

HJR

26

HOUSE COMMITTEE REPORT

(5)

Date Referred: February 13, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: \_\_\_\_\_

The COMMUNITY & REGIONAL AFFAIRS Committee considered:

HJR 26

HOUSE JOINT RESOLUTION NO. 26 [POWERS OF LOCAL BOUNDARY COMMISSION]  
Proposing an amendment to the Constitution of the State of Alaska relating  
to powers of the local boundary commission.

RECOMMENDS:

- [ ] replacing with CS HJR 26 C-RA  the same title
- [ ] the attached amendment(s)  a new title
- do pass
- [ ] do not pass
- [ ] no recommendation
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact Div of Elec
- zero fiscal note C-RA
- [ ] zero with analysis

APPROVES PREVIOUS:

- [ ] fiscal note(s) published: \_\_\_\_\_
- [ ] zero fiscal notes(s) published: \_\_\_\_\_

SIGNING DO PASS:

Richard Storey  
Meri Davis  
Eileen P. MacLean

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SIGNING OTHER THAN DO PASS:  
(Do Not Pass, No Recommendation, Amend)

None Butte Note no Rec.

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Eileen P. MacLean  
 Chairman's signature

The Division of Elections is preparing a fiscal note to reflect the cost of the ballot proposal should this resolution pass. We will receive that fiscal note while the resolution is in subcommittee.

Here to speak on behalf of this legislation is the Sponsor Representative Shultz -or his staff person - Dave Stancliff.

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Eileen

Here is a question we can ask in committee or subcommittee;

- If the area is in a "relatively integrated socioeconomic unit of the municipality would you not still want approval of a majority of the people in the area? This would alleviate the need to determine if the area is an "integrated socioeconomic unit."

Eileen,

I do not favor this legislation for the following reasons:

1. It addresses only areas which contain a population.

One of the main problems with the recent annexations is that boroughs have purposely tried to annex areas without population in order to add revenues to their borough without the additional cost of services or without the necessary process of convincing residents of the benefits of annexation. I think this amendment would only encourage the continual annexations of pieces of an area for economic gain. If anything I would add to statute that annexations must contain a population base and that that population must approve.

2. The constitutional drafters felt that annexations should take into account the well being of the entire state. That is why they gave

Tim Plazman - CRA  
Linda Edgworth - Division of Elections  
will speak on HIR 26

the authority to the LBC based upon legislative approval. I feel that this is better addressed through statute and regulation than as a constitutional amendment.

3. It puts the burden of determining if the area is within a relatively integrated socioeconomic unit of the municipality. This language I believe would leave the state open to litigation on virtually all annexation proceedings.

# ALASKA STATE LEGISLATURE

Representative Eileen Panigoo MacLean  
P.O. Box 290  
Barrow, Alaska 99723



**Chairman**  
Community & Regional Affairs  
Committee

**Vice-Chairman**  
State Affairs Committee  
Bush Caucus

**Member Finance Subcommittee**  
Community & Regional Affairs  
Education  
Corrections

WHILE IN JUNEAU

**Box V**  
Juneau, Alaska 99811  
465-4525  
465-4833

## HOUSE OF REPRESENTATIVES

### District 22

Ambler  
Anaktuvik Pass  
Atkasuk  
Barrow  
Buckland  
Deering  
Kaktovik  
Kiana  
Kivalina  
Kobuk  
Kotzebue  
Noatak  
Noorvik  
North Slope  
Borough  
Northwest Arctic  
Borough  
Nuiqsut  
Point Hope  
Point Lay  
Selawic  
Shungnak  
Wainwright

### A G E N D A

#### HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE Tuesday, February 21, 1989, 1:00 p.m.

- HJR 26 "Proposing an amendment to the Constitution of the State of Alaska relating to powers of the Local Boundary Commission." - SHULTZ

HJR26

SHULTZ

House Joint Resolution 26 would require that a majority of the residents of an area to be annexed approve the annexation before the commission could recommended it to the legislature, if the land is not within a "relatively integrated socioeconomic unit of the municipality".

The committee currently has in subcommittee HB 131 - An Act relating to the Local Boundary Commission. It is the intention of the chair to place this resolution in the same subcommittee so that they can address these issues together. It is also the intention of the chair to allow the Local Boundary Commission to speak to this resolution during the subcommittee process since the chair and vice-chair are currently out of state.

There is a zero fiscal note issued from the Department of Community and Regional Affairs.

The Division of Elections is preparing a fiscal note to reflect the cost of the ballot proposal should this resolution pass. We will receive that fiscal note while the resolution is in subcommittee.

Here to speak on behalf of this legislation is the Sponsor Representative Shultz -or his staff person - Dave Stancliff.

---

Eileen

Here is a question we can ask in committee or subcommittee;

- If the area is in a "relatively integrated socioeconomic unit of the municipality would you not still want approval of a majority of the people in the area? This would alleviate the need to determine if the area is an "integrated socioeconomic unit."

## THOUGHTS ON SELF GOVERNMENT -- Rep. Dick Shultz

In laying out the Alaska Constitution, drafters intended that citizens benefit from the formation of local governments.

Since that time some of our organized governments have seen fit to bless their residents with Performing Arts Centers, Sales Taxes, multi-million dollar swimming pools, and art work that no one can recognize.

In many instances, the services provided are no more efficient and certainly no less costly than state services. As an example, the regulations imposed on an Anchorage home builder would stagger the imagination, and any assembly member can tell you about the numerous zoning battles waged by warring neighbors.

Is it any wonder Alaskans in unorganized areas are reluctant to wrap themselves in more government ?

### A MATTER OF DIFFERING PHILOSOPHIES

Of course there are many types of people with many types of interests who live in Alaska, however those who choose to live in populated areas tend to want more amenities than do those who live elsewhere.

The reason for this is really quite simple. It seems to reflect an attitude of those who want to pursue happiness versus those who want to preserve it.

Not every Alaskan wants progress in the normal sense of the word. Indeed some may want to halt it entirely, but it has been my experience in rural Alaska that citizens, Native and non-Native alike, live there because they relate to the environment. Is it really good public policy to allow a Commission of five members (absent local or Legislative approval) to alter an environment that Alaskans are happy with ?

Before I run the risk of plunging the reader or listener any further into this deep and complicated philosophical inquisition, let me take this issue to a different plane.

I feel Alaskans can and should determine if and when they want more government. This is what the Constitutional drafters intended and we have strayed far from it. Furthermore, I feel existing governments should not have the Local Boundary Commission acting as their personal kingdom builder. The powers embodied by the Commission need to be used as they were originally intended, on a broad basis for the socio-economic benefit of the State at large.

For this reason, I believe we as Legislators need to establish in statute, better guidance for the Commission. We must require the Commission to go beyond the word "government" in their decisions to adjust lines (and consequently lives) on maps. I feel the Commission would be willing to accept our guidance in meeting this social challenge and we should welcome their ideas.

In undertaking the task of setting such sensitive social criteria, it is my hope that we as Alaskans respect each others choice of lifestyles and material values. It has always been the great diversity within our state that has kept us strong. We all have a Constitutional duty to protect each others right to choose an individual lifestyle. Nowhere else in the free world can one experience the independence of life in rural Alaska. If we do not work to preserve it who will ?



# Alaska State Legislature

REPRESENTATIVE DICK SHULTZ

Member  
Finance Committee

P.O. Box V  
Juneau, Alaska 99811  
(907) 465-4040  
Home: P.O. Box 487  
Tok, Alaska 99780

## MEMORANDUM

TO: MEMBERS OF THE BUSH CAUCUS  
FROM: REP. DICK SHULTZ *DS*  
DATE: FEBRUARY 14, 1989  
RE: POWERS OF THE LOCAL BOUNDARY COMMISSION

\*\*\*\*\*

I have just now introduced HJR 26 to require a public vote when unfriendly annexations are attempted by organized governments.

Prior to HJR 26, I introduced HB 131 to beef up our statutes and give the Local Boundary Commission more guidance in their activities. It is presently being heard in the House C&RA committee. In researching HB 131, I found that the LBC has been given broad constitutional authority which can not be substantially changed by the Legislature, so a normal bill can not be used to give voting rights to the people.

If in our ambitions, we go too far in HB 131, the courts may invalidate our actions or the Governor may veto the bill.

What we can and probably should do, is to move HJR 26 along and test the waters so to speak. Since the changes to the constitution would only apply under limited conditions, I for one, would like to hear arguments against it.

In summary, HJR 26 would apply only if an organized government proposes to annex an area which has a different social and economic character. If that is the case, the people in the area proposed for annexation, would have to approve it by majority vote.

Together, we can give citizens a larger say in their future. I am anxious to work toward this goal with each and every one of you.

I have attached two items for your information. They are both pages from the Alaska Constitution.

Item "A" shows where the phrase " Relatively integrated socioeconomic " occurs in the Constitution.

Briefly this is the language the Courts used to determine that Cordova was to be removed from an election District where it did not belong.

Item "B" is the section of the Constitution that needs to be amended. HJR 26 would allow people living in an area proposed for annexation (that is different in terms of socioeconomic) to determine by vote whether they wish to be annexed.

\*\*\*\* Note

It is important to keep in mind that while the phrase "Relatively integrated socioeconomic" seems awkward, it has the strength of prior interpretation by the courts and therefore is probably the best choice for describing social and economic differences.

ARTICLE VI

LEGISLATIVE APPORTIONMENT

Election Districts

SECTION 1. Members of the house of representatives shall be elected by the qualified voters of the respective election districts. Until reapportionment, election districts and the number of representatives to be elected from each district shall be as set forth in Section 1 of Article XIV.

Senate Districts

SECTION 2. Members of the senate shall be elected by the qualified voters of the respective senate districts. Senate districts shall be as set forth in Section 2 of Article XIV, subject to changes authorized in this article.

Reapportionment of House

SECTION 3. The governor shall reapportion the house of representatives immediately following the official reporting of each decennial census of the United States. Reapportionment shall be based upon civilian population within each election district as reported by the census.

Method

SECTION 4. Reapportionment shall be by the methods of equal proportions, except that each election district having the major fraction of the quotient obtained by dividing total civilian population by forty shall have one representative.

Combining Districts

SECTION 5. Should the total civilian population within any election district fall below one-half of the quotient, the district shall be attached to an election district within its senate district, and the reapportionment for the new district shall be determined as provided in Section 4 of this article.

Redistricting

SECTION 6. The governor may further redistrict by changing the size and area of election districts, subject to the limitations of this article. Each new district so created shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area.

Each shall contain a population at least equal to the quotient obtained by dividing the total civilian population by forty. Consideration may be given to local government boundaries. Drainage and other geographic features shall be used in describing boundaries wherever possible.

Modification of Senate Districts

SECTION 7. The senate districts, described in Section 2 of Article XIV, may be modified to reflect changes in election districts. A district, although modified, shall retain its total number of senators and its approximate perimeter.

Reapportionment Board

SECTION 8. The governor shall appoint a reapportionment board to act in an advisory capacity to him. It shall consist of five members, none of whom may be public employees or officials. At least one member each shall be appointed from the Southeastern, Southcentral, Central and Northwestern Senate Districts. Appointments shall be made without regard to political affiliation. Board members shall be compensated.

Organization

SECTION 9. The board shall elect one of its members chairman and may employ temporary assistants. Concurrence of three members is required for a ruling or determination, but a lesser number may conduct hearings or otherwise act for the board.

Reapportionment Plan and Proclamation

SECTION 10. Within ninety days following the official reporting of each decennial census, the board shall submit to the governor a plan for reapportionment and redistricting as provided in this article. Within ninety days after receipt of the plan, the governor shall issue a proclamation of reapportionment and redistricting. An accompanying statement shall explain any change from the plan of the board. The reapportionment and redistricting shall be effective for the election of members of the legislature until after the official reporting of the next decennial census.

ject to the provisions of law or charter. A new service area shall not be established if, consistent with the purposes of this article, the new service can be provided by an existing service area, by incorporation as a city, or by annexation to a city. The assembly may authorize the levying of taxes, charges, or assessments within a service area to finance the special services.

**Unorganized  
Boroughs**

SECTION 6. The legislature shall provide for the performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility. It may exercise any power or function in an unorganized borough which the assembly may exercise in an organized borough.

**Cities**

SECTION 7. Cities shall be incorporated in a manner prescribed by law, and shall be a part of the borough in which they are located. Cities shall have the powers and functions conferred by law or charter. They may be merged, consolidated, classified, reclassified, or dissolved in the manner provided by law.

**Council**

SECTION 8. The governing body of a city shall be the council.

**Charters**

SECTION 9. The qualified voters of any borough of the first class or city of the first class may adopt, amend, or repeal a home rule charter in a manner provided by law. In the absence of such legislation, the governing body of a borough or city of the first class shall provide the procedure for the preparation and adoption or rejection of the charter. All charters, or parts or amendments of charters, shall be submitted to the qualified voters of the borough or city, and shall become effective if approved by a majority of those who vote on the specific question.

**Extended  
Home Rule  
Powers**

SECTION 10. The legislature may extend home rule to other boroughs and cities.

SECTION 11. A home rule borough or city may exercise all legislative powers not prohibited by law or by charter.

**Boundaries**

SECTION 12. A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action.

**Agreements:  
Transfer of  
Powers**

SECTION 13. Agreements, including those for cooperative or joint administration of any functions or powers, may be made by any local government with any other local government, with the State, or with the United States, unless otherwise provided by law or charter. A city may transfer to the borough in which it is located any of its powers or functions unless prohibited by law or charter, and may in like manner revoke the transfer.

**Local  
Government  
Agency**

SECTION 14. An agency shall be established by law in the executive branch of the state government to advise and assist local governments. It shall review their activities; collect and publish local government information, and perform other duties prescribed by law.

**Special  
Service  
Districts**

SECTION 15. Special service districts existing at the time a borough is organized shall be integrated with the government of the borough as provided by law.



# Alaska State Legislature

## House of Representatives Community & Regional Affairs

### MEMORANDUM

TO: ALL MEMBERS  
HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

FROM: REPRESENTATIVE EILEEN P. MACLEAN, CHAIRMAN  
HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

DATE: March 14, 1989

RE: Sectional Analysis of CS HJR 26 C&RA

Sec. 1 New language in CS HJR 26 C&RA would give constitutional authority to the legislature to establish standards to guide the commission in its review of boundary changes.

The date the recommendation would become effective is changed from 45 to 60 days after the Local Boundary Commission presents the recommendation to the legislature.

Se. 2 Requires that upon passage of the resolutions that the question be placed before the voters at the next general election.

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: "Proposing..amendment..Constitution  
..powers..local boundary commission."  
 Sponsor: Shultz  
 Requestor: \_\_\_\_\_  
 Agency Affected: Community & Regional Affairs  
 BRU: \_\_\_\_\_  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

SEE ATTACHED

Prepared by: Jim Plasman, Deputy Director Phone: 465-4750  
 Division: Municipal & Regional Assistance Date: \_\_\_\_\_  
 Approved by Commissioner: [Signature] Date: 2-21-89  
 Agency: Community & Regional Affairs

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

House Joint Resolution No. 26  
Fiscal Note Attachment

While the Department has reflected a zero fiscal note, it should be noted there will be fiscal impacts from this legislation in terms of the cost of putting the matter on the ballot. Division of Elections should be contacted on this. If the constitutional amendment is adopted there would be additional costs for the cost of elections in annexations where the area to be annexed is not within a relatively integrated socioeconomic unit of the municipality. It is assumed the state will bear the cost of those elections. By adopting a standard for determining when such elections should or should not be held, a certain potential for additional litigation based upon that standard is raised, although such costs must be regarded as speculative.

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: Const. Amend. relating to powers  
of the local boundary commission  
Sponsor: Shultz  
Requestor: Shultz

Agency Affected: Office of the Governor  
BRU: Division of Elections  
Components: 1 Elections

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	-0-	-0-	2.2*	**	**	**
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	2.2*	**	**	**
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	2.2*	**	**	**
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	2.2*	**	**	**

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

\* Costs included cover 2 to 3 pages in each Official Elections Pamphlet, for printing and typesetting, and costs estimated to cover computer program-ing requirements for vote (Continued)

Prepared by: Linda Edgeworth  
Division: Elections

Phone: 465-4611  
Date: 2/21/89

Approved by Commissioner: [Signature]  
Agency: Division of Elections

Date: 2/22/89

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. HJR 26

\* Continued

counting purposes. However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however, that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16 cents per box x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2.

Under these circumstances the fiscal impact would be:

53.4

\*\* While not directly stated in the text of the resolution, there is an assumption that an election would have to be conducted to determine if a majority of the residents of the area to be annexed, actually approve of the annexation. Because the actual frequency with which these types of elections would be required can only be speculated, and because there is no way to know the number of voters or precincts which might be involved at any given time, it is difficult to anticipate the total fiscal impact on the Division of Elections. However, as a rough estimate, elections of this type would generally run from 3.5 to 8.0.

It should also be pointed out, that if the area is part of a Rural Educational Attendance Area (REAA) or Coastal Resource Service Area (CRSA), and if it is ultimately annexed into an incorporated community, it might be necessary to reapportion the REAA or CRSA involved. Often such reapportionments require a special election to elect new board members based on the new apportionment plan. These types of elections could be costly because they often involve several precincts and lots of voters. An election of this type generally costs from 5.5 to 9.0.

HOUSE JOINT RESOLUTION 26

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- ITEM 1:           Fiscal Note - Department of Community & Regional Affairs.
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DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POSITION PAPER

RE: House Joint Resolution No. 26

SPONSOR: Representative Shultz

Program Effects of Proposed Resolution:

This proposed resolution would, upon voter approval, amend the State Constitution concerning annexations to municipal governments which are subject to review by the legislature. In cases where the "land" proposed for annexation is "not within a relatively integrated socioeconomic unit of the municipality", it would be necessary to obtain the "approval of a majority of the residents of the area to be annexed".

Comments:

The department does not support the amendment proposed by the resolution.

The theme of local control is a pervasive and powerful element of the local government article of the Constitution of the State of Alaska. However, 33 years ago, the delegates to the State Constitutional Convention concluded, after considerable study and debate, that establishment and revision of local government boundaries should be primarily the responsibility of the State. Shortly after statehood, the Alaska Supreme Court articulated the considerations which led the delegates to this conclusion, (Fairview Public Utility District No. 1 v. City of Anchorage, 368 P.2d 540):

An examination of the relevant minutes of [a series of 31 meetings held by the Committee on Local Government at the Constitutional Convention] shows clearly the concept that was in mind when the local boundary commission section was being considered: that local political decisions do not usually create proper boundaries and that boundaries should be established at the state level. The advantage of the method proposed, in the words of the committee -- "lies in placing the process at a level where area-wide or statewide needs can be taken into account. By placing authority in this third-party, arguments for and against boundary change can be analyzed objectively."

- P.O. BOX B  
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- 949 E. 38TH AVENUE, SUITE 400  
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PHONE: (907) 563-1073

RE: House Joint Resolution No. 26  
February 21, 1989  
Page Two

The Supreme Court went on to state that it must be assumed that the Constitutional Convention delegates were aware of obstacles faced by Alaska cities in attempting to annex territory. The Court referred specifically to a related Territorial District Court case heard just prior to the convening of the Constitutional Convention. In the referenced case the judge remarked:

Every impediment and dilatory tactic has been employed by the opponents of annexation, except the homesteaders, to obstruct and harass the city in every move in connection with its efforts to extend its boundaries in the traditional manner to include the adjacent areas. Such opposition does not appear to be in the public interest or in good faith.

The Supreme Court went on to conclude that the Constitutional Convention delegates were sensitive to the inadequacies inherent in a system where needed municipal expansion could be frustrated if the electors in a single urban area outside of municipal boundaries did not agree to annexation.

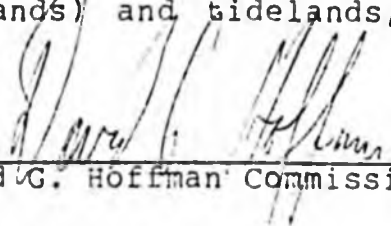
The procedure proposed by House Joint Resolution No. 26 would be subject to the very problems the constitutional founders attempted to avoid in creating the existing legal structure. While there is opportunity for public input, the final decision appropriately lies with the legislature. Currently, residents of an area proposed for annexation are permitted to express their position on proposed boundary changes by testifying at hearings conducted by the Commission. Further, decisions of the Local Boundary Commission concerning boundary changes initiated under Article X, Section 12 of the Constitution are subject to legislative veto. Since its inception, the Local Boundary Commission has submitted more than 90 recommendations for municipal boundary changes to the legislature. The department is aware of only eight instances where Commission recommendations were rejected by the legislature. In some of these eight cases, the legislature later approved an identical or substantially similar recommended annexation.

By requiring local approval in the local boundary determination process as provided by this amendment, the process would revert to one dominated by local politics which does not give a proper role to statewide concerns.

RE: House Joint Resolution No. 26  
February 21, 1989  
Page Three

The department additionally has a number of technical concerns with the wording of the proposed amendment. These are as follows:

- A. The provisions of the proposed amendment would apply "if the land is not within a relatively integrated socioeconomic unit of the municipality." While it is believed that the intent of the sponsor is that this language should be interpreted as though it reads "if the land is not within a relatively integrated socioeconomic unit of which the municipality is a part", the language used raises a possibility of misinterpretation. Because the existing language refers to the unit "of the municipality," there may be a danger of interpreting this to mean the unit must be within the municipality. Since any area proposed for annexation must be outside the municipality, under this interpretation, the resident approval requirement would be applied to every annexation to be submitted to the legislature.
- B. Typically, the will of the people in important measures such as these is represented by the voters. The proposed amendment would require "approval of a majority of the residents of the area to be annexed." While it is believed that the intent of the sponsor is that an election be the mechanism used, it may be possible to interpret this language to require a broader mechanism of determination of resident, rather than voter, approval.
- C. The term "land" is used twice in the proposed amendment. While it is assumed that the term is intended to apply to areas of water (submerged lands) and tidelands, this may require some clarification.

  
\_\_\_\_\_  
David G. Hoffman Commissioner

MEMORANDUM

February 21, 1989

SUBJECT: Powers of the Local Boundary Commission;  
HJR 26

TO: Representative Eileen P. MacLean  
Chair, House Community and Regional Affairs  
Committee

FROM: Richard A. Bradley  
Legislative Counsel

Louanne Christian has asked that I comment on certain technical matters relating to HJR 26. These are matters contained within Commissioner Hoffman's comments on the resolution.

I agree that the resolution would be improved by the addition of each of the suggestions made by Commissioner Hoffman.

I suggest that the material added to Section 12 of Act. X read as follows:

The commission may recommend the annexation of an area to a municipality only with the approval of a majority of the votes cast at an election called in the area to be annexed if the area is not within a relatively integrated socioeconomic unit of which the municipality is a part.

If I may be of further assistance, please advise.

RAB:mi  
wkmi3/085

DRAFT

#6

DRAFT

**IMPORTANT NOTICE  
FILING FOR DISSOLUTION OF THE CITY OF  
AKIACHAK**

Voters of the community of Akiachak (located approximately 20 miles northeast of Bethel) have petitioned the State of Alaska to dissolve their city government. A copy of the petition and supporting materials is available for review at the Akiachak Native Community Office in Akiachak and at the Department of Community and Regional Affairs (DCRA) in Bethel and Anchorage.

**BOUNDARIES.** The boundaries of the city proposed for dissolution encompass approximately 12 square miles in and around the community of Akiachak.

**WRITTEN COMMENT PERIOD.** Individuals may file briefs or written comments in support of or opposition to this petition. To ensure consideration, such materials must be submitted in accordance with the schedule set by the Chairman of the Local Boundary Commission (LBC) as outlined below.

**SCHEDULE.** The Chairman of the LBC will formally set the schedule for action by the LBC concerning this matter on February 27, 1989. The following is the tentative schedule of the proceedings.

- 03/13/89 - Deadline for filing briefs and/or written comments in support of or opposition to the proposed dissolution.
- 03/27/89 - Deadline for submission of answering briefs by petitioners' representative.
- 04/24/89 - DCRA releases (for public review) draft report and recommendation to the LBC concerning the proposed dissolution.
- 05/22/89 - Deadline for receipt of comments on draft report and recommendation from DCRA.
- 06/05/89 - DCRA releases final report and recommendation.
- 06/26/89 - LBC conducts hearing in Akiachak.
- 11/07/89 - State conducts election on dissolution (assuming LBC approves petition - actual election date will be set by Director of Division of Elections).

**SPECIAL NOTICE TO CREDITORS AND OTHERS WITH A FINANCIAL INTEREST.** Any party to whom a debt is owed by the City of Akiachak or who holds assets of the City of Akiachak is asked to notify (INSERT NAME, ADDRESS AND TELEPHONE NUMBER OF AUDITOR).

**FURTHER INFORMATION.** Questions and requests for a copy of the petition for dissolution, DCRA's reports, briefs, correspondence and/or other materials concerning this matter should be directed to Dan Bockhorst, Department of Community and Regional Affairs, 949 East 36th Avenue, Suite 405, Anchorage, AK 99508 (telephone: 561-8586).

**STANDARDS ESTABLISHED BY THE LOCAL BOUNDARY COMMISSION CONCERNING THE ETHICAL CONDUCT OF COMMISSION MEMBERS PROHIBIT INDIVIDUAL MEMBERS OF THE COMMISSION FROM DISCUSSING ANY ASPECT OF THIS MATTER, OTHER THAN PROCEDURES TO BE USED.**

IN THE HOUSE

BY SHULTZ

HOUSE JOINT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

Proposing an amendment to the Constitution of the State of Alaska relating to powers of the local boundary commission.

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

\* Section 1. Article X, sec. 12, Constitution of the State of Alaska, is amended to read:

SECTION 12. BOUNDARIES. A local boundary commission [OR BOARD] shall be established by law in the executive branch of the State government. The commission [OR BOARD] may consider any proposed local government boundary change. The commission may recommend the annexation of land to a municipality only with the approval of a majority of the residents of the area to be annexed if the land is not within a relatively integrated socioeconomic unit of the municipality. The commission [IT] may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission [OR BOARD], subject to law, may establish procedures whereby boundaries may be adjusted by local action.

\* Sec. 2. The amendment proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws of the state.

Original sponsors: Shultz and Foster

IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

CS FOR HOUSE JOINT RESOLUTION NO. 26 (C&RA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

Proposing an amendment to the Constitu-  
tion of the State of Alaska relating to  
the local boundary commission.

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

\* Section 1. Article X, sec. 12, Constitution of the State of Alaska,  
is amended to read:

SECTION 12. BOUNDARIES. A local boundary commission [OR BOARD]  
shall be established by law in the executive branch of the State  
government. The commission [OR BOARD] may consider any proposed local  
government boundary change. The legislature may establish standards  
to guide the commission in its review of a local government boundary  
change. The commission [IT] may present proposed changes to the  
legislature during the first ten days of any regular session. The  
change shall become effective sixty [FORTY-FIVE] days after presenta-  
tion or at the end of the session, whichever is earlier, unless dis-  
approved by a resolution concurred in by a majority of the members of  
each house. The commission [OR BOARD], subject to law, may establish  
procedures whereby boundaries may be adjusted by local action.

\* Sec. 2. The amendment proposed by this resolution shall be placed  
before the voters of the state at the next general election in conformity  
with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-  
tion laws of the state.