

1 IN THE HOUSE

BY MR. FISCHER

2 HOUSE BILL NO. 202

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the incorporation,  
7 annexation, and dissolution of public  
8 utility districts; amending Secs. 49-2-3,  
9 49-2-5, 49-2-6, and 49-2-8, ACLA 1949;  
10 amending Sec. 49-2-13, ACLA 1949 as amended  
11 by Ch. 97, SLA 1953 and Ch. 171, SLA  
12 1955."

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

14 Section 1. Sec. 49-2-3, ACLA 1949 is hereby amended to read  
15 as follows:

16 Sec. 49-2-3. MANNER OF INCORPORATION: PETITION: NUMBER  
17 OF SIGNATURES AND CONTENTS: ORDER FOR ELECTION: POSTING COPY  
18 OF ORDER. The manner of incorporation of Public Utility  
19 Districts shall be as follows: A petition praying for such  
20 incorporation shall first be presented to the U.S. Commis-  
21 sioner, as ex officio Justice of the peace of the Territory  
22 of Alaska, in the recording precinct /JUDGE OF THE DISTRICT  
23 COURT OF THE JUDICIAL DIVISION/ in which the proposed Public  
24 Utility District is located. Such petition must be signed by  
25 at least sixty (60) citizens of the United States, over the  
26 age of twenty-one (21) years, who have resided in the pro-  
27 posed Public Utility District for at least one year, and  
28 shall specify as nearly as possible the location, boundaries  
29 and number of inhabitants of the proposed District, and

1 specify the name or number by which it is to be known. The  
2 U. S. Commissioner [JUDGE OF THE DISTRICT COURT], upon pre-  
3 sentation and filing of such petition, shall order an elec-  
4 tion in said proposed District, for the purpose of determin-  
5 ing whether the people of the community desire such incorpora-  
6 tion, and shall, by said order, designate the date of such  
7 election and appoint three qualified voters in the proposed  
8 District to arrange for, supervise and appoint judges and  
9 election officers for such election. A printed or type-  
10 written copy of said [COURT] order shall be posted at three  
11 public places within the limits of the proposed District for  
12 at least thirty (30) days prior to the day of election and  
13 such posting shall be sufficient notice of such election.

14 Sec. 2. Sec. 49-2-5, ACLA 1949 is hereby amended to read

15 as follows:

16 Sec. 49-2-5. OATH OF ELECTION JUDGES: CANVASS OF VOTES:  
17 CERTIFICATES: DISPOSITION. The judges of election shall,  
18 before entering upon the duties of their office, take an  
19 oath in writing to faithfully and impartially discharge the  
20 duties of their trust and they shall duly canvass and compile  
21 the votes cast and issue under their hands and seals a certi-  
22 ficate in duplicate [TRIPLICATE] showing the number of votes  
23 cast in favor of incorporation and the number of votes cast  
24 against incorporation. One of said certificates together  
25 with all ballots and oaths of the judges of election shall  
26 immediately be filed with the U. S. Commissioner, as ex of-  
27 ficio justice of the peace of the Territory of Alaska, of the  
28 recording precinct [CLERK OF THE DISTRICT COURT] in which the  
29 town, village and/or community proposed to be incorporated

1 is situated. A SECOND CERTIFICATE SHALL BE FILED WITH THE  
2 UNITED STATES COMMISSIONER IN THE RECORDING DISTRICT IN WHICH  
3 SAID COMMUNITY IS LOCATED, AND THE THIRD The second certifi-  
4 cate shall be kept in possession of the Board of Directors.

5 Sec. 3. Sec. 49-2-6, ACLA 1949 is hereby amended to read  
6 as follows:

7 Sec. 49-2-6. ORDER DESIGNATING COMMUNITY AS PUBLIC  
8 UTILITY DISTRICT CORPORATION; EFFECT: DESIGNATION BY NAME OR  
9 NUMBER; CORRECTION OR DESCRIPTION OF BOUNDARIES. If a majori-  
10 ty of the votes cast at said election are in favor of incor-  
11 poration, the U. S. Commissioner, as ex officio justice of  
12 the peace of the Territory of Alaska, of the recording pre-  
13 dict DISTRICT JUDGE, by an order in writing entered in the  
14 records of the Court, shall adjudge and declare that the  
15 Community in which such election has been held, is a Public  
16 Utility District Corporation, and the same shall thenceforth  
17 exercise the powers heretofore and hereinafter designated  
18 and such other powers as may be granted by law. Such Orders  
19 shall designate the Public Utility District by name or number  
20 and may correct or more definitely describe its boundaries.

21 Sec. 4. Sec. 49-2-8, ACLA 1949 is hereby amended to read  
22 as follows:

23 Sec. 49-2-8. QUALIFICATIONS AND OATH OF DIRECTORS;  
24 FILING OATH. The Board of Directors chosen at said election,  
25 as well as those chosen at any subsequent election, shall be  
26 qualified voters in the Public Utility District. Before  
27 entering upon the duties of office, each such officer shall  
28 take an oath in writing to faithfully discharge the duties  
29 of his office, which oath shall be filed with the U. S.

1 Commissioner, as ex officio justice of the peace of the  
2 Territory of Alaska, of the recording precinct /CLERK OF THE  
3 DISTRICT COURT in which the incorporated district is situated.  
4 Sec. 5. Sec. 49-2-13, ACLA 1949 as amended by Ch. 97,  
5 SLA 1953 and Ch. 171, SLA 1955 is hereby amended to read as  
6 follows:

7       Sec. 49-2-13. DISSOLUTION. First: Any duly incorporat-  
8 ed Public Utility District may be dissolved in like manner  
9 as provided for the dissolution of municipal corporations  
10 as set forth in Section 16-1-5; provided, however, that in  
11 Sec. 16-1-5 for the purposes of this Act, "U. S. Commissioner,  
12 as ex officio justice of the peace of the Territory of Alaska,  
13 in the recording precinct", shall be substituted for "district  
14 court in the division" and "U. S. Commissioner, as justice of  
15 the peace," shall be substituted for "court" and "clerk of  
16 the court" in said section. A petition for dissolution may  
17 be filed whenever (a) the population of a district falls  
18 below two hundred, (b) the whole or the integral part of a  
19 district becomes annexed to an incorporated city, (c) the  
20 government of such district has failed to exercise any of  
21 its powers or functions for more than two successive years,  
22 or, (d) other good and sufficient reasons for dissolution  
23 appear and are stated in the petition. No order of dissolu-  
24 tion shall be made until all indebtedness owing by the district  
25 shall have been paid or secured to the bondholders and credi-  
26 tors of such district in a manner found satisfactory by the  
27 court.

28       Second: Any money belonging or owing to a public utility  
29 district and any and all property owned by such district

1 dissolved as herein provided shall become the property of  
2 the Territory of Alaska in the same manner as property of a  
3 dissolved city; except that where a public utility district  
4 is dissolved because of annexation of the whole or the  
5 integral part of such district to an incorporated city, such  
6 money or property shall be used, first, to pay any outstand-  
7 ing indebtedness of the district, second, any money or  
8 property left thereafter shall become the property of the  
9 city, but insofar as practicable shall be used for the pur-  
10 pose of making public improvements in the area so annexed,  
11 Provided that, in cases where a part of the district is  
12 annexed containing district assets, the U. S. Commissioner,  
13 as ex officio justice of the peace for the Territory of  
14 Alaska, in the recording precinct in which the city is situat-  
15 ed, [COURT] shall fairly apportion the assets or proceeds  
16 thereof between the part annexed and the remaining portion  
17 of the district.

18 Third: Any portion of a district may be excluded in  
19 like manner as provided for the exclusion of territory from  
20 incorporated cities in Section 16-1-25, ACLA, 1949, or in the  
21 alternative, the Board of Directors of any such district may  
22 provide by ordinance or resolution for the exclusion of any  
23 such portion upon such reasonable terms and conditions as  
24 such ordinance or resolution may prescribe, except that such  
25 exclusion ordinance shall not become effective until approved  
26 by a majority of the qualified electors in the area to be  
27 excluded, as well as by a majority of the qualified electors  
28 in the remaining portion of such public utility district at  
29 a special election held in like manner as is provided for

1 franchise elections, in Section 49-2-21, ACLA, 1949, as  
2 amended; provided, that when any portion of a public utility  
3 district is thus dissolved, all property located in the ex-  
4 cluded area shall remain liable for and subject to the lien  
5 of any outstanding bonded indebtedness, accrued assessments  
6 or taxes of such district and all property in such excluded  
7 area owned by such district shall be and remain the property  
8 of the district; Provided, that the excluded territory shall  
9 not be liable for any taxes levied after the date of exclu-  
10 sion, except for payment of any liability for the principal,  
11 interest and charges on bonded indebtedness subject to lien  
12 as aforesaid.

13 Fourth: When any territory of a public utility district  
14 is annexed to a city, that territory is automatically excluded  
15 from the public utility district from and after the date that  
16 the annexation order or ordinance shall take effect; provided,  
17 that no order of annexation shall be made until all indebted-  
18 ness owing by the district shall have been paid or secured  
19 to the bondholders and creditors of such district in a manner  
20 found satisfactory by the Commissioner [COURT],  
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