

Introduced by: Dimmick, Jean  
Date: May 3, 1983  
Vote: Unanimous as Amended  
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 83-117

SUPPORTING FAIR AND EQUITABLE TREATMENT FOR ALL SCHOOLS -BY PROVIDING 90 PERCENT STATE FUNDING FOR CONSTRUCTION OF SCHOOLS.

WHEREAS, Article I, Section 1 of the Constitution of Alaska dedicates that instrument to the fundamental principle that all persons are entitled to equal rights and opportunities under the law; and

WHEREAS, Article I, Section 2 of the Constitution of Alaska provides that all government is instituted solely for the good of the people as a whole; and

WHEREAS, Article VII, Section 1 of the Constitution of Alaska mandates the Legislature to establish and maintain a system of public schools open to all children of the State by general law; and

WHEREAS, the Alaska Supreme Court in Macauley v. Hildebrand has interpreted Article VII, Section 1 of the Constitution of Alaska as giving the Legislature the continuing obligation to maintain the school system; and

WHEREAS, pursuant to AS 14.12.020(c), the Legislature provides State funding necessary to maintain and operate the regional educational attendance areas while requiring the borough assemblies for a borough school district in an organized borough to provide the money which must be raised from local sources to maintain and operate its own school districts; and

WHEREAS, the citizens of the organized boroughs support their local share of education within their won boroughs by taxing themselves and are also required to support the total State educational costs of schools in unorganized boroughs by using their share of State resources; and

WHEREAS, the present system places a greater burden on taxpayers within an organized borough; and

WHEREAS, the system discriminates against the organized borough; and

WHEREAS, the present provisions of Title 14 of the Alaska Statutes appear to be in conflict with the constitutional mandate for equal education; and

WHEREAS, the Governor of Alaska is recommending, and the State Legislature is considering the funding of unnecessary and

exorbitant causeways and hydroelectric projects, while at the same time declaring the State's desire to fund less than 70 percent of approved school construction projects.

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the Legislature is requested to fully fund the 90 percent of bonded indebtedness of borough school districts as provided in AS 43.18.100.

Section 2. That the Borough Clerk is directed to send a copy of this resolution to Governor William J. Sheffield, to Senators Don Gilman and Paul Fischer, to Representatives Hugh Malone, Bette Cato, Milo Fritz and Vern Hurlbert, to the Chairman of the Health, Education and Social Services Committee, and to the mayor of each organized borough, and to the superintendent of schools for each organized borough.

Section 3. That this resolution shall become effective on the date of its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 3RD DAY OF MAY, 1983.

  
Donald L. McCloud, Assembly President

ATTEST:

  
Borough Clerk