

HB

146

# COMMITTEE REPORT

## HOUSE

FURTHER: JUDICIARY

February 7, 1979

Date: 7 April 80

Mr. Speaker:

The Committee on C&RA has had HB 146

"Ar. Act amending boundary change procedures of the Local Boundary Commission."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 146  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

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CHAIRMAN



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

BILL NUMBER AND TITLE: HB 146 Amending Boundary Change Procedures

ORIGINAL SPONSOR: Malone  
RECEIVED FROM: \_\_\_\_\_

OTHER SPONSORS: \_\_\_\_\_  
FURTHER REFERRALS: Judiciary

HEARING DATE: 4/2/80

MEMBERS PRESENT:	Bill Parker	X	Pat Carney	X
	Margaret Branson	X	Charlie Parr	X
	Pat O'Connell	X	Fred Zharoff	X
			Ray Metcalfe	X

Discussion of work draft for CSHB146. Committee questions wording of p. 1. line 26 and entire section (e). Directs that the CS be rewritten to include an election in both the area to be annexed and the area annexing.

Committee approves redrafting of such a CS.

COMMITTEE ACTION: New CS to be drafted.

TAPE # 6      SIDE 1      Footage 373-586  
226-655



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

BILL NUMBER AND TITLE: HB146 Related to boundary change procedures of  
the Local Boundary Commission

ORIGINAL SPONSOR: Malone  
RECEIVED FROM: \_\_\_\_\_

OTHER SPONSORS: \_\_\_\_\_  
FURTHER REFERRALS: Judiciary

HEARING DATE: 3/24/80

MEMBERS PRESENT:	Bill Parker	X	Pat Carney	X
	Margaret Branson	X	Charlie Parr	X
	Pat O'Connell	X	Fred Zharoff	X
			Ray Metcalfe	X

Rep. Malone

Points out that the bill would legislate an "advisory" vote on the question of boundary changes. First class cities already have the authority to hold such an election.

Committee discussion centers on having such an advisory vote in both the area annexing and the area to be annexed.

Malone - People in area to be annexed or excluded could vote. Doesn't address extending vote beyond area but the municipalities could already do this.

Parr - Salchuk area is trying to secede from the Fairbanks borough. A certain amount of the pipeline tax money would go with it. The rest of the people in the borough have a stake in this decision. Parr prefers that the advisory vote be both inside and outside of the annexed area.

Malone - Has no objection to Parr's recommendation. Suggestion made that the election should be a state election and that the costs should be borne by the state. as decisions on boundaries are state decisions.

Palmer McCarter, Director of Local Assistance, Dept. of C&RA  
Refers to position delivered by the dept. in 1979  
(see minutes in file).

COMMITTEE ACTION: CS to be drafted which includes above suggestion.

TAPE # 6      SIDE 1      Footage 226-655



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

DATE: 2/14/79

BILL NUMBER AND TITLE: HB 146 Related to advisory vote re Local Boundary Commission Recommendations

ORIGINAL SPONSOR : Malone

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: Judiciary

MEMBERS PRESENT: Parker Garney  
Zharoff Parr  
Metcalfe O'Connell  
Branson

MEMBERS ABSENT: None

INDIVIDUALS CONTACTED:

Dept. of C&RA  
Local Boundary Commission Members

Rep. Malone Marilyn Miller  
Patty Ann Polley (Dir. of Elections)  
Jack Chenoweth

WITNESSES TESTIFYING:

Rep. Malone Bill was introduced last session and passed House. Needed because it gives an additional element of information and helps to raise the level of public debate on an annexation issue.

On question of whom would be voting on issue--those inside as well as outside? Would you need a majority of both? Just those in annexed areas? This point is unclear in the bill.

Joan Katz --Attorney for Kodiak Borough. More information is needed before the issue is submitted to voters. Economic data, service analysis, revenue lost if annexation occurs...etc. The Advisory vote should be controlling unless there is clear and convincing evidence of need in major portion of area to be annexed. Who will be voting?

Patty Ann Polley, Director of the Division of Election

Says the state should be given responsibility for administering election. Estimated that the bill would require approximately 6 elections per year at a cost of \$5000 each so approximately \$30,000 would be needed. Since it is a state agency being given responsibility (Boundary Commission), the state should administer the election.

Sig Strandberg, member of the Local Boundary Commission

Opposed to the passage of HB146. Apprehensive of the results. The bill would seriously erode the authority of the Local Boundary Commission as given in the Constitution. Current state law gives the state an opportunity to establish sensible boundaries. Commission should be able to determine extent of "boundaries". Boundary changes are both "political" and "economic" in nature.

Commission might be able to make the process more democratic. Annexation plan should be given more attention by the Commission. An impartial, careful review by the Local Boundary Commission is helpful. A more comprehensive report to the Legislature by the Commission would help legislature understand.

(con't)

COMMITTEE ACTION: No Action--

TAPE # 2 SIDE 1

Sections 120-1870

Vic Fischer--Gave historical background on local government. New concept of Boroughs which were seen as evolving concepts. 1964 Mandatory Borough enacted. Forced incorporation of areas into boroughs. Much controversy over this.. Further progress was made with city/borough unification allowed. Issues and problems different now than in 1968. There needs to be an evaluation of local government. Is there a need for both cities and boroughs? Boroughs were conceived as larger areas of representational government.. '71 report recommends Borough Commission changed to Local Boundary Commission to keep idea of local government in mind. Take a look at whole rural issue. ...unorganized borough concept to give leeway for local governments to form slowly. There would be a gradual assumption of services. Unorganized boroughs NOT formed for taxation purposes. Hopes that Senate and House CRA committees will use an interim committee to look at needs, issues, etc. of rural communities.

Marilyn Miller -- opposed to local government handling election as outlined in HB 146. Feels that it should be a state function.

WO#6302 ✓  
Chenoweth

*Version adopted  
as CS*

Original sponsor: Malone

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 146

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending boundary change procedures of the  
7 Local Boundary Commission."

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

9 \* Section 1. AS 29.68.010 is amended by adding new subsections to read:

10 (d) If 10 percent of the qualified voters of an area proposed to  
11 the Local Boundary Commission to be annexed or excluded under (a) of  
12 this section or 10 percent of the qualified voters of the city or borough  
13 to which an annexation is proposed or from which an exclusion is proposed  
14 under (a) of this section submit to the Local Boundary Commission a  
15 petition requesting an advisory vote on the proposed boundary change,  
16 the commission, after public hearing conducted in the area, shall require  
17 the city or borough to conduct an advisory vote on the proposed boundary  
18 change before rendering its decision on the proposed boundary change.

19 When a petition requesting an advisory vote is submitted under this  
20 subsection, the Local Boundary Commission shall advise the mayor of the  
21 city or borough to which annexation is proposed or from which an exclu-  
22 sion is proposed that the commission has received a petition asking that  
23 an advisory vote on the proposed boundary change be conducted, and  
24 request the city council or borough assembly to conduct an advisory vote  
25 on the proposed boundary change.

26 (e) When the Local Boundary Commission requests a city or borough  
27 to conduct an advisory vote under (d) of this section, the city or  
28 borough shall present to the voters within the city or borough and,  
29 separately, to the voters in the area proposed for annexation or

1 exclusion, a ballot setting out a proposition phrased so that a voter  
2 may indicate whether he favors or opposes the proposed boundary change.  
3 The ballots shall be canvassed by the city council or borough assembly  
4 and the results certified to the Local Boundary Commission in separate  
5 classifications indicating the vote by residents of the city or borough  
6 and the vote by residents of the area which is the subject of the bound-  
7 ary change petition.

8 (f) An advisory vote may be submitted to the voters by the borough  
9 assembly or city council only

10 (1) at a regular election; or

11 (2) at a special election if that election has been called by  
12 the borough assembly or city council for the purpose of placing before  
13 the voters a question other than the proposition to be submitted under  
14 this section.

15 (g) When presenting a proposed boundary change to the legislature  
16 as provided under (a) of this section, the Local Boundary Commission  
17 shall also present the result of an advisory vote related to that bound-  
18 ary change held under this section.

19 (h) Subject to appropriations for the purpose, the state shall  
20 reimburse a city or borough for its costs of conducting an election held  
21 under this section in areas located outside a city or borough.

22 (i) The Local Boundary Commission shall adopt by regulation proce-  
23 dures for submitting a petition and for conducting an election under  
24 this section.

Hearing 8:30 A.M.  
4/2/80

Malone

WO 6302  
Chenoweth  
3-28

Original sponsor: Malone

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 146  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending boundary change procedures of the  
7 Local Boundary Commission."

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

9 \* Section 1. AS 29.68.010 is amended by adding new subsections to read:

10 (d) If 10 percent of the qualified voters of an area proposed to  
11 the Local Boundary Commission to be annexed or excluded under (a) of  
12 this section petition for a vote on the proposed boundary change, the  
13 commission, after public hearing conducted in the area as prescribed by  
14 regulation, shall conduct an advisory vote on the proposed boundary  
15 change before rendering its decision on the proposed boundary change.  
16 The commission shall adopt by regulation procedures for submitting a  
17 petition and for conducting an election under this subsection.

18 (e) If a petition requesting an advisory vote is submitted under  
19 (d) of this section, the Local Boundary Commission shall advise the  
20 mayor of the municipality to which annexation is proposed or from which  
21 an exclusion is proposed that the commission has received a petition  
22 asking that an advisory vote on the proposed boundary change be con-  
23 ducted. If, within 60 days of receipt of notice of the Local Boundary  
24 Commission by the mayor under this subsection, 10 percent of the quali-  
25 fied voters of the municipality petition for a vote on the proposed  
26 boundary change, the commission shall conduct an advisory vote in that  
27 municipality on the proposed boundary change before making its decision  
28 on the proposed boundary change. An election under this subsection  
29 shall be held at the same time as an election under (d) of this section.

1 The Local Boundary Commission

2 (1) shall adopt by regulation procedures for submitting a  
3 petition and for conducting an election under this subsection;

4 (2) may request the lieutenant governor to enter into an  
5 agreement with a municipality by which the municipality will conduct the  
6 election under this subsection.

7 (f) When presenting a proposed boundary change to the legislature  
8 as provided under (a) of this section, the Local Boundary Commission  
9 shall also present the result of an advisory vote related to that bound-  
10 ary change held under (d) or (e) of this section.

11 (g) Subject to appropriations for the purpose, the state shall pay  
12 the costs of elections held under (d) and (e) of this section.

Introduced: 2/7/79  
Referred: Community & Regional  
Affairs and Judiciary

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 146

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A. BILL

6 For an Act entitled: "An Act amending boundary change procedures of the  
7 Local Boundary Commission."

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

9 \* Section 1. AS 29.68.010 is amended by adding a new subsection to read:

10 (d) If 10 per cent of the qualified voters of an area proposed to  
11 the Local Boundary Commission to be annexed or excluded under (a) of  
12 this section petition for a vote on the question, the commission, after  
13 public hearing conducted in the area as prescribed by regulation, shall  
14 conduct at its expense a single advisory vote on the question before  
15 rendering its decision on the question, under procedures for petition  
16 and election developed by the commission. When presenting a proposed  
17 boundary change to the legislature as provided under (a) of this sec-  
18 tion, the commission shall also present the result of any advisory vote  
19 held under this subsection.

20  
21 *residents*  
22 \* The advisory vote ~~shall~~ may be conducted in both  
23 the area proposed to be annexed or excluded, and  
24 in the city or borough to which the area would  
25 be annexed. All qualified voters may vote. Ballots  
26 ~~shall be tabulated separately in each~~  
27 in the city ~~and~~ or borough shall be tabulated separately  
28 from ballots in the area proposed to be annexed.  
29

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 146  
 Title An Act amending boundary change procedures  
 Requested by Representative Parker Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Community & Regional Affairs  
 Program Category Affected Development  
 Budget Request Unit(s) Affected Local Government Assistance

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Discussion with the Division of Elections indicates the costs of the prescribed elections would be insignificant.

IV. DATE 3-21-80 PREPARED BY Terry L. Earley  
 AGENCY Community & Regional Affairs  
 PHONE 465-4730  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

**Article 2. Service Areas.****Section****90. Service areas**

**Sec. 29.63.090. Service Areas.** (a) Service areas to provide special services within a borough may be established, operated, altered or abolished by the assembly by ordinance. Special services include services not provided on an areawide basis within the borough or the borough area outside cities or a higher or different level of service than that provided on an areawide basis or in the borough area outside cities. In a first class borough the assembly may exercise within a service area any power granted a first class city by general law; in a second class borough an exercise of the powers must be approved by a majority of the qualified voters residing within the service area and voting on the question at a regular or special election.

(b) The assembly may levy or authorize the levying of taxes, charges, or assessments in service areas to finance the special services.

(c) The assembly may provide for appointed or elected boards to supervise the furnishing of special services in service areas.

(d) A new service area may not be established if, consistent with the purposes of art. X of the state constitution, the new service can be provided by an existing service area, by annexation to a city, or by incorporation as a city.

(e) The assembly may exercise or delegate to a service area any powers which may be exercised by a first class borough in the area outside cities. In a second class borough, each exercised or delegated power must be approved by a majority vote at a regular or special election held within the service area. The rate of taxation and the issuance of bonds are subject to assembly approval. (§ 2 ch 118 SLA 1972)

**Chapter 68. Alteration of Boundaries.****Article**

1. Annexation and Exclusion (§ 29.68.010)
2. Merger and Consolidation (§§ 29.68.030--29.68.110)
3. Unification of Local Governments (§§ 29.68.240--29.68.440)
4. Dissolution (§§ 29.68.500--29.68.580)

**Article 1. Annexation and Exclusion.****Section****10. Local boundary commission**

**Sec. 29.68.010. Local boundary commission.** (a) The Local Boundary Commission may consider any proposed local government boundary change. It may present proposed changes to the

legislature during the first 10 days of any regular session. The change shall become effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

(b) In addition to the regulations governing annexation by local action adopted under AS 44.19.260, the Local Boundary Commission shall, within 90 days of September 10, 1972, establish procedures for annexation and exclusion of territory by cities and boroughs by local action. The procedures established under this subsection shall include

(1) a provision requiring that a proposed annexation and exclusion must be approved by a majority of the voters voting on the question residing within the area proposed to be annexed or excluded;

(2) provisions that municipally-owned property adjoining the municipality may be annexed by ordinance without voter approval; and

(3) provisions that an area adjoining the municipality may be annexed by ordinance without an election if all property owners and voters within the area petition the assembly or council.

(c) A boundary change effected under (a) of this section prevails over a boundary change initiated by local action, without regard to priority in time. (§ 2 ch 118 SLA 1972)

**Defining boundaries is a legislative function.**—The creation of municipalities, and the defining of the extent of the boundaries thereof, involve the exercise of legislative, not judicial, power. *Town of Fairbanks v. Barrack*, 282 F. 417 (9th Cir. 1922); *In re Annexation to City of Anchorage*, 16 Alaska 519, 146 F. Supp. 98 (D. Alas. 1956).

**Expansion of municipal boundaries is matter of statewide concern.** — Those who reside or own property in the area to be annexed have no vested right to insist that annexation take place only with their consent. The subject of expansion of municipal boundaries is legitimately the concern of the state as a whole, and not just that of the local community. *Fairview Pub. Util. Dist. No. 1 v. City of Anchorage*, Sup. Ct. Op. No. 61 (File Nos. 69, 71), 368 P.2d 540 (1962).

**Annexation procedure may be changed.**—The state may permit residents of local communities to determine annexation questions at an election. But when this has been done, the state is not irrevocably com-

mitted to that arrangement. If the citizens of the state, in adopting a constitution, decide that it is in the public interest to establish another election procedure, there is no constitutional obstacle to that course of action. *Fairview Pub. Util. Dist. No. 1 v. City of Anchorage*, Sup. Ct. Op. No. 61 (File Nos. 69, 71), 368 P.2d 540 (1962).

**One proceeding for annexing several tracts.**—See *In re Town of Sitka*, 11 Alaska 201 (1946).

**Areas in public utility district may be annexed.**—The fact that the areas are embraced within a public utility district constitutes no bar to annexation. *In re Annexation to City of Anchorage*, 15 Alaska 504, 129 F. Supp. 551 (D. Alas. 1955). See *Fairview Pub. Util. Dist. No. 1 v. City of Anchorage*, Sup. Ct. Op. No. 61 (File Nos. 69, 71), 368 P.2d 540 (1962).

**Consent of voters in district required if annexation proceeds under this article.** — The provision of AS 42.35.370 providing for dissolution of a utility district with the consent of the voters when "the whole or the integral part of a district becomes

annexed to an incorporated city" has application only where annexation takes place under the petition-election procedure of this article and has no application where annexation takes place under a different method

established by Alaska Const., art. X, § 12. Fairview Pub. Util. Dist. No. 1 v. City of Anchorage, Sup. Ct. Op. No. 61 (File Nos. 69, 71), 368 P.2d 540 (1962).

**Article 2. Merger and Consolidation.**

<p><b>Section</b>                  30. Methods of merger or consolidation                  40. Petition                  50. Review                  60. Investigation</p>	<p><b>Section</b>                  70. Report and hearing                  80. Decision                  90. Election                  100. Assets and liabilities                  110. Ordinances</p>
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**Sec. 29.68.030. Methods of merger or consolidation.** Two methods may be used to initiate merger or consolidation of home rule and general law municipalities:

- (1) petition to the Local Boundary Commission under regulations adopted by the commission, or
- (2) the local option method specified in §§ 40—110 of this chapter. (§ 2 ch 118 SLA 1972)

**Sec. 29.68.040. Petition.** (a) Residents of two or more municipalities may file a merger or consolidation petition with the Department of Community and Regional Affairs. The petition must be signed by a number of municipal voters of each municipality equal to at least 25 per cent of the number of votes cast in its last regular election.

- (b) The petition includes
  - (1) the name and class of each municipality;
  - (2) the name and class of the proposed municipality;
  - (3) the proposed composition and apportionment of the assembly or council;
  - (4) maps, documents, and other information which show that the proposed municipality meets the standards for municipal incorporation. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

**Effect of amendment.** — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in the first sentence of subsection (a).

**Sec. 29.68.050. Review.** The Department of Community and Regional Affairs shall review a petition for content and signatures and shall return a deficient petition for correction or completion. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

**Effect of amendment.** — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency."

**Sec. 29.68.060. Investigation.** If the petition contains the required information and signatures, the Department of Community

and Regional Affairs shall investigate the proposal. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

*Effect of amendment.* — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency."

**Sec. 29.68.070. Report and hearing.** (a) The Department of Community and Regional Affairs shall report its findings to the Local Boundary Commission with its recommendations regarding the merger or consolidation.

(b) The Local Boundary Commission shall hold at least one public hearing in each of the municipalities included in the merger or consolidation petition, unless officials of the municipalities agree to a single hearing. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

*Effect of amendment.* — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" near the beginning of subsection (a).

**Sec. 29.68.080. Decision.** If the Local Boundary Commission determines that the proposed municipality fails to meet the standards for incorporation, it shall reject the petition. If the commission determines that the proposed municipality meets these standards, it shall accept the petition. If the commission determines that the proposed boundaries or the composition and apportionment of the assembly or council can be altered to meet the standards, it may change the proposal and accept the petition. The decision may be appealed under the Administrative Procedure Act (AS 44.62). (§ 2 ch 118 SLA 1972)

**Sec. 29.68.090. Election.** (a) The Local Boundary Commission shall immediately notify the lieutenant governor of its acceptance of a merger or consolidation petition. Within 30 days after notification, the lieutenant governor shall order an election within the area to be included in the new municipality to determine whether the voters desire merger or consolidation. The election is held not less than 30 nor more than 90 days after the election order.

(b) A voter who is a resident of the area to be included within the proposed municipality may vote.

(c) 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.

(d) The lieutenant governor shall certify the election results. If merger or consolidation is approved, he shall, within 10 days, set a date for election of officers of the new municipality under AS 29.18.-120. The election date is not less than 60 nor more than 90 days after the election order. This date is the effective date for the merger or consolidation. (§ 2 ch 118 SLA 1972)

Sec. 29.68.100. Assets and liabilities. (a) When two or more municipalities merge, one municipality succeeds to the rights, powers, duties, assets and liabilities of the others.

(b) When two or more municipalities consolidate, the newly-incorporated municipality succeeds to the rights, powers, duties, assets and liabilities of the consolidated municipalities. (§ 2 ch 118 SLA 1972)

Sec. 29.68.110. Ordinances. The ordinances, resolutions, rules, regulations, procedures and orders of the former municipalities remain in force within their respective territories until superseded by the action of the successor municipality. (§ 2 ch 118 SLA 1972)

Article 3. Unification of Local Governments.

Section	Section
240. Unification of local governments authorized	340. Charter commission organization and procedure
250. Unification to be proposed by petition	350. Charter preparation
260. Petition requirements	360. Public hearings
270. Review of petition	370. Filing of proposed charter
280. Call for charter commission nominations	380. Publication and posting of proposed charter
290. Nomination of charter commission candidates	390. Election on charter
300. Qualifications of charter commission candidates	400. Effect of the charter after ratification
310. Composition of charter commission	410. Assets and liabilities
320. Election	420. Ordinances
330. Requirements for approval of unification and election of charter commission	430. Right to state and federal funds preserved
	440. Powers of a unified municipality

Sec. 29.68.240. Unification of local governments authorized. An organized borough and all cities within the borough may unite to form a single unit of home rule local government by complying with this chapter. (§ 2 ch 118 SLA 1972)

Unification is consistent with the purpose expressed in Alaska Const., art. X, § 1, of minimizing the number of local government units. City of Douglas v. City & Borough of Juneau, Sup. Ct. Op. No. 672 (File No. 1379), 484 P.2d 1040 (1971).

Coexistence of cities and boroughs not required.—Alaska Const., art. X, § 2, merely authorizes but does not require the coexistence of cities and boroughs. City of Douglas v. City & Borough of Juneau, Sup. Ct. Op. No. 672 (File No. 1379), 484 P.2d 1040 (1971).

Sec. 29.68.250. Unification to be proposed by petition. (a) Formation of a charter commission to propose a unification charter shall be proposed by resolution of the assembly or by petition. An assembly resolution for the purpose may be adopted not more often than once every 12 months.

§ 29.6

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