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Referred: Community &
Regional Affairs

1 IN THE SENATE

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2 SENATE BILL NO. 736

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to home rule municipalities; and
7 providing for an effective date."

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

9 * Section 1. AS 29.08.010 is amended to read:

10 Sec. 29.08.010. HOME RULE. A home rule municipality is a municipi-
11 pal corporation and political subdivision and is a city [OF THE FIRST
12 CLASS] or an organized borough that [WHICH] has adopted a home rule
13 charter. It has all legislative powers not prohibited by law or charter

14 * Sec. 2. AS 29.08.040(a) is amended to read:

15 (a) A second class city may be reclassified as a first class city
16 by holding an election on the question as provided in this subsection,
17 if the Department of Community and Regional Affairs determines from the
18 best figures available that the population of the city has reached 600
19 [400] permanent residents.

20 * Sec. 3. AS 29.13.010 is amended to read:

21 Sec. 29.13.010. MUNICIPAL CHARTER ADOPTION. (a) A first class
22 city or general law [MUNICIPALITY OR SECOND CLASS] borough may adopt a
23 charter for its own government. A second class city may adopt a charter
24 for its own government if the population of the city is at least 600 per-
25 manent residents. A home rule municipality may amend its charter or
26 adopt a new one.

27 (b) A charter is framed by a charter commission of seven members
28 chosen by the special election. A candidate for the commission shall be
29 a qualified voter of the municipality and a resident of the municipality

1 for three years immediately preceding the election. A charter commission
2 election is called by filing a petition with the borough assembly or the
3 city council, or by resolution of the borough assembly or city council.
4 The petition shall be signed by a number of municipal voters equal to 15
5 percent of the votes cast in the last regular election of the municipal-
6 ity.

7 c) An unincorporated community with at least 600 permanent resi-
8 dents or an area of the unorganized borough may adopt a charter for its
9 own government and incorporate as a home rule municipality. A person
10 who files a petition to incorporate a home rule municipality in accor-
11 dance with AS 29.18.050 shall prepare and file a proposed home rule char-
12 ter with the petition.

13 * Sec. 4. AS 29.13 is amended by adding a new section to read:

14 Sec. 29.13.015. MODEL CHARTERS. The Department of Community and
15 Regional Affairs shall prepare at least one model home rule charter for
16 a borough and at least one model home rule charter for a city. The
17 model charters shall be made available to persons interested in filing a
18 petition to incorporate a home rule municipality.

19 * Sec. 5. AS 29.18.011(a) is amended to read:

20 (a) A community that [WHICH] meets the following standards may
21 incorporate as a first class or home rule city:

22 (1) the community has 600 [400] or more permanent residents;
23 (2) the boundaries of the proposed city include all areas
24 necessary to provide municipal services on an efficient scale;

25 (3) the economy of the community includes the human and
26 financial resources necessary to provide local services; in considering
27 the economy of the community, the Local Boundary Commission shall consi-
28 der property valuations, economic base, personal income, resource and
29 commercial development, anticipated functions, and the expenses and

1 income of the proposed city, including the ability of the community to
2 generate local revenue;

3 (4) the population of the community is stable enough to
4 support local government;

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

6 * Sec. 6. AS 29.18.030 is amended to read:

7 Sec. 29.18.030. INCORPORATION OF A BOROUGH [ORGANIZED BOROUGH].

8 An area may incorporate as a general law or home rule [AN ORGANIZED]
9 borough if it conforms to the following standards:

10 (1) the population of the area is interrelated and integrated
11 as to its social, cultural, and economic activities, and is large and
12 stable enough to support organized borough government;

13 (2) the boundaries of the proposed borough conform generally
14 to natural geography and include all areas necessary for full development
15 of local services;

16 (3) the economy of the area includes the human and financial
17 resources capable of providing local services; evaluation of an area's
18 economy includes land use, property valuations, total economic base,
19 total personal income, resource and commercial development, anticipated
20 functions, expenses, and income of the proposed borough;

21 (4) land, water, and air transportation facilities allow the
22 communication and exchange necessary for the development of integrated
23 local government.

24 * Sec. 7. AS 29.18.050(8) is amended to read:

25 (8) for home rule or first class city incorporation, the
26 signatures and resident address of 50 permanent resident voters or of 15
27 percent of the permanent resident voters within the proposed municipal-
28 ity, whichever is greater, based on the number who voted in the area in
29 the last general election;

1 * Sec. 8. AS 29.18.050(10) is amended to read:

2 (10) for home rule or general law borough incorporation, the
3 signature and resident address of 15 percent of the permanent resident
4 voters in each first class city and 15 percent of voters in the area
5 outside first class cities based on the number who voted in the respec-
6 tive areas in the last general election;

7 * Sec. 9. AS 29.18.050 is amended by adding a new paragraph to read:

8 (13) for a home rule municipality, a proposed home rule char-
9 ter.

10 * Sec. 10. AS 29.18.110 is amended by adding a new subsection to read:

11 (e) A home rule charter included in the incorporation petition is
12 considered to be part of the incorporation question. The home rule
13 charter is adopted if the voters approve incorporation of the municipal-
14 ity.

15 * Sec. 11. AS 29.18.180(a) is amended to read:

16 (a) For the purpose of defraying the cost of transition to municipal
17 pal [BOROUGH OR CITY] government and in order to provide for development
18 and interim governmental operations, each municipality [BOROUGH AND
19 CITY] incorporated after January 1, 1968, or, in the case of a second
20 class city, incorporated or reclassified after January 1, 1968, other
21 than a unified municipality incorporated under the provisions of AS
22 29.85, or a municipality otherwise incorporated by consolidation, is
23 entitled to an organization grant equal to \$10 for every voter who voted
24 in the [BOROUGH OR CITY] incorporation election. However, each incorpor-
25 ated home rule or general law borough and each home rule or first class
26 city incorporated or established by reclassification outside an organized
27 borough is entitled to at least \$25,000.

28 * Sec. 12. AS 29.05.010(a) is repealed and reenacted to read:

29 (a) A community that meets the following standards may incorporate

1 as a home rule or first class city:

2 (1) the community has 600 or more permanent residents;

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

5 (3) the economy of the community includes the human and
6 financial resources necessary to provide municipal services; in consider-
7 ing the economy of the community, the Local Boundary Commission shall
8 consider property values, economic base, personal income, resource and
9 commercial development, anticipated functions, and the expenses and
10 income of the proposed city, including the ability of the community to
11 generate local revenue;

12 (4) the population of the community is stable enough to
13 support city government;

14 (5) there is a demonstrated need for city government.

15 * Sec. 13. AS 29.05.030 is repealed and reenacted to read:

16 Sec. 29.05.030. INCORPORATION OF A BOROUGH. (a) An area that
17 meets the following standards may incorporate as a home rule, first
18 class, or second class borough:

19 (1) the population of the area is interrelated and integrated
20 as to its social, cultural, and economic activities, and is large and
21 stable enough to support borough government;

22 (2) the boundaries of the proposed borough conform generally
23 to natural geography and include all areas necessary for full development
24 of municipal services;

25 (3) the economy of the area includes the human and financial
26 resources capable of providing municipal services; evaluation of an
27 area's economy includes land use, property values, total economic base,
28 total personal income, resource and commercial development, anticipated
29 functions, expenses, and income of the proposed borough;

1 (4) land, water, and air transportation facilities allow the
2 communication and exchange necessary for the development of integrated
3 borough government.

4 (b) An area may not incorporate as a third class borough.

5 * Sec. 14. AS 29.05.060(11) is repealed and reenacted to read:

6 (11) for a home rule or first class city, based on the number
7 who voted in the area in the last general election, the signatures and
8 resident address of 50 voters in the proposed city or of 15 percent of
9 the voters in the proposed city, whichever is greater;

10 * Sec. 15. AS 29.05.060 is amended by adding a new paragraph to read:

11 (13) for a home rule municipality, a proposed home rule char-
12 ter.

13 * Sec. 16. AS 29.05.110 is amended by adding a new subsection to read:

14 (e) A home rule charter included in the incorporation petition is
15 considered to be part of the incorporation question. The home rule
16 charter is adopted if the voters approve incorporation of the municipal-
17 ity.

18 * Sec. 17. AS 29.05.180(a) is repealed and reenacted to read:

19 (a) For the purpose of defraying the cost of transition to municipi-
20 pal government and in order to provide for development and interim
21 governmental operations, each municipality incorporated after January 1,
22 1968, or, in the case of a second class city, incorporated or reclassi-
23 fied after January 1, 1968, other than a unified municipality or a
24 municipality otherwise incorporated by consolidation, is entitled to an
25 organization grant equal to \$10 for every voter who voted in the incor-
26 poration election. However, each incorporated home rule or general law
27 borough and each home rule or first class city incorporated or estab-
28 lished by reclassification outside an organized borough is entitled to
29 at least \$25,000.

1 * Sec. 18. AS 29.10.010 is amended by adding a new subsection to read:

2 (d) An unincorporated community with at least 600 permanent resi-
3 dents or an area of the unorganized borough may adopt a charter for its
4 own government and incorporate as a home rule municipality. A person
5 who files a petition to incorporate a home rule municipality in accor-
6 dance with AS 29.05.060 shall prepare and file a proposed home rule
7 charter with the petition.

8 * Sec. 19. AS 29.10 is amended by adding a new section to read:

9 Sec. 29.10.015. MODEL CHARTERS. The department shall prepare at
10 least one model home rule charter for a borough and at least one model
11 home rule charter for a city. The model charters shall be made available
12 to persons interested in filing a petition to incorporate a home rule
13 municipality.

14 * Sec. 20. Sections 1 - 11 of this Act are repealed.

15 * Sec. 21. Sections 12 - 20 of this Act take effect on the effective date
16 of a version of or successor to House Bill No. 170 or Senate Bill No. 180
17 that revises AS 29.

18 * Sec. 22. Sections 1 - 11 of this Act take effect immediately in accor-
19 dance with AS 01.10.070(c).
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