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IN THE SENATE

BY SENATORS MCNABB, MCNEALY  
AND ORBECK

SENATE BILL NO. 165

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the reclassification  
of cities."

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

Section 1. DEFINITIONS. In this Act unless clearly not  
applicable

- (1) "city" means a city of the second or third class;
- (2) "clerk" means the city clerk or other city official performing similar duties;
- (3) "council" means the governing body of a city;
- (4) "director" means the director of the Local Affairs Agency of the Office of the Governor or his designee;
- (5) "mayor" means the chief executive officer of a city;
- (6) "voter" means a person who has been a resident of the city for at least 30 days and is qualified to vote under the provisions of Sec. 1, Art. V of the state constitution;
- (7) the singular includes the plural.

Sec. 2. APPLICATION FOR RECLASSIFICATION. Reclassification of a city with a resident population of at least 400 persons may be initiated by the mayor or the council of the city or by 50 voters of the city who subscribe to a petition for reclassification by applying to the governor to reclassify the city to a city of the first class.

Sec. 3. HEARING AND INVESTIGATION. a. Upon receipt of an application for reclassification, the governor shall immediately

1 inform the director of the application and the director shall  
2 notify the city that he will conduct a hearing on the question of  
3 reclassification in the city on a specific date not less than 30  
4 nor more than 40 days after the receipt of the application.

5 b. Notices of the time, date, place, and subject of the  
6 hearing shall be posted by the officers of the city in at least  
7 three conspicuous public places in the city. The notices shall be  
8 posted at least 20 days before the date of the hearing.

9 c. At the hearing the director shall listen to those, if any,  
10 opposed to reclassification and to those, if any, in favor of re-  
11 classification. He shall investigate the feasibility and the  
12 desirability of the reclassification both at the hearing and from  
13 other sources of information which will aid him in determining  
14 the ability of the city to operate as a city of the first class and  
15 the desirability of the city becoming a city of the first class.

16 Sec. 4. ELECTION. a. If it appears to the director that  
17 it is in any way feasible or desirable for the city to be reclassi-  
18 fied and at all possible that the voters will approve reclassifica-  
19 tion, the director shall call for an election for the purpose of  
20 voting on the question of reclassification and for electing a  
21 council for a city of the first class.

22 b. The director shall call for the election to be held on a  
23 specific date not less than 30 nor more than 45 days from the date  
24 of the hearing unless a regular election is to occur not less than  
25 30 nor more than 60 days from the date of the hearing, in which case  
26 the election shall be held on the same day as the regular election.

27 c. The election shall be conducted by the officials of the  
28 city as for any regular city election. Notice of the election shall  
29 be the same as the notice for the hearing, except that if there is

1 to be more than one polling place the notice shall provide the  
2 voters with the location of each polling place, the hours each  
3 will be open, and the residence qualifications, if any, for voting  
4 at each.

5 d. Any voter may file for the office of councilman with  
6 the city clerk from the date of the director's call for the  
7 election until the ninth day before the election.

8 e. The clerk shall prepare two ballots as follows:

9 (1) One ballot shall be on the question of reclassifi-  
10 cation. It shall contain two questions set forth in substantially  
11 the following manner:

12 1. MARK ONLY ONE

13  FOR reclassification to a city of the first class

14  AGAINST reclassification to a city of the first class

15 2. MARK ONLY ONE

16  FOR a Council-Mayor government

17  FOR a Council-Manager government

18 (2) The other ballot shall be on the election of officers.

19 It shall list the names of all those candidates for councilman.

20 Names shall not be listed against one another but rather in alpha-  
21 betical order under a heading substantially as follows:

22 "FOR THE COUNCIL -- VOTE FOR SIX"

23 A box in which a voter may place his mark shall precede each name.

24 f. After the ballots have been counted and the vote can-  
25 vassed, the clerk shall notify the director of the results by a  
26 certificate sworn to by the clerk and a witness.

27 Sec. 5. ACTION BY THE DIRECTOR. Upon receipt of the certi-  
28 ficate of the results of the election, the director shall act as  
29 follows:

1 (1) if the voters reject the proposed reclassification  
2 by a majority of those voting on the question, the director shall  
3 notify the persons who originally requested the reclassification  
4 of the results, and that a request to reclassify the city may not  
5 be entertained again for six months from the date of the election  
6 on the question;

7 (2) if the voters approve the proposed reclassification  
8 by a majority of those voting on the question, the director shall  
9 notify the persons who originally requested the reclassification,  
10 the clerk, and the governor of the results and that the city will  
11 be reclassified. He shall then notify the six candidates for the  
12 council who received the most votes that they have been elected to  
13 the first council;

14 (3) if a Council-Mayor government was approved by a  
15 majority of those voting on the question, the director shall in-  
16 form the councilmen-elect that their terms of office and the  
17 selection of a mayor and other offices are to be as set forth for  
18 a newly incorporated city in Ch. 8, SLA 1951;

19 (4) if a Council-Manager government was approved by a  
20 majority of those voting on the question, the director shall in-  
21 form the councilmen-elect of their duty and power to select a city  
22 manager in accordance with Sec. 16-3-4, ACLA 1949, and that their  
23 terms of office are to be as set forth for a newly incorporated  
24 city in Ch. 8, SLA 1951.

25 Sec. 6. RECLASSIFICATION: TAKING OF OFFICE. a. Within 10  
26 days after he has been notified by the director of the results of  
27 the election, the governor shall issue a proclamation reclassifying  
28 the city as a city of the first class.

29 b. On the day of the governor's proclamation, the mayor and

1 the council of the city shall cease to hold office, and the  
2 council elected at the election on reclassification for a city of  
3 the first class shall take office.

4 c. Reclassification changes the political status but not  
5 the corporate status of a city.

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