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IN THE SENATE

BY SENATOR ROBISON

SENATE BILL NO. 31

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL

For an Act entitled; "An Act providing for withdrawing territory from public utility districts, and declaring an emergency."

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

Section 1. PROCEEDINGS FOR WITHDRAWING FROM PUBLIC UTILITY DISTRICT. Territory may be excluded from the Public Utility District in the same manner and following the same procedure as in the case of annexation to a first-class city, except that if territory is to be excluded, the petition to be filed shall be signed by a majority of the property owners as herein provided for, owning property within the territory sought to be excluded, and the electors shall be invited to vote upon such proposition by placing upon their ballots the words "for exclusion from the Public Utility District . . . . ." or "against the exclusion from the Public Utility District . . . . ." . . . . .", and the votes shall be canvassed, the results of the election certified and all other steps taken in like manner as in the article provided relating to the annexation of territory to first-class cities.

Section 2. An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval.

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at the end of line 24 change the period to a semicolon and insert the following: Provided, however, that upon annexation by any city of a portion of a Public Utility District, the portion annexed (1) shall be automatically excluded from such Public Utility District; (2) shall be subject to that current year's property tax levy of the Public Utility District; and (3) shall not be responsible for that current fiscal year's property tax levy of the City to which annexed.

It is proposed to amend Senate Bill No. 31 by adding Section 2, to read as follows:

Section 2. Any person, firm or corporation owning property in any public utility district in Alaska which is subject under the law to any taxation or assessments by the district, whose property would not be benefited by inclusion in the public utility district, may petition the District Court of the division in which the property is situated for an order excluding such property owned by petitioner from the public utility district. A copy of the petition shall be served upon the members of the board of directors of the utility district who are present in the Territory, in the same manner as service of summons is made. The directors representing the public utility district may appear and file their objections in writing with the court, and thereupon, at a date to be set by the court, the court shall proceed to hear the petition and the objections thereto. If the court is satisfied upon the hearing that the property of petitioner will not be benefited by its inclusion in the public utility district, and that it will receive no benefits from taxes or assessments made in the district, the court may exclude the property of the petitioner, or so much thereof as the court shall deem is not benefited by inclusion in the public utility district. The court, in its order of exclusion, shall redefine the boundaries of the public utility district as described in the original order of incorporation, accordingly.

Change present Section 2 to read Section 3.