

# Relevant Regulations

## **3 AAC 110.410. PETITIONERS**

(a) A petition for a proposed action by the commission under this chapter may be initiated by

(1) the legislature;

(2) the commissioner;

(3) a person designated by the commission, subject to (d) of this section;

(4) a political subdivision of the state;

(5) a regional educational attendance area;

(6) repealed 1/9/2008;

(7) at least 10 percent of the persons registered to vote in a political subdivision of the state or in a regional educational attendance area, if the petition seeks the alteration of a municipality under [AS 29.06](#), other than by local option under [AS 29.06.090](#) (b)(2) or [AS 29.06.450](#) (a)(2);

(8) at least 10 percent of the persons registered to vote in

(A) the area proposed for borough annexation by election under 3 AAC [110.210\(3\)](#) or by legislative review under [AS 29.06.040](#) (b) or [AS 44.33.812](#) (b)(2); or

(B) the territory proposed for city annexation by election under 3 AAC [110.150\(3\)](#) or by legislative review under [AS 29.06.040](#) (b) or [AS 44.33.812](#) (b)(2);

(9) at least 25 percent of the persons registered to vote in

(A) the area proposed for borough detachment by election under [AS 29.06.040](#) (c)(2) or by legislative review under [AS 29.06.040](#) (b) or [AS 44.33.812](#) (b)(2); or

(B) the territory proposed for city detachment by election under [AS 29.06.040](#) (c)(2) or by legislative review under [AS 29.06.040](#) (b) or [AS 44.33.812](#) (b)(2); or

(10) the number of qualified voters required under

(A) [AS 29.04.040](#) , if the petition seeks reclassification of a city;

(B) [AS 29.05.060](#) , if the petition seeks a municipal incorporation under [AS 29.05.060](#) ;

(C) [AS 29.06.100](#) (a), if the petition seeks a municipal merger or consolidation under [AS 29.06.090](#) (b)(2); or

(D) [AS 29.06.460](#) (a), if the petition seeks a municipal dissolution under [AS 29.06.450](#) (a)(2).

(b) If, to achieve compliance with [AS 29.06.100](#) (a), a petition for merger or consolidation must be signed by a percentage of voters from one or more cities within a borough, and also by a percentage of voters in that borough, all voters who sign the petition as borough voters must reside outside any city or cities joining that petition. The number of borough voters required to sign the petition must be based on the number of registered voters or the number of votes cast in the area of the borough outside any city or cities joining the petition.

(c) The provisions of (a)(10) of this section may not be construed to apply to petition procedures established by the commission under [AS 44.33.812](#) (a)(2), [AS 29.06.040](#) (c) for annexation and detachment, [AS 29.06.090](#) (b)(1) for merger and consolidation, or [AS 29.06.450](#) (a)(1) for dissolution.

(d) A person designated by the commission may initiate a petition if the commission

(1) determines that the action proposed will likely promote the standards established under the Constitution of the State of Alaska, [AS 29.04](#), [AS 29.05](#), [AS 29.06](#), or this chapter, and is in the best interests of the state; and

(2) directs the designated person to prepare a petition by a motion approved by a majority of the appointed membership of the commission.

(e) The person initiating a petition under (a) of this section is the petitioner. A petition must include a designation of

(1) one person as representative of the petitioner; and

(2) a second person as an alternate representative, who may act if the primary representative is absent, resigns, or fails to perform the representative's duties.

**History:** Eff. 7/31/92, Register 123; am 5/19/2002, Register 162; am 1/9/2008, Register 185

**Authority:** Art. X, sec. 1,

Ak Const.;

Art. X, sec. 3,

Ak Const.

Art. X, sec. 7,

Ak Const.

Art. X, sec. 12,

Ak Const.

Art. X, sec. 14,

Ak Const.

[AS 29.04.040](#); [AS 29.05.060](#); [AS 29.06.040](#); [AS 29.06.090](#); [AS 29.06.100](#); [AS 29.06.450](#); [AS 29.06.460](#); [AS 44.33.020](#); [AS 44.33.812](#)

### **3 AAC 110.430. CONSOLIDATION OF PETITIONS**

If two or more petitions pending action by the commission affect all or some portion of the same boundaries, the chair of the commission may consolidate the informational session, briefing schedule, department reports, commission hearing, decisional meeting, or other procedure under this chapter for one or more of those petitions. The commission may consider relevant information from concurrent or conflicting petitions during the process of rendering its decision on any one petition.

**History:** Eff. 7/31/92, Register 123; am 5/19/2002, Register 162; am 1/9/2008, Register 185

**Authority:** Art. X, sec. 1,

Ak Const.

Art. X, sec. 3,

Ak Const.

Art. X, sec. 7,

Ak Const.

Art. X, sec. 12,

Ak Const.

[AS 29.04.040](#); [AS 29.05.060](#); [AS 29.06.040](#); [AS 29.06.090](#); [AS 29.06.100](#); [AS 29.06.450](#); [AS 29.06.470](#); [AS 44.33.812](#); [AS 44.33.814](#); [AS 44.33.818](#); [AS 44.33.822](#); [AS 44.33.826](#)

### **3 AAC 110.640. SCHEDULING**

(a) The chair of the commission shall set or amend the schedule for action on a petition.

(b) In a schedule under (a) of this section, and except as provided by 3 AAC [110.590](#) for certain local action annexations, the chair of the commission shall allow at least

(1) 49 days after the date of initial publication or posting of notice of the filing of a petition, whichever occurs first, for receipt by the department of a responsive brief or written comments concerning the petition;

(2) 14 days after the date of service of a responsive brief on the petitioner for the receipt by the department of a reply brief from the petitioner. Contemporaneously with notice to the petitioner of the date for filing its reply brief, the department shall provide notice to respondents and commentors of that date;

(3) 28 days after the date of mailing of a departmental preliminary report for receipt of written summary comments to the department; and

(4) 21 days between the date of mailing of a final report and the commission hearing on the petition.

(c) As provided under 3 AAC [110.430](#), the commission may postpone proceedings on a petition that has been accepted for filing to allow concurrent consideration and action on another petition that pertains to some or all the same boundaries and that has either been accepted for filing or is anticipated to be filed. The commission may postpone the proceedings for an anticipated competing petition only if the anticipated competing petition is received by the department no later than 90 days after the date of the first publication of notice of the earlier petition under 3 AAC [110.450](#).

(d) The chair of the commission will adjust the schedule in (b)(1) - (4) of this section to accommodate the procedures under 3 AAC [110.475](#) if a request for summary determination is filed on the petition.

**History:** Eff. 7/31/92, Register 123; am 5/19/2002, Register 162; am 1/9/2008, Register 185

**Authority:** Art. X, sec. 1,

Ak Const.

Art. X, sec. 3,

Ak Const.

Art. X, sec. 7,

Ak Const.

Art. X, sec. 12,

Ak Const.

Art. X, sec. 14,

Ak Const.

[AS 29.04.040](#); [AS 29.05.070](#); [AS 29.05.080](#); [AS 29.05.090](#); [AS 29.06.040](#); [AS 29.06.090](#); [AS 29.06.110](#); [AS 29.06.120](#); [AS 29.06.480](#); [AS 29.06.490](#); [AS 44.33.020](#); [AS 44.33.812](#); [AS 44.33.814](#); [AS 44.33.826](#)

### **3 AAC 110.700. FILING WITH THE COMMISSION**

(a) The filing of documents with the commission as allowed or required by this chapter or by order of the commission is made by filing them with the commission staff at the commission's offices. Unless otherwise required by this chapter or ordered by the commission, documents may be filed by hand delivery, United States mail, electronic mail, or facsimile transmission. The commission requests that a document filed by electronic mail be in searchable portable document format (.pdf).

(b) A document filed with the commission is complete upon receipt of the entire document by the commission. Filing that occurs in whole or in part after 4:30 p.m. is considered to have occurred at the opening of business on the next day that is not a Saturday, Sunday, or state holiday.

(c) For a document to be considered timely filed under requirements of this chapter or an order of the commission, the document must be filed with the commission on or before the deadline set under (b) and (e) of this section. For good cause shown, the commission chair will consider a request to accept a late-filed document.

(d) The original of a document served by electronic mail or facsimile transmission must be submitted to the commission within 10 days after the submission of the filing by either electronic method.

(e) The time in which to perform an act required or permitted under this chapter is computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday, or state holiday. If the last day is a Saturday, Sunday, or state holiday, that day is excluded and the act shall be performed on or before the end of the next state business day.

**History: Eff. 1/9/2008, Register 185**

**Authority: [AS 44.33.812](#)**