

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, AOLA 1949;
10 amending Sec. 49-2-13, AOLA 1949 as amended
11 by Ch. 97, SLA 1953 and Ch. 171, SLA 1955,
12 and declaring an emergency."

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

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

16 Sec. 49-2-3. MANNER OF INCORPORATION: PETITION: NUMBER
17 OF SIGNATURES AND COMMENTS: 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, an 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

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1 specify the name or number by which it is to be known. Said
2 petition shall be accompanied by a filing fee of \$50.00,
3 which shall be retained by the Commissioner as compensation
4 for services rendered in accordance with this Act. The U. S.
5 Commissioner [JUDGE OF THE DISTRICT COURT], upon presentation
6 and filing of such petition, shall order an election in said
7 proposed District, for the purpose of determining whether the
8 people of the community desire such incorporation, and shall,
9 by said order, designate the date of such election and appoint
10 three qualified voters in the proposed District to arrange
11 for, supervise and appoint judges and election officers for
12 such election. A printed or typewritten copy of said [COURT]
13 order shall be posted at three public places within the
14 limits of the proposed District for at least thirty (30) days
15 prior to the day of election and such posting shall be suf-
16 ficient notice of such election.

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

19 Sec. 49-2-5. OATH OF ELECTION JUDGES: CANVASS OF VOTES:
20 CERTIFICATES: DISPOSITION. The judges of election shall, be-
21 fore entering upon the duties of their office, take an oath
22 in writing to faithfully and impartially discharge the duties
23 of their trust and they shall duly canvass and compile the
24 votes cast and issue under their hands and seals a certificate
25 in duplicate [TRIPLICATE] showing the number of votes cast in
26 favor of incorporation and the number of votes cast against
27 incorporation. One of said certificates together with all
28 ballots and oaths of the judges of election shall immediately
29 be filed with the U. S. Commissioner, as ex officio justice

1 of the peace of the Territory of Alaska, of the recording
2 precinct [CLERK OF THE DISTRICT COURT] in which the town,
3 village and/or community proposed to be incorporated is sit-
4 uated. [A SECOND CERTIFICATE SHALL BE FILED WITH THE UNITED
5 STATES COMMISSIONER IN THE RECORDING DISTRICT IN WHICH SAID
6 COMMUNITY IS LOCATED, AND THE THIRD] The second certificate
7 shall be kept in possession of the Board of Directors.

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

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

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

26 Sec. 49-2-8. QUALIFICATIONS AND OATH OF DIRECTORS:
27 FILING OATH. The Board of Directors chosen at said election,
28 as well as those chosen at any subsequent election, shall be
29 qualified voters in the Public Utility District. Before

1 entering upon the duties of office, each such officer shall
2 take an oath in writing to faithfully discharge the duties
3 of his office, which oath shall be filed with the U. S.
4 Commissioner, as ex officio justice of the peace of the
5 Territory of Alaska, of the recording precinct /CLERK OF THE
6 DISTRICT COURT in which the incorporated district is situated
7 Sec. 5. Sec. 43-2-13, ACLA 1949 as amended by Ch. 97,
8 SLA 1953 and Ch. 171, SLA 1955 is hereby amended to read as
9 follows:

10 Sec. 43-2-13. DISSOLUTION. First: Any duly incorporated
11 ed Public Utility District may be dissolved in like manner as
12 provided for the dissolution of municipal corporations as set
13 forth in Section 16-1-5; provided, however, that in Sec.
14 16-1-5 for the purpose of this Act, "U.S. Commissioner, as
15 ex officio justice of the peace of the Territory of Alaska,
16 in the recording precinct", shall be substituted for "district
17 court in the division" and "U.S. Commissioner, as justice of
18 the peace," shall be substituted for "court" and "clerk of
19 the court" in said section. A petition for dissolution may
20 be filed whenever (a) the population of a district falls
21 below two hundred, (b) the whole or the integral part of a
22 district becomes annexed to an incorporated city, (c) the
23 government of such district has failed to exercise any of its
24 powers or functions for more than two successive years, or,
25 (d) other good and sufficient reasons for dissolution appear
26 and are stated in the petition. No order of dissolution shall
27 be made until all indebtedness owing by the district shall
28 have been paid or secured to the bondholders and creditors of
29 such district in a manner found satisfactory by the court.

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

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

1 special election held in like manner as is provided for fran-
2 chise elections, in Section 49-2-21, ACLA, 1949, as amended;
3 Provided, that when any portion of a public utility district
4 is thus dissolved, all property located in the excluded area
5 shall remain liable for and subject to the lien of any out-
6 standing bonded indebtedness, accrued assessments or taxes of
7 such district and all property in such excluded area owned by
8 such district shall be and remain the property of the district;
9 Provided, that the excluded territory shall not be liable for
10 any taxes levied after the date of exclusion, except for pay-
11 ment of any liability for the principal, interest and charges
12 on bonded indebtedness subject to lien 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 to
19 the bondholders and creditors of such district in a manner
20 found satisfactory by the Commissioner COURT,

21 Sec. 6. An emergency is hereby declared to exist and this Act
22 shall be in full force and effect from and after the date of its
23 passage and approval,
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