Introduced: 2/18/80
Referred: Community &
Regional Affairs

IN THE HOUSE BY BRANSON

HOUSE BILL NO. 797

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the reclassification of home rule cities."

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

* Section 1. AS 29.08 is amended by adding a new section to read:

Sec. 29.08.045. RECLASSIFICATION OF HOME RULE CITIES IN THE UNORGANIZED BOROUGH. (a) The residents of a home rule city located outside an organized borough may petition to reclassify as a unified municipality. The petition may request reclassification of the home rule city with or without inclusion of additional land adjacent to the city.

(b) A reclassification under this section shall be proposed by filing a petition with the Department of Community and Regional Affairs. The petition shall be supported by maps, documents, and other information which the department may require by regulation to show that the municipality proposed to be formed by reclassification meets the standards for incorporation of an organized borough under AS 29.18.030. The petition must be signed by a number of registered voters of the home rule city equal to 25 percent of the voters who voted in the last regular election of that city. If the petition requests reclassification of the city and land adjacent to the city, the petition must also be signed by a number of registered voters of the area outside the city which is included in the proposed municipality equal to 25 percent of the number of voters in that area who voted in the last state general election.

(c) The department shall review the petition for content and signatures and shall return deficient petitions to the sponsor of the petition for correction and completion.

(d) If the petition contains and is supported by the information required to be submitted by (b) of this section, the department shall investigate the proposal. The department shall report the findings of its investigation and its recommendations on the proposal to the Local Boundary Commission.

(e) The Local Boundary Commission shall hold at least one public hearing in the municipality proposed to be formed by reclassification to receive public testimony concerning the proposal.

(f) If the Local Boundary Commission determines that a proposal submitted under this section fails to meet the standards for borough incorporation under AS 29.18.030, it shall reject the petition. If the commission determines that the proposed boundaries of the municipality to be formed by reclassification can be altered to comply with the standards for borough incorporation of AS 29.18.030, it may alter the boundaries and accept the petition. If the commission determines that the proposal meets the standards for borough incorporation under AS 29.-18.030, it may accept the petition.

(g) The Local Boundary Commission shall immediately notify the lieutenant governor of its acceptance of a petition. Within 30 days after notification, the lieutenant governor shall order an election in the proposed municipality to determine whether the voters desire establishment of a unified municipality by reclassification. The election shall be held not less than 30 nor more than 90 days after the date of the election order. The lieutenant governor shall supervise the election in the general manner prescribed by the Alaska Election Code (AS 15.05 - 15.60). The state shall pay all election costs under this

section.

(h) The lieutenant governor shall canvass the results of the election. If a majority of the voters approve the petition, the lieutenant governor shall certify that the petition has been accepted. The area within the boundaries as approved by the Local Boundary Commission is reclassified as a unified municipality effective 30 days after the date of certification of the results of the election by the lieutenant governor.

(i) On the effective date of reclassification,

(1) the charter of the home rule city becomes the charter of the unified municipality;

(2) the unified municipality succeeds to the assets and liabilities of the local governments within its boundaries;

(3) the ordinances of the city apply to the unified municipality; and

(4) the city council becomes the assembly for the unified municipality.

* Sec. 2. AS 29.18.090(a) is amended to read:

(a) If the Local Boundary Commission determines that a proposed municipality fails to meet the standards for incorporation, it shall reject the petition. If the commission determines that the proposed municipality meets the standards, it shall accept the petition. If the commission determines that the proposed boundaries can be altered to meet the standards, it may alter the boundaries and accept the petition. <u>The commission may include within the boundaries of a proposed borough a unified municipality established by reclassification of a home rule city under AS 29.08.045 if the inclusion of the unified municipality is necessary to conform the boundaries of the proposed borough to the standards of AS 29.08.030.</u>

1 * Sec. 3. AS 29.68.440 is amended to read:

2 Sec. 29.68.440. POWERS OF A UNIFIED MUNICIPALITY. A municipality
3 organized under AS 29.68.240 - 29.68.440 or AS 29.08.045 shall have all
4 powers

5 (1) not prohibited to it by law or charter;

6 (2) granted to organized boroughs and first class cities.

7 * Sec. 4. AS 29.68.500(b) is amended to read:

8 (b) A home rule or general law borough is dissolved when its
9 entire territory is included within a home rule or first class city or
10 cities. A city or unified municipality established by reclassification
11 of a home rule city is dissolved when all its powers become areawide
12 borough powers.

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