

1 IN THE SENATE BY SENATOR McNABB BY REQUEST
2 SENATE BILL NO. 89
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the powers of public
7 utility districts; granting them the power
8 to make provisions for building codes and
9 zoning regulations; amending Sec. 49-2-21,
10 ACLA 1949, as amended by Ch. 75, SLA 1949,
11 Ch. 21, SLA 1951, Ch. 105, SLA 1953, and
12 Ch. 123, SLA 1957 and providing for an
13 effective date."

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

15 Section 1. Sec. 49-2-21 ACLA 1949 as amended by Ch. 75,
16 SLA 1949, Ch. 21, SLA 1951, Ch. 105 SLA 1953, and Ch. 123,
17 SLA 1957 is hereby amended to read as follows:

18 Sec. 49-2-21. ENUMERATION OF PUBLIC UTILITY DISTRICT
19 POWERS. Each Public Utility District shall have in
20 its corporate name, may sue and be sued, including the
21 bringing of injunction proceedings, in its corporate
22 name, may adopt and use a corporate seal, which shall
23 be judicially noticed make contracts to enforce or carry
24 into effect any authority herein granted; may purchase,
25 lease or otherwise acquire such real and personal
26 property as it deems necessary or convenient in
27 the transaction of its business, and may dispose
28 of any property held by it, provided that real property
29 shall be disposed of in the manner prescribed for

1 disposal of real property by municipalities in Sec. 16-1-35
2 Twentieth, ACLA 1949, as amended; may exercise the right
3 of eminent domain; shall have the power to construct,
4 maintain, and operate, alter and improve and to contract
5 for the construction, maintenance and operation, alteration
6 and improvement of dams, reservoirs, power houses, power
7 structures, transmission lines, water works, sewer systems,
8 telephone systems, light plants, hospitals, wharves, docks,
9 warehouses, garbage disposal facilities, park and recreation
10 facilities, traffic and warning signals, street lights,
11 facilities for controlling and preventing fires, cold
12 storage plants and canneries for the processing and canning
13 of fish and fish products; and to produce, distribute and
14 sell such services and products derived from any of the
15 facilities hereinabove enumerated to create, maintain,
16 operate, alter and improve roads, trails, walks, bridges,
17 and drainage ditches, or contract therefor, and shall have
18 the right to own and operate public utilities or to grant
19 franchises for a period not to exceed twenty years with
20 reference to all such utilities within its district, pro-
21 vided, that when a franchise is given to permit the use of
22 streets and other public places for a period of not to
23 exceed twenty years under such rules and regulations as may
24 be prescribed by ordinance of the governing body of the
25 district, no such franchise shall be valid until it has been
26 submitted to the electors of the district at an election and
27 at least a majority of the votes cast are in favor of such
28 franchise. It is further provided that with respect to such
29 election, at least thirty days notice shall be given in the

1 same manner as is provided for notice of an annual municipal
2 election in Alaska and for which notice shall specify the
3 purpose for which such election is called. Every
4 ordinance granting such franchise shall include appropriate
5 provisions for submitting same to the qualified electors
6 of the district as above required, and the result of such
7 election shall be canvassed publicly by the Board of
8 Directors of the District and the result thereof publicly
9 declared and certified. The Board of Directors of the
10 District shall also have power to appoint such officers,
11 employees, attorneys and agents as may be necessary for
12 transaction of its business, fix their compensation, define
13 their duties, require them to furnish bonds, if deemed
14 necessary, and to remove them at the pleasure of the Board
15 of Directors. In addition to other powers heretofore
16 granted, the Board of Directors of the District, by
17 resolution or ordinance, shall have the power and authority
18 to provide for public health.

19 To make provisions for the enactment of building codes
20 and regulations and for zoning, in the manner as provided
21 for in the case of cities of the first class in Subsection
22 Twenty-fourth of Section 16-1-35, ACLA 1949, as amended.

23 Sec. 2. This Act shall take effect immediately upon its
24 passage and approval or upon its becoming law without such approval.
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26 Passed by the Senate March 12, 1959
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