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VIA ELECTRONIC MAIL

The Honorable C.J. McCormick, Chair
House Community and Regional Affairs Committee
State Capitol Room 416
Juneau, Alaska 99801

Re: Supplemental Comments Pertaining to HB 279, An Act Relating to the Local Boundary Commission

Dear Chair McCormick and Members of the House Community Regional Affairs Committee:

As you know, several amendments have been proposed to HB 279. One amendment wisely eliminates costly duplication of efforts related to census records. However, none of the amendments confront the most troubling aspect of this bill. I respectfully ask that the bill not be passed on by your committee for the following reasons.

My February 12, 2024, letter explained that HB 279 primarily proposes to replace the at large commissioner position on the Local Boundary Commission (LBC) with an individual residing in the unorganized borough. I also explained that the legislation is unnecessary. Simply stated, the governor may fire me today, and appoint the at large LBC member from the unorganized borough. Each judicial district includes pieces of the unorganized borough, and each commissioner represents one of these districts. The at large position includes them all. Indeed, gubernatorial appointments from the unorganized borough have occurred throughout the history of the Local Boundary Commission, and as recently as 2019.

Interestingly, the governor may appoint the ENTIRE commission from the unorganized borough. Appointments from Nome, Bethel, Valdez, Angoon, and a chair from Adak would accomplish this result.

But, why has it made sense to appoint qualified LBC commissioners based on their residency in judicial districts rather than residency in boroughs, organized or unorganized? It's done to ensure complete representation of Alaska, to provide clarity in appointments, to expand the pool of qualified individuals, and to ensure broad, state-wide, inclusive, and diversified perspectives.

In contrast, the unorganized borough is not a borough or a local government at all. By circumstance or choice, it foregoes any level of government structure.

Unorganized boroughs were intended to be transitory mechanisms for the state to regionalize its services provided to them. Today, the unorganized borough contains just 10 per cent (75,000) of Alaska's population, even though it is an immense area that encompasses nearly half of Alaska's land area. From the unorganized borough, cities and regional boroughs are formed as populations grow, local leadership matures, and resources coalesce to support local and regional governments.

The Local Government Committee of the Constitutional Convention observed that local political decisions do not usually create proper boundaries and that boundaries should be established at the state level. The advantage “. . . lies in placing the process at a level where area-wide or state-wide needs can be taken into account. By placing authority in this third party, arguments for and against boundary change can be analyzed objectively.”

Thus, LBC commissioners have always been drawn from each of the Alaska's judicial districts. As a whole, these commissioners represent the state's entire 739,000 population. Importantly, each district already includes residents of organized boroughs and the unorganized borough. These appointments promote inclusivity and diversity of views and interests pertaining to boundary changes including local government formation. Parenthetically, state law provides that LBC members must be appointed on the basis of interest in public affairs, good judgment, knowledge and ability.

However, the bill's sponsor wants to insure “that at least one of the five Commissioners is from the unorganized Borough.” But, to what end? The bill has no instructions explaining how and for what purpose the new commissioner will determine the interests of the residents of the unorganized borough or promote those limited views on a commission charged with acting on proposals from a state wide perspective. Note that seven different municipal boundary changes are involved in LBC proceedings such as incorporation of municipalities, reclassification of city governments, annexation to municipalities, and dissolution, detachment, merger, and consolidation of municipalities.

How would an individual represent a non-government entity called the unorganized borough on the LBC? Will he or she advocate for no or limited local self-government? Will there be a shift in maximizing local government participation and responsibility?

Moreover, since the unorganized borough crosses all judicial districts, will any new commissioner also represent each judicial district? Will commissioners who represent judicial districts also represent portions of the unorganized borough?

In fact, existing members of the LBC represent residents of the organized boroughs and the unorganized borough alike: necessarily, there is no conflict in allegiances. Commissioners fairly and objectively apply the standards established by law and regulation for adoption of boundary changes.

Finally, the legislature is constitutionally directed to “provide for the performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility.” How does this legislation comply with a constitutional mandate for maximum local participation and responsibility, particularly in communities that are capable of it?

Removing the governor’s flexibility to make broader appointments seems to be an early step in institutionalizing the notion that some communities in the unorganized borough may never organize a local government and thus contribute more meaningfully to their own local participation and responsibility in government affairs.

Thank you for your consideration of my comments. Please let me know if you have questions.

Sincerely,

Larry D. Wood