

1 IN THE HOUSE BY MESSRS. COGHILL, V. FISCHER
2 AND WIRTH
3 HOUSE BILL NO. 146

4 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA
5 TWENTY-THIRD SESSION

6 A BILL

7 For an Act entitled: "An Act authorizing the establishment of
8 incorporated villages; defining the powers
9 and limitations of such villages, including
10 the power to levy a sales tax; and authoriz-
11 ing the dissolution of incorporated villages."

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

13 Section 1. SHORT TITLE. This Act may be cited as "The
14 Village Incorporation Act of 1957".

15 Sec. 2. PURPOSE. The purpose of this Act is to provide for
16 limited self-government through the establishment of incorporated
17 villages in rural areas where the local residents are unable to
18 bear the financial burden of supporting an incorporated city or
19 other type political subdivision as is now provided by law, but
20 do desire to undertake some of the obligations and burdens general-
21 ly assumed at the local level.

22 Sec. 3. VILLAGES AUTHORIZED TO INCORPORATE. Any proposed
23 village that (1) is not included in, part of, or within ten miles
24 of, any incorporated city or public utility district, and (2) has
25 twenty-five or more permanent inhabitants 21 years of age or older
26 residing within a radius of three miles of a designated centrally
27 located point or structure, may form an incorporated village in
28 the manner hereinafter provided.

29 Sec. 4. PROCEEDINGS TO INCORPORATE: PETITION, HEARING,
30 VILLAGE MEETING, ORDER AND NOTICE TO ORGANIZE AN INCORPORATED

1 VILLAGE. A petition praying for the incorporation of such a
2 village shall be presented to the U. S. Commissioner having
3 jurisdiction over the recording district in which the proposed
4 village is situated. The petition shall be signed by at least
5 ten bona fide residents of such village, who are twenty-one
6 years of age or older. Such petition shall:

7 (1) Describe the boundaries and shall be accompanied
8 by a map or plat showing the suggested boundaries of the in-
9 corporated village;

10 (2) State the number of all permanent inhabitants
11 residing in the proposed incorporated village;

12 (3) State the name by which it shall be known;

13 (4) Ask that the proposed incorporated village:

14 (a) be declared a body politic incorporated
15 under the name set forth in the petition;

16 (b) have perpetual succession by such corporate
17 name;

18 (c) be empowered to hold personal and real
19 property necessary for its purposes;

20 (d) be empowered to sue and be sued;

21 (e) be empowered to make and amend ordinances,
22 rules, regulations and orders in compliance with law;

23 (f) be empowered to levy and collect a general
24 sales tax; and

25 (g) be empowered to do such other acts necessary
26 or desirable to carry its powers into effect.

27 Upon the filing of the petition and map or plat, together
28 with the payment of reasonable filing fees, the U. S. Commissioner
29 shall sign an order fixing a time and place for a public hearing

1 on the petition. The public hearing shall be held within the
2 proposed incorporated village not less than fifteen nor more
3 than sixty days after the date of such order. As soon as such
4 order is signed, copies thereof shall be posted in three public
5 places within the limits of the proposed incorporated village.

6 The U. S. Commissioner, at said public hearing, shall hear
7 all those persons, if any, who are in favor, as well as all those
8 persons, if any, who are opposed to incorporation. At such hear-
9 ing, if the U. S. Commissioner is satisfied that it is for the
10 best interest and welfare of the village to be incorporated,
11 he shall, by order, so adjudge. Immediately following such
12 order the hearing shall be terminated and a village or town
13 meeting shall be convened by the U. S. Commissioner, who shall
14 act as chairman. The U. S. Commissioner shall receive nominations
15 for the office of city councilmen from the floor, substantially
16 in the manner prescribed in Robert's Rules of Procedure. After
17 nominations have been closed the U. S. Commissioner shall set the
18 time and place when and where an election shall be held to de-
19 termine (1) whether the people of the village desire to be in-
20 corporated as an incorporated village, and (2) if so, those
21 persons who shall serve as councilmen. The U. S. Commissioner
22 shall appoint three qualified voters, none of whom shall be nomi-
23 nees for the office of councilmen, to act as judges of said elec-
24 tion. The election shall be held within the proposed village not
25 less than 15 nor more than 30 days from the date of the village
26 meeting. Notice thereof shall be posted at three public places
27 within the village.

28 Sec. 5. ELECTION: BALLOTS: COUNCIL: CERTIFICATE OF RESULTS
29 AND COURT ORDER THEREON. The election herein provided for shall

1 to be by printed or written ballot in substantially the following
2 form, to-wit:

3 "For Incorporation of the Village of (name of proposed
4 corporation)" or

5 "Against Incorporation of the Village of (name of proposed
6 corporation)".

7 The qualified electors of the village proposed to be in-
8 corporated shall also at the same election by a separate ballot
9 choose five councilmen from those nominated at the village meet-
10 ing held in compliance with Sec. 4 herein, who shall be quali-
11 fied electors of the village. Councilmen shall be elected for
12 a term of one year.

13 The judges of election shall certify to the U. S. Commis-
14 sioner the result of the election giving the number of votes
15 cast in favor of incorporation and against incorporation, as
16 well as the number of votes cast for each person nominated for
17 the office of councilman.

18 As soon as the election certificate has been received by
19 the U. S. Commissioner, he shall enter an order declaring the
20 village incorporated if a majority of the votes cast was in
21 favor of such incorporation, otherwise the Commissioner shall
22 make an order declaring the village not incorporated.

23 If an order of incorporation is entered, the Commissioner
24 shall also declare the names of those five persons who received
25 the highest number of votes for the office of Councilman. The
26 Councilmen-elect, within 20 days after their election, shall meet,
27 and shall prepare and file suitable rules for the governing of
28 their own body with the U. S. Commissioner.

29 The election on the question of incorporation shall be

1 presented to the voters of any village more than once in any six-
2 month period.

3 Sec. 6. POWERS OF THE COUNCIL. The Council shall have the
4 following powers:

5 (1) To provide suitable rules governing their own
6 body and to elect one of their members president of the Council.

7 (2) To provide for necessary water supply, electricity,
8 sewerage, and fire protection.

9 (3) To provide for the impounding and disposal of dogs.

10 (4) To levy and collect a sales tax not to exceed two
11 percent in accordance with the procedure set forth in Sec. 7 of
12 this Act, and to prescribe the manner of collecting said taxes.

13 (5) To adopt and enforce ordinances relating to intoxi-
14 cating beverages.

15 (6) To appoint such officers and employees as may be
16 deemed necessary.

17 (7) To make and perform contracts and agreements, not
18 inconsistent with law, with any person, association, or corpora-
19 tion, with the Federal Government or any agency thereof, and with
20 any agency or political subdivision of the Territory of Alaska,
21 including agreements with the Territory for the rendition of
22 public services.

23 (8) To provide for a curfew.

24 (9) To provide for the construction, maintenance, and
25 operation of roads, trails, and community buildings.

26 (10) To provide through zoning for reasonable control
27 of land uses.

28 (11) To provide rules for annual and special elections.

29 All meetings of the Council shall be open to the public.

1 Sec. 7. PROCEDURE TO BE FOLLOWED IN LEVYING TAXES. Notice
2 of intent by the Council to pass an ordinance to levy a sales tax
3 and the rate thereof or to increase an existing sales tax and the
4 amount of the proposed increase shall be posted in three public
5 places within the village at least 30 days prior to the proposed
6 effective date of such levy, or increased rate thereof.

7 If no objection to the proposed levy or increased rate is
8 filed, in accordance with the provisions of this Section prior
9 to ten days before the proposed effective date of such levy or
10 increased rate, the Council, by ordinance, may levy a sale tax
11 or increase the rate thereof in the amount set forth in the
12 notice of intention, declare an effective date and establish
13 the procedure to be followed for the collection of such taxes.

14 If prior to ten days before the proposed effective date of
15 such levy a petition shall be filed with the U. S. Commissioner,
16 (in the recording precinct in which the incorporated village is
17 situated), bearing that number of signatures of qualified voters
18 of the village equal to or greater than twenty-five per cent of
19 the total number of votes cast at the preceding village election,
20 praying that a special election be held, then the U. S. Commission-
21 er shall immediately enjoin the Council from imposing the tax, or
22 from increasing the rate or amount thereof, as the case may be.

23 The U. S. Commissioner shall, by order, within ten days of
24 the receipt of a valid petition, designate the time and place and
25 appoint three election judges for an election for the purpose of
26 determining: (1) whether a sales tax at the rate designated shall
27 be levied, or if such tax has already been levied, then (2) whether
28 the rate of the sales tax shall be increased from (current
29 rate to be filled in) to (proposed rate to be filled in).

1 The election shall be conducted no more than thirty days after
2 the posting of said order, in substantially the manner prescribed
3 in Sec. 5 herein, for the conducting of an election on the question
4 of incorporation.

5 If a majority vote of those persons voting has been certified
6 to the Council by the U. S. Commissioner as favoring the levy or
7 increase of a sales tax, the Council may, within one year, pass
8 an appropriate ordinance.

9 No question concerning a sales tax, including an increase
10 in the rate thereof, shall be presented to the community at any
11 election more than once within any consecutive six-month period.

12 Sec. 8. INCORPORATED VILLAGES NOT SCHOOL DISTRICTS. Vil-
13 lages incorporated hereunder shall not be constituted school
14 districts except upon election as provided for the incorporation
15 of school districts for areas outside incorporated areas as pre-
16 scribed in Sec. 37-3-32, ACLA 1949, as amended by Ch. 51, SLA
17 1951; provided, however, that in the event such villages or any
18 part thereof shall at the time of its incorporation be within
19 a school district, this section shall not apply, nor shall this
20 section be construed as preventing a village, or any part thereof
21 from being incorporated as, or into, a school district.

22 Sec. 9. INCORPORATION MANUAL. The Alaska Rural Development
23 Board, with the aid and advice of the Attorney General of Alaska,
24 shall prepare a mimeographed manual of instruction for the in-
25 corporation of villages.

26 Sec. 10. TRANSITION TO AN INCORPORATED CITY. An incorporat-
27 ed village may at any time initiate proceedings under Territorial
28 law to incorporate as a municipality. Any valid order entered
29 thereafter creating an incorporated municipality in accordance

1 with law shall simultaneously dissolve the incorporated village;
2 provided, however, that full protections shall be afforded all
3 creditors of the incorporated village.

4 Sec. 11. DISSOLUTION OF AN INCORPORATED VILLAGE. The
5 dissolution of any incorporated village shall be in substantially
6 the manner provided for the dissolution of municipalities under
7 Ch. 35, SLA 1955, provided, however, that judicial jurisdiction
8 herein shall be exclusively vested in the U. S. Commissioner for
9 the precinct wherein said village is located.

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