

Original sponsor: Rules/Governor

Offered: 4/3/79

1 IN THE SENATE

BY THE RULES COMMITTEE

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CS FOR SENATE BILL NO. 137 (Rules)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL.

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For an Act entitled: "An Act relating to the municipal code; and providing
7 for an effective date."

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

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* Section 1. AS 29.23.040 is amended to read:

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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.

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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.

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

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(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 29.63.065(b)(2) is amended to read:

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

7 * Sec. 17. AS 29.59 is repealed.

8 * Sec. 18. This Act takes effect immediately in accordance with AS 01.-
9 10.070(c).

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