

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 3-3-98

Submitted by: Assembly Members Clementson
and Von Gemmingen
Prepared by: Department of Law
For reading

ANCHORAGE, ALASKA
AR NO. 98-72 (as amended)

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY OPPOSING SENATE
BILL No. 208 AND ITS COMPANION HOUSE BILL No. 365 WHICH PROPOSE TO
SEVERELY LIMIT MAXIMUM LOCAL SELF-GOVERNMENT AND HOME RULE
POWERS GRANTED BY THE ALASKA CONSTITUTION AND OTHERWISE IMPAIR OR
IMPEDE THE IMPLEMENTATION OF OTHER CONSTITUTIONAL MANDATES FOR
LOCAL GOVERNMENT.

Maximum Local Self-Government

WHEREAS, Article X., §1 of the Alaska Constitution provides for maximum local self-government
for both home rule and general law municipalities and Senate Bill 208 and House Bill 365 substantially
diminish the exercise of local self-government; and

WHEREAS, Article X., §1 also mandates that a liberal construction be given to the power of local
governments and Senate Bill 208 and House bill 365 restrict the liberal construction of local government
powers; and

WHEREAS, Article X, §2 mandates that local government powers be vested in boroughs and cities
and Senate Bill 208 and House Bill 365 derogates the local government powers of boroughs and unified
municipalities but not those of all local governments; and

WHEREAS, Article X., §5. mandates that the local assembly have the power to establish, alter and
abolish service areas and Senate Bill 208 and House Bill 365 substantially limits such assembly powers;
and

WHEREAS, the Alaska constitutional convention clearly intended that jurisdiction over service
areas in organized boroughs and unified municipalities was to be vested in the assembly of the local
government to assure a unified supervision of all municipal functions; and

Home Rule Powers

WHEREAS, Article X., §11 grants home rule municipalities all legislative powers not prohibited
by law or charter; and

WHEREAS, Article X, § 11 of the Alaska's Constitution allows municipal governments to take
on home rule status broader than those of any other state, it being the intent of the constitutional delegates
that the legislature should have authority to deny local exercise of specific powers only when necessary
for a greater state interest and that the legislature would not act to limit home rule powers except under
such special circumstances; and

Minimum Number of Local Government Units

and

Prevention of Duplicate Tax Levying Jurisdictions

WHEREAS, Article X, §1 of the Alaska Constitution provides for a minimum number of local government units to prevent the duplication of tax levying jurisdictions and this provision has been interpreted by the Alaska Supreme Court and other Alaska Constitution scholars to mean, in part, that the constitution calls for a minimum number of local government units, including service areas; and

WHEREAS, Article X., § 5 of the Alaska Constitution prohibits the creation of new service areas in home rule and general law governments if the new service can be provided by an existing service area consistent with the constitutional requirement for maximum local self-government and a minimum number of local government units; and

The Legislature as the Assembly in the Unorganized Borough

WHEREAS, Article X., §6., provides that the Legislature may exercise any power or function in the unorganized borough which an assembly may exercise in an organized borough; and

WHEREAS, the Legislature is currently reviewing several pieces of legislation, (i.e. Senate Bill 208 and House Bill 365) that will limit the power of the Assembly in an organized borough; now therefore,

THE ANCHORAGE ASSEMBLY RESOLVES

Section 1: The Legislature is currently reviewing legislation (i.e. Senate Bill 208 and House Bill 365) that:


- A. Substantially and unjustifiably diminishes local self-government in contravention of Alaska's constitutional mandate for maximum local self-government; and
- B. Unconstitutionally diminishes the legislative authority and responsibility of local assemblies under Article X., §5. of the Alaska Constitution; and
- C. Unjustifiably discriminates against boroughs and unified municipalities by restricting their local government powers; and
- D. Unconstitutionally impedes or impairs compliance with the Alaska constitutional mandate that there be a minimum of local government units; and
- E. Severely diminishes local governments' ability to comply with the Alaska constitutional mandate to avoid duplication of tax levying jurisdictions; and

- 1 F. May severely restrict the authority of the Department of Community and Regional Affairs
2 and the Department of Education to consolidate, alter or abolish Regional Education
3 Attendance Areas in the unorganized borough which could adversely affect funding other
4 school districts and constitute a detriment to the delivery of public education in the State;
5 and
6
7 G May severely restrict the authority of the Legislature to provide other services in the
8 unorganized borough.
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10 **Section 2.** That the Assembly of the Municipality of Anchorage hereby opposes the passage of any
11 legislation which will unnecessarily impair the Alaska constitutional mandate of maximum local self-
12 government, especially in home rule boroughs and unified municipalities, or which impedes or impairs the
13 ability of local government to fulfill the Alaska constitutional mandate to minimize local government units
14 and avoid duplication of tax levying jurisdictions.
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16 **Section 3.** This resolution shall become effective immediately upon passage and approval by the
17 Assembly.
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19 PASSED AND APPROVED by the Anchorage Assembly this 3rd day of March, 1998
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Chair of the Assembly

25 ATTEST: 
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Municipal Clerk