

Public Testimony
HB151 – Letter of Support
Formation of Boroughs

My name is James Squyres. I am from Rural Deltana. **HB151 is an important bill which I support.** Each of you take an oath to **“support and defend”** the Alaska Constitution under Article 12, Section 5, Oath of Office. LBC Commissioners are required to take the same oath. **This Legislation, HB151, encourages the balance necessary for commissioners to fulfill that oath.**

Article 10, Section 12 of the Alaska Constitution is the constitutional basis for the Local Boundary Commission. Broad powers are described in that section including what is referred to in short as the “legislative review” process.

As legislators you know all too well that your oath to **“support and defend”** the constitution requires you to balance the requirements of the whole Alaska Constitution and not just **one** Section. In other words, one section does not trump another.

Article 1, Section 2 contains the language **“All political power is inherent in the people. All government originates with the people, is founded upon their will only..”**

HB151 looks to be an attempt to **insure** that LBC Commissioners **balance** Article 10, Section 12 with Article 1, Section 2 **before** submitting a “legislative review” proposal to the legislature which I applaud. We all know how time has evolved the organization of new Legislatures. A “legislative review” process, which becomes **AUTOMATIC** after 45 days of being introduced within the first 10 days of a legislative session, could be underway at the beginning of **any** new legislature. It is quite **possible that one** of the bodies of the legislature **might not even be organized** to consider and pass the necessary resolution to **stop** a borough formation or an annexation that would thus, in essence, bypass the legislature. In addition, there is no veto power by the Governor once a “legislative review” process is submitted. This potential **runaway train**, which could be implemented by only 3 of the 5 non elected commissioners, **could produce widespread unintended consequences to the will of Article 1, Section 2 Alaskans by three appointed people.**

So, is abuse of the “legislative review” process by the LBC a concern? Of course. Why? One year (2017) when I reviewed the LBC's draft of their Annual Report to the Legislature, I noticed that the picture on the front of the report had the Unorganized borough divided up into multiple unorganized boroughs. This was not surprising after discussions I heard in the 2015 workshop regarding encouraging the “legislative review” process where Commissioner Harrington, now Vice Chair said, **“Is there any reason why we couldn't, as a body, submit this to the state legislature as formalizing these not unorganized boroughs?”** DR. VIC FISCHER, an invited guest at that meeting replied, **“Politics aside there's no reason, no.”** When I contacted LBC Staff and cited the Alaska Statute that indicates that there is only ONE Unorganized Borough (for the purposes of more efficient administration) they removed it before the Legislature saw it.

More Recently, the LBC, with a different makeup of commissioners rightly converted a “legislative review” action in a historic 3 to 2 vote that converted a “legislative review” petition in Soldotna to annex a new area against the will of the people to a “local option” petition where the folks have a

chance to vote on their own destiny. Regretfully two of the yea votes are no longer Commissioners. Chair Wood, also the current Chair, was one of the two commissioners that voted against the conversion to “local option”. The other commissioner who voted against it is now Vice Chair Harrington. They wrote and signed together a dissent argument in 2020 against the other 3 commissioners of that time. In that dissent argument they indicated a fear that locals might **“protest and claim a right to vote”**.

This is truly indicative of their state of mind, when coupled with the testimony from Vic Fischer, Clem Tillion and Gary Wilken to the LBC back in 2015 encouraging the use of the “legislative review” process to incorporate areas against their will.

It was Jack Coghill who indicated in the Introduction of the Constitution that, *“This document is the product of Alaska pioneers, a spirit of independence and self-government. **It is your guarantee that the Individual will always be in charge.** Surely one is moved by the simplicity and power of this document.”*

HB279 just passed the Alaska House with a vote of 39-0 ensuring that at least one of the LBC commissioners are appointed from the Unorganized Borough to better balance a current LBC where all 5 current commissioners live in organized boroughs and it is suggested that they contain a lack of balanced perspective with about one half of the state being unorganized. A vote of 39 elected legislators in the House to pass HB279 reflects the will and power of Alaskans as laid out in Article 1, Section 2. Current LBC commissioners are opposing HB279 as well as this Bill HB151. The power of the people rests with you. Please support and pass HB151.

That concludes my testimony,

James Squyres
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