

Original sponsor: Rules/Governor

Offered: 3/8/79  
Referred: Rules

1 IN THE SENATE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR 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 certification of the election.

15 However, if under a borough apportionment city councilmen are appointed  
16 as assemblymen or elected to dual assembly-council seats, they may not  
17 be replaced until their assembly term expires as provided by city char-  
18 ter 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 and  
24 until a successor is elected and has qualified and begins on the first  
25 Monday following certification of the mayor's [HIS] election [, WHICH IS  
26 HELD THE FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT DATE OF ELECTION  
27 IS PROVIDED BY ORDINANCE]. The assembly may provide by ordinance for a  
28 different term not to exceed four years, except that the current term of  
29 an incumbent 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, as  
3 provided in AS 29.23.410 - 29.23.480. The borough mayor may not veto an  
4 ordinance or resolution calling for an election on this question. The  
5 manager has all the powers and duties of the borough mayor as chief  
6 administrative officer. [IF THE MANAGER PLAN IS ADOPTED, IT BECOMES  
7 EFFECTIVE FOLLOWING CERTIFICATION OF THE RESULTS OF THE FIRST REGULAR  
8 ELECTION OCCURRING AT LEAST SIX MONTHS AFTER ADOPTION OF THE PLAN.] The  
9 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-year  
14 terms and until their successors are elected and have qualified. The  
15 regular term of office begins on the first Monday following certifica-  
16 tion of the election. The council may provide by ordinance for  
17 different terms not to exceed four years, except that the current term  
18 of incumbent 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 written  
23 or oral notice communicated to each member. In an emergency, a special  
24 meeting called on less than 24 hours notice is a legal meeting if all  
25 members are present or there is a quorum and all absent members have  
26 waived in writing the required notice. A waiver may be made either  
27 before or after the time of the meeting. The waiver shall be attached  
28 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 certification of the mayor's [HIS] election [, WHICH IS HELD ON THE  
7 FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT DATE OF ELECTION IS PRO-  
8 VIDED BY ORDINANCE]. The council of a second class city shall meet on  
9 the first Monday after certification of the regular election [DATE] and  
10 elect a mayor who takes office immediately.

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

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

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

15 (b) No city, whether home rule or not, may exercise an areawide  
16 power [CONFERRED IN, OR ASSUMED BY MEANS OF AS 29.33.250 - 29.33.290]  
17 once that power is being exercised by a borough.

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

19 (a) The assembly is the board of adjustment for areas outside  
20 cities. The city council is the board of adjustment for the area within  
21 the city boundaries but may delegate by resolution or ordinance part or  
22 all of its functions to the borough [, SUBJECT TO AS 29.33.070(b)(1),]  
23 in addition to making delegations as provided for an assembly under  
24 AS 29.33.245. Meetings of the borough board are held at the call of the  
25 presiding officer and of the city board by the mayor. The presiding  
26 officer or mayor may administer oaths and compel attendance of witnes-  
27 ses. Meetings and hearings of the board shall be open to the public and  
28 the board shall keep minutes 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 land  
3 in a subdivision before a plat of the subdivision has been prepared,  
4 approved, and recorded, is guilty of a misdemeanor and upon conviction  
5 is punishable by a fine of not more than \$500 for each lot or parcel  
6 transferred, sold, or included in a contract to be sold. The borough  
7 [PLATTING BOARD] may enjoin a transfer, sale, or contract to sell, and  
8 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 codi-  
11 fied.

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

13 (2) the ordinance is a provision which establishes a rule of  
14 conduct or behavior and which is included, or to be included, in a code  
15 of ordinances or other complete system of [POSITIVE] law enacted [PRO-  
16 MULGATED 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 pro-  
20 vide for the maintenance of a permanent file of resolutions that have  
21 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, the  
24 assembly or council may prescribe punishment not to exceed a fine of  
25 \$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 29.59 is repealed and re-enacted 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 home rule or general law municipality may establish a  
5 public corporation or other municipal instrumentality. This public  
6 corporation 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. AS 29.63.065(b)(2) is amended to read:

14 (2) a claimant receiving the exemption must file with the  
15 department by March [JANUARY] 15 of each subsequent year a separate  
16 application proving eligibility as of January 1 in order to retain the  
17 exemption. Within the same year the department [THE ASSEMBLY OR  
18 COUNCIL] for good cause shown may waive the claimant's failure to make  
19 timely application and approve the application as if timely filed.

20 \* Sec. 18. This Act takes effect immediately in accordance with AS 01.-  
21 10.070(c).