

Introduced: 4/19/77
Referred: Community &
Regional Affairs

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

1 IN THE HOUSE

2 CS HOUSE BILL NO. 483 AM
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making revisions to the Municipal Code (AS 29);
7 and providing for an effective date."

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

9 *Section 1. AS 29.13 is amended by adding a new section to read:

10 Sec. 29.13.090. CHARTER ADOPTION CONCURRENT WITH INCORPORATION.

11 (a) A petition for incorporation of a first class borough may request
12 that the question of election of a charter commission be placed upon
13 the same ballot. If a petition so requests, the lieutenant governor
14 shall place the question "Shall a charter commission be elected to frame
15 a proposed new charter?" on the ballot. The question of election of a
16 charter commission shall follow the question of incorporation.

17 (b) If the question of incorporation and the election of a charter
18 commission are approved, the borough assembly within 30 days after
19 certification of the election results shall order a special election to
20 elect a charter commission. The election shall be held not less than
21 30 nor more than 90 days after the date of the election order. The
22 election order must specify the dates during which nomination petitions
23 for election of charter commission candidates may be filed.

24 (c) The seven candidates receiving the highest number of votes
25 shall immediately organize as a charter commission. Preparation and
26 distribution of the charter as well as conduct of the election on the
27 question of charter adoption shall be in accordance with secs. 40 - 70
28 of this chapter.

29 * Sec. 2. AS 29.23.040 is amended to read:

1 Sec. 29.23.040. REGULAR TERM OF OFFICE. Assemblymen are selected
2 for three-year terms and until their successors are selected and have
3 qualified, unless different terms not exceeding four years are prescribed
4 by borough charter or ordinance. The regular term of office begins on
5 the first Monday following the election. However, if under a borough
6 apportionment city councilmen are appointed as assemblymen or elected
7 to dual assembly-council seats, they may not be replaced until their
8 assembly term expires as provided by city charter or ordinance, or they
9 cease to be a member of either the assembly or council. The current
10 term of incumbent assemblymen may not be altered under this section.
11 This section applies to home rule and general law boroughs.

12 * Sec. 3. AS 29.23.130(c) is amended to read:

13 (c) The borough mayor's regular term of office is three years and
14 until a successor is elected and has qualified and begins on the first
15 Monday following his election [, WHICH IS HELD THE FIRST TUESDAY OF
16 OCTOBER, UNLESS A DIFFERENT DATE OF ELECTION IS PROVIDED BY ORDINANCE].
17 The assembly may provide by ordinance for a different term not to ex-
18 ceed four years, except that the current term of an incumbent borough
19 mayor may not be altered.

20 * Sec. 4. AS 29.23.200(c) is amended to read:

21 (c) Councilmen are selected for three-year terms and until their
22 successors are elected and have qualified [AN ELECTION IS HELD ANNUALLY
23 ON THE FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT ELECTION DATE OR
24 INTERVAL OF YEARS IS PROVIDED BY ORDINANCE, TO CHOOSE COUNCILMEN FOR
25 THREE-YEAR TERMS AND UNTIL THEIR SUCCESSORS ARE ELECTED AND HAVE QUALI-
26 FIED]. The regular term of office begins on the first Monday following
27 the election. The council may provide by ordinance for different terms
28 not to exceed four years, except that the current term of incumbent
29 councilmen may not be altered.

1 * Sec. 5. AS 29.23.210(a) is amended to read:

2 (a) The council shall meet at least once every month, unless
3 otherwise provided by ordinance. Special meetings may be held on the
4 call of the mayor or two councilmen upon not less than 24 hours written
5 or oral notice communicated to each member. In an emergency, a special
6 meeting is a legal meeting if all members are present or if there is a
7 quorum and all absent members have waived in writing the required
8 notice. A waiver may be made either before or after the time of the
9 meeting. The waiver shall be attached to and made a part of the journal
10 for that meeting.

11 * Sec. 6. AS 29.23.250(d) is amended to read:

12 (d) The mayor's regular term begins on the first Monday following
13 his election [, WHICH IS HELD ON THE FIRST TUESDAY OF OCTOBER, UNLESS A
14 DIFFERENT DATE OF ELECTION IS PROVIDED BY ORDINANCE]. The council of a
15 second class city shall meet on the first Monday after the regular
16 election date and elect a mayor who takes office immediately.

17 * Sec. 7. AS 29.23.310 is amended to read:

18 Sec. 29.23.310. ELECTION. Each borough and city school district
19 has a school board. Members are elected at the regular election held
20 annually on the first Tuesday of October, unless a different election
21 date or interval of years is provided by ordinance, for three-year terms
22 and until their successors take office. All board members are elected
23 at large, but school zones for the election of borough school boards
24 may be established, altered, or abolished by ordinance as provided by
25 sec. 20 [100] of this chapter.

26 * Sec. 8. AS 29.33.010(b) is amended to read:

27 (b) No city, whether home rule or not, may exercise an areawide
28 power [CONFERRED IN, OR ASSUMED BY MEANS OF SECS. 250 - 290 OF, THIS
29 CHAPTER] once that power is being exercised by a borough.

1 * Sec. 9. AS 29.33.110(a) is amended to read:

2 (a) The assembly is the board of adjustment for areas outside
3 cities. The city council is the board of adjustment for the area within
4 the city boundaries but may delegate by resolution or ordinance part or
5 all of its functions to the borough [, SUBJECT TO SEC. 70(b)(1) OF THIS
6 CHAPTER,] in addition to making delegations as provided for an assembly
7 under sec. 245 of this chapter. Meetings of the borough board are held
8 at the call of the presiding officer and of the city board by the mayor.
9 The presiding officer or mayor may administer oaths and compel atten-
10 dence of witnesses. Meetings and hearings of the board shall be open to
11 the public and the board shall keep minutes of its proceedings as a
12 public record.

13 * Sec. 10. AS 29.33.190(a) is amended to read:

14 (a) The owner or agent of the owner of land located within a sub-
15 division who transfers, sells, or enters into a contract to sell land in
16 a subdivision before a plat of the subdivision has been prepared,
17 approved, and recorded, is guilty of a misdemeanor and upon conviction
18 is punishable by a fine of not more than \$500 for each lot or parcel
19 transferred, sold, or included in a contract to be sold. The borough
20 [PLATTING BOARD] may enjoin a transfer, sale, or contract to sell, and
21 may recover the penalty by appropriate legal action.

22 * Sec. 11. AS 29.48.180(a) is amended to read:

23 (a) Each ordinance and resolution after adoption shall be codi-
24 fied. Any punishment authorized for violation of an ordinance may be
25 imposed only if the ordinance is codified and copies of the ordinance
26 are made available for distribution to the public.

27 * Sec. 12. AS 29.48.180(c)(2) is a mended to read:

28 (2) the ordinance is a provision included, or to be included,
29 in a code of ordinances or other complete system of positive law

1 promulgated [BY THE COUNCIL] and kept current [BY THE CITY] at reason-
2 able intervals.

3 * Sec. 13. AS 29 is amended by adding a new chapter to read:

4 CHAPTER 59. OBLIGATIONS ISSUED

5 ON BEHALF OF MUNICIPALITIES.

6 Sec. 29.59.010. AUTHORITY TO ISSUE OBLIGATIONS FOR SPECIFIED PUR-
7 POSES. (a) A home rule or general law municipality may establish a
8 public corporation or other municipal instrumentality. This public
9 corporation or other municipal instrumentality may issue obligations to
10 provide the public facilities and services enumerated in AS 29.48.030(a)

11 (b) The public corporation or other municipal instrumentality
12 created under authority of (a) of this section shall be created and
13 operated solely to provide one or more of the public facilities or ser-
14 vices enumerated in AS 29.48.030(a).

15 * Sec. 14. This Act takes effect immediately in accordance with AS 01.10.
16 070(c).

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