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IN THE HOUSE BY MR. GILBERT

HOUSE BILL NO. 47

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-SECOND SESSION

A BILL

For an Act entitled: "An Act to amend subsection Fourth of Section 16-1-35 ACLA 1949, as amended by Chapter 92, Session Laws of Alaska, 1949, pertaining to municipal utility services; setting forth conditions upon which extra-territorial municipal services may be offered; and declaring an emergency."

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

Section 1. Subsection Fourth of Section 16-1-35, ACLA 1949, as amended by Chapter 92, Session Laws of Alaska, 1949, is hereby further amended to read as follows:

Fourth: (PUBLIC UTILITIES.) To purchase, construct, or otherwise acquire, establish and operate public wharves, public cold storage plants, telephone systems and plants for the use, sale and distribution of light, water, power, heat and telephone service to the residents of the city and the public. Provided, that any municipality which owns and/or operates plants for the use, sale or distribution of light, power, heat, water or telephone service to the residents of the city may also sell and distribute such light, power, heat, water or telephone service to the residents of contiguous and adjacent districts outside the limits of the city, if all of the following conditions are met: (a) The area to be served shall not be located in

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whole or in part within the boundaries of any incorporated public utility district or other local government having authority to provide for such utility services, or if so incorporated, such public utility district or other local government shall first consent to the extension of such services by the municipality, in the same manner as provided for the granting of franchises in Section 49-2-21, MCLA 1949, as amended; (b) The municipality proposing to extend such services shall first file with the governing body of the public utility district or other local government, or if there be none, with the public land records of the Recording Precinct in which such area is located, a plat or map for each kind of utility to be so extended, showing the boundaries of the area to be served, which may be amended from time to time by the filing of supplemental plats or maps. Each such plat or map shall be clearly designated, setting forth the type of utility involved and showing in detail the quantity, quality, and location of the service to be rendered, together with certification by a qualified engineer who shall have approved such plat or map as well as the engineering project represented thereby; (c) All persons residing or owning real property in the area to be served who shall apply for such service at any time after its initiation shall be served by the municipality without discrimination and at rates and charges and under conditions which shall be fair and just to such consumers, and compensatory to the municipality; (d) The area to be served or any portion thereof shall not, at the time of the filing of such plat

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*To amend*

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or map, receive the same or substantially similar service  
from any other supplier; and (e) There shall be in  
existence no supplier other than such municipality who is  
ready, willing, and able to furnish such services to any  
such contiguous and adjacent districts or areas outside  
the limits of the city and who has indicated an intention  
to serve such area by complying substantially with the  
requirements of this subsection with respect to the grant-  
ing of franchises or the filing of maps or plans; and for  
(MUT) the purpose of exercising the powers and authority  
conferred upon it by this subsection any such municipality  
may, upon compliance with the conditions hereof, construct,  
purchase or otherwise acquire, own, maintain and operate  
extenders, pole lines, mains, pipe lines and other nec-  
essary apparatus and equipment therefor, together with  
the real property necessary for the same, outside the  
limits of the city. Provided, however, such public utili-  
ties as are provided for in this subsection shall not be  
operated or maintained by funds raised by taxation but  
from the revenue collected for service rendered by such  
plants or utilities from the customers or users thereof;  
and provided further, that no municipality nor any other  
supplier authorized to furnish utility services under this  
subsection shall offer or furnish any such service to any  
premises whatsoever located which are already receiving  
such service from another supplier without the consent in  
writing of such supplier; nor shall such municipality or  
other supplier impose as a condition of service a require-  
ment that any other service offered by the municipality or

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other supplier be taken and used.

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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