

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2006 80/2

11656 HOUSE STATE AFFAIRS

adult purchase alcohol on the decoy's behalf. *Not all states permit the use of underage operatives in the enforcement of alcohol statutes, check with prosecutors in your area if you are considering this type of "shoulder tap" enforcement program.* The California Alcohol Beverage Control Department, Montgomery County (MD) Police Department, and the Minneapolis (MN) Police Department are examples of enforcement entities that use this strategy to address third-party transactions. These departments have established procedures for "shoulder tap" enforcement programs (see box on pages 12–13), including guidelines for the decoy's actions that are similar to those used in compliance checks (e.g., no deception, false identification, or attempts to look older). The departments also take precautions to safeguard the underage decoys by training them prior to the operations, equipping them with radio transmitters during the attempts, and placing them under the direct supervision of a law enforcement officer. Attempts to complete these enforcement activities are broken off immediately if there is any sign of danger (e.g., the adult asking the decoy to get into a car, the transaction moves out the direct view of the back-up teams). In conducting these enforcement activities, the California ABC Department discovered an added benefit to these operations. During one year of the "shoulder tap" enforcement program, 37 percent of the adults cited for purchasing alcohol for youth were either on parole, probation, or had outstanding arrest warrants. Therefore, their efforts to reduce underage drinking also resulted in other enforcement benefits in the state.

Strategies To Reduce Familiar Third-party Transactions

While strangers providing alcohol to youth contribute to underage access, parents, older siblings, other relatives, and friends are also a significant source of alcohol for underage drinkers. Because most of



MADD

Activism | Victim Services | Education

Mothers Against Drunk Driving
JUNEAU CHAPTER
211 4th St., Suite 314
Juneau, AK 99801
Phone (907)463-2562
Fax (907)463-2540
madd@alaska.net
www.madd.org/ak/juneau

February 8, 2005

Re: HB 116

Dear Representative Meyer,

Thank you for sponsoring HB 116. Mothers Against Drunk Driving and its Youth In Action program support HB 116 because we believe it will help in the prevention of underage drinking in Alaska. This bill will protect law enforcement's youth and adult agents who are essential to making sure that people under 21 are unable to obtain alcohol from licensees or other adults.

In order to check for compliance with Alaska's underage drinking laws, law enforcement officers sometimes use agents who attempt to obtain alcohol for people under 21. MADD has assisted in these checks, particularly in recruiting youth to serve as agents. Under current law, these agents are vulnerable to law suits by liquor licensees who wish to obstruct enforcement of the title four laws that govern the dispensing of alcohol. We believe youth and adults agents who courageously volunteer to help with enforcement of Alaska's liquor laws deserve our gratitude instead of having to fear being sued \$1000.

We believe the intent of statutes 04.16.049 and 04.16.065 is to allow liquor licensees to sue people \$1000 when their aim is to provide alcohol to teens, not to allow licensees to sue agents working with law enforcement. Most liquor licensees have not tried to abuse the law in this manner; however, at this moment at least one 18-year-old agent is being sued by a licensee. It is difficult to attract and retain youth agents for a number of reasons. The threat of a lawsuit will make it more difficult to attract agents in the future.

Studies have shown that ongoing compliance checks are important for ensuring that liquor laws are upheld. The more frequently and consistently compliance checks occur, the better licensees are about complying. In Juneau, for example, once compliance checks were instituted, we saw refusal to sell to minors go from a 67% compliance rate in 2000 to a 100% compliance rate in 2004. However, compliance rates typically slip when checks are discontinued.

We all know underage drinking is a big problem in Alaska. Thank you for helping to keep alcohol out of the hands of our youth.

Sincerely,

Jessica Paris
MADD Youth In Action Coordinator

Cindy Cashen
MADD Executive Director

SUPPORT



State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Frank H. Murkowski, Governor
William Tandeske, Commissioner

February 15, 2005

Representative Kevin Meyer
Alaska House of Representative
State Capitol
Juneau, Alaska 99801-1182

RE: HB 116—"An Act relating to the liability of certain persons for entry and remaining on licensed premises."

Dear Representative Meyer:

Your staff has requested a statement from the Alcoholic Beverage Control (ABC) Board regarding HB 116.

The ABC Board has conducted compliance checks for the last four years to address the public safety and welfare problem of selling alcoholic beverages to persons younger than 21 years of age. The compliance checks involve having young people between the ages of 16 and 20 attempt to purchase alcohol under the supervision of ABC Board investigators, municipal police, or Alaska State Troopers. The youth are instructed to be truthful in response to questions regarding their age and identification. The program has been very successful if judged by the metric of reducing sales to these underage customers. When the program began, alcohol was sold nearly 50% of the time and now the sell rate is less than 10%.

One tactic that has been raised by liquor licensees that do not like this increased oversight and enforcement is the claim that law enforcement agents are breaking the law to enforce the law by sending underage persons on to licensed premises in violation of AS 04.16.049. The ABC Board has been advised informally by its legal counsel that the compliance check protocol could be successfully defended under AS 11.81.420(b)(2). This statute says that conduct which would otherwise constitute an offense is justified if the person (in this case our underage customer) "believes the conduct to be required or authorized to assist a peace officer in the performance of the officer's duties." HB 116 applies this broad grant of immunity found in Title 11 to a very specific situation regarding alcohol law enforcement in AS 04.16.049. As long as there is no conflict between the statutes, the change makes very clear that properly administered compliance checks do not constitute a violation of Title 4. The ABC Board supports HB 116 since it does not appear to conflict with existing law.

Please contact me if you have any further questions.

Sincerely,

Douglas B. Griffin
Director

cc: ABC Board Members
Commissioner William Tandeske
Deputy Commissioner Ted Bachman
Cliff Stone, Special Assistant, Department of Public Safety
Anne Carpeneti, Asst. Attorney General, Department of Law

HB

121

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 9, 2005

SUBJECT: Service areas in second class boroughs (CSHB 121(CRA))

TO: Representative Bill Thomas,
Co-chair, House Community and Regional Affairs Committee
Attn: Kaci Schroeder

FROM: Tamara Brandt Cook
Director

TBC

You have supplied me with a letter from Michael Black, Director of the Division of Community Advocacy, and a copy of comments by Dan Bockhorst. You ask whether the analysis of CSHB 121(CRA) in these materials is correct. It is.

AS 29.35.450 applies as a home rule limitation. This means that home rule municipalities are bound by the requirements in this statute. (AS 29.10.200(46)) Subsection (c) of AS 29.35.450 is amended in CSHB 121(CRA) by creating an exception to the voting requirements of that subsection in certain circumstances to permit a borough to abolish a service area or consolidate service areas. However, the exception, by its terms, applies only to service areas of second class boroughs. The exception does not apply in unified municipalities or home rule boroughs.

TBC:med
05-167.med

**Comments to House State Affairs Committee
Regarding CSHB 121(CRA)**

**By Dan Bockhorst
Department of Commerce, Community, and Economic Development**

March 1, 2005

Thank you Mr. Chairman and members of the Committee. For the record, my name is Dan Bockhorst, I am a Local Government Specialist with the Department of Commerce, Community, and Economic Development.

The Department endorses measures to give borough governments the flexibility needed to provide for the efficient delivery of services. This bill does that for second class boroughs.

However, the Department wishes to make two observations about this bill.

First, there is nothing unique about a second class borough that would suggest that the measures in the bill are needed for that particular class of borough, but not other classes of borough.

Consider, for example, the Ketchikan Gateway Borough. It is currently a second class borough. As such, the assembly of the Ketchikan Gateway Borough would gain needed flexibility under this bill. Yet, a petition is presently pending before the Local Boundary Commission that, if approved by the Commission and voters, would convert the Ketchikan Gateway Borough into a home rule borough. If that occurs, the Ketchikan Borough assembly would then lose the flexibility accorded to second class boroughs as the bill is currently written.

That leads me to my second observation. The bill, as written, gives greater flexibility and authority to a general law (second class borough) than it does to a home rule borough. Under Alaska's Constitution, home rule represents the maximum level of self-governance. I am aware of no instance where State law places a greater restriction on home rule local governments than it does on general law local governments. This bill would be the first in that regard. The provision seems contrary to the intent of home rule local government.

Thank you for the chance to comment.

**TABLE 2
POWERS AND DUTIES OF ORGANIZED BOROUGHS**

POWER	UNIFIED MUNICIPALITY AND HOME RULE BOROUGH	FIRST CLASS BOROUGH	SECOND CLASS BOROUGH
Public Education (education powers have been broadly interpreted by the Al. Dept of Law)	The borough or unified municipality must provide the service areawide in accordance with AS 14.	Same as for a home rule borough.	Same as for a home rule borough.
Planning, Platting & Land Use Regulation	The borough or unified municipality must exercise the powers areawide, but not necessarily in accordance with AS 29.40.	The borough must exercise the powers areawide; in accordance with AS 29.40; the borough may allow cities to assume such powers within their boundaries	Same as for a first class borough.
Provide Transportation Systems, Water & Air Pollution Control, Animal Regulation	Determined by charter or ordinance.	May be exercised on an areawide, nonareawide or service area basis by ordinance.	May be exercised on an areawide or nonareawide basis by ordinance; approval from voters or property owners required for service area powers.
License Day Care Facilities	Determined by charter or ordinance.	May be exercised on an areawide, nonareawide or service area basis by ordinance.	May be exercised on an areawide basis by ordinance; voter approval required for exercise on a nonareawide or service area basis.
Regulate Fireworks, Provide Solid & Septic Waste Disposal, Housing Rehabilitation, Economic Development, Roads & Trails, EMS Communications, Regulate Motor Vehicles and Development Projects	Determined by charter or ordinance	May be exercised areawide upon approval of areawide voters or by transfer of powers from all cities; may be exercised by ordinance on a nonareawide or service area basis.	May be exercised areawide upon approval of areawide voters; or by transfer of powers from all cities; may be exercised by ordinance on a nonareawide basis; may be exercised on a service area basis with voter approval
Hazardous Substance Control	Determined by charter or ordinance	Same as above.	Same as above.
Other Powers Not Prohibited	Determined by charter or ordinance	Same as above.	May be exercised areawide upon approval of areawide voters; or by transfer of powers from all cities and approval of nonareawide voters; may be exercised nonareawide upon approval of nonareawide voters; may be exercised on a service area basis with voter approval

Table continued on next page

**TABLE 2 - Continued
POWERS AND DUTIES OF ORGANIZED BOROUGHS**

POWER	UNIFIED MUNICIPALITY AND HOME RULE BOROUGH	FIRST CLASS BOROUGH	SECOND CLASS BOROUGH
Property Tax	Limited to 30 mills except where a higher levy is necessary to avoid default on debt; voter approval to levy property taxes is required by some charters	Same as home rule except there is no charter. Still some general law boroughs have more limited taxing authority established by local action.	Same as for a first class borough.
Sales Tax	The rate of levy may be limited by charter and voter approval to levy sales taxes may be required by charter.	No limit exists on the rate of levy; however, voter approval is required to levy sales taxes.	Same as for a first class borough.
Assembly composition and apportionment	Flexible; determined according to AS 29.20.060 - 29.20.120	Same as for a home rule borough.	Same as for a home rule borough.
Election and Term of Mayor	Established by charter or ordinance.	Elected at large for a 3 year term, unless a different term not to exceed 4 years is provided by ordinance.	Same as for a first class borough.
Vote by Mayor	Established by charter or ordinance.	may vote to break a tie vote only if the borough has a manager form of government	Same as for a first class borough.
Veto Power of the Mayor	Generally determined by charter, except veto not permitted of ordinance prohibiting possession of alcohol.	generally has veto power, except veto not permitted of ordinance prohibiting possession of alcohol.	Same as for a first class borough.
Ability to Attain Home Rule Status	Already has home rule status.	Voters may adopt home rule charter.	Same as for a first class borough.

F.Y.I. Case

Louie Flora

From: Sally Saddler [sally_saddler@commerce.state.ak.us]
Sent: Monday, February 28, 2005 3:43 PM
To: Louie Flora
Cc: Dan R Bockhorst; Michael L Black; Darwin R Peterson
Subject: Comment on HB121 Service Areas in 2nd Class Boroughs

up tomorrow

Hi Louie--I just thought I'd follow up with a note on our comment on HB121.

The department didn't weigh in on this bill when it was heard in House CRA. The hearing conflicted with our Senate Finance budget subcommittee meeting.

This bill provides that a second-class borough is not subject to the provisions of AS 29.35.450(c) if the assembly makes certain determinations. A home-rule borough assembly is not granted the same right (see AS 29.10.200(45)). Even though we currently have no first-class boroughs, the right to render AS 29.35.450(c) inapplicable is also denied in the case of a first-class borough. Nine of the sixteen existing organized boroughs are home-rule; the remaining seven are second-class.

The only difference between HB 121 and CSHB 121(CRA) is the addition of the immediate effective date in the latter. We do not see where either the original bill or the CS has any fiscal impact on this agency, thus our zero fn on this bill. We have no position on legislation but offer the comment for your consideration.

I left a message for Dan Bockhorst indicating that you would like to have him on-line via teleconference in case there are any questions that come up on HB121. He will dial in to 1.800.395.5073.

Let me know if you need anything else!

Sally Saddler
Department of Commerce, Community & Economic Development PO Box 110800 Juneau, AK
99811.0800
Phone: 907.465.2503
Fax: 907.465.5442
Email: sally_saddler@commerce.state.ak.us

MEMORANDUM**State of Alaska**

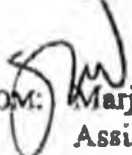
Department of Law

TO: Sally Saddler
Legislative Liaison
Department of Commerce, Community
and Economic Development

DATE: March 9, 2005

OUR FILE:

TELEPHONE NO: 465-3600

FROM:  Marjorie Vandor
Assistant Attorney General
Labor & State Affairs Section - Juneau
Department of Law

SUBJECT: Senate Bill 114

On behalf of Commissioner Blatchford, you have asked for our legal opinion as to certain constitutional concerns that have been raised by your department with respect to Senate Bill 114,¹ a bill relating to consolidating or abolishing certain service areas in second class boroughs. The bill amends AS 29.35.450(c), by inserting language that exempts second class boroughs from the requirement that a service area may be abolished only if approved by majority vote. The exemption will apply if a second class borough assembly determines that abolishment or consolidation is necessary to protect the finances of the borough, to resolve financial or legal problems of a service area, or to ensure that adequate service is provided to the residents of a service area.

In brief, the concerns that have been raised by the department in earlier legislative committee hearings on a similar bill (HB 121) are:

1. by exempting only second class boroughs from the majority vote requirement of AS 29.35.450(c), and not extending it to home rule boroughs (in particular), is incongruous with article X, section 11 of the Alaska Constitution and contrary to the framers intent to grant home rule municipalities liberal powers; and
2. by limiting the exemption to second class boroughs in AS 29.35.450(c) as proposed in this bill raises concerns as to local and special legislation.

With respect to the first issue, the limitations as to how a borough can abolish or consolidate its service areas per AS 29.35.450(c), limitations imposed on home rule boroughs as well as general law boroughs through AS 29.35.450(d), is arguably contrary

¹ There is an identical bill that was introduced in the House, HB 121.

Sally Saddler

March 9, 2005

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to the constitutional grant of authority to home rule municipalities to have liberal control over matters purely of local concern. How service areas are established, governed, altered, abolished, and combined are local matters historically dealt with in home rule charters as part of the organic law of a particular home rule municipality. As stated by the Alaska Supreme Court in *Lien v. City of Ketchikan*, 383 P.2d 271 (Alaska 1963) where a home rule municipality is concerned with a matter of purely local concern, the charter and not a legislative act is looked to in order to determine whether a particular power has been conferred upon the municipality. It would be incongruous to recognize the constitutional provision stating that a home rule [city] municipality "may exercise all legislative powers not prohibited by law or by charter" (Alaska Const. art. X, sec. 11), and then to say that the power of a home rule city is measured by a legislative act. *Id.* at 723.²

And, with respect to the amendment proposed in this bill, which further impinges on the constitutional authority of home rule boroughs by not providing them with at least as much discretion in altering or consolidating its services areas as being allowed to second class boroughs, could also be deemed by a court to be incongruous with article X, section 5 and the framers' intent to grant home rule boroughs liberal powers.

As to the issue of local and special legislation (i.e., exempting only second class boroughs from the majority vote requirements in certain situations), this limitation may violate the constitutional prohibition against special and local legislation under the Alaska Constitution. Such a specific classification of borough raises issues of whether this provision in the bill violates the prohibition in article II, section 19 of the Alaska Constitution against local and special acts. Article II, section 19 states, in pertinent part:

The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination.

There are 16 boroughs in the state. Borough make-up in the state is as follows: three (3) Unified Home Rule boroughs³, six (6) Home Rule boroughs⁴, and seven (7)

² In *Lien*, the issue concerned the leasing of city property. The charter provision allowing the lease of city property was ruled to be controlling over a statute that prohibited the lease because the court found the lease of city property was an issue of local, not statewide, concern. *Id.*

³ Municipality of Anchorage, City and Borough of Juneau, and City and Borough of Sitka.

Sally Saddler

March 9, 2005

Page 3

Second Class boroughs⁴. The ultimate question to be asked is whether the legislature's special treatment of one class of borough is "reasonably related to a matter of common interest to the whole state." *Abrams v. State*, 534 P.2d 91, 94 (Alaska 1975) citing *Boucher v. Engstrom*, 528 P.2d 456, 463 (Alaska 1974).⁶

In *State v. Lewis*, 559 P.2d 630 (Alaska 1977), cert. denied, 432 U.S. 901 (1977), the court found the statute authorizing a trade of land between the federal government, the state and a Native regional corporation did not violate article II, section 19 of the Alaska Constitution. The court found that the land trade was unique, was of statewide concern, and that the legislation was "as broad as the conditions to which it respond[ed]" could allow. *Lewis*, 559 P.2d at 644. Applying the *Lewis* standards to this bill, it is questionable that there is a rational basis to exempt one class of general law borough from the requirements of a majority vote, while continuing to impose it on other boroughs that may need the exemption for the identical reasons as allowed in this bill (i.e., finances of the borough, etc.). Thus, it is questionable whether providing the exemption to only one class of borough (i.e. second class) is "as broad as the conditions to which it [this bill] responded" could allow.

Finally, under *Lewis*, the legislature must show a rational basis, a good reason, to justify the special treatment.⁷ And, in the end, it will be the province of a court to determine if this proposed statute violates the prohibition against special and local legislation Alaska Const. art. II, sec. 19.

In summary, this bill raises complex policy and legal concerns.

MV/ba

⁴ Denali Borough, Haines Borough, Lake and Peninsula Borough, North Slope Borough, Northwest Arctic Borough, and City and Borough of Yakutat.

⁵ Aleutians East, Bristol Bay, Fairbanks North Star, Kenai Peninsula, Ketchikan Gateway, Kodiak Island, and Matanuska-Susitna.

⁶ In *Abrams*, the statute was found to violate article II, section 19 of the Alaska Constitution because it created a borough in a manner different from that for incorporating other boroughs and no evidence was presented indicating any valid reason for special incorporation procedures applicable only to the one proposed borough.

⁷ In 1978, the court articulated a unified equal protection analysis that utilizes a sliding scale to weigh the interests involved in any classification that avoids distinguishing between suspect and nonsuspect classifications. *State v. Erickson*, 574 P.2d 1 (Alaska 1978). We note that there has not been a case involving the local and special legislation prohibition since the unified equal protection test was adopted in *Erickson*.



REPRESENTATIVE BILL THOMAS

ALASKA STATE LEGISLATURE DISTRICT 5

e-mail: Representative.Bill.Thomas@legis.state.ak.us webpage: www.akrebublicans.org/thomas/

State Capitol

Juneau AK, 99801-1182

907-461-3732

888-461-3732

FAX 907-465-2652

FAX COVER SHEET

DATE: 2-7-05

TO: Rynniva Moss

FROM: Kaci Schroeder

RE: HB 121 DOL Legal Opinion

PAGES TO FOLLOW: 3



Fairbanks North Star Borough

Office of the Mayor

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1300

Fax 907/459-1102

Email mayor@co.fairbanks.ak.us

February 4, 2005

Representative Bill Thomas, Co-Chair &
House Community and Regional Affairs
State Capital, Room 428
Juneau, AK 99801-1182

Representative Kurt Olson, Co-Chair
House Community and Regional Affairs
State Capital, Room 110
Juneau, AK 99801-1182

Dear Representative Thomas and Olson:

This letter is to express my strong support of House Bill 121. Over the last several years the Fairbanks North Star Borough has been struggling to address some serious issues concerning our road service areas.

As you may know, we have over 100 service areas that are currently attempting to deal with significant changing circumstances, largely financial, arising from the zeroing out of state funding. Currently, we have some of our service areas that have chosen not to tax themselves and provide no service to their residents. Others provide only very limited service and do not have the minimum number of voluntary commissioners. While the Borough bears the ultimate financial responsibility for these service areas, it currently lacks the ability to address these problems through either consolidation or dissolution.

In addition to the liability and financial concerns resulting from struggling service areas, their inability to provide even minimal services to Borough residents presents a real impediment to economic growth in the Borough.

Accordingly, as the Mayor of the Fairbanks North Star Borough, I strongly support House Bill 121 as I believe that passage of this bill will enable the Borough to better manage service areas not only to ensure minimum services are provided to Borough residents but also to protect all Borough taxpayers from the consequences of financially strapped service areas.

Sincerely,

Jim Whitaker, Mayor

SUPPORT

JW:csm/arb



Fairbanks North Star Borough

Assembly

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267 907/459-1401

Fax 907/459-1224

Email: clerks@co.fairbanks.ak.us

www.co.fairbanks.ak.us

February 4, 2005

Representative Bill Thomas, Co-Chair
House Community and Regional Affairs
State Capital, Room 428
Juneau, AK. 99801-1182

Representative Kurt Olson, Co-Chair
House Community and Regional Affairs
State Capital, Room 110
Juneau, AK. 99801-1182

Dear Representative Thomas and Olson,

As Presiding Officer of the Fairbanks North Star Borough Assembly, I would like to submit this letter as support of House Bill 121, "An act relating to consolidating or abolishing certain service areas in second class boroughs."

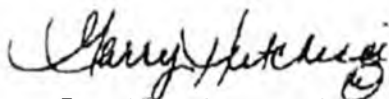
In 2001, amendments were made to AS 29.35.450 adding requirements for an election within service areas when there is a proposal to abolish, replace, or annex tax lots to that area. This was in addition to an election being held in the area that had petitioned for services causing two questions for each election and requiring both questions to pass.

The Alaska Constitution mandates that the local assembly have the authority to manage and make decisions regarding service areas. Service areas are a part of the borough and, according to the Alaska Supreme Court, are not a separate legal entity from the borough and can not sue or be sued. The borough, therefore, bears the ultimate financial responsibility for service areas.

A borough can not legally pass on service area costs to areawide borough taxpayers but some service areas no longer have sufficient funds to pay for the direct costs of providing services and a considerable number of service areas have experienced significant difficulties in maintaining even the minimum number of service area commissioners necessary to legally conduct service area business. Although, the borough bears the ultimate financial responsibility for services areas, the assembly does not have the power to address issues arising from these types of difficulties, particularly in service areas that do not provide any or only provide minimal services. House Bill 121 corrects these problems by allowing boroughs the power to better manage service areas and provide for services to its residents.

The Fairbanks North Star Borough fully supports House Bill 121 and believes its passage will provide for better services for its residents.

Sincerely,



Garry Hutchison, Presiding Officer
Fairbanks North Star Borough



217 Second Street, Suite 200 • Juneau, Alaska 99801
Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

February 14, 2005

Representatives Bill Thomas and Kurt Olson
House Community and Regional Affairs Committee
State Capitol
Juneau, AK 99811

Re: Support of HB 121 "relating to consolidating or abolishing certain service areas in second class boroughs. "

Dear Representatives Thomas and Olson,

The AML Local Government and Public Services Legislative subcommittee has reviewed this bill and strongly supports it. It is consistent with the AML Policy Statement adopted by the AML membership in November 2004.

This bill is also consistent with the Alaska Constitution, Article 10, Section 5, which states that service areas within a borough may be "established, altered, or abolished by the Assembly subject to the provisions of law or charter." This bill establishes standards for an Assembly to take necessary steps to protect the community as a whole or individuals areas. The standards require that the Assembly determine that the action to be taken is necessary to either:

- "Protect the finances of the borough,"
- "Resolve financial or legal problems of a service area," or
- "Ensure that adequate service is provided to the residents of a service area."

This is a key local control measure to help second class boroughs efficiently and fairly provide services.

Thank you for your consideration.

Sincerely,

Scott Brandt-Erichsen

Scott Brandt-Erichsen, Chair
Local Government and Public Services Committee

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB121
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title: Service Areas in RDU: Comm Assist & Ec Dev (405)
Second Class Boroughs Component: Community Advocacy
 Sponsor: Community & Regional Affairs
 Requester: House Community & Regional Affairs Component No: 2703

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1057 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation excludes second class boroughs from the provisions of AS 29.31.050 (c) if the borough assembly determines that the abolishment or consolidation of the services area(s) is necessary because of one of several conditions. This legislation has no fiscal impact on the operations of the division.

Prepared by: Athena Logan, Local Government Specialist Phone: 907.269.4540
 Division: Community Advocacy Date/Time: 2/14/05 4:48 PM
 Approved by: Edgar Blatchford, Commissioner Date: 2/14/2005
 Agency: Commerce, Community & Economic Development

Alaska State Legislature

Rep. Gabrielle LeDoux
Rep. Pete Kott
Rep. Mark Neuman
Rep. Sharon Cissna
Rep. Woodie Salmon



State Capitol, Room 124
Juneau, AK 99801-1182
Co-Chairs
Rep Kurt Olson
(907) 465-2693 FAX 465-3835
Rep. Bill Thomas
(907) 465-3732 FAX 465-2652

COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Date: 2-26-05

To: Representative Seaton, Chair House State Affairs Committee
Representative Gatto, Vice Chair House State Affairs Committee

From: Representative Thomas, Co-Chair House Community and Regional Affairs
Representative Olson, Co-Chair House Community and Regional Affairs

Re: Sponsor statement for HB 121 an Act relating to consolidating or abolishing certain service areas in second class boroughs.

When the legislature established the state revenue sharing program residents of many subdivisions outside of the city limits that had no maintenance income for their area roads were able to rely solely on revenue sharing money. People formed local service area road commissions and collected revenue sharing money based on the mileage of their service area.

With the termination of the revenue sharing program, many service areas do not have funding for road maintenance and the road commissions are now nonfunctional. As time goes on, the roads that were built under the revenue sharing program are deteriorating. The boroughs are concerned about their liability for the roads even though they have no road powers. There are no funds to maintain the roads, therefore the roads receive no service resulting in safety hazards for all who use them. In addition, the boroughs cannot dissolve the service areas without a vote of the residents.

HB 121 is designed to enable the borough to consolidate or dissolve the service areas that are nonfunctional or are functioning below minimum standards. Consolidation or dissolution will come about by decision of the governing body of the borough after adhering to well defined procedures and a hearing process. Further, HB 121 protects those service areas that are taxing themselves adequately enough to maintain the safety of their own roads. I strongly urge your support of this important piece of legislation.

HB

127

Alaska State Legislature



Session
State Capitol Building, Room 118
Juneau, Alaska 99801-1182
Phone (907) 465-2995
Fax (907) 465-6592

Interim
716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
Phone (907) 269-0250
Fax 9907) 269-0249

Chair, Judiciary Committee

Vice-Chair, House Committee on
Economic Development,
Trade and Tourism

Member
Oil & Gas Committee

Representative Lesil McGuire

House District 28

SPONSOR STATEMENT

Hb 127

"An Act relating to service in the peace corps and to service as a diplomat in the United States Foreign Service as allowable absences from the State for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

Alaskans are known for being proud of their great state. But even beyond that, Alaskans are proud to be Americans. Many young Alaskans consider serving or volunteering their time as a way to give back to the country what has been given to them. Many serve in the military, others choose to make conditions better for others by devoting two years of their lives to the Peace Corps, while others serve as diplomats, building relational bridges to our allies and in preserving peace. In each case, these Alaskans play a major role in promoting democracy in other countries and representing us as Americans.

Both Peace Corps Volunteers and U.S. Foreign Service Diplomats sacrifice time with family, often live in less comfortable conditions, and many times place themselves in harms way to serve our country. We should not cause them to sacrifice further by requiring them to forfeit their permanent fund dividends during their time overseas.

The policy decision has been made to provide every qualifying Alaskan man, woman and child with a dividend from the permanent fund. Peace Corps Volunteers and U.S. Foreign Service Diplomats are two groups of Alaskans who have members that meet all the requirements, have the intent to return to the state and yet they are denied their opportunity to receive a dividend. Peace Corps Volunteers were one of the original groups that were a recognizable exemption. In 1998, amid wide-range debate about who to add and who to leave off, Peace Corps Volunteers were cut from the list. If the Peace Corps Volunteers along with U.S. Foreign Service Diplomats were added to the list of recognizable exemptions, it will make the difference of less than a penny on each Alaskan's dividend.

Peace Corps Volunteers and U.S. Foreign Service Diplomats deserve the gratitude that they have earned in their time as volunteers and service diplomats to have the opportunity to receive their permanent fund dividend. HB 127 will add Peace Corps Volunteers and U.S. Foreign Diplomats as an allowable absence for the purpose of filing and receiving an Alaska Permanent Fund Dividend.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 127
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title Peace Corps/Diplomat Sanctions RDU Revenue Programs & Support
 Component Permanent Fund Dividend
 Sponsor McGuire
 Requester _____ Component No. 981

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 127 adds service in the Peace Corps and the US Foreign Service as allowable absences for permanent fund dividend eligibility.

The Peace Corps advises that 42 current Peace Corps volunteers name Alaska as their home of record. We are advised that there are 36 employees of the US Foreign Service listing Alaska as their legal residence. Seventy-eight additional applications in an estimated pool of 640,000 total applicants will have negligible impact on the PFD workload. The impact of adding 78 additional eligible applicants on the amount of dividend payments, taking 2004 as an example, would have been a \$0.12 reduction of the dividend, from \$919.84 to \$919.72.

Prepared by: Sharon Barton Phone _____
 Division: Permanent Fund Dividend Date/Time 2/25/05 3:24 PM
 Approved by: Tom Boutin Date 2/25/2005
 Agency: Deputy Commissioner

State of Alaska
State Affairs and Finance Committee
Re: HB 127
March 2, 2005

Dear Members of the State Affairs and Finance Committee:

I am writing to give my support for passing HB 127, specifically to support adding currently serving Peace Corps Volunteers to the Permanent Fund Dividend eligibility list. During his last term, President Bush began promoting that every American should volunteer the equivalent of two years of service, either at home or abroad. Most Americans would willingly donate their time for this service, however the reality of the situation is that most Americans cannot afford to take two years off from their job. In my opinion, supporting Peace Corps Volunteers is the very best way to promote the spread of democracy and peace in other nations. Allowing Peace Corps Volunteers to receive the PFD will show Alaska's commitment to sharing our country's blessings with the rest of the world.

I was a Peace Corps Volunteer in Central America from 1996-1998. As I am sure you know, Peace Corps service is volunteer commitment. Volunteers are given living expenses, at about the level of a teacher in the community, in our case about \$150 month. Although the Peace Corps is open to everyone who qualifies, one of the major barriers to making a two year commitment is money, more specifically, debt. Before embarking on a tour of duty, the volunteer must either sell, pay off or defer any student/education loan, mortgage, car payment or credit card debt. Student loan companies allow deferral of payment during Peace Corps service. If they did not, most of the typical, just out of college Volunteers currently serving would not have been able to make a two-year commitment without an income. Unless potential Volunteers have parents or supporters willing to pay their bills while they are gone, volunteer service becomes unavailable to regular people who have even minor amounts of debt. In that sense, even volunteer work becomes available only to people of higher socioeconomic background. Eligibility for the Alaska Permanent Fund Dividend could easily make the difference between a college age person with a small amount of debt being able to join the Peace Corps versus "getting a real job."

For example, the PFD would guarantee a potential Volunteer the ability to make a minimum monthly payment on an outstanding debt and allow them to enter Volunteer service. In our society, when a person enters the work force just out of college, they enter the consumer role as well. Once the person buys a car, sets up an apartment, gets nice clothes to go to work in, etc, it takes a frugal person 5-7 years to get back to the zero baseline financially. And in the mean time, they will get married and buy a house, and once that happens, Peace Corps will be just something they had always wished they could have done, but never had enough money. The Alaska Permanent Fund Dividend can really make a difference between the dream of overseas volunteer service and the reality of reaching it.

Thank you for your time.
Christina Logan, Returned Peace Corps Volunteer
Honduras 1996-1998

House of Representatives
State Capitol
Juneau, AK 99801-1182
Wednesday, February 23, 2005

RE: HB127

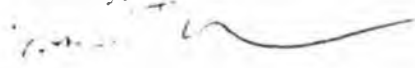
Dear Honorable McGuire and House members:

I am writing in support of the proposed legislation by Representative McGuire, changing the Alaska Permanent Fund Dividend eligibility to include Alaska Residents Serving as Volunteers in the Federal Peace Corps program or as a diplomat in the United States Foreign Service.

These are honorable services to our country, government and state. As our country works for a democratic and peaceful world, these individuals are on the front line. Denying eligibility for our dividend to these Alaskans is not only a disservice to the brave individuals who risk everything in the name of peace and democracy, but contrary to President George W. Bush's call for ALL Americans to provide volunteer service. Peace Corps volunteers are just that, volunteers. They do not travel to under developed regions for personal or financial gain, but to serve humanities children. Isn't continued denial of the PFD to these Alaskans, not only a disservice to this great nation, but to our volunteers and diplomats serving in our country's name?

I encourage all members to support our Volunteers and diplomats by supporting this bill

Sincerely,



Justin T. Barbalace
HC 1 Box 6267D
Palmer, AK 99645
907-357-1923

SUPPORT

Dear Representative Anderson and Senator Guess:

My wife Irene and I read with great interest the article in the 13 February 2005 edition of the *Anchorage Daily News* regarding Rep. Lesil McGuire's efforts to restore PFD eligibility for Peace Corps Volunteers. Our daughter Amanda, 21, began her service with the Peace Corps in Mozambique last fall, departing Anchorage on 1 Oct 04. Amanda is a remarkable young woman. She graduated in the upper ranks of her Bartlett High School Class of 2000, attended the University of Alaska Anchorage for two years as an Alaska Scholar and was an active member of the UAA student government organization. Finally, she graduated Magna Cum Laude from New York University in May of 2004 and is now teaching eight graders in Tete, Mozambique. We speak with her regularly (surface mail is extremely slow and can be unreliable) and marvel at her incredibly positive outlook and all that she has accomplished and experienced in the few months since she left home. You can be certain that not only is she a wonderful ambassador for our nations, she also epitomizes the beauty and warmth that is Alaska.

I was quite taken with one quote in the newspaper about Rep. McGuire in particular because it so closely mirrored something I said to my daughter when we said our good-byes at the airport some 4-5 months ago and have repeated to her several times since then. The newspaper quote said:

"'I can't think of a more important statement to make. We make it for the military,' she said, explaining that soldiers and Peace Corps volunteers are working to protect and promote the same goal: democracy."

I have told my daughter several times how proud I am of her and what she is doing. I also told her that I viewed what she was doing as every bit as important and patriotic as my own service in the Army. In fact, she is putting up with living conditions, pay, and an overall environment that makes my first tour of duty as a 2nd Lieutenant in West Germany (1978-1981) seem quite luxurious in comparison. My wife and I were not aware that Peace Corp Volunteers were not currently eligible for the PFD until reading the newspaper article, and we are both quite dismayed by the notion. Every one of those wonderful folks from Alaska who serve with the Peace Corps deserve the same recognition afforded to members of our armed services

from Alaska who serve Outside and remain eligible for the PFD. The Peace Corps is part of the Executive Branch of our government, like the armed services, and are every bit as important to the slow but steady advancement of freedom, human dignity, and democracy world-wide as is our fine military. Amanda told me how proud she felt when the United States Ambassador to Mozambique swore them all in as Peace Corps Volunteers following completion of their training phase. She raised her right hand and took an oath not at all different from the one I took on 8 June 1977 when I entered the Army and what countless young men and women do everyday entering the armed forces.

We urge you both to support Rep. McGuire's initiative to reinstate PFD eligibility to Peace Corps Volunteers. Sen. Guess, if the past is any indicator, the harder road might once again be the State Senate, so please let us know what we can do to help.

Thanks to you both for your fine service to our little region of Anchorage, and a special thanks to Rep. McGuire for your work on this matter. Good luck to you all.

Sincerely,

Kevin and Irene Gardner
770 Hunt Circle
Anchorage, AK 99504

Dear Representative McGuire,

I support your efforts to add Peace Corps Volunteers to the PFD eligibility list. During his last term, the president began promoting that every American should volunteer two years of service, either at home or abroad.

While this is a nice idea, the reality of the situation is that most Americans can't afford to take two years off from their job. Allowing Peace Corps Volunteers to receive the PFD will show Alaska's commitment to sharing our country's blessings with the rest of the world.

I was a Peace Corps Volunteer in Central America from 1996-1998. Although I was not an Alaska resident at the time, a fellow volunteer was, he received the PFD during his service, and it literally was the reason he was able to leave his job and join the Peace Corps. As I am sure you know, Peace Corps service is volunteer commitment. Volunteers are given living expenses, at about the level of a teacher in the community, in our case about \$150 month. Although the Peace Corps is open to everyone who qualifies, one of the major barriers to making a two year commitment is money, more specifically, debt.

Before embarking on a tour of duty, the volunteer must either sell, pay off or defer any student/education loan, mortgage, car payment or credit card debt. Student loan companies allow deferral of payment during Peace Corps service. If they didn't, most of the Volunteers currently serving would not have been able to make a two-year commitment without an income.

My point is, unless potential Volunteers have parents or supporters willing to pay their bills while they are gone, volunteer service becomes unavailable to regular people who have even minor amounts of debt. In that sense, even volunteer work becomes available only to people of higher socioeconomic background. (Most of my fellow volunteers had parents who took care of their debts. I, and others like me, sold everything I owned.) Eligibility for the Alaska Permanent Fund Dividend could easily make the difference between a college age person with a small amount of debt being able to join the Peace Corps versus "getting a real job."

In our society, when a person enters the work force just out of college, they enter the consumer role as well. Once they buy a car, set up an apartment, get nice clothes to go to work in, etc, it takes a frugal person 5-7 years to pay all that off. And in the mean time, they will get married and buy a house, and once that happens, Peace Corps will be just something they had always wished they could have done, but never had enough money.

The Alaska Permanent Fund Dividend can really make a difference between the dream of overseas volunteer service and the reality of reaching it.

Thank you for your time.
Christina Logan
RPCV Honduras '96-'98

Representative Lesil McGuire
State Capitol, Room 118
Juneau, AK 99801

420 7th Street N.W. Apt 712
Washington, DC 20004

February 4, 2005

Dear Representative McGuire,

I am writing to you to support your introduction of a bill in the Alaska House of Representatives that would create an allowable absence category for Permanent Dividend Fund (PFD) purposes for Foreign Service Officers whose job it is to serve our country overseas. I was pleased to learn of your bill through the office of my Representative, Les Gara, and wanted to lend my support to this legislation, since I have been a Foreign Service Officer since 1994, and a voting Alaska resident starting from the year before, when I first arrived in Alaska.

I joined the Foreign Service in September 1994 with the United States Information Agency (USIA), which in 1999 became part of the U.S. Department of State. Since joining, I've spent every official Home Leave I've had in Alaska, have voted in every major election in the state by absentee ballot, and have every intention of returning to the state when my Foreign Service career concludes. As evidence of my intentions, I have recently purchased a home in Anchorage.

My service overseas has, up to now, been in tough places. My wife and I lived 3 years in Addis Ababa, Ethiopia, 18 months on the isolated island nation of Mauritius in the Indian Ocean, and have just completed 3 years at the U.S. Embassy in Bucharest, Romania. Our next assignment will be in Leipzig, in the former East Germany, where I'll be Public Affairs Officer at the U.S. Consulate. We are now both studying German full time here in Washington, until our departure this summer.

I tell you all of this because I have been very familiar with the issue of Foreign Service Officers (FSOs) being excluded from the PFD process since 1994, when I first surprisingly learned that we were not included in the "allowable absence" category. When Loren Leman was in the Senate, he tried to get FSOs included in it in the late 1990s, but that vote failed in the Senate. I had written to former Gov. Knowles about it, and he turned us down, with one of his staffers telling me how good we all had it overseas. I had to tell her things weren't so easy for me in Ethiopia, or for my colleagues in other equally tough places.

The fact is there are only about 9 Foreign Service Officers who claim Alaska as their official domicile. I know this because we sent out announcements before the previous Senate vote asking for interested parties, and I and others have done some research on the number. I believe this has been followed up upon by others more recently and ? is the

number we keep coming up with. With that small number, we don't have a meaningful constituency as do members of the military. But as America's diplomats, we also serve our country in very difficult places, often in countries with bad food, dangerous streets and highways, and harsh climates. And in terms of the times in which we now live and the threat of terrorism, I don't think I need to put too fine a point on how just living overseas these days carries its own risks.

None of us are looking for a free ride here. I know very well that the Legislature for years has not wanted to expand the pool of eligible PFD recipients. But I also know it's simply the right thing to do to allow Foreign Service Officers, and Peace Corps volunteers for that matter, and their families, who lived in the State of Alaska before they joined the Foreign Service and intend to return there when their service concludes, to be eligible for the PFD.

I would be happy to provide any additional information you or other legislators may need to assure passage in the Alaska House. I understand there is now similar legislation introduced in the Senate. I really hope this oversight can be corrected this time around. You can tell your colleagues from me that while our work does have rewards in itself, the demanding lifestyle never lets us forget that what we are doing is serving our nation, and not the other way around. I also think all Alaskans would be proud to know how we also represent our state to the world. I know I do.

Many thanks for taking on this initiative, and good luck with it.

Sincerely yours,


Mark L. Wenig

Cc: Rep. Les Gara
Alaska House of Representatives



U.S. Peace Corps to Heed President Bush's Call for Volunteers

Plan to double number of volunteers in the next five years.

The U.S. Peace Corps issued a press release January 30 describing how it will expand its presence worldwide, double the number of volunteers over the next five years, and increase its presence in the Muslim world.

New missions are expected to be sent to Afghanistan, East Timor and Peru, according to the release.

"President Bush is to be commended for his strong emphasis on volunteerism in his State of the Union speech," the release said. The Peace Corps "believes that America's commitment to help others is a fundamental component of our democracy. We also recognize, as the President so clearly articulated, a yearning on the part of Americans to travel to distant countries, to share all that we know and discover the similarities among mankind."

Following is the text of the release:

Peace Corps
Washington, D.C.
January 30, 2002

IMPORTANCE OF PEACE CORPS VOLUNTEERS IS UNDERSCORED BY PRESIDENT; PRESIDENT BUSH RECOGNIZES AMERICANS' WILLINGNESS TO SERVE IN STATE OF THE UNION

WASHINGTON, D.C. -- President Bush is to be commended for his strong emphasis on volunteerism in his State of the Union speech last night and, in particular, his support of Peace Corps volunteers. For more than 40 years, Peace Corps volunteers have worked overseas at the grassroots level with the goal of promoting world peace and friendship by helping to train individuals in their host countries, educating them about Americans, and upon return to the United States, helping to educate Americans about the countries in which they served.

As the President relayed in his message and consistent with the safety and security of each volunteer, Peace Corps will expand its presence worldwide. There is a demand for Peace Corps volunteers throughout the world and an enormous interest on the part of Americans to serve overseas. We are in agreement with the President to double the number of Peace Corps volunteers over the next five years.

Peace Corps believes that America's commitment to help others is a fundamental component of our democracy. We also recognize, as the President so clearly articulated, a yearning on the part of Americans to travel to distant countries, to share all that we know and discover the similarities among mankind.

Peace Corps is also prepared to increase our presence in the Muslim world and other

countries. We share the President's urgency for the need to increase the world presence of Peace Corps volunteers, extending American peace and friendship, and bringing back to Americans a better understanding of other peoples.

Peace Corps has selected a highly skilled assessment team and is prepared to depart with short notice for Afghanistan. Depending on the safety and security situation, Peace Corps is eager to assist in the reconstruction of Afghanistan with the help of Crisis Corps volunteers. These volunteers will likely assist in efforts to address the basic human needs and make life better for Afghans with programs in health, education and construction.

We are excited about the possibility of a Peace Corps program in East Timor which, as the President stated, is the first new country in the 21st century.

Peace Corps has conducted an assessment in Peru and formed an internal Peru re-entry plan and is formally accepting the invitation from the President of Peru to send volunteers to that country.

Contact: Telephone, (202) 692-2230; Fax, (202) 692-2201

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Web site: <http://usinfo.state.gov>)

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Will our family enjoy a global lifestyle?

Crawler Copy: International travel, new cultures, foreign languages

So what's an international move all about?

Crawler Copy: Plan ahead, research employment and education information

Once we move, will somebody be there for us?

Crawler Copy: Welcoming programs and orientation services

Are there work opportunities for all of us?

Crawler Copy: Family employment options, employment workshops, home-based business possibilities

School for the kids?

Crawler Copy: Education allowances, international and boarding school options

Can someone help us make educated choices?

Crawler Copy: One-on-one advising, referrals and publications addressing mobile lifestyles, education options, family employment, eldercare, and more

You have a lot of questions - we have a lot of answers.

The Family Liaison Office

We're with you all the way.

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BENEFITS FOR FOREIGN SERVICE OFFICERS

[Health Benefit Plans](#)
[Thrift Savings Plan](#)
[Life Insurance](#)
[Annual Leave](#)
[Sick Leave](#)
[Family Medical Leave](#)
[Student Loan Repayment Program](#)
[Ten Paid Holidays Per Year](#)
[Career Counseling and Development](#)
[Child Care Centers](#)
[Child Care Subsidy \(Based on Income\)](#)
[Credit Union, Fitness Facility and More](#)
[Employee Assistance Program](#)
[Employee Consultation Service](#)
[Employee Recognition Through Our Incentive Awards Program](#)
[Employee Recreation Association](#)
[Extensive Training Opportunities through our Foreign Service Institute \(FSI\)](#)
[Flexible Work Hours \(alternative work schedules\)](#)
[Global Career Mobility Opportunities \(If desired\)](#)
[IQ: INFORMATION QUEST](#)
[Managerial and Leadership Development](#)
[MetroChek Transit Subsidy](#)
[Periodic Performance-Based Pay Adjustments \(within grade/step increases\)](#)
[Recruitment Bonuses and Retention Allowances \(designated occupations\)](#)
[Shuttle Bus Service to State Annexes](#)
[Special Salary Rates \(designated occupations\)](#)
[Telecommuting and Job Sharing](#)
[Voluntary Leave Transfer Program](#)
[Workers' Compensation Coverage for Work-Related Injuries/Conditions](#)
[Salary Determination](#)

Health Benefits Plans

Choice of extensive array of Federal Employment Health Benefits Plans, with costs shared by the Government. Employees are eligible to enroll in a wide variety of health insurance plans, including fee-for-service plans and health maintenance organizations. The employee's portion is paid through payroll deductions.

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Thrift Savings Plan (equivalents to 401(K) with Government matching)

Foreign Service Specialists may participate in the Thrift Savings Plan; a long-term savings and investment program for federal employees designed to provide retirement income.

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Life Insurance

Foreign Service Officers are eligible to participate in the Federal Employees' Group Life Insurance plan (FGLI). The FGLI plan offers low rates that are paid through payroll deductions. The U.S. Government pays one-third of the cost of this insurance.

Participation in the FGLI plan is voluntary. The plan is intended as a form of immediate protection against financial hardship or loss in the event of death. It is not offered as a form of term life insurance with a cash value, such as might be

purchased through private insurance agents.

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Annual Leave

Vacation/Personal Leave; maximum ceiling or limitation of accrual is 30 days per leave year

- 4 hours per pay period or 13 days per leave year for less than 3 years of federal service
- 6 hours per pay period or 20 days per leave year after 3 years of federal service but less than 15 years
- 8 hours per pay period or 26 days per leave year after 15 years of federal service

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Sick Leave

Accrued at a rate of 4 hours per pay period, 13 days per leave year.

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Family Medical Leave

The Family and Medical Leave Act (FMLA) of 1993 provides Federal employees with an entitlement of up to 12 workweeks of unpaid leave during any 12-month period for the following purposes:

- The birth of a son or daughter of the employee and the care of the newborn
- The placement of a child with an employee for adoption or foster care
- The care of a child, spouse or parent of the employee with a serious health condition
- A serious health condition of the employee that makes an employee unable to perform the major functions of the job

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Student Loan Repayment Program

The State Department tops the list of federal agencies offering the Student Loan Repayment Program. Since the program's implementation in 2002, this recruitment and retention incentive has assisted more than a thousand Civil Service and Foreign Service employees pay down considerable student loan debt. The amount of this annual lump sum incentive is determined annually and is dependent on the level of agency funding and the potential number of qualifying employees. By law the maximum any federal agency can award is \$10,000 a year, or \$60,000 over a lifetime. In each of the first three years of our program the Department approved payments of \$4,700. Foreign Service Officers are eligible to apply when assigned to and encumbering positions at designated criteria hardship and/or danger pay posts around the world. For Foreign Service employees the purpose of the program is to encourage assignments to the more challenging U.S. Embassies and Consulates.

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Ten Paid Holidays Per Year

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day

- Veteran's Day
- Thanksgiving Day
- Christmas Day

(In addition to the above holidays, the U.S. Government also observes some local holidays celebrated at overseas posts of assignment)

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Credit Union and Fitness Facility and a host of other on-site services such as a U.S. Post Office barber/beauty shops, dry cleaner and gift/card shops.

Employee Consultation Service - Staffed by licensed clinical social workers to provide counselling and referrals for personal and family concerns.

Employee Recreation Association - Discount tickets to movies and sporting events.

IQ: INFORMATION QUEST - A counseling, education and referral service to help employees manage personal and professional responsibilities (e.g., adoption, adult care).

Voluntary Leave Transfer Program - A federal program that enables one federal civilian employee to transfer annual leave to another federal employee who faces a personal medical emergency or a medical emergency of a family member.

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Salary Determination for Foreign Service Officers (v.2)

The Board of Examiners and the staff of the Office of Recruitment, Examination, and Employment (HR/REE) determine a Foreign Service Officer Career Candidate's entry salary. In accordance with 22 C.F.R. 11.1(g)(iii) and 3 FAM 2216.2-7, the Board of Examiners finds that there is a need in the Foreign Service for candidates with the special experience and skills listed in the FP-5 and FP-4 education and/or experience section. Salaries are set through a two-part process.

Part I - Determine grade and step based on education and/or experience.

Education and/or Experience	Grade/Step
BACHELOR'S DEGREE and no professional experience, or No college degree and six or fewer years' professional experience.	FP-6, Step 5* (\$36,929)

Candidates with a Bachelor's degree receive one additional step for each year of professional experience. For example, a candidate with a Bachelor's degree plus five years of professional experience receives FP-6, Step 10 (\$42,811).

Candidates without a college degree but with more than six years of professional experience receive one additional step for each year of professional experience above six years. For example, a candidate without a college degree with 11 years of professional experience receives FP-6, Step 10 (\$42,811).

Education and/or Experience	Grade/Step
MASTER'S DEGREE OR LAW DEGREE (JD), or Bachelor's degree and minimum of six years' professional experience, or No college degree and minimum of 12 years' professional experience.	FP-5, Step 5*** (\$41,310)

Candidates with a Master's degree or a law degree (JD) receive one additional step

for each year of professional experience. For example, a candidate with a Master's or law degree (JD) with five years of professional experience receives FP-5, Step 10 (\$46,449).

Candidates with a Bachelor's degree receive one additional step for each year of professional experience above six years. For example, a Bachelor's degree plus 10 years of professional experience receives FP-5, Step 9 (\$45,096).

Candidates without a college degree receive one additional step for each year of professional experience above 12 years. For example, a candidate without a degree with 17 years of experience receives FP-5, Step 10 (\$47,889).

Education and/or Experience

Grade/Step

DOCTORATE and no professional experience, or
 Master's or law degree (JD) and minimum of six years' professional experience, or
 Bachelor's degree and minimum of 12 years' professional experience, or
 No college degree and minimum of 18 years' professional experience.

FP-4, Step 5***
 (\$50,981)

Part II - Attempt to match salary for those who lose money in joining the Foreign Service.

Once grade and step are determined, based on education and experience in Part I, the candidate's current salary is examined to see if he/she will lose money by joining the Foreign Service. If so, the starting salary should be raised to the step in the grade for which the candidate is qualified that is closest to the current salary. If the current salary falls between two steps, the higher of the two steps is the starting salary. If the current salary is too high to be matched in the class for which qualified, Step 14 of that class is the starting salary.

Federal civilian employees currently receiving DC locality pay will be allowed to include DC locality pay as part of their "current salary." Federal civilian employees who do not currently receive DC locality pay will not be allowed to include locality pay as part of their "current salary."

NOTES:

"Current salary" means salary earned for at least 90 days prior to appointment as a Foreign Service Career Candidate. Candidates must submit proof of the "current salary;" for example: a copy of 90 days' worth of earnings statements; SF-50 Notification of Personnel Action (for federal civilian employees only); a statement on letterhead from the Human Resources Office of their most recent employer; or other appropriate documentation.

For those in the private sector, "current salary" also means that there must not have been a break in service of more than 45 calendar days* between the candidate's most recent employment and appointment as a Foreign Service Career Candidate. For federal civilian employees, there must not have been a break in service of more than three calendar days between their civilian employment and appointment to the Foreign Service (in accordance with government-wide regulations).

* Changed from 10 workdays to 45 calendar days on September 13, 2001.

▲ [RETURN TO TOP](#)

Equal Opportunity Employer.

Click here, or use your back button to return to the previous page.

Number of U.S. Foreign Service Diplomats
from Alaska (36 total)

NAME	PP	GRD	SKL-CD	POS-TL	Legal Residence - State
ANDERSON, MARY LEE	GS	7		SECRETARY (OA)	AK
BELON, VALERIE LOUISE	FO	2	5015	INTL TRANS AND COM OFFICER	AK
CARTER, JUDY L	FP	3	2301	REASSIGNMENT	AK
CURRAN, SYLVIA REED	FO	2	5505	POLITICAL/ECONOMIC OFFICER	AK
DAVIS, JASON L	FO	1	5505	PRINCIPAL OFFICER	AK
DAVNIE III, WILLIAM F	FO	1	5505	TRAINING	AK
DICKEY, JAMES E	FP	1	6115	HEALTH PRACTITIONER	AK
GREEN, CHERYL L	FP	2	6115	HEALTH PRACTITIONER	AK
GUSTAVUS, CHRISTOPHER H	FP	2	2884	INFORMATION MANAGEMENT OFFICER	AK
HERBST, MARIA	FP	6	4400	TRAINING	AK
HILL JR, JOHN J	FO	3	5015	ECONOMIC OFFICER	AK
HILSGEN, JEFFREY G	FP	4	5505	CONSULAR OFFICER	AK
HOWE, WILLIAM M	FO	3	3901	CONSULAR OFFICER	AK
JOHANNSEN, RICHARD	FO	2	4400	PUBLIC DIPLOMACY OFFICER	AK
KALBFLEISCH, JASON DOUGLAS	FP	4	2301	GENERAL SERVICES OFFICER	AK
KOLB, MELVIN THOMAS	GS	11		TELECOMMUNICATIONS SPECIALIST	AK
KOPP, JOEL A	FP	4	5015	CONSULAR OFFICER	AK
LIEBERMAN, PATRICIA A	FP	2	2101	FINANCIAL MANAGEMENT OFCR	AK
MC GHEE, PATRICK D	FP	2	2501	SECURITY OFFICER	AK
MCGOWEN, KATHERINE M	FP	3	3001	CONSULAR OFFICER VISA	AK
MOORE, MEGHAN M	FP	4	3001	POLITICAL OFFICER	AK
MOSLEY, NEIL G	FP	2	6218	CONSTRUCTION ENGINEER	AK
NOLAN, MICHAEL D	P	6	2501	SECURITY OFFICER	AK
OBA, GARY GLENN	FO	2	5505	PRINCIPAL OFFICER	AK
PUNGOWIYI, CALEB	GS	13		COMMISSIONER	AK
REYNOLDS, SUZANN E	FP	5	9017	OFFICE MANAGER	AK
RIPLEY, ROBERT J	FP	1	2101	SEN FINANCIAL MGMT OFFICER	AK
SCACCO, JOHN A	FP	3	4300	REGIONAL ENGLISH LANGUAGE OFFI	AK
SELBIN, SUSAN M	GS	14		ADMINISTRATIVE OFFICER	AK
SIDES, PAULETTE J	FP	5	9017	OFFICE MANAGER	AK
STEIN, TIMOTHY ALLEN	FP	2	2550	SECURITY OFCR - ENGINEERING	AK
SWEEK, SONJA G	GS	14		EXAMINER	AK
TAYLOR, STEVEN C	FE	OC	2884	INFORMATION MANAGEMENT OFFICER	AK
WENIG, MARK L	FO	2	4400	INFORMATION OFFICER	AK
WHITAKER, WILLIAM W	FP	4	3001	CONSULAR OFFICER	AK

Legal Residence in Alaska

WILCOX,CORY D	FP	4	2880	INFORMATION MANAGEMENT SPEC	AK
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Execution of policy of United State

✓

Russ Walker an attorney from Anchorage would like to testify on HB 127.

If possible he would like to go first as he is a starter for the Iditarod.

J
Jiff Elkins

~~_____~~

Elizabeth Quadra

7% over 55

which ^{would} ~~usually~~ disbat the driver but
excluding those ^{used} ~~needed~~ ^{in the} ~~operation~~ of the vehicle.

Waiver bill

#3 driver that are visible as intended to
be reviewed by the driver.

Adopted

CONCEPTUAL AMENDMENT #

OFFERED IN THE HOUSE
TO: HB 127

BY REPRESENTATIVE GARDNER

House State Affairs

- 1 Page 1, Lines 1 & 2;
- 2 Delete; "and to service as a diplomat in the United States Foreign Service"
- 3
- 4 Page 3, Line 2
- 5 Delete "(15) serving as a diplomat in the United States Foreign Service"
- 6
- 7 Instructions to Legislative Legal;
- 8 Make corresponding amendments and renumber accordingly

ATTN: Tam Cook



Volunteer application

**Peace
Corps**

www.peacecorps.gov
1-800-424-8580

Instructions

Thank you for your interest in serving as a Peace Corps Volunteer. Should you become a Peace Corps Volunteer, you will be undertaking an exciting and life-changing experience.

The Peace Corps needs Volunteers with a wide variety of skills. These skills can be acquired through education, professional work experience, volunteer experience, or hobbies. This application is designed to give you the best opportunity to tell us about all of your skills.

To be eligible for Peace Corps service, you must:

- be a citizen of the United States;
- be at least 18 years of age; and
- meet the medical, legal, and security requirements.

Assignments are filled based on requests from Peace Corps host countries for Volunteers with specific skills. Complete the questions as fully as possible to give yourself the best chance for consideration.

Married couples are eligible, but both spouses must qualify and serve as Volunteers. Each spouse should complete a separate application, but the applications should be submitted together. We are unable to place families with dependent children.

We recommend that you review the application before you begin. Note that:

- the pages can be removed for use in a typewriter;
- questions 19 (Employment History), 21 (Community/Volunteer Activities) and 23 (Practical Experience) can be duplicated if additional blocks are needed;
- answers for questions 24 (Cross-Cultural Experience) and 25 (Motivation Statement) can be prepared on a computer and attached; and
- separated pages should be reassembled in sequential order.

Included with this packet is a health status review form. After completing the form, place it in the medical information envelope and submit it with the application packet. To serve as a Peace Corps Volunteer, you must be medically and dentally screened and qualified. If you are nominated for Peace Corps service, you will receive additional forms and instructions for completing your medical and dental examinations.

To apply, send your completed application and health status review form, along with one copy of a current résumé and copies of transcripts from all schools attended since high school, in the envelope provided. We look forward to receiving your application. You will hear from your Regional Office shortly!

If you have questions, please contact the Peace Corps Regional Office serving your state (see back cover). TDD services are available.

IMPORTANT

The Peace Corps does not discriminate based on race, color, national origin, religion, age, sex, handicap, political affiliation, or sexual orientation. Anyone who feels he or she has been discriminated against should contact the Peace Corps American Diversity Office, Washington, D.C. 20526.

For Office Use Only

EC _____	Lang 1 _____	Exp _____	Lang 2 _____	Exp _____
Ed level _____	College 1 _____	Degree 1 _____	Major 1 _____	Minor 1 _____
Grad date 1 _____	College 2 _____	Degree 2 _____	Major 2 _____	Grad date 2 _____
College 3 _____	Degree 3 _____	Major 3 _____	Grad Date 3 _____	Marital _____
Spouse full name _____	Spouse SSN _____		Dependents _____	
Source _____	Recruiter _____	Completed by _____	Date _____	

10. Intelligence Activities and Organizations

Intelligence activity is defined as the clandestine collection, dissemination, or analysis of information intended for use by any government in formulating or implementing political or military policy in regard to other countries, and/or covert activities of any kind designed to influence events in foreign countries.

Persons who have been employed by an intelligence agency or otherwise associated with intelligence activities are ineligible to serve as Volunteers in most circumstances. This exclusionary policy is one aspect of the broader long-standing policy of maintaining a complete and total separation between the Peace Corps and the intelligence activities of the U.S. Government. This separation is necessary to protect Volunteers' safety and to maintain the trust and confidence of the people in the countries we serve.

Disqualifying Employment:

Persons who have been employed by the Central Intelligence Agency (CIA) in any capacity are permanently ineligible for Peace Corps service. This exclusion applies to persons who served as interns, volunteers, or contractors for the CIA, regardless of the duties.

Persons who have served in other agencies or divisions of agencies that are substantially involved in intelligence activities are similarly ineligible regardless of the specific duties they may have performed. The National Security Agency, the Defense Intelligence Agency, and the Defense Mapping Agency are among the agencies covered by the policy. However, unlike the permanent disqualification that affects former CIA employees, former employees of these agencies may be eligible for Peace Corps service after ten years from their last date of employment with the agency.

Other Disqualifying Factors:

Persons whose work history involves a substantial connection with an intelligence agency or activity, through employment or otherwise, are ineligible for Peace Corps service for at least ten years from the date of their last connection with the activity.

If you have applied for employment with any intelligence agencies, you will be required to withdraw that application before entering Peace Corps service and to supply the Peace Corps with a copy of the letter to the agency requesting the withdrawal.

Individuals with close family relations who have engaged in intelligence activities may also be ineligible for Peace Corps service. If you have been associated, even through a close family member, with the CIA or other intelligence agencies, or otherwise with an intelligence activity, you or the relevant family member should consult with the General Counsel of the respective agency who will, in turn, consult with the Peace Corps General Counsel.

- A. Are you now or have you ever been associated with intelligence activities of any agency of the U.S. government or any other government? Yes No

If yes, provide details including dates and agency or division for which the work was performed and/or the nature of the association. If military, give your MOS number code or designator, and any service schools attended, on a separate sheet of paper and attach to this page.

- B. Are you currently applying for employment with any intelligence agency or other organization associated with intelligence activities? Yes No

11. Legal and Financial Information

Take special note that if you fail to disclose any prior or pending offenses or any unsatisfied financial obligations, the Peace Corps may delay your departure for training, revoke your invitation to serve, or disqualify you from Peace Corps service.

A. Prior or Pending Offenses:

If invited to serve in the Peace Corps, you must undergo, at a minimum, a National Agency Check (NAC) background investigation to help determine your legal eligibility for service. The necessary forms and fingerprint charts will be sent to you later.

- 1) Have you ever been convicted of, or pled guilty to, any offense in a civilian or military court or tribunal, or have you been subjected to any disciplinary action by a military court or tribunal? Yes No

Include misdemeanors, felonies, "open container" violations, and DUI/DWIs, but do not include traffic violations for which the entire penalty was a fine of \$200 or less, or non-felony offenses that occurred before your 18th birthday.

- 2) Are any charges (for any offense, including traffic offenses), civil suits, or judgments outstanding against you? Yes No

If you answered "yes" to either question, attach a separate sheet with your name and a complete explanation of each arrest, suit, judgment, disciplinary action, and pending charge, including the circumstances and nature of the charge or suit, its current status or disposition, and any sentence or fine imposed.

B. Financial Obligations:

Before you can serve in the Peace Corps, you must provide documentation establishing that you have made arrangements satisfactory to your lender(s) to defer, pay, or otherwise fulfill your financial obligations. Should you be recommended for an assignment, you will be required to submit this documentation to the Peace Corps Placement Unit. The Peace Corps may also obtain a credit report on you.

- 1) As of the date of this application, do you have any student loans? Yes No
If yes, please provide the following information (attach a separate sheet if necessary):

Type of Student Loan	Amount
_____	_____
_____	_____
_____	_____

- 2) As of the date of this application, do your other financial obligations (including, but not limited to, a mortgage, consumer debt, or credit card debt) total more than \$5,000? Yes No

If yes, please provide the following information (attach a separate sheet if necessary):

Type of Financial Obligation	Amount
_____	_____
_____	_____
_____	_____

- 3) Do you have any financial obligations—regardless of the amount, and including those listed above—that will not be paid in full, deferred, or otherwise fulfilled to your lender(s)' satisfaction prior to your departure for Peace Corps training? Yes No

If you have any questions about these legal and financial issues that your recruiter cannot answer, you may call the Peace Corps Legal Eligibility Office at (800) 424-8580, ext. 1845, for assistance.

14. Dependents

A. Are any persons partially or totally dependent upon you for support whether or not they are living with you? (If you answer no, skip to #15.) Yes No

B. List all children under age 18, whether or not they are dependent upon you for financial support.

Name of child	Address	Age	Dependent?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

C. List all dependents not listed above for whom you have support obligations.

Name of dependent	Address	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____

D. Do you have adequate means to continue to meet your support obligations while serving without salary as a Volunteer? Yes No

If yes, please specify what arrangements would be made on a separate sheet of paper and attach to this page.

15. Job Preferences

List the work assignments in which you have an interest.
(Assignments are listed in the Peace Corps catalogue.)

1. _____
2. _____
3. _____

16. Education

Attach a copy of transcripts from all schools attended since high school (an official copy is not necessary). Beginning with high school, list all schools attended.

Name of School, City and State	Major	Minor	From Mo/Yr	To Mo/Yr	Type of degree or diploma	Date rec'd or expected
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

17. Language Skills

Some assignments require previous language study. Please indicate your number of years of experience in learning and speaking languages other than English within the past ten years.

Language	# Years Studied			Spoken Abroad/Spoken at Home Place	From Mo/Yr	To Mo/Yr
	High School	College	Other			
Spanish	_____	_____	_____	_____	_____	_____
French	_____	_____	_____	_____	_____	_____
Other:	_____	_____	_____	_____	_____	_____
Other:	_____	_____	_____	_____	_____	_____

18. Licenses/Certificates

Are you or will you be a state-certified teacher? Yes No

Subject and grade level _____

List other job-related licenses or certificates such as nursing, CPR, and skilled trades rankings including journeyman status, that you have or will have before entering the Peace Corps. *Include a photocopy of each current license/certificate.*

License or Certificate	Expiration Date	State or other Licensing Agency
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

19. Employment History

Attach to this page one copy of a current résumé.

Please complete this section starting with your most recent experience. Go back at least ten years. Include any self-employment, home management, and full- or part-time paid employment. Photocopy this page if additional sheets are necessary.

A. Current Employer

City/State

From (Mo/Yr) to (Mo/Yr)

Your title

Hours per week

Name of supervisor

May we contact your
current employer? Yes No

D. Employer

City/State

From (Mo/Yr) to (Mo/Yr)

Your title

Hours per week

Name of supervisor

Phone number

Reason for leaving

B. Employer

City/State

From (Mo/Yr) to (Mo/Yr)

Your title

Hours per week

Name of supervisor

Phone number

Reason for leaving

E. Employer

City/State

From (Mo/Yr) to (Mo/Yr)

Your title

Hours per week

Name of supervisor

Phone number

Reason for leaving

C. Employer

City/State

From (Mo/Yr) to (Mo/Yr)

Your title

Hours per week

Name of supervisor

Phone number

Reason for leaving

F. Employer

City/State

From (Mo/Yr) to (Mo/Yr)

Your title

Hours per week

Name of supervisor

Phone number

Reason for leaving

20. Time Gaps

Give specific dates and activities for each period of time greater than three months not otherwise accounted for by employment, school, military, etc.

21. Community/Volunteer Activities

Peace Corps assignments require applicants with leadership ability, creativity, initiative, and a willingness to work with others. Please describe your community, volunteer, or organizational work that demonstrates the following skills or abilities:

- Initiating or carrying out activities;
- Planning activities involving others;
- Organizing others to participate in activities or to perform tasks;
- Motivating others to get and stay involved; or
- Leading, supervising, or managing others.

List your most recent activity first. Do not include experiences already listed in employment history. Photocopy this page if additional sheets are necessary.

A. Organization

 Position held

 From (Mo/Yr) to (Mo/Yr)

 Hours per week

 Name of supervisor

 Phone number

 Duties/achievements

C. Organization

 Position held

 From (Mo/Yr) to (Mo/Yr)

 Hours per week

 Name of supervisor

 Phone number

 Duties/achievements

B. Organization

 Position held

 From (Mo/Yr) to (Mo/Yr)

 Hours per week

 Name of supervisor

 Phone number

 Duties/achievements

D. Organization

 Position held

 From (Mo/Yr) to (Mo/Yr)

 Hours per week

 Name of supervisor

 Phone number

 Duties/achievements

22. Geographic Preference

Where a Volunteer is placed depends primarily upon how well the individual's experience meets the requirements of a specific assignment. We ask you to be flexible about your geographic area of assignment. However, if you do have preferences for particular regions of the world, indicate them below:

- No preference Africa North Africa/Middle East Eastern Europe/Central Asia
 Asia Pacific Islands Caribbean Latin America

Briefly explain any preferences: _____

Indicate countries in which you would not want to work and explain: _____

23. Practical Experience

Experience gained from hobbies, volunteer activities, and part-time or summer jobs may help you qualify for Peace Corps service. Listed below are a number of skill areas. In the blocks below, please describe significant experiences you have had in one or more of these areas. If you have described an experience elsewhere in the application, it is not necessary to repeat the information here.

Business

- Accounting/Bookkeeping
- Business Management
- Business Training
- Cooperatives/Credit Unions
- Fund-raising
- Marketing
- Volunteering with or working for non-profits

Education/Teaching

- Adult Education
- Business Education
- English/ESL/TEFL Tutoring
- Art/Drama
- Library Experience

Agriculture and Environment

- Beekeeping
- Environmental Education/Conservation
- Farming (after age 13)
- Fisheries
- 4-H/FFA/FHA
- Forestry/Greenhouse/Nursery
- Parks/Wildlife
- Vegetable Gardening

Health and Social Services

- Health Outreach
- Home Economics
- Social Work/Counseling
- Youth Work/Coaching/Sports

Skilled Trades

- Auto/Diesel Mechanics
- Construction
- Electricity
- Masonry
- Metalworking
- Plumbing
- Vocational Education
- Woodworking

Other

- Computer Science
- Computer Literacy

Specific activity: From (Mo/Yr) to (Mo/Yr) Hours per week

Brief description of experience

Specific activity: From (Mo/Yr) to (Mo/Yr) Hours per week

Brief description of experience

Specific activity: From (Mo/Yr) to (Mo/Yr) Hours per week

Brief description of experience

Specific activity: From (Mo/Yr) to (Mo/Yr) Hours per week

Brief description of experience

26. Certification

Please sign below and return this application to the Regional Office serving your state.
See back of application for addresses.

I CERTIFY that all of the statements made on all pages of this application, including attachments, are true, correct, and complete to the best of my knowledge and are made in good faith. I understand that any misleading, inaccurate, or incomplete information may be cause for disqualification or termination. In addition, any intentionally false statement may be subject to criminal sanctions pursuant to 18 U.S.C. § 1001.

Signature

Date

Request for Racial and Ethnic Data

This information is voluntary. Your response will not affect consideration of your application. By providing this information you will assist us in assuring that the Peace Corps is administered in a nondiscriminatory manner and reflects the diversity of the United States.

The information requested in this section is covered by the Privacy Act Notice on the following page.

Please check the box next to the classification that applies to you.

- Black**, not of Hispanic origin (1)
- Hispanic** (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race) (2)
- American Indian or Alaskan Native** (a person having origins in any of the original peoples of North America) (3)
- Asian or Pacific Islander** (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippines, Samoa, and Vietnam.) (4)
- White**, not of Hispanic origin (having origins in any of the original peoples of Europe, North Africa, or the Middle East) (7)
- More than one of the above (comment if you wish) (5)

Privacy Act and Paperwork Reduction Notice

The Peace Corps, an agency of the Federal Government, is required by provisions of the Privacy Act of 1974 (5 U.S.C. 552a) to advise you of the following information regarding this application:

- A. This application is authorized by provisions of the Peace Corps Act (22 U.S.C. 2501, et seq.), which authorize the collection of information regarding the suitability and qualifications of applicants.
- B. The principal purpose for which the information provided will be used is to evaluate your suitability and qualifications to serve in a Peace Corps full-time volunteer program.
- C. Information in this application may routinely be disclosed as follows:
 1. to host country agencies for the purpose of determining placement, obtaining visas, and other program-related matters;
 2. to police or judicial authorities where appropriate;
 3. to the Treasury and other Federal agencies for use in connection with support payments and Social Security and Federal Income tax matters;
 4. to the Office of Personnel Management, other Federal agencies, and others, if necessary, for the purpose of a background suitability investigation;
 5. to other Federal agencies having an interest in employment of the applicant or Volunteer, provided that except for information required for authorized security clearances, information provided will be limited to dates of service and a standard description of service;
 6. to a court or other appropriate tribunal upon subpoena or other request;
 7. to a member of Congress upon request indicating that such member has been requested by an individual about whom the record is maintained to obtain such information;
 8. as a source for management information or preparation for statistical reports (without personal information);
 9. to the National Archives and Records Administration, GSA, in authorized management inspections;
 10. when required under provisions of the Freedom of Information Act (5 U.S.C. 552) and Privacy Act (5 U.S.C. 552a);
 11. to the Bureau of the Census for the purposes of planning or carrying out a census survey or related activity pursuant to the provisions of Title 13, U.S. Code;
 12. to Peace Corps personnel who have a need for the information in the performance of their duties;
 13. to the Volunteer's family members in emergency situations; and
 14. in the case of United Nations Volunteers, to appropriate UN officials.
- D. The completion of this application is voluntary; however, failure to provide information requested may result in the Peace Corps' inability to assess the qualifications of an applicant and result in non-selection for the volunteer program for which that applicant has applied.
- E. The Peace Corps estimates that it will take 8 hours to complete this form. Send comments on this form to Peace Corps, Paperwork Reduction Project, Washington, DC 20526. OMB control number: 0420-0005. The Peace Corps may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Continuous use form.

PEACE CORPS REGIONAL OFFICES

Atlanta, Georgia
(FL, GA, AL, MS, PR, SC, TN)
Peace Corps Regional Office
100 Alabama Street
Building #1924, Suite 2R70
Atlanta, GA 30303-8702
(404) 562-3456
FAX: (404) 562-3455
atlinfo@peacecorps.gov

Denver, Colorado
(CO, KS, NE, UT, WY)
Peace Corps Regional Office
1999 Broadway
Suite 2205
Denver, CO 80202-3050
(303) 844-7020
FAX: (303) 844-7010
denver@peacecorps.gov

San Francisco, California
(Northern CA, HI, NV)
Peace Corps Regional Office
333 Market Street
Suite 600
San Francisco, CA 94105-1914
(415) 977-8800
FAX: (415) 977-8803
sfinfo@peacecorps.gov

Boston, Massachusetts
(MA, ME, NH, RI, VT)
Peace Corps Regional Office
10 Causeway Street, Room 450
Boston, MA 02222-1099
(617) 565-5555
FAX: (617) 565-5539
boston@peacecorps.gov

Los Angeles, California
(Southern CA, AZ)
Peace Corps Regional Office
2361 Rosecrans Avenue
Suite 155
El Segundo, CA 90245
(310) 235-7444
FAX: (310) 235-7442
lainfo@peacecorps.gov

Seattle, Washington
(WA, AK, ID, MT, OR)
Peace Corps Regional Office
2001 Sixth Avenue
Suite 1776
Seattle WA 98121-2522
(206) 553-5490
FAX: (206) 553-2343
seattle@peacecorps.gov

Chicago, Illinois
(IL, IN, KY, MI, MO, OH)
Peace Corps Regional Office
55 West Monroe Street
Suite 450
Chicago, IL 60603-5001
(312) 353-4990
FAX: (312) 353-4192
chicago@peacecorps.gov

Minneapolis, Minnesota
(MN, IA, ND, SD, WI)
Peace Corps Regional Office
330 2nd Avenue, South, Suite 420
Minneapolis, MN 55401-9802
(612) 348-1480
FAX: (612) 348-1474
minneapolis@peacecorps.gov

Washington, DC
(DC, DE, MD, NC, VA, WV)
Peace Corps Regional Office
1525 Wilson Boulevard
Suite 100
Arlington, VA 22209
(703) 235-9191
FAX: (703) 235-9189
dcinfo@peacecorps.gov

Dallas, Texas
(TX, AR, LA, NM, OK)
Peace Corps Regional Office
207 S. Houston Street, Room 527
Dallas, TX 75202-4790
(214) 767-5435
FAX: (214) 767-5483
dallas@peacecorps.gov

New York, New York
(NY, CT, NJ, PA, VI)
Peace Corps Regional Office
201 Varick Street
Suite 1025
New York, NY 10014
(212) 352-5440
FAX: (212) 352-5441
nyinfo@peacecorps.gov

Headquarters
Paul D. Coverdell
Peace Corps Headquarters
1111 20th Street NW
Washington, DC 20526

Call toll-free at (800) 424-8580 to be connected to the office nearest you.



March 3, 2005

Dear Representative McGuire and members of the House State Affairs Committee:

Peace Corps Volunteers Deserve PFD As America's goodwill ambassadors, the Peace Corps mission is vital to the promotion of world peace through friendship and understanding. If anyone, who is out of the country, deserves the PFD it is certainly the Peace Corps Volunteers.

My daughter, Jessica Matthews, was born and raised in Alaska and is a graduate of Anchorage's public school system. She volunteered to serve in the Peace Corps in January 2004 and is stationed in Thailand until April 2006. All of her personal items are stored in Alaska, where she will return upon completion of her service. She receives a small stipend for her service with the Peace Corps. She will need to repay her student loans from the State of Alaska when she returns.

I urge the legislature to qualify our Alaskan citizens serving overseas in the Peace Corps for the PFD – similar to those serving in the military (some of whom may never return to Alaska). This is National Peace Corps Week. I encourage you to honor our dedicated and caring Alaskan residents by maintaining their right to the PFD.

Julie Matthews

March 4, 2005

Dear Representative Lesil McGuire,

I am writing in support of your proposal to allow Alaskans who are currently serving in the Peace Corps to receive the Permanent Fund Dividend. I think it is only fair considering that Alaskan military personnel serving out of state and overseas are able to receive the Permanent Fund.

I was born and raised in Anchorage, Alaska, graduating from Dimond High School in 1999. I went out of state for college, to the Colorado College, but then returned to work in Alaska. Upon return, I worked for the Anchorage School District, a private school, Catholic Social Services, and the Alaska Club simultaneously. My personal belongings are stored at my permanent address in Alaska.

In December 2003, I embarked on a journey to join the Peace Corps in Thailand. I am now in my second year of service. I have had a wonderful experience so far. I am working on two main projects in Thailand. In the first, I help Thai English teachers improve their teaching and language skills with a student centered learning approach. My second project consists of training Thai teachers to teach life skills to 5th-9th grade students. The life skills are consisted of subjects that most Thai children aren't otherwise taught, such as drug and alcohol awareness and prevention, healthy relationships, self esteem, and basic sex education. My experience within and outside of my daily work has been a rich adventure of two way cultural exchange.

After I finish my Peace Corps commitment of two years in March 2006, I plan to return to Alaska. I love to travel, but even greater is my love for Alaska. I wish to bring the technical and cultural knowledge gained during my Peace Corps experience back to my hometown communities, helping others to gain a greater understanding of our world. I feel that traveling and sharing cultures, and then returning home with the knowledge gained, is very important in today's world, a world with so much cultural misunderstanding.

The monthly stipend I receive as a Peace Corps is enough to get by safely in Thailand, but it is certainly not a substantial amount of money. It's just that, enough to get by. Allowing me to receive the Permanent Fund would provide me with some savings to help me get back on my feet when I return to Alaska in April 2006. I have several student loans awaiting my return in Alaska, which the Permanent Fund would help with tremendously. If this ruling passes, I believe it should be restricted to Peace Corps volunteers and other organizations that are well known and established, otherwise people traveling may claim to be missionaries or volunteers for the sole purpose of receiving the Permanent Fund.

Please use this letter as a personal example to support your proposal if you wish, and feel free to contact me again in the future by email. I really appreciate your concern in this matter.

Sincerely,

Jessica Matthews
matthews6@hotmail.com

HB

133

24-LS0512'F,1
Cook
3/30/05

#1
AMENDMENT

OFFERED IN THE HOUSE
TO: CSSSHB 133(CRA)

BY REPRESENTATIVE *Lynn*

1 Page 1, line 1, following "boroughs":

2 Insert ", to annexations by local action,"

3

4 Page 2, following line 12:

5 Insert a new bill section to read:

6 **** Sec. 3. AS 29.06.040(c) is amended to read:**

7 (c) In addition to the regulations governing annexation by local action adopted
8 under AS 44.33.812, the Local Boundary Commission shall establish procedures for
9 annexation and detachment of territory by municipalities by local action. The
10 procedures established under this subsection must include a provision that

11 (1) a proposed annexation must be approved by a majority of votes
12 on the question cast by voters residing in the annexing municipality:

13 (2) a proposed annexation or [AND] detachment must be approved by
14 a majority of votes on the question cast by voters residing in the area proposed to be
15 annexed or detached;

16 (3) [(2)] municipally owned property adjoining the municipality may
17 be annexed by ordinance without voter approval; and

18 (4) [(3)] an area adjoining the municipality may be annexed by
19 ordinance without an election if all property owners and voters in the area petition the
20 governing body."

21

22 Renumber the following bill sections accordingly.

23

LEGAL SERVICES

Revised 10/05

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 6, 2005

SUBJECT: Service areas in second class boroughs (SB 114)

TO: Senator Gary Stevens, Chair
Senate Community and Regional Affairs Committee
Attn: Melanie Lesh

FROM: Tamara Brandt Cook
Director TBC

You have shared with me a memorandum dated March 9, 2005 from Marjorie Vandor, Assistant Attorney General, expressing concerns over the constitutionality of SB 112 and asked for my opinion. Although the bill could be attacked based on the two points made in the memorandum, it has a reasonably good chance of being upheld.

(1) Exempting only second class boroughs from the majority vote requirement of AS 29.35.450(c) and not home rule boroughs is contrary to the state constitution framers intent to grant home rule municipalities liberal powers. Ms. Vandor cites in support of this position Lien v. City of Ketchikan, 383 P.2d 721 (Alaska 1963). The court in that case simply held that a statute involving lease procedure that preexisted statehood and was adopted before home rule municipalities were established did not apply to home rule municipalities. The court in a later case, Jefferson v. State, 527 P.2d 37 (Alaska 1974), carefully considered the relationship between statute and home rule powers in the context of Art. X, sec. 11 of the state constitution. The court concluded that the constitution explicitly rejects the test of statewide versus local concern in determining the scope of municipal power. Instead the question is to be resolved based upon whether a particular power or procedure has been prohibited to municipalities by statute. The statutory prohibition must be "either by express terms or by implication such as where the statute and ordinance are so substantially irreconcilable that one cannot be given its substantive effect if the other is to be accorded the weight of law. (Id, at page 43; see also Simpson v. Municipality of Anchorage, 635 P.2d 1197 (Alaska Ct App. 1981) Obviously, SB 114 contains an express limitation on home rule municipalities.

(2) Limiting the exemption to second class boroughs raises concerns as to local and special legislation. Article II, sec. 19 provides in part: "The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination."

The test employed by the Alaska Supreme Court under Article II, section 19 is substantially the same as that applied to equal protection analysis. Upon examining the legislative goals and the means used to advance them, the court determines whether the legislation bears a fair and substantial relationship to a legitimate state purpose. State v. Lewis, 559 P.2d 630, 643 (Alaska 1977), cert. denied, 432 US 901 (1977). To satisfy the fair and substantial relationship standard, the classification established by the legislation must be tailored to the purpose of the legislation. The classification must be neither overinclusive nor underinclusive. Isakson v. Rickey, 550 P.2d 350, 362 (Alaska 1976). If the "fair and substantial relationship" standard is met, the bill will not be invalidated because of incidental local or private advantages. Lewis, 559 P.2d at 643. In Lewis, the court agreed that an Act of statewide significance need not have an effect in all parts of the state; legislation does not become "local" merely because it operates only on a limited number of geographical areas rather than on a statewide geographical basis. The Lewis case involved the Cook Inlet land exchange and the court accepted the premise that the application, while only affecting land in Southcentral Alaska, required legislation to be accomplished and was of statewide significance. The court relied heavily on the record developed by the legislature in support of the need for the land exchange and the decision to resolve serious issues surrounding Native land selections under the Alaska Native Claim Settlement Act through legislation authorizing the Cook Inlet land exchange.

In a case where a violation of sec. 19 was found, the court said that legislation establishing the Eagle River Borough was special and peculiar to the locality where the borough was established. Since there was nothing in the nature of the Eagle River-Chugiak area that justified a departure from the general law scheme for the establishment of boroughs, the Act violated sec. 19. Abrams v. State, 534 P.2d 91 (Alaska 1975).

SB 112 does not apply in a purely local or special manner to only one borough or place in the state. Rather, it is of general applicability to all second class boroughs that now exist and, potentially, to second class boroughs that are formed in the future. Many statutes that deal with municipal powers make distinctions between boroughs based on classification. (See for example AS 29.35.160 - 29.35.350) Indeed, Art. X, sec. 3 specifically states: "The legislature shall classify boroughs and prescribe their powers and functions."

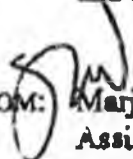
MEMORANDUM**State of Alaska**
Department of Law

TO: Sally Saddler
Legislative Liaison
Department of Commerce, Community
and Economic Development

DATE: March 9, 2005

OUR FILE:

TELEPHONE NO: 465-3600

FROM:  Marjorie Vandor
Assistant Attorney General
Labor & State Affairs Section - Juneau
Department of Law

SUBJECT: Senate Bill 114

On behalf of Commissioner Blatchford, you have asked for our legal opinion as to certain constitutional concerns that have been raised by your department with respect to Senate Bill 114,¹ a bill relating to consolidating or abolishing certain service areas in second class boroughs. The bill amends AS 29.35.450(c), by inserting language that exempts second class boroughs from the requirement that a service area may be abolished or consolidated only if approved by majority vote. The exemption will apply if a second class borough assembly determines that abolishment or consolidation is necessary to protect the finances of the borough, to resolve financial or legal problems of a service area, or to ensure that adequate service is provided to the residents of a service area.

In brief, the concerns that have been raised by the department in earlier legislative committee hearings on a similar bill (HB 121) are:

1. by exempting only second class boroughs from the majority vote requirement of AS 29.35.450(c), and not extending it to home rule boroughs (in particular), is incongruous with article X, section 11 of the Alaska Constitution and contrary to the framers intent to grant home rule municipalities liberal powers; and
2. by limiting the exemption to second class boroughs in AS 29.35.450(c) as proposed in this bill raises concerns as to local and special legislation.

With respect to the first issue, the limitations as to how a borough can abolish or consolidate its service areas per AS 29.35.450(c), limitations imposed on home rule boroughs as well as general law boroughs through AS 29.35.450(d), is arguably contrary

¹ There is an identical bill that was introduced in the House, HB 121.

Sally Saddler

March 9, 2005

Page 2

to the constitutional grant of authority to home rule municipalities to have liberal control over matters purely of local concern. How service areas are established, governed, altered, abolished, and combined are local matters historically dealt with in home rule charters as part of the organic law of a particular home rule municipality. As stated by the Alaska Supreme Court in *Lien v. City of Ketchikan*, 383 P.2d 271 (Alaska 1963) where a home rule municipality is concerned with a matter of purely local concern, the charter and not a legislative act is looked to in order to determine whether a particular power has been conferred upon the municipality. It would be incongruous to recognize the constitutional provision stating that a home rule [city] municipality "may exercise all legislative powers not prohibited by law or by charter" (Alaska Const. art. X, sec. 11), and then to say that the power of a home rule city is measured by a legislative act. *Id.* at 723.²

And, with respect to the amendment proposed in this bill, which further impinges on the constitutional authority of home rule boroughs by not providing them with at least as much discretion in altering or consolidating its services areas as being allowed to second class boroughs, could also be deemed by a court to be incongruous with article X, section 5 and the framers' intent to grant home rule boroughs liberal powers.

As to the issue of local and special legislation (i.e., exempting only second class boroughs from the majority vote requirements in certain situations), this limitation may violate the constitutional prohibition against special and local legislation under the Alaska Constitution. Such a specific classification of borough raises issues of whether this provision in the bill violates the prohibition in article II, section 19 of the Alaska Constitution against local and special acts. Article II, section 19 states, in pertinent part:

The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination.

There are 16 boroughs in the state. Borough make-up in the state is as follows: three (3) Unified Home Rule boroughs³, six (6) Home Rule boroughs⁴, and seven (7)

² In *Lien*, the issue concerned the leasing of city property. The charter provision allowing the lease of city property was ruled to be controlling over a statute that prohibited the lease because the court found the lease of city property was an issue of local, not statewide, concern. *Id.*

³ Municipality of Anchorage, City and Borough of Juneau, and City and Borough of Sitka.

Sally Saddler

March 9, 2005
Page 3

Second Class boroughs⁴. The ultimate question to be asked is whether the legislature's special treatment of one class of borough is "reasonably related to a matter of common interest to the whole state." *Abrams v. State*, 534 P.2d 91, 94 (Alaska 1975) citing *Boucher v. Engstrom*, 528 P.2d 455, 463 (Alaska 1974).⁵

In *State v. Lewis*, 559 P.2d 630 (Alaska 1977), cert. denied, 432 U.S. 901 (1977), the court found the statute authorizing a trade of land between the federal government, the state and a Native regional corporation did not violate article II, section 19 of the Alaska Constitution. The court found that the land trade was unique, was of statewide concern, and that the legislation was "as broad as the conditions to which it respond[ed]" could allow. *Lewis*, 559 P.2d at 644. Applying the *Lewis* standards to this bill, it is questionable that there is a rational basis to exempt one class of general law borough from the requirements of a majority vote, while continuing to impose it on other boroughs that may need the exemption for the identical reasons as allowed in this bill (i.e., finances of the borough, etc.). Thus, it is questionable whether providing the exemption to only one class of borough (i.e. second class) is "as broad as the conditions to which it [this bill] responded" could allow.

Finally, under *Lewis*, the legislature must show a rational basis, a good reason, to justify the special treatment.⁷ And, in the end, it will be the province of a court to determine if this proposed statute violates the prohibition against special and local legislation Alaska Const. art. II, sec. 19.

In summary, this bill raises complex policy and legal concerns.

MV/ba

⁴ Denali Borough, Haines Borough, Lake and Peninsula Borough, North Slope Borough, Northwest Arctic Borough, and City and Borough of Yakutat.

⁵ Aleutians East, Bristol Bay, Fairbanks North Star, Kenai Peninsula, Ketchikan Gateway, Kodiak Island, and Matanuska-Susitna.

⁶ In *Abrams*, the statute was found to violate article II, section 19 of the Alaska Constitution because it created a borough in a manner different from that for incorporating other boroughs and no evidence was presented indicating any valid reason for special incorporation procedures applicable only to the one proposed borough.

⁷ In 1978, the court articulated a unified equal protection analysis that utilizes a sliding scale to weigh the interests involved in any classification that avoids distinguishing between suspect and nonsuspect classifications. *State v. Erickson*, 574 P.2d 1 (Alaska 1978). We note that there has not been a case involving the local and special legislation prohibition since the unified equal protection test was adopted in *Erickson*.



DIVISION OF COMMUNITY ADVOCACY

Frank H. Murkowski, Governor

March 8, 2005

The Honorable Paul Seaton, Chair
House State Affairs Committee
Alaska State Capitol
Room 102
Juneau, AK 99801-1182

Dear Representative Seaton:

This is to follow up the House State Affairs Committee meeting of Saturday, March 5, 2005. During the Committee's review of CSHB 121(CRA), several references were made to testimony on the bill provided by Dan Bockhorst of this agency on March 1. A copy of that testimony is attached for your ease of reference.

During the hearing, statements were made that Mr. Bockhorst's analysis of HB 121 with regard to home-rule boroughs was in error and that home-rule boroughs already have the power through charter amendments to abolish service areas.

Upon further review, I believe that Mr. Bockhorst's testimony was accurate and reflected legitimate concerns regarding principles of local government.

If HB 121 takes effect, it will to make it easier for a select group of boroughs (second-class boroughs) to abolish and consolidate certain types of service areas. However, home rule boroughs would not have the same authority. We are basing our opinion on AS 29.35.450(d), which states that the service area provisions apply to a home rule or general law municipality, and AS 29.10.200(46) which lists the limitations on home rule powers. This list includes voter approval of alteration or abolishment of service areas as a limitation.

To my knowledge, it would be the first time that State law imposes greater restrictions on home-rule boroughs compared to some general-law boroughs.

The Honorable Paul Seaton
Page 2
March 8, 2005

While I believe that the testimony previously provided by Mr. Bockhorst, is accurate, we have asked the Department of Law to review our analysis of the matter and provide you with a statement to that effect or to clarify points on which we might have erred. I appreciate the opportunity to clarify concerns raised regarding information this agency has provided.

Sincerely,

DIVISION OF COMMUNITY ADVOCACY



Michael Black
Director

Enclosures: DCCED Testimony of March 1, 2005

cc/enc:

Representative Bill Thomas
Representative Carl Gatto
Representative Jim Elkins
Representative Bob Lynn
Representative Jay Ramras
Representative Berta Gardner
Representative Max Gruenberg
Marjorie Vandor, Assistant Attorney General
Department of Law

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
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FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
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MEMORANDUM

February 12, 2005

SUBJECT: Incorporation of boroughs (SSHB 133)

TO: Representative John Coghill
Majority Leader
Attn: Rynniva Moss

FROM: Tamara Brandt Cook
Director

TBC

Here is a draft Sponsor Substitute that includes changes to statutes dealing with the incorporation of boroughs and the role of the Local Boundary Commission (LBC) in that process. A provision included in draft bill sec. 2 prevents the LBC from presenting proposals for borough incorporation to the legislature for review under Art. X, sec. 12, unless the proposal has been approved by the voters in the area proposed for incorporation. While Art. X, sec. 12 is worded broadly and permits the LBC to consider "any proposed local government boundary change," the authority of the LBC to present a borough incorporation to the legislature under this section has not been tested in court. There is at least a chance that the court might conclude that the LBC does not have that authority. Therefore, bill draft sec. 2 includes a subsection stating that the statute, itself, does not grant that authority to the LBC.

However, if the court ultimately concludes that the LBC does have independent constitutional authority to present a proposed borough incorporation to the legislature under Art. X, sec. 12, it is also possible that the court will find that the legislature cannot condition that authority on voter approval of that incorporation. The court has noted that the power granted to the LBC under the state constitution is precisely to ensure state level decisions are made with respect to local boundaries rather than local decisions. (Port Valdez Co. v. City of Valdez, 522 P.2d 1147 (Alaska 1974); City of Douglas v. City and Borough of Juneau, 484 P.2d 1040 (Alaska 1971)) Additionally, the legislature has a remedy if it disagrees with a LBC proposal. Under Art. X, sec. 12 it may reject the proposal, and this rejection is not subject to veto or appeal.

TBC:lmb
05-053.lmb

Enclosure

MEMORANDUM**State of Alaska**

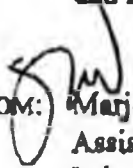
Department of Law

TO: Sally Saddler
Legislative Liaison
Department of Commerce, Community
and Economic Development

DATE: March 9, 2005

OUR FILE:

TELEPHONE NO: 465-3600

 FROM: Marjorie Vandor
Assistant Attorney General
Labor & State Affairs Section - Juneau
Department of Law

SUBJECT: Senate Bill 114

On behalf of Commissioner Blatchford, you have asked for our legal opinion as to certain constitutional concerns that have been raised by your department with respect to Senate Bill 114, a bill relating to consolidating or abolishing certain service areas in second class boroughs. The bill amends AS 29.35.450(c), by inserting language that exempts second class boroughs from the requirement that a service area may be abolished or consolidated only if approved by majority vote. The exemption will apply if a second class borough assembly determines that abolishment or consolidation is necessary to protect the finances of the borough, to resolve financial or legal problems of a service area, or to ensure that adequate service is provided to the residents of a service area.

In brief, the concerns that have been raised by the department in earlier legislative committee hearings on a similar bill (HB 121) are:

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2. by limiting the exemption to second class boroughs in AS 29.35.450(c) as proposed in this bill raises concerns as to local and special legislation.

With respect to the first issue, the limitations as to how a borough can abolish or consolidate its service areas per AS 29.35.450(c), limitations imposed on home rule boroughs as well as general law boroughs through AS 29.35.450(d), is arguably contrary

There is an identical bill that was introduced in the House, HB 121.

Sally Saddler

March 9, 2005

Page 2

to the constitutional grant of authority to home rule municipalities to have liberal control over matters purely of local concern. How service areas are established, governed, altered, abolished, and combined are local matters historically dealt with in home rule charters as part of the organic law of a particular home rule municipality. As stated by the Alaska Supreme Court in *Lien v. City of Ketchikan*, 383 P.2d 271 (Alaska 1963) where a home rule municipality is concerned with a matter of purely local concern, the charter and not a legislative act is looked to in order to determine whether a particular power has been conferred upon the municipality. It would be incongruous to recognize the constitutional provision stating that a home rule [city] municipality "may exercise all legislative powers not prohibited by law or by charter" (Alaska Const. art. X, sec. 11), and then to say that the power of a home rule city is measured by a legislative act. *Id.* at 723.²

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Sally Saddler

March 9, 2005

Page 3

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In *State v. Lewis*, 559 P.2d 630 (Alaska 1977), *cert. denied*, 432 U.S. 901 (1977), the court found the statute authorizing a trade of land between the federal government, the state and a Native regional corporation did not violate article II, section 19 of the Alaska Constitution. The court found that the land trade was unique, was of statewide concern, and that the legislation was "as broad as the conditions to which it respond[ed]" could allow. *Lewis*, 559 P.2d at 644. Applying the *Lewis* standards to this bill, it is questionable that there is a rational basis to exempt one class of general law borough from the requirements of a majority vote, while continuing to impose it on other boroughs that may need the exemption for the identical reasons as allowed in this bill (i.e., finances of the borough, etc.). Thus, it is questionable whether providing the exemption to only one class of borough (i.e. second class) is "as broad as the conditions to which it [this bill] responded" could allow.

Finally, under *Lewis*, the legislature must show a rational basis, a good reason, to justify the special treatment.⁷ And, in the end, it will be the province of a court to determine if this proposed statute violates the prohibition against special and local legislation Alaska Const. art. II, sec. 19.

In summary, this bill raises complex policy and legal concerns.

MV/ba

⁴ Denali Borough, Haines Borough, Lake and Peninsula Borough, North Slope Borough, Northwest Arctic Borough, and City and Borough of Yakutat.

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LEGAL SERVICES

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STATE OF ALASKA

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 9, 2005

SUBJECT: Service areas in second class boroughs (CSHB 121(CRA))

TO: Representative Bill Thomas,
Co-chair, House Community and Regional Affairs Committee
Attn: Kaci Schroeder

FROM: Tamara Brandt Cook
Director *TBC*

You have supplied me with a letter from Michael Black, Director of the Division of Community Advocacy, and a copy of comments by Dan Bockhorst. You ask whether the analysis of CSHB 121(CRA) in these materials is correct. It is.

AS 29.35.450 applies as a home rule limitation. This means that home rule municipalities are bound by the requirements in this statute. (AS 29.10.200(46)) Subsection (c) of AS 29.35.450 is amended in CSHB 121(CRA) by creating an exception to the voting requirements of that subsection in certain circumstances to permit a borough to abolish a service area or consolidate service areas. However, the exception, by its terms, applies only to service areas of second class boroughs. The exception does not apply in unified municipalities or home rule boroughs.

TBC:med
05-167.med

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:
3340 Badger Road
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 204

REPRESENTATIVE JOHN COGHILL

CSSSHB 133 (CRA) Local Boundary Commission SPONSOR STATEMENT

Committee Substitute for Sponsor Substitute for House Bill 133 makes three changes in the way the Local Boundary Commission deals with municipal incorporation, annexation, detachment, merger, consolidation, reclassification, and dissolution.

This legislation protects the voters' right to incorporate, outline the boundaries, and select the levels of service. The Local Boundary Commission will no longer be able to amend the petition or impose conditions on the incorporation.

Also we will add a provision that requires at least two public meetings and voter approval by a majority of the votes cast in an election before the Local Boundary Commission can take a proposal directly to the legislature.

Finally, AS 29.06.040(c)(1) requires a proposed annexation to be approved by a "majority of the votes on the question cast by voters residing in the area proposed to be annexed". The Local Boundary Commission has a regulation that expands that requirement to "an aggregate vote of the people in the borough and the people in the area to be annexed." This is a requirement above and beyond what the legislature had in mind and dilutes the voting rights of those voters in the area to be annexed.

This legislation is about fairness, preserving a representative form of government, and making sure that laws implemented by non-elected servants of government through regulation do not extend beyond the laws implemented by elected legislators.

Sectional for CSSSHB 133(CRA)

Section 1. Eliminates Local Boundary Commission's ability to amend petitions or impose conditions on petitions approved by a vote of the people.

Sec. 2. When a proposal is to be submitted to the legislature for approval, the proposal would still be required to have two public hearings in the area of the proposed action and voter approval of the voters in the proposed area.

Sec. 3 Makes it very clear that regulations cannot extend requirements beyond those requirements set in statute and clears up the conflict of aggregate votes.