

SENATE CONCURRENT RESOLUTION NO. 12

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATORS WILKEN, Bunde, Cowdery, Green, Ogan, Seekins, Ben Stevens, Gary Stevens, Wagoner

Introduced: 4/28/03

Referred: Community and Regional Affairs, State Affairs

A RESOLUTION

1 **Requesting the Local Boundary Commission to consider borough incorporation for**
2 **certain unorganized areas.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** Article I, sec. 1, Constitution of the State of Alaska, provides that all
5 persons are equal and entitled to equal rights, opportunities, and protection under the law, and
6 that all persons have corresponding obligations to the people and to the state; and

7 **WHEREAS** the State of Alaska requires organized boroughs, home rule cities in the
8 unorganized borough, and first class cities in the unorganized borough to operate a system of
9 municipal public schools as provided in AS 29.35.160 and 29.35.260(b); and

10 **WHEREAS** the State of Alaska significantly reduces public school funding to
11 organized boroughs, home rule cities in the unorganized borough, and first class cities in the
12 unorganized borough by an amount equal to the "local contribution" required of those
13 municipalities under AS 14.17.410, while no corresponding public school funding reductions
14 are imposed on the remainder of Alaska for operation of regional educational attendance
15 areas; and

16 **WHEREAS** the State of Alaska imposes significant obligations to provide other

1 fundamental public services, such as land use regulation, upon organized boroughs, home rule
2 cities in the unorganized borough, and first class cities in the unorganized borough, while no
3 corresponding obligations are imposed on the remainder of Alaska; and

4 **WHEREAS** no reasonable basis, such as fiscal or administrative capacity, exists to
5 distinguish those Alaskans who do not have obligations to provide a system of public schools
6 and other fundamental public services from those Alaskans within organized boroughs, home
7 rule cities in the unorganized borough, and first class cities in the unorganized borough upon
8 whom the State of Alaska has imposed significant financial and other obligations to provide a
9 system of public schools and other fundamental public services; and

10 **WHEREAS** borough incorporation of unorganized areas with relatively significant
11 populations residing outside home rule and first class cities, and with the fiscal and
12 administrative capacity to operate boroughs, would establish a reasonable basis to distinguish
13 Alaskans that have significant obligations to provide a system of public schools and other
14 fundamental public services from those with no such obligations; and

15 **WHEREAS** the Local Boundary Commission determined in its February 2003 report
16 entitled: "Unorganized Areas of Alaska that Meet Borough Incorporation Standards," that
17 seven unorganized areas of Alaska meet standards for borough incorporation, including fiscal
18 and administrative capacity to operate boroughs; and

19 **WHEREAS** four of the seven unorganized areas identified in the Local Boundary
20 Commission's February 2003 report have relatively significant populations residing outside
21 home rule and first class cities; those areas are the Upper Tanana Basin Model Borough, the
22 Copper River Basin Model Borough, the Glacier Bay Model Borough, and the Chatham
23 Region Model Borough, as those unorganized areas are defined by 3 AAC 110.990(9); and

24 **WHEREAS** the purpose of the local government article of the Constitution of the
25 State of Alaska is to provide for maximum local self-government with a minimum of local
26 government units, and to prevent duplication of tax-levying jurisdictions; and

27 **WHEREAS** Article X, sec. 1, Constitution of the State of Alaska, encourages
28 organization of boroughs to achieve the purpose of the local government article; and

29 **WHEREAS** the local option method of borough incorporation, first enacted in 1961
30 and currently codified in AS 29.05.060 - 29.05.150, has been generally ineffective in
31 promoting the fundamental constitutional objective of borough organization; and

1 **WHEREAS** the Local Boundary Commission has authority under art. X, sec. 12,
2 Constitution of the State of Alaska, to present borough incorporation proposals to the
3 legislature; and

4 **WHEREAS** the provisions of AS 44.33.812 require the Local Boundary Commission
5 to adopt regulations providing procedures for borough incorporation; and

6 **WHEREAS** the Local Boundary Commission has adopted procedures for
7 incorporation of boroughs under 3 AAC 110.400 - 3 AAC 110.660, including procedures in 3
8 AAC 110.610 for legislative review under art. X, sec. 12, Constitution of the State of Alaska;
9 and

10 **WHEREAS** the provisions of AS 44.33.812 require the Local Boundary Commission
11 to consider borough incorporation for areas requested of it by the legislature;

12 **BE IT RESOLVED** that the Alaska State Legislature requests the Local Boundary
13 Commission to consider borough incorporation for the Upper Tanana Basin Model Borough,
14 the Copper River Basin Model Borough, the Glacier Bay Model Borough, and the Chatham
15 Region Model Borough; and be it

16 **FURTHER RESOLVED** that the Alaska State Legislature requests the Local
17 Boundary Commission to present a recommendation for borough incorporation under the
18 legislative review method in art. X, sec. 12, Constitution of the State of Alaska, for each
19 model borough listed in this resolution that is determined by the Local Boundary
20 Commission, with any appropriate amendments or conditions, to meet applicable borough
21 incorporation standards under the Constitution of the State of Alaska, Local Boundary
22 Commission regulations, AS 29.05.031 and 29.05.100; and be it

23 **FURTHER RESOLVED** that the Alaska State Legislature requests the Local
24 Boundary Commission to include in each legislative review recommendation for borough
25 incorporation submitted under this resolution, details concerning the class, name, boundaries,
26 assembly composition and apportionment, proposed operating budget, taxes, and other
27 areawide and nonareawide powers to be exercised, measures to ensure a smooth transition to
28 organized borough status, and other elements essential to the establishment of each particular
29 recommended borough.

30 **COPIES** of this resolution shall be sent to the Honorable Frank Murkowski, Governor
31 of Alaska; the Honorable Darroll Hargraves, Chair, Local Boundary Commission; and to the

- 1 Honorable Edgar Blatchford, Commissioner, Department of Community and Economic
- 2 Development.