

**HB**

**155**

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

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Juneau, Alaska 99801-2105

## MEMORANDUM

March 25, 1999

**SUBJECT:** Sectional Summary (HB 155)

**TO:** Representative Harold Smalley  
Attn: Katrina Matheny

**FROM:** Tamara Brandt Cook  
Director *TBC*

Please note at the outset that this bill amends sections of law that are home rule limitations, that is, the changes made in this bill would apply to home rule as well as general law boroughs. (AS 29.10.200(11))

**Sec. 1.** Requires a borough assembly to propose and submit to voters one or more forms of assembly representation not later than the first regular election that occurs after adoption of a final state redistricting plan. Under Art. VI, sec. 10(a) of the state constitution the final state redistricting plan must be adopted no later than 90 days after the board has been appointed and the official reporting of the decennial census of the United States. Existing law requires the assembly to act not later than the first regular election held after the report of a federal decennial census.

**Sec. 2.** Like the change in sec. 1, this ties the date the assembly must determine whether the existing apportionment of the assembly meets legal standards to the date a final state redistricting plan is adopted rather than the date of the federal decennial census report itself.

**Sec. 3.** This permits the assembly to provide for a change in an existing apportionment of the assembly whenever a final state redistricting plan is changed as a result of federal or court action.

**Sec. 4.** This is primarily a technical amendment to accommodate the change made in sec. 3. If an ordinance providing for reapportionment has not been approved by the voters by the time limit, and if the current apportionment does not meet the standards established by law, the commissioner of community and regional affairs reapportions the assembly.

TBC:jdr:glc  
99-158.jdr



## KENAI PENINSULA BOROUGH

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LINDA MURPHY, CMC  
BOROUGH CLERK

March 5, 1999

The Honorable Hal Smalley  
Alaska House of Representatives  
State Capitol, Room 428  
Juneau, AK 99801-1182

Dear Representative Smalley:

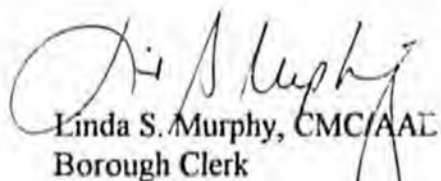
As we discussed in Juneau last month, I am requesting that you sponsor a bill to change the date when the borough assembly is required to present its reapportionment plan to the voters. Currently, AS 29.20.080 requires the assembly to determine whether its existing apportionment meets state standards **not later than two months after the official report of the federal decennial census**. If it is determined that the existing apportionment fails to meet the standards set forth in AS 29.20.060, the assembly must adopt an ordinance providing for reapportionment and **present it to the voters within 6 months of its determination under AS 29.20.080.**

As you know, this is some time prior to the date the state's reapportionment plan is completed and approved by the U. S. Department of Justice. It is, therefore, virtually impossible for the Kenai Peninsula Borough to develop and adopt a plan with districts that will follow state precinct lines since the new lines are unknown to us at the time we, by law, must put our plan in place. It would seem more appropriate to require the assembly to adopt its reapportionment plan and take it to the voters **after** the state's plan has been approved and put in place.

Any assistance you can provide to see that this issue is addressed this year will be very much appreciated. If you have any questions, please give me a call at your convenience.

Sincerely,

Kenai Peninsula Borough

  
Linda S. Murphy, CMC/AAL  
Borough Clerk

cc: Sandy Stout, Director, Division of Elections  
Kevin Richie, Executive Director, Alaska Municipal League



217 Second Street, Suite 200 • Juneau, Alaska 99801 • Tel (907)586-1325, Fax (907)-463-5480

April 2, 1999

Representative Hal Smalley  
State Capitol, Room 428  
Juneau, AK 99801

Dear Representative Smalley:

On behalf of the members of the Alaska Municipal League, we are writing in support of HB 155, relating to municipal assembly forms or representation and apportionment. We appreciate your interest in trying to solve a problem for municipal governments. They will benefit greatly if they are able to adopt their reapportionment plan after the state has put theirs in place.

According to the 1999 AML Policy Statement adopted at the annual meeting in Fairbanks:

*B. Elections and Reapportionment. The League supports legislation that would allow for reapportionment after state districts have been reapportioned.*

Whatever we can do to eliminate the confusion of voters and encourage them to participate in elections will be better for the state.

Thank you for your continued support of Alaska's municipalities.

Sincerely,

Kevin C. Ritchie  
Executive Director

cc: AML Education and Local Government Subcommittee

# Alaska State Legislature

## Committees

State Affairs Committee  
Special Committee  
on Fisheries  
Special Committee  
on Oil and Gas



Representative Hal Smalley  
District 9

During Session  
Alaska State Capitol  
Juneau, Alaska 99801-1152

During Interim  
145 Main St. 1st. Ste. 221  
Kenai, Alaska 99541

## Memorandum

**To:** Representative Andrew Halero  
**From:** Representative Hal Smalley *HS*  
**Date:** March 24, 1999  
**Re:** HB 155

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I would respectfully request that you hold a hearing on HB 155, "An act relating to municipal assembly forms of representation and apportionment", at your earliest convenience.

Thank you for your consideration of this request.