

piled Laws Annotated 1949; and Section 12-4-2 ACLA 1949, as amended by Chapter 101, Session Laws of Alaska 1949, is hereby reenacted to read as it is printed in Chapter 101, Session Laws of Alaska 1949.

Section 3. An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval.

Emergency clause.

## CHAPTER 25

### AN ACT

[H. B. 1]

Amending Sec. 16-1-22 ACLA 1949, as amended by Ch. 7 Session Laws of Alaska 1951, Sec. 16-1-24 ACLA 1949, as amended by Ch. 7 Session Laws of Alaska 1951, Secs. 16-1-28, 16-1-39 and 16-1-62 ACLA 1949, Sec. 16-1-63 ACLA 1949, as amended by Ch. 59 Session Laws of Alaska 1951, and Sec. 16-1-64 ACLA 1949, as amended by Ch. 44 Session Laws of Alaska 1951, relating to the annexation and exclusion of territory in municipal corporations and pertaining to the powers and duties of city councils and certain city officials; and declaring an emergency.

*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. That Sec. 16-1-22 ACLA 1949, as amended by Ch. 7 Session Laws of Alaska 1951, is hereby amended to read as follows:

Sec. 16-1-22. Petition, hearing and order for election; Persons presumed owners of property. Whenever the council of any city shall desire to enlarge the limits of said city by annexing the territory contiguous thereto, they shall file in the district court for the judicial division where in the city is located, a petition signed by thirty per cent of the owners of substantial property interests in land or possessory rights in land, tidelands or improvements upon land or tideland within the limits of the territory so proposed to be annexed, setting forth by metes and

Petition filed in district court.

Percentage required.

Area description. bounds the territory sought to be annexed to such city, and there shall be attached thereto a plat based upon an actual survey by a competent surveyor setting forth the limits and boundaries of the territory to be annexed by metes and bounds and stating the number of inhabitants therein, as well as the number of owners of property therein situate and such other facts as the court may require. Said petition shall be sworn to on behalf of the city and by at least one of the property owners herein provided for. Said petition may be presented in open court or to the judge of said court in chambers and said judge shall fix a time and place of hearing on the petition and shall cause notice of said hearing to be posted in at least three of the most public places in such city and in three places within the territory sought to be annexed, and if a newspaper be published in said city, then to publish such notice at least three times in such paper. Such notices shall be posted at least four weeks before the hearing and the first publication of such notice in the newspaper shall be at least four weeks before the hearing. The court shall make diligent inquiry as to the reasonableness and justice of the petition and if the court be satisfied from proofs and evidence that no private rights will be injured by granting the petition and if it is just and reasonable that the annexation take place, the court shall, unless it be shown that the petition is not bona fide or that one or more of the signers thereto are not owners of substantial property rights as herein provided or fails to comply with the requirements of this act in any other respect, order an election.

Court hearing.

Posting and publication of notice.

Order of election.

Section 2. That Sec. 16-1-24 ACLA 1949, as amended

by Ch. 7 Session Laws of Alaska 1951, is hereby amended to read as follows:

Sec. 16-1-24. Declaration of annexation. If it shall appear to the district court or the judge thereof from the certificate of election filed with the district court as aforesaid, that a majority of the votes cast at said election in the territory sought to be annexed were in favor of annexation and that a majority of the votes cast in the city were also in favor of the annexation, and that the provisions of law relating to annexation have been substantially complied with, then the district judge shall by an order in writing entered in the records of the court duly adjudge and declare such annexation and the said territory shall, from thenceforth, be a part of the city. Such order shall describe the boundaries of the territory annexed and give the name of the city to which it is annexed.

Majority required for annexation.

Order of annexation.

Section 3. That Sec. 16-1-28 ACLA 1949 is hereby amended to read as follows:

Section 16-1-28. Qualifications of electors and eligibility of persons to sign annexation petitions. The qualifications of an elector as to elections in this Article provided for, shall be as follows: (a) To vote in the area to be annexed he or she shall be a person of the age of twenty-one years or more and shall have been a resident of Alaska for not less than one year and of said area for not less than thirty days prior to the election, and shall be the owner of substantial property interests in land or possessory rights in land, tidelands or improvements upon land or tideland within the territory proposed to be annexed to or excluded from said city. "Substantial property interest in land or

Qualifications of electors in annexation area.

"Substantial property interest" defined.

possessory rights in land, tidelands or improvements upon land or tideland" shall be construed to include, but not limited to ownership, leaseholds of one year or more, equities created by contracts of purchase and sale, mining locations, and rights of adverse possession to either land or tideland, as well as ownership of and possessory rights to improvements on either land or tideland, except where such improvements are held by lease for a term of less than one year, but shall not include rights as month to month tenant or ownership of or other interest in trailers, wanigans, or other shelters or structures not fixed to the land or tideland. (b) To vote in the city in such an election, he or she must have the qualifications of an elector in a general municipal election and must be a taxpayer whose name is on the tax rolls of the city.

Exceptions.

Qualifications of city electors.

Eligibility to sign petition.

With regard to eligibility of a person to sign an annexation petition as in this Article aforesaid (Section 16-1-22), the language "substantial property interests in land or possessory rights in land, tidelands or improvements upon land or tidelands" shall be construed to include the same meanings as are defined in subsection (a) of this section on the subject of eligibility to vote in an annexation election in the area proposed to be annexed.

Section 4. That Sec. 16-1-39 ACLA 1949 is hereby amended to read as follows:

Council quorum defined.

Section 16-1-39. Quorum of council: Requisite number of votes: Electing member to act in mayor's absence. At all meetings of the council, five members or four members and the mayor, shall constitute a quorum for the transaction of business, but no ordinance or resolution

shall be passed at any meeting unless it receives at least four votes. In case of the absence of the mayor from the city or his temporary disability or other cause responsible for his absence, and, if a regular quorum of five be present, the council shall elect one of its members to preside and to otherwise perform the duties of the mayor for the meeting in question or other temporary period involved. The person so elected shall be known as "acting mayor".

Election of  
"acting mayor"  
by council.

Section 5. That Sec. 16-1-62 ACLA 1949 is hereby amended to read as follows:

Section 16-1-62. Duties and powers of mayor: Veto. It shall be the duty of the mayor to preside at meetings of the council, to approve or disapprove of all ordinances or resolutions passed by the council, to execute deeds and other documents on behalf of the city when so authorized by the Council, and, except for cities under the city manager form of government, to sign all warrants drawn on the city treasury, to direct and supervise the business of the city to see that all ordinances and resolutions are executed. If the mayor was elected as a member of the council, he shall have a vote on all matters, but if he was elected mayor by direct vote of the people, then he shall have no vote except in case of a tie. Any ordinance or resolution passed by the council by only four affirmative votes, may be vetoed by the mayor at the time of its passage. Upon vetoing any ordinance or resolution the mayor shall submit to the council at its next regular meeting, a written statement giving his reasons for vetoing same. Any ordinance or resolution so vetoed, thereafter passed, or adopted by the affirmative vote of five members of the council at any regular meeting shall become effective with-

Duties of mayor.

Vote by mayor.

Veto power.

Overriding veto  
by council.

out the signature of the mayor and notwithstanding such veto.

Section 6. That Sec. 16-1-63 ACLA 1949, as amended by Ch. 59 Session Laws of Alaska 1951, is hereby amended to read as follows:

Duties of clerk.

Sec. 16-1-63. Municipal clerk. The municipal clerk, or his or her authorized deputy when approved by the council, shall attend the meetings of the council, keep a full record of all its proceedings, and of all disbursements of the city's monies, excepting municipal utility operations, or other quasi-independent operations, under a duly constituted board, and attest all deeds and other city documents signed by the mayor in accord with action of the council, and he shall also file and duly keep all the records and public papers of the city, shall countersign all warrants drawn on the treasury, and shall to all intents and purposes be deemed to be the clerk and bookkeeper of the city and shall officiate as such; provided, that any other city official designated by the council may be authorized to countersign warrants; and further provided, that in cities operated under the city manager form of government the clerk shall be subject to the executive authority of the city manager.

Exception.

Clerk-treasurer.

The office of municipal clerk may, on action of the council, be combined with that of municipal treasurer, and, if such action is taken, the Municipal clerk shall give his bond to the city for the faithful performance of his duties as clerk-treasurer in the form and principal amount required of municipal treasurer.

Section 7. That Sec. 16-1-64 ACLA 1949, as amended

by Ch. 44 Session Laws of Alaska 1951, is hereby amended to read as follows:

Sec. 16-1-64. Municipal treasurer: Bond. The municipal treasurer shall be the custodian of all the monies of the city; provided, that said treasurer shall pay over to the treasurer of the school board all monies available for the maintenance of schools. He shall keep an itemized, full and correct account of all monies received and disbursed, and he shall pay out no money except upon an order signed by the mayor and countersigned by the clerk, and specifying the object and purpose of the payment and the page and book of the record of the council proceedings where such payment is shown to have been authorized, and no such order shall be issued except upon vote of four members of the council at a meeting in which five members, or four members and the mayor, are present. He shall, before entering upon the duties of his office, give his bond to the city with sufficient sureties to be approved by the council in such sum as the council may direct, but not less than twenty-five per cent of the annual total of collectible property taxes, and in no case shall a bond in excess of One Hundred Thousand Dollars be required, which bond shall be conditioned that he will faithfully and honestly collect, keep and disburse all the monies belonging to the city, which bond shall be filed with and kept by the municipal clerk.

In cities under the city manager form of government the requirement above stated that all orders for the payment of money be signed by the mayor need not apply. In such cities, such orders and warrants or checks, may be signed or countersigned by the city manager instead of

Duties of treasurer.

Accounting required.

Bond: maximum amount.

City manager may countersign checks.

the mayor, or by such other city official as may be so authorized by the council. In such cities where the city manager obtains authority through council approval of a budget to incur needed city expenses, payments may be made in conformity with any requisition and purchase order system, or other proper administrative procedure which is approved by the council, without separate approval of the council as to each transaction or item involved.

Budget approval  
by council  
sufficient.

Emergency clause. Section 8. An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval.

Approved March 12, 1953.

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## CHAPTER 26

### AN ACT

[C. S. H. B. 32]

To amend Section 35-1-31 (a) ACLA 1949, as amended by Chapter 64 SLA 1951, and Section 35-1-31 (b), (c) and (e) ACLA 1949, imposing a mining license tax; declaring an emergency, and making an effective date.

*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. Section 35-1-31 (a) ACLA 1949, as amended by Chapter 64, SLA 1951, is hereby amended to read as follows:

Section 35-1-31. MINING LICENSE REQUIRED: "MINING" DEFINED: AMOUNT OF TAX: DEPLETION ALLOWANCE: GROSS AND NET INCOME DEFINED: DEDUCTIONS: TAXES UPON ROYALTIES.

(a) Any person, firm or corporation, prosecuting or attempting to prosecute, or engaging in the business of mining in the Territory of Alaska during the calendar year 1947, and in all subsequent years, shall apply for and