

IN THE House

BY MR McNealy
Request

House BILL NO 119

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA
TWENTY-SECOND SESSION

A BILL

For an Act entitled: "An Act repealing Section 49-2-21, ACILA, as amended, and re-enacting a new Section 49-2-21, pertaining to the enumeration of the powers of Public Utility Districts; and declaring an emergency."

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

Section 1. Section 49-2-21, Alaska Compiled Laws Annotated, 1949, as amended by Chapter 21, Session Laws of Alaska 1951, as amended by Chapter 105, Session Laws of Alaska, 1953, is hereby repealed.

Section 2. Section 49-2-21, ACILA 1949, as amended, is hereby re-enacted to read as follows:

Section 49-2-21, Enumeration of powers of public Utility Districts.

(a) A Public Utility District, acting through its board of directors, shall have the same powers, and shall be authorized to exercise them in the same manner, as provided for the councils of cities of the first class, in Section 16-1-35 Subsections First (Rules), Second (Elections), Third (Streets), Fifth (Roads, Trails and Parks), Sixth (Fire and Police Protection), Seventh (Poll Tax), Eighth (Dog Licences), Ninth (General Tax), Tenth (Utility Rates), Eleventh (Public Order), Twelfth (Penalties), Fourteenth (Licences), Fifteenth (Cool Yards), Seventeenth (Welfare), Nineteenth (Radio

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of the city, Twentieth (Property), Twenty-second
(Storage collection and disposal), Twenty-fifth (Hospitals),
as amended and supplemented, provided that wherever the
word "city" appears therein, such section shall be con-
strued for this purpose as if the word "public utility
district" were substituted therefor; and provided further
that wherever the words "mayer" or "council" appear therein,
it shall be construed as if the words "president" or "board
of directors", respectively, were substituted therefor;
and provided further that wherever the word "municipality"
appears therein, it shall be construed as if the word
"district" were substituted therefor.

(1) In addition to the foregoing, a Public Utility District
acting through its board of direction, shall have the
following powers:

(First) To adopt, modify, or change its corporate name
and have succession therein; to sue and be sued, including
the bringing of injunction proceedings, in its corporate
name; to adopt and use a corporate seal, which shall be
judicially noticed;

(Second) To make contracts to enforce aid or carry into
effect any authority herein granted;

(Third) To exercise the right of eminent domain;

(Fourth) To regulate, and provide for aids to, traffic
and passing;

(Fifth) To construct, maintain and operate, alter and
improve, or to contract for the construction, maintenance
and operation, alteration or improvement of dams, reservoirs,
power houses, power structures, transmission lines, water

1 works, sewer systems, telephone systems, light plants,
2 hospitals, cemeteries, wharves, docks, warehouses, garbage
3 disposal facilities, traffic and warning signals, street
4 lights, means of public conveyance, facilities for con-
5 trolling, preventing and fighting fires, cold storage
6 plants and canneries for the processing and canning of
7 food and food products;

8 (Sixth) To produce, distribute and sell such services and
9 products or otherwise convey rights to use services and
10 products derived from any of the facilities hereinabove
11 enumerated;

12 (Seventh) To create, maintain, operate, alter and improve,
13 and grant the right to use roads, trails, walks, bridges,
14 and drainage ditches, or contract for the creation,
15 maintenance, operation, alteration or improvement thereof;

16 (Eighth) To construct, own, operate, alter and improve
17 public utilities or to grant franchises for a period of
18 not to exceed twenty years with reference to all such
19 utilities within its district, provided, that when a
20 franchise is given to permit the use of streets and other
21 public places for a period of not to exceed twenty years
22 under such rules and regulations as may be prescribed by
23 ordinance of the governing body of the district, no such
24 franchise shall be valid until it has been submitted to
25 the electors of the district at an election and at least a
26 majority of the votes cast are in favor of such franchise.
27 It is further provided that with respect to such election,
28 at least thirty days notice shall be given in the same
29 manner as is provided for notice of an annual municipal

1 election in Alaska, and which notice shall specify the
2 purpose for which such election is called. Every ordinance
3 granting such franchise shall include appropriate provisions
4 for submitting the same to the qualified electors of the
5 district as above required, and the result of such election
6 shall be canvassed publicly by the Board of Directors of
7 the district and the result thereof publicly declared and
8 certified.

9 (Ninth) To make due provisions for a jail or lockup and a
10 keeper thereof, or to contract therefor with any competent
11 public agency.

12 (Tenth) To appoint such officers, employees, attorneys and
13 agents as may be necessary for the transaction of its
14 business, fix their compensation, define their duties,
15 require them to furnish bond, if deemed necessary, and to
16 remove them at the pleasure of the Board of Directors.

17 (Eleventh): To make local improvements and to assess the
18 costs thereof against benefited property in the same manner
19 and with the same powers as the council of a city of the
20 first class, as set forth in Sections 16-1-81 through
21 16-1-102, Alaska Compiled Laws Annotated, 1949, as amended,
22 substituting for this purpose the words "public utility
23 district", "board of directors", "president", and "tax
24 assessor", respectively, for the words "city", "council",
25 "mayor", and "municipal clerk", wherever they appear.

26 (Twelfth): To provide by ordinance or resolution for the
27 exclusion of any portion of such public utility district
28 upon such reasonable terms and conditions as such ordinance
29 or resolution may prescribe, except that such exclusion or

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any resolution or ordinance shall not become effective until approved by a majority of the qualified electors in the area to be included, as well as by a majority of the qualified electors in the remaining portion of such public utility district at a special election held in like manner as provided in the case of franchises in Subsection Eighth of this Section.

(Thirteenth): To make provisions for the enactment of building codes and regulations and for zoning, in the manner as provided for in the case of cities of the first class in Subsection Twenty-fourth of Section 16-1-35, ACIA 1949, as amended, except that no such provision shall be valid unless its requirements are reasonable practicable for a rural or suburban area, as the case may be.

(Fourteenth): To provide for, operate and maintain sewerage systems, sewage disposal plants and related facilities, or to contract therefor; and to collect charges, fees or rentals, from the users thereof.