

1 IN THE HOUSE

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WIRTH

2 HOUSE BILL NO. 146

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

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

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

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

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

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

28 Sec. 4. PROCEEDINGS TO INCORPORATE; PETITION, HEARING,
29 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 a filing fee in the amount of \$50.00 which
29 shall be retained by the Commissioner as compensation, the U.S.

1 Commissioner shall sign an order fixing a time and place for a
2 public hearing on the petition. The public hearing shall be held
3 within the proposed incorporated village not less than fifteen nor
4 more than sixty days after the date of such order. As soon as
5 such order is signed, copies thereof shall be posted in three
6 public places within the limits of the proposed incorporated vil-
7 lage.

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

1 Sec. 5. ELECTION: BALLOTS: COUNCIL: CERTIFICATE OF RESULTS
2 AND COURT ORDER THEREON. The election herein provided for shall
3 be by printed or written ballot in substantially the following
4 form, to-wit:

5 "For Incorporation of the Village of (name of proposed
6 corporation)" or

7 "Against Incorporation of the Village of (name of proposed
8 corporation)".

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

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

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

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

1 their own body with the U. S. Commissioner.

2 No election on the question of incorporation shall be
3 presented to the voters of any village more than once in any six-
4 month period.

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

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

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

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

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

15 (5) To adopt and enforce ordinances relating to intoxi-
16 cating beverages.

17 (6) To appoint such officers and employees as may be
18 deemed necessary.

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

25 (8) To provide for a curfew.

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

28 (10) To provide through zoning for reasonable control
29 of land uses.

1 (11) To provided rules for annual and special elections.

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

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

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

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

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

1 the rate of the sales tax shall be increased from.....(current
2 rate to be filled in) to.....(proposed rate to be filled in).
3 The election shall be conducted no more than thirty days after
4 the posting of said order, in substantially the manner prescribed
5 in Sec. 5 herein, for the conducting of an election on the question
6 of incorporation.

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

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

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

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

28 Sec. 10. TRANSITION TO AN INCORPORATED CITY. An incorporat-
29 ed village may at any time initiate proceedings under Territorial

1 law to incorporate as a municipality. Any valid order entered
2 thereafter creating an incorporated municipality, in accordance
3 with law, shall simultaneously dissolve the incorporated village;
4 provided, however, that full protection shall be afforded all
5 creditors of the incorporated village.

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

12 Sec. 12. The U. S. Commissioner as used herein shall mean
13 United States Commissioners acting as ex-officio Justices of the
14 Peace for the Territory of Alaska.

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