

Introduced: 2/15/68  
Referred: Local Government  
and Judiciary

1 IN THE HOUSE

BY SMITH

2 HOUSE BILL NO. 564

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to requirements for incorporation of  
7 a fourth class city."

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

9 \* Section 1. AS 29.25.030 is amended to read:

10 Sec. 29.25.030. VILLAGES AUTHORIZED TO INCORPORATE. (a) A  
11 village may become incorporated if it

12 (1) is not included in, or part of, or within 10 miles of an  
13 incorporated city, [OR WITHIN FIVE MILES OF AN INDEPENDENT SCHOOL  
14 DISTRICT,] except as provided in (b) of this section; and

15 (2) has at least 25 permanent inhabitants 19 years of age  
16 or older residing within a radius of three miles of a designated  
17 centrally located point or structure.

18 (b) An exception may be made to (a)(1) of this section if the  
19 chairman of the local boundary commission or a commission member he  
20 designates [THE SUPERIOR COURT OF THE JUDICIAL DISTRICT IN WHICH THE  
21 VILLAGE SOUGHT TO BE INCORPORATED] finds that although a village is  
22 within 10 miles of an incorporated city, [OR WITHIN FIVE MILES OF AN  
23 INDEPENDENT SCHOOL DISTRICT,] geographical obstacles to transportation  
24 and communication make normal social, cultural and commercial exchange  
25 difficult and impractical between the village and the city [OR SCHOOL  
26 DISTRICT].

27 \* Sec. 2. AS 29.25.040 is amended to read:

28 Sec. 29.25.040. PETITION TO INCORPORATE. A petition praying for  
29 the incorporation of a village shall be filed with the chairman of the

1 local boundary commission [PRESENTED TO THE SUPERIOR COURT OF THE  
2 JUDICIAL DISTRICT IN WHICH THE VILLAGE SOUGHT TO BE INCORPORATED IS  
3 LOCATED]. The petition shall be signed by at least 10 bona fide  
4 residents of the village, who are 19 years of age or older.

5 \* Sec. 3. AS 29.25.070 is amended to read:

6 Sec. 29.25.070. TIME AND PLACE OF HEARING. The chairman of the  
7 local boundary commission [DISTRICT MAGISTRATE] shall sign an order  
8 fixing a time and place for a public hearing on the petition. The  
9 public hearing shall be held within the area proposed to be incorporated  
10 not less than 15 nor more than 60 days after the date of the order. As  
11 soon as the order is signed, a copy of it shall be posted in three  
12 public places within the area proposed to be incorporated.

13 \* Sec. 4. AS 29.25.080 is amended to read:

14 Sec. 29.25.080. HEARING. At the public hearing, the chairman of  
15 the local boundary commission or a commission member he designates  
16 [DISTRICT MAGISTRATE] shall hear all interested persons. If he [THE  
17 DISTRICT MAGISTRATE] is satisfied that it is for the best interest and  
18 welfare of the village to be incorporated, he shall, by order, so  
19 adjudge.

20 \* Sec. 5. AS 29.25.090 is amended to read:

21 Sec. 29.25.090. NOMINATIONS FOR OFFICE OF CITY COUNCILMAN. Im-  
22 mediately after the order the chairman of the local boundary commission  
23 or his designee [DISTRICT MAGISTRATE] shall close the hearing and  
24 convene a village meeting. He [THE DISTRICT MAGISTRATE] shall act as  
25 chairman of the village meeting and [THE DISTRICT MAGISTRATE] shall  
26 receive nominations for the office of city councilman from the floor,  
27 substantially in the manner prescribed in Robert's Rules of Procedure.

28 \* Sec. 6. AS 29.25.100 is amended to read:

29 Sec. 29.25.100 [DISTRICT MAGISTRATE TO SET] ELECTION AND APPOINT-

1 MENT OF [APPOINT] ELECTION JUDGES. After nominations are closed the  
2 chairman of the local boundary commission or his designee [DISTRICT  
3 MAGISTRATE] shall set the time and place for holding an election to  
4 determine (1) whether the people of the village desire to be incorpo-  
5 rated as an incorporated village, and (2) if so, those persons to  
6 serve as councilmen. He [THE DISTRICT MAGISTRATE] shall appoint three  
7 qualified voters to act as election judges. A nominee for the office  
8 of councilman may not serve as an election judge. The election  
9 shall be held within the proposed village not less than 15 nor more  
10 than 30 days from the date of the village meeting. Notice of the  
11 election shall be posted at three public places within the village.

12 \* Sec. 7. AS 29.25.130 is amended to read:

13       Sec. 29.25.130. CERTIFICATION OF ELECTION RESULTS. The judges of  
14 election shall certify to the chairman of the local boundary commission  
15 [DISTRICT MAGISTRATE] the result of the election giving the number of  
16 votes cast in favor of incorporation and against incorporation, and  
17 the number of votes cast for each person nominated for the office of  
18 councilman.

19 \* Sec. 8. AS 29.25.140(a) is amended to read:

20       Sec. 29.25.140. DECLARING [DISTRICT MAGISTRATE TO DECLARE]  
21 ELECTION RESULTS. (a) Upon receipt of the certificate of election,  
22 if a majority of the persons 19 years of age or over are in favor of  
23 incorporation, the chairman of the local boundary commission [DISTRICT  
24 MAGISTRATE] shall enter an order declaring the village incorporated.  
25 If less than a majority are in favor of incorporation he [THE DISTRICT  
26 MAGISTRATE] shall enter an order declaring the village not incorpo-  
27 rated.

28 \* Sec. 9. AS 29.25.150 is amended to read:

29       Sec. 29.25.150. ORGANIZATION OF COUNCIL. Within 20 days after

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the order declaring them elected, the councilmen-elect shall meet and prepare rules governing the council. The council shall file a copy of the rules with the local boundary commission [DISTRICT MAGISTRATE].

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