

H B

162

COMMITTEE REPORT HOUSE

FURTHER: JUDICIARY

2/14/83

Date: _____

Mr. Speaker:

The Committee on C & RA has had HB 162

An Act authorizing general law municipalities to limit the number of consecutive full terms certain municipal officials may serve.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

CHAIRMAN

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 12/29/83

REQUEST

Bill/Resolution No.: HB 162 CS
Title: Limit Terms of Municipal Officials Rec ID 664

Sponsor: C&RA Committee
Requestor: Jay Hogan
Date of Request: 12/16/83

FISCAL DETAIL

Agency Affected: Community & Regional Affairs
Program Category Affected: Development

BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	No fiscal impact DCRA					
CAPITAL	No fiscal impact DCRA					
REVENUE	No fiscal impact DCRA					

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Mar Winagan
Division: Municipal & Regional Assistance

Phone: 465-4750
Date: 12/29/83

Approved by Commissioner: [Signature]
Agency: Community and Regional Affairs

Date: 12/29/83

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 12/29/83

Bill/Resolution No.: HB 162 CS(C&RA)
Title: Limit Terms of Municipal Officials
Rec ID 664

ANALYSIS:

Assumptions:

No fiscal impact on Community and Regional Affairs.

Positions:

Other Expenditures:

Funding:

Section Cost Analysis:

Computations:

Economic Impact:

Impact on Local Government:

Attachments

file

Alaska State Legislature

Barbara Lacher, Chairman
Mae Tischer, Vice-Chairman
Randy Phillips
Milo Fritz
Don Clocksin
Jack McBride
Mike Szymanski



Room 104
State Capitol
Juneau, Alaska 99811

Pouch V
Juneau, Alaska 99811

House of Representatives Committee on Community & Regional Affairs

TO: All members of the Community and Regional Affairs Committee.
FROM: Representative Barbara Lacher
Chair of the House Community and Regional Affairs Committee.
DATE: April 8th, 1983
RE: House Bill 162 *BL*

Attached is a copy of the Attorney General's opinion on limiting terms of municipal officials as requested by the committee members on April 6th, 1983.

MEMORANDUM

State of Alaska

TO: Hon. Lee McAnerney, Commissioner
Department of Community &
Regional Affairs

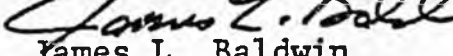
DATE: January 20, 1982

FILE NO: J66-150-82

TELEPHONE NO: 465-3600

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Tenure limitation for
mayor of general law
municipality

By: 
James L. Baldwin
Assistant Attorney General

We have reviewed the opinion of the borough attorney for the Fairbanks North Star Borough dated February 12, 1981. That opinion concerns the power of a second class borough, which is a general law municipality, to limit the number of successive terms of the borough mayor. By ordinance #79-38, the assembly provided that an elected borough mayor may only serve for two consecutive terms.

A limit on the number of consecutive terms for a municipal officer creates a qualification for office. See Benzow v. Cooley, 199 N.Y.S.2d 22 (Sup. Ct. 1960). The qualifications for the office of borough mayor are established by AS 29.23.-130(b), which provides:

A borough voter is eligible to be borough mayor. The assembly may by ordinance establish residence requirements for candidates for borough mayor not exceeding three years.

A review of AS 29.48 discloses that general law municipalities have not been expressly granted the power to prescribe the qualifications of elected municipal officers. See AS 29.48.010. It is also evident that an express power does not exist to which the power to establish these qualifications may be inferred. See AS 29.48.010(1) and (2). Other evidence of a legislative intent to reserve this power may be inferred by comparing the limitations concerning the term of mayor imposed on a home rule city. See AS 29.13.100(4). We believe that if the legislature limited the power of a home rule city to adopt inconsistent qualifications, then it is reasonable to assume that a general law municipality may not exercise an unlimited power to create new qualifications for the office of mayor.

We hope this letter answers your question.

JLB:pjg:CLY

Alaska State Legislature

Barbara Lacher, Chairman
Mae Tischer, Vice-Chairman
Randy Phillips
Milo Fritz
Don Clocksin
Jack McBride
Mike Szymanski



Room 104
State Capitol
Juneau, Alaska 99811
Pouch V
Juneau, Alaska 99811

House of Representatives Committee on Community & Regional Affairs

TO: House Community and Regional Affairs Committee
FROM: House Community and Regional Affairs Staff
DATE: April 6th, 1983
RE: House Bill 162

Under current statutes, municipalities do not have the authority to limit the number of terms elected officials may serve.

House Bill 162 provides that General Law Boroughs and cities may limit, by ordinance, the number of terms that may be served by assembly members, borough mayors, city council members, and city mayors.

Proposed CS HB 162 expands the provisions of HB 162 in that it is applicable to home rule as well as general law municipalities and, requires that limitations on the number of terms served by members of the governing bodies be ratified by the voters.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

APR 1 1983
POUCH V - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

March 31, 1983

SUBJECT: Limits on terms of municipal officials
(CSHB 162 (C&RA))

TO: Representative Barbara Lacher
Chairman, House Community and
Regional Affairs Committee

FROM: Tamara Brandt Cook
Legislative Counsel *TBC*

Here is the sectional analysis of the draft of CSHB 162 (C&RA) that you requested.

Section 1. This makes material added in secs. 3 - 5 of this draft applicable to home rule municipalities as home rule limitations. Since AS 29.23.050 is a home rule limitation now under AS 29.13.100(3), no addition is needed to include the material in sec. 2 as a home rule limitation.

Section 2. Unless ratified by the voters, no limit may be placed on the total number of terms or number of consecutive terms that a person may serve on the assembly of a home rule or general law borough.

Section 3. Unless ratified by the voters, no limit may be placed on the number of terms or number of consecutive terms a person may serve as mayor of a home rule or general law borough.

Section 4. Unless ratified by the voters, no limit may be placed on the number of terms or number of consecutive terms a person may serve as mayor of a home rule or general law city.

You have also asked me to compare this draft to HB 172. Under sec. 29.20.140 of that bill, no limit may be placed on the number of terms or number of consecutive terms a person may serve on the governing body. This applies to all home rule and general law municipalities. The section is made a

Representative Barbara Lacher
Page 2
March 31, 1983

home rule limitation under sec. 29.10.200(4). Under sec. 29.20.230(c) of HB 172 no limit may be placed on the number of terms or number of consecutive terms a person may serve as mayor of a general law city or borough. That section does not apply as a home rule limitation. HB 172 differs from this draft in that the restrictions on limiting the terms of mayors do not apply to home rule municipalities. Otherwise, the restrictions on limiting terms are the same in that bill and in the draft of CSHB 162 (C&RA).

TBC:ljb

13/001

STATE OF ALASKA

Bill Sheffield, Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811
PHONE: (307) 465-4700

April 6, 1983

POSITION PAPER

RE: HB 162

SPONSOR: Representative Ward

PROGRAM EFFECTS OF BILL

This bill allows municipalities to limit, by ordinance, the number of consecutive full terms that a person may serve as mayor or as a member of the assembly or council.

COMMENTS

This bill would give each municipality an option regarding whether or not individual elected officials should be turned out of office not by the voters but by a limitation on the consecutive number of terms they may serve. There are advantages and disadvantages to limiting terms of office, but the Department will not debate them here. The overriding consideration is that this legislation provides for a local option on the question, a philosophy this Department generally favors.



Mark Lewis, Commissioner

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB 162
 Title: Limit terms of Municipal Officials
 Sponsor: Ward, et al
 Requestor: HCRA

II. FISCAL DETAIL

Agency Affected: DCRA
 Program Category Affected: Development
 BRU, Program of Subprogram(s) Affected: Local Government Assistance Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING		-0-	-0-	-0-	-0-	-0-
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard Rainery
 Division: Commissioner's Office

Phone: 465-4703
 Date: 4/6/83

Approved by Commissioner: [Signature]
 Department: Community & Regional Affairs

Date: 4/6/83

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

FEB 10 1983



Alaska State Legislature

House of Representatives

REPRESENTATIVE JERRY WARD
DISTRICT 13

MEMBER FINANCE COMMITTEE
CHAIRMAN OF SUBCOMMITTEE ON
COMMERCE & ECONOMIC DEVELOPMENT
CHAIRMAN OF SUBCOMMITTEE ON LABOR

P.O. BOX 2716
ANCHORAGE, ALASKA 99510

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811

February 9, 1983

The Honorable Barbara Lacher, Chairman
Alaska State Legislature
House Committee on Community and Regional Affairs

Dear Representative Lacher:

In support of House Bill No. 162 which I have introduced, I have attached a copy of a letter from Fairbanks North Star Borough discussing the problem as well as a copy of a resolution passed by Fairbanks North Star Borough. The voters of both Fairbanks North Star Borough and Matanuska-Susitna Borough have passed advisory propositions on this matter.

Briefly, the legislation simply puts the power to limit the number of terms of elected officials back into the hands of the local governments where it belongs.

Yours very truly,

Jerry Ward
State Representative

A handwritten signature in cursive script that reads "Jerry Ward".

Attachments

fairbanks north star borough

p.o. box 1267 520 fifth ave. fairbanks, alaska 99707 907-452-4761



January 26, 1983

JAN 31 1983

The Honorable Jerry Ward
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Representative Ward:

Enclosed please find the following resolutions which were adopted at the regular meeting of the Fairbanks North Star Borough Assembly on January 13, 1983, which was reconvened on January 19, 1983.

Resolution No. 83-2. A Resolution Relating To Limitation Of Terms For The Assembly And Mayor.

Resolution No. 83-3. A Resolution Requesting The Alaska State Legislature For Funding Of An Annual Spring Hockey Tournament.

Please note that Resolution No. 83-2 has been extensively discussed and we would certainly like to see some action during this 13th Session of the Legislature.

If you have any further questions, please feel free to contact me.

Sincerely,

GAYE J. PATRICK
Borough Clerk

GJP:mgc

enclosures (2)

By: Bob Blake
Juanita Helms
B. B. Allen
Bruce Wammack
Mike Ribar
Bill Walley
Sandra Stringer
Paul Chizmar
Buzz Otis

Introduced: 01/13/83
Adopted: 01/13/83

RESOLUTION NO. 83-2

A RESOLUTION RELATING TO LIMITATION OF
TERMS FOR THE ASSEMBLY AND MAYOR

WHEREAS, an advisory proposition on the question of limiting the terms of assemblymen and the mayor was placed on the October 5, 1982, ballot; and

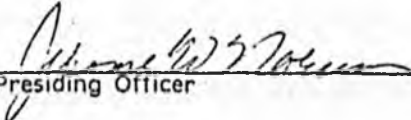
WHEREAS, this advisory proposition was passed 11520 - 5197 by the voters of the Fairbanks North Star Borough; and

WHEREAS, this question was also passed 2700 - 1100 by the voters of the Matanuska-Susitna Borough on October 6, 1981; and

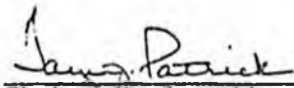
WHEREAS, an Attorney General's opinion has been rendered stating general law municipalities do not have the power to place such a limitation on elected officials:

NOW, THEREFORE, BE IT RESOLVED by the Fairbanks North Star Borough Assembly that the Twelfth Legislature of the State of Alaska is urged to revise Title 29 to allow general law municipalities the option of placing a limitation on the number of consecutive full terms a person may serve.

PASSED AND APPROVED THIS 13th DAY OF JANUARY, 1983.


Presiding Officer

ATTEST:


Clerk of the Assembly

MEMORANDUM

State of Alaska

TO: Hon. Lee McAnerney, Commissioner
Department of Community &
Regional Affairs

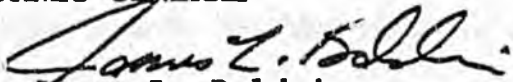
DATE: January 20, 1982

FILE NO: J66-150-82

TELEPHONE NO: 465-3600

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We hope this letter answers your question.

JLB:pjg:CLY

Alaska State Legislature



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Room 104
State Capitol
Juneau, Alaska 99811

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House of Representatives Committee on Community & Regional Affairs

HOUSE COMMUNITY AND REGIONAL AFFAIRS AGENDA

APRIL 6th, 1983

- 1). Call to order.
- 2). Roll Call.
- 3). The first order of business will be HB 162.
- 4). Witnesses presentation.
- 5). Closing.
- 6). Adjournment.

BON