

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 15(C&RA)
 Title: Advisory Elections on
annexation proposals
 Sponsor: Representative Goll
 Requestor: House Finance Committee
 Date of Request: 5/4/85

FISCAL DETAIL

Agency Affected: Governor
 Program Category Affected: _____
Division of Elections
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS		-0-				
OTHER		-0-				
TOTAL		-0-				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Needed funds can be absorbed in the Division's FY 86 budget. Since there is no way to know how many elections will occur, experience with the new statute is necessary before any additional funds are appropriated.

Prepared By: Representative Adams - Chairman Phone: 465-3706
 Division: House Finance Committee Date: 5/4/85

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

Offered: 4/11/85
Referred: State Affairs
and Finance

Original sponsors: Goll and Marrou
by request

1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2

CS FOR HOUSE BILL NO. 15 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to advisory elections on certain
7 annexation proposals."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 29.13.100 is amended by adding a new paragraph to read:

10 (48) AS 29.68.025 (advisory elections on annexations)

11 * Sec. 2. AS 29.68 is amended by adding a new section to Article 1 to
12 read:

13 Sec. 29.68.025. ADVISORY ELECTIONS ON ANNEXATIONS. (a) If a
14 municipality requests an annexation proposed to be effected under
15 AS 29.68.010(a), the municipality shall present the results of an
16 advisory election on the proposal to the Local Boundary Commission at
17 the hearing conducted under AS 44.47.581. The advisory election shall
18 be conducted by the municipality in the area proposed for annexation
19 in accordance with procedures for a regular or special election.

20 (b) If an annexation that is not requested by a municipality is
21 proposed to be effected under AS 29.68.010(a), the director of elec-
22 tions shall present the results of an advisory election on the pro-
23 posal to the Local Boundary Commission at the hearing conducted under
24 AS 44.47.581. The advisory election shall be conducted by the direc-
25 tor of elections in the area proposed for annexation in the general
26 manner prescribed by the Alaska Election Code (AS 15). The state
27 shall pay all election costs for elections under this subsection.

28 (c) A municipality may conduct an advisory election on an annex-
29 ation proposal in which all municipal voters may participate and the

1 municipality may present the results of the election to the Local
2 Boundary Commission if the area of the proposed annexation is
3 (1) located within the municipality; or
4 (2) proposed to be annexed to the municipality.
5 (d) This section applies to home rule and general law municipal-
6 ities.



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

March 27, 1985

MEMORANDUM

TO: Representative Peter Goll

ATTN: Bob Berry

FROM: Rob Waldman *RW*
Legislative Analyst

RE: Historical Background of the Local Boundary Commission
Research Request 85-262

You asked that we provide historical background on the formation of the Local Boundary Commission. Historical information was obtained through interview with Senators Victor Fischer and Jack Coghill and through review of the minutes of the Alaska Constitutional Convention; the text of the State Constitution and Statehood Committee reports.¹

According to Senator Coghill, the concept of the Local Boundary Commission resulted from the constitutional convention's attempt to resolve jurisdictional conflicts between the different types of governmental entities that functioned under territorial law.² Its function was to review local government structure and adjudicate conflicts between jurisdictions. Prior to statehood, all jurisdictional disputes and boundary modifications were adjudicated by federal district courts. The members of the convention felt that the function of settling these issues should not be delegated to the court system; they felt that the executive branch should adjudicate boundary disputes and modifications.

¹Minutes to the Proceeding of the Alaska Constitutional Convention, 1955-56, pages 2665-2666, 2745-2753, and 2759-2760.

A Citizens's Guide to the Constitution of the State of Alaska, Gordon Harrison, 1982; Alaska's Constitutional Convention, Victor Fischer 1975.

Proposed Organization of the Executive Branch, State of Alaska, A Survey Report, 1958; Local Government Under the Alaska Constitution, A Survey Report, 1959, Public Administration Service.

²Under Territorial law, jurisdiction conflicts could arise between school districts, utility districts, cities, road districts, etc.

Representative Goll
March 26, 1985
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In Alaska prior to 1959, all annexation was conducted by local governments.³ At times, annexation issues became very controversial. Senator Fischer states that the commission was seen as a mechanism that circumvented local turmoil, brought the issues beyond "vested local interests" and prejudices, and permitted implementation of the "broad public intent". He believes that there was a need to ensure that municipal boundaries could be altered to adjust for changes in population and in the demand for local services. If the municipalities retained control over boundaries and annexation, there could be difficulty in altering boundaries once local interests became vested. Article X, Section 12 of the State Constitution which established the Local Boundary Commission was designed to overcome those type of roadblocks.

The convention committee on local government recommended that the boundary commission be modeled after the "Canadian system" (provincial governments exercise considerable control over local governments). It was felt that boundary and annexation issues affect all incorporated and unincorporated areas and not just the specific communities involved. Therefore, it was recommended that adjudication be at the State level.

In addition, the intent of the convention was for the commission to have the authority to regulate boundary changes without prior requests from the communities involved. Communities could request that referenda, polls, and surveys be considered by the commission when developing its recommendations. However, according to Senator Fischer, the convention was very specific in its position that these types of community input are not a requirement.

During the committee sessions, there was considerable discussion of the relation between the commission and the legislature. Some members wanted total control in the hands of the legislature, and recommended that all boundary changes and rules related to boundary changes be addressed by statute because the commission was within the executive branch and requiring legislative approval would violate the "separation of powers" concept. The amendment supporting this concept was defeated.

The majority of the members felt that legislative involvement in the process was useful and necessary at times but not required for all boundary changes. Their intent was to allow legislative participation as long as it did not become prohibitive for all proposed boundary

³For annexation, local elections had to be held concurrently in the city and area to be annexed, and majority votes were necessary.

Representative Goll
March 26, 1985
Page Three

changes.⁴ A compromise was adopted which permitted legislative intrusion into the administrative function of the executive branch only by resolution concurred in by a majority of the members of both houses. In addition, it was recommended that proposed changes become effective if the legislature is "inactive" in its function. As was described within the minutes, the legislature opted for the "negative approach to enactment of legislation," which means that the legislature must act only to reject the proposal and may grant "approval without any action at all by the body that should act on it."⁵

In 1958, the Alaska Statehood Commission was given the following recommendations for implementation of the commission:

The Local Boundary Commission should operate so far as possible in the manner of a quasi-judicial body. Its determinations should be based upon a careful assembling and weighing of relevant geographic, demographic, fiscal, and governmental facts, not disregarding expression of judgement and sentiment by the public officials and citizens most directly concerned. So far as possible, decisions should be made in the light of a realistic projection of probable future demographic and economic trends."⁶

I hope that this information is useful to you. If you have any questions, please contact us.

RW

⁴It was felt that "in the press of business" the legislature may not get around to considering minor boundary changes, and major boundary changes could require considerable legislative time.

⁵Minutes to the Proceeding of the Alaska Constitutional Convention, page 2752.

⁶Proposed Organization of the Executive Branch State of Alaska: A Survey Report, 1958, page 147.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 3/22/85

<u>REQUEST</u> (Version #1) Bill/Resolution No.: <u>CS for HB 15</u> Title: <u>Act relating to advisory elections on annexations</u> Sponsor: <u>CRA Committee</u> Requestor: <u>Goll & Marrou</u> Date of Request: <u>3/22/85</u>	<u>FISCAL DETAIL</u> Agency Affected: <u>Office of the Governor</u> Program Category Affected: <u>Division of Elections</u> BRU, Program or Subprogram(s) Affected: <u>Division of Elections</u>
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EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		8.6	9.0	9.5	10.0	10.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	8.6	9.0	9.5	10.0	10.5

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	8.6	9.0	9.5	10.0	10.5
FEDERAL FUNDS						
OTHER						
TOTAL	0	8.6	9.0	9.5	10.0	10.5

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached page.

Prepared By: Sherry Valentine Phone: 465-4611
 Division: Elections Date: 3/22/85
 Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

Offered: 4/11/85
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and Finance

Original sponsors: Goll and Marrou
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REGIONAL AFFAIRS COMMITTEE

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CS FOR HOUSE BILL NO. 15 (C&RA)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

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A BILL

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For an Act entitled: "An Act relating to advisory elections on certain
annexation proposals."

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in accordance with procedures for a regular or special election.

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proposed to be effected under AS 29.68.010(a), the director of elec-

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manner prescribed by the Alaska Election Code (AS 15). The state

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shall pay all election costs for elections under this subsection.

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(c) A municipality may conduct an advisory election on an annex-

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ation proposal in which all municipal voters may participate and the

1 municipality may present the results of the election to the Local
2 Boundary Commission if the area of the proposed annexation is

3 (1) located within the municipality; or

4 (2) proposed to be annexed to the municipality.

5 (d) This section applies to home rule and general law municipal-
6 ities.

Introduced: 1/14/85
Referred: Community & Regional Affairs,
State Affairs and Finance

1 IN THE HOUSE

BY GOLL BY REQUEST

2

HOUSE BILL NO. 15

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act requiring an advisory election before an
7 annexation may be proposed to the legislature."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 44.47 is amended by adding a new section to read:

10 Sec. 44.47.582. ADVISORY ELECTIONS ON ANNEXATIONS. (a) A
11 proposed annexation may not be voted on by the Local Boundary Commis-
12 sion unless an advisory election on the proposal has been held, and
13 the results considered by the commission. The advisory election shall
14 poll

15 (1) the area proposed to be annexed;

16 (2) any municipality that includes the area proposed to be
17 annexed; and

18 (3) the proposed annexing municipality.

19 (b) The director of elections shall supervise an advisory elec-
20 tion held under this section in the general manner prescribed by the
21 Alaska Election Code (AS 15). The state shall pay all election costs.