

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

February 2, 2010

8:07 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Paul Seaton, Vice Chair  
Representative Carl Gatto  
Representative Craig Johnson  
Representative Peggy Wilson  
Representative Max Gruenberg  
Representative Pete Petersen

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE JOINT RESOLUTION NO. 38

Proposing amendments to the Constitution of the State of Alaska relating to and increasing the number of members of the house of representatives to forty-eight and the number of members of the senate to twenty-four.

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HJR 38

SHORT TITLE: CONST. AM: INCREASE NUMBER OF LEGISLATORS

SPONSOR(S): REPRESENTATIVE(S) P.WILSON

01/19/10	(H)	READ THE FIRST TIME - REFERRALS
01/19/10	(H)	STA, JUD, FIN
02/02/10	(H)	STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

GORDON HARRISON

Juneau, Alaska

**POSITION STATEMENT:** Testified on behalf of himself in support of HJR 38.

PAMELA VARNI, Executive Director

Legislative Affairs Agency  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HJR 38.

JIM BALDWIN, Attorney  
Juneau, Alaska

**POSITION STATEMENT:** Testified on behalf of himself in support of HJR 38.

**ACTION NARRATIVE**

[8:07:11 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:07 a.m. Representatives Seaton, Wilson, Petersen, and Lynn were present at the call to order. Representatives Gatto, Johnson, and Gruenberg arrived as the meeting was in progress.

**HJR 38-CONST. AM: INCREASE NUMBER OF LEGISLATORS**

[8:07:45 AM](#)

CHAIR LYNN announced that the only order of business was HOUSE JOINT RESOLUTION NO. 38, Proposing amendments to the Constitution of the State of Alaska relating to and increasing the number of members of the house of representatives to forty-eight and the number of members of the senate to twenty-four.

[8:08:38 AM](#)

REPRESENTATIVE P. WILSON presented HJR 38 as prime sponsor. She paraphrased the sponsor statement, which read as follows [original punctuation provided]:

HJR 38 will put a constitutional amendment before the voters in the 2010 general election that would increase the size of the legislature to 48 representatives and 24 senators. Upon voter approval, the measure would apply to the 2012 determination of new boundary's for the election district.

In the first 50 years of statehood, Alaska has not changed the 20 senator, 40 representative size of its legislative body, the smallest bicameral legislature in the nation. In this time span, the population of

the state has more than tripled. Most significantly, the population increase is disproportionate, strongly favoring large urban areas over rural and small community areas. The task then of applying the proscriptions of Article VI, above, has correspondingly become more difficult and contentious. Except for the 1960 reapportionment, all subsequent reapportionments have faced successful legal challenges, requiring boundary adjustments and on several occasions, a court constructed plan.

Federal protections of the U.S. Voter Rights Act of 1965 for large minority concentrations further complicate Alaska's reapportionment process. Indeed, they can act to counter the Section 6 requirements. Rural election district distortions are evident in the current plan. There is a probability that the new population distribution of the 2010 census cannot reconcile Section 6 and the Voter Rights Act without increasing the size of the legislature.

Between 1960 and 2006, twenty nine states have changed the size of their legislative body. For the nine states with small populations similar to Alaska (509,000 to 1,429,000), the average size of their legislative bodies is 134 members.

Another measure of the effect of the state's growth and complexity on the work of the legislature is its budget responsibilities. Legislative expenditures for government programs and projects has risen from a figure of \$104 million in FY 61 to somewhere in the neighborhood of \$7 billion currently. This is an increase from \$2700 per capita in 1961 nominal dollars to \$10,000 per capita today.

For these reasons, putting a proposal to increase the size of the legislature before the voters is timely and merited.

[8:14:07 AM](#)

CHAIR LYNN suggested that there may not be room in the present capitol to house additional legislators.

[8:14:37 AM](#)

REPRESENTATIVE WILSON said Pamela Varni would speak to that issue.

[8:14:56 AM](#)

CHAIR LYNN observed that having more legislators across the state would mean districts would be smaller, which may help reduce the cost of campaigning.

REPRESENTATIVE P. WILSON responded that she does not know if that would decrease the cost of campaigning, but she confirmed that each legislator would have fewer constituents than he/she has now. She said her district includes: Wrangell, Petersburg, Sitka, Pelican, Elfin Cove, Port Alexander, Kupreanof, and Baranof Warm Springs. She said one place she has only traveled to once at a cost of \$1,000. She stated her belief that making a district larger is not fair to constituents or their Representative.

[8:17:00 AM](#)

REPRESENTATIVE GRUENBERG noted that he has the smallest district in the state. He asked how electronic communication has changed Representative P. Wilson's campaigning style.

REPRESENTATIVE P. WILSON said she attempts to telephone all her constituents who send e-mails. She remarked that the bigger the district gets the harder that is to do. She said she e-mails a newsletter and uses radio and newspaper to impart information through "Peggy's Corner of the House." She said she does not use the telephone or letter to contact her constituents very often.

[8:18:57 AM](#)

REPRESENTATIVE P. WILSON, in response to a question from Representative Seaton, said the hope for HJR 38 is that the areas now represented would not lose representation, but the areas that grow would gain more representation. In response to a follow-up question from Representative Seaton, she said some areas vary in their population shifts. It will be up to the redistricting committee to figure out [where additional legislators would be placed], not up to the legislature.

[8:21:14 AM](#)

REPRESENTATIVE GATTO said when he began as a legislator, there were 16,000 constituents, and now there are 24,000; however, he said he has not been compromised by the growth. He said he thinks the public would not support the addition of more legislators. He suggested the reason the bill sponsor is proposing HJR 38 is "because Southeast is going to ... have fewer Representatives."

REPRESENTATIVE P. WILSON responded that her district is not the only one that is "losing members"; all the rural areas and villages are seeing shifts in population. She asked Representative Gatto to imagine how his constituents would feel if, like in rural Alaska, their representation disappeared with no replacement.

REPRESENTATIVE GATTO said, "All we're doing is taking the same acreage and drawing squigglier lines in different directions; but ... every Representative has essentially the same number of constituents, whether we go to 46 or 48 or what." He said Alaska is a small state with 60 Representatives serving approximately 700,000 people. Another state might have over 100 Representatives, but those 100-plus are serving 10-20 million. In comparison, it is possible that Alaska has too many Representatives.

REPRESENTATIVE WILSON asked Representative Gatto again how he thinks rural Alaskans would feel to have less representation.

REPRESENTATIVE GATTO replied that he does not know how people are feeling in other states that are losing Representatives. He indicated that people adjust, and he said he is not certain that "adjusting up is a benefit."

REPRESENTATIVE P. WILSON noted that it is easier for Representative Gatto to appear before all his constituents, because he does not have to travel as far to do so. She said she cannot do that, and she asked him to take into consideration - as a matter of fairness - the ability of constituents to meet face to face with their Representatives.

[8:26:00 AM](#)

REPRESENTATIVE JOHNSON noted that of the states that have changed [representation], 19 have reduced their numbers and 12 have increased their numbers. He asked the bill sponsor if she has done any research behind the changes other states have made.

REPRESENTATIVE P. WILSON said some states have changed representation to match the growth of their population. She said one consideration is whether or not the districting layout facilitates the Representative's visitation of his/her constituents. Alaska is so big, and the Constitution of the State of Alaska requires the state to have "socio-economic groups of like mind and manner." She said if the legislature does not chose to increase its membership, the court system may step in and mandate that that be done.

8:28:00 AM

REPRESENTATIVE GRUENBERG said when he served 20 years ago, urban districts each had two Representatives, while the rural districts had just one. From a constituent and legislative point of view, having dual Representatives was a tremendous advantage. In the 1960s, the top 16 people were elected at large from Anchorage. In the 1970s, the city was quartered, and each of the four districts had four Representatives. In the 1980s, those four districts were divided in half, and each district had two Representatives. Representative Gruenberg said the constitution was amended after that to provide for a redistricting board. He directed attention to page 1, line 12 of the bill, which he said is the relevant section related to single member districts. He recollected that before that, the size of the district was established by law.

REPRESENTATIVE GRUENBERG suggested that Representative P. Wilson consider either going back to dual member districts or to provide "that it shall be established by law." He said the latter would allow dual-member or four-member districts, or a combination thereof throughout the state. He related that the advantage of a dual member district is, for example, that one Representative can concentrate on budget issues, while the other works on other issues. He indicated that the change from that system may have been because of a desire to make each district smaller; however, he stated that he is not sure that it makes much difference whether a legislator represents 16,000-17,000 or twice that number. He said people might like having two Representatives and two Senators in larger community boundaries.

REPRESENTATIVE P. WILSON deferred to Mr. Harrison.

8:33:06 AM

REPRESENTATIVE JOHNSON asked Representative P. Wilson if she has taken advantage of the redistricting computer programs that are available.

REPRESENTATIVE P. WILSON deferred again to Mr. Harrison.

8:33:47 AM

GORDON HARRISON told the committee that he was the former executive director of the Alaska Redistricting Board. In response to Representative Johnson's prior question, he said the software for the 2010 redistricting cycle has not been purchased by the state; it will not be ready for another year. However, he noted that information from the Department of Labor and Workforce Development shows what will happen to some of the rural districts.

8:34:56 AM

REPRESENTATIVE JOHNSON related that the National Council of State Legislatures (NCSL) has come up with computer models related to redistricting that are perhaps not official.

MR. GORDON confirmed that [NCSL] has "dummy" numbers.

REPRESENTATIVE JOHNSON remarked that it is simple to determine "what will happen to a legislative district if you plug in numbers."

MR. GORDON interjected, "If you have all the numbers running."

REPRESENTATIVE JOHNSON said, "You're making the same assessments ... now, so you have dummy numbers."

MR. GORDON responded yes, but noted that the previously mentioned software costs approximately \$10,000, and "nobody's purchased it yet."

REPRESENTATIVE JOHNSON reiterated that NCSL would run a model for the state.

REPRESENTATIVE WILSON said she would check into it.

8:36:04 AM

MR. HARRISON continued with his testimony. He stated his enthusiastic support of HJR 38. He said he thinks Representative P. Wilson's assessment of the situation is correct. He stated that redistricting without [HJR 38] would create huge rural districts - even larger than they are presently. He mentioned "population numbers" and indicated that the Department of Labor and Work Force Development has reported and estimated [state] population of 700,000, which he said would produce a district of approximately 17,500 people. However, he said the rural districts are "way off of that." Mr. Harrison proceeded to give examples of various districts and how far short of that number they fall, including: Ketchikan, 3,000-4,000 short; the North Slope, about 3,000 short; Kodiak, 4,000 short; and Bristol Bay, 3,000 short.

MR. HARRISON stated that the only way to make up for the shortage in one district is by "cannibalizing your neighbors." He predicted that District 5 in Southeast Alaska would be cannibalized to the point of its disappearance.. He predicted other districts in the state that would disappear as a result of this cannibalization. Mr. Harrison said he thinks that, as the bill sponsor has said, the public policy issue at hand is effective representation in districts. Some districts will be so big, he predicted, that its constituents will never meet their Representative, and legislators will find competing interests within one district, he said. Effective campaigning will be impossible, since it will be too expensive to travel. He characterized the boundaries of Senate District C as "preposterous," noting that it reaches from Metlakatla up to the Arctic.

MR. HARRISON concluded that under HJR 38, district size would be reduced from 17,500 to approximately 14,500, and as a consequence, most of the rural districts would be able to maintain themselves. He opined that the proposed legislation would not fundamentally impact the nature of the legislative process nor would it disturb the distribution of power between urban and rural areas.

MR. HARRISON told Representative Gruenberg that the problem with multiple-member districts is that the districts would have to be twice as big if they have two members, which would only compound the problem.

[8:41:44 AM](#)

MR. HARRISON, in response to Representative Petersen, said he supports the sponsor's proposal to have 48 Representatives and 24 Senators, but said he would support even higher numbers.

8:42:28 AM

REPRESENTATIVE P. WILSON added that the proposed numbers would keep the rural areas from losing [any more representation].

8:43:00 AM

MR. HARRISON, in response to Representative Gatto, explained that when he said some districts may not exist, he did not mean that people would be left without a district. Instead, he said, since the Anchorage area is expanding so rapidly, existing representation would be directed there, which would change the boundaries of districts in other parts of the state.

REPRESENTATIVE GATTO questioned why the proposed legislation is not requesting a larger increase of Representatives and Senators if the bill sponsor believes that an increase would be beneficial.

MR. HARRISON answered that for one thing, greater numbers than the resolution proposes would create the need to build a new capitol. He said he thinks the resolution proposes an incremental change that would improve democratic representation in the state for many of its residents. He said he does not think that anybody wants to make any radical changes in the legislative process. He said the cost of campaigning in the current districts is prohibitive. He opined that keeping districts to a manageable size is a legitimate public policy.

REPRESENTATIVE GATTO said he does not think references to campaigning should "have a play in this." He said he is considering only how the proposed change would affect the public. He said he thinks the public would question what happened in 2010 that suddenly necessitated the need for HJR 38. He stated, "I'm not sure this is the kind of thing that they would look at favorably."

MR. HARRISON answered that that may depend on where the person lives. For example, someone living in Bethel, Barrow, or Dillingham may see the wisdom of HJR 38, while perhaps those living in the valley would not.

REPRESENTATIVE GATTO said the increase in legislators would necessitate the increase in meeting space and modification of the capitol, which would cost a considerable amount of money.

MR. HARRISON suggested one solution may be to "invite the governor into some nice spacious quarters in the State Office Building" and turn the third floor currently occupied by the governor into legislative office space.

REPRESENTATIVE P. WILSON reiterated that the subject of finance could be addressed by Pamela Varni.

[8:49:56 AM](#)

REPRESENTATIVE GRUENBERG said he thinks what Mr. Harrison is saying relates to tying the legislature's hands through imposing a 90-day session. He said if there were a few more legislators then there would be more people to do the work in the 90 days and the job would be done better. He asked Mr. Harrison if that is what he is saying.

MR. HARRISON responded that that is not what he is saying, but he agrees with it. He said he thinks the Senate would benefit from having at least four more members.

REPRESENTATIVE GRUENBERG noted that Mr. Harrison had written a major treatise on the Constitution of the State of Alaska. He said Alaska's population, budget, and problems are bigger and more complicated than they were when the state was young, which demands that the legislature consider ways to function as effectively as possible. He asked if Mr. Harrison concurs.

MR. HARRISON answered that that is part of his thinking but is not the main impetus for HJR 38. The main impetus for the proposed legislation, he opined, is the fact that some districts are so large now that they are not fairly and effectively represented.

REPRESENTATIVE GRUENBERG said he is trying to emphasize the other issues that would be benefitted from HJR 38, even in urban areas.

MR. HARRISON said urban districts would benefit from the proposed resolution, as well, because "even their districts would be more manageable."

[8:53:44 AM](#)

REPRESENTATIVE P. WILSON, in response to Representative Gruenberg, confirmed that one of the reasons she is proposing 24 Senators and 48 Representatives, is that the present capitol would accommodate that many additional legislators. She noted that HJR 38 is a companion bill to [SJR 21].

[8:54:38 AM](#)

REPRESENTATIVE SEATON directed attention to three sets of charts in the committee packet [showing population trends for election districts in 2010], and he noted that the average population of 40 districts is listed as 15,673.

MR. HARRISON interjected, "That was the ideal district 10 years ago."

REPRESENTATIVE SEATON directed attention to a column on one of the charts showing a difference from the average of 15,735. He offered his understanding that that number is "less the 100 off of the ideal 2010."

MR. HARRISON responded, "I think that the ideal population under this legislation would be 14,424."

REPRESENTATIVE SEATON explained that there are three charts. He continued as follows:

One is 22 Senators, 44 election districts. The other one is ... 46 election districts, where it says, "46 Eds" over at the far -- and then ... the other one's labeled "48 leg," which would be 24 Senators and 48 members. So, I'm trying to figure out if we had an ideal population of 15,673, and with 22 Senators and 44 House election districts, we would have 15,735, which is the closest number to what we had in 2010. Can ... you explain to me why we wouldn't be looking at that number? I mean, are we just talking about well maybe in the future we'll have population changes and we want to take care of more, or...?

MR. HARRISON said he has not seen the table to which Representative Seaton referred - the one that analyzes four additional House districts. He continued:

I think that you have to compare that number with the population that we expect in these districts. ...

Ketchikan looks like it's having a population right now around 13,500, so it's still off 1,500 people. ... I've only looked at analysis that shows eight additional House members and how that changes the anticipated impact from redistricting with an ideal population of 15,700. ... I think that it probably wouldn't save some of the rural districts, and there would be still substantial increase in their geography. And I think if you're going to do four, you might as well do eight, because I don't think it's that big a difference in terms of the functioning of the legislature or the space requirements, and I think that it helps ... keep the status quo in the rural areas, in terms of the geography of the districts.

[8:58:33 AM](#)

REPRESENTATIVE SEATON said he is trying to understand that underlying structure of the bill. He continued as follows:

So, the numbers, at 48 House districts, is taken not to maintain the same legislator to constituent [ratio] that we had in our previous redistricting, but to maintain the smallest ... House districts that they could stay in place without redrawing those districts. But all of the other districts that are above that ... we'd be carving something out of those and they would be...

MR. HARRISON said more districts would be made. He said "the excess" would "come into another district."

REPRESENTATIVE SEATON concluded that there is no way, under HJR 38, to maintain the current structure of districts, the smallest districts could be maintained while all the others surrounding them could be redistricted. He asked if that is the intent of choosing the number 48.

REPRESENTATIVE P. WILSON answered yes. She noted, "At every single [U.S.] Census since we started, there's been a shift." Keeping the number of legislators as is will not prevent districts from changing. She said her efforts are to ensure fairness to constituents first and foremost, but also to ensure the system is fair to legislators. She noted that during her first two years as a legislator, her constituents ranged from Wrangell, Petersburg, and Sitka, which had [populations in each area] ranging from 2,000-8,000. When redistricting took place,

that district was expanded in order to keep the right number of constituents in it, which meant a greater expanse, and [populations in each area] ranging from 89 people to 8,500 people. She indicated that it is "pushing it pretty thin" to call this district an integrated socio-economic area. Representative P. Wilson said in the year before last she traveled as a legislator over 90 times, mostly in Southeast Alaska to see her constituents, and she said that does not even include charter flights or ferry trips. She said Senator Kookesh's district is the biggest in the U.S. and contains more than half the school districts in Alaska. Those school districts have tremendous economic difference.

[9:04:28 AM](#)

REPRESENTATIVE PETERSEN suggested that the legislature would be addressing the same predicament 10 years from now if current trends continue with migration from rural to urban areas.

REPRESENTATIVE P. WILSON responded that in the last 50 years, Alaska's population has tripled in size. She said, "I hope we would have that problem; that would be wonderful."

[9:05:41 AM](#)

PAMELA VARNI, Executive Director, Legislative Affairs Agency, directed attention to the fiscal note in the committee packet, dated 1/29/2010. She said funding would be requested in the year 2013 for a total of \$6,140,000. Thereafter, the funding requested would be \$4,470,000. That would encompass the salary and per diem for 12 additional legislators and would allow for 34 staff to legislators, additional support staff, an attorney, two legislative information officers, a "help desk" technician, and one custodian. Funding would also include the cost to move 11 legislators and their families and to relocate the additional 34 staff. Ms. Varni said there would need to be allowance accounts for the Senators and Representatives, hook-up fees for computers, telephones, and facsimile machines, and either an increase in current office space or the establishment of new offices in legislators' districts. Furthermore, computers, printers, and facsimile machines would need to be purchased. She said she thinks the amount estimated for equipment and reconstruction of existing facilities is conservative. She said if a decision was made to construct a new building or build an addition to the capitol, the \$1.5 million dollars would have to be increased through a capital appropriation. Ms. Varni offered to answer questions from the committee.

9:09:15 AM

REPRESENTATIVE GRUENBERG said the committee needs to have a fiscal note from the Division of Elections reflecting the cost of putting a constitutional amendment on the ballot.

9:09:49 AM

MS. VARNI, in response to question from Representative Johnson, said it would require some creativity to fit an additional eight offices into the existing space of the capitol. She agreed with Mr. Harrison that it would be nice to have the use of the third floor. She mentioned that Representative Munoz is working on a bill to allow building a state office building along the waterfront.

CHAIR LYNN commented that if his office was made any smaller, he would have to stand up.

9:11:03 AM

REPRESENTATIVE JOHNSON offered his recollection that moving the governor from the third floor of the capitol had been unsuccessfully attempted in the past.

9:11:36 AM

MS. VARNI responded that it is written in statute the governor has space in the capitol; therefore, it would be the governor's choice whether or not to move. She said that former Governor Frank Murkowski had looked at moving over to the State Office Building.

9:12:30 AM

REPRESENTATIVE GATTO asked Ms. Varni if she is in favor of a new capitol building.

MS. VARNI replied that it is the will of the legislature and the people to pass HJR 38, and then, if it was decided that additional space was necessary, the people might want to have something built that makes them proud. She noted that the current capitol is the only one in the nation not built originally as a capitol building.

REPRESENTATIVE GATTO stated that he supports a new capitol being built in the Matanuska/Susitna area where a majority of Alaskans could drive by and see it. He said building a capitol there would support the proposed resolution.

[9:15:17 AM](#)

REPRESENTATIVE P. WILSON commented that she has not heard many people suggest moving the capital of the U.S. to the center of the country, which she opined "is about the same thing." She said she lived in a state in the past where the capital was in the hub of the state, and it was more difficult to access the legislators. She said all legislators may not be happy being in Juneau, but they are much more accessible and have less distractions.

[9:16:28 AM](#)

MS. VARNI, in response to Representative Petersen, offered her understanding that the building that Representative Munoz is proposing would be in the area referred to as the "sub port."

MS. VARNI, in response to Representative Seaton, said she has not seen the aforementioned spreadsheets. She said the fiscal note was compiled based solely upon the legislation.

REPRESENTATIVE SEATON said he would like an estimate regarding space cost related to each of the aforementioned spreadsheets.

MS. VARNI said she would compile that information.

[9:20:16 AM](#)

JIM BALDWIN, Attorney at Law, stated that he is testifying on behalf of himself. He related that like Mr. Harrison, he was involved with the last redistricting of the state, employed with the Office of the Attorney General and serving as co-counsel to the plaintiffs in defending the plan in the state court system. Mr. Baldwin stated that although he heartily agrees with the testimony of Mr. Harrison, he supports HJR 38 for reasons a little bit different from those that have been expressed. He explained that he does not see HJR 38 so much as a matter that would favor rural areas of the state, but rather sees it as having a more balanced application.

MR. BALDWIN emphasized the importance of the federal Voting Rights Act to the state's redistricting process. He opined that

the state will probably never "get out from under" the Act because the opt-out provisions will not work for Alaska. He explained, "It seems like every time we have a redistricting we have an objection, and when you have an objection you're in the midst and you're not ... getting out." He said he thinks the proposed legislation would give the [redistricting] board more options for solving the problem with the Voting Rights Act.

MR. BALDWIN related that he is familiar with the software programs to which Representative Johnson referred. He said the programs make the job easier, but can be problematic, because "the numbers push you around the map," and often there are areas left out of the equation that must be addressed. He described the last redistricting effort in Anchorage as being like a tube of toothpaste: only so much of the population fit in that tube, and when squeezed, some of the population ended up in Representative Gatto's district, while some ended up as part of the Valdez district. Redistricting can result in a Representative representing people from urban and rural areas, he said.

[9:24:24 AM](#)

MR. BALDWIN reiterated his previous points. He then acknowledged that the legislature must consider money issues and the cost of campaigning. He said his experience showed him that related litigation was not about political parties, but rather was about geographic region. He opined, "That's what the battle is, and that's what this helps alleviate."

[9:25:51 AM](#)

REPRESENTATIVE GATTO expressed disagreement with the illustrated result of Mr. Baldwin's squeezed tube example. He then stated that the system currently in place has not changed in 50 years, and he asked Mr. Baldwin if the permitted deviation in districts is 10 percent.

MR. BALDWIN said there is a permitted deviation that Alaska's courts have allowed to be expanded in certain circumstances.

REPRESENTATIVE GATTO said rural districts comprised mostly of Native Alaskans would become less effective under HJR 38, because they are allowed a 10 percent deviation, and he surmised that urban districts would have to absorb that 10 percent deviation. He said that does not appear to be a significant problem. He asked Mr. Baldwin if he would still support HJR 38

if, in addition to changing the number of legislators, it also proposed to move the capital to a new location. He said he wants to know if Mr. Baldwin is here because he does not want to lose a district in Southeast Alaska.

MR. BALDWIN replied, "I don't have a dog in any of those fights." He noted that he does live in Juneau.

REPRESENTATIVE GATTO said he has not found one person who lives in Juneau who wants the capital moved. He opined that "the rest of us" who don't live in Juneau do not share that opinion. He clarified that he wants to know if Mr. Baldwin is supporting HJR 38 because he really believes the resolution will help equalize representation or because he is trying to keep the capital in Juneau.

9:28:36 AM

MR. BALDWIN responded that he is testifying in support of HJR 38 because he is extremely interested in the political process. He offered his background, which included working for the state for 27 years, a part of that time working with the legislative legal department. He said he also worked for a number of years in the governmental affairs section in the Department of Law as a supervising attorney. He recollected that three "redistrictings" occurred during his tenure as an employee of the state. He said he has been concerned for a number of years regarding the affect of the Voting Rights Act on Alaska's process. He said he has become resolved to the notion that the state must learn to live with the Act, and he reiterated that HJR 38 is a good tool. He stated that the issue of whether or not to move the capital is "not a sub rosa thing here with me."

REPRESENTATIVE GATTO asked Mr. Baldwin if he would support having 50 [Senators] and 100 [Representatives].

MR. BALDWIN answered that he does not know what the right numbers would be, but thinks this approach is an authorized way for solving the problem of increasing the size of the legislature.

REPRESENTATIVE GATTO recalled a "doughnut hole" approach in the past, to which the court objected. He surmised that that approach was a "very political structure."

MR. BALDWIN said [the "donut hole"] took place in the 1990s.

REPRESENTATIVE GATTO suggested that it is always the courts who redistrict the state.

MR. BALDWIN said he does not agree with that. For example, the last time redistricting was done, the court sent the plan back to the board, and the board redrew the lines with direction from the court. He said he thinks the court would be loath to say it drew the lines, although the board may feel the court's influence.

[9:32:11 AM](#)

REPRESENTATIVE P. WILSON said she is shocked that the issue of a capital move was broached in conjunction with HJR 38, because the proposed legislation has nothing to do with that issue. She stated that if the number of legislators is not changed, the issue of lack of representation for Native Alaskans will surface. She asked Mr. Baldwin what his opinion is on the matter.

[9:33:15 AM](#)

MR. BALDWIN responded that the Justice Department will look to see if the state is "sliding backwards." He continued as follows:

If you've established a certain number of majority districts and a certain number of influence districts, the first line that they will impose is: Are you maintaining those kinds of districts? ... So, if you have the pressure of populations going down in the areas where our Native populations reside, then you're staring right in the eyes of a retrogression situation, I think, if the idea is to maintain the status quo.

MR. BALDWIN said if majority districts cannot be maintained, then the next best thing is to go to influence districts, which means enough block voting within a district that Natives may be able to put forward a candidate that will be successful. He continued as follows:

So, then, if that's where you're going to have more influence districts, then the reason I'm saying that it's not just a rural problem, that it can be an urban problem, is that: where are you going to bring those additional populations in with those influence

districts? And that's where it affects the urban districts, I think. ... Or there could be other discreet populations that can be brought in, like military bases. You know, the possibilities are endless, and like I said, you march around a map looking for these chunks of population, and if you have smaller district sizes, you can, I think, not end the problem - maybe forestall it for another decade, maybe two more decades, maybe 50 years. I don't know, but I think that when you look at those charts that you were referring to earlier, ask yourself how many of those jurisdictions operate under the Voting Rights Act when you consider their relevance.

[9:35:57 AM](#)

REPRESENTATIVE JOHNSON asked how many times since statehood the state has redistricted without the involvement of the court.

MR. BALDWIN answered none since his involvement in 1980.

REPRESENTATIVE P. WILSON added that research has shown that the court has been involved in the state's redistricting efforts every time, except for the first time in 1960.

REPRESENTATIVE JOHNSON asked if there is any anticipation that adding the proposed number of legislators will keep the state out of court.

MR. BALDWIN answered no.

REPRESENTATIVE JOHNSON concurred.

MR. BALDWIN said he thinks that when the legislature changed to the council approach for redistricting over "the old approach," it was possibly taking a step toward satisfying more of the regional interest. However, he said that without changing to "something that's a much greater number," he does not know how the state will make all the identifiable socio-economic areas "satisfied with having their own districts."

REPRESENTATIVE JOHNSON questioned how many districts following the Voting Rights Act would be affected. He surmised that it might be only three.

MR. BALDWIN responded that he does not know without looking into an answer.

REPRESENTATIVE PETERSEN told Representative Johnson that he thinks the borders of all the districts would have to be adjusted.

REPRESENTATIVE JOHNSON clarified that he wants to know how many districts that actually fall under the Voting Rights Act would be affected. He indicated that Anchorage, Fairbanks, Juneau, and the Matanuska/Susitna Valley do not fall under the Act. He said he wants to know "how many under 48 will fall under that versus under 40?"

[9:40:35 AM](#)

MR. BALDWIN agreed that that is the "starting point" for judging: "Where are they left under the new plan as opposed to where they were under the old plan?"

REPRESENTATIVE JOHNSON asked where he can get information regarding which districts fall under the Voting Rights Act.

MR. BALDWIN responded that "the preclearance" is available from the Department of Law, most likely in the board files. He added, "Everybody weighed in on it, and the justice department pre-cleared what happened even in the first go-around of the plan, but changes had to be made as a result of the court." In response to a follow-up question, he offered further information regarding how to interpret the preclearance information.

[9:42:12 AM](#)

REPRESENTATIVE SEATON asked:

Under that, is it the number of districts on the retrograde? In other words, if we expand the number of districts, is [it] the proportion of districts or is it just the fact that you had three or five that were minority districts before - minority or majority districts - and you still have three or five, even if you increase the number of districts? How does that work: is it just strictly the number or is it the proportion?

MR. BALDWIN said he does not know without researching an answer. He said he would imagine there is a lot of precedent with redistricting in municipalities that are covered by the Act. He

said he thinks he could get an answer for Representative Seaton fairly quickly.

9:43:41 AM

CHAIR LYNN said he is not going to close public testimony. He said the bottom line is figuring out what is best for constituents. Another concern is how HJR 38 may affect economic development. He said he would like to receive more input from more constituents. He thanked Representative P. Wilson for bringing forth HJR 38.

9:45:56 AM

REPRESENTATIVE SEATON said he hopes HJR 38 is not treated as a capital move bill. He said the bill is not about losing representation from Juneau. He said there are some smaller districts that have "passed the test for representation." He related that he thought it was interesting to consider the philosophy of maintaining the integrity of districts that have been approved by the courts in the state's previous redistricting. He said he would like to hear more discussion regarding the possible impact of the numbers proposed in HJR 38.

9:47:11 AM

REPRESENTATIVE P. WILSON said answers to the questions asked today would be forthcoming.

9:47:46 AM

CHAIR LYNN announced that HJR 38 was held over.

9:48:31 AM

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:48 a.m.