

HB

163

# STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

MARCH 19, 1987

POSITION PAPER (revised 3/19/87)

RE: HB 163 - - "An Act relating to advisory elections on certain annexation proposals."

SPONSOR: Representative Goll

## 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 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 (LBC) at a hearing to be conducted on the proposed annexation.

Subsection (c) of the bill would permit advisory votes to be conducted in which all municipal voters may participate. A municipality may present the results of such an advisory election to the Local Boundary Commission if the area of the proposed annexation is located within the municipality or proposed to be annexed to the municipality.

Subsection (d) clarifies the advisory nature of the vote by noting that "nothing in this section affects the authority of the Local Boundary Commission to present proposed boundary changes to the legislature."

## Comments

The department opposes this bill for the following reasons:

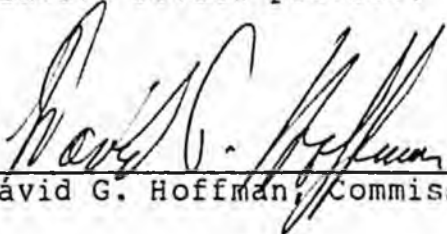
The value and benefit of these advisory elections is somewhat questionable, especially when one considers the "red-tape" and cost involved in conducting them. It is a valid assumption that residents affected by legislative review annexations will not generally support an action that may bring with it increased taxation and government control. These persons are given adequate opportunity to testify and make their case at a locally conducted public hearing of the LBC. Residents may submit petitions representing the views of affected persons and rebut municipal arguments supporting the annexation.

② HB 163 3/15  
STEVE COWPER, GOVERNOR

- P.O. BOX B  
JUNEAU, ALASKA 99811-2100  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 563-1073

The opportunity to air relevant facts and differing opinions already exists and it is unclear how much additional light is shed on the process by conducting an advisory election on the annexation action. An advisory election would simply quantify opposition which, based on past experience is always assumed by the LBC to be significant. Given this opposition, it is the Commission's task to consider broader interests, equity, and uniformity outside of the parochial interests of the area affected by the boundary change. The LBC has established standards that are objectively applied to annexations and the Department believes these standards insure that the Commission acts upon petitions in an equitable and consistent manner as carefully defined by law. The 45 day review by the Legislature provides a further opportunity for appeal of controversial decisions made by the Commission.

- The special elections required under the bill would, we believe, be subject to 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. Review of the submission by the Department of Justice would entail a minimum of 60 days.
- 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 would, in virtually every instance, differ from any established voting precinct, conducting such elections would 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.

  
\_\_\_\_\_  
David G. Hoffman, Commissioner

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: HB 163  
PUBLISH DATE: 3/4/87

REQUEST:

FISCAL NOTE

Revision Date: 1/29/88  
Title: An Act relating to advisory elections on certain annexation proposals.  
Sponsor: GOLL  
Requestor: Senate Community & Regional Affairs Committee  
Agency Affected: \_\_\_\_\_  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*	*	*	*	*	*

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	*	*	*	*	*	*
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

\* See attached.

Prepared by: Linda Edgeworth Phone: 465-4611  
Division: Elections Date: 1/29/88

Approved by Commissioner: [Signature] Date: 2-1-88  
Agency: Office of the Governor, Division of Elections

Distribution (by preparer): 2/1/88  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB #163

Annexations proposed by an entity other than a municipality, for which the Division of Elections would be responsible for conducting an advisory vote election, are rare, according to input provided by the Department of Community and Regional Affairs. It is difficult, therefore, to make any assumptions as to anticipated fiscal impact on the Division in any given year.

At such time an advisory election were to be conducted by the State under this legislation, costs would be based on the type of precinct in which the annexation issue was being voted upon. They are as follows:

Hand Mark Precinct	2.8
Punch Card Precinct	5.8

Computer counted punch card precincts are generally higher in cost due to the need for programming and a Data Processing Review Board to oversee the computer counting of ballots.

P. O. Box 297  
Haines, Alaska 99827

Jan 29, 88

Honorable Senator Arliss Sturgulewski  
Chairman Community and Regional Affairs  
Alaska State Legislature  
P. O. Box V ( M S. 3100 )  
Juneau, Alaska 99811

Dear Senator Sturgulewski,

As you may know Bill I63 ( formerly House Bill 15 )  
passed the house in the 86 and 87 sessions.

Many Alaskans hope that you will move this bill along as we all  
feel that we should have the right to vote when there is a  
proposed Annexation.

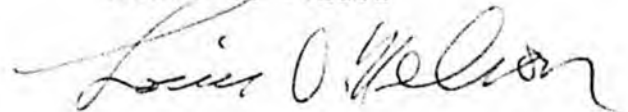
Thanks for keeping Alaska a GREAT STATE and FREE AS Voting  
Americans.

Thanks for your fine cooperation.

Yours,

Truly

Louis O. Nelson



Enc Bill I63

P. O. Box 1333  
Seward, AK 99664  
February 9, 1988

Senator Arliss Sturgulewski  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Sturgulewski:

I understand that HB 163, relating to advisory elections on annexation proposals, is in your Committee on Community and Regional Affairs. Passage of this bill is of critical importance to sound local government. Take for instance, the Copper River Basin, to which my husband and I will be moving this year;

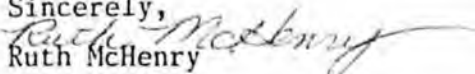
The Copper River Basin is presently threatened by a potential annexation. The Mat-Su Borough has submitted a proposal to annex a portion of the Trans-Alaska Pipeline corridor, for the purpose of increasing Mat-Su's tax base. The annexed area's boundaries would skip around Glennallen and stop just short of Delta. This would allow the Mat-Su Borough to derive maximum revenues while providing minimum services.

The adverse impacts of annexation on our area would be:

- 1) Community cohesiveness would be threatened. Presently, the residents of the Basin think of themselves as part of a unit. They have a single school district, are kept informed of each other's activities through two weekly publications, and work together on projects.
- 2) If the Copper River Basin ever forms a borough, it will need the pipeline tax base worse than Mat-Su does.
- 3) The people living in the annexed area would be ill-served by a borough government headquartered so far from them. They would be a disgruntled minority whose differing needs and views would go unheeded by the Palmer/Wasilla majority. Contrast that with the opportunity for them to be treated as equals in a Copper River Basin borough, should one ever be created.

The Copper River Basin is not the only area that will benefit from passage of HB 163. Delta is threatened by annexations of its potential tax base both by the Mat-Su Borough and the North Star Borough. People living in boroughs but outside cities likewise deserve an advisory vote when cities propose to annex them. The principles of self-determination and self-government demand no less.

It is urgent that this bill be passed in this legislative session, before the Local Boundary Commission acts on annexation proposals. The bill must not be left until the hectic last days, when it could fall by the wayside. Your help is vital. Please move the bill through your committee soon.

Sincerely,  
  
Ruth McHenry



# HAINES BOROUGH

P.O. Box 1209 Haines, Alaska 99827 - (907) 766-2711

January 29, 1988

Senator Arliss Sturgulewski  
Chair, Community and Regional Affairs Committee  
P.O. Box V  
Juneau, AK 99811

Dear Senator <sup>Arless</sup> Sturgulewski:

It is my understanding that HB163 "An act relating to advisory elections on certain annexation proposals" is assigned to your committee. Three years ago this same bill was in HB15, and it too passed the House and passed through all Senate Committees except for the Rules Committee where it died at the end of the session. I hope that you will bring this bill before your committee soon so it will have an opportunity to get on the floor before the end of the session.

I believe that HB163 is extremely important for many of our rural areas. I have been in contact with people in the Copper River area who are afraid of being annexed by the Matsu Borough. I have friends in the Delta area who are afraid they may be annexed by the North Star Borough. These areas need some say into what will happen to them. While HB163 only gives them an advisory vote, the Boundary Commission is required to consider this election.

I have been through three Local Boundary Commission annexations, and a Borough or City who is organized, who has legal aid, and who has experienced speakers to testify can almost always secure a ruling over unorganized groups of citizens who are unfamiliar and often afraid to speak at public hearings. At least a vote gives them some confidence that they have been heard, even if it is just an advisory vote. Then too, I believe it will help the Local Boundary Commission to reach a fair decision, with a better understanding of the local sentiment.

As you are probably aware, I was able to get a resolution through the Alaska School Board Association, Mayor's Conference, and Alaska Municipal League to "allow for future Third Class Boroughs." I believe that many of the rural areas are thinking about organizing, and I believe this should be an option they should have.

Senator Arliss Sturgulewski  
Page 2

I'm not sure rural areas are ready to be forced into Third Class Boroughs, as HB1 provides, but some may want to consider it as a possibility. I am hoping someone will introduce a Bill to allow for the possibility of future Third Class Boroughs besides the Haines Borough. We have found it a simple, uncomplicated form of government with many basic decisions being made by local areas for area needs.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob", written in dark ink.

R. E. Henderson  
Mayor

:mayor (p/2)

ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON

RULES COMMITTEE, CHAIRMAN  
LABOR & COMMERCE COMMITTEE, VICE-CHAIRMAN  
LEGISLATIVE COUNCIL  
RESOURCES COMMITTEE  
FISHERIES SUBCOMMITTEE, CHAIRMAN



P.O. BOX 143  
SITKA, ALASKA 99835

P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4916

M E M O R A N D U M

TO: Senator Arliss Sturgulewski

FROM: Senator Dick Eliason *Dick Eliason*

RE: HB 163

Date: February 18, 1988

I would just like to express my support for the expeditious movement of HB 163, "An Act relating to advisory elections on certain annexation proposals." This bill would allow for municipal elections in the area proposed for annexation. I would like to see this bill calendared as soon as possible and anything you could do to help this process would be greatly appreciated.

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: RHIO BYERS  
TITLE:  
ADDRESS: 18810 WAR ADMIRAL  
CITY: EAGLE RIVER, ALASKA ZIP: 99577  
PHONE: 694-9379  
BILL NO: HB 279  
SUBJECT: LIMITING CLUB LICENSES  
MESSAGE: I URGE YOUR PROMPT ACTION IN RELIEVING FROM COMMITTEE HB 279. I AM  
STRONG SUPPORTER OF PATERNAL ORGANIZATIONS ESPECIALLY THOSE THAT ARE FAMILY  
ORIENTED AND INVOLVE IN LOCAL COMMUNITY PROJECTS.

POMID: 03172619  
DATE: 02/29/88  
TIME: 17:26:19  
LIONAME: ANCHORAGE LIO

COPIES: SENATORS

HALFORD  
KELLY  
SZYMANSKI  
ZHAROFF  
BINKLEY  
DUNCAN  
FISCHER  
HENSLEY  
UEHLING

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

No. 3

Bill Version: CSIB 163(Fin)  
Publish Date: HOUSE 4/6/87

**REQUEST:** \_\_\_\_\_

Revision Date: \_\_\_\_\_

Title: Advisory Elections on Certain Annexation Proposals

Sponsor: Gall

Requestor: House C&RA Committee

Agency Affected: Office of the Governor

BRU: Division of Elections

Components: Component 1

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*	*	*	*	*	*

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

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

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	*	*	*	*	*	*
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

\* SEE ATTACHED

Prepared by: Linda Edgeworth Phone: 465-4611

Division: Division of Elections Date: 3/18/87

Approved by Commissioner: Caspar P. Kestelin Date: 3/19/87

Agency: Office of the Governor

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)
  - Senate Secretary

**CONTINUATION of FISCAL NOTE ANALYSIS**

**For Bill/Resolution No. CSHB 163(Fin)**

Annexations proposed by an entity other than a municipality, for which the Division of Elections would be responsible for conducting an advisory vote election, are rare, according to input provided by the Department of Community and Regional Affairs. It is difficult, therefore, to make any assumptions as to anticipated fiscal impact on the Division in any given year.

At such time an advisory election were to be conducted by the State under this legislation, costs would be based on the type of precinct in which the annexation issue was being voted upon. They are as follows:

Hand Mark Precinct	2.8
Punch Card Precinct	5.8

Computer counted punch card precincts are generally higher in cost due to the need for programming and a Data Processing Review Board to oversee the computer counting of ballots.

STATE OF ALASKA 1987 LEGISLATIVE SESSION No. 4  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version CSHB 163(Fin)  
Publish Date HOUSE 4/6/87

Revision Date: \_\_\_\_\_  
Title: "An Act relating to advisory elections on certain annexation..."  
Sponsor: Representative Goll  
Requestor: House C & RA Committee

Agency Affected: Community & Regional Affs.  
BRU: Local Government Assistance  
Components: Local Boundary Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Doug Griffin, Deputy Director  
Division: Municipal and Regional Assistance

Phone: 465-4750

Date: 3/17/87

Approved by Commissioner: Ward O. Bell  
Agency: Community & Regional Affairs

Date: 3-18-87

Distribution (by preparer):

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