

NOTES FROM THE MINUTES OF THE
CONSTITUTIONAL CONVENTION

LOCAL GOVERNMENT

Boundaries:

"The boundaries [of boroughs] we think are quite an important question and should be under some agency which can establish them along the proper lines. They should not be left to the local community; they should be established by a higher authority." (Rosswog, for the Committee, p. 14, Jan 19 A.M.; emphasis added.)

Home Rule:

In general the Committee sought to attain a home rule similar to the Texas Plan, that is, "... reserving powers to the state and letting the local government exercise broad general authority within the limits of those reservations." (Rivers, for the Committee, pp. 16 & 17, Jan 19 A.M.)

Consolidation:

"Although the aspects of these factors [technological advances] are not necessarily the same, they all point to the need for a bolder use by the states of their powers over the incorporation, annexation, elimination and consolidation of units in order to promote both efficiency and citizen participation in local affairs.'" (Vic Fischer, for the Committee, quoting from the Report of the Commission on Inter-Governmental Relations, p. 22, Jan 19, A.M.)

"Our local concept has been based not upon a separation of the two basic units of government, the borough and the city, but has as close an integration of functions between the two as is possible. It was felt, for instance, that we should not, definitely follow the pattern you find in most state-side counties where you have exact same functions being carried on separately at these two levels of government with their own hierarchy of officials and separate capital investment. It was our thought that wherever functions overlap they should be integrated and from that standpoint it was the Committee's feeling that if we can get the coordination between the city council and the borough assembly we should be able to achieve the maximum of cooperation because then each would best know what the other had to offer and would realize where the problems of the other were, and you would force them into cooperation that we hope to achieve in local government." (Vic Fischer for the Committee, Jan 19, A.M. p. 32)

Taxation:

In respect to taxation, the Committee (Rosswog) said that the borough assembly "...can set up their tax rate inside the city. The city can and also the borough can [levy taxes] for what they need out [of the city] and also for combined services." (Rosswog, for the Committee, Jan 19, A.M. p. 34)

Schools:

The borough assembly will receive and sit upon school budgets. (Doogan, for the Committee, Jan 19, A.M. p. 42)

Assembly Apportionment:

"Our thinking all the way through has been in terms of not giving anybody control of the borough. The city representation and the representation from outside of the cities on the borough assembly would be according to whatever standards are prescribed by law. It is our thinking that generally a system of apportionment would probably be set up by the legislature under which both population and area would be taken into consideration." (Vic Fischer, for the Committee, Jan 19, A.M. p. 48)

Size:

While boroughs may very well be the same as the election districts, since they are both predicated upon the same bases, they will differ insofar as many election districts would be unwieldly to administer as areas for local government. (Jan 19, A.M. pp. 52-53)

Assembly Apportionment:

"I believe Alaska is going to be such that there will be a varied number [of assemblymen] as far as the proportion between the city and the rest of the borough, and I believe that our aim here is to give the flexibility, leave it up to the legislature. If they [the legislature] would say there should be nine on the assembly and they [assemblymen] should be divided according to population within each borough, then it will be up to the advisory board [the Local Boundary Commission] or whoever set up the particular power, to say how many [assemblymen] there shall be from the city and how many from the borough at large. And it will vary with each borough depending upon what per cent of the [borough's] population comes from the city and what per cent comes from the rest of the borough. (Londborg, for the Committee, Jan 19, A.M. pp. 55-56)

Powers:

"...our purpose is simply to set up a framework here. The state would of necessity reserve to itself certain functions, any functions that are not reserved to the state can be assumed by the borough..." (Doogan, for the Committee, Jan 19, A.M. p. 60)

City-Borough Division of Powers:

"...the city should remain as much the same or practically the same unless there are some gradual changes in the future, the same as it is today. They can delegate powers back and forth but the borough would not tell the city that they had to supply certain services or [that they] could not. (Rosswog, for the Committee, Jan 19, A.M. p. 67)

The Committee originally tried to divide powers as follows: (1) City to control its internal affairs; (2) Borough to control borough-wide affairs, including the city and problems concerning the city and surrounding areas.

However, just as did the courts in city-county and city-state relations, the Committee realized that such hard and fast lines were not at all clear. "It can be worded in different ways, but there is always a question over what is meant." Therefore, the Committee abandoned attempts to set forth a definite division of powers, placing its trust in the shared powers of an assembly containing city councilmen. (V. Fischer for the Committee, Jan 19, A.M. pp. 66-67)

Unified Control:

"...we visualize the possibility that as the borough becomes a more definite unit of government... that all the functions that can best be carried out on the unified basis [will] be transferred over to the borough." (Vic Fischer, for the Committee, Jan 19, A.M., p. 68)

Home Rule & Division of Powers:

The legislature could require joint borough-city action or sharing of functions "...and...even a city that adopts a home rule charter could be told by the legislature that you [it] shall not perform the following functions that is [are] hereby declared to be a borough function. (Vic Fischer, for the Committee, Jan 19, A.M., p. 69)

Organization Referendum:

"...I might say that the Legislature may very well see fit to provide that before a borough could be organized, that the people do approve it by referendum." The Constitution neither requires local approval nor local action, neither does it require that organization take place without local initiative or approval. "We're leaving it to the Legislature whether a referendum will or will not be required." (Vic Fischer, for the Committee, Jan 19, P.M. p. 21)

Dillon's Rule:

The last sentence of Section 1 of Article X (Local Government) which reads, "A liberal construction shall be given to the powers of local government units," was placed in the Article in order to get the courts to ignore Dillon's Rule in determining the powers of local governments. (Vic Fischer, for the Committee, Jan 20, A.M. pp. 9-10)

Functions of Unorganized Boroughs:

The unorganized boroughs do not function at all. The state performs services in unorganized boroughs. (Jan 20, A.M. p. 59)

Boroughs - Organized & First-Class:

"When boroughs will first be established it will be a new form of government to Alaska. It was in part the Committee's thinking that when they are first established there may be no first-class boroughs until say for a few years until they have organized to the point where they have assumed basic functions and you may put it in terms of learned how to operate as a government. Then the legislature may provide for a reclassification or there may be an automatic reclassification to first-class boroughs." The people should know what type of a government they have and want before they adopt home rule. (Vic Fischer, for the Committee, Jan 20, A.M. pp. 67-68)

PRINCIPLES FOR FORMATION OF LOCAL GOVERNMENT UNITS FOR ALASKA *****

- ** units should be large enough to prevent too many subdivisions in Alaska
- units should be based upon common economic, social and political interests
- boundaries should also take into account natural geographic divisions
- units should be so designed as to allow the provision of all local services within the boundaries of a single unit, thus avoiding multiplicity of taxing jurisdictions and overlapping, independent districts
- local units should have the maximum amount of self-government, should have authority to draft and adopt own charters
- the state should have power to create, consolidate, subdivide, abolish and otherwise change local units
- state services should be provided as much as possible along local unit lines
- provision should be made for subdividing all Alaska into local units, though not all need be organized
- ** state should have authority to determine when unit begins to need government and should be organized; people, however, should have ability to petition for an organized unit
- local units should have authority to create service areas within their boundaries and to tax on the basis of the services provided
- district representation should be authorized for local legislative body
- taxing authority of local units should not be restricted or otherwise dealt with in constitution; this should be left to legislative determination
- centralized tax assessment by state should be authorized
- basic local government units should have complete authority to perform ~~any~~ any functions, to adopt any administrative organization, and to generally undertake any action that is not specifically ~~denied to them by the legislature.~~ denied to them by the legislature.
- provisions authorizing the adoption of self-government charters should be self-executing.
- provision should be made for the cooperation between units of local
- the way should be left open to provision of assistance and supervision by a state agency or department
- all taxing and other authority within any unit should be vested in the legislative body of that unit

Amendment No. _____

Constitutional Convention

By Local Government Committee

Date January 19, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 6/a

MR. PRESIDENT:

I move that (Committee) Proposal No. 6/a be amended

as follows:

- Section 1, page 1, line 7, after "tax-levying" add "jurisdictions and otherwise minimize the number of".
- Section 2, page 1, line 13, strike "only"; line 14, insert "only" after "cities".
- Section 6, page 3, line 1, after the word "law" insert "or charter".
- Section 12, page 4, line 22, after "proposed" insert "local government".
- Section 13, page 5, line 11, strike "for a " and substitute ", including".
- Section 14, line 21, page 5, insert "their" before "charter".
- Section 14, line 20, delete "which shall" and insert the word "to"; line 22, insert "to" before the word "collect".

Amendment No. _____

Constitutional Convention

By Committee on Local Government

Date January 20, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 6/a

MR. PRESIDENT:

I move that (Committee) Proposal No. 6/a be amended
as follows:

Adoption of the name of "borough":

Borough:	27 -
County:	16
Canton:	1
District:	2
Division:	2
Province:	2
Absent:	5

Constitutional Convention
Committee Proposal/6/a
January 18, 1956

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON
LOCAL GOVERNMENT

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Local Government herewith presents the revised proposed article on local government for consideration by the Convention. Also attached is a commentary on the proposed article.

Respectfully submitted,

John H. Rosswog, Chairman
John M. Cross
James P. Doogan
Victor Fischer
Eldor R. Lee
Maynard D. Longborg
Victor C. Rivers

CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 6/a

Introduced by Committee on Local Government

LOCAL GOVERNMENT

RESOLVED, that the following be agreed upon as part of
the Alaska State Constitution.

ARTICLE ON LOCAL GOVERNMENT

Purpose and Liberal Construction 1 Section 1. The purposes of this Article are
2 to secure the maximum amount of local self-govern-
3 ment consistent with the interests and welfare
4 of all the people of the state, and to provide
5 a framework which will accomodate future develop-
6 ment and prevent the duplication and overlapping
7 of independent tax-levying local government units.
8 A liberal construction shall be given to the pro-
9 visions of this Article in order that these pur-
10 poses may be achieved.

Local Government Power 11 Section 2. All local government powers
12 shall be vested in boroughs and cities. The
13 state may delegate taxing powers only to
14 organized boroughs and cities.

Boroughs 15 Section 3. Boroughs shall be established
16 according to such standards and in such manner

1 as the legislature may provide. These standards
2 shall include, but not be limited to, such factors
3 as population, geography, economy and transporta-
4 tion. Each borough shall embrace, to the maximum
5 extent possible, an area and population with
6 common interests. The entire area of the state
7 shall be divided into boroughs which may be
8 either organized or unorganized. The legislature
9 shall classify boroughs and provide the methods
10 by which they may be organized, incorporated,
11 merged, consolidated, dissolved, reclassified or
12 otherwise changed.

Powers of
Boroughs

13 Section 4. The powers and functions appro-
14 priate to the local government requirements of
15 each class of borough shall be conferred by law,

Assembly

16 Section 5. The governing body of the organized
17 borough shall be the assembly. The composition of
18 the assembly shall be prescribed by law provided
19 that each city shall be represented by persons who
20 are members of its city council and that the addi-
21 tional members shall be elected by the voters
22 living outside the cities.

Service
Areas

23 Section 6. Service areas to provide special
24 services within portions of an organized borough
25 may be established, altered or abolished by the

1 assembly, subject to the provisions of law. The
2 assembly may authorize the levying of such taxes,
3 charges or assessments within a service area as
4 may be necessary to finance the activities. No
5 new service area shall be created when, in the
6 judgment of the assembly, the objectives of
7 Section 1 of this Article would be better served
8 by giving a new function or functions to an
9 existing service area, incorporation of the area
10 as a city, or annexation of the area to a city.

Unorganized
Boroughs

11 Section 7. The Legislature shall provide
12 for the performance of necessary functions in
13 unorganized boroughs, allowing for a maximum of
14 local participation and responsibility.

Cities

15 Section 8. A city shall be incorporated
16 according to standards established by law. It
17 shall be a part of the borough in which it is
18 located. The governing body of a city shall be
19 a council which shall have such powers and
20 functions as may be conferred by law or charter.
21 Cities may be merged, consolidated, dissolved, or
22 classified in a manner provided by law.

Charters

23 Section 9. The qualified voters of any
24 borough of the first class or of any city of the
25 first class may adopt, amend or repeal a home

1 rule charter of government in a manner provided
2 by law. In the absence of such legislation, the
3 governing body of a borough or city of the first
4 class in which the adoption of a charter is
5 proposed shall provide for the procedure to be
6 followed in the preparation, approval, or
7 rejection of the charter. All charters, or parts
8 thereof and amendments thereto, shall be submitted
9 to the qualified voters of the borough or city
10 and shall not become effective unless approved by
11 a majority of the qualified voters voting on the
12 specific question.

Extended
Home Rule

13 Section 10. The legislature may extend
14 home rule to other classes of boroughs and cities.

Home Rule
Powers

15 Section 11. A home rule borough or city may
16 exercise all legislative powers which are not
17 prohibited by this constitution, by law or by its
18 charter.

Boundaries

19 Section 12. The legislature shall establish
20 a local boundary commission and regulate its
21 activities. The commission may, on its own motion
22 or on petition, consider any proposed boundary
23 change and present it to the legislature during
24 the first ten days of any regular session. Any
25 such change shall become effective at the end of

1 the session unless disapproved by a resolution
2 concurred in by a majority of all the members
3 of each house. The commission, subject to law,
4 may also establish terms and conditions upon which
5 local action to adjust local government boundaries
6 may be effectuated.

4 Intergovern-
mental
agreements

7 Section 13. Subject to procedures and limita-
8 tions prescribed by law, agreements may be made
9 by any local government with any other local
10 government, with the state or with the United
11 States for a cooperative or joint administration
12 of any of its functions or powers. Any city may,
13 subject to such limitations as established by law
14 or charter, transfer to the borough in which it
15 is located any of its functions or powers and
16 may similarly revoke the transfer of any such
17 functions or powers.

Advice and
Review

18 Section 14. Provision shall be made by law
19 for an agency in the executive branch of the
20 government which shall render assistance and advice
21 to local governments and charter drafting agencies,
22 collect and publish information relating to local
23 government on a state-wide basis, review the
24 activities of local governments, and perform such
25 other duties as may be prescribed by law.

Special
Districts

1 Section 15. The legislature shall provide
2 for the integration of special districts per-
3 forming local government functions with the
4 government of a borough at the time the borough
5 is organized.

Constitutional Convention
XII/Local Government
January 16, 1956

ALASKA CONSTITUTIONAL CONVENTION
COMMENTARY ON LOCAL GOVERNMENT ARTICLE

Since the Territory of Alaska has no provisions for home rule and the people are governed directly from Washington, D.C. and the Capital of the territory, the Committee on Local Government is proposing this Article with the purpose of enabling the people in any part of Alaska to achieve a maximum amount of home rule for themselves. Studies were made of systems used in the United States, Canada and some European countries. The provisions of this article are intended to be self executing so far as possible. The plan is designed to accomodate today's needs and tomorrow's growth, and provides flexibility to meet the need for local government in all parts of Alaska.

We have not tried to detail the mechanics of setting up units of Local Government, but have tried to prepare a framework within which the Legislature of the State of Alaska can provide by law for local government and home rule.

Section 1. This section states the purpose and intent of this Article; to promote democratic self-government below the state level, guarding the interests and welfare of all concerned in a framework which will foster orderly development and prevent the abuses of duplication and overlapping of taxing entities.

Section 2. The purpose of this section is self-explanatory. It provides for no more than two levels of local government and local taxing power.

Section 3. Authorization of the legislature to divide the whole state into boroughs, some of which will doubtless remain for some time without fully organized governments. It provides for classification and alteration of boroughs.

Section 4. The legislature may make laws outlining the powers and functions appropriate to each class of borough.

Section 5. This section provides for representation of both rural and urban areas in the assembly, which is the governing body of the borough. Cities are to be represented on the assembly by certain members of their Councils to insure close cooperation between boroughs and cities. The actual method of apportionment is to be provided by the Legislature.

Section 6. Authorizes the borough assembly to establish special service areas, supported primarily by those benefited from such services.

Section 7. The State is authorized to provide for necessary services in unorganized boroughs with a maximum of local participation even in the smallest communities.

Section 8. This section provides for the incorporation, classification, government and powers of cities in accordance with law.

Section 9. Constitutional authority is given to first class boroughs and cities to adopt, repeal or amend home rule charters as the need arises. This is a self executing clause.

Section 10. This section provides that the legislature by law may extend home rule to any other classes of boroughs and cities.

Section 11. Home rule boroughs or cities have the power by their own law to govern themselves entirely unless otherwise prohibited by Constitutional or statutory law, or by their charters.

Section 12. This section provides for an agency that shall concern itself exclusively with local boundary questions. Boundary changes recommended by the agency are to be effective unless disapproved by the legislature.

Section 13. Boroughs and cities may make inter-governmental agreements with other boroughs, cities, the state and the United States, giving greater flexibility and closer cooperation between various levels of government.

Section 14. This section provides for an agency in the executive branch to help the people and local officials in the various parts of the State obtain by their own efforts the kind of local self-government they need and can afford. The agency will carry on a continuing study to assist the people and the Legislature in determining what changes may be necessary from time to time in the interest of better local government for all.

Section 15. The legislature is directed to bring special districts within the jurisdiction of organized boroughs as contemplated by this Article.

The name Borough was chosen from Black's Law Dictionary which states that a Borough is "a place for local government purposes." County was not used because of a wish to avoid undesirable connotations that attach to it and also because of its weak legal status in many states.

Constitutional Convention
Committee Proposal/6
December 15, 1955

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON
LOCAL GOVERNMENT

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Local Government herewith presents the proposed article on local government for consideration by the Convention. Also attached is a commentary on the proposed article.

Respectfully submitted,

John H. Rosswog, Chairman
John M. Cross
James P. Doogan
Victor Fischer
Eldor R. Lee
Maynard D. Londborg
Victor C. Rivers

CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 6

Introduced by Committee on Local Government

LOCAL GOVERNMENT

RESOLVED, that the following be agreed upon as part of the
Alaska State Constitution.

ARTICLE ON LOCAL GOVERNMENT

Purpose and Liberal Construction 1 Section 1. The purposes of this Article are
2 to secure the maximum amount of local self-govern-
3 ment consistent with the state's responsibilities
4 to the whole people and the state's membership in
5 the Union, and to provide a framework which will
6 accomodate future development and prevent the pyra-
7 miding of independent tax-levying local government
8 units. A liberal construction shall be given to the
9 provisions of this Article in order that these pur-
10 poses may be progressively achieved.

Local Govern-ment System 11 Section 2. The local government system of the
12 state shall consist of two categories. These cate-
13 gories shall be known as boroughs and cities and
14 all local government powers shall be vested in them.

Boroughs 15 Section 3. Boroughs shall be established according
16 to such standards and in such manner as the legislature
17 may provide. These standards shall include, but not

1 be limited to, such factors as population, geography,
2 economy and transportation. Each borough shall
3 embrace, to the maximum extent possible, an area and
4 population with common interests. The entire area
5 of the state shall be divided into boroughs. The
6 legislature shall provide for three types of boroughs
7 to be known as boroughs of the first class, boroughs
8 of the second class, and boroughs of the third class.
9 A minimum of three boroughs each of the first and
10 second classes shall be established. The legisla-
11 ture shall provide the methods by which boroughs may
12 be merged, consolidated, dissolved, reclassified or
13 otherwise changed.

Powers of
Boroughs

14 Section 4. The powers and functions appropriate
15 to the local government requirements of each of the
16 three classes of boroughs shall be conferred by law
17 or charter. The descending order, in terms of
18 powers and functions, shall be from the first through
19 the third class. Boroughs of the first class shall
20 be, and boroughs of the second class may be,
21 municipal corporations.

Assembly

22 Section 5. The governing body of the borough
23 shall be the assembly. It shall be composed of mem-
24 bers of the city council or councils and of addi-
25 tional members from the area outside the city or cities

1 but within the borough to be selected in the manner
2 and in the number to be prescribed by law or charter.

Service
Areas

3 Section 6. Service areas may be established by
4 the assembly to provide special services within
5 portions of the borough in accordance with procedures
6 established by law or charter. The assembly shall
7 govern service areas. Participation by residents in
8 the administration of service areas may be provided
9 by law or charter. These special services shall be
10 provided only to the residents of the service area
11 and shall be financed by taxes, charges, or assess-
12 ments to be levied by the assembly within the service
13 area involved. Such taxes, charges, or assessments
14 shall be in addition to those that may be levied
15 throughout the entire area of the borough.

Cities

16 Section 7. A city shall be a municipal corporation
17 and shall be incorporated according to standards
18 established by law. It shall be a part of the borough
19 in which it is located. The governing body of a city
20 shall be a council and may exercise such powers and
21 functions as may be conferred by law or charter.
22 Cities may be merged, consolidated, dissolved, or
23 classified in a manner provided by law.

Jurisdiction
of Boroughs
and Cities

24 Section 8. The city council's jurisdiction shall
25 extend to those matters which involve the area within
26 the city. The assembly's jurisdiction shall extend

1 to those matters involving the whole or any portion of
2 the borough.

Local Govern-
ment Taxation

3 Section 9. The power of local government taxation
4 shall be exercised only by boroughs and cities.

Charters

5 Section 10. The qualified voters of any municipal
6 corporation are hereby vested with the power to adopt
7 or repeal a home rule charter of government in a
8 manner provided by law and to amend the charter in a
9 manner provided by the charter. In the absence of
10 such legislation, the governing body of a municipal
11 corporation in which the adoption of a charter is
12 proposed shall provide for the procedure to be fol-
13 lowed in the preparation, approval, or rejection of
14 the charter. Consideration shall be given in the
15 drafting of charters to such factors as representation
16 on the basis of population and area, adjustment of
17 existing indebtedness, and differential taxation based
18 upon benefits to be derived. All charters, or parts
19 thereof and amendments thereto, shall be submitted to
20 the qualified voters of the municipal corporation and
21 shall not become effective unless approved by a
22 majority of the qualified voters voting on the specific
23 question.

Home Rule
Powers

24 Section 11. A municipal corporation which adopts
25 a charter may exercise all legislative powers which

1 are not prohibited by this constitution, by law, or
2 by its charter.

Optional
Forms of
Government

3 Section 12. The legislature shall provide optional
4 forms of government for those municipal corporations
5 which do not adopt charters. An authorized optional
6 form may be adopted or abandoned by majority vote of
7 the qualified voters of a municipal corporation voting
8 thereon.

Boundaries

9 Section 13. The legislature shall provide for the
10 rearrangement of local government boundaries to the
11 end that those boundaries may be adjusted as conditions
12 may require. The legislature shall establish a special
13 agency which, on its own motion or on petition, in a
14 manner prescribed by law shall consider all questions
15 relating to the rearrangement of local government
16 boundaries and the terms and conditions upon which
17 such rearrangements may be made. This agency in its
18 consideration of boundary rearrangements shall work
19 toward the end that local government units embrace
20 social, economic, and geographic areas which will
21 make possible the maximum realization of the purpose
22 of this Article. Decisions of this agency shall be
23 final within 45 days after the convening of the next
24 regular session of the legislature unless disapproved
25 by the legislature prior to that time.

Intergovern- 1 Section 14. Agreements may be made by any local
mental 2 government with any other local government, with the
Agreements 3 state or with the United States for a cooperative or
4 joint administration of any of its functions or
5 powers, and the legislature may facilitate such agree-
6 ments. Any city may, subject to such limitations as
7 established by law or charter, transfer to the
8 borough in which it is located any of its functions
9 or powers and may similarly revoke the transfer of
10 any such functions or powers.

Advice and 11 Section 15. The legislature shall provide an
Review 12 agency which shall render assistance and advice to
13 local governments, collect and publish information
14 relating to local government on a state-wide basis,
15 review the activities of local governments, and
16 perform such other duties as may be prescribed by law.

Special 17 Section 16. The legislature shall provide for the
Districts 18 integration of the special districts exercising local
19 government powers with the government of the borough
20 at the time the boroughs are established.

Increased 21 Section 17. Increased local government expendi-
Financial 22 tures arising out of legislative acts shall not be-
Burdens 23 come effective until approved by the local government
24 or until funds sufficient to meet the increased
25 expenditures are granted by the state to the local
26 governments.

General	1	Section 18. The legislature, in passing laws
Laws	2	relating to cities and boroughs, may act only by
Required	3	laws which are of general terms and effects.

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 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.

3. Prevention of overlapping taxing authorities--The proposed article grants local taxing power exclusively to boroughs and cities. This will allow consideration of all local needs in the levying of taxes and the allocation of funds. It will lead to balanced taxation. Single interest agencies with taxing authority often do not realize needs other than their own.

4. Flexibility-- The proposed article provides a local government framework adaptable to different areas of the state as well as changes that occur with the passage of time. It allows classification of units on the basis of ability to provide and finance local services. It allows optional administrative forms, adoption of home rule charters, boundary changes, etc.

5. State interest-- The proposed article recognizes that the state has a very definite interest in and concern with local

affairs. For example, the credit of the state is indirectly involved in local financial matters and local units are the agencies through which many state functions are performed. The proposal therefore gives the state power to establish and classify boroughs, to alter boundaries of local units, to prescribe powers of non-charter governments, to withhold authority from home-rule boroughs and cities and to exercise advisory and review functions.

The Borough

Under terms of the proposed article, all of Alaska would be subdivided into boroughs. Each would cover a large geographic area with common economic, social and political interests. Boundaries are to be established by the state.

The borough will fill the gap so often caused by the absence of a unit sufficiently large enough to deal with a particular local government problem. For instance, such needs as schools, health service, police protection, recording, could be met at the borough level or in smaller areas within the borough.

Areas in Alaska vary widely as to economy, population size and density, means of transportation, financial ability to support local government and other factors. Therefore, three classes of boroughs were created to allow for variations.

A borough of the first class would offer the largest amount of authority and self-government to its citizens through adoption of home rule charters. The third class borough would have the most

limited scope, with the state performing most of the local functions. It could remain unorganized. A governing body might be elected to act in an advisory capacity to the state in cases where the state is providing funds to perform local services. The second class borough is granted powers falling in the range between the other two classes.

The governing body of the borough is to be known as the assembly. The basis for representation would be established by the legislature or by charter in the case of first class boroughs. Apportionment could be on the basis of population or area or both. Cities within boroughs would be represented by city council members.

("Borough" means a place organized for local government purposes. It was adopted by the committee after many names were reviewed. The committee felt it desirable to avoid any term, such as "county", already encumbered with detailed legal definitions or having a definite connotation in people's minds.)

Cities

The status of existing cities is not changed under the proposed article. Future incorporations would be governed by the legislature. Cities will have authority to adopt home rule charters.

Borough-City Relationships

The borough is created as a form of area government. Many boroughs of Alaska will have no cities within them. Others might include one or more cities, which would be part of the borough.

The borough would have no control over internal affairs of cities within its boundaries. The borough's jurisdiction would cover matters involving the borough as a whole, matters involving portions of the borough outside of cities and matters jointly involving the city and a surrounding area.

The committee believes that maximum cooperation between boroughs and cities and integration of their mutual functions will provide residents with best services at least cost. Provisions in this article facilitating mutual action include authority for cooperative agreements, for the transfer of functions from one unit to another and for establishment of service areas. Coordination will also be fostered by the provision that the city's representatives on the borough governing body be members of the city council since they know what the city can offer and are familiar with city needs.

Service Areas

Need may arise within a portion of a borough for services not required throughout its entire jurisdiction. These might include road improvements, fire protection, education, utilities. Any one service could be provided through establishment of a service area within which taxes, assessments or charges could be levied to cover the special cost.

Service areas would be under the jurisdiction of the borough's assembly. Thus all local taxes would be levied by a single agency. The borough assembly could, of course, establish advisory or admin-

istrative boards within service areas. For example, what is today an independent school district could exist within a borough. But budgetary review authority and allocation of funds would rest with the borough governing body rather than the city council. (It would also be possible to constitute the whole borough a school district.)

Boundaries

Under the proposed article the state establishes the original borough boundary lines. While this authority is left with the legislature, the local government committee envisions it would be done only after thorough study and consideration of economic, geographic, social and political factors.

Provision is also made for changes in the boundaries of boroughs and cities. Under the proposed article the legislature would establish a state agency or commission for this purpose. The local government committee believes boundaries should be left flexible to allow for changing conditions. Particularly in the case of boroughs, Alaska would thus avoid one of the pitfalls of stateside county government where boundaries are frozen by constitution or tradition.

Boundary changes could be made by the state agency upon petition or upon its own motion. The legislature would prescribe conditions for making changes and would be granted a veto power over all changes.

The advantage of the proposed method lies in placing the process at a level where area-wide or state-wide needs can be taken into account. By placing authority in this third party, arguments for and against the boundary change can be analyzed objectively.

The committee did not believe boundary questions should be placed in the hands of the court since this is a non-judicial matter.

Application To Small Communities

One of the local government problems in Alaska today is the inability of small communities to organize for provision of just one or a few local services. By authorizing the establishment of service areas within boroughs, the proposed article makes it possible for a small unincorporated community or a relatively isolated area to meet a specific local need.

Through establishment of service areas and assumption of administrative or advisory responsibility, the citizens of small communities or rural areas will be preparing themselves for full self-government. The committee felt the state has a particular responsibility to delegate authority in the administration of state financed local functions as well as to provide assistance and advice.

(Third Draft)

Local Government Article

Outline of Sections

<u>Section</u>	<u>Title</u>
1	Purpose
2	Local Government System
3	_____ ³
4	Powers of _____ ³
5	Assembly
6	Service Areas
7	Cities
8	Overlapping Taxation Prohibited
9	Relations between _____s and Cities
10	General Laws Required
11	Charters
12	Home Rule Powers
13	Optional Forms of Government
14	Boundaries
15	Intergovernmental Relations
16	Special Districts

ARTICLE

LOCAL GOVERNMENT

Section 1. Purpose The purposes of this Article are to secure the maximum amount of local self-government consistent with the state's responsibilities to the whole people and its membership in the Union, and to provide a framework which will accommodate future development and prevent the pyramiding of independent tax-levying local government units. A liberal construction shall be given to the provisions of this Article in order that these purposes may be progressively achieved.

Section 2. Local Government System. The local government system of the state shall consist of two categories. These categories shall be known as _____s and cities and all local government powers shall be listed in them.

Section 3. _____s shall be established according to such standards and in such manner as the legislature may provide. These standards shall include, but not be limited to, such factors as population, geography, economy, and transportation. Each _____ shall embrace, to the maximum extent possible, an area and population with common interests. The legislature shall provide for three types of _____s to be known as _____s of the first class, _____s of the second class, and _____s of the third class. The entire area of the state shall be divided among these three classes. A minimum of three _____s each of the

first and second classes shall be established. The legislature shall provide the methods by which _____s may be merged, consolidated, or dissolved.

Section 4. Forms of _____s. The powers and functions appropriate to the local government requirements of each of the three classes shall be conferred by law or charter. The descending order, in terms of local government powers and functions, shall be from first through the third class _____s of the first class shall be municipal corporations. The legislature may declare _____s of the second class to be municipal corporations.

Section 5. Assembly. The governing body of the _____ shall be known as the assembly and shall be composed of members of the city council or councils and such additional members from the area outside the city or cities but within the _____ to be selected in the manner and in the number to be prescribed by law or charter. The duties to be performed and the powers to be exercised by the assembly shall be those prescribed by law or charter.

Section 6. Service Areas. Service areas may be established by the assembly, in accordance with procedures established by law or charter, to provide local government services within portions of the _____ which are not required throughout the entire area of the _____. The governing body of the service area shall be the assembly with such participation by the residents as the law or charter may provide. These additional

Local government services shall be provided only to the residents of the service area and shall be financed by taxes, charges, or assessments to be levied by the assembly only within the boundaries of the service area involved. Such taxes, charges, or assessments shall be in addition to those that may be levied throughout the entire area of the _____ . The local government services to be provided within the service area shall be those prescribed by law or charter for the particular class to which the _____ belongs.

Section 7. Sities. A city shall be a municipal corporation and shall be incorporated according to such standards as may be established by law. The governing body of the city shall be known as a council which may exercise such powers and functions as may be conferred by law or charter. A city shall be a part of the _____ in which it is located. Cities may be merged, consolidated, or dissolved in a manner provided by law.

Section 8. Overlapping Taxation Prohibited. The vesting of the power of local government taxation, other than in the _____ or the cities, is hereby prohibited.

Section 9. Relations Between _____ and Cities. The assembly shall be responsible for all local government matters which involve the whole of the _____ or any part thereof larger than any city or cities that may be located therein. The city council shall be responsible for any local government matters which involve only the area within the boundaries of the city.

Section 10. General Law Required. The legislature, in pass-

ing laws relating to municipal corporations and _____, may not only by laws which are of general terms and affects.

Section 11. Charters. The qualified voters of any municipal corporation are hereby vested with the power to adopt a home rule charter of government and to amend or repeal the same in a manner to be provided by law. In the absence of such legislation, the governing body of a municipal corporation in which the adoption of a charter is proposed shall provide by ordinance or resolution for the procedure to be followed in the preparation, approval, or rejection of the charter. All charters, or parts thereof and amendments thereto, shall be submitted to the qualified voters of the municipal corporation and shall not become effective unless approved by a majority of the qualified voters voting on the specific question.

Section 12. Home Rule Powers. A municipal corporation which adopts a charter may exercise all legislative powers which are not prohibited by this constitution, by law, or by charter.

Section 13. Optional Forms of Government. For those municipal corporations which do not adopt charters, the legislature shall by law provide optional forms of government under which an authorized optional form may be adopted or abandoned by majority vote of the qualified voters of a municipal corporation voting thereon.

Section 14. Boundaries. From and after the establishment of the boundaries of the categories of local governments provided in this constitution, the legislature shall provide by law for the rearrangement of local government boundaries to the end that those

boundaries may be altered to meet changing conditions. The legislature shall establish a special agency which on its own motion or on petition in a manner prescribed by law shall consider all questions relating to the rearrangement of local government boundaries and the terms and conditions upon which such rearrangements may be made. The decisions of this agency shall be final unless disapproved by the legislature within 60 days after the convening of the next regular session.

Section 15. Intergovernmental Relations. Agreements may be made by any local government with any other local government, with the state, or with the United States for a cooperative or joint administration of any of its functions or powers, and the legislature may facilitate such agreements. Any city may, subject to such limitations as may be established by law or charter, transfer to the _____ in which it is located any of its functions or powers and may similarly revoke, under the same limitations, the transfer of any such functions or powers. The legislature shall provide for an agency in the executive branch which shall render assistance and advice to local governments, collect and publish information relating to local government on a state-wide basis, and perform such other duties as may be imposed.

Section 16. Special Districts. The legislature shall provide for the methods by which special districts exercising local government powers existing at the effective date of this constitution shall be integrated with the local government system herein provided.

ARTICLE _____

LOCAL GOVERNMENT

Section 1. Purpose. The purposes of this Article are to secure the maximum amount of local self-government consistent with the state's responsibilities to the whole people and its membership in the Union, and to provide a framework which will accomodate future development and prevent the pyramiding of independent tax-levying local government units. A liberal construction shall be given to the provisions of this Article in order that these purposes may be progressively achieved.

Section 2. Local Government System. The local government system of the state shall consist of two categories. These categories shall be known as _____s and cities.

And all local government ~~powers~~ powers shall be vested in them.

Section 3. _____s. _____s shall be established according to such standards and in such manner as the legislature may provide. These standards shall include, but not be limited to, such factors as population, geography, economy, and transportation. Each _____ shall embrace, to the maximum extent possible, an area and population with common interests. The legislature shall provide for three types of _____s to be known as _____s of the first class, _____s of the second class, and _____s of the third class. The entire area of the state shall be divided among these three classes. A minimum of three _____s each of the (first and second classes shall be established. The

W-R

legislature shall provide the methods by which _____s may be merged, consolidated, or dissolved.

Section 4. Powers of _____s. The powers and functions appropriate to the local government requirements of each of the three classes shall be conferred by law or charter. The descending order, in terms of local government powers and functions, shall be from first through the third class. _____s of the first class shall be municipal corporations. The legislature may declare _____s of the second class to be municipal corporations.

Section 5. Assembly. The governing body of the _____ shall be known as the assembly and shall be composed of members of the city council or councils and such additional members from the area outside the city or cities but within the _____ to be selected in the manner and in the number to be prescribed by law or charter. The duties to be performed and the powers to be exercised by the assembly shall be those prescribed by law or charter.

Section 6. Service Areas. Service areas may be established by the assembly, in accordance with procedures established by law or charter, to provide local government services within portions of the _____ which are not required throughout the entire area of the _____. The governing body of the service area shall be the assembly with such participation by the residents as the law or charter may provide. These additional (local government services shall be provided only to

63-

the residents of the service area and shall be financed by taxes, charges, or assessments to be levied by the assembly only within the boundaries of the service area involved. Such taxes, charges, or assessments shall be in addition to those that may be levied throughout the entire area of the _____.

The local government services to be provided within the service area shall be those prescribed by law or charter for the particular class to which the _____ belongs.

Section 7. Cities. A city shall be a municipal corporation and shall be incorporated according to such standards as may be established by law. The governing body of the city shall be known as a council which may exercise such powers and functions as may be conferred by law or charter. A city shall be a part of the _____ in which it is located. Cities may be merged, consolidated, or dissolved in a manner provided by law.

Section 8. Overlapping Taxation Prohibited. The vesting of the power of local government taxation, other than in the _____s or the cities, is hereby prohibited.

Section 9. Relations Between _____s and Cities. The assembly shall be ~~the~~ responsible for all local government matters ~~except~~ which involve the whole of the _____ or any part thereof larger than any city or cities that may be located therein. The city council shall be responsible for any local government matters which ~~involve~~ involve only the area within the boundaries of the city.

Section 10. General Laws Required. The legislature, in passing laws relating to municipal corporations ~~and~~ and _____s, may act only by laws which are of general terms and effects.

Section 11. Charters. The qualified voters of any municipal corporation are ~~hereby~~ hereby vested with the power to adopt a home rule charter of government and to amend or repeal the same in a manner to be provided by law. In the absence of such legislation, the governing body of a municipal corporation in which the adoption of a charter is proposed shall provide by ordinance or resolution for the procedure to be followed in the preparation, approval, or rejection of the charter. All charters, or parts ~~of~~ thereof and amendments thereto, shall be submitted to the qualified voters of the municipal corporation and shall not become effective unless approved by a majority of the qualified voters voting on the specific question.

Section 12. Home Rule ~~By~~ Powers. A municipal corporation which adopts a charter may exercise all legislative ~~powers~~ powers which are not prohibited by this constitution, by law, or by charter.

Section 13. Optional Forms of Government. For those municipal corporations which do not adopt charters, the legislature shall by law provide optional forms of government under which an authorized optional form may be adopted or abandoned by majority vote of the qualified voters of a municipal corporation voting thereon.

Section 14. Boundaries. From and after the establishment of the boundaries of the ~~units~~ categories of local governments provided in this constitution, the legislature shall provide by law for the rearrangement of local government boundaries to the end that those boundaries may be altered to meet changing conditions. The legislature shall establish a special agency which on its own motion or on petition ~~may~~ in a

25 (6)

manner prescribed by law shall consider all questions relating to the rearrangement of local government boundaries and the terms and conditions upon which such rearrangements may be made. The decisions of this agency shall be final unless disapproved by the legislature within 60 days after the convening of the next regular session.

Section 15. Intergovernmental Relations. Agreements may be made by ~~the~~ any ~~local~~ local government with any other local government, with the state, or with the United States for a cooperative or joint administration of any of its functions or powers, and the legislature may facilitate such agreements. Any city may, subject to such limitations as may be established by law or charter, transfer to the _____ in which it is located any of its functions or powers and may similarly revoke, under the same limitations, the ~~transfer~~ transfer of any such functions or powers. The legislature shall provide for an agency in the executive branch which shall render assistance and advice to local governments, collect and publish information relating to local government on a state-wide basis, and perform such other duties as may be imposed.

Section 16. Special Districts. The legislature shall provide for the methods by which special districts exercising local government powers existing at the effective date of this constitution shall be integrated with the local government system herein provided.

[~~Final~~ Draft]

Check on ~~in~~ ^{district}

ARTICLE _____

LOCAL GOVERNMENT

Local Government System

Section 1. ~~Classes~~ ^{Categories} The local government system of the state shall consist of two classes. These classes shall be known as _____s and cities.

Section 2. _____s. ~~may be a municipal corporation and shall be established according to such standards and in such manner as the legislature may provide. These standards to be applied in the establishment of _____s shall include, but not be limited to, such factors as population, geography, economy, and transportation. Each _____ shall embrace an area and population with common interests, to the maximum extent possible.~~

Maximum extent possible The legislature shall provide for three types of _____s ^{to} ~~which shall for classification purposes~~ be known as _____s of the first class, _____s of the second class, and _____s of the

shall be divided third class. The entire area of the state among these three classes and shall confer on each of the three classes the powers and functions appropriate to the local government requirements of the respective classes. The descending order, in terms of local powers and functions, shall be from first through the third class. The first and second classes of _____s shall each consist of at least three _____s.

The governing body of the _____ shall be known as

Sec 4.

the assembly and shall be composed of members of the city council or councils and such additional members from the area outside the city or cities but within the _____ to be selected in the manner and in the number to be prescribed by law or charter. The duties to be performed and the powers to be exercised by the assembly shall be those prescribed by law or charter. ^(c) _____s of the first class shall be municipal corporations. ^(d) The legislature may declare _____s of the second class to be municipal corporations.

Sec. 5

Service areas may be established by the assembly to provide local government services within portions of the _____ which are not required throughout the ^{entire} area of the _____ in accordance with procedures established by law or charter. The governing body of the service area shall be the assembly. These additional services ^{shall} ~~to~~ be provided only to the residents of the service area ^{and} shall be financed by taxes, charges, or assessments to be levied by the assembly only within the boundaries of the service area involved. ~~and shall be in addition to such taxes, charges, or assessments as may be levied throughout the~~ ^{shall be in addition to those} entire area of the _____. The local government services to be provided within the service area shall be those prescribed by law or charter for the particular class to which the _____ belongs.

Such

The legislature shall provide the methods by which _____s may be merged, consolidated, or dissolved, ~~provided that no area in the state shall be outside the limits of a _____.~~

Sec. 6

to the end of Sec. 2

Sec. 6

Section 3. Cities. A city shall be a municipal corporation and shall be incorporated according to such standards as may be established by law. The governing body of the city shall be known as a council which may exercise such powers and functions as are conferred by law or charter. A city shall be a part of the _____ in which it is located. Cities may be merged, consolidated, or dissolved in a manner provided by law.

Sec. 7

for local Government purposes

Section 4. One Governing Body. No area of the state shall be under the jurisdiction of more than one local governing body ~~FOR LOCAL GOVERNMENT PURPOSES~~. (Query: What about a city council when it is acting solely within the city and the assembly has no part?)

Sec. 8

Section 5. Home Rule. The legislature, in passing laws relating to municipal corporations, may act only by laws which are general in terms and effects.

Sec. 10

The qualified voters of any municipal corporation are hereby vested with the power to adopt a home rule charter of government and to amend or repeal the same in a manner to be provided by general law. In the absence of such legislation, the governing body of a municipal corporation in which the adoption, amendment, or repeal of a charter is proposed shall provide by ordinance or resolution for the procedure to be followed in the preparation, submission, approval, or rejection and amendment of the charter.

All charters, or parts thereof and amendments thereto, shall be submitted to the qualified voters of the municipal corporation

and shall not become effective unless approved by a majority of the qualified voters voting on the specific question.

A municipal corporation which adopts a charter may exercise all legislative powers, including but not limited to the taxing power and the police power, which are not prohibited by this constitution, by law, or by the charter.

For those municipal corporations which do not adopt charters, the legislature shall by law provide optional forms of municipal government under which an authorized optional plan may be adopted or abandoned by majority vote of the qualified voters of a municipal corporation voting thereon.

Section 6. Boundaries. From and after the establishment of the boundaries of the units of local government provided in this constitution, the legislature shall provide by law for the rearrangement of local government boundaries to the end that those boundaries may be altered to meet changing conditions. The legislature shall establish a special agency which on its own motion or on petition in a manner prescribed by law shall consider all questions relating to the rearrangement of local government boundaries. The decisions of this agency on such questions shall be final unless disapproved by the legislature within 60 days at its next regular session.

Section 7. Intergovernmental Relations. Agreements may be made by any local government with any other local government, with the state, or with the United States for a cooperative or

joint administration of any of its functions or powers, and the legislature may facilitate such agreements.

Any city may, subject to such limitations as may be established by law or by charter, transfer to the _____ in which it is located any of its functions or powers and may similarly revoke, under the same limitations, the transfer of any such functions or powers.

The legislature shall provide for an agency in the executive branch which shall render assistance and advice to local governments, collect and publish information relating to local government on a state-wide basis, and perform such other duties as may be imposed.

Section 8. Special Districts. The legislature shall provide for the methods by which the special districts existing at the effective date of this constitution shall be ^{integrated with} ~~made to~~ conform to the local government system herein provided.

take care of future.

LOCAL GOVT.

INSERT FOR SECTION 10 9

Consideration shall be given in the drafting of the chart^{VR} to such factors as Apportionment of bonded indebtedness, representation on basis of population and area, and differential taxation based upon benefits derived.

[See Draft]

LOCAL GOVERNMENT

Section 1. Classes. The ~~local~~ local government system of the state shall consist of two ~~class~~ classes. These classes shall be known as _____s and cities.

Section 2. _____s. A _____ may be a municipal corporation and shall be established according to such standards and in such manner as the legislature may provide. The standards to be applied in the establishment of _____s shall include, but not be limited to, such factors ~~xxxxxx~~ as population, geography, economy, and transportation. Each _____ shall embrace an area ~~with~~ and population with common interests to the ~~maximum~~ maximum extent possible. The legislature shall ~~z~~ provide for three types of _____s which shall for classification purposes be known as the _____s of the first class, _____s of the second class, and _____s of the third ~~class. The legislature~~ class, ~~and~~ shall apportion the entire area of the state among these three classes, ~~By~~ and shall confer on each of the three classes the powers and functions appropriate to the local government requirements of the respective classes. The descending order, in terms of local powers and functions, shall be from first through the third class. The first and second classes of _____s shall ^{each} consist of at least three _____s.

The governing body of the _____ shall be known as (the assembly and shall be composed of ~~members~~ members of the city council or councils and such additional members from the area outside the city or cities but within the _____ to be selected in the manner and in the number to be prescribed by law or charter. The duties to be performed and the powers to be exercised by the assembly shall be those prescribed by law or charter. _____s of the first class shall be municipal corporations. The legislature may declare _____s of the second class to be municipal corporations.

Service areas may be established by the assembly to provide local government

Which are not required throughout the entire area of the _____
services within portions of the _____ in accordance with procedures ~~to be~~

^

established by law or charter. The governing body of the service area shall be the assembly. These additional services to provided only to the residents of the service area shall be financed by taxes, charges, or assessments to be levied by the assembly only within the boundaries of the service x area involved and shall be in addition to such taxes, charges, or assessments /as may be levied throughout the entire area of the _____. The local government services to be provided within the service area shall be those ~~pres~~ prescribed by law or ~~charterz~~ charter for the particular class to which the _____ belongs.

~~The legislature~~

The legislature shall provide the methods by which _____s may be merged, consolidated, or dissolved, provided that no area in the state shall be outside the limits of a _____.

Section 3. Cities. A city shall be a municipal corporation and shall be incorporated according to such standards as may be established by law. The governing body of the city shall be known as a council which may exercise such powers and functions as are conferred by law or charter. A city shall be a part of the _____ in which it is located. Cities may be merged, consolidated, or dissolved in a manner provided by law.

~~Sectionz4zOverlappingzRz~~

Section 4. One Governing Body. No area of the state shall be under the jurisdiction of more than one local governing body for local government purposes. (Query: What about a city council when it is acting solely within the city and the assembly has no part?)

Section 5. Home Rule. The legislature, in passing laws relating to municipal corporations, may act only by laws which are general in terms and effects.

The qualified voters of any

~~Section 2. The qualified voters of any~~

municipal corporation are hereby vested with the power to adopt a home rule charter of government and to amend or repeal the same in a manner to be provided by general law. In the absence of such legislation, the governing body of a municipal corporation in which the adoption, amendment, or repeal of a charter is proposed shall provide by ordinance or resolution for the procedure to be followed in the preparation, submission, approval or rejection, and ~~amendment~~ amendment of the charter.

*

All ~~home rule~~ charters, or parts thereof and amendments thereto, shall be submitted to the qualified voters of the municipal corporation and shall not become effective unless approved by a majority of the qualified voters voting on the specific question.

A municipal corporation which adopts a ~~home rule~~ charter may exercise all legislative powers, including but not limited to the taxing power and the police power, which are not prohibited by this constitution, by ~~general~~ law, or by the ~~home rule~~ charter.

For those municipal corporations which do not adopt ~~home rule~~ charters, the legislature shall by ~~general~~ law provide optional forms of municipal government under which an authorized optional plan may be adopted or abandoned by majority vote of the qualified voters of a municipal corporation voting thereon.

The legislature, in passing general laws relating to municipal corporations, may act only by laws which are general in terms and effect.

Section ^b A. Boundaries.

~~(Alternative 1)~~ From and after the establishment of the boundaries of the units of local government provided in this constitution, the legislature shall provide by general law for the rearrangement of local government boundaries to the end that those boundaries may be altered to meet changing conditions. The legislature may by general law vest this power in the state, courts, in a special agency created for the purpose in the executive branch, or in any agency with general regulatory powers which may be created. No special act for the rearrangement of local government boundaries shall be ~~valid~~ ^{valid}

~~(Alternative No. 2)~~ From and after the establishment of _____, the legislature shall provide by law for the rearrangement of local government boundaries to the end that those boundaries may be altered to meet changing conditions.

→ Shall establish a special agency which on its own motion or at the request or petition in a manner prescribed by law shall consider all questions relating to the rearrangement of local government boundaries.

The decisions of this agency on such questions shall be final unless disapproved by the legislature ~~at~~ within 60 days at its next regular session.

Section 7. Intergovernmental Relations. Agreements

~~Agreements~~ may be made by any local government with any other local government, ~~or~~ with the state, or with the United States for a cooperative or joint administration of any of its functions or powers, and the legislature may facilitate such agreements.

Any city may, subject to such limitations as may be established by law or by charter, transfer to the _____ in which it is located any of its functions or powers and may similarly revoke ~~the~~ transfer of any such ~~power~~ ~~power~~ functions or powers.

The legislature shall provide for an agency in the executive branch which shall ^{provide} ~~provide~~ ~~provide~~ ~~provide~~ assistance and advice to local government ~~ment~~ ~~ments~~, collect and publish information relating to local government on a state-wide basis, and perform such other duties as ^{may be imposed} ~~the~~ legislature ^{may determine} ~~may determine~~.

Special
Section 8. Districts. ~~Existing~~ The legislature shall provide ~~by law~~ for the methods by which the special districts existing at the effective date of this constitution shall be made to conform to the local government system herein provided.

ARTICLE _____

LOCAL GOVERNMENT

Section 1. Classes. The local government system of the state shall consist of two classes. These classes shall be known as _____s and cities.

Section 2. _____s. A _____ may be a municipal corporation and shall be established according to such standards and in such manner as the legislature may provide. The standards to be applied in the establishment of _____s shall include, but not be limited to, such factors as population, geography, economy, and transportation. Each _____ shall embrace an area and population with common interests to the maximum extent possible. The legislature shall provide for three types of _____s which shall for classification purposes be known as the _____s, of the first class, _____s of the second class, and _____s of the third class, shall apportion the entire area of the state among these three classes, and shall confer on each of the three classes the powers and functions appropriate to the local government requirements of the respective classes. The descending order, in terms of local powers and functions, shall be from first through the third class. The first and second classes of _____s shall each consist of at least three _____s.

The governing body of the _____ shall be known as

the assembly and shall be composed of members of the city council or councils and such additional members from the area outside the city or cities but within the _____ to be selected in the manner and in the number to be prescribed by law or charter. The duties to be performed and the powers to be exercised by the assembly shall be those prescribed by law or charter. _____s of the first class shall be municipal corporations. The legislature may declare _____s of the second class to be municipal corporations.

Service areas may be established by the assembly to provide local government services within portions of the _____ which are not required throughout the area of the _____ in accordance with procedures established by law or charter. The governing body of the service area shall be the assembly. These additional services to be provided only to the residents of the service area shall be financed by taxes, charges, or assessments to be levied by the assembly only within the boundaries of the service area involved and shall be in addition to such taxes, charges, or assessments as may be levied throughout the entire area of the _____. The local government services to be provided within the service area shall be those prescribed by law or charter for the particular class to which the _____ belongs.

The legislature shall provide the methods by which _____s may be merged, consolidated, or dissolved, provided that no area in the state shall be outside the limits of a _____.

Section 3. Cities. A city shall be a municipal corporation and shall be incorporated according to such standards as may be established by law. The governing body of the city shall be known as a council which may exercise such powers and functions as are conferred by law or charter. A city shall be a part of the _____ in which it is located. Cities may be merged, consolidated, or dissolved in a manner provided by law.

Section 4. One Governing Body. No area of the state shall be under the jurisdiction of more than one local governing body FOR LOCAL GOVERNMENT PURPOSES. (Query: What about a city council when it is acting solely within the city and the assembly has no part?)

Section 5. Home Rule. The legislature, in passing laws relating to municipal corporations, may act only by laws which are general in terms and effects.

The qualified voters of any municipal corporation are hereby vested with the power to adopt a home rule charter of government and to amend or repeal the same in a manner to be provided by general law. In the absence of such legislation, the governing body of a municipal corporation in which the adoption, amendment, or repeal of a charter is proposed shall provide by ordinance or resolution for the procedure to be followed in the preparation, submission, approval or rejection, and amendment of the charter.

All charters, or parts thereof and amendments thereto, shall be submitted to the qualified voters of the municipal corporation

and shall not become effective unless approved by a majority of the qualified voters voting on the specific question.

A municipal corporation which adopts a charter may exercise all legislative powers, including but not limited to the taxing power and the police power, which are not prohibited by this constitution, by law, or by the charter.

For those municipal corporations which do not adopt charters, the legislature shall by law provide optional forms of municipal government under which an authorized optional plan may be adopted or abandoned by majority vote of the qualified voters of a municipal corporation voting thereon.

Section 6. Boundaries. From and after the establishment of the boundaries of the units of local government provided in this constitution, the legislature shall provide by law for the rearrangement of local government boundaries to the end that those boundaries may be altered to meet changing conditions. The legislature shall establish a special agency which on its own motion or on petition in a manner prescribed by law shall consider all questions relating to the rearrangement of local government boundaries. The decisions of this agency on such questions shall be final unless disapproved by the legislature within 60 days at its next regular session.

Section 7. Intergovernmental Relations. Agreements may be made by any local government with any other local government, with the state, or with the United States for a cooperative or

joint administration of any of its functions or powers, and the legislature may facilitate such agreements.

Any city may, subject to such limitations as may be established by law or by charter, transfer to the _____ in which it is located any of its functions or powers and may similarly revoke, under the same limitations, the transfer of any such functions or powers.

The legislature shall provide for an agency in the executive branch which shall render assistance and advice to local governments, collect and publish information relating to local government on a state-wide basis, and perform such other duties as may be imposed.

Section 3. Special Districts. The legislature shall provide for the methods by which the special districts existing at the effective date of this constitution shall be made to conform to the local government system herein provided.

1.

ARTICLE 6

1st Draft

LOCAL GOVERNMENT

Section 1. Classes of Local Government. In order that the maximum amount of local self-government may be extended to the entire area of the state as soon as conditions warrant, the local governments of the state shall consist of two major classes. These two classes shall be known as either a city or a _____.

A city shall be a municipal corporation and shall be incorporated according to such standards as the legislature may establish by general law. Nothing herein contained shall be construed to abolish any city duly incorporated as of the effective date of this constitution, but the legislature may change the requirements for future incorporations.

A _____ may be a municipal corporation and shall be established according to such standards as the legislature by general law shall provide. The standards to be applied in the establishment of the _____ shall include, but not be limited to, such factors as population distribution, geography, economic interests, and transportation, to the end that, to the maximum extent possible, each _____ shall embrace an area and population with common interests.

For the purpose of establishing a system of local government which can provide for the future growth and development of this State, the legislature shall provide for three types of _____ which shall for classification purposes be known as _____ of the first class, -- _____ of the second

class, and _____ of the third class. The legislature shall, by general law, confer on each of these three classes of _____ the powers and functions appropriate to the local government requirements of the respective classes and, in conferring these powers and functions, the legislature shall apportion the entire area of the state among these three classes of _____. The descending order, in terms of local powers and function, shall be from first through the third class. Until the legislature so determines, the _____ of the third class may remain in an unorganized status. At least three _____ shall be assigned to each of the three classes of _____.

A _____ shall include within its limits cities located within its boundaries, and these cities all shall retain their corporate status and name. These cities shall continue to exercise such powers and functions as may be made available by this constitution or by general law.

The governing body of the _____ shall be known as the board of governors and shall be composed of the members of the City Council or Councils and such additional members from the area outside the city or cities but within the _____ to be selected in the manner and in the number to be prescribed by general law.

The duties to be performed by the board of governors shall be limited to the area of the _____ outside the limits of the city or cities and shall be those prescribed by general law unless and until the class of _____ of which the _____

is a number shall be constituted a municipal corporation and thereby granted the rights, privileges, and responsibilities of home rule.

In order to provide local government services in particular areas in the _____ which are not required throughout the entire area of the _____, service areas may be established by a procedure to be established by general law. These additional services to be provided only the residents of the service area shall be financed by taxes, rents, or charges to be levied only within the boundaries of the service area involved and shall be in addition to such taxes, rents, or charges as may be levied throughout the entire area of the _____. The local government services to be provided within the service area shall be those prescribed by general law for the particular class to which the _____ belongs.

The overlapping of local governments for tax or any other purposes is hereby prohibited. All cities shall be located within a _____ to the extent set forth in this Article and no part of one _____ shall be located within the limits of any other _____.

The legislature by general law shall provide the method by which cities shall be merged, consolidated, or dissolved. _____ may be merged, consolidated, dissolved, as provided by general law, provided that no part in this state shall be outside the limits of a _____.

Section 2. Home Rule. The qualified voters of any municipal corporation are hereby vested with the power to adopt a home rule charter of government and to amend or repeal the same in a manner to be provided by general law. In the absence of such legislation the governing body of a municipal corporation in which the adoption, amendment, or repeal of a charter is proposed shall provide by ordinance or resolution for the procedure to be followed in the preparation, submission, approval or rejection and ~~amendment~~ amendment of the charter.

All home rule charters, or parts thereof and amendments thereto, shall be submitted to the qualified voters of the municipal corporation and shall not become effective unless approved by a majority of the qualified voters voting on the specific question.

A municipal corporation which adopts a home rule charter may exercise all legislative powers, including but not limited to the taxing power and the police power, which are not prohibited by this constitution, by general law, or by the home rule charter.

For those municipal corporations which do not adopt home rule charters, the legislature shall by general law provide optional forms of municipal government under which an authorized optional plan may be adopted or abandoned by majority vote of the qualified voters of a municipal corporation voting thereon.

The legislature, in passing general laws relating to municipal corporations, may act only by laws which are general in terms and effect.

Section 3. Boundaries. (Alternative No. 1) From and after the establishment of the boundaries of the units of local government provided in this constitution, the legislature shall provide by general law for the rearrangement of local government boundaries to the end that those boundaries may be altered to meet changing conditions. The legislature may by general law vest this power in the state, courts, in a special agency created for the purpose in the executive branch, or in any agency with general regulatory powers which may be created. No special act for the rearrangement of local government boundaries shall be ~~valid~~. *valid*.

(Alternative No. 2) From and after the establishment of _____, the legislature shall provide by law for the rearrangement of local government boundaries to the end that those boundaries may be altered to meet changing conditions.

LOCAL GOVERNMENT

Section 1. Classes of Local Government. In order that the maximum amount of local self-government may be extended to the entire area of the state as soon as conditions warrant, the local governments of the state shall consist of two major classes. These two classes shall be known as either a city or a _____.

A city shall be a municipal corporation and shall be incorporated according to such standards as the legislature may establish by general law. Nothing herein contained shall be construed to abolish any city duly incorporated as of the effective date of this constitution, but the legislature may change the requirements for future incorporations.

A _____ may be a municipal corporation and shall be established according to such standards as the legislature by general law shall provide. The standards to be applied in the establishment of the _____ shall include, but not be limited to, such factors as population distribution, geography, economic interests, and transportation, to the end that, to the maximum extent possible, each _____ shall embrace an area and population with common interests.

For the purpose of establishing a system of local government which can provide for the future growth and development of this State, the legislature shall provide for three types of _____ which shall for classification purposes be known as _____ of the first class, _____ of the second

class, and _____ of the third class. The legislature shall, by general law, confer on each of these three classes of _____ the powers and functions appropriate to the local government requirements of the respective classes and, in conferring these powers and functions, the legislature shall apportion the entire area of the state among these three classes of _____. The descending order, in terms of local powers and function, shall be from first through the third class. Until the legislature so determines, the _____ of the third class may remain in an unorganized status. At least three _____ shall be assigned to each of the three classes of _____.

A _____ shall include within its limits cities located within its boundaries, and these cities all shall retain their corporate status and name. These cities shall continue to exercise such powers and functions as may be made available by this constitution or by general law.

The governing body of the _____ shall be known as the board of governors and shall be composed of the members of the City Council or Councils and such additional members from the area outside the city or cities but within the _____ to be selected in the manner and in the number to be prescribed by general law.

The duties to be performed by the board of governors shall be limited to the area of the _____ outside the limits of the city or cities and shall be those prescribed by general law unless and until the class of _____ of which the _____

3 -
is a member shall be constituted a municipal corporation and thereby granted the rights, privileges, and responsibilities of home rule.

In order to provide local government services in particular areas in the _____ which are not required throughout the entire area of the _____, service areas may be established by a procedure to be established by general law. Those additional services to be provided only the residents of the service area shall be financed by taxes, rents, or charges to be levied only within the boundaries of the service area involved and shall be in addition to such taxes, rents, or charges as may be levied throughout the entire area of the _____. The local government services to be provided within the service area shall be those prescribed by general law for the particular class to which the _____ belongs.

The overlapping of local governments for tax or any other purposes is hereby prohibited. All cities shall be located within a _____ to the extent set forth in this Article and no part of one _____ shall be located within the limits of any other _____.

The legislature by general law shall provide the method by which cities shall be merged, consolidated, or dissolved. _____ may be merged, consolidated, dissolved, as provided by general law, provided that no town in this state shall be outside the limits of a _____.

Section 2. Home Rule. The qualified voters of any municipal corporation are hereby vested with the power to adopt a home rule charter of government and to amend or repeal the same in a manner to be provided by general law. In the absence of such legislation the governing body of a municipal corporation in which the adoption, amendment, or repeal of a charter is proposed shall provide by ordinance or resolution for the procedure to be followed in the preparation, submission, approval or rejection and ~~amendment~~ amendment of the charter.

All home rule charters, or parts thereof and amendments thereto, shall be submitted to the qualified voters of the municipal corporation and shall not become effective unless approved by a majority of the qualified voters voting on the specific question.

A municipal corporation which adopts a home rule charter may exercise all legislative powers, including but not limited to the taxing power and the police power, which are not prohibited by this constitution, by general law, or by the home rule charter.

For those municipal corporations which do not adopt home rule charters, the legislature shall by general law provide optional forms of municipal government under which an authorized optional plan may be adopted or abandoned by majority vote of the qualified voters of a municipal corporation voting thereon.

The legislature, in passing general laws relating to municipal corporations, may act only by laws which are general in terms and effect.

Section 3. Boundaries. (Alternative No. 1) From and after the establishment of the boundaries of the units of local government provided in this constitution, the legislature shall provide by general law for the rearrangement of local government boundaries to the end that those boundaries may be altered to meet changing conditions. The legislature may by general law vest this power in the state, courts, in a special agency created for the purpose in the executive branch, or in any agency with general regulatory powers which may be created. No special act for the rearrangement of local government boundaries shall be voted.

(Alternative No. 2) From and after the establishment of _____, the legislature shall provide by law for the rearrangement of local government boundaries to the end that those boundaries may be altered to meet changing conditions.

MEMORANDUM

Subject: Local Government in Finland.

This memorandum is submitted to Committee on Local Government in partial fulfillment of its request for information on local government in Scandinavian countries. Library materials are not available at College on countries other than Finland. However, your Secretariat has taken steps to secure this information so that more complete report can be made to Committee within the next two weeks.

THE FINNISH MUNICIPAL LAW

Finland, unlike the United States, is a so-called unitary government rather than a Federal System. In general the government is organized with a national government, provincial administration, and three basic types of municipalities.

The basic unit of local government is the municipality, of which there are three primary types:

1. Cities
2. Towns
3. Rural municipalities

In 1954 there were 35 cities, ranging in size from 16 under 10,000 population to 3 over 100,000 population; thirty towns ranging from 3 towns under 2,000 population to 10 towns with over 10,000

Prepared by Jack McKay, consultant.

population; and 484 rural municipalities ranging from 67 under 2,000 population to 74 with more than 10,000 population. Total population residing in cities was 1,099,960; in towns, 283,359; and in rural municipalities, 2,786,914.

"Towns" have some functions under the city laws and others under the rural municipality law and thus are a hybrid form partaking of the other two types.

In general, municipalities in Finland are more closely supervised than American corporations. Cities are supervised chiefly by the Ministry of the Interior of the national government, and rural municipalities are supervised by the provincial administrations. Towns must apply to one or the other supervisory body depending upon whether it is a city matter or rural municipality matter.

Boundaries of the three types of municipalities do not overlap. However, provisions have been made for consolidated functions, or additional functions in three different ways:

1. By joint contract or agreement
2. Appointment of representatives to a joint meeting and delegation of powers to deal with matters of a temporary nature.
3. Establishment of a joint "Federation of Municipalities" which constitutes a legal person in its own right and possesses its own charter, administration, and economy.

Since 1932 the federation has been the most commonly used form. In 1954 there were 18 TB sanatoria, 15 mental hospitals, and 8 labor institutes owned and operated by federations of municipalities.

municipalities, in addition to numerous others operating municipal homes and other comparable institutions.

As indicated by the federation functions notice that Finland represents a decentralization of administrative responsibility in fields not common in the American state-local system. However, provincial and national supervision is considerably more developed than in the United States.

In addition to joint action by municipalities provisions are made for "service areas" within rural municipalities as follows:

1. Densely-populated Community. Densely-populated communities may be founded within a single municipality or in areas overlapping different municipalities. Such communities have the right, irrespective of the municipality, to pass on matters of economic, disciplinary and other matters. The boundaries are established by national law, and supervision over the Council is exercised by the provincial administration.

2. Municipal District. A portion of a municipality may be established as a special district, and government of such a district is provided in a manner similar to a New England town meeting. Special taxes are permitted in such districts.

Further information on Finnish Local Government as well as the 1948 municipal law in full, is available in the Convention Library. If the Committee desires further details we will be glad to supply such information.

Constitutional Convention
XII/Local Government/3
November 16, 1955

COMMITTEE ON LOCAL GOVERNMENT

General Work Program/1

1. Review of PAS staff paper.
2. Review of local government needs in Alaska.
3. Classification of state or local functions.
4. Applicability of traditional forms of local government to Alaska.
5. Applicability of model provisions on local government.
6. Review of other proposals to meet Alaska's needs.
7. Preparation of Committee proposal.
8. Study of transitional provisions in local government.

COMMITTEE ON LOCAL GOVERNMENT

Agenda for Meeting

On Monday, November 21, 3:30 P.M., Committee Room

1. Roll Call
2. Minutes of Meetings of November 18 and 19.
3. Unfinished Business
 - a. Proposed Work Program
 - b. Notices of Public Hearings
4. New Business
 - a. Study of local government in Finland.
 - b. Memo from Delegate Smith.

Constitutional Convention
XII/Local Government/8
November 18, 1955

COMMITTEE ON LOCAL GOVERNMENT

Agenda for Meeting

On Friday, November 18, 3:30 P.M., Committee Room

1. Roll Call
2. Minutes of Meeting of November 17
3. Unfinished Business
 - a. Proposed Work Program
 - b. Notices of Public Hearings
 - c. Review of PAS staff paper on Local Government
4. New Business

Constitutional Convention
XII/Local Government/4
November 17, 1955

COMMITTEE ON LOCAL GOVERNMENT

Agenda for Meeting

Of Thursday, November 17, 3:30 P.M., Committee Room

1. Roll Call
2. Minutes of Meeting of November 16
3. Unfinished Business
 - a. Proposed Work Program
 - b. Review of PAS. and staff paper on Local Government
4. New Business

Constitutional Convention
XII/Local Government/2
November 16, 1955

COMMITTEE ON LOCAL GOVERNMENT

Agenda for Meeting

On Wednesday, November 16, 3:30 P.M., Committee Room

1. Roll Call
2. Minutes of Meeting of November 15
3. Unfinished Business
 - a. Consulting Services (Secretary Stewart)
 - b. Proposed Work Program
4. New Business
 - a. Review of PAS. and staff paper on Local Government
 - b. Other new business

December 6, 1955

Alaska Constitutional Convention

PRESS RELEASE

Local Government Committee Hearings

Mayor Douglas Preston of Fairbanks has been invited to testify on behalf of the League of Alaskan Cities, of which he is President, at hearings called by the Committee on Local Government of the Alaska Constitutional Convention. The public hearings have been scheduled to be held Saturday, December 10, at 9:30 AM in the Convention Hall at College, Alaska.

The Local Government Committee has also extended an invitation through Mayor Preston to officials of other communities in Alaska to present their views and suggestions on possible local government provisions in the constitution.

Committee Chairman John Rosswog said today that "the hearings will be open to the general public and any individual or representative of any interested group will be welcome to present testimony."

The local government group is currently drafting tentative provisions for inclusion in the constitution. According to Rosswog, they will be presented at Saturday's hearing.

In addition to Chairman Rosswog, Cordova businessman, the committee membership includes Maynard Londborg, minister of the Swedish Covenant Church in Unalakleet; Victor Fischer, city planning consultant from Anchorage; John Cross, bush pilot from Kotzebue; James Doogan, Fairbanks businessman and former city councilman; Eldor Lee, fisherman and a game guide in Petersburg; and Victor Rivers, Anchorage civil engineer and former Territorial Senator.

T H E N E W S

New York's Picture Newspaper
220 East Forty Second Street
New York 17, N. Y.

January 26, 1956

Mr. James P. Doogan
Alaska Constitutional Convention
College, Alaska

Dear Mr. Doogan,

I am defeated. At the moment, I'm not certain that I pronounce my ownname as Har-tin or Mart-in. Two days of research were for naught but confusion.

In the field of political experts I covered the field from the deputy borough clerk of Brooklyn to Thomas E. Dewey. I tried such illustrious vowel droppers as Alfred Lunt, Basil Rathbone and Charles Laughton. Three of New York's official borough historians were of no help. In the exacting field of phonetics I put your question to two outstanding experts--they disagreed.

Here's the run-down on my efforts and results:

Thomas E. Dewey: bur-o

James A. Lundy; Queens Borough President: bur-o

Edith McGinnis; official borough president of
Manhattan: buro and burrow.

James A. Kelly, deputy borough historian and deputy borough clerk of Brooklyn: burro.

Loring McMillen, official borough historian of
Richmond: burro.

James J. Lyons, Bronx borough president: "I pronounce the word as burro same as the burros used in Alaska during the gold rush."

Two New York families named Burrough insisted the pronunciation is "burrow."

Hulan Jack, Manhattan borough president: bur-o.

Mayor Robert Wagner: burr-o

Alfred Lunt: "... bu-ro. You do it with the tip of your tongue to emphasize the buuuur."

Charles Laughton: "I was born in England in a place called Scarborough and we pronounced it as in a rabbit burrow."

Basil Rathbone: b-u-r-r-a.

An executive of the official Museum of the City of New York decided on bur-o.

John Cashmore, borough president of Brooklyn: "There is a slight emphasis on the letter "o" of the word and no emphasis on the "u". I pronounce it burro.

Albert V. Maniscalco, borough president of Richmond: "burro".

Marshall D. Berger, of the speech department of City College, New York: "If we had to establish an official pronunciation it would be burrow.

Dr. Philip Gove, general editor of the 1954 edition of Webster's international dictionary: "The various spellings you have given me of "burra, buro, burrow and bore-oh" are meaningless. You'd first have to have a phonetic key before you'd know what you were talking about. The correct pronunciation would be the pronunciation that prevails in Alaska, not in New York."

Dr. Cabell Greet, head of the English Department of Barnard College at Columbia University, and speech consultant for the entire Columbia Broadcasting System: "I would say it should be pronounced burro with the emphasis on the last syllable."

A box-score on the various pronunciations shows:

Burrow	- 3
Burra	- 1
Buro	- 7
Burro	- 8

With the regret that we could not be of greater service, I remain,

Cordially yours,

/s/ Joseph Martin
/t/ Joseph Martin.

Milton H. Lightwood
Box 3523, Star Rt. B
Spenard Br. Anchorage

The Constitutional Convention
Committee on Local Government

Nadam Chairman:
Gentlemen:

My name is Milton Lightwood. I live in an unincorporated area outside the city limits and a Public Utility District, but inside an Independent School District. I am employed by Chugach Electric Association, a Cooperative Association engaged in the generation and distribution of electrical power.

I have read the Committee proposal on Local Government and I would like to confine my remarks to that area. I have lived all my life in the State of Pennsylvania, one of the thirteen original states of the union, until 1946 when I came to Alaska. I have more than a passing acquaintance with local government, not only in Alaska but also in a genuine state of the union, one which I might say has done considerable experimenting with various forms of local government and has a strong cultural background in both rural and urban areas as a result. In comparison with forms of local government with which I am familiar your proposal is not only utterly strange but strikes a note of the fantastic. Somewhere there must be a parallel for it. I searched diligently for many hours to find a parallel - that is to say a similar form of government somewhere, and I believe I can tell you of a form of government that is similar to it which I have read about but have never experienced. Maybe some or one of your Committee members has lived under this form - or its counterpart but I never have and I don't want to.

I am speaking of the local government which was imposed upon the Russian peasants by the Czar Nicholas II* in the 1890's I believe. It was called the Zemstvo. It was composed of representatives of the towns - in your proposal this would be the City Council - and representatives from the rural areas. In your proposal this would be the borough assembly. It was supposed to bring enlightenment and public improvements to the towns and the rural areas and in a large measure it succeeded - all paid for by the peasants of course. Hospitals, schools, and other public improvements were constructed, it says in my history book, and the people began to aspire for even better forms of local government. In the towns they had at this time one hospital bed per 6,400th people, and in the country one hospital bed per 41,000th people. So you can see how good it was for the people, everywhere.

* Originally created by Alexander II in the 1860's
A History of Russia by George Vernadsky, Yale University Press, 1949

Getting back to the Zemstvo, though, it was against the policy of the Imperial government to allow the local Zemstvo organizations to become too powerful. Their affairs were overseen by the Imperial Duma - closely approximated in function if not in form by the Agency introduced in your proposal in Section 15. The eyes and ears of the Duma were maintained through a corps of special agents, one to each Zemstvo who was called a Land Captain. I can find no approximation of this functionary in your proposal, but as the constitution of the Agency is left to the Legislature, who knows but what the Legislature to provide adequate representation of the local boroughs may designate one member of the Agency for each borough. May I suggest at this time that they be called Land Captains?

While it lasted the Zemstvo organizations contributed much to the provincial cultures of Russia. Where there had been none before schools, libraries, hospitals, and other community facilities were created. As a form of government the Zemstvo lasted through the 1905 revolution but disappeared from view in the Soviet revolution of 1917. But this is not Russia - this is Alaska. The year is not 1870 - it is 1955. We begin - so far as I can determine from my history book - at a more advanced level of civic improvements, at a superior cultural level, and with a more sophisticated concept not only of local but of state and national government, than did the Russians of 1870, and so far as I can determine we have continued to keep ahead of them, and I hope have far outdistanced them.

I prefer to think that one of the chief reasons, ~~was~~ ~~name~~ in fact I am sure that ~~main~~ the chief reason, we have gone as far as we have in the United States, is our sophisticated concept of government.

American government is predicated on the idea that all the powers of government reside in the people themselves, and that government has only those powers delegated by the people. Any power not delegated by the people is retained by the people. I prefer to think that a constitution is itself basically a delegation of power. What then do you mean when you say on page one line three "consistent with the state's responsibilities to the whole people"? The state is the whole people, ~~that is the concept that we~~ and it goes with out saying I should think, that you propose to secure government consistent with the whole people's responsibilities to the whole people, doesn't it? And I am sure that if that is what you meant that is what your proposal would say. No, you chose to say, "The purposes of this article are to secure the maximum amount of local self government consistent with the states responsibilities to the whole people. . . "

The state can have no responsibility to the people except as its responsibilities are specifically delegated by the people. Your usage indicates that it has other responsibilities - responsibilities under which I can find no delegation of power by the people. If within your concept the state has responsibilities not specifically delegated by the people - a concept foreign to American soil I might add - then the state must have an existence separate, beyond, and aside from that existence and form outlined in the constitution - another concept absolutely foreign to American soil. I would like to think that I have made an error, but full reading of your proposal lends no substance to that thought.

The inclusion of City Councils within the borough assembly, in view of your preamble, without benefit of election by the residents of the borough does not strike me as being reflective of democratic processes. The institution of an Agency to propose and to make changes in the boundary of a borough on its own motion - in view of your preamble - an agency not the creature of the local governments but of the state government strikes me not only of being unreflective of democratic practices but a particularly vicious ~~mechanism~~ organ of retributive - unappealable - justice as well.

The intent of by-passing the courts in the determination of boundary ~~inquiries~~ problems of boroughs and municipalities in view of your preamble is not reflective of democratic processes. All of the powers of government are weighted in favor of the municipalities. All of the powers of the municipalities are weighted in favor of the Agency. What territory the agency can take from a borough and give to another borough or municipality it can also take back and give to someone else. Its criterion of taking and giving is based on socio-economic factors - whatever they are - and certainly if they are economic factors they represent the life blood of a community. So the agency can make or break not only boroughs but also municipalities, a particularly repugnant idea in view of your preamble, particularly in a country which places great importance on stable local government.

These are the things which in my view make your proposal look like a foreign importation. ~~Responsibility~~ The power does not visibly rise from the people - it comes down visibly from the top. Nothing under this proposal looks easy of accomplishment by the ~~own~~ people, rather it looks easy for the governors, administrators, and agents. This is what makes it look like Zemstvo government, not American government.

Milton Lightwood
Milton Lightwood.

To: The Committee on Local Government, Alaska Constitutional Convention, James H. Rosswog, Chairman

Gentlemen:

Below are a few recommendations regarding the possible effects of your proposed borough government on rural electric cooperatives. We feel that we are providing a service to our communities and we would like to continue to do so under the new state of Alaska..

In making these remarks, I do so as chairman of the ARECA Constitution Committee.

The members of the Alaska Rural Electric Cooperative Association include the following Co-ops: Glacier Highway Electric Association, Kodiak Electric Association, Katanaska Electric Association, Homer Electric Association, Golden Valley Electric Association and Chugach Electric Association. We serve a total of over 40,000 people in Alaska. These people represent one of the most stable segments of our population. Most of them own homes and expect to be here when we become a great state.

The REA has loaned over 20 million dollars to assist in the establishment of utilities for suburban and rural areas of Alaska. This represents a tremendous boost to the morale and comfort of those who are building our agricultural economy. It especially contributes to their efficiency and provides incentive for people to settle new areas, build homes and become permanent Alaskans.

This money is low interest development money that was and is sorely needed in Alaska. Placing all utilities under the jurisdiction of boroughs would preclude any further borrowing from the REA. The extension of utilities to areas of marginal feasibility would stop. It might even abort small utilities that need further capital to place themselves on a self-sustaining basis. To require them to provide investment capital at double their present interest rate would be a crippling blow to expansion and development of rural areas throughout Alaska.

We respectfully submit the following suggestions for your thoughtful consideration:

We request that on page 3, line 7 after "govern service areas" you insert "except consumer owned utilities" or "except electric and telephone utilities". This would provide two benefits. First, the borough could not interfere with the operations of either municipal owned utilities or cooperative consumer owned utilities such as operate at Juneau, Kodiak, Homer, Palmer, Anchorage and Fairbanks. Second, it would allow Public Utility Districts to function within the framework of the borough for all purposes excepting possibly that of taxation. Thus, any group who wishes to do so could join together in an association for mutual benefit to provide electricity and telephone service. Such utilities are seldom if ever provided for on a taxation basis. They are either municipally owned, privately owned or owned by those they serve as is the case with seven cooperative utilities in Alaska. Almost every utility now functioning in the territory is consumer owned.

It can be seen how the statement on page 3, line 11 "shall be financed by taxes" could not apply to the utilities described above. We believe this should be changed to read "may" in order that some flexibility exist to allow for special cases where inequities might occur. Interpretation of this line could make it impossible for any privately owned utilities to exist. We do not believe it right or proper that every seller of electrical or telephone service be under the jurisdiction of the borough.

Surely it cannot be the intent of the committee to prevent the existence of private utilities. Cooperative utilities are in fact privately owned and thus we have a vital interest in the wording of this section of the constitution. It means our very survival.

Since almost all of those served by our organizations are not residents of any municipality, we feel that there should be some stipulation in the constitution outlining the basis for representation in the assembly. Specifically, we would request that population alone be eliminated as a possible basis. A combination of area and population or area alone would insure against complete domination of the borough by the city. Using population as a basis would provide control of the borough by a municipal group whose own affairs could not be interfered with by those outside the city boundaries. Such is not fair or equitable. Page 5 of the committee's commentary line 1-5 declares this great injustice. We urge the adoption of some phrase eliminating a population basis of representation in order to prevent political domination by a group from just a tiny portion of the great area of a borough.

Rural utilities cannot submit to control by a borough governed on a population basis. We would be controlled by a group of city council members who operate a similar enterprise but whose enterprise is specifically exempted from any control by the assembly. This is not equitable by any stretch of the imagination.

We would deeply appreciate your careful consideration of the above material. We are performing a necessary service for our communities and we need your help so that we may continue to contribute to the growth and development of Alaska.

Respectfully,

John S. Holm, Chairman
ARECA Constitution Committee

December 27, 1955

Mrs. E. A. Fischer
Chairman
Constitution Hearings
Anchorage, Alaska

Dear Mrs. Fischer:

May I present my protest over the setup of the political subdivisions of Alaska as outlined in the proposed recommendations of the committee on Local Government.

The proposal as made in the outline of local government would give the municipal governments complete autonomy within the city unit and a certain amount of jurisdiction also over the outlying areas when the council sits with the assembly. This is definitely not fair to the outlying areas whose representatives would have no control over the city units whatever, nor would these outlying areas have any recourse whatever since they would have no say in the election of the council members.

This could be a vicious piece of machinery and would certainly not be the means of promoting friendly relations between the municipalities and the outlying areas. The two areas should be separated in their government or the assembly as a whole should govern the municipalities as well.

I sincerely hope that a compromise measure will be worked out or I fear the entire constitution may be turned down by the people inasmuch as the outlying areas are prepared to fight this section even to the rejection of the constitution as a whole.

Sincerely,



Mrs. Michael Malone
Star Route A, Box 1095
Spennard, Alaska

ALASKA
SENATE
OFFICE

Handwritten initials

KPA103KU149

MM RUKFDA

1955 DEC 13 PM 9 11

DE RUKPJM 42

M 140537Z ZEX

FM REP LESTER BRONSON 2ND DIVISION NOME ALASKA

TO RUKFDA/~~SENATOR~~ EAGAN PRESIDENT OF THE CONSTITUTIONAL CONVENTION
COLLEGE ALASKA

1622

RUKFDA/BURKE RILEY CONSTITUTIONAL CONVENTION COLLEGE ALASKA

RUKFDA/MILDRED HERMAN CONSTITUTIONAL CONVENTION COLLEGE ALASKA

RUKFDA/GEORGE SUNDBORG CONSTITUTIONAL CONVENTION COLLEGE ALASKA

RUKFDA/JOHN MCNEESE CONSTITUTIONAL CONVENTION COLLEGE ALASKA

RUKFDA/WRREN TAYLOR CONSTITUTIONAL CONVENTION COLLEGE ALASKA

RUKFDA/BUCKLEW CONSTITUTIONAL CONVENTION COLLEGE ALASKA

REP GRNC

BT

MAJORITY IN FAVOR OF FOUR DIVISIONS IN ALASKA AS NOW EXISTING AS THAT
DURING STATE HOOD SAME CONDITIONS EXIST ANY CHANGE SHOULD BE MADE BY
LEGISLATURE

BT

14/0615Z

L-100

Douglas Island Civic League
Douglas, Alaska

December 12, 1955

Alaska Statehood Convention
University of Alaska
College, Alaska
% Tom Stewart, Secretary

Dear Delegates,

In your deliberations and actions to guarantee fair representation for all Alaskan citizens through the Constitution, will you kindly give consideration to protecting the rights of the minority units absorbed into "annexations" and "consolidations"? We refer to the people in all the geographical areas and the smaller towns which are overshadowed by the larger organized communities within school and public utility districts or similar local governmental jurisdictions.

Under existing law no arrangements have been made to preserve and allocate representation to the people of the smaller units. Their voting privileges are easily nullified by the numerical majorities of the larger cities. Yet self government is basic to successful democracy.

We feel this is a grave problem, closely related to Alaska's major complaint with Congress of "Taxation without representation". In the recent consolidation of the Douglas and Juneau Independent School Districts, it is expected that Douglas City will pay a proportionately fair and equal share of the school expenses, but in two elections and one appointment (in the case of a vacancy) Douglas City has failed to gain or be given a voice on the School Board. Such inequalities will continue to generate bitterness, confusion, opposition, and law suits, until some guarantee is made to have direct representation in local, and when possible territorial, governmental affairs.

At this time in Alaska's history as a Territory, this problem probably affects only the "suburban" areas surrounding Juneau, Anchorage and Fairbanks which presently contain the greatest number of Territorial voters and potentially dissatisfied citizens. No one can safely predict what other communities may experience with this same problem in the future, under statehood. But, on the basis of our present unfortunate experiences, we believe this principle of guaranteeing representation on local affairs, especially, should be incorporated into Alaska's basis constitutional document.

Douglas Island Civic League

Douglas, Alaska

One of the purposes of our organization is to study and help secure better government. Accordingly, we respectfully call this matter to your attention, and trust you will give them every consideration.

We are vitally interested in your work of writing a Constitution for Alaska, and pray that you will be granted wisdom and unity.

Sincerely,

Members of the

Douglas Island Civic League

D. Gair, Pres.

cc:
Governor
Herman
Leg. council
Armstrong
Sundborg
Hellenthal
Rosswog