

LDIR#133

MUNICIPAL

CODE 1972

2d COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 101

TITLE 29. MUNICIPAL GOVERNMENT

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FREE CONFERENCE COMMITTEE REPORT
ON
SCS CSHB 208 am S AND CSHB 208 am
(municipal code)

May 1972

Mr. President
Mr. Speaker

The Conference Committee, with powers of free conference, which has had SCS CSHB 208 am S and CSHB 208 am (municipal code) under consideration, recommends that the bills be replaced by FREE CONFERENCE CS FOR SENATE CS FOR CS FOR HOUSE BILL NO. 208. The Conference bill incorporates the Senate amendments to the House bill, integrates substantively laws pertaining to local government enacted into law in 1971 and enacted or adopted in both houses during the current legislative session. These relate to historic preservation, eminent domain proceedings by fourth class cities, i.e. second class cities under the code, required assembly membership on boards of equalization, borrowing powers of third class boroughs, involvement of young persons in local government, land subdivisions (CSHB 290), and enabling legislation for development cities (CSSB 405 (Res.)). In addition, the Conference bill makes a number of limited substantive changes in the combined legislative product represented by SCS CSHB 208 am S and CSHB 208 am. A brief summary of the changes, keyed to chapter headings of the Conference bill, follows. This report is intended to reflect legislative intent where the intent expressed and the pertinent code provisions are consistent.

ELECTIONS.

Election Dates. The Conference bill broadens the discretion available to municipalities on the setting of election dates. As with the bills under consideration, the first Tuesday of October is set as the date of the regular municipal election, but the Conference bill authorizes a local government to set a different regular election date by ordinance if it chooses to do so.

Similarly, an annual regular election is set, with the option left to local governments to choose a different interval of years for holding regular elections. In the bills under consideration the same option is made available but an election every two years on the first Tuesday of October is prescribed unless different provision is made by ordinance.

Terms of Elected Officials. Terms of assemblymen, councilmen, and city and borough mayors are set at three years, rather than two years as provided in the bills under consideration; different terms not exceeding four years may be set by ordinance. (Under present law terms of assemblymen and borough chairmen are the same as those of city councilmen and mayor, respectively, of the largest first class city within the borough, or otherwise three years; different terms not exceeding three years may also

Introduced: 6/3/72
Referred: Local Government

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST

2 SENATE BILL NO. 433

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act including municipal conflict of interest pro-
7 visions within the revised municipal code and making
8 certain technical corrections in code citations and
9 provisions; and providing for an effective date."

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

11 * Section 1. AS 29.23 is amended by adding a new section to read:

12 Sec. 29.23.555. CONFLICT OF INTEREST. Each home rule and general
13 law municipality shall adopt a conflict of interest ordinance which,
14 other provisions of this chapter notwithstanding, includes the provi-
15 sions that an officer or employee shall disqualify himself from partici-
16 pating in any official action in which he has a direct or indirect
17 financial interest and that, when one or more members of the assembly
18 or council, or other voting body of the municipality, disqualifies
19 himself from voting because of direct or indirect financial interest
20 as required under this section, the number of votes necessary for a
21 majority, or otherwise necessary to determine a question, shall be
22 determined as if the membership did not include the member or members
23 disqualified.

24 * Sec. 2. AS 29.13.100 is amended by adding a new paragraph to read:

25 (32) AS 29.23.555 (conflict of interest)

26 * Sec. 3. AS 29.23.290(1) is amended to read:

27 (1) appoint city employees and administrative officers,
28 except as provided otherwise in sec. 360 of this chapter and AS 14.14.-
29 065 [29.33.050]; he may hire necessary administrative assistants and

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17 cial interest and that, when one or more members of the assembly or
18 council, or other voting body of the municipality, disqualifies himself
19 from voting because of direct or indirect financial interest as required
20 under this section, the number of votes necessary for a majority, or
21 otherwise necessary to determine a question, shall be determined as if
22 the membership did not include the member or members disqualified. In
23 the event any home rule or general law municipality fails to adopt said
24 conflict of interest ordinance within 90 days from the effective date of
25 this Act, the conflict of interest provision of this section shall auto-
26 matically be applicable to and binding upon said municipalities.

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29 remove subordinates in his department;

SB 433 am H