

LDIR#138
HOUSE AND
SENATE
JOURNALS ON
MUNICIPAL
CODE 1971

1971

ALASKA MUNICIPAL LEAGUE

A BILL

FOR AN ACT ENTITLED:

"AN ACT TO REVISE AND CODIFY THE LAW
RELATING TO CITIES AND BOROUGHS."

ACE 585001

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

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Supplemental Report
to
Free Conference Committee Report
on
SCS CSHB 208 am S and CSHB 208 am
(Revised Municipal Code)

June 16, 1972

COMPARISON OF THE REVISED MUNICIPAL CODE
(FCCS SCS CSHB 208) AND EXISTING LAW

The Free Conference Committee Report on SCS CSHB 208 am S and CSHB 208 am (revised municipal code) submitted to the legislature on May 22, 1972 notes the substantive changes which the Conference bill (FCCS SCS CSHB 208) makes in provisions of the bills referred to the committee. Most of the changes noted are changes of existing law as well as the bills referred. This supplemental report notes mainly additional changes of existing law represented overall by the Conference bill. In addition to serving as a useful comparison of existing law and the revised code, the report is offered to reflect legislative intent with respect to particular code provisions so long as the intent expressed can be read consistently with the pertinent provisions where the intent expressed and the pertinent code provisions are consistent.

The need for revision of the local government laws of the state, many of them in the case of cities dating back to territorial days, has long been recognized by the legislature. By concurrent resolution adopted in 1963, the Third Legislature characterized the bulk of state law relating to cities as "disjointed" and not serving the best interest of the state. After a two-year revision effort conducted by the Local Affairs Agency, the Department of Law, and the Legislative Affairs Agency, a proposed revised code was introduced into the First Session of the Fourth Legislature and since then has been continually before the legislature in various modified forms of the original bill. Its adoption in the current session of the legislature follows some seven years of review and subsequent revision by committees of the legislature as well as by the Alaska Municipal League, the public through hearings, municipal and school officials, staffs of the legislative and executive branches of the government, and many other interested parties.

The final form of the code derives largely from a draft prepared and submitted in 1971 by a committee of the Alaska Municipal League comprised of municipal attorneys and administrators. The League draft in turn is based on earlier versions of the code but reflects extensive updating and adjustment of provisions to emphasize a technical revision rather than large-scale sub-