

of the election thereon shall be canvassed publicly by the council and spread upon the records of the minutes thereof and the result declared and certified in the same manner as a general election.

Section 2. Exclusive franchises heretofore approved by not less than fifty-five per centum of the votes cast at any municipal election wherein the people approved an exclusive franchise within said municipality are hereby ratified and given full force and effect under this Act provided the terms of said franchise intend that the same shall now be in force and effect. ^{Approval by voters.}

Approved March 23, 1949.

CHAPTER 92 .

AN ACT

[H. B. 117]

Allowing municipalities to create public utility boards; providing passage of ordinance; election of board members; term of office of board members; limiting powers; defining duties; providing for ratification by voters; amending Section Fourth (Public Utilities) of Section 16-1-35 ACLA 1949; and declaring an emergency.

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

Section 1. Section 16-1-35 ACLA 1949 is hereby amended to read as follows:

Section 16-1-35; Sub-Section Fourth (Public Utilities) To purchase, construct, or otherwise acquire, establish and operate public wharves, public cold storage plants, telephone systems

and plants for the use, sale and distribution of light, water, power, heat and telephone service to the residents of the city and the public. Provided, that any municipality which owns and/or operates plants for the use, sale or distribution of light, power, heat, water or telephone service to the residents of the city may also sell and distribute such light, power, heat, water or telephone service to the residents of contiguous and adjacent districts outside the limits of the city, and for that purpose may construct, purchase or otherwise acquire, own, maintain and operate extensions, pole line, mains, pipe lines and other necessary apparatus and equipment therefor; together with the real property necessary for the same, outside the limits of the city. Provided, however, such public utilities as are provided for in this subsection shall not be operated or maintained by funds raised by taxation but from the revenue collected for service rendered by such plants or utilities from the customers or users thereof.

Services outside
of municipal
limits.

No tax money
used to purchase
or operate.

Section 2. UTILITY BOARD; Municipalities which own and/or operate public utilities may provide by ordinance for a Board of five members in which the management of such public utilities shall be vested, and to define its powers and duties. The Board shall be elected at the next general or special municipal election at which election one member shall be elected to serve for a term of one year, one to serve for a term of two years, one to serve for a term of three years, one to serve for a term of four years, and one to serve for a term of five years, the length of time for which each member shall serve is to be designated on the ballot. Thereafter, one member shall be elected at each general municipal election to serve for a term of five years. The Board before entering upon the duties of their offices shall severally

Election of
members.

take an oath in writing to faithfully and honestly discharge the duties of their office. In case of a vacancy in the membership of said Board from death, resignation, removal or other causes, such vacancy shall be filled by majority of the remaining members of the Board until the next general municipal election, at which election a member shall be elected to fill the unexpired term. In case the remaining members of the Board cannot agree, they shall call a special election for the purpose of filling such vacancy. The Board shall choose its own chairman and secretary. The Board shall have authority to appoint the manager of such public utilities for a term not longer than five years, and shall formulate and enforce the general rules and policies of the utilities under its management. The Board shall fix the salary of such manager. The manager shall be subject to removal for cause by the Board.

Oath required.

Vacancy.

Board to appoint manager.

Section 3. An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval.

Emergency clause.

Approved March 23, 1949.

CHAPTER 93

AN ACT

[H. B. 69]

Establishing a Bus Transportation Commission with powers to control common carrier service by buses in Alaska, including issuance of certificates of convenience and necessity; defining offenses and prescribing penalties; and making an appropriation.

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