

*Murray
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IN THE HOUSE

BY MR. GREUEL

HOUSE BILL NO. 1

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act amending Sec. 16-1-22 ACLA 1949,
as amended by Ch. 7 Session Laws of
Alaska 1951, Sec. 16-1-24 ACLA 1949, as
amended by Ch. 7 Session Laws of Alaska
1951, Secs. 16-1-28, 16-1-39 and 16-1-62
ACLA 1949, Sec. 16-1-63 ACLA 1949, as
amended by Ch. 59 Session Laws of Alaska
1951, and Sec. 16-1-64 ACLA 1949, as
amended by Ch. 44 Session Laws of Alaska
1951, relating to the annexation and
exclusion of territory in municipal
corporations and pertaining to the powers
and duties of city councils and certain
city officials; and declaring an
emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. That Sec. 16-1-22 ACLA 1949, as amended by
Ch. 7 Session Laws of Alaska 1951, is hereby amended to read as
follows:

Sec. 16-1-22. Petition, hearing and order for
election; Persons presumed owners of property. Whenever
the council of any city shall desire to enlarge the limits
of said city by annexing the territory contiguous thereto,
they shall file in the district court for the judicial

1 division wherein the city is located, a petition signed by
2 thirty per cent of the owners of substantial property
3 interests in land or possessory rights in land, tidelands
4 or improvements upon land or tideland within the limits of
5 the territory so proposed to be annexed, setting forth by
6 metes and bounds the territory sought to be annexed to
7 such city, and there shall be attached thereto a plat
8 based upon an actual survey by a competent surveyor setting
9 forth the limits and boundaries of the territory to be
10 annexed by metes and bounds and stating the number of
11 inhabitants therein, as well as the number of owners of
12 property therein situate and such other facts as the court
13 may require. Said petition shall be sworn to on behalf of
14 the city and by at least one of the property owners herein
15 provided for. Said petition may be presented in open court
16 or to the judge of said court in chambers and said judge
17 shall fix a time and place of hearing on the petition and
18 shall cause notice of said hearing to be posted in at least
19 three of the most public places in such city and in three
20 places within the territory sought to be annexed, and if a
21 newspaper be published in said city, then to publish such
22 notice at least three times in such paper. Such notices
23 shall be posted at least four weeks before the hearing and
24 the first publication of such notice in the newspaper shall
25 be at least four weeks before the hearing. The court shall
26 make diligent inquiry as to the reasonableness and justice
27 of the petition and if the court be satisfied from proofs
28 and evidence that no private rights will be injured by
29 granting the petition and if it is just and reasonable that

1 the annexation take place, the court shall, unless it be
2 shown that the petition is not bona fide or that one or
3 more of the signers thereto are not owners of substantial
4 property rights as herein provided or fails to comply with
5 the requirements of this act in any other respect, order
6 an election.

7 (THOSE OWNERS OF LAND WITHIN THE LIMITS OF THE
8 TERRITORY SOUGHT TO BE ANNEXED WHO HAVE FILED A STATEMENT
9 OF THEIR OWNERSHIP IN THE UNITED STATES GENERAL LAND OFFICE
10 FOR THE DISTRICT IN WHICH THE LAND IS SITUATE, IN COMPLIANCE
11 WITH CHAPTER 49 OF THE SESSION LAWS OF ALASKA, 1945 (SEC.
12 22-2-1 - 22-2-18 HEREIN), SHALL BE PRESUMED TO BE THE
13 OWNERS OF SUBSTANTIAL PROPERTY INTERESTS IN LAND OR
14 POSSESSORY RIGHTS IN LAND, TIDELANDS OR IMPROVEMENTS UPON
15 LAND OR TIDELANDS WITHIN THE LIMITS OF THE TERRITORY
16 PROPOSED AND SOUGHT TO BE ANNEXED IN THE ABSENCE OF A CLEAR
17 SHOWING TO THE CONTRARY.)

18 Section 2. That Sec. 16-1-24 ACLA 1949, as amended by Ch.
19 7 Session Laws of Alaska 1951, is hereby amended to read as
20 follows:

21 Sec. 16-1-24. Declaration of annexation. If it shall
22 appear to the district court or the judge thereof from the
23 certificate of election filed with the district court as
24 aforesaid, that (FIFTY-FIVE PER CENT) a majority of the
25 votes cast at said election in the territory sought to be
26 annexed were in favor of annexation and that a majority of
27 the votes cast in the city were also in favor of the
28 annexation, and that the provisions of law relating to
29 annexation have been substantially complied with, then the

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1 district judge shall by an order in writing entered in the
2 records of the court duly adjudge and declare such
3 annexation and the said territory shall, from thenceforth,
4 be a part of the city. Such order shall describe the
5 boundaries of the territory annexed and give the name of
6 the city to which it is annexed.

7 Section 3. That Sec. 16-1-28 ACLA 1949 is hereby amended
8 to read as follows:

9 Section 16-1-28. Qualifications of electors and
10 eligibility of persons to sign annexation petitions. The
11 qualifications of an elector (FOR) as to elections in this
12 Article provided for, shall be as follows: (a) To vote
13 in the area to be annexed (H) he or she shall be a person
14 of the age of twenty-one years or more and shall (BE) have
15 been a resident of Alaska for not less than one year and
16 of said area for not less than thirty days prior to the
17 election, and shall be the owner of substantial property
18 interests in land, buildings or improvements on land or
19 tidal land (WITHIN SAID CITY OR) within the territory
20 proposed to be annexed to or excluded from said city. ~~They~~
21 ~~substantial property interests in land, buildings~~
22 ~~or improvements shall be construed to include ownership~~
23 ~~of land by deed, possessory rights to land under and by~~
24 ~~virtue of a contract of purchase and sale, possessory~~
25 ~~rights to land by virtue of a lease for a term of one year~~
26 ~~or more, or possessory rights to any improvement attached~~
27 ~~to the land, by virtue of a lease for one year or more.~~
28 shall not include rights as month to month tenant or
29 ownership of or other interest in trailers, wigwags, or

accepted

the provisions on Tideland

Delete new matter appearing on Lines 20-27, Page 4, both inclusive, and substitute: "Substantial property interest in land or possessory rights in land, tidelands or improvements upon land or tideland" shall be construed to include, but not be limited to, ownership, squattership, leaseholds of one year or more, location, and rights of adverse possession to either upland or tideland, as well as ownership of and possessory rights to improvements on either upland or tideland, except where such improvements are held by lease for a term of less than one year, but"

1 other easily removable shelters or structures. (b) To
2 vote in the city in such an election, he or she must have
3 the qualifications of an elector in a general municipal
4 election, plus being a taxpayer whose name is on the tax
5 rolls of the city.

6 With regard to eligibility of a person to sign an
7 annexation petition as in this Article aforesaid (Section
8 16-1-22), the language "substantial property interests in
9 land or possessory rights in land, tidelands or
10 improvements upon land or tidelands" shall be construed to
11 include the same meanings as are defined in subsection (a)
12 of this section on the subject of eligibility to vote in an
13 annexation election in the area proposed to be annexed.

14 Section 4: That Sec. 16-1-39 ACLA 1949 is hereby amended
15 to read as follows:

16 Section 16-1-39. Quorum of council: Requisite number
17 of votes: Electing member to (PRESIDE) act in mayor's
18 absence. At all meetings of the council, five members or
19 four members and the mayor, shall constitute a quorum for
20 the transaction of business, but no ordinance or resolution
21 shall be passed at any meeting unless it receives at least
22 four votes. In case of the absence of the mayor from the
23 city or his temporary disability or other cause responsible
24 for his absence, and, if a regular quorum of five be pres-
25 ent, (THEY) the council shall elect one of (THEIR) its
26 members, to preside and to otherwise perform the duties of
27 the mayor for the meeting in question or other temporary
28 period involved. The person so elected shall be known as
29 "acting mayor".

1 Section 5. That Sec. 16-1-62 ACLA 1949 is hereby amended
2 to read as follows:

3 Section 16-1-62. Duties and powers of mayor: Veto.
4 It shall be the duty of the mayor to preside at meetings of
5 the council, to approve or disapprove of all ordinances or
6 resolutions passed by the council, to execute deeds and
7 other documents on behalf of the city when so authorized
8 by the council, and, except for cities under the city
9 manager form of government, to sign all warrants drawn on
10 the city treasury, to direct and supervise the business of
11 the city to see that all ordinances and (RESOLVES)
12 resolutions are executed. If the mayor was elected as a
13 member of the council, he shall have a vote on all matters,
14 but if he was elected mayor by direct vote of the people,
15 then he shall have no vote except in case of a tie. Any
16 ordinance or resolution passed by the council by only four
17 affirmative votes, may be vetoed by the mayor at the time
18 of its passage. Upon vetoing any ordinance or resolution
19 the mayor shall submit to the council at its next regular
20 meeting, a written statement giving his reasons for vetoing
21 same. Any ordinance or resolution so vetoed, thereafter
22 passed, or adopted by the affirmative vote of five members
23 of the council at any regular meeting shall become effective
24 without the signature of the mayor and notwithstanding such
25 veto.

26 Section 6. That Sec. 16-1-63 ACLA 1949, as amended by
27 Ch. 59 Session Laws of Alaska 1951, is hereby amended to read as
28 follows:

29 Sec. 16-1-63. Municipal clerk. The municipal clerk,

1 or his or her authorized deputy when approved by the
2 council, shall attend the meetings of the council, keep a
3 full record of all its proceedings, and of all disbursements
4 of (PUBLIC) the city's monies, ~~except as to municipal~~
5 utility operations, or other quasi-independent operations,
6 under a duly constituted board, and attest all deeds and
7 other city documents signed by the mayor in accord with
8 action of the council, and he shall also file and duly
9 keep all the records and public papers of the city, shall
10 countersign all warrants drawn on the treasury, and shall
11 to all intents and purposes be deemed to be the clerk and
12 bookkeeper of the city and shall officiate as such;
13 provided, that any other city official designated by the
14 (C) council may be authorized to countersign warrants; and
15 further provided, that in cities operated under the city
16 manager form of government the clerk shall be subject to
17 the executive authority of the city manager.

18 The office of municipal clerk may, on action of the
19 council, be combined with that of municipal treasurer, and,
20 if such action is taken, the bond required of the treasurer
21 may be made applicable to such official in both such
22 capacities.

23 Section 7. That Sec. 16-1-64 ACIA 1949, as amended by
24 Ch. 44 Session Laws of Alaska 1951, is hereby amended to read
25 as follows:

26 Sec. 16-1-64. Municipal treasurer: Bond. The
27 municipal treasurer shall be the custodian of all the
28 monies of the city; provided, that said treasurer shall pay
29 over to the treasurer of the school board all monies

On page 7, lines 20-21-22, delete new matter appearing after comma on line 20, and substitute:

"the Municipal clerk shall give his bond to the city for the faithful performance of his duties as clerk-treasurer in the form and principal amount required of municipal treasurer."

1 available for the maintenance of schools. He shall keep
2 an itemized, full and correct account of all monies
3 received and disbursed, and he shall pay out no money
4 except upon an order signed by the mayor and countersigned
5 by the clerk, and specifying the object and purpose of the
6 payment and the page and book of the record of the council
7 proceedings where such payment is shown to have been
8 authorized, and no such order shall be issued except upon
9 vote of four members of the council at a meeting in which
10 five members, or four members and the mayor, are present.
11 He shall, before entering upon the duties of his office,
12 give his bond to the city with sufficient sureties to be
13 approved by the council in such sum as the council may
14 direct, but not less than twenty-five per cent of the
15 annual total of collectible property taxes, and in no case
16 shall a bond in excess of One Hundred Thousand Dollars be
17 required, which bond shall be conditioned that he will
18 faithfully and honestly collect, keep and disburse all the
19 monies belonging to the city, which bond shall be filed
20 with and kept by the municipal clerk.

21 In cities under the city manager form of government
22 the requirement above stated that all orders for the payment
23 of money be signed by the mayor need not apply. In such
24 cities, such orders and warrants or checks, may be signed
25 or countersigned by the city manager instead of the mayor,
26 or by such other city official as may be so authorized by
27 the council. In such cities where the city manager obtains
28 authority through council approval of a budget to incur
29 needed city expenses, payments may be made in conformity

1 with any requisition and purchase order system, or other
2 proper administrative procedure which is approved by the
3 council, without separate approval of the council as to
4 each transaction or item involved.

5 Section 8. An emergency is hereby declared to exist and
6 this Act shall take effect immediately upon its passage and
7 approval.