

Section 9. WHEN TO TAKE EFFECT. This Act shall be in full force and effect immediately after its passage and approval. ^{When to take effect.}

Approved March 14, 1935.

CHAPTER 77.

AN ACT

[H. B. 62]

Permitting the people of incorporated cities and adjacent settlements to form independent school districts.

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

Section 1. The people of any incorporated city and its adjacent settlement, or settlements may incorporate as Independent School Districts in the manner hereinafter provided, but such districts shall not embrace more than fifty (50) square miles of territory. ^{Incorporation of independent school districts authorized.}

Section 2. Each school district organized under the provisions of this Act shall have a school board of five (5) members to be elected as hereinafter provided, who shall have the exclusive management and control of school matters in the district, subject to the Territorial School Laws and regulations promulgated by the Commissioner of Education and the Territorial Board of Education. ^{Board of directors.}

Within seven (7) days after each annual school board election, which election shall be on the same day and at the same time as the city election in such districts, the board shall organize and annually elect one of its members as president, one as treasurer, and one as clerk of the board. Said board shall also have the power, and it shall be its duty, to appoint from its ^{Election of board.} ^{Power and duties of board.}

number or from among the residents of the Independent School District, an assessor who shall place an assessed valuation on all real and personal property outside the city included in the district and included within the limits of the district in accordance with the valuations of similar property within the city; and it shall further be his duty to act as tax collector in the district located outside the city, and who, before assuming the duties of his office, shall take an oath in writing to honestly and faithfully discharge the duties of his office.

Manner of
incorporation.

Section 3. The manner of incorporation of Independent School Districts shall be as follows: 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 as many voters as would be equal to twenty-five per cent (25%) of the number of people who voted in the proposed school district at the last General Election and who are residents of the proposed school district, and shall specify as nearly as may be possible the location, boundaries, and number of inhabitants of the proposed school district, and specify the name by which it is to be known.

District Judge
to order
election.

The Judge of the District Court, upon presentation and filing of such petition, shall order an election in said proposed 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, the places and hours of voting, and appoint three qualified voters in the proposed school district to supervise and appoint judges and election officers for such election.

Order to be
posted.

A printed or typewritten copy of said order shall be posted in 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.

Section 4. The qualifications of the electors at said, ^{Qualification of electors.} or any subsequent school district election, shall be as follows, to-wit: All citizens of the United States, twenty-one (21) years of age and over, who are actual and bona fide residents of Alaska, who have been such residents continuously during the entire year immediately preceding the election, and who have been such residents continuously for thirty (30) days next preceding the election in such school district, and who are able to read and write the English language as prescribed by an Act of the United States Congress on March 3, 1927, entitled, "An Act to prescribe certain qualifications of voters in the Territory of Alaska, and for other purposes," shall be qualified to vote at such elections; provided, however, that the requirements of this section as to ability to read and write shall not apply to any person who is incapacitated from complying therewith by reason of physical disability alone. The persons appointed to conduct such 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 the election of five directors who must be qualified electors of the school district and whose term of office shall be as hereinafter prescribed.

Section 5. 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 ^{Judges of election.} ^{Certificate of election.}

Clerk of the District Court in which the district proposed to be incorporated is situated. Another of said certificates shall be filed with the Territorial Board of Education, and the third of said certificates shall be filed with the School Board.

Order of
District Judge
declaring
incorporation.

Section 6. If a majority of the votes cast at said election are in favor of incorporation the District Judge, by an order in writing entered in the records of the court, shall adjudge and declare that the district 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 and may correct or more definitely describe its boundaries.

Election of
directors.

Section 7. The said judges of election shall be qualified voters in the school district and shall also canvass the vote cast at said election for members of the school board and in case the majority of the votes cast in the district 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. No candidate for any office shall be eligible to serve as judge of election.

Oath of
directors.

Section 8. The school board chosen at said election as well as those chosen at subsequent elections shall be qualified voters in the school district, and before entering upon the duties of their offices severally take an oath in writing to faithfully and honestly discharge the duties of their office, which oath shall be filed with the Clerk of the District Court in which the incorporated school district is situated.

Term of office.

Section 9. The term of office of the school board members of an Independent School District shall be five

(5) years, one member retiring each year and one new member being elected to take his place, except that the terms of the first five members shall be as follows: Immediately after qualifying as board members, the board shall assemble and shall by lot draw the numbers 1, 2, 3, 4, and 5. The member drawing Number 1 shall hold office until the next regular school election at which time his successor shall be elected; the member drawing Number 2 shall hold office until the second school election following at which time his successor shall be elected; the member drawing Number 3 shall hold office until the third school election following at which time his successor shall be elected; the member drawing Number 4 shall hold office until the fourth school election following at which time his successor shall be elected; the member drawing Number 5 shall hold office until the fifth school election following at which time his successor shall be elected.

Section 10. In case a vacancy in the membership of said board occurs from death, resignation, removal, or other causes, such vacancy shall be filled by the remaining members of the board, and shall serve as a member of said board until the next school election. In case the remaining members of the board cannot agree, they shall call a special election for the purpose of filling said vacancy.

Vacancies to
be filled—How.

Section 11. The treasurer and assessor of the school board shall give such bond with such sureties as the school board 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 custodian of all funds belonging to the school district. The board shall have the power, subject to the approval of the Territorial Commissioner of Education, to fix the compensation of the Clerk, treasurer and assessor, which compensa-

Treasurer and
assessor to
give bond.

Compensation
of officers.

tion shall be paid from funds belonging to the school district and raised by taxation therein, and the district shall not be entitled to refund from the Territory on account of any compensation so paid.

Board to prescribe rules for elections.

Section 12. The school board 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.

Budget.

Section 13. On or before the first day of May each year the school board shall determine the amount of funds needed for all school purposes for the following school year beginning on the first of July and ending on June 30, the year following. It shall, at the same time, determine the proportion of the funds to be raised within the city and the proportion of the funds to be raised outside the city based on assessed valuations. It shall then present the budget to the city council for its approval or rejection of the city's share of the budget. The city council shall at its first meeting in May determine the amount it shall set aside for school purposes as its share of the school expenses for the school year and transmit this information to the school board.

Board to levy taxes.

The board shall then determine the share to be paid by that portion of the district lying outside the city and levy the rate outside accordingly and this rate shall be the same as is necessary to raise the city's share within the city. The city council shall transmit to the treasurer of the school board on the first day of each quarter of the fiscal school year one-fourth of its share of the budget. The assessor appointed by the school board shall, on or before the first of October of each year collect one-half of the taxes due from all taxable property outside the city limits but within the district and, on or before the first of March of each

Duties of assessor.

year, he shall collect the other half. The penalties for the non-payment of taxes outside the city but within the district shall be the same as is fixed by the city council for the non-payment of taxes within the city and the rates of interest on delinquent taxes shall also be the same. Residents of the Independent School District living outside of the city limits shall be allowed the same exemption of taxes as is permitted within the city.

Section 14. All taxes levied and assessed by the school board under this article 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 the property assessed shall be personally liable for the amount of taxes assessed against such property; and such taxes, together with penalties and interest, may be collected after the same has become due, in a personal action brought in the name of the school district against such owner in any court of competent jurisdiction. Provided: that the school boards in independent school districts in the levy and collection of taxes shall have all of the powers and duties given to the common council of municipal corporations and the laws relative to the levy and collection of taxes in municipal corporations are hereby extended to Independent School Districts.

Section 15. 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 Commissioner of Education a verified statement showing such receipts and disbursements, which statement shall be kept on file in the office of the Commissioner of Education.

Approved March 14, 1935.

Taxes to be
lien.

Personal
liability
for taxes.

To have same
power over
taxes as com-
mon council of
municipal cor-
poration.

To keep record
and submit
report.