

HB

193



# Alaska State Legislature

House of Representatives  
Community & Regional Affairs

## A G E N D A

TUESDAY, APRIL 11, 1989, 1:30 P.M.

- HB 193 "AN ACT RELATING TO VACANCIES ON AND REALLOCATION OF ELECTIVE BOARD SEATS IN AREAS OF THE UNORGANIZED BOROUGH." - GOVERNOR
- HB 253 "AN ACT MAKING A SPECIAL APPROPRIATION FOR PAYMENT AS A GRANT TO THE CITY OF FAIRBANKS FOR REPLACEMENT OF TECHITE SEWER PIPE; AND PROVIDING FOR AN EFFECTIVE DATE." - BOYER
- HB 259 "AN ACT RELATING TO MUNICIPAL PETITIONS AND ELECTIONS, AND TO APPOINTMENT TO FILL CERTAIN MUNICIPAL OFFICES." - DAVIDSON
- HB 266 "AN ACT RELATING TO LIENS ON REAL PROPERTY TO SECURE PAYMENT FOR SERVICES BY A UTILITY OWNED BY A MUNICIPALITY." - SHULTZ
- CSSB 173 C&RA "AN ACT RELATING TO MUNICIPAL PETITIONS AND ELECTIONS, AND TO APPOINTMENT TO FILL CERTAIN MUNICIPAL OFFICES." - ADAMS

HB 193

"AN ACT RELATING TO VACANCIES ON AND REALLOCATION OF ELECTIVE BOARD SEATS IN AREAS OF THE UNORGANIZED BOROUGH." - GOVERNOR

HOUSE BILL 193 WAS INTRODUCED BY THE GOVERNOR. THIS LEGISLATION WOULD DECLARE VACANT REAA SCHOOL BOARD SEATS WHERE NO CANDIDATE FILES FOR ELECTION. IN SUCH A CASE THE REMAINING SCHOOL BOARD MEMBERS WOULD ELECT A CANDIDATE TO FILL THE EMPTY SEAT.

THIS PROCEDURE WOULD ALSO BE ENACTED IN REGARDS TO COASTAL RESOURCE SERVICE AREA BOARDS.

ANOTHER ASPECT OF THE BILL WOULD ALLOW THE LIEUTENANT GOVERNOR TO REALLOCATE SEATS WHEN THE CENSUS STATISTICS UPON WHICH THEY ARE BASED ARE MORE THAN 5 YEARS OLD AND WHERE OTHER MORE RELIABLE CENSUS DATA EXISTS.

THERE ARE ZERO FISCAL NOTES FROM THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS AND THE DIVISION OF ELECTIONS IN YOUR FILES, ALONG WITH THE GOVERNOR'S TRANSMITTAL LETTER.

HERE TO SPEAK ON BEHALF OF THE LEGISLATION IS LINDA EDGEWORTH FROM THE DIVISION OF ELECTIONS.

-----  
ALSO HERE TO TESTIFY IS STEVE HOLE FROM THE DEPARTMENT OF EDUCATION

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL  
AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 193 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to vacancies on and reallocation of  
7 elective board seats in areas of the unorganized  
8 borough."

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

10 \* Section 1. AS 14.08.041(d) is amended to read:

11 (d) Subject to (f) of this section, a regional school board  
12 member shall be elected at large by the qualified voters of the commu-  
13 nities receiving educational services in the entire regional educa-  
14 tional attendance area. However, each seat on the regional school  
15 board shall be designated by letter or number, and when the declara-  
16 tion of candidacy or other nomination papers of a candidate for the  
17 regional school board are filed those papers must indicate the seat  
18 that the candidate seeks. A newly elected board member takes office  
19 at the first regional school board meeting after certification of the  
20 election. If no candidate files for election to a seat on the  
21 regional school board, the seat is considered vacant at the time a  
22 newly elected member would have taken office.

23 \* Sec. 2. AS 14.08.051(c) is amended to read:

24 (c) If a regional educational attendance area has been divided  
25 into sections, the commissioner shall recast the boundaries of the  
26 sections within 90 days following the official reporting of the decen-  
27 nial federal census in accordance with (a) of this section. If the  
28 census is five years old or older and other reliable population data  
29 establishes that board members do not represent as nearly as

1 practicable equal numbers of people under the allocation of seats to a  
2 multi-member section under (d) of this section, the commissioner may  
3 reallocate the seats among the sections if reallocation will achieve  
4 as nearly as practicable equal representation. Reallocation of seats  
5 takes effect at the next regular board election after the realloca-  
6 tion.

7 \* Sec. 3. AS 46.40.140(e) is amended to read:

8 (e) The lieutenant governor shall provide for the election of  
9 the members of coastal resource service area boards. The first elec-  
10 tion of board members shall occur at the same time as the [NOT LESS  
11 THAN 60 NOR MORE THAN 90 DAYS AFTER CERTIFICATION OF THE RESULTS OF  
12 AN] organization election under AS 46.40.130(b) [IN WHICH A MAJORITY  
13 OF VOTES CAST FAVORS ORGANIZATION OF THE COASTAL RESOURCE SERVICE  
14 AREA].

15 \* Sec. 4. AS 46.40.140(f) is amended to read:

16 (f) Except for the first election of members of coastal resource  
17 service area boards, elections shall be held annually on the date of  
18 election of members of regional educational attendance area boards  
19 under AS 14.08.071(b). For an election under this subsection or under  
20 (e) of this section, a newly elected board member takes office at the  
21 first coastal resource service area board meeting after certification  
22 of the election. If no candidate files for election to a seat on the  
23 coastal resource service area board, the seat is considered vacant at  
24 the time a newly elected member would have taken office.

25 \* Sec. 5. AS 46.40.140(g) is amended to read:

26 (g) A vacancy on a coastal resource service area board shall be  
27 filled by appointment as provided in AS 14.08.041(e) [AS 14.08.041(a)]  
28 for vacancies in the membership of regional educational attendance  
29 area boards.

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 193

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to vacancies on and reallocation of  
7 elective board seats in areas of the unorganized  
8 borough."

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

10 \* Section 1. AS 14.08.041(d) is amended to read:

11 (d) Subject to (f) of this section, a regional school board mem-  
12 ber shall be elected at large by the qualified voters of the communi-  
13 ties receiving educational services in the entire regional educational  
14 attendance area. However, each seat on the regional school board  
15 shall be designated by letter or number, and when the declaration of  
16 candidacy or other nomination papers of a candidate for the regional  
17 school board are filed those papers must indicate the seat that the  
18 candidate seeks. A newly elected board member takes office at the  
19 first regional school board meeting after certification of the elec-  
20 tion. If no candidate files for election to a seat on the regional  
21 school board, the seat is considered vacant at the time a newly elect-  
22 ed member would have taken office.

23 \* Sec. 2. AS 14.08.051(c) is amended to read:

24 (c) If a regional educational attendance area has been divided  
25 into sections, the commissioner shall recast the boundaries of the  
26 sections within 90 days following the official reporting of the decen-  
27 nial federal census in accordance with (a) of this section. If the  
28 census is five years old or older and other reliable population data  
29 establishes that board members do not represent equal numbers of

1 people under the allocation of seats to a multi-member section under  
2 (d) of this section, the commissioner may reallocate the seats among  
3 the sections if reallocation will achieve ~~equal~~ representation. Real-  
4 location of seats takes effect at the <sup>as nearly as practicable,</sup> next regular board election  
5 after the reallocation.

6 \* Sec. 3. AS 46.40.140(e) is amended to read:

7 (e) The lieutenant governor shall provide for the election of  
8 the members of coastal resource service area boards. The first elec-  
9 tion of board members shall occur at the same time as the [NOT LESS  
10 THAN 60 NOR MORE THAN 90 DAYS AFTER CERTIFICATION OF THE RESULTS OF  
11 AN] organization election under AS 46.40.130(b) [IN WHICH A MAJORITY  
12 OF VOTES CAST FAVORS ORGANIZATION OF THE COASTAL RESOURCE SERVICE  
13 AREA].

14 \* Sec. 4. AS 46.40.140(f) is amended to read:

15 (f) Except for the first election of members of coastal resource  
16 service area boards, elections shall be held annually on the date of  
17 election of members of regional educational attendance area boards  
18 under AS 14.08.071(b). For an election under this subsection or under  
19 (e) of this section, a newly elected board member takes office at the  
20 first coastal resource service area board meeting after certification  
21 of the election. If no candidate files for election to a seat on the  
22 coastal resource service area board, the seat is considered vacant at  
23 the time a newly elected member would have taken office.

24 \* Sec. 5. AS 46.40.140(g) is amended to read:

25 (g) A vacancy on a coastal resource service area board shall be  
26 filled by appointment as provided in AS 14.08.041(e) AS [14.08.041(a)]  
27 for vacancies in the membership of regional educational attendance  
28 area boards.



# Alaska State Legislature

## House of Representatives Community & Regional Affairs

### TABLE OF CONTENTS

#### HOUSE BILL 193

\*\*\*\*\*

ITEM 1:	0 Fiscal Note - Department of Education
ITEM 2:	0 Fiscal Note - Department of Community & Regional Aff.
ITEM 3:	0 Fiscal Note - Division of Elections
ITEM 4:	Governor's Transmittal Letter
ITEM 5:	Letter of Support - State Review Board
ITEM 6:	Letter of Support - Kashunamiut School District
ITEM 7:	Letter of Support - Chugach School District
ITEM 8:	HB 193

#1

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: HB 193  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Vacancies on and Reallocation of  
Elective Board Seats  
Sponsor: Rules  
Requestor: House CARRA

Agency Affected: Education  
BRU: K-12 Support  
Components: Foundation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

\_\_\_\_\_

Prepared by: Mary Hakala  
Division: Commissioner's Office  
Approved by Commissioner: William G. Dammert  
Agency: Education

Phone: 465-2800  
Date: 3/28/89  
Date: 3/28/89

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

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: HB 193  
PUBLISH DATE: HOUSE 2/24/89

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act..representation & elections  
in..unorganized borough."  
Sponsor: Rules Committee  
Requestor: Governor

Agency Affected: Community & Regional Affairs  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jim Plasman, Deputy Director Phone: 465-4750  
 Division: Municipal & Regional Assistance Date: 2/6/89  
 Approved by Commissioner: [Signature] DC, CRA Date: 6 Feb 89  
 Agency: Community & Regional Affairs

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

#3

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: Representation and Elections  
In the Unorganized Borough  
Sponsor: Rules  
Requestor: -Governor

Agency Affected: Office of the Governor  
BRU: Elections  
Components: I - Elections

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

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

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth  
Division: Division of Elections

Phone: 465-4611  
Date: 1-12-89

Approved by Commissioner: *Sandra Stout*  
Agency: Division of Elections

Date: 1/13/89

Distribution (by preparer):

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

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 24, 1989

The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to elections in areas of the unorganized borough. The bill addresses problems identified by the division of elections (division) in administering elections in regional educational attendance areas (REAA's) and coastal resource service areas (CRSA's) in the unorganized borough.

Frequently, no candidate files for election to an REAA or CRSA seat. When this happens, numerous names are written in by the voters and must be tallied by the division. A person whose name is written in by only a few voters may be elected to fill a seat. Sections 1 and 4 of the bill amend AS 14.08.041(d) and AS 46.40.140(f), respectively, to provide that, if no candidate files for election to an REAA or CRSA seat, the seat is considered vacant at the time the new member would have taken office. Once a seat is vacant, current law provides that the remaining members of the board shall appoint a person to fill the vacancy until the next regular election, when a successor shall be elected to serve the balance of the term.

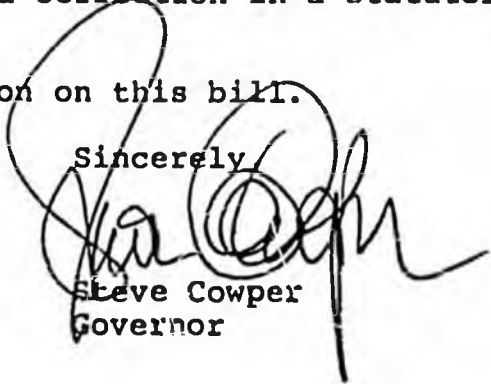
Recently, due to population shifts in an REAA, a multi-member section was overrepresented by board members. Reallocation of one of the seats of the multi-member section to another section would have resulted in more equal representation. Section 2 of the bill provides that, if census data is five or more years old and other reliable population data establishes that representation is unequal under the allocation of seats to multi-member districts, the commissioner of education may reallocate seats if reallocation will achieve equal representation. A reallocation under this provision will not affect the boundaries of the sections, which are required to be established with regard to community, cultural, and geographic considerations.

Under current law, two elections must be conducted before a CRSA is established and can function -- first, an election to determine whether the CRSA will be established (AS 46.40.130(b)), and second, an election to elect board members (AS 46.40.140(e)). In contrast to this cumbersome and time-consuming procedure, statutes concerning incorporation of municipalities provide for election of initial municipal officers at the same time an election is held to determine whether a municipality will be incorporated. This approach is more reasonable and economical. Section 3 of the bill amends AS 46.40.140(e) to provide that the election of initial members of a CRSA board occurs at the same time as the election on the issue of whether the CRSA should be organized.

Section 5 makes a technical correction in a statutory reference.

I urge your favorable action on this bill.

Sincerely,



Steve Cowper  
Governor

3-27-89

Dear Representative Maclean:

We, as the State Review Board, have been watching the progress of H.B.193. We are in favor of the bill and would like to share a few observations with you.

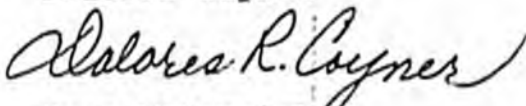
In the last Rural Education Attendance Area, (REAA)/Coastal Resource Service Area, (CRSA) election, we found ourselves filling out an election spreadsheet for races for which no one had filed. In one race, the write-ins were 90 different names and in the other race, there were 120 names. We went thru this exercise only after the precincts had done their jobs. We found the voters were very confused about the ballot and the process of filling the REAA/CRSA vacancies.

A major problem was that the candidates were nominated by sections but were elected at large. This meant that some voters knew no candidate name to write in, but felt they should put in something, so they wrote in the Village name to be represented. The winner usually got no more than a handful of votes. To say the people spoke, would not be an honest representation of the facts.

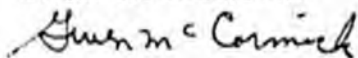
We would appreciate your serious consideration of this bill.

Thank You,

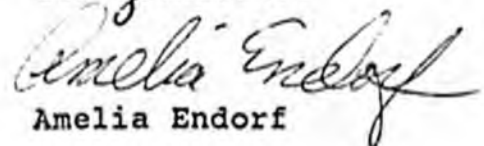
Dolores Coyner



Gwen McCormick



Terry Shattuck



Amelia Endorf

**Kashunamiut School District**  
**Chevak, Alaska 99563**

March 27, 1989

Linda Edgeworth, Information Officer  
Divisions of Elections  
Office of the Governor  
Pouch AF  
Juneau, Alaska 99811-9974

re: House Bill #. 193

Dear Ms. Edgeworth:

I have had the opportunity to review and consider House Bill No. 193. In my opinion the passage of this bill makes good since. For example, several times, I have seen situations where no one filled for a seat on a REAA board. When it came time to vote numerous people received several votes. Once I recall someone being seated on the school board with as few as twelve votes! In this particular election several hundred people had cast their votes. Obviously the "people" hadn't made a choice. There are numerous cases I could give you that would demonstrate my point.

Passage of House Bill No. 193 would help resolve some of the problems of REAA school board elections.

I strongly support passage of this legislation. Should you need any other help or support for this bill please feel free to contact me.

Sincerely,



Alex P. Tatum  
Superintendent

# 7

Division of Elections  
Attn: Linda Edgeworth  
Fax: 465-3203

RE: HOUSE BILL NO. 193

DISTRICT POSITION

The Chugach School District supports the passage of HB193, an Act relating to vacancies on and reallocation of elective Board seats in the REAA attendance areas.

REASONS

We believe that if a qualified candidate for a school Board seat does not file for election, a write-in candidate could be seated on the Board with a few votes and not have hardly any district support. This would be contrary to the process. Appointment by the existing Board would be more representative than a write-in with 3-4 votes.

Our District is characterized by our two sections. One being over-represented and the other under represented. HB193 would provide the mechanism to correct that problem with the Commissioner having the authority to allocate the seats based upon new data if the census is five years old or older.

SUMMARY

HB 193 is a good bill for education in the unorganized boroughs. The Chugach School District strongly supports its passage into law.

Sincerely,



Robert T. Brown  
Superintendent

RTB/nam

# HOUSE COMMITTEE REPORT

(5)

Date Referred: February 24, 1989

FURTHER REFERRALS: HESS

Date of Committee Action: 4/11/89

The COMMUNITY & REGIONAL AFFAIRS Committee considered: HB 193

HOUSE BILL NO. 193 [REAA SCHOOL BOARD MEMBERSHIP]  
"An Act relating to vacancies on and reallocation of elective board seats in areas of the unorganized borough."

### RECOMMENDS:

- [  ] replacing with CS HB 193 C+RA [  ] the same title
- [  ] the attached amendment(s) [  ] a new title
- [  ] do pass
- [  ] do not pass
- [  ] no recommendation
- [  ] individual recommendations
- [  ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

### ATTACHES NEW FISCAL NOTE(S):

- [  ] fiscal impact
- [  ] zero fiscal note
- [  ] zero with analysis

### APPROVES PREVIOUS:

- [  ] fiscal note(s) published: \_\_\_\_\_
- 2 [  ] zero fiscal notes(s) published:  
C+RA - 2-24-89, Div of Elections 2-24

### SIGNING DO PASS:

Chris Davis  
[Signature]  
Eileen P. MacLean  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### SIGNING OTHER THAN DO PASS: (Do Not Pass, No Recommendation, Amend)

Richard [Signature] NOR  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Eileen P. MacLean  
Chairman's signature

sched

HB 193 "An Act relating to vacancies on and reallocation of elective board seats in areas of the unorganized borough." - GOVERNOR

We have been requested to hear this legislation as soon as possible. It was introduced because in many REAA's there are seats in which no one is running for election not even the incumbent. In these cases it is common for people to write in candidates. There may be 10 or more written candidates each only receiving an hand full of votes. These must be counted by the Division of Elections. Then they must ascertain if the person who has received the vote even wants to be a member of the School Board. It is not uncommon that the person when contact has no idea that they have been elected and is not even interested. All this costs the state and does not result in the best representation of the REAA.

What the bill would do is consider those seats empty on the first school board meeting. The School Board would then elect a candidate to fill the seat.

I think we should schedule it Thursday next week or Tuesday the following. The Division of Election will provide more information by that time.