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MEMORANDUM

State of Alaska
OFFICE OF THE GOVERNOR

TO: Byron I. Mallott
Director
Local Affairs Agency

DATE : February 5, 1971

FROM: Alfred E. Widmark *AEW*
Local Government Specialist
Local Affairs Agency

SUBJECT: Name change of a
municipality

I have reviewed Title 29, Municipal Corporations, and Title 7, Boroughs, for provisions for setting up steps to be followed in making a change in the name of a city or borough and found no provisions that provided for a name change in either of the statutes.

I further checked via the phone with Bill Berrier, Borough Attorney. He stated he knew of no law that provided specifically for a name change of an incorporated city or borough.

AEW:pak

FORM 5A-2
100M 4-66

STATE OF ALASKA
Inter-Department Route Slip

TO: *Wilton Mike Miller*
DEPT.: *Wilton Mike Miller*
ATTN.: *Alaska State Legislature*

<input type="checkbox"/> Approval	<input type="checkbox"/> Note & Return
<input type="checkbox"/> Signature	<input type="checkbox"/> Initial & Return
<input type="checkbox"/> Comment	<input type="checkbox"/> Return As Requested
<input type="checkbox"/> Contact Me	<input type="checkbox"/> Return For Approval
<input type="checkbox"/> Prepare Reply	<input type="checkbox"/> Necessary Action
<input type="checkbox"/> For Your File	<input checked="" type="checkbox"/> Your Information

Remarks:

From: *AEW*
Dept.: *LA* Date: *2/5*
By: *LA*

MEMORANDUM

March 31, 1970

TO: Norman Banfield
FROM: Michael Holmes
SUBJECT: Town of Haines change of name

I considered three possible ways for changing the name of the Town of Haines: by City ordinance, by special legislation or by petition to the Superior Court.

I can find absolutely no authority for the City changing its own name by ordinance.

I am certain that the name of the town could be changed by special legislation.

The third alternative is not expressly authorized by statute but it appears that the Superior Court does have general jurisdiction regarding the names of first class cities. AS 29.10.006 generally provides for the incorporation of a first class city. Subsection (b) states that a petition for incorporation shall be presented to the judge of the Superior Court in the judicial district in which the community seeking incorporation is located. The petition must be signed by 100 adult bona fide residents of the community and shall among other things "state the name by which the city is to be known". AS 29.10.009(b) provides that the judge shall, after hearing "designate the name and the boundaries of the corporation and the time and place for an election to determine whether the people of the community desire to incorporate."

Under the circumstances I think that it would be within the court's power to entertain a petition to amend the original order fixing the name of the Town of Haines. However, there is no explicit statutory provision setting forth a procedure for changing the name of a city. Accordingly, there would be some question as to validity of the procedure for obtaining an amendment to the original order establishing the Town of Haines.

Under the circumstances, the best way to change the name of the Town of Haines is by special legislation. This, of course, could not be done until next year. If the City Council is in a hurry to have the name changed before the next legislature meets, we could probably obtain an order from the Superior Court stating that the name is changed but it probably should be confirmed by legislation in any event.

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