

**HB**

**2017**

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 207  
 (H) Publish Date: 4/28/01

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected \_\_\_\_\_  
 Title Judicial District Lines BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Representative Kapsner  
 Requester House Judiciary Component No. 768

**Expcnditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<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>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 The court system does not anticipate any fiscal impact from the passage of HB 207.

Prepared by: Douglas Wooliver Phone 463-4750  
 Division Alaska Court System Date/Time 4/19/01 3:30 p.m.  
 Approved by: Stephanie Cole Date \_\_\_\_\_  
 Agency Alaska Court System

For distribution information, call the Governor's Legislative Office

HB 207

Title change suggestion:

An act moving election district 24 as described in the Constitution of the State of Alaska at statehood from the second judicial district to the fourth judicial district and adding the Nabesna area to the third judicial district and removing it from the fourth judicial district.

*Amendment # 1 → Adopted*

HB 207

Title change suggestion:

- An act moving election district 24 as described in the Constitution of the State of Alaska at statehood from the second judicial district to the fourth judicial district and adding the Nabesna area to the third judicial district and removing it from the fourth judicial district.

WORK DRAFT

WORK DRAFT

WORK DRAFT

22-LS0518U  
Luckhaupt  
3/20/02

**CS FOR HOUSE BILL NO. 207( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SECOND LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES KAPSNER, Foster**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the boundaries of the judicial districts of the state."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1. AS 22.10.010 is amended to read:**

4 **Sec. 22.10.010. Establishment of superior court. There shall be one**  
5 **superior court for the state. The court shall consist of four districts bounded as**  
6 **follows:**

7 **First District: the area within election districts numbered one to six, both**  
8 **inclusive, as those districts are described in art. XIV of the state constitution on**  
9 **March 19, 1959;**

10 **Second District: the area within election districts numbered 21 to 23 [24], both**  
11 **inclusive, and those areas of election districts 18 and 20 within the boundaries of the**  
12 **North Slope Borough, as those districts are described in art. XIV of the state**  
13 **constitution on March 19, 1959;**

14 **Third District: the area within election districts numbered seven to 15, both**  
15 **inclusive, as those districts are described in art. XIV of the state constitution on**

WORK DRAFT

WORK DRAFT

22-LS0518U

1 March 19, 1959, and the portion of election district 19, as that district is described  
 2 in art. XIV of the state constitution on March 19, 1959, that is in the Glennallen  
 3 Venue District on March 1, 2002, described as follows: Beginning at a point on  
 4 the divide between the watersheds of the Tanana River and the Copper River  
 5 south of the headwaters of Totschunda Creek; thence southwesterly in a straight  
 6 line first crossing the Nabesna River to Mt. Allen; thence meandering on the  
 7 divide mountain peak to mountain peak to a point north of Regal Mountain on  
 8 the divide separating the Nabesna Glacier from the Chisana Glacier; thence  
 9 westerly and northwesterly along the divide between the watersheds of the  
 10 Tanana River and Copper River as it meanders from mountain peak to mountain  
 11 peak back to a point on the divide south of the headwaters of the Totschunda  
 12 Creek, the place of the beginning; and

13 Fourth District: the area within election districts numbered 16, 17, and 24 [19],  
 14 [AND] the areas of election districts numbered 18 and 20 not included in the second  
 15 district, and the area of election district numbered 19 not included in the third  
 16 district, as those districts are described in art. XIV of the state constitution on  
 17 March 19, 1959.

18 \* Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to  
 19 read:

20 TRANSITION. (a) A district court judge, magistrate, clerk, or other employee of the  
 21 Second Judicial District located within election district 24 on the day before the effective date  
 22 of this Act shall, on the effective date of this Act, be a judge, magistrate, clerk, or employee of  
 23 the Fourth Judicial District.

24 (b) A district court judge, magistrate, clerk, or other employee of the Fourth Judicial  
 25 District located within the portion of election district 19 on the day before the effective date of  
 26 this Act added to the Third Judicial District in sec. 1 of this Act shall, on the effective date of  
 27 this Act, be a judge, magistrate, clerk, or employee of the Third Judicial District.

**CS FOR HOUSE BILL NO. 207(RLS)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SECOND LEGISLATURE - SECOND SESSION**

**BY THE HOUSE RULES COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES KAPSNER, Foster**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the boundaries of the judicial districts of the state."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1.** AS 22.10.010 is amended to read:

4           **Sec. 22.10.010. Establishment of superior court.** There shall be one  
5 superior court for the state. The court shall consist of four districts bounded as  
6 follows:

7           First District: the area within election districts numbered one to six, both  
8 inclusive, as those districts are described in art. XIV of the state constitution on  
9 March 19, 1959;

10           Second District: the area within election districts numbered 21 to 23 [24], both  
11 inclusive, and those areas of election districts 18 and 20 within the boundaries of the  
12 North Slope Borough, as those districts are described in art. XIV of the state  
13 constitution on March 19, 1959;

14           Third District: the area within election districts numbered seven to 15, both  
15 inclusive, as those districts are described in art. XIV of the state constitution on

1        March 19, 1959, and the portion of election district 19, as that district is described  
2        in art. XIV of the state constitution on March 19, 1959, described as follows:  
3        Beginning at a point on the divide between the watersheds of the Tanana River  
4        and the Copper River south of the headwaters of Totschunda Creek; thence  
5        southwesterly in a straight line first crossing the Nabesna River to Mt. Allen;  
6        thence meandering on the divide mountain peak to mountain peak to a point  
7        north of Regal Mountain on the divide separating the Nabesna Glacier from the  
8        Chisana Glacier; thence westerly and northwesterly along the divide between the  
9        watersheds of the Tanana River and Copper River as it meanders from mountain  
10       peak to mountain peak back to a point on the divide south of the headwaters of  
11       the Totschunda Creek, the place of the beginning; and

12                Fourth District: the area within election districts numbered 16, 17, and 24 [19],  
13        and the areas of election districts numbered 18 and 20 not included in the second  
14        district, and the area of election district numbered 19 not included in the third  
15        district, as those districts are described in art. XIV of the state constitution on  
16        March 19, 1959.

17        \* Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to  
18        read:

19                TRANSITION. (a) A district court judge, magistrate, clerk, or other employee of the  
20        Second Judicial District located within election district 24 on the day before the effective date  
21        of this Act shall, on the effective date of this Act, be a judge, magistrate, clerk, or employee of  
22        the Fourth Judicial District.

23                (b) A district court judge, magistrate, clerk, or other employee of the Fourth Judicial  
24        District located within the portion of election district 19 on the day before the effective date of  
25        this Act added to the Third Judicial District in sec. 1 of this Act shall, on the effective date of  
26        this Act, be a judge, magistrate, clerk, or employee of the Third Judicial District.

# *Representative Mary Kapsner*

State Capitol • Juneau, Alaska 99801-1182

Phone: (907) 465-4942 • Fax: (907) 465-4589

E-Mail: [Representative\\_Mary\\_Kapsner@legis.state.ak.us](mailto:Representative_Mary_Kapsner@legis.state.ak.us)

House District 39

Lower Kuskokwim and Upper Bristol Bay

Akiachak  
Akiak  
Aleknagik  
Atmautluak  
Bethel  
Chefornak  
Clarks Point  
Dillingham  
Eek  
Ekuk  
Ekwok  
Goodnews Bay  
Kasigluk  
Kipnuk  
Koliganek  
Kongiganak  
Kwethluk  
Kwigillingok  
Manokotak  
Napakiak  
Napaskiak  
New Stuyahok  
Nunapitchuk  
Oscarville  
Platinum  
Portage Creek  
Quinhagak  
Togalak  
Tuntutuliak  
Twin Hills

## HB 207 Realignment of Judicial Districts

### Sponsor Statement

Judicial district boundaries were established at Statehood. They were based on the boundaries of the established election districts and reflected commerce and communication systems of the time. Since that time the state has been reapportioned numerous times, and development in the Lower Yukon has changed the region in substantial ways. The result for communities in the region serviced out of the Bethel Venue District is an arbitrary judicial district line that no longer conforms to social, political, and economic structure of the region.

HB 207 addresses the specific circumstance in which villages in the Lower Yukon find themselves aligned with the Second Judicial District but serviced out of the Bethel Venue within the Fourth Judicial District. The bill simply moves jurisdiction of those 13 villages into the Third Judicial District.

The movement provides a natural alignment with boundaries recognized under existing cultural and political divisions. The population of these communities is predominantly Yupik. The regional Native corporation is Calista, and most health and safety services are provided by the Association of Village Council Presidents and Yukon-Kuskokwim Health Corporation. Bethel is the transportation hub for communities in the Lower Yukon, and the alignment for the court system in servicing the Lower Yukon villages out of the Bethel court has been natural. The alternative, for citizens to be tried out of the Nome court, would require a complicated travel web from Nome to Anchorage to Bethel to the community, or visa versa.

An important additional benefit of moving the villages in this region into the Bethel Court venue is that citizens of these 13 communities would for the first time have the benefit of voting on the question of retention of the judges who preside over cases involving them. It speaks to one of the basic principles of our democracy, citizen participation in governmental processes.

A similar problem exists for residents of Nabesna, presently situated in the Fourth Judicial District but whose venue district is Glennallen, in the Third Judicial District. Over the interim the court system determined language to identify the appropriate new boundary line, and it is included in the proposed committee substitute.

# **Alaska Civil Liberties Union Foundation**

*An Affiliate of the American Civil Liberties Union*

P. O. Box 201844, Anchorage, AK 99520-1844

Phone: (907) 258-0044 Fax: (907) 258-0288 Email: akclu@alaska.net

To: House Judiciary Committee  
From: Jennifer Rudinger, Executive Director  
Date: April 26, 2001

## Statement in Support of House Bill 207

Dear Chairman Rokeberg and Honorable Members of the House Judiciary Committee:

Thank you very much for scheduling HB 207 ("An act relating to judicial districts of the state") for a hearing on Friday, April 27<sup>th</sup>. Unfortunately, I will be unavailable to testify on Friday, so I wish to make this statement in support of HB 207 available to the Committee. Here, in a nutshell, is why it is critical that HB 207 pass as quickly as possible:

### **THE PROBLEM:**

Through two anomalies of boundary lines, the rights of some Alaskans to vote in judicial retention elections have been infringed. The two affected areas are the thirteen villages in the Wade Hampton Census Area (Lower Yukon) and a small area around Nabesna (north of the Wrangells). In these two areas of the state, residents are not permitted to vote for or against the retention of the superior and district court judges that serve them. In Wade Hampton, voters are given judicial retention ballots for judges serving in the Second Judicial District (Nome, Kotzebue, and Barrow). But the court venue district for the Wade Hampton villages is Bethel. That is, when Wade Hampton residents go to court they appear before Bethel judges, who only stand for retention on ballots in the Fourth Judicial District. Similarly, Nabesna is located in the Fourth Judicial District, but its venue district is Glennallen, which is in the Third Judicial District.

The problem is that in these two areas the Judicial District boundaries are not congruent with the court system's venue district boundaries; residents live in one judicial district and access the court system in another judicial district. Since superior and district court judges stand for retention only in the judicial district to which they were appointed, pursuant to Alaska Statutes 15.35.080 & .090, voters in Wade Hampton and Nabesna do not get to approve the judges that are assigned to interpret their legal rights.

### **THE CONSTITUTIONAL VIOLATION:**

Residents of these two areas are the only voters in the state that are deprived of their right to vote for the retention of the judges who serve them. It is clear that the right to vote is fundamental. *Vogler v. Miller*, 651 P.2d 1, 3 (Alaska 1982). The Alaska Supreme Court has noted a significant constitutional interest in protecting "a voter's right to an equally geographically effective or powerful vote." *Kenai Peninsula Borough v. State*, 743 P.2d 1352, 1372 (Alaska 1987). The court stated that "it is implicit in our constitutional structure that similarly situated communities be treated in a similar

manner." Id. The current judicial retention balloting scheme clearly deprives the residents of Wade Hampton and Nabesna of their right to fair and effective voting. There is no legitimate justification for the disparate treatment of these Alaskans. Their voting rights have been deprived through historical anomalies of line drawing. Residents of the Wade Hampton villages have requested the assistance of the Legislature and the Alaska Civil Liberties Union in vindicating their voting rights. Their legal claim is absolute and would prevail in court, but HB 207 can fix the problem and avoid unnecessary litigation.

#### THE SOLUTION:

This problem is solved by making the judicial district boundaries conform to the court system's venue district boundaries. The venue districts are drawn based on important socio-economic considerations, including transportation and commerce routes. For example, the nearest supply center for the Wade Hampton area is Bethel, and for Nabesna, it is Glennallen. It is logical that these areas are served by the courts in their nearest hub cities, so the judicial venue district boundaries should remain unchanged. In contrast, the judicial district boundaries are historical rather than practical, created by Alaska Statute 22.10.010 by combining areas within election districts as they were described in art XIV of the state constitution on March 19, 1959. (These original, statehood, election districts are nothing like the legislative districts today, since they have been redrawn at least once every decade. The current legislative redistricting will similarly not affect the boundaries of the judicial districts, which remain fixed in AS 22.10.010.)

#### HOUSE BILL NO. 207:

This bill is a simple and elegant fix to the problem of the Wade Hampton area residents. As it happens, the Wade Hampton Census Area was election district 24 on March 19, 1959. So amending AS 22.10.010 to move election district 24 from the Second Judicial District to the Fourth Judicial District will solve the problem for these residents. Bethel is in the Fourth Judicial District, so henceforth the Wade Hampton villages would get ballots that include the Bethel judges that serve them. The current version of HB 207 does exactly this and no more. Since 99% of the affected voters live in Wade Hampton, this solution goes a long way toward correcting the constitutional problem. A complete fix, however, would also alter the boundary line of the Third Judicial District to include Nabesna. The court system should be able to provide language describing its venue district line in that area that could be used to make the boundary lines congruent around Nabesna as well. There has been one prior change to AS 22.10.010, in 1974, to conform the boundary of the Second Judicial District to that of the North Slope Borough, so altering judicial district lines is not unprecedented. Further, the 1974 amendment provides a model of how to impose another geographic description on the described election districts in AS 22.10.010 – a potential way to fix the problem of Nabesna. But since only three voters are registered in Nabesna, with perhaps a dozen more along the Nabesna Road within the Fourth Judicial District, this bill should be passed, even if it cannot easily be amended to help Nabesna.



# alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046  
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR  
William T. Cotton

NON-ATTORNEY MEMBERS  
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April 4, 2001

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CHAIR, EX OFFICIO  
Dana Fabe  
Chief Justice  
Supreme Court

Representative Mary Kapsner  
Representative Richard Foster  
State Capitol  
Juneau, AK 99801-1182

Dear Representatives Kapsner and Foster:

The Judicial Council unanimously voted last Thursday to endorse HB207 which corrects the judicial districting problem for several small communities for north of Bethel. Thanks for your attention to this issue. I would be happy to testify for the bill when it comes up.

Please feel free to give me a call if I can be of assistance.

Sincerely,

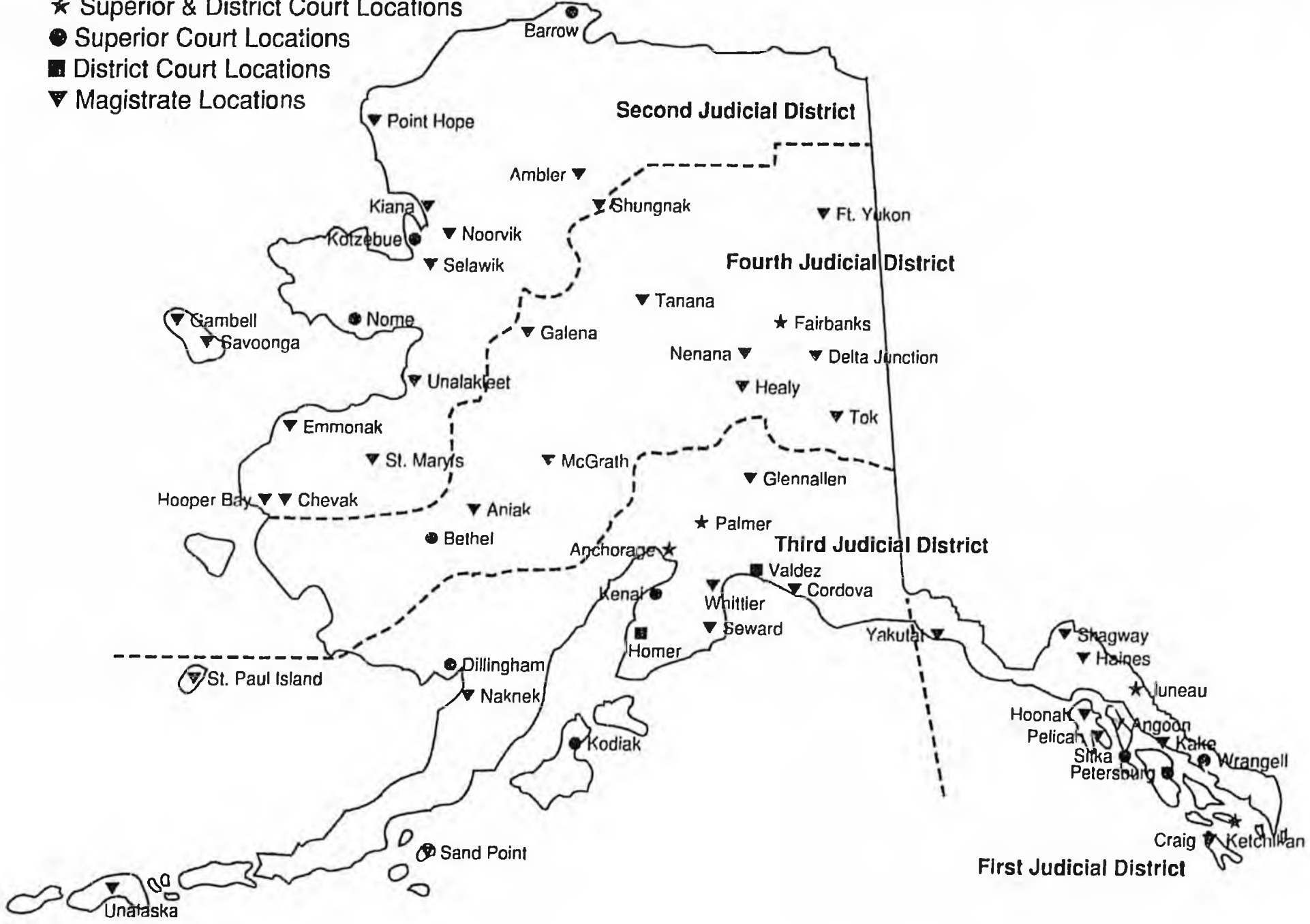
A handwritten signature in cursive script, appearing to read "William T. Cotton".

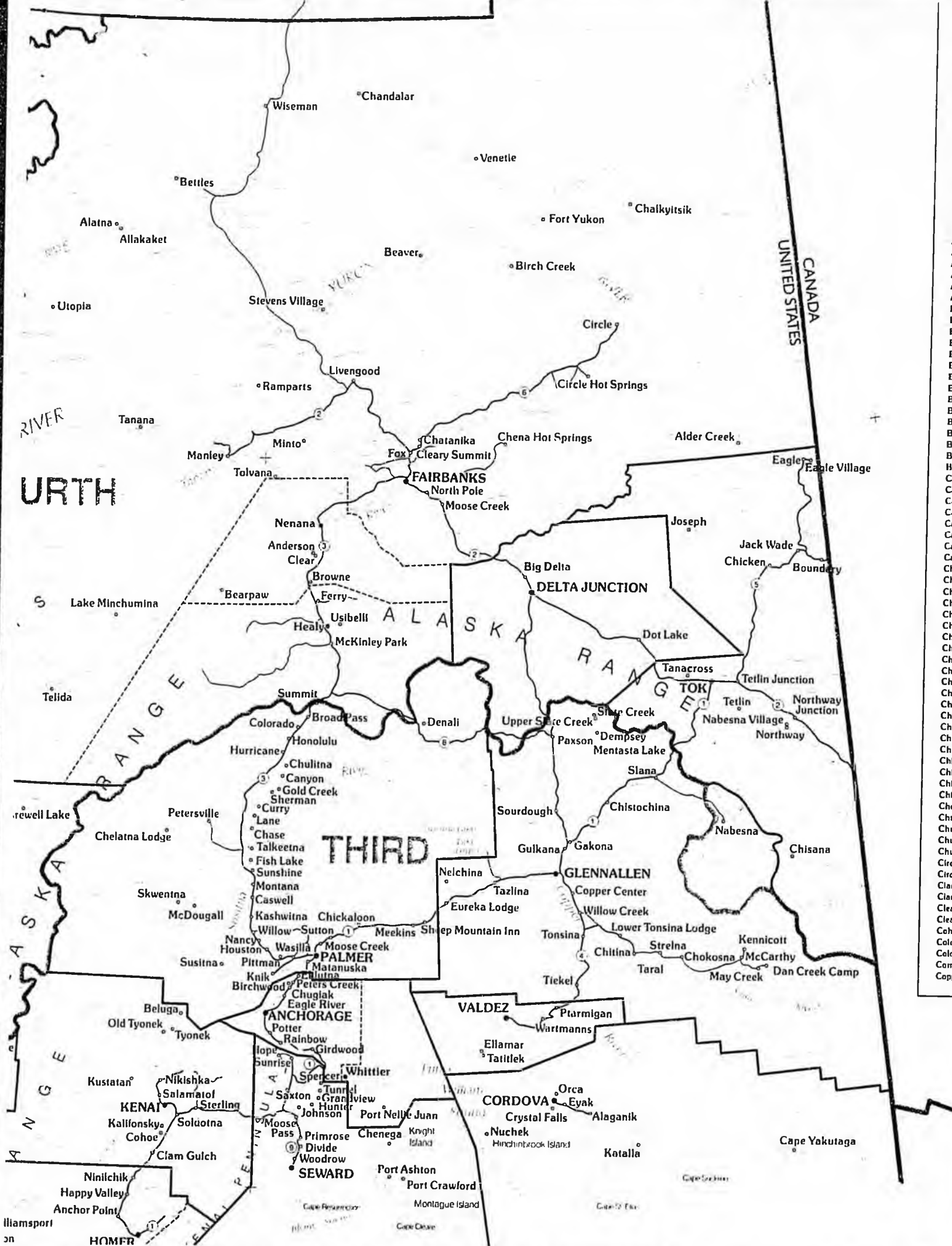
William T. Cotton  
Executive Director

WTC:gf

# ALASKA COURT LOCATIONS

- ★ Superior & District Court Locations
- Superior Court Locations
- District Court Locations
- ▼ Magistrate Locations





- Com
- Akua
- Alaga
- Alaka
- Alatn
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- Allak
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- Chena
- Chone
- Cheval
- Chlchu
- Chicke
- Chicke
- Chigni
- Chilka
- Chison
- Chisto
- Chitlin
- Choko
- Chrom
- Chuail
- Chugli
- Chullit
- Circle
- Circle I
- Clam C
- Clark's
- Clear
- Cleary
- Cohor
- Cold B
- Colora
- Comel
- Copper

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