



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Gene Therriault
Current Version: SB 128 AM
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Fact Sheet for: Senate Bill 128

Short Title: BOROUGH INCORPORATION

Summary:

- Amends AS 44.33.812 to clarify that the Local Boundary Commission (LBC) is not mandated to force borough incorporation when the LBC considers a local government "boundary change."

Benefits:

- Ensures a higher degree of local public participation in the petition process.
- Resolves a potential constitutional conflict.

Background:

- SB 128 clarifies that agency personnel of state government are not mandated to force the creation of new boroughs under the terms "local boundary change." The bill is in response to a recent action of the LBC and the Department of Commerce, Community and Economic Development to draft a petition that would surround the community of Valdez with a new borough. The action is against overwhelming objections of Valdez residents, does not follow typical Title 29 procedure allowing for public involvement, and can be interpreted as unconstitutional. Validation for SB 128 comes from Article I, Section 2 of the State Constitution, "All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is solely for the good of the people as a whole." The specific authority for the statutory change made in SB 128 comes from Article X, Section 3, "The entire state shall be organized into boroughs, organized or unorganized. They shall be established in a manner and according to standards provided by law."