

**ALASKA STATE LEGISLATURE**  
**SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**

March 21, 2005

2:42 p.m.

**MEMBERS PRESENT**

Senator Gary Stevens, Chair  
Senator Bert Stedman  
Senator Thomas Wagoner  
Senator Albert Kookesh

**MEMBERS ABSENT**

Senator Johnny Ellis

**COMMITTEE CALENDAR**

SENATE BILL NO. 128

"An Act relating to consideration by the Local Boundary Commission of a requested borough incorporation."

MOVED SB 128 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 128

SHORT TITLE: BOROUGH INCORPORATION

SPONSOR(S): SENATOR(S) THERRIAULT

03/03/05	(S)	READ THE FIRST TIME - REFERRALS
03/03/05	(S)	CRA, JUD
03/21/05	(S)	CRA AT 1:30 PM BELTZ 211

**WITNESS REGISTER**

Senator Gene Therriault  
Alaska State Capitol  
Juneau, AK 99801-1182

**POSITION STATEMENT:** Sponsor of SB 128

Dave Stancliff  
Staff to Senator Therriault  
Alaska State Capitol  
Juneau, AK 99801-1182

**POSITION STATEMENT:** Explained reasoning behind SB 128

Dr. Michael Dickens  
P.O. Box 497  
Skagway, AK 99840

**POSITION STATEMENT:** Testified in support of SB 128

Sally Saddler, Legislative Liaison  
Department of Community & Economic Development  
PO Box 110800  
Juneau, AK 99811-0800

**POSITION STATEMENT:** Testified that the department supports the concept of SB 128, but has taken no position on the bill itself

#### **ACTION NARRATIVE**

**CHAIR GARY STEVENS** called the Senate Community and Regional Affairs Standing Committee meeting to order at [2:42:38 PM](#). Present were Senators Stedman, Wagoner, Kookesh and Chair Gary Stevens.

#### **SB 128-BOROUGH INCORPORATION**

CHAIR GARY STEVENS announced SB 128 to be up for consideration.

Due to teleconference and associated technical difficulties, there is no recording of the meeting.

[2:42:56 PM](#)

SENATOR GENE THERRIAULT, sponsor, explained that SB 128 is an effort to increase local public participation with regard to creating new boroughs and to clarify that the Local Boundary Commission (LBC) has the authority to consider local government boundary changes but it doesn't have the authority to create an entirely new government.

The City of Whittier passed a resolution asking the LBC to have the state act as the petitioner to incorporate the Prince William Sound Borough through the legislative review process. Thereafter the LBC directed the Department of Community, Commerce and Economic Development (DCCED) to originate a borough petition. To no avail Valdez residents have expressed overwhelming objection to the proposed boundaries that would completely surround the community of Valdez. With good reason, the residents of Valdez feel completely disenfranchised.

Senator Therriault said he introduced the bill because he views the recent LBC action as a misuse of power with possible constitutional conflict. The Alaska Constitution clearly states that, "All government is to originate with the people and is founded upon their will only." Borough formation should be a citizen driven process rather than an LBC driven process. A government by the people means that change begins at the local level and works up rather than the other way around.

[2:46:57 PM](#)

CHAIR GARY STEVENS asked whether Valdez residents would be able to vote on the Whittier proposal.

DAVE STANCLIFF, staff to Senator Therriault, explained that just a small percentage of the people in the area would have the opportunity to vote on the proposal. Furthermore he pointed out that although Title 29 procedures are typically followed when a new borough is formed this is a first attempt to use the legislative review process, authorized in Title 44, to influence borough formation.

[2:49:28 PM](#)

SENATOR THOMAS WAGONER said he understood resolutions came from Whittier and Cordova.

MR. STANCLIFF replied they were council resolutions.

CHAIR GARY STEVENS asked Dr. Dickens to come forward.

DR. MICHAEL DICKENS, superintendent, Skagway School District, testified that the city is on record for wanting to become a borough. This is another opportunity for local autonomy and we thank you Senator Therriault, he said.

SENATOR ALBERT KOOKESH noted that it is interesting that Skagway has worked very hard to become a borough yet the LBC denied its petition.

[2:53:13 PM](#)

SENATOR WAGONER asked if it is because the proposed borough is the same size as the land that's currently within the city limits.

DR. DICKENS said he is aware of the borough requirements but when you consider the isolated condition of Skagway some latitude should be given.

2:54:46 PM

SALLY SADDLER, legislative liaison, Department of Community & Economic Development (DCED), said that the department and the administration support the concept of the bill in that it provides for people/local governments to take control of local issues affecting them, but that they HAVE YET TO TAKE A POSTION and are consulting with the Department of Law to better understand the complexities of the bill to be sure it doesn't have any unintended consequences. She noted that the department is working with the sponsor's office.

Ms. Saddler noted the problem with the teleconference network and mentioned that the committee has received comments directly from the Local Boundary Commission and that she was speaking on behalf of the department.

CHAIR GARY STEVENS noted that there was no one else to speak to the issue because the phone lines were down. Because the public hadn't had an opportunity to weigh in he questioned moving the bill.

SENATOR KOOKESH asked which committee would hear the bill next.

CHAIR GARY STEVENS replied it also has a Judiciary Committee referral then asked Senator Therriault to comment.

SENATOR THERRIAULT aired the opinion that the public and those who were unable to testify due to the phone outage would support the bill overwhelmingly. Nonetheless he would make sure the public has an opportunity to comment during the Judiciary Committee hearing.

SENATOR KOOKESH stated that he wouldn't object to moving the bill.

CHAIR GARY STEVENS asked for a motion.

2:57:49 PM

SENATOR WAGONER motioned to report SB 128 and attached fiscal note from committee with individual recommendations. There being no objection, it was so ordered.

There being no further business to come before the committee,  
Chair Gary Stevens adjourned the meeting at [2:58:11 PM](#).