

1 IN THE HOUSE

BY MR. MCNEALY
BY REQUEST

2 HOUSE BILL NO. 38

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to amend subsection Sixteenth
7 of Section 16-1-35 ACLA 1949 pertaining
8 to the powers of city councils to grant
9 franchises; imposing certain limitations;
10 and declaring an emergency."

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

12 Section 1. Subsection Sixteenth of Section 16-1-35 ACLA
13 1949, as amended by Chapter 91, Session Laws of Alaska, 1949,
14 is hereby further amended to read as follows:

15 Sixteenth: (FRANCHISES) To grant franchises, includ-
16 ing exclusive franchise privileges, for the construction,
17 operation and maintenance of electric light and power
18 plants, water plants, bus transportation systems, tele-
19 phone and other public service, and to permit the use of
20 streets and other public places for a period of not to ex-
21 ceed twenty years, under such rules and regulations as may
22 be prescribed by ordinance. Provided that any such franch-
23 ise, whether exclusive or not, shall expressly prohibit the
24 duplication of any such facilities already installed and
25 furnishing service; and provided, further, that with
26 respect to service furnished by non-profit organizations,
27 the rates and charges of such organizations shall not be
28 subject to review or approval by the council, nor shall the
29 council exercise any supervisory or regulatory jurisdiction

1 over such organizations except as to the manner in which
2 streets and other public places are used. (PROVIDED, HOW-
3 EVER,) No such franchise shall be valid until it has been
4 submitted to the electors of the municipality and at least
5 fifty-five per centum of the votes cast at any municipal
6 election or any election held for such purpose shall be
7 in favor of such franchise. Provided further, that of
8 such election at least thirty days' notice shall be given
9 in the same manner as is provided for notice of annual
10 municipal elections and which notice shall specify therein
11 the purpose of calling said election. And every ordinance
12 granting such franchise shall therein provide for the
13 submitting of the ratification thereof to the qualified
14 electors of the city at either such annual or special
15 election, and the result of the election thereon shall be
16 canvassed publicly by the council and spread upon the re-
17 cords of the minutes thereof and the result declared and
18 certified in the same manner as a general election.

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