

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86/2

407 SCOMM10: LOCAL GOVERNMENT STUDY 1979

I. REQUEST
Bill/Resolution No. H. B. 584 and S. B. 354
Title An Act Eliminating Third Class Boroughs
Requested by Community & Regional Affairs Committee Date January 18, 1980

II. FISCAL DETAIL

Agency Affected Department of Community & Regional Affairs

Program Category Affected Community Development

BRU, 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	0	0	25.0	0	0
TOTAL	0	0	0	25.0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	25.0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS None

FULL TIME						
PART TIME						
TEMPORARY						

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

AS 29.18.180(a) states that boroughs that reclassify are entitled to an organizational grant of \$25,000. This bill would force one existing third class borough to reclassify and thereby entitle it to a \$25,000 grant. No other municipality is affected by the bill.

FY 83 is the estimated year of reclassification, although it could conceivably take place any time between FY 80 and FY 85.

IV. DATE January 18, 1980 PREPARED BY Mary Foster
AGENCY Community & Regional Affairs
PHONE 465-4734
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

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

Loc. Gov.

Funding Information

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

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Community and Regional Affairs, unorganized
8 borough planning account; and providing for an effec-
9 tive date."

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

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

15 * Sec. 2. The unexpended and unobligated portion of the appropriation
16 made by this Act lapses into the general fund June 30, (1981.) 1982

17 * Sec. 3. This Act takes effect on the effective date of a version of an
18 Act entitled, "An Act establishing a program of planning assistance for un-
19 organized boroughs; and providing for an effective date."
20
21
22
23
24
25
26
27
28

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 BOROUGHES. 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. 29.03.021. 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 bound-
4 aries 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 Governor
12 *Procedure exemption come back thru*

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

16 (2) an evaluation of the practicality of conforming to AS 44.-
17 17.110 within a five-year period.

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

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

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

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

* 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).

ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. H. B. 580 and S. B. 348Title An Act Establishing Unorganized Boroughs...and Authorizing Adoption of Home RuleRequested by Community & Regional Affairs CommitteeDate 1-21-80

Charters

II. FISCAL DETAIL

Agency Affected Community & Regional AffairsProgram Category Affected DevelopmentBRU, 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 1-21-80PREPARED BY Doug GriffinAGENCY Community & Regional AffairsPHONE 465-4736

Original: Legislative Finance

cc: Budget 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.

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 effec-
8 tive date."

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 ~~delete~~ (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 muni-
21 cipalities, or corporation with which he contracts is capable of pre-
22 paring a management program that considers the entire population of the
23 unorganized borough.

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

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 ^{shall} 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."

I. REQUEST
Bill/Resolution No. H. B. 502 and S. D. 349
Title An Act Providing Planning Assistance for Unorganized Boroughs
Requested by House Community & Regional Affairs Committee Date 1-18-80

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	7,910	-

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)

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. 350

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 responsibilities of the divi-
7 sion of policy development and planning, Office of the
8 Governor; and providing for an effective date."

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

10 * Section 1. The division of policy development and planning shall study
11 and report to the legislature, not later than January 31, 1981, as to the
12 conformity by state agencies, boards and commissions with the program re-
13 quirements under AS 44.17.100 - 44.17.120, including but not limited to
14 recommendations which require legislation and for the development and im-
15 plementation of a master geographical coding system to report on the coordi-
16 nation of delivery of state services by districts.

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

FISCAL NOTE

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

PHONE 465-3573

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

1	POSITION TITLE Management Analyst III				RANGE/STEP 18 A	BARG. UNIT. X	LOCATION Bureau	GOV LED	APPROV ✓	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	HP No.	PCN No.	PRIORITY 3	FORM 12	PAGE/LINE 1 7			
3	TYPE OF EXPENDITURE				JUSTIFICATION:					
	1		2		3					
4	PERSONAL SERVICES:				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.					
	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							
15	CODE	FUNDING SOURCE								
16		FED HCPTS.								
17		GF MATCH.								
18		GEN. FUND		37,753						
19		I-A HCPTS.								
20		PGM HCPTS								
21		OTHER								
21	CONTINUATION									
22	ADDITION		X							
FOR B&M USE ONLY										
4A KEY NUMBER										

AGENCY Office of the Governor PROGRAM AREA Executive Operations

and 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	BOY	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				JUSTIFICATION:					
	1		2		3					
4	PERSONAL SERVICES:				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.					
5	SALARY		28,932.							
6	BENEFITS		4,239							
7	FICA		1,924							
8	HEALTH INS.		1,272							
9	TOTAL PERSONAL SERVICES		36,367							
10	TRAVEL		3,220							
11	CONTRACTUAL		300							
12	COMMODITIES		500							
13	EQUIPMENT		910							
14	OTHER		00							
15	TOTAL COST		41,297							
15	CODE	FUNDING SOURCE								
16		FED RCPTS.								
17		GF MATCH.								
18		GEN. FUND			41,297					
19		I-A RCPTS.								
20		PGM RCPTS								
21		OTHER								
22	CONTINUATION									
23	ADDITION	X			FOR B&M USE ONLY					
24	KEY NUMBER									

AGENCY Office of the Governor PROGRAM AREA Executive Operations

and 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 Mopr
Jay Mopr

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

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

FISCAL NOTE

I. REQUEST

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

II. FISCAL DETAIL

Agency Affected Community & Regional Affairs
 Program Category Affected Community Development
 BRU, 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 81

FY 82

see attached

IV. DATE 1-18-80

PREPARED BY Netta Crano
 AGENCY Community & Regional Affairs
 PHONE 465-4733

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

158 municipalities

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

I. REQUEST
Bill/Resolution No. H. B. 584 and S. B. 354
Title An Act Eliminating Third Class Boroughs
Requested by Community & Regional Affairs Committee Date January 18, 1980

II. FISCAL DETAIL
Agency Affected Department of Community & Regional Affairs
Program Category Affected Community Development
BRU, 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	0	0	25.0	0	0
TOTAL	0	0	0	25.0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	25.0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS None

FULL TIME						
PART TIME						
TEMPORARY						

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

AS 29.18.180(a) states that boroughs that reclassify are entitled to an organizational grant of \$25,000. This bill would force one existing third class borough to reclassify and thereby entitle it to a \$25,000 grant. No other municipality is affected by the bill.

FY 83 is the estimated year of reclassification, although it could conceivably take place any time between FY 80 and FY 85.

IV. DATE January 18, 1980 PREPARED BY Mary Foster
AGENCY Community & Regional Affairs
PHONE 455-4734
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

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.

I. REQUEST

Bill Resolution No. H. B. 585 and S. B. 352Title An Act Requiring Fiscal Notes for Bills Affecting a MunicipalityRequested by House Committee on Community & Regional Affairs Date 1-18-80

II. FISCAL DETAIL

Agency Affected Department of Community & Regional AffairsProgram Category Affected Community DevelopmentPRU, Program, or Subprogram(s) Affected Local Government Assistance Division

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	47.8
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 1-18-80PREPARED BY McKie Campbell
AGENCY Department of Community & Regional Affairs
PHONE 465-4735Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

18-011 Rev. 12-79

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.

I. REQUEST
Bill/Resolution No. H. B. 595 and S. B. 753
Title An Act Relating to the Incorporation of 2nd Class Borough's as Home Rule
No. 100 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
PHONE 465-4730
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

33-100-10-70

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

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

toffman

SB 353 is acceptable as long as it includes 2nd Clo Cities

Lisa Ruid - felt pretty str. forward
goes along w/ rest -

Ray Kent - percentage question re numbers
of people needed to evacuate - would
like to reserve comment -

Dave Walsh no problem - other than
he felt option for alternative corps.
should be included -

Dave Walsh in favor of

Gene Moore - no problem other than
he felt option for alternative corps
should be included -

①

Present: Co-Chairmen Senator Arliss Sturgulewski and Representative Bill Parker
Senator Terry Stimson, Repre. M. Branson, Sen. T. Kelly and Sen. B. Mulcahy

Anchorage/ Sig Strandberg, Local Boundary Commission

I have a few general comments on the House Bills 580-586. The Local Boundary Commission just received these bills through the mail so we haven't had an opportunity to meet and formulate any consensus of opinions, but I'll suggest a few comments that I think will general position of the Boundary Commission and rather than separate my own opinions from those. HB 580 relating to the establishment of organized boroughs. I think this is a bill long overdue and I think the Boundary Commission itself would indicate that point of view. Obviously the purpose seems to be several fold, as to the conforming of the State (budget?) as to the various regions of the State, I think all of us applaud the attempt to try and get a better system as to where the State dollars are going and for what particular purpose. The Local Boundary Commission introduction in to the scheme of things, according to this bill, I think does occur at the proper point, where the unorganized boroughs seem to incorporate as municipalities. I'll look through my notes here real quick. I think I should perhaps limit the Boundary Commission's comments to those I've just given on that particular bill. We, of course, don't have any comments on HE 581, relating to the Division of Policy, Development and Planning, Office of the Governor. My own comment on that is that it certainly does tie in very well with HB 580. HB 582, ^{an act} establishing ^a program for planning assistance, an excellent bill, and I think the Boundary Commission would agree to that. IF there is one thing that we haven't accumulated over the years that we have had our organized boroughs, it's information from areas beyond the Fairbanks, Anchorage, and Southeastern urbanized areas. My own comment accumulating information through planning studies is that if you are ever going to determine the economic viability of an organized local government, in a given rural

(2)

area, I think on a Statewide basis, we ought to move ahead to map (mass?) the unorganized borough areas as to the location of an ownership of parcels of private property. I think that this is the necessary precedent to ... activities that addresses the formation of organized boroughs. That is, the unorganized boroughs established by HB 580. This program ought to be started immediately because it is going to take a long time, once boroughs are formed out in the more rural areas we will know what the tax base is. I think we all realize it is limited. A lot of communities are living hand-to-mouth so to speak, and can't afford a large mill rate, but the purpose is to identify how narrow that tax base is out there so that the State can possibly formulate legislation to help support the purpose of local government in these areas. HB 583, State aid to local governments, \$25,000 adjusted to cost of living differential certainly will come in handy ^{to} ~~for~~ all local governments who are weathering heavy inflation and I think that \$25,000 will be well received. HB 584, an act eliminating 3rd Class Boroughs, looking back over the past decade, I believe we had one 3rd Class Borough that was formed as a result of the 3rd class borough legislation of, I believe, 1968. There have been no other takers. It's a very narrow constitutional form of local government in this State, and I think that its elimination probably is in our best interest in order that we have a system of local government that encourages a planning on a regional basis. I think that the Boundary Commission would share that point of view. HB 585, incorporation of second class boroughs as Home Rule

49 — Boroughs, I have got to think about this one for awhile, and I think the Boundary Commission would like to consider that before making any formal comment. HB 586, an act requiring fiscal notes. This is a piece of legislation that is long overdue as well, and it ties into the fiscal needs of rural areas, where they might want to incorporate as an organized borough. Obviously, within a narrow tax base, if a responsibility is thrust upon them that they cannot fund, we could have some serious problems unless we

are aware the Executive Branch and the Legislative Branch is aware of ahead of time of the cost implications.

Soldotna, Borough Mayor Don Gilman, Kenai Peninsula Borough

Good afternoon, Madam Chairman. I have the bills of the Senate version of the bills, so I'll be referring to the Senate numbers, and try to keep them in numerical sequence. SB 348, while it does not have much to do with the second class borough, which we are, you know, I would like to make some comments that deal with the service area, or special area concept. Having had some experience in the Kenai, with overlapping and proliferation of service areas, there are some built in preps that people can get into. And Senator, as you know, in the Alaska Coastal Management Act, there are special areas called Coastal Resource Districts, which are now under way and being formed by the vote of the people in those areas, and they are not necessarily, or would they become co-terminus with an REAA as this would indicate here, as one of the potentials? I feel that there should be some way built into SB 348 that Coastal Resource Districts should become a part of this bill, so that we don't end up down on the line someplace with 2 or 3 overlapping districts. If you could have, for instance, a planning area as you have defined here that is not necessarily the same size as an REAA, and you could also have a narrower coastal district, which might end up with 3 overlapping districts with 3 different boards and it will do nothing but complicate the issue. I don't have any specific suggestions of how that's done, but I think it is something that needs to be looked at. Other than that, I would just like to remark that if the unorganized boroughs go along the REAA lines, it is interesting to note that the only difference, and the only ingredient left out between the second class boroughs and these unorganized boroughs is the subject of investment? and collection of taxes. As you know, the 3 powers of the second class boroughs mandated to per-

4

form is education, planning and taxation. That would be all the comments I would have on both SB 348 and 349. Unless there are questions, I would go to areas.

Sen. Sturgulewski.

Mr. Mayor, I would like to make a comment. You raised a very good point regarding, we don't want to create legislation that in turn causes for boundaries that are not co-terminus and one of the things that we have noted and there will be a Committee Substitute on it, the, there is no mechanism for boundary adjustments in the coastal district plan and in the REAA, and so we will be addressing just what you are talking about, because there are some from testimony received apparently some of the REAA's would needing perhaps some minor adjustment in boundaries. And the issue has been raised by Senator Mulcahy, and others, so we will be modifying that language to speak to that issue and I do not have a specific answer for you right now, but I do appreciate that.

Mayor Gilman

Thank you. Anything I can do as Chairman of the Coastal Policy Council, please feel free to call on me. Again, not that I have any grand design for how it should work. Next, SB 350, we really have no comment on and we think that's an internal process between the Legislature and the Governor's Office. In SB 351, as we read it, the \$25,000 would be an additional to all cities and boroughs regardless of what the class is, and we thank you for that kind thought and additional money, and we would not be opposed to that at all. We are strongly in favor of SB 352. Not that that concept hasn't been rolling around for some time, this really does strengthen it, and of course both the local municipalities and the Legislature are always concerned about actions which may crop up, or cause problems at the local level and not only problems, but money? problems

48

(5)

where there is, certain legislation would pass on to the local government fiscal responsibilities that we really are not aware of, so we are strongly in favor of SB 352. SB 353, I don't think, there will be some time before the Kenai Borough, a second-class borough would be considered ^{in a charter} ... as a Home Rule municipality, but we are in favor of that, because it just gives us just that many more options in terms of expense and municipal services or expenses? as they are needed. SB 354, elimination of the 3rd class borough, we have no official position on this because there is ... at this point. In fact there is a movement led by one assemblyman to place on the ballot, the question of whether the Kenai Peninsula would become a 3rd Class Borough. For your information, that's primarily viewed with problems that crop up with planning and zoning authorities and the issue of who controls what, between the assembly and the school board. The one factor that seems to be a major consideration in the 3rd class status ^{if it were} to be placed before the voters, is, of course, in question, that the Alaska Division of Lands becomes the planning authority and basically can enact building ordinances in what is now ~~what is~~ called the 3rd class borough, and that of course, people who land in the 2nd class borough don't relish the idea of working with the Division of Lands as a planning authority. And that basically are our comments on these series of bills.

Kotzebue/ Pam Herman from Manuluk

Good afternoon. My name is Pam Herman. I am a planner with the Maneeluk manpower which is the employment and training arm of the Maneeluk Association. I am mostly to offer testimony in support of SB 351, which provides a basic entitlement to 2nd Class city in our region. We have 11 2nd class cities incorporated in this region. Our CETA program has about \$1 million this year and that's about a 50% cut from last years level of \$2 million. With that ^{Funding} ~~money~~, we operate

⑥

a city administrator, a city clerk employment training program. The reason that we are supporting SB 351, is reaction to pretty much of a crisis situation that exists in the villages right now. The City Administrator-City Clerks of this region are responsible under the direction of their City Council for operating municipal electric utilities, sewer and water facilities, 2 or more public buildings in each village, roads, trails and airport runways. They are responsible for providing 24 hours a day law enforcement, many of the villages have jails, recreation programs and they also have special funding capital projects, like REAA, RDAⁿ, Public Health Service. In addition to that, they have CETA funds to manage, and they get funds from .. and sales tax. State Federal revenue sharing money that the villages have been receiving generally go to pay fuel bills to keep the public buildings from freezing up in the winter time and for other basic costs not usually including personnel costs. Almost all of the village employees in this region are, not counting Kotzebue, are funded through CETA, either by Muneekluk Manpower, or from the Division of Community and Regional Affairs in Nome. This is despite the fact that CETA funds are not intended to provide basic support in municipalities. It is very clear in the CETA legislation that is not an appropriate use of the money. A fluctuating funding level with CETA is subject to, or partly designed specifically to preclude dependents on CETA funds for the operation of basic municipal services. About the most that any municipality in this region receives of St-Fed. revenue sharing is about \$12-15,000 a year, and that's for the larger villages, so there is no way they pick up those personnel costs on their revenue sharing We have about 65 employees in the villages, to give you an idea of the number, earning between \$10-\$12,000 a year salaries, which by the way, is just about enough to support someone living a subsistence lifestyle that is, someone who spends a great deal of their time out out gathering food. The \$10,000 income in villages is really insufficient to buy their own^{Food}, because of the cost of living out there. The \$12,000 a year that the City Administrators

①

receive, pays them for operating municipalities that provide all of these services, with as many as 8 different funding sources. These willing and able, but basically untrained personnel are expected to manage all of these operations and comply with all the various funding requirements of these different agencies, different recording procedures and application procedures. In addition, to that the length of time CETA allows that person to participate in only 18 months, so that by the time someone has finally learned how to do all these things, they are no longer eligible for CETA, and they have to find another City Administrator to take over and start from the ground up again. For this reason, we are strongly in support of any kind of basic entitlement that would provide the villages with enough of a budget so that they hire trained personnel, or provide their current personnel, with adequate training to do an efficient job of operating a village. I think that most people in the states should realize that the well-being of the entire State of Alaska is very dependent on the well-being of the rural residents. It's when things get bad in the villages, they are going to be reflected in a lot of.. urban areas, a lot social problems that don't have to be the case, if we just have an adequate municipal system set up in the region and bush. For that reason, we are in support of SB 351, although we would like to see a larger amount of money made available; but this is at least a start. Thank you for this opportunity.

Bethel/ Edward Hoffman? Sr.

Here is my statement. My name is Edward Hoffman, Sr.. (See written testimony)

One last question - I don't ^{want} what you to get the best? of us in our region, that's why we had this statement prepared for you. Or, otherwise, you are doing a good job.

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 HOWEVER 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.

for much more info. see public hearing on this bill

35-2
22-26

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 56 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

Fairbanks/ Chris Anderson

My name is Chris Anderson, I am representing Tanana Chiefs Conference and would like to take this opportunity to thank you for the time that you have here, to look over these 6 or 12 bills that are before your Jt. Committee. I have prepared before me right now. I hope to rush through and following this hopefully, if there is time enough for Ray Kent and Willams to expand from the same organization, would like to expand upon the general ideas that I have from the prepared statement. The issue^s of local government in rural Alaska are complexed. The Jt. Senate=House Community & Regional Affairs Committee has made an admirable attempt to deal with this issue. HB 580-586 and SB 348-354 represent the colination of this groups remarkable effort to sollicite the input of rural Alaska residents. We support the basic concepts of this legislation. For example, SB 348, or HB 580, prior State agencies utilized standardized service districts based on the Native regional corporation boundaries. Basic concept is crucial for effective delivery of State services. Often village projects require a high degree of intergrated coordination. When these agencies have different service centers, it is possible to achieve this needed coordination. It is, therefore, quite clear that standardized boundaries are necessary. But mere standarization of ~~boundaries~~ ^{agency service district} ~~does not~~ ^{guarantee} boundaries does not guarantee does not guarantee that the agency will be more responsive to local desires and needs. In the past we have proposed home rule unorganized boroughs. It is a concept designed to implement the Constitutional mandates that the Legislature "shall provide for the performance of services deemed necessary or advisable in unorganized boroughs, along with maximum local participation or responsibilities." ... possible to create a home rule unorganized borough by adopting home rule charters, creating

assemblies, the unorganized boroughs, would in effect be organized. This is unacceptable simply because the unorganized boroughs, which are by-passed by pipeline development generally fail to meet borough incorporation standards. This concept seems impossible to fully implement the Constitutional mandate for the local participation in the local government for the unorganized borough. We believe, however, that the Alaska State Constitution can easily solve the problem it creates. Specifically, Art. 10 thru 13 along as the State and the local government ... contacts, or agreements, or joint administration of ... and power. We wish to propose that the bill be amended to explicitly to allow the creation of consortium² of local government on a regional basis within the unorganized borough. The consortium would do 2 things. First, they would provide some coordinated administration of local government by studying costs and sharing staff, the consortium would provide effective local government, or the ... government that exists now cannot operate. Secondly, the consortium that address regional concerns, provide a form for ~~expanding~~^{Resolving} those concerns and advise state agencies on a regional needs and desires. Consortium method would operate through existing local government and ^N increase local action of state agencies. Rather than increase new layers of government, which we observed.... Often local governments and state agencies are not coordinated. Most notably, State land disposal involves State law generally favors local control, or at least local input in the organized areas of the State. The unorganized areas of the State, however, State agencies seem to .. This exists in spite of the constitutional problem of maximizing[?] local participation. The proposed bill fails to change the situation in the unorganized borough. We, therefore, move that some mechanism be inserted into the bill to provide for subsequent participation. Three alternatives exist. 1. An administrative restraint may be placed on the agency's action. Specifically, consortiums agree to agency actions and plans within the region. Asking such content basically would have to show in a locally or mutual administrative hearing

that action represented is in the best interest of the State, requires the ... The second alternative would be a planning restraint on the agency. The consortiums would produce regional plans (for which the agency would comply?) Absent compliants, the agencies must get a waiver from the consortium, or create local neutral hearings. Thirdly, a political mechanism would be established. State law could require issues to have local plans actions approved by the local hearing officer, and he will hear it, to allow consortiums and residents the opportunity to have input, hopefully influence agency action in — the area. These proposals would certainly improve local participation to the

45 — unorganized borough, but the ultimate goal is maximize local participation for this means borough incorporation. As we noted above, ... incorporation is not possible for an area that does not meet incorporation standards. This does not mean, however, that the local governments can increase their involvement to service delivery. We, therefore, propose that the bills be amended to eventually allow the consortium to directly contact state services on a regionalized and areawide basis. Prior to this contact, the consortium would be required to undergo a planning process, much like that proposed in HB 582, or SB 350. The plan would have to 1) analysis the feasibility of rural incorporation versus the consortium contacting 2) make recommendations concerning incorporation, or in the alternative 3) assess base service delivery and make recommendations for possible future consortium concept. During the interim period, the proposed base level revenue sharing is 25,000 per community should be authorized. This constitutes state moeny for a consortium, for the borough, for consortium preparing for either the contracting or incorporation; but the consortium contact, under legislative scrutiny would provide an effective alternative for incorporation for those areas which fail to meet incorporation standards. It should be the Legislature's responsibility to recognize the service delivery in the unorganized borough. Finally, it would allow maximum

local participation in such service deliveries, as required by the Constitution. There is no reason why proposed consortiums cannot also involve communities having traditional or reorganized state government. Most of these communities predominantly ... Native communities, and as such the Native government is truly represented. Included in the .. governments additional..... by the local government. Additionally we will provide a mechanism whereby the villages, state directly coordinate and complement their respective programs. Similiarly there is no reason these communities should not participate base level community revenue sharing. The theory of revenue sharing is to ^{de}increase the municipal dependents on local taxation. The central government collects taxes, and redistributes taxes to local government. Individuals living in the unorganized borough communities or equally state taxes, yet the government is not eligible for state revenue sharing. Finally, if revenue sharing is ... consortium on a contracting of a corporation operation, the communities cooperation and involvement will be necessary in order to on an areawide basis. Thank you.

~~Billingham~~

SIDE TWO // TAPE 1.

Nome/ Bob Blodgett, Teller

Thank you very much, Sen. Sturgulewski. I just returned from a lengthy visit down in the developed areas of the North American Continent, and I only have had a brief time to browse through the legislation, HB 580-586. While I am not totally negative to this legislation, I am a long ways to being positive. I feel that the timing for introducing this legislation is awkward, in that this legislative session will sine die and there will be a new Legislature next year. Therefore, there will not be any opportunity for this legislation to be carried over legislation, which will deny us, the birds in the bush that are affected by this legislation an opportunity to study it in depth and in length and hold community meetings throughout the unorganized borough area,

or within the REAA areas, if you may. Now the least government, is the best government. Now in this area, borough government, at this time, is a way of government that this bush area can ill afford. We don't have an economic base at this time to support it. Now on other hand, perhaps other bush areas, organized within the REAA, may have a viable economic base that can adapt itself

44 - to borough government. It would be an initial unorganized borough status based on the REAA boundary system. I feel, however, that the marxivilian? philosophy to divide and conquer is being thrust upon us by establishing unorganized borough areas in the 21 REAAs. These are small unorganized borough areas cannot draw any more water than political cow towns? in a broken pump. I envision, and another approach to my envision, a large borough embracing the area from the Canadian border westward including St. Lawrence Is. northward from the south bank of the Yukon River to the Beaufort Sea. I have no objection to having borough assemblymen elected from communities throughout this vast area, represent me. We have some extremely competent people spread out through this area that could do a very fine job. We don't have the economic base otherwise, after all 70% of the revenues of the State, are generated from Prudhoe Bay, and then when the JUT CC? comes on and the North Basin comes on and the bottom fishery comes on, well then that economic base will be stretched further out, and then at some later date, afford us the opportunity to further the luxury of this additional way of government. I have no quarrel with our State Legislature serving as our borough assembly as provided by the Constitution. This borough government can hopefully divest many of the village corporations of their land. If the people are willing to borough, organized borough government, as a result of the establishment of the unorganized boroughs, then this whole thing is really going to make a big fat picnic for the professional planner. The contract planner that lives in the urban areas, that knows as much about us out here, as we know about them in their lifestyle. Twenty years after conveyance of D-2 Title lands to our village corporations, then these key title lands can

Key?

become subject to taxation and the deep sea² title lands have not been developed so that they bring a monetary return in paying those taxes, then the taxes are in default and the land will be taken away from our people. I object to ⁵ paving the way to do that yet. We are having a lot of growing pains out here, learning how to function and people are having problems right now functioning village corporations. A number of our regional corporations have got problems, village corporations and regional corporations are working very diligently to overcome their problems, and I think that this would be another stumbling block in our way to divert the people's time away from addressing the problems already concerned with. Now as far as the REAA, who school boards go, the REAA school boards I recognize, I am very aware basically presently and am now serving as member after sitting on the sidelines and watching it for 3 years. The school boards are knocking their hearts out to develop a strong viable educational program to fulfill the needs of our people in their respective areas. There are too many legislators from the urban areas today, who do not know about rural Alaska. And I am not condemning them for this, not at all. On the other hand, we have legislators from rural areas that don't know what they really need to know about the metropolitan areas of the state. So, therefore, I feel that very strong alliance does not have to be placed in the rationale and the ^{Prudent} ~~...think~~ of rural legislators, and we have very good rural legislators. They are getting to the people. If they are not, we'd get rid of them. They wouldn't be there. I was there one time, and I'm gone. Maybe that tells you something. I don't know. Anyway, I urge you folks to give us an opportunity to study this intent, particularly in our communities, and evaluate and get some input back to you from the grass roots where the people will be affected by this. I think

(43) — you for your courtesy and giving this opportunity to testify. I really urge that we be given the opportunity to participate in these teleconferences from the bush areas with telephone service so we don't have to spend \$34 to fly in

to testify and \$44 to fly back and spend a whole day, or get weathered in and spend several days in doing so, and I feel you get a broader input from more people out here in rural Alaska, that's very important. Thank you.

Juneau/ ⁶ Mayor Hollipwell? Haines

Thank you. I have a prepared statement which I will leave with you. I only have one copy. (See Statement)

Anchorage/ Liza Rudd

Thank you very much Madam Chair. Good Afternoon all of you. It's good ^{xo} talking to you. I want to begin first by expressing my pleasure that you have taken on this very difficult task of trying to deal with the development of local government in the rural areas, and express how impressed I am with what you have achieved. In general, I am very much in line with your thinking in all of the bills that have introduced only some comments possibly on .. and a few that you could call on nitpicking type comments, that I'd like to make as I go through the bills with you; but as I say, in general, I think it is very much in line with what is needed in the development of rural, local self-government. SB 348, I have a question, or comment that maybe there is no need for, but if you provide for unorganized boroughs to go directly to home rule status, does that mean that a home rule borough, incorporated under that provisions, does not have to provide any particular governmental service? In other words, it doesn't have to provide planning and zoning, or it doesn't have to provide education, it doesn't have.. itself, because of the provision of a home-rule boundary. Boroughs, of course, can do anything that is not forbidden by state government, so I'm wondering if that is your intention, it will be free to do anything not forbidden by State law, but doesn't have to provide any service at all?

(Handwritten notes on right margin: No. 10) 29.13.100. Liza would provide

Senator Sturgulewski

Liza, why don't you go ahead with your testimony and we'll do a little quick checking on it. That issue was raised and frankly just yesterday, and I haven't had time to research it, so if you'll continue on, I'll check and get back on that.

Liza, I'll raise some questions, but I don't expect

Liza Rudd- I'll raise some questions, but I don't expect answers because I know you've got lots of people and I just raise them so that you will aware and if you think they are worth looking into, then you go ahead, but I don't expect any answers to these questions. On Line 19 & 20 - SB 348 - the encouraging of the development of regional responsibilities of planning and implementation of these services, that seems to me to be ... for what you are really saying which is providing for these corporations of home rule boroughs by unorganized boroughs. And, I think if that's what you are really talking about, and it certainly is according to the title of your bill, then that's what you should say and in fact you should probably put it first rather than last under the pertinent section. On page 3, SB 348, Line 17, Sec. B, boundaries may be modified by the Legislature, the last sentence there the agency requesting modification of the boundaries shall submit to the Legislative Council - I wonder how this relates to the responsibilities of DPDP on the outline of SB 350, and whether or not this provision, in this bill might not be looked at as pat? by the Governor's Office. I wonder if the Governor's Office might not want agencies independently going to the Legislative Council and asking for suggested boundaries.

*addressed
To 300 1st
B 348*

Sen. Sturgulewski. The answer is right. That issue has been raised and it will be addressed.

Lize Rudd - O.K. maybe I should just shut up. I think everybody's ..., or has already thought of. On page 5, (C), I'm wondering why you only

42 - already thought of. On page 5, (C), I'm wondering why you only provide for one shot at a charter, instead of two, as other boroughs have. You know, when we unified here, in Anchorage, each charter commission got a chance to write the charter once and then if defeated, write it again; and that's not provided under this method of incorporation, and maybe you've thought why, but I was just wondering why. On page 6, line 16, (B?) the word substantially, I don't know if that's usual, but it seems to me that the Lt. Governor should provide the elections in the manner provided in the election code, rather than substantially in ON line 26 there, the repealers, these 2 repealers refer to the powers of home rule boroughs and general .. municipalities, and I understand the reason for repealing it, but I think you still need it on, do you not the statement that a home rule municipality can perform any functions not forbidden by State law, and you also need a state law that says general long? municipality purposes provides purposes, provided under state law, and if you repeal those 2 sections without reinstating those statements, I think something is missing in the law. SB 349 - it seems to me again there is a mutual fear that maybe this Act should be named something like the assistant to the study of the feasibility of borough incorporation, rather than talking about planning assistance, because the minute I got down to the section dealing with regional management programs, I asked myself the question, who will manage what? It doesn't say. It just says for the purpose of preparing the management program for an unorganized borough, and it doesn't say who is going to manage it, or what they are going to manage, and so on. If you are talking about adding the delivery of state services in the unorganized borough, that should be .. but it seems that is not what you are talking about, because when you get over later, you are talking about this contract, the only thing required of the contract, is the analysis and recommendation concerning the incorporation of a borough government. So that seems to be the real purpose of this bill, is to provide for assistance to groups in order to plan for the incorporation of a borough, and I think that should be

Taken care of.

Managing

the money
did not
was
the money
the money

ng ...
des

C annotat'

040 J -
Marger
Wife of
Jas

2 primary concerns have been first of all, that St. government has assumed more and more local government services, what are traditional ... unorganized borough, both in funding and deliveries, and the more this is done, the less you will find those areas are going to be wanting to establish their own boroughs and this leads to a great deal of dissatisfaction because ... and dependent And the other concern, is of course the reluctant to assume the financial responsibilities for local government, and I would like to see you address that somehow, by possibly putting in somewhere that when a tax base of an area reaches a certain level, that that area must assume a certain level of financial responsibilities, for the delivery of local government, ... for that area, I think that sounds rather cold hearted, but I don't think there is ever going to be a willingness to assume that financial burden unless it's made clear in the State law that the state expects areas to assume as much of the management responsibility as they can. Of course, in order to that we must identify with the tax base in the unorganized borough, and I think that is vital, aside from any other work that might be done in development of local government, even if we should do none

*Marge
A. J. Jackson
this can
be
addressed
in House
bills.*

Senator Kelly Liza, could you identify that ^{last} provision you are talking about please? You really struck a chord here, with me in any case.

Lize Rudd

You mean about assuming responsibility? Well, it's not in any of your bills, it's a concern that I have, but, there is not, there is a pretty reluctant, perfectly understandable on the part of the people who are already receiving what are traditionally local government services from the State. And there are many areas in the unorganized borough that are receiving what are traditionally

40?

local government services from the state, and of course, they are receiving them "free", that is they are using state money rather than local money to pay for it, so those areas it seems to me are going to be very reluctant to take on local government responsibilities when they can already receive a lot of those services from the state. So I would like to see somewhere in the law in one of these bills, a statement that when a local area tax base has reached a certain level, then that area must assume some financial responsibility. Of course, not all, ... but some requirement of financial responsibility for the administration.

Sen Sturgulewski - We do have information on the home rule limitations. According to AS.29.33.010 (B) they would need among the other conditions to have the areawide borough powers, so that would include those mandatory functions. I appreciate your testimony and if you have any that can be telecopies down, it would certainly help us - you have a lot of background and made some very comments that will help us, and I do appreciate that.

Kotzebue, Jeff Smith / Naneeluk Assoc.
K

Madam Chairman. I would like to testify on 3 bills. The first one being SB 348. Although we would prefer that the issue of establishing regional unorganized boroughs be addressed in 2 & 3 years after the completion of the regional strategy plan, I would like to stress that these lines be compatible with the Nana Regional REAA. It regards to SB 349, we support the establishment of a program for planning assistance in the unorganized boroughs more than any of the other bills presented in this legislative package. Our experience over the last 2 years in the development of the NANA regional strategy plan, has been to involve the residents of these different community ... region in the planning process of the state-federal agency. Because there are many problems that we can't resolve at the regional level, we would like to see

other regions become involved and we know that the other regions are going to find similar problems reoccurring and will provide a greater statement of needs for the resolution of problems at the state and federal level. For example, of these problems, are few local solutions to energy problems, state and wage requirements? of construction costs, alcoholism, etc. Other regional strategy .. working together will clarify the wide expanse of these problems. A useful form for the resolution of these problems could be places like the state and federal rural development task force, legislative committees, and other joint state and federal task forces. SB 351, again we have to consider this piece of legislation to be a for the survival of the small municipalities of the state. They can no longer rely on external funding like CETA to provide the core administration for the municipalities. We feel that through this legislation will provide them the ability to have a well trained administrator who can coordinate the different services and activities of the municipality and can provide for the future expansion and can look at the other programs available to provide continuity and stability to the delivery of these services. Thank you for letting me testify.

Bethel, Carl Jack

First of all, I would like to thank the Committee for giving the opportunity to be involved in these teleconferences. First of all, would like to reiterate the statement that was made by Mr. Hoffman, Chairman of the Board, on the bills that are up for consideration right now. SB 348 - main concern here is the boundary question, the comment on this the boundaries established under the Claims Settlement Act, for the option for the provision to be done after the full study is completed as proposed by the chairman of the Board. SB 349 - We feel that it is salvageable although its part of 348, but the concern here is again the underlying question of the continued absence of local government. We feel that the powers that will be given to the Commissioner, will certainly make the Commissioner a czar. WE won't

foreclose complete endorsement of the bill, with some modification. On SB 351, line 10, proposed amendment to that is take ... city or organized borough - replace or with "and" so the city has organized borough of any class entitled to etc., etc. SB 352, one of our concerns is line 22 thru line 25, where the Community & Regional Affairs shall prepare the fiscal notes on behalf of municipalities. We do have some concerns on that, in this regard, developing municipalities. Those are the specific comments that I have. I understand that there is supposed to be additional hearings on the 14th, and at that time, we will provide final comments. Question, when are you going to work on Committee Substitutes?

Sen. Sturgulewski - We have that scheduled for 14th in the Senate, 11th and 13th ^{11:5} 8:30 a.m.. Since we are limited to teleconference time, they will not be teleconferenced, but work is going forward. As you know, there is some sense of urgency to move forward to the next committee of referral, so I would appreciate whatever you can get to us as quickly as possible.

Fairbanks/ Ray Kent

Thank you Madam Chairman. I, too, would like to thank you for this opportunity. My testimony follows on the heels of the policy statement as stated by Chris Anderson previously. I would like to take a moment to go through the legislation. We too are not totally opposed to the legislation, with amendments, and we also agree pretty strongly with Mr. Hoffman. The position basically needs to be a much stronger involvement of rural government, i.e., Native traditional IRA? government outside the organized first and second class cities. SB 348 - I restate the purpose, again as testified to previously, the purpose seems to be to create service districts for the delivery of state services. However, the act itself does affect establish and probably will involve into boundaries or future rural governments, so in this regards, we would like to have included in the statement

of purpose, a statement to the effect that the service districts will be developed in a manner that will facilitate potential delivery of services by local We also would like to state boroughs? must be established for administration of local government and any look at these boundaries should take that into consideration. It seems that the Commissioner has a great deal of discretion in recommending changes. We would suggest that on page 2, line 7, that the language unless the ⁱⁿ conclusion of the territory is reasonably necessary for efficient administration of programs and services by state agencies be deleted. We feel that the boundaries should be limited to those Native corporation, but there is no provision for boundaries.. No mention is made in the proposed legislation concerning the involvement for Native or traditional government in the establishment of boundaries, and some combination should need to be made to recognize those needs and interests. On page 3, we are concerned about the appeals process. We feel that there should be some changes made in the appeals process to accommodate a normal administrative appeal that would perhaps stand in the Legislature and/or the courts. We would also like to be sure that the appeals process would be initiated by both the interested government in the region as well as the Commissioner. Page 4, as also mentioned previously, the question of definition of home rule borough - as I understand the bill, home rule borough means, as stated in current enacted law, which provides mandatory provision of services, we would like to consider perhaps an alternative to that, which would allow the government to develop basic comments, financial capability to provide services, perhaps not mandate the provision of services that are not financially supportive of autonomy. Half way down the page, charter election component provides for ... election for charter commission, is in fact ... it's our feeling that the charter commission should consist of two graphically representative members, rather than members at large, which could set up a stage for domination by a local community on this particular .. Then again, as

agreed
M. G. ...

done
M. G. ...

previously stated, let them decide a need for a second chance, they can't. - *take*
The finding of the charter commission to the agency? I refer now to page 5, *over*
bottom, where there seems to be no ability for the charter commission to *y.*
bring back a second review for the proposed charter. SB 349 - we like the
concept contracting for planning the administration and the delivery of
government services, however, we feel that the Commissioner's discretion
should be limited, and that the Commissioner should not be able to contract *play*
without the consent of some locally representative group in the initiation of *some*
this kind of activity is described as a one shot deal, and some areas of *add.*
the State, it would be premature, and it is our feeling that it would be
necessary to limit that ability for it initially to come from the local
36 - region, rather than the Commissioner. SB 350 - we have no partic
region, rather than the Commissioner. SB 350 - we have no particular comments.
SB 351 - we have a lot of concern about this particular piece of legislation.
It seems to discriminate against those communities that are not organized
as 2nd class cities; i.e., traditional and Native governments, those just *all*
as much in need of funding as are the cities. We would recommend that *Be in*
additional language be added to include those villages. We feel that to not *Shan*
include them would be discriminatory, and we recommend "do not pass" on this *Prog*
bill unless those are included. SB 352 - have no comments. SB 354- no *as a result*
comments. SB 353 - as discussed previously the question of percentage or *now*
the numbers of people need to initiate the action, and after discussing
that further with our people, we would like to reserve comment on that. That's
the end of my testimony. Thank you.

Nome/ Andy Edge?, Nome City Manager

thank you Madam Chairman. First I would like to thank the Legislature for the
provision of this service, and the legislative office you have opened here
in Nome, and more particularly end of TAPE I, Side 2..

I would like to say first that sure the organized boroughs^{have been?} slow in implementation in rural Alaska; but the Legislature, who by law, is the establishment[?] for the unorganized borough, for the first time seems to want to move toward this suggested local control. But like my old, old, acquaintance and very dear friend, whose my next door neighbor when I'm living over in Bethel, ^{kidia?} Lady? Hoffman?, I would like to caution that haste makes waste. In going through the bills, I have cut my comments down considerably, so 348 and 349 needs more time, more study and more involvement on the local level; and less of the (tail wagging the doll?) 350, the same, needs lots of work, especially in the line of the people involved. You know, it's fine, committees come into our area for hearings, most of the ones that came in the past 6 or 8 months, just haven't given enough notice, and haven't provided for a consolidated hearing, one that we get together and talk about it a little before hand and then come in with a consolidated viewpoint, one that would include all of the villages, all of the organizations. 351, 352, I see no harm or objections to either one of these. 353, needs more work, again, to include consolidation hearings in the areas involved. In the passage, at this time, of any of these bills, I feel that we are invading self-determination and the rights of the local people to determine their own destiny. I speak very strongly against allowing a single board as cited in HB 584, I think, to express the views of both borough management and borough schools, or one board acting as both boards. It puts up a couple of interesting questions in the absence of Nome, which has a council, which has a school board, how does it tie in and mold with the borough board and REAA school board? I don't quite understand that. I am certain that it is taken into consideration. And, finally, Madam Chairman, and to my many friends in Juneau, I would like to remind them that my annual birthday party will be on the 26th of February, and this year will be held here in Nome, and those of you can make the party, are surely welcome.

Addressed already in SB 349

Sen. Sturgulewski - the questions you raised, Andy, on SB 354, or HB 584 are really right on, and that's one of the reasons we are recommending elimination of that kind. Some of the issues you have raised, seem to be causing some problem. I would hope that you take another look at the bills. As a matter of fact, the issue has been raised several times. We feel these are leading toward self-determination by an area. That's the whole intent. For instance, SB 350 changes nothing in the amount of services, etc., going toward rural 37 - Alaska. What it does do, is say that the State needs to start to recognize some common boundaries out there, so there can be a greater coordination of services. That is the intent. I would be very happy to discuss that issue with you, and I am very appreciative of your general comments.

Andy Edge - final comment - only that involve the people. I realize the un-organized borough has been here a long, long time and that nothing has been done about it, but in our haste to correct this, let me caution, a little more involvement. There are people out in our area that just don't know, and what you don't know, you go back to the oldest rule in politics - what you don't know, vote no, and we advise no.

Haines - Dave Olerud

I want to thank you for the opportunity to make a few comments on my experience with 3rd class boroughs. At the present time I am a businessman in Haines. I have had the experiences of serving as a borough Mayor, I have served on the City Council, as well as other organizations within the area of Haines. It seems as though, it always boil down that we, in Haines, are a little bit of the exception to the rule. We are the ones with a 3rd class borough and listening today to the teleconferences going throughout the St. of Alaska, we are also without that. But ^{well} you knows, the 3rd class borough is something we should look at very carefully because of discrimination. Let me just make a few comments and salvage as much

time as possible. First of all, from the experience that I have had with 3rd class borough, and with government per se, I feel very strongly that the local government is the most important aspect of government for the people in the State of Alaska. We have to have ^{the} ~~a~~ power reverting back to the people in the rural areas, or into the local government. I feel very strongly that over the years I have served on local governments, that a government should be very similar to a shoe on the foot. It would be very disastrous on the part of a parent to take look at a shoe on a foot, and let that shoe last for many, many years, without changing that shoe. It is quite obvious that that child is going to grow up and that shoe is going to start pinching. I feel very strongly that local government should be such that it can adjust to the realities developing within a community. Now, a 3rd class borough in Haines ~~is~~ not a just reality to the community. It is great as far as the school is concerned and as far as collecting taxes for that purpose is concerned. But going beyond this point, when our community develops to the point where, proportionally we are going to develop sooner or later, our population is increasing, and we are going to have to face the fact that our government, the 3rd class borough, is not going to do the job. I'll give you an example of where it will not do the job. With the last 5 years we've had a negative influence on our economy. We have seen our tax base erode by several millions of dollars, primarily because utilizational resource from the timber has not been made available to our community. 3rd class borough can do nothing but collect taxation. To stimulate the economy, to provide for the services that are desperately needed, schools, etc., it can do nothing. Basically, as a taker of a tax, but it cannot do anything to stimulate a tax base the prime sector that is so desperately needed. that the State of Alaska decrees that there should be land classifications, land claims. Well, the 3rd class boroughs regimented to schools and collecting of taxes. We turned to the State, Dept. of Natural Resources not necessarily interested in what

happens as far as classification and the will of the local people. We fought a little over a year, a year and a half, to have a classification through the State Dept. of Natural Resources as to the people of Haines situation. It was a very sobering experience. Anything I would like to emphasize - what is a 3rd class borough, what is it really? Because of necessity, since 1968 when the 3rd class borough came into existence, to serve our people, we have in a sense made a lasting ^hcause under the 3rd class borough. It has been stretched to fit the needs of the people, even though possibly it is stretching the legality of the 3rd class borough, it has been stretched to the point that what we have, a lot of times, classified in a sense a monster. We have done things that basically we were not entitled to, the State of Alaska has allowed us to, we have asked them what can we do with roads and trails, they say it possibly could be construed as education, we have asked them what to do about a multitude of problems and anywhere from boat harbors to museums, to cultural facilities, so the 3rd class borough of Haines has been stretched. But not only has it been stretched in the lasting sense, but it also has created a monster in our city, because a city is like a parent, as a last resort. Any time you have trouble and the child can't take care of it, you go back to the parent and the parent must accept the responsibility. Our city has been pulled to many extremes, primarily because the areawide government has not been able to adjust to the needs of it. The only thing that I find negative, is that I do not like in a sense where government mandates government. I believe the people should have enough common sense to adjust to the realities of the situation and do what is necessary. Bill 354 mandates within so many years, I believe by 1984, that the 3rd class borough will cease to exist. I would hope that this group that is working very diligently to set up an efficient government in the unorganized areas, and organized areas in the State of Alaska, could possible have the intentional fortitude to make decisions that could possible be unpopular to certain segments but is necessary for a more viable rural area.

Sen. Sturgulewski - what are you suggesting?

Sen. Sturgulewski - what are you suggesting?

Mr. Olerud - What I am suggesting is possibly that I do not envy your position that you are taking at the present time because the 3rd class borough is a reality because the State government did not have the intestinal fortitude of a long time ago to say now that we should be a second class borough. We were left in limbo, and because we were left in limbo, we have created many problems for the State Legislature, which has been I feel very strongly now that we should as a community of Haines evaluate very carefully, a little pressure from the State would not hurt at all, I do not feel it will be necessary to mandate anything. I believe the local community in Haines will be able to take care of the problems that are coming up, if we get rid of the hysteria. At the present time we have so many traumatic things pressed upon the people of Haines, particularly the economy, long-range timber planning, etc., from this, I believe, we have become very strong in a sense. I think we are capable tackling the problem of local government to provide a decent counterpart.

Sen. Sturgulewski I appreciate your comments. I might suggest, just from some comments made when the bill was introduced that people from both sides of the aisle in Haines might wish to communicate with their Senator and representatives from their area as to their feeling on the 3rd class borough. I do appreciate your taking the time to give us your comments, and I know you'll be watching the legislation carefully.

Mr. Olerud - just a follow-up. I state now it is very nice to see that - SB 352 - it is nice to see that the State Legislature is looking at the financial responsibility of a particular bill in relationship to the local comm.

responsibility of a particular bill in relationship to the local communities, and I am also very negative when it comes to saying it is nice that the Legislature spends money on behalf of the local community. I feel in a sense that the majority of the money should come from the local community, but you have allocated monies on SB 351, that would be very beneficial. Now we talked the other day in relationship to implementation of these acts. Now can a 3rd class borough, in a sense, be given funds to go through the research necessary to go into a second class borough, first class borough, or what it may need. In here we have, I believe, a clear indication if you are in an ^{unincorporated} unclassified area, there is financial assistance, aid, in coming to a decision as to what type of government is best for our people. I would like to make sure, now, that the 3rd class borough is included in this necessary and to do the research to move from a 3rd class to a 2nd class or whatever the people decide.

Sen. Sturgulewski - that is a good point. I appreciate that. Thank you very much for your testimony.

Anchorage/ Pat Keproellie/ Rural Cap

Thank you for the opportunity to come in on the local government legislative package. I am from Ruralcap, and in the interest of timing to the primarily comments, and they incorporate those of Bob D..., deputy director. On behalf of Ruralcap, I urge you to schedule additional hearings on these bills during the week of March 17. The Rural Citizens Participation Conference will be meeting in Juneau that week and many of the delegates would like to testify directly on these bills after they have had a chance to study the committee substitutes thoroughly. ... developed as been a model one. Starting from the August 1979 Symposium on local government through an extensive ^{schedule of} hearings throughout rural Alaska, and finally to the draft legislation. Along these same lines, SB 348 should require State agencies to provide for public participation before

making any decisions that affect the district. The Legislative Local Government Study's final report on self government, which ought to be local involvement. SB 349 - no provisions in A 1 and 2, requiring either group to involve anyone or any organization in the region being studied, we should reiterate people's concern for more local involvement, it's lacking in that bill. 349, it provides for assistance for developing regional management programs in unorganized boroughs, but in the report the priorities seem to revert, in the Local Government Study's Final Report, under regional strategy and planning studies, it says the strategy study fund will provide assistance for regional studies that will address economic, social and class for the unorganized boroughs, and provide the means from which the people in each region can participate with government in establishing policies and programs for the region. Then it says studies will also address the feasibility and viability of organized boroughs incorporations. In the bill, it seems to be reversed. Copies, which are optional, includes the ones listed first and the importance are economic development and potential, determination of housing and capital facility needs, and examination of ... graphic social and environmental factors. important in planning a regional management program. The requirement to provide an analysis and recommendation concerning the incorporation of a borough government is the main required topic. That requires a conclusion which cannot intelligently be reached without considering the factors, which are currently optional. That is why they should be required in all contracts. The optional topic should be required, but where this information is available, it should be included in the report, because that information is necessary to provide residing in the boroughs with the tools they need to make and form their opinion as to their own development. The bills in this package, especially SB 349 and 348 should be consolidated. SB 349 ought to be passed first. If it doesn't pass, than neither should SB 348. State financial support of a regional strategy planning cost for rural Alaska ought to happen before boundaries are drawn.

CS covering this

Some permitting will be for CS

changed to shall in CS

Sen Sturgulewski - Thank you Pat. The point you make is very good on the optional part really being necessary as a precondition to doing the regional government. I appreciate those comments and they are valid.

Kotzebue/ Bert Griff?, NANA Regional Corp.

Thank you Madam Chairman. I would like to make a regeneraized short statement on three Senate Bills. SB 351 - state aid to local government. I, myself, have been involved in local government, and I understand perfectly this grant, because revenue sharing a lot of times has been supplemented by bingo games, raffles, and volunteers. We've been in the red several times, and this affects the delivery of services ⁱⁿ critical times, just the absence of needed police protection during the time when we don't have the financial status to continue this service. In the past the cost of energy, transportation, electricity have gone up in substantially increases while the revenue sharing remains relatively the same. My point is keeping in mind the inflationary factor. SB 351 - this should include, if it doesn't, the unincorporated villages also. We support also SB 348, if the legislation includes language to insure that option on whether to organize as a borough is given, and not mandated. Remove ^{to} areas such as ours, do not have a tax base as yet to support the local according to fiscal needs of operating a borough, and it might take years before our area to get up to that point. I would say Kotzebue, for instance, right now income per capita is well under \$3,000 per year and even right now some of the villages have problems in supporting local sales tax. When other regions plan in incorporate into a borough then perhaps this should be assured that additional funds be available to form the borough. We also support the boundaries and this will conform to REAA and, our regional boundary. We also support 349, planning process basically educate both the federal and state agencies, as well as the local villages. It will be beneficial planning process. That's all I have now. Thank you.

No -
this is
part of
revenue
sharing
to
municipal
polity

Sen. Sturgulewski - Thank you very much for your testimony. I do want to assure you because I think it is a terribly important comment, that we are talking about voluntary as opposed, in other words it is optional to move ahead into the regional strategy, it's optional and up to the people of the area to move toward organized government. There are no mandatory features and I think that is a very important thing that needs to be reiterated. There is quite a difference between mandating areas to move ahead, and having the option to do so.

Bethel/ Ken Proll, City Manager of St. Mary's

I am Ken Proll, currently the City Manager of St. Mary's and I think I can speak on behalf of the Council when we say we can support some of the earlier statements of Eddy Hoffman. But I think for just right now, I would like to just specifically focus a little on SB 351. We, of course, support it, and we think the funds provided in this bill will significantly help the rural communities in the Yukon Kuskokwim-Delta. I did have 2 stylistic changes, one Carl Jackson pointed out earlier. We would like to see the "or" in line (10?) changed to "and" and also line 11, where it reads, a borough of any class which is entitled to state aid under AS 43.18.010 - I have that statute before me right now, and it does set up several categories, under which municipalities can (compete?) A - have to have power to provide certain services and exercise that power. Many of the rural communities out here do not have the power to provide some of the services that are set out here 43.18.010 - some of those powers like police, fire, pollution control, parks recreation and planning - it is not really clear from this bill whether municipalities have to have the power and exercise all the powers under the category listed under 43.18.010, or whether a municipality simply exercises power under only one of those categories, it will then qualify for the \$25,000, and the legislative intent seems to be a little unclear and I would suggest a change in line 11 to read borough of any class that is entitled to state aid

Already provided in AS for current wording

Council

under any of the provisions of AS 43.18.010 - which would seem to make it clear that rural communities will be included under this bill. That's all I have. Thank you for the opportunity.

Sen. Sturgulewski - Thank you. That brings out a new point and we will check that out. It's my feeling that the fact of incorporation is adequate to mean that those would come and it is not dependent on the provision of any powers.

Fairbanks/ William C. William, Tanana Chiefs

Thank you Madam Chairman. I am glad to hear some of the comments coming from rural Alaska and the impact they see these bills having. I have one short statement and then I'll go into some comments and clarification on some of our issues. This statement I am about to make came out of a specific mountain time, a circular which comes rural organizations and communities in the West Coast. It seems to be quite pertinent that we are not the only ones having these kinds of problems of local control. The title of it is The Case for Citizen Involvement. Development will occur in rural areas regardless of anything we do, because of population pressure, and economic necessities. Impacts of development may or may not be desirable ^{from a viewpoint} ~~toward~~ of area residents. We need to question who will decide the nature and kind of development which takes place, and how the voice of the Council can be heard. There are a number of possible actors in the rural development decision making process, government agencies, local elected officials, property owners, corporate boards, environmentalists, and rarely the folks at large are involved. Conflicts which precede development decisions often pit exploiters against preservation. Regardless of which side wins, the primary impact of most development decisions will be on the (poor?) In general, they hear about it after the fact. At best their voice is given by the clamor of strong vested interests. In the past few years there has been substantial movement from cities in the rural areas. In addition

to impact of business and industrial development, many of the ~~officials~~ ^{individuals} are seeking simpler, more self-sufficient humane lives in the country. Some state and federal programs are supporting population ^{will be a} ~~as~~ a solution to urban problems. This solution may satisfy the long term state interest, but in the short term, it places a tremendous burden on units of local government. Local government based in the past in protecting traditional lifestyle and values while expanding essential services. The factors which bring city folk to rural Alaska are those which kept rural folks at home. Continued quality of rural life is an issue which must concern the forces of rural economic development. Yet this quality is endangered by development. Since rural areas are bearing the ³²⁻brunt of problems created by change, it seems the State and Federal agencies must provide support for local government. Local government needs help in shaping community attitude, building long-range plans, and providing services which should be planned in advance of development. In general, ^{city} conditions have forced local government to react rather than anticipate and correct events. Local direction should start in the school, city groups, media and with the local officials themselves. ^{I would hate to see us} ~~Now the agency is building~~ ^{a fence} ~~(bands?)~~ around rural Alaska to keep the ^mvibration out, but I would also hate to see ^{migrants bring the birds} they are escaping with them. I would much rather share the beauty of life we enjoy. I think it can be done, but it won't happen if we fail to make the effort to involve, inform and listen to the people. My constituency is mostly left out of the decision making process. Rural Alaskans are seldom the movers or shakers of public policy. yet no economic development decision should be made without an analysis of its affect on these people. The environmental impact statements are generally required before development takes place. It is time we gave people impact statement consideration. We may play a role in development, but we can't stop it. Our option is to shape and direct it by defining our goals and developing concessions as to what our communities ought to look like 5, 10, and 20 years from now. There are vast resources in the rural regions to be developed

managed, conserved or locked up. Special interests are present and prepared to do battle in each situation. The majority of folk are on sidelines vaguely aware of development impact. It is our challenge to involve them in the decisions that'll affect their lives. It is quite interesting to note that we are having the same problems, same concerns in rural Alaska, that were stated in this circular. I have changed some of the titles to say Alaska state and Alaska rural residents, names of different organizations, entities in the circular. Again, some of the basic concerns outlined by Chris Anderson, and Ray Kent. Again, I would like to reiterate in SB 351, ~~there is no provision~~ in this bill for funding for communities that aren't organized under State law. I think this is totally unfair. These communities are having the same problems that the organized communities are, they are taxed just like everybody else, but they don't have the benefit of receiving those taxes back in any kind of a plan now authorized by the State. I think in those instances where a lot of our communities are organized, the organization is just in name only and not in process or actuality. I think it was something told a lot of our communities, because it was told it was a good idea. I think the same thing is happening in this legislation now, with 348. You say it is an option. But a lot of the rural people aren't looking at it as a option. They read these bills and sometimes they are quite confused because it looks like the State is trying to force organized government on them. We have been into this type of activity now in trying to develop strategy planning. I heard somebody comment they would like see 349 introduced prior to 348, and I think that makes a lot of good sense. Without proper planning, without proper communication with the rural folks, it makes no sense to even pass 348. With that, I'll end my comments.

True

Nome/ Kalleb Bengowee?, _____, Inc.

Thank you. I'll quickly go through some of the comments on the proposed bills Senate version - SB 348, Art. 2, ~~on question of~~ ^{collection of data} information, I think there should be some provision on part 4, for that information presented to the Governor

and the Legislature, some provision for public hearings since this information will be used for the consideration of the State budget and other considerations.

- 3) Therefore, it makes it very important that the people be involved in either of the development or the final estimation relating to the state government. The information collected by these agencies should be reviewed by the ...
prior to presentation to the Legislature. Also, on Section, on the and ^{exemption?} modification, part B, where it says that the boundaries of the district may be modified by the Legislature, I don't feel that the State agencies should have this power to modify any boundaries. They are set to serve the people, or they should not be served at their pleasure. On ... elections, I think there should be some provisions for incorporation of a charter for some public hearing for that particular part. It currently just goes from the .. provision 2, C & RA for advise with the laws of the State of Alaska. I think there should be provisions for the public will have input into the charter. Also on the 90 day, on some of the days that are on this particular bill, I think some of them are a little short, you probably should read between 30 and 60 days, and ^{maybe you want to address this} also 60 to 90 days, particularly in the rural areas where it is sometimes difficult to get people involved, especially where you have short notice. And then on page 5 part B, 90 days may be a little short on the compliance with the laws of C/RA feel the commissioner have met. Again, I would like to reiterate that we have some problems as this is a step toward of organizing boroughs by provision of the area, you create natural areas that would become boroughs, whether it may be necessary or not. SB 349, I think the provision of requiring a recommendation for, they should be formation for incorporation something that I don't feel comfortable with, and also although identified in this particular bill, I .. whether a portion of the area to be organized in a borough or not. There seems to be some conflicting portions in this particular bill. On SB 350, ... sounds fine, but I think that's a little unrealistic to all the information to the Governor concerning whether the state agency(?) can comply with it or not. On

SB 351 - we support this bill although I would like to point out that some of the municipalities governments have asked me (active?) and therefore they would be presently surprised if they get a check for \$25,000. SB 352 - I think this might create a monster for the Legislature, but if they want to do this, its fine with me. I think the bill is good, but I think it may place a burden on the Legislature. SB 353 - no comments. SB 354, section applied to the Div. of Lands having the authority, I particularly have ^{SOME} ~~no~~ problems with it and it will only say? see the coastal management programs available for the districts which may not be necessary and also on a ^{single} continual? assembly or a seat of borough government and school board again would create some problems in some of the areas. I thank you for this opportunity.

Sen. Sturgulewski---Thank you, I would like to point out to you that in fact the Div. of Lands currently has the planning and planning power in the unorganized boroughs, and this would not change the status, but it was necessary to retain that section because of doing away with the home rule boroughs, I mean 3rd class boroughs. They have the zoning power, I'm sorry, not the planning, so it's not adding to what they have. They already have that power. That is one of the major we've looked at. The whole thing of the coastal resource districts, there are problems in those areas that are not organized in the governments that have the ability to enforce the plan. Right now the only authority lies in the Div. of the Department of Natural Resources. So that is an area of concern. *Ed*

Juneau/ Roger Allington

30 Madam, Chairman, I'll make this very brief. Speaking basically as a former assemblyman and former Coastal and Policy Council member, and officially as a citizen, basically I support the package from the activities of those two bodies, and would make a couple of minor comments. One has to do with boundaries, and from our work with the Coastal Policy Council in setting up the coastal boundaries, I suggest that to the extent possible, the boundaries

be left as flexible for as long as possible, because as these plans were developed under SB 349 comes down, I think there is going to be some changes indicated. However, I should also indicate that to the extent possible, the boundaries should be coincident with the school board boundaries that exist, coastal resource boundaries that exist, and because we are talking about private lands that are basically within Native regional corporations, to that extent they should be addressed already. 349 appears to put into the rest of the State some of the activities that were already taken into consideration as far as planning is concerned in the coastal areas. I would concur with the comments Jan. 31, 1981, for SB 350 is probably tight. I believe under the Coastal Mgmt. Act the DPDP was required to make sure that all departments had their regulations in line with coastal mgmt. regulations by a time certain, and I don't recall the time certain, but if it hasn't passed, it is darn close to being passed, and I don't believe that's been done. The net result is having an unrealistic time frame, it doesn't get ^{done} and that means it just doesn't get done. SB 352, I appreciate the fiscal notes on the bills that relate to municipalities, to the extent that it is possible to do it. I would suggest that this be amended to require fiscal notes on departmental regulations that affect municipalities also, and I believe there is a bill in to accommodate that. A brief statement on the 3rd class borough. We know from coastal management we have a void up there, we're not exactly sure how to handle it. management and I see that this bill is written in such a way that it gives the Commissioner more discretion and I think that's desirable, at this point.

Addressed in SB

Article in Anchorage at this point?

side @ Tape II

Anchorage/ Ron Mallott

merely as an interest
Hello, Ron Mallott here currently attending as a student on state and local government. I believe I will be addressing SB 351 primarily in conjunction with much of the testimony I've heard today, I have heard a lot of pros and cons, in favor of and opposition to the various bills, which reminds me and I

should remind us all that the State Dept. C/RA should have been aware of all of these pros and cons prior to the proposed bills and that their groundwork should have included people like I believe I heard Kalob Vangowee mentioning that, the people should be reached, and their consideration should be incorporated into any legislative bill even if it is a proposal. As an individual I question the constitutionality of compelling unorganized boroughs to become organized. I view the issues placed at large in the form of legislation for their consideration a form of blackmail, or the majority population ruling the lessor population. Organization of unorganized boroughs for cities prior to the resolvment of the D-2 issue, is questionable. Nobody knows what is coming or going. Identification of transient residents may need to consider an evaluation of necessities of organization of boroughs or cities, the same as they should be considered relating to regional educational attendance areas, as it is very clear also the question of transient, who is going to or coming from the education facilities in any organized or unorganized city or borough. There is a lot more I could say, but I think I would rather listen than speak. Thank you.

Sen. Sturgulewski - Thank you very much, I appreciate your comments. I want you to know that were extensive hearings made, and that's why we are having a teleconference, and as I indicated, we have mailed out many, many copies of the report, there has been a sincere effort to not do this simply with a (fly up?) It is not the Department, it is the Joint Committees of the Legislature that have carried on this study, and we're certainly attempting to be responsive to the many interests that we do hear. I would like to repeat, as I think it is absolutely vital, that this is not a mandatory provision. We had a mandatory borough act that formed, with one exception the North Slope Borough, formed the current existing boroughs out there, Haines too was an example. This is not a mandatory bill, it is very important that that distinction be made because that is something we heard loud and clear. The people want to move ahead

at their pace and this particular bill, these set of bills, do make those provisions that people are not forced to move ahead. Hopefully it will cut out duplication of service delivery on the part of the State, but it adds no powers that presently do not exist.

Kotzebue/ Mr. Gene Moore, City Manager

Windmill report. SB 348 sets up the first step of an organization, getting them to be organized boroughs, and we realize here in Kotzebue and the NANA region that we are unique. We've done a lot of planning and looking at this. But I don't think ^{we}~~you~~ really need SB 348, because if we do decide to become organized, we have the provisions already in the fold, and anyone else has those. I am certainly glad to hear that this is not a mandatory bill as everyone else has been led to believe it would be. We hope that no one will be the language in there that it be mandatory, because we all know the lessor amount of government, we have the better government it will be. The planning bills we strongly support as you know we have the regional strategy plan performed here in the region and I think that the whole state, particularly the unorganized borough, needs planning but, the one provision I heard today, particularly SB 350 - looks to me like this is something to tell your commissioners there in Juneau to do and not have to *Real bill to do it* spend time enacting a bill. We can do coordinating out here. I think maybe need to talk to the commissioners in Juneau and not have a bill to reflect all the local governments ... probably lies in the state .. coordinating with .. We all know that happens in the state. SB 351 - I spoke on this when you were up for hearing here, and one gentlemen spoke awhile ago about the \$25,000 , was it really needed. I think this is additional state aid and not something that everybody gets, because everyone would get \$25,000 plus any other services performed, Alaska Statutes 43.18.10. This \$25,000 plus cost of living in addition to services they now perceive from revenue sharing . strongly urge as told to the people at the hearing here that we have a small village of ^{ft. Buck?} ... less than \$6,000

a year, and that's not enough to pay for the paper work that takes place.
SB 352, if I'm understanding what it is saying, I think it could be cut down
and made real short. No mandating improvements that you can't provide the
money for, don't put a new burden on the small municipalities, or large ones,
either one
/.. when the money stops coming from the state on these programs, the program
stops. A short answer to it. SB 353 really have no problem other than I
think you ^{should} ~~could~~ include alternate ^{we} incorporation^s, second class borough,
I think everyone should have the choice of making self-determination and
shouldn't be put to the expense of going through first class borough and first
class ^{city} study, they should have the option of going from such class organization
city or borough to home rule. Planning another ... expense wise
election, ballots, hearings required take care of all of this by changing
that all municipalities have the option to go straight from second class city or
borough to home rule system of borough. I appreciate the opportunity to make
these comments to the Committee. I know you've done a lot of work on them and
I think more work still needs to be done before it's total accurate.

Sen. Sturgulewski - I think I need to make something clear, because I don't
want to leave anything that creates more confusion. When I talk in terms of
mandating boroughs, a form of government, but it does call for a drawing of
lines in SB 348, and I just don't want to have given a false impression on that.

Mr. Moore Yes. We understand that you are drawing lines, and we don't have
any objection to your drawing lines, as long as they don't ^{put a line on} mean a whole lot
to us.

Fairbanks Wolfgang(Falk?)

28
dismissed in
House RA
pleaded
again at

SB 352
Tupac
with

Anchorage/ Dave Walsh

Chairman of the Anchorage Municipality. I am just glad I made it back in time. I'm also speaking on behalf of the Alaska Municipal League today, of which I am President this year. We have not taken formal Municipal League action on these proposed bills, but I imagine that we will at our next Board meeting tentively scheduled at the end of this month, or beginning of March. I have gone through the bills, I have the Senate verious in front of me. In general, I think they are excellent. A marvelous effort these past few months to put this together and I would heartedly endorse the bills as an individual and also as an assemblyperson. And as President, hopefully in the next couple of weeks we will provide you with formal resolution from the Board. SB 348 - Two conceptual problems, generally - not as the bill is written, but perhaps the effect of it, and what could result from overreaching administrative approach. By that I certainly don't mean to imply the current Administration, because (interference - mike change required)... The two conceptual problems that I have with it is that I think there is the ^{natural} tendency that once the lines are drawn, it'll make those lines concrete and make it very difficult to change and I would hate to see that happen with this approach, because I think it as a first step, it is excellent, but whether the lines that will be drawn as a result of this bill would be or should be finalized, is another question completely. It is more the problem of human inertia I think, than the bill itself. I would suggest that legislative history? or committee reasoning ... contain some pretty definite language that the lines are not meant to be set in concrete or meant to endure forever, but are essentially the first drawing of what we would hope to be a fluid approach, until the final local governmental lines in the state are established. The second problem that I see is again, not the legislation itself, but ... is that these districts essentially become an administrative tool to provide local government services through a state function. In other words, you would have the potential for the ... or co-term

co-terminus boundaries with different ... for example in Anchorage, take Anchorage as a proposed district, would not like to see the situation arise where there were several district administrators that could have much influence or powers as the local elected representatives here. I don't think that's as much a problem in Anchorage, Fairbanks, Juneau or Ketchikan. It might be in other areas of the state. In terms of specific amendments, and these are somewhat .. and obviously as a result of my local government ... On page 3, SB 348, subparagraph 4, from municipal point of view, I think we would like to see (stop for static again)

Page 3, paragraph 4, my personal preference would be if it was spelled out in the legislation the part of the function/^{would be} to provide information

29 to local government units that may exist in the larger state and service area that approach. Other than that, I think 348 is excellent. Amendment to Ch. 19, Sec. 29.19 etc. are excellent. I think it is a very fine workable approach. SB 349, I also think this is excellent. You know the League has a membership that not only includes the largest municipality, but is made up by 1/3 degree from the municipalities that are rural in nature. In fact the majority of the vote in any municipal league by those who are not in organized borough, and on their behalf, I would say that I think 349 is very good. In terms of 350, I would ^{excellent?} .. what Don Gilman said at the beginning, and I would have no comment of value on behalf of the League ... state matter, which had .. personally, I like it, any time the system can get support ^{report?} directly from the Legislature I think that's a positive thing. In terms of 351, I can't give ^{for the league} .. but I think that is an excellent approach, particularly to ... The lady from Kotzebue testified earlier at the hearing. I think this will provide a valuable service to the rural second class city. SB 352 is I think the best of the package. I think ... the fiscal note requirement is something that that local government has .. for a long time. I'm sure you are all aware a lot of times the Federal government mandates programs for the state, and local government that is beyond

our ability to finance and I think this approach insures that that same kind of problem is not going to arise in regard to ... SB 353, I'm also very much in favor of.... SB 354, I don't think the League would want to take any official position, and I certainly wouldn't personally. As Don Gilman noted previously, there is some controversy in the Kenai Borough and in other areas of the state in regards to the elimination of the 3rd class borough and so I would suggest you go directly to them for input and their viewpoint. In summary, I would say thank you in behalf of local government for. I think this is marvelous and would be glad to support it. That concludes my testimony.

Fairbanks/ Allen Busbee(?)

I would like to give testimony on HB 584, and I'm with the Salcha .. With our detachment from the North Star Borough, we have been looking over forms of government to replace what we now have. We aren't satisfied with a second class borough due to the fact that we are a rural area..... a third class borough in reviewing what we have to choose from, fits our area more so than anything else. We find that the eliminating of it would be harmful to our community and other outlying rural and bush areas. As far as third class borough not having any planning and zoning, Salcha area is planning and has tried to develop this area for its need and has resisted in some aspects in doing through government agencies. I would like to recommend that legislators drop this bill and if they want to help the unorganized boroughs, maybe they could form a (4th?) class borough.

Sen. Sturgulewski. Thank you very much. Just out of general interest, have you petitioned the Local Boundary Commission for the deannexation, I'm just curious as to what is happening right now.

Mr. Busbee - We have submitted a petition to the Boundary Commission and they will be reviewing it the 29th of this month, and I assume they will be setting the date for a public hearing inhouse and conduct further

Juneau/ Bruce Aronson

My name is Bruce Aronson, I'm City Manager of Petersburg. A little bit of background, I worked for Dept. C/RA for 4 years, my speciality would be the time law creating the recent school districts in 1975, so I have a little bit of interest in this bill, plus also being a Manager of a City in an unorganized. The package of bills is of great interest to the City of Petersburg. Very briefly, I would like to address the bills and general concepts of regional government. First question, why do we have regional governments? Whether you call it organized or unorganized boroughs, or whatever. I think the obvious answer is to provide areawide municipal services, including education, police, fire, planning, municipal services, on a regional basis. Another question would be do boroughs serve a useful purpose in Alaska? I think an examination many people would have to agree, that a borough would serve, whether organized or unorganized, does serve a useful purpose, if it is appropriate to the region, and is properly structured, as the right formation and representation and provides the services required. Another question would be, why haven't additional boroughs been formed? I think the latest account is 11, and it has been at 11 for many years, it seems like. I think in my mind, 1) is that regional types agencies have been formed in lieu of boroughs to address regional type problems, for regional school districts REAAs formation provides local control educational services. Another reason why we don't have additional boroughs, would be municipal services are provided by other agencies. For example, the State Troopers here in Juneau provide municipal type police services here in the valley, so there is no incentive to provide those basic services that the state agencies provide. Also a non-