

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

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

6 Sec. 29.18.050. PETITION. Municipal incorporation is proposed by
7 filing a petition with the Department of Community and Regional Affairs.
8 The petition shall include the following information about the proposed
9 municipality:

10 (1) class;

11 (2) name;

12 (3) boundaries;

13 (4) composition and apportionment of the assembly or council;

14 (5) for a first class borough, a designation of areawide
15 powers to be exercised;

16 (6) for a second class borough, a designation of areawide
17 and nonareawide powers to be exercised [AND OF POWERS TO BE EXERCISED IN
18 THE AREA OUTSIDE CITIES ONLY];

19 (7) maps, documents, and other information required by the
20 Department of Community and Regional Affairs [TO SHOW THAT THE PROPOSED
21 MUNICIPALITY MEETS THE STANDARDS FOR INCORPORATION];

22 (8) for first class city incorporation, the signatures and
23 resident address of 50 permanent resident voters or of 15 per cent of
24 the permanent resident voters within the proposed municipality, which-
25 ever is greater, based on the number who voted in the area in the last
26 general election;

27 (9) for second class city incorporation, the signature and
28 resident address of 25 [10] permanent resident voters or of 15 per cent
29 of the permanent resident voters within the proposed municipality,

1 whichever is greater, based on the number who voted in the area in the
2 last general election;

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

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

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

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

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

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

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

22 * Sec. 5. AS 29.18.080(b) is amended to read:

23 (b) The Local Boundary Commission shall hold at least one public
24 hearing in the area proposed to be incorporated for the purpose of
25 receiving testimony and evidence on the [GAUGING PUBLIC SENTIMENT ON THE
26 INCORPORATION] proposal.

27 * Sec. 6. AS 29.18.090(a) is amended to read:

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

29 (a) If the Local Boundary Commission determines that a proposed muni-

1 municipality [BOROUGH] fails to meet the standards for incorporation, it
2 shall reject the petition. If the commission determines that the pro-
3 posed municipality [BOROUGH] meets the standards, it shall accept the
4 petition. If the commission determines that the proposed boundaries can
5 be altered to meet the standards, it may alter the boundaries and accept
6 the petition.

7 (b) A commission decision under this section may be appealed under
8 the Administrative Procedure Act (AS 44.62).

9 * Sec. 7. AS 29.78.010 is amended by adding new paragraphs to read:

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

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

14 * Sec. 8. AS 29.18.010, 29.18.020, and 29.18.100 are repealed.

15 * Sec. 9. This Act takes effect immediately in accordance with AS 01.10.--
16 070(c).