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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NINTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to municipal incorporation standards
7 and procedures; and providing for an effective
8 date."

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

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* Section 1. AS 29.18 is amended by adding new sections to read:

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Sec. 29.18.011. INCORPORATION OF CITIES. (a) A community which

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meets the following standards may incorporate as a first class city:

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(1) the community has 400 or more permanent residents;

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(2) the boundaries of the proposed city include all areas
15 necessary to provide municipal services on an efficient scale;

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(3) the economy of the community includes the human and

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financial resources necessary to provide local services; in considering

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the economy of the community, the Department of Community and Regional

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Affairs shall consider property valuations, economic base, personal

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income, resource and commercial development, anticipated functions,

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and the expenses and income of the proposed city, including the ability

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of the community to generate local revenue;

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(4) the population of the community is stable enough to

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support local government;

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(5) there is a demonstrated need for local government.

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(b) A community which meets all the standards established in (a)

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of this section except (a)(1) may incorporate as a second class city.

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(c) A community which meets all of the standards for incorpora-

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tion of a second class city under (b) of this section may incorporate

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1 as a first class city if the local boundary commission determines that
2 incorporation would be in the best interests of the state and of the
3 community.

4 Sec. 29.18.021. LIMITATIONS ON INCORPORATION OF CITIES. (a) A
5 community within the unorganized borough may not incorporate as a city
6 if the services may be provided by annexation to an existing city.

7 (b) A community within an organized borough may not incorporate
8 as a city if the services could be provided on an areawide or nonarea-
9 wide basis by the borough in which it is located or by annexation to
10 an existing city.

11 * Sec. 2. AS 29.18.050 is amended to read:

12 Sec. 29.18.050. PETITION. Municipal incorporation is proposed
13 by filing a petition with the Department of Community and Regional
14 Affairs. The petition shall include the following information about
15 the proposed municipality:

- 16 (1) class;
- 17 (2) name;
- 18 (3) boundaries;
- 19 (4) composition and apportionment of the assembly or council;
- 20 (5) for a first class borough, a designation of areawide
21 powers to be exercised;
- 22 (6) for a second class borough, a designation of areawide
23 and nonareawide powers to be exercised [AND OF POWERS TO BE EXERCISED
24 IN THE AREA OUTSIDE CITIES ONLY];
- 25 (7) maps, documents, and other information required by the
26 Department of Community and Regional Affairs [TO SHOW THAT THE PROPOSED
27 MUNICIPALITY MEETS THE STANDARDS FOR INCORPORATION];
- 28 (8) for first class city incorporation, the signatures and
29 resident address of 50 permanent resident voters or of 15 per cent of

1 the permanent resident voters within the proposed municipality, which-
2 ever is greater, based on the number who voted in the area in the last
3 general election;

4 (9) for second class city incorporation, the signature and
5 resident address of 25 [10] permanent resident voters or of 15 per cent
6 of the permanent resident voters within the proposed municipality,
7 whichever is greater, based on the number who voted in the area in the
8 last general election;

9 (10) for borough incorporation, the signature and resident
10 address of 15 per cent of the permanent resident voters in each first
11 class city and 15 per cent of voters in the area outside first class
12 cities based on the number who voted in the respective areas in the
13 last general election;

14 (11) for a city, a designation of the powers proposed by the
15 petitioners to be exercised;

16 (12) a proposed operating budget for the municipality pro-
17 jecting sources of income and items of expenditure through the first
18 full fiscal year of operation.

19 * Sec. 3. AS 29.18.070(a) is amended to read:

20 (a) If the petition contains the required information and signa-
21 tures, the Department of Community and Regional Affairs shall investi-
22 gate the proposal. [IT MAY USE U.S. BUREAU OF THE CENSUS REPORTS OR
23 OTHER RELIABLE INFORMATION TO DETERMINE MORE ACCURATELY THE POPULATION
24 OF THE PROPOSED MUNICIPALITY.]

25 * Sec. 4. AS 29.18.070 is amended by adding a new subsection to read:

26 (c) The department shall hold at least one public hearing in the
27 area proposed for incorporation.

28 * Sec. 5. AS 29.18.090(a) is amended to read:

29 Sec. 29.18.090. DECISION ON MUNICIPAL [BOROUGH] INCORPORATION.

1 (a) If the Local Boundary Commission determines that a proposed
2 municipality [BOROUGH] fails to meet the standards for incorporation,
3 it shall reject the petition. If the commission determines that the
4 proposed municipality [BOROUGH] meets the standards, it shall accept
5 the petition. If the commission determines that the proposed boundaries
6 can be altered to meet the standards, it may alter the boundaries and
7 accept the petition.

8 * Sec. 6. AS 29.78.010 is amended by adding new paragraphs to read:

9 (18) "areawide power" means a power of an organized borough
10 exercised throughout the borough;

11 (19) "nonareawide power" means a power of an organized
12 borough exercised by the borough only in the area outside of cities.

13 * Sec. 7. AS 29.18.010, 29.18.020, and 29.18.100 are repealed.

14 * Sec. 8. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).