

SCOMM

10.76

TO: Fran Ulmer, Director
Div. of Policy Develop. & Planning

DATE: November 13, 1979

ATTN: John Halterman
Deputy Director

FILE NO: J-66-220-80

TELEPHONE NO:

FROM: AVRUM M. GROSS
ATTORNEY GENERAL

SUBJECT: Proposed legislation
on unorganized boroughs

By:
Rodger W. Pegues
Assistant Attorney General

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

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

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

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

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

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

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

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

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

In sum, the proposal for review and comment on the budget requires alignment of work before it will become reasonably feasible appropriation for the Department of Law's civil division. "affects"

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

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

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

RWP/pjg

withhile

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

P. O. BOX 1149
JUNEAU, ALASKA 99811

February 7, 1980

Ms. Twyla Hartsock
Administrative Assistant
Senate Community & Regional Affairs
Pouch V
Juneau, Alaska 99811

Dear Twyla:

Please find attached a position paper and fiscal note for Senate Bill 348 which support testimony presented by John Post, Chief of Research and Analysis, Department of Labor, on Monday, February 4 at the House Committee hearing on House Bill 580.

The Department will plan to present testimony at the hearing scheduled for February 14, 1980. Our apologies for not being available for today's hearing.

Sincerely,



Judy DuBois
Legislative Liaison

Attachments

Bill No. HB 580 (SB 348)
Title An Act Establishing Unorganized Boroughs...

Date February 4, 1980

Contact: Judy DuBois
John Post

The Department of Labor finds no fault with the purpose of this bill. Section 2 provides for the establishment of unorganized boroughs within the geographical boundaries of the rural educational attendance areas (REAs) and the adjustment of their boundaries. The bill also requires the collection of data and information about state programs with reference to a set of boundaries adopted for use by all state agencies. (Section 3). Included is a section that authorizes the adoption of home rule charters by unorganized boroughs. (Section 4).

Currently all areas of the state not part of an organized borough are classified as a single unorganized borough. Essentially this bill allows for the subdivision of this single unorganized borough into several unorganized boroughs with the option of becoming incorporated home rule boroughs.

The area of immediate interest to the Department is Section 3, which amends AS 44.17. When combined with the Provisions of Section 2 where the Commissioner of C&RA may establish/adjust the boundaries of unorganized boroughs, the bill has the potential of disrupting critical data collection and analysis. This is not only a matter of potential file revision and duplication at great cost, but also a matter of potential invalidation of or rendering useless time series of data which are key elements in any serious evaluation or planning effort. The bill, if adopted would have serious implications for the Department.

The Department of Labor (Research & Analysis) collects and disseminates data in a geographical format based on census divisions. The boundaries for the census divisions evolved from election district boundaries and the boundaries of organized boroughs. The census areas have been reclassified for the 1980 census in a plan that treats the unorganized borough similar to that described in this bill. Each organized borough in the state will coincide with a census area while the remaining sections of the state are divided into areas and subareas based on Native corporation boundaries and REAs. This plan was adopted by the Governor's Committee on the census in conjunction with the U.S. Census Bureau. The census area concept geographically divides the state into 23 major areas and 24 subareas. Certain data collected by the Department of Labor which is required and funded by federal agencies must be transmitted to those agencies in the census area format, i.e., ES-202 employment and earnings employer reports, labor force estimates, population figures, and others. The impact of this bill on the department would be substantial. Adoption of a new geographical classification scheme would alter the census area agreement between the Governor's Census Committee and the U.S. Census Bureau. It would be necessary to convert the geographical coding of 10,000 employer files, 50,000 UI claimant files and upwards of 60,000 job applicant files.

At a minimum, an amendment to Section 2 emphasizing correlation of boundaries with the latest Census areas and subareas (or divisions), is essential to good planning and administration over time; or an amendment to Section 3 allowing census area or subarea information (aggregated to approximate unorganized/organized boroughs) to be sufficient for reporting requirements.

POSITION PAPER/Department of Labor

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 580 (SB 348)

Title An Act Establishing Unorganized Borough

Requested by Rules Committee (by Legislative Counsel)

Date 2/5/80

II. FISCAL DETAIL

Agency Affected Labor

Program Category Affected Social Services

BRU, Program, or Subprogram(s) Affected Employment Security and Administrative Services

(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-	81.6	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	2.3	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	36.0	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	1.0	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	.7	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	.9	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	122.5	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	122.5	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	2	-0-	-0-	-0-	-0-
PART TIME	-0-	3	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

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

1. Assumes an effective date of July 1, 1980.
2. Personal Services at current salary schedule (1/79).
3. One time cost, federal funding is not anticipated.
4. This estimate is for the initial boundary changes only. Subsequent changes have not been estimated.

IV. DATE 2/6/80

PREPARED BY Jim Souby

AGENCY Labor

PHONE 465-2720

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

FISCAL NOTE
 HB 580 (SB348)

	<u>Employment Security</u>		<u>Administrative Services</u>		<u>Total</u>
	<u>1 of 4</u>	<u>2 of 4</u>	<u>3 of 4</u>	<u>4 of 4</u>	
100	38,994	25,386	9,946	7,295	81,621
200	790	639	600	300	2,329
300	2,750	7,000	6,800	13,400	35,950
400	310	250	300	100	960
500	375	300	-0-	-0-	675
Other (ASHA)	<u> </u>	<u> </u>	<u>600</u>	<u>300</u>	<u>900</u>
	49,219	33,575	18,246	21,395	122,435

Totals: Employment Security 82.8
 Administrative Services 39.7
122.5

1	POSITION TITLE Systems Analyst II	RANGE/STEP 20A	BARG. UNIT. GGU	LOCATION Juneau	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 15	RF No.	PCN No.	PRIORITY	FORM 12	PAGE/LINE
						LEG.	

3	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
4	PERSONAL SERVICES:		
	SALARY	2532 p/m	30,384
5	BENEFITS	.1542	4,685
6	FICA	.0665	2,020
7	HEALTH INS.	127 x 15	1,905
8	TOTAL PERSONAL SERVICES		38,994
9	TRAVEL		790
10	CONTRACTUAL		8,750
11	COMMODITIES		310
12	EQUIPMENT		375
13	OTHER		
14	TOTAL COST		49,219

JUSTIFICATION:

Pers. Serv. current Salary schedule 1/79.
NPS: Cost p.p. as in 1981 Detail Budget

	'81	This form 1.½p.
Travel	639	790
Contr.	7,000	8,750
Com.	250	310
Equip.	300	375

	CODE	FUNDING SOURCE	
15		FED RCPTS. 1002	
16		GF MATCH. 1005	
17		GEN. FUND 1001	49,219
18		I-A RCPTS. 1003	
19		PGM RCPTS 1004	
20		OTHER	

This position will design a cross match coding system, data files and report changes to produce area statistics under provisions of AS 44.17.100. The majority of Department reports are automated. Cross coding will be required for upwards of 120,000 files.

21	CONTINUATION		FOR B&M USE ONLY
22	ADDITION	XXXX	
4A	KEY NUMBER		COLUMN NO.

AGENCY Labor PROGRAM AREA Employment Stabilization

BRU E.S.D.

COMPONENT Data Processing Applications

13 REQUEST FOR NEW POSITION.

FY 81

1	POSITION TITLE Employment Security Specialist I				RANGE/STEP 14A	BARG. UNIT. GGU	LOCATION Juneau	GOV.	APPROV.	DISAB
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY		FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE				AMOUNT		JUSTIFICATION:			
	1		2	'81	3					
4	PERSONAL SERVICES:						Pers. Serv. current salary schedule 1/79.			
	SALARY				1,629	19,548	NPS: Cost p.p. as in FY '81 Detail Budget			
5	BENEFITS				.1542	3,014				
6	FICA				.0665	1,300				
7	HEALTH INS.				127 x 12	1,524				
8	TOTAL PERSONAL SERVICES					25,386				
9	TRAVEL					639	Travel 639 639			
10	CONTRACTUAL					7,000	Contr. 14,000 7,000			
11	COMMODITIES					250	Comm. 250 250			
12	EQUIPMENT					300	Equip. 300 300			
13	OTHER									
14	TOTAL COST					33,575				
15	CODE	FUNDING SOURCE								
16		FED RCPTS.								
17		GF MATCH.								
18		GEN. FUND		33,575						
19		I-A RCPTS.								
20		PGM RCPTS								
21		OTHER								
22	CONTINUATION	XXXX		FOR B&M USE ONLY						
	AA KEY NUMBER			COLUMN NO.						

This position will make manual changes of 20% of all applicant files creating approximately 17,000 computer transactions to adjust the area codes for those clients for which the computer can not automatically generate new area codes.

AGENCY Labor PROGRAM AREA Employment Stabilizaiton
 DRU Employment Security
 COMPONENT Employment Service

13 REQUEST FOR NEW POSITION.

FY 81

1	POSITION TITLE Statistical Clerk III			RANGE/STEP 10A	BARG. UNIT.	LOCATION Juneau	GOV	APPROV	DISAP
2	TYPE OF POSITION PFT	STAFF MONTHS 6	RP No.	PCN No.	PRIORITY	FORM 12 PAGE/LINE	LEG		
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:			
	1	2	3		Pers. Services: Salary Schedule eff. 3/78.				
4	PERSONAL SERVICES:				Non. Pers. Serv:				
	SALARY	1,254 p/m	7,524		Based on NPS cost per position in the research contract FY '81 Budget.				
5	BENEFITS	.1542	1,160						
6	FICA	.0665	500						
7	HEALTH INS.	127 x 6	762						
8	TOTAL PERSONAL SERVICES		9,946						
9	TRAVEL		600						
10	CONTRACTUAL		6,800						
11	COMMODITIES		300						
12	EQUIPMENT		-0-						
13	OTHER		600						
14	TOTAL COST		18,246						
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN. FUND		18,246					
18		I-A RCPTS							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION	XXXX	FOR B&M USE ONLY						
12. KEY NUMBER		COLUMN NO.							

JUSTIFICATION:
 Pers. Services: Salary Schedule eff. 3/78.
 Non. Pers. Serv:
 Based on NPS cost per position in the research contract
 FY '81 Budget.

	Cost P.P.	This Form 1/2
Travel	1.2	.6
Contr.	13.7	6.8
Comm.	.5	.3
Equip	---	--
Lands. Bldg.	1.2	.6
	16.6	8.3

The individual would assist in developing the detailed coding systems. Using detailed maps and lists of communities and other name places, the individual would insure accurate coding within the overall boundary scheme. Would enter data through an interactive computer terminal for those data series on the University of Alaska and consultant computers. Would give technical support to various statistical programs such as employment, unemployment, occupational information and population, in implementing the coding revisions.

AGENCY Labor PROGRAM AREA Employment Stabilization

BRU Administrative Services

FY 81

13 REQUEST FOR NEW POSITION.

COMPONENT Research Contracts

Page 3 of 4

REVISED DATE _____

1	POSITION TITLE Labor Economist II			RANGE/STEP 16A	BARG. UNIT. GGU	LOCATION	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 3	RP No.	PCN No.	PRIORITY	FORM 12	PAGE/LINE	LEG.	
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:			
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY	1,888	5,664						
5	BENEFITS	.1542	873						
6	FICA	.0665	377						
7	HEALTH INS.	127 p/m	381						
8	TOTAL PERSONAL SERVICES			7,295	Travel 1.2 .3				
9	TRAVEL			300	Contr. 13.7 3.4 + \$10,000 D.P. Cost				
10	CONTRACTUAL			13,400	Comm. .5 .1				
11	COMMODITIES			100	Lands 1.2 .3				
12	EQUIPMENT			-0-					
13	OTHER			300	16.6 4.1				
14	TOTAL COST			21,395					
15	CODE	FUNDING SOURCE							
		FED RCPTS.							
		GF MATCH.							
		GEN. FUND		21,395					
		I-A RCPTS.							
		PGM RCPTS							
		OTHER							
21	CONTINUATION								
22	ADDITION	XXXX	FOR B&M USE ONLY						
4A	KEY NUMBER			COLUMN NO.					

The individual would be responsible for designing and developing a coding system to accommodate the expected boundary changes. Would locate places and boundaries on maps, determine program and projects affected, evaluate various coding schemes and gain comments from affected divisions and sections within the Department of Labor. Would present alternate approaches to management for their review and decision. Would prepare a detailed data processing work request to define and justify project. Would participate in quality data processing reviews through final installation of the coding system. Would prepare a publication defining approved coding scheme.

AGENCY Labor PROGRAM AREA Employment Stabilization
 BRU Administrative Services
 COMPONENT Research Contracts

13 REQUEST FOR NEW POSITION.

FY 81



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Jack Chenoweth
FROM: Rep. Parker/Senator Sturgulewski
DATE: 2/14/80
RE: Committee Substitutes for HB 580 (SB 348) and
HB 582 (SB 349)

HB 580 (SB 348) Establishing Unorganized Boroughs

P. 1 Rewrite the Purpose section of the bill as follows:

PURPOSE:

The legislature recognizes that a more systematic approach to the future of the unorganized borough is necessary. In order to accommodate future changes when desired by local residents, the state has an obligation to provide a framework within which structured change may occur. To this end, this Act provides for a common set of boundaries in the unorganized borough which divide the state's unorganized borough into unorganized boroughs. This division will facilitate planning and programming by regional management studies and by coordinating data collection and state delivery of services. Additionally, the Act allows for direct incorporation of a home rule borough by the residents of an unorganized borough thereby broadening the regional government options available.

INTENT:

In providing for the division of the state's unorganized borough into unorganized boroughs, it is the intent of the legislature that all future transfers of functions or services from state agencies to regions within unincorporated areas be made only within the appropriate boundaries for unorganized boroughs established under AS 29.03.011 - 29.03.021, added by section 3 of this Act.

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

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

H B 560
S B 348
pg 6

Election for borough officials is conducted.

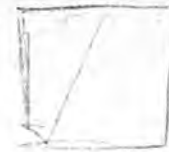
There are no statutory requirements as to when the election would be conducted. It is presumed that the election would be held 60-90 days after the date of the election order.

H B 560
S B 348

Election results are certified and borough officers sworn in.

Estimated time to complete this task is 15 days.

2/11
to Bill



better wording

Re HB 580
348

Purpose:

rewrite 4 -
as model/framework
for future
not just service

#1

pt 2 ok

PURPOSE: The purpose of this Act is to provide for the division of the state's single unorganized boro into unorganized boroughs which ~~will~~^{may}, in the future, provide ~~for~~ a framework for maximum local participation and responsibility. To facilitate that purpose and ~~provide for~~^{for the purpose of} ~~coordinated services and coordinated data collection,~~^{inf} a set of boundaries adopted for use by state agencies is mandated. It is the further intent of this legislation that all future state ~~developed~~ planning or service delivery boundaries conform to the boundaries established by this Act so that future local governments, if desired by the population, can subsume ~~those~~ functions and use data and information collected. ~~xxx~~

INTENT: The legislature recognizes that a more systematic approach to the ~~the~~ future of the unorganized borough is necessary. In order to accommodate future changes ~~desired~~ when desired by local ~~residents~~, the state has an obligation to provide ~~for~~ a framework in which structured change may occur. To this end, this Act provides for a common set of boundaries in the unorganized borough which divide the state's single unorganized boro into unorganized boros. This division will facilitate planning ~~and~~^{and programming} ~~by coordinating state delivered services, coordinating data collection, regional strategy studies.~~^{by regional strategy studies and coordinating state delivered services, coordinating data collection, regional strategy studies.} ~~It is the further intent of this Act that all future state developed planning or program boundaries conform to the boundaries established by this Act so that future local governments, if desired by local residents, can subsume functions and use data and information collected according to defined boundaries.~~^{and}

STATE OF ALASKA
THE LEGISLATURE

POLICY STATE CAPROL
JUNEAU ALASKA 99801
POSTAGE SEC

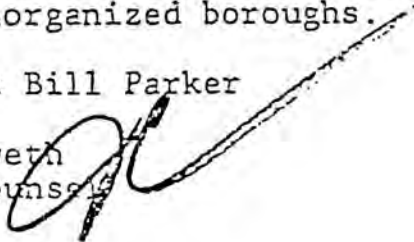
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 18, 1980

SUBJECT: Alteration of Work Orders Nos. 7656 and 7657
relating to unorganized boroughs.

TO: Representative Bill Parker

FROM: John B. Chenoweth
Legislative Counsel 

In response to Margo Waring's memo --

Item 1:

Work Order No. 7657: Page 1, following line 20: Insert
*Sec. 2 to read:

OK { *Sec. 2. INTENT. In providing for the division of the state's unorganized borough into unorganized boroughs, it is the intent of the legislature that all future transfers of functions or services from state agencies to regions within unincorporated areas be made only within the appropriate boundaries for unorganized boroughs established under AS 29.03.011 - 29.03.021, added by section 3 of this Act.

Item 4 is covered by AS 29.03.021.

Item 6: The previous language, precluding subdivision of areas within REAA's into smaller unorganized boroughs, read:

"Sec. . . . COMBINING OF SERVICE AREAS TO ESTABLISH UNORGANIZED BOROUGHs. The commissioner may, after public hearings in the areas affected, constitute the geographic area within two or more regional educational attendance areas as a single unorganized borough. . . ."

The provision was modified to the language you have in the bill (Work Order No. 7657) in response to Marge's December 8th memo and verbal clarification of some of the points in that memo.

* * *

Elinr 3rd Soc
Incorp 2nd Class

Item 5:

Work Order No. 7656: Page 2, following line 14, insert new paragraph "(2)" to read:

Revised

(2) require that if the report does not favor incorporation of a borough, the report include an analysis and recommendations concerning a representative advisory body for the unorganized borough and an analysis and recommendations defining the relationship between that body and

(A) the school board for the regional educational attendance area;

(B) the coastal resource service area board, if one has been established under AS 46.40.110 - 46.-40.160;

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

(D) the governments of cities located within that unorganized borough.

* * *

Item 2 of Margo's memo is, I think, answered by the suggested language prepared in response to item 5 in that these regional strategy contracts may not run longer than 3 - 4 years.

Item 3 in that memo was not to be acted on.

JBC:ljb

Tanana Chiefs Conference, Inc.

Doyon Building
1st and Hall Streets
Fairbanks, Alaska 99701
Phone (907) 452-8251

February 8, 1980

Honorable Arliss Sturgulewski, Chairperson
Senate Community and Regional Affairs Committee
Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: Testimony on S.B. 348-354.

Dear Chairman *Ar* Sturgulewski:

Enclosed you will find a copy of the testimony I submitted at the Joint Community and Regional Affairs Committees' hearing on February 7, 1980. Again, thank you for the opportunity to express our views.

Sincerely,

CA
Chris Anderson
Director, Community Resources

CA/dw

The issues of local government in rural Alaska are complex. The Joint Senate and House Community and Regional Affairs Committee has made an admirable attempt to deal with these issues. H.B. 580-586 and S.B. 348-354 represent the culmination of this group's remarkable effort to solicit the input of rural Alaskan residents. We support the basic concepts of this legislation. For example, S.B. 348 (H.B. 580) requires that state agencies utilize standardized service districts based on the Native regional corporation boundaries. This basic concept is crucial for effective delivery of state services. Often village projects require a high degree of interagency coordination. When these agencies have different service centers, it is impossible to achieve this needed coordination. It is therefore quite clear that standardized boundaries are necessary.

But mere standardization of agency service district boundaries does not guarantee that the agencies will be more responsive to local desires and needs. In the past we have proposed home-rule unorganized boroughs. This basic concept is designed to implement the Constitutional mandate that the legislature

"shall provide for performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility."

It seems impossible to create "home-rule unorganized boroughs." By adopting home-rule charters and creating assemblies, the unorganized boroughs would in fact be organized. This is unacceptable simply

because the unorganized boroughs which are bypassed by pipeline development generally fail to meet borough incorporation standards. In this context, it seems impossible to fully implement the constitutional mandate for local participation in the local government for the unorganized borough. We believe, however, that the Alaska State Constitution can easily solve the problems it seems to create. Specifically, Art. X, 13 allows the state and local governments to enter into compacts (agreements) for the joint administration of functions and powers.

Local Government Consortiums

We wish to propose that the bills be amended to explicitly allow the creation of consortiums of local governments on a regional basis within the unorganized borough. These consortiums would do two things. First, they would provide for coordinated administration of local governments. By splitting costs and sharing staff, the consortiums could provide effective local government where the fragmented governments that exist now cannot operate. Secondly, the consortiums could address regional concerns, provide a forum for expressing those concerns, and advise state agencies on regional needs and desires. The consortium method would operate through existing local governments to increase local access to state agencies, rather than create new layers of government which may serve to impede such local access.

Implementation of Local Input

Often local governments and state agencies are not coordinated. Most notably, state land disposals have often conflicted with local land use, development plans. State law generally favors local control or at least local input in the organized areas of the state. In the unorganized areas of the state, however, the state agencies seem to dominate. This exists in spite of the Constitutional promise of maximized local participation. The proposed bills fail to change this situation within the unorganized boroughs. We, therefore, propose that some mechanism be inserted into the bills to provide for such participation.

Three alternatives exist. First, an administrative restraint may be placed on agencies' actions. Specifically, the consortium must agree to agency actions/ plans within the region. In the absence of such consent, the agency would have to show in a locally, neutral, administrative hearing that the best interest of the state required such agency action/plan.

A second alternative would be a planning restraint on the agencies. The consortiums would produce regional plans with which the agencies must comply. Absent compliance, the agencies must get a waiver from the consortium or through a local, neutral hearing.

Thirdly, a political mechanism could be established. State law could require agencies to have local plans/actions approved by a local hearing officer at a local hearing. This would allow consortiums and local

residents an opportunity to provide input and hopefully influence agency actions in their areas.

Phase-in of-Local Operations

These proposals would certainly improve local participation in service delivery for the unorganized borough. But, the ultimate goal is "maximized local participation. Of course, in the absolute sense, this means borough incorporation. As we noted above, such incorporation is not possible where an area does not meet incorporation standards. This does not mean, however, that local governments can't increase their involvement in service delivery.

We therefore propose that the bills be amended to eventually allow the consortiums to directly contract state services on a regionwide or areawide basis. Prior to this contracting, the consortium would be required to undergo a planning process much like that proposed in H.B. 582 (S.B. 350). The plan would have to

- 1) analyze the feasibility of borough incorporation versus consortium contracting,
- 2) make recommendations concerning incorporation, and
- 3) assess state service delivery and make recommendations concerning possible future consortium contracting.

During the interim planning period, the proposed base level revenue sharing of \$25,000 per community should be authorized. This would constitute seed money for the "consortium" or the "borough" so that the consortium could begin preparing for either contracting or incorporation.

Thus, consortium contracting under legislative scrutiny would provide an effective alternative to incorporation for those areas which fail to meet incorporation standards. It would fulfill the legislature's responsibility to directly supervise service delivery in the unorganized boroughs. Finally, it would allow maximum local participation in such service delivery as required by the constitution.

Village Involvement

There is no reason why the proposed consortiums could not also involve communities having traditional or reorganized Native governments. Most of these communities are predominantly, if not wholly Native communities. As such, the Native governments are truly representative of the communities. The inclusion of such governments could mean that the additional federal funds now received by those governments could be coordinated with state chartered governments. Additionally, it would provide a mechanism whereby the villages and the state could directly coordinate and complement their respective programs.

Finally, the consortium would represent a means for providing representation of the unorganized rural communities.

Similarly, there is no reason these communities should not participate in the base level community revenue sharing. The theory of revenue sharing is to decrease municipal dependence on local taxation. The central government collects taxes and then redistributes that tax money to local governments. Individuals living in "unorganized" rural communities are equally liable for state taxes, yet their governments are not eligible for state revenue sharing.

Finally, if the revenue sharing is to assist the consortiums to start up contracting or incorporation operations, those communities' cooperations and involvement will be necessary in order to approach either issue on an areawide basis.

FATSY HUCKINS
SR 90646
Fairbanks AK
99701

10 Feb 80

Salcha

Senator Arlis Stargulewski
Pouch ✓
Juneau AK 99811

Dear Senator:

It is totally without any thought directed towards the Alaska residents who live in the outlying regions to even consider doing away with third class boroughs.

People live in these areas away from the cities to avoid all of the legislative rules that control you every move in these more heavily populated areas.

Where can people go who want to live on their own.

Take away the third class borough option and all the areas will be swallowed alive by the cities who have nothing in common with the rural communities. All they want is any tax revenue possible and refuse to do anything in return. Most of what they have to offer in return are unwanted graywax.

Please don't allow this bill to leave committee.

Fatsy Huckins



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Phone (907) 452-8251

Dear Sen. Stungulewiski -

I am sorry that our comments
did not reach you the first time.
I hope we have not lost too
much time and you can use these
comments in your current considerations

Thank you

Mike Waller

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

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TO

Sen Sturgulewski

You already have 4 pages

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ORIGINAL

C/RA - Dept.

LOCAL GOVERNMENT PACKAGE CONCERNS

P. 3 / Line 11

SB 348 If other agencies don't like boundaries, they just go to the Legislative Council. (C/RA would like Legislative Council changed to the Governor.)

AMENDING REAA Boundaries

REAA Map - No. 11 - McGrath area - possible conflict boundary lines..

(C/RA would like to see an alternative - wherein possibly REAA boundaries could be changed - both Commissioners approval?? Educ. and C/RA??)

Discuss
See A

P. 5, Line 2

HOME Rule, etc. one year to do charter. Some areas have taken much longer. Would like to see this changed so that by the Commissioner's discretion, an extension could be granted.

Page 5, Line 17

Charter election - would like to see where if the charter fails, the area could have another chance say within 6 months-to 1 year, for another election, if changes were needed to make it more agreeable to area. OTHERWISE, the way this bill reads now, the area would have to start again from ground 0, working up to a new charter, on a possible problem that arose just before the former election.

Page 6, Line 1-7
Para. (b)

SB 348

~~SB 348~~ - Would like to see see one election cover 1) Charter adoption vote, and 2) assembly election of members vote - at the same time.

DISCUSS

As it is now, it appears two elections need to be held. And, actually, once the election has been held adopting the charter, the area is ready for business. Time and expense could be saved by combining.

Discusses
Page 1, Line 16

SB 349 - Delete "Non profit"

February 20, 1980

Mr. Newton Chase
Department of Housing
and Urban Development
334 West 5th
Anchorage, Alaska 99501

Dear Mr. Chase:

In response to your recent telephone call I am sending material concerning the unorganized borough, which includes: Local Government Study-1979 (completed in the interim); Local Government Study-1979 Final Report (completed just before the 1980 legislature convened) and Senate Bills 348-854 (commonly known as the local government package). These same bills were jointly introduced in the House and are numbered HB's 580-586.

At the present time the seven Senate bills remain in this Committee, while committee substitutes are being prepared. A joint teleconference was held February 6 for Southeastern Alaska and on February 7 for all the rest of the state on the Senate and House packages. This committee has had several work sessions and received additional public testimony since the joint teleconference. We would welcome any further comments and/or concerns that you may have.

Senator Sturgulewski, Committee Chairman, has not set the next public hearing and work session date yet, but I am sure it will be in the near future. We will send you a notice at that time.

Please feel free to contact us if we can be of further assistance.

Sincerely,

Twyla Hartsock
Administrative Assistant
to Senator Sturgulewski

Rm 905 - 2/11/80 Per Dierud

May - lawsuit

Against st. of AK vs Conservationists
Land Classification & long
term timber sale

Haines has joined st. side

" cost \$36,000 already - injunction
est

lawsuit in May _____? whatever
cost

Haines -
Unified Front -

Don't want any subj. to divide Haines
Coalition.

*Call Marge Monday - Tuesday 8th 4
city*

ND

ARLESS, Marge gave me this and asked for comments.

The amendment to the ACMA basically provides a legal base for the coastal resource board to give advise to the state agencies regarding the suitability of proposed actions with the ~~XXXX~~ district cm plan. In other words, they just say if it seems in keeping or not. State agencies are required to, if a decision differs from the position taken by the locals, provide a rationale for the action taken.

Lastly, it mentions that if and when a boro is formed, the cm plan could be adopted as an ordinance.

There has been a general line of thought that claims that any piece meal granting of local government powers or authorities to areas which are unorganized discourages eventual formation of local government. I suppose at its baldest, it would go that if they get the pieces they want, they wont want to take the whole thing, including those pieces they dont want. If this assumption is true, then perhaps this would act to discourage local government.

On the other hand, the amendment could serve to give local folk a greater stake in the development of their plans, since they can be assured of some ongoing oversight of that plan.

You might consider its relationship to what (as I understand it) is being proposed for the unorganized boro. It would seem to me desirable to have the coastal resource service areas be the same as the sub-state regions of the unorganized boro. If the third class boro were not eliminated, but instead given mandatory planning functions, then a crsd which completed its cmp might be an ideal position to be a third class boro. Worth thinking about?

*Margo - Get 3rd class through - Do analysis of 3rd class
2nd/3rd class - Action see report*

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

T.

Please copy - copies
made
2-12-80 T

Senate ^{CRA.} Committee

members * both
letter + attachment

a

need for my files too

Home: 766-2471
Business: 766-2160
Magistrate: 766-2116
Area Code: 907

Maj. Carl W. Heinmiller, Ret.
Indian Arts and Crafts Specialist



*Heinmiller 14th
Butte*

Box 271, Haines
Alaska 99827

Ex. Director: "Chilkat Dancers"

Feb. 6, 1980

Sen. Arliss Sturgulewski
Chairperson
Community and Regional Affairs
State Senate
Pouch V
Juneau, Alaska

*2/8/80 talked to Carl. He is really
concerned over the duplication of
all the boards. Intends to
generate interest as he feels
so strongly about issue. Advised
him of meeting 2/4/80 (9)*

Dear Senator Sturgulewski:

I am writing in support of HB 584 which would eliminate the Third Class Borough. Over the last 30 years I have been on the School Board and involved with all the complications of the Special School District which finally became a "second thumb" under the State Constitution, i.e. a Third Class Borough. As the constitution required a limited strata of government, there should have never been a Third Class Borough. The making of such a form of government was a method to get out of a responsibility. I am happy to see the Legislature finally take on this change.

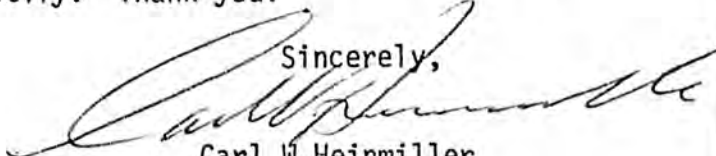
I'm enclosing a copy of the local paper which shows how a Third Class Borough, but adding on service district after service district, until it is in effect a Second Class Borough, or better. When a Fire District was setup several years ago, the Borough could not even get candidates to fill the require positions for the District. However, more areas are seeing that they can save considerable insurance by being under a Fire District, and now adding a medical service area. HOWEVER, what is happening is that the Borough Government is duplicating the City Government.

It is understandable that many people in the outlying area do not want to have zoning and planning because they do not want to be restricted. The result is many shacks, improperly subdivided lands, poor water and sewer control and in some areas, lacking of garbage control. The "hue and cry" is "we don't want more government", but these people accept all the services available by the City without paying anything for such service.

It is almost impossible to explain to some that they will only pay for what they get. They do not pay for City sidewalks, road maintenance etc. If they do not have water and sewer, they do not pay for this utility. We have the possibility of industrial development in the outreach area and should that happen under our present type Borough government, a hodgepodge of growth will develop. Of course, these developers see a great advantages of low taxations so side in with those who don't want any control on their own interests, even tho against the developers.

I hope that when this bill (or a Sen. companion bill) comes up for a hearing that I will have the opportunity to testify. Thank you.

CWH/p
CC: Rep. Parker, Duncan, Miller
Sen. Ray

Sincerely,

Carl W. Heinmiller

HAINES BOROUGH LEGAL NOTICE

NOTICE IS HEREBY GIVEN that on Tuesday, the 4th day of March, 1980, there will be held in the Haines Borough, Haines, Alaska, a special election for the purpose of deciding the following propositions:

PROPOSITION A

Shall the Haines Borough levy a temporary 1% sales tax beginning April 1, 1980, and ending March 31, 1981, for the general administration of the Haines Borough as outlined in Haines Borough Ordinance 80-01 adopted by the Borough Assembly Jan. 29, 1980?

YES NO

NOTE: Proposition A may be voted on by all the qualified voters in the Haines Borough. It will be the only proposition on the ballot before the qualified voters residing in the City of Haines, voting Precincts I and II, and in Excursion Inlet Precinct.

PROPOSITION B

Shall the Haines Borough assume the power to provide fire protection for the area accessible from Lutak Road to its end; Haines Highway to the U.S./Canadian Border; Mud Bay Road to its end; Small Tract Road; F.A.A. Road; Menaker Road; Comstock Road; Piedad Road; Beach Road; Sawmill Road; Mosquito Lake Road; road that crosses the 26 Mile Steel Bridge, Chilkat Lake, as set as Service Area No. 3 in Haines Borough Ordinance 79-15?

YES NO

NOTE: Only residents of the area named in Proposition B who are qualified voters on the Haines Borough may vote on this proposition. The ballot for the residents of the area named in B includes Propositions A and B.

PROPOSITION C

Shall the Haines Borough assume the power to provide fire protection for the area accessible from Lutak Road from Schnabel's Mill to the head of Lutak Inlet as set out in Haines Borough Ordinance 79-17, as Service Area No. 5?

YES NO

NOTE: If you live on Lutak Road between Schnabel's Mill and the head of Lutak Inlet, your ballot will include Propositions A, B and C.

PROPOSITION D

Shall the Haines Borough assume the power to provide fire protection for the area accessible from Mud Bay Road between Carr's Cove and the end of the Mud Bay Road, as set forth in Haines Borough Ordinance 79-18 as Service Area No. 6?

YES NO

NOTE: If you live on Mud Bay Road between Carr's Cove and the end of Mud Bay Road, your ballot will include Propositions A, B and D.

PROPOSITION E

Shall the Haines Borough assume the power to provide fire protection for the area accessible from the Haines Highway between the airport and 18 Mile Haines Highway, as set out in Haines Borough Ordinance 79-16, as Service Area No. 4?

YES NO

NOTE: If you live on the Haines Highway between the airport and 18 Mile, your ballot will include Propositions A, B and E.

PROPOSITION F

Shall the Haines Borough assume the power to provide fire protection for the area accessible from the Haines Highway 18 Mile to the U.S./Canadian Border, Mosquito Lake Road and the road that crosses the 26 Mile Steel Bridge, as set out in Haines Borough Ordinance 79-14, as Service Area No. 2?

YES NO

NOTE: If you live on the Haines Highway between 18 Mile and the U.S./Canadian Border, your ballot will contain Propositions A, B and F.

NOTE: If you live at Chilkat Lake, your ballot will contain Propositions A and B.

Precinct Polling Places:

Haines Precincts No. 1 and 2: Borough Assembly Conference Room in Municipal Building. (Note change from City Council Chambers).

Chilkat Precinct (Lutak and 1-13 Mile Haines Highway): Mary Meacock Residence, Piedad Road

Klukwan Precinct (13-42 Mile Haines Highway): Davis Residence, 28 Mile Haines Highway

Peninsula Precinct (Mud Bay, Small Tract and Beach Roads outside City limits): Susie Butz Residence, Small Tract Road

Excursion Inlet Precinct: Absentee Precinct, residents vote absentee ballot.

PRECINCT BOUNDARY DESCRIPTIONS

HAINES PRECINCT #1: All that area in the corporate limits of the City of Haines which lies to the north of the centerline of Main Street in said city extended easterly to the easterly boundary of said city and extended westerly from the intersection of Main Street and the Haines Cut-Off Highway to the corporate limits of said city.

HAINES PRECINCT #2: All that area in the corporate limits of the City of Haines which lies to the south of the centerline of Main Street in said city extended easterly to the easterly boundary of said city and extended westerly from the intersection of Main Street and the Haines Cut-Off Highway to the corporate limits of said city.

CHILKAT PRECINCT: All that part of Election District No. 4 beginning at the point where the section line common to Sections 33 and 34, T20S, R59E, Copper River Meridian intersects the mean high water line of the Chilkat River; thence in a westerly direction until reaching a point due south from Mile Post No. 13 on the Haines Highway; thence due north through Mile Post 13 to the point where the line intersects the centerline of the Chilkoot River; thence due east to the Haines Borough boundary; thence in a southeasterly direction along the Haines Borough boundary to the centerline of Talya and Chilkoot Inlets to a point due east of the easterly end of the City of Haines and following the boundaries of said city to the point of beginning.

KLUKWAN PRECINCT: All that part of Election District No. 4 on the mainland lying within the limits of the Haines Recording District to the west of a north-south line through Mile Post 13 on the Haines Highway, which line continues south from Mile Post 13 to a line drawn along the Chilkat Range from Mt. Harris to Lynn Canal, thence northwest along the Chilkat Range to the International Boundary; thence meandering the International Boundary Line north and east to Mt. Raymond on said International Boundary Line; thence in a direct line to the headwaters of the Chilkoot River; thence meandering down the centerline of the Chilkoot River to a point on the north-south line through Mile Post 13 on the Haines Highway; thence south along said line to Mile Post 13, the place of beginning.

PENINSULA PRECINCT: All that part of Election District No. 4 outside the City of Haines; beginning on the northerly extension of the easterly side line of Lots 16 and 5, Section 35, T30S, R59E, Copper River Meridian at the point of mean high water on the southern boundary of Portage Cove; thence south to the southeast corner of Lot 16 of that section; thence west along the southerly boundary of Section 35 to the southwest corner of Lot 19 of that section; thence south approximately 200 feet to the corner of US 2716; thence west to a point on the mean high water of the Chilkat River; thence meandering the Chilkat River in a northwesterly direction to the point where the section line common to Section 33 and 34, T30S, R59E, Copper River Meridian, intersects the mean high water line of the Chilkat River; thence due west until reaching a point due south from Mile Post 13 on the Haines Highway; thence due south to 59°00' north latitude; thence due east and across Lynn Canal to the drainage divide between Berners Bay and the Katzehin River; thence following said divide northerly and easterly to the International Boundary line; thence in a northwesterly direction to Mt. Bagot; thence southerly to the headwaters of the Katzehin River; thence meandering the centerline of the Katzehin River in a southwesterly direction to the centerline of the Chilkoot Inlet; thence northwesterly along the centerline of Chilkoot Inlet to the intersection of the extension line extending eastward from the mean high water of the southern boundary of Portage Cove and on the northerly extension of the easterly side line of Lots 16 and 5, Section 35, T30 S, R59E, Copper River Meridian; thence west to the point of beginning.

EXCURSION INLET PRECINCT: All that part of Election District no. 2 Beginning at Pt. Couverden on the district boundary line, thence northwesterly along district line to 135°38' and 58°40', thence southerly to Nooroot, thence southeasterly to Pt. Sophia, thence southwesterly to 58°00' and 135°34', thence easterly along 58°00' to the median divide of Chatham Strait, thence northwesterly to point of beginning, including Porpoise Island, but excepting Pleasant Island.

QUALIFICATIONS OF VOTERS: Section of 06.05.010 of the Haines Borough Code: Every person who is (1) a citizen of the United States; (2) at least 18 years of age; (3) a resident of the Borough of Haines for at least 30 days immediately preceding the election; (4) qualified and registered to vote in State elections as set out in Title 15, Alaska Statutes and (5) not disqualified under Article V of the Alaska State Constitution, is qualified to vote in a borough election.

Article V, Section 2 of the State Constitution states: No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

Stephanie K. Scott
Administrative Secretary

(Publish 1/31/80, 2/14/80 and 2/28/80)

(46, 48, 50)

1/31/80

LYNN CANAL NEWS

As a result of an Alaska Public Utilities Commission order, your intrastate (inside Alaska) long distance toll charges will be reduced by approximately 15%, effective January 1, 1980.

The 15% reduction represents a \$1,617,000.00 service refund to intrastate customers. We estimate it will take about 90 days for the money to be returned to you in the form of reduced telephone rates.

Upon the conclusion of the refund process, the new, permanent intrastate rate will become effective. This new rate will be approximately 2% less than 1979 costs for services.

The table below gives examples of intrastate telephone rates. For further information about this matter, write:

Alascom, Inc.
Public Affairs Department
Pouch 6607
Anchorage, Alaska 99502

or call your long distance operator, ask for Zenith 9000 (a toll-free number) and request the Alascom Public Affairs Department.

C. E. Robinson
President, Alascom, Inc.

SAMPLE RATES

Three Minute, Station-to-Station, Daytime Rate

From - To	1979 Rate	Reduced Rate	Permanent Rate
Anchorage to Fairbanks	1.70	1.45	1.65
Fairbanks to Juneau	2.60	2.25	2.55
Kodiak to Anchorage	1.70	1.45	1.65
Barrow to Fairbanks	2.45	2.10	2.40
Juneau to Cordova	2.25	1.95	2.20

Bringing Alaskans Together.



the regular meeting on Wednesday, Feb. 6 at 7:30 p.m. at City Hall. Meeting is moved up from Thursday night.

Trio plans tour

Three brilliant and highly-acclaimed American musicians are combining their soloists' talents as the Sitka Festival Trio, for a unique chamber music concert tour of Haines and eleven other Alaskan communities in January and February.

Internationally known cellist, Jeffrey Solow; critically lauded California pianist, Doris Stevenson; and Alaska's own renowned violinist, Paul Rosenthal, will present a program of chamber music pieces especially for Alaskan audiences. This special tour is made possible by contributions from Sohio Petroleum Company as part of that firm's ongoing effort to advance the arts statewide.

The trio will be performing at the Haines Presbyterian Church on Wednesday evening, February 6 at 7:30 p.m. A school concert will be given at the High School gym for the youngsters that morning. Subscribers' season tickets will be honored. Individual admission is \$6.00 for adults, \$3.00 students and \$2.00 children 6-12 years.

BPW HAS SCHOLARSHIP LOANS

HAINES — The Haines-Chilkoot Business and Professional Women's Club is announcing their Revolving Scholarship Loan Fund in the amount of \$500. The money is available to qualified students interested in furthering their education in both college or business and trade schools. They are interested in aiding persons of any age who need training to improve their job situations or improve their skills so they may advance in their professions.

Anyone interested in the program may contact Betty Heinmiller at Box 271, Haines, Alaska, or phone 766-2471 for further information or application.

LAMARTS FASHION SHOP
Main Street 766-2464

FLOWERS WILT & CANDY
MAKES YOU GAIN.....

So remember your loved ones
with a GIFT from

LA MARTS!!!



Home: 766-2471
Business: 766-2160
Magistrate: 766-2116
Area Code: 907

Maj. Carl W. Heinmiller, Ret.
Indian Arts and Crafts Specialist

*Shane
Butler
14th*

Box 271, Haines
Alaska 99827

Ex. Director: "Chilkat Dancers"

Feb. 5, 1980

Sen. Arliss Sturgulewski
Chairperson
Community and Regional Affairs
State Senate
Pouch V
Juneau, Alaska

*2/3/80 talked to Carl. He is really
concerned over the duplication of
all the boroughs. Intends to
generate interest as he feels
so strongly about issue. Admitted
himself of meeting 2-4/80 @*

Dear Senator Sturgulewski:

I am writing in support of HB 584 which would eliminate the Third Class Borough. Over the last 30 years I have been on the School Board and involved with all the complications of the Special School District which finally became a "second thumb" under the State Constitution, i.e. a Third Class Borough. As the constitution required a limited strata of government, there should have never been a Third Class Borough. The making of such a form of government was a method to get out of a responsibility. I am happy to see the Legislature finally take on this change.

I'm enclosing a copy of the local paper which shows how a Third Class Borough, but adding on service district after service district, until it is in effect a Second Class Borough, or better. When a Fire District was setup several years ago, the Borough could not even get candidates to fill the require positions for the District. However, more areas are seeing that they can save considerable insurance by being under a Fire District, and now adding a medical service area. HOWEVER, what is happening is that the Borough Government is duplicating the City Government.

It is understandable that many people in the outlying area do not want to have zoning and planning because they do not want to be restricted. The result is many shacks, improperly subdivided lands, poor water and sewer control and in some areas, lacking of garbage control. The "hue and cry" is "we don't want more government", but these people accept all the services available by the City without paying anything for such service.

It is almost impossible to explain to some that they will only pay for what they get. They do not pay for City sidewalks, road maintenance etc. If they do not have water and sewer, they do not pay for this utility. We have the possibility of industrial development in the outreach area and should that happen under our present type Borough government, a hodgepodge of growth will develop. Of course, these developers see a great advantages of low taxations so side in with those who don't want any control on their own interests, even tho against the developers.

I hope that when this bill (or a Sen. companion bill) comes up for a hearing that I will have the opportunity to testify. Thank you.

CWH/p
CC: Rep. Parker, Duncan, Miller
Sen. Ray

Sincerely,
Carl W. Heinmiller
Carl W. Heinmiller



HAINES BOROUGH LEGAL NOTICE

NOTICE IS HEREBY GIVEN that on Tuesday, the 4th day of March, 1980, there will be held in the Haines Borough, Haines, Alaska, a special election for the purpose of deciding the following propositions:

PROPOSITION A

Shall the Haines Borough levy a temporary 1% sales tax beginning April 1, 1980, and ending March 31, 1981, for the general administration of the Haines Borough as outlined in Haines Borough Ordinance 80-01 adopted by the Borough Assembly Jan. 29, 1980?

YES NO

NOTE: Proposition A may be voted on by all the qualified voters in the Haines Borough. It will be the only proposition on the ballot before the qualified voters residing in the City of Haines, voting Precincts I and II, and in Excursion Inlet Precinct.

PROPOSITION B

Shall the Haines Borough assume the power to provide emergency medical search and rescue service on a service area basis for that portion of the Haines Borough along and accessible from the following roads and waterways outside the City limits of Haines: Lutak Road to its end; Haines Highway to the U.S./Canadian Border; Mud Bay Road to its end; Small Tract Road; F.A.A. Road; Menaker Road; Comstock Road; Piedad Road; Beach Road; Sawmill Road; Mosquito Lake Road; road that crosses the 26 Mile Steel Bridge, Chilkat Lake, as set as Service Area No. 3 in Haines Borough Ordinance 79-15?

YES NO

NOTE: Only residents of the area named in Proposition B who are qualified voters on the Haines Borough may vote on this proposition. The ballot for the residents of the area named in B includes Propositions A and B.

PROPOSITION C

Shall the Haines Borough assume the power to provide fire protection on a service area basis for the area accessible from Lutak Road from Schnabel's Mill to the head of Lutak Inlet as set out in Haines Borough Ordinance 79-17, as Service Area No. 5?

YES NO

NOTE: If you live on Lutak Road between Schnabel's Mill and the head of Lutak Inlet, your ballot will include Propositions A, B and C.

PROPOSITION D

Shall the Haines Borough assume the power to provide fire protection on a service area basis for the area accessible from Mud Bay Road between Carr's Cove and the end of the Mud Bay Road, as set forth in Haines Borough Ordinance 79-18 as Service Area No. 6?

YES NO

NOTE: If you live on Mud Bay Road between Carr's Cove and the end of Mud Bay Road, your ballot will include Propositions A, B and D.

PROPOSITION E

Shall the Haines Borough assume the power to provide fire protection on a service area basis for the area accessible from the Haines Highway between the airport and 18 Mile Haines Highway, as set out in Haines Borough Ordinance 79-16, as Service Area No. 4?

YES NO

NOTE: If you live on the Haines Highway between the airport and 18 Mile, your ballot will include Propositions A, B and E.

PROPOSITION F

Shall the Haines Borough assume the power to provide fire protection on a service area basis for the area accessible from the Haines Highway 18 Mile to the U.S./Canadian Border, Mosquito Lake Road and the road that crosses the 26 Mile Steel Bridge, as set out in Haines Borough Ordinance 79-14, as Service Area No. 2?

YES NO

NOTE: If you live on the Haines Highway between 18 Mile and the U.S./Canadian Border, your ballot will contain Propositions A, B and F.

NOTE: If you live at Chilkat Lake, your ballot will contain Propositions A and B.

1/31/80
Lynn Chival News



Precinct Polling Places:

Haines Precincts No. 1 and 2: Borough Assembly Conference Room in Municipal Building. (Note change from City Council Chambers).

Chilkat Precinct (Lutak and 1-13 Mile Haines Highway): Mary Meacock Residence, Piedad Road

Klukwan Precinct (13-42 Mile Haines Highway): Davis Residence, 28 Mile Haines Highway

Peninsula Precinct (Mud Bay, Small Tract and Beach Roads outside City limits): Susie Butz Residence, Small Tract Road

Excursion Inlet Precinct: Absentee Precinct, residents vote absentee ballot.

PRECINCT BOUNDARY DESCRIPTIONS

HAINES PRECINCT #1: All that area in the corporate limits of the City of Haines which lies to the north of the centerline of Main Street in said city extended easterly to the easterly boundary of said city and extended westerly from the intersection of Main Street and the Haines Cut-Off Highway to the corporate limits of said city.

HAINES PRECINCT #2: All that area in the corporate limits of the City of Haines which lies to the south of the centerline of Main Street in said city extended easterly to the easterly boundary of said city and extended westerly from the intersection of Main Street and the Haines Cut-Off Highway to the corporate limits of said city.

CHILKAT PRECINCT: All that part of Election District No. 4 beginning at the point where the section line common to Sections 33 and 34, T20S, R59E, Copper River Meridian intersects the mean high water line of the Chilkat River; thence in a westerly direction until reaching a point due south from Mile Post No. 13 on the Haines Highway; thence due north through Mile Post 13 to the point where the line intersects the centerline of the Chilkoot River; thence due east to the Haines Borough boundary; thence in a southeasterly direction along the Haines Borough boundary to the centerline of Taiya and Chilkoot Inlets to a point due east of the easterly end of the City of Haines and following the boundaries of said city to the point of beginning.

KLUKWAN PRECINCT: All that part of Election District No. 4 on the mainland lying within the limits of the Haines Recording District to the west of a north-south line through Mile Post 13 on the Haines Highway, which line continues south from Mile Post 13 to a line drawn along the Chilkat Range from Mt. Harris to Lynn Canal, thence north west along the Chilkat Range to the International Boundary; thence meandering the International Boundary Line north and east to Mt. Raymond on said International Boundary Line; thence in a direct line to the headwaters of the Chilkoot River; thence meandering down the centerline of the Chilkoot River to a point on the north-south line through Mile Post 13 on the Haines Highway; thence south along said line to Mile Post 13, the place of beginning.

PENINSULA PRECINCT: All that part of Election District No. 4 outside the City of Haines; beginning on the northerly extension of the easterly side line of Lots 16 and 5, Section 35, T30S, R59E, Copper River Meridian at the point of mean high water on the southern boundary of Portage Cove; thence south to the southeast corner of Lot 16 of that section; thence west along the southerly boundary of Section 35 to the southwest corner of Lot 19 of that section; thence south approximately 200 feet to the corner of US 2716; thence west to a point on the mean high water of the Chilkat River; thence meandering the Chilkat River in a northwesterly direction to the point where the section line common to Section 33 and 34, T30S, R59E, Copper River Meridian, intersects the mean high water line of the Chilkat River; thence due west until reaching a point due south from Mile Post 13 on the Haines Highway; thence due south to 59°00' north latitude; thence due east and across Lynn Canal to the drainage divide between Berneis Bay and the Katzehin River; thence following said divide northerly and easterly to the International Boundary line; thence in a northwesterly direction to Mt. Bagot; thence southerly to the headwaters of the Katzehin River; thence meandering the centerline of the Katzehin River in a southwesterly direction to the centerline of the Chilkoot Inlet; thence northwesterly along the centerline of Chilkoot Inlet to the intersection of the extension line extending eastward from the mean high water of the southern boundary of Portage Cove and on the northerly extension of the easterly side line of Lots 16 and 5, Section 35, T30 S, R59E, Copper River Meridian; thence west to the point of beginning.

EXCURSION INLET PRECINCT: All that part of Election District No. 2 Beginning at Pt. Couverden on the district boundary line, thence northwesterly along district line to 135°38' and 58°40', thence southerly to Noon Point, thence southeasterly to Pt. Sophia, thence southwesterly to 58°00' and 135°34', thence easterly along 58°00' to the median divide of Chatham Strait, thence northwesterly to point of beginning, including Porpoise Island, but excepting Pleasant Island.

QUALIFICATIONS OF VOTERS: Section of 06.05.010 of the Haines Borough Code: Every person who is (1) a citizen of the United States; (2) at least 18 years of age; (3) a resident of the Borough of Haines for at least 30 days immediately preceding the election; (4) qualified and registered to vote in State elections as set out in Title 15, Alaska Statutes and (5) not disqualified under Article V of the Alaska State Constitution, is qualified to vote in a borough election.

Article V, Section 2 of the State Constitution states: No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

Stephanie K. Scott
Administrative Secretary

(Publish 1/31/80, 2/14/80 and 2/28/80)

(46, 48, 50)

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

"City of Petersburg"

file
H. BB

P. O. Box 329
Petersburg, Alaska 99833
(907) 772-4511

January 24, 1980

Honorable Arliss Sturgulewski, Senator
Alaska State Legislature
Pouch V
Juneau, Alaska
99811

Re: Unorganized Boroughs

O!!!

Dear Senator ^{Arliss} Sturgulewski:

Recent press accounts indicate that you are promoting a package of legislative bills aimed at the unorganized borough. You are commended for your courage in even addressing this very sensitive subject.

The press coverage did not provide necessary details, except to say that several unorganized boroughs would be formed, and that some report has been prepared. Would you please send a copy of the report (assuming it is not the "poster affair" of last summer)?

If I may be of any assistance either testifying before committees, reviewing concepts or whatever, please contact me.

Sincerely,



Bruce Aronson
City Manager

BA/plc

Arliss - I sent him
a copy of the new brochure
Susan - also sending
copy local government
bills -

File —
City of Valdez

copy a file

"Unorganized Borough" w/
#City of Valdez, 1979 legislature
Printed

Put Ken Peavey house in
directory file

CITY OF VALDEZ, 1979 LEGISLATIVE PRIORITIES

- (1) Oppose changing the formulas for taxation of oil companies and oil-related properties.
- (2) Oppose changing the state revenue sharing formula to make it more complicated,
- (3) In favor of prompt funding and completion of airport improvements, including lighting, in the interests of safety and greater utilization of the Valdez airport. The City also supports runway extension.
- (4) In favor of legislative support of port development in Valdez, which development will be of benefit to Interior Alaska and the construction of any gas pipeline.
- (5) In favor of improvement of the Richardson Highway, which, together with Port Development, will benefit Interior Alaska and assist in the construction of any gas pipeline.
- (6) In favor of the enactment of legislation to allow home rule cities to become unified city-boroughs, under appropriate circumstances, *want to unite directly to unified city/borough*
may ask for my manuscript to introduce.
- (7) In favor of support of the Community College in Valdez.
- (8) Oppose any state funding or direct financial assistance to the Northwest Gasline through Canada. If such a venture is economically feasible, then it can be done by private enterprise.

*Ken says
PUPH!!*

Ken Beauverhouse

*Discussion w/ Cordova
Cordova City manager.*

Talked w/ Kertubla, Braason

CITY OF VALDEZ, ALASKA

RESOLUTION NO. 7906

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ IN SUPPORT OF LEGISLATIVE AND ADMINISTRATIVE FUNDING FOR THE PRINCE WILLIAM SOUND COMMUNITY COLLEGE.

WHEREAS, the City Council did, on February 21, 1978, adopt Resolution No. 7822 supporting the establishment of a community college in Valdez; and

WHEREAS, it is the responsibility of the State of Alaska to establish and support community colleges with the State; and

WHEREAS, the Board of Regents of the University of Alaska and the Alaska State Legislature did in 1978 establish the Prince William Sound Community College in Valdez, and

WHEREAS, the Prince William Sound Community College also provides community college programs for the communities of Glennallen and Cordova, Alaska; and

WHEREAS, the Council did provide in the city building program funds in the amount of \$180,000 for the construction of a full basement in the new City library building for the expressed purpose of providing space adequate for use by the Prince William Sound Community College, and

WHEREAS, the City Council did on January 15, 1979 adopt Resolution No. 7905 transferring \$150,000 of budgeted funds to the city building program for the express purpose of providing space for use by the Prince William Sound Community College in the new City library building; and

WHEREAS, it has come to council's attention that the University of Alaska community college program budget has been reduced drastically, thus precluding the adequate funding of the Prince William Sound Community College, as well as others throughout the State; and

WHEREAS, the City Council did on September 5, 1978 commit for payment to the Prince William Sound Community College the sum of \$50,000 to provide funds to help pay for instructors and needed equipment, and


WHEREAS, the City of Valdez has shown through the efforts herein described its willingness to assist in the support of the Prince William Sound Community College.

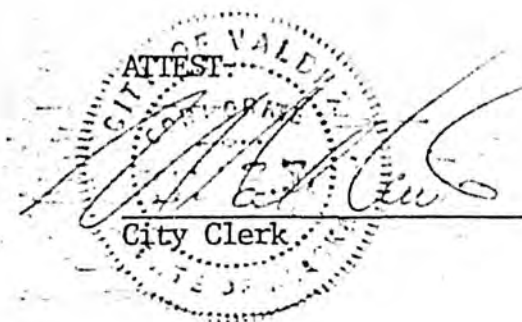
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that

Section 1. The Board of Regents of the University of Alaska, the Alaska State Legislature, and the Governor of Alaska, are urged to provide adequate funding to implement vital Prince William Sound Community College budgeted programs rather than continue at the extension center level.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA this 15th day of January 1979.

CITY OF VALDEZ, ALASKA


Mayor L.F. MacDonald



CITY OF VALDEZ, ALASKA

RESOLUTION NO. 7905

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, APPROPRIATING TO THE CITY BUILDING PROGRAM THE SUM OF \$150,000 FOR THE PURPOSE OF PROVIDING SPACE IN THE NEW LIBRARY FOR USE BY THE PRINCE WILLIAM SOUND COMMUNITY COLLEGE.

WHEREAS, the Valdez City Council did, in the FY 78-79 budget, approve an appropriation of \$200,000 for the Prince William Sound Community College, and

WHEREAS, the Council did provide in the city building program funds in the amount of \$180,000 for the construction of a full basement in the new City library building for the expressed purpose of providing space adequate for use by the Prince William Sound Community College, and

WHEREAS, there are 4,000 square feet of gross usable space available for this purpose, and

WHEREAS, \$50,000 of the funds budgeted for the community college were on September 5, 1978 committed to the Prince William Sound Community College to help allay current operating costs.

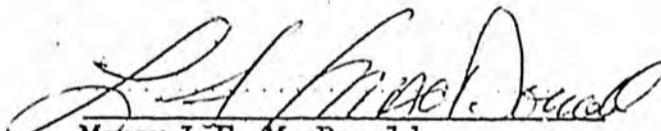
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA that

Section 1. the balance of funds remaining in the Prince William Sound Community College Account, No. 050, in the amount of \$150,000 are hereby transferred to the Valdez Building Program Account, No. 560, for the purpose of completing the basement of the new library including the furnishing of two classrooms for use by the Prince William Sound Community College.

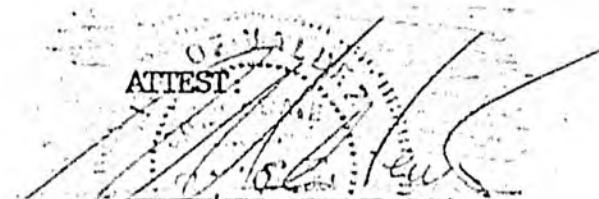
Section 2. This resolution takes effect immediately upon passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA this 15th day of January 1979.

CITY OF VALDEZ, ALASKA


Mayor L.F. MacDonald

ATTEST:


Mark Lewis, City Clerk

Ayes: 5

Noes:

Absent:

Not Voting:

2/29/80

City Administrators
Senators Hohman

Lucasville revenue. min grant
25,000 - + area affected -
SB 351

HB 192 Jerry Gardiner's Revenue
HB 300 Sharing.

16 administration will be terminated
(AVCP) by ~~Feb 24~~ ^{March 30} 1980, Have
already had extension. still also
City Clerk - Police Training

2nd class cities - problem of
** judicial system. Vene Humbert
** looking into. Rep Bill Carter.

alcohol problem —

{ need more training of council —
wants to see more of a training
Fred Shelton / Really needs to be
looked - Training of title 29 -

John Shuler - tcc Good but
slow process

{ Major problem - paperwork / money
would like to see another person
** add to CHA staff.

A.V.C.P. Employment & Training
P.O. BOX 848
BETHEL, ALASKA 99559
Phone: 543-3243

2/29

1:30 appt.

February 11, 1980

SI
file of
our letter of
acceptance
to this
al

Senator Arliss Sturgulewski
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Sturgulewski:

Thank you sincerely for your response to my letter.

The four City Administrators, representing the A.V.C.P. Region
(Second Class Cities), will be most delighted to meet with you.

They have began their meetings with their City Councils address-
ing concerns relating to their needs, which all appears to be
regional needs. They should have with them resolutions support-
ing their needs.

Thank you again.

Sincerely,
AVCP Employment & Training

Theresa Peoples
Theresa Peoples
Local Government Training
Coordinator

TP/rmj

729
February 6, 1980

Theresa Peoples
Local Government Training Coordinator
A.V.C.P. Employment & Training
P.O. Box 848
Bethel, Alaska 99559

Dear Theresa:

Thank you for your January 28 letter. I will be very happy to schedule a meeting with you on February 29 at 1:30.

I'm enclosing a set of the bills prepared by our Joint Local Government Committee. You will note that SB 351 refers to a basic funding for organized municipalities of \$25,000, plus cost of living, plus revenue sharing. This speaks directly to your concern over the inability of small municipalities to provide for basic management. You may wish to offer your support for this legislation. Additionally, Representative Parker and myself are continuing exploration of the state revenue sharing program. I'll be very happy to discuss this matter in detail with you when we are able to.

Your concern over Alaska Statutes, Title 29, regarding the judicial system for second class cities is certainly pertinent. As you may know, there is a major revision going on of Title 4, which relates to control of alcohol within the state. When Carl Jack and Lyman Hoffman were in town this past week I informed them of this fact and also made an appointment with them to see Commissioner Nix's Department of Public Safety so that they could begin some dialogue regarding needed changes. I will look forward to having a discussion with you, and possibly can assist you in meeting with the appropriate officials when you are here.

Again, I look forward to sitting down with you to discuss these issues.

Kindest personal regards,

Arliss Sturgulewski
Senator, District 10-H

Enclosure

A.V.C.P, Employment & Training
P.O. BOX 848
BETHEL, ALASKA 99559
Phone: 543-3243

January 28, 1980

Senator Arliss Sturgulewski
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Sturgulewski:

Alaska Village Council Presidents (A.V.C.P.), Employment & Training is in the process of finalizing appointments with respective Senators, Representatives and State Agencies for its City Administrators.

The local office for Community & Regional Affairs and Rural CAP of Anchorage suggested I contact you for possible assistance, I understand you are involved, as a Co-Chairman, with Local Government functions and needs.

Briefly, A.V.C.P. Employment & Training for the last four years have worked with Second Class Cities through CETA funding. Since their incorporation dates as Second Class City(ies), the Second Cities have experienced/encountered the following problems,

- a. The State Revenue Sharing Program distribution formula lacked and lacks justice to less populated cities. For many years, all of our Villages have traditionally utilized the Mayor to perform the duties of the City Administrator, City Clerk and "subsistence hunter" on unsalaried basis. The priority of need to be the latter.

Temporarily, A.V.C.P. Employment & Training is addressing the need for a City salaried personnel. The temporary assistance is indefinite and lacks continuity. The funding to hire and train City Administrators and City Clerks are obtained from CETA, who regulates only 18 months of employment for our participants.

Due to insufficient funding there are still Second Class Cities operating out of homes and using cardboard boxes for files. For those reasons and others we are supporting the following suggestion:

Re-formulation of the State

Page 2

Revenue Sharing Program to specifically address those villages with 200 population or less, and/or a guaranteed minimum grant of \$25,000.00.

b. Alaska Statutes, Title 29, lacks provision of a judicial system for the Second Class Cities.

Let me elaborate:

The Second Class Cities, for many years, have expended frustrating hours attempting to address "Law & Order in the villages. During Council meetings countless ordinances are adopted in an attempt to address: Alcohol related problems (from disorderly conduct to disturbance of peace) and collection of fines and find each time that local law enforcement is not supported/provided by the Statutes.

The City Administrators would like to take the opportunity in meeting with you and/or your committee. Tentatively, they plan to be in Juneau the week of February 25th to February 29, 1980.

If your scheduling allows, they would like to meet with you. February 29, 1980 at 1:30 p.m.

Thank you for your time and assistance.

Sincerely,
AVCP Employment & Training

Theresa Peoples
Theresa Peoples
Local Government Training Coordinator

cc: John Angaiak
Executive Director

Don Cloxin
Bush Justice

TP/mj

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF LOCAL GOVERNMENT ASSISTANCE

POUCH B
JUNEAU, ALASKA 99811

February 1, 1980

Ms. Theresa Peoples
Local Government Training Coordinator
A.V.C.P. Employment & Training
P. O. Box 848
Bethel, Alaska 99559

Dear Ms. Peoples:

RE: STATE REVENUE SHARING PROGRAM

The concerns expressed in your letter of January 22, 1980 are appreciated. The Department of Community & Regional Affairs recognizes the limited revenue sources available to most second class cities, including the amount of State shared revenue these cities can generate. To improve this situation, we support legislation that would provide for a minimum grant of \$25,000 under the State Revenue Sharing Program. This annual payment would not be dependent on municipal services provided by the applicant, and any city or borough could apply for this minimum grant in lieu of the per capita, per mile and per facility payments currently authorized. The grant would hopefully be used to pay the salary of a permanent, experienced city clerk or administrator.

Currently, there are several bills pending in the legislature that would establish the \$25,000 minimum grant. H. B. 300 introduced last year by Representative Nels Anderson provides for a minimum entitlement to the current municipal services revenue sharing program. H. B. 192 introduced last year by Representative Terry Gardiner would repeal the existing revenue sharing program and replace it with a formula based on a municipality's tax effort compared to its taxable wealth. A minimum grant of \$25,000 has been attached to this formula. This Department supports the concept proposed by both bills. Copies are enclosed for your information.

Another related bill, H. B. 583 introduced this year, would entitle every municipality to \$25,000 in addition to the amount it receives under the municipal services revenue sharing program. The Department is opposed to this approach as it would grant the additional \$25,000 to those cities and boroughs already receiving substantial revenue sharing funds.

*File w/ letter
I wrote to ms Peoples
She has an appointment
w/ me on 2/29/80*

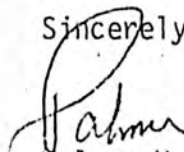
Ms. Theresa Peoples
February 1, 1980
Page 2

It is important to remember that insufficient funding would result in prorated entitlements. In other words, due to prorationing, a city could receive less than \$25,000 even if one of these bills were to become law.

It is suggested that the cities in the A.V.C.P. Region contact their legislators to voice their support for H. B. 300 which provides the \$25,000 minimum entitlement, and for H. B. 192 which generally provides more revenue sharing dollars to poorer rural communities. We envision this grant as a partial solution, at least, to the problems of a poor revenue/tax base and high administrator turnover in most second class cities.

The #3 concern in your letter addressing needs for improved judicial services is one well recognized by this Department. We hoped that improvements in this area can be made through further efforts by the Executive and Legislative branches of State government.

Sincerely,


Palmer McCarter
Director

Enclosures

cc: ✓ Senator Arliss Sturgulewski
Representative Terry Gardiner
Representative Bill Parker
Representative Nels Anderson
w/Enclosure

A.V.C.P. Employment & Training
P.O. BOX 848
BETHEL, ALASKA 99559
Phone: 543-3243

January 22, 1980

Palmer McCarter, Director
Division of Local Government
& Assistance
Department of Community &
Regional Affairs
Pouch B
Juneau, Alaska 99811

RECEIVED
JAN 25 1980

DEPT. OF COMMUNITY
AND REGIONAL AFFAIRS

Dear Mr. McCarter:

Thank you for your response to my letter.

At my last meeting with the City Administrators the questions/concerns were in the following areas:

- a. State Construction Aid
- b. Land Use Planning
- c. Transportation Facilities
- d. Health Facilities
- e. Preparing for a Census

In addition the following have been brought to my attention:

1. Second class cities, whose population is less than 200 are barely functioning with the existing State Revenue Sharing Formulas. In the A.V.C.P. Region, 98% of the Second Class Cities and their residents are economically disadvantaged, and therefore are not in any position to levy and collect local taxes.
2. The existing State Revenue Sharing has no provisions for City Administrators/Managers. As there are no local taxes, there are no funds to hire a City Administrator/Manager. For the last four years, Yupiktak Bista Manpower through CETA grants have employed City Administrators. A.V.C.P. Employment & Training finds that there are many disadvantages, for one, the present system lacks continuity. The Second Class Cities are involuntarily experiencing key staff turnovers. As the result of the turnovers/terminations we are constantly training new City Administrators.

Page 2

3. The State of Alaska and the Alaska Statutes lacks and does not provide for any judicial system for Second Class Cities. The second Class Cities are finding themselves handicapped when ordinances are adopted for collection of fines and/or punishments.

We will be most happy for your time and assistance.

Thank you.

Sincerely,
AVCP Employment & Training

Theresa Peoples
Theresa Peoples
Local Government Training
Coordinator

cc: John Angaiak
Executive Director

TP/rmj

January 18, 1980

8:30 a.m. / House HESS Committee Room, 112
Joint Community and Regional Affairs Committee

Verification: TAPE 1, House C/RA, 1980. No's 1-144 (or 440 depending on the transcribing machine used.)

Meeting called to order and an overview was given by Co-chairmen Senator Sturgulewski and Representative Bill Parker on the Local Government Study package of seven bills. Both expressed interest that the bills would be introduced jointly the following Monday, January 21, 1980.

At the end of the meeting, Cochairman Sturgulewski stated she would prefer a motion to come from her committee if at all possible, that they would support the introduction of this legislation as a product of the Joint Committee, and asked if they felt comfortable with that.

Senator Stimson so moved and no objections were raised.



Official Business

Alaska State Legislature

Senate Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

January 23, 1980

TELECONFERENCE NOTICE

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

Southeastern Alaska - Ketchikan and Sitka

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

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

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

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

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

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

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



Official Business

Alaska State Legislature

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

Co-Chairmen
Senator Arliss Sturgulewski
Representative Bill Parker

Address all
correspondence to:
LOCAL GOVERNMENT STUDY
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Participant:

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

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

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

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

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

All of the House Bills have been referred as follows:

HS C&RA and Finance - Representative Meekins, Chairman
HB 580 Unorganized Boroughs
HB 582 Planning Assistance
HB 583 State Aid to Local Governments

HS C&RA
HB 581 Responsibilities of DPDP
HB 585 Incorporation of Second Class Boroughs
HB 586 Fiscal Notes for Bills affecting a Municipality

HS C&RA and Judiciary - Representative Parr, Chairman
HB 584 Eliminating Third Class Boroughs



Official Business

Alaska State Legislature

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

Co-Chairmen
Senator Arliss Sturgulewski
Representative Bill Parker

Address all
correspondence to:

LOCAL GOVERNMENT STUDY

Pouch V
State Capitol
Juneau, Alaska 99811

TO: ALL PRESS PEOPLE
FROM: Senator Arliss Sturgulewski/Rep. Bill Parker
DATE: 1/21/80
RE: Senate/House C&RA Legislative Package

On Monday, January 21, a legislative package designed to have major impact in the unorganized areas of Alaska will be introduced in both houses for the Community and Regional Affairs Committee Interim Joint Local Government Study.

You are invited to meet with the Co-Chairmen of the Study, Senator Arliss Sturgulewski and Rep. Bill Parker, today at 1:00 P.M. (Assembly Apts. Room 100) to discuss the legislation.



Official Business

Alaska State Legislature

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

Co-Chairmen
Senator Arliss Sturgulewski
Representative Bill Parker

Address all
correspondence to:
LOCAL GOVERNMENT STUDY

Pouch V
State Capitol
Juneau, Alaska 99811

PRESS RELEASE
Monday, January 21, 1980

Senator Arliss Sturgulewski (R-Anch.) and Rep. Bill Parker (D-Anch.), Co-Chairmen of the Local Government Study held during the interim by the Joint Senate and House Community and Regional Affairs Committee, have announced the introduction of a legislative package designed to have major impact in the unorganized areas of the state.

The legislation provides for the division of the single unorganized borough into unorganized boroughs consisting of Regional Educational Attendance Areas (REAs). These regions will provide the framework for planning and programming purposes: regional strategy studies, coordination of services and data collection.

"The present unorganized borough is an 'amorphous mass' and does not provide any basis for the delivery of state services or for fostering of local self determination," Senator Sturgulewski said. "SB (HB lays the foundation for further development of Alaska's system of local self government and decentralization of state decision making, of planning and coordination of services and other activities."

The legislative package was developed from studies and analyses sponsored by the Committee; a Symposium

designed to define issues and problems, and a series of public hearings held throughout rural parts of the state.

According to Rep. Bill Parker, "The final recommendations of the JOint Committee have been greatly affected by what the people had to say in the areas we visited-- Bethel, Delta Junction, Dillingham, Fort Yukon, Glennallen, Hooper Bay, Kotzebue, New Stuyahok, Noorvik and Venetie. Their views are reflected both in the substance of and approach to individual action proposals."

The legislation, introduced in both houses, includes:

*SB ³⁴² (HB ⁵⁸⁰) Establishes unorganized boroughs and directs state agencies to use such unorganized boroughs and borough boundaries for data collection, program planning and coordination and budgetary information development. It also authorizes adoption of home rule charters by unorganized boroughs if they choose to organize.

*SB ³⁴⁰ (HB ⁵⁸¹) Requires that the Division of Policy Development and Planning conduct a study and report back to the legislature no later than January 31, 1981 as to the conformity by state agencies, boards and commissions in using the boundaries established by the Dept. of Community and Regional Affairs under SB ²⁴⁸ (HB ⁵⁸⁰).

It would also require the development and implementation of a master geographical coding system to report on the coordination of delivery of state services using the established boundaries.

*SB ³⁴⁴ (HB ⁵⁸²) Establishes a program of planning assistance for the development of management programs in the unorganized boroughs.

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

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

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

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

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

TELECONFERENCE NOTICE

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

Southeastern Alaska - Ketchikan and Sitka

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

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

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

House/Senate
Bill Number
or Statute

Activity

Time Required

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

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

H B 560
S B 348
pg 6

Election for borough officials is conducted.

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

H B 560
S B 348

Election results are certified and borough officers sworn in.

Estimated time to complete this task is 15 days.

LOCAL GOVERNMENT WORKSHOP

1. BRIEF STATEMENT OF THE ISSUE:

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

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

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

2. METHOD OF DEALING WITH THE ISSUE:

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

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

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

CPC LOCAL GOVERNMENT WORKSHOP

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

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

3. RECOMMENDATION OF BILLS CONSIDERED:

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

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

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

This Bill
reference

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

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

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

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

RECOMMENDATIONS CSHB 581:

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

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

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

CSHB 886:

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

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

HB 583:

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

HB 586:

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

HB 585:

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

The Local
Bill 58
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GOVERNMENT WORKSHOP

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

L 488:

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

RECOMMENDATIONS:

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

PROCESS:

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

Thanks!"

LOCAL GOVERNMENT DELEGATES

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

GUESTS

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

FACILITATORS

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



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

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

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

HB 580 ^{SB 348} Establishing Unorganized Boroughs

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

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

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

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

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

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

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

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

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

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

HB 585 Incorporation of Second Class Boroughs

B
533

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

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

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

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532

HB 586 Requiring Fiscal Notes for Bills Affecting a Municipality

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

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531

HB 583 State Aid to Local Governments

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



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

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

- * In addition to the points covered in the attached memo, the Committee raised the following issues for discussion:
 - HB 580
 - * p. 3 Lines 7-29 This section was questioned in general. It was felt that in every instance in the bill, reference should be made to the legislature rather than to the Legislative Council (see p. 3 line 10). The section should be rewritten to direct that the Governor review requests from state agencies for exemptions to AS 44.17.110. The legislature would then be empowered to override such exemptions and modifications.
 - * *Deletions* The repealers are to be checked with legislative legal staff.
 - * After discussion of the census lines, it was determined that mention should be made of these boundaries, along with those of the ANCSA, on page 2.
 - * Use of the term "substantially" (p. 6 line 17) was questioned. McCarter suggested that this was legally applied as there may be technical difficulties in complying with all the requirements of the election code if there are no election clerks in the areas.

HB 582

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

HB 583-586 will be reviewed Feb. 13



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

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

HB 580 (SB 348) Establishing Unorganized Boroughs

p.1 Line 13-20

OK must discuss

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

OK

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

p.2 Line 10

OK

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

p.3 Line 7

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

be to the Legislative Council.

p. 4 Lines 17-18

OK

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

p. 3 Line ¹⁷⁻¹⁸ 28

OK

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

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

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

OK

p. 1 Line 16 Number (2) would be amended to read:
"a nonprofit corporation or nonprofit corporations organized under the laws of the state.

OK

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

OK

p. 2 Line 15 Add that the report would also generally address the interrelationships of:
(a) The school board for the regional educational attendance area;
(b) the coastal resource service area board, if one has been established under AS 46.40.100-46.40.160;
(c) any other regional entity responsible for services; and
(d) the governments of cities located within that unorganized borough

OK

HB 583 (SB 351) State aid to local governments

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

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

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

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

p. 3 1.27-

(e) Revise to read

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

(d)

p. 7 Line 28

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

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

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

Second Class
Boroughs
(incorp. as
home rule
boroughs)

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

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

Third Class
Boroughs
(elimination)

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

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

Unorganized
Boroughs
(establishment)

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

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

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

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

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

• Unorganized
Boroughs
(planning
assistance)

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

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

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

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

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

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

State Aid to
Local Govern-
ments

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

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

Fiscal Notes
(for bills
affecting
municipali-
ties)

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

Margo M

Rural Alaska Community Action Program, Inc.

March 29, 1980

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

Dear Arliss,

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

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

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

Sincerely,



Phil Smith

PS:lw

I may not agree with a word you say



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Editorial -

Crucial convention

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

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

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

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

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

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

GARNETT, KLINKNER & BENDELL

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

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

February 21, 1980

Senator Arliss Sturgulewski
Pouch V
Juneau, Alaska 99811

RE: Local Government Study
Legislation

Dear Arliss:

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

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

HB 580 (SB348)

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

A. Sturgulewski
Page 2
February 21, 1980

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

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

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

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

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

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

HB 585

As 29.08.010 also should be amended to read:

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

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

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

STATUS OF HOME RULE BOROUGHES CREATED UNDER HB 580 OR 585

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

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

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

There are several possible approaches to this problem:

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

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A. Sturgulewski
Page 4
February 21, 1980

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

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

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

Thank you for your consideration.

Yours truly,


Thomas F. Klinkner

TFK:pac

AVCP

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

05 March 1980

Twila

Senator Arliss Sturgulewski
Pouch V
Juneau, AK 99811

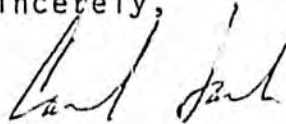
Dear Arliss:

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

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

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

Sincerely,



Carl Jack, PRESIDENT
AVCP

fk

cc: AVCP Executive Board

Wyla -
green copy

FROM THE DESK OF JUDGE CARL HEINMILLER
HAINES, ALASKA

Feb. 6th

Dear Palmer:

Please keep us informed on this bill.. ^(H3581) _{SB 559}

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

Chamber of Commerce..Optimum Government Com

and other.

We hope the Legislature finally has the guts

to kill this dumb Third Class Borough..

Regards,

RECEIVED

FEB 08 1980

DEPT. OF COMMUNITY
AND REGIONAL AFFAIRS

HAINES BOROUGH

P.O. BOX H
HAINES, ALASKA 99827

February 4, 1980

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

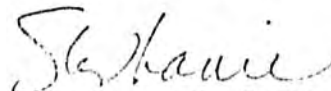
Dear Palmer:

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

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

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

Sincerely yours,



Stephanie K. Scott
Administrative Secretary

RECEIVED

FEB 08 1980

DEPT. OF COMMUNITY
AND REGIONAL AFFAIRS

Fairbanks Town & Village
Association
for
Development, Incorporated



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-make

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February 27, 1980

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

Dear Senator Sturgelewski:

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

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

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

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

FIVAD policy on state decentralization is as follows:

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

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

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

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

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

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

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

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

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

Letter to Senator Sturgelewski
February 27, 1980
Page Five

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

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

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

FIVAD Policy Statement #3:

SB 349

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

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

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

Letter to Senator Sturgelewski
February 27, 1980
Page Four

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

FTVAD Policy Statement #1:

HB 580/SB 348

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

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

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

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

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

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

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

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

Letter to Senator Sturgelewski
February 7, 1980
Page Three

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

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

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

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

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

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

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

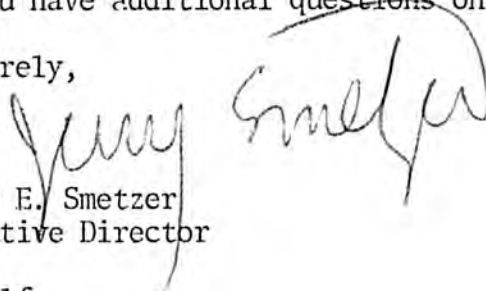
Letter to Senator Sturgelewski
February 27, 1980
Page Six

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

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

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

Sincerely,


Jerry E. Smetzer
Executive Director

JES:rlf

cc: FTVAD Executive Committee Members

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

DESCRIPTION: NEWSPAPER

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

OCTOBER 1979

Unorganized
Boroughs
(establish-
ment)

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

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

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

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

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

Unorganized
Boroughs
(planning
assistance)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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.

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

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

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

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Funding Information

General Fund \$300,000
Other Funds - 0 -
\$300,000

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.

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

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

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

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

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

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

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

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

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

28 (2) developing program planning for districts;

29 (3) coordinating program planning for agency activities with

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 IN THE SENATE

2 SENATE BILL NO. 349

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a program of planning assistance
7 for unorganized boroughs; and providing for an effective
8 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 (2) a nonprofit corporation organized under the laws of the
17 state.

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

24 (c) A municipality, group of municipalities, or corporation interested
25 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 may require the
27 contractor to consider additional topics, including but not limited to,

28 (1) evaluation of the economic development potential of the
29 unorganized borough;

1 (2) determination of housing and capital facility needs;
2 (3) examination of demographic, social and environmental
3 factors; and

4 (4) presentation of a process for developing the report and
5 implementing its recommendations.

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

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

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

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

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

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

1 IN THE SENATE

2 SENATE BILL NO. 351

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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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.

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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.

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

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

1 IN THE SENATE

2 SENATE BILL NO. 354

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

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

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

1 laws of the state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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:

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1 laws of the state;

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3 Sec. 14.12.110. SINGLE BODY AS ASSEMBLY AND SCHOOL BOARD. Not-
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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,
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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

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2 lands is the platting authority in the remaining areas of the state [AND
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4 portion of such plats, as provided in AS 40.15.075. If the borough or
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14 borough [AND IN THE THIRD CLASS BOROUGH] for only the purposes of
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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
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1 December 31, 1984 and shall retain all the rights, powers and privileges
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4 29.33.290 before December 31, 1984, is reclassified as a second class borough
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I. REQUEST
 Bill/Resolution No. H. B. 520 and S. B. 348
 Title An Act Establishing Unorganized Boroughs...and Authorizing Adoption of Home Rule
 Requested by Community & Regional Affairs Committee Date 1-21-80 Charter

II. FISCAL DETAIL
 Agency Affected Community & Regional Affairs
 Program Category Affected Development
 BRU, Program, or Subprogram(s) Affected Local Government Assistance
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME	0	5	5	5	5	5
PART TIME						
TEMPORARY						

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

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

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

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

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

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

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

SB 349

II. FISCAL DETAIL

Agency Affected _____
 Program Category Affected _____
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
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			<u>47,734</u>	

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

IV. DATE 1-18-80 PREPARED BY Terry Earley
 AGENCY Department of Community & Regional Affairs
 PHONE 465-4730

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

I. REQUEST

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

II. FISCAL DETAIL

Agency Affected Division of Policy Development and Planning
 Program Category Affected Executive Operations
 BRU, Program, or Subprogram(s) Affected Policy Development and Planning
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

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

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

TOTAL

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME	x	x				
PART TIME	x	x				
TEMPORARY	x	x				

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

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

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

AGENCY DPDP

Original: Legislative Finance

PHONE 465-3573

cc: Budget and Management

Prime Sponsor (First Legislator Named)

1	POSITION TITLE Management Analyst III			RANGE/STEP 18 A	ORG. UNIT. X	LOCATION Bureau	COPIES	APPROV	DISAP
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 3	FORM 12 I 7	COPIES Lid	APPROV	DISAP

3	TYPE OF EXPENDITURE	AMOUNT
1	2	3
4	PERSONAL SERVICES: SALARY	24,984
5	BENEFITS	3,660
6	FICA	1,661
7	HEALTH INS.	1,272
8	TOTAL PERSONAL SERVICES	31,577
9	TRAVEL	4,466
10	CONTRACTUAL	300
11	COMMODITIES	500
12	EQUIPMENT	910
13	OTHER	00
14	TOTAL COST	37,753

JUSTIFICATION:

As required by statute, this position will allow the division to develop and implement a process for reviewing all proposals for the location of capital improvements by any state agency. This process will insure that applicable state policies are considered in planning for capital facilities and that interested agencies and the public are consulted prior to the locational decision.

15	CODE	FUNDING SOURCE
15		FED RCPTS.
16		GF MATCH.
17		GEN. FUND
18		I-A RCPTS.
19		PGM RCPTS
20		OTHER
17		37,753

21	CONTINUATION	
22	ADDITION	X
FOR B&M USE ONLY		
44	KEY NUMBER	GOVERNOR NO.

AGENCY Office of the Governor PROGRAM AREA Executive Operations

UNO Policy Development and Planning

FY 81

13 REQUEST FOR NEW POSITION.

COMPONENT _____

Page 2 of 3

REVISED DATE _____

000176

1	POSITION TITLE Policy and Program Manager I				RANGE/STEP 20 A	BARG. UNIT. X	LOCATION Juneau	APPROV. <input checked="" type="checkbox"/>	DISAPP. <input type="checkbox"/>
2	TYPE OF POSITION PFT	STAFF MONTHS 12	PP No.	PCN No.	PRIORITY 2	FORM 17	PAGE/LINE 1 4		

3 TYPE OF EXPENDITURE		AMOUNT
1	2	3
PERSONAL SERVICES:		
4	SALARY	28,932.
5	BENEFITS	4,239
6	FICA	1,924
7	HEALTH INS.	1,272
8	TOTAL PERSONAL SERVICES	36,367
9	TRAVEL	3,220
10	CONTRACTUAL	300
11	COMMODITIES	500
12	EQUIPMENT	910
13	OTHER	00
14	TOTAL COST	41,297

JUSTIFICATION:
 There is growing concern that the increasing number of data collection and processing systems in state government are developing in such a way as to exclude possible users in favor of only catering to specific, narrow agency needs. This position will serve as a coordinator for these agency efforts in order to ensure the efficient development and utilization of these data systems.

	CODE	FUNDING SOURCE
15		FED RCPTS.
16		GF MATCH.
17		GEN. FUND
18		I-A RCPTS.
19		PGM RCPTS
20		OTHER
21	CONTINUATION	
22	ADDITION	X

FOR U&M USE ONLY

AGENCY Office of the Governor PROGRAM AREA Executive Operations

ORU Policy Development and Planning

COMPONENT Same

13 REQUEST FOR NEW POSITION.

FY 81
000175

MEMORANDUM

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

DATE: January 25, 1980

FILE NO:

TELEPHONE NO:

FROM: *Jay Moor*
Jay Moor

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

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

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

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

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

January 25, 1980

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

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

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

cc: Sally Rue

I. REQUEST

Bill/Resolution No. H. B. 583 and S. B. 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)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
	0	0	0	0	0	0

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
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)

x 25,000 additional entitlement

3,850,000

x 23.63% average of COLA's

909,755

3,850,000

4,759,755 FY 81 additional funding

FY 82

158 municipalities

x 25,000 additional entitlement

3,950,000

x 23.63% average COLA's assuming no changes

933,385

3,950,000

4,883,385 FY 82 additional funding

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

II. FISCAL DETAIL

Agency Affected Department of Community & Regional Affairs

Program Category Affected Community Development

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

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

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		17.6	38.0	41.0	44.3	47.9
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 1-18-80

PREPARED BY McKie Cambell
 AGENCY Department of Community & Regional Affairs
 PHONE 465-4735

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

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

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)

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."

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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-

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

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

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

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

- (1) a borough or unified municipality incorporated under AS 29; and
- (2) an unorganized borough determined under AS 29.03.011 - 29.03.021.

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

- (1) collecting data, processing and analyzing statistics, and providing information about programs on the basis of each of the districts;
- (2) developing program planning for districts;
- (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 elect^{ion} 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. 348
 Title An Act Establishing Unorganized Boroughs...and Authorizing Adoption of Home Rule
 Requested by Community & Regional Affairs Committee Date 1-21-80 Charters

II. FISCAL DETAIL
 Agency Affected Community & Regional Affairs
 Program Category Affected Development
 BRU, Program, or Subprogram(s) Affected Local Government Assistance
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME	0	5	5	5	5	5
PART TIME						
TEMPORARY						

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

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

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

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

IV. DATE 1-21-80 PREPARED BY Don Griffin
 AGENCY Community & Regional Affairs
 Original: Legislative Finance PHONE 465-4736
 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.

220 Loc, Study.

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)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
	0	0	0	0	0	0

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
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 an 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	7,991	-

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."

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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 LEO	APPROV ✓	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	IP No.	PCN No.	PRIORITY 3	FORM 12 PAGE/LINE 1 7			

3	TYPE OF EXPENDITURE	AMOUNT
	1	2
4	PERSONAL SERVICES: SALARY	24,984
5	BENEFITS	3,660
6	FICA	1,661
7	HEALTH INS.	1,272
8	TOTAL PERSONAL SERVICES	31,577
9	TRAVEL	4,466
10	CONTRACTUAL	300
11	COMMODITIES	500
12	EQUIPMENT	910
13	OTHER	00
14	TOTAL COST	37,753

JUSTIFICATION:

As required by statute, this position will allow the division to develop and implement a process for reviewing all proposals for the location of capital improvements by any state agency. This process will insure that applicable state policies are considered in planning for capital facilities and that interested agencies and the public are consulted prior to the locational decision.

	CODE	FUNDING SOURCE
15		FED RCPTS.
16		GF MATCH.
17		GEN. FUND
18		I-A RCPTS.
19		PGM RCPTS.
20		OTHER
21	CONTINUATION	
22	ADDITION	X

FOR B&M USE ONLY

KEY NUMBER _____ COLUMN NO. _____

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

AGENCY Office of the Governor PROGRAM AREA Executive Operations

and Policy Development and Planning

FY 81

13 REQUEST FOR NEW POSITION.

COMPONENT Same

Page 1 of 3

REVISED DATE

000175

MEMORANDUM

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

DATE: January 25, 1980

FILE NO:

TELEPHONE NO:

FROM:

Jay
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.

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154 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.

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

II. FISCAL DETAIL
 Agency Affected Department of Community & Regional Affairs
 Program Category Affected Community Development
 PRU, Program, or Subprogram(s) Affected Local Government Assistance Division

(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 1-18-80 PREPARED BY McKie Campbell
 AGENCY Department of Community & Regional Affairs
 PHONE 465-4735
 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. 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 muni-
16 cipality 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.

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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. _____ Date _____

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
 Name Sponsor / First Legislator Named _____

33-1000-10-70

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 BOROUGHS]. 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.

Loftman

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

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

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

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

Dave Walsh in favor of

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

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

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



Att-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-

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

(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 ^{ing 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, RDA[^], 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 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.

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EDWARD HOFFMAN'S STATEMENT ON PROPOSED LEGISLATION ON

THE UN-ORGANIZED BOROUGH

THIS STATEMENT I MUST MAKE CLEAR IS NOT ONLY MADE 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 specific details from bill

352
22-25

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.

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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 solícite 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 perforance 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

46?

46?

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~~^{Reviewing} those concerns and advise state agencies on a regional needs and desires. Consortium method would operate through existing local government and ^M increase local actions 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 tows? 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 obversion 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 ^{Key?} D-2 Title lands to our village corporations, then these key title lands can

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 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 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 thank 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

Prudent
...think of

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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/ Mayor Holl⁶well? 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?

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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.

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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 assistance to groups in order to plan for the incorporation of a borough, and I think that should be

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straight forwardly stated. Page 3, the provision under (H), that no more than \$25,000 per year, plus \$25 per capita .. under contract, I don't understand the reason for the limitation there. On SB 350, I have no particular comments. SB 351, I'm glad to see that - that's an idea that's been around the Legislature. As I recall, we added it to the revenue sharing bill ...Legislature...so am on to that idea. The fiscal note bill - no comments - it seems like a ver y good idea. SB 353, an act relating, pretty straight forward and goes along with all the rest, SB 354 - it seems to me on page 2, Section 6, provides - if Jack

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Chenoweth is there, he'll recognize my concern with the division of planning ... unorganized borough, I don't like the idea of ... It seems to me it provides disincentive to the incorporation of boroughs, as the Division of Lands provides that service anyway. So, I have that problem. I have always wanted to take ... In addition, I have a question as to whether or not this power by the Division of Lands, how it relates to the management plan that is going to be developed, and would it not be better if the Dept. C/RA involve managing and planning in the unorganized borough. Would it not be better, if any state agency must do planning and zoning, platting in the unorganized boroughs, should it not be done by the Dept. of C/RA, since they are going to be taking on, under your bill, some rather other heavy planning responsibilities in the unorganized borough. And the same goes for the planning and zoning powers that belongs to the Division of Lands. On the last page, 4, under repealers, section 29.080.040 J - relates to other 1st and 2nd class boroughs also, so possibly you shouldn't repeal it completely, I don't remember that section just now, so I don't recall my question, but I felt as though an outright repealer would do away with the provision that should be And while I was looking at the repealers, I noticed that in 38.050. 378 that you might want to include in these bills. And those are my comments on the specific bills. They seem to address some concerns. My

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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

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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

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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.
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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 stree that these lines be compatible with the Nena 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 ^{115.} 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

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previously stated, let them decide a need for a second chance, they can't. The finding of the charter commission to the agency? I refer now to page 5, bottom, where there seems to be no ability for the charter commission to 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 without the consent of some locally representative group in the initiation of this kind of activity is described as a one shot deal, and some areas of 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

38 - region, rather than the Commissioner. SB 350 - we have no particular 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 as much in need of funding as are the cities. We would recommend that additional language be added to include those villages. We feel that to not include them would be discriminatory, and we recommend "do not pass" on this bill unless those are included. SB 352 - have no comments. SB 354- no comments. SB 353 - as discussed previously the question of percentage or 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..

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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, ^{Lidia?} 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.

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SB 307

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 ^{who} 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 ~~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 ^h cause 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.

As for hearing started.

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 borough 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.

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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.

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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 Bill for the 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} ~~for~~ 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 (post?) 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 ~~..~~ ^{WAL burgeon?} 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, ~~the~~ conditions have forced local government to react rather than anticipate and correct events. Local direction should start in the school, city ^{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.~~ *True* 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.

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, ~~in 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 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 foradvise 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 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 incorporationsomething 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 n.t. 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

exempt ions?

Timothy
you may
want
to address
this

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. Sturgulewsky --- 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

Madam, Chairman, I'll make this very brief. Speaking basically as a
30 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
@ S*

*Added in
at this
point
etc?*

side @ Tape II

Anchorage/ Ron Mallott

Hello, Ron Mallott here currently attending ^{merely as an interest} 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 ~~you~~^{we} 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 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 ... less than \$6,000 ^{ft. Buck?}

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 of RA -
pleaded
guilty

SB 352
7/15/77
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 ^{handle?} .. 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 ^{report?} support 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 type 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-

profit regional corporation and other agencies have gotten in the act by certain limited services that are typically provided on a municipal basis. The third reason, in many cases is just an inadequate tax base. In some areas of the state, there is just nothing there to tax, so there is very little in the way of support for local government, so they can form a local government all they'd like, but they wouldn't be able to support that local government, if they had the inclination; and finally probably the biggest reason, at least in my opinion, was the disincentives. The biggest one is school financing in many cases its been proven that ~~the~~^{the} form of local government you actually lose money, on a regional basis. The state financing program is a disincentive, so there would have to be at least a equalization formula so there is no disincentive formation of regional government and that's probably the biggest stumbling block is state educational financing.

Sen. Sturgulewski - I would like to point out, as I am sure you are aware, there is a report out now and that matter is before the House Finance and it does address that in lieu of, and we gave testimony this summer, and whether that concept will go through, but I certainly agree with you.

Mr. Arorson - very briefly, my summary would be that basically the concept of regional government, whatever you want to call it

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

EXECUTIVE SUMMARY

“JUNEAU 1980”

RURAL ALASKA
CITIZEN'S PARTICIPATION CONFERENCE

March 17 - 20, 1980
Juneau, Alaska

Rural Alaska
Community Action Program, Inc.
Box 3-3908, 327 Eagle Street, Anchorage, Alaska 99501, (907) 279-2511

Rural Alaska Community Action Program, Inc.

March 20, 1980

Dear Friends,

This packet of information contains the final Recommendations of the 1980 Rural Alaska CITIZEN'S PARTICIPATION CONFERENCE, sponsored by RurAL CAP in Cooperation with a variety of other public and private agencies and organizations. We trust you will find it informative and useful.

Since Monday, March 17, the Delegates to this year's CPC have been laboring to come to grips with such complex issues as:

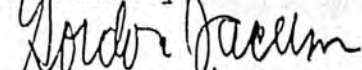
- Local Government
- Alcoholism
- Subsistence
- Child Development
- Energy
- Telecommunications
- Criminal Justice
- Transportation
- Taxation & the Permanent Fund

In workshops, with assistance from Elected and Appointed Officials of State Government, and their staffs, over 125 Rural Alaskan Citizens have come to grips with these issues.

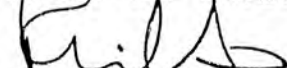
It is particularly laudatory that, while many Alaskans are trying to solve important Public Policy issues by engaging in such non-productive activities as "trespasses," recall efforts, etc., Rural Citizens are willing to use the "system" in a responsible and responsive manner.

We are proud that our organization has been privileged to facilitate this process for yet another year. And we sincerely urge that you give these recommendations the serious consideration that they most assuredly deserve.

Sincerely



Gordon Jackson, President
RurAL CAP Board of Directors



Phil Smith,
Executive Director

CITIZEN'S PARTICIPATION CONFERENCE

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CPC SUBSISTENCE WORKSHOP

Issue: Limited Entry

Whether to allow the filing of applications for limited entry permits by those persons who did not file in a timely manner and to provide for the allowance of additional limited entry permits in the Upper Yukon Fishery.

The discussion of these two limited entry issues occupied a great portion of the work of the workshop. The late filing bill, HB 665, sponsored by Rep. Anderson, came under attack by both the Limited Entry Commission and the United Fishermen of Alaska. They explained that there would be too many new fishermen allowed into the salmon fisheries which have not recovered as is popularly believed. On the other hand, it was brought out that there were many problems with the initial application period and that the people who missed filing should be given the opportunity to file at this time. It was felt by the participants that it would be beneficial to rural Alaskans if the application period was reopened. HB 665 was favorably recommended 21-1.

As to SB 187, the Upper Yukon Limited Entry Bill, the participants recommended against its passage 7-6. The failure of the bill to adequately address the allocation problems that would be caused by more permits in the upper positions of the river was the primary cause for this opposition to the bill.

Issue: Aquaculture

Whether to stop financial support for aquaculture associations until the legislature was more certain of the financial responsibility of these organizations.

The participants voted 19-0 against the passage of HCR 50 which calls for the moratorium on grants to aquaculture associations feeling that these programs were very worthwhile and while the legislature has an interest and is taking a close look at the associations, this was much too drastic a response to the perceived problem.

CPC SUBSISTENCE WORKSHOP

Issue: Fisheries Development

Whether to create a fisheries development committee with the function of helping to develop the bottomfishing industry in Alaska.

The workshop voted to recommend the passage of HB 517, 518, and 519, the three bills that dealt with fisheries development.

Issue: Outer Continental Shelf Development

Whether to support the Governor's program for the delay of certain OCS lease sales from the 5 year schedule proposed by the Department of Interior.

The workshop spent a great deal of time discussing the present status of Outer Continental Shelf development around Alaska's coast. The participants were especially worried about the effects that this activity would have upon the wildlife and marine resources upon which the villages in rural Alaska depend. There was a difference of opinion as to whether to call for the delay of sales in accordance with the presentation that the Governor gave before the Senate OCS Committee in Washington on March 18, 1980, or to call for the cancellation of all the sales. The view that finally prevailed called for the support of the Governor's proposal to the Senate Committee. It was felt that this was a very good opportunity for all Alaskans to join together on this very important issue and that while it would be better to stop the sales, a delay at this time is the best that could be expected. The participants voted to support HR 17 with amendments to bring the resolution into compliance with the Governor's proposal (Alternative IX to the Five Year OCS lease schedule contained in the Final Environmental Impact Statement).

CPC SUBSISTENCE WORKSHOP

Issue: Local Fish and Game Advisory Committees

The workshop discussed the need for more monetary support for the local fish and game advisory committees as well as staffing for them. The committees need more support in order that they be able to function properly and represent their areas.

The workshop met with staff from the Subsistence Committee. During the discussion, the participants requested that the staff make a strong recommendation to the Bush Caucus to support travel and per diem for local advisory committee members and to establish a two person staff for the local advisory committees in Anchorage or Fairbanks and directly responsible to the Boards of Fisheries and Game.

The recommendation to the Bush Caucus and to the Conference was passed unanimously by the workshop.

The wording of the recommendation is as follows:

To support ongoing travel arrangements by the Department of Fish and Game for local advisory committees and to establish per diem for local members for their meetings during the course of the year.

To establish an advisory committee staff under direct supervision of the Boards of Fish and Game. The staff to be located in Anchorage and/or Fairbanks and to be available to provide technical assistance on committee by-laws, user group representation, fish and game and other natural resource management issues.

Issue: Fur Seal Treaty

Whether to support the continuation of the Fur Seal Treaty which provides for the harvest of fur seals by the people of the Pribilof Islands.

There was unanimous support for the continuation of this treaty which provides for the economic welfare of the people of St. Paul Island in the Pribilofs. There will be hearings in Washington, D. C. in April 1980, at which time support from participants in the workshop will be presented to the Congress. The participants supported Rural CAP Resolution #80-4.

CPC SUBSISTENCE WORKSHOP

Issue: Section 204(c) Withdrawals

Whether to support Rural CAP resolution #80-5, which protests the action by the Secretary of the Interior to relegate subsistence to a policy of the newly created National Wildlife Refuges rather than having subsistence as a purpose of those refuges.

There was unanimous support for this resolution protesting the actions of the Secretary. Part of the workshop was spent discussing the land, water, fish and wildlife policies of the Department of the Interior as it relates to rural Alaskan villagers. The purpose of the discussion was to determine whether the agencies involved, the Fish and Wildlife Service, the Bureau of Land Management and the National Park Service have a coherent policy that could be relied upon in the upcoming years. With the resolution of the federal land questions, it has become time to take a close look at these federal agencies and prepare for future relations with them. The thrust of the discussion centered upon the lack of a policy towards the people most affected by the activities of these agencies. In regard to their duties, the philosophies of the agencies and their traditional activities have dealt with the land, water and wildlife rather than with the people who live and depend upon these resources. While the BLM is concerned with the development of the lands and waters, the National Park Service is interested in the viewing of unique land and wildlife. These activities do not necessarily include the local villagers and their dependence on the resources under the jurisdiction of these agencies. It was pointed out that there will be many issues that will arise in the future which will pit the traditional philosophies of the agencies against the interests of the developing villages. In order to prepare for these conflicts, great care need be taken in the creation of cooperative management agreements, in having people at the local and regional level continue to monitor the activities of the agencies and finally to get local people into the bureaucratic structure so that decisions are made with local interests in mind. Support of the resolution protesting the Secretary's action passed unanimously.

CPC SUBSISTENCE WORKSHOP

Issue: The North Slope Haul Road and Snow Machine Trails

Whether to support the Tanana Chiefs Conference resolution calling for industrial uses, tour bus traffic and no hunting within the pipeline corridor.

For the past few years, the Legislature has been grappling with the question of whether to open the North Slope Haul Road to other than industrial traffic. There has been great pressure to open the road to private traffic. However, the villages along the route have seen this as a very threatening possibility especially if hunting and fishing were allowed. The participants felt that while it would not be possible to stop all use of the Haul Road that at least the effects could be kept to a minimum. Therefore, the workshop supported the resolution of the Tanana Chiefs Conference which would allow some use of the road, but still prevent the road as being a staging area for recreational activities which could overwhelm the villages in the vicinity.

HB 679 provides for the creation of snow machine trails by the Department of Transportation and Public Facilities. It was felt by the participants that the setting of specific trails in rural areas would unduly endanger such things as trap lines and should not be encouraged. The workshop voted to recommend defeat of this bill unanimously.

Issue: Guiding

Whether to support HB 836 which mandates that non-residents and non-resident aliens be required to hire a guide before hunting for various game animals.

The workshop discussed the proliferation of hunting by non-residents and non-resident aliens especially with the assistance of air taxi operators. It was felt that this bill would help to curb this problem by making it more expensive and difficult to hunt for game which is needed by rural villagers. The workshop gave unanimous support for this bill.

CPC SUBSISTENCE WORKSHOP

Issue: Copper River Management Plan

Whether to support the action taken by the Board of Fisheries in regard to the Copper River Management Plan for salmon.

The issue of subsistence fishing in the Copper River basin has been before the Board of Fisheries for a number of years. The question has been whether the Board would be willing to differentiate between the local residents who depend upon the dwindling salmon resource in the Copper River and the recreational fishermen from Anchorage and Fairbanks. The participants view the action by the Board in a very positive way as now there is recognition of the greater dependence that local people have upon the resource and also that the Board is willing to use its power to provide the necessary regulations for local users. The participants also realized that the action taken by the Board of Fisheries is very controversial and that they want the conference to show its support to the residents of the Copper Basin in both the political and legal repercussions that are bound to result. Resolution #80-7 passed unanimously.

Rural Alaska Community Action Program, Inc.

RESOLUTION #80-1

ENTITLED: "In Support of HB 665"

WHEREAS, Representative Nels Anderson has introduced Legislation (HB 665) which would permit certain individuals to file applications for Limited Entry Permits, in spite of the fact that certain deadlines have passed; and,

WHEREAS, One of the identified problems with the present Limited Entry Statute is that many Alaskan Residents, primarily rural residents, were denied the opportunity to apply during the allotted time; and

WHEREAS, Although estimates vary as to the number of persons who may qualify for Entry Permits under the terms of the Legislation, it is safe to say that the overall impact would be minimal, especially in light of the demonstrated biological recovery of the Salmon Resource; now,

therefore, be it

RESOLVED: That the Board of Directors of the Rural Alaska Community Action Program does hereby support and endorse HB 665, and urges the Alaska Legislature to pass said bill; and

be it further

RESOLVED: That copies of the Resolution shall be transmitted to the Subsistence Delegates of the Citizen's Participation Conference for further action and disposition.

Dated This 20th day of March, 1980, in Juneau, Alaska

Gordon Jackson, President
Rural CAP Board of Directors

Philip J. Smith, Director,
Rural CAP

Rural Alaska Community Action Program, Inc.

RESOLUTION #80-2

ENTITLED: "In Support of HR 17 with Amendments to Bring the Resolution into Compliance with the Governor's proposal (Alternative IX to the Five Year OCS Lease Schedule Contained in the Final Environmental Impact Statement)."

WHEREAS, the Subsistence Committee of the 1980 Citizen's Participation Conference has reviewed HR 17, and

WHEREAS, the Committee is opposed to all leasing of Alaska's OCS lands, but recognizes the necessity of supporting State positions that may result in at least a slowdown of the extremely aggressive lease sale schedules proposed by the Department of Interior, and

WHEREAS, the Governor of Alaska has submitted the State's position to the Department of Interior in regard to the Proposed Five Year Lease Sale Schedule that requests delays within the Five Year Schedule for the Kodiak and Norton Basin sales, and indefinite delays in the Chukchi Sea, Northern Aleutian, and St. George Basin sales by deleting them from this Five Year Schedule.

now, therefore be it

RESOLVED: that the Subsistence Committee recommends that the State make every effort to support positions adopted by each respective region of the State in regard to particular sales, and that the State assist regions in advocating their respective positions at the Federal level.

DATED this 20th day of March, 1980 in Juneau, Alaska.

Gordon Jackson, President,
Rural CAP Board of Directors

Phil Smith, Director
Rural CAP

Rural Alaska Community Action Program, Inc.

RESOLUTION #80-3

- ENTITLED: In support of More Adequate Staffing for the Subsistence Section of the Department of Fish and Game"
- WHEREAS, the Alaska Legislature, in 1978, adopted HB 960 (SLA 151), establishing a Subsistence Section in the Department of Fish and Game; and
- WHEREAS, said Section has been established and has served admirably in the role of advocating for the Subsistence interests of rural Alaskan residents; and,
- WHEREAS, subsistence activities, and the biological concerns which surround them, vary from region to region within the State, thereby requiring a Regional approach to both management and advocacy of local concerns; and,
- WHEREAS, residents of Rural Alaska have requested that the Department of Fish and Game increase the capacity of the Subsistence Section by establishing Fish and Game Technician III positions throughout the rural areas of Alaska and specifically in Fort Yukon and Glenallen and
- WHEREAS, Legislative action and Administrative concurrence must be obtained in order to realize this desire;
- now, therefore be it
- RESOLVED: That the Board of Directors of the Rural Alaska Community Action Program does hereby urge the legislature and the Administration of the State of Alaska to take appropriate steps to insure that the Subsistence Section of the Department of Fish and Game received adequate staffing in all rural locations in Alaska, most particularly in Fort Yukon and Glennallen; and
- be it further

RESOLUTION #80-3

RESOLVED: That copies of this Resolution shall be transmitted to the Subsistence Delegates of the Citizen's Participation Conference for further action and disposition.

DATED this 20th day of March, 1980 in Juneau, Alaska.

Gordon Jackson, President
RurAL CAP Board of Directors

Phil Smith, Director
RurAL CAP

Rural Alaska Community Action Program, Inc.

RESOLUTION #80-24

ENTITLED: "In Support of the Continuance of the Fur Seal Harvest on St. Paul in the Pribilofs."

WHEREAS, the Aleut people of the Pribilofs have harvested the Northern Fur Seal for the past 200 or more years and this is the only economy of the Pribilof Island people.

WHEREAS, certain conservation groups oppose the harvest and call it inhumane. The American Veterinarians Association has proven that the present method used to harvest the Fur Seal is the most humane.

WHEREAS, the Federal government will be having hearings on this issue on April 20th in Washington, D.C.

now, therefore be it

RESOLVED: that the Board of Directors of Rural Alaska Community Action Program does hereby urge the Legislature and the Administration of the State of Alaska to support the Continuation of the Harvest, and

be it further

RESOLVED: that copies of this Resolution shall be transmitted to the Subsistence Delegates of the Citizen's Participation Conference for further action and disposition.

DATED this 20 th day of March, 1980 in Juneau, Alaska.

Gordon Jackson, President,
Rural CAP Board of Directors

Phil Smith, Director
Rural CAP

Rural Alaska Community Action Program, Inc.

RESOLUTION #80-5

ENTITLED: "Protesting Actions of the Secretary of the Interior"

WHEREAS, the United States Congress has thusfar failed to pass Alaska National Interest Lands Legislation, pursuant to their mandate contained in Section 17(d)(2) of the Alaska Native Claims Settlement Act; and,

WHEREAS, the Secretary of the U.S. Department of the Interior, the Hon. Cecil Andrus, has therefore exercised his authority under Section 204(c) of the Federal Land Policy and Management Act to withdraw tens of millions of acres of Alaskan Public Domain Lands for inclusion in the system of Wildlife Refuges administered by the Department; and

WHEREAS, the Secretary has failed to include the continuation of Subsistence Activities as a purpose of the Wildlife Refuges thus created; and

WHEREAS, rural and Native Alaskans have received numerous assurances from the Secretary and the Department that the Subsistence prerogatives of Alaska's rural residents would not be abrogated by actions of the Department;
now, therefore, be it

RESOLVED, That the Board of Directors of the Rural Alaska Community Action Program does hereby strongly protest the insensitivity of the Secretary of the Interior and requests that he promulgate management regulations for the Wildlife Refuges in Alaska which recognize and protect the Subsistence prerogatives of Alaska's rural residents; and,

be it further

RESOLVED, That copies of this Resolution shall be transmitted to the Subsistence Delegates of the Citizen's Participation Conference for further action and disposition.

Dated This 20th day of March, 1980, in Juneau, Alaska

Gordon Jackson, President,
RurAL CAP Board of Directors

Phil Smith, Director, RurAL CAP

Rural Alaska Community Action Program, Inc.

RESOLUTION #80-6

- ENTITLED: "Opening of the North Slope Haul Road"
- WHEREAS, the proposed opening of the North Slope Haul Road to unrestricted traffic has been of long-standing, vital concern to a number of diverse communities and organizations; and
- WHEREAS, representatives from these same groups met in Fairbanks on December 13, 1979, to discuss management of the Haul Road, and
- WHEREAS, at that meeting a number of common concerns were identified; and
- WHEREAS, these concerns include:
- protection of the culture of the Native people who live within the region;
 - protection of the land, water, and wildlife resources of the region; and
- WHEREAS, an increase in the number of people traveling the Haul Road would harm fishing, trapping, and hunting; and
- WHEREAS, opening the Haul Road will create greater pressure for future expansion in the region by means of auxiliary roads; and
- WHEREAS, there is currently adequate funding for effective game management and opening the Haul Road would compound this problem; and
- WHEREAS, opening the Haul Road to unrestricted traffic would endanger the security of the Trans-Alaska oil pipeline and the proposed Alaska Highway natural gas pipeline; and
- WHEREAS, opening the Haul Road is not in the national interest, considering the need, scarcity, and expense of fuel; and
- WHEREAS, the cost to the taxpayers to maintain the road under increased traffic, provide medical and emergency services, offset increased liability and police the Haul Road will be enormous; and
- WHEREAS, partial opening of the road to unrestricted traffic is viewed as a first step in opening the entire

RESOLUTION #80-6

road and is, therefore, an unacceptable compromise.

THEREFORE BE IT RESOLVED THAT

the North Slope Haul Road should be maintained and opened year-round for industrial uses.

THEREFORE BE IT RESOLVED THAT

public access by tour buses may be acceptable, if managed in a way which does not interfere with primary industrial activities or degrade the natural and cultural resources of the area.

THEREFORE BE IT RESOLVED THAT

recreational off-road vehicles and hunting should be prohibited within five miles either side of the Haul Road or pipeline, which is greater.

DATED this 20th day of March, 1980 in Juneau, Alaska.

Gordon Jackson, President
RurAL CAP Board of Directors

Phil Smith, Director
RurAL CAP

Rural Alaska Community Action Program, Inc.

RESOLUTION #80-7

ENTITLED: "In Support of the Adoption by the Alaska Board of Fisheries of the Copper River Salmon Management Plan".

WHEREAS, for many years there has been a conflict between non-local sports and other urban users of the Copper River fishery and local resident subsistence fishermen; and

WHEREAS, this conflict has resulted, in the past, in inappropriate regulations being adopted for the control of that fishery and the subsequent arrest and detainment of area residents attempting to legitimately participate in the Subsistence Way of Life; and

WHEREAS, the Alaska Board of Fisheries, cognizant of the problems, and sensitive to the necessity of maintaining a viable Subsistence Fishery for local Copper River resident subsistence users, adopted the Copper River Salmon Management Plan, which establishes priority use for local subsistence users when escapement is low, and

WHEREAS, non-local, urban users opposed to the Copper River Salmon Management Plan may try to exert both political and legal pressures to have it amended to the detriment of local subsistence users,

now, therefore, be it

RESOLVED: that the Citizen's Participation Conference does hereby express its support to the Alaska Board of Fisheries and the Subsistence-Dependent Residents of the Copper Valley.

DATED this 20th day of March, 1980 in Juneau, Alaska.

Gordon Jackson, President,
Rural CAP Board of Directors

Phil Smith, Director,
Rural CAP

CPC SUBSISTENCE WORKSHOP

Roster of Delegates

Val Angasan	Bristol Bay Native Association
Roy Barnes	Tanana Chiefs Conference
Arlene Bismark	Cook Inlet Native Association
Fred Bismark	Cook Inlet Native Association
Walter Charley	Copper River Native Association
Larry Edwards	Tanana Chiefs Conference
Henry K. Evon	Nunam Kitlutsisti
Paul Gregory	AVCP
Carl Jensen	Bristol Bay Native Association
Keith Koontz	Norton Sound Advisory Committee
Fred Kirsteatter	Tanana Chiefs Conference
Franklin Madros, Sr.	Koyukon Development Corporation
Patrick Madros	Koyukon Development Corporation
Wayne Marshall	Kodiak Area Native Association
Guy Martin	Kawerak, Inc.
Emil McCord	Cook Inlet Native Association
Arnold Melscheimer	North Pacific Rim
Don Mitchell	AFN
Marilyn Nelson	Bristol Bay Native Association
Gilbert Olson	North Pacific Rim
Arthur Panamaroff	Kodiak Area Native Association
Richard Peters	Tanana Chiefs Conference
Charlie Sours	Mauneluk, Inc.
Lee Stratton	North Pacific Rim

CPC SUBSISTENCE WORKSHOP

Roster of Delegates

Moses Strauss	AVCP
Johnny Thompson	Nunam Kitlutsisti
Tony Vaska	Nunam Kitlutsisti
Andrew Wassillie	Bristol Bay Native Association
Mike Zacharf	APIA

Roster of Guests

Chrystal Brand	Rep. Jack Fuller's Staff
Phil Daniels	United Fishermen of Alaska
Adelheit Herman	Nels Anderson's Staff
John Williams	Commercial Fisheries

Staff

Norman Cohen	RurAL CAP
Pat Petrivelli	RurAL CAP
Faith Welsh	RurAL CAP

CPC ENERGY WORKSHOP

Statement of the Issue: Energy

The most critical problem affecting Alaskan lifestyles is the exorbitant cost of energy. It is pervasive and affects everything we do. The problem is especially severe in rural Alaska where people are most dependent on fossil fuels and inadequate transportation systems. The Energy Delegates eagerly accepted the challenge of reviewing over 60 pieces of proposed legislation. Their diligent work and recommendations which follow are testimony to the growing spirit of rural people to attain self-sufficiency.

Method of Dealing with the Issue:

The delegates, chaired by Robert Martin, elected to break into three sub-groups in order to be able to review all of the energy legislation. Sub-groups were: fuel/bulk storage and transportation; energy conservation and education, appropriate technology; and development of local energy resources, alternate energy and transportation. The Energy Delegates worked conscientiously and for long hours. Their decisions on recommendations were made after lengthy discussions with staff and legislative assistants. They are sound, quality recommendations that will become important segments of the statewide energy policy when passed.

The sub-groups reported their respective recommendations back to the entire Energy Committee where further refinements were made prior to acceptance. Resource people utilized during this three day process included representatives from the Governor's Office and other State agencies, the Legislature and private citizens. Resource people responded on exceptionally short notice - this is very much appreciated.

Testimony was presented at the House Resources Committee on a variety of energy conservation bills. It was apparent that more rural testimony needs to be provided - the Legislature admits it doesn't have all the answers. We must help them find them!

CPC ENERGY WORKSHOP

Recommendations on Bills/Resolutions Considered:

<u>Bill</u>	<u>Title</u>	<u>Recommendation</u>	<u>Priority</u>
SB 136	An Act Relating to the Plumbing Code	No recommendation	
SB 294	Susitna Hydroelectric Project	Do not pass	
SB 295	Susitna Hydroelectric project appropriation	Do not pass	
SB 385	Anchorage/Fairbanks high voltage electrical transmission line	Pass	Low
SB 402 (HB 687)	Establishing an Alaska Energy Center	Pass, with amendments	High
	<u>Amendments:</u>		
	Add section 45.89.020 (8) (8) Promote use of local renewable energy resources		
	Add section 45.82.200 (2) (F) (F) increased use of local energy resources		
SB 438	Act exempting certain sales of energy from regulation by the APUC	No recommendation	
SB 441	Relating to energy conservation	Do not pass	
SB 466	Relating to the power project revolving loan fund	Pass	High
SB 467	Making an appropriation to the power project revolving loan fund	Pass	High
SB 503	Establishing a fuel assistance program	Referred to next AREA meeting	
SJR 46	Revenue bond for GVEA's waste heat Project	Pass	Medium

CPC ENERGY WORKSHOP

Recommendations on Bills/Resolutions Considered:

<u>Bill</u>	<u>Title</u>	<u>Recommendation</u>	<u>Priority</u>
SJR 47	Revenue bonds for Tye Lake hydro	Pass	Medium
SJR 48	Revenue bonds for Swan Lake hydro	Pass	Medium
SJR 55	Revenue bonds for Glacier Highway Electrical Assoc. Transmission lines	Pass	Low
SJR 56	Revenue bonds for Cordova Electric Coop.	Pass	Medium
SJR 57	Revenue bonds for Matanuska Electrical Assoc. for distribution lines & hookups	Pass	Low
SJR 58	Revenue bonds for Homer Electric for distribution lines & hookups	Pass	Medium
SJR 59	Revenue bonds for Naknek Electric Assoc. for new generation equipment	Pass	Low
CSHB 645	Amending & transferring appropriations made in 1979	Pass	Medium
HB 515	Relating to energy conservation	Do not pass	
HB 558	Making a supplemental appropriation for transportation, energy, education	Pass with letter to representatives & DOT	
<p>Please be advised that the Rural CAP Citizens Participation committee on energy is supportive of legislation which upgrades transportation modes and facilities in Alaska. Adequate transportation, especially in the rural areas, directly impacts energy costs to the people residing in these areas by providing a means of meeting the energy needs of these people.</p>			
HB 560	Providing for issuance of bonds for energy conservation, etc.	No recommendation	

CPC ENERGY WORKSHOP

Recommendations on Bills/Resolutions Considered:

<u>Bill</u>	<u>Title</u>	<u>Recommendation</u>	<u>Priority</u>
HB 570	Providing for studies & programs related to the Susitna hydro project	Pass	Low
HB 573	Special appropriation to DOT for airport runway construction	Pass with letter See comments under HB 558	Medium
HB 640	Hydro study for Tanana	Pass	Medium
HB 645	Tyee hydro project	Pass	Medium
HB 652	Alternate energy revolving loan program	Pass with amendments	Low

Amendments:

See 45.88.010, line 13-16:

Loans made under this chapter may be used to develop means of energy production utilizing energy sources other than (middle distillate fuel) or nuclear fuel, including, but not limited to (coal), windmills, water and solar power devices.

HB 653	Relating to bulk fuel	Pass with amendments	High
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Amendments:

Strike Section 44.47.140 (1)

Add new Section 44.47.140 1

no program for any one community may exceed \$40,000 in cost a year except that an additional grant may be made under A5 44.47.145 for a bulk fuel storage facility feasibility study; and

Section 44.47.15 is amended to read:

(a) ... for bulk fuel storage facility feasibility studies. Such studies shall include a determination of the appropriateness of alternative or renewable energy development and any other information determined to be necessary by the department for a loan award to be made under A545.87.020

CPC ENERGY WORKSHOP

Recommendations on Bills/Resolutions Considered:

<u>Bill</u>	<u>Title</u>	<u>Recommendation</u>	<u>Priority</u>
HB 653	Amendments: Strike (b) Add new (b) A grant made under this section shall be sufficient to perform a study described in (a) at this section. No community may receive more than one grant under this section. Section 45.87.020 Strike section (d) Add new (d) The rate of interest shall be zero. Section (e) strike "and interest". Section 45.87.910 (1) Strike 10,000, change to 5,000 Add a new section to read: The department shall provide training and technical assistance to communities eligible for a bulk fuel storage facility loan. Such training and technical assistance will include management, maintenance and construction of bulk fuel facilities.		
HB 654	Appropriation for bulk fuel program	Pass	High
HB 655	Relating to residential fuel conservation credits	Do not pass	
HB 666	Special appropriation for grants to Nushagak & Naknek Electric Coops.	Pass	High
HB 687 (SB 402)	Establishing the Alaska Energy Center	Pass with amendment	High
HB 738	Susitna hydro electric project	Do not pass	
HB 739	Appropriation to construct Susitna hydro project	Do not pass	
HB 753	Special appropriation to the power project revolving fund	Pass	Medium
HB 754	Power project revolving fund	Pass	Medium

CPC ENERGY WORKSHOP

Recommendations on Bills/Resolutions Considered:

<u>Bills</u>	<u>Title</u>	<u>Recommendation</u>	<u>Priority</u>
HB 758	Power production cost assistance	Pass with amendments	High
HB 759	Special appropriation to APA for power production cost assistance	Pass	High
HB 774	Terror Lake hydro power	Pass	Medium
HB 779	Development of geothermal resources	Pass	Low
HB 851	Relating to energy conservation and modifying taxes	Pass with amendments	High

Amendments:

Page 2, line 27 - production cost per kilowatt hour (to maximize the benefit to residential service).

Page 3 line 22 - section, at least (5) percent of total energy sold by an electric utility.

Page 4, add (k) - Any subsidized utility shall not be excluded from assistance,

Amendments:

Strike section 9(a)

Add (as a new section or amend existing law)

a) A family may apply to the Department of Commerce and Economic Development for an energy conservation capital improvement grant. In no case shall such grants exceed \$2,000 or 60 percent of the actual cost of energy conservation capital improvements.

b) Families whose gross yearly income is equal to or less than federal poverty guidelines for Alaska; as published by the Federal Community Services Administration, are entitled to a grant equal to 60 percent of energy conservation capital expenses. Families whose gross yearly income is equal to or exceeds four times the federal poverty guidelines for Alaska, as published

CPC ENERGY WORKSHOP

Recommendations of Bills/Resolutions Considered:

<u>Bills</u>	<u>Title</u>	<u>Recommendation</u>	<u>Priority</u>
HB 851	<p><u>Amendments:</u></p> <p>by the Federal Community Services Administration are entitled to a grant of not more than 25 percent of their energy conservation capital expenses. Families whose gross yearly income falls between the federal poverty guidelines and four times that amount are entitled to a pro-rated percentage of their energy conservation capital costs.</p> <p>c) The Department of Commerce and Economic Development will process energy conservation capital improvement grant applications and make any appropriate payments within thirty days (30) of the time of application. The Department shall accept receipts for conservation materials or conservation related labor activities and pay vendors directly.</p> <p>Add - (as a new section or amend existing law) Low Income Weatherization Matching Fund</p> <p>There is established in the Department of Commerce and Economic Development a fund known as the Low-Income Weatherization Matching Fund. Such fund will match, dollar for dollar, monies available for weatherizing low-income households from either the Federal Department of Energy or the Federal Community Services Administration. Such fund will be allocated amongst the low-income weatherization program operators for purposes consistent with the federal programs. Monies from the fund may be expended to supplement the federal program in areas where available federal monies are insufficient to accomplish the purposes of this program.</p> <p>Page 3, line 26 (4) the costs of acquiring and installing devices to use <u>active</u> and <u>passive</u> solar energy, windpower or other alternate sources of power...</p>		
HB 870	Act establishing an emergency fuel allocation program	Do not pass	
HB 875	Relating to energy conservation	Pass	Medium
HB 941	Geophysical exploration on Umnak & Unalaska	Pass	High

CPC ENERGY WORKSHOPS

Recommendations of Bills/Resolutions Considered:

<u>Bills</u>	<u>Title</u>	<u>Recommendation</u>	<u>Priority</u>
HB 954	Act relating to energy conservation and development and use of alternative energy systems	Pass with amendments	High
	<u>Amendments:</u>		
	Add section 34.15.145 (d) The department shall undertake a study of the question of solar easements in Alaska. Such study will address the issues raised in (b) (1), (2) and (3) of this section.		
	Add in appropriate place: A fund of \$30,000 will be established to pay for the study described in Section 34.15.145(d) of this chapter.		
HB 955	Relating to coal exploration and leasing on State land	Pass	Low
HJR 68	APA revenue bonds for GVEA power generation	Pass	Low
HJR 72	APA revenue bonds for GVEA power generation	Pass	Low
HJR 75	APA revenue bonds for Homer Electric Assoc.	Pass	Low
HJR 76	APA revenue bonds for Naknek Electric Assoc.	Pass	Low
HJR 77	APA revenue bonds for Matanuska Electric Assoc.	Pass	Low
HJR 79	APA revenue bonds for Cordova Electric Coop.	Pass	Medium

Rural Alaska Community Action Program, Inc.

RESOLUTION #80-8

ENTITLED: "RELATED TO FEDERAL ENERGY ASSISTANCE PROGRAMS"

WHEREAS, Rural Alaska is in need of energy assistance; and

WHEREAS, the Community Services Administration, Health, Education, & Welfare has established an energy assistance program in Alaska; and

WHEREAS, the yearly maximum allotment per household is not sufficient for Alaskans needs, and

WHEREAS, the eligibility qualifications based on the gross monthly income discriminates against many needy elderly and handicapped Alaskans on fixed incomes, and

WHEREAS, rural Alaska has the highest cost of living and the greatest need for energy due to its environment.

Now, therefore be it

RESOLVED: That the delegates of the 1980 Citizen's Participation Conference committee recommends; the State of Alaska request:

- a) CSA upgrade the maximum allotment to more reflect the needs of rural Alaska.
- b) CSA adjust the eligibility requirements to reflect the true cost of living in Alaska.

DATED, this 20th day of March, 1980 in Juneau, Alaska.

Gordon Jackson, President
RurAL CAP Board of Directors

Phil Smith, Director
RurAL CAP

Rural Alaska Community Action Program, Inc.

RESOLUTION #80-9

ENTITLED: "Expressing Appreciation for the Efforts of the Legislature on Matters Related to the Adequacy of Rural Air Transportation Service and Urging Appropriate Follow-Up Action".

WHEREAS, air transportation is an essential and valuable means of transportation for rural communities in Alaska; and

WHEREAS, the provision of adequate air transportation to and within rural Alaska depends on improvement of runway and airport facilities; and

WHEREAS, through the efforts of Representative Meekins and Parker Associates an in-depth study of air service to rural Alaskan has been conducted which outlines and prioritizes the need for runway and airport improvements; and

WHEREAS, the study team was unable to visit all Alaskan communities and therefore failed to address specific needs in a documented fashion;

now, therefore be it

RESOLVED, that the 1980 Citizens Participation Conference Committee commends the efforts of Representative Meekins in initiating the study and Parker Associates in completing the study on air service in rural Alaska, and

be it further

RESOLVED, that local input be sought for those locations not visited by the study team in order to assure the accuracy of recommendations for those locations.

DATED this 20th day of March, 1980 in Juneau, Alaska.

.....
.....
Gordon Jackson, President
Rural CAP Board of Directors

.....
.....
Phil Smith, Director
Rural CAP

Rural Alaska Community Action Program, Inc.

RESOLUTION #80-10

ENTITLED: "Urging the Alaska State Government to Conduct an In-Depth Study of the Adequacy of Barge Service in Rural Alaska."

WHEREAS, barges are an important means of transporting essential goods to, from, and within Rural Alaska, and

WHEREAS, barge service to many Rural communities is inadequate and/or expensive, and

WHEREAS, in many cases winter fuel shortages are a direct result of insufficient barge services,

now, therefore, be it

RESOLVED: that the Citizen's Participation Conference requests that an in-depth study be made of barge service in Rural Alaska, and

be it further resolved that the highest legislative and administrative priority be assigned to implementing recommendations resulting from such a study.

DATED this 20th day of March, 1980 in Juneau, Alaska.

Gordon Jackson, President
Rural CAP Board of Directors

Phil Smith, Director,
Rural CAP

Rural Alaska Community Action Program, Inc.

RESOLUTION #80-11

- ENTITLED: "Endorsing HB 758 Relating to Power Production Cost Assistance."
- WHEREAS, Rural Alaska is in need of relief from severely high and spiraling cost of electrical energy, and
- WHEREAS, the continued use of oil-dependent power equipment assures the accelerating cost of electrical energy indefinitely, and
- WHEREAS, promising alternative energy resources and technology are years away, and
- WHEREAS, Rural residents and institutions have become dependent on electrical energy, and
- WHEREAS, energy is the basis of our economy, and
- WHEREAS, the continued spiraling cost of electrical energy is deteriorating the lifestyle and economy of the rural communities, and
- WHEREAS, rate assistance will not be a financial burden to the State, and
- WHEREAS, Rural Alaska is in immediate need of relief from high electrical rates, and
- WHEREAS, HB 758, a bill for an Act entitled: "An Act Relating to Power Production Cost Assistance" will meet these identified needs by providing assistance to utilities regulated by the Alaska Public Utilities Commission,
- now, therefore, be it
- RESOLVED: that the delegates to the 1980 Citizen's Participation Conference do hereby endorse and urge passage of HB 758 with the following amendments:
page 2, Line 27 "production cost per kilowatt-hour (to maximize the benefit to residential service)."
page 3, line 22 "...section, at least 5 percent of total energy sold...."
page 4, add
"(k) Any subsidized utility shall not be excluded from assistance." And, be it further

RESOLUTION #80-11

RESOLVED: that passage of HB 758 with amendments is assigned high priority by the Citizen's Participation Conference.

DATED this 20th day of March, 1980 in Juneau, Alaska.

Gordon Jackson, President
RurAL CAP Board of Directors

Phil Smith, Director
RurAL CAP

CPC ENERGY WORKSHOP

RECOMMENDATIONS:

1. That a Letter of Appreciation to
Representative Terry Gardiner and Staff - Bob Speed;
Representative Hugh Malone and Brian Rogers, and
Staff - Mark Witton, Dick Rogers

be sent for their diligent work on developing the
alternative/renewable energy package.
2. That HB 503 (Establishing a consumer fuel assistance
program) be referred to the Alaska Regional Energy
Association for their recommendation on passage.
3. Due to severe time limitations, the issue of the
Comprehensive State Energy Policy position was referred
to the Alaska Regional Energy Association for their
input on directions the State should be taking in the
development of an equitable energy policy for Alaska.

ENERGY WORKSHOP DELEGATES.

<u>Name</u>	<u>Organization</u>
Darryl Albert	Koyukon Development Corporation
Bob Brean	Upper Tanana Development Corporation
Jeri Chong	Aleutian/Pribilof Islands Association
Tom Craig	Copper River Native Association
Pete Ezi	Cook Inlet Native Association
Kent Grinage	North Slope Borough
Pete Kompkoff	North Pacific Rim
Bob Martin	Tlingit-Haida Regional Electric Authority
Walter Meganack	North Pacific Rim
Bob Peterson	Kodiak Area Native Association
Christine Pitka	Koyukon Development Corporation
Nick Shuravloff	Kodiak Area Native Association
Mark Siegars	Bristol Bay Native Association
Albert Washington	Kawerak

RESOURCE PEOPLE

Howard Fox	National Consumer Law Center
John Giglio	Division of Public Assistance
Dave Gray	Special Assistant to Representative Nels Anderson
Carol Kaehle	Department of Community & Regional Affairs
Dona Lehr	Governor's Office
Bill Luria	Governor's Office
Skip Roy	Alaska Renewable Energy Association
Darvel Silda	Agriculture
Mark Witton	House of Representatives
	Power Alternatives

GUESTS

Lisa Bowman	Anchorage
Julie Hootch	Emmonak
Jim Wilson	Juneau

STAFF

Sherry Valentine	RurAL CAP
Erika Tritremmel	RurAL CAP
Denny Dennison	RurAL CAP
Marlene McGlashan	RurAL CAP

ALCOHOLISM WORKSHOP

The major issue before the Alcoholism Workshop was the proposed budget initiative being considered by the House Finance Committee. As introduced by Chairman Russ Meekins, this measure would increase funding for alcoholism programs to over \$15,000,000, projected at that annual level over a five-year period. The delegates also reviewed twenty-one of the more important bills dealing with alcohol.

One Tuesday afternoon we met with our Facilitator, Matt Felix and Chrystal Brand, Legislative Assistant to Representative Jack Fuller. Matt and Chrystal gave us a summary of each of these bills, some of which are highly technical. On Tuesday, Senators Colletta and Hackney and Representatives Russ Meekins and Nels Anderson (represented by Dave Gray) met with us for lunch and briefed us on the background and present status of proposed alcoholism legislation. On Tuesday afternoon Bob Cole (Coordinator of the State Office of Alcoholism and Drug Abuse) and Dr. Bill Richards (Alcoholism Coordinator, Alaska Area Native Health Service) met with us to discuss their separate responsibilities, funding levels and coordination between the two agencies. Dave Katzeek provided us with more information on the budget initiative and other bills.

In our meetings Wednesday we reviewed bills and made recommendations, and passed resolutions and motions as described below.

Our recommendations on bills are as follows:

- HB 533 (Local option): Recommend: Do pass, with changes as follows: Section 1: proposition 2: delete. Section 2, (b) delete. We recommend that this bill pass with the sections providing for local option on sale and importation of liquor, but without the section providing for local option on possession. This would be difficult to enforce. We recommend encouraging the Legislature to continue their efforts to find a way to fulfill the intent of the sections on possession without infringing on individuals rights to privacy. Change page 4, line 1 & 2, to read "Sold or bartered, or offered for sale or barter."
- HB 567 Public drunkenness recriminalized. Recommend: Do not pass. Penalties for all the behavior described are provided for in existing legislation, and public drunkenness is a symptom of an illness, not a crime.
- HB 831 Refusal of breathalyzer test admissable as evidence. Recommend: Do pass.
- HB 833 Definition of intoxicated for Driving While Intoxicated. Recommend: Do pass.

- SB 115 No civil liability for persons providing liquor, if accident to another results from intoxication.
Recommend: Do not pass.
- SB 365 Heavier penalties for bootlegging.
Recommnd: Do pass.
- HB 826 Beer and wine in grocery stores.
Recommend: Do not pass.
- SB 227 Insurance for Drug/Alcohol treatment.
Recommend: Do pass with the following changes:
Page 3, line 19; to read "and the Alaska members of the North Pacific Fisheries Council." We also recommend that the provisions of this bill be revised to extend coverage to all Alaska residents.
- SB 228 Excise tax.
Recommend: Do pass.
- SB 363 Warning in alcohol advertising.
Recommend: Do pass.
- SB 485 Long-term care.
Recommend: Do not pass.
We recommend that the legislature work to provide local and regional treatment facilities, to include long-term care.
- HB 830 Combines Drug and Alcohol Advisory Boards, reduces match requirements.
Recommend: Do pass, with the following change on page 2, line 26 to read "community money or in-kind services."
- HB 819 Old Harbor appropriation.
No comment.
- HB 101, HB 479, HB 628: Consolidation and revision of drug laws.
We do not feel qualified on these highly technical bills, but recommend that any bill passed include a provision for alternatives to sentencing and treatment while incarcerated.
- HB 454 Pricing of alcohol beverages.
No comment.
- HB 832 Composition of ABC Board.
Recommend: Do pass, with recommendation that the membership of the Board be increased to 7 with 2 members to have had training or work experience in alcoholism.

SSSB 239 Revision of Title IV.

Recommend: Do pass. We particularly support Section 04.11.500 (Local Option) which will enable unincorporated villages to prohibit sale of alcohol, and Section and Section 04.16.110, which prohibits powdered alcohol.

HB 720 25-Member Board for all HESS divisions and offices.

Recommend: Do not pass.

SB 406 Age limit for drinking from 19 to 21.

Recommend: Do pass.

The Alcoholism Workshop approved the following resolution supporting the House Finance Committee budget initiative, and recommends that the Citizens Participation Committee consider this resolution favorably:

Rural Alaska Community Action Program, Inc.

RESOLUTION #80-12

- ENTITLED: In support of increased funding for Alcoholism Programs for the State of Alaska.
- WHEREAS, alcohol, drug, and other substance abuse is the number one health problem in the State of Alaska, the leading cause of accidents, and a major factor in criminal prosecutions, domestic violence, and child abuse and neglect, and
- WHEREAS, State and Federal funding for education, prevention and treatment for the effects of such abuse has been clearly inadequate, and
- WHEREAS, legislative consideration is being given to funding at a level of at least \$15,270,000 annually over a five-year period as delineated in a budget initiative introduced in the House Finance Committee,
- RESOLVED that the Delegates of the 1980 Rural CAP Citizen's Participation Conference do hereby wholeheartedly support the above increase in alcoholism program funding, and
- be it further
- RESOLVED, that a copy of this Resolution shall be forwarded immediately to each member of the Alaska State Legislature and to the Governor for further action.

DATED this 20th day of March, 1980, in Juneau, Alaska

Gordon Jackson, President
Board of Directors

Phil Smith, Executive Director
Rural CAP

The Alcoholism Workshop concluded its meetings by approving the following motion:

To support the need for capital improvement funds for multi-treatment facilities in rural Alaska, as exemplified by the effort by the people of St. Paul Island to secure such funds for a facility to serve the Pribilof Islands.

Roster of Delegates

<u>Organization</u>	<u>NAME</u>	<u>ADDRESS</u>
APIA	Lewis E. Gorman	1689 C. St., Anchorage, AK 99501
BBAHC	Thomas Tilder	Box 10152, Dillingham, AK. 99576
CINA	Alexander P. Shadura	Box 988, Kenai, AK. 99611
CRNA	Sam Pedro	Drawer H Copper, AK. 98378
KANA	Ann Crowell	Box 172, Kodiak, AK. 99615
MAUNELUK	Arlene A. Mc Cafferty	Box 584, Kotzebue, AK. 99572
NPR	Karen A. Swartz	Box 1213, Seward, AK.
NPR	Laurel L. Bolden	903 W. Northern Lights, Anchorage, AK 99503
NSHB	Mary Edwardsen	Box 211, Barrow, AK. 99723
NSHC	Charles F. Soxie	Box 966, Nome, AK. 99762
SEARCH	Mary Ann Paquette	Box 244, Yakutat, KA. 99689
SEARCH	Charlotte A. Siverly	Box 2800, Juneau, AK. 99803
TCHA	Sharon Sunnyboy	TCC, 1st Hall St., Fairbanks, AK. 99701
YKHC	Ignatius L. Andrew	Box 528, Bethel, AK. 99559
ANCADA	Daisy Mae Lamont	Box 52, Bethel, AK. 99559
UTRCA	Loretta M. Eakan	Box 155, Tok, AK. 99780
TYNOEK	Arlene Bismark	General Delivery, Tyonek, AK. 99682
GULKANA	Jeanie Maxim	Gulkana Village, Alaska
NODALTON	Dennis Trefon	Nondalton, Alaska 99640
ST. PAUL	Roseanne Lestenkof	Box 86, St. Paul Island, AK. 99660
RURAL CAP	Max Lestenkof	Box 86, St. Paul Island, AK. 99660
RURAL CAP	Ethel Adcox	Box 6, Iliamn, AK. 99606
RURAL CAP	Stewart Nicolai	Box 279, Copper, Ak. 98378

ALCOHOLISM WORKSHOP

Facilitator:

Matt Felix, Director, ACA, 210 Admiral Way, Juneau, AK. 99801

Resource Peoples:

Chrystal Brand, Leg., Assistant to: Rep. John Fuller,
Pouch U, Juneau, Ak. 99891

Dr. Bill Richards, Alcoholism Coordinantor A-MH, PHS,
Box 7-741, Anchorage, Ak. 99501

Bob Cole, Coodinator, SO. ADA, Pouch H05F, Juneau, AK. 99891

Dave Katzeek, Legislative Analyst, RurAL CAP

Legislative Panel:

Senator Mike Colletta

Senator Glenn Hackney

Representative Russ Meekins

Representative Nels Anderson (Represented by Dave Grey)

Staff:

Peg Engwall, Coordinator

Karen Katzeek, Admin. Assist.

Workshop:

Charlotte Siverly, Chairperson and Presenter

Ethel Adcox, Recorder

CITIZEN'S PARTICIPATION CONFERENCE: CHILD DEVELOPMENT WORKSHOP

STATEMENT OF ISSUES:

There continues to be an incredible lack of concern for our most precious natural resource, our children. The bombardment of twentieth century "Pepsi Generation" marketeering is taking its toll in the health of children throughout the state. However, there is no "voice" at the State level for children and their needs.

THE METHOD FOR DEALING WITH THE ISSUE WAS DIVIDED INTO THREE PHASES:

Phase I was designed to allow for the establishment of an association that could begin to address children's needs in a unified effort. The directors of the Head Start programs from throughout the State met to form and approve a set of duly constituted by-laws. This was accomplished on the first day and by-laws were accepted. The group was christened as the Alaska State Head Start Director's Association. There were parents and other delegates in attendance and they provided support to the formation of the State association.

Phase II was designed to clearly identify the issues facing young children and their families and to discuss them with our state leaders.

The morning of day two, the Child Development delegates were able to establish clarity on what was needed within the State. The group agreed that if children were going to have any assurance of services to meet their needs, the state must provide for:

1. Adequate funding for current early childhood programs
2. An assessment of children's needs
3. The establishment of a plan to provide services to meet children's needs
4. The creation of a framework for a comprehensive early childhood model
5. Appropriate funding policies to implement comprehensive early childhood development opportunities for ALL young children.

The afternoon of day two, the delegates met with Lt. Governor Miller of the Executive branch; Representative Bill Parker and Thelma Buchholdt from the House and Alfie Morris of Senator Sackett's office from the Senate; also Dr. Spatziani from the Department of Education. The five aforementioned provisions as well as various other children's issues were discussed with each visitor. It is a fair assessment to say that the dialogue was enthusiastic and educational for everyone. However, it was a frustrating and disheartening experience in many ways to say the least. It became overwhelmingly apparent that though the State was concerned about children and their families, there is no plan or person responsible in the State for responding to their needs.

Phase III was designed to be an Action Phase. The day was spent responding to what we had learned was happening and not happening within the State legislature.

The group took action by actively testifying before the Senate Health, Education and Social Services Committee and developing Resolutions, position statements, and a Framework for an Early Childhood Program Model.

RECOMMENDATIONS ON BILLS/RESOLUTIONS CONSIDERED:

SB 506/HB 935 (Resolution #80-13) - "In support of a study to identify needs of pre-school age children and for a plan to meet those needs". This group recommends a DO PASS with HIGH priority.

SB 428 (No resolution) - "An act amending the public school foundation program to provide state support for pre-school and postsecondary education programs; and providing for an effective date." Major concern is that this bill would dump dollars and responsibilities for pre-school education on School Districts and Rural Education Attendance Areas without planning, preparation, or any assurance of technical assistance. ~~This recommends a DO PASS with a LOW priority.~~ *No recommendation.*

Resolution # 80-14 - "In support of Head Start appropriation." The Child Development delegates recommend that the Citizen's Participation Conference endorse the request for \$1,061,027 to support Alaska Head Start programs. This Resolution was given the delegates HIGHEST priority.

Resolution #80-15 - "Framework for the development of a comprehensive/interdisciplinary early childhood development model." Early childhood development programs must have a basic framework that provides services with a holistic approach to children's lives. Child Development delegates recommend that this "Framework" be given a HIGH priority.

CHILD DEVELOPMENT WORKSHOP DELEGATES

Name

Organization

Olive Robison	RurAL CAP Board
Lillian Boston	Copper River Native Association
Marge Shoogukwruk	Cook Inlet Native Association
Michael Nabielski	Fairbanks Head Start
Sharon Lattery	Chugiak Head Start
Mikell Lilliebjerg	Easter Seals
Maralyn Akiyama	Central Council of Tlingit & Haida Indians
Joann Contini	Alaska Federation of Natives
Linda Rockstad	RurAL CAP State Child Development Policy Council Chairperson
Jeannine Lyerly	Indian Health Service

RESOURCE PEOPLE

Lt. Governor Terry Miller	Executive Branch
Bill Parker	Representative
Thelma Buchholdt	Representative
Alfie Morris	Aide to Senator Sackett
Dr. Spatziani	State Department of Education

GUESTS

Mary Foster	Community & Regional Affairs
Mary Ratz	Central Council of Tlingit & Haida Indians
Rosalie Walker	Early Childhood Consultant

STAFF

Jim Ayers	RurAL CAP
Sandi Haynes	RurAL CAP
Marilyn Webb	RurAL CAP
Linda Mizer	RurAL CAP
Jo Roach	RurAL CAP
Myrna Orme	RurAL CAP
Martie Beile	RurAL CAP

Rural Alaska Community Action Program, Inc.

CPC RESOLUTION #80-13

- ENTITLED: "In support of a study to identify needs of pre-school age children and for a plan to meet those needs"
- WHEREAS, children are the State's most valuable resource; and
- WHEREAS, there is no provision at the State level for coordination and advocacy for the needs of young children; and
- WHEREAS, parents and family are the primary educators/nurturers of their children; and
- WHEREAS, there is a lack of a comprehensive plan for providing services to young children and their families; and
- WHEREAS, there is no vehicle for the coordinated assessment of young children's needs; and
- WHEREAS, over 80% of the young children of Alaska are not receiving comprehensive Child Development services; and
- WHEREAS, there is no provision within State government that provides (allows) access on issues and institutions that impact the lives of young children; and
- WHEREAS, the State of Alaska has the economic and professional means to develop innovative methods and models to address the needs of young children; and
- WHEREAS, early childhood programs should allow, encourage and mandate for the involvement of parents in the decisions that affect their children; and
- WHEREAS, early childhood programs need to reflect the life style and values of its community; and
- WHEREAS, life patterns are established in the first five years of life; and

CPC RESOLUTION #80-13

WHEREAS, the Comptroller General of the United States has recently reported that comprehensive programs in early childhood have proven their economic, social, and educational effectiveness; now,

therefore, be it

RESOLVED, that the Citizen's Participation Conference urgently support the passage of HB 935/SB 506.

DATED this 19th day of March, 1980 in Juneau, Alaska.

Gordon Jackson, President,
RurAL CAP Board of Directors

Phil Smith, Director,
RurAL CAP

Rural Alaska Community Action Program, Inc.

CPC RESOLUTION #80-14

ENTITLED: "In support of Head Start line item appropriation request: Community and Regional Affairs FY 1981 Budget"

WHEREAS, it has been proven* that children participating in comprehensive child development programs with close parental interaction:

- perform better in school
- are held back less often
- are less likely to need remedial programs; and

WHEREAS, Head Start operates the most successful comprehensive child development programs in the State of Alaska; and

WHEREAS, Alaska Head Start programs coordinate and provide: parent involvement, parent education, career development, education, medical, dental and mental health services and social services; and

WHEREAS, Alaska Head Start programs provide these services to over 1,200 children in 48 communities throughout urban and rural Alaska; and

WHEREAS, Alaska Head Start programs provide more than 275 jobs within these communities; and

WHEREAS, the formally-funded Head Start programs within the State of Alaska have been frozen by the Congress at the 1977 funding level; and

WHEREAS, the annual inflation rate is in excess of 12%; and

WHEREAS, increased assistance from the State of Alaska is necessary to maintain the current level of services to children and families; and

WHEREAS, Alaska Head Start programs have requested a sum of \$1,061,027 be appropriated through the State FY '81 Community and Regional Affairs budget; and

WHEREAS, our children are Alaska's most valuable resource; now

therefore, be it

RESOLVED, the Citizen's Participation Conference does hereby endorse the request of Alaska Head Start programs and urges the Legislature to appropriate at least \$1,061,027 for the support of Head Start programs during FY 1981.

*Report of Congress of February 6, 1977 from the Comptroller General of the United States.

DATED this 19th day of March, 1980 in Juneau, Alaska.

Gordon Jackson, President,
RurAL CAP Board of Directors

Phil Smith, Director,
RurAL CAP

Rural Alaska Community Action Program, Inc.

CPC RESOLUTION #80-15

- ENTITLED: "In support of a framework for development of comprehensive/interdisciplinary early childhood model"
- WHEREAS, Parents and families are an integral part of the decision making process in child development programs; and
- WHEREAS, Early Childhood development is a recognized field of expertise; and
- WHEREAS, parents in Alaska have been confronted with conflicting values and related stress affecting parenting skills; and
- WHEREAS, inadequate health services have a negative effect on the learning potential of young children; and
- WHEREAS, changes in nutrition and dietary habits have resulted in a corresponding increase in dental disease and other diet related problems; and
- WHEREAS, there needs to be a sensitivity to the multifaceted cultures of Alaska and the overwhelming affects of culture on self esteem and learning; and
- WHEREAS, the positive aspects of early intervention with Special Needs children has recently been recognized nationally and in the State of Alaska; and
- WHEREAS, a comprehensive Early Childhood program provides for the physical, social, emotional and cognitive development of children; and
- WHEREAS, coordination of programs and services is a necessary part of an Early Childhood program; and
- WHEREAS, an interdisciplinary child development program is a holistic approach to Early Childhood; now,
- therefore, be it
- RESOLVED, the attached guidelines serve as a framework for the development of a comprehensive/interdisciplinary Early Childhood model.

CPC Resolution # 80-15

DATED this 19th day of March, 1980 in Juneau, Alaska.

Gordon Jackson, President,
RurAL CAP Board of Directors

Phil Smith, Director,
RurAL CAP

FRAMEWORK FOR THE DEVELOPMENT OF A COMPREHENSIVE/INTERDISCIPLINARY
EARLY CHILDHOOD DEVELOPMENT MODEL

PARENT INVOLVEMENT

Parents and families are the primary educators of their children. They are partners in the planning, implementation and evaluation of Early Childhood Development programs.

CAREER DEVELOPMENT

Staff will be hired locally and will receive on-going Early Childhood competency based training. Parents will be included in staff training activities and will have opportunities to participate in parent education.

HEALTH SERVICES

Health, dental hygiene and mental health are integral parts of an Early Childhood Development program. Children will receive complete health services and follow-up.

NUTRITION

Nutrition education and activities will involve children/families and will be an ethnically and culturally relevant component of the Early Childhood Development program.

EDUCATION/CURRICULUM

The Early Childhood Development curriculum will provide culturally relevant opportunities and activities to develop and encourage the development of social, physical and intellectual skills.

SPECIAL NEEDS

Appropriate screening, referral and identification procedures and services for exceptional children will be provided.

ENVIRONMENT

The physical environment will be appropriate, attractive and intellectually stimulating for young children.

The social and emotional climate of Early Childhood Development program will enhance the child and family's self-esteem.

ADMINISTRATION

It will be the responsibility of the Early Childhood Development administrators to coordinate resources and programs available to young children, to provide for a staff-child ratio reflecting the ages and needs of the child and to assure that monies are sufficient for program support in the above areas.

Early Childhood Development programs will have non-compulsory enrollment.

LOCAL GOVERNMENT WORKSHOP

1. BRIEF STATEMENT OF THE ISSUE:

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

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

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

2. METHOD OF DEALING WITH THE ISSUE:

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

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

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

CFC LOCAL GOVERNMENT WORKSHOP

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

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

3. RECOMMENDATION OF BILLS CONSIDERED:

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

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

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

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

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

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

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

CPC LOCAL GOVERNMENT WORKSHOP

RECOMMENDATIONS CSHB 581:

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

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

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

CSHB 886:

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

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

HB 583:

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

HB 586:

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

HB 585:

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

CPC LOCAL GOVERNMENT' WORKSHOP

The Local Government delegates took no position on House Bill 584, "An Act eliminating third-class boroughs". The sense of the meeting was that, since the Haines Borough is the only one currently affected, people there should be directly involved in this decision.

SENATE BILL 488:

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

OTHER RECOMMENDATIONS:

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

A WORD ON PROCESS:

The process to obtain appropriate input to the Recommendations of the Joint Interim Committee on the Unorganized Borough was exemplary, establishing a model for future legislative action affecting rural Alaska. Beyond that, the willingness of Legislative Committee membership to meet with with Delegates and to pay such intent attention to the concerns of Delegates is not only laudable, but deserving of the thanks of all rural Alaskans.

And so, "Thanks!"

LOCAL GOVERNMENT DELEGATES

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

GUESTS

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

FACILITATORS

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

TRANSPORTATION WORKSHOP

Transportation is an issue of vital concern to rural Alaskans. Adequate and safe means of getting into and out of villages are necessary in the delivery of goods and services.

In our workshop we discussed many problems involved with transportation:

1. Inadequate airport facilities--unsafe runways, no lighting, no storage facilities, etc.
2. Lack of dependable air services--infrequent flight scheduling, poor safety records, etc.
3. Lack of barge services.

In the area of airport facilities we were able to discuss the matter with Representative Russ Meekins, Jr., and Michael Harmon. Representative Meekins funded a study, called "Air Service to Rural Alaska, A Study in Inadequacy", which was done by Walt Parker and Michael Harmor. This study provides documentation of the need in rural Alaska for improvement of airport facilities.

The participants discussed the problems with airports in their different villages. Most of their concerns were included in this report. The study lists the many improvements needed in areas around the State. It also concludes that the current system in the Bush is worse than it was 20 years ago.

The participants in the Workshop passed a resolution supporting the study since it was felt that it is an excellent starting point for the Legislature in recognizing the need for improvement of airport facilities.

Rural Alaska Community Action Program, Inc.

RESOLUTION #80-16

ENTITLED: "In Support of the Study "Air Service to Rural Alaska, A Study in Inadequacy" which Concerns Improvement of Airports Facilities in Rural Alaska.

WHEREAS, as the Citizen's Participation Conference has met to consider problems and solutions to the transportation problems in Alaska, and

WHEREAS, as the transportation panel of the Citizen's Participation Conference has reviewed the "Air Service to Rural Alaska, A Study in Inadequacy" study initiated by Representative Russ Meekins, and

WHEREAS, as the Citizen's Participation Conference finds the recommendations of that report altogether appropriate, necessary and overdue, now

THEREFORE BE IT RESOLVED:

the the Citizen's Participation Conference fully supports the report and urges that the Legislature and the Administration take immediate steps to implement the recommendations contained therein.

DATED this 20th day of March, 1980 in Juneau, Alaska.

Gordon Jackson, President,
RurAL CAP Board of Directors

Phil Smith, Director,
RurAL CAP

ROSTER OF DELEGATES

<u>NAME</u>	<u>ORGANIZATION</u>
Darryl Albert	Koyukon Development Corp.
Fred Bismark	Trading Bay Air Taxi, Inc.
Robert L. Brean	Upper Tanana Dev. Corp.
Jeri Chong	Aleutian/Pribiloff Is. Ass'n.
Tom Craig	CRNA
Larry Edwards	Alatna Village
Mary Edwardson	NSBHC, Barrow
Howard Fox	National Consumer Law Center
Jeffrey Hiatt	CEDC of Alaska
Franklin Madros	Kaltag
Guy Martin	Kawerak Inc.
Bob Peterson	KANA
Mark Sugars	BBNA
Sharon Sunnyboy	Tanana Chiefs Conf.

ROSTER OF GUESTS

Michael Harmon	Legislative Staff
Nancy Harvey	Representing Sen. Sackett
Arlene McCafferty	Mauneluk Assoc.
Marlene McGlashan	RurAL CAP, Energy Dept.
Russ Meekins, Jr.	Alaska Representative
Russ Meekins, Sr.	Kenia

ROSTER OF FACILITATORS

Pat Petrivelli	RurAL CAP, Subsistence Dept.
Erika Tritremmel	RurAL CAP, Energy Dept.

TAXATION/PERMANENT FUND WORKSHOP

BACKGROUND TO THE ISSUE:

Although it is no secret that the State of Alaska is blessed with the unique opportunity to determine the use of billions of dollars in oil revenues to solve both the short and the long term problems of the State, this same opportunity has presented unique issues. Such concerns as "conservative" versus "liberal" distribution of the proceeds of the fund, the potential for the elimination of the income tax, AGSOC, a "permanent fund dividend" plan, and a variety of other approaches to the opportunity have been proposed.

Generally, however, the permanent fund and the disposition of its proceeds is not an issue which most Alaskans feel personally involved with (at least until recently, when serious discussion of a complete repeal of the income tax has taken place). More than anything else, there is confusion concerning the complexity of the issue.

METHOD OF DEALING WITH THE ISSUE:

As several CPC delegates had expressed an interest in learning more about the whole question of the permanent fund, a "special topics" workshop was held on the evening of Tuesday, March 18. Present to provide information to the delegates were Mr. Jerry Reinwand, Executive Assistant to Governor Jay Hammond, and Senator George Hohman, who represents the City of Bethel and surrounding villages. Roger Lang, President of the Alaska Native Foundation, facilitated the discussion, which lasted almost two hours.

ACTION ON BILLS:

No specific endorsement of any approach to the permanent fund was adopted by the delegates. However, a general concensus emerged that the proceeds from the permanent fund should be used to maximize the potential for in-State use; further, it was noted that the Rural CAP Board of Directors had gone on record as opposing any complete repeal of the personal income tax and endorsed, "in concept", Governor Hammond's plan to distribute at least some of the earnings from the fund to Alaskan citizens based upon length of residence within the State.

Other suggestions were that a use of permanent fund revenues might be found which could replace Federal CETA funds being reduced as a result of President Carter's efforts to stem inflation. Also, concern was expressed that money "rebated" to tax payers should be returned with interest.

TAXATION/PERMANENT FUND

Delegates:

Kent Grinage

North Slope Borough

Charles Hubbard

Copper River Native Association

Robert Martin

Tlingit-Haida Regional Electrical
Authority

Arnold Melsheimer

North Pacific Rim

Alex Shadura

Kenai

Guests:

Jerry Reinwand

Executive Assistant to
Governor Hammond

Senator George Hohman

Roger Lang

President
Alaska Federation of Natives

Staff:

Phil Smith

RurAL CAP

Bob Lohr

RurAL CAP

TELECOMMUNICATIONS WORKSHOP

STATEMENT OF THE ISSUE:

Although recent developments in satellite and earth-station technology have brought most of rural Alaska "into the Twentieth Century" as far as having the capability to receive and transmit telephone, radio, and TV signals, there are dozens of concerns that are yet to be resolved. Such things as reliability of telephone service, system redundancy, local telephone exchanges, TV transmission/reception, educational program development, teleconferencing, emergency medical communications, and a host of related concerns are yet to be solved.

Meanwhile, the problem is made even greater by the wide variety of bureaucratic structures established to deal with them. There is no one place within the government of the State of Alaska to which a citizen can go to provide ideas, to seek advice, or to serve as an agency for telecommunications planning. Indeed, "communications" between State agencies mandated with the responsibility of providing for telecommunications is sorely needed.

METHOD OF DEALING WITH THE ISSUE:

On Monday evening, March 17th, interested delegates attended a "special topics" workshop. Present at the Workshop were Nancy Harvey (aide to Senator Sackett) and Eric Ekholm (Legislative Affairs Agency). Nancy and Eric took time to explain to the delegates the steps being taken by the Legislature to deal with the above issues. Quite a bit is going on, and significant time was taken in explaining the structure and purpose of proposed and pending legislative initiatives.

ACTION ON BILLS:

SB 509 -- "A Bill to centralize all telecommunications functions within the Department of Commerce and Economic Development under a separate deputy commissioner, to empower it with certain regulatory authority, etc."
(A final draft of the Bill was not available for review or comment in any specific manner, the delegates chose to endorse the "effort" of the Legislature to responsibly attack the problem of the dispersion of State agencies responsible for telecommunications).

APPROPRIATION FOR "HARDWARE" AND "SOFTWARE" DEVELOPMENT--Again, the exact numbers in the appropriation were not available to the delegates; however, the Workshop endorsed the intent of the Bill to upgrade existing telecommunications facilities to provide for television-receive capability in all communities in Alaska with populations greater than 25 persons, as well as the establishment of a "software" development effort funded at \$5,000,000.

TELECOMMUNICATIONS WORKSHOP

Delegates:

Laurel Bolden	North Pacific Rim
Richard Carrol	Gwitcha, Gwitch'In Ginkhye
Alberta Erick	Gwitcha, Gwitch'In Ginkhye
Jenny Files	Gwitcha, Gwitch'In Ginkhye
Lewis Gorman	Aleutian/Pribilof Islands Assoc.
Paul Gregory	Association of Village Council Presidents
Gordon Jackson	RurAL CAP Board of Directors
Walter Meganack	North Pacific Rim
Olive Robison	RurAL CAP Board of Directors
Mark Siegars	Bristol Bay Native Association
Jonathan Soloman	Gwitcha, Gwitch'In Ginkhye
Sharon Sonnyboy	Tanana Chiefs Conference
Moses Strauss	Association of Village Council Presidents
Karen Swartz	Seward

Guests:

Eric Eckholm	Legislative Affairs Agency
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Staff:

Phil Smith	RurAL CAP
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CRIMINAL JUSTICE WORKSHOP

Background to the Issue

In 1978, during the process of reviewing the implementation of the "Plea Bargaining" order by the Attorney General, the Alaska Judicial Council revealed that sentencing patterns for minority Alaskans (Alaska Natives and Blacks) were substantially higher, in the norm, than for Caucasians.

Accordingly, the Supreme Court, alarmed at the revelation, took steps to rectify the situation. Under the authority of Ch. 42 SLA, the "Advisory Committee on Minority Judicial Sentencing Practices" was established to develop recommendations to the Legislature, the Administration, and the Judiciary in order to overcome the disparity.

Beyond that, substantive questions remain regarding the extent to which, if at all, Tribal Jurisdiction over Criminal Justice concerns exists in the State of Alaska.

Method of Approaching the Issue

Because of concerns expressed by Delegates, a "Special Topics" Workshop on Criminal Justice was convened on the evening of March 18, 1980. Ms. Arlene Dilts of the Central Council of the Tlingit & Haida Indians of Alaska agreed to coordinate and facilitate the Workshop.

Delegates and Guests discussed HB 812 ("An Act establishing a Commission to Secure Equality of Justice; and providing for an effective date"), as well as other concerns, noted above.

Recommendations Regarding Legislation

HB 812

DO PASS

HIGH PRIORITY

Other Recommendations

That the 1981 Citizen's Participation Conference allow for full Workshop consideration of Criminal Justice issues affecting rural Alaska.

ATTENDANCE -- CRIMINAL JUSTICE WORKSHOP

DELEGATES:

Lillian Boston	Copper River Native Association
Robin Brean	United Crow Band
Loretta Eakan	Upper Tanana Regional Council on Alcoholism
Sandy Churchill	Central Council, Tlingit and Haida Indians of Alaska

FACILITATOR:

Arlene Dilts	Central Council, Tlingit and Haida Indians of Alaska
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GUESTS:

Jackie Dailey	Criminal Justice Planning Agency, Office of the Governor
Mary McClinton	Central Council, Tlingit and Haida Indians of Alaska
Norman Staton	Member, Minority Sentencing Practices Committee
Tony Strong	Central Council, Tlingit and Haida Indians of Alaska
Peg Engwall	Alcoholism Coordinator, RurAL CAP

. A FINAL WORD

Nothing, the magnitude of this Conference, could have been possible without the total cooperation, support, and participation of dozens of people. . . after all, this is singularly a "people" process.

And so, I take this opportunity to say "Thanks" to:

Members of the 11th Legislature and their staffs, who worked so willingly (in the face of killing schedules) with Delegates to provide information and support;

Members of the Hammond Administration who have so consistently recognized the value of "Citizen's Participation" in State Government;

Alaska Regional Non-Profit Associations, whose familiarity with the issues and commitment to satisfactorily resolving them, contributed so substantially to the results of the Conference;


The Alaska Federation of Natives, the Alaska Native Foundation, the Alaska Legal Services Corporation, and other organizations, whose sensitivity to the issues and the process of coping with them, contributed to the structure of the Conference;

The Board of Directors of RurAL CAP, whose support and direction have been critical to establishing an on-going commitment to the needs and priorities of rural Alaskan people;

The RurAL CAP Staff, who have worked far above and beyond the call of duty to bring together the skills necessary to provide for quality support to the Delegates; and, most of all, to

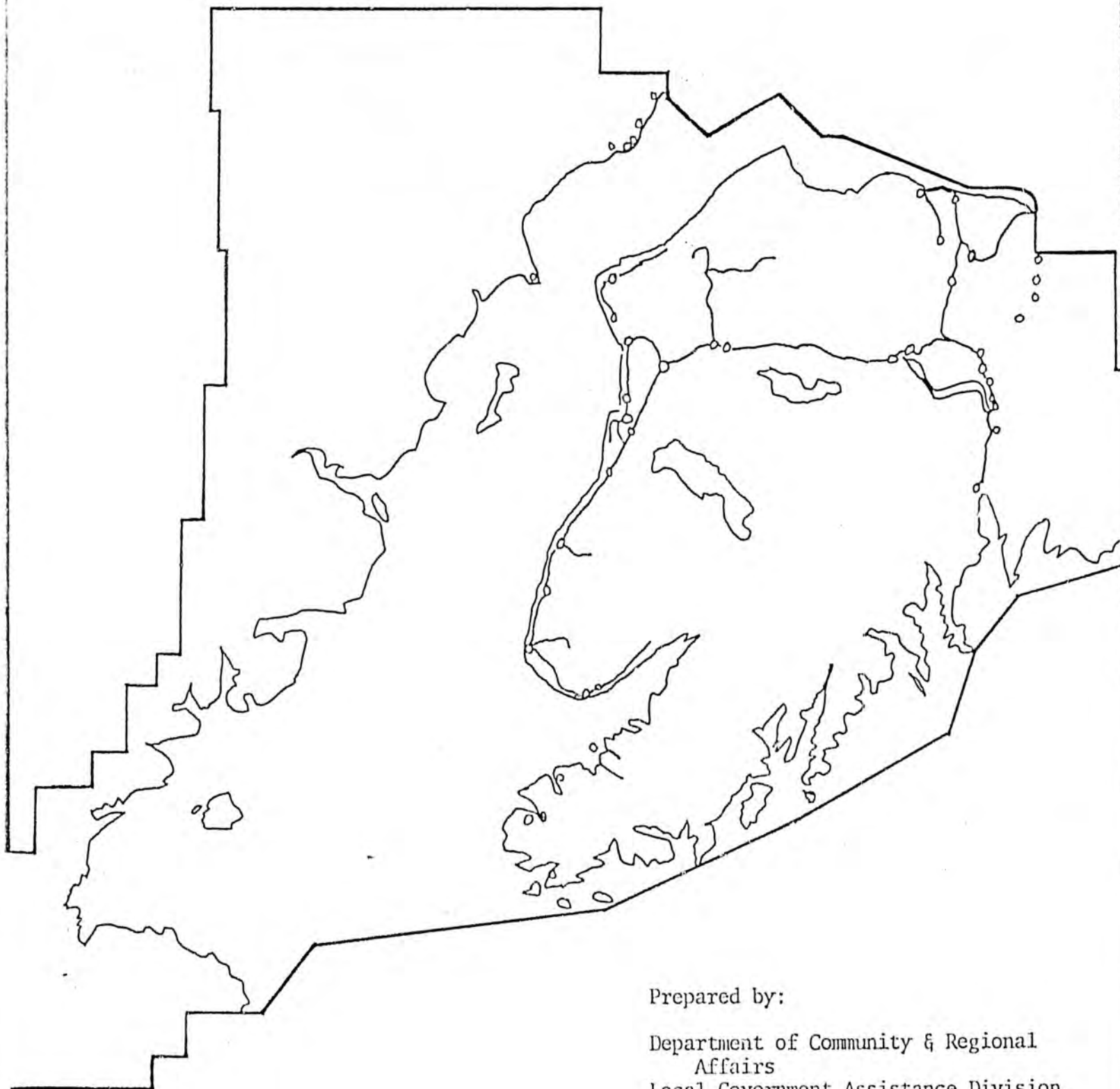
The DELEGATES, who have left their homes to come to Juneau to deal with complex and critical issues on behalf of the best interests of their fellow citizens. Truly, their dedication has proven to be exemplary in an age of cynicism and demands for simple answers to complex issues.

All of the above prove to me that the Democratic System can, and will, work on behalf of the public interest. Thanks for bolstering that faith.


Phil Smith

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

STAFF REPORT to the COMMISSIONER'S OFFICE
on the
REAPPORTIONMENT of the KENAI PENINSULA BOROUGH



Prepared by:

Department of Community & Regional
Affairs
Local Government Assistance Division
225 Cordova, Building B
Anchorage, Alaska 99501

276-1721

I. INTRODUCTION

State law requires the Department of Community and Regional Affairs to reapportion a borough assembly when the assembly fails to reapportion itself. In the case of the Kenai Peninsula Borough, all of the following requirements were not fulfilled that the Borough Assembly, within a six-month period, declare itself malapportioned, provide by ordinance for reapportionment, and see this ordinance approved by voters both inside and outside first class and home rule cities. Thus, by law, the Department of Community and Regional Affairs was required to provide for the reapportionment of the Kenai Peninsula Borough.

What follows is the report for the Deputy Commissioner* of the Department presenting the rationale and results of Department staff efforts to develop four Constitutionally - permissible plans for reapportioning the Borough. These plans will be referred to in the report as the At-Large Plans (two in number, one with residency districting and one without), the Three-District Plan, and the Four-District Plan.

These four plans are to be presented to the public at scheduled public hearings May 5 through 9 in 10 locations throughout the Borough. It is hoped that public input will provide the Department with additional information by which a proper decision fair to Borough residents, including Assemblymembers, can be made.

II. HISTORY

On July 17 of last year the Kenai Peninsula Borough Assembly, after reviewing the results of a Federal special census conducted as of July 13, 1978, adopted Resolution No. 79-95 declaring itself to be malapportioned. That action triggered implementation of AS 29.23.020, the provision in Alaska Statutes specifying the manner and process by which a borough assembly must reapportion itself.

At that same July meeting, the Local Affairs Committee of the Assembly introduced Ordinance No. 79-48, providing for reapportionment of the Assembly. The ordinance called for establishment of four separate districts for purposes of selecting Assemblymembers. This ordinance was the product of an exhaustive study prepared by professional advisors to the Local Affairs Committee. The study addressed a host of legal, economic, and cultural issues impacting upon Assembly apportionment. Notwithstanding the thoroughness of the committee's study effort, the ordinance failed to receive a sufficient number of votes to be scheduled for public hearing.

*The Commissioner has disqualified herself by declaring a conflict-of-interest and has delegated her authority to the Deputy Commissioner.

On August 7, 1979, Ordinance No. 79-51, adjusting and redistributing the weighted vote of each Assemblymember, was introduced and subsequently adopted at a regular meeting held two weeks later. Pursuant to AS 29.23.020(b)(3) the Assembly submitted the ordinance to borough voters at the Borough's regular election held October 2, 1979. While the proposition did receive a plurality of all votes cast, it did not meet the dual majority requirements of AS 29.23.020(c). Specifically, the proposition passed outside cities but failed to pass inside cities. Hence, the ordinance could not be enacted.

On November 20, 1979, Ordinance No. 79-71, substantially the same as the previously-introduced ordinance providing for a four-district plan, was introduced and it, too, failed to be set for hearing. This ordinance, with minor revisions, was introduced on December 4, 1979, but again failed to be set for hearing.

On January 8, 1980 the Assembly adopted an amended version of Ordinance No. 79-79, readjusting the weighted vote of each Assemblymember. The ordinance was not, however, submitted to Borough voters and thus failed to satisfy the statutory requirements for reapportionment.

On January 17, 1980, the deadline passed for the Assembly to adopt a reapportionment ordinance and have it approved by the voters. Accordingly, the Department of Community and Regional Affairs is required by AS 29.23.020(c) to "provide for the reapportionment" of the Assembly.

III. CONSTRAINTS AND GUIDELINES

In conducting its statutorily-mandated reapportionment responsibilities, the Department of Community and Regional Affairs has had to meet several requirements and adhere to certain guidelines which significantly limit the available reapportionment alternatives. The constraints and guidelines which the Department must meet and which are incorporated in its plans at this time (and which will be part of any plan eventually adopted) are listed below.

1. 16 ASSEMBLYMEMBERS.

The Assembly requested that the current number of Assemblymembers, 16, be used in reapportionment.

2. 25,335 BOROUGH RESIDENTS.

The Special Census conducted by the U.S. Bureau of Census reported that the total Borough population was 25,335 as of July 13, 1978. Although one or more cities have taken a local census since the Special Census was taken, the 25,335 figure is the latest reliable Borough-wide count.

3. USE OF STATE ELECTION PRECINCTS AS SUB-UNITS OF BOROUGH POPULATION FOR DISTRICTING PURPOSES.

In that the Special Census figures of July 13, 1978, break down the Borough population by precincts, these precincts provide the only reliable indicator of geographical population dispersal for the Borough as a whole. Limited time and funds, plus the availability shortly of 1980 Federal Decennial Census figures, made conducting a Borough-wide demographic analysis unjustifiable.

4. "ONE-MAN, ONE-VOTE" PRINCIPLE.

Every reapportionment plan must strive to achieve numerical equality, so that each person's vote is worth that of another's throughout the Borough. This principle has been recognized by the courts for nearly two decades. Following are some requirements of this principle.

A. 10 percent rule. Consistent with Federal Constitutional law, the Alaska Supreme Court in Groh v. Egan, 526 P.2d 863 (Alaska 1974), permitted up to 10 percent deviation from pure mathematical equality among election districts without justification. (See April 7, 1980, Attorney General Opinion, in Appendix.) This permissible range of deviation recognizes the inherent impossibility of achieving and thereafter maintaining over time pure mathematical equality.

It should be cautioned that any plan which provides for more than a 10 percent deviation from the "one-man, one-vote" ideal must justify that deviation or otherwise it is invalid. The above-cited Attorney General Opinion and court case recite some of the factors which have in the past justified a greater than 10 percent deviation.

B. No weighted voting. State law makes use of weighted voting illegal beginning January 1, 1981. Since a plan adopted by the Department would in all likelihood extend into 1981, it would be imprudent for the Department to consider and adopt a weighted voting reapportionment plan. In addition, the Attorney General's Office has required that the Department not consider weighted voting. (See March 20, 1980, Attorney General Opinion, in Appendix; see also November 6, 1978, Attorney General Opinion, in Appendix.)

C. No appointment of assemblymembers. The Attorney General's Office indicates that the current practice of several city councils appointing people to sit on the Assembly is not acceptable. (See April 7, 1980, Attorney General Opinion, in Appendix.) Thus, no plan considered or adopted by the Department will include this provision.

D. No dual seat representation. The Attorney General's Office indicates that the practice of a person being simultaneously elected to both a city council and borough seat is unacceptable. Thus the Department will not provide for this in its plans. (See April 7, 1980, Attorney General Opinion, in Appendix.)

E. Election districts contain contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area. This standard, set forth in the Alaska Constitution as a requirement for State legislative reapportionment, attempts to group together people with similar socio-economic interests.

5. THE JANUARY 1, 1981, AMENDMENTS TO REAPPORTIONMENT STATUTES CONTROL.

The criteria set forth in the 1981 amendments to current law on apportionment regarding Assembly composition and apportionment, effective January 1, 1981, are "givens" for any plan considered and adopted by the Department. (See AS 29.23.021, .023, .025, in Appendix.) Thus, the three reapportionment plans required to be put before the voters by AS 29.23.023 (effective January 1, 1981) are considered by the Department. These three plans proposing alternative forms of representation call for Assemblymembers to be:

- (1) elected at large; or
- (2) elected at large but also providing for residency within an election district or zone, with each district or zone being of substantially equal population; or
- (3) elected by and from election districts or zones.

(See April 7, 1980, Attorney General Opinion, in Appendix, concerning geographical residence; see also March 21, 1980, Attorney General Opinion, in Appendix, for at large representation; and see also September 18, 1975, Attorney General Opinion, in Appendix.)

IV. THE PLANS SUMMARIZED

Department staff have prepared three maps to illustrate the four basic plans which staff has determined meet the various requirements necessary to be considered for adoption. The maps should be consulted when considering a particular plan and information and details shown on the maps will not be repeated here.

The map showing the "AT-LARGE PLAN" is to be referred to for the two possible at-large approaches (plans) studied by the Department -- one with and one without residency districting.

These are referred to in the text of this report as "At-Large Plan (no residency)" and "At-Large Plan (with residency)". The two at-large approaches and a districting approach to reapportionment are required to be presented to voters no later than July 31, 1981, for them to choose among the three options.

The plans considered by the Department are summarized below.

1. At-Large Plan (no residency). As the attached map indicates, under the At-Large Plan (no residency) all 16 Assemblymembers run and are voted on at large -- there are no election districts. Also, there is no residency districting.
2. At-Large Plan (with residency). For the At-Large Plan (with residency), Assemblymembers run at large and must also live within residential districts. Residency districts are required by AS 29.23.023 (see Appendix) to have "substantially equal populations." Residency districts are not drawn on the map.
3. Three-District Plan. As the attached map indicates, under the Three-District Plan the Borough is divided into three election districts, with the number of Assemblymembers for each district being two, four, and 10. Assemblymembers run at large within a district -- no residency districting is provided for.
4. Four-District Plan. As the attached map indicates, under the Four-District Plan the Borough is divided into four election districts, with the number of Assemblymembers for each district being two, four, five, and five. Assemblymembers run at large within a district -- no residency districting is provided for.

V. DISCUSSION ON EACH PLAN'S POTENTIAL IMPACT

1. At-Large Plan (no residency). The At-Large Plan (no residency) gives every borough resident the opportunity to vote for every Assemblymember. Assuming three-year staggered terms for Assemblymembers, every year Borough voters would elect five or six Assemblymembers. Whether this approach of everyone voting on all candidates is preferable to the districting approach (e.g., Three-and Four-District Plans) is a matter of policy and practicality.

On the one hand the at-large approach seems more democratic. On the other hand there is no built-in control on geographical distribution which districting would give. Under the At-Large Plan (no residency), it is possible for all 16 Assemblymembers to live in one city or geographical location and yet be called on to represent all Borough residents, regardless where they live. If some degree of geographical dispersal of Assemblymembers is desired, this plan will not guarantee it.

One objection on a practical level can be made that too many names would appear on the ballot for the At-Large Plan (no residency). If every seat were contested, at least 10 or 12 names, and perhaps twenty or more would appear on the ballot at every regular annual election. One can argue that the large number of candidates would tend to overwhelm or confuse the voters. However, it can also be said that the larger the number of candidates, the greater the choice.

2. At-Large Plan (with residency). The At-Large Plan (with residency) requires Assemblymembers to live in geographical districts of substantially equal population. The residency requirement removes the possibility of having Assemblymembers being highly geographically clustered as is possible under the At-Large Plan (no residency). Thus, by requiring Assemblymembers to live within geographical districts, it is possible to guarantee that voters will live relatively close to an Assemblymember. How close will depend on the size of the district (which is in turn determined by the number of voters in the district).

But the At-Large Plan (with residency) does not guarantee that the local person who gets elected to an Assembly seat is voted on by a majority of those living in the same residential district as the Assemblymember. This result is possible because the election is at large (meaning all Borough voters could vote on all candidates) and it is entirely possible that voters outside the residential district are responsible for putting the particular Assemblymember into office.

As far as residency districts are concerned, the only statutory requirement is that each district be of "substantially equal population." Attorney General Opinions of April 7, 1980; March 21, 1980, and September 18, 1975 (see Appendix), provide limited guidance -- none of them specifically translates "substantially equal population" into numbers.

First, the Assemblymembers must run at large in the area they represent (e.g., the election district, which in this case is the entire Borough). Once this condition is satisfied, then the sub-areas in which they reside (residential districts) need not be of "equal population", but must only be of "substantially equal population." If one understands "equal population" to mean equal by the definition of the "one-man, one-vote" principle (in Alaska, expressed as the 10 percent rule), then arguably "substantially equal" contemplates a deviation greater than that permitted by the 10 percent rule i.e., greater than 10 percent. How much more is not provided for in the Opinions.

It should be mentioned that a limitation on the geographical residency requirement is that residency districts not be adopted with the intent of providing for invidious discrimination or to minimize or cancel out racial, economic or political elements.

Thus, it may be possible to create several residency districting alternatives under an at-large plan which have more flexibility than that provided by either of the two election districting plans proposed by the Department. As mentioned above, how much beyond 10 per cent is permissible for residency districts is not provided for by law or Attorney General Opinion. The Department has not had sufficient time to gather information necessary to enable it to perform the task of dividing the Borough into residential districts. It is hoped that public testimony can give shape to the details of such alternatives.

3. Three-District Plan. The Three-District Plan creates districts which number two, four, and 10 in Assembly representation. Some may object that the district with 10 members would have a majority block of votes, thus enabling this district to out-vote the other two districts. On the other hand, one can argue that it is too much to expect that enough of the 10-district Assemblymembers would be able to agree on issues to create what would be an insurmountable majority.

One can also question whether a single city or geographical area in the 10-member district would be able to elect all or most of those candidates who are residents within that city or area. Although the likelihood that geographical clustering of Assemblymembers may appear remote, it is interesting to note that under current Assembly apportionment, six of eight of those Assemblymembers elected outside cities reside within the Kalifonsky-Tustumena area. This is hardly proportional to what would be required under the "one-man, one-vote principle" and is evidence to suggest block voting could result.

4. Four-District Plan. The Four-District Plan creates districts which number two, four, five, and five in Assembly representation. This Plan appears to avoid the "block-voting dominance" potential concerning the Three-District Plan discussed above. The Four-District Plan splits the Three-District Plan's 10-member district into two equal five member districts. This advantage may be seriously challenged by the fact that the Four-District Plan creates problems concerning carry-over term incumbents and those whose terms expire in 1980. The attached graph entitled "Status and Effect of Three- and Four-District Plans if Department Decides Not to Require All Assemblymembers to Run" explains the potential problems.

VI. EACH PLAN'S EFFECT ON INCUMBENTS IN GENERAL

The Attorney General's office has made it clear that the Department has the power to require new elections for all Assemblymembers, even though terms have not expired, if a reapportionment plan results in district lines which exclude a substantial number of persons who voted on the incumbents' elections or include a substantial number who did not. See

April 7, 1980, Attorney General Opinion, in Appendix. According to this Opinion, the courts have not decided whether new elections are required.

The Opinion does, however, suggest an operational standard. This standard provides that if less than half of the electorate of a new district had the opportunity to vote for the incumbent, a new election would be required unless the incumbent's term of office was to expire within two years. By extrapolation, it appears that if half or more of the electorate had the opportunity to vote for the incumbent, the incumbent may serve out the remainder of the term regardless of length.

This extrapolation is probably moot since no Assemblymember's term extends more than two years beyond the date of the reapportionment election in October 1980. Thus, there is no requirement that any incumbent whose term does not expire in October 1980 run for office at the October 1980 election. (However, as mentioned above, the Department has the power to require all Assemblymembers to run). Thus, for any plan, the Department must decide whether to require incumbents not up for election in 1980 to run for office.

There is something to be said about not unnecessarily requiring incumbent Assemblymembers whose terms do not expire in 1980 to run in the October 1980 election. There is the potential for a loss of continuity of membership on the Assembly, and with it the loss of experience and stability. And there is the extra cost and effort of campaigning sooner than expected or desired, both for Assemblymembers and the public alike.

But perhaps as important is the concern that the change in constituencies resulting from the elimination of inside-outside districting makes it more equitable for all Assemblymembers to run again. New district lines mean incumbents will be called on, at least on paper, to represent a significant number of people who have never had the chance to vote for them. One must wonder if the people will or even should accept this situation.

1. At-Large Plan (no residency). Assuming that the Department does not decide to require all incumbents to run for office, the At-Large Plan (no residency) would provide for eight incumbents to run in October 1980. Seven of these are up for election in 1980 anyway, with the remaining member forced to run because he was elected to a dual council Assembly seat -- an election practice not permitted by the Attorney General's Office. Of the remaining eight members, four terms expire in 1981 and four expire in 1982.

If evenly-staggered three-year terms are desired, then an adjustment in term length needs to be made from the above schedule which shows eight members running in 1980, four in 1981, and four in 1982. The simplest way would be to shorten

several of the terms which begin in 1980 so as not to disrupt those incumbent's terms which do not end in 1980.

Two of the seats up for election in 1980 would be for one-year terms ending in 1981, at which time these two seats would be for three-year terms ending in 1984; and one of the seats up for election in 1980 would be for a two-year term ending in 1982, at which time this seat would be for a three-year term ending in 1985. This would provide a 6,5,5 stagger for 1981, 1982, and 1983, respectively. (The reverse works also -- one seat ending in 1981 and two seats ending in 1982, respectively. The result would be a 5,6,5 stagger). Note that each seat would have to be assigned a number or letter -- Seat 1, Seat 2, etc., up to 16; or Seat A, Seat B, etc., up to "P".

At the 1983 election and thereafter, all Assemblymembers would serve evenly-staggered three-year terms.

2. At-Large Plan (with residency). Assuming that the Department does not decide to require all incumbents to run for office, the residency feature of this variant on the At-Large Plan first requires that residency districts be drawn. Only after the residency districts have been drawn can the effect on incumbents be known. And of course in order to decide on what districts there will be, there must initially be a determination of what "substantially equal population" means. Recall that AS 29.23.023 (in Appendix), effective January 1, 1981, requires that residential districts or zones be of "substantially equal population."

3. Three-District Plan. Assuming the Department does not decide to require all incumbents to run for office, what follows is a district-by-district analysis of the effect that the adoption of the Three-District Plan will have on incumbents at the October 1980 election.

DISTRICT I. - EASTERN

Number of Seats - 2 at large

Status of Incumbents	Name	Date Term Expires
	McCloud	1981
	*Campbell	1980

*Council-appointed
Assemblymember

A district-wide election would be held to fill the Assembly seat vacated by Mr. Campbell. Mr. McCloud would continue to serve until the expiration of his term in 1981 at which time a district-wide election would be held to fill that Assembly seat.

DISTRICT II. - CENTRAL/NORTHERN

Status of Incumbents	Name	Date Term Expires
	*Ambarian	1980
	Arness	1980
	Carr	1982
	Davis	1982
	Elson	1982
	Hille	1980
	Fischer	1981
	Long	1980
	Martin	1981
	*Pickarsky	1980
	Sikorsky	1982

*Council-appointed
Assemblymember

A district-wide election would be held to elect four new Assemblymembers. Incumbent Assemblymembers would continue to serve until their terms expired at which time a district-wide election would be held to fill the vacancy.

DISTRICT III. - SOUTHERN

Number of Seats - 4 at large

Status of Incumbents	Name	Date Term Expires
	*Cooper	1981
	**Crawford	1980
	Dimmick	1981

*Elected to represent city
and borough (dual)
**Council-appointed to Assembly

A district-wide election would be held to elect three new Assemblymembers. Even though Mr. Cooper's term does not expire in 1980, his seat would have to be vacated due to the Attorney General Opinion stating that dual council/assembly seats can no longer exist. See April 7, 1980, Attorney General Opinion, in Appendix. Ms. Dimmick would continue to serve until 1981 at which time a district-wide election would be held to fill the vacancy.

4. Four-District Plan. Assuming the Department does not decide to require all incumbents to run for office, what follows is a district-by-district analysis of the effect that the adoption of the Four-District Plan will have on incumbents at the October 1980 election.

DISTRICT I. - EASTERN

Number of Seats - 2 at large

Status of Incumbents	Name	<u>Date Term Expires</u>
	McCloud	1981
	*Campbell	1980

*Council-appointed
Assemblymember

A district-wide election would be held to fill the Assembly seat vacated by Mr. Campbell. Mr. McCloud would continue to serve until the expiration of his term in 1981 at which time a district-wide election would be held to fill that Assembly seat.

DISTRICT II. - CENTRAL

Number of Seats - 5 at large

Status of Incumbents	Name	<u>Date Term Expires</u>
	Corr	1982
	Davis	1982
	Fischer	1981
	Long	1980
	Martin	1981
	*Pickarsky	1980
	Sikorsky	1982

*Council-appointed
Assemblymember

No election would be conducted in this district. The five Assembly seats would remain filled by the five incumbent Assemblymembers. All Assemblymembers would continue to serve until their terms expired at which time a district-wide election would be held to fill these vacancies as they occur.

DISTRICT III. - NORTHERN

Number of Seats - 5 at large .

Status of Incumbents	<u>Name</u>	<u>Date Term Expires</u>
	*Ambarian	1980
	Arness	1980
	Hille	1980
	Elson	1982

*Council-appointed
Assemblymember

A district-wide election would be held to select four Assemblymembers. Ms. Elson would continue to serve until 1982 at which time a district-wide election would be held to fill the vacancy.

DISTRICT IV. - SOUTHERN

Number of Seats - 4 at large

Status of Incumbents	<u>Name</u>	<u>Date Term Expires</u>
	*Cooper	1981
	**Crawford	1980
	Dimmick	1981

*Elected to represent city
and borough (dual)
**Council-appointed to
Assembly

A district-wide election would be held to elect three new Assemblymembers. Even though Mr. Cooper's term does not expire in 1980, his seat would have to be vacated due to the Attorney General Opinion stating that dual council/assembly seats can no longer exist. See April 7, 1980, Attorney General Opinion, in Appendix. Ms. Dimmick would continue to serve until 1981 at which time a district-wide election would be held to fill the vacancy.

STATUS AND EFFECT OF THREE- AND FOUR-DISTRICT PLANS IF DEPARTMENT DECIDES NOT TO REQUIRE ALL ASSEMBLYMEMBERS TO RUN

ASSEMBLYMEMBER	REPRESENTS	PLAN		ASSEMBLY COMPOSITION			TERM EXPIRES			EFFECT OF PLANS AT 1980 ELECTION IF DEPARTMENT DE- DECIDES NOT TO REQUIRE ALL ASSEMBLYMEMBERS TO RUN***	
		3 DIST.	4 DIST.	DUAL SEAT	COUNCIL APPT.	DIRECT ELECTION	1980	1981	1982		
Edward Ambarian	Kenai	CN	N		X		X			Term expires; seat lost; election required	
James V. Arness	Outside	CN	N			X	X			No effect; term expires	
C. Keith Campbell	Seward	E	E		X		X			Term expires; seat lost; election required	
Erle R. Cooper	Homer	S	S	X				X		Seat lost; election required	
Tommy R. Corr	Outside	CN	C			X			X	No effect	
John Crawford	Seldovia	S	S		X		X			Term expires; seat lost; election required	
John C. Davis	Outside	CN	C			X			X	No effect	
Marilyn Dimmick	Outside	S	S			X		X		No effect	
Joann Elson	Kenai	CN	N			X			X	No effect	
Paul Fischer	Outside	CN	C			X		X		No effect	
Carl J. Hille	Kenai	CN	N			X	X			No effect; term expires	
Stan Long	Outside	CN	C			X	X			Term expires; seat lost (4 Dist.)* Election required (3 Dist.)**	
Harry V. Martin	Outside	CN	C			X		X		No effect	
Don McCloud	Seward	E	E			X		X		No effect	
Albert Pickarsky	Soldotna	CN	C		X		X			Term expires; seat lost; (4 Dist.)* Election required (3 Dist.)**	
Merrill Sikorsky	Outside	CN	C			X			X	No effect	
						1	4	11	7	5	4

* Seat lost due to 4-District Plan providing for five incumbents in Central (C) District whose terms do not expire in 1980.

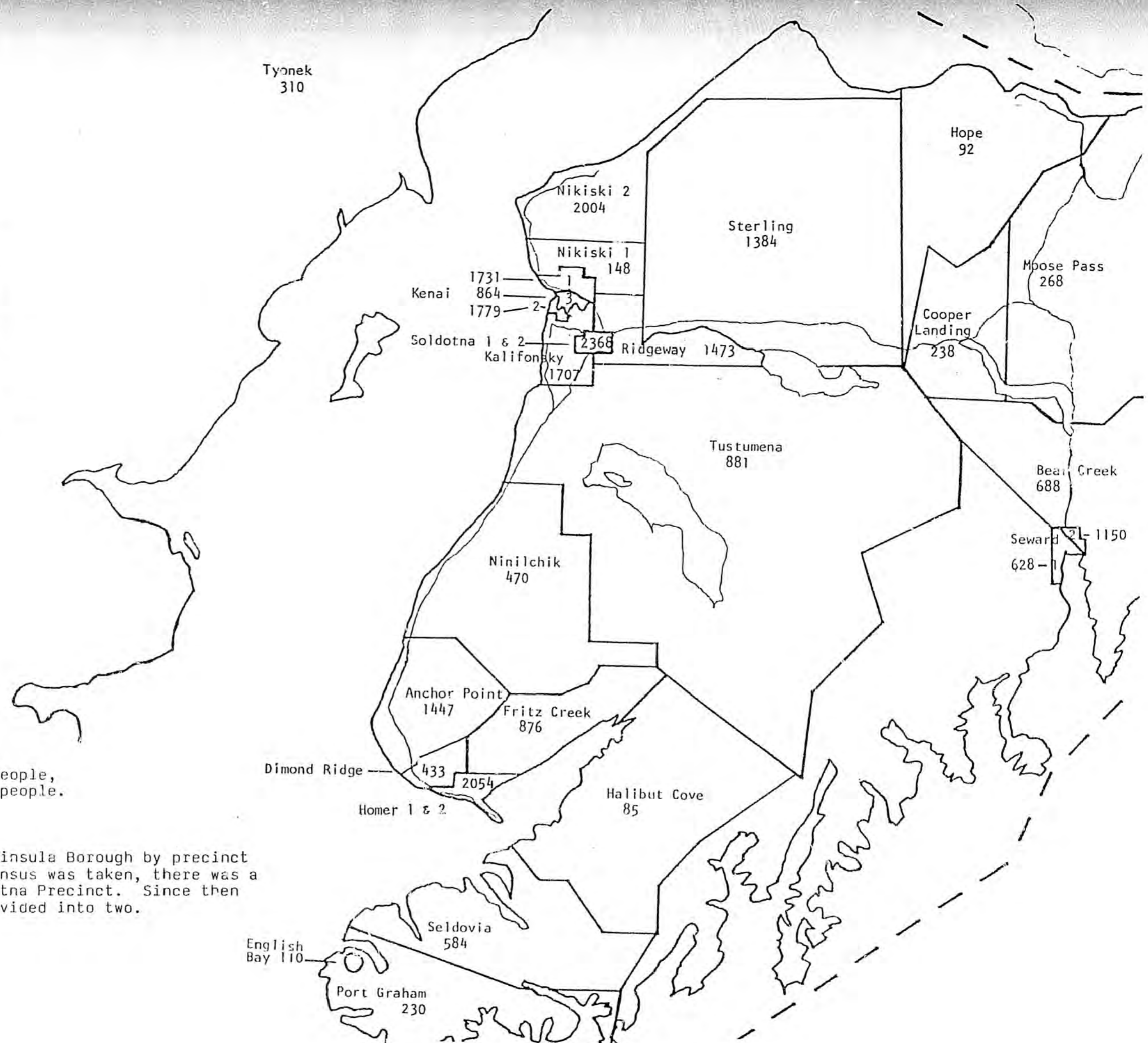
** Under 3-District Plan there would be sufficient vacancies in the Central-North (CN) District for this person to run for an Assembly seat.

*** All Assemblymembers' constituencies will change due to the "one-man, one-vote" principle which eliminates inside/outside districting.

AT-LARGE PLAN

Population by precinct:*

Anchor Point	1447
Bear Creek	688
Cooper Landing	238
Dimond Ridge	433
English Bay	110
Fritz Creek	876
Halibut Cove	85
Homer 1 & 2	2054
Hope	92
Kalifonsky	1707
Kenai 1	1731
Kenai 2	1779
Kenai 3	864
Moose Pass	268
Nikiski 1	1481
Nikiski 2	2004
Ninilchik	470
Port Graham	230
Ridgeway	1473
Seldovia	584
Seward 1	628
Seward 2	1150
Soldotna 1 & 2	2368
Sterling	1384
Tustumena	881
Tyonek	310
<u>TOTAL (28)</u>	<u>25,335</u>



16 Assemblymembers representing 25,335 people,
or one Assemblymember for every 1583.43 people.

* Special Census Population of Kenai Peninsula Borough by precinct
as of July 13, 1978. At the time the Census was taken, there was a
single Homer Precinct and a single Soldotna Precinct. Since then
these single precincts have each been divided into two.

THREE-DISTRICT PLAN

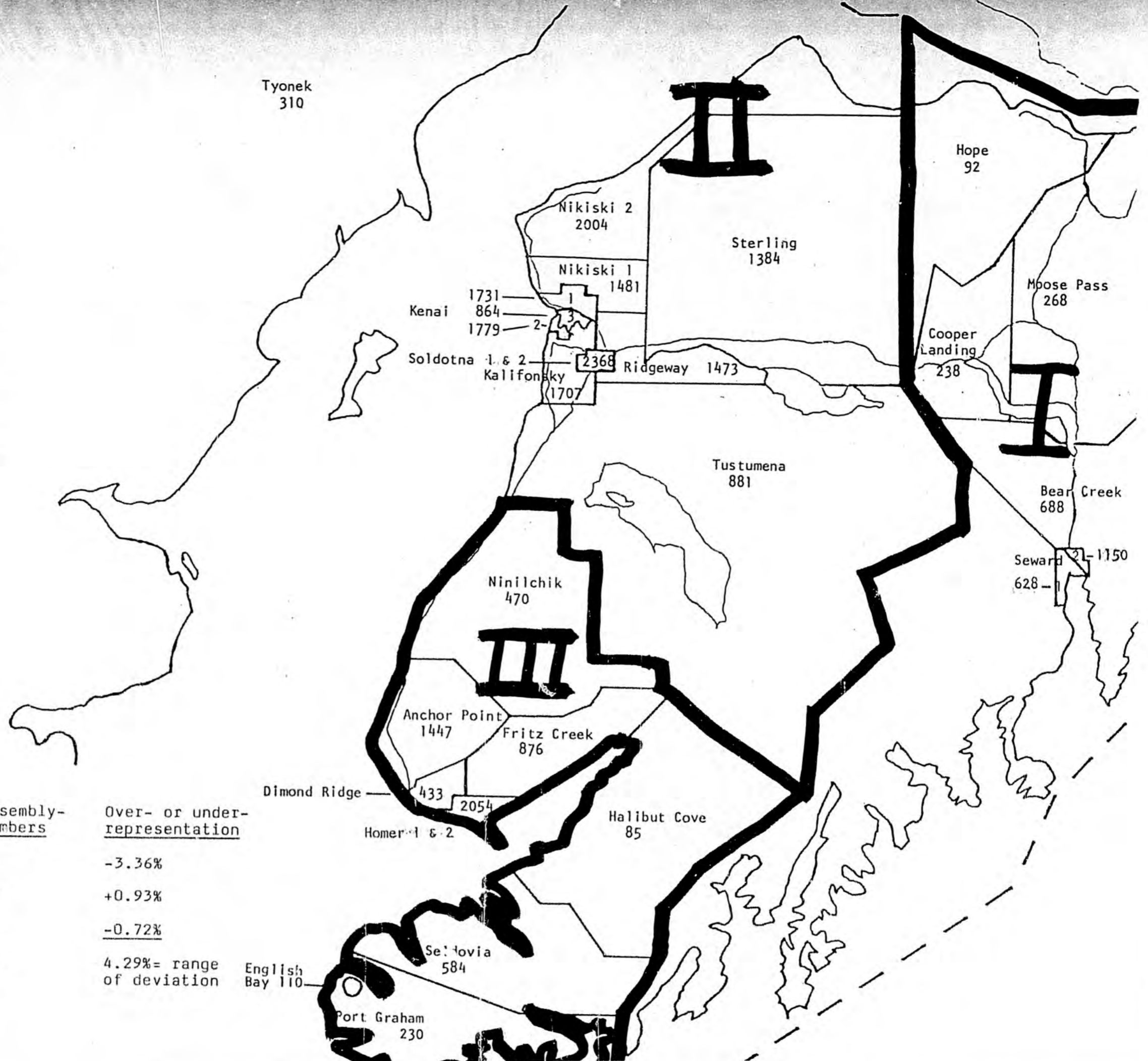
I. EASTERN	Bear Creek	688
	Cooper Landing	238
	Hope	92
	Moose Pass	268
	Seward 1	628
	Seward 2	1150
	<u>TOTAL (6)</u>	<u>3064</u>

II. CENTRAL- NORTHERN	Kalifonsky	1707
	Kenai 1	1731
	Kenai 2	1779
	Kenai 3	864
	Nikiski 1	1481
	Nikiski 2	2004
	Ridgeway	1473
	Soldotna 1 & 2	2368
	Sterling	1384
	Tustumena	881
	Tyonek	310
	<u>TOTAL (12)</u>	<u>15,982</u>

III. SOUTHERN	Anchor Point	1447
	Dimond Ridge	433
	English Bay	110
	Fritz Creek	876
	Homer 1 & 2	2054
	Halibut Cove	85
	Ninilchik	470
	Port Graham	230
	Seldovia	584
	<u>TOTAL (10)</u>	<u>6289</u>

DISTRICT SUMMARY

	<u>Actual Population</u>	<u>Ideal Population</u>	<u>Assembly- members</u>	<u>Over- or under- representation</u>
I.	3064	3167	2	-3.36%
II.	15,982	15,834	10	+0.93%
III.	<u>6289</u>	<u>6334</u>	<u>4</u>	<u>-0.72%</u>
TOTAL	25,335	25,335	16	4.29% = range of deviation

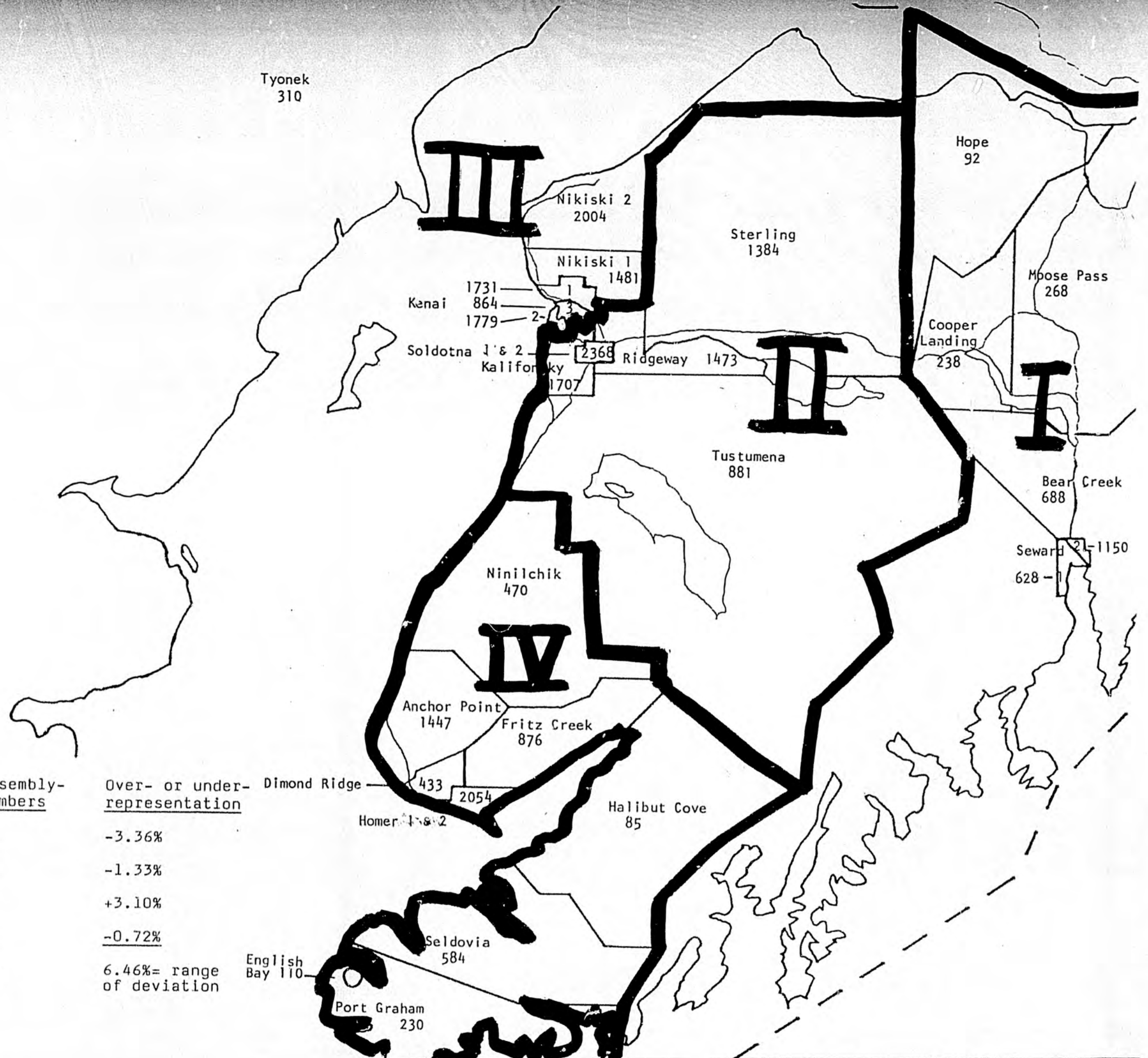


FOUR-DISTRICT PLAN

I. EASTERN	Bear Creek	688
	Cooper Landing	238
	Hope	92
	Moose Pass	268
	Seward 1	628
	Seward 2	1150
	<u>TOTAL (6)</u>	<u>3064</u>
II. CENTRAL	Kalifonsky	1707
	Ridgeway	1473
	Soldotna 1 & 2	2368
	Sterling	1384
	Tustumena	881
	<u>TOTAL (6)</u>	<u>7813</u>
III. NORTHERN	Kenai 1	1731
	Kenai 2	1779
	Kenai 3	864
	Nikiski 1	1481
	Nikiski 2	2004
	Tyonek	310
	<u>TOTAL (6)</u>	<u>8169</u>
IV. SOUTHERN	Anchor Point	1447
	Dimond Ridge	433
	English Bay	110
	Fritz Creek	876
	Homer 1 & 2	2054
	Halibut Cove	85
	Ninilchik	470
	Port Graham	230
	Seldovia	584
	<u>TOTAL (10)</u>	<u>6289</u>

DISTRICT SUMMARY

	<u>Actual Population</u>	<u>Ideal Population</u>	<u>Assembly-members</u>	<u>Over- or under-representation</u>
I.	3064	3167	2	-3.36%
II.	7813	7917	5	-1.33%
III.	8169	7917	5	+3.10%
IV.	<u>6289</u>	<u>6334</u>	<u>4</u>	<u>-0.72%</u>
TOTAL	25,335	25,335	16	6.46% = range of deviation



APPENDIX

Contents:

Alaska Statutes 29.23.020 (composition, apportionment, and reapportionment);

Alaska Statutes 29.23.021 [Eff. January 1, 1981] (Assembly composition and apportionment);

Alaska Statutes 29.23.023 [Eff. January 1, 1981] (Composition and representation requirements for general law boroughs);

Alaska Statutes 29.23.025 [Eff. January 1, 1981] (Assembly recomposition and reapportionment);

Sections 4, 26, 27 ch 83, SLA 1979.

April 7, 1980 Attorney General Opinion (Kenai Peninsula Borough reapportionment);

March 21, 1980, Attorney General Opinion (Use of district-at-large representation);

March 20, 1980, Attorney General Opinion (Use of weighted or fractional voting for apportionment);

November 6, 1978, Attorney General Opinion (Reapportionment of borough assembly);

September 18, 1975, Attorney General Opinion (Kodiak reapportionment of Borough Assembly).

Alaska Statutes

Title 29. Municipal Government.

Chapter 23. Municipal Officers and Employees.

Sec. 29.23.020. Composition, apportionment, and reapportionment.

Repealed by § 24 ch 83 SLA 1979, effective January 1, 1981.

Cross reference. — For present provisions covering the subject matter of the repealed section, see AS 29.23.021 and 29.23.025.

Editor's note. — The repealed section derived from § 2, ch. 118, SLA 1972; § 12, ch. 118, SLA 1972; § 9, ch. 200, SLA 1972.

reapportionment of the borough assembly is required or proposed under AS 29.23.020, repealed by sec. 21 [24] of ch. 83, SLA 1979,

Section 26, ch. 83, SLA 1979, effective June 2, 1979, provides: "Notwithstanding AS 29.23.040, amended by sec. 4 of ch. 83, SLA 1979, the terms of office of borough assemblymen elected or appointed to dual borough assembly city council seats are not affected by the amendment made to AS 29.23.040 in sec. 4 of ch. 83, SLA 1979 until

or is effected as required or proposed under AS 29.23.021 — 29.23.025, added by sec. 1 of ch. 83, SLA 1979."

Sec. 29.23.020. Composition, apportionment, and reapportionment. (a) The assembly shall be composed of the number of members and be apportioned in a manner set out in the incorporation petition approved by the voters or, if a borough is already incorporated, the assembly shall be composed and apportioned in a manner prescribed by charter or ordinance. Assembly composition and apportionment, including voting procedures based on the apportionment, may be prescribed in any manner consistent with the equal representation standards of the Constitution of the United States.

(b) Within six months of October 14, 1972, and thereafter within six months of the official report of a federal decennial census and issuance of any supplementary data to the report necessary to establish population distribution within the borough, the assembly shall

(1) determine and declare by resolution whether the existing assembly apportionment meets the standards designated under (a) of this section;

(2) if the existing apportionment does not meet the designated standards, provide by ordinance for reapportionment and, if it chooses, changes in assembly composition, in accordance with the designated standards;

(3) submit the ordinance to borough voters for approval or rejection as provided in (c) of this section.

(c) The vote on an ordinance submitted under (b) (3) of this section shall be tabulated in two separate classifications. One classification shall consist of all votes cast in the first class and the home rule cities of the borough. The other classification shall consist of all votes cast in the remaining areas of the borough. In order for the ordinance to be approved it must receive majority approval in each classification. If, at the end of the time period prescribed in (b) of this section, no ordinance has been approved, the Department of Community and Regional Affairs shall provide for the reapportionment in accordance with the standards designated in (a) of this section.

(d) In addition to providing for apportionment at the times required under (b) of this section, the borough assembly shall provide for its reapportionment and, if it chooses, a change in assembly composition, whenever, on the basis of federal census reports or other reliable population data, it determines that the existing apportionment does not meet the standards for apportionment designated in (a) of this section. The assembly is required to determine whether the standards are being met upon petition of 50 borough voters. The petition must include reliable evidence that the existing apportionment of the assembly does not meet the designated standards. Reapportionment under this section shall be implemented by ordinance or by act of the Department of Community and Regional Affairs in the same manner as prescribed for reapportionment in (c) of this section.

(e) Members of the assembly are selected according to assembly composition and apportionment set out in the incorporation petition approved by the voters or subsequently provided in accordance with this section. A change in assembly composition or apportionment under this section shall be effective beginning with the next regular election to the assembly.

(f) Assembly or Department of Community and Regional Affairs determinations or reapportionments made under this section are subject to judicial review. The running of time periods specified in (b) of this section shall be tolled until a final judgment is rendered in an action brought under this subsection.

(g) This section applies to home rule and general law boroughs. (§ 2 ch 118 SLA 1972; am § 12 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Cross reference.—See Editor's note to AS 29.18.120.

Effect of amendments. — The first 1972 amendment rewrote this section.

The second 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in the last sentence of subsections (c) and (d), and in the first sentence of subsection (f).

This section provides a convenient method for reapportioning whenever necessary. 1965 Op. Att'y Gen., No. 5.

Section supersedes home-rule enactments. — By AS 29.13.100 the legislature has specifically provided that this section supersedes existing and prohibits future home-rule enactments which provide otherwise. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

Section is ambiguous as to when voter ratification of subsequent apportionment plan required. — This section is ambiguous as to whether there must be voter ratification of an apportionment plan when the existing plan has not been determined to be unconstitutional. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

Such ratification is required when existing plan not found unconstitutional. — Voter ratification of a subsequent apportionment plan is required when the existing plan has not been determined to be unconstitutional. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

Authority to alter apportionment, etc., when apportionment is unconstitutional. — The assembly is required to take action when it determines that the apportionment of its assembly fails to meet the standards of the equal protection clause of the United States Constitution. Under those circumstances, authorization is granted to the assembly to make changes in its composition as well as to make the necessary reapportionment. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

But section is ambiguous as to authority when apportionment not found unconstitutional. — This section is

as to whether an election is required for reapportionment with its silence on the power of the assembly to reapportion in the absence of a determination of unconstitutionality, the supreme court found ambiguity exists as to whether an election is required. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

It does not indicate what population data may be used by the reapportioning agency. 1965 Op. Att'y Gen., No. 5.

However, the agency may use population data other than official census figures in reapportioning seats or votes. 1965 Op. Att'y Gen., No. 5.

The only limit imposed by this section is that a reapportionment plan may not take effect until the next assembly election. 1965 Op. Att'y Gen., No. 5.

ambiguous as to whether the assembly may alter either its apportionment or composition when the existing arrangement has not been found by the assembly to be unconstitutional. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

This section may have several referents: (a) that the make-up of the assembly may initially be composed and apportioned in a manner prescribed by the charter or ordinance, (b) that there may be changes made in the composition and apportionment by charter or ordinance at any time or (c) such changes may only be made in the manner spelled out in subsections (b) and (d) of this section which mandate such changes when the assembly apportionment fails to meet equal representation standards. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

The words in subsection (a), "... If a borough is already incorporated, the assembly shall be composed and apportioned in a manner prescribed by charter or ordinance," while not ambiguous in themselves, refer to several different possible applications. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

This particular ambiguity is best resolved in favor of the assembly having the power of reapportionment itself or alter its composition even when there has been no determination of unconstitutionality. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

Section is ambiguous as to when election required for reapportionment. — Taking in conjunction this section's silence

The legislature intended that all reapportionment ordinances be submitted to the electorate. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974).

Sec. 29.23.021. Assembly composition and apportionment [Effective January 1, 1981]. (a) Assembly composition and apportionment shall be consistent with the equal representation standards of the Constitution of the United States.

(b) The assembly of a newly incorporated borough is, after incorporation and until the adoption of an ordinance providing for a change in composition or apportionment, composed of the number of members and apportioned as set out in the incorporation petition approved by the voters. If the borough is already incorporated, the assembly shall be composed and apportioned in a manner that is consistent with AS 29.23.023 and prescribed by charter or ordinance.

(c) An assembly may not provide for weighted voting. (§ 1 ch 83 SLA 1979)

Effective date. — Section 27, ch. 83, SLA 1979, makes this section effective January 1, 1981.

Editor's note. — Section 26, ch. 83, SLA 1979, effective June 2, 1979, provides: "Notwithstanding AS 29.23.040, amended by sec. 4 of ch. 83, SLA 1979, the terms of office of borough assemblymen elected or appointed to dual borough assembly-city council seats are not affected by the amendment made to AS 29.23.040 in sec. 4 of ch. 83, SLA 1979 until reapportionment

of the borough assembly is required or proposed under AS 29.23.020, repealed by sec. 21 [24] of ch. 83, SLA 1979, or is effected as required or proposed under AS 29.23.021 — 29.23.025, added by sec. 1 of ch. 83, SLA 1979."

Statute superseded home-rule enactments. — See *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974), decided under former AS 29.23.020.

Sec. 29.23.023. Composition and representation requirements for general law boroughs [Effective January 1, 1981]. (a) The borough assembly shall provide for its composition and for the form of its representation. Not later than July 31, 1981, and thereafter within four months after the report of a federal decennial census, the assembly shall propose and submit to the voters at a regular election or special election called for the purpose, alternative forms of representation by which members are

(1) elected at large by all qualified voters of the borough;

(2) elected at large by all qualified voters of the borough, but required to live within an election district or zone established by the borough for election of assembly members, with each district or zone being of substantially equal population; or

(3) elected by and from election districts or zones established by the borough for the election of borough assembly members.

(b) The proposals set out in (a) of this section shall be submitted to the voters. The vote on the proposals submitted to the voters shall be tabulated in two separate classifications. One classification shall consist of all votes cast in the first class and home rule cities in the borough. The other classification shall consist of all votes cast in the remaining area of the borough. The borough assembly shall, within three months of the certification of the results of the election adopt an ordinance providing for its composition and the form of representation which conforms to the form of representation receiving a plurality of the votes in each classification at that election.

(c) A member of the assembly of a general law borough may not be elected or appointed by and from the council of a city in the borough. (§ 1 ch 83 SLA 1979)

Effective date. — Section 27, ch. 83, SLA 1979, makes this section effective January 1, 1981.

Editor's note. — Section 26, ch. 83, SLA 1979, effective June 2, 1979, provides: "Notwithstanding AS 29.23.040, amended by sec. 4 of ch. 83, SLA 1979, the terms of office of borough assemblymen elected or appointed to dual borough assembly-city

council seats are not affected by the amendment made to AS 29.23.040 in sec. 4 of ch. 83, SLA 1979 until reapportionment of the borough assembly is required or proposed under AS 29.23.020, repealed by sec. 21 [24] of ch. 83, SLA 1979, or is effected as required or proposed under AS 29.23.021 — 29.23.025, added by sec. 1 of ch. 83, SLA 1979."

Sec. 29.23.025. Assembly reconstitution and reapportionment [Effective January 1, 1981]. (a) Not later than July 31, 1981, and thereafter within four months after the official report of a federal decennial census, the assembly shall determine and declare by resolution if the existing apportionment of the assembly meets the applicable standards of AS 29.23.021 — 29.23.023.

(b) If the existing apportionment of the assembly does not meet the applicable standards of AS 29.23.021 — 29.23.023, the assembly shall provide by ordinance for its reapportionment. At the same time, the assembly may change the composition of the assembly.

(c) In addition to providing for apportionment at the times required under (b) of this section, the borough assembly shall provide by ordinance for its reapportionment and may provide for a change in its composition whenever it determines, on the basis of federal census reports or other reliable population data, that the existing apportionment does not meet the standards for apportionment in AS 29.23.021. If a petition signed by not less than 50 borough voters requests the assembly to determine whether the existing apportionment meets the standards for apportionment in AS 29.23.021, and the petition contains evidence that the existing apportionment does not meet those standards, the assembly shall make the determination requested.

(d) An ordinance adopted by the assembly under (b) or (c) of this section shall be submitted to the voters for approval. In order for the ordinance to be approved it must receive the approval of a majority of the votes cast.

(e) Within four months of a determination by the assembly that the current apportionment does not meet the standards of AS 29.23.021 — 29.23.025, the assembly shall adopt an ordinance providing for reapportionment, and submit the ordinance to the voters. If, at the end of the four-month time period, an ordinance providing for reapportionment has not been approved, the Department of Community and Regional Affairs shall provide for the reapportionment in accordance with the standards of AS 29.23.021 — 29.23.023.

(f) A reapportionment ordinance, or a determination of the borough assembly that applicable standards do not require adoption of a change in apportionment, is subject to judicial review.

(g) A change in assembly apportionment or composition under this section is effective beginning with the first regular election for members of the assembly which follows approval of a reapportionment ordinance. (§ 1 ch 83 SLA 1979)

Effective date. — Section 27, ch. 83, SLA 1979, makes this section effective January 1, 1981.

Editor's note. — Section 26, ch. 83, SLA 1979, effective June 2, 1979, provides: "Notwithstanding AS 29.23.040, amended by sec. 4 of ch. 83, SLA 1979, the terms of office of borough assemblymen elected or appointed to dual borough assembly-city council seats are not affected by the amendment made to AS 29.23.040 in sec. 4 of ch. 83, SLA 1979 until reapportionment of the borough assembly is required or proposed under AS 29.23.020, repealed by sec. 21 [24] of ch. 83, SLA 1979, or is

effected as required or proposed under AS 29.23.021 — 29.23.025, added by sec. 1 of ch. 83, SLA 1979."

Statute superseded home-rule enactments. — See *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974), decided under former AS 29.23.020.

The legislature intended that all reapportionment ordinances be submitted to the electorate. *Roderick v. Sullivan*, Sup. Ct. Op. No. 1099 (File No. 2243), 528 P.2d 450 (1974), decided under former AS 29.23.020.

6 * Sec. 4. AS 29.23.040 is amended to read:
7 Sec. 29.23.040. REGULAR TERM OF OFFICE. Assemblymen are selected
8 for three-year terms and until their successors are selected and have
9 qualified, unless different terms not exceeding four years are pre-
10 scribed by borough charter or ordinance. The regular term of office
11 begins on the first Monday following certification of the election.
12 [HOWEVER, IF UNDER A BOROUGH APPORTIONMENT CITY COUNCILMEN ARE APPOINTED
13 AS ASSEMBLYMEN OR ELECTED TO DUAL ASSEMBLY-COUNCIL SEATS, THEY MAY NOT
14 BE REPLACED UNTIL THEIR ASSEMBLY TERM EXPIRES AS PROVIDED BY CITY CHAR-
15 TER OR ORDINANCE, OR THEY CEASE TO BE A MEMBER OF EITHER THE ASSEMBLY OR
16 COUNCIL.] The current term of incumbent assemblymen may not be altered
17 under this section. This section applies to home rule and general law
18 boroughs.

(Additions to law are underlined; deletions capitalized within brackets)

23 * Sec. 26. Notwithstanding AS 29.23.040, amended by sec. 4 of this Act,
24 the terms of office of borough assemblymen elected or appointed to dual
25 borough assembly-city council seats are not affected by the amendment made to
26 AS 29.23.040 in sec. 4 of this Act until reapportionment of the borough
27 assembly is required or proposed under AS 29.23.020, repealed by sec. 21 of
28 this Act, or is effected as required or proposed under AS 29.23.021 - 29.23.-
025, added by sec. 1 of this Act.

1 * Sec. 27. Sections 1 - 3 and 24 of this Act take effect January 1, 1981.
2 Sections 4 - 23, 25 and 26 of this Act take effect immediately in accordance
3 with AS 01.10.070(c).

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DEPT. OF COMMUNITY
AND REGIONAL AFFAIRS

TO: [Hon. Lee McAnerney, Commissioner DATE April 7, 1980
Department of Community & Regional
Affairs

FILE NO. J-66-594-80
TELEPHONE NO.

FROM: AVRUM M. GROSS
ATTORNEY GENERAL

SUBJECT: Kenai Peninsula
Borough reapportionment

By: Rodger W. Pegues
Assistant Attorney General *[Signature]*

You have asked for our guidance in this matter of the reapportionment of the assembly of the Kenai Peninsula Borough.

With regard to deviations from absolute mathematical equality, 10 percent is the deviation allowed without explanation or rationalization. *Groh v. Egan*, 526 P.2d 863 (Alaska 1974). Any deviation of more than that amount must be justified. Whether it is justified depends upon the factually established basis for the justification. The following have sufficed at one place or another: preservation of existing subdivisions, adherence to boundaries of native groups, compactness of district, inclusion of only contiguous areas, observance of natural or historical boundaries, sparse population, history, economic and commercial factors, and community interests, socio-economic integration, and political considerations. However, none will suffice without supporting facts which justify the deviation. Accordingly, you will need to develop them for the record.

With regard to dual seats, *i.e.*, designation of one or more city council seats to represent a city's population on the assembly, the law does not provide for them, and therefore, under article X, section 4, of the Alaska Constitution, the reapportionment cannot provide for them. Moreover, the language of the amending statute on assembly apportionment, § 26, ch. 83, SLA 1979, clearly implies that dual seats will cease to exist upon reapportionment. Accordingly, the law not only does not provide for dual seats but by implication appears to prohibit them.

It follows, of course, that the councils cannot select representatives to the borough assembly. The assemblymen must represent the people, not the city council -- or more precisely -- a majority of the city council. Arguably, even if the Municipal Code did not require this result, the equal protection clauses of the state and federal constitutions would.

Hon. Lee McAnerney
April 7, 1980
Page #2

Carry-over terms raise other problems. In both Groh v. Egan, 526 P.2d 863, 881 (Alaska 1974), and Egan v. Hammond, 502 P.2d 856, 873-874 (Alaska 1972), the court upheld the executive's terminating senatorial terms of office where the reapportionment resulted in district lines which excluded a substantial number of persons who voted on the incumbents' elections or included a substantial number who did not. Accordingly, you have the power to require new elections in these circumstances. Whether new elections would be required by the constitution has not, apparently, been decided by the courts. It seems likely that, if less than half of the electorate of a new district had a voice in the selection of an incumbent, a new election would be required unless the incumbent's term of office was to expire within, say, no more than two years at the outside.

Finally, where specific geographic residency is required, so long as the assemblymen run at large in the entire area which they represent, there is no constitutional requirement that the sub-areas in which they reside have equal populations. However, AS 29.23.023, which becomes effective next January, requires that the election districts or zones have substantially equal populations. To avoid future problems, you should follow that rule.

RWP/pjg

TO: Hon. Lee McAnerney, Commissioner
Department of Community &
Regional Affairs

DATE: March 21, 1980

FILE NO.: J-66-561-80

TELEPHONE NO.:

FROM: AVRUM M. GROSS
ATTORNEY GENERAL

SUBJECT: Use of district-at-
large representation

By:
Rodger W. Pappas
Assistant Attorney General

You have asked whether it is constitutional to use a reapportionment plan for borough assemblies to provide for some (or all) of the seats to be held by persons who run at large but reside in particular districts.

The answer is that, absent an attempt to underrepresent a racial or political minority, representation on a district-at-large basis is constitutional.

In Dusch v. Davis, 387 U.S. 112 (1967), the apportionment plan provided for an eleven-member governing body. Four members were elected at large, without regard to residence. Seven members were elected by the voters at large within the municipality, but one being required to reside in each of the municipality's seven divisions. The populations of the divisions were not approximately equal.

The court held that requiring each of the seven councilmen to reside within a particular area was not unconstitutional, finding that the residential requirements did not alter any councilmen's responsibility to represent all of the population.

However, the Dusch court made it clear that a district-at-large scheme would not pass constitutional muster were it used as an evasive scheme to avoid the consequences of reapportionment, to cause or perpetuate invidious discrimination, to perpetuate certain persons in office, or to serve as a front for effecting representation solely of an underpopulated area.

In Dallas County v. Reese, 421 U.S. 477 (1975), the county commissioners, four in number, were elected by the electorate at large but had to reside one in each of four districts. The City of Selma, with a population of 27,379 was the largest of the four districts. The remainder had populations of 14,203, 7,505, 6,209 or a total of 27,917.

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March 21, 1980
Page #2

While that breakdown insured that any three votes would always represent a majority of residents, the court stated that that was not determinative.

Restating its rule from Dusch and from Fortson v. Dorsey, 379 U.S. 433 (1965), the court held that, absent evidence of invidious discrimination or of a scheme designed to minimize or cancel out racial, economic, or political elements, a plan which provided for at large elections of persons residing in separate districts was satisfactory.

The conclusion is, therefore, inescapable that the district-at-large method meets federal equal protection standards and is permissible under AS 29.23.021.

RWP/pjg

10: [Hon. Lee McAnerney, Commissioner
Department of Community &
Regional Affairs

DATE March 20, 1980

FILE NO. J-66-561-80

TELEPHONE NO.

FROM: AVRUM M. GROSS
ATTORNEY GENERAL

SUBJECT: Use of weighted or
fractional voting
for apportionment

By: Rodger W. Pegues
Assistant Attorney General

You have asked whether, the statutory prohibition notwithstanding, it would be constitutional to use weighted or fractional voting to apportion borough assemblies.

The use of weighted or fractional voting for apportionment purposes has been almost universally condemned. Burns v. Gill, 316 F. Supp. 1285 (D. Ha. 1970); Bannister v. Davis, 263 F.Supp. 202 (D. La. 1966); Swann v. Adams 263 F. Supp. 225 (S.D. Fla. 1967); WMCa, Inc. v. Lomenzo, 238 F. Supp. 916 (S.D.N.Y. 1965); CF., Jackman v. Bodine, 205 A.2d 735 (N.J. 1964). The only court to suggest that weighted or fractional voting might pass muster was the trial court in Town of Greenburg v. Bd. of Sup'rs. of Westchester County, 277 N.Y.S. 885 (1967). However, that court recognized that the highest court in the state had authorized such a plan only as a temporary expedient and not as a permanent reapportionment plan. Graham v. Bd. of Sup'rs. of Eire County, 219 N.E.2d 870 (N.Y. App. 1966). Also, Morris v. Bd. of Sup'rs. of Herkimer County, 273 N.Y.S.2d 453 (1966).

The courts are agreed that voting itself is but the tip of the iceberg. Real power lies in personal contacts and influence. Personalities count more than mere votes. To the extent that the legislative body functions through committees and personal contacts, a member's actual voting power is largely irrelevant. The evidence of this is too common to admit of dispute. Weighted or fractional voting is in a very real sense, therefore, the antithesis of the result sought by the rule of one man one vote. While the Alaska Supreme Court has never ruled on weighted or fractional voting, its application of the rule of one man one vote, as for example, in Groh v. Egan, 526 P.2d 863 (Alaska 1974), leads us to conclude that it would follow the course of cases where and hold against it.

DEPT. OF COMMUNITY
AFFAIRS

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MAR 21 1980

MEMORANDUM

TO: Hon. Lee McAnerney, Commissioner
Department of Community &
Regional Affairs
ATTN: Palmer McCarter, Director,
Local Government Assistance

DATE: November 6, 1978

FILE NO: J-66-252-79

DISPATCH NO:

FROM: AVRUM M. GROSS
ATTORNEY GENERAL

SUBJECT: Reapportionment of
borough assembly

By: *[Signature]*
Rodger W. Peppers
Assistant Attorney General

This responds to your request for advice on the statutory requirements for reapportionment of borough assemblies under AS 29.23.020.

Upon a showing that its existing apportionment does not meet equal protection (one-man, one-vote) standards, a borough assembly must prepare a plan of reapportionment, i.e., a reallocation of assembly seats, to meet those standards and submit it to the voters for their approval. AS 29.23.020(d); 1972 House Journal 1321, 1325. The requirement is mandatory. If the assembly fails to act, then your department must do so.

We do not perceive a "redistribution of voting power among the existing membership" as constituting a reapportionment of the assembly. Presumably, voting power is redistributed by instituting fractional or weighted voting. That is the method previously used in Alaska prior to the 1972 amendments to the State Constitution and the Municipal Code. It certainly is not expressed as an option in AS 29.23.020. While that section provides expressly for changes in assembly composition (i.e., numbers of assemblymen) and assembly apportionment (i.e., their allocation among different constituencies), no mention whatever is made of weighting the votes of the assemblymen. The law directs that reapportionment occur when the existing apportionment does not meet constitutional standards. There is no option.

Given our answer to these questions, the remaining questions become moot, i.e., whether an ordinance establishing weighted voting need be submitted to the voters for approval and whether weighted voting is constitutional.

RWP/pjg

RECEIVED
DEPT. OF COMM. & REG. AFFAIRS, LGAD
DATE NOV 9 1978

MEMORANDUM

State of Alaska

TO: Peg Benkert
Local Government Specialist
Department of Community &
Regional Affairs
Anchorage

DATE: September 18, 1975

FILE NO:

TELEPHONE NO:

FROM: Richard A. Bradley *RAB*
Assistant Attorney General
Department of Law
Juneau

SUBJECT: Kodiak apportionment of
Borough Assembly into at
large candidacies

My initial review indicates that my judgment was correct that at large elections are not per se violative of constitutional rights generally but also that evidence can be accumulated to indicate difficulties which may slip over into constitutional problems.

The decision of the Supreme Court included, White v. Regester, 412 U.S. 755, appears to stand for the proposition that multi-seat districts can be created that are acceptable under equal population standards but become discriminatory ~~because~~ they minimize the voting strength of racial or political elements of the voting population. 412 U.S. at 765. *if*

The Court majority in this case appeared satisfied that the multi-seat districts employed in Dallas and Bexar County were designed to minimize black and Mexican American voting strengths. Accordingly, it agreed with the District Judge in the case who ordered single member districts.

I am also including a quote from Gaffney v. Cummings, 412 U.S. 735, 751, which contains citations to other cases on the same subject. Gaffney itself is not altogether useful since the state it was concerned with, Connecticut, uses only single member districts.

I assume this responds adequately to your concerns at this time.

RAB:md

Enc.

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