

CORRECTION

HCS CSSB 137 am H

Please discard all copies of the Bill and retain this corrected version.

Original sponsor: Rules/Governor

Offered: 4/27/79
Referred: Rules

1 IN THE SENATE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2

HOUSE CS FOR CS FOR SENATE BILL NO. 137 am H

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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 is amended by adding new sections to read:

10

Sec. 29.23.021. ASSEMBLY COMPOSITION AND APPORTIONMENT. (a)

11

Assembly composition and apportionment shall be consistent with the
12 equal representation standards of the Constitution of the United States.

13

(b) The assembly of a newly incorporated borough is, after incor-
14 poration and until the adoption of an ordinance providing for a change
15 in composition or apportionment, composed of the number of members and
16 apportioned as set out in the incorporation petition approved by the
17 voters. If a borough is already incorporated, the assembly shall be
18 composed and apportioned in a manner that is consistent with AS 29.23.-
19 023 and prescribed by charter or ordinance.

20

(c) An assembly may not provide for weighted voting.

21

Sec. 29.23.023. COMPOSITION AND REPRESENTATION REQUIREMENTS FOR
22 GENERAL LAW BOROUGHES. (a) The borough assembly shall provide for its
23 composition and for the form of its representation. Not later than
24 July 31, 1981, and thereafter within four months after the report of
25 a federal decennial census, the assembly shall propose and submit to
26 the voters at a regular election or special election called for the
27 purpose alternative forms of representation by which members are

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(1) elected at large by all qualified voters of the borough;

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(2) elected at large by all qualified voters of the borough,

1 but required to live within an election district or zone established by
2 the borough for election of assembly members, with each district or zone
3 being of substantially equal population; or

4 (3) elected by and from election districts or zones estab-
5 lished by the borough for the election of borough assembly members.

6 (b) The proposals set out in (a) of this section shall be sub-
7 mitted to the voters. The vote on the proposals submitted to the
8 voters shall be tabulated in two separate classifications. One
9 classification shall consist of all votes cast in the first class and
10 home rule cities in the borough. The other classification shall
11 consist of all votes cast in the remaining area of the borough. The
12 borough assembly shall, within three months of the certification of the
13 results of the election, adopt an ordinance providing for its composi-
14 tion and the form or representation which conforms to the form of
15 representation receiving a plurality of the votes in each classification
16 at that election.

17 (c) A member of the assembly of a general law borough may not be
18 elected or appointed by and from the council of a city in the borough.

19 Sec. 29.23.025. ASSEMBLY RECOMPOSITION AND REAPPORTIONMENT. (a)
20 Not later than July 31, 1981, and, thereafter, within four months after
21 the official report of a federal decennial census, the assembly shall
22 determine and declare by resolution if the existing apportionment of the
23 assembly meets the applicable standards of AS 29.23.021 - 29.23.023.

24 (b) If the existing apportionment of the assembly does not meet
25 the applicable standards of AS 29.23.021 - 29.23.023, the assembly shall
26 provide by ordinance for its reapportionment. At the same time, the
27 assembly may change the composition of the assembly.

28 (c) In addition to providing for apportionment at the times re-
29 quired under (b) of this section, the borough assembly shall provide by

1 ordinance for its reapportionment and may provide for a change in its
2 composition whenever it determines, on the basis of federal census
3 reports or other reliable population data, that the existing apportionment
4 does not meet the standards for apportionment in AS 29.23.021. If
5 a petition signed by not less than 50 borough voters requests the
6 assembly to determine whether the existing apportionment meets the
7 standards for apportionment in AS 29.23.021, and the petition contains
8 evidence that the existing apportionment does not meet those standards,
9 the assembly shall make the determination requested.

10 (d) An ordinance adopted by the assembly under (b) or (c) of this
11 section shall be submitted to the voters for approval. In order for the
12 ordinance to be approved it must receive the approval of a majority of
13 the votes cast.

14 (e) Within four months of a determination by the assembly that the
15 current apportionment does not meet the standards of AS 29.23.021 -
16 29.23.025; the assembly shall adopt an ordinance providing for reapportionment,
17 and submit the ordinance to the voters. If, at the end of the
18 four month time period, an ordinance providing for reapportionment has
19 not been approved, the Department of Community and Regional Affairs
20 shall provide for the reapportionment in accordance with the standards
21 of AS 29.23.021 - 29.23.023.

22 (f) A reapportionment ordinance, or a determination of the borough
23 assembly that applicable standards do not require adoption of a change
24 in apportionment, is subject to judicial review.

25 (g) A change in assembly apportionment or composition under this
26 section is effective beginning with the first regular election for
27 members of the assembly which follows approval of a reapportionment
28 ordinance.

29 * Sec. 2. AS 29.13.100(3) is repealed and re-enacted to read:

1 (3) AS 29.23.021; 29.23.025 - 29.23.050 (composition and
2 apportionment of borough assembly; borough assembly recomposition and
3 reapportionment; assembly representation)

4 * Sec. 3. AS 29.18.050(4) is amended to read:

5 (4) composition and apportionment of the assembly or council
6 but the number of members of a borough assembly may not exceed 11;

7 * Sec. 4. AS 29.23.040 is amended to read:

8 Sec. 29.23.040. REGULAR TERM OF OFFICE. Assemblymen are selected
9 for three-year terms and until their successors are selected and have
10 qualified, unless different terms not exceeding four years are pre-
11 scribed by borough charter or ordinance. The regular term of office
12 begins on the first Monday following certification of the election.

13 [HOWEVER, IF UNDER A BOROUGH APPORTIONMENT CITY COUNCILMEN ARE APPOINTED
14 AS ASSEMBLYMEN OR ELECTED TO DUAL ASSEMBLY-COUNCIL SEATS, THEY MAY NOT
15 BE REPLACED UNTIL THEIR ASSEMBLY TERM EXPIRES AS PROVIDED BY CITY CHAR-
16 TER OR ORDINANCE, OR THEY CEASE TO BE A MEMBER OF EITHER THE ASSEMBLY OR
17 COUNCIL.] The current term of incumbent assemblymen may not be altered
18 under this section. This section applies to home rule and general law
19 boroughs.

20 * Sec. 5. AS 29.23.130(c) is amended to read:

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

28 * Sec. 6. AS 29.23.130(d) is amended to read:

29 (d) A borough may adopt or abandon a manager plan at any time, as

1 provided in AS 29.23.410 - 29.23.480. The borough mayor may not veto an
2 ordinance or resolution calling for an election on this question. The
3 manager has all the powers and duties of the borough mayor as chief
4 administrative officer. [IF THE MANAGER PLAN IS ADOPTED, IT BECOMES
5 EFFECTIVE FOLLOWING CERTIFICATION OF THE RESULTS OF THE FIRST REGULAR
6 ELECTION OCCURRING AT LEAST SIX MONTHS AFTER ADOPTION OF THE PLAN.] The
7 borough mayor then serves as borough executive.

8 * Sec. 7. AS 29.23.200(c) is amended to read:

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

17 * Sec. 8. AS 29.23.210(a) is amended to read:

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

27 * Sec. 9. AS 29.23.250(c) is amended to read:

28 (c) The mayor of a second class city is elected by and from the
29 council for a term of one year and until a successor is elected and

1 has qualified [EQUAL IN LENGTH TO A COUNCILMAN'S TERM].

2 * Sec. 10. AS 29.23.250(d) is amended to read:

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

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

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

12 * Sec. 12. AS 29.33.010(b) is amended to read:

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

16 * Sec. 13. AS 29.33.070(b)(2) and (3) are amended to read:

17 (2) delegate other planning and zoning powers conferred by
18 this chapter [ADMINISTRATIVE AND ENFORCEMENT RESPONSIBILITIES] to a
19 [THE] city within the borough [, PROVIDED THAT BOROUGH JURISDICTION IS
20 NOT IMPAIRED];

21 (3) revoke or modify any part or all of the [WITHDRAW] powers
22 delegated under this subsection.

23 * Sec. 14. AS 29.33.110(a) is repealed and re-enacted to read:

24 (a) The assembly is the board of adjustment but may delegate by
25 resolution or ordinance part or all of its functions to a city within
26 the borough for the area within city boundaries in accordance with
27 AS 29.33.070(b)(1), in addition to making delegations as provided for an
28 assembly under AS 29.33.245. Meetings of the borough board are held at
29 the call of the presiding officer and of the city board by the mayor.

1 The presiding officer or mayor may administer oaths and compel atten-
2 dance of witnesses. Meetings and hearings of the board shall be open to
3 the public and the board shall keep minutes of its proceedings as a
4 public record.

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

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

14 * Sec. 16. AS 29.48.180(a) is amended to read:

15 (a) Each ordinance [AND RESOLUTION] after adoption shall be codi-
16 fied.

17 * Sec. 17. AS 29.48.180(c)(2) is amended to read:

18 (2) the ordinance is a provision which establishes a rule of
19 conduct or behavior and which is included, or to be included, in a code
20 of ordinances or other complete system of [POSITIVE] law enacted [PRO-
21 MULGATED BY THE COUNCIL] and kept current [BY THE CITY] at reasonable
22 intervals.

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

24 Sec. 29.48.185. RESOLUTIONS. The assembly or council shall pro-
25 vide for the maintenance of a permanent file of resolutions that have
26 been adopted.

27 * Sec. 19. AS 29.48.200 is amended to read:

28 Sec. 29.48.200. PENALTIES. For the violation of an ordinance, the
29 assembly or council may prescribe punishment not to exceed a fine of

1 \$500 or imprisonment for 30 days, or both. However, the punishment
2 authorized under this section may be imposed only if [AN ORDINANCE IS
3 CODIFIED AND] copies of the ordinance are made available for distri-
4 bution to the public at cost.

5 * Sec. 20. AS 29.58.200 is amended by adding new subsections to read:

6 (b) A municipality may issue its revenue bonds to finance the
7 purchase of residential mortgage loans. The revenue bonds issued under
8 this subsection are payable solely from the principal and interest of
9 the mortgage loans and from any other amounts pledged by the municipal-
10 ity, except the pledge of revenues derived from taxes. Revenue bonds
11 issued under this subsection do not constitute a general obligation of
12 the municipality.

13 (c) A municipality may also issue revenue bonds for any lawful
14 purpose. The bonds shall be payable from any amounts pledged by the
15 municipality except taxes and shall not constitute general obligations
16 of the municipality.

17 * Sec. 21. AS 29.58.210 is amended to read:

18 Sec. 29.58.210. FORMS AND TERMS. The assembly or council shall
19 fix the date of the bonds, denominations, maturities, rate or rates of
20 interest, place and manner of payment, redemption terms, registration
21 privileges, manner of execution, [AND] signatures required, and other
22 details of the bonds. If an officer whose signature appears on the
23 bonds or coupons ceases to be an officer before delivery of the bonds,
24 his signature is valid as if he had remained in office until delivery.

25 * Sec. 22. AS 29.58.220 is amended to read:

26 Sec. 29.58.220. PAYMENT. Bonds issued under AS 29.58.200 -
27 29.58.220 or the proceedings of the assembly or council authorizing
28 their issuance may contain the covenants which the assembly or council
29 considers advisable concerning

1 (1) the rates or fees to be charged for services rendered by
2 the public facilities, the revenue of which is pledged to the payment of
3 the bonds, or the terms and conditions of any other amounts collected
4 which are pledged to the payment of the bonds;

5 (2) the deposit and use of the revenue of the public facili-
6 ties or of other amounts collected which are pledged to the payment of
7 the bonds;

8 (3) the issuance of additional bonds payable from revenue of
9 the public facilities or of other amounts collected which are pledged
10 to the payment of the bonds;

11 (4) the rights of the bondholders in case of default in the
12 payment of the principal or interest on the bonds, including the appoint-
13 ment of a receiver to operate the public facilities;

14 (5) other covenants as the assembly or council determines."

15 * Sec. 23. AS 29.63.065(b)(2) is amended to read:

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

22 * Sec. 24. AS 29.23.020 is repealed.

23 * Sec. 25. AS 29.59 is repealed.

24 * Sec. 26. Notwithstanding AS 29.23.040, amended by sec. 4 of this Act,
25 the terms of office of borough assemblymen elected or appointed to dual
26 borough assembly - city council seats are not affected by the amendment made
27 to AS 29.25.040 in sec. 4 of this Act until reapportionment of the borough
28 assembly is required or proposed under AS 29.23.020, repealed by sec. 21 of
29 this Act, or is effected as required or proposed under AS 29.23.021 - 29.23.-

1 025, added by sec. 1 of this Act.

2 * Sec. 27. Sections 1 - 3 and 24 of this Act take effect January 1, 1981.
3 Sections 4 - 23, 25 and 26 of this Act take effect immediately in accordance
4 with AS 01.10.070(c).

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