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BOROUGH
GOVERNMENT
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letter to Anch
Daily Times

B O R O U G H G O V E R N M E N T

December 1960

Prepared jointly by the
Alaska Legislative Council
and the
Local Affairs Agency

Local Affairs Agency

Box 710, Juneau, Alaska

Final Report

on

B O R O U G H G O V E R N M E N T

January 1961

Alaska Legislative Council

and the

Local Affairs Agency

Local Affairs Agency

Box 710, Juneau, Alaska

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801

LEGISLATIVE AFFAIRS AGENCY

January 8, 1971

MEMORANDUM

TO: Members of the Legislative Council

SUBJECT: Comments and Materials Relating to the Unorganized Borough

At an earlier meeting of the Council, members expressed an interest in information and possible suggestions relating to the form of government of the unorganized borough. This compendium of materials has been prepared accordingly. It includes bills introduced on the subject in prior legislative sessions, particularly significant extracts from the state constitutional convention deliberations, and essay references, all selected to provide an overall view of the development of the unorganized borough concept within the state.

Section 1 of the compendium presents an Agency study of the procedure intended under the state constitution for the Legislature to govern the unorganized borough; its findings are summarized in the last paragraph of the study. Section 2 incorporates essay references giving recommendations and background on the form of government for the unorganized borough, and Section 3 offers bills introduced (but not enacted) on the subject. The summaries of bills and comments offered in the remainder of this memorandum might most conveniently be reviewed after review of the background materials of Section 1 and Section 2.

Except for HB No. 220 of the 1963 legislative session, only those bills are omitted from the compendium which are virtually the same in terms of provisions or concept as bills included. HB No. 220 of 1963 was offered prior to the time any organized boroughs had been incorporated and was intended primarily to provide a transition to borough government by establishing service areas within the unorganized borough to take over powers and functions of the then existing special service districts.

The bills included reflect a variety of approaches and purposes in providing for unorganized borough government. HB No. 729 of 1970 emphasizes assessment and levy of a property tax within the borough; similar earlier bills not included, namely HB No. 584 of 1968 and HB No. 350 of 1966, might be noted. HB No. 593 of 1968, virtually the same in content as HB No. 239 of 1965 (which is omitted accordingly), provides for a property or sales tax levy in school service areas to be established in the existing unorganized borough on the basis of average daily membership and property value standards. A local board

A GENERAL AND SECTIONAL ANALYSIS FOR
HB 220, AN ACT TO PROVIDE FOR THE
FORMATION OF SPECIAL SERVICE AREAS IN
THE UNORGANIZED BOROUGH

Prepared by Representative Bennie Leonard

I. General

House Bill 220 is intended to provide a constructive solution to the problem of local government transition to boroughs, avoiding on the one hand the postponement of the date by which boroughs must be formed, which would lead to loss of momentum and eventual scrapping of the whole borough plan, and on the other hand, the incorporation of boroughs by the legislature, with its attendant confusion and hardship on the people, rather than by the voluntary act of the inhabitants.

This solution makes use of the constitutional provision which allows the legislature to provide for the performance of needful services in the unorganized borough. Sec. 6 of Art. 10 of the Constitution reads:

"Section 6. The legislature shall provide for the performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility. It may exercise any power or function in an unorganized borough which the assembly may exercise in an organized borough."

The bill implements this provision by creating the necessary law for the actual creation of service areas, and creates a service area to correspond to each existing special service district. This bill takes as a starting point the provisions of AS 07.05.010, which reads:

"Sec. 07.05.010. All areas in the state which are not within the boundaries of an organized borough constitute a single unorganized borough."

Since only one borough is now in existence, the legislature, acting as the borough assembly for the unorganized borough, can provide for the performance of the services now being carried out in the unorganized borough by the independent school districts, the public utility districts, and the like. As boroughs are formed, the unorganized borough will shrink, until finally every area suitable for the formation of a borough will be incorporated. The law proposed by this bill will continue to have vitality, however, for there

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ALASKA LEGISLATIVE COUNCIL

TELEPHONE 6-1434
BOX 2199
JUNEAU, ALASKA

December 27, 1960

Mr. Victor Fischer
1601 F Street
Anchorage, Alaska

Dear Vic:

Rod has assured me that by this time you have received a copy of a publication entitled "Preliminary Report on Borough Government." Although we have assured each other that the report is faultless we would appreciate any comment (preferably favorable) from you.

Seriously, we are planning on changing and supplementing this preliminary report for publication as a final report which will also include the recommendations of the Council in bill form.

Best wishes for the remaining holiday season.

Sincerely,

William C. Foster
Deputy Director

WCF/mh

1 IN THE HOUSE

BY RULES COMMITTEE BY REQUEST

2 HOUSE CONCURRENT RESOLUTION NO. 57

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 Relating to the assignment of projects
6 to the Legislative Council.

7 BE IT RESOLVED BY THE HOUSE IN FIRST LEGISLATURE, SECOND SESSION
8 ASSEMBLED, THE SENATE CONCURRING:

9 WHEREAS, the Legislative Council is a permanent interim
10 committee and service agency of the Legislature providing research,
11 reporting, bill drafting, review of administrative rules and
12 regulations, statute revision, and administrative services for
13 the Legislature and its members; and

14 WHEREAS, in addition to the routine projects and continuing
15 work of the Legislative Council and its staff there are other
16 projects which the Legislature desires be accomplished or com-
17 pleted to facilitate its work and keep the public informed;

18 BE IT RESOLVED by the House of Representatives in First Leg-
19 islature, Second Session assembled, the Senate concurring, that
20 the Legislative Council is authorized and directed to accomplish
21 the following assignments and report progress or action thereon
22 to the Legislature between sessions or to the Second Legislature,
23 First Session:

24 (1) SCHOOL SUPPORT. Complete the current study on
25 state support for public schools and submit final report by or
26 at the time of the convening of the Legislature in January of

*Borough bills of
First Legislature*

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

2 HOUSE BILL NO. 437

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the establishment of
7 unorganized boroughs."

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

9 Section 1. DECLARATION OF FINDING AND INTENT. The legisla-
10 ture finds that the restrictions of Section 3, Article XV and the
11 mandate of Article X of the Constitution of the State of Alaska
12 necessitate enactment of legislation to establish unorganized
13 boroughs. It is the intent of this Act to establish unorganized
14 boroughs in order that new local subdivisions of government may
15 be created and in order that the legislature may perform its
16 duties as prescribed by Section 6, Article X of the Constitution
17 of the State of Alaska.

18 Sec. 2. ESTABLISHMENT OF UNORGANIZED BOROUGHES. Twenty-four
19 unorganized boroughs are established. The unorganized boroughs
20 have the same boundaries as the 24 election districts described in
21 Section 3, Article XIV of the Constitution of the State of Alaska;
22 provided that organized boroughs are not part of unorganized
23 boroughs and the boundaries of unorganized boroughs are auto-
24 matically modified to exclude any organized borough.

25 Sec. 3. LOCAL AFFAIRS AGENCY. During the first 10 days of
26 each regular session of the legislature, the director of local
27 affairs shall propose to the legislature legislation relating to

ALASKA LEGISLATIVE COUNCIL

TELEPHONE 6-1434
Box 2199
JUNEAU, ALASKA

REP. PETER J. KALAMARIDES, CHAIRMAN
SEN. FRANK PERATROVICH, VICE CHAIRMAN

SENATORS

WILLIAM E. BELTZ, UNALAKLEET
EBEN HOPSON, BARROW
RALPH E. MOODY, ANCHORAGE
JACK E. WEISE, BETHEL

JOHN C. DOYLE, EXECUTIVE DIRECTOR

REPRESENTATIVES

ROBERT GIERSDORF, FAIRBANKS
AXEL C. JOHNSON, KWIGUK
JOHN E. LONGWORTH, PETERSBURG
WARREN A. TAYLOR, FAIRBANKS

December 1, 1959

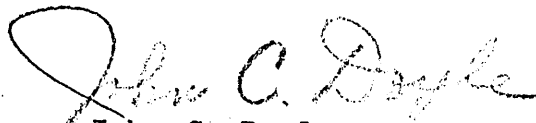
SUBJECT: Local Government and the State Constitution

TO: Representative Peter J. Kalamarides
Chairman, Alaska Legislative Council

Attached hereto you will find a report on the local government article of the State Constitution.

The report is the one which was submitted by the Committee on Local Government to the Constitutional Convention (1955-56), but it has been revised to reflect the amendments and thinking of the Convention when the proposal was discussed and finally approved on the floor. The Committee's reports and comments, and the transcript of the Convention's proceedings were used in preparing this revised report.

It is the hope of the staff that this revised report will be of assistance to the Legislature and the general public in keeping the concepts of the framers of the Constitution in focus and in planning for local action and general legislation on the subject of local government. The Legislative Council in its meeting at Fairbanks on November 21, 1959, recommended the preparation and dissemination of this material.



John C. Doyle
Executive Director

NEWS MINER Jul 29, 1960

Local Government Report Is Due For Drafting Soon

Initial drafting of a report on studies of Alaska's local government will begin next month, the News-Miner has been informed by Rodger Pegues, director of the State Division of Local Affairs.

Out of the report and its review by the Legislative Council and the State Local Boundary Commission, will come recommendations for creation of boroughs.

These are the units designated by the State Constitution to be the intermediate form of local government between cities and the state. They would be similar to counties in other states.

Big Study

"The local government study has been both complex and extensive," Pegues said. "Because of the complexity of the problem and its importance, and because opposing views have been expressed by many people concerning local government, it has been mandatory for the study to be as broad as possible in order to find every conceivably pertinent bit of available information.

"We (the Legislative Council staff and myself) have been studying textbooks, papers, letters, pamphlets, government documents, constitutional minutes, law books and periodicals since before the last session of the Legislature adjourned.

"A prodigious pile of notes has been accumulated. Rough outlines have been drafted and discarded because of the arrival of additional material making them obsolete."

Opens Draft

After the preliminary draft of recommendations for Alaska's local government has been prepared and reviewed, a draft report and draft legis-

lation will be prepared for consideration at hearings around the state, Pegues said.

He commented that "in the midst of the capital move battle, primary campaign and presidential nominations, that someone still cares about local government—I was beginning to wonder if everyone had forgotten."

Local Government
See "County" article

Constitutional Convention Supplement

Jessen's Weekly

Fairbanks, Alaska

November 4, 1955

Historic Meeting Starts Nov. 8 at College

Problems Facing 55 Delegates Reviewed

The Executive Department, A Key To State Success

By SPESSARD L. HOLLAND
United States Senator From Florida;
Governor of Florida, 1941-1945

Does Alaska Need County Government?

WENDELL G. SCHAEFFER
Public Administration Consultant

The Alaska Constitutional Convention, assembling on Nov. 8 to draft a Constitution for the State of Alaska, will make provision for organization of the three branches of government—executive, legislative and judicial. These three branches are of equal importance and each is indispensable in erecting a proper governmental structure for the new state.

Alaska Statehood Committee Offers Analysis Of Issues

The series of articles prepared by the Alaska Statehood Committee and presented in these pages through the courtesy of your local newspaper are designed to assist the people of Alaska in understanding the issues that will come before the Alaska Constitutional Convention which convenes at the University of Alaska on November 8.

When the Alaska Statehood Committee was created by the Territorial Legislature in 1949, it was authorized and directed to "have ready, in preparation for the Constitutional Convention, fully detailed information and analyses for use by the Convention in preparing the re-

Establishing A Constitution; Alaska's Big Opportunity

By ALFRED E. DRISCOLL
Formerly Governor of New Jersey;
Member, Bar of the Supreme Court
of the United States

Significance Of Constitutional Language

Alaska stands on the threshold of a great and significant event. A Constitutional Convention, to write what will very probably be the last constitution for a new member of the American Union, will convene at College on November 8 of this year. Its purpose is to write fundamental law for this part

RECOMMENDATIONS TO THE STATE LEGISLATURE
FROM THE BOARDS OF DIRECTORS OF THE
FAIRVIEW PUBLIC UTILITY DISTRICT
and
SPENARD PUBLIC UTILITY DISTRICT

The Fairview Public Utility District and the Spenard Public Utility District encompass a total area of approximately twelve (12) square miles and include a population of 30,000 to 35,000 people. They include approximately 10% of the voters in the Territory of Alaska.

The Alaska State Constitution indicates the desirability of a maximum degree of home rule government. The vast distances in the state and the wide variance in the geography, climate and economy make this a necessity. The State offices concerned should act as a liason between the organized boroughs and Federal Agencies and should draft recommended codes and procedures for the use of organized boroughs. In each of the following phases, the government should be left entirely to the borough in organized boroughs and controlled from the State Capital in unorganized boroughs: construction, maintenance and operation of local roads and streets; power houses; power structures; transmission lines; sewer systems; water works; telephone systems; light plants; hospitals; wharves; docks; airports; bridges; drainage ditches; garbage disposal facilities; parks and recreation facilities; traffic and warning signals; street lights; facilities for preventing and controlling fires; facilities to provide for public health; facilities to license, control and regulate animals; facilities for agricultural extension service; facilities to provide for Civil Defense; coroner's facilities; facilities to provide for the public welfare; harbors; library facilities, transit systems; schools; facilities to provide for the public safety; facilities for operating a court system at the borough level; and powers to regulate building codes and zoning.

Provisions should be made to return all possible Federal and State taxes to the organized borough for the benefit of the citizens.

We wish to call attention to the use of the word "local" in the above listing. Whenever any of these facilities are to be provided on a region-wide or state-wide level, it should be done only with the approval of the borough assembly.

It is requested that the boundary commission be empowered to establish boundaries of organized and unorganized boroughs only.

Any areas which now have self governing bodies and will be absorbed by a borough should be given the right to choose, by vote of the people, the type of government under which they shall live; having the option of choosing incorporation as a city of the first class, annexation to a city of the first class, becoming a service area within the borough or becoming an integral part of the borough.

We recommend to the Legislature that an annexation law be passed based on the laws regulating bond elections and that any annexation must first be approved by a majority of the voters in each area involved, the city or borough to which an area is to be annexed and the area to be annexed.

The assets and liabilities of existing governing bodies should remain with the existing governing bodies until such time as the borough is prepared to take over and adequately maintain the area.

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RECEIVED
JAN 20 1960
ALASKA LEGISLATIVE COUNCIL
JUNE 1959

STATE OF ALASKA
Division of Local Affairs
Box 710
Juneau

January 15, 1960

Dear Friends:

m

Knowing your interest and concern regarding the establishment of boroughs in Alaska, it occurs to me that some observations I made in two recent letters might be of use and interest to you. Therefore, we have duplicated the pertinent portions of these letters and send them on to you, with the thought and hope that such might provoke thought, comment and discussion.

At the outset, I should note that the ideas expressed herein are only mine and do not necessarily reflect nor indicate the thinking of any other persons or groups. Further, they are not intended to be any inflexible "final word." Any comments, suggestions, criticisms or discussions you would be inclined to make, would be gratefully received, and, I know, instructive.

CONCEPT OF A LARGE BOROUGH. There have been widely divergent ideas come forth from all areas of the state as to just what the size of boroughs should be. In number, opinions have been expressed ranging from five or six boroughs, to several hundred. Many groups and areas feel that the original boundaries should embrace only limited areas, such as present school districts, while others have ranged to the extent of areas comparable to the former judicial districts. Good reasoning supports all of these suggestions. Personally, I'm persuaded by a size comparable to our present election districts. It would seem to me that five or six would be too few, even at the outset, and with the realization that these large boroughs could be divided into smaller units at some future date. Perhaps one of the biggest obstacles Alaskans must overcome in this matter of establishing satisfactorily workable local (borough) governments will be that of becoming psychologically adjusted to this matter of local control of local problems, for the reason that heretofore, other than the limited powers and functions of school districts and PUDs, Alaskans living outside incorporated communities have had no such power, voice, authority, or privilege or responsibility. It would seem that the primary phase of this adjustment would involve making it possible for such residents to identify themselves with a particular area. This would not be an overnight process, and perhaps one which might take generations to achieve in the most desirable degree. But, if it is to come about, and it must if these governments are to be efficient and lasting, the identification, loyalties, or what have you, must be built over a long period of time, and frequent or even occasional boundary adjustments would deter this process. Now, I don't mean that I think boundary changes should never be made, but rather that such should be kept to a smallest possible minimum. Therefore, I would not think it desirable to begin with boundaries which we know would have to be adjusted within the immediate future, and, perhaps frequently.

ALASKA LEGISLATIVE COUNCIL

ALASKA CONSTITUTIONAL CONVENTION

GENERAL DISCUSSION OF LOCAL GOVERNMENT UNDER PROPOSED ARTICLE

The committee on local government aimed at providing a maximum of self-government to people in all parts of Alaska. To meet this goal, two basic local government units were established--boroughs and cities. This framework is designed to accommodate today's needs and tomorrow's growth and development.

The proposed article is based upon experiences in the territory, the states ^{CANADA} and other countries. Proven principles and practices were brought together to establish a system of local government for the state of Alaska. It is a system which, in essence, many states have been attempting to achieve by modernizing existing units. We are fortunate in being able to start more or less from scratch.

The "borough", area-wise, is the larger of the two local government units. Cities would be located within the boundaries of the boroughs. The relationship between the two emphasizes mutual interest and cooperation.

Principles Underlying Proposed Local Government System:

1. Self-government--The proposed article bridges the gap now existing in many parts of Alaska. It opens the way to democratic self-government for people now ruled directly from the capital of the territory or even Washington, D.C. The proposed article allows some degree of self determination in ~~the~~ local affairs whether in urban or sparsely populated areas. The highest form of self-government is exercised under home rule charters which cities and first class boroughs could secure.
2. One basic local government system--The proposed article vests all local government authority in boroughs and cities. It prevents creation of numerous types of local units which can become not only complicated but unworkable.