

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 86/2

6786 HOUSE COMMUNITY & REGIONAL AFFAIRS

Conclusion Number Three

The Commission concludes that with the annexation, the CBJ would still conform to the standards set out in statutes for the incorporation of boroughs. Thus, the standard set out in 19 AAC 10.220 is satisfied. This conclusion is based upon the following findings.

- A. The population within the post-annexation boundaries of the CBJ would remain interrelated and integrated as to its social, cultural and economic activities.

The territory proposed for annexation is uninhabited. However, the area has significant social, cultural and economic ties to Juneau.

Juneau presently serves as the support center for Greens Creek Mine. Juneau is better prepared to provide the support, transportation and commercial services needed by the mining industry in the region in general, and the Greens Creek project in particular.

Travel to the area proposed for annexation is via the CBJ. The major employer in the area proposed for annexation, the Greens Creek Mine, has its corporate offices in the CBJ. Miners commute to work daily by ferry from homes within the municipal boundaries of the CBJ.

- B. The population within the expanded boundaries of the CBJ would remain large and stable enough to support borough government.

The greater Juneau area is one of the key metropolitan areas of Alaska. Its population is ample for purposes of borough government.

- C. The expanded boundaries of the CBJ would conform generally to natural geography and still include all areas necessary for full development of municipal services.

The post-annexation boundaries would conform generally to natural geography, to the extent that this standard is typically met by other organized boroughs in Alaska.

- D. The economy of the post-annexation CBJ would still include the human and financial resources capable of providing municipal services.

Annexation of the area would permit the CBJ to increase its annual revenues. As noted earlier, property tax revenues would increase by an estimated \$336,000 per year while sales tax revenues would climb by an estimated \$150,000 annually. This would be partially offset by a decline in State education funding (directly attributed to the increase in the tax base resulting from annexation) amounting to an estimated \$248,000 beginning in FY 94.

- E. Land, water and air transportation facilities of a post-annexation CBJ would still allow the communication and exchange necessary for the development of integrated borough government.

The area to be annexed is no more distant or difficult to reach than many other areas of the CBJ which are not on the road

Conclusion Number Four

The LBC concludes that the CBJ is capable of extending and willing to extend areawide services to the 140 square mile area proposed for annexation in accordance with 19 AAC 10.200. This conclusion is based upon the following findings.

As noted earlier, CBJ officials have outlined the services to be extended to the area upon annexation. Direct services include: emergency police services, search and rescue, emergency medical services, planning, zoning, coastal management, tax assessment and collection, and building inspection. In addition, services delivered by the CBJ in other locations, but available to the workers in the annexed area include: public schools, airport, hospital, harbor facilities, social services, cemeteries, libraries, convention facilities and museums.

The cost of extending these services to the area proposed for annexation is expected to be minimal. Additional tax revenues available to the CBJ as a result of the annexation are expected to exceed any cost of extending services to the area. Further, there are no known geographic or legal impediments which would prevent the CBJ from extending the aforementioned services to the area. Thus, there is no question that the CBJ is able to extend services to the area.

The willingness of the CBJ to extend services to this area is best measured by the actions of the CBJ Assembly, Mayor and Manager. These parties initiated the annexation proposal and support its implementation. Thus, it must be concluded that the CBJ is willing to serve the area proposed for annexation.

Conclusion Number Five

The impact that this annexation might have on the economic viability of existing and prospective boroughs is not an overriding consideration. Even so, the Commission concludes that the annexation would not necessarily have an adverse impact on the economic viability of a prospective Chatham Borough. This conclusion is based upon the following findings.

Financial viability of a region is an important consideration in determining whether it may be permitted to incorporate as a borough. However, borough boundaries should not be gerrymandered at the cost of social, economic, cultural and transportation ties in order to ensure financial viability of a particular region.

Even so, annexation of the Greens Creek Mine to the City and Borough of Juneau would not necessarily diminish the financial viability of a prospective Chatham Borough. Such an annexation would, of course, significantly diminish the property tax base of a prospective Chatham Borough. The mine has an estimated taxable value of \$62,000,000. That represents 48.3% of the estimated taxable value of property in a prospective borough encompassing Kake, Hoonah and Angoon.

While the relative value of the mine is significant in terms of the tax base of a prospective Chatham Borough, its exclusion from that prospective borough may actually increase its economic viability. As noted earlier, inclusion of the mine in the CBJ will increase its required local contribution to schools by \$248,000 -- the same would hold true for a Chatham Borough.

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CBJ ANNEXATION  
PAGE SEVEN

property taxes. Except as noted below, inclusion of the mine in a prospective Chatham Borough would actually be a financial burden on the borough unless it were willing to levy a property tax amounting to at least 4 mills.

Typically, property taxes are viewed by residents of sparsely populated rural boroughs as being among the least desirable means of raising local revenues. For example, none of the three most recently formed boroughs (all of which encompass rural, sparsely populated regions) levies property taxes.

Unless the property tax base of a borough is significant, property taxes are typically avoided because the tax is relatively difficult and expensive to collect. The property tax base of a prospective Chatham Borough encompassing Hoonah, Kake and Angoon would not be particularly strong. Including the Mine, the property tax base in the Chatham Borough would be slightly more than 75% of the average per capita tax base in all organized boroughs in Alaska. Without the Mine, the property tax base would be about 40% of the average per capita tax base in all organized boroughs.

An exception would exist if the borough were to levy a severance tax. Based upon a written opinion of the State Attorney General's office, it is believed that a Chatham Borough could levy a severance tax on mines operating within its boundaries. However, no borough in the state currently levies such a tax. Any attempt to levy a severance tax on mines in a Chatham Borough would be expected to meet with considerable legal and political resistance. Thus, reliance on such a tax may prove to be inappropriate.

The levy of a use tax by a prospective Chatham Borough on the "storage, use or consumption of tangible personal property" imported to the mine would also seem unsuitable as a means to offset the burden that the mine would impose with respect to required financial contributions to education. At \$248,000 annually, the Borough would have to levy a use tax in excess of 6 percent. Further, in order to levy a use tax, a general law borough must also levy a sales tax at the same rate.

Conclusion Number Six

19 AAC 10.600 allows the LBC to consider all methods of annexation and to utilize the most appropriate for any particular petition. The 'legislative review' method for annexation is the most appropriate in this instance. This conclusion is based upon the following findings.

Of the five alternative procedures for annexation, four may be ruled out as unavailable or inappropriate in the current instance. These are:

- A. Annexation by Ordinance of Municipally Owned Property - This process is unavailable since the CBJ does not own all of the territory proposed for annexation.
- B. Annexation by Ordinance Following Petition from 100% of Voters and Property Owners - This process is not available because all of the property owners (there are no resident registered voters) in the area did not petition the City and Borough of Juneau for annexation. Further, it is questionable whether the owners of the Greens Creek Mine support annexation.

- C. Step Annexation - This process is reserved for annexations which anticipate gradual extension of those municipal services funded with sales and/or property taxes (i.e. "full municipal services") to the area over a period not greater than five years. The City and Borough of Juneau proposes the extension of "full municipal services" immediately upon annexation. Therefore, this process is inappropriate.
- D. Local Election - This process is unavailable since there are no resident registered voters in the territory proposed for annexation.

This leaves the legislative review process. Beyond the fact that this is the only method under which the territory in question may technically be annexed, there is benefit in involving the State Legislature in annexation proposals of this nature. Because of social, political and economic forces facing Alaskans, interest in forming new boroughs and expanding existing boroughs has reached an unprecedented level. This level of interest is expected to continue to grow. This, in turn, is likely to result in greater conflicts among regions competing for municipal status. As such, it is important that the Legislature be involved in deliberations concerning these matters.

#### Conclusion Number Seven

The common social, cultural and economic ties between the 140 square miles proposed for annexation and the CBJ are so great that there is no question that this area will be within the CBJ's model boundaries once they are established. This conclusion is based upon the following findings.

Before the comprehensive 'model boundaries' of the CBJ are defined by the LBC, hearings on model boundaries for adjacent regions should be conducted. However, this does not prevent the LBC from acting on the petition for annexation. The relationship of the Greens Creek area to Juneau and adjacent regions (particularly the Chatham region) has been fully considered by the LBC. Interested parties from adjacent regions have had ample opportunity to provide written comment and oral testimony to the LBC on this matter.

While the 140 square mile area has undeniable social, cultural and geographic ties to the Chatham area, the LBC finds that this area has even stronger ties to Juneau. The strength of these ties, particularly relating to the extensive economic development of the Greens Creek Mine, have been outlined earlier in this Statement of Decision.

### SECTION III POSITION OF COMMISSION MINORITY

Commissioner Cotten's lack of support for the CBJ's petition is not based upon the merits of the proposal. Rather, it stems primarily from policy concerns over the nature of the annexation proceedings.

Of principal concern is the fact that the majority of the LBC approved the annexation even though the CBJ Assembly had, at the time, withdrawn its petition requesting annexation.

Further, the Commission heard no testimony at its July 13, 1990

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the Commission's opportunity to ask questions of CBJ officials concerning the merits of the annexation was effectively denied.

In addition, the majority of the LBC did not, at least formally, consider the proposed annexation in the context of model boundaries for the CBJ and adjacent regions.

SECTION IV  
UNANIMOUS POSITION OF COMMISSION CONCERNING  
PROPOSAL TO DEFER THE EFFECTIVE DATE OF THE ANNEXATION

On August 20, the CBJ Assembly rescinded its July 13 withdrawal of the petition to annex 140 square miles through the adoption of Resolution No. 1462 (Substitute). However, the rescision was subject to the deferral by the LBC of the effective date of the annexation to January 1, 1994.

The Commission was advised of the proposal to defer the annexation through the August 22, 1990 letter from Kevin Ritchie, Manager of the CBJ. Attached to that letter was a copy of Resolution No. 1462 (Substitute) and three pages of testimony of Cliff Davis, Manager of the Kennecott Greens Creek Mining Company. It appears from these materials that the proposal to defer the effective date of the annexation was intended to extend the municipal tax exempt status currently enjoyed by the mine development. Mr. Davis' testimony states:

. . . by delaying annexation until 1994, Greens Creek would be given a breathing space to become profitable before taxation begins. We have stabilized the economics at very low margin, but must improve them considerably to secure the mine's long-term future. We have considered a number of options for doing this, most of which require large capital expenditures. We want to get this behind us before we are annexed and begin paying taxes.

Mr. Jim Clark, Attorney for the Greens Creek Mine, confirmed this as the purpose behind the request for the deferred effective date in his memorandum of September 6, 1990. A copy of the memorandum was provided to each Commission member for consideration at the September 6 meeting.

Further, the LBC discussed the CBJ's request to defer the effective date with Mr. Jim Hall, Assistant Manager of the CBJ, who was present at the meeting of September 6.

Nothing in the letter of August 22 from Kevin Ritchie, the September 6 memorandum from Jim Clark or the comments of Jim Hall led the LBC to conclude that the request for a deferred effective date warranted serious consideration by the LBC.

The LBC felt that to grant the request for the deferred effective date would set a poor precedent. This would allow organized boroughs to "lock up" parts of the unorganized borough without exercising jurisdiction and control over these areas.

The Commission concluded that the request to defer the annexation for approximately 33 months is counter to the interests of the State. If, however, the CBJ Assembly feels that it is in the interests of its community to grant tax relief to the mine, the LBC notes that it has the capacity to do so without affecting the interests of the State.

The Commission notes that AS 29.45.050(m) authorizes the CBJ to

types of economic development property from taxation for up to five years" and that such exemptions may ever be extended beyond the five year period under certain restrictions. Thus, the CBJ may unilaterally grant the property tax deferral which it initially sought on behalf of the Mine.

Further, municipalities in Alaska enjoy very broad and liberal authority to grant exemptions from sales taxes which they levy. It is conceivable that the CBJ could legally enact a sales tax exemption (e.g. "exemption of sales to economic development properties") to provide sales tax relief to the mine for whatever period of time desired by the CBJ Assembly.

Granting such exemptions would not affect the level of local support required for operation of public schools required under Alaska's Public School Foundation Program. Regardless of any property or sales tax exemptions, the CBJ will be required to contribute an additional estimated \$248,000 in support of its public schools as a direct result of the annexation, beginning in FY 94 (see AS 14.17.025).

If, however, the Commission had agreed to the January 1, 1994 deferred effective date, this would have deferred the effective date of the additional required local contribution for schools for two years. Such consequences would have been counter to the interests of the State.

In consideration of all of these points, the LBC concluded that if the CBJ truly wished to defer the effective date of the annexation until January 1, 1994, the current petition should be denied and the CBJ should resubmit its petition for annexation in two years.

SECTION V  
ORDER OF THE COMMISSION

Based upon the findings and conclusions set out in Sections II and IV of this Statement of Decision, the Commission orders as follows:

1. That The City and Borough of Juneau, Alaska Petition for the Annexation of Certain Onshore and Offshore Areas in Stephens Passage and Admiralty Island, dated May 31, 1989, is approved.

2. That a recommendation for the annexation of the territory requested in the annexation petition noted in # 1 above be submitted to the First Regular Session of the Seventeenth State Legislature during the first ten days of the Session.

3. That the annexation take full effect forty-five days after presentation of the recommendation noted in # 2 above, or at the end of the First Regular Session of the Seventeenth State Legislature, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

4. That, upon the effective date of the annexation, the Department of Community and Regional Affairs issue a Certificate of Boundaries to reflect the annexation of territory to the City and Borough of Juneau. The post-annexation boundaries of the City and Borough of Juneau would be described as follows:

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PAGE ELEVEN

Beginning at Point Coke near Holkham Bay in Stephens Passage at North 57° 47' 30" Latitude and West 133° 42' Longitude;

thence northeasterly, to Boundary Peak No. 79 on the Alaska-Canadian Boundary line at North 58° 09' 14.28" Latitude and West 133° 10' 13.94" Longitude;

thence northwesterly, along the International Boundary Line to Mt. Nesselrode (Boundary Peak No. 98) at North 58° 57' 44.96" Latitude and West 134° 18' 42.03" Longitude;

thence westerly, along the common boundary with the Haines Borough, to Eldred Rock Light at North 58° 58.3' Latitude and West 135° 13.2' Longitude;

thence southerly, along said common boundary, to a point midway between Lincoln Island on the east and the mainland on the west, located at North 58° 30' Latitude and West 135° 04' 15" Longitude;

thence southerly, along a line toward U.S.C.&G.S. triangulation station YOUNG located at North 58° 11' 42.7" Latitude and West 134° 33' 24.1" Longitude, to the intersection with a line between U.S.C.&G.S. triangulation station OUTER located near Outer Point at North 58° 18' 00.2" Latitude and West 134° 41' 12.9" Longitude, and U.S.C.&G.S. triangulation station GROUSE located on the Mansfield Peninsula at North 58° 13' 42.7" Latitude and West 134° 42' 28.5" Longitude;

thence southerly, to said triangulation station GROUSE;

thence southwesterly, to the mean high water line at the north end of Hawk Inlet located in the North one-half of protracted Section 35, T.42S., R.65E., CRM;

thence southerly, along the mean high water line of the west side of said Hawk Inlet to Hawk Point located in protracted Section 33, T.43S., R.65E., CRM;

thence southeasterly, to an unnamed knob of unspecified elevation between protracted Section 3 and protracted Section 10 of T.44S., R.65E., CRM, said point lying on the boundary of the Admiralty Island National Monument Non-Wilderness Area as that boundary existed on May 31, 1989;

thence southeasterly, along the common boundary of said Admiralty Island National Monument Non-Wilderness Area, along the hydrographic divide between Greens Creek and an unnamed drainage of Piledriver Cove to an unnamed peak of unspecified elevation in the Southwest one-quarter of protracted Section 11 of said Township;

thence southeasterly, along said hydrographic divide to an unnamed peak of unspecified elevation in the Northeast one-quarter of protracted Section 25, T.44S., R.65E., CRM;

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PAGE TWELVE

thence easterly and southerly, along the hydrographic divide between an unnamed tributary of Wheeler Creek and an unnamed tributary of Greens Creek, to an unnamed peak, elevation 3752, in the southeast one-quarter of protracted Section 30, T.44S., R.66E., CRM;

thence northeasterly, along said hydrographic divide, through a saddle, elevation 1110, to an unnamed peak, elevation 3738, in the northeast one-quarter of protracted Section 16 of said Township;

thence easterly, along the hydrographic divide between an unnamed tributary of Wheeler Creek and an unnamed tributary of Greens Creek, to an unnamed peak, elevation 3990, in the west one-half of protracted Section 14 of said Township;

thence southeasterly, along said hydrographic divide, to an unnamed peak, elevation 3856, in the south one-half of said protracted Section 14;

thence easterly, along said hydrographic divide, to an unnamed peak, elevation 4469, in the south one-half of protracted Section 13 of said Township;

thence northerly and northwesterly, along the hydrographic divide between Greens Creek and King Salmon River through an unnamed peak, elevation 3802, to an unnamed peak, elevation 3830, in the northeast one-quarter of protracted Section 11 of said Township;

thence northeasterly, along said hydrographic divide, to the common boundary with the Admiralty Island National Monument as that boundary existed on May 31, 1989, said point being an unnamed peak of unspecified elevation in the east one-half of protracted Section 36, T.43S., R.66E., CRM;

thence easterly, along said common boundary and the hydrographic divide between Admiralty Creek and King Salmon River to an unnamed peak, elevation 3939, in the west one-half of protracted Section 31 of T.43S., R.67E., CRM;

thence southeasterly, along said hydrographic divide, to an unnamed peak, elevation 4210 in the south one-half of said protracted Section 31;

thence easterly, along said hydrographic divide, to an unnamed peak, elevation 2017, in the east one-half of protracted Section 33 of said Township;

thence northeasterly, along said hydrographic divide, to an unnamed peak of unspecified elevation in the northwest one-quarter of protracted Section 26 of said Township;

thence northwesterly, to Point Arden Light at North 58° 09.6' Latitude and West 134° 10.6' Longitude;

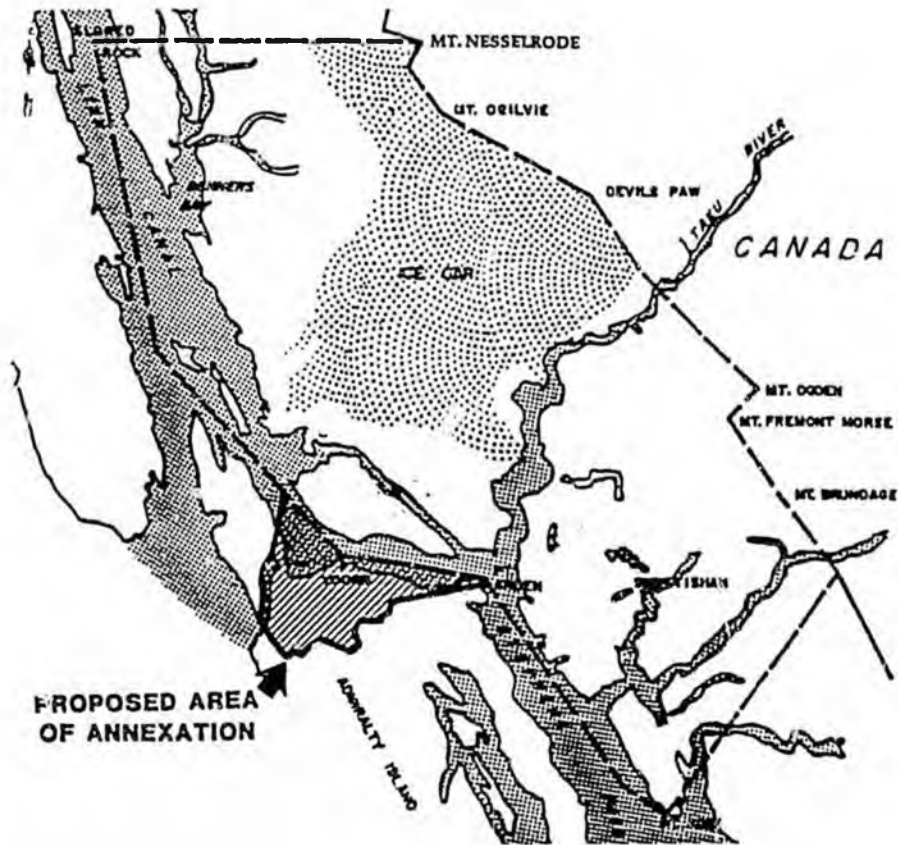
thence southeasterly, to Midway Island Light at North 57° 50.2' Latitude and West 133° 48.7' Longitude;

thence southeasterly, to Point Coke at North 57° 47' 30" Latitude and West 133° 42' Longitude, being the point of beginning.

STATEMENT OF DECISION  
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PAGE THIRTEEN

Containing 3,248 square miles, more or less, all in the First Judicial District, State of Alaska.

A map of this area is provided below:



ORDERED, THIS 8th DAY OF OCTOBER, 1990.

ALASKA LOCAL BOUNDARY COMMISSION

BY:

C. B. Bettisworth, Chairman

ATTEST:

Dan Bockhorst, Staff

RECONSIDERATION AND JUDICIAL APPEAL

Any individual may request that the Commission reconsider the decision outlined above within twenty days of the date of this order under 19 AAC 10.870. A copy of the regulations governing reconsideration is available from the Commission's staff at the Department of Community and Regional Affairs, 949 East 36th Avenue, Anchorage, Alaska 99508 (telephone number: 563-1073 - fax number: 563-1734).

A judicial appeal of this decision may also be made under the provisions of Alaska Rules of Appellate Procedures 601 et seq. An appeal to superior court must be made within thirty days from the date this order is mailed or delivered.

# STATE OF ALASKA

STEVE COWPER, GOVERNOR

## DEPT. OF COMMUNITY AND REGIONAL AFFAIRS

### MUNICIPAL AND REGIONAL ASSISTANCE DIVISION

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KOTZEBUE, ALASKA 99752-0280  
PHONE: (907) 442-3696

P.O. BOX 41  
NOME, ALASKA 99762-0041  
PHONE: (907) 443-5457

RECEIVED

AUG 3 1990

CBJ - LAW DEPT.

July 31, 1990

Mr. John Corso  
Deputy Attorney  
City and Borough of Juneau  
155 South Seward Street  
Juneau, AK 99801

Dear Mr. Corso:

You recently inquired about step annexation and the option to defer the effective date of annexation in regard to the Greens Creek Mine.

We believe that the Local Boundary Commission has the authority to delay the effective date of an annexation. In a January 17, 1984 opinion (copy enclosed), Assistant Attorney General James L. Baldwin concluded:

We believe the provisions of section 12 (Article X of the State Constitution) do not restrict the power of the local boundary commission to delay the operative date of the boundary change. . . .

There is no express provision in either the statute or the regulations dictating the time that a boundary change is to become operative. Therefore, the only restraint on the agency's choice of annexation method is the requirement that there be no abuse of discretion.

We are uncertain, however, whether the option of step annexation would be appropriate in this instance. Laws allowing step annexation were enacted as an alternative to immediate annexation. The step annexation provision allows for gradual assimilation of contiguous areas into a municipality where direct annexation would be premature or impractical. We are unaware of circumstances which indicate that it may be "premature or impractical" for direct annexation of the Greens Creek Mine to the City and Borough of Juneau.

EXHIBIT A

Mr. John Corso  
July 31, 1990  
Page Two

Further, laws regarding step annexation provide only for the annexation to a city of contiguous territory "upon a majority approval of the voters of the contiguous area to be annexed . . ." (see AS 44.47.567(a)(4), AS 44.47.567(b)(2) and 19 AAC 10.740 - 790). Whether a unified municipality could annex an unpopulated area using this method is unclear.

If you wish to further consider the option of step annexation, we would appreciate the opportunity to discuss the matter with you. Please contact Dan Bockhorst or myself.

Sincerely,

  
Marty Rutherford  
Director

enclosure: January 17, 1984 memorandum from James L. Baldwin

cc with enclosure:

The Honorable Bruce Botelho, Mayor, City and Borough of Juneau  
Members of the Local Boundary Commission  
Marjorie Odland, Assistant Attorney General

EXHIBIT A

# MEMORANDUM

# State of Alaska

TO: Jim Sanders  
Local Boundary Commission

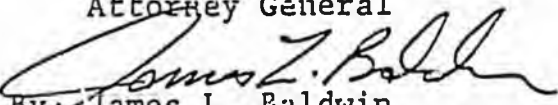
DATE: January 17, 1984

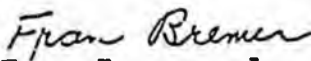
FILE NO:

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch  
Attorney General

SUBJECT: Delaying effective  
date of boundary  
change

  
By: James L. Baldwin  
Assistant Attorney General  
Governmental Affairs-Juneau

  
By: Fran Bremer, Legal Intern  
Governmental Affairs-Juneau

You have asked us whether the local boundary commission can validly delay the effective date of a boundary change for two years, contingent on the holding of an election for the unification of the Borough and City of Haines. The answer is yes.

Article X, section 12 of the Alaska Constitution provides for the establishment of a local boundary commission, which may present a proposed boundary change to the legislature within the first 10 days of the session. Section 12 provides, "[t]he change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house." AS 44.47.583 repeats essentially the same language: "the change becomes effective 45 days after the presentation ...."

An examination of the minutes of the constitutional convention shows that the wording of section 12 was not intended to set a definite date on which the boundary change was to physically occur. 4 Proceedings of the Alaska Constitutional Convention 2750-2753 (Jan. 20, 1956). Rather, the language was intended as a limit on the legislature's power to disapprove a proposed boundary change.

At the convention, an amendment was introduced which required active legislative approval of a proposed boundary change. The delegates discussed the merits of permitting the proposed change to occur without legislative intervention, and rejected the amendment. 4 Proceedings at 2751. It is clear from comments made during floor debate that the delegates' main concern was the potential for delay caused by conditioning a boundary change on legislative approval. A delegate noted that a boundary change could be "difficult to get through if it is going

## EXHIBIT C

to affect somebody's constituents." Id. Others noted that changes must be submitted to the legislature "but in the press of business ... they may not get around to consider such little things as a minor boundary change ..." and that "this little boundary adjustment will go from session to session ... because they won't have time to make it approved." Id. The 45-day limit on the legislature's power to disapprove avoided the possibility that the boundary change could go "from session to session" without being decided. See also A.L.I.V.E. Voluntary, 606 P.2d 769 (Alaska 1980)(discussion of article X, section 12 in terms of the power of the legislature to veto executive action).

We believe the provisions of section 12 do not restrict the power of the local boundary commission to delay the operative date of the boundary change. Alaska courts have recognized that annexation decisions involve policy choices that are incapable of judicial resolution. Port Valdez Co., Inc. v. City of Valdez, 522 P.2d 1147 (Alaska 1974); U.S. Smelting, Refining & Mining Co. v. Local Boundary Comm'n, 489 P.2d 140 (Alaska 1971). The local boundary commission was created to provide an expert and experienced agency to make these policy choices within the guidelines set out by law and regulation. See Town of Stillwater v. Minn. Municipal Comm'n, 219 N.W.2d 82, 87 (Minn. 1974)(commenting on the Minnesota Municipal Commission, whose structure and function is similar to that of the local boundary commission). Accordingly, the statutory scheme grants the commission broad power in matters affecting local boundaries. AS 44.47.565 -- 44.47.583. There is no express provision in either the statute or the regulations dictating the time that a boundary change is to become operative. Therefore, the only restraint on the agency's choice of annexation method is the requirement that there be no abuse of discretion. Port Valdez, 522 P.2d at 1151. The commission's decision to allow a two-year delay was a reasoned choice between the competing objectives of encouraging cooperation between the city and borough, and that of settling boundary questions promptly to facilitate planning and assure responsiveness to current conditions. The commission's choice of method -- to delay the operative date -- is analogeous to an agency's power to delay the effective date of a regulation under AS 44.62.180(4). We, therefore, conclude that the commission has the power to delay the operative date of the annexation for two years.

FB/pjg

EXHIBIT C

## MEMORANDUM

State of Alaska

TO: Marty Rutherford, Director  
Municipal & Regional Asst. Div.  
Dept. of Community & Regional  
Affairs

DATE: July 23, 1985

FILE NO. 366-034-86

TELEPHONE NO. 465-0600

FROM: Harold M. Brown  
Attorney General

SUBJECT: LBC authority to de-  
tach an area from an  
organized borough

By: Jonathan B. Rubini  
Assistant Attorney General  
Governmental Affairs-Juneau

You have asked whether the Local Boundary Commission (LBC) enjoys the legal authority to present to the legislature a petition which provides for the detachment of an area from an organized borough if, but only if, the area to be detached is included within a newly-formed borough. Upon your request to expedite our review of this matter, we stated our oral advice that the LBC does enjoy the requisite legal authority. We briefly set out our views below.

We are advised that the North Slope Borough presently has under consideration a proposal to detach that portion of the borough which is included within the NANA Regional Corporation. The area in question includes the Red Dog mineral deposit, and inclusion of the Red Dog site is considered essential to the formation of a new borough encompassing the NANA Regional Corporation territory.

Article X, section 12 of the Alaska Constitution provides for the establishment of the LBC, and further directs the LBC to "consider any proposed local government boundary change." (Emphasis added.) Boundary changes approved by the LBC are presented to the legislature and "shall become effective forty-five days after presentation ... unless disapproved by a [concurrent resolution]."

We have previously stated our view that the LBC enjoys broad, inherent legal authority in the discharge of its constitutional and statutory obligations. 1982 Inf. Op. Att'y Gen. (J66-585-21; Oct. 25) (copy attached). Our conclusion in this regard reflects the series of Alaska Supreme Court decisions which reflect the court's deference to recommendations and procedures adopted by the LBC. See Port Valdez Co. v. City of Valdez, 522 P.2d 1147 (Alaska 1974); Cesau v. City of Billingsham, 439 P.2d 130 (Alaska 1968); Fairview Public Utilities District Number One v. City of Anchorage, 508 P.2d 540 (Alaska 1962). Cesau is particularly illuminating, since in that case the court explicitly noted that the LBC enjoys the authority to dissolve a city notwithstanding the absence of express statutory authority to do so. Cesau, 439 P.2d at 183.

EXHIBIT D

Marty Rutherford, Director  
CRA--Municipal & Regional Asst. Division  
366-034-86

July 23, 1985  
Page #2

The immediate question is whether the constitutional effective date provision precludes the LBC presentation of a qualified boundary change, that is, a proposal which takes effect at some point -- and for some reasons -- unrelated to the 45-day provision. In most instances, the affirmative action of the legislature is required to initiate legislative action. In this instance, as in the case of legislative review of executive orders under article III, section 23, the constitution uniquely authorizes legislative "approval" through inaction. The provision reflects deference to the LBC and a desire to compel expeditious legislative attention to a LBC proposal. The constitutional provision should not be construed as a substantive limit to the otherwise broad delegation of legislative powers to the LBC. Indeed, the effective date provision is not necessarily in conflict with the broad authority of the LBC. Viewed properly, the effective date clause relates to the LBC proposal, not the underlying boundary change. Were the LBC to exercise its inherent authority to present a qualified proposal to the legislature, the proposal -- as qualified by the LBC -- takes effect 45 days after submission unless disapproved by concurrent resolution. Accordingly, we believe that the LBC enjoys the legal authority to present a qualified proposal to the legislature.

We further note that regulations adopted by the LBC further confirm the authority to present a qualified proposal. 19 AAC 10.240(b) provides:

(b) If, in fulfilling the requirement of (a) of this section, the petitioners have proposed the incorporation of a new municipality, the commission will, in its discretion, condition approval of the detachment upon voter approval of the incorporation proposal.

The regulation expressly authorizes the LBC to condition a detachment petition upon the subsequent incorporation of a municipality including the detached area. By direct implication, the regulation reflects that the LBC may condition a detachment petition upon the subsequent incorporation of a new borough. See 1982 Inf. Op. Att'y Gen. (J66-535-81; Oct. 25). See generally U.S. Smelting, Refining and Mining Co. v. Local Boundary Comm'n, 489 P.2d 140 (Alaska 1971).

If you have any other questions, please feel free to call.

JBR/pig  
Enc.

EXHIBIT D

**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

240 Main Street, Suite 500  
Juneau, Alaska 99801-2101

MEMORANDUM

February 11, 1992

**SUBJECT:** Effective Dates of LBC (Work Order No. 7-LS1980)

**TO:** Representative Jerry Mackie

**FROM:** Tamara Brandt Cook  
Director TBC

You have asked whether the Local Boundary Commission (LBC) may include a delayed effective date in an annexation proposal submitted to the legislature. It is not clear to me that the LBC now has the authority to delay the effective date of an annexation. Article X, section 12 of the state constitution provides:

Section 12. Boundaries. A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action. (Emphasis added)

The legislature has included this language in AS 44.47.567, so it could be argued that the effective date of an annexation submitted to the legislature as a boundary change has been established as a matter of both constitutional and statutory law.

It is true that the legislature has provided for gradual or step annexations for cities under AS 44.47.567. The Supreme Court appears to have accepted the power of the legislature to do so, despite the language of the constitution regarding the effective date of changes. (Port Valdez Company, Inc. v. City of Valdez, 522 P.2d 1147 (Alaska 1974)) But it may be that the court does not consider a step annexation to amount to a special effective date, since the beginning of the annexation process may coincide with the constitutionally established effective date. In any case, it does not appear that the legislature has authorized even step annexations for boroughs, much

Representative J. Mackie  
February 11, 1992  
Page 2

less delayed effective dates. There is, I think, at least a question as to whether the LBC can, on its own initiative, provide for a delayed effective date.

TBC:mi  
92-021.mai

STATE OF ALASKA  
LOCAL BOUNDARY COMMISSION

STATEMENT OF DECISION

IN THE MATTER OF THE EFFECTIVE)  
DATE OF THE ANNEXATION OF THE)  
GREENS CREEK MINE AND SURROUNDING)  
TERRITORY TO THE CITY AND BOROUGH)  
OF JUNEAU )

SECTION I  
BACKGROUND

A. Petition for Annexation.

On May 25, 1989, the Assembly of the City and Borough of Juneau (CBJ) adopted a resolution authorizing a petition for the annexation of approximately 140 square miles. The area included the Greens Creek Mine on Admiralty Island.

The CBJ's annexation petition was filed on June 1, 1989. Six days later, the Local Boundary Commission (LBC) announced that it had postponed consideration of all pending proposals for borough annexation and incorporation. This action was taken to allow the LBC the opportunity to define 'model' boundaries for existing and future boroughs. The model boundaries, in turn, would be used to guide decisions concerning all future borough annexation and incorporation proposals.

Following a review of the petition, the Department of Community and Regional Affairs (DCRA) notified CBJ officials that the form and content of the petition were in substantial compliance with applicable laws. Public notice of the filing of the petition was subsequently provided.

On April 12, 1990 DCRA (in its role as staff to the LBC) issued its draft report and recommendation concerning the proposed annexation and ideal boundaries of the CBJ. Public comments on the report were accepted over a period of more than five weeks.

On June 22, 1990, DCRA released its final report and recommendation on the proposed annexation and model boundaries for the CBJ. DCRA recommended in its final report that the annexation be approved on the condition that the area to be annexed be expanded to encompass all of the territory within the CBJ's ideal boundaries. The ideal boundaries identified by DCRA extended to Hobart Bay on the mainland and included the Glass Peninsula and other areas on Admiralty Island.

The LBC scheduled a hearing on the annexation petition and CBJ model boundaries for July 13, 1990 in Juneau. Arrangements were made to allow residents of the communities of Angoon, Hoonah, Kake and Petersburg to participate in the hearing via teleconference. Notice of the hearing was provided as required by law.

B. Withdrawal of Petition.

Approximately six hours prior to the scheduled start of the LBC's hearing, the Assembly of the CBJ adopted a motion to withdraw its annexation petition. Notwithstanding that action, the LBC proceeded with the hearing. The LBC did so on the basis that:

1. Extensive notice of the hearing had already been given;
2. It was perceived that residents of Juneau and surrounding communities wished to testify before the LBC on the annexation and model boundary issues;

3. The LBC believed that the CBJ Assembly may have acted hastily in its attempt to withdraw the petition due to a concern that the recommendation of DCRA for the expansion of the territory proposed for annexation would be given "rubber stamp approval" by the LBC; and
4. There was no provision in statute or regulation under which a petitioner could withdraw a petition submitted to the LBC.

C. LBC Approval of Petition.

On July 14, 1990, the LBC adopted a motion to approve the annexation of the 140 square mile area requested in the CBJ petition. Approval was granted on the condition that the CBJ Assembly rescind its withdrawal of the petition.

On August 20, 1990, the CBJ Assembly adopted a resolution reinstating the annexation petition. However, the action was subject to the condition that the LBC defer the effective date of the annexation to January 1, 1994.

On September 6, 1990, the LBC rejected the request to defer the annexation. The LBC set September 22, 1990 as a deadline for concurrence by the CBJ Assembly for the Commission to proceed without delay on the annexation.

On September 17, 1990 James F. Clark, Attorney for the Kennecott Greens Creek Mining Company (KGCMC), notified the LBC that reconsideration of the LBC's decision would be requested. Later that same day, the CBJ Assembly adopted Resolution No. 1469 agreeing to annexation without delay. The Resolution appeared to make the Assembly's action conditional upon denial by the LBC of the anticipated request for reconsideration. However, CBJ officials indicated later that the Assembly did not intend this to be the case.

On September 22, 1990, the LBC adopted a motion stating that the action taken by the CBJ Assembly through Resolution No. 1469 satisfied the terms stipulated by the LBC on September 6. Thus, the petition was considered approved and the Commission directed that the annexation proceed without delay.

The LBC adopted a written statement of decision concerning the annexation on October 8, 1990. A copy of that statement was provided to CBJ officials, KGCMC officials and other interested parties.

D. Reconsideration.

On October 29, 1990, KGCMC filed a timely request for reconsideration of the LBC's decision. The request for reconsideration raised the following allegations:

1. Once the petition had been withdrawn by the CBJ, the LBC had no authority to approve it.
2. After the CBJ reinstated its petition, the matter should have been treated as a new petition, beginning with new notice of the filing of the petition.
3. The LBC did not seriously consider the CBJ's request to defer the effective date of the annexation.

4. The LBC's decision on the proposed deferral was made without substantive discussion and the conclusions presented in its statement of decision were not supported by the record.
5. The LBC was arbitrary in that it approved the petition based upon the action of the CBJ Assembly on September 17, 1990 (which did not provide for an immediate effective date, given the pending reconsideration) but denied the proposed deferral without debate.
6. The LBC's decision to approve the CBJ's petition was arbitrary in light of its denial of a similar annexation petition from the Fairbanks North Star Borough.

On November 8, 1990, the CBJ filed a response to the request for reconsideration. The response stated that "the city and borough believes that reconsideration of the reinstated amended petition with the 1994 effective date proposal as set forth in CBJ Resolution No 1462 (Substitute) is appropriate." The following three reasons were cited as the basis for the CBJ's position.

1. The CBJ Assembly action of September 17, 1990 was not intended to preclude reconsideration.
2. Neither the statutes nor LBC regulations provided procedures for withdrawal or amendment of petitions.
3. Reconsideration would result in a full hearing on the CBJ's reinstated amended petition.

On November 10, the LBC voted to reconsider its earlier denial of the proposed deferral of the annexation. The LBC limited reconsideration to the effective date of the annexation. That is, approval of the annexation itself was not to be reconsidered.

On December 13, 1990, the CBJ filed a brief urging the LBC to approve the proposal to defer the annexation. Copies of the brief were served by the CBJ on 62 interested parties.

Notice of the proposal to defer the annexation was served on 62 parties by the CBJ on December 13. As the notice contained a typographical error in the deadline for comments (February 1 instead of February 11) a corrected notice was served on the same 62 parties on December 17, 1990. The notice was also published in the Juneau Empire on December 21 and 28, 1990 and January 4, 1991.

On February 8, 1991, KGCMC filed an answering brief in support of the deferral. The Mayor of the City of Kake was the only other party to offer written comments on the matter by the February 11, 1991 deadline.

On March 15, 1991, DCRA's draft report concerning the pending reconsideration of the proposed deferral was released for public review. Individuals were given until April 15, 1991 to comment on the draft.

On June 4, 1991, DCRA issued its final report and recommendation on the proposed deferral. DCRA recommended against granting the deferral.

The LBC held a hearing on the proposed deferral on June 29, 1991 in the CBJ Assembly Chambers.

SECTION II  
FINDINGS AND CONCLUSIONS

Based upon the evidence before the Commission, including but not limited to, the briefs filed by the CBJ and KGCMC, the report and recommendation of DCRA, other written submissions and testimony to the LBC at its June 29, 1991 hearing, the Commission makes the following findings and conclusions.

Conclusion Number One: THE DEFERRED EFFECTIVE DATE WOULD SERVE VALID PUBLIC PURPOSES. This conclusion is based upon the following findings.

The annexation is warranted for the many reasons cited in the October 8, 1990 statement of decision of the Commission concerning this matter (incorporated herein by reference). However, it appears that municipal tax and regulatory burdens imposed prior to 1994 may jeopardize the long-term viability of the mine.

According to testimony from the CEJ at the June 29, 1991 hearing, concerns over the impacts of annexation upon the mine were not present in 1989 when the annexation petition was filed. However, a subsequent decline in the price of silver and zinc has affected the profitability of the mine.

Cliff Davis, Manager of the Greens Creek Mine, stated in an affidavit dated April 15, 1991, that "[t]he Greens Creek Mine is not currently profitable and will not be profitable under current circumstances." The record also indicates that the mine has cut back on employee pay and benefits in order to reduce costs. Further, KGCMC officials testified that the mine has asked vendors to reduce the cost of supplies provided to the mine as a consequence of the downturn in the price of ore.

In addition to efforts to reduce costs, mine officials are contemplating an expansion of the operations to enhance profitability. If the territory were annexed to the CBJ, any expansion would be subject to land use regulation by the CBJ. KGCMC officials testified that the municipal permits for the expansion would likely exceed \$200,000.

CBJ officials testified that KGCMC has proven itself to be a very responsible organization with a sound environmental record. Any expansion of the mine would be subject to federal and state environmental laws. CBJ officials expressed no concern over the prospect of expansion of the mine while it was outside the jurisdiction of the CBJ.

In addition to relief from permit fees, CBJ officials testified that temporary relief from municipal sales and property taxes is warranted. The Greens Creek Controller testified that deferral of the annexation until 1994 is projected to save the mine a minimum of nearly \$835,000 in taxes and permit fees. The CBJ and the KGCMC have reached an accord that deferral of the annexation until 1994 will provide sufficient relief from regulation and taxes to help ensure the long-term viability of the mine.

Because the Greens Creek Mine (which directly employs some 300 Juneau residents) is an important part of the Juneau economy, its well-being is critical to the interests of Juneau. In turn, healthy communities are vital to the interests of the State.

Conclusion Number Two: DEFERRAL OF THE ANNEXATION IS A REASONABLE MECHANISM TO GRANT TEMPORARY RELIEF FROM TAXES AND REGULATION. This conclusion is based upon the following findings.

While the CBJ has authority to grant sales and property tax relief to the mine following annexation, it would be impractical for it to do so. Once property and sales tax exemptions are enacted by local ordinance, they are likely to be difficult to repeal. Thus, any tax exemptions are likely to extend beyond the short-term period desired in this particular case.

Further, any property and sales tax exemptions granted to the Greens Creek Mine are likely to be requested by others in the CBJ. In order to enact legally sound exemptions, CBJ officials testified that it might be necessary to extend the exemptions to others. Testimony from CBJ officials indicated that the CBJ Assembly considered, but rejected, the option of local tax exemptions apparently because of these concerns.

SECTION III  
ORDER OF THE COMMISSION

Based upon the findings and conclusions set out in Section II of this Statement of Decision, the Commission orders as follows:

1. That the annexation of approximately 140 square miles to the City and Borough of Juneau (as noted in the LBC's October 8, 1990 Statement of Decision) be given an effective date of January 1, 1994.
2. That a recommendation for the annexation of the subject territory with an effective date of January 1, 1994, be submitted in accordance with Article X, § 12 of the Constitution of the State of Alaska to the Second Regular Session of the Seventeenth State Legislature during the first ten days of the Session (i.e. no later than January 22, 1992).
3. That upon the effective date of the annexation, the Department of Community and Regional Affairs issue a certificate of boundaries of the City and Borough of Juneau reflecting the subject annexation. Provided, however, that the City and Borough of Juneau first submit documentation to the Department demonstrating full legal compliance with the Voting Rights Act of 1965, 42 U.S.C. § 1973c as it relates to this annexation.


ORDERED, THIS 8th DAY OF SEPTEMBER, 1991.

ALASKA LOCAL BOUNDARY COMMISSION

BY:

  
C. B. Bettisworth, Chairman

ATTEST:

  
Dan Bockhorst, Staff

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RECONSIDERATION AND JUDICIAL APPEAL

Within 20 days after a decision of the Commission is final, any person may file a request for reconsideration of that decision, setting forth specifically and in detail substantial facts and analysis in support of a reconsideration. The Commission may, on its own motion, order reconsideration.

A judicial appeal of this decision may also be made under the provisions of Alaska Rules of Appellate Procedures 601 et seq. An appeal to superior court must be made within thirty days from the date this order is mailed or otherwise delivered to the appellant. If a request for reconsideration is filed in a timely manner with the Commission, the notice of appeal must be filed within 30 days after the date that the Commission's reconsideration decision is mailed or otherwise distributed to the appellant, or after the date the request for reconsideration is deemed denied under the Commission's regulations, whichever is earlier.

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S B

9

# HOUSE COMMITTEE REPORT

(7) Date Referred: April 15, 1991 FURTHER REFERRALS: Rules

Date of Committee Action: 4-29-91

The COMMUNITY AND REGIONAL AFFAIRS Committee considered: CSSB 9(TRA)

CS FOR SENATE BILL NO. 9 (TRANSPORTATION)  
BOB BLODGETT HWY; JOHNSTON BR.; MT. MCGHAN

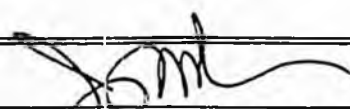
"An Act naming the Bob Blodgett Nome-Teller Highway, the Ina Johnston Bridge, and Mount McGhan."

RECOMMENDATIONS:  
 be replaced with House CS for CS SB 9 (CRA)  the same title  a new title  
 have attached amendments(s)  
 do pass  
 do not pass  
 no recommendations  
 individual recommendations  
 additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 fiscal impact \_\_\_\_\_  fiscal note(s) \_\_\_\_\_  
 zero fiscal note \_\_\_\_\_  zero fiscal note(s) DOT, DNR

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Richard Lopez</i>	*				
<i>Neil Phillips</i>	x				
<i>Betty Davis</i>	x				
<i>Jan W. Baker</i>	x				
<i>Jan M</i>	x				
<i>Cheri Davis</i>	✓				
<i>John C. Snydes</i>	✓				

  
 \_\_\_\_\_  
 CHAIRMAN'S SIGNATURE



# Alaska State Legislature

Al Adams  
District L

WHILE IN SESSION  
P.O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3707

---

OUT OF SESSION  
P.O. Box 333  
Kotzebue, Alaska 99752  
(907) 442-3245

---

3111 C Street  
Anchorage, Alaska 99503  
(907) 561-7622

Official Business

TO: Representative Mike Navarre, Chair  
House Finance Committee

FROM: Senator Al Adams *ADA*

RE: Senate Bill 9, An Act naming the Bob Blodgett Nome-Teller Highway, the Ina Johnson Bridge, and Mount McGhan"

DATE: April 9, 1991

This is to request a hearing in the House Finance Committee on the aforementioned legislation.

Attached to this letter are.

- copy of original bill and most recent version
- fiscal notes from LCRA, DOT and DNR
- map of the road area for Bob Blodgett Road designation
- letter of support from the Department of Transportation Western District manager for Bob Blodgett Road designation
- copies of past newspaper articles showing Senator Blodgett's interest in creation of the road
- letter of support from the City of Nome for Bob Blodgett Road designation
- resolution by the Nome City Council in support of Bob Blodgett Road designation
- statutory citation of need for legal action in road naming
- statutory citation for Geographic Names Board
- legislative citation that passed the Seventeenth Legislature recognizing the contributions of Senator Blodgett
- resolution of the North and Northwest Mayors Conference supporting the Bob Blodgett Road designation
- committee reports
- background material on Ina Johnson and Bruce McGahn

If you need further information please contact Martha Stewart my office.

Thank you for your consideration.

7-LS0163G ✓  
Utermohle  
4/25/91

**HOUSE CS FOR CS FOR SENATE BILL NO. 9 (CRA)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): SENATORS ADAMS, Rodey, Sturgulewski**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act naming the Bob Blodgett Nome-Teller Highway and the Ina Johnston Bridge."**

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

3 **\* Section 1. AS 35.40 is amended by adding new sections to read:**

4           **Sec. 35.40.070. BOB BLODGETT NOME-TELLER HIGHWAY. This road connecting**  
5           **Nome and Teller is named the Bob Blodgett Nome-Teller Highway.**

6           **Sec. 35.40.075. INA JOHNSTON BRIDGE. Bridge number 1192 on Edgerton Park**  
7           **Road over the Little Susitna River is named Ina Johnston Bridge.**

**HOUSE CONCURRENT RESOLUTION NO.  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE**

**Introduced:  
Referred:**

**A RESOLUTION**

**1 Suspending Uniform Rules 41(b), 24(c), and 35 of the Alaska State Legislature concerning  
2 Senate Bill No. 9, relating to naming a highway, bridge, and mountain.**

**3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**4 That under Rule 54 of the Uniform Rules of the Alaska State Legislature, the provisions of Rule  
5 41(b), Rule 24(c), and Rule 35 of the Uniform Rules, regarding changes to the title of a bill, are  
6 suspended in consideration of Senate Bill No. 9, naming the Bob Blodgett Nome-Teller Highway, the  
7 Ina Johnston Bridge, and Mount McGhan.**



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
**BILL ANALYSIS**

DEPARTMENT DCRA	DIVISION AK State Geographic Names Board	BILL NUMBER CSSR9	SPONSOR Senators Adams, Rodey, & Sturqulewski
SHORT TITLE OF BILL An Act naming the Bob Blodgett Nome-Teller Highway, the Ina Johnston Bridge & Mount McGhan			
DEPARTMENT POSITION The Geographic Names Board does not name man-made features, so we have no position on the road or bridge names; suggest asking DOT/PF for their position. We are opposed to Sec. 2 of this bill which names Mount McGhan for reasons outlined below.			
PREPARED BY Vicki Moore	DATE 2/14/91	COMMISSIONER'S SIGNATURE <i>EL. STY</i>	DATE 2/19/91

**SUMMARY**

OTHER AGENCIES AFFECTED BY BILL  DOT/PF	CONSTITUENT GROUP(S) AFFECTED BY BILL  Debra McGhan
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT:     NONE                       FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

See Attached

ANALYSIS OF BILL/PROGRAM EFFECTS

Passage of this bill would have adverse impacts on the Executive Branch.  
See Attached

AMENDMENTS PROPOSED

See Attached

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OF ANALYSIS.

## Background/Legislative Intent:

Presently the Alaska Geographic Names Board (AGNB) reviews and names only natural features. Man-made features such as bridges, roads and buildings, may be named by the appropriate local government. Where no local government exists or for roads which cross local boundaries, the AGNB recommends a review by DOT/PF.

Section 2 of CS SB 9, amends AS 44.19.054-44.19.062, which outlines the duties and responsibilities of the Alaska Geographic Names Board. This bill also proposes naming a feature "Mount McGhan", "Notwithstanding AS 44.19.054 - 44.19.062..." This says that regardless of the procedures the AGNB already has in place or any prior or future action of the AGNB, the name of the feature is to be called Mount McGhan. The function of the Board would be pre-empted by this bill. It would also open the door for other features to be named without the Executive Branch's review or concurrence. Furthermore, this bill attempts to override AS 44.19.054 - 44.19.062 without going through a formal amendment process. It also adds a decision to a statute which is intended to outline the functions and responsibilities of a board.

The AGNB uses policies and procedures developed by the U.S. Board on Geographic Names as a basis when reviewing proposals. Adherence to these federal precedents eliminates the possibility of arbitrary decisionmaking as well as providing equal public access to the naming of geographic features.

The Alaska Geographic Names Board falls under the purview of the Executive Branch. The Executive Branch, therefore, is responsible for accomplishment of the Board's statutory mandate through the establishment of procedures for day-to-day operations. CS SB 9 would allow the Legislature to administer an Executive Branch function.

Mrs. Debra McGhan proposed the naming of a mountain after her late husband, Bruce McGhan. Commemorative Name Policy states that the person for whom the feature is to be named must have made a "significant contribution" to the state or had a direct and long association with the feature. The AGNB formally reviewed the Mount McGhan Name Proposal during its February 9, 1988 meeting and rejected it since it was felt that the individual in question did not meet this criteria. (A copy of the Board's minutes for the Mount McGhan discussion is attached.)

The Second Session of the Sixteenth Legislature passed House Concurrent Resolution #32 requesting the naming of a mountain on the Kenai Peninsula after Bruce McGhan. (Copy attached.) The Commissioner announced that the Board would reconsider the McGhan proposal in light of HCR 32. About the same time, Mrs. McGhan wrote a letter to the Governor (attached), to which the

Governor responded by instructing the AGNB to reconsider the proposal. The Governor also instructed the Board to review the proposal in light of the Board's policies and guidelines.

The Board met on February 22, 1990, to reconsider the proposal, and after considerable debate and discussion, voted to uphold its previous decision. Again, it was determined that the individual in question had not met the "significant contribution" requirement. (A copy of the minutes of the Mount McGhan discussion is attached.) Mrs. McGhan was personally contacted by the Deputy Commissioner and a letter was written her, formally explaining the Board's decision. (A copy is attached.)

#### Analysis of Bill/Program Effects:

The Alaska State Geographic Names Board has been charged with reviewing and evaluating name proposals for natural features. The Executive Branch is responsible for the administrative functioning of this Board as outlined in statute. CS SB 9 would set a dangerous precedent by taking away the function of the AGNB currently assigned by statute to the Executive Branch and giving it to the Legislature.

The McGhan decision was not a capricious one but one made in accordance with the clearly delineated criteria embodied in the guidelines used by the Board in evaluating commemorative name proposals. A copy is attached for your information.

#### Amendments Proposed:

Delete Section 2 of CS SB 9. If this section is not deleted, we recommend that the bill not pass.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CS SB 9

Revision Date: \_\_\_\_\_ Department Affected: Community & Regional Affairs  
 Title: "An Act naming the Bob Blodgett BRU: Administration and Support  
Nome-Teller Highway...." Component: Office of the Commissioner  
 Sponsor: Adams, Rodey, Sturgulewski  
 Requestor: Pourchot COMPONENT SERIAL NO. 

	6	8	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Remond Henderson Remond Henderson Phone: 465-4708  
 Division: Administrative Services Date: 2/18/91  
 Approved by Commissioner: Ed. Blatchford Edgar Blatchford  
 Agency: Community & Regional Affairs Date: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CSSB 9

Revision Date: 12-Feb-91 Department Affected: Natural Resources  
 Title: An Act naming the Bob Blodgett BRU: Management & Administration  
 Name-Teller Highway etc. Nome-Teller Highway etc. Components: Commissioner's Office  
 Sponsor: Senator Adams  
 Requestor: Senate Transportation Committee COMPONENT SERIAL NO. 423

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact:

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Carol Wilson Phone: 465-2400  
 Division: Commissioner's Office Date: Feb. 12, 1991

Approved by Commissioner: B Harold Heinze Date: Feb. 12, 1991  
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,  
& Impacted Agency(ies).

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

No. 1

Version: SB 9  
(S) Publish Date: 2/8/91

FISCAL NOTE

Revision Date: \_\_\_\_\_ Department Affected: DOT&PF  
Title: An act naming the Bob Blodgett Western District M&O  
Nome-Teller Highway. BRU:  
Sponsor: Adams, Rodey, Sturgulewski Component: Highways & Aviation  
Requestor: Senator Adams Component Serial Number: 0587

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	0	0	0	0	0	0

POSITIONS

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

The only direct costs incurred by this bill would be approximately \$400 to purchase two signs; one for each end of the highway. That cost would be absorbed by the Western District M&O budget. Sign installation would be done incidental to normal sign maintenance.

Prepared by: Norm Piispanen

Phone: 474-2423

Division: Northern Region Planning

Date: January 29, 1991

Approved by Commissioner: Frank G. Turpin

Changes in CSB 9 Tran  
have no fiscal impact. This  
fiscal note is appropriate.

Agency: Department of Transportation and Public Facilities

2/7/91 Comm  
date Comte Aide (initi:

Distribution By Preparer: Legislative Finance, Legislative Sponsor, Requestor, OMB, Impacted Agency(ies).

SENATE FINANCE COMMITTEE REPORT

Sponsor  
Sen. Adams

DATE: 2/8/91

FURTHER:

DATE TURNED INTO OFFICE: 2/19/91

The Finance Committee considered SENATE BILL NO. 9

"An Act naming the Bob Blodgett Nome-Teller Highway."

and recommended:

[ ] replace with \_\_\_\_\_ CS  
[  ] or adopt \_\_\_\_\_ CS SB 9 (TRSD)  
[ ] attached amendment(s)  
[ ] \_\_\_\_\_ letter of intent adopted

[ ] same title  
[  ] new title  
[ ] technical title change (HB only)

[  ] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

[ ] fiscal note(s) \_\_\_\_\_

[  ] zero fiscal note(s) DNR 2/12/91

APPROVES PREVIOUS:

Dept/Date:

[ ] fiscal note(s) \_\_\_\_\_

[  ] zero fiscal note(s) DOT 2/29/91

[ ] appropriation-no fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

*Jim Duncan*  
*Sen. Adams*  
*Phil [unclear]*  
*Rich [unclear]*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. *Pat [unclear]*

2. *Do pass*

Co-Chairs: Signatures and Recommendations

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERENCE

DATE: 1/21/91

FURTHER: Finance

Date of 5-Day Notice: 1-31-91  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-8-91

Transportation Committee considered SENATE BILL NO. 9

"An Act naming the Bob Blodgett Nome-Teller Highway."

and a majority of the committee recommends it be replaced with

and recommended:

[ ] replace with ~~SB 9~~ CS SB 9 (TRAN)

same title  
 new title

[ ] attached amendment(s)

and do pass

[ ] \_\_\_\_\_ letter of intent adopted

do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

*OK*

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

[ ] fiscal note(s) \_\_\_\_\_

zero fiscal note(s) DOTPF/1/29/91  
SB + CS

[ ] appropriation-no fiscal note

[ ] Governor's bill w/fiscal note

SIGNING DO PASS:

*Hope Jones Jones* (1)  
*Irma Pearce* (1)

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Chair: Signature and Recommendation* DO PASS  
*Menas*

FIRST SESSION OF THE ELEVENTH ANNUAL  
NORTH AND NORTHWEST ALASKA MAYORS' CONFERENCE  
NOME, ALASKA  
OCTOBER 11-12, 1990

RESOLUTION NO. 91-35

A RESOLUTION SUPPORTING RENAMING THE NOME-TELLER HIGHWAY TO THE BOB BLODGETT NOME-TELLER HIGHWAY.

WHEREAS, former Senator Bob Blodgett committed his life to representing and improving conditions in North & Northwest Alaska; and

WHEREAS, Bob Blodgett was instrumental in obtaining funds for the creation and maintenance of the Nome-Teller Road; and

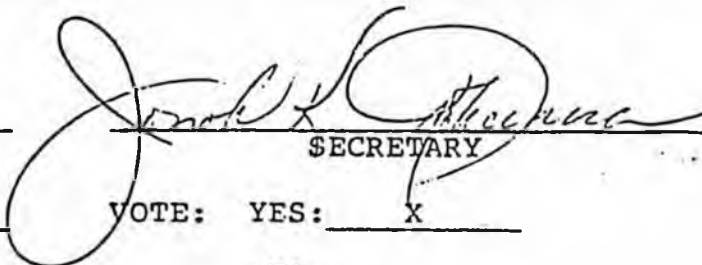
WHEREAS, renaming the Nome-Teller road for Bob Blodgett would be a fitting testament to his efforts; and

WHEREAS, Senator Al Adams will introduce legislation in the Seventeenth Legislature to rename the Nome-Teller highway.

NOW THEREFORE BE IT RESOLVED BY THE FIRST SESSION OF THE ELEVENTH ANNUAL NORTH AND NORTHWEST ALASKA MAYORS' CONFERENCE THAT: efforts by Senator Adams to rename the Nome-Teller Road after Bob Blodgett are fully endorsed and supported.

PASSED AND APPROVED BY THE FIRST SESSION OF THE ELEVENTH ANNUAL NORTH AND NORTHWEST ALASKA MAYORS' CONFERENCE THIS 12th DAY OF OCTOBER, 1990.

  
PRESIDENT

  
SECRETARY

INTRODUCED: Kotzebue

VOTE: YES: X

SECONDED BY: White Mountain

NO: \_\_\_\_\_

DIRECTED TO: Governor Hickel

Representative Foster

Senator Adams

DOT/PF

# THE ALASKA LEGISLATURE



## In Memoriam

• ROBERT "BOB" BLODGETT •

The Seventeenth Alaska Legislature honors the memory of Robert "Bob" Blodgett who died on Friday, July 6, 1990 at his home in Teller, Alaska.

Bob Blodgett was born August 2, 1920 in Creston, Iowa. He was a businessman, pilot, state legislator, regional and local elected official. Mr. Blodgett arrived in Alaska in 1946 to attend the University of Alaska-Fairbanks to study mine engineering. In 1947 he went to work for Arctic Contractors building airports at the Defense Early Warning (Dew) line sites throughout western Alaska. He worked as a heavy duty mechanic, heavy equipment operator and welder.

In 1953, Bob moved to Teller and purchased Teller Commercial Company. In 1957 he started Teller Electric Company and in 1970 established Mukluk Telephone Company. The latter business grew to serve thirteen villages in northwestern Alaska. In 1959, Mr. Blodgett was elected to the First State Legislature, House of Representatives, from Teller. In 1963, he was elected to the State Senate and served until he retired in 1970. Mr. Blodgett served on the Finance Committee and was responsible for bringing many services to rural Alaska. He was elected to the second board of the Bering Strait School District and the Bering Strait Coastal Resource Service Area Board. Last year he won a seat to the Teller City Council as a write-in candidate.

Bob Blodgett served in the Army Air Corp as a pilot in World War II, receiving all decorated medals except the Medal of Honor. He was the second highest decorated Alaskan World War II veteran. Bob was the first commanding officer of guard units in Barrow and Fairbanks and was instrumental in their creation. He continued his military career in the Alaska National Guard, retiring with the rank of Captain. Mr. Blodgett retired as a member of Operating Engineers Local 322. He was a lifelong member of the Arctic Native Brotherhood in Juneau, founder of the Rural Alaska Power Association and member of the Alaska Telephone Association. Bob remained manager of his family owned businesses until the time of his death.

Bob Blodgett is survived by his wife Helen, son Richard, daughter-in-law Karen, and grandchild Robert David, Luanne and Kalena, all of Teller, Alaska. He is also survived by an identical twin brother Donald of Illinois.

The Seventeenth Legislature sends its condolences to the family for the loss of a man who served as a strong advocate for rural Alaska and contributed his many talents to his community, region and the State of Alaska as a whole.



*James J. Eliason*  
SPEAKER OF THE HOUSE  
*John J. Blodgett*  
PRESIDENT OF THE SENATE

Date: January 24, 1991

Requested by: Senators Adams, Zharoff, Sturgulewski, Rodey,  
Pearce, Halford, Cotten, Kerttula, Jones, Eliason, Uehling and  
Collins; Representatives Foster, MacLean, Brown, C. Davis, Gruenberg, Leman, Navarre, G. Phillips,  
Phillips, Taylor, Ulmer and Zawacki



# STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

P.O. BOX 1048  
NOME, ALASKA 99762-1048  
PHONE: (907) 443-3444

NORTHERN REGION, WESTERN DISTRICT

September 11, 1990

Senator Al Adams  
P.O. Box 333  
Kotzebue, Alaska 99752

Dear Al:

We here at the Department of Transportation wholeheartedly support naming the Nome-Teller highway for Bob Blodget. Were it not for his efforts it would not have been constructed. Additionally, having Bob as a friend and discussing the areas needs with him on numerous occasions I am well aware of his love for and dedication to the people of the Seward Peninsula. Bob is most deserving of this recognition.

To answer your questions: The Nome-Teller highway is a Federal Aid Secondary route. As to jurisdiction, it is under the State's but to receive Federal money it must meet Federal Standards.

I have attached copies of a 1976 Department of Highways map showing the Seward Peninsula and the various road systems. I haven't been able to find anything more detailed.

Looking through our archives here in Nome I only find a couple of old newspaper clippings which may be of some use so have included them. I will research this further.

I will send along anything else I find which will assist you in this endeavor.

Sincerely,



C. M. Coyle, Manager  
Western District

CC/sg

Enclosures



AFTER

## Basic System Of Throughways In Alaska Illustrated 'Before And After' By Sen. Gruening

Proposals of Senator Ernest Gruening (D-Alaska) for construction of a basic system of throughways in Alaska is seen in the accompanying photographs.

The first shows the existing road system in Alaska. In the second, the senator points out how the system would be expanded under his program.

Senator Gruening has proposed that the Public Works Committee of the Senate visit Alaska after adjournment this year to study Alaska's highway needs. He has received encouraging support from Majority Leader Lyndon Johnson (D-Tex.), Senator Dennis Chavez (D-N.M.), chairman of the Public Works Committee, and Senator Pat McNamara (D-Mich.), chairman of the Public Roads Subcommittee.

The main elements of the Gruening highway plan are as follows:

- (1) Completion of the Copper River Highway from Cordova via Chitina to McCarthy and its extension to a junction with the Alaska Highway;
- (2) Construction of a road paralleling the Alaska Railroad from Nenana via McKinley Park to Talkeetna and Willow, so as to provide

a second through route from Fairbanks to Anchorage;

(3) Completion of Highway 97 from Fairbanks to Nome and Teller;

(4) Provision of a road from Talkeetna via McGrath to a junction with Highway 97 at Ruby, so as to give Anchorage access to northwestern Alaska;

(5) Provision of a southeastern Alaska ferry system on a fast and frequent schedule linking Prince Rupert with Haines and with stops at Ketchikan, Wrangell, Petersburg, Juneau and Skagway;

(6) Construction of a road from McGrath to Dillingham to tie Bristol Bay into the rest of the state overland;

(7) Construction of a road from Unalakleet to the Yukon River and

a junction with Highway Yukon;

(8) Closing of the Eagle link;

(9) Extension of the road Nabesna to a junction with the Alaska Highway;

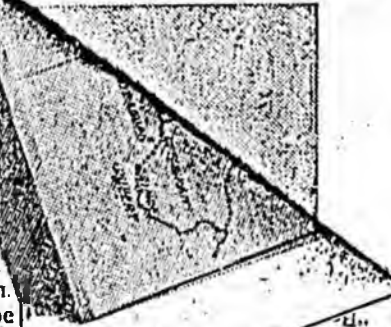
(10) Completion of a cutoff of the Glenn Highway to the DeWitt Highway via Lake Louise;

(11) Building of a highway across Baranof Island from Sitka to Wrangell Springs Bay so that Sitka may be linked into the ferry system;

(12) Completion of the Hydaburg-Craig-Hollis road so that the west coast of Prince of Wales Island may be linked with the ferry;

(13) Building of roads from southeastern Alaska cities (all depending upon Canadian cooperation in construction on their side of the border), so as to connect Skagway with Carcross, Juneau with Atlin, Petersburg and Wrangell with Telegraph Creek and Ketchikan with an extension of the "A" Route northward from Hazelton, B.C.

Senator Gruening advocates this construction over the next 10 years to correct a situation which leaves Alaska unique among the states in that few of its cities are connected with others by road.



The Northern Alaska chapter cooperating with the State and Federal Medical Association in urging every person to obtain the Salk vaccine shots at their earliest possible convenience. There are general ways in which the immunity of Salk vaccine may be obtained. "You may obtain the vaccine shot from your family physician in place, at your convenience. All children through age 18 and expectant mothers may obtain the Salk vaccine at the Fairbanks Health Center, during the weekly shot clinic each Friday."

RE. CHANGE IN PRESENT METHOD OF ALLOCATING GASOLINE TAX FUNDS

Fairbanks Daily News-Miner - March 21, 1959  
Anchorage Times March 21, 1959  
Nome Nugget March 23, 1959

Anchorage Times  
Mar 21 '59

Mon Mar 23  
Nome Nugget

Fairbanks Daily News-Miner, Saturday, March 21, 1959

# or Highw Government Would OK Planned Split, He

JUNEAU, March 21, (AP) — A Federal Bureau of Public Roads official yesterday voiced strong opposition to a bill to change Alaska's present method of allocating gasoline tax funds and require equal distribution among the state's four major districts.

After the hearing before the Senate, in session as a committee of the whole, the bill was retained on the calendar but appeared in line for amendment before final action.

Strongest support for the measure has come from northwestern Alaska senators who seek a road connecting Nome with other parts of the state. The measure, which had been saved from defeat several times, appeared headed for passage before yesterday's hearing.

E. H. Swick of Juneau, regional engineer for the BPR, told senators he felt it would be impractical to split off available highway funds in the method proposed under the bill. And he added the federal agency would not be agreeable to administering federal matching funds on such a basis.

"It's my personal opinion that the Legislature would not be wise to program a highway fund. For the first few years

## Opposition To Gas Tax Measure From Fed. Roads Bureau

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E. H. Swick of Juneau, regional engineer for the BPR, told senators he felt it would be impractical to split off available highway funds in the method proposed under the bill. And he added the federal agency would not be agreeable to administering federal matching funds on such a basis.

"It's my personal opinion that the Legislature would not be wise to program a highway fund. For the next few years at least, you should permit the state Highway Department to come up with a program and then you can see how it is doing," he said.

"I can't see how you can decide that any one area is going to have so much money and still come up with anything that makes sense."

Alaska now receives about 13 1/2 million dollars a year in federal highway aid, he said. Along with state matching funds, the total amount available to Alaska for road programs amounts to about 15 million dollars a year.

# I Oppo

## Proposal Impractical, Swick States

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"I can't see how you can decide that any one area is going to have so much money and still come up with anything that makes sense."

Alaska now receives about



# CITY OF NOME

*Send to  
June*

P.O. BOX 281 - NOME, ALASKA 99762  
TELEPHONE (907) 443-5242

October 5, 1990

Senator Al Adams  
Box 333  
Kotzebue, Alaska 99752

Dear Al,

Enclosed please find City of Nome Resolution No. R-91-9-7, " A Resolution Endorsing the Renaming of the Nome-Teller Highway to the BOB BLODGETT NOME-TELLER HIGHWAY". This resolution was adopted unanimously by the Nome Common Council at their September 24, 1990 regular meeting.

Thank you for your plan to introduce legislation naming the road in memory of Bob. It is a fitting memorial to a man who served the Seward Peninsula for many years.

Sincerely yours,

Linda E. Conley  
City Clerk

cc: Representative Richard Foster  
Mrs. Robert Blodgett

Presented By:  
Councilman Adams  
Action Taken:  
Yes 6 No 0

CITY OF NOME, ALASKA

RESOLUTION NO. R-91-9-7

A RESOLUTION ENDORSING THE RENAMING OF THE  
NOME-TELLER HIGHWAY TO THE BOB BLODGETT NOME-TELLER HIGHWAY

WHEREAS, the expansion of road systems on the Seward Peninsula has always been instrumental in encouraging economic development; and,

WHEREAS, the Nome-Teller Highway is a valuable transportation route for the cities of Nome and Teller which allows ease of trade and better access to medical facilities; and,

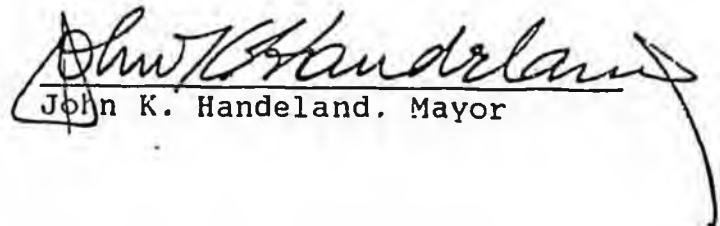
WHEREAS, R.R. "Bob" Blodgett was elected as a State Representative from the local area during the First Session of the First State Legislature in 1958 and he continued to serve in that capacity through the Third State Legislature in 1964, at which time he was elected to the State Senate and served through the Sixth State Legislature ending in 1970; and,

WHEREAS, the contributions of Senator Bob Blodgett to the local area and the state as a whole should fittingly be remembered by a dedication to his name; and,

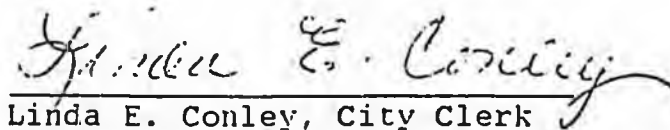
WHEREAS, Senator Blodgett was instrumental in developing and securing funding for the construction of the Nome-Teller Highway,

NOW, THEREFORE, BE IT RESOLVED by the Nome Common Council that in recognition of his commitment and dedication to the residents of Nome and Teller, the City of Nome endorses efforts to rename the Nome-Teller Highway to the BOB BLODGETT NOME-TELLER HIGHWAY.

APPROVED and SIGNED this 24 day of September, 1990.

  
John K. Handeland, Mayor

ATTEST:

  
Linda E. Conley, City Clerk

# Alaska State Legislature



Sen. Curt Menard, *Chair*  
Sen. Lloyd Jones, *Vice-Chair*  
Sen. Bettye Fahrenkamp, *Member*  
Sen. Drue Pearce, *Member*  
Sen. Dick Shultz, *Member*

P.O. Box V  
Juneau, AK 99811

907 465-4921

## Senate Transportation Committee

TO: Senate Transportation Committee

FROM: Senator Curt Menard, Chairman

DATE: 6 February 1991

RE: Ina Johnston and Bruce McGahan Amendments to SB 9

Ina Johnston came to the Matanuska-Susitna valley in 1957, where she worked for many years as a nurse's aid at the hospital. In 1963, the state provided the materials for the building of bridge #1192, with local volunteers doing the construction. Mr. Johnston worked as a welder on the bridge, and his wife Ina provided the meals for the workers.

Ina died in March of 1989, and her friends and neighbors have requested that this bridge be named to honor the work that Ina has done for her community and neighbors. As per the letters attached, Ina was always willing to lend a helping hand to those who needed it. As one of the local people who helped with the construction of the bridge, it seems only fitting that this bridge become a memorial to her.

Bruce McGhan was killed in an industrial accident on November 26, 1986 while upgrading a septic system in the Wasilla area. The family and friends of Bruce would like the State of Alaska to leave a landmark and memorial for him. Born and raised in Alaska, Bruce explored much of the state. In his travels he discovered Crescent Lake on the Kenai Peninsula.

Bruce worked throughout Alaska on many construction projects. He built village schools, houses, and state campground facilities. The work Bruce did around the state over the years stretches from Fairbanks to Valdez, Kenai to Palmer, Iliamna to Girdwood and all around southcentral Alaska.

Page 2

Ina Johnston & Bruce McGhan amendments

Bruce took great pride in his home state and in every job and landmark he left behind.

His family and friends have joined together in their request that the unnamed mountain near Crescent Lake be officially named Mt. McGhan as a memorial for this most deserving man. Bruce's remains have been spread on the slopes of this mountain in the place he loved and visited so much.

I am requesting that the committee members consider these amendments to SB 9.

BRUCE ALLEN MCGHAN

By: Debra McGhan

On November 26, 1986 Bruce McGhan was killed in an industrial accident while upgrading a septic system in the Wasilla area. Bruce is gone, but his memory will live on in the hearts of those who knew and loved him; and in the many landmarks of work he left behind to the state of Alaska, his home.

The family and friends of Bruce now call on Alaska to help leave a landmark for him; a memorial for Bruce. Born and raised in Alaska, Bruce explored much of the state. In his travels he discovered Crescent Lake on the Kenai Peninsula. When Bruce and his wife Debra needed a change from the fast pace of city life, they hiked to Crescent Lake. Here, in this special place, they spent many hours sharing their love and enjoying the beauty of Alaska's backcountry.

Located approximately three miles north of Kenai Lake in the Kenai Peninsula Borough, Crescent Lake is bordered by several mountains. One mountain, which lies on the north shore of Kenai Lake and the south shore of Crescent Lake, is currently unnamed. We would like to have this mountain named Mt. McGhan in memory of Bruce Allen McGhan and his love for the state of Alaska.

Bruce was born on August 14, 1953 in Anchorage Alaska. He was the oldest of four children born to Terry Smith and Marilyn Cox McGhan.

His father, Terry McGhan, owned an Anchorage based construction company which specialized in water and sewer excavation. His company installed the first public water and sewer systems used in Spenard. He was a bush pilot and son of pioneer Alaska parents who operated one of the early airlines between Alaska and Seattle. Terry's father, Clifford D. "MAC" McGhan drove one of the first cars over the Alcan Highway after it opened in the 1940's.

In 1961 Bruce's parents divorced and Bruce, along with his sister and brothers: Mike, Colleen, and Pat, remained in Anchorage living with their mother. Terry continued to work in Alaska in the construction field for many years. He owned and operated Mentasta Lodge on the Tok Cutoff from 1966 to 1969. In 1973 he left the state and currently owns a construction company in Warrenton, Oregon.

Marilyn, Bruce's mother, began working for Business Service Bureau in 1961 as a receptionist and executive secretary. In 1967 she was offered an executive position with a newly formed company, Labor Trust Services, as administrator for many large health, welfare, and pension trust funds. She is now a corporate owner of Labor Trust Services in Anchorage.

As the oldest child many responsibilities fell to Bruce and he took this position seriously. He realized at an early age that the only way to get ahead was hard work; and Bruce was determined to thrive. He kept his brother's, who were both rapidly growing taller than himself, in line with brute strength. There was a constant challenge among the brothers but they each respected one another recognizing the individual talents that

emerged as they grew.

At eight years old Bruce became the youngest paper boy hired by the Anchorage Daily News. Conscientious and hard working, he succeeded in establishing one of the largest paper routes in the Spenard area, winning dozens of awards for his efforts. He kept up with the deliveries for many years, getting up at 4:00 a.m. seven days a week.

When Bruce was 12 his father bought Mentasta Lodge on the Tok Cutoff. For three summers the kids worked in the lodge making beds, cutting wood, stocking shelves, and even building an aircraft runway. Bruce learned to run his first piece of heavy equipment on that runway. It took all summer because when the dozer broke down he had to repair it; this was quite a task for a 13 year old who didn't know much about fixing dozer's. But with a book, some tools, and a sense of challenge, Bruce fixed the dozer and finished the runway a week before summer ended.

The McGhan family faced many hard years as Marilyn struggled to raise four children alone in Anchorage. It was a challenge keeping food on the table, and extra money was unheard of. In spite of the odds Bruce saved enough money to buy a brand new Datsun pickup by his seventeenth birthday.

Once Bruce had wheels and could drive he began to thirst for more; he wanted to fly. Along with his school work he took on two jobs (appliance repair and gas station attendant) to earn the money needed for flying lessons. He soloed after just eight hours of formal instruction. At 18 he earned his private pilot license and began saving for an airplane.

In 1971, during his senior year of high school, Bruce landed a job with A.A.A. Rental company as a yard hand. Within a week, Bob Holt the owner, discovered Bruce had a knack for mechanic work and running equipment. He was promoted, given a raise, and put to delivering loaders, backhoes, and dozers around Anchorage, Girdwood, and the Mat-Su Valley. He became known as "the kid who could get anything unstuck." Occasionally arriving to pick up a piece of equipment buried in the mud, he would jump down from his truck, a huge grin lighting his boyish face, and proceed to do what seemed impossible; get a multi ton piece of equipment out of the mud and onto dry ground. But somehow he always succeeded.

Bruce continued his education with engineering and math courses at Mount Hood Community College in Portland, Oregon. But he missed Alaska, and after a short time, returned home.

In November 1973 Bruce married a former classmate, Debra McDaniel, the daughter of Alaskan artist Scott McDaniel, and settled down to raise a family.

Taking his new wife, Bruce moved to Seward and worked in the lumber mill for several months. In the spring of 1974 he was accepted into the operating engineers union so the couple returned to Anchorage. 1975 brought more changes with the start of McGhan Construction company, owned by Bruce's uncle, Tim McGhan. Bruce went to work for Tim's company as the foreman and operator. And for the next five years he worked with Tim, helping to build a strong, successful business.

In 1976, shortly before the birth of their first child, Bruce made the decision to move his family to the Mat-Su valley.

He spent the winter designing house plans, then began construction of his first home in Wasilla during the summer of 1977. He continued to work for Tim, commuting into Anchorage daily, and working on the house at night, and days off. He finished the construction in June 1978.

By 1980 the drive to Anchorage became too hard, and after buying his first airplane, Bruce went to work for a remote bush company; Jansen Construction. He flew to Iliamna and worked on the construction of several village schools around the lake.

When the schools were finished Bruce went to work for the State of Alaska, Department of Parks under the supervision of Jim Hoag. Headquartered in Willow, he worked as part of a 4 member maintenance and building crew in the state campgrounds throughout the Mat-Su Valley. Accompanied by his family, he spent the summer of 1982 traveling around south central Alaska making repairs, and building new, better devices to be used in the campgrounds. (He aided in the design and building of the currently used bear proof garbage cans.)

In the fall of 1982 Bruce bought his first backhoe and started his own construction company, B.A.M. Construction. For the next five years Bruce worked hard to build up his business. He earned the reputation of being hard working, honest, and dependable. He built seven homes in the Wasilla and Big Lake area, each one with pride and quality construction. He installed hundred's of water and sewer systems, did landscaping, home improvements, and additions; all of which were done with the same high standards Bruce lived by.

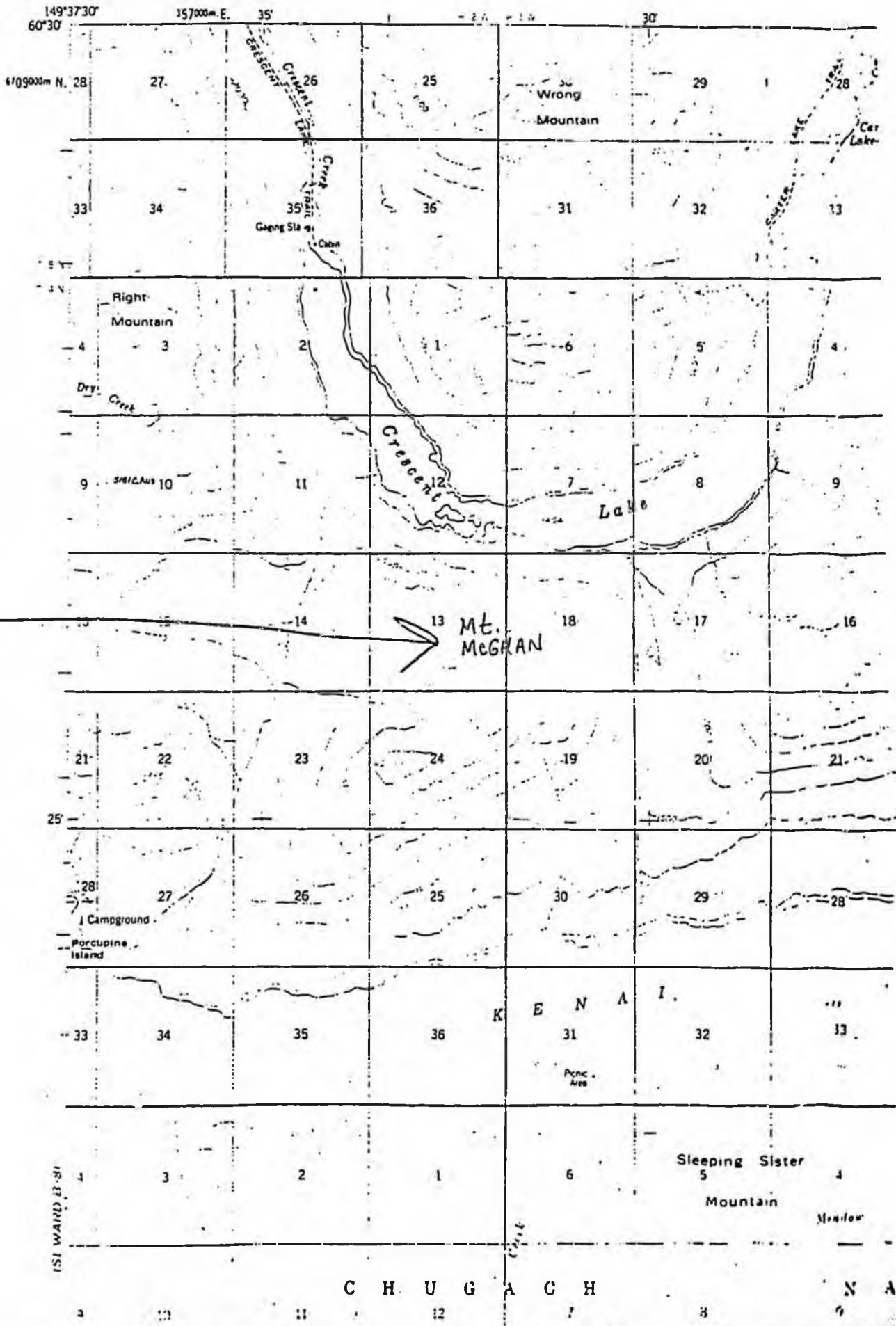
The work Bruce did around the state over the years stretches from Fairbanks to Valdez, Kenai to Palmer, Iliamna to Girdwood, and all around South Central Alaska. Bruce took great pride in his home state and that pride went into every job, and every landmark he left behind.

Now, as the one year anniversary of Bruce's death approaches, his family and friends have joined together to make a request to the state of Alaska; that the mountain near Crescent Lake be officially named Mt. McGhan as a memorial for this most deserving man.

Bruce was cremated and his remains have been spread on the slopes of this mountain in the place he loved so much. What better monument could be dedicated to this true Alaskan?

ISEWARD C-8)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY



POSED  
FEATURE

13 MT. MCGHAN

C H U G A C H N A

# He wasn't a politician

## State rejects widow's plea to name mountain

By **SUSAN MORGAN HOWK**  
Frontiersman staff  
Mount McGhan.

Wasilla resident Debra McGhan had hoped by now that a mountain near Cooper Landing would bear that name in honor of her late husband. This month, however, she says she was told that Bruce McGhan just wasn't important enough to the state of Alaska to warrant naming a mountain after him.

Soon after Bruce, a life-long Alaskan, was killed in a construction accident Nov. 26, 1986, Debra realized she wanted a permanent reminder of her husband of 13 years.

Someone suggested naming a star for him, but she decided on one of the unnamed mountains on the Kenai Peninsula instead. "A star just seemed too far away," she says. "I wanted something more tangible."

Debra began plowing through all the required paperwork and regulations the state told her she needed.

She collected signatures on peti-

tions, talked about her dream with politicians in the Kenai Peninsula Borough and traveled with her two young children to meetings in the area. She never doubted that her husband was worthy of a mountain.

"Bruce lived and breathed Alaska. This was home," she says. "I just always saw him go out of his way to help the state as a private citizen."

Bruce and Debra married shortly after both graduated from Diamond High School in 1972. Bruce owned his own construction business in Wasilla. He was killed when the walls of a sewer ditch collapsed on him.

Debra says her husband was an adventurer and recalls the time they spent camping and hiking on "their mountain" fondly. "Just to be in the heart of that beautiful country was great," she says. "It was our favorite place."

After collecting 1,200 signatures of support, Debra's application to name Mount McGhan was finally approved by the Kenai

Borough last June.

She then packaged up all the information and supporting data and mailed it to the Commissioner of Regional Affairs in Juneau for final approval. A phone call from someone in the office in August told her the application looked "really good" and said approval would probably be just a formality.

On Feb. 9, however, she was told the state had refused her request.

"They said they didn't feel that Bruce had given the state of Alaska a substantial enough contribution," Debra says. "I said, 'What exactly are you looking for' and she said, 'Well, like somebody who held a political office or something.'"

Debra said Bruce made more than his share of contributions to Alaska. He designed a bear-proof trashcan still in use in state parks and took pride in installing sewer systems that wouldn't pollute the environment.

"His whole thing was, 'I'm going to be here forever and my

children are going to be here forever,' so he wanted to take care of the state," she says. "But they didn't think that was enough."

She admits to feeling bitter. "Do they think that somebody who puts on a white shirt and works in Juneau makes more of a contribution than Bruce did?" she asks. "This is what Alaska is all about, we're the people who live here and work here."

Now, Debra says, she's beginning the appeal process. Juneau will need more supportive information and reasons to consider naming Mount McGhan.

Meanwhile, a bronze plaque, installed by Debra, marks the 4,730-foot-high mountain that her husband loved. After his death Debra scattered his ashes over the peak and says she and the children can feel his presence when they visit.

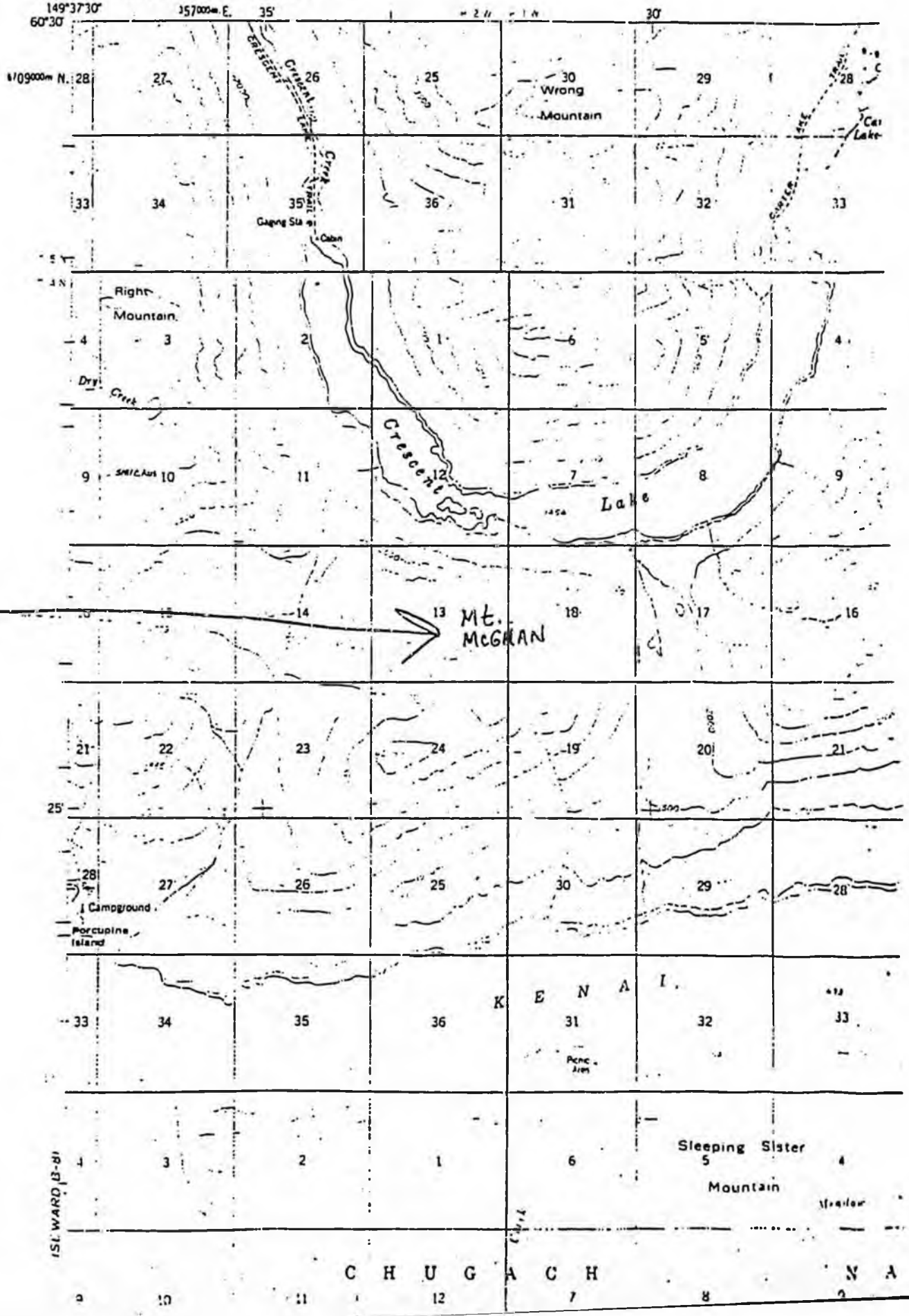
"It's like when you get there he's really there," Debra says. "It's so quiet, it's like being in the middle of a picture. It's like heaven and it feels like he's really happy there."



Debra McGhan

(SEWARD C-8)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY





## KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669

PHONE (907) 262-4441

DON GILM  
MAYOR

RECEIVED  
JUN 13 1988

June 8, 1988

COMMISSIONER'S OFFICE  
COMMUNITY & REGIONAL AFFAIRS

Alaska State Geographic  
Names Board  
P.O. Box B  
Juneau, AK 99811

Dear Sirs:

On June 7, 1988, the Kenai Peninsula Borough approved a motion to forward a letter of non-objection to the naming of a mountain at Latitude 60°26'0" North; Longitude 149°33'30" East, Section 13, Township 4N, Range 2W, Seward Meridian located on the north shore of Kenai Lake and the south shore of Crescent Lake. The mountain is currently unnamed based on the section map - Seward B-7 quadrangle.

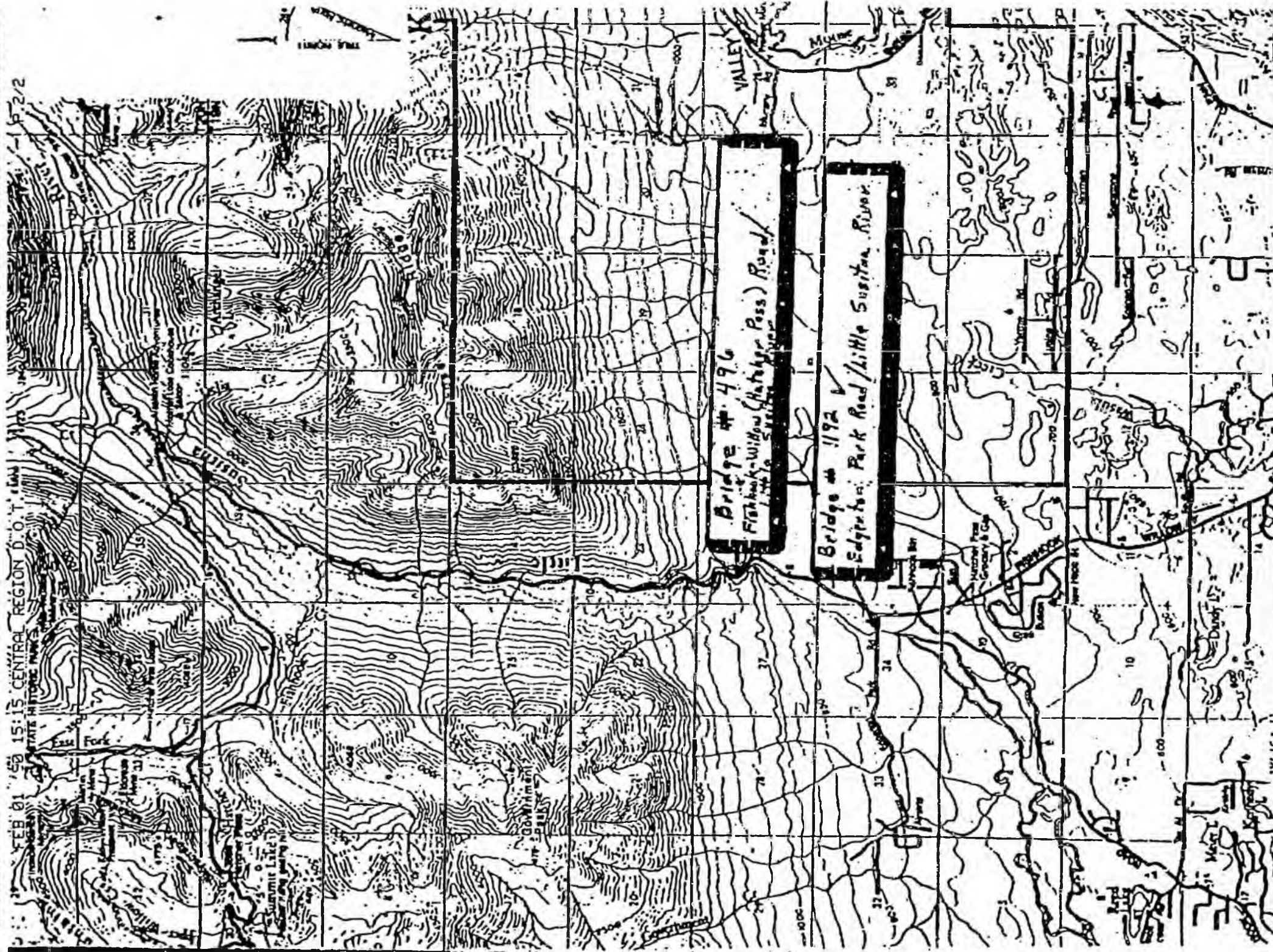
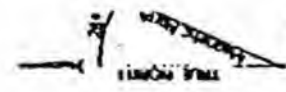
Debra A. McGhan has requested the mountain be named in memory of her deceased husband - Mt. McGhan.

If we may be of further assistance, please contact the Borough Clerk's Office, 262-4441 ext. 220/221.

Very truly yours,

Joanne Brindley, CMC  
Kenai Peninsula Borough Clerk

FEB 01 '59 15:15 CENTRAL REGION D. O. T. 150  
STATE HISTORIC MARKS



Bridge # 496  
Fishhawk-Widow (Hatcheger Pass) Road

Bridge # 1192 ✓  
Edgeton Park Road / Little Susitna River

ALVIN JOHNSTON  
P.O. BOX 6  
PALMER, AK. 99645  
(907) 745-3531

September 29, 1989

Reo. Curt Menard  
351 W. Swanson Ave., Ste. 1  
Wasilla, Ak. 99687

RE: The Naming of a Bridge; i.e., Johnston Bridge

Greetings:

The family and friends of Ina Johnston request a memorial for Ina, who died in March 1939.

We have talked this over and there is a bridge near the Johnston home which has been a very definite part of our lives. The bridge does not as yet have a name. It was started in March 1963 and completed in November 1963. The materials were funded by the state, however the construction was completed by volunteer work from neighbors. The meals during this construction were served by Ina.

We have researched the project and the following is the information we have found:

Edgerton - Parks Road  
State #57062  
Federal #BR-OS-1(44)

Susitna River - Hatcher Pass Road  
State #57340  
Federal #BR-580(18)

Ina loved this valley and she gave generously of her time with much love as she worked at the Valley Hospital and was always ready to be a friend to her neighbors.

Your considerations and assistance will be greatly appreciated.

Sincerely,



Alvin Johnston,  
family and friends

P.S. If we do not hear from you we will write again during the session in Juneau.

Ria Cottini  
H C 01 Box 6755  
Palmer - Ak. 99645

Feb. 5-1990

Rep. Curt Menard  
Juneau Ak.

Re: Johnston Bridge

Dear Mr. Menard

I wish to advise that  
I knew Ina Johnston when  
she first came to Alaska as a  
neighbor and a friend she  
was always near when anyone  
needed her

I sincerely appreciate the  
consideration of this memorial  
of naming the bridge

Sincerely,

Ria Cottini

Rep. Curt Menard  
Box 1  
Juneau, Alaska

Feb 5-1990

Re: John's request for  
memorial bridge

Dear Curt -

For your office request, I am happy  
to advise that I've known the family  
for many years and they enjoy a very  
fine reputation.

As for Ina's activities - she  
was very well acknowledged as  
a special person. At her funeral,  
there was standing-room only.  
I believe that says a great deal  
for a person in our busy world.

Whatever support you can  
give to this cause will be  
appreciated by her husband,  
family and friends.

My personal regards to you  
and your family -

Sincerely,  
Betty Lupton

Box 847,  
Palmer, AK  
99645



Kelsey, Senator Murkowski, Representative Red Boucher, Archbishop Francis T. Hurley, U.S. Mineral Surveyor Maurice P. Oswald, and Nabesna Area Guide Ken Oldham all sent letters of support.

AGNB ACTION: A motion to approve the proposal was made and second. The vote was against the approval (4 nay, 1 yea). A motion was made, second and voted unanimously to defer the proposal pending the development of a Board policy regarding commemorative names for public officials. Board members will send their ideas about the policy to Vicki Moore who will present a policy for discussion at the AGNB on May 18, 1989. After a policy has been adopted, the Board will reconsider this proposal.

7.

Proposal Name: Mount McGhan 6/88

Description: mountain, located on the N shore of Kenai lake, S shore of Crescent Lake; Section 13, T4N, R2W, Seward Meridian, 60°26'00"N, 149°33'30"W.

DISCUSSION: Other Factors: Named after Bruce McGhan who was killed in an accident in 1986. He was a pilot and spent a lot of time in the Crescent Lake area. He comes from an old time Alaskan family, his father operated one of the early airlines between Alaska and Seattle. He worked hard all of his life, getting into the heavy equipment field. He aided in the design of bear-proof garbage cans. he started his own construction company. Contacts, Responses: Chugach National Forest - No strong objection to proposed name, person has not had significant impact on forest issues. No known local or historical usage of this name being used for the feature. Kenai Peninsula Borough - approved. CIRI - N/R. Lots of public support - signatures. Representative Curt Menard and Representative Dave Donley sent letters of support.

AGNB ACTION: A motion was made, second and voted unanimously to reject the proposal. The individual did not meet the "significant contribution" to Alaska criterion. Nor did the individual meet the criterion of long association with that feature.

8.

Proposal Name: Dunn Island 11/88

Description: island, located between Wrangell Island and Etolin Island; one of several islands SSE of Zimovia, which are named Islets; Section 36, T65S, R85E; Section 1, T66S, R85E, Copper River Meridian.

1 IN THE HOUSE

BY MENARD AND DONLEY

2

HOUSE CONCURRENT RESOLUTION NO. 32

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

Requesting the State Geographic Board to

6

name a mountain on the Kenai Peninsula

7

after Bruce McGhan.

8

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

9

WHEREAS Bruce McGhan was born and raised in the state and spent many  
10 hours enjoying the beauty of Crescent Lake and the surrounding mountains on  
11 the Kenai Peninsula; and

12

WHEREAS Bruce McGhan was killed in an industrial accident at the age  
13 of 33 leaving behind family and friends who knew and loved him; and

14

WHEREAS four generations of Bruce McGhan's family have lived in the  
15 state, coming to the state in the 1940's and bringing the brass rail that  
16 is still installed in the Anchorage Fourth Avenue Theatre; and

17

WHEREAS members of Bruce McGhan's family installed the first transmit-  
18 ter station on Mount Susitna and worked on the statehood committee; and

19

WHEREAS Bruce McGhan's grandfather, Clifford D. McGhan, drove one of  
20 the first cars over the Alaska Highway and operated one of the early air-  
21 lines between Alaska and Seattle; and

22

WHEREAS Bruce McGhan's historic family ties to the state were made  
23 stronger by his father, Terry McGhan, who installed the first public water  
24 and sewer systems used in Spenard; and

25

WHEREAS by being a conscientious and hard worker, Bruce McGhan accom-  
26 plished much in his short life, beginning at the age of eight when, as the  
27 youngest paper boy for the Anchorage Daily News, he established one of the  
28 largest paper routes in Spenard and won dozens of awards for his efforts;  
29 and

1           WHEREAS Bruce McGhan always exhibited the Alaska trait of accepting  
2 any challenge, including when, at age 13, he learned to run his first piece  
3 of heavy equipment, fixed the bulldozer when it broke down, and built a  
4 runway at Mentasta Lodge on the Tok cutoff; and

5           WHEREAS Bruce McGhan contributed to the history of the state when he  
6 worked for a remote bush construction company to build several village  
7 schools; and

8           WHEREAS Bruce McGhan worked for the former state Department of Parks  
9 and helped to design and build the bear-proof garbage cans that are used  
10 today; and

11           WHEREAS Bruce McGhan exemplified the spirit of the state by simply  
12 being a good and honorable man and by taking pride in his home state, pride  
13 in every job he did, and pride in the family he left behind; and

14           WHEREAS Bruce McGhan's ashes are spread on a certain unnamed mountain,  
15 among nine other unnamed mountains, in the area he loved so much; and

16           WHEREAS it is appropriate that a geographic feature within the  
17 Crescent Lake area be named in his honor as a permanent testimony to his  
18 memory; and

19           WHEREAS there is strong public support for this action, as demon-  
20 strated by local political backing, resolutions, letters of support, and a  
21 petition bearing more than 1,200 signatures; and

22           WHEREAS the unnamed mountain is located on the north shore of Kenai  
23 Lake and south shore of Crescent Lake, at Section 13, Township 4 North,  
24 Range 2 West, Seward Meridian, 60 degrees 26'00"N, 149 degrees 33'30"W;

25           BE IT RESOLVED that the Alaska State Legislature urges the State  
26 Geographic Board to name the above-described mountain in the Kenai Penin-  
27 sula "Mount McGhan."

28           A COPY of this resolution shall be sent to the Honorable David G.  
29 Hoffman, Chair of the State Geographic Board and to the members of Bruce

1 McGhan's immediate family.

February 11, 1990

The Honorable Sam Cotten  
Speaker of the House  
P.O. Box 7  
Juneau, AK 99811

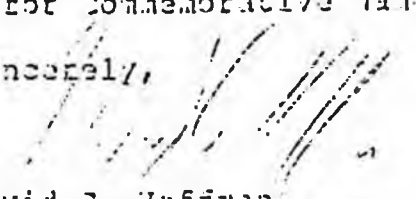
Dear Representative Cotten:

Thank you for forwarding HJR 32, requesting the Alaska State Geographic Names Board name a mountain after Bruce McShan. The Board will meet on Thursday, February 22, 1990, at the Juneau Public Library from 1:00 to 4:00 p.m. During this meeting, the Board will reconsider the Mount McShan name proposal.

Mount McShan falls under the Board's guidelines on Commemorative Names. The individual for whom the feature is to be named must have made a "significant contribution" to Alaska or have had a long association with the feature. Last February, the Board reviewed the Mount McShan proposal. The Board did not approve the name proposal because it believed that Bruce McShan did not meet the established guidelines. I have included a copy of the Commemorative Names guidelines for your information.

With the passage of HJR 32, the Board will reconsider the Mount McShan proposal. The Board will refer to the information about Bruce McShan provided in HJR 32, as well as information included in a letter from Mrs. McShan. The Board will review the contributions of Bruce McShan to the state according to its guidelines, and make a decision based upon whether Bruce McShan meets the established criteria for Commemorative Name proposals.

Sincerely,

  
David B. Hoffman  
Commissioner and Chair  
Alaska State Geographic Names Board

Enclosure

cc: Curt Menard, State Representative  
Dave Donley, State Representative

Debra McGhan  
HC 31 Box 5268  
Wasilla, Ak. 99687  
(907) 376-2898

RECEIVED  
JAN 5 1990  
LEGISLATIVE COUNCIL

January 2, 1990

Governor Steve Cowper  
Office of the Governor  
Juneau, Ak. 99801

Re: HCR 32 (Naming a mountain in memory of Bruce McGhan)

Dear Governor:

For the past three years I have been attempting to have an unnamed mountain on the Kenai Peninsula named in memory of my late husband Bruce McGhan. After his tragic death in 1986 I discovered this mountain, which we spent a great deal of time enjoying, exploring and camping near during his lifetime, was unnamed. The mountain and the area around it hold many wonderful memories for my family and friends.

On finding this mountain did not have the honor of a name I requested instructions from the state of Alaska for the proper procedure to have the mountain named in his memory. I received a package from the state of Alaska and followed the instructions precisely. I prepared a biography of Bruce's history, collected over 1,200 signatures in support of my request, contacted the local assemblies and governments where the mountain is located and gained their support as well as support from state and borough officials. Once I had collected all required information I forwarded it to the naming commission for consideration. My request was denied on the basis that the board felt Bruce did not make a substantial contribution to the state.

At the time of their decision (February 1989) I investigated what the definition of a substantial contribution entailed and discovered no definition existed. I was told by a secretary in the commissioner of regional affairs office a substantial contribution was something like holding political office. They have since defined the definition more specifically. I feel Bruce still meets their requirements.

Bruce was a third generation Alaskan who gave much to this state. His parents were both active on the statehood commission and contributed much to making Alaska what it is today. Bruce dedicated his life to upholding the dignity of his home state and aided in the engineering and design of the currently used bear proof garbage cans, a valuable device that is used today in parks and recreation areas all around the state. He lived by the adage that helping others was what life was all about.

He was a quiet, un-public person, but that did not make his contributions any less substantial.

Curt Menard, Dave Donley and Richard Foster sponsored HCR 32 and the resolution also has support from Jay Kerttula, Mike Szymanski, Mike Navarre, Ronald Larson and others.

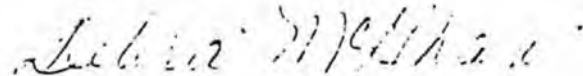
I have brought this situation to your attention in the hope that you might be able to add your assistance to my cause.

Alaska is inundated with geographic features that bear the names of people who have never been to Alaska, or would have wanted to if given the chance (Mt. McKinley). Or in memory of corrupt politicians (Foraker) or just plain corrupt citizens (Juneau). We have dozens of features that seem to be named for no apparent reason at all (Right Mountain and Wrong Mountain to name only two.)

Isn't it time Alaska's geographic features receive more worthy names? And isn't it time we do something for the "average" Alaskan who did little more than work hard and love his home state?

I appreciate any help and support you can lend in this matter.

Sincerely,



Debra McGhan

Enclosures: (3)

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 29, 1990

Ms. Debra McGhan  
HC 31, Box 5268  
Wasilla, AK 99687

Dear Ms. McGhan:

Thank you for your letter giving more background on HCR 32 and why you are seeking to have a mountain named after your late husband, Bruce McGhan. In light of the passage of HCR 32, the Alaska State Geographic Names Board (AGNB) will reconsider your name proposal during its next meeting, to be held February 22, 1990, at the Juneau Public Library.

The AGNB follows the guidelines developed by the federal Board on Domestic Names. The federal guidelines for commemorative names specify that the person for whom a feature is to be named must have had either a direct association with the feature, or have made a significant contribution to the state. That term is somewhat ill-defined, and was deliberately left that way so that federal and state geographic boards would have leeway in making a determination.

After the Alaska Board began holding regular meetings again last year, following a two-year hiatus, the Board members themselves felt that the Alaskan public would benefit from a more clearly defined explanation of what they were looking for in Commemorative Name proposals. I think the Board's elaborated definition succeeds in making "significant contribution" clearer. I only regret that it wasn't in place sooner.

The Board has adopted and adhered to these review guidelines and policies to avoid naming features after persons who have made no significant contribution to the state, such as those you mentioned in your letter. Since you feel that your husband meets the expanded definition and has made a significant contribution, I would like to encourage you to let the AGNB know, in writing, why you believe his actions will have a lasting impact on the state. I am confident that the Board members will review your proposal fairly and without undue bias.

Ms. Debra McGhan

- 2 -

January 29, 1990

I appreciate your desire to name a feature after your late husband. But, I can only say that I will have the Board reconsider your proposal and make a decision based upon established guidelines.

Sincerely,

S/S Steve Cowper

Steve Cowper  
Governor

cc: Bob A. Evans, Legislative Liaison  
Office of the Governor  
Mike Irwin, Special Staff Assistant  
Office of the Governor  
Alaska State Geographic Names Board

February 22, 1990  
Alaska State Geographic Names Board  
Minutes

Proposal Name: Mount McGhan, 6/88

Description: Mountain, located on the north shore of Kenai Lake, elevation 4,730',  
S shore of Crescent Lake; Sec. 13, T4N, R2W, 60°26'00"N, 149°33'30"W;  
Seward Meridian

1. Proposal Type: reconsideration
2. Map:
3. Proposer: Debra McGhan
4. Administrative Area: Mat-Su Borough
5. BGN Docket #: N/A  
BGN/AGNB Action: none
6. Names Associated With Feature: no known  
Spoken:  
Written:  
Historical:  
Legal:
7. Other Factors: Named after Bruce McGhan who was killed in an accident in 1986. He was a pilot and spent a lot of time in the Crescent Lake area. He comes from an old Alaskan family; his father operated one of the early airlines between Alaska and Seattle. He worked hard all of his life, getting into the heavy equipment field. He aided in the design of bear-proof garbage cans. He started his own construction company.
8. Contacts, Responses:  
Chugach National Forest - No strong objection to proposed name; person has not had significant impact on forest issues.  
Kenai Peninsula Borough - approved.  
CIRI - N/R  
Other: public support (signatures); Rep. Curt Menard and Rep. Dave Donley have sent letters of support
9. AGNB Action: On February 8, 1989, the Alaska State Geographic Names Board voted unanimously to REJECT the proposal. The individual did not meet the "significant contribution" to Alaska criterion. Nor did the individual meet the criterion of long association with that feature. Mrs. McGhan was notified by phone and by letter.
10. Follow Up: (copies enclosed in agenda packet)

- A resolution was introduced into the House requesting the Board to name the feature mentioned above Mount McGhan, after Bruce McGhan. The resolution did not make it through both chambers.
- I received a request for more information from Rep. Menard's office and Sen. Faiks' office.
- The Board received a letter of support later that year from Sen. Kerttula's office asking the Board to name a mountain after McGhan. The Board responded.
- Several articles appeared in newspapers about the proposal. They are included in this packet.
- This session of the Legislature, HCR 32, naming a mountain after Bruce McGhan, passed both chambers.
- Debra McGhan also sent a letter to the Governor soliciting his support. The Governor's reply is attached. He directs the AGNB to reconsider the Mount McGhan proposal during its February 22, 1990 meeting.
- Letter from Debra McGhan to Commissioner Hoffman containing additional information about Bruce McGhan's contribution to the state and some information about the McGhan family in Alaska.
- Public Opinion Message (POM) from Claude Privett opposing HCR 32.
- Letter in January 28, 1990 Anchorage Daily News letters to the editor opposing Mount McGhan.
- Letter and response forwarded to AGNB from Donald Orth of the U.S. Board on Geographic Names (BGN) to Mr. Jack Moran. Mr. Moran requested the BGN to approve Mount McGhan because "proposal is tied up in a 'maze of red tape' in the state." BGN refuses to override AGNB decision.
- Letter from Rep. Menard supporting the proposal.

11. Staff Recommendation: In Mrs. McGhan's letter to Commissioner Hoffman, Debra McGhan outlines her late husband's contribution to the state. While he did indeed contribute to the state as a good citizen, worker and neighbor, it does not appear that he meets the significant contribution requirement. Nor does the fact that he is a third or fourth generation Alaskan necessarily imply a significant contribution to the state. According to our definition of commemorative names, his contribution to the state would not be considered significant. McGhan's family is mentioned in HCR 32, but the mountain is to be named for Bruce McGhan and must stand on Bruce McGhan's contribution. There is no doubt that Bruce McGhan, as an ordinary citizen, contributed to the state by way of working and living in the state. Although this proposal does not meet the Board's requirement, there is no reason why a local man-made feature (library, park, bridge, road, etc.) couldn't and shouldn't be named after Bruce McGhan or for the McGhan family.
 

*(Sandra Maclean, ix F rep not present at vote)* → 2 votes from DNK  
1 - Julie Listerkefi, DERA
12. AGNB action: By roll call vote, 4 rejected and 3 approved. The AGNB REJECTED the proposal by a majority opinion that the proposal did not meet the definition of "significant contribution" within the

Commemorative Names policy. The Board recommends the proposer seek to have a local man-made feature such as a park, road, or building, named after the individual.

# Federal Policy + Guidelines

## POLICY III:

### COMMEMORATIVE NAMES

Human impact on the land has taken many forms. One of the more prominent forms has been the association of people's names with the landscape. This has resulted in the adoption of many personal names and nicknames for identifying geographic features, such as populated places (Harrisburg, Pittsburgh, Washington, Elizabeth); mountains (Pikes Peak, Mount Saint Helens, Lone Eagle Peak); and streams (Hudson River, Guthrie Run, Barnes Creek, Parkers Creek).

#### Policy sec. 1

The U.S. Board on Geographic Names will consider proposals for assignment of the names or nicknames of deceased persons to geographic features in the United States and its territories. The Board will not consider names that commemorate or may be construed to commemorate living persons. In addition, a person must have been deceased for at least one year before a commemorative proposal will be considered.

#### sec. 2

The person being honored by the naming should have had either some direct association with the feature or have made a significant contribution to the area or State in which it is located.

#### sec. 3

A proposal commemorating an individual with an outstanding national or international reputation will be considered even if the person was not directly associated with the geographic feature.

## Guidelines

A person's death on or at a feature, such as in a mountaineering accident or plane crash, or the mere ownership of land or the feature, does not normally meet the "direct association" criterion.

A proposal to commemorate an individual should contain evidence of local support for the proposed name and its application. Such evidence may be in the form of letters from local residents and administrative agency personnel and/or petitions containing original signatures of local citizens.

Approved by:  
Board on Geographic Names  
April 22, 1986

Approved by:  
Secretary of the Interior  
May 27, 1986

## POLICY IV:

### WILDERNESS AREAS

In the Wilderness Act of 1964 (Public Law 88-577, 78 Stat. 890) Congress established a National Wilderness Preservation System composed of federally owned areas to be administered

"...for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use

# POLICY + GUIDELINE STATE DEFINITION

## COMMEMORATIVE NAMES

Commemorative Name proposals are designed to honor or recognize an individual who has made an outstanding or noteworthy contribution to an area, region, or the state as a whole. Occasionally, the individual may have been a national or international figure, or be a personage from Alaska's history. Proposals containing a given name or nickname of an individual are considered commemorative. Commemorative names cannot be submitted for any living person. The person must have been deceased for at least one year before the Board will review the proposal.

The U.S. Board on Geographic Names (BGN) states in its guidelines on commemorative names:

"The person being honored by the naming must have been deceased for at least one year and should have had either some direct association with the feature, or have made a significant contribution to the area or state in which it is located."

The Alaska State Geographic Names Board has further defined the terms "direct association" and "significant contribution" in order to explain what exactly the Board is looking for.

### Significant Contribution

The Alaska State Geographic Names Board has defined the term "significant contribution" to include the following:

- \* The Contribution that the individual has made must be notable and of consequence and have had a noticeable impact on the state, region, or community. A "significant contribution" is one that is beyond commonplace, an extraordinary effort, achievement, or impact, and it may come from the individual's work, professional or civic activities, and can be in the social, political, economic, scientific, or cultural areas. The significant contribution should have benefitted Alaskans beyond their immediate circle of family and friends. Generally, these individuals will often have been recognized previously through the following: letter of thanks from the Governor; certificates of appreciation from an agency or group; awards received; newspaper articles featuring the contribution(s) made; dedication of local man-made features (park, street, garden, building); mention in Who's Who, etc.

## COMMEMORATIVE NAMES (Continued)

- \* The individual may be a historical figure in relation to Alaskan history, or the individual may have made an exceptional contribution to Alaskan history, quality of life, or donation of time or service. The individual's action would have affected the lives of past, present or future generations of Alaskans.
- \* Commemorative names are not intended to memorialize a family member or friend.
- \* Features also can be named for persons who have made a significant contribution nationally or internationally, especially if such individuals have made advancements in the area of global peace or cooperation, made the nation or planet a better place to live, or have made a unique and exceptional contribution to the nation or planet in the social, political, economic, scientific, or cultural areas.

### Direct Association

Commemorative name proposals which claim an individual's direct association with a feature, will need to provide local comments or support by local "authorities" and residents attesting to the individual's association with that feature. The individual should have been physically present at, or in the vicinity of, the feature for some years OR have engaged in some activity that affected the feature OR spent a great deal of time at or in the vicinity of the feature. Recreational use of or visits to a feature do not necessarily meet this criteria.

The Federal Board states:

"a person's death on or at a feature, such as a mountaineering accident or plane crash, or the mere ownership of land or the feature, does not normally meet 'direct association' criterion."

The person must meet the commemorative name proposal guidelines.

# STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

- P.O. BOX B  
JUNEAU, ALASKA 99811-2100  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 563-1073

February 27, 1990

Mrs. Debra McGhan  
HC31 Box 5258  
Wasilla, AK 99687

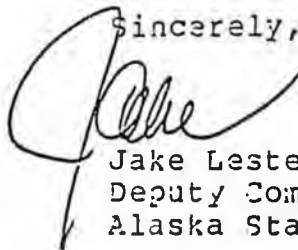
Dear Debra:

I was happy you called and I had an opportunity to speak to you personally. I know how disappointed you were about the results of the Names Board ruling on your proposal.

I want you to know that the Board deliberated at length and they were very sensitive to your proposal. The rules, however, made it extremely difficult to accomodate your request. We all feel that naming a man-made feature, as is often done, should be tried.

I admire your hard work and your loyalty to your late husband, and hope you may succeed in some recognition for him. Good luck.

Sincerely,



Jake Lestenkof  
Deputy Commissioner and Chairman  
Alaska State Geographic Names Board

cc: Representative Curt Menard  
Representative Jave Donley  
Representative Richard Foster  
Senator Jalmar Kerttula  
Penny Forsmo, Boards & Commissions, Office of the Governor  
Mount McGhan file

RECEIVED  
FEB 27 1990  
ALASKA STATE GOVERNMENT

SB

70

# ( ) USE COMMITTEE REPORT ( )

(7)

Date Referred: April 19, 1991

FURTHER REFERRALS:

State Affairs  
Finance

Date of Committee Action: 5-3-91

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

CSSB 70(FIN)

CS FOR SENATE BILL NO. 70 (FINANCE)

MUNICIPAL TAXATION OF CERTAIN ST. PROP

"An Act relating to taxation by municipalities of certain property of governmental entities; and providing for an effective date."

**RECOMMENDATIONS:**

be replaced with \_\_\_\_\_ [ ] the same title  
[ ] a new title

[ ] have attached amendments(s)

[ ] do pass

[ ] do not pass

no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

fiscal note(s) DCED, Revenue, Admin

[ ] zero fiscal note \_\_\_\_\_

zero fiscal note(s) DCRA, Admin

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
		<i>Richard J. [Signature]</i>		*	
<i>Betty Davis</i>	✓				
<i>Jerry [Signature]</i>	✓	<i>[Signature] MACKIE</i>		*	
		<i>Cherie Davis</i>		X	
		<i>J. [Signature]</i>		X	

*[Signature]* MACKIE  
CHAIRMAN'S SIGNATURE

# Alaska State Legislature

3111 C Street, Suite 150  
Anchorage, Alaska 99503  
(907) 561-2038

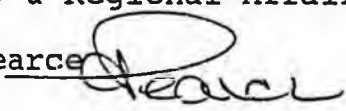


During Session:  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-4993

Senator Drue Pearce  
District G

## MEMORANDUM

TO: Representative Jerry Mackie, Chair  
House Community & Regional Affairs Committee

FROM: Senator Drue Pearce 

DATE: May 2, 1991

RE: CSSB 70 (FIN), Taxation by municipalities of certain  
property of governmental entities

CSSB 70 (FIN) would allow taxation of real property acquired by state and federal agencies through foreclosure or deed in lieu of foreclosure and retained for investment purposes.

This legislation was requested by the Alaska Municipal League. Millions of dollars of assessed value are being removed from assessment rolls across the state by certain governmental agencies which have foreclosed on property in which they have a security interest.

Some state agencies, like Alaska Industrial Development and Export Authority (AIDEA), the Public Employees Retirement System (PERS) and the Teachers Retirement System (TRS), have been exempted from taxation by the statutes which created the agency, while others, like the Alaska Housing Finance Corporation (AHFC) pay local property taxes.

Inequities have been created since these exempt properties bear no tax burden but receive the same services they did while in private ownership. CSSB 70 (FIN) will correct these inequities and will give municipalities the revenue to which they are entitled for the services they supply (i.e. roads, utilities, police and fire protection).

CSSB 70 (FIN) extends to federal properties similarly held and not otherwise exempt from taxation by the provisions of federal law. Currently, several large federal agencies, such as the Federal Deposit Insurance Corporation (FDIC), Federal Savings and

Loan Insurance Corporation (FSLIC), Housing and Urban Development (HUD), and Veterans Administration (VA), pay municipalities taxes for property which they have taken title to under a foreclosure proceeding. Farm Home Administration (FmHA) feel they are exempted by our statutes. CSSB 70 (FIN) would clarify this and Farm Home Administration would be required to pay taxes on their foreclosed property if this legislation is passed.

In the Senate Community & Regional Affairs Committee an amendment was adopted to provide that municipal real property located outside the municipality is taxable by another municipality. This amendment (page 2, line 8 through line 11) was adopted as part of the Alaska Municipal League 1991 Municipal Platform.

A concern was raised that the real property tax base in a number of municipalities could be eroded by the ownership and acquisition of real property by municipalities located outside the city or borough required to provide services. The host municipality providing services such as roads, utilities, and police and fire protection for these properties will need a stable tax base in order to provide these services particularly as state revenues decline.

Without this limited exception to municipal tax immunity, real property which would otherwise be taxed would continue to be exempt from taxes even though the outside municipality owning the real property has no governmental responsibilities or obligations to the citizens of the municipality required to provide services.

It makes evident that real property owned by a city is not taxable by a borough when it is owned by a city in that borough.

CSSB 70 (FIN) is supported by the Municipality of Anchorage and the Alaska Association of Assessing Officers. Letters of support are included in your packet.

I urge your support for CSSB 70 (FIN).

Thank you.

FISCAL NOTE

No. 1

Bill Version: SB 70

(S) Publish Date: 2/15/91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Community & Regional Affairs

Title: "An Act relating to taxation..of certain property of governmental...." BRU: \_\_\_\_\_

Sponsor: Senator Pearce

Component: \_\_\_\_\_

Requestor: Senate C&RA Committee

COMPONENT SERIAL NO. 

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Changes in (SSB 70) (C&RA) have no fiscal impact. This fiscal note is appropriate.

2/14/91  
date

[Signature]  
Comte Aide (initial)

Prepared By: Remond Henderson, Director

Phone: 465-4708

Division: Administrative Services

Date: 2/13/91

Approved by Commissioner: \_\_\_\_\_

Agency: Community & Regional Affairs

Changes in (SSB 70) (Fin) have no fiscal impact. This fiscal note is appropriate.

3/28/91  
date

[Signature]  
Comte Aide (initial)

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Req