

CHAPTER 67

AN ACT

Relating to second class cities; amending Sec. 16-2-2, ACLA 1949, and Sec. 1, Ch. 42, SLA 1951.

(H.B. 157)

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

Section 1. Sec. 16-2-2, ACLA 1949 is amended to read:

Sec. 16-2-2. Proceedings to Incorporate: Petition and Hearing Thereon: Order and Posting of Same. A petition praying for such municipal incorporation of the second class shall be presented to the Superior Court of the District in which such community is situated, which petition shall be signed by at least fifteen adults, bona fide residents of such community, who shall be the owners of substantial property interests therein. Such petition shall describe the boundaries and state the number of inhabitants of the proposed corporation, and shall also specify the name by which it is to be known, and shall give such other facts as may tend to show good grounds for such incorporation. The Judge of the Superior Court shall thereupon fix the time and place for considering said petition, which time shall not be 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 territory proposed to be incorporated. At the time and place fixed for considering the petition the Superior Judge shall hear those who are in favor of as well as

those who are opposed to incorporation, and if he be satisfied that it is for the best interest and welfare of the community to be incorporated as a city of the second class, he shall, by order, so adjudge; and he may, by the order, change or modify the proposed boundaries. He shall also, by said order designate the name and the boundaries of the corporation, and the time and place when and where an election shall be held to determine whether the people of the community desire to be incorporated as a city of the second class; and he shall also, by said order, appoint three qualified voters to act as judges of such election. Copies of such order shall be posted at three public places within the limits of the proposed corporation, at least fifteen days prior to the day of election, and such posting shall be deemed sufficient notice of such election.

Sec. 2. Sec. 1, Ch. 42, SLA 1951 is amended to read:

Sec. 1. All laws and parts of laws of the State of Alaska empowering and regulating first class cities on special assessments, public utilities, airports, public service rates, franchises, acquisition and disposition of property, motor vehicles, and schools, are hereby extended and made applicable to second class cities or towns.

Approved April 12, 1961

CHAPTER 68

AN ACT

Authorizing the Department of Law to represent all state departments, agencies, boards, commissions and public officers of the State of Alaska in court actions in the name of the State of Alaska; and providing for an effective date.

(H.B. 218)

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

Section 1. Whenever any statute or regulation designates any state depart-

ment, agency, board, commission or public officers as a necessary or proper party to prosecute or defend any action in any court of the state, such statute or regu-

lation shall also be deemed to have designated the State of Alaska as a proper party in any such action before any court. It shall not be necessary to name any department, agency, board, commission or public officer of this state as an additional party to the action. In all of the

foregoing cases the Department of Law is authorized to bring, prosecute, or defend any action in any court in the name of the State of Alaska.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 12, 1961

CHAPTER 69

AN ACT

Relating to the transfer of tide and submerged lands; and providing for an effective date.

(S.B. 10)

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

Section 1. Upon application by any municipal corporation with a population of less than 5,000 persons according to the latest U. S. census entitled to a conveyance of tide and submerged lands, pursuant to Art. III, Sec. 5(3) (a), Ch. 169, SLA 1959, the director of the division of lands of the Department of Natural Resources is hereby authorized to make or provide for the making of such surveys as may be required for the transfer of tide and submerged lands to such municipal corporation, and as may be required for subsequent conveyance of such tide and submerged lands by the municipal corporation to occupants of those lands who hold preference rights. When such application by the municipal corporation is accepted, the governing body of the municipal corporation shall execute a contract on a form approved by the attorney general providing for such survey under the sole management and supervision of the director and for repayment according to the provisions of this Act.

municipal corporation. A sketch plat, sufficient for its purpose in the opinion of the director, shall indicate the boundaries of each occupied or developed tract as determined by the governing body of such municipal corporation and the sketch plat shall be prepared and submitted to the director before actual surveying shall begin. Nothing contained in this Act and nothing contained in any plat or sketch showing interior subdivision of the lands to be conveyed to the municipal corporation shall be construed as a determination of any preference right, nor shall it prohibit adjustment and re-survey of such interior subdivision.

Sec. 2. The survey herein provided for shall define the outside boundary of the lands to be conveyed to the municipal corporation and shall, on the same or separate plats, show all structures and improvements thereon and the boundaries of each tract occupied or developed, together with the name of the owner or claimant thereof, and shall contain sufficient data to permit preparation of adequate legal descriptions of the tracts to be conveyed. The plats shall provide like information as to all tracts adjoining the outside boundary of the lands to be conveyed to the

Sec. 3. Monies shall be appropriated from the general fund in an amount to be determined from time to time by the legislature to facilitate such work. Accounting of all costs and expenses relative to the surveys provided for in this Act shall be made to the municipal corporation by the director periodically and a final accounting shall be made upon patent of the lands to the municipal corporation. Costs and expenses chargeable to the city shall include the actual amount expended for the survey and a reasonable allocation of overhead, travel and equipment expense. The total amount of such costs and expenses shall be repaid to the fund through the director by the municipal corporation for whom the survey was made, with interest at 5 per cent per annum from the date of patent. The actual cost of survey of each interior subdivision shall be determined by the director. As to tracts conveyed to a preference right holder, the state shall be reimbursed by the municipal corporation in the amount of the survey costs of that tract as determ-