

Introduced by: Long, Martin, Merkes  
Date: 09/16/03  
Action: Adopted  
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH  
RESOLUTION 2003-106**

**A RESOLUTION SUPPORTING SENATE CONCURRENT RESOLUTION (SCR 12)  
AND RECOMMENDING PASSAGE OF SCR 12**

- WHEREAS**, Article X, Section 1 of the Constitution of the State of Alaska encourages the formation of borough governments encompassing large, natural regions; and
- WHEREAS**, the Alaska State Legislature has a duty under Article X, Section 3 of the Constitution for the State of Alaska to establish fundamental State policy regarding the formation of organized boroughs; and
- WHEREAS**, the initial State policy for borough formation was established by the Borough Act of 1961, which provided for the formation of boroughs through a voluntary “local option” process; and
- WHEREAS**, the voluntary “local option” process for borough incorporation was proven to be ineffective, causing the 1963 Alaska State legislature to mandate the formation of boroughs encompassing 80% of Alaskans; and
- WHEREAS**, following the implementation for the 1963 Mandatory Borough Act, the State of Alaska inexplicably reverted for the past four decades to the generally ineffectual policy of forming boroughs through voluntary means; and
- WHEREAS**, the State of Alaska imposes significant duties and financial obligations on organized boroughs and home rule or first class cities in the unorganized borough, but does not do so for the remainder of Alaskans; and
- WHEREAS**, the significant financial obligations imposed by the State on organized boroughs and home rule or first class cities in the unorganized borough are, in effect, a \$165 million annual State tax levied selectively on the areas noted; and
- WHEREAS**, there is no reasonable basis, such as fiscal or administrative capacity, for the disparate treatment of Alaskans who live in organized boroughs and home rule or first class cities in the unorganized borough in comparison with the remainder of Alaskans; and

**WHEREAS,** Article 1, Section 1 of the Constitution of the State of Alaska provides that all persons are equal and entitled to equal rights, opportunities, and protection under the law, and that all persons who have corresponding obligation to the people and to the state; and

**WHEREAS,** the Local Boundary Commission determined in its February 2003 report entitled "Unorganized Areas of Alaska that Meet Borough Incorporation Standards" that a number of unorganized regions currently meet standards for borough incorporation; and

**WHEREAS,** Senate Concurrent Resolution 12 requires the Local Boundary Commission to consider borough incorporation for four of the unorganized areas determined to meet borough incorporation standards; and

**WHEREAS,** formation of boroughs promotes maximum local self-government, equity, and fairness, and also relieves the State of the substantial burden of providing fundamentally local services.

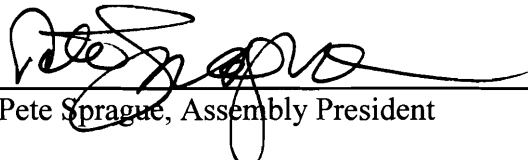
**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1:** That the Kenai Peninsula Borough supports Senate Concurrent Resolution 12 and urges the Second Session of the Twenty-Third Alaska State Legislature to pass SCR 12.

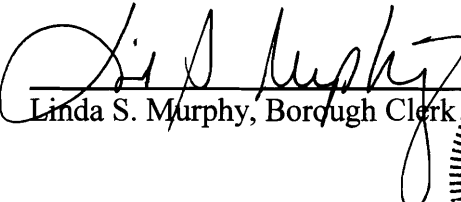
**SECTION 2.** That copies of this resolution shall be distributed to Senators Con Bunde, Georgiana Lincoln, Gary Stevens and Tom Wagoner, Representatives Mike Chenault, Mike Hawker, Carl Morgan, Paul Seaton and Kelly Wolf.

**SECTION 3.** That this resolution becomes effective immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF SEPTEMBER 2003.**

  
Pete Sprague, Assembly President

ATTEST:

  
Linda S. Murphy, Borough Clerk

