

1 IN THE HOUSE

BY MR. YOUNG

2 HOUSE BILL NO. 145

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the incorporation and  
7 dissolution of cities, public utility  
8 districts, school districts and indepen-  
9 dent school districts of the Territory  
10 of Alaska; repealing Sections 16-1-1  
11 through 16-1-8; 37-3-11; 37-3-13 through  
12 37-3-17; 49-2-1; and 49-2-3 through  
13 49-2-6, ACLA 1949, as amended; and de-  
14 claring an emergency."

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

16 Section 1. Authority to Incorporate. Any community meeting  
17 the requirements for incorporation as hereinafter set forth, may  
18 incorporate as a city, public utility district, school district  
19 or independent school district of the Territory of Alaska, as  
20 defined by law, in the manner hereinafter set forth.

21 Section 2. Requirements for Incorporation. In order to be  
22 entitled to incorporate as aforesaid, a community shall meet the  
23 following requirements:

24 (a) A city of the first class shall have four hundred or  
25 more permanent inhabitants. The incorporation petition, as here-  
26 inafter required, shall be signed by at least one hundred resident  
27 property owners as herein defined.

28 (b) A city of the second class shall have fifty or more  
29

1 permanent inhabitants. The incorporation petition shall be  
2 signed by at least fifteen resident property owners.

3 (c) A public utility district shall have two hundred or  
4 more permanent inhabitants, but shall not embrace more than  
5 sixty-four square miles of territory. The incorporation peti-  
6 tion shall be signed by at least sixty resident property owners.

7 (d) A school district or independent school district shall  
8 have one hundred or more permanent inhabitants and thirty or more  
9 children between the ages of six and seventeen years, but shall  
10 not embrace more than one hundred fifty square miles in the case  
11 of a school district, or more than two hundred fifty square miles  
12 in case of an independent school district. The incorporation  
13 shall be signed by at least thirty resident property owners.

14 Section 3. Initiating Incorporation Proceedings. Incorpora-  
15 tion proceedings shall be commenced by an incorporation petition,  
16 signed by the required number of resident property owners. Such  
17 petition shall contain a description, by metes and bounds or  
18 legal subdivisions, as well as a map or plat showing the proposed  
19 boundaries; shall state the number of permanent inhabitants of  
20 the proposed corporation and the name by which it is to be known.  
21 Such petition shall be filed with the U. S. Commissioner and Ex-  
22 officio Recorder for the recording precinct in which the commun-  
23 ity proposed to be incorporated is situated. Promptly upon re-  
24 ceipt of such petition, the U. S. Commissioner shall order an  
25 election in the community proposed to be incorporated, in the  
26 manner hereinafter provided.

27 Section 4. Order of Election. The order of election of the  
28 U. S. Commissioner shall designate the time and place where and  
29 when such election shall be held and shall appoint three or more

1 qualified electors of the community proposed to be incorporated  
2 to act as judges of said election. Printed or typewritten copies  
3 of said order and of the incorporation petition shall be posted  
4 at three of the most public places within the proposed boundaries  
5 of the community proposed to be incorporated at least thirty days  
6 prior to the day of the election, and such posting shall be  
7 deemed a sufficient notice of such election.

8 Section 5. Ballots. Said election shall be by printed or  
9 typewritten ballot in the following form:

10 "For incorporation of the city of \_\_\_\_\_ (or \_\_\_\_\_  
11 district)" or "Against incorporation of the city of \_\_\_\_\_  
12 (or \_\_\_\_\_ district)", or words to that effect.

13 Each qualified elector, as hereinafter defined, shall be  
14 entitled to cast one ballot at such election.

15 Section 6. Judges; Canvass of Ballots; Certification of  
16 Election. The said judges of election shall, before entering upon  
17 the duties of their office, take an oath in writing faithfully and  
18 impartially to discharge the duties of their trust, and they shall  
19 duly canvass and compile the vote cast and issue under their hands  
20 a certificate showing the number of votes cast in favor of incor-  
21 poration and the number of votes cast against incorporation. Said  
22 certificate, together with all the ballots cast and the oaths of  
23 the judges of election, shall immediately be filed with the  
24 United States Commissioner for the recording precinct in which  
25 the community proposed to be incorporated is situated.

26 Section 7. Declaration of Incorporation. If it shall appear  
27 from the said certificate of election filed with the United States  
28 Commissioner, as aforesaid, that a majority of the votes cast at  
29 said election were in favor of the incorporation and that the

1 provisions of this Act were substantially complied with, then  
2 the United States Commissioner shall, by an order in writing  
3 filed among the land records of said recording precinct, duly  
4 declare that the community in which such election has been held  
5 is and shall be deemed a corporation of the class or kind proposed  
6 in said petition, under the name proposed therein, and the same  
7 shall thenceforth be deemed such corporation, possessed of the  
8 powers and privileges prescribed for and which may hereafter be  
9 given to such corporation, by law. Such order shall describe by  
10 rates and bounds or legal subdivisions the boundaries and give the  
11 name of such corporation, and one certified copy of such order  
12 shall be filed in the office of the Territorial Director of Fin-  
13 ance, and another in the office of the Clerk of the District Court  
14 for the judicial division in which such corporation is situated.

15 Section 8. Dissolution Proceedings. (a) Whenever the pop-  
16 ulation of any city, public utility district, school district or  
17 independent school district shall fall below the minimum required  
18 for incorporation, as heretofore required, the governing body  
19 of such city or district, or if such governing body shall have  
20 ceased to function, twenty-five resident property owners thereof,  
21 may file with the United States Commissioner and ex-officio Record-  
22 er for the precinct in which such city or district is situated, a  
23 petition praying for an order to dissolve and vacate the incor-  
24 poration of such city or district, and setting forth, in such  
25 petition any good and substantial reason why such corporation  
26 should be dissolved and vacated.

27 (b) Upon the filing of such petition, the United States  
28 Commissioner shall order an election upon the question as to  
29 whether or not the corporation should be so dissolved. The order

1 of election shall designate the time and place when and where such  
2 election shall be held, prescribe the notice to be given and the  
3 form of ballot to be used, and shall appoint three or more quali-  
4 fied electors of the corporation proposed to be dissolved to act  
5 as judges of said election. Notice of such election shall be  
6 given in the same manner as that required for incorporation.

7 (c) The said judges shall take an oath, and shall canvass,  
8 compile and certify the vote cast at said election in the same  
9 manner as provided in the case of incorporation elections. If  
10 it shall appear from the certificate of election filed with the  
11 United States Commissioner that a majority of the votes cast at  
12 said election is in favor of the dissolution and vacation of said  
13 corporation, the United States Commissioner shall, by an order in  
14 writing filed among the land records of said recording precinct,  
15 duly declare such corporation to be dissolved and vacated; provid-  
16 ed, that no such city or district shall be entitled to disincor-  
17 porate until all the indebtedness owing by said city or district  
18 shall have been fully paid and such fact must be fully proved to  
19 the satisfaction of the United States Commissioner before entry of  
20 the order declaring the dissolution and vacation of such corpora-  
21 tion.

22 (d) Any money belonging or owing to such corporation so  
23 dissolved and any and all property owned by such corporation shall  
24 become the property of the Territory of Alaska. All such moneys  
25 shall be paid to the Treasurer of the Territory and the Governor  
26 of the Territory shall have authority to dispose of all property,  
27 both real and personal, in any manner he deems proper, and transmit  
28 any moneys received therefor to the Treasurer of the Territory.  
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1 (e) Certified copies of the order dissolving and vacating  
2 the corporation shall be filed, one with the office of the Terri-  
3 torial Director of Finance, and one in the office of the Clerk of  
4 the District Court for the judicial division in which the dissolv-  
5 ed corporation is situated, at the expense of the petitioner.

6 Section 9. Whenever it is used in this Act, the term:  
7 "resident property owner" shall mean any natural person, of the  
8 age of 21 years or over, who has resided anywhere within the  
9 boundaries of the corporation proposed to be formed or dissolved  
10 for at least 30 days prior to the election, and is a property  
11 owner anywhere within such corporation; "property owner" shall  
12 mean any one of the following: the fee owner of record, or the  
13 contract purchaser of record, or any person with a possessory  
14 interest in tidelands, or any person possessing a recorded lease-  
15 hold interest for a term of five years or more; "qualified elector"  
16 shall mean any natural person of the age of 21 or over, who is a  
17 citizen of the United States and who has resided continuously one  
18 year next preceding the election in the Territory of Alaska, and  
19 for 30 days next preceding the election in the recording precinct  
20 in which he or she votes.

21 Section 10. Repealer. Sections 16-1-1 through 16-1-8;  
22 37-3-11, 37-3-13 through 37-3-17; 49-2-1 and 49-2-3 through  
23 49-2-6, ACLA 1949, as amended are hereby repealed.

24 Section 11. An emergency is hereby declared to exist and  
25 this Act shall take effect immediately upon its passage and  
26 approval, or upon its becoming law without such approval.

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