

Article 5 Standards for Merger of Municipalities

Section

220. Standards.

230. Local option.

225. Best interests of the state.

235. Legislative review.

3 AAC 110.220. Standards

- (a) Two or more municipalities may merge if, in accordance with AS 29.06.130, the commission determines that the proposed merger
- (1) meets the standards in 3 AAC 110.220 - 3 AAC 110.235 and
 - (A) for a proposal to form a merged city, meets the standards for incorporation of cities, as set out in the Constitution of the State of Alaska, AS 29.05, 3 AAC 110.005 - 3 AAC 110.042, and 3 AAC 110.900 - 3 AAC 110.970; or
 - (B) for a proposal to form a merged borough, meets the standards for incorporation of boroughs, as set out in the Constitution of the State of Alaska, AS 29.05, 3 AAC 110.045 - 3 AAC 110.067, and 3 AAC 110.900 - 3 AAC 110.970; and
 - (2) is in the best interests of the state.
- (b) Separate proceedings are not required for dissolution of a municipality that is being merged with another municipality. Dissolution occurs automatically at the time of merger.
- (c) If a petition for merger proposes boundaries that include lands or submerged lands not currently within the boundaries of the merging municipalities, the petition for merger must also address and comply with the standards and procedures for annexation of those lands or submerged lands to the new municipality.
- (d) Absent a specific and persuasive showing to the contrary, the commission will presume that a petition for merger promotes
- (1) maximum local self-government, as determined under 3 AAC 110.981; and
 - (2) a minimum number of local government units, as determined under 3 AAC 110.982 and in accordance with art. X, sec. 1, Constitution of the State of Alaska.

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

Art. X, sec. 1, Ak Const.

Art. X, sec. 7, Ak Const.

AS 29.06.040

Art. X, sec. 3, Ak Const.

Art. X, sec. 12, Ak Const.

AS 44.33.812

3 AAC 110.225. Best interests of the state

In determining whether merger is in the best interests of the state under AS 29.06.130, the commission may consider relevant factors, including

- (1) the ability of the proposed merged municipality to efficiently and effectively provide reasonably necessary facilities and services after merger;
- (2) the effect of the proposed merger on the long-term stability of the finances of the proposed merged municipality, other municipalities, and the state;
- (3) whether the proposed merger will promote

- (A) maximum local self-government, as determined under 3 AAC 110.981; and
 (B) a minimum number of local government units, as determined under 3 AAC 110.982 and in accordance with art. X, sec. 1, Constitution of the State of Alaska; and
- (4) whether requirements for local government services will be enhanced following merger.

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

Authority:

Art. X, sec. 1, Ak Const.	Art. X, sec. 7, Ak Const.	AS 29.06.090
Art. X, sec. 3, Ak Const.	Art. X, sec. 12, Ak Const.	AS 44.33.812

3 AAC 110.230. Local option

Municipalities that meet the merger standards required under 3 AAC 110.220 – 3 AAC 110.225, and are approved by the commission for local option merger, may merge if the petition for merger is submitted by the number of voters required under AS 29.06.100(a), and if a majority of the voters in the remaining municipality vote in favor of the merger in a subsequent election. The election must be held in accordance with AS 29.06.140.

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. 7, Ak Const.	AS 29.06.090
Art. X, sec. 3, Ak Const.	Art. X, sec. 12, Ak Const.	AS 44.33.812

3 AAC 110.235. Legislative review

- (a) Municipalities that meet the merger standards required under 3 AAC 110.220 - 3 AAC 110.225 and are approved by the commission for legislative review merger, may merge 45 days after presentation to the legislature of the commission's final decision on a legislative review petition if the legislature has not disapproved the decision.
- (b) Under AS 29.06.140, the director of elections shall conduct the election of officials of the municipality merged through the legislative review process. The date of the election is the effective date of the merger.

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

Authority:

Art. X, sec. 1, Ak Const.	Art. X, sec. 7, Ak Const.	AS 29.06.090
Art. X, sec. 3, Ak Const.	Art. X, sec. 12, Ak Const.	AS 44.33.812

Article 6 Standards for Consolidation of Municipalities

Section

240. Standards.

250. Local option.

245. Best interests of state.

255. Legislative review.

3 AAC 110.240. Standards

- (a) Two or more municipalities may consolidate to form a new municipality if, in accordance with AS 29.06.130, the commission determines that the proposed consolidation
 - (1) meets the standards in 3 AAC 110.240 - 3 AAC 110.245 and
 - (A) for a proposal to form a consolidated city, meets the standards for incorporation of cities, as set out in the Constitution of the State of Alaska, AS 29.05, 3 AAC 110.005 - 3 AAC 110.042, and 3 AAC 110.900 - 3 AAC 110.970; or
 - (B) for a proposal to form a consolidated borough, meets the standards for incorporation of boroughs, as set out in the Constitution of the State of Alaska, AS 29.05, 3 AAC 110.045 - 3 AAC 110.067, and 3 AAC 110.900 - 3 AAC 110.970; and
 - (2) is in the best interests of the state.
- (b) Separate proceedings are not required for dissolution of the consolidating municipalities. Dissolution occurs automatically at the time of consolidation.
- (c) If a petition for consolidation proposes boundaries that include lands or submerged lands not currently within the boundaries of the consolidating municipalities, the petition for consolidation must also address and comply with the standards and procedures for annexation of those lands or submerged lands to the new municipality.
- (d) Absent a specific and persuasive showing to the contrary, the commission will presume that a petition for consolidation promotes
 - (1) maximum local self-government, as determined under 3 AAC 110.981; and
 - (2) a minimum number of local government units, as determined under 3 AAC 110.982 and in accordance with art. X, sec. 1, Constitution of the State of Alaska.

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 29.06.090
AS 44.33.812

3 AAC 110.245. Best interests of state

In determining whether consolidation is in the best interests of the state under AS 29.06.130, the commission may consider relevant factors, including

- (1) the ability of the proposed consolidated municipality to efficiently and effectively provide reasonably necessary facilities and services after consolidation;
- (2) the effect of the proposed consolidation on the long-term stability of the finances of the proposed consolidated municipality, other municipalities, and the state;
- (3) whether the proposed consolidation will promote
 - (A) maximum local self-government, as determined under 3 AAC 110.981; and
 - (B) a minimum number of local government units, as determined under 3 AAC 110.982 and in accordance with art. X, sec. 1, Constitution of the State of Alaska; and
- (4) whether requirements for local government services will be enhanced following consolidation.

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

Authority:

Art. X, sec. 1, Ak Const.

Art. X, sec. 7, Ak Const.

AS 29.06.090

Art. X, sec. 3, Ak Const.

Art. X, sec. 12, Ak Const.

AS 44.33.812

3 AAC 110.250. Local option

Municipalities that meet the consolidation standards required under 3 AAC 110.240 - 3 AAC 110.245, and are approved by the commission for local option consolidation, may consolidate if the petition for consolidation was submitted by the number of voters required under AS 29.06.100(a), and if a majority of the voters in the proposed new municipality vote in favor of the consolidation in a subsequent election. The election must be held in accordance with AS 29.06.140.

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

Art. X, sec. 1, Ak Const.

Art. X, sec. 7, Ak Const.

AS 29.06.090

Art. X, sec. 3, Ak Const.

Art. X, sec. 12, Ak Const.

AS 44.33.812

3 AAC 110.255. Legislative review

- (a) Municipalities that meet the consolidation standards required under 3 AAC 110.240 - 3 AAC 110.245, and are approved by the commission for legislative review consolidation, may consolidate 45 days after presentation to the legislature of the commission's final decision on a legislative review petition if the legislature has not disapproved the decision.
- (b) Under AS 29.06.140, the director of elections shall conduct the election of officials of the municipality consolidated through the legislative review process. The date of the election is the effective date of the consolidation.

History: Eff. 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 29.06.090
AS 44.33.812