

HB

2017

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 207(RLS)
(H) Publish Date: 3/26/02

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Judicial District Boundary Lines ORU Alaska Court System
Component Trial Courts
Sponsor Representative Kapsner
Requester House Rules Committee Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

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 CSHB 207(RLS).

Prepared by: Douglas Woolver Phone 463-4750
Division: Alaska Court System Date/Time 3/25/02 4:51 PM
Approved by: Stephanie Cole Date 3/25/02
Agency: Alaska Court System

Representative Mary Kapsner

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House District 39

Lower Kuskowkm and Upper Bristol Bay

MEMORANDUM

Aktachak

Aktak

Aleknagik

Atnautluak

Bethel

Chefornak

Clarks Point

Dillingham

Eek

Ekuk

Ekwok

Goodnews Bay

Kastgluk

Kipnuk

Kotlganek

Kongiganak

Kwethluk

Kwigillingok

Manokotak

Napaktak

Napasktak

New Stuyahok

Nunapitchuk

Oscarville

Platinum

Portage Creek

Quinhagak

Togiak

Tuntutullak

Twin Hills

TO: *Robin Taylor* Senator Robin Taylor, Chair
Senate Judiciary Committee

FROM: *Mary Kapsner* Representative Mary Kapsner

DATE: April 11, 2002

RE: CSHB 207(RLS) - Realignment of Judicial Districts

I would appreciate your consideration of scheduling CSHB 207(RLS). The bill passed the House this week without opposition, and it has a zero fiscal note from the court system.

CSHB 207(RLS) moves the 13 villages in the Lower Yukon currently situated in the 2nd Judicial District to the 4th Judicial District where they receive court services. The statute placing them in the 4th district was established at statehood, based on the transportation and communication systems of the time—Nome and Fairbanks. Today, Bethel serves as the hub for these communities, and legal matters are handled by the Bethel venue within the court system. They cannot, however, vote on retention of judges in the Bethel courts because of this defect in the existing judicial boundaries.

A similar problem exists for residents of Nabesna who are situated in the 4th Judicial District but served by the courts in the 3rd Judicial District. Over this past interim the court system developed language to describe the situation in Nabesna, and it has been included in the version before you.

CSHB 207(RLS) is supported by the court system and the Alaska Judicial Council. I have included copies of supportive documents, including maps of the areas this bill addresses.

Thank you.

**REQUEST FOR
HEARING**

Representative Mary Kapsner

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House District 39

Lower Kuskokwim and Upper Bristol Bay

Aktachak

Aklak

Aleknagik

Atmautluak

Bethel

Chefornak

Clarks Point

Dillingham

Eek

Ekuk

Ekvok

Goodnews Bay

Kasigluk

Kipruk

Koltiganek

Kongiganak

Kwethluk

Kwigillingok

Manokotak

Napaklak

Napaskiak

New Stuyahok

Nunapitchuk

Oscarville

Platinum

Portage Creek

Quinhagak

Toqtak

Tuntutullak

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 Fourth 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.

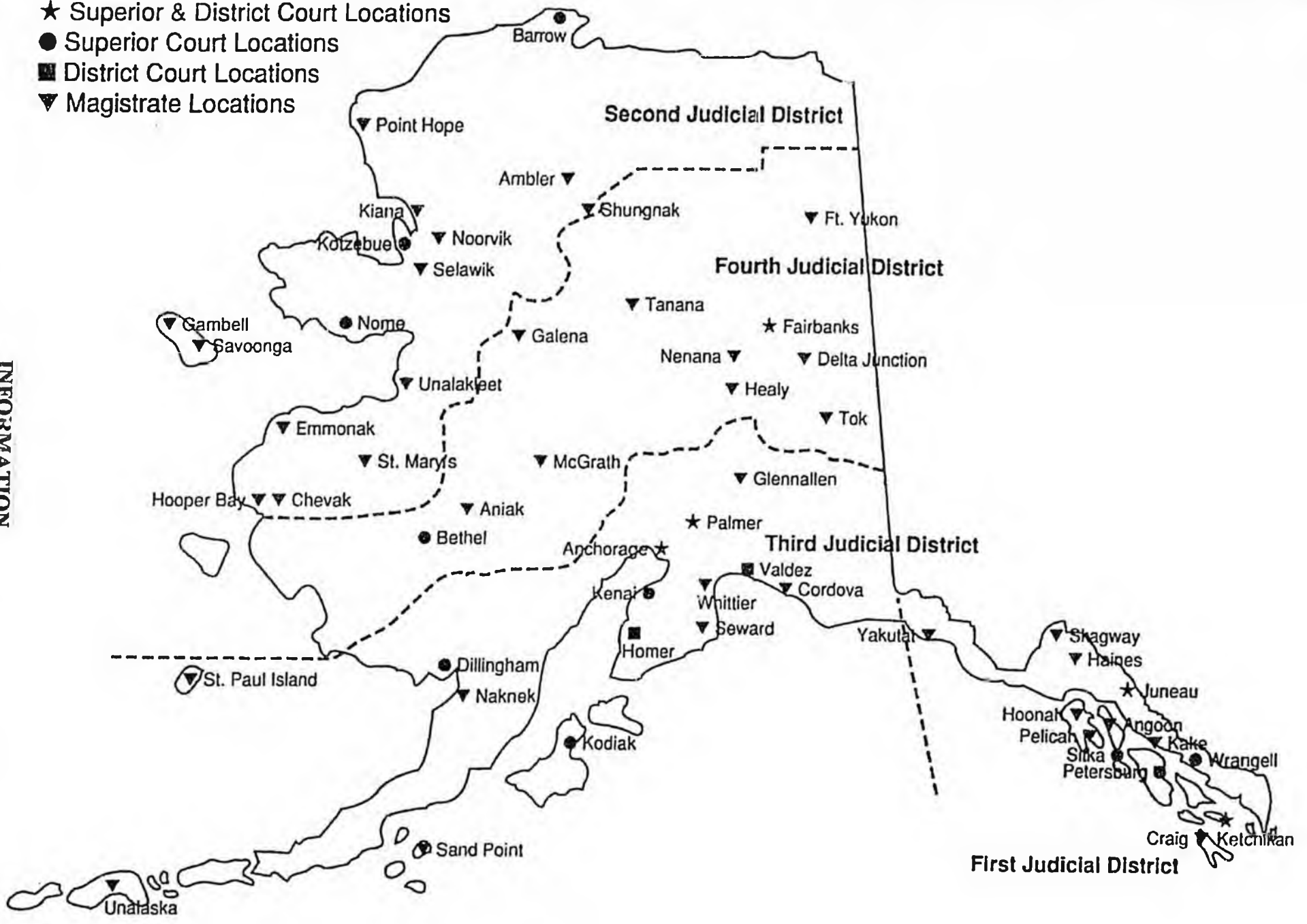
An important additional benefit of moving the villages in this region into the Bethel Court venue is that citizens of these 13 communities would for the first time have the benefit of voting on the question of retention of the judges who preside over cases involving them. It speaks to one of the basic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

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

INFORMATION STATEMENT



First Judicial District

Second Judicial District

Fourth Judicial District

Third Judicial District



3E Superior Court

H A

NAKNEK

Pilot Point

Meshik

Ayakulik



alaska judicial council

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April 4, 2001

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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,

William T. Cotton
Executive Director

WTC:gf

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 27th. 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.

Bill History/Action Display



BILL: HB 207

SHORT TITLE: REALIGNMENT OF JUDICIAL DISTRICTS

BILL VERSION: CSHB 207(RLS)

SPONSOR(S): REPRESENTATIVE(S)KAPSNER, Foster

CURRENT STATUS: (S) JUD

STATUS DATE: 04/10/02

TITLE: "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."

[Full Text](#)

[Fiscal Notes](#)

[Committee Action with Bill History](#)

Jrn-Date	Jrn-Page	Action
03/22/01	0691	(H) READ THE FIRST TIME - REFERRALS
03/22/01	0691	(H) JUD, FIN
04/28/01	1305	(H) JUD RPT 6DP INR
04/28/01	1305	(H) DP: BERKOWITZ, COGHILL, JAMES,
04/28/01	1305	(H) KOOKESH, MEYER, ROKEBERG; NR: OGAN
04/28/01	1305	(H) FN1: ZERO(CRT)
04/28/01	1343	(H) FIN REFERRAL WAIVED
03/26/02	2678	(H) RLS RPT CS(RLS) NT 3DP INR
03/26/02	2678	(H) DP: MCGUIRE, MORGAN, KOTT;
03/26/02	2678	(H) NR: BERKOWITZ
03/26/02	2679	(H) FN2: ZERO(CRT)
03/26/02	2679	(H) RETURNED TO RLS COMMITTEE
04/09/02	2849	(H) RULES TO CALENDAR 4/9/02
04/09/02	2849	(H) READ THE SECOND TIME
04/09/02	2849	(H) RLS CS ADOPTED UNAN CONSENT
04/09/02	2849	(H) ADVANCED TO THIRD READING UNAN CONSENT
04/09/02	2849	(H) READ THE THIRD TIME CSHB 207(RLS)
04/09/02	2849	(H) PASSED Y36 E2 A2
04/09/02	2856	(H) TRANSMITTED TO (S)
04/09/02	2856	(H) VERSION: CSHB 207(RLS)
04/10/02	2705	(S) READ THE FIRST TIME - REFERRALS
04/10/02	2705	(S) JUD
04/10/02	2705	(S) REFERRED TO JUDICIARY

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