

HB

15

# CS HB15 (CRA) Advisory Elections, Certain Annexation Proposals

5/2 Told Bob Berry, Aide to Rep Goll, that  
bill was set due, 5/6

✓ Advised Elections Ofc (x4611) bill  
scheduled due, 5/6

✓ Informed Jennifer Tate, DCRA (x4700)  
bill set due, 5/6 - requested she  
furnish Dept position on bill

✓ Contacted AMU, informed date/time bill  
set + requested AMU position in writing

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y. STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

S PRA 5-6-86 4pm

# COMMITTEE REPORT

## SENATE

FURTHER: FINANCE

5/1/86

Date 5-6-86

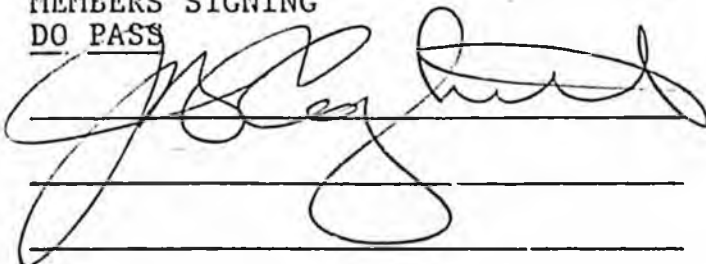
Mr. President

The Committee on C&RA considered CSHB 15(C&RA)  
relating to advisory elections on certain annexation proposals.

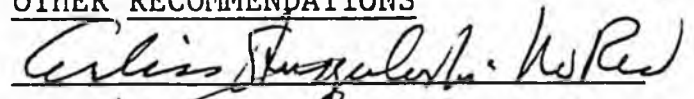
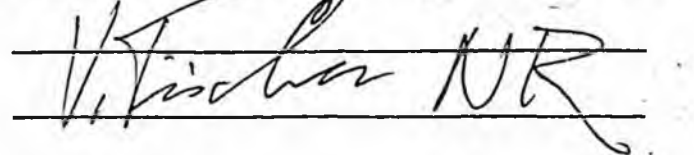
and (a majority of the committee) (the committee) reports it back with  
the following recommendations:

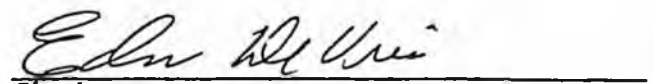
- do pass
- do pass with attached amendment(s)
- replace with/or adopt SCS for CSHB15 (SA)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Chairman

  
Chairman recommendation

Offered: 5/1/86  
Referred: Community & Regional Affairs  
and Finance

Original sponsors: Goll and Marrou  
by request

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 15 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND 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 29.06 is amended by adding a new section to read:  
10 Sec. 29.06.045. ADVISORY ELECTIONS ON ANNEXATIONS. (a) If a  
11 municipality requests an annexation proposed to be effected under  
12 AS 29.06.040(a) and (b), and if there are people residing in the area  
13 proposed for annexation, the municipality shall present the results of  
14 an advisory election on the proposal to the Local Boundary Commission  
15 at the hearing conducted under AS 44.47.581. The advisory election  
16 shall be conducted by the municipality in the area proposed for  
17 annexation in accordance with procedures for a regular or special  
18 election.  
19 (b) If an annexation that is not requested by a municipality is  
20 proposed to be effected under AS 29.06.040(a) and (b), and if there  
21 are people residing in the area proposed for annexation, the director  
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27 state shall pay all election costs for elections under this  
28 subsection.  
29 (c) A municipality may conduct an advisory election on an

1 annexation proposal in which all municipal voters may participate and  
2 the municipality may present the results of the election to the Local  
3 Boundary Commission if the area of the proposed annexation is

4 (1) located within the municipality; or

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

6 (d) Nothing in this section affects the authority of the Local  
7 Boundary Commission to present proposed boundary changes to the legis-  
8 lature under art. IX, sec. 12, Constitution of the State of Alaska.

9 (e) This section applies to home rule and general law municipal-  
10 ities.

11 \* Sec. 2. AS 29.10.200 is amended by adding a new paragraph to read:

12 (47) AS 29.06.045 (advisory elections on annexations)



Official Business

# Alaska State Legislature

## Senate

### Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

COMMITTEE MEETING -- May 6, 1986

CS HB 15 (C&RA) - An Act relating to advisory elections  
on certain annexation proposals

CS HB 327 (Jud) am -- An Act relating to protection for  
public employees

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Materials attached:

- (1) Fiscal Note from Division of Elections dtd 1-31-86  
on CSHB 15 (C&RA).
- (2) Position Paper from Dept. of C&RA dtd 3-22-85 on  
CSHB 15 (C&RA).
- (3) Bill History on CSHB 15 (C&RA).

Offered: 5/1/86  
Referred: Community & Regional Affairs  
and Finance

Original sponsors: Goll and Marrou  
by request

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 15 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION

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10 ities.

11 \* Sec. 2. AS 29.10.200 is amended by adding a new paragraph to read:

12 (47) AS 29.06.045 (advisory elections on annexations)

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 1/31/86

REQUEST Page 1 of 2  
 Bill Resolution No.: CS for HB 15 (C&RA)  
 Title: An Act Relating to advisory elections on annexations  
 Sponsor: CRA Committee  
 Requestor: House RULES  
 Date of Request: 1/29/86

FISCAL DETAIL  
 Agency Affected: Office of the Governor  
 BRU: Division of Elections  
 Components: Elections

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	8.6	9.0	9.5	10.0	10.5	11.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND	8.6	9.0	9.5	10.0	10.5	11.0
FEDERAL FUNDS						
OTHER						
TOTAL	8.6	9.0	9.5	10.0	10.5	11.0

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: 1/31/86

Approved by Commissioner: Sherry Valentine Date: 2/10/86  
 Agency: Elections

Distribution (by Agency preparing fiscal note):

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

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill Resolution No. CS FOR HB 15 (C&RA) page 2 of 2

This fiscal note was developed on the basis of two elections per year from areas outside municipalities wishing to be annexed. It assumes that one request would be received from a punch card precinct and the other from a handmarked precinct. The cost for a punch card precinct is \$5.8 while a handmarked precinct is \$2.8. Computer counted (punch card) precincts are generally higher due to the need for computer programming and a Data Processing Review Board to oversee the computer counting of ballots.

We have specified the costs for each type of precinct so that if there were more than two such elections administered by the State within a year, the Legislature could identify the potential costs by multiplying the precinct cost by the number of additional elections beyond two.

BILL SHEFFIELD, GOVERNOR

**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**

OFFICE OF THE COMMISSIONER

May 6, 1986

POSITION PAPER

RE: SCSCS HB 15 (State Affairs)

SPONSORS: Representatives Goll and Marrou by request

Program Effects of Bill

If a municipality requests annexation under the legislative review process [AS 29.06.040(b)], the bill would require the municipality to conduct an advisory election on the proposed boundary change among the registered voters residing in the area proposed for annexation. If the annexation was not initiated by the municipality whose boundaries were to be changed, the Alaska Division of Elections would be responsible for conducting the election. In either case, the results of the advisory election must be made available to the Local Boundary Commission at a hearing to be conducted on the proposed annexation.

The effects of subsection (c) of the bill are unclear. Presumably, it is intended to permit municipalities to gain advisory opinions from individuals other than the registered voters of the territory proposed for annexation.

Additional confusion results from the reference in the bill to AS 29.06.040(a).

Comments

The Department opposes this bill for the following reasons:

- ° The special elections required under the bill would, we believe, be subject to the provisions of the Federal Voting Rights Act of 1965, as amended (FVRA). Thus, before such an election could be held, the concurrence of the U.S. Department of Justice to hold the election would have to be gained under the provisions of the FVRA. The preparation of the FVRA submission will, in most instances, represent a substantial effort for a municipality to comply with this requirement. Review of the submission by the Department of Justice would typically entail a minimum 60 day period of time.

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ANCHORAGE, ALASKA 99508  
PHONE: (907) 563-1073

- Conducting elections will be expensive for the municipalities involved. (NOTE: nearly all of the legislative review annexation petitions are initiated by municipalities. Thus, the burden of this bill would fall principally upon those entities) In addition to preparing the FVRA submission, municipalities would have to schedule and conduct the elections. Because the area proposed for annexation will, in virtually every instance, differ from any established voting precinct, conducting such elections will be particularly difficult.
- We believe that the bill would add three months or more to the time required to prepare and submit a petition for annexation under the legislative review process.
- Last, but certainly not least, we believe that the requirement that the Local Boundary Commission must consider the results of such advisory elections contravenes the intent of Article X, Section 12 of the State Constitution. It is the specific purpose of this Article that such boundary changes be considered by the Local Boundary Commission and the Legislature in the broad interests of the State, outside of the parochial interests of the area affected by the boundary change.

Therefore, we do not recommend that the bill become law.

APPROVED: *Emil Notti*  
Emil Notti, Commissioner

HB 15  
CSHB 15 C&RA

MEASURE HISTORY

PAGE 01 OF 02

AN ACT RELATING TO ADVISORY ELECTIONS ON CERTAIN ANNEXATION PROPOSALS.

PRIME SPONSOR: GOLL  
CO-SPONSORS: MARROU

BY REQ

\$000 GENERAL(FNOTE)

\$000 OTHER(FNOTE)

CURRENT STATUS: (S) C&RA

DATE		PAGE	ACTION
01/14/85	(H)	16	READ THE FIRST TIME - REFERRAL(S)
04/11/85	(H)	881	C&RA RPT CS, NEW TITLE 4DP 3NR
04/11/85	(H)	881	FISCAL NOTE HSE SUPPL 46
04/25/85	(H)	1076	SA RPT CS(C&RA) 4DP 3NR
05/09/85	(H)	1473	FIN RPT CS(C&RA) 3DP 7NR
05/09/85	(H)	1473	ZERO FISCAL NOTE
04/04/86	(H)		RULES TO CALENDAR 4/7/86
04/07/86	(H)	2599	FISCAL NOTE HSE SUPPL 110(FROM C&RA)
04/07/86	(H)	2601	READ THE SECOND TIME
04/07/86	(H)	2601	C&RA CS ADOPTED UNAN CONSENT

HB 15

MEASURE HISTORY

PAGE 02 OF 02

DATE		PAGE	ACTION
04/07/86	(H)	2601	ADVANCED TO THIRD READING UNAN CONSENT
04/07/86	(H)	2602	READ THE THIRD TIME CSHB 15(C&RA)
04/07/86	(H)	2602	PASSED Y39 N1
04/07/86	(H)	2615	TRANSMITTED TO (S)
04/08/86	(S)	2267	READ THE FIRST TIME - REFERRAL(S)
05/01/86	(S)	2558	SA RPT SCS 3DP 1NR C&RA FINANCE RULES

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-4700

949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508  
PHONE: (907) 563-1073

March 22, 1985

### POSITION PAPER

RE: CSHB 15

SPONSORS: Representatives Peter Goll and Andre Marrou (by request)

#### Program Effects of the Bill (with Division of Election's involvement)

The Committee Substitute is substantially different from the original bill in two respects:

1. The Committee Substitute would require that an advisory election be conducted only in the area proposed for annexation. The original bill would also have required advisory elections in:
  - a) any municipality that includes the area proposed to be annexed; and
  - b) the municipality proposing annexation.
2. The Committee Substitute would no longer require the State to conduct the elections in those instances where a "legislative review" annexation petition is initiated by a municipality. However, our experience has been that such petitions are virtually always submitted by a municipality (although administrative regulations also permit such petitions to be submitted by residents or the Commissioner of the Department of Community and Regional Affairs).

#### Comments

The effects of these changes are to:

1. Reduce the fiscal impact of the bill by reducing the extent of the elections required;
2. Transfer this reduced fiscal impact from the State to municipal governments (again, our experience has been that legislative review annexation petitions are virtually always submitted by a municipality).

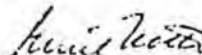
CSHB 15  
March 22, 1985  
Page 2

As such, the philosophical issues concerning the aspects of this bill which do not relate to cost are basically the same as those expressed in the Department's position paper regarding the original bill.

Again, it must be recognized that the Legislative Review process for annexation has been a part of the State Constitution since its ratification by the people of Alaska in 1956. This process was included in the Constitution in order to provide municipal governments with the means to effect an annexation to accommodate a compelling public need or public interest in those circumstances where a majority of the residents in the territory proposed for annexation might not support it.

While CSHB 15 would not require that Legislative Review annexations gain approval from the voters, it does require that the Commission consider the results of the advisory election. Further, the results of the advisory election would, no doubt, enter into the deliberations of the Legislature. Again, the nature of Legislative Review annexations is such that they are seldom supported by the people proposed for annexation. As such, the implications of requiring an advisory election seem to conflict with the principles behind this process.

Therefore, the Department is opposed to this measure.



---

Emil Notti  
Commissioner

Offered: 5/1/86  
Referred: Community & Regional Affairs  
and Finance

Original sponsors: Goll and Marrou  
by request

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