

## CHAPTER 122

**AN ACT**

**Relating to condemnation proceedings by cities of the first class; granting to cities of the first class powers provided in Ch. 90, SLA, 1953.**

(H. B. 137)

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

Section 1. In the exercise of eminent domain for street or highway, school, sewer, water, telephone, electric, other utility, and slum clearance purposes or use granted to cities of the first class, the governing body of such cities may exercise the power of eminent domain through the use of a declaration of taking, provided, that the declaration of taking procedure may not be used with relation to the property of rural electrification or telephone cooperative or non-profit associations receiving financial as-

sistance from the Federal government under the Rural Electrification Act.

Section 2. In any proceeding instituted in the name of any city of the first class involving the acquisition of any real property therein or any easement, the city governing body may proceed in the same manner and with the same power, within the limitations of Section 1 hereof, as provided for the use of a declaration of taking by the Territory of Alaska for public highway purposes, as provided in Sections 1 through 6, of Chapter 90, Session Laws of Alaska, 1953.

Approved March 28, 1955

## CHAPTER 123

**AN ACT**

**Providing for the recall of public utility district officials elected for a term of office exceeding one year.**

(H. B. 174)

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

**Section 1. Officials Subject to Recall.** Every official of a public utility district elected for a term of office for more than one year is subject, as herein provided, to recall for malfeasance, misfeasance, or nonfeasance in office by the voters of the district in which elected, however, no such official shall be subject to a recall until he has served at least nine months of his term of office.

**Section 2. Provisions for Recall.** A petition of legal voters equal in number to twenty-five per cent of the number of persons voting in the election wherein the official was elected may be filed with the judge of the district court presiding in the judicial division in which the public utility district is located for the purpose of demanding a recall election. The recall petition shall include the following information:

(a) A full statement listing the reason or reasons for the recall.

(b) Each signator shall sign the petition under oath that he (or she) is a legal and qualified voter in the public utility district, and that he (or she), to the best of his (or her) knowledge and belief declares the statement set forth in the petition for recall is true and correct.

**Section 3. Circulation of Petition.**

No elected official of the public utility district or employee of the district shall sign or circulate any such petition, and if any such disqualified person shall sign such petition, his (or her) name shall not be counted thereon, and if any such disqualified person shall circulate such a petition any election held by reason of the filing of such petition may be declared void by the district court, but shall not be deemed invalid unless so declared.

**Section 4. When Recall Elections May Be Held.** The district judge shall within ten days after receipt of a recall petition, in compliance with the provisions of this Act, cause a recall election to be held by notifying the clerk of the board of directors to hold such election, however, any recall election must be held at least sixty days prior to the next general district election. The procedure governing elections of board members shall govern the recall election and all expenses of such election shall be paid by the public utility district|

**Section 5. Recall Ballot.** The recall ballot shall include the following:

(a) Reason or reasons for recall.

(b) Full name of official petitioned for recall and the office he holds.

(c) A square space inviting the voter to vote "for recall", and a square space inviting the voter to vote "against recall."

Section 6. **Number of Votes Necessary for Recall.** The votes cast for recall must be in the majority of those voting at the recall election.

Section 7. **Filling Vacancy.** The provisions of Sec. 49-2-10, ACLA, 1949, shall prevail in filling a va-

cancy caused by such a declaration of the district court as a result of a recall election, provided that no person so recalled shall be eligible for district office for two years after such declaration of recall by the District Court.

Approved March 28, 1955

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## CHAPTER 124

### AN ACT

**Amending Section 3.170, Chapter 129, Session Laws of Alaska, 1951.**

(H. B. 191)

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

Section 1. Section 3.170, Chapter 129, Session Laws of Alaska, 1951, is hereby amended to read as follows:

**Sec. 3.170. Limitation on Cost of Banking Premises.**

No bank shall invest in a banking office, assay office and apartments connected therewith, any sum exceeding sixty (60%) percent of its capital and surplus; Provided, this limitation shall not apply to the present holdings of banks doing business.

Approved March 28, 1955