

SCR

23

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 4/17/91

FURTHER:

Date of 5-Day Notice: 4/18/91
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4-24-91

C&RA Committee considered SCR 23

Supporting the Yakutat Borough Incorporation Petition.

and recommended:

- replace with _____ cs SCR 23 (CRA) same title
- attached amendment(s) new title
- _____ letter of intent adopted

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) _____

zero fiscal note(s) _____
C&RA 4/19/91

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

Cedric Stangoroli
Laura Hoffman

OTHER RECOMMENDATIONS:

Mark do pass
Chair: Signature and Recommendation

ALASKA STATE LEGISLATURE SENATE

SENATOR RICHARD I. ELIASON

PRESIDENT OF THE SENATE
LABOR & COMMERCE COMMITTEE
RESOURCES COMMITTEE
RULES COMMITTEE
CHAIRMAN, SPECIAL COMMITTEE ON
DOMESTIC & INTERNATIONAL
COMMERCIAL FISHERIES



P.O. BOX 143
SITKA, ALASKA 99835

P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4916

FAX (907) 465-4928

MEMORANDUM

TO: Sen. Steve Frank, Chairman
Senate Community and Regional Affairs Committee

FROM: Sen. Dick Eliason *Dick Eliason*

DATE: April 17, 1991

RE: Request for hearing on SCR 23, supporting the
Yakutat Borough Incorporation Petition

I would like to request that SCR 23, supporting the petition of Yakutat for borough incorporation be scheduled for a hearing before the Senate Community and Regional Affairs Committee. If the committee schedule permits, I hope that you will give consideration to putting it on the schedule next week.

Thank you for your consideration.

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

April 23, 1991

POSITION PAPER

RE: Senate Concurrent Resolution 23

SPONSOR: Senator Eliason

Program Effects of Resolution: If adopted, the current resolution would express the wish of both houses that: 1) DCRA act quickly in reviewing the petition for incorporation of the Yakutat Borough, and 2) the Local Boundary Commission (LBC) expedite consideration of the proposal.

Comments

DCRA ACTION TO DATE

DCRA is aware of the petitioners' desire for expeditious consideration of their petition. The record clearly demonstrates that DCRA is attempting to accommodate this desire, while carrying out its duties in a responsible fashion.

The following is a summary of the principal activities to date:

- 11/26/90 In anticipation of the Yakutat petition, DCRA requested AG's opinion on key legal issues concerning the regulatory standards for borough formation.
- 12/26/90 Current petition for incorporation of the Yakutat Borough submitted to the Department.
- 01/07/91 Preliminary review of petition discloses insufficient signatures; petitioners advised.
- 01/11/91 Petitioners submit additional required signatures.
- 01/16/91 DCRA formally notifies petitioners that form and content of the petition are in substantial compliance with state law; DCRA arranged to have notice of the filing of the petition published; DCRA mailed individual notice to more than 150 potentially interested parties; March 12 established as deadline for comments.

- P.O. BOX B
JUNEAU, ALASKA 99811-2100
PHONE: (907) 465-1700
- 949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508-4302
PHONE: (907) 563-1073

- 02/15/91 AG's Office advises DCRA that regulatory standards are legal and must be enforced (see attachment). This raises significant doubt that Yakutat petition could be approved under existing regulations which require a minimum of two communities and 1,000 persons. LBC agrees to consider amendments to regulatory standards for borough formation in the course of other changes to its regulations. Debate on these proposed changes begins in earnest.
- 02/25/91 Contract issued by DCRA to provide expert legal services in drafting changes to regulations of the LBC.
- 03/01/91 LBC meets with contractor to discuss proposed changes in regulations.
- 03/08/91 LBC Regulations Committee meets to review proposed changes in regulations. LBC agrees to extend deadline for comments on Yakutat petition given pending proposed changes in the regulatory standards for borough formation. LBC indicates that it may attempt to expedite changes in borough incorporation standards to accommodate pending Yakutat proposal.
- 03/20/91 LBC Regulations Committee meets again to review proposed changes in regulations.
- 04/16/91 Draft of proposed changes to regulations substantially complete.
- 04/26/91 Entire LBC scheduled to meet to review proposed revisions to regulations.

The above summary of proceedings makes it clear that DCRA has acted as quickly and responsibly as is possible in all matters relating to the Yakutat proposal. And, once issues concerning the standards for borough formation are addressed, DCRA expects to move forward expeditiously on this matter. The following is the anticipated schedule following resolution of the regulation issues:

- 14 days Additional comment period on the Yakutat proposal.
- 30 days Preparation of draft report and recommendation by DCRA concerning the Yakutat petition and model borough boundaries in the Prince William Sound, Yakutat and Cross Sound/Icy Straits areas.
- 30 days Opportunity for public comment on DCRA's draft report.

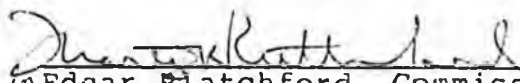
- 15 days Completion of DCRA's final report and recommendation.
- 25 days LBC begins hearings on the petition and model boundaries. Hearings likely to be held in Yakutat, Cordova, Valdez, Whittier and Gustavus. Hearings will be scheduled to promote maximum local participation.
- 90 days The LBC may take up to 90 days to reach a decision following its last hearing.
- 30 days If the LBC approves the petition, the Director of the Division of Elections will schedule an election within 30 days of notification of LBC action.
- 90 days The election will be held at least 30 and no more than 90 days following the order of the election.
- 21 days If a majority of the voters support borough formation, DCRA certifies the incorporation following the reporting of the election results and documentation of preclearance under the federal Voting Rights Act.

LBC SHOULD BE PERMITTED TO ADDRESS THIS ISSUE

The Local Boundary Commission (LBC) is independent of DCRA. The LBC is responsible for the adoption of regulations concerning formation of boroughs and is also responsible for judging the merits of the Yakutat proposal.

While the effect of the resolution is simply to request expeditious action, its title (A Resolution Supporting the Yakutat Borough Incorporation Petition) and preamble (lines 3 - 12) suggest legislative support specifically for the Yakutat proposal. The Department is aware that there are significant policy issues relating to the Yakutat proposal.

Given these circumstances, DCRA strongly encourages the Committee to postpone action on the proposed resolution until the LBC has had the opportunity to review and comment on the matter. The LBC is scheduled to meet on April 26 and the department will ask the Commission to comment on the proposed resolution at that time.


Edgar Blatchford, Commissioner

Attachment: February 15, 1991 memorandum from Assistant Attorney General Marjorie Odland.

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SCR 23

Revision Date: _____ Department Affected: Community & Regional Affairs
 Title: "Supporting the Yakutat Incorporation Petition." BRU: _____
 Component: _____
 Sponsor: Senator Eliason
 Requestor: _____ COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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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						

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Remond Henderson, Director Phone: 465-4708
 Division: Administrative Services Date: 4/19/91
 Approved by Commissioner: Nagar Blatchford
 Agency: Community & Regional Affairs Date: 4/19/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



SPONSOR SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 23

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR ELIASON

Introduced:

Referred:

A RESOLUTION

1 Supporting the Yakutat Borough Incorporation Petition.

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

3 WHEREAS it is in the best interest of the state that its citizens achieve maximum self
4 government; and

5 WHEREAS the citizens of the Yakutat and Yakataga area have expressed a desire to form an
6 organized borough; and

7 WHEREAS recently the trend has been to transfer more and more responsibility for providing
8 government services from the federal and state governments to local government; and

9 WHEREAS the people of this region have historically constituted a culturally and economically
10 cohesive group; and

11 WHEREAS the legislature encourages communities in the state to assume local government
12 powers wherever feasible and desired by the residents;

13 BE IT RESOLVED by the Alaska State Legislature that the Department of Community and
14 Regional Affairs is urged to act with dispatch in reviewing the incorporation petition for the proposed
15 Yakutat Borough and in making its recommendations regarding the petition to the Local Boundary
16 Commission; and be it

17 FURTHER RESOLVED that the Local Boundary Commission is urged to expeditiously hold

1 a public hearing in the area proposed to be incorporated and to give full consideration to the desire
2 expressed by the people in the area for self government as provided for under state law.

3 **COPIES** of this resolution shall be sent to the Honorable Edgar Blatchford, Commissioner of
4 Community and Regional Affairs; and to the Honorable Charles Bettisworth, Chair, Local Boundary
5 Commission.