

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

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HOUSE BILL NO. 482

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SECOND LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to the incorporation and reclassification of cities; amending Sec. 16-1-1, ACLA 1949, and Sec. 16-2-2, ACLA 1949, as amended, and providing for an effective date."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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Section 1. Sec. 16-1-1, ACLA 1949 is amended to read:

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Sec. 16-1-1. COMMUNITIES ENTITLED TO INCORPORATE: PROCEEDINGS FOR INCORPORATION: PETITION, NOTICE, HEARING: ORDER FOR ELECTION. Any community having four hundred or more permanent inhabitants may form a municipal corporation, termed a city, in the manner hereinafter provided.

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A petition praying for such incorporation shall first be presented to the judge of the district court presiding in the judicial division in which the community seeking incorporation is located, which petition shall be signed by at least one hundred adult bona fide residents of such community, who are citizens of the United States, and shall specify the boundaries and give the number of inhabitants of the proposed corporation, as well as state the name by which it is to be known. Such petition shall also state such other facts as may tend to show good grounds for such incorporation. The judge shall thereupon, by order, fix the time and place for considering said petition, which time shall not be less than

1 thirty days after the date of such order. A printed or type-
2 written copy of said order shall be posted in three of the
3 most public places within the limits of the territory proposed
4 to be incorporated at least thirty days prior to time fixed
5 for considering said petition. At the time and place fixed
6 for considering said petition, the judge shall give a fair
7 hearing to those who are in favor of and to those who are op-
8 posed to the same; and if he be satisfied that it is for the
9 best interest and welfare of the community to incorporate as
10 a city and that the purpose of the State Constitution to pro-
11 vide for maximum local self-government with a minimum of local
12 government units and to prevent duplication of tax-levying
13 jurisdictions will not be violated, he shall, by order, so
14 adjudge; and he may, by the order, change or modify the pro-
15 posed boundaries. He shall also, by order, designate the
16 name and the boundaries of the corporation and the time and
17 place when and where an election shall be held to determine
18 whether the people of the community desire to be incorporated;
19 and he shall also, by said order, appoint three qualified
20 voters, two of whom shall be in favor of incorporation and
21 of whom shall be opposed to incorporation, to act as judges of
22 said election. A printed or typewritten copy of said order
23 shall be posted at three of the most public places within the
24 limits of the proposed corporations at least thirty days prior
25 to the day of the election, and such posting shall be deemed
26 a sufficient notice of such election.

27 Sec. 2. Sec. 16-2-2, ACLA 1949 as amended by Sec. 1, Ch. 67,
28 SLA 1961, is amended to read:

29 Sec. 16-2-2. PROCEEDINGS TO INCORPORATE: PETITION AND

1 HEARING THEREON: ORDER AND POSTING OF SAME. A petition pray-
2 ing for such municipal incorporation of the second class shall
3 be presented to the Superior Court of the District in which
4 such community is situated, which petition shall be signed by
5 at least fifteen adults, bona fide residents of such com-
6 munity, who shall be the owners of substantial property in-
7 terests therein. Such petition shall describe the boundaries
8 and state the number of inhabitants of the proposed corpora-
9 tion, and shall also specify the name by which it is to be
10 known, and shall give such other facts as may tend to show
11 good grounds for such incorporation. The Judge of the Superi-
12 or Court shall thereupon fix the time and place for con-
13 sidering said petition, which time shall not be less than
14 fifteen nor more than sixty days after the date of such order.
15 As soon as such order is signed copies thereof shall be posted
16 in three public places within the limits of the territory pro-
17 posed to be incorporated. At the time and place fixed for
18 considering the petition the Superior Judge shall hear those
19 who are in favor of as well as those who are opposed to in-
20 corporation, and if he be satisfied that it is for the best
21 interest and welfare of the community to be incorporated as a
22 city of the second class and that the purpose of the State
23 Constitution to provide for maximum local self-government with
24 a minimum of local government units and to prevent duplication
25 of tax-levying jurisdictions will not be violated, he shall,
26 by order, so adjudge; and he may, by the order, change or
27 modify the proposed boundaries. He shall also, by said order
28 designate the name and the boundaries of the corporation, and
29 the time and place when and where an election shall be held

1 to determine whether the people of the community desire to be
2 incorporated as a city of the second class; and he shall also
3 by said order, appoint three qualified voters, two of whom
4 shall be in favor of incorporation and one of whom shall be
5 opposed to incorporation, to act as judges of such election.
6 Copies of such order shall be posted at three public places
7 within the limits of the proposed corporation, at least fif-
8 teen days prior to the day of election, and such posting shall
9 be deemed sufficient notice of such election.

10 Sec. 3. EFFECTIVE DATE. This Act takes effect on the day
11 after its passage and approval or on the day it becomes law with-
12 out such approval.
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