

and this act shall be in effect from and after May 1, 1917.

Approved April 16, 1917.

CHAPTER 5.

AN ACT

(H. B. 35)

To provide for the organization of incorporated school districts outside of incorporated towns, for the election of a board of directors in such districts and granting such board the power of levying and collecting taxes for the establishment and maintenance of schools, defining the power and duties of such board and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska :

Section 1. That any town, village or settlement in the Territory of Alaska outside the limits of any incorporated town, having a population of one hundred or more and thirty children between the ages of six and twenty years, may incorporate as a school district in the manner hereinafter provided, but such school district shall not embrace more than forty (40) square miles of Territory.

Prerequisites to incorporation school districts outside incorporated towns.

Section 2. Each school district organized under the provisions of this chapter shall have a board of directors of five members to be elected as hereinafter provided, who shall have the exclusive management and control of all school matters in the school district subject to such general laws governing the grading and superintendency of schools as may be now or hereafter enacted by the Territorial Legislature. Said board of directors shall have the power, and it shall be their duty to select from their number, a clerk, treasurer, assessor, who shall also act as tax collector, and two directors, all of whom shall qualify by taking an oath in writing to honestly and faithfully discharge the duties of their offices.

Method of organization.

Section 3. That said boards of directors shall have the power to levy and collect taxes upon all real and personal property within the limits of their respective dis-

Power to tax and method of procedure provided.

tricts not exempt therefrom by existing law, not to exceed one per cent (1 per cent) of the assessed value of such property in any one year and all monies collected by such taxation shall be expended in payment of the cost of levying and collecting such taxes; in payment of the cost of conducting school elections; and for the construction and maintenance of schools only. All taxes levied and assessed shall be in conformity to a resolution adopted by a majority of the whole board of directors and entered on the minutes of the board at a meeting of the board called for that purpose, of which meeting at least ten days notice shall be given by posting notice of such meeting in at least three public places in the district. Said boards are hereby empowered to prescribe rules for the annual assessment and levy of such taxes and by such rules to fix the dates when such assessment shall be annually made; the mode and manner of assessment; when the taxes may become due; to require the listing of property subject to taxation by the owner or agent thereof; to impose, fix and provide for collection of penalties for non-payment of taxes when due, not to exceed 15 per cent of such taxes and to fix the rate of interest on delinquent taxes not to exceed 12 per cent per annum, and to provide for the collection of such interest, and to provide generally such other matters and things relative to the assessment and levy of such taxes as may be proper.

Provided, however, all assessments shall be equal and uniform and based upon the actual cash value of the property assessed, and prior to fixing the rates of levy, said board shall sit and publicly equalize the valuation of the property assessed.

Assessments to be a lien, and method of enforcement.

Section 4. All taxes levied and assessed by the board of school directors under this act shall be a lien upon the property assessed and such lien shall be prior and paramount to all other liens and encumbrances, and may be foreclosed by an appropriate action in any court of competent jurisdiction.

The owner of property assessed shall be personally li-

able for the amount of taxes assessed against such property and such taxes, together with penalties and interest, may be collected after the same become due, in a personal action brought in the name of the school district against such owner in any court of competent jurisdiction.

Section 5. That in addition to the remedies given by the last section, the school board shall have the same power to levy and collect taxes and to enforce the lien against personal or real property as is now by law granted or may hereafter be granted to the common council of municipal corporations and in such proceedings the board of directors shall have the same power as a common council of a municipal corporation, and the clerk of the school board shall have the same power and duties as the clerk of an incorporated town.

Additional remedies.

Section 6. The treasurer and assessor of the school board shall give such bond with such sureties as the board of directors may require. Said bonds to be conditioned for the honest and faithful disbursing and accounting of all monies that may come into the hands of such officers by virtue of their offices. The treasurer of the board shall be the custodian of all funds belonging to the school district. The board of directors shall have the power to fix the compensation of the treasurer and assessor which shall be paid from the funds belonging to the school district.

Bonds required and compensation provided.

Section 7. The manner of incorporation of school districts shall be as follows:

Procedure for incorporation.

A petition praying for such incorporation shall first be presented to the Judge of the United States District Court of the Judicial Division in which the proposed school district is located. Such petition must be signed by at least fifty citizens of the United States, or persons who have declared their intention to become such, over the age of twenty-one years, who are residents of the proposed school district, and shall specify as nearly as may be, the location, boundaries and number of inhabitants

of the proposed school district, and specify the name or number by which it is to be known.

Election and
notice thereof.

The judge of the district court, upon presentation and filing of such petition shall order an election in said proposed school district for the purpose of determining whether the people of the community desire such incorporation, and shall, by said order, designate the date of such election and appoint three qualified voters in the proposed school district to arrange for, supervise and appoint judges and election officers for such election. A printed or typewritten copy of said order shall be posted at three public places within the limits of the proposed school district for at least thirty (30) days prior to the day of election and such posting shall be sufficient notice of such election.

Qualifications
of electors.

Section 8. The qualification of electors at said or any subsequent school district election shall be the same as those prescribed in Section 5 of the Organic Act of the Territory of Alaska. The persons appointed to conduct said first election shall provide a form of printed or written ballots suitable for determining the question whether the voter is in favor of, or against the incorporation of the district, and for the election of five directors who must be qualified electors of the school district and whose term of office shall be as hereinafter prescribed.

How election
to be conduct-
ed.

Section 9. The judges of election shall, before entering upon the duties of their offices, take an oath in writing to faithfully and impartially discharge the duties of their trust and they shall duly canvass and compile the votes cast and issue under their hands and seals a certificate in triplicate showing the number of votes cast in favor of incorporation and the number of votes cast against incorporation. One of said triplicate certificates, together with all ballots and oaths of the judges of election, shall immediately be filed with the clerk of the district court in which the community proposed to be incorporated is situate. Another of said certificates shall be filed with the Secretary of the Territory of Alaska, and

the third of said certificates shall be filed with the commissioner of the recording district in which said school district is located.

If a majority of the votes cast at said election are in favor of incorporation, the district judge shall, by an order in writing entered in the records of the court, adjudge and declare that the community in which such election has been held, is a school district corporation, and the same shall thenceforth exercise the powers hereinbefore and hereinafter designated, and such other powers as may be granted by law. Said order shall designate the school district by name or number and may correct or more definitely describe its boundaries.

Determination
of result.

Section 10. The said judges of election shall be citizens of the United States and shall also canvass the vote cast at said election for members of the board of school directors and in case the majority of the votes cast in the community where such election is held have voted for incorporation, the judges shall declare the five candidates who have received the greatest number of votes for such office, duly elected and shall issue and deliver to them certificates of their election.

Qualifications
and duties of
judges of elec-
tion.

The directors chosen at said election as well as those chosen at subsequent elections shall be citizens of the United States, and before entering upon the duties of their offices, severally take an oath in writing as prescribed in Section 2 of this act, which oath shall be filed with the Clerk of the School Board.

Qualifications
School Directors
and oath of
office.

Section 11. Immediately after qualifying as aforesaid, the said Board of Directors shall assemble and by lot or drawing be divided into two classes. The first class shall be composed of two of said directors and the second class of three of said directors. The directors of the first class shall hold office until the first Tuesday in April of the following year at which time an election shall be held to choose their successors. The directors of the second class shall hold office until the first Tuesday in April of the second year following their election,

Organization of
Directors after
election.

at which time an election shall be held to choose their successors, and all directors, except those chosen at the election held for the purpose of incorporating the school district, shall hold office for the term of two years and until their successors are elected and qualified, for which purpose, an election shall be held annually on the first Tuesday of April of each year.

How vacancies filled.

In case a vacancy in the membership of said board occurs from death, resignation, removal or other cause, such vacancy may be filled by special election upon ten days notice, called by the remaining members of the board upon the petition of five qualified voters.

Rules for conduct of election.

The board of directors shall have the power and it shall be their duty to prescribe rules for the conduct of the election hereinbefore authorized, to give notice of election, designate and provide polling places, appoint judges of election and attend to all matters pertaining to such election.

Community deemed to have consented to taxation.

Section 12. Any community incorporated in accordance with the provisions of this act, shall be deemed to have consented to the imposition of such taxes as are authorized by and may be imposed under its provisions for school purposes. The clerk of the school board in each district shall keep a record of all monies collected and distributed and shall annually transmit to the Secretary of the Territory a verified statement showing such receipts and disbursements, which statement shall be kept on file in the office of the Secretary of the Territory.

Records of School Board.

Emergency declared.

Section 13. An emergency is hereby declared to exist, and this act shall be in effect from and after its passage and approval.

Approved April 23, 1917.