

## CHAPTER 14

## AN ACT

[H. B. 37]

To amend Chapter 43, Session Laws of Alaska, 1937, amending Section 3638, Compiled Laws of Alaska, 1933, authorizing the Director of the United States Courts to designate judges to perform certain duties, repealing Chapter 28, Session Laws of Alaska, 1941.

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

Section 1. Chapter 43, Session Laws of Alaska, 1937, amending Section 3638, Compiled Laws of Alaska, 1933, is hereby amended by eliminating therefrom the words "Attorney General of the United States" and substituting therefor the words "Director of the United States Courts, or any other authorized officers." Substitute Director of Courts for Attorney General, U. S.

Section 2. Chapter 28, Session Laws of Alaska, 1941, Repeal. is hereby repealed.

Approved March 8, 1945.

## CHAPTER 15

## AN ACT

[S. B. 21]

To create a public corporate Authority to be known as the Alaska Housing Authority, to define its powers and duties, to authorize public bodies to contract with said Authority, and for other purposes, and declaring an emergency.

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

Section 1. It is the purpose of this Act to remedy the acute housing shortage that exists in certain localities of the Territory in accordance with an Act of the Con-

gress of the United States authorizing the Legislature of the Territory to create a public corporate authority to undertake slum clearance, low cost housing projects and housing for persons (and their families) engaged in national defense activities within the Territory.

Authority  
created.

Section 2. There is hereby created for the Territory of Alaska a public corporate authority to be known as the "Alaska Housing Authority", hereinafter referred to as "the Authority".

Appointment,  
term of office,  
Commissioners.

Section 3. The Governor of the Territory shall appoint five persons as Commissioners of the Authority, subject to approval by the Legislature. The Commissioners first appointed shall be designated to serve for one, two, three, four and five years respectively from the date of appointment. Thereafter, the Commissioners shall be appointed as aforesaid for a term of five years, except that all vacancies shall be filled for the unexpired term. A Commissioner shall hold office until his successor has been appointed and has qualified. Commissioners shall serve without compensation except that each member may be reimbursed for actual and necessary travel expenses. Three Commissioners shall constitute a quorum. The Authority shall select from among its members a Chairman and Vice Chairman, and it may employ an Executive Director, technical experts and such other officers, agents and employees as it may require.

Commissioners  
prohibited from  
acquiring inter-  
est in projects.

Section 4. No Commissioner or employee of the Authority shall acquire any interest, direct or indirect, in any housing project, or in any property or contract for materials or services included or planned to be included in any project. If any Commissioner or employee owns or controls such an interest in any such property, he shall immediately disclose the same in writing to the Authority. Failure to make such disclosure shall constitute misconduct in office.

Section 5. The Authority, after hearing may remove a Commissioner for inefficiency, neglect of duty or misconduct in office. Copies of the charges shall be furnished the Commissioner at least 10 days prior to the hearings thereon. A record of the proceedings together with the charges and findings thereon shall be filed with the Secretary of the Territory.

Removal of  
Commissioners  
—Causes.

Section 6. The Authority shall have all powers necessary to carry out the purposes of this Act including but not limited to the following: (a) To sue and be sued, to have a seal, to have perpetual succession, to make and execute contracts and other instruments, to make, amend and repeal by-laws, rules and regulations; (b) To own, exchange, transfer, lease, rent or acquire by eminent domain under Chapter XIX of the Compiled Laws of Alaska, 1933, or otherwise, real and personal property; provided, however, that no project site or part thereof shall be acquired by eminent domain until the Authority has secured, through negotiation, options for the purchase of at least 50% of the properties included within said site; to provide subject to the applicable planning, zoning, sanitary and building laws, ordinances and regulations for the construction, improvement, alteration or repair of any housing project or any part thereof; to operate such housing projects; and to act as agent or lessee in developing or administering housing projects undertaken by the Federal Government; (c) To arrange or contract for services, privileges, works or facilities for or in connection with a housing project or the occupants thereof, and (notwithstanding anything to the contrary contained in this act or in any other provision of law) to include in any such contract stipulations that the contractor and subcontractors comply with requirements as to minimum wages and maximum hours of labor, with any conditions which the Federal Government may have attached to its financial aid of the project, and with any pertinent Territorial law; (d) To establish and revise rent schedules; (e) To insure any real or personal property

Powers granted  
the Authority.

or operations of the Authority against any risks or hazards; (f) To invest in property or securities in which banks or trust companies may legally invest, any funds held in reserves or sinking funds or any funds not required for immediate disbursement; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled; (g) To investigate and study living and housing conditions and the clearing, and reconstructing of slum areas.

Authority to cooperate with or act as agent for Federal Government.

Section 7. The Authority may do all things necessary or desirable to cooperate with or act as agent for the Federal Government, or to secure financial aid for defense housing projects, provided that such projects shall not be undertaken unless an acute shortage of such housing exists. With respect to such projects, the Authority shall not be subject to limitations, restrictions or requirements of other laws (except those relating to land acquisition) prescribing or limiting the procedure or action to be taken in the development or administration of any buildings, property, public works, undertakings or projects of municipal or public corporations or agencies of the Territory. As soon after the termination of the present war as the Authority finds practicable, all such defense housing projects owned and administered by the Authority shall be administered as low cost housing projects in accordance with the provisions of this Act.

The Authority to manage and operate projects.

Section 8. The Authority shall so manage and operate projects that rentals may be fixed at the lowest rates consistent with decent, safe and sanitary dwellings. No project shall be constructed or operated for profit or as a source of revenue to any municipality or the Territory. Rentals, except in defense housing projects, shall be no higher than the Authority finds necessary to produce revenues sufficient together with all other available monies of the Authority from whatever source derived, (a) to pay, as the same become due, the principal and interest on its bonds; (b) to meet the cost of maintaining

and operating the projects, including insurance and administrative expenses of the Authority; and (c) to create (during not less than the six years immediately succeeding issuance of any bonds) a reserve sufficient to meet the largest principal and interest payments that may be due on such bonds in any one year thereafter and to maintain such reserve.

Section 9. In the operation or management of housing projects (except defense housing projects) the Authority (a) shall not accept as tenant any family with an annual net income more than five times the annual rental of the quarters to be furnished, except that in the case of families with three or more minor dependents such ratio shall not exceed six to one (in computing rental for this purpose the average annual cost to occupants of heat, water, electricity, gas, and fuel for cooking as determined by the Authority, shall be included whether or not such cost is in fact included in the rental); (b) shall rent or lease to a tenant, as dwelling accommodations, no more than the minimum number of rooms which it deems necessary to provide safe and sanitary accommodations without overcrowding. Nothing contained in this or the preceding section shall be construed as limiting the power of the Authority to vest in an obligee the right, in the event of a default by the Authority, to take possession of a housing project or cause the appointment of a receiver thereof free from all the restrictions imposed by this or the preceding section.

Limitations and qualifications of renters.

Section 10. The Authority shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes. The Authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. Subject to the provisions of this Act, the Authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable; (a) exclusively from the

Power granted The Authority to issue bonds.

income and revenues of the housing project financed with the proceeds of such bonds; (b) exclusively from the income and revenues of certain designated housing projects whether or not they are financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any such bonds may be additionally secured by a pledge of any grant or contribution from the Federal Government or other source, or a pledge of any income or revenues of the Authority, or a mortgage of any housing project, projects or other property of the Authority.

Neither the commissioners of the Authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds of the Authority (and such bonds shall so state on their face) shall not be a debt of the Territory or any political or municipal corporation or other subdivision of the Territory other than the Authority; and neither the Territory nor any political or municipal corporation or other subdivision of the Territory other than the Authority shall be liable thereon, nor in any event shall such bonds be payable out of any funds or properties other than those of the Authority. The Authority shall not pledge the faith of the people of the Territory for any loan or obligation whatever. The Bond shall not constitute a debt, indebtedness or the borrowing of money within the meaning of any limitation or restriction on the issuance of bonds contained in the laws of the Territory of Alaska or the laws of the United States applicable to the Territory of Alaska or any political or municipal corporation or other subdivision of the Territory. Bonds of the Authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes.

Bonds not  
obligations of  
Territory.

Bond form,  
manner issuing,  
interest rate.

Section 11. Bonds of the Authority shall be authorized by resolution which shall prescribe the date of issuance and maturity, interest rate (not to exceed six per cent),

denomination, form, conversion privilege, rank or priority, execution, terms of redemption, medium and place of payment. Bonds may be sold at public or private sale at not less than par and shall be fully negotiable notwithstanding any provision of law to the contrary. The signature of a Commissioner or officer upon a bond or coupon shall not be invalidated by reason of his ceasing to hold office prior to the delivery of the bond. The recitation of a bond that it has been issued in the financing of a project under this act shall be conclusive as to the issuance of the bond and the character of the project in any challenge of the validity of such bond or security therefor.

Section 12. In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, the Authority, in addition to its other powers, shall have power; (a) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence; (b) To mortgage all or any part of its real or personal property, then owned or thereafter acquired; (c) To covenant against such pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its rights to sell, lease or otherwise dispose of any housing project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it; (d) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereon; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereof; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof; (e) To covenant (subject

The Authority  
power to pledge  
earnings—  
mortgage prop-  
erty, etc.

to the limitations contained in this Act) as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for monies held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the monies held in such funds; (f) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given; (g) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived; (h) to vest in a trustee or trustees or the holders of bonds or any specified proportion of them, the right to enforce the payment of such bonds or any covenants securing or relating to such bonds; to vest in a trustee or trustees the right in the event of a default by the Authority, to take possession of any housing project or part thereof, and (so long as the Authority shall continue in default) to retain such possession and to use, operate and manage said project, and to collect the rents and revenues arising therefrom and to dispose of such monies in accordance with the agreement of the Authority with said trustee or trustees, to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds, or any proportion of them, may enforce any covenant or rights securing or relating to such bonds.

Section 13. Any obligee of the Authority shall have the right, in addition to all other rights which may be conferred, subject only to any contractual restrictions binding upon him to bring a mandamus or injunction action against the Commissioners, the Authority, its officers, agents or employees.

Right of obligee  
bring mandamus  
or injunction.

Section 14. The Authority shall have power by resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, or holding a lease, the right upon a default as defined in said resolution or instrument by suit, action or proceeding; (a) To cause possession of any housing project or any part thereof to be surrendered to any such obligee, which possession may be retained by such obligee so long as the Authority shall continue in default; (b) To obtain the appointment of a receiver of any project or part thereof and of the rents and profits therefrom, who may enter, take possession and for the duration of the default operate and maintain it, collect and receive all fees, rents, revenues or other charges thereafter arising therefrom, and keep such monies in a separate account or accounts to be applied in accordance with the obligations of the Authority as the court shall direct; (c) To require the Authority and the Commissioners thereof to account as if it and they were the trustees of an express trust.

Authority grant  
right of action  
upon obligee.

Appoint receiver.

Section 15. All real property of the Authority shall be exempt from levy and sale by execution, and no execution or other judicial process shall issue against it nor shall any judgment against the Authority be a charge or lien upon its real property; provided, however, that this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of the Authority or to pursue any remedies for the enforcement of any pledge or lien given by the Authority on its rents, fees or revenues.

Real property  
exempt from  
levy and sale.

Proviso.

Power to borrow  
and accept  
contributions.

Section 16. In addition to the other powers conferred upon the Authority it is empowered to borrow, accept contributions, grants or other financial assistance from the Federal Government for or in aid of any housing project and for this purpose to comply with such conditions and enter into such mortgages, trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this act to authorize the Authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government in the undertaking, construction, maintenance or operation of any housing project.

Exempt. Terri-  
torial or political  
subdivision  
taxes.

Section 17. The property of the Authority is declared to be public property used for essential public and governmental purposes and it and the Authority shall be exempt from all taxes and special assessments of any municipality, the Territory or any political subdivision thereof; provided, however, that in lieu of such taxes, the Authority may make payments to the municipality or any such political subdivision for improvements, services and facilities furnished by it for the benefit of the housing projects.

Bonds—security  
banking funds.

Section 18. Notwithstanding the restrictions of any Territorial law, bonds of the Authority shall be considered legal and proper investments and security for public and private banking, insurance and trust funds.

Annual report.

Section 19. The Authority shall file with the Auditor of the Territory an annual report of its activities and shall make recommendations for such additional legislation or other action as it deems necessary to carry out the purposes of this Act.

Section 20. Any public body, officer or agency of the Territory is authorized to lend or donate money to the Authority; to cooperate with it in the planning, construction or operation of any project; to transfer to it any

interest in any property, grant easements, undertake otherwise authorized construction of facilities adjacent to a project; to furnish or improve otherwise authorized roads, streets, alleys and sidewalks; make exceptions from building codes, exercise its planning and zoning powers, and annex the sites of projects; to contract to exercise its powers relating to repair, elimination or closing of unsafe, insanitary or unfit dwellings; to purchase bonds of the Authority; to incur the entire expense of improvements made under this act; to agree with the Authority that a certain sum or that no sum shall be paid by the Authority to it in lieu of taxes for any year or period of years; to enter into agreements extending over any period, respecting exercise of any powers granted herein, which agreements must be approved and executed by the public body, municipality or city in or adjacent to which the project is to be located, before such project can be constructed; and in general to do all things necessary or convenient to cooperate in the planning, construction or operation of projects. Any sale, conveyance, lease or agreement under this section may be made without appraisal, public notice or advertisement or bidding. Any public body may exercise the powers herein granted by resolution or ordinance by a majority of the members of the governing body present at the meeting at which it is introduced, and shall take effect immediately without publishing or posting.

Any public body,  
agency can  
cooperate with  
The Authority.

Section 21. Insofar as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling.

Section 22. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circum-

Savings clause.

stances other than those as to which it is held invalid, shall not be affected thereby.

Title. Section 23. This Act may be referred to as the "Alaska Housing Authority Law."

Emergency. Section 24. An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval.

Approved March 10, 1945.

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## CHAPTER 16

### AN ACT

[S. B. 29]

Conveying certain lots and premises in the Townsite of Nome to the United States and declaring an emergency.

Transfer from  
Territory to  
agency Federal  
Government  
certain real  
property.

It appearing that the Territory of Alaska is the record owner of a number of lots situate in the Townsite of Nome and more definitely described in Section One of this Act, and it further appearing that said lots have no commercial value and are of no benefit to the Territory of Alaska but are of benefit to the Alaska Communication System, an agency of the Federal Government, which desires to secure possession thereof for use in carrying on its public functions.

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

Section 1. The Territory of Alaska in consideration of the sum of One Dollar lawful money of the United States to it in hand paid by the United States of America, receipt whereof is hereby acknowledged, does hereby sell and quitclaim unto the United States of America all its right, title, interest and estate in and to all and singular