

Register 249, April 2024 COMMERCE, COMMUNITY, AND EC. DEV.

Article 12 of 3 AAC 110 is amended by adding a new section to read:

3 AAC 110.371 Reclassification of first class cities with a population less than 400.

The provisions of 3 AAC 110.340 - 3 AAC 110.370 do not apply to a reclassification request submitted under AS 29.04.045. (Eff. 1 / 5 / 2024, Register 249)

Authority: Art. X, sec. 7, Ak Const. AS 29.04.045 AS 44.33.812

3 AAC 110.400 is amended to read:

3 AAC 110.400. Applicability. Except as provided in 3 AAC 110.590 and 3 AAC 110.710, 3 AAC 110.410 - 3 AAC 110.700 apply to petitions for city reclassification under AS 29.04, for incorporation under AS 29.05 or art. X, sec 12, Constitution of the State of Alaska, and for alterations to municipalities under AS 29.06 or art. X, sec 12, Constitution of the State of Alaska. However, only those sections of 3 AAC 110.410 - 3 AAC 110.700 with which compliance is required under 3 AAC 110.590 apply to an annexation petition filed under a local action method provided for in AS 29.06.040(c)(3) or (4). (Eff. 7/31/92, Register 123; am 5/19/2002, Register 162; am 1/9/2008, Register 185, am 1 / 5 / 2024, Register 249)

Authority: Art. X, sec. 1, Ak Const. AS 29.04.040 AS 29.06.100
Art. X, sec. 3, Ak Const. AS 29.05.060 AS 29.06.450
Art. X, sec. 7, Ak Const. AS 29.06.040 AS 29.06.460
Art. X, sec. 12, Ak Const AS 29.06.090 AS 44.33.812

Article 13 of 3 AAC 110 is amended by adding a new section to read:

3 AAC 110.710 Procedure for reclassification of first class cities with less than 400 residents. (a) A city council requesting reclassification under AS 29.04.045 shall file a written

request with the commission including the following:

(1) the name of the first class city seeking reclassification;

(2) the city council's mailing address;

(3) a certified copy of the resolution, meeting minutes or other official record of the city council action requesting reclassification;

(4) whether the city will exercise powers under AS 29.35.260(c) after reclassification;

(5) a true and correct copy of the most recent decennial U.S. census records showing that the city has a population less than 400; and

(6) an affidavit of the person filing the written request that, to the best of the person's knowledge, information, and belief, formed after reasonable inquiry, the information in the request is true and accurate.

(b) Within 20 days after receiving a request under (a), the commission will convene a decisional meeting in compliance with 3 AAC 110.680 to examine the written request and to determine whether the city is eligible for reclassification as a second class city under AS 29.04.045. The commission will only determine that a city is ineligible if

(1) the written request does not meet the requirements of (a) of this section; or

(2) the city council previously rejected reclassification under AS 29.04.045(c) within the twelve months preceding receipt of the request.

(c) Within 30 days after receipt of the written request, the commission will issue a notice to the requesting city council of its determination. If the commission determines that the city is ineligible for reclassification, the notice will state the reason for ineligibility. The notice will be mailed to the city council. The department shall execute and file an affidavit of mailing as part of

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the public record of the proceedings. The notice constitutes a final decision of the commission.

(d) The city council of a first class city determined ineligible based on failure to meet the requirements of (a) of this section may submit a new written request at any time. The city council of a first class city determined to be ineligible under AS 29.04.045(c) may resubmit a petition after twelve months have elapsed since the city council's rejection of reclassification.

(e) Except as otherwise provided in this section, the provisions of 3 AAC 110.400 - 3 AAC 110.700 do not apply to a written request under AS 29.04.045. (Eff. 1 / 5 / 2024, Register 249)

Authority: Art. X, sec. 7, Ak Const. AS 29.04.045 AS 44.33.812