

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 26

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to amend the Village Incorporation
7 Act of 1957, Ch. 150, SLA 1957, by adding
8 certain sub-sections to Sec. 6 thereof; and
9 by adding a new section to define the term
10 'Incorporated Village'."

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

12 Section 1. Sec. 6 of Ch. 150, SLA 1957 is hereby amended by
13 adding the following sub-sections:

14 (12) OFFENSES: DISPOSITION OF MONEY FROM FINES:
15 MAGISTRATE. To prohibit drunkenness, gambling, houses or
16 places of ill fame, disorderly conduct, or conduct endanger-
17 ing the public peace, public health, or public safety, and
18 define such offenses, and to prescribe the punishment there-
19 for, but such punishment shall not exceed in any case a fine
20 of \$25.00 or imprisonment in the village jail not exceeding
21 five days, which may be set aside if the payment of \$5.00
22 per day is made in lieu thereof, or both such fine and in-
23 prisonment. All fines and costs imposed and collected for
24 violation of village ordinances shall belong to the village
25 and be paid over to the proper village officer. The village
26 magistrate shall have jurisdiction of all actions for vio-
27 lations of village ordinances, and appeals shall lie from
28 his judgment to the United States District Court for the
29 Division in which such village is situate, in the same

manner as appeals from the judgment of the ex-officio justices of the peace to the District Court. Proceedings before the village magistrate shall be in substantial conformity with those proceedings generally held in a magistrate's court of a second class city.

(13) To make provision for the maintenance of a village jail and to provide the same with a jailer or to enter into any contract or agreement not inconsistent with law, with the Federal government or any agency thereof, or the State of Alaska, for the incarceration of prisoners.

(14) To appoint a clerk, a treasurer who shall be bonded in an amount not to exceed \$10,000.00 as determined by the council, an assessor, a village magistrate, a chief of police, and such other officers or employees as may be necessary, and receive such compensation as may be provided by ordinance, but none of such officers or employees shall be appointed for a term longer than one year nor beyond the term for which members of the council are elected; provided, however, that the council may, if it so elects, select such a clerk, treasurer and municipal magistrate from among its own number, but no member of the said village council shall receive compensation for performing duties of any of the said offices.

(15) To take such action by ordinance, resolution, or otherwise, as may be necessary to protect and preserve the lives, the health, the safety, and the well-being of the people of the village and to publish all ordinances.

(16) Whenever 35% of the total number of voters in the last general municipal election held in any incorpora-

1 ted village shall petition the village council so to do, the
2 council shall cause to be placed upon a separate ballot, at
3 the next village election, the following question: "For the
4 sale of intoxicating liquors....." (yes or no). It
5 shall be the duty of the regular election officers to can-
6 vass the said ballots and to report the results thereof to
7 the village council, who shall cause the results to be pub-
8 lished. If, upon receipt of the certificate of election, the
9 village council finds that a majority of the voters are in
10 favor of the sale of intoxicating liquors in said incorpora-
11 ted village, notice thereof shall be forwarded to the office
12 administering liquor licenses and all applications for li-
13 censes within the said village shall be processed in accor-
14 dance with the law herein; and if the village council finds
15 that a majority of the voters are against the sale of intox-
16 icating liquor in said incorporated village, notice thereof
17 shall be forwarded to the office administering liquor li-
18 censes and all applications for licenses within the said
19 village shall thereafter be denied and no further licenses
20 shall be issued therein for a period of one year, nor shall
21 the office administering liquor licenses issue a new bever-
22 age dispensary or retail license for premises located within
23 five (5) miles of said village; provided, however if a major-
24 ity of the voters at a subsequent election conducted for the
25 purpose and in accordance with the provisions hereof favor
26 the sale of intoxicating liquor in said village, the office
27 administering liquor licenses shall, upon application, issue
28 a license to the same or other premises within said village
29 as were in existence on the date of the last election, at

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which a majority of the voters prohibited the sale of intoxicating liquor, and a priority shall be given to those applicants who were licensees and whose licenses were not renewed by reason of the last election conducted under the provisions of this Act, said license shall be issued irrespective of any resulting restriction which arose subsequent to the prohibiting election; provided, however, at the next general election following the enactment of this Act, there shall be placed upon a separate ballot the question: "For the sale of intoxicating liquors....." (yes or no). The election and the recording of the results thereof shall be conducted in accordance with the procedure set forth above.

(17) To increase by ordinance the number of village councilmen from five to seven.

Sec. 2. Ch. 150, SLA 1957 is hereby amended by adding the following new section, designated as Sec. 13, to read as follows:

Sec. 13. The term "incorporated village" shall mean and be synonymous with the term "city of the fourth class"; provided, that the use of the term shall not be construed to include incorporated villages as constituting city school districts under the provisions of Sec. 37-3-32, ACLA 1949, as amended by Ch. 51, SLA 1951.