

McDABB, YOUNG,
KALAMARIDES, KAY

BY ~~MR.~~ RYAN AND ~~MR.~~ PALMER

1 IN THE HOUSE

2 HOUSE BILL NO. 84

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to create an Alaska Power and Water
7 Resources Commission; setting forth its
8 organization, powers and duties; and setting
9 an effective date."

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

11 Section 1. The water resources of the Territory of Alaska
12 and their potential relating to hydroelectric power and other
13 utilization, are hereby declared to be natural resources of
14 Alaska, and their development and use, in cooperation with Canada,
15 are declared to be of public benefit. The creation and develop-
16 ment of hydroelectric power from rivers and streams including the
17 beds and waters of such rivers, the power and power sites, in,
18 upon or adjacent to the watersheds of such rivers, owned or con-
19 trolled by the people of Alaska, or which may be recovered by or
20 come within their ownership, possession and control shall always
21 remain inalienable to, and ownership, possession and control
22 thereof shall always be vested in, the people of this Territory.

23 Sec. 2. There is hereby created an "Alaska Power and Water
24 Resources Commission," hereinafter called the "Commission," which
25 shall be a body politic and corporate, a political subdivision of
26 the Territory, exercising governmental and public powers, and
27 which may sue and be sued, be perpetual in duration and have the
28 powers and duties enumerated in this Act, together with such
29 other powers as may be conferred upon it by law.

1 The power and authority of the Commission shall extend to
2 all lands, objects and purposes of this Act, in the Territory of
3 Alaska lawfully subject to the police powers of the Territorial
4 Government; and this Act shall apply to lands of the United States
5 or lands and objects subject to the jurisdiction of the United
6 States only to the extent that control and supervision of the
7 lands, objects, and purposes of this Act is within the jurisdiction
8 of the Territorial Government.

9 Sec. 3. The Commission shall consist of three members ap-
10 pointed by the Governor, subject to confirmation by the Legisla-
11 ture. Members of the Commission shall serve at the pleasure of
12 the Governor and the Legislature. In making appointments the
13 Governor shall give due recognition to the ^{various} varying geographical
14 sections of Alaska.

15 Sec. 4. The members of the Commission shall receive no
16 salary but shall be entitled to the same compensation for per-
17 dence and travel expenses as that provided for boards by law.

18 Sec. 5. The Commissioners shall appoint a director who
19 shall serve at the pleasure of the Commission. The director shall
20 have had at least five years responsible experience in industrial
21 or governmental management. The director shall appoint all neces-
22 sary assistants in carrying out the duties of the Commission.

23 Sec. 6. The Commission shall study, analyze and explore
24 and make reports concerning: (a) the development and utilization
25 of hydroelectric power in Alaska; (b) the present and potential
26 hydroelectric resources of Alaska; (c) the utilization and
27 integration of electric facilities and requirements of Alaska;
28 (d) the quantity and quality of waters, both ground and surface,
29 for use in the collection, design, financing, construction of

p. 2, line 9: delete entire Section 3 and insert in lieu thereof new section to read as follows:

Section 3. The Commission shall consist of five members appointed by the Governor, subject to confirmation by the Legislature in joint session assembled. The term of office of each member shall be five years, commencing on the date of appointment, except that the members first appointed shall so classify themselves by lot that the term of one member shall expire on February 1, 1956, and the term of one member expire on the same date each year thereafter.

Sentence beginning on line 12 and ending on line 14 to be left in but substitute "various" instead of "varying"

1 projects including, but not limited to, municipal and industrial
2 water supplies, flood control, navigation, irrigation, drainage,
3 electric power both hydroelectric and steam, sewage disposal and
4 pollution abatement, and other uses of the water resources of
5 Alaska; (e) need for and methods of financing projects requiring
6 joint action by the Federal government and Alaska, or Alaska and
7 Canada, or any combination of Federal-Canadian-Alaskan cooperation
8 including, but not limited to, development of interstate or inter-
9 governmental compacts; and needs for Federal or Territorial legis-
10 lation to implement such agreements, or both such Federal and
11 Territorial legislation; and (f) such other subjects as may be
12 necessary or desirable to develop full information regarding the
13 use, present and potential, of Alaska's water resources.

14 Sec. 7. The Commission shall have power, but not by way of
15 limitation, to: (a) accept funds from the Federal Government or
16 from any other public or private agency for the purposes of carry-
17 ing out its powers and duties; (b) contribute funds for matching
18 purposes or otherwise for studies of other public or private
19 agencies in carrying out studies of the quantity and quality of
20 surface and ground waters of Alaska; (c) require reports from any
21 person, firm or corporation engaged in the business of water well
22 drilling in Alaska, including, but not limited to, water well
23 logs of all wells drilled in Alaska; (d) to hold hearings and re-
24 quire arbitration of differences between contesting public or
25 private agencies, governmental subdivisions, or any of them, with
26 regard to service areas for sale of electric power for whatever
27 use, and to issue orders relating thereto and determine and
28 settle such differences; (e) arbitrate, determine, and settle
29 conflicts of interests between or among different users of

1 Alaska's waters including, but not limited to, fishing versus
2 water power, public versus private water and power utilities, and
3 mining versus agricultural uses; (f) represent the Territory of
4 Alaska with regard to its interest in water uses, power rates and
5 distribution, between the United States and Canada, between
6 utility companies, with regard to the interest of the people of
7 Alaska; (g) to make rules and regulations and adopt by-laws for
8 the carrying into effect any power or duty conferred or imposed
9 by this Act.

10 Sec. 9. The Commission shall negotiate with the proper
11 Canadian authorities and agencies with regard to the development
12 of water resources, or the construction or acquisition of any
13 dam, reservoir or power plant or transmission line in Canada and
14 to plan and agree with Canadian authorities upon cooperative or
15 independent action to the end that the use, control, or disposi-
16 tion of any necessary facilities may be utilized and hydro-
17 electric power for the joint or separate use of this Territory
18 and Canada may be created and developed.

19 Such negotiations and agreements shall be conducted and
20 concluded with due regard to the position of the United States
21 in respect to international agreements, and any such agreements
22 as may be reached with Canadian authorities or agencies shall be
23 submitted by the Commission to Congress for its approval, if
24 it be determined that such approval is necessary or desirable.

25 The Commission shall apply to the appropriate agencies or
26 officials of the United States Government or the Dominion of
27 Canada or its provinces, including the international joint com-
28 mission, for such licenses, permits or approval of its plans or
29 projects as it may deem necessary or advisable.

6 Sec. 9. The Commission shall prepare a master plan after
7 considering pertinent existing surveys and plans, conducting such
8 additional surveys and engineering studies as may be necessary,
9 and obtaining the advice and assistance of appropriate Federal,
10 Territorial and local agencies. Such advance program shall, among
11 other things, set forth the nature, extent, general location, se-
12 quence and timing of major projects recommended, the method by
13 which such major projects are proposed to be undertaken including
14 the arrangements recommended for joint and cooperative action by
15 the Commission, Federal agencies, and local and other agencies.
16 With respect to each project, the master plan shall show evidence
17 that the project is economically sound and in the public interest
18 including, where appropriate, estimates of costs and benefits,
19 of allocations of costs to the various purposes to be served and
20 amounts to be repaid by the beneficiaries. The master plan shall
21 be revised from time to time, but the first such plan shall be
22 submitted to the Twenty-third Legislature of Alaska.

23 Sec. 10. Upon request of any person aggrieved by the lack
24 of service, or duplication of service of competing electric
25 utilities whether publicly or privately operated, or operated by
26 a non-profit or cooperative association, or a conflict of service
27 between such electric utilities, the Commission shall have power
28 to require such utilities to submit to arbitration of interests,

29 Sec. 11. When the Commission shall order arbitration, it
30 may instruct the Director to make, or cause to be made, such
31 surveys and investigations as may be necessary to determine the
32 method or methods which will best serve the public interest. The
33 Commission shall appoint a board of arbitration to consist of
34 three persons as follows: (a) ^{two} ~~one~~ members selected from each of

p. 5, line 29: Change "Three" to "five" and "one" to "two" ("is"
included on "member")

1 the parties interested in the dispute; and, (b) a ^{third} member
2 selected to represent the public who shall be a disinterested
3 party. Either of the interested parties may object to any person
4 named by the Commission, and, if on reasonable grounds it shall
5 appear to the Commission that the person is not qualified to serve
6 on the board of arbitration, the person shall be replaced; pro-
7 vided, that the person named as a replacement shall not be subject
8 to objection by either party.

9 Sec. 12. The Commission shall adopt rules and regulations
10 for the method of conducting hearings, and the settlement of dis-
11 putes by the board of arbitration. The Commission may make avail-
12 able to the arbitration board its director and staff for the pur-
13 pose of conducting any further studies or investigations deemed
14 necessary or desirable by the board of arbitration to provide full
15 and fair information on the subject or subjects to the dispute.

16 Sec. 13. The board of arbitration shall, within 30 days
17 after the hearing, on any dispute, ^{or such extended period as it may determine} submit its findings and con-
18 clusions to the Commission, and the Commission shall make an
19 order defining the areas of service, and resolving the differences
20 between parties to the dispute. Within 30 days after the making
21 of any order of the Commission, either party aggrieved by the
22 action may file an appeal with the Commission, for a rehearing.
23 Such appeal shall state the reasons for the dissatisfaction with
24 the findings of the board of arbitration. If it shall appear
25 necessary or desirable to the Commission, the Commission shall
26 set a time and place for a rehearing of any question by the Com-
27 mission. After such rehearing the Commission shall, within fif-
28 teen days, make, alter, amend, reverse, or annul any order, and
29 the order of the Commission shall be the final administrative

p. 6, line 1: Change "Third" to "fifth"

p. 6, line 17: After the word "dispute" following & insert "or such extended period as the Commission may grant"

1 action on the case. Exhaustion of the administrative remedies
2 provided in this Act shall be a prerequisite to the filing of any
3 action or suit at law or equity in the courts.

4 Sec. 14. Except as otherwise in this section provided, the
5 Commission shall have power to acquire by lease, contract, pur-
6 chase, condemnation or construction, and partly by any or all of
7 such means, all real or personal property necessary to erect or
8 purchase, construct and operate dams, power houses, transmission
9 lines; acquire, construct, and operate electric transmission sys-
10 tems, standby and auxiliary plants, and facilities; generate, pro-
11 duce, sell at wholesale, transmit and deliver such electric energy
12 to qualified purchasers and enter into agreements for interconnec-
13 tion and pooling with projects, plants, systems or facilities of
14 other distributors of electric power, and specifically the Commis-
15 sion is authorized to enter into contracts for the purpose of
16 transmitting, transporting or exchanging electrical energy.

17 Sec. 15. The Commission shall have, and is hereby given,
18 the same right of eminent domain as granted under Chapter 7,
19 Title 57, Alaska Compiled Laws Annotated, 1949 (being those
20 sections numbered 57-7-1 to 57-7-53), and the purposes of the
21 Commission are hereby determined to be public uses for which
22 such power may be exercised, and the Commission shall proceed in
23 the same manner as provided for first class cities; except that
24 the Commission shall not exercise the right of eminent domain
25 against property of the Territory of Alaska or any political sub-
26 division thereof or against property already devoted to public
27 use; and except that the Commission shall not exercise the right
28 of eminent domain within the boundaries of any incorporated muni-
29 cipality without the consent of the governing body thereof, which

1 consent may be granted by resolution or ordinance of the city
2 council.

3 Sec. 10. The Territory of Alaska is hereby authorized to
4 make contributions or ap propriations or grants-in-aid and to pro-
5 vide such funds for the operation of the Commission as the Legis-
6 tature may deem proper. Any and all political subdivisions of
7 the Territory of Alaska are hereby authorized to make such appro-
8 priations, contributions, grants-in-aid and to provide such funds
9 for the operation of the Commission as the governing bodies of
10 such political subdivisions may deem proper.

11 Sec. 11. The Commission shall have the power to borrow
12 money and to issue bonds and notes from time to time in its dis-
13 cretion, for any of its corporate purposes, including the payment
14 or retirement of bonds previously issued by it. The Commission
15 may issue such types of bonds as it may determine, including,
16 but not limited to, bonds payable, both as to principal and in-
17 terest: (a) from its revenues generally; (b) exclusively from
18 the income and revenues of a particular "facility"; which term
19 shall mean a particular building or structure or particular
20 buildings or structures including all equipment, appurtenances
21 and accessories necessary or appropriate for the operation of such
22 facility; or (c) exclusively from the income and revenues of
23 certain designated facilities whether or not they are financed
24 in whole or in part from the proceeds of such bonds. Any such
25 bonds may be additionally secured by a pledge of any grant or
26 contributions from the Federal Government, Territory of Alaska,
27 or political subdivision or agency or instrumentality thereof; or
28 a pledge of any income or revenues of the Commission, or a mort-
29 gage of any particular facility or facilities or other property

1 of the Commission. The issuance of such notes or bonds shall not
2 directly or indirectly or contingently obligate the Territory to
3 levy or to pledge any form of taxation whatever therefor or to
4 make any appropriation for their payment.

5 Sec. 18. Neither the Commissioners nor any person executing
6 the bonds of all be liable personally on the bonds by reason of
7 the issuance thereof. The bonds and other obligations of the
8 Commission shall not be a debt of the Territory or any political
9 subdivision thereof, and neither the Territory nor any political
10 subdivision thereof shall be liable thereon, nor in any event,
11 shall such bonds or obligations be payable out of any funds or
12 properties other than those of the Commission. The bonds shall
13 not constitute an indebtedness within the meaning of any debt
14 limitation or restriction. Bonds of the Commission are declared
15 to be issued for an essential public and governmental purpose and
16 to be public instrumentalities. Such bonds and the income there-
17 from shall be exempt from all taxation within the Territory.

18 Sec. 19. Bonds of the Commission shall be authorized by
19 resolutions adopted by the Commissioners and may be issued in one
20 or more series and shall bear such date or dates, mature at such
21 time or times, bear interest at such rate or rates, not exceeding
22 six per centum (6%) per annum, be in such denomination or denomi-
23 nations, be in such form, either coupon or registered, carry such
24 conversion or registration privileges, have such rank or priority,
25 be executed in such manner, be payable in such medium of payment,
26 at such place or places, and be subject to such terms of redemp-
27 tion (with or without premium) as such resolution or its trust
28 indenture or mortgage may provide. The bonds may be sold at
29 public or private sale.

1 Sec. 20. In case any of the Commissioners whose signatures
2 appear on any bonds or coupons shall cease to be such Commissioners
3 before the delivery of such bonds, such signatures shall, neverthe-
4 less, be valid and sufficient for all purposes, the same as if
5 each Commissioner or officers had remained in office until such
6 delivery. Any provision of any law to the contrary notwithstand-
7 ing, any bonds issued pursuant to this Act shall be fully nego-
8 tiable within the meaning of Chapter 1, Title 27, Alaska Compiled
9 Laws Annotated, 1940, as now or hereafter amended.

10 Sec. 21. In order to secure the payment of such bonds the
11 Comptroller shall have power by provision or provisions included in
12 any resolution authorizing such bonds or in any indenture made to
13 secure their payment: (a) to pledge all or any part of its gross
14 or net rents, fees or revenues to which its right then exists or
15 may thereafter come into existence; (b) to mortgage all or any
16 part of its real or personal property, then owned or thereafter
17 acquired; (c) to covenant against pledging all or any part of its
18 rents, fees and revenues, or against mortgaging all or any part
19 of its real or personal property, to which its right or title
20 then exists or may thereafter come into existence or against per-
21 mitting or suffering any lien on such revenues or property; to
22 covenant with respect to limitations on its right to sell, lease
23 or otherwise dispose of any facility or any part thereof; and to
24 covenant as to that other, or additional debts or obligations
25 may be incurred by it; (d) to covenant as to the bonds to be
26 issued and as to the issuance of such bonds in escrow or otherwise,
27 and as to the use and disposition of the proceeds thereof; to
28 provide for the replacement of lost, destroyed or mutilated bonds;
29 to covenant against extending the time for the payment of its

1 bonds or interest thereon; and to redeem the bonds, and to coven-
2 ant for their redemption and to provide the terms and conditions
3 thereof; (a) to covenant as to the rents and fees to be charged
4 in the operation of a facility or facilities, the amount to be
5 raised each year or other period of time by rents, fees and other
6 revenues, and as to the use and disposition to be made thereof;
7 to create or to authorize the creation of special funds for moneys
8 held for construction or operating costs, debt service, reserves,
9 or other purposes, and to covenant as to the use and disposition
10 of the moneys held in such funds; (f) to prescribe the procedure,
11 if any, by which the terms of any contract with bondholders may
12 be amended or abrogated; the amount of bonds the holders of which
13 must consent thereto and the manner in which such consent may be
14 given; (g) to covenant as to the use of any or all of its real
15 or personal property; and to covenant as to the maintenance of its
16 real and personal property, the replacement thereof, the insur-
17 ance to be carried thereon and the use and disposition of in-
18 surance moneys; (h) to covenant as to the rights, liabilities,
19 powers and duties arising upon the breach by it of any covenant,
20 condition, or obligations; and to covenant and prescribe as to
21 events of default and terms and conditions upon which any or all
22 of its bonds or obligations shall become or may be declared due
23 before maturity, and as to the terms and conditions upon which
24 such declaration and its consequences may be waived; (i) to vest
25 in a trustee or trustees or the holders of bonds or any proportion
26 of them the right to enforce the payment of the bonds or any
27 covenant securing or relating to the bonds; to vest in a trustee
28 or trustees the right, in the event of a default by said Commis-
29 sion, to take possession and use, operate and manage any facility

1 er part thereof, and to collect the rents and revenues arising
2 therefrom and to dispose of such moneys in accordance with the
3 agreement of the Commission with said trustee; to provide for
4 the powers and duties of a trustee or trustees or the holders of
5 bonds or any portion of them who may enforce any covenant or
6 rights securing or relating to the bonds; (j) to exercise all or
7 any part or combination of the powers herein granted; to make
8 covenants other than and in addition to the covenants herein ex-
9 pressly authorized, of like or different character; to make such
10 covenants and to do any and all such acts and things as may be
11 necessary or convenient or desirable in order to secure its bonds,
12 or in the absolute discretion of said Commission, as will tend to
13 make the same more marketable notwithstanding that such covenants
14 acts or things may not be enumerated herein.

15 Sec. 22. An obligee of the Commission shall have the right
16 in addition to all other rights which may be conferred on such
17 obligee, subject only to any contractual restrictions binding upon
18 such obligee: (a) by mandamus, suit, action, or proceeding at
19 law or in equity to compel the Commission, Commissioners, officers
20 agents or employees thereof to perform each and every term, pro-
21 vision and covenant contained in any contract of the Commission,
22 with or for the benefit of such obligee, and to require the carry-
23 ing out of any or all such covenants and agreements of the Com-
24 mission and the fulfillment of all duties imposed upon the Com-
25 mission by this Act; (b) by suit, action or proceedings in equity,
26 to enjoin any acts or things which may be unlawful, or the vio-
27 lation of any of the rights of such obligee of the Commission.

28 Sec. 23. The Commission shall have the power to fix and
29 revise from time to time the rents, fees and other charges to be

1 paid by persons for the use of the various facilities of the Com-
2 mission and for any other service furnished or provided by the
3 Commission. Such rents, fees and charges shall be fixed so as to
4 provide at least sufficient funds to pay the cost of maintaining,
5 repairing and operating such facilities and the principal and
6 interest of any bonds issued by the Commission or other debts con-
7 tracted as the same shall become due and payable. A reserve may
8 be accumulated and maintained out of the revenues of such Com-
9 mission for extraordinary repairs and expenses and for such other
10 purposes as may be provided in any resolution authorizing a bond
11 issue or in any trust indenture securing such bonds. Subject to
12 such provisions and restrictions as may be set forth in the reso-
13 lution or in the trust indenture authorizing or securing any of
14 the bonds or other obligations issued hereunder, the Commission
15 shall have exclusive control of the revenues derived from any
16 facility or facilities operated and controlled by it and the
17 right to use such revenues in the exercise of its powers and duties
18 set forth in this Act. No individual, firm, association or cor-
19 poration shall receive any profit or dividend from the revenues,
20 earnings or other funds or assets of the Commission other than
21 for debts contracted, for services rendered, for materials and
22 supplies furnished and for other value actually received by the
23 Commission; except for the operation and maintenance of facility
24 or facilities under sale, lease, or rental contract with the
25 Commission under such terms and conditions as the Commissioners
26 deem proper.

27 Sec. 11. In addition to the other powers conferred by this
28 Act, the Commission shall have the power to borrow money and to
29 accept contributions, grants and other financial assistance from

1 the federal government and agency or agencies or other instru-
2 mentalty thereof for or in aid of the construction, and equipment
3 of its facilities or the retirement or refunding of its bonds.
4 To those ends the Commission shall have the power to comply with
5 such conditions and to execute such mortgages, trust indentures
6 and agreements as may be necessary, convenient or desirable; and,
7 without limiting the foregoing powers, to act as agent for the
8 United States of America or any agency, department, corporation
9 or instrumentality thereof, in any matter coming within the pur-
10 poses or powers of the Commission.

11 Sec. 25. The Commission shall have the power and authority
12 to accept funds from the Territory of Alaska or agency thereof,
13 or any city or other political subdivision or agency thereof
14 wherein any of the facilities of the Commission are located, and
15 to use the same in such manner, within the purposes of the Com-
16 mission, as shall be stipulated by the Territory or agency, or
17 political subdivision or agency, and to act as agent or instru-
18 mentalty, of any such governmental units in any matter coming
19 within the purposes of the Commission.

20 Sec. 26. All Commission funds shall be deposited in a bank
21 or banks to be designated by the Commission. Funds of the Com-
22 mission shall be paid out only upon warrants signed by the Treas-
23 urer of the Commission and shall be countersigned by the Chair-
24 man or the Acting Chairman. No warrants shall be drawn or issued
25 disbursing any of the funds of the Commission except for a pur-
26 pose authorized by this Act and only when the account or expendi-
27 ture for which the same is to be given in payment has been
28 audited and approved by the Commission. Any and all net revenues
29 or earnings, not necessary or desirable for the operation of its

1 business shall be held subject to the further action of the Legis-
2 lature of Alaska.

3 Sec. 27. The Commission shall require a surety bond of the
4 member elected as Treasurer in such amount as the Commission may
5 fix, and the premium or premiums thereon shall be paid by the
6 Commission as a necessary expense.

7 Sec. 28. At least once in each year the Commission shall
8 publish in some newspaper published in Alaska a complete detailed
9 statement of all monies received and disbursed by the Commission
10 during the preceding year. Such statement shall also show the
11 several sources from which such funds were received, and the
12 balance on hand at the time of publishing the statement, and shall
13 show the complete financial condition of the Commission.

14 Sec. 29. The official of the Territorial Government having
15 authority to conduct post-audits of Territorial agencies shall
16 have the power and authority to conduct audits of the financial
17 records of the Commission at such time or times deemed necessary
18 by such official or by the Legislature to insure financial in-
19 tegrity in the handling of the funds of the Commission, or to
20 name a certified public accountant or accountants of Alaska to
21 conduct such audits. The expense of such audits shall be paid
22 by the Territorial government.

23 Sec. 30. Upon affidavit of the Chairman of the Commission
24 that the board of Commissioners has met and organized pursuant
25 to the terms of this Act, and that said board has designated a
26 bank or banks for the deposit and disbursement of monies handled
27 by the Commission, the Treasurer of Alaska shall draw warrants on
28 the General Fund of the Territory, in the amounts appropriated,
29 payable to the Treasurer of the Commission who shall, upon re-

1 receipt of such warrants, make deposit or deposits in such desig-
2 nated bank or banks as hereinabove required and provided.

3 Sec. 31. The Commission is hereby authorized and empowered
4 to pay all necessary costs and expenses involved in and incident
5 to the organization of the Commission and the administration and
6 operation thereof, and to pay all other costs and expenses reason-
7 ably necessary or expedient in carrying out and accomplishing the
8 purposes of this Act, subject to the limitation on uses of the
9 funds of the Commission hereinabove set forth.

10 Sec. 32. It is intended that the provisions of this Act
11 shall be liberally construed to accomplish the purposes provided
12 for, or intended to be provided for, herein, and where strict
13 construction would result in the defeat of the accomplishment of
14 any of the acts authorized herein, and a liberal construction
15 would permit or assist in the accomplishment thereof, the liberal
16 construction shall be chosen. It is further intended that the
17 enumeration of the above purposes, powers, authorities, and ob-
18 jectives shall not limit or circumscribe the broad objective of
19 developing to the utmost the development of the water and power
20 resources of Alaska.

21 Sec. 33. The powers granted and the duties imposed in any
22 of the foregoing sections shall be construed to be independent
23 and severable. If any one or more sections, subsections, sen-
24 tences, or parts of any of the foregoing sections shall for any
25 reason be questioned in any court and shall be adjudged invalid,
26 such judgment shall not affect, impair or invalidate the remain-
27 ing provisions thereof, but shall be confined in its operation
28 to the specific provisions so held invalid.

29 Sec. 34. The governmental powers conferred upon the Com-

1 mission by Sections 1 through 13 and Sections 25 through 31 of
2 this Act shall take effect and be in force from and after the
3 effective date of this Act; Provided, that if it shall be deter-
4 mined by any court of competent jurisdiction that any of the
5 powers granted in said sections are powers corporate and not
6 powers governmental, and that such powers cannot be conferred by
7 the Territorial Legislature, then such of the powers as are so
8 determined to be invalid are declared to be specifically severable
9 from the other portions of this Act.

10 Sec. 25. The public corporate powers conferred by sections
11 14 through 24 of this Act shall have no force and effect until
12 such time as the United States Congress shall have passed an Act
13 conforming upon the Territorial Legislature, the power and auth-
14 erity to provide for the creation of a public corporate authority
15 with power to construct, maintain and operate public utilities
16 and to borrow money and issue revenue bonds not constituting a
17 pledge of the full faith and credit of the Territory, and all
18 necessary subsidiary powers to carry such grant of authority into
19 effect.

20 Sec. 30. An emergency is hereby declared to exist and,
21 subject to the exceptions noted in Sections 34 and 35 above, this
22 Act shall take effect immediately upon its passage and approval,
23 or upon its becoming law without such approval.
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