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Introduced: 3/4/71
Referred: Local Government
and Judiciary

1 IN THE HOUSE

BY TILLION

2 HOUSE BILL NO. 258

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for borough assemblymen representing
7 a first class city to be elected by city voters rather
8 than being appointed by and from city councils; and
9 providing for an effective date."

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

11 * Section 1. AS 07.20.020 is amended to read:

12 Sec. 07.20.020. ELECTION [AND APPOINTMENT]. (a) Members of the
13 assembly are [APPOINTED OR] elected according to the apportionment
14 determined by the incorporation petition approved by the voters until
15 the assembly is reapportioned. Members representing first class cities
16 are elected by and from the qualified voters of each city [APPOINTED BY
17 AND FROM THE CITY COUNCILS, UNLESS PROVIDED OTHERWISE BY CITY CHARTER
18 OR ORDINANCE]. Members representing the area outside first class cities
19 are elected by and from the qualified voters of the area outside first
20 class cities.

21 (b) Nothing in this section prevents a candidate from seeking
22 election or serving as both a borough assemblyman and city councilman.

23 * Sec. 2. AS 07.10.120(c) is amended to read:

24 (c) Nominations. Nominations for the borough chairman, for school
25 board members, and for candidates for the first assembly [TO REPRESENT
26 THE AREA OUTSIDE ANY FIRST CLASS CITY] may be made by petition. The
27 petition shall be in the form prescribed by the lieutenant governor
28 and shall include the name and address of the nominee and a statement
29 of the nominee that he is qualified and will serve if elected. Petitions

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1 to nominate assemblymen shall include the signature of at least 50
2 qualified voters who are residents of the proposed borough in the
3 first class city or proposed borough area outside first class cities
4 from which the candidate seeks election. Petitions for the nomination
5 of borough chairman and school board members shall include the signa-
6 tures of at least 50 qualified voters who are residents of the proposed
7 borough either inside or outside cities. The petitions shall be filed
8 with the lieutenant governor at the time designated by him in the order
9 of election.

10 * Sec. 3. AS 07.10.120(f) is amended to read:

11 (f) Certification. If the majority of votes cast on the question
12 are not for incorporation, the lieutenant governor shall so certify and
13 the proposal is defeated. If the majority of votes cast on the question
14 are for incorporation, the lieutenant governor shall so certify and the
15 certification shall specify any powers adopted under the provisions of
16 (e) of this section, and shall declare that the area in which the
17 election was held is an organized borough and a municipal corporation;
18 that the organized borough possesses all the powers and privileges as
19 prescribed by this title; and that the boundaries and borough seat are
20 those specified in the petition approved by the qualified voters. If
21 the majority of votes cast on the question are in favor of an appointed
22 borough manager, the lieutenant governor shall so certify and shall not
23 certify any candidate as borough chairman. If the majority of votes
24 cast on the question are not in favor of a borough manager, the
25 lieutenant governor shall certify the name of the candidate who received
26 the highest number of votes as borough chairman. The lieutenant governor
27 shall also certify the names of those candidates who received the
28 highest number of votes for the school board and for the [AVAILABLE]
29 seats to be elected to the assembly [FROM THE AREA OUTSIDE FIRST CLASS

1 CITIES] and shall issue election certificates to the elected candidates.

2 * Sec. 4. AS 07.10.120(g) is amended to read:

3 (g) First term of office. The elected borough chairman and
4 assembly members [ELECTED] shall meet on the first Monday after their
5 certification and shall continue to serve until the next regular elec-
6 tion. [ASSEMBLY MEMBERS REPRESENTING FIRST CLASS CITIES ARE APPOINTED
7 FROM AND BY THEIR CITY COUNCILS AND SHALL ALSO MEET AT THE TIME DESIG-
8 NATED FOR ELECTED MEMBERS.]

9 * Sec. 5. AS 07.20.040 is amended to read:

10 Sec. 07.20.040. TERM OF OFFICE. The term of office of members
11 of the assembly is the same as that of councilmen in the largest first
12 class city within the borough or three years if there is no first class
13 city within the borough. The term of office begins on the same day
14 as that of councilmen in the largest first class city within [WITH]
15 the borough or on the first Monday following the borough election if there
16 is no first class city within the borough. [CITY COUNCILMEN ON THE
17 ASSEMBLY MAY NOT BE REPLACED BY THE COUNCIL UNLESS THEIR TERMS EXPIRE
18 OR THEY CEASE TO BE A MEMBER OF EITHER THE ASSEMBLY OR THE COUNCIL.]
19 The assembly may provide for different terms by ordinance but no term
20 of office may exceed three years.

21 * Sec. 6. AS 07.20.050 is amended to read:

22 Sec. 07.20.050. QUALIFICATIONS. A person is eligible to be a
23 member of the assembly if he is a qualified voter of the borough.
24 Additional residency requirements not to exceed three years may be
25 prescribed by ordinance for members of the assembly [ELECTED FROM THE
26 AREA OUTSIDE FIRST CLASS CITIES]. If a member of the assembly ceases
27 to be a qualified voter of the borough, he shall immediately forfeit
28 his office. If a member elected from the area outside first class
29 cities becomes a resident of a first class city or becomes a resident

1 of a borough election section in the area outside first class cities
2 other than the section from which he was elected, or if a member
3 of the assembly elected from a first class city becomes a resident
4 of the borough area outside that city, he shall immediately forfeit
5 his office, except that the assembly may by general ordinance provide
6 otherwise, but in no event may a member serve beyond the next general
7 election.

8 * Sec. 7. AS 07.30.050 is amended to read:

9 Sec. 07.30.050. NOMINATIONS. Candidates for assemblymen [FROM
10 OUTSIDE CITIES] are nominated by petition of 10 qualified voters of
11 the first class city or borough area outside first class cities from
12 which they seek election [ORGANIZED BOROUGH WHO ARE RESIDENT OUTSIDE
13 ANY CITY]. Candidates for borough chairman and for the borough school
14 board are nominated by petition of 10 qualified voters of the organized
15 borough.

16 * Sec. 8. AS 07.30.060(1) is amended to read:

17 (1) the person elected to it fails to qualify or fails to
18 take office within 30 days after his [SELECTION BY A CITY COUNCIL OR
19 HIS] election;

20 * Sec. 9. AS 07.30.070(3) is amended to read:

21 (3) A vacancy in the office of assemblyman [REPRESENTATION
22 FOR THE AREA OUTSIDE A FIRST CLASS CITY] shall be filled by the
23 assembly, which shall elect a qualified voter resident within the first
24 class city or borough area outside first class cities in which the
25 vacancy occurs [ORGANIZED BOROUGH OUTSIDE A FIRST CLASS CITY] to be
26 acting assemblyman until the next regular election and until a successor
27 is elected and qualified to fill the remainder of the unexpired term.
28 The person elected by the assembly receives the same salary as the
29 assemblyman he succeeds.

1 * Sec. 10. APPLICABILITY OF ACT. (a) This Act is intended to apply to
2 assemblymen representing general law first class cities and first class
3 cities which have adopted a home rule charter.

4 (b) The present terms of borough assemblymen selected by the council
5 of a first class city to represent the city on the assembly are not affected
6 by this Act.

7 * Sec. 11. EFFECTIVE DATE. This Act takes effect at the time and upon
8 the condition that an amendment to the state constitution requiring the
9 election of borough assemblymen to represent a first class city, rather
10 than their appointment by and from the city council, is ratified by the
11 people and becomes effective.

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