

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR 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, third, or fourth class;

(2) "clerk" means the city clerk or other city official performing similar duties;

(3) "council" means the governing body of a city;

(4) "secretary" means the Secretary of State of the State of Alaska;

(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. a. 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 secretary to reclassify the city to a city of the first class.

b. Cities of the third and fourth class with a resident

1 population of at least 200 persons may petition to be reclassified
2 as a city of the second class in the same manner as provided
3 herein for reclassification as a city of the first class.

4 Sec. 3. HEARING AND INVESTIGATION. a. Upon receipt of an
5 application for reclassification, the secretary shall immediately
6 notify the city officials that they shall conduct a hearing on
7 the question of reclassification in the city on a specific date
8 not less than 30 nor more than 40 days after the receipt of the
9 application.

10 b. Notices of the time, date, place, and subject of the
11 hearing shall be posted by the officers of the city in at least
12 three conspicuous public places in the city. The notices shall
13 be posted at least 20 days before the date of the hearing.

14 c. At the hearing the mayor and council shall listen to
15 those, if any, opposed to reclassification and to those, if any,
16 in favor of reclassification. They shall investigate the feasi-
17 bility and the desirability of the reclassification both at the
18 hearing and from other sources of information which will aid
19 them in determining the ability of the city to operate as a city
20 of a higher class and the desirability of the city being so
21 reclassified.

22 Sec. 4. ELECTION. a. If it appears to the mayor and
23 council that it is in any way feasible or desirable for the city
24 to be reclassified and at all possible that the voters will
25 approve reclassification, the mayor shall call for an election
26 for the purpose of voting on the question of reclassification and
27 for electing a council.

28 b. The mayor shall call for the election to be held on a
29 specific date not less than 30 nor more than 45 days from the date

1 of the hearing unless a regular election is to occur not less than
2 30 nor more than 60 days from the date of the hearing, in which
3 case the election shall be held on the same day as the regular
4 election.

5 c. The election shall be conducted by the officials of the
6 city as for any regular city election. Notice of the election
7 shall be the same as the notice for the hearing, except that if
8 there is to be more than one polling place the notice shall provide
9 the voters with the location of each polling place, the hours
10 each will be open, and the residence qualifications, if any, for
11 voting at each.

12 d. Any voter may file for the office of councilman with the
13 city clerk from the date of the mayor's call for the election
14 until the ninth day before the election.

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

16 (1) One ballot shall be on the question of reclassifi-
17 cation. It shall contain one question set forth in substantially
18 the following manner:

19 MARK ONLY ONE

20 FOR reclassification to a city of the _____ class

21 AGAINST reclassification to a city of the _____ class.

22 (2) The other ballot shall be on the election of
23 officers. It shall list the names of all those candidates for
24 councilman. Names shall not be listed against one another but
25 rather in alphabetical order under a heading substantially as
26 follows:

27 "FOR THE COUNCIL -- VOTE FOR SIX" (or "FIVE" for a city of
28 the second class)

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

1 f. After the ballots have been counted and the vote can-
2 vassed, the clerk shall notify the mayor of the results by a
3 certificate sworn to by the clerk and a witness.

4 Sec. 5. ACTION BY THE MAYOR AND COUNCIL. Upon receipt of
5 the certificate of the results of the election, the mayor shall
6 act as follows:

7 (1) if the voters reject the proposed reclassification
8 by a majority of those voting on the question, the mayor shall
9 notify the persons who originally requested the reclassification
10 of the results, and that a request to reclassify the city may not
11 be entertained again for six months from the date of the election
12 on the question;

13 (2) if the voters approve the proposed reclassification
14 by a majority of those voting on the question, the mayor shall
15 notify the persons who originally requested the reclassification,
16 the clerk, and the secretary of the results, and that the city will
17 be reclassified. He shall then notify the six (or five for a city
18 of the second class) candidates for the council who received the
19 most votes that they have been elected to the first council.

20 Sec. 6. RECLASSIFICATION: TAKING OF OFFICE. a. Within 10
21 days after he has been notified by the mayor of the results of the
22 election, the secretary shall issue a proclamation reclassifying
23 the city as a city of the first class or second class, declaring
24 its corporate status and right to organize its city government as
25 provided by law.

26 b. On the day of the secretary's proclamation, the mayor and
27 the council of the city shall cease to hold office, and the council
28 elected at the election on reclassification shall take office and
29 organize according to law.