

Introduced: 2/12/79
Referred: Community &
Regional Affairs

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 137

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the municipal code; and providing
7 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 their election. However, if
15 under a borough apportionment city councilmen are appointed as assem-
16 blymen or elected to dual assembly-council seats, they may not be
17 replaced until their assembly term expires as provided by city charter
18 or ordinance, or they cease to be a member of either the assembly or
19 council. The current term of incumbent assemblymen may not be altered
20 under this section. This section applies to home rule and general law
21 boroughs.

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

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

1 * Sec. 3. AS 29.23.130(d) is amended to read:

2 (d) A borough may adopt or abandon a manager plan at any time,
3 as provided in secs. 410 - 480 of this chapter. The borough mayor may
4 not veto an ordinance or resolution calling for an election on this
5 question. The manager has all the powers and duties of the borough
6 mayor as chief administrative officer. [IF THE MANAGER PLAN IS ADOPTED,
7 IT BECOMES EFFECTIVE FOLLOWING CERTIFICATION OF THE RESULTS OF THE
8 FIRST REGULAR ELECTION OCCURRING AT LEAST SIX MONTHS AFTER ADOPTION OF
9 THE PLAN.] The borough mayor then serves as borough executive.

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

11 (c) Councilmen are selected [AN ELECTION IS HELD ANNUALLY ON THE
12 FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT ELECTION DATE OR INTERVAL
13 OF YEARS IS PROVIDED BY ORDINANCE, TO CHOOSE COUNCILMEN] for three-
14 year terms and until their successors are elected and have qualified.
15 The regular term of office begins on the first Monday following the
16 election. The council may provide by ordinance for different terms
17 not to exceed four years, except that the current term of incumbent
18 councilmen may not be altered.

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

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

29 * Sec. 6. AS 29.23.250(c) is amended to read:

1 (c) The mayor of a second class city is elected by and from the
2 council for a term of one year and until a successor is elected and
3 has qualified [EQUAL IN LENGTH TO A COUNCILMAN'S TERM].

4 * Sec. 7. AS 29.23.250(d) is amended to read:

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

10 * Sec. 8. AS 29.23.440(a) is amended to read:

11 (a) If the manager plan is approved, the assembly or council
12 shall, within 60 days, adopt the plan by ordinance or resolution.

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

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

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

18 (a) The assembly is the board of adjustment for areas outside
19 cities. The city council is the board of adjustment for the area
20 within the city boundaries but may delegate by resolution or ordinance
21 part or all of its functions to the borough [, SUBJECT TO SEC. 70(b)(1)
22 OF THIS CHAPTER,] in addition to making delegations as provided for an
23 assembly under sec. 245 of this chapter. Meetings of the borough
24 board are held at the call of the presiding officer and of the city
25 board by the mayor. The presiding officer or mayor may administer
26 oaths and compel attendance of witnesses. Meetings and hearings of
27 the board shall be open to the public and the board shall keep minutes
28 of its proceedings as a public record.

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

1 (a) The owner or agent of the owner of land located within a
2 subdivision who transfers, sells, or enters into a contract to sell
3 land in a subdivision before a plat of the subdivision has been pre-
4 pared, approved, and recorded, is guilty of a misdemeanor and upon
5 conviction is punishable by a fine of not more than \$500 for each lot
6 or parcel transferred, sold, or included in a contract to be sold.
7 The borough [PLATTING BOARD] may enjoin a transfer, sale, or contract
8 to sell, and may recover the penalty by appropriate legal action.

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

10 (a) Each ordinance [AND RESOLUTION] after adoption shall be
11 codified.

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

13 (2) the ordinance is a provision which establishes a rule
14 of conduct or behavior and which is included, or to be included, in a
15 code of ordinances or other complete system of [POSITIVE] law promul-
16 gated [BY THE COUNCIL] and kept current [BY THE CITY] at reasonable
17 intervals.

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

19 Sec. 29.48.185. RESOLUTIONS. The assembly or council shall
20 provide for the maintenance of a permanent file of resolutions that
21 have been adopted.

22 * Sec. 15. AS 29.48.200 is amended to read:

23 Sec. 29.48.200. PENALTIES. For the violation of an ordinance,
24 the assembly or council may prescribe punishment not to exceed a fine
25 of \$500 or imprisonment for 30 days, or both. However, the punishment
26 authorized under this section may be imposed only if [AN ORDINANCE IS
27 CODIFIED AND] copies of the ordinance are made available for distri-
28 bution to the public at cost.

29 * Sec. 16. AS 29 is amended by adding a new chapter to read:

1 CHAPTER 59. OBLIGATIONS ISSUED ON BEHALF
2 OF MUNICIPALITIES.

3 Sec. 29.59.010. AUTHORITY TO ISSUE OBLIGATIONS FOR SPECIFIED
4 PURPOSES. (a) A general law municipality may establish a public
5 corporation or other municipal instrumentality. This public corpora-
6 tion or other municipal instrumentality may issue obligations to
7 provide the public facilities and services enumerated in AS 29.48.-
8 030(a).

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

13 * Sec. 17. This Act takes effect immediately in accordance with AS 01.-
14 10.070(c).