

1 IN THE SENATE

BY SENATOR Robison
by Request

2 SENATE BILL NO. 125

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act ^{to establish} ^{an act} to amend Section 49-2-3 Alaska Compiled Laws Anno-
7 tated 1949, relating to organization of
8 public utility districts; and declaring
9 an emergency.

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

11 Section 1. That Section 49-2-3 Alaska Compiled Laws Anno-
12 tated 1949, is hereby amended to read as follows:

13 § 49-2-3. MANNER OF INCORPORATION: PETITION: NUMBER
14 OF SIGNATURES AND CONTENTS: ORDER FOR ELECTION: POSTING
15 COPY OF ORDER. The manner of incorporation of Public
16 Utility Districts shall be as follows: A petition praying
17 for such incorporation shall first be presented to the
18 Judge of the District Court of the Judicial Division in
19 which the proposed Public Utility District is located.
20 Such petition must be signed by at least sixty (60)
21 citizens of the United States, over the age of twenty-one
22 (21) years, who have resided in the proposed Public Utility
23 District for at least one year, and shall specify as nearly
24 as possible the location, boundaries and number of inhabi-
25 tants of the proposed District, and specify the name or
26 number by which it is to be known. (THE JUDGE OF THE DIS-
27 TRICT COURT, UPON PRESENTATION AND FILING OF SUCH PETITION,
28 SHALL ORDER AN ELECTION IN SAID PROPOSED DISTRICT, FOR THE
29 PURPOSE OF DETERMINING WHETHER THE PEOPLE OF THE COMMUNITY

1 (DESIRE SUCH INCORPORATION, AND SHALL, BY SAID ORDER,
2 DESIGNATE THE DATE OF SUCH ELECTION AND APPOINT THREE
3 QUALIFIED VOTERS IN THE PROPOSED DISTRICT TO ARRANGE FOR,
4 SUPERVISE AND APPOINT JUDGES AND ELECTION OFFICERS FOR
5 SUCH ELECTION. A PRINTED OR TYPEWRITTEN COPY OF SAID
6 COURT ORDER SHALL BE POSTED AT THREE PUBLIC PLACES WITHIN
7 THE LIMITS OF THE PROPOSED DISTRICT FOR AT LEAST THIRTY
8 (30) DAYS PRIOR TO THE DAY OF ELECTION AND SUCH POSTING
9 SHALL BE SUFFICIENT NOTICE OF SUCH ELECTION.) The Judge
10 of the District Court, upon the presentation and filing
11 of the petition, shall thereupon fix a date for a hearing
12 upon the petition, which shall be not less than forty (40)
13 days from the date of the Order, and he shall cause notice
14 of hearing upon the petition to be published once a week
15 for a period of four (4) weeks in a newspaper of general
16 circulation published within the area sought to be incor-
17 porated, or if there be no newspaper published therein,
18 then in the newspaper published nearest to the area, and
19 he shall cause similar notices to be posted in three public
20 and conspicuous places within the area to be incorporated.
21 The notices shall be signed by the Clerk of the Court and
22 posted by some person designated by him, over the age of
23 twenty-one (21) years, and the posting and publication
24 shall be at the expense of the petitioner.

25 During the period of publication of the notice, any
26 owner of property within the area to be incorporated who
27 is opposed to the incorporation of the Public Utility
28 District because of the inclusion of property within the
29 area to be incorporated which will not be benefited by

1 the creation of the Public Utility District and its in-
2 corporation, or who is opposed because of any irregularities
3 in the petition, may appear and file objections in writing
4 to the inclusion of the property of those objecting. Copies
5 of the objections shall be served upon the attorney for
6 the petitioners not less than five (5) days before the date
7 set for the hearing. Thereupon the court shall proceed
8 to hear the petition and all objections which may be filed
9 thereto, and he shall thereupon either grant or deny the
10 petition in whole or in part, exclude such area as in his
11 judgment should not be included in the proposed Public
12 Utility District, and make all necessary orders for the
13 modification of the boundaries of the area sought to be
14 incorporated, and such other orders as he may deem neces-
15 sary; and, if the petition is granted in whole or in part,
16 the Judge shall order an election in the proposed Public
17 Utility District for the purpose of determining whether
18 the people of the community desire such incorporation, and
19 he shall, by said order, designate the date of the election
20 and appoint three (3) qualified voters in the proposed
21 District to arrange for, supervise and appoint judges and
22 election officers for such election. A printed or type-
23 written copy of the order of the court shall be posted in
24 three (3) public and conspicuous places within the limits
25 of the proposed District for at least thirty (30) days
26 prior to the date of the election. The notices shall be
27 signed by the Clerk of the Court and posted under his
28 direction by some competent and qualified person over the
29 age of twenty-one (21) years, who shall file the necessary

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proof of posting at the expiration of the period prescribed therefor, and the posting shall be sufficient notice of the election.

Section 2. An emergency is hereby declared to exist, and this Act shall be in full force and effect from and after the date of its passage and approval.