

SB

156

Alaska State Legislature

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Anchorage
Senator Jerry Mackie, Vice-Chairman
Craig
Senator Randy Phillips
Eagle River
Senator Jerry Ward
Anchorage
Senator Lyman Holliman
Bethel



Session:
State Capitol, Room 101
Juneau, AK 99801
(907) 465-4989

Interim
716 W. 4th Avenue
Suite 400
Anchorage, AK 99501-2133
(907) 269-0146

Senate Community & Regional Affairs Committee

Monday, Wednesday, & Friday
1:30 PM Fahrenkamp Room

To: Representative Andrew Halcro
Co-Chairman of House Community & Regional Affairs Committee

To: Representative John Harris
Co-Chairman of House Community & Regional Affairs Committee

From: Senator Tim Kelly *TKS for TDK*
Chairman of Senate Community & Regional Affairs Committee

Date: May 7, 1999

Re: Hearing Request

Recently Senate Bill 156, An Act relating to municipal incorporation, to reclassification of cities, to municipal boundary changes, and to dissolution of municipalities, was referred to your committee and I would like to request a committee hearing for this bill at your earliest convenience.

Recently, this legislation passed the Senate without any opposition. The Local Boundary Commission requested this legislation in their report to the Legislature, which your committee reviewed earlier this session. This bill simply attempts to eliminate confusing provisions that may provide for legal challenges. Secondly, this legislation establishes clearer procedures for the Commission to follow for all petitions. Lastly, I know of no opposition to this bill.

If I can be of any assistance please feel free to contact my office. And thank you for your consideration of this request.

FISCAL NOTE

Revision Date: _____ Dept. Affected: Community & Regional Affairs
 Title: An Act relating to municipal BRU: none
incorporation, to reclassification ... Component none
 Sponsor: Senate CRA Committee by Request
 Requestor: Senate C&RA Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current (FY99) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

This legislation would have no fiscal impact on the department.

Prepared by: Yvonne Chase, Acting Director *Yvonne Chase* Phone: 465-4708
 Division: Division of Administrative Services Date: 4/21/99
 Approved by Commissioner: *[Signature]* Date: 4/21/99
 Agency: Community & Regional Affairs

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LOCAL BOUNDARY COMMISSION

333 W. 4TH AVE., SUITE 220
ANCHORAGE, ALASKA 99501-2341
(907) 269-4500

April 20, 1999

The Honorable Tim Kelly, Chairman
Senate Community and Regional Affairs Committee
State Capitol
Juneau, AK 99801

RE: Senate Bill No. 156 – "An Act relating to municipal incorporation, to reclassification of cities, to municipal boundary changes, and to dissolution of municipalities."

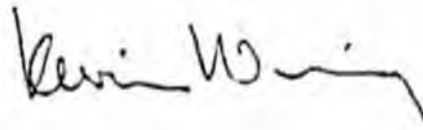
On behalf of the Local Boundary Commission, I thank you and the other members of the Senate Community and Regional Affairs Committee for introducing Senate Bill No. 156. The bill serves the best interests of the State of Alaska and existing and prospective municipal governments in Alaska. Senate Bill No. 156 carries no cost to the State. In fact, by eliminating ambiguities in existing law that needlessly invite litigation, the legislation may reduce future legal costs to the State.

The need for this legislation was identified as part of the Commission's ongoing efforts to refine its regulations. The goal is to eliminate unduly burdensome or confusing provisions and resolve ambiguities that might invite legal challenges. The Local Boundary Commission follows a rigorous decision-making process, in part, to minimize procedural grounds for challenging the Commission's actions. Still, given the contentious nature of the issues before the Commission and our litigious society, legal challenges occasionally occur.*

The current statutory provisions that authorize the Commission to act on petitions for reclassification, incorporation, boundary changes (annexation, detachment, merger, and consolidation), and dissolution contain differences in wording and are open to varying interpretation. The changes proposed by Senate Bill No. 156 establish a clear and consistent procedure for the Commission to follow on all petitions.

I urge you to give favorable consideration to Senate Bill No. 156. Please notify me when the Senate Community and Regional Affairs Committee plans to hold hearings on Senate Bill No. 156. I would welcome the opportunity to testify by teleconference in support of the measure.

Cordially,



Kevin Waring
Chairman

* Although other more recent challenges have been initiated, the last action taken by the Commission which was resolved in court involved an unsuccessful challenge of a 1992 annexation.



217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907)586-1325, Fax (907)-463-5480

Wednesday, April 14, 1999

The Honorable Tim Kelly, Chair
Senate Community and Regional Affairs Committee
State Capitol
Juneau, AK 99801

Re: "An Act relating to municipal incorporation..."

Dear Senator Kelly,

Thank you for the opportunity to comment on this bill.

The AML supports adoption of this bill as recommended by the Local Boundary Commission. The AML supports the position of the LBC on this technical amendment to clarify the LBC's power to amend petitions for incorporation, reclassification, or boundary changes. This technical clarification appears to be consistent with the original intent of the statute and is consistent with AML Policy encouraging the development of local government.

We will be happy to answer any other questions.

Sincerely


Kevin Ritchie

Executive Director

TONY KNOWLES, GOVERNOR

LOCAL BOUNDARY COMMISSION

333 W. 4TH AVE , SUITE 220
ANCHORAGE, ALASKA 99501-2341
(907) 269-4500

March 24, 1999

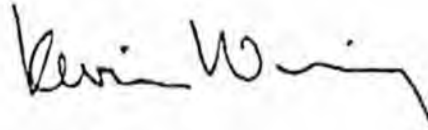
The Honorable Tim Kelly
Chairman
Senate Community and Regional Affairs Committee
State Capitol
Juneau, AK 99801

Attention Doug Salik

I have reviewed version "1-LS0519\G" of draft legislation dealing with concerns raised by the Local Boundary Commission. This latest version addresses the issues raised in my letter of March 22.

I compliment you and Ms. Cook for your cooperation in this matter. I look forward to the introduction and consideration of this legislation.

Cordially,



Kevin Waring
Chairman

cc: Representative Halcro, Co-Chair, House C&RA Committee
Representative Harris, Co-Chair, House C&RA Committee
Local Boundary Commission