

3 of this Act, and if the Alaska Legislature designates the Finance Committee as the officer of Alaska to fix the interest to be borne by such certificates, the place and time or times of their payment, the rights of Alaska to redeem the same prior to their maturity, to provide for and consummate their sale, and to fix any other terms, conditions, covenants and details of such certificates, the Finance Committee shall so do by resolution duly and regularly adopted.

Sec. 5. Whenever Alaska by Act of the Legislature of Alaska guarantees payment of the principal of and interest on any bonds issued by municipalities, school districts and public utility districts in Alaska for constructing, altering, equip-

ping or acquiring public improvements of the nature for which Alaska may issue bonds, as authorized by Sec. 7 of the Act of Congress cited in Section 3 of this Act, and it is found necessary or desirable that additional action be taken to administer, perform and fulfill such guarantee act, the Finance Committee is hereby authorized and empowered to adopt such resolutions or take such other actions as may be necessary to administer, perform and fulfill the provisions of such guarantee as authorized in such guarantee act.

Sec. 6. An emergency is hereby declared to exist and this Act shall be in full force and effect from and after the date of its passage and approval.

Approved April 1, 1957

CHAPTER 150

AN ACT

Authorizing the establishment of incorporated villages; defining the powers and limitations of such villages, including the power to levy a sales tax; and authorizing the dissolution of incorporated villages.

(H. B. 146)

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

Section 1. **Short Title.** This Act may be cited as "The Village Incorporation Act of 1957".

Sec. 2. **Purpose.** The purpose of this Act is to provide for limited self-government through the establishment of incorporated villages in rural areas where the local residents are unable to bear the financial burden of supporting an incorporated city or other type political sub-

division as is now provided by law, but do desire to undertake some of the obligations and burdens generally assumed at the local level.

Sec. 3. **Villages Authorized to Incorporate.** Any proposed village that (1) is not included in, part of, or within ten miles of, any incorporated city or public utility district, and (2) has twenty-five or more permanent inhabitants 21 years of age or older residing within a radius of three miles of a designated cen-

trally located point or structure, may form an incorporated village in the manner hereinafter provided.

Sec. 4. Proceedings to Incorporate: Petition, Hearing, Village Meeting, Order and Notice to Organize an Incorporated Village. A petition praying for the incorporation of such a village shall be presented to the U. S. Commissioner having jurisdiction over the recording district in which the proposed village is situated. The petition shall be signed by at least ten bona fide residents of such village, who are twenty-one years of age or older. Such petition shall:

(1) Describe the boundaries and shall be accompanied by a map or plat showing the suggested boundaries of the incorporated village;

(2) State the number of all permanent inhabitants residing in the proposed incorporated village;

(3) State the name by which it shall be known;

(4) Ask that the proposed incorporated village:

(a) be declared a body politic incorporated under the name set forth in the petition;

(b) have perpetual succession by such corporate name;

(c) be empowered to hold personal and real property necessary for its purposes;

(d) be empowered to sue and be sued;

(e) be empowered to make and amend ordinances, rules, regulations and orders in compliance with law;

(f) be empowered to levy and collect a general sales tax; and

(g) be empowered to do such other acts necessary or desirable to carry its powers into effect.

Upon the filing of the petition and map or plat, together with the payment of a filing fee in the amount of \$25.00 and a hearing fee in the amount of \$50.00 which shall be retained by the Commissioner as compensation, the U. S. Commissioner shall sign an order fixing a time and place for a public hearing on the petition. The public hearing shall be held within the proposed incorporated village not less than fifteen nor more than sixty days after the date of such order. As soon as such order is signed, copies thereof shall be posted in three public places within the limits of the proposed incorporated village.

The U. S. Commissioner, at said public hearing, shall hear all those persons, if any, who are in favor, as well as all those persons, if any, who are opposed to incorporation. At such hearing, if the U. S. Commissioner is satisfied that it is for the best interest and welfare of the village to be incorporated, he shall, by order, so adjudge. Immediately following such order the hearing shall be terminated and a village or town meeting shall be convened by the U. S. Commissioner, who shall act as chairman. The U. S. Commissioner shall receive nominations for the office of city councilman from the floor, substantially in the manner prescribed in Robert's Rules of Procedure. After nominations have been closed the U. S. Commissioner shall set the time and place when and where an election shall be held to determine (1) whether the people of the village desire to be incorporated as an incorporated village, and (2) if so, those persons who shall serve as councilmen. The U. S. Commission-

er shall appoint three qualified voters, none of whom shall be nominees for the office of councilman, to act as judges of said election. The election shall be held within the proposed village not less than 15 nor more than 30 days from the date of the village meeting. Notice thereof shall be posted at three public places within the village.

Sec. 5. Election: Ballots: Council: Certificate of Results and Court Order Thereon. The election herein provided for shall be by printed or written ballot in substantially the following form, to-wit:

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

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

The qualified electors of the Village proposed to be incorporated shall also at the same election by a separate ballot choose five councilmen from those nominated at the village meeting held in compliance with Sec. 4. herein, who shall be qualified electors of the village. Councilmen shall be elected for a term of one year.

The judges of election shall certify to the U. S. Commissioner the result of the election giving the number of votes cast in favor of incorporation and against incorporation, as well as the number of votes cast for each person nominated for the office of councilman.

As soon as the election certificate has been received by the U. S. Commissioner, he shall enter an order declaring the village incorporated if a majority of the persons 21 years of age or over residents for 1 year or more in the village voted

in favor of such incorporation, otherwise the Commissioner shall make an order declaring the village not incorporated.

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

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

Sec. 6. Powers of the Council. The Council shall have the following powers:

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

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

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

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

(5) To adopt and enforce ordinances relating to intoxicating beverages.

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

(7) To make and perform contracts and agreements, not incon-

sistent with law, with any person, association, or corporation, with the Federal Government or any agency thereof, and with any agency or political subdivision of the Territory of Alaska, including agreements with the Territory for the rendition of public services.

(8) To provide for a curfew.

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

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

(11) To provide rules for annual and special elections.

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

Sec. 7. Procedure to be Followed in Levying Taxes. Notice of intent by the Council to pass an ordinance to levy a sales tax and the rate thereof or to increase an existing sales tax and the amount of the proposed increase shall be posted in three public places within the village at least 30 days prior to the proposed effective date of such levy, or increased rate thereof.

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

If prior to ten days before the proposed effective date of such levy a petition shall be filed with

the U. S. Commissioner, (in the recording precinct in which the incorporated village is situated), bearing that number of signatures of qualified voters of the village equal to or greater than twenty-five per cent of the total number of votes cast at the preceding village election, praying that a special election be held, then the U. S. Commissioner shall immediately enjoin the Council from imposing the tax, or from increasing the rate or amount thereof, as the case may be.

The U. S. Commissioner shall, by order, within ten days of the receipt of a valid petition, designate the time and place and appoint three election judges for an election for the purpose of determining: (1) whether a sales tax at the rate designated shall be levied, or if such tax has already been levied, then (2) whether the rate of the sales tax shall be increased from (current rate to be filled in) to (proposed rate to be filled in). The election shall be conducted no more than thirty days after the posting of said order, in substantially the manner prescribed in Sec. 5 herein, for the conducting of an election on the question of incorporation.

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

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

Sec. 8. Incorporated Villages Not

School Districts. Villages incorporated hereunder shall not be constituted school districts except upon election as provided for the incorporation of school districts for areas outside incorporated areas as prescribed in Sec. 37-3-32, ACLA 1949, as amended by Ch. 51, SLA 1951, as further amended by Senate Bill No. 33, SLA 1957; provided, however, that in the event such villages or any part thereof shall at the time of its incorporation be within a school district, this section shall not apply, nor shall this section be construed as preventing a village, or any part thereof, from being incorporated as, or into, a school district.

Sec. 9. Incorporation Manual. The Alaska Rural Development Board, with the aid and advice of the Attorney General of Alaska, shall prepare a mimeographed manual of instruction for the incorporation of villages.

Sec. 10. Transition to an Incorporated

City. An incorporated village may at any time initiate proceedings under Territorial law to incorporate as a municipality. Any valid order entered thereafter creating an incorporated municipality, in accordance with law, shall simultaneously dissolve the incorporated village; provided, however, that full protection shall be afforded all creditors of the incorporated village.

Sec. 11. Dissolution of an Incorporated Village. The dissolution of any incorporated village shall be in substantially the manner provided for the dissolution of municipalities under Ch. 35, SLA 1955; provided, however, that judicial jurisdiction herein shall be exclusively vested in the U. S. Commissioner for the precinct wherein said village is located.

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

Approved April 1, 1957

CHAPTER 151

AN ACT

Pertaining to the consumer's sales tax, amending Sub-section Ninth (b) of Section 16-1-35, ACLA, 1949 as amended by Chapter 38, SLA 1949 and Chapter 121, SLA 1953, and validating exemptions heretofore granted.

(S. C. S. for H. B. 178)

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

Section 1. That Sub-section Ninth (b) of Section 16-1-35, ACLA 1949 as amended by Chapter 38, SLA 1949, and Chapter 121, SLA 1953 is hereby amended to read as follows:

Ninth: (b) **Consumer's Sales Tax.** To levy and collect a consumer's sales tax not exceeding three percentum of the sales price on all retail sales, rents and services, made within the municipality; provided, that the