

Original

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1 IN THE HOUSE

BY MR. HENDRICKSON BY REQUEST

2 HOUSE BILL NO. 67

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the consolidation of
7 two or more independent or incorporated
8 school districts, and amending Section
9 37-5-41, ACLA 1949 as amended, and de-
10 claring an emergency."

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. Any two independent or incorporated school
13 districts, the boundaries of which are contiguous, may be con-
14 solidated in the manner hereinafter provided, and when so con-
15 solidated shall become a single school district subject to all
16 the laws and ordinances of the larger in population of the
17 school districts so consolidated based on the number of people
18 who voted within such district at the last general election.
19 The boundaries of any independent or incorporated school district
20 shall be considered as contiguous for the purpose of this Act
21 unless said boundaries are completely separated by land. Inde-
22 pendent or incorporated school districts, the boundaries of
23 which are separated only by ^{canal, stream, slough, channel, inlet,} water, shall be considered as
24 contiguous.

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25 Section 2. The area to be included in such consolidated
26 independent or incorporated school districts shall not embrace
27 more than 1,000 square miles of territory.

28 Section 3. (a) Separate petitions from each of the inde-
29 pendent or incorporated school districts desiring to be con-

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1 consolidated shall first be presented to the Judge of the United
2 States District Court of the Judicial Division in which the
3 independent or incorporated school districts are located.
4 Each petition must be signed by as many voters as would equal
5 25% of the number of people who voted in the respective inde-
6 pendent or incorporated school districts at the last general
7 election and such petitions shall specify, as nearly as may
8 be possible, the location, boundaries and areas of each of the
9 independent or incorporated school districts to be consolidated,
10 and shall specify the proposed name of the consolidated inde-
11 pendent or incorporated school districts. Such petitions shall
12 further certify the combined area of the independent or in-
13 corporated school districts desiring to be consolidated, and
14 must certify that said area does not exceed the maximum number
15 of square miles authorized by this Act.

16 (b) The Judge of the District Court, upon presentation and
17 filing of such petitions, shall order an election in each of
18 said independent or incorporated school districts for the pur-
19 pose of determining whether the people desire such consolidation
20 and shall by said order fix the date for the election, the
21 place and hours of voting, and appoint three qualified voters in
22 the proposed consolidated school district to supervise and
23 appoint election officers for such election. A printed or type-
24 written copy of said order shall be posted in at least three
25 public places within the limits of each of the independent or
26 incorporated school districts requesting consolidation for at
27 least thirty (30) days prior to the day of election, and such
28 posting shall be sufficient notice of such election.

29 Section 4. The qualified electors of the communities

1 proposed to be consolidated shall also, at said election by a
2 separate ballot, choose a board of five (5) directors for the
3 consolidated school district who must be qualified electors of
4 the consolidated school district and whose term of office shall
5 be as hereinafter provided.

6 Section 5. The judges of election shall also canvass the
7 votes given at said election for members of the Board of
8 Directors; and shall declare the five candidates who have re-
9 ceived the largest number of votes for such office duly elected,
10 and shall issue and deliver to them certificates of their elec-
11 tion, provided that the majority of votes cast in each of such
12 districts have voted for consolidation.

13 Section 6. The qualifications of electors at said election
14 shall be the same as are required by Sec. 37-3-44 ACLA 1949.

15 Section 7. The oath of election judges, the canvassing
16 and compiling of the votes cast and the certification of the re-
17 sults of said election in each of said independent or incor-
18 porated school districts, shall be the same as is required by
19 Sec. 37-3-45 ACLA 1949.

20 Section 8. If a majority of the votes cast at said elec-
21 tion in each of the independent or incorporated school dis-
22 tricts desiring consolidation are in favor of consolidation,
23 the District Judge shall, by order in writing entered in the
24 record of the proceedings, adjudge and declare that said inde-
25 pendent or incorporated school districts are consolidated and
26 that the enlarged area (describing its boundaries) shall thence-
27 forth constitute one school district, and specify its name.
28 Thereafter the consolidated district shall function as to all
29 its parts as a school district in conformity with applicable

1 laws of Alaska and pursuant to its own ordinances, providing
2 that the ordinances of the larger of the independent or incor-
3 porated school districts, according to the number of registered
4 voters in the last general election held therein, so consolidated
5 shall be in effect upon the order consolidating the districts.
6 All assets of each of the independent or incorporated school
7 districts shall become the property of the consolidated district,
8 and all liabilities of each of such independent or incorporated
9 school districts shall become the liabilities of the consolidated
10 district.

11 Section 9. The school board chosen at said election, as
12 well as those chosen at subsequent elections, shall be qualified
13 voters in the school district and, before entering upon the
14 duties of their offices, shall severally take an oath in writing
15 to faithfully and honestly fulfill the duties of their offices,
16 which oath shall be filed with the Clerk of the Court in the
17 Division in which the consolidated school district is located.
18 Upon the execution of the oath of office as specified above,
19 the newly elected members of the consolidated school board
20 shall enter upon their duties and the terms of office of the
21 members of the school boards of the independent or incorporated
22 school districts so consolidated shall be terminated.

23 Section 10. The term of office of the school board
24 members of a consolidated school district shall be five (5)
25 years, one member retiring each year and one new member being
26 elected to take his place, except that the terms of the first
27 five members shall be as follows: Immediately after qualifying
28 as board members, the board shall assemble and shall by lot
29 draw the numbers 1, 2, 3, 4, and 5. The member drawing Number 1

1 shall hold office until the next regular school election at
2 which time his successor shall be elected; the member drawing
3 Number 2 shall hold office until the second school election
4 following at which time his successor shall be elected; the
5 member drawing Number 3 shall hold office until the third school
6 election following at which time his successor shall be elected;
7 the member drawing Number 4 shall hold office until the fourth
8 school election following at which time his successor shall be
9 elected; the member drawing Number 5 shall hold office until
10 the fifth school election following at which time his successor
11 shall be elected.

12 Section 11. In case a vacancy in the membership of said
13 board occurs from death, resignation, removal, or other cause,
14 such vacancy shall be filled by the remaining members of the
15 board, and the member so selected shall serve as a member of
16 said board until the next school election. In case the re-
17 maining members of the board cannot agree, they shall call a
18 special election for the purpose of filling such vacancy.

19 *21. Initiative*
20 Section 12. Section 37-3-41 ACJA 1949, as amended by
21 *Section 12 of the Alaska Code of 1949, as amended by*
22 *Section 12 of the Alaska Code of 1950, as amended by*
23 *Section 12 of the Alaska Code of 1951, as amended by*
24 *Section 12 of the Alaska Code of 1952, as amended by*
25 *Section 12 of the Alaska Code of 1953, as amended by*
26 *Section 12 of the Alaska Code of 1954, as amended by*
27 *Section 12 of the Alaska Code of 1955, as amended by*
28 *Section 12 of the Alaska Code of 1956, as amended by*
29 *Section 12 of the Alaska Code of 1957, as amended by*
30 *Section 12 of the Alaska Code of 1958, as amended by*
31 *Section 12 of the Alaska Code of 1959, as amended by*
32 *Section 12 of the Alaska Code of 1960, as amended by*
33 *Section 12 of the Alaska Code of 1961, as amended by*
34 *Section 12 of the Alaska Code of 1962, as amended by*
35 *Section 12 of the Alaska Code of 1963, as amended by*
36 *Section 12 of the Alaska Code of 1964, as amended by*
37 *Section 12 of the Alaska Code of 1965, as amended by*
38 *Section 12 of the Alaska Code of 1966, as amended by*
39 *Section 12 of the Alaska Code of 1967, as amended by*
40 *Section 12 of the Alaska Code of 1968, as amended by*
41 *Section 12 of the Alaska Code of 1969, as amended by*
42 *Section 12 of the Alaska Code of 1970, as amended by*
43 *Section 12 of the Alaska Code of 1971, as amended by*
44 *Section 12 of the Alaska Code of 1972, as amended by*
45 *Section 12 of the Alaska Code of 1973, as amended by*
46 *Section 12 of the Alaska Code of 1974, as amended by*
47 *Section 12 of the Alaska Code of 1975, as amended by*
48 *Section 12 of the Alaska Code of 1976, as amended by*
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91 *Section 12 of the Alaska Code of 2019, as amended by*
92 *Section 12 of the Alaska Code of 2020, as amended by*
93 *Section 12 of the Alaska Code of 2021, as amended by*
94 *Section 12 of the Alaska Code of 2022, as amended by*
95 *Section 12 of the Alaska Code of 2023, as amended by*
96 *Section 12 of the Alaska Code of 2024, as amended by*
97 *Section 12 of the Alaska Code of 2025, as amended by*
98 *Section 12 of the Alaska Code of 2026, as amended by*
99 *Section 12 of the Alaska Code of 2027, as amended by*
100 *Section 12 of the Alaska Code of 2028, as amended by*
101 *Section 12 of the Alaska Code of 2029, as amended by*
102 *Section 12 of the Alaska Code of 2030, as amended by*

Section 13. Except as otherwise provided herein, the
statutes applying to Independent School Districts shall apply to
Consolidated School Districts established hereunder.

Section 14. An emergency is hereby declared to exist and
this Act shall take effect immediately upon its passage and
approval.