

1 IN THE HOUSE

BY THE COMMITTEE ON LOCAL GOVERNMENT

2 HOUSE BILL NO. 194

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the procedure for the  
7 adoption of charters by cities of the first  
8 class; providing procedure for amending such  
9 charters; and providing for an effective date."

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

11 Section 1. CITY CHARTERS. Any city of the first class may  
12 adopt a charter for its own government, subject to the Constitution  
13 and not in conflict with the laws of the State; and any such city  
14 having adopted a charter may amend the same or adopt a new one.  
15 The charter shall be framed by a charter commission of 15 members  
16 chosen by the qualified voters of such city, at any general or  
17 special election, but no person shall be eligible as a candidate  
18 for such commission unless he shall have been, for the three years  
19 next preceding, a qualified voter of said city. An election for  
20 the selection of a charter commission will be called by filing a  
21 petition with the city council requesting such an election, which  
22 petition shall contain not less than fifteen per cent of the  
23 registered electors of the city. Before the election may be called,  
24 the city council must approve the petition by a majority vote of  
25 its membership. The petition above referred to shall be verified  
26 as to its signatures by the person having charge of the registration  
27 records of the city; and the expenses of such verification shall  
28 be provided by the city council.

29 Sec. 2. NOMINATION TO CHARTER COMMISSION. Candidates for

1 the members of the charter commission shall be nominated by the  
2 city council or may be nominated by petition signed by 25 qualified  
3 voters of the city. The city council or its designated officer  
4 shall prepare the ballot.

5       Sec. 3. ELECTION TO CHARTER COMMISSION. At the election for  
6 the selection of members of the commission, the qualified voters  
7 shall vote first on the question "Shall a charter commission be  
8 elected to frame a proposed new charter?" and secondly to select  
9 the members of the charter commission. If the first question  
10 receives a majority of the votes of the qualified voters voting  
11 thereon at such election, the 15 candidates for the charter  
12 commission receiving the highest number of votes shall forthwith  
13 organize as a charter commission, but if the first question re-  
14 ceives less than a majority of the votes of the qualified voters  
15 voting thereon at such election no charter commission shall be  
16 deemed to have been elected.

17       Sec. 4. PREPARATION OF CHARTER. The charter commission shall,  
18 within one year after the result of the election is declared, pre-  
19 pare and propose a charter for the government of such city. The  
20 charter so prepared shall be signed by a majority of the charter  
21 commissioners and filed in the office of the clerk of the city  
22 council of said city. The city council of said city shall, within  
23 15 days after such filing, cause such charter to be published once  
24 in a newspaper of general circulation within such city and all the  
25 editions thereof issued during the day of publication. In the  
26 event there is no newspaper published in the city, the city council  
27 shall post copies of the proposed charter in at least 3 conspicuous  
28 places and shall otherwise have copies available for the electors  
29 at the office of the city clerk.

1           Sec. 5. CHARTER ELECTION. Such charter shall be submitted  
2 to the qualified voters of the city at either a special or general  
3 election according to a date to be fixed by the charter commission,  
4 not less than 30 days nor more than 90 days from the completion of  
5 the publication of such charter as above provided.

6           Sec. 6. CHARTER ADOPTION. If a majority of the qualified  
7 voters voting thereon at such general or special election shall  
8 vote in favor of such proposed charter, it shall be deemed to be  
9 ratified, and upon being certified as in conformity with State law  
10 by the Secretary of State it shall become the organic law of such  
11 city. Two copies of the charter so ratified and approved shall be  
12 filed with the Secretary of State, one copy filed with the recorder  
13 in the district in which such city is located, and one copy filed  
14 in the archives of the city. Thereafter the courts shall take  
15 judicial notice of the provisions of such charter.

16           Sec. 7. AMENDMENT TO CHARTER. The charter of any city shall  
17 be amended in the manner provided in the charter. If a majority  
18 of the qualified voters voting on any such amendment vote in favor  
19 thereof, it shall be deemed ratified.

20           Sec. 8. CALCULATION OF PERCENTAGE OF VOTERS REQUIRED. The  
21 percentages of the registered electors herein required for the  
22 petition to form a charter commission shall be calculated upon the  
23 total vote cast in the city at the last preceding general state  
24 election; and the qualified voters shall be those whose names  
25 appear upon the registration records at the time of said election.  
26 The election laws of such city shall, so far as applicable, govern  
27 all elections held under the authority of this Act.

28           Sec. 9. CHARTER PROVISIONS. It shall be competent in any  
29 charter framed under the authority of this Act to provide that the

1 municipality governed thereunder may make and enforce all laws and  
2 regulations in respect to municipal affairs not otherwise  
3 prohibited by law, subject to the restrictions and limitations  
4 provided in their several charters.

5       Sec. 10. EFFECTIVE DATE. This Act shall take effect  
6 immediately upon its passage and approval or upon its becoming  
7 law without such approval.