

FOLDER NO.

410.10

Constitutional Convention
Committee Proposal/6/A
Style & Drafting/Article X
January 30, 1956

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents
its redraft of the Article on Local Government for consideration
by the Convention.

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George M. McLaughlin
Katherine D. Nordale

REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention
Committee Proposal/6/a
Style & Drafting/Article X
January 30, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

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

ARTICLE X

LOCAL GOVERNMENT

Purpose and Construction	1	Section 1. The purpose of this article is to
	2	provide for maximum local self-government with a minimum
	3	of local government units and to prevent duplication of
	4	tax-levying jurisdictions. A liberal construction shall
	5	be given to the powers of local government units.
Local Government Powers	6	Section 2. All local government powers shall be
	7	vested in boroughs and cities. The State may delegate
	8	taxing powers to organized boroughs and cities only.
Boroughs	9	Section 3. The entire State shall be divided into
	10	boroughs, organized or unorganized. They shall be estab-
	11	lished in a manner and according to standards provided
	12	by law. The standards shall include geography, economy,
	13	transportation and other factors. Each borough shall
	14	embrace an area and population with common interests to
	15	the maximum degree possible. The legislature shall

1 classify boroughs and prescribe their powers and func-
2 tions. Methods by which boroughs may be organized, in-
3 corporated, merged, consolidated, dissolved or reclassi-
4 fied shall be prescribed by law.

Assembly

5 Section 4. The governing body of the organized
6 borough shall be the assembly, and its composition shall
7 be established by law or charter. Each city of the first
8 class, and each city of any other class designated by
9 law, shall be represented on the assembly by one or more
10 members of its council. The other members of the assem-
11 bly shall be elected from and by the qualified voters
12 resident outside such cities.

Service
Areas

13 Section 5. Service areas to provide special ser-
14 vices within an organized borough may be established,
15 altered or abolished by the assembly, subject to the
16 provisions of law or charter. A new service area shall
17 not be established if, consistent with the purposes of
18 this article, the new service can be provided by an
19 existing service area, by incorporation as a city, or
20 by annexation to a city. The assembly may authorize the
21 levying of taxes, charges or assessments within a service
22 area to finance the special services.

Unorganized
Boroughs

23 Section 6. The legislature shall provide for the
24 performance of services in unorganized boroughs, allow-
25 ing for maximum local participation and responsibility.

Cities 1 Section 7. Cities shall be incorporated in a
2 manner prescribed by law, and shall be a part of the
3 borough in which they are located. Cities shall have
4 the powers and functions conferred by law or charter.
5 They may be merged, consolidated, classified or dissolved
6 in the manner provided by law.

Council 7 Section 8. The governing body of a city shall be
8 the council.

Charters 9 Section 9. The qualified voters of any borough of
10 the first class or city of the first class may adopt,
11 amend or repeal a home rule charter in a manner provided
12 by law. In the absence of such legislation, the govern-
13 ing body of a borough or city of the first class shall
14 provide the procedure for the preparation and adoption
15 or rejection of the charter. All charters, or parts or
16 amendments of charters, shall be submitted to the qual-
17 ified voters of the borough or city and shall become
18 effective if approved by a majority of those who vote on
19 the specific question.

Extended 20 Section 10. The legislature may extend home rule
Home Rule 21 to other boroughs and cities.

Home Rule 22 Section 11. A home rule borough or city may exer-
Powers 23 cise all legislative powers not prohibited by law or by
24 charter.

Boundaries 25 Section 12. A local boundary commission or board

1 shall be established by law in the executive branch of
2 the state government. The commission or board may con-
3 sider any proposed local government boundary change.
4 It may present proposed changes to the legislature dur-
5 ing the first ten days of any regular session. The
6 change shall become effective forty-five days after pre-
7 sentation or at the end of the session, whichever is
8 earlier, unless disapproved by a resolution concurred in
9 by a majority of the members of each house. The comm-
10 ission or board, subject to law, may establish procedures
11 whereby boundaries may be adjusted by local action.

Agreements;
Transfer of
Powers

12 Section 13. Agreements, including those for coop-
13 erative or joint administration of any functions or
14 powers, may be made by any local government with any
15 other local government, with the State or with the United
16 States unless otherwise provided by law or charter. A
17 city may transfer to the borough in which it is located
18 any of its powers or functions unless prohibited by law
19 or charter, and may in like manner revoke the transfer.

Local
Government
Agency

20 Section 14. An agency shall be established by law
21 in the executive branch of the state government. It
22 shall advise and assist local governments, review their
23 activities, collect and publish local government infor-
24 mation and perform other duties prescribed by law.

Special
Service
Districts

1 Section 15. At the time a borough is organized,
2 special service districts performing local functions
3 shall be integrated with the government of the borough
4 as provided by law.

F I R S T E N R O L L E D C O P Y

Constitutional Convention
Committee Proposal/6/a/Enrolled
January 21, 1956

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 to
2 secure the maximum amount of local self-government
3 consistent with the interests and welfare of all
4 the people of the state, and to provide a frame-
5 work which will accommodate future development
6 and prevent the duplication and overlapping of
7 independent tax-levying jurisdictions and other-
8 wise minimize the number of local government
9 units. A liberal construction shall be given to
10 the powers of local governments.

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 to organized
14 boroughs and cities only.

Boroughs

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

Powers of
Boroughs

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

Assembly

18 Section 5. The governing body of the
19 organized borough shall be the assembly. The
20 composition of the assembly shall be established
21 in accordance with law or charter, provided that
22 each city of the first class and each city of
23 any other class designated by law shall be
24 represented by one or more persons who shall be
25 members of its city council and that the

1 additional members of the assembly shall be
2 elected from and by the qualified voters living
3 outside such cities.

Service
Areas

4 Section 6. Service areas to provide special
5 services within an organized borough may be
6 established, altered or abolished by the assembly,
7 subject to the provisions of law or charter. The
8 assembly may authorize the levying of such taxes,
9 charges or assessments within a service area as may
10 be necessary to finance the activities. No new
11 service area shall be created when, in the judg-
12 ment of the assembly, the objectives of Section 1
13 of this Article would be better served by giving
14 a new function or functions to an existing service
15 area, incorporation of the area as a city, or
16 annexation of the area to a city.

Unorganized
Boroughs

17 Section 7. The Legislature shall provide for
18 the performance of services it deems necessary
19 or advisable in unorganized boroughs, allowing
20 for the greatest possible measure of local
21 participation and responsibility.

Cities

22 Section 8. A city shall be incorporated accord-
23 ing to provisions established by law. It shall be
24 a part of the borough in which it is located. The
25 governing body of a city shall be a council which

1 shall have such powers and functions as may be
2 conferred by law or charter. Cities may be
3 merged, consolidated, dissolved, or classified
4 in a manner provided by law.

Charters

5 Section 9. The qualified voters of any
6 borough of the first class or of any city of the
7 first class may adopt, amend or repeal a home rule
8 charter of government in a manner provided by
9 law. In the absence of such legislation, the
10 governing body of a borough or city of the first
11 class in which the adoption of a charter is pro-
12 posed shall provide for the procedure to be
13 followed in the preparation, approval, or rejection
14 of the charter. All charters, or parts thereof
15 and amendments thereto, shall be submitted to the
16 qualified voters of the borough or city and shall
17 not become effective unless approved by a majority
18 of the qualified voters voting on the specific
19 question.

Extended
Home Rule

20 Section 10. The legislature may extend home
21 rule to other boroughs and cities.

Home Rule
Powers

22 Section 11. A home rule borough or city may
23 exercise all legislative powers which are not
24 prohibited by this constitution, by law or by
25 its charter.

Boundaries

1 Section 12. The legislature shall establish
2 a local boundary commission or board in the
3 executive branch and regulate its activities.
4 The commission or board may, on its own motion
5 or on petition, consider any proposed local
6 government boundary change and present it to the
7 legislature during the first ten days of any
8 regular session. Any such change shall become
9 effective at the end of the session unless dis-
10 approved by a resolution concurred in by a
11 majority of all the members of each house. The
12 commission or board, subject to law, may also
13 establish terms and conditions upon which local
14 action to adjust local government boundaries
15 may be effectuated.

Intergovern-
mental
Agreements

16 Section 13. Subject to procedures and
17 limitations prescribed by law, agreements may
18 be made by any local government with any other
19 local government, with the state or with the
20 United States, including cooperative or joint
21 administration of any of its functions or powers.
22 Any city may, subject to such limitations as
23 established by law or charter, transfer to the
24 borough in which it is located any of its functions
25 or powers and may similarly revoke the transfer
26 of any such functions or powers.

Advice and
Review

1 Section 14. Provision shall be made by law
2 for an agency in the executive branch of the
3 government to render assistance and advice to
4 local governments and their charter drafting
5 agencies, to collect and publish information
6 relating to local government on a state-wide
7 basis, review the activities of local govern-
8 ments, and perform such other duties as may
9 be prescribed by law.

Special
Districts

10 Section 15. The legislature shall provide
11 for the integration, consistent with the provisions
12 of this article, of special districts performing
13 local government functions with the government
14 of a borough at the time the borough is
15 organized.

File

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
Committee Proposal/6/a
January 18, 1956

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.

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
COMMITTEE 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-
mental
Agreements

1 Section 14. Agreements may be made by any local
2 government with any other local government, with the
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
Review

11 Section 15. The legislature shall provide an
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
Districts

17 Section 16. The legislature shall provide for the
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
Financial
Burdens

21 Section 17. Increased local government expendi-
22 tures arising out of legislative acts shall not be-
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.