

HB

40

TAPE # 0044DATE: 02/14/89BILL NUMBERS: HB 40 + HJR 23MEMBERS PRESENT: Chair Rep. MacLean, Vice-Chair Rep. Foster
Rep. Cato, Rep. C. Davis, Rep. Pettyjohn

TAPE #	TIME	BILL NUMBER	METER NUMBER	HELPFUL INFORMATION (WITNESS, ACTION)
	1:04	HB40	000	Rep. MacLean explanation of HB40
	1:05	HB40	048	Rep. Mike Miller -
	1:11	HB40	161	Rep. Pettyjohn question
	1:12	HB40	197	Jim Plasman explanation
	1:14	HB40	228	Rep. Cato - const
	1:15	HB40	240	Jim Plasman balancing
		HB40	273	Rep. MacLean - amend
		HB40	278	Rep Cato adopt amendment #1
	1:18	HB40	284	Rep - Cato - move HB 40 out of committee
	1:19	HJR 23 HB 40	300	Rep Maclean explanation HJR 23
	1:20	HJR 23	324	Rep Jacko explanation HJR 23
	1:25	HJR 23	375	Rep. Cliff Davidson testified
	1:31	HJR 23	499	Rep. Cato - what do you want with it
	1:33	HJR 23	509	Rep. Davidson
	1:34	HJR 23	520	Rep Cato - for revenue

TAPE # 004ADATE: 02/14/89BILL NUMBERS: HJR-23

MEMBERS PRESENT:

TAPE #	TIME	BILL NUMBER	METER NUMBER	HELPFUL INFORMATION (WITNESS. ACTION)
	1:35	HJR 23	525	Rep - Davidson
	1:36	HJR 23	537	Rep Cato what
	1:36	HJR 23	544	Rep Davidson protecting the fishery
	1:39	HJR 23	569	Rep C Davis
	1:40	HJR 23	580	Rep - Davidson - No taken away revenues
		HJR 23	595	Rep C Davis - Kodiak annex the whole board
	1:41	HJR 23	603	Rep - Davidson - Lake + Penn ready for govt.
	1:43	HJR 23	618	Rep - Jacko - answer Rep - Cato question
	1:45	HJR 23	641	Rep - Davidson - people are residents of Kodiak
	1:46	HJR 23	659	Rep Jacko
	1:47	HJR 23	670	Rep Mackean - teleconference
	1:49	HJR 23	684	Sue - Bristol Bay
		HJR 23	691	Rep - Davidson answer
		HJR 23	705	Linda Freed stmt
		HJR 23	710	Sue

COMMUNITY AND REGIONAL AFFAIRS

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TAPE # 004A 9 004B

DATE: 02/14/89

BILL NUMBERS: HJR 23

MEMBERS PRESENT: Chair Rep. MacLean, Vice-Chair Rep. Foster
Rep. Cato, Rep. C. Davis, Rep. Pettyjohn

TAPE #	TIME	BILL NUMBER	METER NUMBER	HELPFUL INFORMATION (WITNESS, ACTION)
00 B	2:01	HJR 23	958	Frank Hill - financial responsibilities
B	2:05	HJR 23		Saul Freedom - Education
B	2:12	HJR 23	137	David Wilder
	2:15	HJR 23	158	Rep. Cato in court who involve for the court
		HJR 23	168	David Wilder
		HJR 23	179	Rep. Cato - State fighting State
	2:16	HJR 23	180	David Wilder JR 92
	2:18	HJR 23	199	Mayor Si
			265	Rep Cato - School dist - would be sue
			270	Mayor
	2:34	HJR 23	374	Linda Freed testified
#2A	2:40			Oliver Home - expect the annexation
			062	Rep Cato - Should the annex become a reality
	2:44		097	Rep. MacLean - closing comments
			142	Rep C Davis pass out w/ individual recommendations

Alaska State Legislature

REPRESENTATIVE
MIKE W MILLER
PO Box 55094
North Pole, Alaska 99705
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District 18
North Pole
Badger Road
Eielson
Moose Creek
Salcha



While in Juneau
PO Box V
Juneau, Alaska 99811
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House of Representatives

*How
retain
second*

MEMORANDUM

TO: Representative Eileen MacLean

FROM: Representative Mike Miller *M.W. Miller*

RE: CSHB 40 (C&RA)

DATE: 4/14/89

Committee Substitute for House Bill 40, an act relating to unification of municipalities, is before the full House for consideration today.

Under current law, the process to unify a borough and the cities it encompasses can be triggered by obtaining signatures from two classifications of citizens. These classifications consist of voters living within the boundary of the borough but not in a home rule or first class city, and voters living within the boundaries of all home rule and first class cities combined. By lumping all of the home rule and first class cities together, it is possible for a small city to be dissolved, against the will of its citizens, and combined with a newly unified municipal government. CSHB 40 will correct this problem by requiring unification to be approved by a majority in each first class and home rule city.

During a previous committee hearing, concern was expressed that passage of CSHB 40 would give every home rule or first class city the power to veto unification. Although CSHB 40 would allow a majority of voters in each first class or home rule city to disapprove a unification attempt, it would not prevent a borough from combining with individual cities under the merger and consolidation statutes. For example, if a unification measure was placed before the voters of the Fairbanks North Star Borough and rejected by the voters of North Pole, the Borough and city of Fairbanks could still combine their duties and powers under AS 29.06.090.

CSHB 40 would also amend our statutes to allow the question of unification to be raised every 24 months instead of the current 12 months.

MEMORANDUM

TO: Representative Mike Miller
FROM: Staff
RE: Sectional Analysis of CSHB 40 (C&RA)
DATE: 4/14/89

Sec. 1. Permits the question of unification, whether it originates as a result of petition or resolution, to be submitted to the voters not more often than once every 24 months.

Sec. 2. Requires a unification petition to be signed by voters in each home rule and first class city equal to 25% of the votes cast in each of these cities in the last regular borough election. The existing requirement as to signatures of city residents is cumulative--that is a percentage of all the voters is used without regard to the particular city the voters reside in.

Sec. 3. Like the petition signature requirement in section 2, this section requires the votes on the question of formation of a charter commission to be tabulated separately for each home rule and first class city. Votes of borough residents outside these cities is tabulated in another, single classification. Each separately tabulated classification must approve the formation of a charter commission before one can be formed.

Sec. 4. The changes reflect the fact that approval of a unification charter must be achieved in each home rule and first class city before the charter is adopted.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 15, 1989

SUBJECT: Unification of municipalities (HB 40)
TO: Representative Mike Miller
FROM: Tamara Brandt Cook *TBC*
Director
Division of Legal Services

Several questions have come up in the House Community and Regional Affairs Committee hearing on HB 40. That bill requires, among other things, that unification be approved in each first class and home rule city in a borough before it can take place. Under existing law approval is required among the voters of all first class and home rule cities, tabulated as one classification.

If a unification effort fails because voters in one or more home rule or first class cities withhold approval, may the remaining cities unite with the borough through merger and consolidation?

Existing municipalities may unite through merger and consolidation under procedures set out in AS 29.06.090 - 29.06.170. A petition for merger or consolidation would have to be accepted by the Local Boundary Commission and then the merger or consolidation would have to be approved by the voters in the area to be included in the new municipality. If a city were to merge with a borough, the city would cease to exist and the area would be incorporated into the area of the borough outside of cities. The classification of the borough would not be changed by this action. Unification, on the other hand, converts a general law borough into a home rule government.

Can a city simply dissolve in order to merge with a borough in which it is located?

This can be also done. The procedure for this is set out in AS 29.06.450 - 29.06.530. A dissolution proposal is subject

Representative Mike Miller
Page 2
March 15, 1989

to Local Boundary Commission review and acceptance and to a vote of the people in the city. But the city cannot unilaterally dissolve and force a borough to assume governing responsibility in its territory. Under AS 29.06.470(b) the borough voters must consent to assume the rights, powers, duties, assets, and liabilities of the city. Dissolving a city in a borough will not change the classification of the borough itself in the way that unification does.

TBC:kb
wkk3/009

HOUSE COMMITTEE REPORT

(5)

Date Referred: January 9, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: _____

The COMMUNITY & REGIONAL AFFAIRS Committee recommends that:

HOUSE BILL NO. 40 [UNIFICATION OF MUNICIPALITIES]
"An Act relating to unification of municipalities."

- [] be replaced with CS HB 40 (C+RA) [] the same title
[] a new title
- [] have attached amendment(s)
- [] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
[] zero fiscal note C+RA
[] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published: _____
[] zero fiscal notes(s) published: _____

SIGNING DO PASS:

Bette Cook

SIGNING OTHER THAN DO PASS:

(Do Not Pass, No Recommendation, Amend)

Eileen P. Machean (No Rec)
A. [unclear] no rec
Chris Davis No Rec
Richard [unclear]

Eileen P. Machean
Chairman's signature

HB 40

MILLER

House Bill 40 was introduced by Representative Mike Miller. This legislation would allow unification petitions or resolutions to come before the voters every three years. Current law allows petitions or resolutions for unification to be resubmitted every 12 months.

According to this legislation, before a petition for an unification charter can be approved it must be signed by 25% of the voters in each home rule and first class.

House Bill 40 would also require that a majority of voters in each first class and home rule city as well as those residing in the area of the borough outside the cities vote for unification. Therefore, before unification can occur each first class and home rule city must approve it.

The Department of Community and Regional Affairs has prepared a zero fiscal note on this bill.

Here to speak on behalf of the legislation is Representative Mike Miller.

Jim Plasman will also testify on the bill. (the department doesn't like it.)

AMENDMENT

IN THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

TO: HB 40

BY: Rep. MacLean

Page: 1

Line: 13

Should be amended to read: than once every [36] 24
months.

HOUSE BILL 40
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- ITEM 6: Memo - Rep. Mike Miller
- ITEM 7: Statutes

Introduced: 1/9/89
Referred: Community &
Regional Affairs and
Finance

1 IN THE HOUSE

BY MILLER

2 HOUSE BILL NO. 40

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unification of municipalities."

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

8 * Section 1. AS 29.06.200(a) is amended to read:

9 (a) Formation of a charter commission to prepare a unification
10 charter shall be proposed by resolution of the assembly or by peti-
11 tion. The question of [A RESOLUTION TO PROPOSE] formation of a char-
12 ter commission may be submitted to the voters [ADOPTED] not more oft:n
13 than once every 36 [12] months.

14 * Sec. 2. AS 29.06.210(b) is amended to read:

15 (b) The petition shall be signed by at least

16 (1) the number of voters residing outside all home rule and
17 first class cities in the borough equal to 25 percent of the votes
18 cast in that area in the last regular borough election; and

19 (2) the number of voters residing in each home rule and
20 [OR] first class city [CITIES] in the borough equal to 25 percent of
21 the votes cast in each of these cities [ALL HOME RULE AND FIRST CLASS
22 CITIES IN THE BOROUGH] in the last regular borough election.

23 * Sec. 3. AS 29.06.280(a) is amended to read:

24 (a) The votes on the question of formation of a charter commis-
25 sion shall be tabulated in [TWO] separate classifications. Votes [ONE
26 CLASSIFICATION CONSISTS OF ALL VOTES] cast in each first class and
27 home rule city [CITIES] in the borough shall be individually tabulated
28 into separate classifications. Votes [. THE OTHER CLASSIFICATION
29 CONSISTS OF ALL VOTES] cast in the remaining area of the borough shall

1 ~~be tabulated as one classification.~~ In order for formation of a
2 charter commission to be approved, a majority of the votes in each
3 classification must favor formation of the commission.

4 * Sec. 4. AS 29.06.360(c) is amended to read:

5 (c) If a majority of the votes in the area of the borough out-
6 side all home rule or first class cities, and a majority of the votes
7 in ~~each~~ [ALL] home rule and first class ~~city~~ [CITIES] in the borough
8 are cast in favor of the proposed charter, the charter is ratified.
9 If the charter is ratified, election results shall be certified to the
10 commission and two copies of the charter shall be filed with

- 11 (1) the lieutenant governor;
 - 12 (2) the department;
 - 13 (3) the district recorder for the area of the borough;
 - 14 (4) the clerk of the borough;
 - 15 (5) the clerk of each city in the borough.
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FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act relating to unification of municipalities."
 Sponsor: Miller
 Requestor: _____

Agency Affected: Community & Regional Affairs
 ERU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Jim Plasman

Prepared by: Jim Plasman, Deputy Director Phone: 465-4750
 Division: Municipal & Regional Assistance Date: 2/2/89

Approved by Commissioner: [Signature] Date: 2/2/89
 Agency: Community & Regional Affairs

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 3, 1989

SUBJECT: Unification of municipalities (HB 40)
TO: Representative Mike Miller
FROM: Tamara Brandt Cook *TBC*
Director
Division of Legal Services

Here is a sectional analysis that you requested of HB 40.

Sec. 1. Permits the question of unification, whether it originates as a result of petition or resolution, to be submitted to the voters not more often than once every 36 months.

Sec. 2. Requires a unification petition to be signed by voters in each home rule and first class city equal to 2% percent of the votes cast in each of these cities in the last regular borough election. The existing requirement as to signatures of city residents is cumulative--that is a percentage of all the voters is used without regard to the particular city the voters reside in.

Sec. 3. Like the petition signature requirement in section 2, this requires the votes on the question of formation of a charter commission to be tabulated separately for each home rule and first class city. Votes of borough residents outside of these cities is tabulated in another, single classification. Each separately tabulated classification must approve the formation of a charter commission before one can be formed.

Sec. 4. The changes reflect the fact that approval of a unification charter must be achieved in each home rule and first class city before the charter is adopted.

TBC:gc
WKG6/019

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

February 8, 1989

- P.O. BOX B
JUNEAU, ALASKA 99811-2100
PHONE: (907) 465-4700
- 949 E. 38TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508-4302
PHONE: (907) 583-1073

POSITION PAPER

RE: House Bill 40

SPONSOR: Representative Miller

Program Effects

The bill makes two main changes to the unification process. First, it would limit consideration of the question to once every three years, rather than every year as at present. Second, it would provide that each home rule and first class city within the borough be treated separately, rather than together, for the purposes of required petition signatures, voting on the question of formation of a charter commission, and voting on the ratification of the home rule charter.

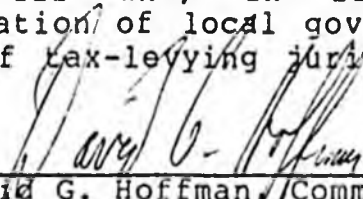
Comments

Article X, Section 1 of the Alaska State Constitution provides: "The purpose of this article is to provide for maximum self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units." The unification process, whereby the cities within a borough are unified with the borough to form a single unified municipality governed by a home rule charter, provides a means of accomplishing the constitutional goals of minimization of local government units and prevention of duplication of tax-levying jurisdictions.

Determining the appropriate limitation on consideration of the formation of a charter commission requires striking a balance between the interest in reasonably allowing the people to consider the question and the interest in not allowing frivolous requests which will dilute interest and resources devoted to discussion of the issue. The department feels a one year limitation is appropriate.

House Bill 40
February 8, 1989
Page Two

Treatment of first class and home rule cities separately, rather than as a class, for the purpose of petitioning for and voting on the charter commission and charter has the effect of giving each city a veto power over the question. Such effect could result even though an area-wide total vote favors a particular course of action by a wide margin. The existing structure, treating the cities as a separate class, may be justified as a reasonable exercise of self-government. However, the department feels the proposed treatment of each first class and home rule city separately is an unreasonable inhibition of the popular will and, in light of the constitutional goals of minimization of local government units and prevention of duplication of tax-levying jurisdictions, is not warranted.



David G. Hoffman, Commissioner

P.O. BOX 55109
NORTH POLE, ALASKA
99705

TOP OF THE WORLD
PHONE: 907-488-2281
AT YOUR SERVICE



January 16, 1989

RECEIVED JAN 19 1989

The Honorable Senator Jack Coghill
P. O. Box V
Juneau, Alaska 99811

Re: Proposed Title 29 Amendments

Dear Jack:

The City of North Pole is in receipt of SB105 and the corresponding house bill, HB40. The city council is in unanimous support of the legislation.

As you are aware, recent changes in Title 29 legislation failed to protect small cities from unification proceedings. It is the hope of the City of North Pole that passage of these bills as drafted will help remedy that inequity.

Your colleague, Representative Mike Miller, has introduced the house version (HB40) and also supports our endeavors. In addition, we are requesting assistance from the Alaska Municipal League through its Director, Scott Burgess.

The people in the North Pole area overwhelmingly support this legislation. The city will encourage as many of them to correspond with you as possible.

Thank you for your support. Please keep the city posted as to the progress of the bills. We stand ready to do anything within our powers to ensure passage.

Sincerely,

Carleta Lewis
Mayor

CL/k1

cc: The Honorable Representative, Mike Miller
Alaska Municipal League, Scott Burgess, Director

MEMORANDUM

TO: Representative Mike Miller

FROM: Staff

RE: Boroughs and Cities affected by sections 2 - 4 of HB 40

DATE: 2/7/89

The proposed statutory changes in sections two, three and four of House Bill 40 would affect any organized borough that encompasses two or more Home Rule or First Class cities. Based on information contained in the 1989 Alaska Municipal Officials Directory, four boroughs fit this description. These boroughs and their accompanying cities are as follows:

	<u>Reg.</u> <u>Voters**</u>
Aleutians East Borough	
Akutan.....Second Class	
Cold Bay.....Second Class	
King Cove.....First Class	235
Sand Point.....First Class	394
Fairbanks North Star Borough	
Fairbanks.....Home Rule	16,493
North Pole.....Home Rule	835
Kenai Peninsula Borough	
Homer.....First Class	2,053
Kachemak.....Second Class	
Kenai.....Home Rule	3,045
Seldovia.....First Class	373
Seward.....Home Rule	1,277
Soldo a.....First Class	1,772
Matanuska-Susitna Borough	
Houston.....Second Class	
Palmer.....Home Rule	1,478
Wasilla.....First Class	1,955

** Registered Voter totals were secured from the Division of Elections.

Sec. 29.06.140. Election. (a) The Local Boundary Commission shall immediately notify the director of elections of its acceptance of a merger or consolidation petition. Within 30 days after notification, the director of elections shall order an election in the area to be included in the new municipality to determine whether the voters desire merger or consolidation. The election must be held not less than 30 or more than 90 days after the election order. A voter who is a resident of the area to be included in the proposed municipality may vote.

(b) The director of elections shall supervise the election in the general manner prescribed by the Alaska Election Code (AS 15). The state shall pay all election costs.

(c) The director of elections shall certify the election results. If merger or consolidation is approved, the director of elections shall, within 10 days, set a date for election of officials of the new municipality. The election date must be not less than 60 or more than 90 days after the election order and it is the effective date for the merger or consolidation. (§ 5 ch 74 SLA 1985)

Sec. 29.06.150. Assets and liabilities. (a) When two or more municipalities merge, one 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. (§ 5 ch 74 SLA 1985)

Sec. 29.06.160. Transition. After merger or consolidation, the ordinances, resolutions, regulations, procedures, and orders of the former municipalities remain in force in their respective territories until superseded by the action of the new municipality. (§ 5 ch 74 SLA 1985)

Sec. 29.06.170. Application. AS 29.06.090 — 29.06.170 apply to home rule and general law municipalities. (§ 5 ch 74 SLA 1985)

Article 4. Unification of Municipalities.

- Section
- 190. Unification of municipalities authorized
- 200. Unification proposed
- 210. Petition requirements
- 220. Review of petition
- 230. Duties of charter commission
- 240. Composition of charter commission
- 250. Charter commission nominations
- 260. Qualifications of candidates
- 270. Election of charter commission
- 280. Requirements for approval of forma-

- Section
- tion and election of charter commission
- 290. Charter commission organization and procedure
- 300. Vacancies
- 310. Per diem
- 320. Charter provisions
- 330. Public hearings
- 340. Filing of proposed charter
- 350. Publication and posting of proposed charter

Section

- 360. Election on charter
- 370. Effect of the charter after ratification
- 380. Assets and liabilities

Section

- 390. Transition
- 400. Right to state and federal aid
- 410. Powers of a unified municipality
- 420. Application

Sec. 29.06.190. Unification of municipalities authorized. A borough and all cities in the borough may unite to form a single unit of home rule government by complying with AS 29.06.190 — 29.06.410. (§ 5 ch 74 SLA 1985)

NOTES TO DECISIONS

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), decided under former, similar law. 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), decided under former, similar law.

Sec. 29.06.200. Unification proposed. (a) Formation of a charter commission to prepare a unification charter shall be proposed by resolution of the assembly or by petition. A resolution to propose formation of a charter commission may be adopted not more often than once every 12 months.

(b) An assembly, a council, or a person living in the area proposed for unification may initiate a unification petition. (§ 5 ch 74 SLA 1985)

Sec. 29.06.210. Petition requirements. (a) A unification petition shall read:

"PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICATION CHARTER. We, the undersigned, qualified voters of the borough do hereby petition that the following proposition be placed before the voters as provided by law: 'Shall a charter commission be formed (and charter commission members be elected as elsewhere provided on this ballot) to prepare, adopt and submit to the voters for their approval or rejection a proposed charter uniting the borough and all cities within it as a single unit of home rule government having the powers, duties and functions of a unified municipality as authorized by law? Yes [] No []'

		Inside First	Outside First
		Class or	Class or
Signature	Address	Home Rule City []	Home Rule City []"

(b) The petition shall be signed by at least

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Sec. 29.
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(1) the number of voters residing outside all home rule and first class cities in the borough equal to 25 percent of the votes cast in that area in the last regular borough election; and

(2) the number of voters residing in home rule or first class cities in the borough equal to 25 percent of the votes cast in all home rule and first class cities in the borough in the last regular borough election. (§ 5 ch 74 SLA 1985)

Sec. 29.06.220. Review of petition. The assembly shall review a unification petition within 15 days to determine whether it complies with AS 29.06.210. If the petition does not meet the designated requirements, it shall be immediately returned to the person who initiated the petition with a statement indicating which requirements have not been satisfied. (§ 5 ch 74 SLA 1985)

Sec. 29.06.230. Duties of charter commission. The charter commission shall prepare, adopt, and submit to the voters for approval or rejection a proposed home rule charter for the area to be unified. (§ 5 ch 74 SLA 1985)

Sec. 29.06.240. Composition of charter commission. The charter commission shall consist of 11 voters, three of whom are residents elected at large from the borough and eight of whom, proportionate to the population as determined by the department, are

(1) residents of and elected from the area outside all home rule and first class cities in the borough; or,

(2) residents of and elected from home rule or first class cities in the borough. (§ 5 ch 74 SLA 1985)

Sec. 29.06.250. Charter commission nominations. (a) If the assembly determines that a unification petition meets the requirements of AS 29.06.210, or the assembly by its resolution proposes an election on formation of a charter commission, the assembly shall issue a call for the nomination of commission candidates, specifying the filing deadline and the procedure for making nominations.

(b) Charter commission candidates shall be nominated by petition signed by at least 50 voters of the area from which the candidate seeks election, or by a number of voters from that area equal to at least 10 percent of the number of votes cast from that area in the last regular borough election, whichever is less.

(c) Nomination petitions shall be filed with the borough clerk at least 30 days after notice of the call for nominations has been given and on or before a date fixed by the assembly.

(d) If at least one nomination of a qualified charter commission candidate for each available seat is not filed, the unification petition

or resolution to propose formation of a charter commission is void and no election on the question shall be held. (§ 5 ch 74 SLA 1985)

Sec. 29.06.260. Qualifications of candidates. A person is eligible to be nominated as a candidate for the charter commission if that person is a voter of the area from which election is sought and has been a voter of the area for at least one year immediately preceding the date the nomination petition is filed. (§ 5 ch 74 SLA 1985)

Sec. 29.06.270. Election of charter commission. (a) After receipt of a valid unification petition or adoption of an assembly resolution to propose formation of a charter commission, the assembly shall submit to the voters the question of whether a charter commission shall be formed to prepare a proposed unification charter. The vote shall be held at the next regular borough election scheduled at least 90 days after receipt of the petition or adoption of the resolution. The ballot shall be worded exactly as in AS 29.06.210(a).

(b) The election of charter commission members shall take place at the same time as the election on the question of formation of the commission.

(c) All costs incurred in conducting an election under AS 29.06.190 — 29.06.410 shall be paid by the borough. (§ 5 ch 74 SLA 1985)

Sec. 29.06.280. Requirements for approval of formation and election of charter commission. (a) The votes on the question of formation of a charter commission shall be tabulated in two separate classifications. One classification consists of all votes cast in first class and home rule cities in the borough. The other classification consists of all votes cast in the remaining area of the borough. In order for formation of a charter commission to be approved, a majority of the votes in each classification must favor formation of the commission.

(b) If formation of a charter commission is approved, the candidates who received the highest number of votes from their respective areas shall serve as members of the commission. (§ 5 ch 74 SLA 1985)

Sec. 29.06.290. Charter commission organization and procedure. (a) The charter commission shall hold its first meeting within 30 days after certification of its election. The commission shall elect from among its members a chairman and a deputy chairman.

(b) A majority of the total membership of the charter commission constitutes a quorum. A decision of the commission is not valid or binding unless approved by the number of members necessary to constitute a quorum.

(c) The charter commission may elect other officials from among its membership, adopt rules governing its procedures that are consistent with AS 29.06.190 — 29.06.410 and hire and discharge employees.

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(d) Meetings of the charter commission shall be open to the public at all times. A journal of commission proceedings shall be kept and made available for public inspection at the borough office. (§ 5 ch 74 SLA 1985)

Sec. 29.06.300. Vacancies. (a) Vacancies on the charter commission shall be filled by a majority vote of the commission, except the assembly shall appoint members to fill vacancies if, after a proposed charter is rejected by the voters, more than one-half of the members resign.

(b) A person who fills a vacancy on the charter commission must be a voter of the same area as the person succeeded and must have been a voter of that area for at least one year immediately preceding the date the vacancy is filled. (§ 5 ch 74 SLA 1985)

Sec. 29.06.310. Per diem. The assembly may grant a per diem allowance to members of the charter commission and may reimburse the members for travel expenses incurred in carrying out the duties prescribed by AS 29.06.190 — 29.06.410. Costs, fees, and other expenses incurred by the commission are a debt of the borough and shall be paid upon proper verification. (§ 5 ch 74 SLA 1985)

Sec. 29.06.320. Charter provisions. The charter shall include

(1) provision for

(A) the adjustment of existing bonded indebtedness and other obligations in a manner that will assure a fair and equitable burden of taxation for debt service, subject to AS 29.06.380;

(B) the establishment of service areas;

(C) if election of members of the governing body is not areawide, the establishment of districts for the election of members of the governing body of the proposed unified municipality and procedures by which to reapportion the election districts;

(D) the reapportionment of districts if they are established;

(E) nonpartisan government, and the selection, organization, authority, and responsibilities of the governing body and its executive and administrator;

(F) the transfer or other disposition of property and other rights, claims, assets, and franchises of the municipalities to be unified under the charter;

(G) the exercise of the rights of initiative and referendum in accordance with AS 29.10.030;

(H) amending the charter in accordance with AS 29.10.100;

(2) the date on which the charter, if approved at the charter election, is effective:

- (3) designation of the proposed unified municipality's official name; and
- (4) other charter provisions that may be included in a home rule charter. (§ 5 ch 74 SLA 1985)

NOTES TO DECISIONS

This section requires a home rule charter to provide for apportionment. Municipality of Anchorage v. Frohne, Sup. Ct. Op. No. 1477 (File Nos. 3050-3104), 568 P.2d 3 (1977), decided under former, similar law.

Sec. 29.06.330. Public hearings. Both before and after drafting the proposed home rule charter, the charter commission shall hold a public hearing in each area represented on the assembly. Other public hearings may be held by the commission as it considers necessary. (§ 5 ch 74 SLA 1985)

Sec. 29.06.340. Filing of proposed charter. Upon the adoption of a proposed home rule charter by the charter commission, the charter shall be signed by at least a majority of the total membership of the commission and shall be filed with the borough clerk. A copy of the charter with signatures affixed shall also be filed with the clerk of each city in the borough. (§ 5 ch 74 SLA 1985)

Sec. 29.06.350. Publication and posting of proposed charter. Within 10 days after filing the proposed home rule charter, the borough clerk shall have it published. In addition, the clerk shall have a copy of the proposed charter posted in at least three public places in each city and each unincorporated community in the borough. Copies of the proposed charter shall be made available by the assembly to the public at both the office of the borough clerk and the office of the clerk of each city in the borough. The clerk shall have notice of the publication, posting, and availability of the proposed charter published. (§ 5 ch 74 SLA 1985)

Sec. 29.06.360. Election on charter. (a) The proposed home rule charter adopted by the charter commission shall be submitted to the voters at a borough election held within 60 days of the date of publication and posting of the proposed charter. The borough clerk shall prepare the ballots for use in the election and shall give notice of the election by radio and television in a manner intended to apprise the entire borough population of the election. The election shall be conducted under procedures applicable to regular elections.

(b) A person who is a voter of the borough may vote in the election on the proposed charter.

(c) If a home rule and proposed charter results shall (1) the (2) the (3) the (4) the (5) the (d) If a prepare, borough charter election commission treated as 1985)

Subsection light of the Alaska Constitution enactment merger and dissolution

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(c) If a majority of the votes in the area of the borough outside all home rule or first class cities, and a majority of the votes in all home rule and first class cities in the borough are cast in favor of the proposed charter, the charter is ratified. If the charter is ratified, election results shall be certified to the commission and two copies of the charter shall be filed with

- (1) the lieutenant governor;
- (2) the department;
- (3) the district recorder for the area of the borough;
- (4) the clerk of the borough;
- (5) the clerk of each city in the borough.

(d) If a proposed charter is rejected, the charter commission shall prepare, adopt, and submit another proposed charter to the voters at a borough election held within one year after the date of the first charter election. If the second proposed charter is also rejected, the charter commission shall be dissolved and the question of unification shall be treated as if it had never been proposed or approved. (§ 5 ch 74 SLA 1985)

NOTES TO DECISIONS

Subsection (c) constitutional. — In light of the authorization provided by Alaska Const., art. X, § 7, for legislative enactment of a statutory system for the merger and consolidation, as well as the dissolution of cities, subsection (c) is constitutional and does not violate the provisions of Alaska Const., art. X, § 9. *City of Douglas v. City & Borough of Juneau*, Sup. Ct. Op. No. 672 (File No. 1379), 484 P.2d 1040 (1971), decided under former, similar law.

Sec. 29.06.370. Effect of the charter after ratification. Upon ratification, the home rule charter of a unified municipality operates to dissolve all municipalities in the area unified in accordance with the charter. (§ 5 ch 74 SLA 1985)

Sec. 29.06.380. Assets and liabilities. A unified municipality shall succeed to all the assets and liabilities of the municipalities it unified. A bonded indebtedness or other debt incurred before unification remains the tax obligation of the area that contracted the debt, except that by ordinance the tax obligation may be assumed by a larger area if the governing body determines that the asset for which the bonded indebtedness or other debt was incurred benefited the larger area before unification, or benefits the larger area after unification. However, bonded indebtedness or other debt for sewage collection systems, water distribution systems, and streets, even if determined to be benefiting a larger area than that which incurred the debt, remains the tax obligation of the area that incurred the debt. (§ 5 ch 74 SLA 1985)