

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECTS 86 / 2

352 SCOM10: LOCAL GOVERNMENT STUDY 1979

ANCSA provided for the establishment of 12 regional Native corporations to conduct the business of Natives on those lands selected by them under Section 7. 4/ Doyon Limited, the Regional Native corporation in the Yukon-Porcupine Planning Area, plus individual Native Village Corporations will play important roles in determining economic planning and policy.

RESOURCE SUPPLY

Air carrier service from Fairbanks is the principal mode of transportation for both passengers and cargo. Regularly scheduled air service is provided to all communities by an air taxi operator under contract to Wien Air Alaska. 11/ Air charter service, operating out of Fort Yukon provides the principal air transportation among the region's villages.

Cargo is also transported seasonally by water. The Yukon River is navigable by shallow draft barge up to 4 months of the year. However, water depth above Fort Yukon is a limiting factor.

The Porcupine River is navigable only during high water periods. 13/ Principal service is provided by Yutana Barge Lines operating out of Menana. At least 3 barges are scheduled to Fort Yukon and intermediate river points each season but whether they stop at Rampart, Stevens Village or Beaver each trip depends upon the amount of freight for those communities. Arctic Village and Venetie have no regular barge service but smaller rivercraft are used to transport freight to Venetie. Hun Navigation operates a 100' by 18' barge out of Fort Yukon or Circle and usually schedules a trip to Chalkyitsik and Birch Creek once a season transporting fuel and other freight as space allows. In 1975, the barge was able to navigate the Black River to Chalkyitsik twice. 11/

Existing roads consist of 50 miles of the Steese Highway from Fairbanks



to Circle and 20 miles of the road along the pipeline route from Livengood to the Yukon River.

Outside telephone service is available to Fort Yukon and Birch Creek. Other local communication forms include radio and radio-telephone. The only regional newspaper is the Arctic Village Echo published in Arctic Village.

All villages except Central have schools with classes from the first through eighth grade. Fort Yukon and Chalkyitsik offer kindergarden classes also. There is also a high school at Fort Yukon with about 80 students and 9 teachers. Some high school students are drawn from the other area villages and board in Fort Yukon. Others attend high schools elsewhere in the State. 4/ All of the schools are operated under the Yukon Flats School District headquartered in Fort Yukon, except those at Beaver and Venetie which are run by the Bureau of Indian Affairs.

None of the communities have a hospital but medical clinics are established at Fort Yukon, Venetie and Stevens Village. Fort Yukon is the only village that provides public water and electricity. All of the communities depend upon individual systems for sewage disposal. 14/ Many houses are built of local logs and finished with local and imported lumber. Most are one or two rooms; typical size being 20 by 20 feet. More recently community housing projects are providing pre-fab homes in communities such as Fort Yukon.

13. McMahon, G. C. Resources Inventory - Yukon Region - Transportation, Communications and Utilities. 1974.

14. Nathan, Robert R., Associates. 2(c) Report: Federal Programs and Alaska Natives, Tasks I - III with Introduction. 1975.

TELEPHONE: 849-8001
ZIP CODE: 99781

Upper Yukon Sub-Region
November, 1973

VENETIE

LOCATION: Venetie is located on the pristine Chandalar River, 140 air miles north of Fairbanks at the confluence of the Chandalar and East Fork Rivers.

DESCRIPTION: The Yukon Flats is a marshy, lake-dotted flood plain, 300 feet in elevation in the west, sloping to 600 to 900 feet to the north and east. The Chandalar River heads in the Brooks Range and flows southeast across the Porcupine Plateau to the gentle slopes of the Yukon Flats.

The climate is arctic continental, with mean annual temperatures ranging from -20°F to 72°F. Precipitation and snow measure 8 and 45 inches respectively per year. Prevailing vegetation is spruce, willow, cottonwood, birch, brush, and berries.

Floods caused by ice jams, glaciation, and stream overflow occur on a 20 to 30 year frequency. Permafrost is present.

HISTORY: This is an original Natsitkutchin or "strong people" Indian village, settled in 1900. Some of the people have ancestors who were Teachinkutchin Indians, a sub-group of the Natsitkutchins. These people have historically engaged in trade with the coastal Eskimos, especially those of the Thule Culture living between Barter Island and the MacKenzie River Delta.

A Post Office was established there in 1938.

Venetie is a traditional village. People subsist on fish, moose, bear and annual migration of the Porcupine caribou herd, as their fundamental diet. Venetie and their cultural neighbors in Arctic Village chose to retain status as the Venetie Indian Reservation under ANCSA, therefore, they are not entitled to the benefits of the act, and thus are responsible for administering their own economic and social programs.

INCORPORATION CLASSIFICATION: Traditional (IRA Village)

COMMUNITY OFFICIALS

Lawrence Roberts, Chief
Venetie Village Council

November, 1978

<u>POPULATION</u>				<u>HOUSING</u>	
	1970 Census	1976	1978		1976
Total	112	160*	148	Total Units	30*
Native	108	160*	146	Owner Occupied	25*
White	4	0*	2	Renter Occupied	4*
Other	0			Vacant	1*
				Seasonal	0

*Community supplied estimates

TCC Housing Improvement Program completed 1 new home here in 1976, and 1 is in progress.

The tribal government constructed 9 log homes in 1978.

VILLAGE CORPORATION

None (Retained Reservation Status)
Robert Frank, Sr., President, Venetie Indian Corporation

EDUCATION FACILITIES

SCHOOL: BIA Day School PRINCIPAL: Dick Banker
DIRECTOR, BIA DAY SCHOOL OPERATIONS: Dick Wiegand
PRINCIPAL: Josh Lewis
REAA: Yukon Flats School District SUPERINTENDENT: Jim Whitt
NUMBER OF STUDENTS: 29 STUDENT CAPACITY: 30
EDUCATION LEVEL: 1-8 (plans for early childhood) NUMBER OF TEACHERS: 3

POWER SOURCE: The school has its own generator. Two new 15 kw Lister will be operational in January.

WATER/SEWAGE SYSTEMS: Water is hauled from the Chandalar River by water truck to storage tanks. Septic tank. The new PHS system will be connected to the school.

PLANNED EXPANSION OF FACILITIES: New high school should be completed in 1979.

November, 1978

HEALTH CARE

LOCAL HEALTH CARE PROVIDER: Jessie Williams, Health Aide
Maggie Roberts, Albert Frank, Alternates

PUBLIC HEALTH NURSE: Claudia Davis, Fairbanks

LOCAL HEALTH CARE FACILITY: Clinic is held in the health aide's home.
Power is available but not running water.

MEDICAL COMMUNICATIONS: ATS-1; RCA medical phone in health aide's home

NEAREST HOSPITAL: ANIS Tanana or Fairbanks

COMMUNICATIONS

TELEPHONE: RCA Alascom small earth station (849-8001); public phone
is located in council office.

SATELLITE RADIO: ATS-1

VHF/HF RADIO: BIA; State Military Affairs

NEWSPAPER: Fairbanks Daily News-Miner; All Alaska Weekly; River Times

WATER/SEWER/WASTE DISPOSAL

Water is currently hauled from the Chandalar River. Privies. Construction is scheduled for the summer of 1979 for a watering point, laundry-type facility. Construction is on-going for a community pipe system to homes and individual septic tanks.

ELECTRIC POWER

Community 10 KVA generator

BULK FUEL STORAGE FACILITIES

None

TRANSPORTATION

AIR SERVICE:

Carrier: Air North

November, 1978

Origin of Flight: Fairbanks (via Ft. Yukon)
Days of Service: Monday - Friday

AIRCRAFT LANDING FACILITIES:

Elevation: 550 feet
Length and Width: 4,400 x 50 feet (first 700 feet of runway 21 unusable, first 150 feet of runway 3 unusable)
Surface: Dirt
Services: None

BARGE SERVICE: None

LOCAL SERVICE ROADS: The Department of Highways plans on building a firewood area access road in 1977 if funding is available.

MILITARY INSTALLATIONS

Armory

OTHER FACILITIES OR SERVICES

Post Office
State Military Affairs (National Guard)
RCA

COMMERCIAL ENTERPRISES

Retail fuel store
One private store
One co-op store

CHURCHES/LOCAL ORGANIZATIONS

Episcopal Church (Reverend Paul Tritt)



Official Business

Alaska State Legislature

JOINT SENATE AND HOUSE
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
LOCAL GOVERNMENT STUDY

Co-Chairmen
Senator Arliss Sturgulewski
Representative Bill Parker

Address all
correspondence to:

LOCAL GOVERNMENT STUDY

Pouch V
State Capitol
Juneau, Alaska 99811

Nov. 8, 1979

Dick and Linda Barber
BIA Day School
Venetie, Alaska

Dear Dick and Linda,

We appreciated meeting with you and residents of Venetie on October 19, 1979. The public hearing gave members of the Local Government Committee an opportunity to see your community, most of them for the first time; to learn of some of the problems you are experiencing; and to receive valuable comment on the ideas being considered for legislative action by the Committee.

We want to thank you for the hospitality you extended the group. Especially, Linda, your thoughtfulness in feeding a large number of people unexpectedly and so beautifully. No one of us will remember Venetie without remembering the marvelous cinnamon and dinner rolls you served.

Again our thanks. If you have any additional thoughts on the "unorganized boroughs" concept, please do not hesitate to send them to us.

Yours truly,

Arliss
Senator Arliss Sturgulewski

Bill
Representative Bill Parker

PUBLIC HEARING PARTICIPANTS

LOCATION

Venetie

DATE

Oct. 19

NAME

MAILING ADDRESS

GROUP NAME OR ORGANIZATION
IF REPRESENTING SUCH

REV. Paul Tritt

John Feick Sr.

Abraham Smith

Bill Halloran

Kathy Peter

Connie Frank

Jessie Peter

NENA ROBERTS

Julia Tritt

Maggie Roberts

Chris Frank

Paul Tritt Jr.

Conrad Feick

Harriet Frank

Lang Williams

Ingrid Omdal

Annie Christians

Jimmy Roberts

Donald & Martin

* Kenneth Solomon

John Sackett

Allen Tritt

Lincoln Tritt

Edward John

H. Yuker

Galena

Orchid Village

Orchid Village

Venetie

3 - G

IRA Council

IRA Council

PUBLIC HEARING PARTICIPANTS

LOCATION VenetteDATE Oct. 19

NAME

MAILING ADDRESS

GROUP NAME OR ORGANIZATION
IF REPRESENTING SUCH

Man, Ina	Arctic Village, AK	
John F. Ruo	Arctic Village	Tribal Council
Don Wright	SR BOX 10402 Fair 99701	Consultants to the Native Village of
Edith C. Wright	same	Arctic Village Consumers
Neil Sam	Kee	
Gerald A. Swisher	Venette, Alaska	Port Yubon
Sarah Swisher	" "	School District
Paul Williams	Arctic Village	IRA Council
Miss Bill Parker		
Rep. Margaret Benson		
Wynne Strouck		
Jane Hatch		
James Cotton		
Bruce Marshall		

VENETIE

October 19, 1979

40 Participants (Among this number were members of the Arctic Village Council who had flown to Venetie for the hearing.)

CONCEPT OF BOROUGH GOVERNMENT

There was discussion of the Yukon Flats Borough Study. It was stated that the group did not know much about local government, but must be prepared for it. They want to figure out something that would be for the good of the people in the future. They are ready to sit down, talk, and figure out something that will benefit the people. They are ready to work with Doyon, the Tanana Chiefs, the state and the rest of the villages in the Yukon Flats area. Unity was seen as important. They must work together, support one another; they are one people, one tribe. And they should accomplish one thing at a time.

There was a feeling that they were being asked to respond to the idea of borough government when, in fact, it was a new concept for them. They have no basis for comparison between the effectiveness of state and borough government as they know nothing of the latter. They would need a chance to review the borough idea, explain it to their tribal members, sit down and discuss it in their own language. They have just been introduced to the concept.

The representatives from Arctic Village area are not interested in the creation of a borough. They feel they do not want any part of the borough idea. They do not want to be bribed into being a borough and have passed a resolution in opposition to the borough concept.

RELATIONSHIP WITH THE FEDERAL GOVERNMENT

It was pointed out that the villages of Venetie and Arctic Village have a unique relationship with the federal government in that they have opted to maintain a reservation status under ANCSA. With the passage of ANCSA, the village did not get a monetary settlement, instead choose to keep the simple title to a large amount of land which had traditionally been used by their people. A main concern was the fear that in 1991 their land might be taxed. It was their understanding at the time that ANCSA was passed that title would be clear and that there would be no taxation. Also, there has been no clarification of the status of the land which surrounds the reservation.

The orientation of these villages appears to be toward the federal rather than the state government. Through federal government grants, the villages are implementing a long-range plan which consists of airport projects, housing, sewer, water, timber development, status of land clarification organization of tribal government, offices, etc.

They are trying to move from a subsistence way of life into the mainstream of America by studying laws, and trying to make acts of Congress work for them. Bureaucratic red tape has been a stumbling block. They listen to the people, and get instructions from the people. They live their lives virtually the way their grandfathers did. They are finally realizing what is theirs. They want to keep their old ways, but work with modern things. They feel independent as a tribe.

RECOGNITION OF EXISTING GOVERNMENTS

The question of recognition of the Indian Reorganization Act and Tribal Councils was raised. The question was asked if the Constitution would need to be changed to accomplish this. The point was made that tribal councils are recognized by federal government, but not by state government for contracting.

SCOMM

#10:34A



Official Business

Alaska State Legislature

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COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
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Juneau, Alaska 99811

PUBLIC HEARINGS

(Capsule summaries of main issues discussed)

BETHEL - Sept. 28, 1979 (Approximately 35 participants)

*Ineffectiveness of Existing Public Safety System

Currently there is a lack of individuals who are interested in participating in second-class city organizations as the 2nd class city is seen as limited in its ability to deal with public safety/judicial problems. They are limited in the sentences they can impose and found that they were able to handle problems better under the IRA Council. Under the IRA government, they were able to have certain flexibility in regard to public safety which they don't have now.

Additional police protection is needed. Training is essential as well. Changes in revenue sharing formula would be helpful. If CETA were defunded, how would training be accomplished? If you upgrade the training of village police, there will be better communication with state troopers.

*Specific Comments on Proposed Legislation

Caution against establishing a body which would be advisory. Regional Corp. boundaries should be considered. Once boundaries are established, everyone should adhere to them. In regard to planning responsibilities, there needs to be "teeth" in the legislation. Mandate that the local people get involved in fiscal planning.

At large election is counterproductive. District representation necessary.

The elected assembly would need its own staff.

This "elaborate creature" is not necessary (unorganized boroughs). Don't create a half measure for the unorganized borough. Mandate a borough. Advisory business is no good. The community has to decide if it wants self government.

* General Concerns

There was the fear that the Coastal Zone Management planning power/process was arriving too late. The time frame is off in regard to effectively managing OCS development.

There was a feeling that the regional government approach might be an acceptable one. But there were concerns as to whether or not the villages might not be heard. That they might get "shafted" in the process of organizing. That Bethel might elect someone from a village who the village didn't want representing them. At the present time the villages are recipients of programs rather than the initiators. The program becomes dominant and the local people can't pick up maintenance of ill-conceived projects.

AK65

Coastal Zone Management Planning & Development

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HOOPER BAY - Sept. 29, 1979 *20 participants*

*Lack of an economic base in the community was a dominant issue. In order to have a borough, some source of income would be needed. Services are needed now. There was discussion of some areas which might provide an ec base if developed: commercial fishing, reindeer, shale. At the present time there is nothing other than subsistence. Now that they are functioning in a cash economy it is essential that they have a way of earning money.

* The general lack of necessary public services was pointed out:
Water
Sewer disposal system.
Road needs to be rebuilt from airstrip to town.
T.V.s are in the village yet they do not receive signals.
The police force needs additional training; money for uniforms; more monetary support. At the present time they rely on CETA.
Concerned about reduced funding of CETA and could use additional funds at this time.

DILLINGHAM - Sept. 30, 1979 *18 participants*

*Generally the community was described as a well-knit one with fishing being the unifying ingredient. Subsistence and commercial fishing is the backbone of village economies. The concerns expressed included: *more tax on fishing boats needed, need dock facilities*
Lack of local match money, increasing cost of freight being flown in; sewer and water for Aleknigik.; little direct impact from bottom-fish and oil development but it may be indirect impacts.

*Concerns re proposed legislation
How would Bristol Bay be handled? Perhaps the area would get less grant money with a regional government.
Frightened by fear of taxes if borough is formed.

NEW STUYAHOK - Oct. 1, 1979 *20 participants*

*Comments on proposed legislation
How would representation work?
Would people go to Dillingham to vote?
Concern that too much would be taken off the top (\$) for administrative purposes if borough is formed. How best can people get voice in government?
What positive impacts would an unorganized borough have?

* Deficiencies in existing services noted were:
Airport can't be used 2 weeks in the spring as it needs a new gravel base. It is essential for emergency uses.
T.V. not working. Would like to receive educational TV
Backhoe needs to be replaced for maintenance of dump.
Water/sewer system being transferred from Public Health and the community can't afford to maintain it.

FORT YUKON - Oct. 18, 1979

37 min. committee

The discussion in Fort Yukon focused on the pros and cons of borough formation in light of the Yukon Flats Borough Feasibility Study. There was a statement urging "patience" with the rural areas of Alaska as they are much like an "emerging nation". They may be slow to form boroughs but must do so at their own pace. The rate of change has been so great and the villages are emerging into the 20th century late.

There was a concern that the Daryshire Report may be "too slick"--may not deal with all the realities which may eventually have to be faced in the area if a borough is formed. If rural Alaska falls, Anchorage and the rest of the state will feel it.

GLENNALLEN - 10/27/79

75 min. committee

*Area generally opposed to the creation of regional government.
Taxation is a fear. Businesses might not be able to survive.
Governmental control is unwanted. People moved to area to get away from government.

How would villages benefit? How would services be delivered when you are spread out along the highway?

Sovereignty is the issue. Initiation should come from within the area rather than outside of the area to form a borough. Don't really know long-term results of borough formation.

*Other concerns

Unfamiliar with the revenue which might be available to the area from the pipeline.

If a community doesn't organize, can it be absorbed by existing borough? Concern about "piece meal" annexation.

PUBLIC HEARING - DILLINGHAM"

Sept. 30, 1979

Carlson- 29 villages served
Public dock needed.

Schroder- Public Health Service-water and sewer done by IAS
50 new homes
22 sq. mi.-bond not tabable as in..
water and sewer service limited
Snow plowing within City limits
Public bathhouse-truck water and sewerage
4 city employees
6 maintenacne
10 mil. rate maintained
Small tax base
Local match 20% CZM is problem
Little impact from bottomfish/oil but there may be indirect
spinoffs.

School Bd. Member

Judy

1.7 million budget.

Bond appropriation for new shcool not approved.

Drop in enrollment of boarding home students.

* Freight-cost of barge freight has lowered but air costs rising. Small
communities suffering.

Sue

Village administrator training.

Bristol Bay Healther corp.

9 villages incorporated and rest are traditonal Councils.

Option of haveing village administrator

* Lack of local match \$

* Frightened by fear of taxes if borough ws formed

* Subsistence and commercial fishing is backbone of village economy.

Working on herring industry. Cooperative members being sought.

Fish related.

No 3% fish tax.

No boundary jurisdiciton for fish tax.

Historically community doesn't tax fishermen.

Judy Nelson-Native service hospital treats non-natives as well as
natives. Extened care facility should be constructed. Public health
nurse.

* Well knit community. Fishing unites.

Problems not like Calista

Ad Hermann- How would Bristol Bay be handled? Dependency on fishing.

Not going to help. may get less grant \$ with a regional government.

Expertise not in the bush.

Ec development Plan

Alegniak needs waterand sewer.

Visited Alegniak.

PUBLIC HEARING - FORT YUKON

10/18/79

Proposal (Yukon Fltat) not realistic.
Feasibility study only.
How would organization effect taxes?
What is alternative if you don't have boro?
Taxes will ultimately come with organization.
Oil can't support forever. If there is no mineral development, where will the money come from?

FEAA highly successful. Time consuming board but results evident. Programs are better. Superior to SOS. Less frustration, and red tape. Better maintenance of schools.

Deficiencies of Title 29-No communities being incorporated as small communities find Title 29 burdensome. Form of election contrary "seat" set up "eye wash". Have top 3 win. At large rather than running for a particular seat. 45% of each dollar comes from alcohol sale for City. \$15 per head for police. Spend \$60,000 for police protection. Shouldn't have to be in liquor business to support local government.

Concerned that pipeline \$ might be used for all unorganized borough unless Ft. Yukon could be guaranteed some amount organization would bring.

Maybe sharing of localized resource is necessary.

Concern about representation after reapportionment.

Airport- state wanted to have control of area around airstrip.

Effect on REAA and Assembly of any incorporation?
What will support from State drop to?
Relationship of School Bd. and Assembly?

Land issues need to be settled before there is any planning and zoning. Conveyance needs to be settled. Land crisis. City hasn't zoned as there isn't any choice. 153 acres-surveyed townsite. When transfer takes place, then they can start.

Title 4-Alcohol=Sen. Ray's bill.

Darbyshire report "too slick".

Annexation to North Slope Borough a problem?

Taxes in boro go up constantly .

Large gov't infrastructure will only last 20 years. Then what? Great number of fields yet untapped.
Pipeline not valuable unless oil is going through it so that even tho it is taxed, it wouldn't be worth much.
Gas line...

Like an "emerging nation". Rapid change. Have patience. Allow rural areas to have ideas jell. Don't knock village H.S. May be slow to form boros. Rate of change so great. Emerging into 20th Century late.

Can boro be voted out once it is voted in?

Ft. Yukon seems to be taking care of itself. "Government viewed negatively.
Have pros and antis- sit down to gether to fight it out.

Village understnad their dependency on each other.

If rural Ak. falls, Anch. will feel it.

"Capital '79 isn't recieved. Translate info in Kuchin.

(Send report to Ed Priest, Birch Creek for comment. 9 yr. resident.

Low grade form of boro being proposed.

Assembly should be given power to provide for referendum to upgrade status.

Protection from C&RA is what is needed. All kinds of direction dictated from state, fed agencies--unwanted.

✓ This approach goes around school \$ which is usually the charge levied.

Money received from pipeline are over and above amount needed for education.

Sam Lightwood-

✓ 1. Taxes ¶ 2. Gov't Control

These are the two reasons he opposes creation of borough.

At the present time unplanned growth is unsatisfactory. Leary of planning. Results unsatisfactory. Pipeline revenue available. Business able to survive. Tax might be too much. Mat-Su taxes are not a blessing
✓ Taxes might identify who own land. Can't get easements for utilities as land ownership is not clear at the present time. But this is not a good reason for taxes.

How would villages benefit? How would services be delivered when you are spread out along highway?

Bob Lohr-

Do boundaries around whole state.

• Assemblies should be voluntary.

Remove all mandatory aspects of proposal.

Home Rule concept is workable.

Provision for community to vote to change boundaries should be included.

Questions REAA boundaries.

Everett(?) Valdex oriented yet in Glennallen REAA

✓ If a community doesn't organize, can areas be absorbed by existing boroughs?

Concern about "piece meal" annexation.

Wants to keep enough area to have a good boro if they ultimately have one.

Mr. Baylis, Copper Center-

✓ Sovereignty is the issue. Initiation should come from within area rather than outside of the area to form a borough. Don't really know long-term results of borough formation. What will the ec base be when the pipeline can't be depended upon. Sovereignty is the question.

✓ Dick Ford, Copper Center-

Establish boundaries around existing boroughs so that organized boroughs don't take over the unorganized areas.

4th Class Cities--Glennallen and Copper City wanted to organize.

Interest of subsistence users need to be taken into consideration. Elderly need to be given priority in subsistence use. There needs to be money for a conference to disperse subsistence information.

Kenny Lake--water supply is a problem.

✓ In Tok, road and police are problems. What would the area get in exchange for becoming a borough?

Area not large enough to sustain self. Elected Reps. should represent the interests of the area. That is what they are elected for.

What would happen if Glennallen was incorporated as a second class city? Wanted to slow down things. Now organization attempt is being raised. What to be left alone. Tax will drive people out of bush.

Herb Smelie

Resources need to create boundaries need to be identified. Inventory of resources is necessary before any assembly would be created. Study must be done. Legislature should help do the inventory to check feasibility. Soil, population, etc. should be included. Premature to have Assembly without this information. Draft plan for Aetna region is being developed. Aetna Ec Study outline is available. Transportation, land status and future projections need to be included.

Gathering information is the key. Aetna doing it for their people .. It is also important to do it for all people. Fact sheet-pros and cons organization. Eventually something will happen. What kind of provisions is Stat making for land availability?

Delta Land Use Management Study might be a model (Moss)

Stat could contract with Copper River Native Ass'n for info already developed.

Health Study

Kenny Lake League tried to initiate studies of boroughs unsuccessfully.

Resentment re planning and zoning concepts.

No point in studying until you can step on land.

Lack of local government given as reason for living in Tok (201)
Problems are manufactured.

Maybe citizens fund should be established for bringing people to Juneau to make this point.

Voice of people in the bush who are negative re borough government is not being heard.

Have gone through this before. Have been asked what they thought. Put in comments on D2. Less control. Less organization which spends money is what they want. Get what they don't want all the time. Existing tax structure won't work. No one is listening to people.

D2 situation. Copper Basin effected. Taslina River, Paxson. Anch. legislators didn't know effect.

Fire control as problem in Chitnaok. Unmet needs under existing government re fire. Need help and assistance re fire support.

Glennallen -volunteer fire dept. Class 80 rating.

Identify who is asking for borough study and who is putting on pressure re borough study.

Legislature should come to unorganized boro to get input so they can function effectively as Assembly.

Leave lines off map.

-

Give a grant to opponents of the borough.

PUBLIC HEARING - HOOPER BAY

Sept. 29, 1979

Nanuk- Problems and needs of community. Time to tour village.

Road problems.

Discussion of history of attempt to rebuild road.

Water and sewer disposal system needed.

One of the largest village yet Hooper Bay doesn't have these things.

Oil \$ so state should do it.

Resolution needed for this.

Representatives only give promises and don't deliver.

A.G. opinion stopping on use of Village Safe Water Act.

Perman frost cited as problem.

Complicated by overlapping authorities.

Water plant? built 3 yrs. ago. Just started getting water this week.

Campaign promises not fulfilled.

One way of getting government closer to people . Regional distribution of money.

* Source of income needed to have borough. Services needed now. Not boroughs as there is no money.

Dudolf Smith- Shale hunting along shore.

Commercialize this. (the shore)

* Children need some place to work.

Commercial fishing may help.

No work other than subsistence.

Money necessary now for survival.

Reindeering might help.

Land Claims.

Swamp area need to be filled in.

Revenue sharing not enough

4-5 CETA employees.

Police

Road

Water/Sewer

T.V.

(DOT contact person was Rick Nelson) re road)

(Approximately 22 participants)

* Comments on Proposed Legislation

The Committee should not create another layer of bureaucracy to provide services. A great deal of organization exists in rural Alaska already. No boroughs should be mandated. What should be mandated is financial support as the Kotzebue area has no tax base. The people are not ready for a borough.

Providing services on an areawide basis is important but the communities could get together to do this without the formation of a borough. A regional government might not benefit the villages--they might in fact receive fewer services. In the North Slope Borough the regional government has consolidated power and taken it away from the villages.

(The fifteen points made by the City Council of Kotzebue in reviewing the Local Government Study proposal were discussed. See attached statement)

Regional services can be provided on a service specific basis. State agencies could be authorized to contract for delivery of services.

* General Concerns

At the present time CETA is providing many of the basic funding for municipal services. A reliable source of money is needed to operate and maintain the services which have been provided by Federal money. CETA doesn't really pay enough to live on and the turnover of employees is great. Some of the employment criteria used by CETA is too restrictive.

The lack of a record system for land ownership is a problem. It would be helpful to have a system. The records have been moved from Kotzebue to Fairbanks and these land records should be regionally located so they can be used by the people.

Economic resource planning needs to be done. Planning grants need to be available on an ongoing basis.

In the NANA Regional Strategy the recommendation is being considered to make the overseeing group a loose organization of city mayors. These collective regional representatives would meet when necessary to make decisions related to general planning. There is time to develop their Coastal Zone Management Plan and there is a mechanism for local input in the development of the plan.

Providing local match money is a problem. The NANA Strategies require a 30% local match and CZM requires a 20% match. This is a very real problem for areas where there is no economic base.

Government "red tape" cited as a problem.

Rural energy concerns were discussed. The possibility of oil from the top of the gas cap in Prudhoe Bay was mentioned as well as wind, hydro, and geothermal power. Congress is looking at cash subsidies to help solve the problem.

comments and then do nothing about the problems.

"It is more important to ask where they are going than where they came from".

CITY OF KOTZEBUE

P.O. BOX 46
KOTZEBUE, ALASKA 99752
907-442-3401

LOCAL GOVERNMENT STUDY PUBLIC HEARING

THE CITY COUNCIL OF KOTZEBUE HAS REVIEWED THE LOCAL GOVERNMENT STUDY CHART
PREPARED AFTER AUGUST 4-5 SYMPOSIUM AND OFFER THE FOLLOWING FOR YOUR CONSIDERATION;

1. THE PROPOSED LEGISLATION WOULD AUTHORIZE AN ELECTION OF UP TO ELEVEN
ASSEMBLY MEMBERS. WE ALL KNOW THAT ELECTED POLITICIANS REQUIRE A STAFF,
MEETING AREAS AND VARIOUS SUPPORT FUNCTIONS. THIS COSTS MONEY.
2. OUR BEST GUESS FOR COST IS \$ 250,000 to \$ 300,000 FOR PAID STAFF, TRAVEL
MEETINGS AND OTHER EXPENSES FOR THE KOTZEBUE REGION.
3. HOW LONG WILL THE STATE BE ABLE TO FUND THIS TYPE GOVERNMENT? WHAT ABOUT
THE OTHER BOROUGHES? SURELY THEY WILL DEMAND AND, RIGHTFULLY SO, TO BE
FUNDED AT THE SAME LEVEL.
4. KOTZEBUE NOR THE VILLAGES IN THE REGION HAVE ~~NOT A~~ ^{A TAX} BASE TO FUND THIS
LEVEL OF GOVERNMENT.
5. IN THE KOTZEBUE REGION WE HAVE A POPULATION OF ABOUT 5000. OF THIS 5000,
MAY BE 1500 HAVE STEADY INCOMES FROM WORK. THESE 1500 WILL BE REQUIRED TO
SUPPORT THIS LEVEL OF GOVERNMENT AT SOME POINT IN TIME. THE MAJORITY OF
THIS WORK FORCE IS IN KOTZEBUE. THEREFORE, KOTZEBUE WOULD BE CONTROLLING
THE REGION. SO WHAT HAVE YOU GAINED? ONE MAN ONE VOTE LAW WILL PREVAIL,
6. IT IS PROPOSED TO CREATE A PROCESS FOR CHARTER OF HOME RULE. WE HAVE THAT
RIGHT NOW UNDER EXISTING LAWS.

"GATEWAY TO NORTHWEST ALASKA"

7. COMMUNITY AND REGIONAL AFFAIRS WOULD BE RESPONSIBLE FOR LENDING ASSISTANCE, THEY ARE CHARGED WITH THAT RESPONSIBILITY NOW. COMMUNITY AND REGIONAL AFFAIRS IS NOT ADEQUATELY FUNDED NOW TO ASSIST COMMUNITIES.
8. HOW CAN YOU PROVIDE LEGISLATION FOR HOME RULE AS CURRENTLY DEFINED AND ALLOW REAA POWERS AND RESPONSIBILITIES TO REMAIN INTACT?
9. WE HAVE THE A-95 REVIEW PROCESS NOW - THERE ARE NOT REQUIREMENTS FOR ANOTHER REVIEWING AGENCY. WE ARE REVIEWED AND STUDIED BY EVERY BUREAUCRAT THAT LANDS AT THE AIRPORT.
10. THE STATE IS PROJECTING A FUNDS SURPLUS. CREATION OF ANOTHER GOVERNMENT IS A POOR WAY TO SPEND THIS PROJECTED SURPLUS.
11. WE WERE CUT 15% ON REVENUE SHARING IN 1978 AND HELD TO THAT AMOUNT THIS YEAR; IN EFFECT, CONSIDERING INFLATION WE HAVE BEEN CUT 25% PLUS. TAKE THIS SURPLUS AND FUND REVENUE SHARING AT 100%.
12. PROVIDE A MINIMUM STATE REVENUE SHARING SAY, \$25,000.00 TO ALL SMALL CITIES SO THEY CAN BE VIABLE - DON'T CREATE ANOTHER LEVEL OF BUREAUCRACY. THE CITY OF KOBUK RECEIVES ABOUT \$6000 YEARLY FOR REVENUE SHARING. IT COST MORE THAN THIS TO APPLY AND PROPERLY MONITOR EXPENDITURES OF REVENUE SHARING.
13. THE STATE SEEMS TO HAVE A PROBLEM RECOGNIZING LOCAL GOVERNMENTS NOW. CREATE ANOTHER LEVEL AND THE GRASS ROOTS GOVERNMENT WILL BE LOST.
14. WE NOW HAVE REAA SCHOOL DISTRICT BOARDS, HEALTH CARE BOARD, MAUNELUK BOARD, NANA BOARD, IRA COUNCIL, COASTAL MANAGEMENT COUNCIL, CITY COUNCILS AND PLANNING COMMISSIONS, JUST TO NAME A FEW THAT OUR PEOPLE DEAL WITH DAILY, ~~WHICH~~

YOU ARE CONSIDERING ANOTHER. YET ALL THESE VARIOUS BOARDS COMMISSIONS AND COUNCILS POWERS WILL REMAIN INTACT.

15. WHAT WE NEED IS MONEY FOR PROJECTS IN OUR COMMUNITIES TO PROVIDE JOBS FOR OUR UNEMPLOYED, NOT ANOTHER LEVEL OF GOVERNMENT TO TELL US YES, YOU HAVE AN UNEMPLOYMENT PROBLEM.

NEW STUYAHOK - Public Hearing

Oct. 1, 1979

How would representation work.?
Would people go to Dillingham to vote?

Airports, roads, trails \$?

When wil DOTPF survey take place? Let New Stuyahok know.

Annie Woods- Problem with the regona,l school board--some of the people don't really represent village interests on the school board rather those of Dillingham.

William Gumlickpik- Are bush legislators effective in getting things done?

68% Regional Corp.

Concern that too much will be taken off top for administrative purposes if boro formed. How best can people get voice in govrnment?

What good would unorganized boro do?

Taxes on what?

Water, sewer, lights problem areas.

Backhoe not working- 8 yrs. old breaks down alot.

Transferring system from Public Health Service to village and village can't afford.

Airport-can't be used 2 weeks in Spring as it needs a good gravel base. Emergency uses. 3 yrs. ago--tried to get gravel. There is a local gravel source.

TV not working . Would like to receive educational TV

GENERAL CONCERNSPublic Safety

One of the first priority concerns noted for Noorvik in the NANA Regional Strategy Report is the need for funding for "Search and Rescue". The local organization is reimbursed for some expenses from the state however, when they don't have formal authorization from the State troopers for an operation, they don't receive funding.. The \$15,000 allocated for Search and Rescue for the current year has almost been expended. Local control over spending for these activities is desired.

The turnover in police personnel has been high. There are a number of factors which may be responsible, primarily peer pressure exerted on the individuals who are policemen. There are family resentments as certain families seem to be singled out by the police. Also, the courts do not support the public safety people. The District Attorney does not back the local police and this has a demoralizing effect.

In Noorvik it appears that the CETA pay for police is adequate as they are only needed on weekends as there is not much happening weekdays. It seems as if those who become police are only in it for the money as once they get paid, they quit. Even those who have received training seem subject to the pressures mentioned. LEAA seemed to be more effective in this regard than CETA as the former paid for two individuals who could be supportive of each other and some continuity was provided in this way.

Schools

There was a concern that the role of the advisory school boards has not been clearly defined. In hiring, the Board acts on the recommendations of the REAA advisory members and there are often personality problems between the teachers and principal.

Also, the question was raised on the relationship of other village school personnel with the villagers. It was felt that some isolation existed between the village and the school community and that there was not enough informal and personal interaction.

Economic

Unemployment is a major problem. Bingo is one of the few sources of revenue. The finances of the city organization are dependent on CETA monies.

Some mineral wealth exists and could be developed for job opportunities. With the introduction of a cash economy, the villagers can't survive without money. Reindeer herding is a possibility but doesn't employ too many people. BLM is cutting off grazing ranges and caribou are a problem when considering reindeer herding. Fish and Game are not managing caribou properly according to the Noorvik residents.

Specific Capital Improvements Needed

Sewer System

The existing vacuum-type sewer system is functioning well but needs to be expanded to serve more homes. This system was introduced as an experiment in 1971 and the public health service assisted in establishing rates. A larger water and sewer facility is needed as the town grows and financial assistance will be necessary for this. At the present time the facility can only service 50 homes and a larger vacuum pump will be needed.

Road

Funding for a road to the gravel source is needed. The plan is to create a land fill at the gravel site but the land status of that area needs to be explored. BIA has promised to construct the road. (Followup contact with Tom Peterson, of BIA Road Construction confirmed that road surveying in Noorvik might take place in Spring, 1980 with construction planned for 1982. BIA builds roads upon request from the villages recognized under ANCSA based on a priority list developed from the villages and regional federal people).

Street and Airport Lighting

Street lights are needed. It is difficult for the elderly to get around in the dark of winter days and evenings without light. A system had been established at one time but the bulbs were without protectors and were broken by children. They had no bulbs to replace them. A vandal proof system needs to be used.

Also, fire pots are now used at the airstrip. The question was raised of the adequacy of these and the question of cost is a paramount one with the rising cost of fuel oil for the pots.

LOCAL GOVERNMENT CONCERNS

It is difficult to get people to run for offices for the second class city. They don't understand the system too well. There are often conflicts between holding both church and city positions.

Assistance is needed in the writing of ordinances and the operational problems related to city government.

SOCIAL PROBLEMS

There are social problems related to the generation gap between the old and young. There is the desire to maintain village identity and also to help the older people who often don't understand new ways.

Alcohol is a major problem. Alcohol programs need to be funded, possibility to limit and quantity available.

Energy availability is also a major concern.

MISC. COMMENTS

The village has alot of visitors who come and go and ask for



Official Business

Alaska State Legislature

JOINT SENATE AND HOUSE
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
LOCAL GOVERNMENT STUDY

Co-Chairmen
Senator Arliss Sturgulewski
Representative Bill Parker

Address all
correspondence to:

LOCAL GOVERNMENT STUDY

Pouch V
State Capitol
Juneau, Alaska 99811

PUBLIC HEARING REPORT VENETIE - October 19, 1979

The Venetie Public Hearing was held at the Community Building in Venetie on Friday, October 19 at 7:00 P.M. Approximately 35-40 individuals from both Venetie and Arctic Village attended the hearing (see attached list). The main topics of discussion were as follows.

Concept of Borough Government

On response to
There was discussion of the Yukon Flats Borough Study. The If was stated that the group didn't know much about local government but must be prepared for it. They want to figure out something that would be for the good of the people in the long range. *Ready to sit down and talk and figure out something for the benefit of the people for the long range.* Ready to work with Doyon, Tintana Chiefs, State, rest of the villages in the Yukon Flats area. *Unity was seen as important.* They must stick together, support one another; one people; one tribe. Accomplish one thing at a time.

As have been asked to comment
There was the feeling that they were being asked to respond to the idea of borough government when in fact it was a new concept for them. They have no basis for comparison between the effectiveness of state and borough government as they know nothing of the latter. They would need a chance to review the borough idea. Explain it to their tribal members, sit down and discuss it in their own language. They have just been introduced to the concept of borough government. They feel they don't want any part of the borough idea. Don't want to be bribed into being a borough and have passed a resolution in opposition of the borough concept.

Relationship with Federal Government

One don't see a people but only a reservation
Special concern at a federal level
It was pointed out that the villages of Venetie and Arctic Village have a unique relationship with the federal government in that that opted to maintain a reservation status under AN&CA. With the passage of ANSCA, the villages did not get a monetary settlement, instead choose to keep fee simple title to a large amount of land which had traditionally been used by their people. A main concern was the fear that in 1991 their land might be taxed. It was their understanding at the time the ANSCA was passed that title would be clear and that there would be no taxation. The Congressional delegation is aware of the problem and is trying to pass an amendment to rectify the problem. *Also, there has been no clarification of the status of land surrounding the villages.*
The orientation of these villages would appear to be with the

Appear that state involvement is needed as a matter of fact
To the action of federal government & state is to appear at state does not get them a thing. Don't get a thing, but the state, nothing to do.

Venetie - p. 2

the federal rather than the state government. Through government grants the villages are implementing a long range plan which consists of airport projects, housing, sewer, water, timber development, status of land clarification, organization of tribal government, offices, etc. They are trying to move from the a substituted way of life into the mainstream of America by studying laws, and trying to make acts of Congress work for them. Bureaucratic red tape has been a stumbling block.

U.S. Indian Water Policy--organization, research and money to keep them from taking away what is theirs. Water quality

Recognition of Existing Governments

The question of recognition of IRA and Tribal Councils was raised. with the question being asked if the Constitution would need to be changed to accomplish this. The point was made that tribal councils are recognized by Federal government but not by state government for contacting.

UNIQUE CULTURAL PERSPECTIVE

They listen to the people and get instruction from the people.
Trying to move from a subsistence way of life into 20th Century America.
They live their lives the same as their grandfathers did.

Have to respect people--look out for the future of their people.

Finally realizing what is theirs.
Keep old thing ways but work with modern things.
Feel independent as a tribe.

****PLEASE NOTE****

THE ORIGINAL FILE CONTAINS AN OVERSIZED DOCUMENT THAT
IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA
STATE ARCHIVES TO VIEW THE ORIGINAL.

DESCRIPTION: POSTER SIZED REPORT

"LOCAL GOVERNMENT STUDY - 1979"

SCOMM

#10:35

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

August 16, 1979

SUBJECT: Local Government Study drafting assignment

TO: Senator Arliss Sturgulewski, Chairman
Senate Community and Regional Affairs Committee

Representative Bill Parker, Chairman
House Community and Regional Affairs Committee

FROM: John B. Chenoweth
Legislative Counsel

Some preliminary questions:

The outline dated August 14 describes some of the subject matter which should be covered. Initially, the division of the state's single unorganized borough is to be completed. Senate Bill 35 (1977) providing for the division of the unorganized borough into regional educational attendance areas is to serve as the model.

(1) Please advise whether it is sufficient, for your purposes, to provide that the boundaries of REAAs shall serve as the boundaries for unorganized boroughs.

If so:

What provision is to be made to accommodate the smaller "regional" educational attendance areas -- St. Paul, Adak, Metlakatla -- into the surrounding REAA/unorganized boroughs? Or should they be? The answer to this probably depends on the relationship you see emerging between educational functions (now handled through REAAs) and any and all other functions which may be handled through unorganized boroughs.

If not:

Who shall make the determination by which an existing REAA shall be divided or combined with an adjacent REAA (for purposes of this effort)? The commissioner of

the actions of a state agency to conform to regional coastal management service area board decisions)? Should their authority be plenary within general guidelines set down by statute? Are these beasts to be "advisory" to the legislature in its capacity as the "assembly for the unorganized borough?" If so, should we establish a scheme whereby the relationship is "unorganized borough -- state legislature" rather than "unorganized borough -- state agency", thereby isolating program and budget factors from the requirements of general law? Is this desirable with half Alaska's population and legislature drawn from urban areas?

(3) Functions: We are agreed, I think, on some initial general functions: health; social services (public assistance); public safety (i.e. police and fire protection and, perhaps, emergency medical services/search and rescue). Let me also tentatively suggest to be added to the list (with full appreciation for the fact that it reopens the debate on management of fish and game) "natural resources conservation and management" (See Article VIII, section 2, State Constitution) and its derivative function, land use planning.

The first item under this heading is "planning." I think, but need you to affirm, that "planning" for the deliverance or provision of any one of the foregoing is the essential first step in that provision or deliverance, that "planning" should not be separated from "implementation" and that the two are merely parts of the same unit. Under that interpretation, an unorganized borough council might opt for health "planning" as part and parcel, and only as part and parcel, of assuming responsibilities for health functions. If I am in error on this, please advise, but the logical upshot is that you may wind up with a situation where the regional entity "plans" and the state agency budgets and executes almost entirely without ready reference to those "plans."

The next entry, "coordination and review", needs clarification. I would ask: with whom and for what purpose?

The matter of the relationship between these beasts and existing REAAs and coastal management initiatives I leave to you. Please tell me, at least for purposes of drafting, how you see these fitting together.

community and regional affairs? The Local Boundary Commission? By what standards? Is it at all significant that, under this approach, a given community might find itself linked with its neighbors on one side for purposes of education and with a different group (or larger group, or smaller group) for purposes of planning and delivery of other services?

Should the line drawing (or re-drawing) be handled expeditiously (as in SB 35 -- maximum of 4 to 6 months) or be allowed to move at whatever pace is necessary, as is presently the case in coastal zone service areas?

What is meant by the entry "follow-up adjustment by the Local Boundary Commission?"

(2) Matter of unorganized borough councils: I assume that "unorganized boroughs" are to be voluntarily formed (following the coastal zone model) rather than mandated (as was done with REAAs). Am I right? Should I provide for an initial council of a fixed size (as was done with REAAs)? If not, in the absence of a set statutory number, who decides? How are unorganized boroughs initiated: public petition? resolution of the legislature to the commissioner/local boundary commission? Do I worry about "one village, one vote?" How elected: at large? by districts? some combination of both? Who decides? Is this decision made by area residents upon submission of a petition? Can existing REAA school boards also serve as unorganized borough councils? Should they be able to if people in an REAA want them to? Should it be barred -- in order to keep the educational function wholly separate? Can existing coastal service area boards serve the function of an unorganized borough council? Should they be able to if they want to? Should this be barred? If an unorganized borough council is established, should the election occur at the same time as elections for other "regional" posts, i.e. when the regional school board and regional coastal management board are elected? If not, when? Who conducts these elections? Who pays for their costs? The outline says "Councils (Advisory)" -- are they to be advisory? In the same way that a community council is advisory to, say, the Anchorage assembly (i.e. the state agency would continue to have final say)? In the way a coastal management service area board's authority is circumscribed (i.e., a coastal management service area board may secure judicial review of

I am concerned, too, for the notion of "extended home rule." I have not the foggiest notion of what the participants may see in this as the answer to their concerns or problems. What is it, in Title 29 or elsewhere, that is so odious, so difficult, so threatening as to warrant "instant home rule?" I say this in all seriousness, for I do not want to throw out or suggest some home rule binder requirements that step on the hopes and expectations of participants? "One village - one vote?" Home rule probably cannot skirt this issue: there are federal constitutional precepts involved. What else is there? What is it, for openers, that people in the Upper Yukon may see in home rule? What is it the North Slope Borough officials saw in "traditional" (i.e. municipal) home rule? Did they use home rule to accomplish their expectations?

What about procedures bearing upon instant gratification through immediate adoption of home rule? Do we start with a "general law unorganized borough" and require its council to initiate the home rule charter adoption process? Do we mandate a process? Minimal requirements for inclusion in a charter? Do we allow residents to develop a home rule unorganized borough where no regional general government unit now exists? HOW???

Who prepares the charter? Should the legislature, acting as assembly for the unorganized borough, receive the petition of residents and, by local legislation, direct the preparation of a charter for this area, another (at a later date) for that region, and so forth? Do these charters need to be reviewed and approved (or not disapproved) by anyone? Legislative review? Commissioner of community and regional affairs? How long should the framers of the charter have to complete the effort? Who approves at the local level? Who pays for that election?

And, when you have totalled up whatever it is you decide on home rule for the unorganized borough, please pause to consider the implications that this result has on existing home rule municipalities, bound, as they are, by some interesting ad hoc provisions in AS 29.13. Conceivably, home rule in unorganized areas could prove to be far broader than home rule concepts and precepts applicable within municipalities. Is this desirable?

Senator Arliss Sturgulewski
Representative Bill Parker
Page 5
August 16, 1979

(4) Financing and services: Is there to be a local effort requirement for any service? for all services? Is it a necessary requirement? Do we authorize levy and collection of taxes? Which ones? What limits? How about any fees? Do I worry about protection against taxation of undeveloped lands, boats, the property of senior citizens, and other classes which have been identified as exempt or partially exempt from municipal taxation? Do you allow "in kind?" At what value? Who decides? Does it matter???

(5) The title heading is "recognition of villages," but the single response listed says "third class cities." Is this to be the response? Do I follow the department's draft on this? Should existing cities be permitted to "declassify" from first or second class city status to take advantage of this additional class of city? Does this establishment of yet another class of city answer the real issue on "recognition of village governments" (i.e. recognition of tribes or IRA councils) or are we just adding another option in Title 29 which, we are told, does not work in many rural areas anyway?

These are, as the first paragraph indicates, my preliminary questions bearing on a first draft.

JBC:jdn

*I do not mean to be critical, but this matter of 'in kind' contributions serving in place of cash really could be significant. I understand from Marge Gorsuch that the governor is insisting that unorganized borough units begin to make some contribution. I also recall how the legislature recently treated with "in kind" contributions in legislation authorizing construction of cultural facilities. In that legislation, you will recall, there is a formula by which the amount of required local contribution to the project is to be determined. The legislature allows a municipality to count toward satisfaction of that requirement donations of land on which the facility is to be built, indicating how that value is to be ascertained, but without inquiring as to how the municipality came to hold title. Thus, with an "in kind" contribution to the project of land which the municipality gained at little or no cost, the municipality can effectively shift the entire cash burden for construction to the state.

I see "in kind" as opening the door to maintaining 100 percent state support for the planning and delivery of services in unorganized boroughs, retaining the same system of financing these services as we have now. This may be desirable on the part of legislators, indeed, may be necessary from the point of view of urging organization of these areas. But I am concerned that, in dwelling on the topics of "boundary delineation", "powers of councils", and "functions and authorities", the most significant subject of equitable financial contributions is being set aside for further study at a "later" time. The state is chugging merrily down the road to financial turmoil in those years that oil and gas contributions to the general fund begin to fall off. The difficult question of financing provision of services will have to be faced then. I respectfully suggest that, ten years hence, the answers to that question, to the extent that they require all Alaskans to contribute more in the way of state income and local property and sales taxes, may come a little easier if the legislature now commits itself to requiring some cash contribution as a required local effort in any foundation approach by which responsibility for essential public services is moved to the regional level.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF POLICY DEVELOPMENT AND PLANNING

JAY S. HAMMOND, Governor

FOUCH AD
JUNEAU, ALASKA 99811
PHONE: 465-3512

December 7, 1979

Jim Sullivan - CED

Senator Arliss Sturgulewski
2957 Sheldon Jackson St.
Anchorage, Alaska 99504

Dear Arliss:

As we agreed when we met briefly last week, my staff has prepared some possible language on several of the points we discussed. Specifically, you asked for a rough draft of language on the following items: 1) the Department of Community and Regional Affairs would investigate and determine regional boundaries (we noted at the time that these regions would be similar to substate districts as discussed in the 1976 DPDP report on boundaries); 2) DPDP and Budget and Management would do an efficiency study of service delivery; 3) State agencies would be required to start collecting data along preliminarily identified regional boundaries, and 4) State agencies would study the feasibility of using regional boundaries for service delivery.

After some reflection, we decided that the fourth item (feasibility study) would be most effective as a component of DCRA's boundary investigation, and therefore we did not write it up as a separate item. We also realized that mandating data collection by interim region before the final boundaries are determined could be a problem if the final boundaries diverged from the interim ones. Instead, we included a different approach to the data collection problem which would be compatible with any and all boundaries - data collected would be "geocoded" so that it could be aggregated in any desired combination. Thus, the rough language we are providing to you includes 1) an investigation and determination of boundaries by DCRA, 2) a service delivery study by DPDP, and 3) an investigation and determination of the optimum geocoding system by DPDP. The language also mandates the use by State agencies of the districts for service delivery and of the selected data collection system.

The rough language for these three elements is as follows:

Substate Districts

All agencies, commissions and other entities of State government shall, by July 1, 1982, use common substate districts as defined

by the Department of Community and Regional Affairs, in the planning and delivery of State services. Exceptions may be approved by the Division of Budget and Management if the entity requesting the exception can demonstrate to the satisfaction of the Division that such an exception is in the public interest.

The Department of Community and Regional Affairs in consultation with State agencies and local communities shall investigate and draw uniform substate district boundaries by January 1, 1981, for the following purposes:

- a) to promote efficient and effective delivery of all State services, and
- b) to provide common areas in which clearinghouses for information, data and other materials which may be helpful or necessary to government agencies in the discharge of their responsibilities or in obtaining technical or financial assistance might be formed.

In the formation of the uniform substate district boundaries, consideration shall be given to:

1. the boundaries or sub-boundaries of the regional corporations established under the Alaska Native Claims Settlement Act;
2. the boundaries or sub-boundaries of the regional education attendance areas established under AS 14.08.031;
3. the standards for borough incorporation under AS 29.18.030; and
4. the objectives of and constraints to State service delivery.

To accomplish this task, \$200,000 shall be appropriated to DCRA.

Optimum Service Delivery Patterns

The Division of Policy Development and Planning in conjunction with the Division of Budget and Management shall, by January 1, 1981, identify geographic patterns of existing governmental and commercial services throughout the State of Alaska and evaluate the efficiency and effectiveness of possible alternative patterns.

To accomplish this task, \$50,000 shall be appropriated to the Division of Policy Development and Planning.

Data Collection by Region

All agencies, commissions, and other entities of State government shall, beginning July 1, 1981, base the collection of primary data and information on a geocoding system that will allow such data and information to be identified by substate district or other geograph-

December 7, 1979

ical boundary used, for example, in planning, public services delivery, commercial trade or industrial development.

The Division of Policy Development and Planning shall be responsible for determining, by January 1, 1981, the most appropriate geocoding system for the purposes of this legislation and, in so doing, shall consult with the State Library, the Department of Natural Resources, the Department of Transportation and Public Facilities, the University of Alaska and other State, federal, local, and private organizations identified as having interest or expertise in the development and use of such a system.

To accomplish this task, \$100,000 shall be appropriated to the Division of Policy Development and Planning.

I hope you will find this useful in your effort to develop legislation. As I am sure you are aware, this was a quick in-house effort and these ideas have not had the benefit of adequate agency input, or even a very thorough discussion in this division. In short, they are very much trial balloons. A number of State agencies have a vital interest in this matter, and I am sure they will have substantial comments on ideas such as these which will affect their daily operations.

Sincerely,



Fran Ulmer
Director

cc: Gene Walsh
John Halterman



Official Business

Alaska State Legislature

Senate

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

January 23, 1980

TELECONFERENCE NOTICE

February 6, 1980 / 8-10 a.m. (Juneau time)

Southeastern Alaska - Ketchikan and Sitka

February 7, 1980 / 1:30 p.m. (Juneau time)

first round robin grouping:

Soldotna, Anchorage, Fairbanks, Kodiak, Valdez

second round robin grouping:

Dillingham, Bethel, Kotzebue, and Nome

We are pleased to enclose the reports of the Local Government Interim Study by the Joint Senate and House Community and Regional Affairs Committee.

Legislation composed of seven bills was introduced jointly by the Senate and the House, Monday, January 21, 1980. Copies of the following bills may be obtained from your nearest Legislative Information Office. The complete package consists of Senate Bills 348, 349, 350, 351, 352, 353, 354; OR House Bills 580, 581, 582, 583, 584, 585, and 586.

For your additional information all the Senate bills in the package were assigned to the Senate Community and Regional Affairs Committee, with a referral to the Finance Committee. All the House bills in the package were assigned as follows: HB 580 - C/RA & Finance; HB 581 C/RA; HB 582 C/RA and Finance; HB 583 C/RA and Finance; HB 584 C/RA and Judiciary; HB 585 C/RA; and HB 586 C/RA. You might want to contact the referrals as well, after the bills leave the Community and Regional Affairs Committees. Senator John Sackett is Chairman of Senate Finance; Representative Russ Meekins is Chairman of House Finance, and Representative Charles Parr is Chairman of Judiciary.

In the event you are unable to give your comments during the set teleconference times, please feel free to contact the Senate and House R/CA Committees at Pouch V, Juneau, Alaska 99811.



Official Business

Alaska State Legislature

JOINT SENATE AND HOUSE
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
LOCAL GOVERNMENT STUDY

Co-Chairmen
Senator Arliss Sturgulewski
Representative Bill Parker

Address all
correspondence to:

LOCAL GOVERNMENT STUDY

Pouch V
State Capitol
Juneau, Alaska 99811

Dear Participant:

The Senate and House Joint Local Government Study Committee has introduced a legislative package designed to have major impact in the unorganized areas of the state. As the bills were developed partially on the direction received at the Symposium at which you were a participant, we are especially eager to receive your comments on the final products.

You will notice that the legislative proposals as outlined in the enclosed Final Report differ in some instances from the action program contained in the earlier Report you received following the Symposium. These changes were made after extensive public hearings in rural Alaska and we feel they reflect the opinions voiced by those who attended the hearings.

The bills have been introduced in both houses (SB 348 - SB 354) (HB 580 - HB 586) and copies are available through the Legislative Information Office nearest you.

We look forward to receiving your expert testimony on the legislation when it is teleconferenced in your area. We also will appreciate your written remarks. You may also want to indicate your position on the bills to your representatives as the bills progress through the legislature.

All the Senate Bills have been referred to both Senate C&RA and Senate Finance - Senator John Sackett, Chairman.

All of the House Bills have been referred as follows:

HS C&RA and Finance - Representative Meekins, Chairman

HB 580 Unorganized Boroughs

HB 582 Planning Assistance

HB 583 State Aid to Local Governments

HS C&RA

HB 581 Responsibilities of DPDP

HB 585 Incorporation of Second Class Boroughs

HB 586 Fiscal Notes for Bills affecting a Municipality

HS C&RA and Judiciary - Representative Parr, Chairman

HB 584 Eliminating Third Class Boroughs

LSD

COMPUTER COMPOSITION / MIKI M. BALLARD
P.O. BOX 1119, ANCHORAGE, ALASKA 99510 • TELEPHONE (907) 279-0752

January 22, 1980

Local Government Study Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

INVOICE No. 16-80

SERVICES RENDERED

Composition – Local Government Study

16 hours at \$35.00 per hour \$560.00

CONTRACT AWARD NO. CA 9774

*OIC to pay
Senator
Local Government Study
Sturgalinski
1/25/80*

VICTOR FISCHER ASSOCIATES

CONSULTING

221 EAST 7TH AVENUE #204 • ANCHORAGE, ALASKA 99501 • (907) 272-2381

January 22, 1980

Sen. Arliss Sturgulewski
Rep. Bill Parker
Community and Regional Affairs Committees
Alaska State Legislature
Juneau, Alaska 99811

Dear Arliss and Bill:

Contract amendment no. 1 received.

The following is a statement of compensation due for specialized research and consulting services relating to the Local Government Study for the period October 15, 1979, to January 15, 1980:

Professional Services 63 hours \$3,400.

Total billings under the contract now amount to \$7,275.

I certify that this billing is true and correct.

V. Fischer

*OK to pay for Local Government Study
Senator Sturgulewski.*

January 17, 1980

JAN 18 1980

To: Senator Arliss Sturgulewski
From: Lynn Ager, Special Assistant to Myrt Charney

Enclosed for your records is a signed copy of the amendment to Vic Fischer's contract with the Joint Community and Regional Affairs Local Government Study Committee.

If you have any questions or problems concerning this contract, please do not hesitate to contact me.

LAA 15

Agency. Total compensation for work performed under Clause I shall not exceed Ten Thousand Dollars (\$10,000).

Clause II, Paragraph A, page 2 is amended to read:

The period of this contract shall be from July 1, 1979, to June 30, 1980, unless extended by written agreement or terminated in accordance with paragraph B of this clause.

IN WITNESS WHEREOF, the parties have executed this amendment to this agreement on the dates indicated below.

CONSULTANT

V. Fischer 12/20/79
VICTOR FISCHER
IRS NO. 211-12-4676

Date

LEGISLATIVE AFFAIRS AGENCY

Myrt B. Charney 1/17/80
MYRTON B. CHARNEY
Executive Director

Date

ACCEPTED:

APPROVED AS TO FORM:

Arliss Sturgulewski 12/20/79
SEN ARLISS STURGULEWSKI
Co-Chairperson

Bill Parker 12/20/79
REP BILL PARKER
Co-Chairperson

Billy G. Berrier Jan 17, 1980
BILLY G. BERRIER
Agency Legal Counsel

date

LBS file

VICTOR FISCHER ASSOCIATES CONSULTING

221 EAST 7TH AVENUE #204 • ANCHORAGE, ALASKA 99501 • [907] 272-2381
January 16, 1980

✓ Sen. Arliss Sturgulewski
Rep. Bill Parker
Community and Regional Affairs Committees
Alaska State Legislature
Juneau, Alaska 99811

Dear Arliss and Bill:

If I were to bill for professional services relating to the Local Government Study, the amount for December and January todate would be \$3,400 (63 hours); virtually all of this was spent on the final report, both in Juneau and Anchorage.

However, total billings under the contract as of October 14, 1979, were \$3,875. This leaves only \$1,125. So....

Best wishes for a most successful legislative session.



<u>SENATE</u>			<u>HOUSE</u>		
Bill #	Subject	Committee	Bill #	Subject	Committee
348	Est. Unorg. Boros	C/RA & Finance	580	Est. Unorg. Boros	C/RA & Finance
349	Planning Assistance	C/RA & Finance	582	Planning Assistance	C/RA & Finance
350	DPDP	C/RA & Finance	581	DPDP	C/RA
351	State Aid to Municipi	C/RA & Finance	583	State Aid to Municipalities	C/RA & Finance
352	Fiscal Notes	C/RA & Finance	586	Fiscal Notes	C/RA
353	Incorp. 2nd Class Boroughs	C/RA & Finance	585	Incorp. 2nd Cls. Boroughs	C/RA
354	Elimination 3rd Class Boroughs	C/RA & Finance	584	Elim. 3rd Class Boroughs	C/RA & Jud.

TELECONFERENCE NOTICE

February 6, 1980 / 8-10 a.m. (Juneau time)

Southeastern Alaska - Ketchikan and Sitka

February 7, 1980 / 1:30 p.m. (Juneau time)

first round robin grouping:
Soldotna, Anchorage, Fairbanks, Kodiak, Valdez

second round robin grouping:
Dillingham, Bethel, Kotzebue, and Nome

DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

Larry Kimball
Lois Lind
Palmer McCarter

August 14, 1979

Don Argetsinger
Deputy Commissioner

Local Government Symposium
Follow-up

Last week I met with Arliss, Bill and Vic Fischer to discuss the department's participation with the Joint C&RA Committee in the follow-up to the Anchorage Symposium.

Although we will very likely be involved with most of the work undertaken between now and January, our immediate concentrated assistance is needed in addressing topics 3 and 4 on the attached draft work plan. Brief notes on these follow.

3A Revenue Sharing - Are we going to make a concerted effort to obtain changes in the present program? If so, what is our plan and what is our strategy? Are we going to concentrate on amending the Gardiner bill, designing a new Administration package, does the Administration support Gardiner, etc.?

Do we have and are we conversant with the 1969 Rural Area Development legislation? (This was referenced by Vic Fischer at the Symposium and developed by Byron Mallott, John Shively and others at Rural CAP in 1969.) Do we have on hand or can we get from Archives all of the working papers from 1972-73 pertaining to the department's concerted effort to develop a petroleum taxation sharing formula as part of the statewide oil and gas property tax? A great deal of work was done at that time; Jack Chenoweth was a key participant in that effort. Larry may recall others and additional details.

3B Foundation Plan for Health, Public Assistance, Public Safety, Education - Jack will be working with us on this. I believe he intends to begin with Public Safety. We need to verify this. Palmer, please meet with Jack soon to determine how we can best assist. We also need to determine what the Governor has in mind with respect to modifying the foundation program for education. Check with Bill Thompson.

3C Intergovernmental Contracting - Jack will also be working on this one. I have suggested that the Joint Committee hold a day of oversight hearings sometime in September for the purpose of bringing in agencies such as Fish and Game, Health and Social Services, DOT and others to discuss what they are doing or not doing in terms of contracting at the local level. We need to get a better fix on how the Committee staff intends to proceed.

Larry Kimball, Lois Lind,
Palmer McCarter
August 14, 1979
Page 2

3D Financial Needs (CETA) - Lois, Arliss made reference to something coming from LB & A regarding the impact of CETA now, what happens when it diminishes, how should it be replaced? You may already have this document.

3E Training and Technical Assistance - What will help the Committee most is a paper on how these needs are being addressed at the present time; what in our judgment is the best approach; and a sketch of the trials, tribulations, and failures of the past. This is one which should be addressed by the three of you with Palmer taking the lead.

4A Municipal Trust Lands 14(c) (3) - Larry should be briefed by Veronica on the references made to 14(c) during the Symposium. There were a number of comments regarding the inability of non-municipal entities to take title to these lands. The reason for Congress selecting the municipal option was not fully explored, i.e., these are to remain public lands. Although this decision can be changed by Congress, such a change would require the participation of many parties not represented at the Symposium and is, in my judgment, very unlikely. However, in any discussion of new or modified classes of municipalities the effect on the Trust Program needs to be understood. Larry and Bob Jenks can assist Committee staff in this respect.

4B Recognition of Villages - I am not certain if the staff, including Vic Fischer, have been fully apprised of all of the efforts since 1972 to address a third-class city or "village" concept. Reference was made to an "old proposal" which I assume is post 1972.

In reference to item 1A concerning the boundaries, the Committee staff needs to be briefed on the work we are doing through the Coastal Zone Management Program in assisting regions like AVCP in devising workable boundaries for CZM districts or sub-districts. Larry can assist in addressing this question.

As a general matter, we will need to soon advise the Committee of our general reaction to a Senate Bill 35 approach to boundary construction for unorganized boroughs. Our ability to implement such an approach is of key interest.

After you have reviewed the above, I'll schedule a time to discuss more specific plans for assisting the Committee.

Thank you.

Attachment

WORK DRAFT PAPER

WORK DRAFT PAPER

WORK DRAFT PAPER

WO 7570
Chenoweth

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

IN THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act establishing a program of planning assistance
for administrative regions of the unorganized borough;
and providing for an effective date."

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

* Section 1. AS 44.47 is amended by adding a new section to read:

Sec. 44.47.085. ASSISTANCE FOR DEVELOPMENT OF REGIONAL MANAGEMENT
PROGRAMS IN THE UNORGANIZED BOROUGH. (a) For the purpose of preparing
a management program for an administrative region of the unorganized
borough, the commissioner may contract as provided by this section with
(1) a municipality or group of municipalities; or
(2) a nonprofit corporation organized under the laws of the
state.

(b) The commissioner may contract for the preparation of one
management program for each administrative region of the unorganized
borough. The commissioner may contract only if he is satisfied that the
municipality, group of municipalities, or corporation with which he
contracts is capable of preparing a management program that considers
the entire population of the administrative region.

(c) A municipality, group of municipalities, or corporation in-
terested in preparing a management program for an administrative region
of the unorganized borough may ask the commissioner to request a propo-
sal or the commissioner may request a proposal on his own initiative. A
request for proposal shall be advertised. The advertisement of a re-
quest for a proposal for the preparation of a management program for the

1 administrative region shall outline the work to be completed, and con-
2 tain other information which the commissioner believes necessary and
3 which he requires to advise the public of the work to be completed under
4 the contract, and which will assist him in evaluating proposals re-
5 ceived. The commissioner shall advertise for a period of not less than
6 45 days by any means which he believes will provide adequate notice to
7 interested parties and residents of the administrative region.

8 (d) After receiving the proposals the commissioner shall evaluate
9 them. The commissioner may refuse all proposals and readvertise, or may
10 accept a proposal and contract in accordance with (e) of this section.

11 (e) A contract entered into under this section shall

12 (1) require that the report to be completed under the con-
13 tract include an analysis and recommendations concerning incorporation
14 of a borough government for all or a portion of the administrative
15 region; and

16 (2) provide that

17 (A) the work to be performed shall be completed not
18 later than the June 30 following the third anniversary of the date
19 of the contract;

20 (B) payment for work performed under the contract is
21 subject to legislative appropriation to the account established in
22 (g) of this section; and

23 (C) payment for work performed under the contract during
24 each fiscal year in which the contract is in effect may not exceed
25 the limit established in (h) of this section.

26 (f) A contract entered into under this section may require the
27 contractor to consider additional topics, including but not limited to,

28 (1) evaluation of the economic development potential of the
29 administrative region;

- 1 (2) determination of housing and capital facility needs;
2 (3) examination of demographic, social and environmental
3 factors; and
4 (4) presentation of a process for developing the report and
5 implementing its recommendations.

6 (g) There is established in the Department of Community and Re-
7 gional Affairs the unorganized borough regional planning account. The
8 account shall be administered by the commissioner and shall be used to
9 pay for contracts entered into under this section.

10 (h) During each fiscal year, the commissioner may not pay to a
11 contractor under a contract authorized by this section more than \$25,000
12 plus \$25 per capita for each person residing within the administrative
13 region of the unorganized borough, as determined by the commissioner.

14 (i) In this section, "administrative region" means a subdivision
15 of the unorganized borough established under AS 44.47.400 - 44.47.410.

16 * Sec. 2. This Act takes effect on the effective date of a version of a
17 bill entitled, "An Act establishing administrative regions in the unorganized
18 borough, amending the responsibilities of state agencies for state programs
19 and services that benefit residents of boroughs and the unorganized borough,
20 and authorizing adoption of home rule charters in administrative regions of
21 the unorganized borough; and providing for an effective date."

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TO: [Fran Ulmer, Director
Div. of Policy Develop. & Planning
ATTN: John Halterman
Deputy Director

DATE: November 13, 1979
FILE NO. J-66-220-80
TELEPHONE NO.

FROM: AVRUM M. GROSS
ATTORNEY GENERAL

SUBJECT: Proposed legislation
on unorganized boroughs

By:
Rodger W. Pegues
Assistant Attorney General

This responds to your request for our review of the draft bill on this subject.

Because the bill is a working draft, we will not discuss technical matters but rather will limit our review to the bill's basic aims and mechanisms.

The bill has two basic purposes: (1) Provide some reasonably systematic means of obtaining popular review of state agency operational and construction programs in rural areas on a regional basis. (2) Provide a means for incorporating home rule boroughs on a regional basis in presently unincorporated areas. The latter presents no legal problems. The former does.

The basic legal problem is that the bill, perhaps inadvertently, gives any assembly a pocket veto power over the use of any appropriation which "affects" residents of its unorganized borough. For example, the appropriation for the criminal justice system affect residents of rural Alaska. Under AS 37.07.080(b) as it would be amended by the bill, if the assembly of an unorganized borough does not comment and make recommendations on, say, the State Troopers operations plan, no appropriation in support of the plan could be expended. (We doubt if the draftsmen intended this result, but that is it.) A pocket veto of this dimension would not only be unacceptable as a matter of public policy but also as a matter of constitutional law. The governor's power to budget and to supervise the executive simply cannot be made subject to a veto without offending the constitution.

Even if the language here (lines 2-16 at page 7) were revised to eliminate the pocket veto, it is still overly broad. The appropriation for the Department of Law's civil division in the Juneau office, for example, "affects residents of the unorganized borough" because the office routinely writes legal opinions and memoranda of advice -- as well as providing oral advice -- upon which other state agencies rely in administering their programs. If unorganized boroughs are to be brought into the process of preparing the state's budget, the language must be made much more

John Halterman
November 13, 1979
Page #2

precise than this. (That raises a related question: Legal questions aside, what is the rational basis for bringing unorganized boroughs into the budget process but not the cities and organized boroughs?)

As a practical matter, is there a reasonable way to bring the unorganized boroughs into the budget process as proposed in the bill? Assuming that it is constitutionally permissible to require this review and consultation, can it be accomplished with a favorable cost-benefit ratio? How many specialists will have to be hired by the state to translate the agency budget proposals into the bill's narratives for the assemblies to review? How many more specialists will be required to consider the assembly comments? How will proof of that review and consideration be made? By written decisions? Oral?

Given that not everyone can understand budget documents -- even if translated into a "narrative summary" as the bill proposes -- how much review and comment of practical value can reasonably be expected? Assuming that a worthwhile review can be made, how will comments be prepared and how will recommendations be made? The paperwork involved for both the state agencies and the assemblies becomes readily manageable only if there is an administrative staff on hand to do it. Given the massive amount of budget material which would have to be reviewed and the limited time available in which to review it, a large administrative staff would be required in each unorganized borough.

The REAA's (and the regional corporation's) boundaries are not coterminous with regional boundaries for budget purposes. As a result, even if the bill's language were made more precise so as to delimit the reviews to budget items for expenditures actually within an unorganized borough, the risk of error and confusion would remain great, with attendant uncertainty for spending appropriated moneys. The risk grows still greater when the review extends to budget items spent elsewhere but which affect residents of an unorganized borough.

In sum, the proposal for review and comment on the budget requires alignment of a few weeks before it will be a reasonable basis for appropriation for the Department of Law's civil division. It affects

The proposal to include unorganized boroughs which have established assemblies with those entities (municipalities and village councils) which review proposed public

John Halterman
November 13, 1979
Page #3

works projects appears to be feasible. However, if a village is within an unorganized borough which has an assembly, review by the latter should suffice, and there should not be a requirement to have review by both, any more than there is to have review by both an organized borough and a city within it.

Finally, while the stated concern here is to move away from the development of overlapping, duplicative special districts, this bill merely adds another layer. Apparently, there is an underlying hope or mild expectation that, eventually, home rule boroughs will be incorporated, thereby succeeding to and consolidating the unorganized boroughs, the REAAs, and the coastal resource service areas. Given, however, that the special districts have 100 percent state financing and that the organized boroughs do not, the hope is wishful and the expectation unrealistic.

RWP/pjg

orthwhile

WO 7574
SofaBY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEEIN THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act eliminating third class boroughs."

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

* Section 1. AS 29.08.030 is amended to read:

Sec. 29.08.030. CLASSES OF GENERAL LAW. General law municipalities are of four [FIVE] classes:

- (1) first class boroughs;
- (2) second class boroughs;
- (3) [THIRD CLASS BOROUGHs;]
- (4) first class cities;
- (5) second class cities.

* Sec. 2. AS 29.08.040(g) is amended to read:

(g) A second class borough may reclassify as a first class [OR THIRD CLASS] borough [, AND A THIRD CLASS BOROUGH MAY RECLASSIFY AS A FIRST CLASS OR SECOND CLASS BOROUGH,] in the manner provided by AS 29.-33.270 - 29.33.290 for the addition of powers by boroughs, except the petition or proposal requests reclassification instead of requesting addition of powers.

* Sec. 3. AS 29.78.010(1) is amended to read:

(1) "borough" means a general law first or [,] second [OR THIRD] class organized borough;

* Sec. 4. AS 02.15.260(10) is amended to read:

(10) "municipality" means a home rule or general law municipal corporation and political subdivision, which is a first or second class borough or city [, OR A THIRD CLASS BOROUGH,] incorporated under the

1 laws of the state;

2 Sec. 5. AS 14.12.110 is amended to read:

3 Sec. 14.12.110. SINGLE BODY AS ASSEMBLY AND SCHOOL BOARD. Not-
4 withstanding the provisions of this chapter or other law, a single body
5 may serve as both the borough assembly and borough school board in the
6 manner provided for in this section [THIRD CLASS BOROUGH UNDER AS 07.-
7 17.030], if a borough ordinance for that purpose is approved by the
8 assembly and ratified by a referendum of a majority of the qualified
9 borough voters voting on the question at a regular or special election,
10 and if the public school population within the borough is 500 pupils or
11 less. If a single body serves as both the borough assembly and school
12 board, the borough executive is the presiding officer of the borough
13 assembly and president of the school board and the borough executive
14 has all powers of a borough executive under AS 29.23 except for the
15 veto power.

16 * Sec. 6. AS 38.05.037(a) is amended to read:

17 (a) In areas of the state outside first and [,] second [OR THIRD]
18 class boroughs where there is no municipality with a zoning power, the
19 division of lands shall exercise the zoning power by adopting zoning
20 regulations.

21 * Sec. 7. AS 40.15.070 is amended to read:

22 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be sub-
23 divided or dedicated is situated within a first or second class borough,
24 the proposed subdivision or dedication shall be submitted to the borough
25 planning commission for approval. If the land is situated within a city
26 in the unorganized borough, [OR THE THIRD CLASS BOROUGH] the proposed
27 subdivision or dedication shall be submitted to the city planning com-
28 mission for approval. The borough planning commission is the platting
29 authority for the first or second class borough, the city planning

1 commission is the platting authority for the city, and the division of
2 lands is the platting authority in the remaining areas of the state [AND
3 THIRD CLASS BOROUGH] for the change or vacation of existing plats or a
4 portion of such plats, as provided in AS 40.15.075. If the borough or
5 the city does not have a planning commission, the borough assembly or
6 the city governing body, respectively, is the platting authority and the
7 proposed subdivision or dedication shall be submitted to it. No sub-
8 division may be filed for record until it is approved by the platting
9 authority.

10 * Sec. 8. AS 40.15.075 is amended to read:

11 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH [AND THIRD
12 CLASS BOROUGH]. The division of lands is the platting authority in the
13 area outside organized boroughs and outside cities in the unorganized
14 borough [AND IN THE THIRD CLASS BOROUGH] for only the purposes of
15 hearing and acting on petitions for the change or vacation of plats and
16 shall execute this function substantially in conformity with the provi-
17 sions of AS 29.33.210 - 29.33.240. Costs of publication and mailing as
18 well as other costs authorized in AS 29.33.210 shall be paid to the
19 division by the petitioner. The Department of Natural Resources shall
20 adopt reasonable regulations governing the exercise of the authority
21 conferred by this section upon the division of lands.

22 * Sec. 9. AS 43.35.130 is amended to read:

23 Sec. 43.35.130. REFUND TO LOCAL GOVERNMENTS. The department shall
24 refund 75 percent of the tax collected from sales of punchboards in an
25 organized borough or city of the first or [,] second [, OR THIRD] class
26 to the local government. The balance shall be deposited in the general
27 fund.

28 * Sec. 10. A municipality which is incorporated as a third class borough
29 on the effective date of this Act may continue to operate as such until

1 December 31, 1984 and shall retain all the rights, powers and privileges
2 which it possessed on the effective date of this Act. A third class borough
3 which has not reclassified itself in the manner provided by AS 29.33.270 -
4 29.33.290 before December 31, 1984, is reclassified as a second class borough
5 on that date.

6 * Sec. 11. The following laws are repealed: AS 29.08.040(h), (i), and
7 (j); AS 29.41; AS 29.43.040(b); and AS 38.05.037(b)(2).
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WO 7573
Vassar

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

IN THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to state aid to local governments; and
providing for an effective date."

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

* Section 1. AS 43.18 is amended by adding a new section to read:

Sec. 43.18.015. ADDITIONAL ENTITLEMENT. A city or organized
borough of any class which is entitled to state aid under AS 43.18.010
shall receive additional state aid for each fiscal year in the amount of
\$25,000 adjusted to include an area cost-of-living differential deter-
mined in accordance with AS 43.18.012.

* Sec. 2. This Act takes effect July 1, 1980.

WORK DRAFT PAPER

WORK DRAFT PAPER

WORK DRAFT PAPER

WO 7570
Chenoweth

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

IN THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act establishing a program of planning assistance for administrative regions of the unorganized borough; and providing for an effective date."

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

* Section 1. AS 44.47 is amended by adding a new section to read:

Sec. 44.47.085. ASSISTANCE FOR DEVELOPMENT OF REGIONAL MANAGEMENT PROGRAMS IN THE UNORGANIZED BOROUGH. (a) For the purpose of preparing a management program for an administrative region of the unorganized borough, the commissioner may contract as provided by this section with

- (1) a municipality or group of municipalities; or
- (2) a nonprofit corporation organized under the laws of the state.

(b) The commissioner may contract for the preparation of one management program for each administrative region of the unorganized borough. The commissioner may contract only if he is satisfied that the municipality, group of municipalities, or corporation with which he contracts is capable of preparing a management program that considers the entire population of the administrative region.

(c) A municipality, group of municipalities, or corporation interested in preparing a management program for an administrative region of the unorganized borough may ask the commissioner to request a proposal or the commissioner may request a proposal on his own initiative. A request for proposal shall be advertised. The advertisement of a request for a proposal for the preparation of a management program for the

1 administrative region shall outline the work to be completed, and con-
2 tain other information which the commissioner believes necessary and
3 which he requires to advise the public of the work to be completed under
4 the contract, and which will assist him in evaluating proposals re-
5 ceived. The commissioner shall advertise for a period of not less than
6 45 days by any means which he believes will provide adequate notice to
7 interested parties and residents of the administrative region.

8 (d) After receiving the proposals the commissioner shall evaluate
9 them. The commissioner may refuse all proposals and readvertise, or may
10 accept a proposal and contract in accordance with (e) of this section.

11 (e) A contract entered into under this section shall

12 (1) require that the report to be completed under the con-
13 tract include an analysis and recommendations concerning incorporation
14 of a borough government for all or a portion of the administrative
15 region; and

16 (2) provide that

17 (A) the work to be performed shall be completed not
18 later than the June 30 following the third anniversary of the date
19 of the contract;

20 (B) payment for work performed under the contract is
21 subject to legislative appropriation to the account established in
22 (g) of this section; and

23 (C) payment for work performed under the contract during
24 each fiscal year in which the contract is in effect may not exceed
25 the limit established in (h) of this section.

26 (f) A contract entered into under this section may require the
27 contractor to consider additional topics, including but not limited to,

28 (1) evaluation of the economic development potential of the
29 administrative region;

- 1 (2) determination of housing and capital facility needs;
2 (3) examination of demographic, social and environmental
3 factors; and
4 (4) presentation of a process for developing the report and
5 implementing its recommendations.

6 (g) There is established in the Department of Community and Re-
7 gional Affairs the unorganized borough regional planning account. The
8 account shall be administered by the commissioner and shall be used to
9 pay for contracts entered into under this section.

10 (h) During each fiscal year, the commissioner may not pay to a
11 contractor under a contract authorized by this section more than \$25,000
12 plus \$25 per capita for each person residing within the administrative
13 region of the unorganized borough, as determined by the commissioner.

14 (i) In this section, "administrative region" means a subdivision
15 of the unorganized borough established under AS 44.47.400 - 44.47.410.

16 * Sec. 2. This Act takes effect on the effective date of a version of a
17 bill entitled, "An Act establishing administrative regions in the unorganized
18 borough, amending the responsibilities of state agencies for state programs
19 and services that benefit residents of boroughs and the unorganized borough,
20 and authorizing adoption of home rule charters in administrative regions of
21 the unorganized borough; and providing for an effective date."

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WO 7570
Chenoweth

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

IN THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act establishing a program of planning assistance for administrative regions of the unorganized borough; and providing for an effective date."

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

* Section 1. AS 44.47 is amended by adding a new section to read:

Sec. 44.47.085. ASSISTANCE FOR DEVELOPMENT OF REGIONAL MANAGEMENT PROGRAMS IN THE UNORGANIZED BOROUGH. (a) For the purpose of preparing a management program for an administrative region of the unorganized borough, the commissioner may contract as provided by this section with

- (1) a municipality or group of municipalities; or
- (2) a nonprofit corporation organized under the laws of the state.

(b) The commissioner may contract for the preparation of one management program for each administrative region of the unorganized borough. The commissioner may contract only if he is satisfied that the municipality, group of municipalities, or corporation with which he contracts is capable of preparing a management program that considers the entire population of the administrative region.

(c) A municipality, group of municipalities, or corporation interested in preparing a management program for an administrative region of the unorganized borough may ask the commissioner to request a proposal or the commissioner may request a proposal on his own initiative. A request for proposal shall be advertised. The advertisement of a request for a proposal for the preparation of a management program for the

1 administrative region shall outline the work to be completed, and con-
2 tain other information which the commissioner believes necessary and
3 which he requires to advise the public of the work to be completed under
4 the contract, and which will assist him in evaluating proposals re-
5 ceived. The commissioner shall advertise for a period of not less than
6 45 days by any means which he believes will provide adequate notice to
7 interested parties and residents of the administrative region.

8 (d) After receiving the proposals the commissioner shall evaluate
9 them. The commissioner may refuse all proposals and readvertise, or may
10 accept a proposal and contract in accordance with (e) of this section.

11 (e) A contract entered into under this section shall

12 (1) require that the report to be completed under the con-
13 tract include an analysis and recommendations concerning incorporation
14 of a borough government for all or a portion of the administrative
15 region; and

16 (2) provide that

17 (A) the work to be performed shall be completed not
18 later than the June 30 following the third anniversary of the date
19 of the contract;

20 (B) payment for work performed under the contract is
21 subject to legislative appropriation to the account established in
22 (g) of this section; and

23 (C) payment for work performed under the contract during
24 each fiscal year in which the contract is in effect may not exceed
25 the limit established in (h) of this section.

26 (f) A contract entered into under this section may require the
27 contractor to consider additional topics, including but not limited to,

28 (1) evaluation of the economic development potential of the
29 administrative region;

- 1 (2) determination of housing and capital facility needs;
2 (3) examination of demographic, social and environmental
3 factors; and
4 (4) presentation of a process for developing the report and
5 implementing its recommendations.

6 (g) There is established in the Department of Community and Re-
7 gional Affairs the unorganized borough regional planning account. The
8 account shall be administered by the commissioner and shall be used to
9 pay for contracts entered into under this section.

10 (h) During each fiscal year, the commissioner may not pay to a
11 contractor under a contract authorized by this section more than \$25,000
12 plus \$25 per capita for each person residing within the administrative
13 region of the unorganized borough, as determined by the commissioner.

14 (i) In this section, "administrative region" means a subdivision
15 of the unorganized borough established under AS 44.47.400 - 44.47.410.

16 * Sec. 2. This Act takes effect on the effective date of a version of a
17 bill entitled, "An Act establishing administrative regions in the unorganized
18 borough, amending the responsibilities of state agencies for state programs
19 and services that benefit residents of boroughs and the unorganized borough,
20 and authorizing adoption of home rule charters in administrative regions of
21 the unorganized borough; and providing for an effective date."

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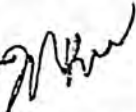
TO: [Senator Arliss Sturgelewski
Representative Bill Parker
Co-Chairmen
Joint Senate-House Committee
on Community & Regional Affairs

DATE: September 27, 1979

FILE NO:

TELEPHONE NO:

FROM:

Murray R. Walsh 
Coordinator
Office of Coastal Management
Division of Policy Development
and Planning
Office of the Governor

SUBJECT: Unorganized Borough
Legislation

I think this bill, in its current form represents an impressive opportunity and comments to follow should not be thought of as detractions to the bill but rather possible additions. My comments are going to be on the radical side and so it will be perfectly understandable if they were set aside. I would still be most supportive of the bill in its current form.

First of all, the procedure for establishing an unorganized borough assembly is roughly similar to that used for establishing coastal resource service area and one of the problems we have encountered is finding some leadership to carry the organizational ball, as it were, at the local level prior to the first election. We would suggest the establishment of interim unorganized borough assemblies by appointment of the governor. Eleven people could be selected from each unorganized borough area, appointed by the governor and charged solely with some of the responsibilities of the elected assemblies. At the current time, we have had to rely, not unsuccessfully, on the leadership provided by non-profit native corporations, principally to achieve the two successful elections we have had thus far for creating coastal resource service areas. While this has not been unworkable, we do think that a more formalized organization appointed by the governor might be more appropriate and eliminate any threat of the native bias that some people may perceive with the coastal resource techniques we have used.

With regard to proposed section 44.47.450, "Powers of the Unorganized Borough Assembly", we would suggest that the planning powers established for the unorganized borough assembly can be made somewhat more detailed without a great excursion into other law or new law. As it happens, the Department of Natural Resources currently does have power to undertake zoning in the unorganized borough. This power has been mentioned repeatedly as one of the implementing techniques for coastal resource service area district coastal management program. It seems to us that without a great deal of legislative effort planning authority could be given to the unorganized borough assembly.

A process could be established for the state review of the unorganized borough assembly plan through the Division of Policy Development and Planning (DPDP) or the Community & Regional Affairs (CRA) and then Department of Natural Resources (DNR) burdened with the responsibility of preparing a zoning ordinance to implement the plan, once it has been approved by the Division of Policy Development and Planning (DPDP) or by the legislature or the Governor or some other entity charged with the responsibility to do so. The legislature could of course engage in a much broader endeavor and create a land and water use policy council akin to the Coastal Policy Council and which would probably replace the Coastal Policy Council and use the Alaska Coastal Management Program (ACMP) set-up as we have it now. That would be a really major step, however again, the Department of Natural Resources (DNR) zoning power could be brought into play without the trappings of a bigger and better state council. There would still be some incentive for the Unorganized Borough assembly to move into home rule at some point because if the Department of Natural Resources (DNR) adopts the zoning ordinance, it will still fall to the Department of Natural Resources (DNR) and probably other state agencies to implement it. The unorganized borough assembly might at some point want to take over that function themselves, but this would probably be left to a more fully constituted local government such as a borough. We do feel that the prospect of this kind of planning power should be offered to the participants in the public hearings in the form of a question so that the attendees of the hearings can get the local feeling as to whether or not this should be part of the act. It may also happen that the bush residents would feel much more supportive of the act if this more defined land use planning authority was added to powers of the unorganized borough assemblies.

Additional questions which should be asked of all participants in this effort relate to the qualifications of the potential assembly members. Do we need to have districts established by CRA within the unorganized borough for the assembly members to be drawn or should they be elected at large? Currently, the Alaska Coastal Management Act does provide for districting so that the Coastal Planning Board members can represent a part of, rather than the whole, service area. Other question which should be asked is whether residents of existing incorporated cities and towns within the unorganized borough should be allowed to sit as assembly members.

Another concern relates to the matter of funding for the operation of the unorganized borough assemblies. This, I think, should be more clearly spelled out in the act and possibly some special appropriation or special funding effort set up.

A great deal of acceptance may depend on how easily people can perceive that the state will make a serious effort to support these assemblies until they reach home rule status. Obviously, unorganized borough assemblies can have no taxing power of their own, yet they should be equipped to receive funds for the state and federal government. I can't offer any concrete proposals here at the present time, although we will continue to ponder this notion.

Yet another item relates to the relationship between the coastal resource services area planning board and the unorganized borough assembly. The act as written would not impair the powers of the planning board, but I do think there should be more of an interlock between the two bodies. In essence, it would be appropriate for the unorganized borough assembly to approve any work done by the planning board before it is transmitted to the Coastal Policy Council. Likewise, it might be appropriate for the planning boards to be appointed by the assembly rather than elected. This would require an amendment to the Coastal Management Act. It would certainly simplify the amount of elections and confusion that will result by having two different boards elected. It might even be appropriate to require appointments of unorganized borough planning commissions to replace the coastal resource planning boards. This would enable planning function to be uniform for interior as well as coastal unorganized boroughs. I suppose it would be foolish to suggest that the school boards be handled in the same ways since school boards are independently elected elsewhere in the state, as well as in many places in the lower 48.

Returning to the matter of funding for a moment, this is likely to be the lynch-pin that can cause failure of this act due to resentment on the part of existing local governments and people in general who have been taxing themselves to provide local services. With that in mind, it may be very difficult politically to have a special new fund created for the purpose of supporting the unorganized borough assemblies. However, there may be another way and this would be for provision of the act to be inserted which would require some entity within the state, possibly Community and Regional Affairs to survey the existing funding situation for bush areas and come up with a proposal to re-route existing funding into the unorganized borough assemblies. This would be awkward but it might be more politically and economically desirable than a new source of funds.

Another financial note, again relating to the likely jealousy that standard local governments might have for fully state supported unorganized borough assemblies. There may yet be a possibility of

Senator Arliss Sturgelewski
Representative Bill Parker

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September 27, 1979

making this package more attractive to all concerned if there is a provision that mandates a transition into more formalized local government when revenue opportunities per capita reach a certain point. Again, the act would have to provide some instrumentality at the state level to monitor population growth and development in the unorganized boroughs and be prepared to declare through a public hearing process that critical ratio of assessed valuation to population had been reached. This would result in some kind of formal finding that would then be noticed to the organized borough assembly which would then have a specified period of time in which to apply for home rule status or risk self-destruction. In view of the Governor's policy on self-support for local government, this might be an important consideration in obtaining administration support for the act.

I would like to emphasize that I think the act in its present form could still be workable although some of the questions about standing for the unorganized borough assembly membership be settled. I do think, though, that the matters raised in this memo should be converted into question and asked at the same time as the bill was discussed. In essence, you would be saying "Here is this bill. In addition to this bill, would you like the following features added to it?". In all, we are very impressed and look forward to a happy conclusion to this effort.

Thank you very much for the opportunity to participate.

The proposed legislation

(1) ~~mandates~~ division of the single unorganized borough into unorganized boroughs generally following REAA boundaries;

(2) authorizes election of 11 member unorganized borough assemblies, defining the powers and duties of these assemblies:

review, comment and recommendations in a
to
clearinghouse approach / proposed state projects and
procedures
services under the state's fiscal/and facilities procurement act

(3) authorizes assemblies of unorganized boroughs to initiate a process by which a the charter for a home rule borough may be prepared;

(4) names the Department of Community and Regional Affairs as the state agency responsible for lending assistance to unorganized borough assemblies;

(5) retains intact the powers and responsibilities of existing REAA school boards for management of school functions, of coastal service area boards in the preparation of plans for the resources of the state's coastal zone, and of existing cities of the unorganized borough.

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Other Funds

BY THE COMMUNITY AND

\$

REGIONAL AFFAIRS

--HOUSE--
IN THE
SENATE

COMMITTEE

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - ^{SECOND}~~FIRST~~ SESSION

A BILL

For an Act entitled: " An Act establishing unorganized boroughs, defining their duties and powers, amending the responsibilities of state agencies to unorganized borough assemblies under the Fiscal Procedures Act and in the construction of public facilities, authorizing preparation of home rule charters in unorganized boroughs, and amending the responsibilities of the Department of Community and Regional Affairs with respect to unorganized boroughs; and providing for an effective date."

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

* Section 1. PURPOSE. The purpose of this Act is to provide for the division of the state's single unorganized borough into unorganized boroughs and to authorize, through the election of a representative body within each unorganized borough, exercise of public planning functions and the review and comment on state programs and services affecting residents of the unorganized boroughs.

* Sec. 2. AS 44.47 is amended by adding new sections to read:

ARTICLE 9. UNORGANIZED BOROUGHES.

Sec. 44.47.400. ESTABLISHMENT OF UNORGANIZED BOROUGHES. Except as the boundaries are adjusted as provided in AS 44.47.410, the geographic area within each regional educational attendance area created under AS 14.08.031 is, effective January 1, 1981, established as an unorganized borough.

Sec. 44.47.410. COMBINING OF SERVICE AREAS TO ESTABLISH UNORGANIZED

29 BOROUGHES. The commissioner may, after public hearings in the area

1 constitute the geographic area within two or more regional educational
2 attendance areas as a single unorganized borough. The commissioner shall
3 consider the standards applicable to the incorporation of boroughs
4 under AS 29.18.030, and shall combine regional educational attendance areas
5 into a single unorganized borough if he determines that the combination
6 secure representation from and participation by all areas reasonably
7 necessary to review and comment on provision of state services on a regional
8 basis without unnecessarily reducing the ability of residents of all areas
9 to be represented on an unorganized borough assembly. The commissioner
10 may not combine regional educational attendance areas which are within
11 the territory of more than one Native regional corporation established
12 under the Alaska Native Claims Settlement Act.

13 Sec. 44.47.420. ASSEMBLY FOR UNORGANIZED BOROUGH. (a) Provision for
14 the election of an assembly for an unorganized borough may be initiated
15 by

16 (1) submission to the commissioner of a petition signed by the
17 number of registered voters equal to 15 percent of the number of votes cast
18 within the unorganized borough at the last state general election; or

19 (2) submission to the commissioner of a resolution approved by the
20 city council or traditional governing body of not less than 25 percent of
21 the number of cities and villages within the unorganized borough.

22 (b) Not less than 60 or more than 90 days after receipt of a proper
23 petition or resolution by the commissioner, the lieutenant governor shall
24 conduct an election on the question of whether an assembly shall be elected
25 in an unorganized borough. The lieutenant governor shall submit to the
26 voters of the unorganized borough at a special election the following
27 question:

28 " Shall _____, an unorganized borough,
29 have an unorganized borough assembly?

1 Yes []

2 No []"

3 (c) If a majority of the votes cast at an election under (b) of this
4 section is in the negative, the lieutenant governor shall certify that
5 the proposal to constitute the unorganized borough as an unorganized borough
6 with an assembly has been rejected. A petition or resolution calling for
7 the election of an assembly for an unorganized borough involving the
8 same territory may not be presented within six months of the certification
9 of the lieutenant governor under this subsection.

10 (d) If a majority of the votes cast at an election under (b) of this
11 section is in the affirmative, the lieutenant governor shall certify that
12 the proposal to constitute the unorganized borough as an unorganized borough
13 with an assembly has been approved. The lieutenant governor shall promptly
14 call for the nomination and election of members of the initial assembly of
15 the unorganized borough.

16 Sec. 44.47.430. UNORGANIZED BOROUGH ASSEMBLY. (a) An unorganized
17 borough in which a majority of the voters has approved election of an
18 assembly shall elect an assembly of 11 members. Assembly members shall be
19 elected at large by the qualified voters of the unorganized borough.

20 (b) Members of an unorganized borough assembly serve overlapping
21 three year terms. Members serve until their successors are elected and
22 have qualified. Nothing in this section prohibits the re-election of an
23 unorganized borough assembly member.

24 (c) Elections of members of the assembly of an unorganized borough
25 shall be held annually on the date of election of members of regional
26 educational attendance area school boards under AS 14.08.071(b).

27 (d) If a vacancy occurs on the assembly of an unorganized borough,
28 the remaining members shall, within 30 days, fill the vacancy. The p
29 selected to fill the vacancy shall serve until the next regular el

1 when a successor will be elected to serve the balance of the term.

2 (e) The members of the unorganized borough assembly convene on the
3 first Monday following certification of the annual election of members of
4 the borough assembly. At the meeting, the members shall elect one of
5 their number to serve as assembly chairman. The person elected shall
6 serve as chairman for one year and until his successor has been elected.
7 A chairman who remains a member of the assembly of the unorganized borough
8 assembly may be renominated and re-elected as chairman without limit on the
9 number of years of service.

10 Sec. 44.47.440. DUTIES OF THE UNORGANIZED BOROUGH ASSEMBLY.

11 The assembly of an unorganized borough shall

12 (1) make and publish rules for the conduct of its meetings;

13 (2) provide for the election of other officers of the assembly,
14 and define the duties of each;

15 (3) define the duties of the chairman of the assembly of the unorga-
16 nized borough; and

17 (4) meet to receive and review, and provide written comments and
18 recommendations with respect to proposed capital improvements and agency
19 programs and services which involve legislative appropriations and which
20 affect the people and resources of the unorganized borough.

21 Sec. 44.47.450. POWERS OF THE UNORGANIZED BOROUGH ASSEMBLY. The
22 assembly of an unorganized borough may

23 (1) prepare studies of the resources of the unorganized borough;

24 (2) serve as a clearinghouse for information, data, and other
25 materials which may be helpful or necessary to government agencies in the
26 discharge of their responsibilities or in obtaining technical or financial
27 assistance;

28 (3) prepare and maintain a regional planning report which

29 (A) establishes the goals for the unorganized borough;

(B) describes a needs assessment of residents of the unorganized borough; and

(C) analyzes alternative ways of meeting the needs of the residents of the unorganized borough; and

(4) provide for the preparation and submission of a charter for a home rule borough in accordance with AS 29.19.010 - 29.19.060.

Sec. 44.47.460. COMPENSATION AND EXPENSES. Members of the assembly of an unorganized borough receive no salary, but are entitled to per diem and travel expenses authorized by law for state boards and commissions, unless a different per diem rate is approved by a majority of the members of the unorganized borough assembly.

Sec. 44.47.470. MISCELLANEOUS PROVISIONS. (a) A member of the assembly of an unorganized borough is subject to recall on the same grounds and in the same manner as provided for the recall of municipal officials in AS 29.28.130 - 29.28.250, except that the lieutenant governor is responsible for the receipt and review of all recall petitions and the conduct of all recall elections.

(b) Elections under AS 44.47.400 - 44.47.470, including recall elections authorized by (a) of this section, shall be conducted by the lieutenant governor consistent with the provisions of the Alaska Election Code (AS 15.05 - 15.60). The state shall pay all election costs.

Sec. 44.47.480. RELATIONSHIP OF UNORGANIZED BOROUGH TO MUNICIPALITIES AND OTHER UNORGANIZED BOROUGH SERVICE AREAS. (a) The powers and duties of an assembly of an unorganized borough may not be exercised to conflict with the powers and duties of the council of a city located within the unorganized borough, whether those powers and duties are conferred by statute or are assumed and exercised in accordance with the provisions of a home rule charter of the city.

(b) Nothing in AS 44.47.400 - 44.47.480 may be construed to

1 authority of

2 (1) the school board of a regional educational attendance area
3 established under AS 14.08 to provide for the operation and maintenance of
4 public schools in the unorganized borough;

5 (2) the coastal area board of a coastal resource service area
6 established under AS 46.40.110 - 46.40.180 in the board's preparation and
7 submission of a district coastal management program for the unorganized
8 borough or portion of the unorganized borough.

9 *Sec. 3. AS 44.47.050(8) and (9) are amended to read:

10 (8) administer state funds appropriated for the operation [BENEFIT
11 of unorganized boroughs established under AS 44.47.400 - 44.47.480 [REGIONS
12 WITHIN THE STATE], allowing for maximum participation by unorganized
13 borough assemblies in the allocation and use of funds appropriated
14 [LOCAL ADVISORY COUNCILS AND SIMILAR BODIES];

15 (9) assist the assemblies of unorganized boroughs to carry out
16 their duties under AS 44.47.440 and their responsibilities under AS 44.47.
17 450 and, where no assembly for an unorganized borough has been authorized
18 by the residents of the unorganized borough, carry out those administrative
19 functions in unorganized boroughs that the legislature may prescribe;

20 *Sec. 4. AS 37.07.080(b) and (c) are amended to read:

21 (b) Each state agency shall prepare an annual plan for the operation
22 of each of its assigned programs except for programs that are exempted
23 from this requirement by the division. The operations plan shall be
24 prepared in the form and content and be transmitted on the date prescribed
25 by the division. If the plan involves an appropriation for a service or
26 program which affects residents of an unorganized borough which has elec
27 ted an unorganized borough assembly, the division shall require the
28 cy to prepare a narrative summary of the service or program and
29

1 mit the summary and the annual plan to the assembly of the unorganized
2 borough for the assembly's review and comment. Appropriations for a
3 service which affects residents of the unorganized borough of the state
4 having an unorganized borough assembly may not be expended until the
5 comments and recommendations of the assembly of the affected unorganized
6 borough have been returned to the division for transmittal to the applica-
7 ble state agency.

8 (c) The division shall

9 (1) review each operations plan to determine that it is consis-
10 tent with the policy decisions of the governor and appropriations by the
11 legislature, that it reflects proper planning and efficient management
12 methods, that appropriations have been made for the planned purpose and
13 will not be exhausted before the end of the fiscal year, and that the agen-
14 cy has reviewed the comments and recommendations to the annual plan made
15 by an unorganized borough assembly and has considered these comments and
16 recommendations in the provision of services under the plan;

17 (2) approve the operations plan if satisfied that it meets the
18 requirements under (1) of this subsection; otherwise, the division shall
19 require the revision of the operations plan in whole or in part;

20 (3) (repealed).

21 *Sec. 5. AS 35.30.010(a) and (c) are amended to read:

22 (a) Except as provided in (b) of this section, before commencing
23 construction of a public project,

24 (1) if the project is located in a municipality, the department
25 shall submit the plans for the project to the planning commission of the
26 municipality for review and approval;

27 (2) if the project is located within an unorganized bor-
28 which an assembly has been elected or is located within two
29

1 village, the department shall submit the plans to the assembly of the un-
2 organized borough or to the village council for review and comment;

3 (c) If final disapproval by resolution of the governing body of the
4 affected municipality or final comment from the assembly of an unorganized
5 borough or village council is not received within 90 days from the date
6 the project was submitted to the municipality, assembly of an unorganized
7 borough, or village, the department may proceed with the project.

8 *Sec. 6. AS 29.03.010 is amended to read:

9 Sec. 29.03.010. ESTABLISHMENT. Areas of the state which are not
10 within the boundaries of an organized borough shall be included within
11 unorganized boroughs [CONSTITUTE A SINGLE UNORGANIZED BOROUGH].

12 *Sec. 7. AS 29.03.020 is amended to read:

13 Sec. 29.03.020. SERVICE AREAS. Allowing for maximum local
14 participation, the legislature may establish, alter, or abolish service
15 areas within [THE] unorganized boroughs [BOROUGH] to provide special ser-
16 vices, which may include, but are not limited to, schools, utilities,
17 land use regulations, and fire protection. A new service area may not be
18 established if the new service can be provided by an existing service area
19 by incorporation as a city, or by annexation to a city.

20 *Sec. 8. AS 29.08.010 is amended to read:

21 Sec. 29.08.010. HOME RULE. A home rule municipality is a munici-
22 pal corporation and political subdivision and is a borough of the first
23 class, a borough incorporated directly from an unorganized borough in
24 accordance with AS 29.19, or a city of the first class which has adopted
25 a home rule charter. It has all legislative powers not prohibited by law
26 or charter.

27 *Sec. 9. AS 29 is amended by adding a new chapter to read:

28 CHAPTER 19. INCORPORATION OF A HOME RULE BOROUGH
29

FROM AN UNORGANIZED BOROUGH.

Sec. 29.19.010. INCORPORATION. The assembly of an unorganized borough may apply for the incorporation of a home rule borough. The petition for borough incorporation shall be filed with the Department of Community and Regional Affairs and include all information and signatures required by AS 29.18.050. The provisions of AS 29.18.060 - 29.18.090 are applicable to petitions for incorporation filed under this section.

Sec. 29.19.020. CHARTER ELECTION. The Local Boundary Commission shall immediately notify the lieutenant governor of its acceptance of a petition requesting direct incorporation of a home rule borough presented under this chapter. Within 30 days after receipt of notification, the lieutenant governor shall order an election within the proposed home rule borough to determine whether the voters shall elect a charter commission of eleven members, and to determine the persons elected to serve on the charter commission. The lieutenant governor shall provide not less than 20 or more than 30 days during which candidates for the charter commission may present nominating petitions. The election on the question of election of a charter commission and to determine the persons elected to serve on the charter commission not less than 60 or more than 75 days after the date of the election order.

Sec. 29.19.030. PREPARATION OF CHARTER. If, at the election called by the lieutenant governor under AS 29.19.020, a majority of the voters favors election of a charter commission, the eleven persons receiving the highest number of votes cast at that election shall constitute the charter commission. The commission shall initiate organization of a home rule borough by preparing a proposed charter and submitting it to the Department of Community and Regional Affairs. The charter shall be submitted within one year of the first meeting of the charter commis-

1 The commissioner of community and regional affairs shall review the
2 charter for compliance with provisions of law applicable to home rule
3 municipalities and, if the charter meets these requirements, request the
4 lieutenant governor to submit the proposed borough incorporation petition
5 and proposed home rule charter to residents of the proposed home rule
6 borough.

7 Sec. 29.19.040. AMENDED CHARTER. Within 90 days of the receipt of
8 comments from the commissioner of community and regional affairs with
9 respect to provisions of a proposed home rule charter which are not in
10 conformance with provisions of law applicable to home rule municipalities,
11 the charter commission may prepare and submit to the commissioner an amen-
12 ded charter which meets the objections in the original proposed charter.

13 Sec. 29.19.050. LIMITATION ON SUBMISSION OF PROPOSED CHARTERS. No
14 more than one original and one amended charter may be submitted to the
15 commissioner under AS 29.19.030 - 29.19.040.

16 Sec. 29.19.060. RATIFICATION OF CHARTER. The lieutenant governor shall
17 provide for an election within the proposed home rule borough on the ques-
18 tion of whether or not the area shall be incorporated as a home rule borough
19 in accordance with the provisions of the charter submitted to an approved
20 by the commissioner. The election shall be preceded by a publication and
21 posting of the proposed charter throughout the proposed borough by the
22 lieutenant governor. The election shall be held not less than 60 or more
23 than 90 days following the election order.

24 Sec. 29.19.070. CERTIFICATION OF RESULTS OF RATIFICATION ELECTION. (a)
25 If a majority of the votes cast by the qualified voters of the proposed
26 home rule borough is against the incorporation of a borough under the pro-
27 posed home rule charter, the lieutenant governor shall so certify, and
28 proposal is defeated.

29 A-L 20 (b) If a majority of the votes cast by the qualified voters

posed home rule borough favors incorporation of the borough under the proposed home rule charter, the lieutenant governor shall so certify and declare that the area in which the election was held is incorporated as an organized borough and a municipal corporation in accordance with provisions of the home rule charter. The lieutenant governor shall provide for the election of the officers provided for in the charter.

(c) The election and qualification of officers under (b) of this section shall be completed by the lieutenant governor in conformance with AS 29.18.120 and the provisions of the home rule charter of the borough.

Sec. 29.18.080. VOTERS, ELECTIONS AND COSTS. (a) A person is qualified to vote in an election authorized by AS 29.19.010 - 29.19.070 if he is qualified to vote in state elections and if he is a resident of the area proposed for incorporation as a home rule borough.

(b) The lieutenant governor shall conduct elections authorized by AS 29.19.010 - 29.19.060 substantially in the manner provided in the Alaska Election Code (AS 15.05 - 15.60).

(c) The state,

(1) through the office of the lieutenant governor, shall assume costs of elections authorized by this chapter;

(2) through the department of community and regional affairs, shall assume reasonable costs of charter preparation under this chapter.

Sec. 29.19.090. TRANSITION. The provisions of AS 29.18.130 - 29.18.180 apply to home rule boroughs incorporated under this chapter.

*Sec. 10. TRANSITIONAL PROVISIONS RELATING TO THE ELECTION AND TERMS OF OFFICE OF INITIAL MEMBERS OF THE ASSEMBLY OF AN UNORGANIZED BOROUGH.

(a) The call for nomination and manner of election of members of the assembly of an unorganized borough first elected under AS 44.47.420 (as added in Sec. 2 of this Act, shall be completed substantially in

1 with provisions of law providing for the nomination and election of
2 members of the school board of a regional educational attendance area.

3 (b) The members of the first assembly of an unorganized borough elected
4 in accordance with AS 44.47.430, added by Sec. 2 of this Act, shall convene
5 on the third Monday following certification of their election by the lieut-
6 enant governor at a place designated by the commissioner of the Department
7 of Community and Regional Affairs within the unorganized borough. The
8 commissioner, or his authorized representative, shall convene the meeting.
9 The members of the assembly of the unorganized borough who are first elected
10 shall determine, by lot, the length of their respective terms of office,
11 with

12 (1) three members to serve until the election designated in AS 44.47.
13 430(c) next following one full year after the date of certification of
14 their initial election;

15 (2) four members to serve until the election designated in AS 44.47.-
16 430(c) next following two full years after the date of certification of
17 their initial election; and

18 (3) four members to serve until the election designated in AS 44.47.-
19 430(c) next following three full years after the date of certification of
20 their initial election.

21 *Sec. 11. This Act takes effect immediately in accordance with AS 01.10.
22 070(c).
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WD 7379
Chenoweth

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing unorganized boroughs, defining
7 their duties and powers, amending the responsibilities
8 of state agencies to unorganized borough assemblies
9 under the Fiscal Procedures Act and in the construction
10 of public facilities, authorizing preparation of home
11 rule charters in unorganized boroughs, and amending the
12 responsibilities of the Department of Community and
13 Regional Affairs with respect to unorganized boroughs,
14 and providing for an effective date."

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

16 * Section 1. PURPOSE. The purpose of this Act is to provide for the
17 division of the state's single unorganized borough into unorganized boroughs
18 and to authorize, through the election of a representative body within each
19 unorganized borough, exercise of public planning functions and the review and
20 comment on state programs and services affecting residents of the unorganized
21 boroughs.

22 * Sec. 2. AS 44.47 is amended by adding new sections to read:

23 ARTICLE 9. UNORGANIZED BOROUGHES.

24 Sec. 44.47.400. ESTABLISHMENT OF UNORGANIZED BOROUGHES. Except as
the boundaries are adjusted as provided in AS 44.47.410, the geographic
area within each regional educational attendance area created under
AS 14.08.031 is, effective January 1, 1981, established as an unorga-
nized borough.

25 Sec. 44.47.410. COMBINING OF SERVICE AREAS TO ESTABLISH UNORGA-