

CHAPTER 71.

AN ACT

[H. B. 83]

Providing for the incorporation of communities, villages and/or settlements, outside the limits of incorporated towns, in the Territory of Alaska, into Public Utility Districts, and declaring an emergency.

*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. That any town, village, community or settlement in the Territory of Alaska, outside the limits of any incorporated town, having a population of two hundred (200) or more, may incorporate as a Public Utility District, in the manner hereinafter provided, but such Public Utility District shall not embrace more than sixty-four (64) square miles of Territory.

Establishment of Public Utility District authorized.

Section 2. Each Public Utility District, organized under the provisions of this Act shall have a Board of five directors, to be elected as hereinafter provided, who shall have the exclusive management of all matters relating to public utilities in the District. Within ten (10) days after each annual election, the Board shall organize and shall annually elect one of their members as President, one as Treasurer and one as Clerk of said Board. Three members shall constitute a quorum for the transaction of any business of the Board, but no contract shall be entered into or other business transacted without the affirmative vote of three members of the Board. The Board shall also have the power, and it shall be its duty, to appoint from its members, or from the residents of the incorporated Public Utility District, an Assessor, who shall also act as Tax Collector, and who, before assuming the duties of his office, shall take an oath in writing to honestly and faithfully discharge the duties of his office.

Election of members of board.

Other officers.

Section 3. The manner of incorporation of Public Utility Districts shall be as follows: A petition pray-

Incorporation of public utility district.

ing for such incorporation shall first be presented to the Judge of the District Court of the Judicial Division in which the proposed Public Utility District is located. Such petition must be signed by at least sixty (60) citizens of the United States, over the age of twenty-one (21) years, who have resided in the proposed Public Utility District for at least one year, and shall specify as nearly as possible the location, boundaries and number of inhabitants of the proposed District, and specify the name or number by which it is to be known. The Judge of the District Court, upon presentation and filing of such petition, shall order an election in said proposed District, for the purpose of determining whether the people of the community desire such incorporation, and shall, by said order, designate the date of such election and appoint three qualified voters in the proposed District to arrange for, supervise and appoint judges and election officers for such election. A printed or typewritten copy of said Court order shall be posted at three public places within the limits of the proposed District for at least thirty (30) days prior to the day of election and such posting shall be sufficient notice of such election.

Order of  
election.

Qualification  
of voters.

Section 4. The qualifications of electors at said or any subsequent District election shall be as follows, to-wit: All citizens of the United States, twenty-one (21) years of age and over, who are actual and bona fide residents of Alaska, and who have been such residents continuously during the entire year immediately preceding the election, and who have been such residents continuously for six (6) months next preceding the election in such Public Utility District, and who are able to read and write the English language as prescribed by the Act of Congress approved March 3, 1927, entitled, "An Act to prescribe certain qualifications of voters in the Territory of Alaska and for other purposes", shall be qualified to vote at such elections; provided however that the requirements of this section

as to ability to read and write shall not apply to any person who is incapacitated from complying therewith by reason of physical disability only. The persons appointed to conduct said first election, shall provide a form of printed or typewritten ballot, suitable for determining the question, whether the voter is in favor of, or against, the incorporation of the District and for the election of five directors who must be qualified electors of the District and whose term of office shall be as hereinafter described. Ballot.

Section 5. The judges of election shall, before entering upon the duties of their office, take an oath in writing to faithfully and impartially discharge the duties of their trust and they shall duly canvass and compile the votes cast and issue under their hands and seals a certificate in triplicate showing the number of votes cast in favor of incorporation and the number of votes cast against incorporation. One of said certificates together with all ballots and oaths of the judges of election shall immediately be filed with the Clerk of the District Court in which the town, village and/or community proposed to be incorporated is situated. A second certificate shall be filed with the United States Commissioner in the Recording District in which said community is located, and the third certificate shall be kept in possession of the Board of Directors. Canvass of votes.

Section 6. If a majority of the votes cast at said election are in favor of incorporation, the District Judge by an order in writing entered in the records of the Court, shall adjudge and declare that the Community in which such election has been held, is a Public Utility District Corporation, and the same shall thenceforth exercise the powers hereinbefore and hereinafter designated and such other powers as may be granted by law. Such Orders shall designate the Public Utility District by name or number and may correct or more definitely describe its boundaries. Order of District Judge declaring community a Public Utility District.

Election of  
board of  
directors.

Section 7. The judges of election shall be qualified voters in the Public Utility District; they shall canvass the vote cast at said election for members of the Board of Directors and in case the majority of the votes cast are in favor of incorporation, the judges shall declare the five candidates who have received the greatest number of votes for such office duly elected and shall issue and deliver to them certificates of election. No candidate for office shall be eligible to serve as Judge of Election.

Oath of  
directors.

Section 8. The Board of Directors chosen at said election, as well as those chosen at any subsequent election, shall be qualified voters in the Public Utility District. Before entering upon the duties of office, each such officer shall take an oath in writing to faithfully discharge the duties of his office, which oath shall be filed with the Clerk of the District Court in which the incorporated district is situated.

Term of  
directors.

Section 9. Immediately after qualifying, the Board of Directors shall assemble and by lot or drawing be divided into two classes. The first class shall be composed of two members of the Board and the second class of three members of the Board. The members of the first class shall hold office until the second Tuesday in April of the following year, at which time an election shall be held to choose their successors. The members of the second class shall hold office until the second Tuesday in April of the second year following their election, at which time, an election shall be held to choose their successors and all members, except those chosen at the election held for the purpose of incorporating the Public Utility District, shall hold office for the term of two years and until their successors are elected and qualified, for which purpose an election shall be held annually on the second Tuesday of April.

Section 10. The Treasurer and Assessor of such <sup>Bond.</sup> Public Utility Board of Directors shall give such bond and/or sureties as the Board of Directors may require. The conditions of said bond shall be for the honest and faithful disbursing and accounting of all monies that may come into the hands of such officer by virtue of office. The Treasurer of the Board shall be the custodian of all funds belonging to the Public Utility District. The Board shall have the power to fix the compensation of the Cler [Clerk], Treasurer and Assessor, which compensation shall be paid from funds belonging to the Public Utility District and raised by taxation therein, and the District shall not be entitled to refund from the Territory of Alaska on account of any compensation so paid.

Section 11. The Board of Directors shall have power <sup>Duties and powers of board.</sup> and it shall be its duty to prescribe rules for the conduct of the elections hereinbefore authorized, to give notice of election, designate and provide polling places, appoint judges of election and attend to all matters pertaining to such elections. A notice of election and the designation of polling places shall be in writing and shall be placed in five public places within the District for a period of thirty (30) days.

Section 12. The Board of Directors shall have the <sup>Taxes.</sup> power to levy and collect taxes upon all real and personal property within the limits of the District, not exempt therefrom by existing law, not to exceed one per cent of the assessed value of such property in any one year. All monies collected by such taxation shall be expended in payment of the costs of levying and collecting such taxes; in the payment of the cost of conducting Public Utility District elections, and for the construction, operation and maintenance of public improvements only. All taxes levied and assessed shall be in conformity with a resolution adopted by the majority of the whole Board of Directors and entered

on the minutes of the Board at a meeting called for that purpose. At least ten days' notice shall be given by posting notice of such meeting at least three public places in the District. Said Board is hereby empowered to prescribe rules for the annual assessment and levy of taxes and by such rules to fix the dates when such assessment shall be annually made; the mode and manner of assessment; when the taxes may become due; to require the listing of property subject to taxation by owner or agent thereof; to impose, fix and provide for collection of penalties for non-payment of taxes when due, not to exceed ten per cent of such taxes; to fix the rate of interest on delinquent taxes, not to exceed ten per cent per annum; to provide for the collection of such penalties and interest; and to provide generally for such other matters and things relative to the assessment and levy of such taxes as may be proper; provided, however, that all assessments shall be equal and uniform and based upon the actual cash value of the property assessed, and that prior to fixing the rates of levy, said Board of Directors shall sit and publicly equalize the valuation of the property assessed.

Taxes to be a lien on property.

Section 13. All taxes levied and assessed by the Board under this Act shall be a lien upon the property assessed, and such lien shall be prior and paramount to all other liens and encumbrances, and may be foreclosed by an appropriate action in any court of competent jurisdiction. The owner of the property assessed shall be personally liable for the amount of taxes assessed against such property; and such taxes, together with penalty and interest, may be collected after the same becomes due in a personal action brought in the name of the Public Utility District against such owner in any court of competent jurisdiction.

Board to have same powers as common council of municipal corporation in collecting tax.

Section 14. In addition to the remedies given by the last section, the Board of Directors shall have the

same power to levy and collect taxes and to enforce the lien against personal or real property as is now by law granted, or may hereafter be granted to the common council of a municipal corporation, and in such proceedings the Board of Directors shall have the same power as the common council of a municipal corporation, and the Clerk of said Board shall have the same power and duties as the Clerk of an incorporated city.

Section 15. Any community incorporated as here-  
inbefore provided shall be deemed to have consented to  
the imposition of such taxes as are authorized by and  
may be imposed under the provisions hereof for public  
utility purposes. The Clerk of the Board in each district shall keep a record of all monies collected and distributed and shall annually transmit to the Clerk of the District Court in the judicial division in which such incorporated district is located, a verified statement showing such receipts and disbursements, which statement shall be kept on file in said Clerk's office, and be subject to inspection at all times.

Clerk to keep  
record of  
financial  
transactions  
and file report.

Section 16. Each Public Utility District shall have  
succession in its corporate name, may sue and be  
sued in its corporate name, may adopt and use a corporate seal, which shall be judicially noticed; make contracts to enforce or carry into effect any authority herein granted; may purchase, lease or otherwise acquire such real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of any such personal property held by it; may exercise the right of eminent domain; shall have power to construct, maintain and operate alter and improve dams, reservoirs, power houses, power structures, transmission lines, water works, telephone systems, and light plants; and to produce, distribute and sell such services; and shall also have power to appoint such officers, employees, attorneys and agents as may be necessary for the trans-

Powers of  
Public Utility  
District.

action of its business, fix their compensation, define their duties, require them to furnish bonds, if deemed necessary, and to remove them at the pleasure of the Board.

Prohibited from issuing bonds and limiting indebtedness.

Section 17. The Board of Directors of the Public Utility District shall have no authority to issue bonds or incur any bonded indebtedness, nor shall they have authority to incur a greater indebtedness or liability of any kind in any year than the current revenue of the district for that year. But this shall not be construed to prevent the district from incurring an indebtedness for the acquisition or installation of public service plants beyond the current revenues of the district for the year in which the plant is acquired or installed, provided, such excess of indebtedness is a charge only against the plant so acquired or installed and such indebtedness be an encumbrance only upon such plant and payable out of such plant or the revenue therefrom.

Proviso.

Approved March 14, 1935.

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## CHAPTER 72.

### AN ACT

[S. B. 51]

Relating to disorderly conduct and disturbance of the peace in Alaska, and repealing Sections 4906 to 4909, inclusive, Compiled Laws of Alaska, 1933, and declaring an emergency.

*Be it enacted by the Legislature of the Territory of Alaska:*

Disorderly conduct and disturbance of the peace.

Section 1. If any person or persons shall use any obscene or profane language in any public place or private house or place to the disturbance or annoyance