

LDIR#128
UNORGANIZED
BOROUGH

Introduced: 2/9/71
Referred: Local Government
and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 161

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the establishment of regional
7 service areas in the unorganized borough; and pro-
8 viding for an effective date."

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

10 * Section 1. AS 07 is amended by adding a new chapter to read:

11 CHAPTER 07. REGIONAL SERVICE AREAS IN THE
12 UNORGANIZED BOROUGH.

13 Sec. 07.07.010. PURPOSE. (a) This chapter provides for regional
14 service areas in the unorganized borough and prescribes the structure
15 and describes the functions of regional service areas. Its basic
16 purpose is to stimulate the economic and social development of the
17 unorganized borough and the achievement of satisfactory levels of
18 living for the residents of the unorganized borough. Its specific
19 purposes are to promote

20 (1) strengthening of regional capabilities for planning and
21 coordinating federal, state, and other assistance related to economic
22 and social development, so that this assistance, through the efforts
23 of local officials, organizations, and interested and affected
24 citizens, can be made more responsive to local needs and conditions;

25 (2) better organization of a range of services related to
26 the needs of the unorganized borough;

27 (3) greater use, subject to adequate evaluation, of new
28 types of services and innovative approaches in attacking the problems
29 of economic and social development;



RurAL ALaska Community Action Program, Inc.

MAILING ADDRESS: DRAWER 412 ECB
TELEPHONE 279-2441
ANCHORAGE, ALASKA 99501

July 14, 1971

Mr. Gregg Machyowski
Legislative Affairs Agency
Pouch Y
Juneau, Alaska 99801

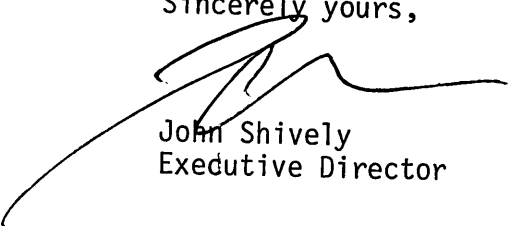
Dear Gregg:

Enclosed is some information on the regional corporations which RurAL CAP sponsors. I promised this to you at the Gustavson meeting and apologize for not getting it to you sooner.

By the end of October, we should have regional plans developed by each of these corporations. Our intent is to have an area-wide plan stating both village and area needs. These needs will be set in priority as determined by the regional corporations. We hope that state and federal agencies will honor these priorities in their program planning.

If you desire any further information, please do not hesitate to contact me.

Sincerely yours,



John Shively
Executive Director

JS/md
Encl.

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

Minutes, 11th Meeting
November 28, 1955

1. Meeting called to order by Chairman Rosswog at 11:00 a.m. All members present. Also present: Delegates H. Fischer, Kilcher; one visitor; George Rogers.
2. The minutes of the meeting of November 25 were approved as read.
3. The Committee discussed the basic local functions as they could be applied to individual local government units as delineated for discussion purposes at the morning and afternoon meetings on Saturday, November 26th.
4. Members reviewed the possible means of carrying out law enforcement functions in the Cordova, Valdez, Copper Center area. Through the discussion, a concept of the local government was evolved with an elected Board of Governors which would represent all people of the district. Police functions within the district could be handled best under the direction of the Board, bringing in the maximum amount of self-government. It was felt that the state could assist in carrying out the police functions over the large area or could delegate its own functions to the district, also providing financial assistance.
5. A review of the application of police functions to the Kotzebue district presented a series of problems. It was agreed that it might be feasible to have a central station in Kotzebue, with local deputies in small communities throughout the district; however, a Board of Governors directing police functions would be feasible on only a very limited basis due to problems of cost and interest.
6. The Committee's discussion brought out the large differences existing in the needs and readiness for local government organization. It was shown that no matter what type form of local government could be devised for all of Alaska, provision would have to be made for unorganized districts. Within such unorganized districts a community organization could exist under state law with limited obligations and jurisdiction; overall district government would have to wait greater readiness.
7. Meeting adjourned at 12:30 p.m.

*Proceedings re unorganized
boroughs 2729
(not included in
1971 commentary on*

CHIEF CLERK: "Section 7, page 3, line 12, strike the words *unorganized*
'necessary functions' and substitute the words 'services it *boroughs*
deems necessary or advisable'." *- other*

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I ask unanimous consent for the adoption. *I might*
say the Committee has concurred with me on that. *study*

PRESIDENT EGAN: Mr. Ralph Rivers moves and asks unanimous con-
sent for the adoption of the proposed amendment. Mr. Gray.

GRAY: I would object for a matter of information. What differ-
ence does it make, Mr. Rivers.

R. RIVERS: The point was made yesterday that where it says,
"the legislature shall provide for the performance of necessary
functions," and somebody said, "Who decides what is necessary?"
and the Committee said it would take it under advisement. I
pursued the point a little bit and drafted this language,
"for the performance of services it deems necessary or advis-
able". In the first place, it specifies that the legislature
is the one who shall use its discretion; it clears up that point
and also improves the context a little.

GRAY: I withdraw my objection.

PRESIDENT EGAN: Is there objection to the unanimous consent
request? Mr. Cooper.

COOPER: I had a question to ask. Earlier in the day, on line
13 --

R. RIVERS: Let's have a ruling on this other one first.

PRESIDENT EGAN: You are referring to this amendment?

COOPER: Yes, sir, and this has a bearing on it. Line 13, it
was "the greatest possible measure"? Was that the amendment?
(Answer not audible.)

PRESIDENT EGAN: Is there objection to the unanimous consent
request? Mr. Hurley.

HURLEY: Mr. President, I would like to have the section read
as it will read now.

PRESIDENT EGAN: Would the Chief Clerk please read the section
as it would appear if Mr. Rivers' amendment was adopted.

CHIEF CLERK: "Section 7. The legislature shall provide for
the performance of services it deems necessary or advisable in
unorganized boroughs allowing for the greatest possible measure



ALASKA LEGISLATIVE COUNCIL

STAFF BACKGROUND REPORT

THE LEGISLATURE SITTING AS A UNICAMERAL BODY
(ASSEMBLY) FOR THE UNORGANIZED BOROUGH

November

1964

Introduced: 2/19/64
Referred: Local Govern-
ment

ALASKA
STATE
LEGISLATURE

BY MESSRS. LEONARD
AND KENDALL

1 IN THE HOUSE

2 HOUSE BILL NO. 333

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the legislature as
7 the assembly for the unorganized borough;
8 and providing for an effective date."

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

10 * Section 1. AS 07.05 is amended by adding new sections to
11 read:

12 Sec. 07.05.040. ASSEMBLY. The legislature, sitting
13 as an unicameral body, acts as the assembly for the un-
14 organized borough.

15 Sec. 07.05.050. ASSEMBLY OFFICERS. The president of
16 the senate serves as temporary borough chairman until the
17 permanent chairman is elected by a majority vote of the
18 membership of the assembly. The assembly may provide for
19 the election of additional officers.

20 Sec. 07.05.060. QUORUM. A simple majority of the
21 membership to which the assembly is entitled constitutes
22 a quorum to do business.

23 Sec. 07.05.070. RULES. The assembly may adopt rules
24 for the conduct of its business by a majority vote of the

Introduced: 4/7/65
Referred: Local
Government, Judiciary
and Finance

1 IN THE HOUSE

BY MR. KENDALL

2 HOUSE BILL NO. 283

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the governing of the
7 unorganized borough."

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

9 * Section 1. AS 07.05 is amended by adding new sections to
10 read:

11 Sec. 07.05.021. AUTHORITY. (a) The unorganized borough
12 is vested with the powers and privileges granted first class
13 boroughs under this title, with the exception of establish-
14 ing, maintaining and operating a system of public schools.
15 All powers and privileges are exercised at the option of the
16 borough assembly and in the manner of a first class borough,
17 except as provided otherwise in this chapter.

18 (b) Areawide powers and powers in the area outside
19 cities granted organized boroughs under this title may be
20 exercised by the assembly of the unorganized borough only in
21 service areas established, operated, altered or abolished as
22 provided for organized boroughs under AS 07.15.050.

24 within a service area established by the assembly may not

Introduced: 2/13/63
Referred: LOCAL GOVERNMENT

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IN THE HOUSE

RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

HOUSE BILL NO. 62

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRD LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the incorporation of second class organized boroughs for school purposes; and providing for an effective date."

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

* Section 1. AS 14.10 is amended by adding new sections to read:

Sec. 14.10.203. STATE AND LOCAL OPTION. In addition to establishing school organizations by local option through the incorporation of a city or organized borough, school organizations may be incorporated as provided by sec. 206 of this chapter.

Sec. 14.10.206. BOROUGH SCHOOLS. (a) In each area meeting the standards for the incorporation of an organized borough, not incorporated as an organized borough by local option, the Board of Education may provide for the incorporation for school purposes of a second class organized borough.

(b) In providing for the incorporation of a second class organized borough, the Board of Education shall call upon the assistance of the Local Affairs Agency and such other agencies as it requires to conduct a study of the area

STATE OF ALASKA

KEITH H. MILLER, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K, STATE CAPITOL — JUNEAU 99801

May 27, 1970

The Honorable Gene Guess
Alaska State Representative
Alaska State Legislature
Juneau, Alaska

Re: Senate Bill 588

Dear Mr. Guess:

In accordance with your request we have reviewed Senate Bill 588 in order to determine its constitutionality. In the opinion of this office there is good reason to believe that SB 588 is inconsistent with one or more of the following sections of Article X of Alaska's Constitution:

Section 1. PURPOSE OF CONSTRUCTION.
The purpose of this article is to provide for maximum local self government with a minimum of local government units, and to prevent duplication of tax levying jurisdiction.

Section 3. BOROUGHS. . . . The standards [for boroughs] shall include population, geography, economy, transportation, and other factors. Each borough shall embrace an area and population with common interest to the maximum degree possible.

Section 7. CITIES. . . . shall be a part of the borough in which they are located.

Section 9. CHARTERS. . . . All charters, or parts or amendments of charters, shall be submitted to the qualified voters of the borough or city, and shall become effective if approved by a majority of those who vote on a specific question.

MEMORANDUM

State of Alaska

TO: G. Kent Edwards
Attorney GeneralRECEIVED
JUN 3 1970
LOCAL AFFAIRS AGENCY

DATE : May 26, 1970

FROM: Charles M. Merriner
Assistant Attorney General

SUBJECT: Senate Bill 588

Because of inquiries you have received from three state legislators, you have requested that I examine Senate Bill 588 for possible constitutional problems. I believe that certain language in sections 1, 3, 7, and 9 of article X of the Alaska Constitution pose questions as to the validity of the bill were it enacted, but they do not appear serious enough to warrant a prediction that a court clearly would strike the bill's provisions.

Section 3 of article X requires that the legislature divide the entire state into boroughs, organized or unorganized. Were a city to secede under the bill's provisions, it is not clear just where the borough lines would fall, but they necessarily either would or would not coincide with the borough boundaries that had existed before unification. Assuming first that the borders would not coincide, the question arises as to whether or not the bill would violate an additional provision of section 3 which states that, "Each borough shall embrace an area and population with common interests to the maximum degree possible." Although a divisive vote in excess of 70 per cent indicates uncommon interests, a court might rule that factors of common interest constitutionally require borders different from those formed as a result of the bill.

Even if the borders would coincide, another mandate from the same section of article X would come into play, viz., the one that requires establishment of boroughs according to standards which, while set by law, must include those of population, geography, economics, and transportation. From this requirement and others, the Constitution obviously requires that the borough be established with a view toward cohesive

1 IN THE SENATE

BY THE LABOR AND MANAGEMENT
COMMITTEE

2 SENATE BILL NO. 588

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unification elections held under
7 AS 29.85; and providing for an effective date."

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

9 * Section 1. AS 29.85.160 is amended by adding new subsections to read:

10 (f) The provisions of (c) of this section notwithstanding, if 70
11 ~~per cent of the qualified voters residing within a home rule city of~~
12 ~~the borough vote against ratification of the proposed charter, the city~~
13 ~~shall not be required to unite with other cities and the borough as~~
14 ~~provided in this chapter~~ but may, before the city is dissolved under
15 provisions of the approved charter, exclude itself from the unified
16 municipality upon adoption of a resolution for that purpose by the
17 governing body of the city and subject to (g) - (i) of this section.

18 (g) Beginning with the fiscal year of the unified municipality
19 which follows exclusion, areawide powers exercised by the borough
20 within the city at the time of ratification of the charter shall at
21 the option of the city continue to be exercised according to a contract
22 entered into by the city and the unified municipality and providing for
23 prorating costs of the areawide services to the city as if it were
24 included within the unified municipality. The city and unified munici-
25 pality may by mutual agreement provide for additional services to be
26 offered by the municipality within the city. Bonded or other borough
27 indebtedness which, at the time of charter ratification, is being
28 amortized from revenues derived within the city shall continue to be
29 amortized within the city by agreement between the city and municipalit