

Introduced: 3/25/85
Referred: Community & Regional
Affairs and Judiciary

1 IN THE HOUSE

BY KOPONEN, HURLEY AND MARROU

2

HOUSE BILL NO. 325

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to home rule municipalities, author-
7 izing the incorporation of town meeting home rule
8 cities; and providing for an effective date."

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

10 * Section 1. AS 04.11.090(e) is amended to read:

11 (e) A holder of a beverage dispensary license may not maintain
12 upon the licensed premises more than one room in which there is regu-
13 larly maintained a fixed counter or service bar at which alcoholic
14 beverages are sold or served to members of the public for consumption
15 unless the holder of a beverage dispensary license [HE] is issued by
16 the board, after investigation, a duplicate of the original license
17 for each of the rooms. The holder of the beverage dispensary license
18 shall pay to the board with each application for a duplicate license
19 an amount equal to the fee payable for the original beverage dispen-
20 sary license under (b) of this section. If the licensed premises are
21 located within a municipality, a duplicate beverage dispensary license
22 may not be issued unless approved by the local governing body [COUNCIL
23 OR ASSEMBLY, AS APPROPRIATE].

24 * Sec. 2. AS 04.21.080(b)(10) is amended to read:

25 (10) "local governing body" means, as appropriate, a city
26 council, a borough assembly, the voters of a town meeting home rule
27 city acting in a town council meeting, or a traditional village coun-
28 cil, but does not include a corporation established under the Alaska
29 Native Claims Settlement Act;

1 * Sec. 3. AS 08.60.060 is amended to read:

2 Sec. 08.60.060. CERTIFICATE OF LOCATION. A person using or
3 proposing to use a location for a commercial or public junk yard must
4 obtain a certificate of approval for the location. If the location is
5 in a city of any class, the certificate shall be procured from the
6 governing body [CITY COUNCIL] or its designee. If the location is
7 outside the city limits but within the boundaries of an organized
8 borough, the certificate shall be procured from the assembly of the
9 organized borough or its designee. If the location is outside an
10 incorporated city or borough, the certificate of location shall be
11 obtained from the commissioner of public safety.

12 * Sec. 4. AS 08.60.070 is amended to read:

13 Sec. 08.60.070. STANDARDS FOR LOCATION AND REGULATION. The
14 commissioner of public safety and the governing body of a municipality
15 [, THE CITY COUNCIL, AND ORGANIZED BOROUGH ASSEMBLY], in considering
16 applications and regulations, shall take into account

17 (1) the nature and development of surrounding property;

18 (2) the need to protect the local economy, adjacent land
19 owners, and the motoring public from economically depressing and
20 unsightly roadside locations;

21 (3) the proximity of churches, schools, hospitals, public
22 buildings, recreation areas, or other places of public gathering;

23 (4) the sufficiency in number of other similar business
24 establishments in the vicinity;

25 (5) the adequacy of fences and other types of enclosures to
26 prevent the unsightly display of a junk yard;

27 (6) the health, safety, and general welfare of the public;

28 (7) the suitability of the applicant to establish, main-
29 tain, or operate the business under AS 08.60.050 - 08.60.100.

1 * Sec. 5. AS 14.12.010 is amended to read:

2 Sec. 14.12.010. DISTRICTS OF STATE PUBLIC SCHOOL SYSTEM. The
3 districts of the state public school system are as follows:

4 (1) each representative home rule city and each first class
5 city in the unorganized borough is a city school district;

6 (2) each organized borough is a borough school district;

7 (3) the area outside organized boroughs and outside first
8 class cities is divided into regional educational attendance areas.

9 * Sec. 6. AS 15.13.010(a) is amended to read:

10 (a) This chapter applies in every election for governor, lieu-
11 tenant governor, a member of the state legislature, a delegate to a
12 constitutional convention, or judge seeking electoral confirmation.
13 It also applies to every candidate for election to a municipal office
14 in a city or borough with a population of more than 1,000 inhabitants
15 according to the latest United States census figures or estimates of
16 population certified as correct for administrative purposes by the
17 Department of Community and Regional Affairs. A municipality may
18 exempt its elected municipal officers from the requirements of this
19 chapter if a majority of the voters voting on the question at any
20 regular election, as defined by AS 29.78.010(14), or a special munic-
21 ipality-wide election called for that purpose, vote to exempt its
22 elected municipal officers from the requirements of this chapter. The
23 question of exemption from the requirements of this chapter may be
24 submitted by [THE CITY COUNCIL OR BOROUGH ASSEMBLY BY] ordinance
25 adopted by the governing body or by initiative ordinance. Nothing in
26 this chapter prohibits a municipality from regulating by ordinance
27 campaign contributions and expenditures.

28 * Sec. 7. AS 29.08.010 is amended to read:

29 Sec. 29.08.010. HOME RULE. A home rule municipality is a

1 municipal corporation and political subdivision and is a unified
2 municipality, representative or town meeting home rule city, [OF THE
3 FIRST CLASS] or an organized borough that has adopted a home rule
4 charter. It has all legislative powers not prohibited by law or
5 charter.

6 * Sec. 8. AS 29.13.010 is amended to read:

7 Sec. 29.13.010. MUNICIPAL CHARTER ADOPTION. (a) A first class
8 municipality, [OR] second class borough, or second class city may
9 adopt a charter for its own government in accordance with AS 29.13.-
10 025 - 29.13.070. [A HOME RULE MUNICIPALITY MAY AMEND ITS CHARTER OR
11 ADOPT A NEW ONE.]

12 (b) A proposed charter for an existing municipality is framed by
13 a charter commission of seven members chosen by the municipal voters
14 at a regular or special election. A candidate for the commission
15 shall be a qualified voter of the municipality and a resident of the
16 municipality for three years immediately preceding the election.

17 (c) A charter commission election is called by filing a petition
18 with the borough assembly or the city council, or by resolution of the
19 borough assembly or city council. The petition shall be signed by a
20 number of municipal voters equal to 15 percent of the votes cast in
21 the last regular election of the municipality.

22 * Sec. 9. AS 29.13.010 is amended by adding new subsections to read:

23 (d) Upon adoption of a charter a

24 (1) first class city shall become a representative home
25 rule city or town meeting home rule city; and

26 (2) second class city shall become a town meeting home rule
27 city.

28 (e) At an election to incorporate as a city, an unincorporated
29 community may adopt a charter for its own government and incorporate

1 as a town meeting home rule city. The proposed charter for an unin-
2 corporated community shall be prepared by the petitioners and filed
3 with the petition to incorporate a town meeting home rule city under
4 AS 29.18.050.

5 (f) A home rule municipality may adopt a new charter.

6 * Sec. 10. AS 29.13.030 is amended to read:

7 Sec. 29.13.030. ELECTION. At the charter commission election
8 the voters of the existing municipality shall consider the question
9 "Shall a charter commission be elected to frame a proposed new char-
10 ter?" and shall select the members of the commission. If the question
11 is approved, the seven candidates receiving the highest number of
12 votes shall immediately organize as a charter commission.

13 * Sec. 11. AS 29.13.070 is amended to read:

14 Sec. 29.13.070. CHARTER ADOPTION OR REJECTION. (a) If a major-
15 ity of those voting in an existing municipality [ON THE QUESTION]
16 favor the proposed charter or if a majority of those voting in an
17 unincorporated community favor incorporation of a town meeting home
18 rule city, the charter, [IT] becomes the organic law of the municipal-
19 ity. Thereafter, the court shall take judicial notice of the charter.
20 The municipality shall file the indicated number of copies of the
21 charter with the

22 (1) lieutenant governor - two copies;

23 (2) Department of Community and Regional Affairs - two
24 copies;

25 (3) district recorder - one copy;

26 (4) municipal clerk - one copy.

27 (b) If a proposed charter for an existing municipality is re-
28 jected, the charter commission shall prepare another proposed charter
29 to be submitted to the voters at a regular or special election to be

1 held within one year after the date of the first charter election. If
2 the second proposed charter is also rejected, the charter commission
3 shall be dissolved and the question of adoption of a charter shall be
4 treated as if it had never been proposed or approved.

5 * Sec. 12. AS 29.13.070 is amended by adding a new subsection to read:

6 (c) If incorporation of a town meeting home rule city is reject-
7 ed by the voters in an unincorporated community, the proposed charter
8 is rejected.

9 * Sec. 13. AS 29.13 is amended by adding a new section to read:

10 Sec. 29.13.072. CHARTERS FOR TOWN MEETING HOME RULE CITIES. A
11 town meeting home rule city shall be governed as a direct democracy
12 through town council meetings. In addition to other requirements for
13 a home rule charter, the charter of a town meeting home rule city
14 shall provide for

15 (1) regular town council meetings to be held at least once
16 each year;

17 (2) a procedure for calling a special town council meeting
18 by the voters;

19 (3) the preparation of an agenda for each town council
20 meeting, including a procedure to enable any voter to insert an item
21 into the agenda;

22 (4) the election and term of office of a moderator to
23 preside over town council meetings;

24 (5) procedures for conducting town council meetings, in-
25 cluding procedures for voting and adopting ordinances and resolutions;

26 (6) preparation and distribution to the voters of a report
27 of actions taken at each town council meeting;

28 (7) the election and term of office of at least three
29 council members to provide for the administration of the city and

1 carry out the duties prescribed by law or charter; and

2 (8) the appointment or election of a finance committee that
3 shall be responsible for the preparation of the city budget for each
4 fiscal year, submit the budget to the voters at a town council meeting
5 for approval, and perform other duties prescribed by charter or ordi-
6 nance.

7 * Sec. 14. AS 29.13.080 is amended to read:

8 Sec. 29.13.080. CHARTER AMENDMENT. A municipal charter may be
9 amended as provided in the charter or by initiative or referendum [AS
10 PROVIDED IN AS 29.28.060 - 29.28.110], except that an amendment is not
11 effective unless

12 (1) ratified by the voters; or

13 (2) in a town meeting home rule city, approved by the
14 voters at a town council meeting.

15 * Sec. 15. AS 29.18.011 is amended by adding a new subsection to read:

16 (c) A community that meets the standards established in (a)(2) -
17 (4) of this section may incorporate as a town meeting home rule city.

18 * Sec. 16. AS 29.18.050 is amended to read:

19 Sec. 29.18.050. PETITION. Municipal incorporation is proposed
20 by filing a petition with the Department of Community and Regional
21 Affairs. The petition shall include the following information about
22 the proposed municipality:

23 (1) class;

24 (2) name;

25 (3) boundaries;

26 (4) unless the proposed municipality is a town meeting home
27 rule city, composition and apportionment of the assembly or council;

28 (5) for a first class borough, a designation of areawide
29 powers to be exercised;

1 (6) for a second class borough, a designation of areawide
2 and nonareawide powers to be exercised;

3 (7) maps, documents, and other information required by the
4 Department of Community and Regional Affairs;

5 (8) for a first class city [INCORPORATION], the signatures
6 and resident address of 50 permanent resident voters or of 15 percent
7 of the permanent resident voters within the proposed municipality,
8 whichever is greater, based on the number who voted in the area in the
9 last general election;

10 (9) for a town meeting home rule city or a second class
11 city [INCORPORATION], the signature and resident address of 25 perma-
12 nent resident voters or of 15 percent of the permanent resident voters
13 within the proposed municipality, whichever is greater, based on the
14 number who voted in the area in the last general election;

15 (10) for a borough [INCORPORATION], the signature and resi-
16 dent address of 15 percent of the permanent resident voters in each
17 first class city and 15 percent of voters in the area outside first
18 class cities based on the number who voted in the respective areas in
19 the last general election;

20 (11) for a first or second class city, a designation of the
21 powers proposed by the petitioners to be exercised;

22 (12) a proposed operating budget for the municipality pro-
23 jecting sources of income and items of expenditure through the first
24 full fiscal year of operation;

25 (13) for a town meeting home rule city, a proposed home rule
26 charter.

27 * Sec. 17. AS 29.18.110 is amended by adding a new subsection to read:

28 (e) A home rule charter included in an incorporation petition
29 under AS 29.18.050(13) is considered part of the incorporation

1 question. The home rule charter is adopted if the voters approve
2 incorporation of the town meeting home rule city.

3 * Sec. 18. AS 29.18.180(a) is amended to read:

4 (a) For the purpose of defraying the cost of transition to
5 borough or city government and in order to provide for development and
6 interim governmental operations, each borough and city incorporated
7 after January 1, 1968, or, in the case of a second class city, incor-
8 porated or reclassified after January 1, 1968, other than a unified
9 municipality incorporated under the provisions of AS 29.68.240 -
10 29.68.440 or former AS 29.85, or a municipality otherwise incorporated
11 by consolidation, is entitled to an organization grant equal to \$10
12 for every voter who voted in the borough or city incorporation elec-
13 tion. However, each incorporated borough, [AND EACH] first class
14 city, and town meeting home rule city incorporated or established by
15 reclassification outside an organized borough is entitled to at least
16 \$25,000.

17 * Sec. 19. AS 29.23.200 is amended to read:

18 Sec. 29.23.200. COMPOSITION, ELIGIBILITY, ELECTION AND TERM.
19 (a) Each first class representative home rule city has a council of
20 six members elected by the voters at large. Each first or second
21 class town meeting home rule city has a council consisting of all
22 permanent resident voters within the city boundaries [SEVEN MEMBERS
23 ELECTED BY THE VOTERS AT LARGE]. The council of a first [OR SECOND]
24 class representative home rule city may by ordinance provide for
25 election of members other than on an at-large basis for all members.

26 (b) A city voter is eligible to hold office as a member of the
27 council. The council may by ordinance establish residence require-
28 ments for council members not exceeding three years. A council member
29 who ceases to be eligible to be a city voter immediately forfeits that

1 office.

2 (c) Except for town meeting home rule cities, council members
3 [COUNCILMEN] are selected for three-year terms and until their succes-
4 sors are elected and have qualified. The regular term of office
5 begins on the first Monday following certification of the election.
6 The council may provide by ordinance for different terms not to exceed
7 four years, except that the current term of incumbent councilmen may
8 not be altered.

9 * Sec. 20. AS 29.23.210 is amended by adding a new subsection to read:

10 (e) This section applies to representative home rule cities and
11 general law cities.

12 * Sec. 21. AS 29.23.250(a) is amended to read:

13 (a) A voter of a representative home rule or a general law city
14 is eligible to hold the office of mayor, except that a representative
15 home rule city may prescribe additional residency requirements by
16 charter. The council, for all other cities except town meeting home
17 rule cities, may by ordinance establish residence requirements for
18 candidates for mayor not exceeding three years.

19 * Sec. 22. AS 29.23.255 is amended by adding a new subsection to read:

20 (b) This section applies to general law and home rule municipal-
21 ities except town meeting home rule cities.

22 * Sec. 23. AS 29.23.540(c) is amended to read:

23 (c) A state employee or school district employee may not be
24 denied the right to serve as an elected municipal official because of
25 employment by the state or a school district unless specifically
26 prohibited by charter or ordinance [OF A MUNICIPALITY,] adopted at a
27 special or general election or at a town council meeting election.
28 However, a school district employee may not serve on a school district
29 board in the school district where employed. [PROVISIONS OF THIS

1 SECTION DO NOT APPLY TO TERM OF OFFICE IN EFFECT ON AUGUST 24, 1976.]

2 * Sec. 24. AS 29.28.010(a) is amended to read:

3 (a) The governing body [BOROUGH ASSEMBLY OR CITY COUNCIL] shall
4 prescribe the general rules for conducting regular and special municipi-
5 pal elections and appoint at least three judges for each polling
6 place. The general rules for conducting town council meeting elec-
7 tions shall be prescribed in the charter of a town meeting home rule
8 city. A [THE] municipality may not alter the voter qualification
9 requirements of this title.

10 * Sec. 25. AS 29.28.250 is amended to read:

11 Sec. 29.28.250. ELECTION OF SUCCESSOR. If the voters recall an
12 officer, the clerk shall conduct an election for a successor to fill
13 the unexpired term. The election shall be held at least 10 but not
14 more than 45 days from the date of the recall election. However, if a
15 regular or special election occurs within 75 days of the recall elec-
16 tion, the successor to the recalled official shall be chosen at that
17 regular or special election. Unless the incumbent was elected in a
18 town council meeting of a town meeting home rule city, the [THE]
19 procedures and requirements for the regular election for the office
20 from which the incumbent is recalled apply to the election conducted
21 under this section.

22 * Sec. 26. AS 29.43.030 is amended to read:

23 Sec. 29.43.030. EDUCATION. A representative home [HOME] rule
24 and a first class city [CITIES] outside a borough constitutes a [BOR-
25 OUGHS CONSTITUTE] city school district [DISTRICTS] and shall estab-
26 lish, maintain, and operate a system of public schools as provided by
27 AS 29.33.050 for boroughs.

28 * Sec. 27. AS 29.43.030 is amended by adding a new subsection to read:

29 (b) A town meeting home rule city is not a school district and

1 may not establish a system of public schools.

2 * Sec. 28. AS 29.43.040 is amended to read:

3 Sec. 29.43.040: PLANNING AND ZONING. (a) A representative home
4 [HOME] rule or a [AND] first class city [CITIES] outside a first or
5 [AND] second class borough [BOROUGH] shall, and a town meeting home
6 rule or second class city [CITIES] outside a first or [AND] second
7 class borough [BOROUGH] may, provide for planning, platting and
8 zoning, as provided by AS 29.33.070 - 29.33.245 for boroughs.

9 (b) A representative home [HOME] rule or a [AND] first class
10 city [CITIES] within a third class borough [BOROUGH] shall, and a
11 town meeting home rule or second class city [CITIES] within a third
12 class borough [BOROUGH] may, provide for planning, platting and
13 zoning, as provided by AS 29.33.070 - 29.33.245 for boroughs.

14 * Sec. 29. AS 29.48.050 is amended to read:

15 Sec. 29.48.050. FRANCHISES AND PERMITS. (a) The assembly
16 acting for the area outside cities and the governing body of the city
17 [COUNCIL] acting for the area within a city may grant franchises,
18 including exclusive franchise privileges, for the construction, opera-
19 tion and maintenance of bus transportation systems and public util-
20 ities not regulated under AS 42.05 and may permit them the use of
21 streets and other public places under regulations prescribed by ordi-
22 nance.

23 (b) A franchise is not valid until it has been submitted to the
24 qualified voters of the city or borough area outside cities in which
25 it applies, and at least 55 percent of the votes cast are in favor of
26 the franchise. At least 30 days notice of a franchise referendum
27 election shall be given in the same manner as is provided for notice
28 of regular municipal elections, and the notice shall specify the
29 purpose of the election. The ordinance granting a franchise shall

1 provide for its submission for ratification to the qualified voters of
2 the city or borough area outside cities at either a regular or special
3 election, and the result of the election shall be canvassed publicly
4 by the council or assembly and spread upon the records of the minutes
5 and the result declared and certified in the same manner as in a
6 regular election. This subsection does not apply to town meeting home
7 rule cities.

8 (c) Public utilities regulated under AS 42.05 have the right to
9 use the streets and other public places, upon payment of a reasonable
10 permit fee and on reasonable terms and conditions and with reasonable
11 exceptions the governing body [ASSEMBLY OR COUNCIL] requires. A
12 dispute as to whether fees, terms, conditions, or exceptions are
13 reasonable shall be decided by the Alaska Public Utilities Commission.

14 * Sec. 30. AS 29.48.060 is amended to read:

15 Sec. 29.48.060. PUBLIC UTILITIES RATES. The assembly acting for
16 the area outside cities and the governing body of the city [COUNCIL]
17 acting for the area within a city may regulate, fix, establish and
18 change, as it considers proper, the rates and charges imposed for
19 utilities services given to the municipality or its inhabitants by a
20 municipally owned utility not regulated under AS 42.05.010 - 42.05.721
21 and may regulate and provide what is a reasonable deposit for meters
22 and security for service to be given, provided that interest is paid
23 on the deposit. All rates, charges and regulations shall be reason-
24 able and shall permit a fair and reasonable return on invested capi-
25 tal.

26 * Sec. 31. AS 29.48.070 is amended to read:

27 Sec. 29.48.070. HEARING FOR REGULATION OF UTILITIES RATES. If
28 the governing body [ASSEMBLY OR COUNCIL] considers it advisable to
29 regulate, change, or fix the rates to be charged by a public service

1 corporation, association or individual not regulated under AS 42.05,
2 it shall order a hearing to be held before the governing body at a
3 time and place specified. Notice of the hearing shall be given by at
4 least one publication in a newspaper of general circulation distribut-
5 ed within the municipality or, if no newspaper of general circulation
6 is distributed within the municipality, notice shall be given by
7 posting a notice in three public places within the city or borough
8 area outside cities receiving the utilities services and by serving
9 written notice upon the corporations, associations and individuals
10 whose rates are to be regulated, fixed, or changed in the same manner
11 that summonses are served. The notices shall be published or posted
12 and served at least 15 days before the hearing.

13 * Sec. 32. AS 29.48.090 is amended to read:

14 Sec. 29.48.090. FURTHER PROCEEDINGS. A hearing under AS 29.48.-
15 070 shall begin at the time stated in the notice but may be continued
16 from time to time. Except in a town meeting home rule city, at [AT]
17 least a quorum of the assembly or council shall be present at the
18 hearing. At the conclusion of the hearing the parties interested may
19 make [SUCH] arguments before the governing body [ASSEMBLY OR COUNCIL],
20 either in person or by attorney, as they consider proper, touching the
21 matters at issue, and thereafter the governing body [ASSEMBLY OR
22 COUNCIL] shall proceed to regulate and fix the rates by ordinance.
23 The date upon which the rates fixed or regulated take effect shall be
24 stated in the ordinance and shall be at least 10 days after passage
25 and approval of the ordinance.

26 * Sec. 33. AS 29.48.180(b) is amended to read:

27 (b) Within three years after incorporation of the municipality,
28 the municipal executive or the town council in a town meeting home
29 rule city, with the advice and assistance of a legal advisor, shall

1 have prepared a general codification of all municipal ordinances of
2 general applicability having the force and effect of law. The munici-
3 pal code shall be revised and printed at least every five years,
4 unless the code is kept current by regular supplements.

5 * Sec. 34. AS 29.48.220 is amended to read:

6 Sec. 29.48.220. POST AUDIT. The governing body [ASSEMBLY OR
7 COUNCIL] shall provide for an annual independent audit of the accounts
8 and financial transactions of the municipality or, in the case of a
9 second class city, an audit or statement of annual income and expendi-
10 tures. To make the audit the governing body [ASSEMBLY OR COUNCIL]
11 shall designate a public accountant who has no personal interest,
12 direct or indirect, in the fiscal affairs of the municipality. Copies
13 of the audit shall be available to the public upon request. This
14 section applies to home rule and general law municipalities.

15 * Sec. 35. AS 29.53.025(a) is amended to read:

16 (a) Except for a town meeting home rule city, a municipality
17 [MUNICIPALITIES] may exclude, [OR] exempt, or partially exempt resi-
18 dential property from taxation by ordinance ratified by the voters at
19 a regular or special election. A town meeting home rule city may
20 exclude, exempt, or partially exempt residential property from taxa-
21 tion by ordinance adopted at a town council meeting. An exclusion or
22 exemption authorized by this section may not exceed \$10,000 for any
23 one residence.

24 * Sec. 36. AS 29.63.065(b) is amended to read:

25 (b) An exemption may not be granted under this section except
26 upon written application for the exemption on a form prescribed by the
27 state assessor for use by local assessors and in accordance with the
28 following requirements:

29 (1) the claimant must file the initial application during

1 the period of time between the date the assessment roll is certified
2 and the time of payment fixed by the governing body [ASSEMBLY OR
3 COUNCIL]; within one year of the date the assessment roll is certi-
4 fied the governing body [ASSEMBLY OR COUNCIL] for good cause shown may
5 waive the claimant's failure to make timely initial application for
6 the exemption and authorize the assessor to accept the application as
7 if timely filed;

8 (2) a claimant receiving the exemption must file with the
9 department by March 15 of each subsequent year a separate application
10 proving eligibility as of January 1 in order to retain the exemption;
11 within the same year the department for good cause shown may waive the
12 claimant's failure to make timely application and approve the applica-
13 tion as if timely filed;

14 (3) if an application is filed within the required time
15 under this subsection and is approved by the governing body [ASSEMBLY
16 OR COUNCIL], the exemption shall be allowed in accordance with the
17 provisions of this section; if a waiver under this subsection is
18 granted and the application for exemption approved, the amount of any
19 assessment, penalty or interest that [WHICH] the claimant may have
20 already paid on the assessment shall be refunded; the municipality may
21 at any time require proof in the form considered necessary of the
22 right and amount of an exemption claimed under this section.

23 * Sec. 37. AS 29.78.010 is amended by adding a new paragraph to read:

24 (20) "governing body" means a borough assembly, city coun-
25 cil, or the voters of a town meeting home rule city acting in a town
26 council meeting.

27 * Sec. 38. AS 29.95.020(a) is amended to read:

28 (a) A municipality qualifying for an entitlement under AS 29.88
29 or AS 29.89.010 - 29.89.100 shall receive a minimum payment of \$25,000

1 plus an area cost-of-living differential for each fiscal year if:

2 (1) during the fiscal year preceding the year for which
3 payment of an entitlement is authorized under AS 29.88 or AS 29.89.-
4 010 - 29.89.100, the municipality has conducted a regular

5 (A) election under AS 29.28.010 - 29.28.050 [DURING
6 THE FISCAL YEAR PRECEDING THE YEAR FOR WHICH PAYMENT OF AN EN-
7 TITLEMENT IS AUTHORIZED BY AS 29.88.010 - 29.88.045 or 29.89.-
8 010 - 29.89.100] and has reported the results of the election to
9 the commissioner of the Department of Community and Regional
10 Affairs; or

11 (B) town council meeting if it is a town meeting home
12 rule city;

13 (2) unless it is a town meeting home rule city, regular
14 council meetings are held in the municipality in accordance with the
15 requirements of AS 29.23.210 during the fiscal year preceding the year
16 for which payment of an entitlement is authorized by AS 29.88 or
17 AS 29.89.010 - 29.89.100 and a record of the proceedings is main-
18 tained;

19 (3) a municipal budget has been adopted for the fiscal year
20 during which payment of an entitlement is authorized by AS 29.88 or
21 AS 29.89.010 - 29.89.100 and an audit or financial statement for the
22 preceding fiscal year has been prepared and furnished to the Depart-
23 ment of Community and Regional Affairs in accordance with AS 29.-
24 23.560(a); and

25 (4) local ordinances adopted by the governing body of the
26 municipality have been codified in accordance with AS 29.48.180.

27 * Sec. 39. AS 35.15.120(2) is amended to read:

28 (2) "governing body" means in the case of a municipality,
29 its assembly or council, or, if it is a town meeting home rule city,

1 the voters acting in a town council meeting, and, in the case of a
2 regional educational attendance area, its regional school board;

3 * Sec. 40. AS 39.20.340(a) is amended to read:

4 (a) An employee of the state, or a municipality [POLITICAL
5 SUBDIVISION,] with the approval of the governing body [CITY COUNCIL OR
6 BOROUGH ASSEMBLY], who is a member of a reserve or auxiliary component
7 of the United States Armed Forces is entitled to a leave of absence
8 without loss of pay, time or efficiency rating on all days during
9 which the employee is ordered to training duty, as distinguished from
10 active duty, with troops or at field exercises, or for instruction, or
11 when under direct military control in the performance of a search and
12 rescue mission. The leave of absence may not exceed 16 1/2 working
13 days in any 12-month period.

14 * Sec. 41. AS 39.20.350 is amended to read:

15 Sec. 39.20.350. RESTORATION OF RESERVE MEMBERS TO FORMER POSI-
16 TIONS. A member of a reserve component of the United States Armed
17 Forces employed by the state, a political subdivision, or a municipal
18 corporation with the approval of the governing body [CITY COUNCIL] who
19 is ordered to duty by proper authority, shall, when relieved from
20 duty, be restored to the position the employee held when ordered to
21 duty.

22 * Sec. 42. AS 39.50.145 is amended to read:

23 Sec. 39.50.145. PARTICIPATION BY MUNICIPALITIES. A municipality
24 may exempt its municipal officers from the requirements of this chap-
25 ter if a majority of the voters voting on the question at any regular
26 election, as defined by AS 29.78.010(14), or a special municipality-
27 wide election, vote to exempt its municipal officers from the require-
28 ments of this chapter. The question of exemption from the require-
29 ments of this chapter may be submitted by the governing body [CITY

1 COUNCIL OR BOROUGH ASSEMBLY] by ordinance or by initiative ordinance.

2 * Sec. 43. AS 42.30.030 is amended to read:

3 Sec. 42.30.030. BOOKS OF ACCOUNT. Every person installing,
4 operating or maintaining a public service plant for the purpose of
5 supplying the city or the inhabitants of the city with telephone
6 service, water, power, light, wharfage, dockage, storage, heat or
7 light, or rendering other kindred public service shall keep correct
8 books of account in permanent convenient form showing in detail the
9 volume of business done, the character of the business done, the
10 quantity and kind of service rendered, rates charged, and all expenses
11 incurred in connection with the operation of the enterprise, showing
12 the items of expense in detail. The books shall be open to inspection
13 by the mayor, [AND THE] city council and [BY] an accredited agent,
14 auditor, or representative appointed by the mayor, [AND] city council,
15 or voters at a town meeting home rule city at a town council meeting.

16 * Sec. 44. AS 42.30.040 is amended to read:

17 Sec. 42.30.040. ANNUAL STATEMENT. (a) During April of each
18 year, each person engaged in furnishing a public service, except a
19 rural electrification or telephone cooperative or nonprofit asso-
20 ciation receiving financial assistance from the federal government
21 under the Rural Electrification Act, shall file with the city council
22 a written statement under oath, sworn to by the person having the
23 management and control of the business or other person familiar with
24 all the facts. The statement shall contain a detailed list of all
25 property used in connection with the enterprise and shall give the
26 valuation of each piece of property listed. It shall also contain a
27 statement of the receipts and disbursements during the year, and the
28 profits or losses. The statement of disbursements shall show to whom
29 each item was paid and what for. The statement shall be for the

1 calendar year preceding and shall be for the use of the governing body
2 of the city [COUNCIL].

3 [(b) THE CITY COUNCIL IS NOT BOUND BY THE STATEMENT BUT MAY
4 INQUIRE INTO ITS TRUTH.]

5 * Sec. 45. AS 44.47.145(d) is amended to read:

6 (d) Before a grant is made under this section, the governing
7 body [CITY COUNCIL] or, if the community is not incorporated, a rea-
8 sonable representative body in the community shall agree in writing to
9 maintain and operate the bulk storage facility to be constructed with
10 the proceeds of the grant.

11 * Sec. 46. AS 44.88.220(5) is amended to read:

12 (5) "governing body of a political subdivision" means, when
13 used with respect to the location of a project, the council or the
14 voters of a town meeting home rule city acting in a town council
15 meeting if the project is to be located in a city in the unorganized
16 borough, or the assembly if the project is to be located in an or-
17 ganized borough or a unified municipality;

18 * Sec. 47. AS 46.40.130(a) is amended to read:

19 (a) Organization of a coastal resource service area may be
20 initiated

21 (1) by submission to the council of a petition signed by a
22 number of registered voters equal to 15 percent of the number of votes
23 cast within the coastal resource service area at the last state gener-
24 al election;

25 (2) by submission to the council of a resolution approved
26 by the governing body [CITY COUNCIL] or traditional village council of
27 not less than 25 percent of the number of cities and villages within
28 the coastal service area; or

29 (3) at the direction of a majority of the members of the

1 council in the manner set out in AS 46.40.160.

2 * Sec. 48. AS 46.40.180(a) is amended to read:

3 (a) Before adoption by a coastal resource service area board, or
4 by the Department of Community and Regional Affairs under AS 46.40.-
5 170, a district coastal management program shall be submitted for
6 review to each city or village within the coastal resource service
7 area. The governing body [COUNCIL] of a city or traditional village
8 council shall consider the program submitted for review. Within 60
9 days of submission, the governing body [COUNCIL] of a city or tra-
10 ditional village council shall either approve the program or enter
11 objections to all or any portion of the program.

12 * Sec. 49. AS 46.40.180(c) is amended to read:

13 (c) Objection by a city [COUNCIL] under (b) of this section is
14 limited to objection to elements of the program affecting resources or
15 the use of resources within the corporate limits of the city. Objec-
16 tion by a traditional village council under (b) of this section is
17 limited to objection to elements of the program affecting resources or
18 the use of resources within the village or within two miles of the
19 village.

20 * Sec. 50. This Act takes effect January 1, 1986.

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