

**HB**

**155**

# 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 99801-1182

During Interim:  
145 Main St Lp. Ste. 221  
Kenai, Alaska 99611

## Memorandum

**To:** Representative Pete Kott, Chairman  
House Judiciary Committee  
**From:** Representative Hal Smalley *HAS*  
**Date:** April 8, 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.

# Alaska State Legislature

## Committees

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on Fisheries

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## SPONSOR STATEMENT – HB 155

HB 155, "An act relating to municipal assembly forms of representation and apportionment," allows the municipal assemblies to adopt their reapportionment plan and take it to the voters after the state's plan has been approved and put in place. In other words, no later than the 1<sup>st</sup> general election that occurs after adoption of a final state redistricting plan.

Currently, AS.29.20.060 requires the assembly to determine whether its existing apportionment meets state standards no 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. Because of this requirement, it is virtually impossible for the assembly to develop and adopt a plan with districts that follow state precinct lines since the new lines are unknown to them at the time that they must put their plan in place.

This bill will also allow the assembly to go back to the voters whenever a final state redistricting plan is changed as a result of federal or court action.

With the passage of this bill, municipalities will now have the tools necessary to adopt a plan with districts that follow state precinct lines. This will ultimately eliminate the confusion at the polling places and make life easier for the voters and the election workers.

# FISCAL NOTE

Revision Date: \_\_\_\_\_ Dept. Affected: Community & Regional Affairs  
 Title: An Act relating to municipal assembly BRU: \_\_\_\_\_  
forms of representation and apportionment. Component: \_\_\_\_\_  
 Sponsor: REPRESENTATIVES Smalley, Davis,...  
 Requestor: House CRA Committee COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>REVENUE FUND SOURCE:</b>						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current (FY99) impact \$ none

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

This legislation would have no fiscal impact on the department.

Prepared by: Yvonne Chase, Acting Director Phone: 465-4709  
 Division: Division of Administrative Services Date: 4/7/99  
 Approved by Commissioner: *M. J. ...* Date: 4/7/99  
 Agency: Community & Regional Affairs

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130 Seward Street, Suite 409  
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

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599  
BUSINESS (907) 262-8608 FAX (907) 262-8615  
EMAIL: assemblyclerk@borough.kenai.ak.us

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:

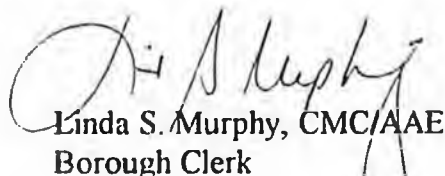
As we discussed in Juneau last month, I am requesting that you sponsor a bill to change the date when the borough assembly is required to present its reapportionment plan to the voters. Currently, AS 29.20.080 requires the assembly to determine whether its existing apportionment meets state standards **not later than two months after the official report of the federal decennial census**. If it is determined that the exiting 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/AEE  
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