

CHAPTER 186

AN ACT

Creating a presumption of negligence when a person fails to close a roadside gate; defining roadside gate; and providing for an effective date.

(C.S.S.B. 59)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Any person failing to close a roadside gate after having opened the same, which roadside gate is hereby defined as any contrivance made for the purpose of passing through a fence which is located alongside of or near any

public or private road and which fence is used for or intended to retain livestock, shall be presumed to be negligent and liable for all consequent damage upon proof thereof.

Sec. 2. This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.

Approved May 6, 1959

CHAPTER 187

AN ACT

To provide for reservation of the powers of the initiative and referendum to the people of every political subdivision of the State with reference to all legislative authority and amendments to charters for its own government; and establishing procedures for exercising said powers.

(S.B. 90)

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Reservation of Powers.** The powers of the initiative and referendum reserved by the Constitution to the people of the State, are hereby reserved to the people of every political subdivision now existing or which shall hereafter be created within this State, with reference to all legislative authority which it may exercise, and amendments to charters for its own government.

Sec. 2. **Petition-Signatures-Filing.** Every petition for either the initiative or referendum in the government of a political subdivision shall be signed by a number of qualified electors residing within the territorial limits of such political subdivision equal to twenty-five per centum of the total number of votes cast at the next preceding general election in the city or borough concerned or special election called for the purpose of electing city or borough officers, and every such petition shall be filed with the chief executive officer of such political subdivision.

Sec. 3. **Presentation of Petition to Legislative Body—Submission to Voters.** When such petition demands the enactment of an ordinance or other legal act other than (a) the grant, extension or renewal of a franchise or (b) the hiring, retention or firing of an employee, or (c) a subject restricted by Section 7 of Article XI of the Alaska Constitution, the chief executive officer shall present the same to the legislative body of such political subdivision at its next meeting, and unless the said petition shall be granted more than thirty days before the next election at which any political subdivision officers are to be elected, the chief executive shall submit the said ordinance or act so petitioned for, to the qualified electors at said election; and if a majority of said electors voting thereon shall vote for the same, it shall thereupon become in full force and effect.

Sec. 4. **Submission to Referendum Vote.** When such petition demands a referendum vote upon any ordinance or any other legal act other than (a) the

grant, extension or renewal of a franchise or (b) the hiring, retention or firing of an employee, the chief executive officer shall submit said ordinance or act to the qualified electors of said political subdivision at the next succeeding general election therein, and if, at said election, a majority of the electors voting thereon shall vote for the same, it shall thereafter remain in full force and effect; if a majority shall reject the same, it shall thereupon stand repealed.

Sec. 5. Submission of Amendment to Charter. When such petition demands an amendment to a charter, the chief executive officer, shall submit such amendment to the qualified electors of said political subdivision at the next election of any officers therein; and if, at said election, a majority of said electors voting thereon shall vote for such amendment, the same shall thereupon become an amendment to and a part of said

charter, when approved and filed in the same manner and form as an original charter is required to be approved and filed.

Sec. 6. Initiative and Referendum in Home Rule Charter Cities and Boroughs. The provisions of this Act shall not apply to Home Rule Charter Cities and Boroughs except as hereafter provided:

(a) The initiative and referendum shall be provided for in the Charter of Home Rule Charter Cities and Boroughs subject to the restrictions of Section 7, Article XI of the Alaska Constitution.

(b) The Charter provisions shall not require a number of signatures more than one-third of the total votes cast at the immediately preceding general election or special elections called for the purpose of electing city or borough officers in the city or borough concerned, on the initiative or referendum petition.

Became law without signature May 6, 1959

CHAPTER 188

AN ACT

To appropriate the sum of \$60,000.00 to the University of Alaska to plan for the construction of a gymnasium.

(H.B. 208)

Be it enacted by the Legislature of the State of Alaska:

Section 1. There is hereby appropriated to the University of Alaska the sum of \$60,000.00 or so much thereof as may be found necessary, out of any

monies in the General Fund not otherwise appropriated.

Sec. 2. The appropriation herein provided shall be used to plan for the construction, pending a bond election, of a gymnasium at the University of Alaska.

Approved May 6, 1959

CHAPTER 189

AN ACT

Pertaining to ferry transportation; authorizing the Department of Public Works to acquire ferry terminal facilities, to issue certificates of public convenience and necessity to ferry operators; providing standards for rates and services of ferry operators, and enforcement by the Department; authorizing expenditures; and providing for an effective date.

(C.S.H.B. 162)

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Title.** This Act shall be known as "The Alaska Ferry Transpor-