

Original sponsor: Community and Regional  
Affairs Committee

Offered: 2/28/78  
Referred: Rules

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 483

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND 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 29.23.040 is amended to read:

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

21 \* Sec. 2. AS 29.23.130(c) is amended to read:

22 (c) The borough mayor's regular term of office is three years and  
23 until a successor is elected and has qualified and begins on the first  
24 Monday following his election [, WHICH IS HELD THE FIRST TUESDAY OF  
25 OCTOBER, UNLESS A DIFFERENT DATE OF ELECTION IS PROVIDED BY ORDINANCE].  
26 The assembly may provide by ordinance for a different term not to exceed  
27 four years, except that the current term of an incumbent borough mayor  
28 may not be altered.

29 \* Sec. 3. AS 29.23.200(c) is amended to read:

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

10 \* Sec. 4. AS 29.23.210(a) is amended to read:

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

20 \* Sec. 5. AS 29.23.250(a) is amended to read:

21           (a) A voter of a home rule or general law city is eligible to  
22 hold the office of mayor, except that a home rule city may prescribe  
23 additional residency and age requirements by charter. The council, for  
24 all other cities, may by ordinance establish residence and age require-  
25 ments for candidates for mayor. A residence requirement established in  
26 a charter or adopted by the council by ordinance may not exceed [EX-  
27 CEEDING] three years. No ordinance adopted or amended under this sub-  
28 section is effective unless first approved by the voters at a general  
29 election or special election called for the purpose.

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

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

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

8 Sec. 29.23.310. ELECTION. Each borough and city school district  
9 has a school board. Members are elected at the regular election held  
10 annually on the first Tuesday of October, unless a different election  
11 date or interval of years is provided by ordinance, for three-year terms  
12 and until their successors take office. All board members are elected  
13 at large, but school zones for the election of borough school boards may  
14 be established, altered, or abolished by ordinance as provided by sec.  
15 20 [100] of this chapter.

16 \* Sec. 8. AS 29.23 is amended by adding a new section to read:

17 Sec. 29.23.320. QUALIFICATION OF SCHOOL BOARD MEMBERS. (a) Ex-  
18 cept as provided in (b) or (c) of this section, a voter of a borough or  
19 city school district is eligible to hold the office of member of the  
20 school board.

21 (b) A home rule municipality may prescribe additional residence or  
22 age requirements for membership on the school board by charter.

23 (c) The assembly or council of a general law municipality may, by  
24 ordinance, establish additional residence or age requirements for mem-  
25 bership on the school board, but no ordinance adopted or amended under  
26 this subsection is effective unless first approved by the voters at a  
27 general election or special election called for the purpose.

28 \* Sec. 9. AS 29.33.010(b) is amended to read:

29 (b) No city, whether home rule or not, may exercise an areawide

1 power [CONFERRED IN, OR ASSUMED BY MEANS OF SECS. 250 - 290 OF, THIS  
2 CHAPTER] once that power is being exercised by a borough.

3 \* Sec. 10. AS 29.33.110(a) is amended to read:

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

15 \* Sec. 11. AS 29.33.190(a) is amended to read:

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

24 \* Sec. 12. AS 29.48.180(a) is amended to read:

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

29 \* Sec. 13. AS 29.48.180(c)(2) is amended to read:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

(2) the ordinance is a provision included, or to be included, in a code of ordinances or other complete system of positive law promulgated [BY THE COUNCIL] and kept current [BY THE CITY] at reasonable intervals.

\* Sec. 14. AS 29.48 is amended by adding a new section to read:

Sec. 29.48.185. RESOLUTIONS. The assembly or council shall provide for the maintenance of a permanent file of resolutions adopted by it. Resolutions shall be recorded serially and maintained by the municipal clerk.

\* Sec. 15. AS 29.53.230(a) is amended to read:

(a) The borough shall enforce delinquent real property tax liens by annual foreclosure [, UNLESS OTHERWISE PROVIDED BY ORDINANCE].

\* Sec. 16. AS 14.12.080 is repealed.

\* Sec. 17. This Act takes effect immediately in accordance with AS 01.-10.070(c).