

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86/2

406 SCOMM10: LOCAL GOVERNMENT STUDY 1979

*SB ³⁵¹ (HB ⁵⁸³) Provides for a base amount of \$25,000 adjusted to include an area cost of living differential to be added to the municipal revenue sharing entitlements.

*SB ³⁵⁴ (HB ⁵⁸⁴) Eliminates the third class borough while making provision for Haines, the only third class borough in the state, to reclassify by Dec. 31, 1984.

*SB ³⁵³ (HB ⁵⁸⁵) Allows second class boroughs to adopt home rule charters.

*SB ³⁵² (HB ⁵⁸⁶) Requires a fiscal note for bills affecting a municipality. If enactment of the bill would require an expenditure or appropriation by any municipality, a fiscal note estimating that amount for a three year period would be developed.

<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 Munici	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

House/Senate Bill Number or Statute	Activity	Time Required
H B 560 S B 348 pg 1	Each REAA becomes an unorganized borough	Effective 120 days after the passage of the Act.
H B 560 S B 348 pg 1-2	Commissioner reviews the boundaries of unorganized boroughs, amends them if necessary, and certifies the boundaries.	Estimates time to complete this task in 180 days.
H B 561 S B 349 pg 1	A municipality, group of municipalities, a nonprofit corporation, or the Commissioner proposes that a management plan be prepared for an unorganized borough.	This may occur at any time.
H B 561 S B 349 pg 1	Commissioner reviews the request for a management plan and accepts or rejects it.	Estimated time to complete this task is 30 days.
H B 561 S B 349 pg 1	Commissioner advertises for proposals to prepare a management plan for the unorganized borough.	The proposed act requires that requests for proposals be advertised for at least 15 days. Estimated time to complete this task is 60 days
H B 561 S B 349 pg 2	Commissioner reviews proposals and awards a contract.	Estimated time to complete this is 60 days.
H B 561 S B 349 pg 2-3	Management plan is prepared.	A maximum of 4 years is allowed to prepare the management plan. The Department may not pay more than \$25,000 plus \$25 per resident each year for preparation of the management plan.
H B 560 S B 348 pg 3	Residents of the unorganized borough petition for the election of a charter commission and incorporation as a home rule borough.	This activity may occur at any time.
AS 29.18.060	Department reviews the petition and determines its sufficiency.	Estimated time to complete this task in 30 days.
29.18.070	The Department investigates the proposal and prepares and submits a report with recommendations to the Local Boundary Commission.	Estimated time to complete this task is 120 days.
AS 29.18.080	The Local Boundary Commission conducts public hearings throughout the unorganized borough.	Estimated time to complete this task is 90 days.

AS 29.18.090	The Local Boundary Commission conducts a decisional meeting and enters a decision to accept the petition. The Commission could, if the area did not meet borough incorporation standards, reject the petition. A formal statement of decision is issued and sent to the Lieutenant Governor.	Estimated time to complete this 30 days.
H B 560 S B 348 pg 4	The Lieutenant Governor issues an order calling for the election of a charter commission.	The order must be issued within 30 days of receipt of notice that the LBC has accepted the petition.
H B 560 S B 348 pg 4	Local residents submit nominating petitions for the charter commission to the Lieutenant Governor	20 - 30 days are allowed for this activity.
H B 560 S B 348	Lieutenant Governor conducts an election.	The election is held not less than 60 or more than 75 days after the date of the election order.
H B 560 S B 348 pg 5	Charter commission prepares and submits a charter to the Commissioner.	One year is allowed for this activity.
H B 560 S B 348 pg 5	Community and Regional Affairs reviews the petition and accepts it. If the charter is legally deficient it is returned to the Charter Commission which has 90 days to submit a revised charter.	Estimated time to complete this task is 60 days.
H B 560 S B 348 pg 5	Community and Regional Affairs notifies the Lieutenant Governor of the acceptance of a charter. Lieutenant Governor orders an election held to consider adoption of the charter and incorporation as a home rule borough.	Estimated time to complete this task is 30 days.
H B 560 S B 348 pg 5	Lieutenant Governor conducts an election to consider approval of the charter and and incorporation as a home rule borough.	The election must be held 60 to 90 days after the date of the election order.
H B 560 S B 348 pg 6	If incorporation is approved the Lieutenant Governor issues an order calling for a second election to elect borough assembly members, a mayor, and any other elected officials called for by the charter.	Estimated time to complete this task is 30 days.

H B 560
S B 348
pg 6

Election for borough officials is
conducted.

There are no statutory requirements as to when the election would be conducted. It is presumed that the election would be held 60-90 days after the date of the election order.

H B 560
S B 348

Election results are certified and
borough officers sworn in.

Estimated time to complete
this task is 15 days.

LOCAL GOVERNMENT WORKSHOP

1. BRIEF STATEMENT OF THE ISSUE:

During the latter half of 1979, a joint Legislative Committee (Senate and House Community and Regional Affairs Committees) traveled throughout the State to determine what, if anything, should be done to develop local and regional governments in the "Unorganized Borough".

The results of their work is a packet of House and Senate Bills which would, if enacted, require the Department of Community and Regional Affairs to draw boundaries for "Unorganized Boroughs", provide planning grants to groups and organizations within those areas and increase State Revenue Sharing payments to a minimum of \$25,000 for each Municipality. The questions remain--how much "local control?", "local control of what?" and "what is the relationship to other forms of local government, such as IRA and traditional councils?"

Because of the overriding importance of these (and other) regionalization bills, a full Citizen's Participation Workshop was devoted to their consideration.

2. METHOD OF DEALING WITH THE ISSUE:

Participants in the Local Government Workshop came to the Citizen's Participation Conference from very diverse backgrounds. Some delegates have been actively involved in the development of this legislation dating back to the symposium in August 1979, the interim hearings held throughout rural Alaska and the teleconference hearings held during February. Other participants came to the Workshop because they wanted to know more about local government legislation pending before the Legislature, and specifically, how it would affect their home communities.

Marjorie Gorsuch, Administrative Assistant to the Joint Interim Local Government Committee, described the process by which the legislative package was developed. The purpose of the bills described below was briefly explained.

Based on requests by delegates, Doug Griffin of the Department of Community and Regional Affairs reviewed the process for incorporating cities and boroughs under current law. Workshop participants then identified problems that they have experienced or anticipate in incorporating communities and regional government under Title 29 of Alaska Statutes as currently drafted.

The Workshop participants formed into two groups. One group examined the package of Bills proposed by the Joint Interim Committee. The other group looked at alternative approaches including the relationship of the Planning Process to Regional Government, options for contracting with non-profit corporations for the delivery of services and other concerns.

The full group agreed to use CSHB 580 as the vehicle for comments. Participants acknowledged the extensive work that has gone into the development of this Bill, but felt that any legislation dividing up the unorganized borough is so fundamental and so important to residents of rural Alaska that additional public involvement beyond that which has occurred already is essential before final boundaries are drawn. The changes that Workshop participants suggested are outlined below.

3. RECOMMENDATION OF BILLS CONSIDERED:

The Committee Substitute for House Bill 580 ("An Act relating to unorganized boroughs, establishing unorganized boroughs, establishing a program of planning assistance for unorganized boroughs, authorizing adoption of home rule charters by unorganized boroughs, and directing submission of recommendations concerning adjustment of the boundaries of service areas of the unorganized borough") is by far the most important and far-reaching Bill that the Workshop considered. The following amendments to the Bill were recommended:

1. The voluntary nature of the process needs to be re-emphasized in the wording of the Bill. The intent language of the Bill should include a statement that it is not the intent of this Legislation to assist in any way a move toward imposition of mandatory boroughs at a later date.
2. The establishment of boundaries for unorganized boroughs is very important, and should be done more deliberately, with more checks and balances than provided for in the present version. The effective date of the boundaries should be more than 120 days after enactment of this Legislation. People need more time than that to comment on the appropriateness of the boundaries. Hearings should be held in all proposed unorganized boroughs to explain the options the Legislation provides, and not simply discuss proposed boundaries.

The boundaries that are established should remain provisional until the planning programs (provided for later in this Bill) are completed. The local Educational Attendance Area boundaries are

This Bill
reference

ceptable as a starting point for this planning process, but a mechanism must be provided to adjust them if the regional planning programs determine them to be inappropriate in certain areas.

As drafted, the Bill would not allow an "unorganized borough" to include communities located outside of the boundaries established by the Alaska Natives Claims Settlement Act, even though such communities may have been placed within the boundaries of Regional Education Attendance Areas established pursuant to SB 35. At least three such communities were identified (Mentasta, Lime Village, and Cantwell) by delegates. The Committee recommends that hearings be held in those three communities and in all other communities similarly situated in order that local desires may be honored.

3. The assistance provided for management programs in the original Committee Substitute should be amended to refer to planning programs. The language in the Bill is really talking about a planning program, and the title should reflect this. (The most recent Committee Substitute has already adopted this suggestion.)
4. The Workshop felt that local initiation of, and participation in, the selection of a contractor for the regional planning program is absolutely essential, and should be required in all cases. In order for any planning exercise to be legitimate, the active involvement of those on whose behalf the plan is drawn up is required.
5. Since the boundaries proposed in recommendation #2 are provisional, the regional planning program contract should require an additional element; the appropriateness of the provisional boundaries.
6. Once the regional planning program is conducted, provisions should be made for an optional election to form a planning service area to continue planning and to implement the plan, without requiring the formation of organized borough government.

This Bill is recommended to the Citizen's Participation Conference as the highest possible priority for passage.

RECOMMENDATIONS CSHB 581:

This Bill would require State agencies to recognize regional boundaries in three important areas:

1. Data gathering.
2. Planning for statewide programs
3. Delivery of program services to areas within the regional boundaries.

The Local Government Workshop recommends the passage of this Bill. In the most recent Committee Substitute for CSHB 581 the language for granting temporary exemptions to State agencies has been strengthened and delegates support this. The permanent waivers provided in Section 44.17.130 should be reviewed at the time when the provisional boundaries of the unorganized boroughs are made permanent.

CSHB 886:

CSHB 886 should be amended to provide adequate funds for the regional planning programs. The boundaries must remain provisional until the planning process is completed, and appropriation to the unorganized borough planning account should be sufficient to not become a source of delay in the planning process.

The Local Government Workshop recommends that this Bill do pass with the proposed amendments, and that it be given a high priority.

HB 583:

"An Act relating to State aid to local governments" would increase the amount of revenue-sharing to cities and organized boroughs. The Workshop recommends increasing the amount in the Bill to \$50,000 as well as making the payments available to communities governed by IRA and traditional councils. The Bill was given a high priority for passage.

HB 586:

"An Act requiring fiscal notes for bills affecting a municipality", would provide necessary information concerning the effect of State legislative actions on the amounts that municipalities are required to spend, and the Workshop supported it. This Bill was given a medium priority.

HB 585:

This Bill would allow second-class boroughs to move directly into home rule status without becoming first-class boroughs. The delegates to the Local Government Workshop support passage of this Bill. It received a medium priority.

The Local
Bill 58
sense of
is the
direct

SENATE

"An Act
rule be
for est
rule pa
these
for an
piece
part of
delegat
address

OTHER

Delegat
amended
by IRA
governm
to othe
to the

A WORD

The pro
tions of
Borough
lative
willing
with De
cerns of
the tha

And so,

GOVERNMENT WORKSHOP

Government delegates took no position on House "An Act eliminating third-class boroughs". The meeting was that, since the Haines Borough is one currently affected, people there should be involved in this decision.

L 488:

Providing for establishment of streamlined home boroughs within regional educational attendance areas, establishment of unified local governments with home rule, and for the adoption of home rule charters by boroughs and unified local governments; and providing effective date." is by far the longest and most complex legislation considered by the Workshop. It was not the package developed by the Interim Committee. The proposed passage of the Bill because it fails to meet the needs of residents of the unorganized borough.

RECOMMENDATIONS:

Overwhelmingly concluded that Title 29 should be amended to recognize and legitimize communities governed by traditional councils, thereby according to Native villages the same rights and responsibilities which accrue to forms of Municipal Governments established pursuant to the Constitution.

PROCESS:

Efforts to obtain appropriate input to the Recommendations of the Joint Interim Committee on the Unorganized Boroughs is exemplary, establishing a model for future legislation affecting rural Alaska. Beyond that, the efforts of Legislative Committee membership to meet with delegates and to pay such intent attention to the concerns of delegates is not only laudable, but deserving of the support of all rural Alaskans.

Thanks!"

LOCAL GOVERNMENT DELEGATES

<u>NAME</u>	<u>ORGANIZATION</u>
John F. Allen	North Pacific Rim
Chris Anderson	Tanana Chiefs Conference
Dan Boyette	Ass'n. of Village Council p
Robin Brean	Upper Tanana Development Co
Alberta Erick	City of Fort Yukon
G.S. Files	City of Fort Yukon
Dee Olin Hoffman	Office of State Ombudsman
Charles Hubbard	Copper River Native Associa
Al Mascasaet	SEACAP
Charles Mueller	Bristol Bay Native Associat
Maxine Richert	Tlingit & Haida Central Cou
Debra Paul	Koyukon Development Corpora
Jeff Smith	Mauneluk Association
Dave Wakefield	Kodiak Area Native Associat
William "Spud" Williams	Tanana Chiefs Conference

GUESTS

Rep. Margaret Branson	State House
Steve Cotton	Center for Law & Education
Doug Griffin	Community and Regional Affa
Marjorie Gorsuch	House Community & Regional Committee
Mary Jo Waits	Community & Regional Affa
Margo Waring	Senate Community & Regional

FACILITATORS

Bob Lohr	RurAL CAP
Annalee McConnell	Alaska Native Foundation
Judy Meidinger	Alaska Native Foundation



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Senator Arliss Sturgulewski
FROM: Rep. Bill Parker
DATE: 2/4/80
RE: Joint Committee Legislative Package

The following are the substantive points raised during the informal review of the Legislative Package by the House C&RA Committee. Please note that the Committee did not review HB 582 relating to the Program of Planning Assistance as our hearing schedule did not allow enough time although we scheduled it on two successive days.

HB 580 ^{SB 348} Establishing Unorganized Boroughs

Jay Moore, DPDP testified that although there are a number of ways to establish boundaries, the mandated approach may not be inappropriate. The positive advantage is that it will happen immediately. However, there may be a problem in allowing modifications to the boundaries once they are established, as allowed for in Sec. 44. 14.120. DPDP has a concern that the provisions of this section might not necessarily put the agency needs secondary to the needs of the people being served and it is the Division's concern that this is what should be done.

John Post, Chief Research & Analysis, Dept. of Labor The importance of the census boundaries adopted by the Federal Government for 1980 should not be understated. Post expressed concern that if Labor had to meet the new unorganized borough boundaries it would be very difficult and very costly to come up with the employment, unemployment and population figures for the unorganized borough areas where they did not follow the area and subarea boundaries of the census boundaries. The Native Regional Corporation boundaries are the outer limits of the census boundaries.

Palmer McCarter, Director Div. Local Government Assistance,
Dept. C&RA

McCarter questions whether appeals on boundary adjustments should go to the Legislative Council and suggests that instead the appeal be to the Governor. Perhaps the legislature could have the final appeal if the Governor isn't acting responsibly.

McCarter also questions how an REAA could be altered if necessary (there is an existing REAA which overlaps two Regional Corporation boundaries and this is not allowed in HB580). Perhaps a process for changing the REAA boundaries where necessary should be included in the bill.

After the hearing, Ginny Chitwood of the Alaska Municipal League pointed out that HB 580 limits the charter writing period to 1 year and questioned if that was enough time. Also, she was concerned that unlike the provisions for unifying a municipality, there was no provision for drafting a second charter if the first one failed.

HB 581 ^{SB 350} Establishing the Responsibilities of the Division of Policy Development and Planning

Jay Moore, DPDP
Expressed concern that HB 581 was ambiguous and suggested an elaboration as to why geocoding was needed. He also felt that variance from REAA boundaries would probably be requested by a large number of agencies and that interagency coordination should be stressed.

HB 584 ^{SB 354} Eliminating the THird Class Borough

Rep. Charlie Parr expressed reservations about the bill saying that the C&RA department talks about giving local government flexibility and yet if the third class borough is eliminated, and the people don't want to form a second class borough, there is no alternative for them. Parr said that in his district it was planning and zoning powers that people were afraid of. Third class boroughs were restricted to service areas in this regard. Also, Parr felt that in unorganized boroughs the Div. of Lands would have zoning powers and the divisions's "shoddy track record" made it a poor option. "My bias is that we ought to have a mandatory borough act, but I think we should have a third class borough option." Parr felt the step from unorganized to second calss was too large a jump. He feels there should be a proven overirdding and compelling state argument against allowing the third class borough to exist if it is going to be eliminated.

HB 585 Incorporation of Second Class Boroughs

SB 33

Rep. Charlie Parr questions Line 20 of the bill and the requirement that it would take only 10 percent of the voters to petition for reclassification. Wonders if the expense of an election is justified for such a small percentage of the voters. Parr also questions Line 14 which would allow for the election to be either "special" or "regular". He is not sure it would be advisable to have a special election because of the expense and because there would not appear to be any urgency in such a reclassification. (After clarification by Ginny Chitwood, Parr drops concerns related to the timing of the election feeling perhaps it should be left up to the municipality).

Palmer McCarter, Dept. of C&RA pointed out that initiative and referendum require 25% of the voters when the city or borough has fewer than 7,500 persons or 15% when a city or borough has 7,500 persons or more. Unification requires 25% of the voters inside and outside of the city.

Rep. Charlie Parr suggests amending the percent of petitioners (line 20) to 15%. Committee concurs.

SB 33

HB 586 Requiring Fiscal Notes for Bills Affecting a Municipality

Rep. Parr raises question of whether this bill is intended to deal with just "significant" impacts. Palmer McCarter, Dept. of C&RA, responded that this would be his interpretation. Perhaps the word "major" expenditure could be added on line 15. McCarter stressed that the fiscal impact figure would be an estimate.

SB 33

HB 583 State Aid to Local Governments

Palmer McCarter, Dept. C&RA, testified that the Dept. opposes the bill as presently written. Although they support the \$25,000 as a base figure in revenue sharing, they believe it is too costly for the state to provide that amount in addition to the entitlements.



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Senator Arliss Sturgulewski
FROM: Rep. Bill Parker
DATE: 2/12/80
RE: HB 580, HB 582

- * In addition to the points covered in the attached memo, the Committee raised the following issues for discussion:

HB 580

- * p. 3 Lines 7-29 This section was questioned in general. It was felt that in every instance in the bill, reference should be made to the legislature rather than to the Legislative Council (see p. 3 line 10). The section should be rewritten to direct that the Governor review requests from state agencies for exemptions to AS 44.17.110. The legislature would then be empowered to override such exemptions and modifications.
- * *Deletions* The repealers are to be checked with legislative legal staff.
- * After discussion of the census lines, it was determined that mention should be made of these boundaries, along with those of the ANCSA, on page 2.
- * Use of the term "substantially" (p. 6 line 17) was questioned. McCarter suggested that this was legally applied as there may be technical difficulties in complying with all the requirements of the election code if there are no election clerks in the areas.

HB 582

- * If the term "may" (p. 2 line 26) is changed to "shall", the reference to housing (p. 3 line 1) should be eliminated.
- * p. 2 lines 5-6. The legal meaning of the term "advertise" will be checked to see if it is adequate and "by any means which he believes will provide adequate notice etc." will be eliminated.

HB 583-586 will be reviewed Feb. 13



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

TO: House Community & Regional Affairs Committee
FROM: Rep. Bili Parker, Chairman
DATE: 2/11/80
RE: Proposed Committee Substitute Amendments for
Interim Legislative Package

HB 580 (SB 348) Establishing Unorganized Boroughs

p.1 Line 13-20

*OK
much discussion*

The "Purpose" Section will be rewritten to reflect the intent of the legislation from the point of view of the people affected, rather than from a state service delivery perspective, i.e., these unorganized boroughs provide the framework within which maximum local participation and responsibility can occur and will be used for planning and programming purposes (regional strategy studies, coordination of services, coordination of services, data collection, and achieving equity in allocation of state resources.

OK
The Committee Substitute would also make note in the "Purpose" of the provisions of Chapter 19 of HB 580 (SB 348) which allow for direct incorporation of a home rule borough and of the additional flexibility this option provides for residents of unorganized boroughs.

p.2 Line 10

OK

Additional wording will be added to the bill dealing with the alteration of Regional Educational Attendance Area (REAA) and Coastal Resource Service Area boundaries to bring them into compliance with the unorganized borough boundaries established by HB 580 (SB 348).

p.3 Line 7

This section will be rewritten to direct that the Governor would review requests from state agencies for exemptions to AS 44.17.110 (use of unorganized boroughs boundaries for data collection, program planning and coordinating, etc.) Further referral on the state agency use of different boundaries would

be to the Legislative Council.

p. 4 Lines 17-18

OK

Committee Substitute would provide that the voters will elect a "geographically representative" charter commission. The number of members on the commission would not be specified. This change would also be reflected on p. 4 line 27.

p. 3 Line ¹⁷⁻¹⁸ 28

OK

This section will be amended to provide that if the proposed charter is rejected, the charter commission shall prepare, adopt, and submit a proposed charter to the voters at a general or special election held within one year of the date of the first charter election. If the second proposed charter is also rejected, the charter commission shall be dissolved. This procedure would follow that currently used in unification procedures.

HB 582 (SB 349) Establishing a program of planning assistance
for unorganized boroughs

p. 1

The Committee Substitute would add wording addressing who may request that a management program be developed for an unorganized borough and would include: (1) a municipality or group of municipalities (2) a nonprofit corporation or corporations organized under the laws of the state (3) and by petition by 15% of the voters living within the unorganized borough

p. 1 Line 16

Number (2) would be amended to read:

"a nonprofit corporation or nonprofit corporations organized under the laws of the state.

p. 2

A Committee Substitute would require that a contract entered into under AS 44.47.085 (f) shall (see present "may" on line 26) include the four enumerated points listed on p. 2 lines 28-29, p. 3 lines 1-6. Additionally, the contract would have to specify the process to be used for regional public participation and representation in the development of the study.

p. 2 Line 15

Add that the report would also generally address the interrelationships of:

(a) The school board for the regional educational attendance area;

(b) the coastal resource service area board, if one has been established under AS 46.40.100-46.40.160;

(c) any other regional entity responsible for services; and

(d) the governments of cities located within that unorganized borough

HB 583 (SB 351) State aid to local governments

The Committee Substitute would provide that a municipality qualifying for revenue sharing would receive a minimum payment of \$25,000 plus an area cost of living differential for each fiscal year.

HB 585 (SB 353) Incorporation of second class boroughs as home
rule boroughs

This bill would be amended to allow that a first class municipality or second class borough might adopt a home rule charter after petition by 15% of the voters who voted in the last regular election of the municipality.

- p. 1 Line 9 Insert "voluntary" before adoption
- p. 1 Line 8 Change 120 to 180 days
- p. 2 Lines 11 - 14 The Commissioner of community and regional affairs shall hold public hearings in each of the regional educational attendance areas and may, after such hearings, establish boundaries other than the boundaries of a regional educational attendance area for an unorganized borough under AS 29.03.011.
- p. 2 Line 27 & following Assistance for Regional Planning Programs In the Unorganized Borough would be rewritten as follows:
- (a) Upon request, funds shall be made available by the Commissioner of Community and Regional Affairs to a municipality, group of municipalities, non-profit corporation or non-profit corporations which represent the majority of the residents of the unorganized borough for the preparation of a regional planning study. A request may also be made by residents of an unorganized borough upon petition to the Commissioner signed by a number of qualified voters equal to not less than 15% of the number of votes cast in that unorganized borough at the last state general election. A grant will be made by the commissioner upon a finding that the municipality, group of municipalities, or non profit corporation(s) propose a study that considers the entire population of the area. Funds will be provided for only one regional planning program for each unorganized borough.
- (b) Grants made in (a) may be, at the discretion of the group selected by the commissioner be further subcontracted for planning studies. If the selected representative group wishes to contract for the preparation of a regional planning study, they shall request the Department of Community and Regional Affairs to advertise a request for proposals for the preparation of the regional planning study outlining the work to be completed and containing other information which the commissioner believes will inform the public of the work to be completed under the contract. The commissioner shall advertise for a period of not less than 45 days by public notice announcements provided to newspapers and radio and television stations.

(d) A contract entered into under this section shall
(See rest of CSHB580 p. 4)
Following sections will be renumbered as
appropriate.

p. 3 1.27-

(e) Revise to read

(e) After receiving the proposals for preparation of a regional planning program, the commissioner and the selected regional representative group will evaluate them and shall solicit the advice of the residents of the unorganized boro regarding the completeness of the study proposal. All proposals may be refused and the request for proposal readvertised. Or a proposal may be accept and a contract entered into as provided in (f) of this section.

(d)

p. 7 Line 28

This section will be rewritten to reflect that a majority of the votes cast within the incorporated cities of the unorganized borough and a majority of those cast in the areas outside of the incorporated cities must support the charter for passage.

obtain the assistance of any other state agency in the preparation of the note or statement." Does not provide for effective date. Identical to HB 586.

Introduced January 21 and referred to Community & Regional Affairs and Finance.

Second Class
Boroughs
(incorp. as
home rule
boroughs)

SENATE BILL NO. 353, by the Rules Committee by request of the Legislative Council (for the Community and Regional Affairs Committee Interim Joint Local Government Study). Amends AS 29.13.-010 (Municipal Charter Adoption) by allowing a second class borough to adopt a charter for its own government (currently only first class municipalities may do so). Does not provide for effective date. Identical to HB 585.

Introduced January 21 and referred to Community & Regional Affairs and Finance.

Third Class
Boroughs
(elimination)

SENATE BILL NO. 354, by the Rules Committee by request of the Legislative Council (for the C&RA Committee Interim Joint Local Government Study). Eliminates third class borough classification for General Law Municipalities. Amends all pertinent statutes by repealing references to third class boroughs. (There is currently only one third class borough in state: Haines.) Does not provide for effective date. Identical to HB 584.

Introduced January 21 and referred to Community & Regional Affairs and Finance.

Unorganized
Boroughs
(establishment)

SENATE BILL NO. 348, by the Rules Committee by request of the Legislative Council (for the C&RA Interim Joint Local Government Study). Purpose "is to provide for the division of the state's single unorganized borough into unorganized boroughs to accommodate the delivery of services and programs by state agencies within common boundaries and to require the collection of data and information about state programs with reference to a set of boundaries adopted for use by all state agencies for the purpose of improving the delivery of state services and encouraging the development of regional responsibilities for the planning and implementation of these services."

Repeals statutes relating to unorganized boroughs (AS 29.03) and adds sections which establish, within 120 days of effective date of act, unorganized boroughs within boundaries of each Regional Education Attendance Area established under AS 14.08.031. Provides boundaries may be adjusted by Commissioner of Community & Regional Affairs.

Adds new sections to AS 44.17 (Admin. of Departments) which relate to collection of data and information about state services in districts. Districts are boroughs or unified municipalities and unorganized boroughs.

Adds new Ch. to AS 29 which allows for incorporation, by petition to Local Boundary Commission, of unorganized boroughs as home rule boroughs. Provides for charter elections of petition accepted. Provides Act effective immediately. Identical to HB 580, this report.

Introduced January 21 and referred to Community & Regional Affairs and Finance.

• Unorganized
Boroughs
(planning
assistance)

SENATE BILL NO. 349, by the Rules Committee by request of the Legislative Council (for the C&RA Committee Interim Joint Local Government Study). Adds new section to AS 44.47 which allows the Commissioner of Dept. of Community & Regional Affairs to contract with a municipality or group of municipalities or with a non-profit corporation for purpose of preparing a management program for an unorganized borough (only one contract for each unorg. borough). Outlines contract requirements and establishes the Unorganized Borough Planning Account in Dept. of C&RA. Limits contract awards to maximum of \$25,000 plus \$25 per capita. Effective on effective date of a version of SB 348. Identical to HB 582.

Introduced January 21 and referred to Community & Regional Affairs and Finance.

D.P.D.P.
(responsi-
bilities)

SENATE BILL NO. 350, by the Rules Committee by request of the Legislative Council (for the C&RA Committee Interim Joint Local Government Study). Directs the Division of Policy Development and Planning to "study and report to the legislature, not later than January 31, 1981, as to the conformity by state agencies, boards and commissions with the program requirements under AS 44.17.100 - 44.17.120, [enacted by SB 348] including but not limited to recommendations which require legislation and for the development and implementation of a master geographical coding system to report on the coordination of delivery of state services by districts." AS 44.17.100-120 relate to collection by state agencies of information about state services in districts.

Effective on effective date of a version of SB 348. Identical to HB 581.

Introduced January 21 and referred to Community & Regional Affairs and Finance.

State Aid to
Local Govern-
ments

SENATE BILL NO. 351, by the Rules Committee by request of the Legislative Council (for the C&RA Committee Interim Joint Local Government Study). Provides for an additional State Aid to Local Government entitlement (AS 43.18) of \$25,000 for each fiscal year for cities or organized boroughs of any class that qualify under provisions of chapter. Entitlement shall be adjusted to include area cost-of-living differential. Provides Act effective July 1, 1980. Identical to HB 583.

Introduced January 21 and referred to Community & Regional Affairs and Finance.

Fiscal Notes
(for bills
affecting
municipali-
ties)

SENATE BILL NO. 352, by the Rules Committee by request of the Legislative Council (for the C&RA Committee Interim Joint Local Government Study). Adds to AS 24.30.035 (Fiscal Notes on Bills): "If enactment of the bill would require an expenditure or appropriation by any municipality, a fiscal note shall be attached to the bill containing an estimate of the amount of the total expenditure or appropriation which would be required during each of the first three fiscal years by all affected municipalities." Also adds: "The fiscal note or statement...shall be prepared by the Department of Community and Regional Affairs, but that department may

Margo M

Rural Alaska Community Action Program, Inc.

March 29, 1980

Senator Arliss Sturgulewski
Chairman, Senate Community & Regional Affairs Committee
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Arliss,

What can I say? I just want to let you know how much we sincerely appreciate your efforts, and that of your staff, to assist the delegates at our recent Citizen's Participation Conference held in Juneau. Your willingness to spend your personal time, the time and expertise of Margo Waring on your staff, and the time of your Committee to meet with the delegates and accommodate their concerns is evidence of a truly exceptional commitment. We do appreciate it.

You have, of course, seen the Executive Summary of the Conference recommendations. I know that you agree with my perception that they were responsibly developed by committed individuals representing the best interests of their communities. If you have any questions about the Local Government recommendations (specifically) or any other recommendations, please don't hesitate to get in touch.

Again, my sincere thanks. I hope that we can continue working together on issues of this nature in the future.

Sincerely,



Phil Smith

PS:lw

I may not agree with a word you say



Founded in 1962 by HOWARD ROCK

Editor and Publisher	THOMAS RICHARDS, JR.
Office Manager	MABEL A. GENEROUS
Production Assistant	ANNA M. PICKETT
Bookkeeper	GERALDINE ESMAILKA
Circulation Manager	LORI MERCULIEF
Sales Representative	LEONARD MENKA
Staff Photographer	ROGER WRIGHT, JR.

Owned by Eskimo, Indian, Aleut Publishing Company, Inc., an Alaska Native Corporation; Board of Directors: Christian G. Anderson [Vice Chairman], Nels A. Anderson, Jr. [Secretary], Karl Armstrong [Vice President], Mac Davis, Carl Jack [Treasurer], Murlin G. Everson, Agafon Krukoff, Jr. [Assistant Secretary], Barry W. Jackson, and Thomas Richards, Jr. [President and Chairman of the Board].

Second Class postage paid at Anchorage, Alaska. Published in Anchorage, Alaska weekly on Wednesday. Address all mail to 639 "I" Street, Anchorage, Alaska 99501. Phone (907) 279-0012 or 279-0335. Circulation and advertising information available on request. Subscription rate \$20 per year (second class) or \$50 per year (first class mail).

Editorial -

Crucial convention

The Association of Village Council Presidents has called a special mid-year convention for March 25, 26, and 27, to be held at the village of Alakanuk in the Yukon River Delta. The AVCP delegates will consider issues which are extremely important for Native villages in all areas of Alaska. Off-shore oil development on the Outer Continental Shelf (OCS) is the first item on the agenda. The second issue to be considered is related to the potential development of home-rule governments (boroughs) in Native areas which currently have unorganized boroughs. Additionally, such weighty items as the nature of the Federal trust responsibility to Native peoples and Native tribal subsistence rights will be discussed.

Two representatives from each of the 56 Yupik Eskimo villages of the AVCP Region will be seated as delegates to the convention. Alaska Attorney General Avrum Gross has accepted an invitation to participate in the deliberations, as have representatives of Federal managers of the OCS leasing program. Observers from the Arctic Slope and Kaverak villages and representatives from other Native communities have been encouraged to participate in the meetings.

All the items scheduled for the convention are crucial to the future of Native villages and tribal groups in Alaska. Thus far, the North slope has received most the attention for the concerns of those villages about off-shore oil development. The big Federal and state exploration program promises to have a great impact on Native people living in nearly all coastal areas of Alaska. Often, we observe that community and state leaders take the point of view that the OCS leasing program is inevitable, or even that the program is a stacked deck over which Native communities may have little or no influence. Perhaps this may be the case, yet without organizational strength to plan strategy of affected Native communities in dealing with OCS development, tragic consequences may be guaranteed in terms of adverse social, environmental and cultural impacts. The AVCP special convention could form the framework for organization of coastal Native communities to deal with OCS problems.

The current and future relationship between Native tribal groups and the Federal government is another area which deserves the most serious consideration from the Native community and Federal policymakers. It is often suggested that Native land claims terminated any relationship Alaska Native people have with the United States, yet there is a large body of Federal Indian law apart from ANCSA which appears to contradict that view. The Alakanuk convention promises meaningful consideration of the Trust Relationship question.

The direction taken by Western Alaska Native villages at the convention could provide the insight and leadership to guide Native tribes into the next century and beyond. With thoughtful leadership, our Eskimo and Indian and Aleut tribes may survive the tremendous external pressures of this time to keep their ways of life intact for future generations.

We wish the AVCP villages and their guests well in their effort to consider these issues which promise such crucial impact on the future of the Native tribes. We encourage the Alaska Native community to pay close attention to the proceedings of the Alakanuk Convention.

GARNETT, KLINKNER & BENDELL

ATTORNEYS AT LAW
900 WEST FIFTH AVENUE, SUITE 540
ANCHORAGE, ALASKA 99501
(907) 276-2221

RICHARD W. GARNETT, III
THOMAS F. KLINKNER
JAMES BENDELL

February 21, 1980

Senator Arliss Sturgulewski
Pouch V
Juneau, Alaska 99811

RE: Local Government Study
Legislation

Dear Arliss:

I have reviewed with great interest the legislation resulting from the local government study that you co-chaired. I believe that the legislation your committee has proposed, which I have seen in the form of House Bills 580-586, successfully addresses deficiencies in the State's municipal law that were pointed out during the course of the committee's study. As one who has had some experience practicing municipal law in Alaska, I believe that the amendments proposed in these bills make important improvements in the statutes governing Alaska's municipalities. If passed, these bills will create a better statutory framework for both urban and rural local government, affording needed flexibility to meet unique community needs.

I also would like to offer the following comments and suggestions regarding the specifics of these bills. These address technical matters which, I believe, may be resolved easily while preserving the desirable policy thrust of the legislation as proposed.

HB 580 (SB348)

29.03.021--If the commissioner adjusts boundaries, when does the establishment of an unorganized borough that is the subject of such an adjustment become effective? Some language positively declaring the establishment of unorganized boroughs with adjusted boundaries, similar to that in 29.03.011, might be helpful.

A. Sturgulewski
Page 2
February 21, 1980

44.17--A specific requirement that districting be reflected, to the extent feasible, in agency budgets commencing with a specified fiscal year, might help move the districting process along.

29.19.020--What are the requirements for the nominating petitions referred to in this section? They might be made analogous to those in AS 29.13.020.

29.19.030--What happens if the commission fails to complete a charter in one year, or if it fails to modify a proposed charter within 90 days of rejection by the commissioner of community and regional affairs. If such a failure terminates the existence of the commission and its authority to act, the statute should so specify.

Disputes may arise as to whether particular charter provisions conform to state law. Several cases (for example, the one involving the Anchorage Charter's Notice of Claims Provision) have been litigated over this issue. A provision in Chapter 29.19 providing for judicial review of a charter rejection, the parties who may seek such review, and the procedure after such review has been completed, would be helpful.

29.19.040--Should there be a time limitation for the ordering of an election after it has been requested by the commissioner of community and regional affairs?

29.19.070--This section may cause problems. Stating that the referenced sections apply may be interpreted to mean that other statutes not mentioned do not apply--for example, the part of AS 29.18 pertaining to land selection.

HB 585

As 29.08.010 also should be amended to read:

A home rule municipality is a municipal corporation and political subdivision and is an organized borough [of the first class] or a city of the first class which has adopted a home rule charter. It has all legislative powers not prohibited by law or charter.

Since both first and second class boroughs may adopt a charter rule under this bill (and under HB 530, too, as I

A. Sturgulewski
Page 3
February 21, 1980

will discuss below), AS 29.08.010 should be consistent with that change.

STATUS OF HOME RULE BOROUGHs CREATED UNDER HB 580 OR 585

The creation of home rule boroughs under either bill creates a conceptual problem. While this problem in no way detracts from the substantive merits of this legislation, it should be addressed, and one of several policy solutions adopted.

Title 29 presently provides for first and second class boroughs. The principal distinction between them arises in AS 29.38, which specifies how first and second class boroughs, respectively, exercise non-areawide powers. First class boroughs are authorized to exercise any general law municipal power on a non-areawide basis, AS 29.38.010. Second class boroughs are limited to those powers conferred at incorporation, by AS 29.48.020, or approved at an election, AS 29.38.020-050. The labeling of a borough as "first class" or "second class" is basically shorthand for this distinction.

As HB 580 and 585 now stand, a home rule borough formed under either of those bills need not conform to the first class/second class borough distinction in AS 29.38. A new borough charter could adopt as its authority to exercise non-areawide powers one of the alternatives specified in AS 29.38, or develop its own approach, for example, by making the exercising of some, but not all non-areawide powers subject to voter approval. All of these options are open because AS 29.38 does not govern home rule boroughs, see AS 29.13.100. Since Title 29 refers throughout to "first and second class boroughs", it is important that the types of boroughs that may be created (a policy question) and the title's nomenclature (a housekeeping matter that should be resolved after the policy has been determined), be consistent.

There are several possible approaches to this problem:

1. Require each new home rule borough formed under HB 580 or HB 585 to designate itself either a first class or second class borough, by adopting the corresponding authority to exercise non-areawide powers under AS 29.38.
2. The same as (1) above, but in addition specify that a home rule borough formed under HB 585

A. Sturgulewski
Page 4
February 21, 1980

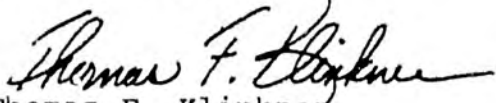
remains a second class borough governed by AS
29.38.020-050.

3. Provide that home rule boroughs formed under HB 580, HB 585, or both, may determine by charter the scope of their authority to exercise non-area-wide powers, and are not limited to the two options provided in AS 29.38.

If (1) or (2) above is adopted, the present nomenclature is sufficient. If (3) is adopted, references to "first and second class boroughs" must be modified to take account of the hybrid home rule boroughs that may be created. In this case, if the legislation abolishing third class boroughs passes, a reference to "organized boroughs" would be sufficient. In the classification of boroughs there would be three distinct classes: home rule, first class, and second class.

Thank you for your consideration.

Yours truly,


Thomas F. Klinkner

TFK:pac

AVCP

Association of Village Council Presidents
P.O. Box 219 • Bethel, Alaska 99559 • Phone 543-3521

05 March 1980

Twila

Senator Arliss Sturgulewski
Pouch V
Juneau, AK 99811

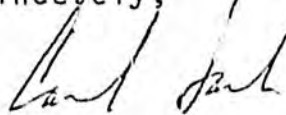
Dear Arliss:

I would like to take this time to personally thank you and your staff for taking time from your busy schedule to meet with myself and Mr. Harold Napoleon, regarding the bills concerning the unorganized boroughs which are under consideration by your committee.

It has become apparent that there are many interests which involved in the consideration of these bills and AVCP would like to reiterate it's position that it may be premature for this legislature to pass these legislations, at this legislative session. However, AVCP herewith submit to you and your committee for consideration that in lieu of the passage of these bills, that AVCP would be more than willing to be the demonstration area for the impact study to determine whether such a government can be established within the AVCP Region. That is to say, we would like to see legislative appropriating funds to AVCP to conduct an impact study to determine whether a borough government is feasible within the AVCP Region and for the legislature to give us, at the minimum of two (2) years to complete the study, at which time a decision will then be made the electorate with the AVCP Region. Furthermore, we submit to you and your committee for consideration that the external boundaries of such a governmental unit be that of the external boundaries of the regional corporations established under Public Law 92-203, and any subdivision to be determined by the impact study.

Again, thank you for taking time to meet with us to discuss this vital issue of concern to the people of the AVCP Region.

Sincerely,



Carl Jack, PRESIDENT
AVCP

fk

cc: AVCP Executive Board

Wyla -
green copy

FROM THE DESK OF JUDGE CARL HEINMILLER
HAINES, ALASKA

Feb. 6th

Dear Palmer:

Please keep us informed on this bill.. ^(H3581) _{HB 551}

as we have a strong group in support of it..

Chamber of Commerce..Optimum Government Com
and other.

We hope the Legislature finally has the guts
to kill this dumb Third Class Borough..

Regards,

RECEIVED

FEB 08 1980

DEPT. OF COMMUNITY
AND REGIONAL AFFAIRS

HAINES BOROUGH

P.O. BOX H
HAINES, ALASKA 99827

February 4, 1980

Palmer McCarter, Director
Division of Community and Regional Affairs
Pouch B
Juneau, Alaska 99811

Dear Palmer:

I am enclosing two sets of correspondence concerning two "gray" areas for the third class Haines Borough:

- 1) Our relationship to the management and disposal of land received from the state through the municipal entitlement procedures; and
- 2) The status of the present "chairman" of the Haines Borough Assembly and School Board.

I know this is a very busy time of year for you but if you would look into both of these areas for me I would appreciate it very much. My basic concern with the question of the chairman is how do we elect a borough mayor at large and still maintain our present form of apportionment and representation? It would be nice to be able to deal with this issue this October before dealing with the new forms of representation and possible reapportionment as laid out in the 1979 amendments.

Sincerely yours,

Stephanie K. Scott

Stephanie K. Scott
Administrative Secretary

RECEIVED

FEB 08 1980

DEPT. OF COMMUNITY
AND REGIONAL AFFAIRS

Fairbanks Town & Village
Association
for
Development, Incorporated



3-14-80 Copy given
make

407 second avenue
po. box 74080
fairbanks, alaska 99707
(907) 456-5178

February 27, 1980

The Honorable Arliss Sturgelewski
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Sturgelewski:

Thank you for the lunch and the opportunity to discuss the legislation on the unorganized borough.

As promised, though later than I had hoped, this letter at least briefly capsules the thinking of the FIVAD Board of Directors - and my own - on this legislative initiative.

We are pleased with the commitment and the initiative of the two CRA committees in dealing with the problems of the unorganized borough. We are particularly pleased with the recognition in SB 580 that a system of sub-state regional boundaries for the conduct of state administrative functions is essential. We support the effort you are putting into these bills and we urge you, Representative Bill Parker and the members of the two committees to continue your good work in this most difficult, complex and dynamic area of public policy.

At the mid-December annual meeting of our regional board of directors the board adopted a specific three part policy on State Decentralization which is relevant and provides the basis of my comments in this letter.

FIVAD policy on state decentralization is as follows:

1. The Governor should by Administrative Order immediately institute a common system of regional planning, development, and government administration boundaries within the legal boundaries formed by the twelve native regional corporations created under the authority of the Alaska Native Claims Settlement Act of 1971.

2. The Governor should by Executive Order begin immediately the decentralization of administrative decision making into these regions by divesting agencies of the state of their accumulations of centralized authority which were not explicitly granted by the constitution.

3. The Governor should by Executive Order begin immediately the democratization of the state's administration of planning, development, project recommendation and priority setting activities, and the delivery of needed government services within these regions by financing and contracting their provision through fiscally sound, locally controlled non-profit, quasi-governmental corporations conducting related activities."

The Board's policy, which was adopted unanimously, has been evolved over a period of several years. It represents our view of what the state must do if residents of the state's regions are to have any chance of guiding administrative actions by the state and the administrative allocation of resources by the state in a manner which will enable them to protect their most fundamental local concerns with their jobs, families, neighborhoods and communities.

You stated that some people were viewing the legislative proposals as a "first step" in what may require years to bring to fruition.

Actually the "first step" in Alaska was taken at the Constitutional Convention at the University campus in 1955. At that time the idea was developed that a state so vast and so diverse in its several major regions needed a unique and innovative system of strong local governments and associated regional institutions operating almost as a federation within the general sovereignty of the state. The idea was never developed beyond the organized borough concept in a limited geographic region authorized by Article X.

Since that time, some form of decentralized state administrative structure has been incorporated into the governing apparatus of at least 47 other states but never in the unorganized borough of Alaska.

The first step in this decentralizing process is the designation of sub-state regions by the state in order to bring some order into the otherwise chaotic jumble of administrative and functional boundaries created by individual agencies, boards, commissions, and almost anyone else able to claim some legitimate state purpose.

The sub-state regional system in these 47 states is so taken for granted nationally that the federal government has, for several years, required federal agencies with domestic responsibilities to conform their jurisdictional boundaries to the sub-state regions established by each state. The federal government cannot do this in Alaska, of course, because Alaska still has no official sub-state regions.

agency requests for bail outs should be taken to the courts. If extraordinary problems in the form of constitutional conflicts surface during the conforming period they can be considered during the legislative session which begins in January 1982.

The intent of the Data and Information section is not clear. What is clear based on our experience is that such a requirement will not work without an interagency convening and oversight authority designated by statute. What is also clear is that such an authority, if it is to serve a useful public purpose, has to have an independent arm's length relationship to the agencies it is to oversee. Finally the reference to federal agencies sounds good but it will not work either until the federal government has a functioning interagency convening authority within Alaska.

The federal government has no such authority because the state has never asked them to form one. The best method of accomplishing these purposes is to either designate existing independent quasi-governmental or non-profit public interest organizations within each region; or authorize their creation where they do not now exist ... as we suggest in Policy Statement #3.

FIVAD Policy Statement #3:

SB 349

Though there are a series of bail out provisions in this bill its primary purpose is to enable the Commissioner of DCRA to use contracting authority to encourage the formation of AS 29 municipalities. The most vital questions bearing on whether or not a government should be formed anywhere in the unorganized borough - economic development potentials, capital facility needs, fiscal relationship with both the federal and state government, the quality of the tax base, representation, etc. - should be raised by those who must live with the job, family and neighborhood concerns in their area, and the state finance the explorations of those concerns by the people themselves through their locally designated or elected representatives.

The issues bearing on the formation, function and structure of government in the unorganized borough are much too important to assign to any single agency of the state. If assurances are needed that such funds be limited to the investigation of questions bearing on the formation and financing of local government, then DCRA should be mandated to devise a standard methodology for the conduct of such studies by sponsoring residents of any area in the unorganized borough which proposed to form a local or regional government. The commissioner's authority can then be limited to determining the degree of compatibility with the standard methodology.

We would recommend that the committees give careful consideration to our third policy recommendation and re-write this bill accordingly.

Letter to Senator Sturgelewski
February 27, 1980
Page Four

I have included some specific comments on these bills and related them to our policy statements.

FTVAD Policy Statement #1:

HB 580/SB 348

If state designated sub-state regional boundaries are to be effective they must be negotiated and agreed upon by the residents most affected so that they will make sense physiographically and culturally.

To assure that these boundaries remain in effect long enough to allow the gradual evolution of new governing institutions, these boundaries should already be in existence and should have been created in response to something other than an initiative of government.

Finally they should be insulated and completely removed from the arbitrary actions of government officials to change them.

While the established boundaries of the Rural Education Attendance Areas (REAA) meet several of these tests they fail the most important test of all in that they were established and they exist only because of the government's responsibility for education. The REAA boundaries have no functional relationship to the main non-education interests of residents and are not relevant to the non-education functions of other state, local and federal agencies.

Only the native regional corporation boundaries established under the authority of the Alaska Native Claims Settlement Act of 1971 meet all these tests. The REAAs do not. It was for this reason that the jurisdictional boundaries of FTVAD were made in 1974 to conform to the regional boundaries of Doyon, Limited, and it is the rational behind our first policy statement.

Though we fully support the idea that each agency of the state should be required to conform its internal jurisdiction boundaries to the regional boundaries, we oppose the idea that an individual commissioner be given any discretion in designating boundaries or in making boundary adjustments. The loopholes and escape clauses in the Exemptions and Modifications sections are so broad in any case that they defeat the purposes of the preceding sections of the bill.

The kind of fundamental changes in agency/constituent practices, procedures and relationships that will be required with the designation of sub-state regions are going to be painful to those who have vested interests in the agency status quo, and they will surely object to the elimination of those loopholes.

All in all, over the longer run, the pain will be less if all agencies are required to begin conforming their boundaries within 90 or 120 days of enactment with completion mandated within 1½ years. In the meantime

Letter to Senator Sturgelewski
Februa 7, 1980
Page Th...

Because of the general public confusion about the jurisdictional boundaries of state agencies the absence of formal regions is causing enormous problems. The costs of resolving these problems are being paid by taxpayers and by others outside the state's administrative apparatus. To say it may take years to establish these boundaries is bad news ... particularly for those of us who are trying to work productively in the complex area of intergovernmental relationships between local, state and federal agencies, where the state - the main player - has no policy, no procedure and no deliberative mechanism for the conduct of essential policy-making dialogue between state and non-state regional and local interests outside the second floor of the capitol building.

Though I am very pleased that SB 348 raises the issue of sub-state regional boundaries, I do agree with you that the legislature is not the proper place to establish them. We have always maintained that only the governor can do this and he must do it by executive order. FTVAD is now, by policy, saying that the situation has become so severe that he must do so immediately.

Based on our policy statements, we have a major problem with the general premise upon which this legislation has been prepared. It is obvious that the only system of self-government contemplated for the unorganized borough is that which has been defined in the Municipal Code. While we have no objection to the Municipal Code per se, nor do we have any complaints with the Code insofar as it is applied in the state's urban centers, we do object to the notion that it is, according to the legislation, the only acceptable method of government in the unorganized borough.

You may recall my comment about the social ferment that is presently occurring in the bush. This ferment is generating whole new ideas of self-reliance, self-government and the delivery of essential government services.

The fact that the legislation fails to recognize that this activity is occurring is my single greatest disappointment with the legislation.

Failing to recognize or acknowledge this activity is not so bad in itself. The worst problem is that the incentives for self-government in the unorganized borough are limited to existing AS 29 municipalities or those groups which plan to form AS 29 municipalities.

Since the whole purpose of such a broadly based legislative initiative, I assume, is to recognize and address failures in the governing structure in the unorganized borough, my first working assumption would be that AS 29 municipalities themselves do not work there and should be replaced with something better. We do not mean to suggest, necessarily, that the legislation should propose any radical new forms of government. However, there have to be incentives for the exploration of alternatives to AS 29 as well as recognition that some alternatives exist already.

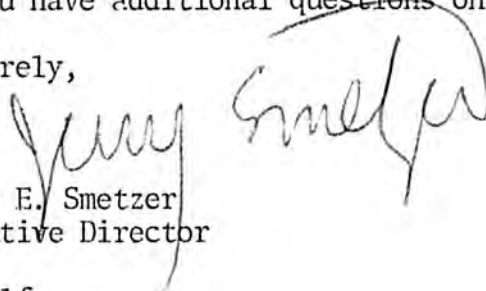
Letter to Senator Sturgelewski
February 27, 1980
Page Six

With the exception of SB 353 - which we support based on our Fairbanks experience - the other bills appear to be little more than housekeeping measures, and FTVAD has no particular comment on them.

Generally speaking we support the position of the Tanana Chiefs Conference on these bills.

If you have additional questions on my comments here, please call me.

Sincerely,


Jerry E. Smetzer
Executive Director

JES:rlf

cc: FTVAD Executive Committee Members

****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: NEWSPAPER

TUNDRA TIMES, ALASKA'S OLDEST STATEWIDE NEWSPAPER
SEEING ALASKA WITH THE FIRST ALASKAN'S

OCTOBER 1979

Unorganized
Boroughs
(establish-
ment)

SENATE BILL NO. 348, by the Rules Committee by request of the Legislative Council (for the C&RA Interim Joint Local Government Study). Purpose "is to provide for the division of the state's single unorganized borough into unorganized boroughs to accommodate the delivery of services and programs by state agencies within common boundaries and to require the collection of data and information about state programs with reference to a set of boundaries adopted for use by all state agencies for the purpose of improving the delivery of state services and encouraging the development of regional responsibilities for the planning and implementation of these services."

Repeals statutes relating to unorganized boroughs (AS 29.03) and adds sections which establish, within 120 days of effective date of act, unorganized boroughs within boundaries of each Regional Education Attendance Area established under AS 14.08.031. Provides boundaries may be adjusted by Commissioner of Community & Regional Affairs.

Adds new sections to AS 44.17 (Admin. of Departments) which relate to collection of data and information about state services in districts. Districts are boroughs or unified municipalities and unorganized boroughs.

Adds new Ch. to AS 29 which allows for incorporation, by petition to Local Boundary Commission, of unorganized boroughs as home rule boroughs. Provides for charter elections of petition accepted. Provides Act effective immediately. Identical to HB 580, this report.

Introduced January 21 and referred to Community & Regional Affairs and Finance.

Unorganized
Boroughs
(planning
assistance)

SENATE BILL NO. 349, by the Rules Committee by request of the Legislative Council (for the C&RA Committee Interim Joint Local Government Study). Adds new section to AS 44.47 which allows the Commissioner of Dept. of Community & Regional Affairs to contract with a municipality or group of municipalities or with a non-profit corporation for purpose of preparing a management program for an unorganized borough (only one contract for each unorg. borough). Outlines contract requirements and establishes the Unorganized Borough Planning Account in Dept. of C&RA. Limits contract awards to maximum of \$25,000 plus \$25 per capita. Effective on effective date of a version of SB 348. Identical to HB 582.

Introduced January 21 and referred to Community & Regional Affairs and Finance.

D.P.D.P.
(responsi-
bilities)

SENATE BILL NO. 350, by the Rules Committee by request of the Legislative Council (for the C&RA Committee Interim Joint Local Government Study). Directs the Division of Policy Development and Planning to "study and report to the legislature, not later than January 31, 1981, as to the conformity by state agencies, boards and commissions with the program requirements under AS 44.17.100 - 44.17.120, [enacted by SB 348] including but not limited to recommendations which require legislation and for the development and implementation of a master geographical coding system to report on the coordination of delivery of state services by districts." AS 44.17.100-120 relate to collection by state agencies of information about state services in districts.

Effective on effective date of a version of SB 348. Identical to HB 581.

Introduced January 21 and referred to Community & Regional Affairs and Finance.

State Aid to Local Governments SENATE BILL NO. 351, by the Rules Committee by request of the Legislative Council (for the C&RA Committee Interim Joint Local Government Study). Provides for an additional State Aid to Local Government entitlement (AS 43.18) of \$25,000 for each fiscal year for cities or organized boroughs of any class that qualify under provisions of chapter. Entitlement shall be adjusted to include area cost-of-living differential. Provides Act effective July 1, 1980. Identical to HB 583.

Introduced January 21 and referred to Community & Regional Affairs and Finance.

Fiscal Notes (for bills affecting municipalities) SENATE BILL NO. 352, by the Rules Committee by request of the Legislative Council (for the C&RA Committee Interim Joint Local Government Study). Adds to AS 24.30.035 (Fiscal Notes on Bills): "If enactment of the bill would require an expenditure or appropriation by any municipality, a fiscal note shall be attached to the bill containing an estimate of the amount of the total expenditure or appropriation which would be required during each of the first three fiscal years by all affected municipalities." Also adds: "The fiscal note or statement...shall be prepared by the Department of Community and Regional Affairs, but that department may obtain the assistance of any other state agency in the preparation of the note or statement." Does not provide for effective date. Identical to HB 586.

Introduced January 21 and referred to Community & Regional Affairs and Finance.

Second Class Boroughs (incorp. as home rule boroughs) SENATE BILL NO. 353, by the Rules Committee by request of the Legislative Council (for the Community and Regional Affairs Committee Interim Joint Local Government Study). Amends AS 29.13.-010 (Municipal Charter Adoption) by allowing a second class borough to adopt a charter for its own government (currently only first class municipalities may do so). Does not provide for effective date. Identical to HB 585.

Introduced January 21 and referred to Community & Regional Affairs and Finance.

Third Class Boroughs (elimination) SENATE BILL NO. 354, by the Rules Committee by request of the Legislative Council (for the C&RA Committee Interim Joint Local Government Study). Eliminates third class borough classification for General Law Municipalities. Amends all pertinent statutes by repealing references to third class boroughs. (There is currently only one third class borough in state: Haines.) Does not provide for effective date. Identical to HB 584.

Introduced January 21 and referred to Community & Regional Affairs and Finance.

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

EDWARD HOFFMAN'S STATEMENT ON PROPOSED LEGISLATION ON
THE UN-ORGANIZED BOROUGH

THIS STATEMENT I MUST MAKE CLEAR IS NOT ONLY MINE AS
CHAIRMAN OF THE BOARD OF THE ASSOCIATION OF VILLAGE
COUNCIL PRESIDENTS, BUT IT REFLECTS THE VIEWS OF
OTHER CONCERNED CITIZENS AND ORGANIZATIONS WHO HAVE
SPENT CONSIDERABLE HOURS IN ANALYZING THESE BILLS.

FIRST, THOSE OF US IN THIS REGION WOULD LIKE TO IMPRESS
ON THE LEGISLATURE SEVERAL POINTS:

1. WE CONSIDER THE ISSUES RAISED BY SENATE BILL 348
TO SENATE BILL 354 TO BE OF PARAMOUNT IMPORTANCE
TO OURSELVES AND OUR CHILDREN AND WE CONSIDER THIS
QUESTION OF GOVERNMENT TO BE THE SINGLE MOST IMPORTANT
ISSUE WE WILL BE ADDRESSING IN THE 1980'S.
2. WE ARE DETERMINED TO RESOLVE THIS ISSUE BY 1983. IF
THE OPPORTUNITY IS GIVEN TO US.
3. THE BILLS BEING PROPOSED ARE AN EXCELLENT STARTING
POINT BUT PREMATURE IN THAT NO SERIOUS STUDIES HAVE
BEEN MADE BY THE PEOPLE OF THIS REGION ON THE ISSUE
THEREBY MAKING ACCEPTANCE OR REJECTION OF THE
CONCEPTS PROPOSED IMPOSSIBLE.

AFTER CURSORY ANALYSIS OF THE PROPOSED BILLS, THESE ARE OUR VIEWS
ON EACH:

1. SENATE BILL 348 IS NOT AN ANSWER TO LOCAL GOVERNMENT
IN RURAL ALASKA AS IT SIMPLY CUTS THE EXISTING UN-
ORGANIZED BOROUGH INTO ADMINISTRATIVE UNITS WITHOUT
PROVIDING FOR LEGISLATIVE AND ENFORCEMENT POWERS BY
RURAL ALASKANS. IN ESSENCE THIS BILL WOULD MERELY
EXTEND THE GOVERNOR'S PLANNING POWERS TO THE LOCAL
LEVEL, WHICH IS IN ITSELF A GOOD IDEA, BUT DOES NOT
REQUIRE HARD AND FAST BOUNDARIES AS PROPOSED. THIS
BILL MERELY FORMALIZES THE "ADVISOR" ROLE RURAL ALASKANS
HAVE BEEN PLAYING FOR OVER 20 YEARS. WE FIND HOWEVER
THAT THE CONCEPT ALLOWING FOR AN UNORGANIZED BOROUGH
TO INCORPORATE INTO A HOME RULE BOROUGH A GOOD ONE AND
ARE SUPPORTIVE OF THE CONCEPT. WE FEEL STRONGLY HOW-
EVER THIS LEGISLATION IS PREMATURE AS IT IS NOT BASED
ON FACTS VERIFIABLE BY EXPERIENCE OR SERIOUS STUDY,
AND AS SUCH SHOULD NOT BE PASSED BY THE LEGISLATURE.

2. SENATE BILL 348 HAS IN IT CERTAIN DESIRABLE ELEMENTS IF WE COULD STAY AWAY FROM SENATE BILL 348 AND THE BOUNDARIES IT PURPORTS TO CREATE. THIS BILL WOULD BE ACCEPTABLE IF THE PRINCIPLE OF LOCAL SELF-DETERMINATION IS RESPECTED AND IT WILL NOT BE IF A CONTRACTOR WERE HIRED BY THE COMMISSIONER AND RESPONSIBLE TO HIM TO DETERMINE THE ISSUE WITHOUT THE ACTUAL INVOLVEMENT OF THE LOCAL ELECTORATE. WHAT WE FIND DESIRABLE HOWEVER IS THE LEGISLATURE APPROPRIATING FUNDS TO REGIONAL ORGANIZATION FOR PURPOSES OF STUDY AND PLANNING, BUT SB 349 IS NOT ACCEPTABLE AS PRESENTLY DRAFTED AS IT GIVES TO A CONTRACTOR DECISIONS THAT ARE, AND MUST BE, RESERVED FOR THE LOCAL PEOPLE.
3. SB 350 GIVES TO THE GOVERNOR DECISIONS WHICH SHOULD BE MADE BY THE ELECTORATE AND RECIPIENTS OF STATE SERVICES. THE GOVERNOR CANNOT EVALUATE HIS OWN PERFORMANCE. WE RECOMMEND NO PASSAGE.
4. SB 351 IS ACCEPTABLE AND DESIRABLE AS THE AID PROPOSED IS NEEDED BY RURAL MUNICIPAL GOVERNMENT.
5. SB 352 IS AN EXCELLENT HOUSEKEEPING TOOL FOR THE LEGISLATURE AS LONG AS IT DOES NOT ELEVATE MONETARY CONSIDERATIONS ABOVE HUMAN NEEDS AND AS LONG AS THE LEGISLATURE DOES NOT ALLOW MONEY TO FOREGO ITS CONSTITUTIONAL RESPONSIBILITIES.
6. SB 353 IS AN ACCEPTABLE BILL AS LONG AS IT INCLUDES SECOND CLASS CITIES.
7. SB 354 IS ACCEPTABLE.

IN CLOSING, THOSE OF US IN THIS REGION WOULD LIKE TO REITERATE TO THE MEMBERS OF THE COMMITTEE THAT THE BILLS DEALING WITH THE UNORGANIZED BOROUGH ARE ALL PREMATURE AS WE ALL, INCLUDING THE LEGISLATURE, DO NOT KNOW WHAT WE ARE TALKING ABOUT. WE ALL HAVE NO BASIS TO SUPPORT THESE BILLS AS WE HAVE NOT DETERMINED FOR OURSELVES AS VOTERS AND RESIDENTS OF THIS AREA OF 52 VILLAGES, AS TO WHAT IT IS WE WOULD LIKE TO DO BECAUSE WE HAVE NOT STUDIED THE ISSUE, NOR HAVE WE CONSULTED WITH OUR VILLAGES. WE ALSO CANNOT RULE OUT INCORPORATING INTO MUNICIPAL GOVERNMENTS UNDER EXISTING LAWS SIMPLY BECAUSE WE HAVE NOT SERIOUSLY STUDIED THE ISSUE.

WE FEEL THAT UNTIL WE HAVE STUDIED THIS ISSUE THAT THE STATE
LEGISLATURE SHOULD NOT PRE-EMPT OUR RIGHTS TO SELF-DETERMINATION.
THE VERY REASON WHY WE HAVE LOCAL GOVERNMENTS. WHAT WE WOULD
LIKE THE LEGISLATURE TO DO IS TO PROVIDE FUNDS FOR US TO
STUDY OUR OPTIONS AND PROVIDING AN EFFECTIVE DATE AS TO OUR
DECISION. WE SHOULD AT LEAST BE GIVEN THIS OPPORTUNITY. AT
PRESENT WE ALL DO NOT KNOW WHAT WE ARE TALKING ABOUT, AND
FOR WE AND THE LEGISLATURE TO MAKE DECISIONS AT THIS TIME
WOULD BE IRRESPONSIBLE. WE ALSO HAVE A RESPONSIBILITY TO
OUR VILLAGE PEOPLE WHO TODAY DO NOT EVEN KNOW WHAT WE ARE
TALKING ABOUT. GIVE US MONEY TO INFORM THEM OF THEIR OPTIONS
AND THIS ARGUMENT WILL NO LONGER HOLD WATER. THEN AND ONLY
THEN CAN WE MAKE OUR DECISION, AND WE WILL.

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

Funding Information

General Fund	\$300,000
Other Funds	- 0 -
	<u>\$300,000</u>

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

IN THE SENATE

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act making a special appropriation to the Department of Community and Regional Affairs, unorganized borough planning account; and providing for an effective date."

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

* Section 1. The sum of \$300,000 is appropriated from the general fund to the Department of Community and Regional Affairs, unorganized borough planning account, for allocations to unorganized boroughs for the preparation of management programs.

* Sec. 2. The unexpended and unobligated portion of the appropriation made by this Act lapses into the general fund June 30, 1981.

* Sec. 3. This Act takes effect on the effective date of a version of an Act entitled, "An Act establishing a program of planning assistance for unorganized boroughs; and providing for an effective date."

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for the
Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE SENATE

2 SENATE BILL NO. 348

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, amending the
7 responsibilities of state agencies for state programs
8 and services for residents of organized and unorganized
9 boroughs, and authorizing adoption of home rule char-
10 ters by unorganized boroughs; and providing for an
11 effective date."

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

13 * Section 1. PURPOSE. The purpose of this Act is to provide for the
14 division of the state's single unorganized borough into unorganized boroughs
15 to accommodate the delivery of services and programs by state agencies within
16 common boundaries and to require the collection of data and information about
17 state programs with reference to a set of boundaries adopted for use by all
18 state agencies for the purpose of improving the delivery of state services
19 and encouraging the development of regional responsibilities for the planning
20 and implementation of these services.

21 * Sec. 2. AS 29.03 is amended by adding new sections to read:

22 Sec. 29.03.011. ESTABLISHMENT OF UNORGANIZED BOROUGHs. Except as
23 the boundaries are adjusted as provided in AS 29.03.021, the geographic
24 area within each regional educational attendance area established under
25 AS 14 08.031 is, effective 120 days after the effective date of this
26 Act, established as an unorganized borough.

27 Sec. 29. 3.021. ADJUSTMENT OF BOUNDARIES BY COMMISSIONER. The
28 commissioner may, after public hearings in the areas affected, establish
29 boundaries other than the boundaries of a regional educational attend-

1 ance area for an unorganized borough under AS 29.03.011. In making
2 adjustments, the commissioner shall consider the standards applicable to
3 the incorporation of boroughs under AS 29.18.030 and the regional boun-
4 daries adopted by the Native regional corporations established under the
5 Alaska Native Claims Settlement Act. The commissioner may not establish
6 boundaries for an unorganized borough which include territory within
7 more than one Native regional corporation established under the Alaska
8 Native Claims Settlement Act unless the inclusion of the territory is
9 reasonably necessary for the efficient administration of programs and
10 services by state agencies.

11 * Sec. 3. AS 44.17 is amended by adding new sections to read:

12 ARTICLE 2. COLLECTION OF DATA AND INFORMATION
13 ABOUT STATE SERVICES IN DISTRICTS.

14 Sec. 44.17.100. DISTRICTS. Each of the following is a district of
15 the state:

16 (1) a borough or unified municipality incorporated under
17 AS 29; and

18 (2) an unorganized borough determined under AS 29.03.011 -
19 29.03.021.

20 Sec. 44.17.110. DATA AND INFORMATION. Each state agency, in-
21 cluding a board or commission assigned to an agency for administrative
22 purposes, shall provide for the administration of the programs for which
23 it is responsible on the basis of districts designated in AS 44.17.100
24 by

25 (1) collecting data, processing and analyzing statistics, and
26 providing information about programs on the basis of each of the dis-
27 tricts;

28 (2) developing program planning for districts;

29 (3) coordinating program planning for agency activities with

1 the plans and activities of other agencies, municipalities, and federal
2 departments and agencies in each district; and

3 (4) providing information to the governor, legislature and
4 the public for use in the preparation and consideration of the state
5 budget and other legislation bearing on the provision of state services
6 in each district.

7 Sec. 44.17.120. EXEMPTIONS AND MODIFICATIONS. (a) An exemption
8 from AS 44.17.110 may be granted by the legislature to an agency if
9 conformity would cause undue expense, hardship, or decreased efficiency
10 in the development and operation of an agency program. The agency
11 requesting the exemption shall submit to the Legislative Council

12 (1) a written statement naming the program for which the
13 exemption is sought and explaining the reasons for seeking the exemp-
14 tion; and

15 (2) an evaluation of the practicality of conforming to AS 44.-
16 17.110 within a five-year period.

17 (b) The boundaries of a district may be modified by the legisla-
18 ture if the requirements of conformity to the boundaries as set out in
19 AS 44.17.100 would be detrimental to the accomplishment of the objec-
20 tives of an agency program. An agency requesting modification of the
21 boundaries shall submit to the Legislative Council

22 (1) a statement naming the program for which modification of
23 district boundaries is requested and the reasons for seeking a modifica-
24 tion;

25 (2) a map depicting the revised boundaries which will be used
26 if a modification of boundaries is granted; and

27 (3) an evaluation of the likelihood of conforming to the
28 boundaries established in AS 44.17.100 within a five-year period.

29 * Sec. 4. AS 29 is amended by adding a new chapter to read:

1 CHAPTER 19. DIRECT INCORPORATION OF A HOME RULE BOROUGH.

2 Sec. 29.19.010. INCORPORATION. (a) The residents of an unorgan-
3 ized borough established in accordance with AS 29.03.011 - 29.03.021 may
4 apply for the incorporation of a home rule borough. The petition for
5 borough incorporation shall be filed with the Department of Community
6 and Regional Affairs and shall include the information and signatures
7 required by AS 29.18.050. Petitions for incorporation filed under this
8 section shall be processed, reviewed and determined in accordance with
9 AS 29.18.060 - 29.18.090.

10 (b) The standards applicable to the incorporation of an organized
11 borough under art. X, sec. 3 of the state constitution and AS 29.18.030
12 apply to the incorporation of an organized borough under this section.

13 Sec. 29.19.020. CHARTER ELECTION. If the Local Boundary Commis-
14 sion accepts the petition filed under AS 29.19.010, it shall immediately
15 notify the lieutenant governor. Within 30 days after notification, the
16 lieutenant governor shall order an election within the proposed home
17 rule borough to determine whether the voters will elect a charter com-
18 mission of 11 members, and to determine the persons elected to serve on
19 the charter commission. The lieutenant governor shall provide not less
20 than 20 or more than 30 days during which candidates for the charter
21 commission may present nominating petitions. The election on the
22 question of election of a charter commission and the determination of
23 persons elected to serve on the charter commission shall be held not
24 less than 60 or more than 75 days after the date of the election order.

25 Sec. 29.19.030. PREPARATION OF CHARTER. (a) If, at the election
26 called by the lieutenant governor under AS 29.19.020, a majority of the
27 voters favors election of a charter commission, the 11 persons receiving
28 the highest number of votes cast at that election constitutes the char-
29 ter commission. The charter commission shall prepare a proposed charter

1 and submit it to the Department of Community and Regional Affairs within
2 one year of the first meeting of the charter commission. The commis-
3 sioner of community and regional affairs shall review the proposed
4 charter for compliance with laws applicable to home rule municipalities
5 and, if it complies, request the lieutenant governor to submit the
6 proposed borough incorporation petition and proposed home rule charter
7 to residents of the proposed home rule borough. If the proposed charter
8 does not comply with law, the commissioner shall return the proposed
9 charter to the charter commission with a statement of the legal defi-
10 ciencies.

11 (b) Within 90 days of the receipt of comments from the commis-
12 sioner of community and regional affairs with respect to provisions of a
13 proposed home rule charter which are not in compliance with the laws
14 applicable to home rule municipalities, the charter commission may
15 prepare and submit to the commissioner an amended charter which meets
16 the objections in the original proposed charter.

17 (c) Only one original and one amended charter may be submitted to
18 the commissioner of community and regional affairs under this section.

19 Sec. 29.19.040. RATIFICATION OF CHARTER. The lieutenant governor
20 shall order an election on the question of whether the area shall be
21 incorporated as a home rule borough in accordance with the charter
22 approved by the commissioner of community and regional affairs. The
23 proposed charter shall be posted throughout the proposed borough by the
24 lieutenant governor before the election is held. The election shall be
25 held not less than 60 or more than 90 days following the election order.

26 Sec. 29.19.050. RESULTS OF RATIFICATION ELECTION. (a) If a
27 majority of the votes cast by the qualified voters of the proposed
28 borough is against the incorporation of a borough under the proposed
29 home rule charter, the proposal is defeated.

1 (b) If a majority of the votes cast by the qualified voters of the
2 proposed borough favors incorporation of the borough under the proposed
3 home rule charter, the lieutenant governor shall declare that the un-
4 organized borough in which the election was held is incorporated as an
5 organized borough and a municipal corporation in accordance with the
6 provisions of the home rule charter. The lieutenant governor shall
7 provide for the election of the officers provided for in the charter.

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

11 Sec. 29.19.060. VOTERS, ELECTIONS AND COSTS. (a) A person is
12 qualified to vote in an election authorized by AS 29.19.010 - 29.19.060
13 if he is qualified to vote in state elections and if he is a resident of
14 the unorganized borough proposed for incorporation as a home rule
15 borough.

16 (b) The lieutenant governor shall conduct elections authorized by
17 AS 29.19.010 - 29.19.050 substantially in the manner provided in the
18 Alaska Election Code (AS 15.05 - 15.60), and shall certify the results
19 of all elections under this chapter. Costs of elections under this
20 chapter shall be paid by the office of the lieutenant governor.

21 (c) Costs of charter preparation under this chapter shall
22 be paid by the Department of Community and Regional Affairs.

23 Sec. 29.19.070. APPLICABILITY OF GENERAL TRANSITIONAL PROVISIONS.
24 The provisions of AS 29.18.130 - 29.18.180 apply to home rule boroughs
25 incorporated under this chapter.

26 * Sec. 5. AS 29.03.010 and 29.03.020 are repealed.

27 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
28 070(c).

Introduced: 1/21/80
Referred: Community & Regional
Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for the
Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE SENATE

2 SENATE BILL NO. 349

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 a program of planning assistance
7 for unorganized boroughs; and providing for an effective date."
8

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

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

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

15 (1) a municipality or group of municipalities; or

16 (2) a nonprofit corporation organized under the laws of the
17 state.

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

24 (c) A municipality, group of municipalities, or corporation interested in
25 preparing a management program for an unorganized borough may ask the commissioner
26 to request a proposal or the commissioner may request a proposal on his own initiative.
27 A request for proposal shall be advertised. The advertisement of a request for a
28 proposal for the preparation of a management program for the unorganized borough shall
29

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

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 unorganized borough;
15 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 unorganized borough;

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 planning account. The account
8 shall be administered by the commissioner and shall be used to pay for
9 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 unorganized
13 borough, as determined by the commissioner.

14 (i) In this section, "unorganized borough" means a subdivision
15 established under AS 29.03.011 - 29.03.021.

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

Introduced: 1/21/80
Referred: Community & Regional
Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for the
Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE SENATE

2 SENATE BILL NO. 351

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

10 Sec. 43.18.015. ADDITIONAL ENTITLEMENT. A city or organized
11 borough of any class which is entitled to state aid under AS 43.18.010
12 shall receive additional state aid for each fiscal year in the amount of
13 \$25,000 adjusted to include an area cost-of-living differential deter-
14 mined in accordance with AS 43.18.012.

15 * Sec. 2. This Act takes effect July 1, 1980.
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Introduced: 1/21/80
Referred: Community & Regional
Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for the
Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE SENATE

2 SENATE BILL NO. 352

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring fiscal notes for bills affecting a
7 municipality."

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

9 * Section 1. AS 24.30.035 is amended to read:

10 Sec. 24.30.035. FISCAL NOTES ON BILLS. Before a bill is reported
11 from the committee of first referral, there shall be attached to the
12 bill a fiscal note containing an estimate of the amount of the appropria-
13 tion increase or decrease which would result from enactment of the bill
14 for the ensuing fiscal year and at least two succeeding fiscal years.
15 If enactment of the bill would require an expenditure or appropriation
16 by any municipality, a fiscal note shall be attached to the bill con-
17 taining an estimate of the amount of the total expenditure or appropria-
18 tion which would be required during each of the first three fiscal
19 years by all affected municipalities. If [OR, IF] the bill has no
20 fiscal impact, a statement to that effect shall be attached. The fiscal
21 note or statement relating to a state program shall be prepared by the
22 department or departments affected. The fiscal note or statement relat-
23 ing to municipalities shall be prepared by the Department of Community
24 and Regional Affairs, but that department may obtain the assistance of
25 any other state agency in the preparation of the note or statement. If
26 the bill is presented by the governor for introduction in accordance
27 with AS 24.30.060(b) and the uniform rules of the legislature, the
28 fiscal note or statement shall be attached to the bill before the bill
29 is introduced. An amendment or a substitute bill proposed by a commit-

tee of referral that changes the fiscal impact of a bill shall be
explained in a revised fiscal note or statement attached to the bill.

Introduced: 1/21/80
Referred: Community & Regional
Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for the
Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE SENATE

2 SENATE BILL NO. 353

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the incorporation of second class
7 boroughs as home rule boroughs."

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

9 * Section 1. AS 29.13.010 is amended to read:

10 Sec. 29.13.010. MUNICIPAL CHARTER ADOPTION. A first class muni-
11 cipality or second class borough may adopt a charter for its own govern-
12 ment. A home rule municipality may amend its charter or adopt a new
13 one. A charter is framed by a charter commission of seven members
14 chosen by the municipal voters at a regular or special election. A
15 candidate for the commission must be a qualified voter of the munici-
16 pality and a resident of the municipality for three years immediately
17 preceding the election. A charter commission election is called by
18 filing a petition with the borough assembly or the city council, or by
19 resolution of the borough assembly or city council. The petition must
20 be signed by a number of municipal voters equal to 10 percent of the
21 votes cast in the last regular election of the municipality.

Introduced: 1/21/80
Referred: Community & Regional
Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for the
Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE SENATE

2 SENATE BILL NO. 354

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

8 * Section 1. AS 29.08.030 is amended to read:

9 Sec. 29.08.030. CLASSES OF GENERAL LAW. General law municipali-
10 ties are of four [FIVE] classes:

- 11 (1) first class boroughs;
12 (2) second class boroughs;
13 (3) [THIRD CLASS BOROUGH];
14 (4) first class cities;
15 (5) second class cities.

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

17 (g) A second class borough may reclassify as a first class [OR
18 THIRD CLASS] borough [, AND A THIRD CLASS BOROUGH MAY RECLASSIFY AS A
19 FIRST CLASS OR SECOND CLASS BOROUGH,] in the manner provided by AS 29.-
20 33.270 - 29.33.290 for the addition of powers by boroughs, except the
21 petition or proposal requests reclassification instead of requesting
22 addition of powers.

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

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

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

27 (10) "municipality" means a home rule or general law municipal
28 corporation and political subdivision, which is a first or second class
29 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).
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Introduced: 1/21/80
Referred: Community & Regional
Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for the
Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE SENATE

2 SENATE BILL NO. 354

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

8 * Section 1. AS 29.08.030 is amended to read:

9 Sec. 29.08.030. CLASSES OF GENERAL LAW. General law municipali-
10 ties are of four [FIVE] classes:

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

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

17 (g) A second class borough may reclassify as a first class [OR
18 THIRD CLASS] borough [, AND A THIRD CLASS BOROUGH MAY RECLASSIFY AS A
19 FIRST CLASS OR SECOND CLASS BOROUGH,] in the manner provided by AS 29.-
20 33.270 - 29.33.290 for the addition of powers by boroughs, except the
21 petition or proposal requests reclassification instead of requesting
22 addition of powers.

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

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

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

27 (10) "municipality" means a home rule or general law municipal
28 corporation and political subdivision, which is a first or second class
29 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).
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

I. REQUEST
Bill/Resolution No. H. B. 520 and S. B. 348
Title An Act Establishing Unorganized Boroughs...and Authorizing Adoption of Home Rule
Requested by Community & Regional Affairs Committee Date 1-21-80 Charter

II. FISCAL DETAIL

Agency Affected Community & Regional Affairs

Program Category Affected Development

BRU, Program, or Subprogram(s) Affected Local Government Assistance

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES	0	154.8	167.2	180.6	125.0	210.6
200 TRAVEL	3.0	57.0	30.0	30.0	31.0	30.0
300 CONTRACTUAL	4.8	70.4	40.0	30.0	28.2	28.2
400 COMMODITIES	1.0	3.0	1.0	.6	.6	.6
500 EQUIPMENT	.0	2.0	.5	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	8.8	287.2	238.7	226.6	233.4	247.1

FUNDING (Thousands of Dollars)

GENERAL FUND	8.8	287.2	238.7	226.6	233.4	247.1
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	5	5	5	5	5
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

FY 80 - Reflects travel expenses, notice requirements, and supplies needed for public hearings on drawing boundary lines that differ from REAA's in the unorganized borough.

FY 81 - 85 - Reflects the addition of 3 Local Government Specialists (Range 17), a Clerk Typist III (Range 8) and Clerk Typist II (Range 7) to assist unorganized boroughs in becoming home rule boroughs. Seven proposed regions are presumed to be likely candidates for the home rule option. These areas are 1) Yukon Flats (REAA 13), 2) REAA 12, 3) NANA region (REAA 1), 4) Petersburg/Wrangell (part of REAA 19), 5) Prince of Wales Island (part of REAA 19), 6) The Aleutian Chain (parts of REAA's 8 and 10), and 7) Prince William Sound (REAA 21). It is anticipated that if this bill passes this session the bulk of the activity will take place during FY 81 and FY 82 and will begin to lessen gradually through FY 85 as the newly incorporated boroughs become more self-sufficient.

The high travel cost during FY 81 reflects the need to administer both of the main

IV. DATE 1-21-80 PREPARED BY Doug Griffin
AGENCY Community & Regional Affairs
PHONE 465-4736

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

activities in the bill: drawing the boundaries for the unorganized boroughs and assisting the seven areas previously mentioned in drawing up home rule charters.

SB 349

II. FISCAL DETAIL

Agency Affected _____

Program Category Affected _____

BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
	0	0	0	0	0	0

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

There would be no fiscal impact from this bill until there is a appropriation as indicated in section (e)(2)(B) of this bill. However, the Department does anticipate the following additional cost at such time as appropriations are made.

Staff to monitor and oversee contracts.

1. Local Government Specialist IV	Range 19	Salary 31,824
	Fringes	8,910
Travel 10 trips @ 600		6,000
Equipment & Supplies (400 after FY 81)		1,000
Total Position Cost		47,734

2. Local Government Specialist III	Range 17	Salary 27,468
	Fringes	7,91

IV. DATE 1-18-80

PREPARED BY Terry Earley

AGENCY Department of Community & Regional Affairs

PHONE 465-4730

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

I. REQUEST
Bill/Resolution No. SB 350/HB 581
Title "relating to the responsibility of the Div. of Policy Development and Planning."
Requested by Legislative Council (for CRA Committee) Date 1/21/80

II. FISCAL DETAIL

Agency Affected Division of Policy Development and Planning

Program Category Affected Executive Operations

BRU, Program, or Subprogram(s) Affected Policy Development and Planning

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars) *(see note, below)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	x	x				
200 TRAVEL	x	x				
300 CONTRACTUAL	x	x				
400 COMMODITIES	x	x				
500 EQUIPMENT	x	x				
600 LAND & STRUCTURES	x	x				
700 GRANTS, CLAIMS, ETC.	x	x				
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND	x	x				
FEDERAL FUNDS	x	x				
OTHER (Specify Fund Source)	x	x				

POSITIONS

FULL TIME	x	x				
PART TIME	x	x				
TEMPORARY	x	x				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

- * DPDP has requested in its FY 81 budget, two positions which would have, as a part of their responsibilities, the development of a common geo-coding system for state agencies and the development and implementation of a process for reviewing state service delivery locations. Evaluation of agency service delivery conformity with district boundaries and evaluation of boundary variance requests (a change in wording of the bill is suggested) would fall within the purview of the latter responsibility. These were tasks independently identified during the formulation of DPDP budget and the increases have been shown only once, in the Division budget.

IV. DATE 1/23/80 PREPARED BY Jay H. Moor

AGENCY DPDP

Original: Legislative Finance

PHONE 465-3573

cc: Budget and Management

Prime Sponsor (First Legislator Named)

1	POSITION TITLE Management Analyst III			RANGE/STEP 18 A	ORG. UNIT. X	LOCATION Bureau	COPIES 1	APPROV ✓	DISAP ✓
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 3	FORM 12	PAGE/LINE 1 7		
3	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY		24,984						
5	BENEFITS		3,660						
6	FICA		1,661						
7	HEALTH INS.		1,272						
8	TOTAL PERSONAL SERVICES		31,577						
9	TRAVEL		4,466						
10	CONTRACTUAL		300						
11	COMMODITIES		500						
12	EQUIPMENT		910						
13	OTHER		00						
14	TOTAL COST		37,753						
JUSTIFICATION:									
As required by statute, this position will allow the division to develop and implement a process for reviewing all proposals for the location of capital improvements by any state agency. This process will insure that applicable state policies are considered in planning for capital facilities and that interested agencies and the public are consulted prior to the locational decision.									
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN. FUND		37,753					
18		I-A RCPTS.							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION		X FOR B&M USE ONLY						
44 KEY NUMBER									

AGENCY Office of the Governor PROGRAM AREA Executive Operations

UNO Policy Development and Planning

FY 81

13 REQUEST FOR NEW
POSITION.

COMPONENT _____

Page 2 of 3

REVISED
DATE _____

000176

1	POSITION TITLE Policy and Program Manager I				RANGE/STEP 20 A	BARG. UNIT. X	LOCATION Juneau	APPROV. ☒	DISAPP. ☐
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 2	FORM 12	PAGE/LINE 1 4	LEG. ☒	
3	TYPE OF EXPENDITURE				AMOUNT				
	1		2		3				
4	PERSONAL SERVICES:								
	SALARY		28,932.						
5	BENEFITS		4,239						
6	FICA		1,924						
7	HEALTH INS.		1,272						
8	TOTAL PERSONAL SERVICES				36,367				
9	TRAVEL				3,220				
10	CONTRACTUAL				300				
11	COMMODITIES				500				
12	EQUIPMENT				910				
13	OTHER				00				
14	TOTAL COST				41,297				
JUSTIFICATION:									
There is growing concern that the increasing number of data collection and processing systems in state government are developing in such a way as to exclude possible users in favor of only catering to specific, narrow agency needs. This position will serve as a coordinator for these agency efforts in order to ensure the efficient development and utilization of these data systems.									
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN. FUND			41,297				
18		I-A RCPTS.							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION		X		FOR U&M USE ONLY				
4A KEY NUMBER									

AGENCY Office of the Governor PROGRAM AREA Executive Operations

ORU Policy Development and Planning

COMPONENT Same

Page 1 of 3

REVISED
DATE

13 REQUEST FOR NEW
POSITION.

FY 81

000175

MEMORANDUM

TO: [John Halterman, Acting Director
Division of Policy Development
and Planning

DATE: January 25, 1980

FILE NO:

TELEPHONE NO:

FROM:

Jay Moor
Jay Moor

SUBJECT: SB 350/HB 581 "...relating to
the responsibilities of the
Division of Policy Development
and Planning

This requires DPDP to produce a report on the subject of agencies' conformity with program requirements of another bill. That bill (I don't have the number) establishes districts throughout Alaska and requires agencies to collect data, develop program planning, coordinate planning and agency activities with other agencies, and provide information on the basis of the districts. The districts are to coincide with the REAA boundaries except where individual commissioners have determined that other boundaries would be more applicable to program requirements and have requested a variance from the Legislative Council.

In reporting on conformity with these provisions, DPDP is to make recommendations which require legislation and, apparently, which relate to the development and implementation of a master geographical coding system. It is not clear from the grammar of these bills that the coding system is to be anything more than a way to report on the coordination of delivery of state services by districts.

The bill should be written to separate the coding system from the conformity issue, since basic coordination among agencies by district will come largely from adherence to a commonly adopted coding system. That system, by itself will help to insure conformity and may necessarily precede conformity.

Although DPDP may undertake evaluations of programs involving more than one agency (AS 44.19), we would not be able to do the conformance evaluation without addition of one full-time position requested in our budget as a Range 18A. The person filling that position should be prepared to do continuing analysis of program district boundaries and service delivery patterns. The bill referred to in SB 350 allows agencies to determine unilaterally the need for boundary variances, submitting requests for variance to the Legislative Council. Such variances are clearly of interagency importance; especially so since the Governor's policy to develop efficient and effective service delivery suggests that space sharing and co-delivery of services may be, overall, more effective than when each agency attempts to minimize its own costs without regard for other agencies. DPDP should commence the design and implementation of a master geocoding system--not just the evaluation of how to do it.

January 25, 1980

The only other reservation I have about the bill is that it refers to a set of pre-determined service delivery boundaries, deviation from which must be justified. This may be a good strategy where programs stand by themselves, but as mentioned above where some programs gain in effectiveness by association with others, there is no guarantee that the synergies of program delivery will be looked at. We had originally proposed that those synergies be investigated and district boundaries be determined on the basis of program clientele needs and other commonalities among programs.

I would add to the current version only the safeguard that someone be assigned the authority for insuring participation and coordination among agencies in evaluating any one agency's request for variance. To do this, someone must develop a comprehensive inventory of service delivery needs and a location model that will compute the economic and social tradeoffs of any agency's proposal for variance from established service delivery boundaries. The position we have requested would do this.

I recommend the language and grammar of the bill be edited to include the points noted above: a) DPDP will report on agencies' conformity in delivering services by district and in collecting data by district; b) DPDP will develop and implement a master geographical coding system for data collection and service delivery, and c) DPDP will have the authority to coordinate among agencies in determining the impacts of boundary variance requests.

cc: Sally Rue

I. REQUEST

Bill/Resolution No. H. B. 583 and S. B. 351Title An Act Relating to State Aid to Local Governments; and Providing for an EffectiveRequested by House Community & Regional Affairs Committee Date 1-18-80 Date

II. FISCAL DETAIL

Agency Affected Community & Regional AffairsProgram Category Affected Community DevelopmentBRU, Program, or Subprogram(s) Affected Local Government Assistance - Grants

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	0	4,760	4,883	4,883	4,883	4,883
TOTAL	0	4,760	4,883	4,883	4,883	4,883

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
	0	0	0	0	0	0

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assuming all municipalities are eligible plus the anticipated incorporation of three municipalities, for FY 81 and four for FY 82

FY 81FY 82

see attached

IV. DATE 1-18-80PREPARED BY Netta CracoAGENCY Community & Regional AffairsPHONE 465-4733

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

x 25,000 additional entitlement

3,850,000

x 23.63% average of COLA's

909,755

3,850,000

4,759,755 FY 81 additional funding

FY 82

158 municipalities

x 25,000 additional entitlement

3,950,000

x 23.63% average COLA's assuming no changes

933,385

3,950,000

4,883,385 FY 82 additional funding

FY 83 through FY 84 is anticipated to remain at the same level

II. FISCAL DETAIL

Agency Affected Department of Community & Regional Affairs

Program Category Affected Community Development

PRU, Program, or Subprogram(s) Affected Local Government Assistance Division

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

		FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100	PERSONAL SERVICES		17.6	38.0	41.0	44.3	47.0
200	TRAVEL		0	0	0	0	0
300	CONTRACTUAL		1.0	1.0	1.1	1.3	1.4
400	COMMODITIES		0	0	0	0	0
500	EQUIPMENT		.5	0	0	0	0
600	LAND & STRUCTURES		0	0	0	0	0
700	GRANTS, CLAIMS, ETC.		0	0	0	0	0

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND	19.1	39.0	42.1	45.6	49.2
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

FULL TIME		.5	1	1	1	1
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

To prepare fiscal notes on all bills relating to municipalities would require an additional Local Government Specialist (Range 17). The figures above are based on the bill being passed at the end of the current session and the position becoming effective in January 1981 for the next legislative session.

Personal services costs are based on a Range 17 position with 28% added for benefits plus 8% each additional year for inflation.

Contractual costs are primarily for long distance telephone calls. The one time equipment cost is for a desk, phone, etc.

IV. DATE 1-18-30

PREPARED BY McKie Campbell/VJX

AGENCY Department of Community & Regional Affairs

Original: Legislative Finance

PHONE 465-4735

cc: Budget and Management

Prime Sponsor (First Legislator Named)

I. REQUEST
Bill/Resolution No. H. B. 585 and S. B. 353
Title An Act Relating to the Incorporation of 2nd Class Borough's as Home Rule
No. 1000 Date 1-22-80

II. FISCAL DETAIL

Agency Affected N/A
Program Category Affected N/A
Budget Request Unit(s) Affected N/A

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill would allow second class boroughs to move directly to the Home Rule status without going through the process of first becoming first class as is now required.

There would be no fiscal impact on state government.

IV. DATE 1-22-80 PREPARED BY Terry Farley
AGENCY Community & Regional Affairs
Original: Legislative Finance PHONE 465-4730
cc: Budget and Management
Prime Sponsor (First Legislator Named)