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COMMITTEE REPORT
HOUSE

4/30

(7)

FURTHER: JUDICIARY

4/22/85

Date: 4-21-85

The Committee on COMMUNITY & REGIONAL AFFAIRS has had CSSB 270 (C&RA) on

"An Act relating to the durational residency requirement for a candidate for a home rule charter commission; and providing for an effective date."

under consideration and recommends:

- 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:

WF Amare

W. E. J. J.

A. L. H.

N. Koponen

M. Brunberg (No Rec)

Signed on original

CHAIRMAN

Introduced: 4/17/85
Referred: Rules

Original sponsor: Kerttula

1 IN THE SENATE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2

CS FOR SENATE BILL NO. 270 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the durational residency require-
ment for a candidate for a home rule charter commis-
sion; and providing for an effective date."

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

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* Section 1. AS 29.13.010(b) is amended to read:

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(b) A charter is framed by a charter commission of seven members

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chosen by the municipal voters at a regular or special election. A

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candidate for the charter commission shall have been [BE] a [QUALI-

14

FIED] voter of the municipality [AND A RESIDENT OF THE MUNICIPALITY]

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for at least one year [THREE YEARS] immediately preceding the charter

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commission election.

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* Sec. 2. This Act takes effect immediately in accordance with AS 01.-

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10.070(c).

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HCFRA 4-29-85 3p.m.

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 11, 1985

SUBJECT: Residency requirement for charter commission candidates (SB 270)

TO: Senator Edna DeVries
Chair,
Community and Regional Affairs Committee

FROM: Tamara Brandt Cook *TBC*
Deputy Director
Division of Legal Services

You have asked whether there is a constitutional problem with the residency requirement for charter commission candidates contained in SB 270. Under AS 29.13.010(b) the candidate for a charter commission that is to prepare a home rule charter for a first class municipality or second class borough must have been a resident of the municipality for three years. SB 270 does not increase the durational residency requirement, but allows a candidate who has resided in a city for only one year to serve on the city charter commission if the candidate has resided in the borough in which the city is located for the three year period. Oddly, under AS 29.68.300 only a one year residency requirement is imposed on a candidate for a charter commission that is to prepare a unification charter.

The Supreme Court of Alaska has upheld a durational residency requirement of one year for the offices of city mayor and member of the council in Castner v. City of Homer, 598 P.2d 953 (Alaska 1979). The court in that case acknowledged that certain municipalities have longer residency requirements for elected officials, but did not indicate whether a residency requirement longer than one year would be upheld if challenged. The court did note, "In general, the weight of authority is against longer durational residency requirements for local offices" (Page 955). It appears to me that a one year durational residency requirement for a charter commission candidate would be upheld because that office, like the offices of

Senator Edna DeVries
April 11, 1985
Page 2

mayor and member of council, is an elected office. It also appears to me, in view of language quoted, to be questionable whether a three year residency requirement for any elected municipal office would be upheld if challenged.

It should be noted that no constitutional problem is created by SB 270, since the potential problem is contained in existing law. If the committee should wish to address this matter, I would recommend that the durational residency requirement for a candidate for a home rule charter commission be simply lowered to one year to match the requirement now imposed on a candidate for a unification charter commission. This would also, I believe, resolve the concerns of the sponsor of the bill.

TBC:ojb
j13/083

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU ALASKA 99801
PHONE: (907) 465-4700

949 E 35TH AVENUE, SUITE 100
ANCHORAGE, ALASKA 99503
PHONE: (907) 563-1070

April 15, 1985

POSITION PAPER

RE: Senate Bill 270

SPONSOR: Senator Kerttula

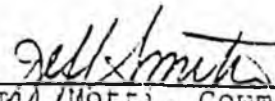
Program Effects

The proposed amendment would create two classes of charter commissions in terms of candidate durational residency requirements. Candidates for the charter commission of a borough or city in the unorganized borough would continue to have an eligibility requirement of three years residency in the municipality. However, candidates for the charter commission of a city in an organized borough need only have been a resident of the city for one year in addition to having been a three year resident of the borough within which the city is located. The bill would have no effect on departmental programs.

Comments

The department does not oppose this bill. The proposed amendment is designed to meet the situation of certain cities in an organized borough which have a mobile population or relatively recent influx of residents where a three year residency requirement may exclude a large proportion of the population from being candidates. The retention of the requirement of three year residence in the borough within which the city is located is apparently designed to insure some familiarity with issues of a local nature.

Although this three year residency requirement exists in current law, the trend of judicial decisions has been to strike down unreasonably lengthy durational residency requirements. The case in point, which this amendment is designed to address, displays the sort of problems such a residency requirement may cause.



Emma Mottl, Commissioner

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 11, 1985

SUBJECT: Residency requirement of candidate for a
Home Rule Charter Commission
(Senate Bill 270)

TO: Senator Edna DeVries
Chair,
Community & Regional Affairs Committee

FROM: Tamara Brandt Cook *TBC*
Deputy Director
Division of Legal Services

This is the sectional analysis that you requested of SB 270.

Section 1 Requires a candidate for the home rule charter commission of a city in a borough to have been a voter of the city for at least one year and a voter of the borough in which the city is located for at least three years. Existing law required that candidates be voters of the municipality the charter commission will serve for three years, regardless of the type of municipality involved.

Section 2 An immediate effective date is provided.

TBC:ojb
J13/078

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

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TBC:ojb
j13/083

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OFFICE OF THE COMMISSIONER

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SPONSOR: Senator Kerttula

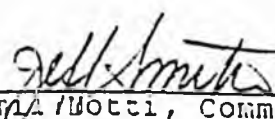
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Bill Mottel, Commissioner

Original sponsor: Kerttula

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IN THE SENATE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

HOUSE CS FOR CS FOR SENATE BILL NO. 270 (C&RA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the durational residency require-
ment for a candidate for a home rule charter commis-
sion; and providing for an effective date."

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

* Section 1. AS 29.13.010(b) is amended to read:

(b) A charter is framed by a charter commission of seven members
chosen by the municipal voters at a regular or special election. A
candidate for the charter commission of a borough or city in the
unorganized borough shall have been [BE A] qualified to vote in [VOTER
OF] the municipality [AND A RESIDENT OF THE MUNICIPALITY] for at least
three years immediately preceding the charter commission election. A
candidate for the charter commission of a city in a borough shall have
been qualified to vote in the

(1) city for at least one year immediately preceding the
election; and

(2) city or borough in which it is located for at least two
years immediately preceding the year identified in (1) of this
subsection.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-
10.070(c).

Introduced: 4/3/85
Referred: Community & Regional Affairs

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 270

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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13 candidate for the charter commission of a borough or city in the
14 unorganized borough shall have been [BE] a [QUALIFIED] voter of the
15 municipality [AND A RESIDENT OF THE MUNICIPALITY] for at least three
16 years immediately preceding the charter commission election. A candi-
17 date for the charter commission of a city in a borough shall, immedi-
18 ately preceding the election, have been a voter of the city for at
19 least one year and a voter of the borough for at least three years.

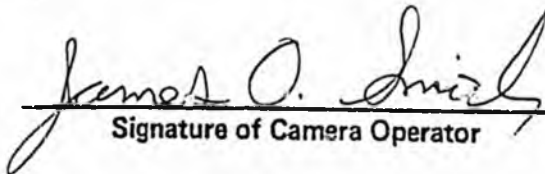
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21 10.070(c).

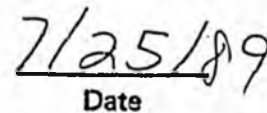


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Signature of Camera Operator


Date