

HB

322

ALASKA STATE LEGISLATURE

Chair
FISHERIES

Vice-Chair
EDUCATION

Member
HEALTH, EDUCATION AND SOCIAL SERVICES

Member
STATE AFFAIRS



REPRESENTATIVE PAUL SEATON
House District 35

Session:
State Capitol Building
Juneau, Alaska 99801
Phone 907-465-2689
Fax 907-465-3472
1-800-665-2689
Rep.Paul.Seaton@legis.state.ak.us

Interim:
345 W. Sterling Highway
Suite 102B
Homer, Alaska 99603
Phone 907-235-2921
Fax 907-235-4008

HB 322

Sponsor Statement

“An Act requiring a municipal initiative or municipal referendum to be submitted to the voters at the next regular election occurring not sooner than 60 days after certification of the initiative or referendum petition.”

House Bill 322 was introduced specifically to help cash-strapped local governments avoid costly special initiative elections and referendums. Upon being petitioned by local residents, current law forces municipalities to hold initiative elections and referendums within 75 days. Normally, local governments hold annual elections each October, which includes voting on local ordinances, special initiatives and local officials. Having a special election within 75 days of certification of a petition, places an onerous and costly burden upon local governments.

Under HB 322, local municipalities would be allowed to hold initiative elections and referendums on the following municipal election, thus saving time and money for local governments. For smaller communities, the average cost of a special initiative election totals more than \$35,000, which doesn't account for additional volunteers and additional workloads placed on municipal employees. For bonding or other special initiatives that are time sensitive, any local governing assembly can vote to hold a special election.

HB 322 streamlines the special initiative and referendum process by allowing local governments to cut costs and hold special elections during the annual election cycle.



ALASKA STATE LEGISLATURE

Chair
FISHERIES

Vice-Chair
EDUCATION

Member
HEALTH, EDUCATION AND SOCIAL SERVICES

Member
STATE AFFAIRS



REPRESENTATIVE PAUL SEATON
House District 35

HB 322

Sectional Analysis

“An Act requiring a municipal initiative or municipal referendum to be submitted to the voters at the next regular election occurring not sooner than 60 days after certification of the initiative or referendum petition.”

Section 1. AS 29.26.170(a) Amends the statutes by deleting the requirement that a certified municipal initiative be put to the voters within 75 days after certification. This section also changes the requirement from 45 to 60, the number of days before the election can be put to the voters.

Section 2. AS 29.26.170(b) Clarifies technical changes.

Section 3. AS 29.26.180(a) Amends the statutes by deleting the requirement that a certified municipal referendum be put to the voters within 75 days after certification. This section also changes the requirement from 45 to 60, the number of days before the referendum can be placed before the voters.

Session:

State Capitol Building
Juneau, Alaska 99801
Phone 907-465-2689
Fax 907-465-3472
1-800-665-2689

Rep.Paul.Seaton@legis.state.ak.us

Interim:

345 W. Sterling Highway
Suite 102B
Homer, Alaska 99603
Phone 907-235-2921
Fax 907-235-4008



FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 322
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: GOV
 Title An Act requiring a municipal initiative & RDU Elections
referendum elections. Component Elections
 Sponsor Representative Seaton
 Requester House State Affairs Component No. 21

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

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 (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill has no fiscal impact on the Division of Elections.

Prepared by: Leonard G. Jones Phone 465-3051
 Division Division of Elections Date/Time 2/4/04 4:17 PM
 Approved by: Laura A. Glaiser, Director Date 2/4/2004
 Agency Office of the Lt. Governor, Division of Elections

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 322
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
 Title Muni Initiative & Referendum Election: RDU Comm Assist & Ec Dev (405)
 Component Community Advocacy
 Sponsor Representatives Seaton, Holm
 Requester House State Affairs Component No. 2703

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

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 (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation has no impact on the operations of this division.

Prepared by: Gene Kane, Director Phone (907) 269-4580
 Division Community Advocacy Date/Time 2/5/04 8:10 AM
 Approved by: Eggen Blatchford, Commissioner Date 2/5/2004
 Agency Department of Community & Economic Development

February 4, 2004

The Honorable Representative Bruce Weyhrauch
Chair, House State Affairs Committee

The Honorable Representative Jim Holm
Vice Chair, House State Affairs Committee

Honorable Members:

Representative John Coghill
Representative Bob Lynn
Representative Paul Seaton
Representative Ethan Berkowitz
Representative Max Gruenberg

Dear Sirs;

I would like to thank Representative Paul Seaton for introducing HB 322 and a special thanks to Representative Jim Holm for co-sponsoring said legislation.

I strongly support the citizens' right to petition their government to add additional laws or to repeal a law they find is onerous. However, having to conduct a special election at a different time than the regularly scheduled municipal election is expensive, time consuming and very difficult to pull together. HB 322 is a simple bill that helps address one small area of AS 29 that deals with local municipal special elections. It places any initiative or referendum petition that is successful in being certified to the next regular municipal election. If you are a Home Rule or First Class municipality, you can establish this in your charter or adopt an ordinance to do just this. But Second Class general law Boroughs and Cities must follow Title 29 dealing with initiative and referendum petitions.

In the spring and summer of 2002, I processed 44 petition applications. Of these 44, six were initiative petition applications. Three of these petitions were certified and placed to election. Two of these petitions were placed on the October ballot of that year. One caused a special election in June. Because of the timing of the other petition applications and if any one of those were successful in their efforts, a possibility of an additional one or two special elections could have been called for the year 2002.

Special elections cost approximately the same amount of money that a regularly scheduled municipal election does and voter turnout is traditionally one half to one third a normal voter turnout. The special election in June of 2002 cost the Fairbanks North Star Borough \$66,243. This for a traditional low voter turnout of 9,159 voters out of 67,413 registered voters. The special election held this past week on January 27 cost the Fairbanks North Star Borough approximately \$65,000. This special election caused 11,297 voters out of 71,172 registered voters to go to the polls and vote.

In a time when communities are struggling with higher cost to do business, lower revenues and trying to keep costs reasonable for their taxpayers, this bill makes sense. Many municipalities are struggling to provide basic services to its citizens and cannot easily afford the cost of an unbudgeted special election. I believe most municipalities are like the Fairbanks North Star Borough; they do not budget for special elections because taxing the residents for something that may happen is an unreasonable cost. However, if a petition to initiate or repeal a law is approved, the municipality is obligated to call it under the current law and pay the costs for that election.

Special elections of any kind should be called when there is an urgent need to address an issue such as bonding for schools or facilities. HB 322 only does away with special elections for initiative and referendum petitions. It does not affect the ability of the local governing body to call a special election if needed nor does it affect recall petitions.

I urge your support and help in passing this law.

Very truly yours,

Mona Lisa Drexler, CMC
Municipal Borough Clerk
Fairbanks North Star Borough



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, MMC
BOROUGH CLERK

April 29, 2003

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

RE: Requested Changes to Title 29 (Municipal Initiative and Referendum Elections)

Dear Representative Seaton:

It was a pleasure to meet with you in Juneau last week. As I discussed with you at that time, I am hopeful that you will sponsor legislation for the 2004 session that will eliminate the requirement that municipalities call a special election to consider an initiative or referendum brought forward by the voters. As you know, special elections are costly and generally result in a lower voter turnout than the regular election. In addition, most measures brought forward using the initiative or referendum process are not so pressing in nature that they could not wait for the regular municipal election. Of course, nothing in the change I am suggesting would prohibit the governing body from calling a special election if the Council or Assembly wished to have the matter considered in a more timely manner.

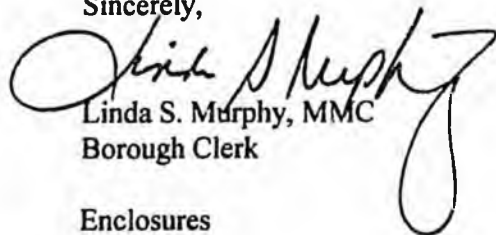
This amendment is supported by the Alaska Municipal League and is included in its 2003 policy statement. I have enclosed that portion of the policy statement for your information. I have also enclosed some language I drafted to make the requisite changes to AS 29.26.170 and AS 29.26.180.

You can expect support for this legislation from members of the Fairbanks North Star Borough delegation. Last year, the FNSB had a total of 46 petitions filed over a period of 4 months. Although these petitions resulted in only one special election (at a cost of \$35,000), there was the potential for many more at great cost to the municipality.

I will be asking Senator Gary Stevens to sponsor a companion bill in the Senate. It is my hope that this bill can be prefiled in both houses this winter and move expeditiously through the legislature.

Thank you once again for your assistance.

Sincerely,



Linda S. Murphy, MMC
Borough Clerk

Enclosures



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

January 12, 2004

Representative Paul Seaton
State Capitol
Room 428
Juneau, AK 99801

Re: H.B. 322

Dear Representative Seaton,

I am writing on behalf of the Alaska Municipal League (AML) to express support for H.B. 322.

As noted in the 2004 AML Policy Statement, "the League supports changes to Title 29.26 to require that an initiative vote be held at the next regularly scheduled election instead of requiring a costly special election."

Thank you for the opportunity to comment on this important legislation. Please let me know if you have any questions or need further information.

With best regards,


Kevin Ritchie
Executive Director

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



Fairbanks North Star Borough

809 Pioneer Road * PO Box 71267 * Fairbanks, Alaska 99707-1267 *(907) 459-1401 FAX 459-1224

February 3, 2004

The Honorable Representative Bruce Weyhrauch
Chair, House State Affairs Committee
State Capital, Room 102
Juneau, Alaska 99801-1182

Dear Representative Weyhrauch;

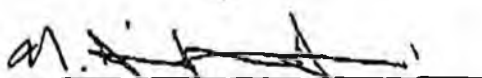
As Mayor of the Fairbanks North Star Borough and Presiding Officer of the Borough Assembly, we would like to go on record in support of HB 322, "An Act requiring a municipal initiative or municipal referendum to be submitted to the voters at the next regular election occurring not sooner than 60 days after certification of the initiative or referendum petition" as introduced by Representative Paul Seaton and co-sponsored by Representative Jim Holm.

First and foremost, we support the right of citizens to seek changes through the petition process. Passage of HB 322 would in no way affect the right of the public to pursue this important right. It would continue to allow the public to place important issues before the voters while decreasing the burden placed on municipalities to have special elections.

Current law forces municipalities to hold special elections within 75 days of the approval of an Initiative or referendum petition, placing an onerous burden on local governments. Under HB 322, local municipalities would be allowed to hold initiatives and referendums to the next regular municipal election rather than being required to hold a special election. A governing assembly could still, when necessary, call for a special election for such things as bonding or time sensitive issues.

We ask for your full support of HB 322 in order to allow municipalities such as ours to streamline our election process by placing initiative and referendum petition issues on the annual regular election ballot.

Sincerely,


Jim Whitaker, Mayor
Fairbanks North Star Borough


Hank Bartos, Presiding Officer
Fairbanks North Star Borough Assembly

**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, MMC
BOROUGH CLERK

January 30, 2004

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

RE: HB 322

Dear Representative Seaton:

Thank you for sponsoring HB 322 which seeks to eliminate the mandate that a municipality call a special election to consider an initiative or referendum brought forward by the voters.

As you know, special elections are costly and generally result in a lower voter turnout than the regular election. In addition, most measures brought forward using the initiative or referendum process are not so pressing in nature that they could not wait for the regular municipal election. Even so, I am happy to see that there is nothing in your bill that would prohibit the governing body from calling a special election if the Council or Assembly wished to have the matter considered in a more timely manner.

In 2002, the Fairbanks North Star Borough had a total of 46 petitions filed over a period of 4 months. Although these petitions resulted in only one special election (at a cost of \$35,000), there was the potential for many more at great cost to the municipality. As funding for municipalities dwindles, many local governments can no longer afford the luxury of conducting multiple elections.

Thank you once again for your assistance. I would be happy to testify on behalf of the bill at any upcoming committee hearing.

Sincerely,


Linda S. Murphy, MMC
Borough Clerk

Enclosures

PART III

LOCAL GOVERNMENT & PUBLIC SERVICES

The goal is to preserve the greatest degree and number of local government options and prerogatives so that municipal government can be highly responsive to unique local circumstances and the mandate of the Alaska Constitution "to provide for maximum local self government."

A. LOCAL AUTONOMY

- 1. Effective, Independent, and Economically Sustainable Local Government:** The League supports legislative and regulatory action that promotes more effective, independent and economically sustainable local government.
- 2. Lobbying:** The League supports the continued exemption of municipal officials and employees from the lobbying reporting requirements under the lobbying sections of Title 24, the Legislative Code (AS 24.45).
- 3. Anti Trust Laws:** The League supports legislation at both the state and federal levels placing municipalities in an equal position with state governments with respect to federal anti trust laws.
- 4. Local Construction:** The League supports amendments to Title 36, the Public Contracts Code, to permit local governments to establish their own notice, reporting, local hire, and prevailing wage requirements and methods for local construction. The League opposes any order that would have the state set local wage requirements.
- 5. Plumbing and Electrical Codes:** The League supports the expeditious updating of state safety codes to elimi-

nate the conflict between state and local plumbing and electrical codes. In concordance with planning and zoning, continue to require plan review and compliance with local permitting requirements.

B. ELECTIONS AND REAPPORTIONMENT

- 1. Amendment to National Voter Registration Act (Motor Voter):** The League supports efforts by the Division of Elections to seek amendments to the NVRA to allow for the removal of voters names from the list of registered voters when voters have not voted in four calendar years.
- 2. Local Elections:** The League opposes legislation that would diminish the authority of municipalities to conduct their own elections, including setting the date of such elections. The League opposes changes to AS 29.20.060 that restricts the ability of a municipality to establish local election districts. This includes changes that would force all municipalities to elect members from single member districts.
- 3. Initiatives and Referendums:** The League supports changes to Title 29.26 to require that an initiative vote be held at the next regularly scheduled election instead of requiring a costly special election.

C. Public Employees Labor Relations

1. Alaska Public Employees Labor Relations Act:

The League strongly opposes any legislation that would force municipalities to be subject to the provisions of the Alaska Public Employees Labor Relations Act. Just as strongly, the League opposes any legislative efforts to dictate the provisions of local public employee labor relations ordinances. The League supports legislation to allow each municipality to reject or withdraw from the terms of the Alaska Public Employees Labor Relations Act at any time by action of the governing body. The scope of decisions as to local government finance and labor policies is best left to the local governing body.

2. Binding Arbitration: Binding arbitration on local governments and school districts is not acceptable to the League. Binding arbitration hinders local elected officials' ability to determine their personnel costs and prevents local governments from having complete control of determining the local tax rate. The scope of decisions with regard to what local government can afford for labor is best left to the local bodies possessing that knowledge.

D. TRIBAL COUNCIL/LOCAL GOVERNMENT RELATIONS

1. Commission on Rural Governance:

The League supports and encourages efforts on the part of the legislature and other concerned parties to address tribal/state and municipal government relations.

2. Risk-Pooling: The League supports legislation enabling tribal organizations that provide municipal services to pool

for the purposes of risk sharing and insurance services. As state funds to municipalities decline, tribal entities are filling the void to provide municipal-type services to Alaska's citizens. Pooling is a cost-effective, efficient method for handling insurance needs of all entities providing these critical public services. Amending AS 21.76 to permit tribal organizations to pool with municipalities helps keep the cost of providing public services lower.

E. FORMATION AND ALTERATION OF MUNICIPALITIES

1. Local Government Structure in the Unorganized Borough:

The League supports state policies that provide incentives to encourage the formation of boroughs or annexation to boroughs in the unorganized areas of the state, but does not mandate such action. The League urges the legislature to take a more active role as the Assembly of the Unorganized Borough as mandated by the Constitution.

2. Call for a Review of the Role of Government:

The League calls for a review of municipal government involving the state, the municipalities, and the public to determine if state policies are consistent with the intent of the Alaska Constitution mandating "maximum local self-government with a minimum of local government units. . ." According to the Local Boundary Commission, the state has created significant disincentives to the formation of new municipal governments. Also, the report of the Commission on Rural Governance calls for "a formal review of Alaska's system of local government in order to strengthen self-government and home rule under the Alaska State Constitution."

Fairbanks Daily News-Miner

Fairbanks voters reject eliminating I/M program

By Associated Press

Wednesday, January 28, 2004 -

FAIRBANKS

Fairbanks area voters rejected efforts to eliminate a locally run anti-pollution program required under the federal Clean Air Act.

Voters said no to a Fairbanks North Star Borough referendum that would have done away with the vehicle inspection and maintenance program. The referendum failed 2-to-1 Tuesday.

Under state law, a vote to repeal the program likely would have resulted in a state takeover of the program, and higher fees.

The referendum was put forward by the I/M Repeal Committee. The group maintains that the clean air program is useless, and that better-made cars are why Fairbanks' air has improved over the years.

Members of the committee had hoped the referendum would pass and put pressure on state and local leaders to try to block a state takeover of the program, which is required under federal law.

Voters showed they preferred local control with 6,869 voting no on the referendum and 3,028 checking yes.

"It just seems like keeping it local is much smarter," said Lillian Anderson, a University of Alaska Fairbanks admissions counselor.

The 19-year-old I/M program is in place to reduce carbon monoxide levels in the air. Scientific studies show a link between high carbon monoxide levels and hospital admissions for heart and lung problems. The I/M program is chief among several clean-air programs in Fairbanks, including federally funded free winter bus rides and a campaign to encourage residents to plug in their vehicles to avoid cold starts.

The special election was spurred by a group of residents who said about 4,000 signatures were collected to get the issue on the ballot.

A majority of voters interviewed by the Fairbanks Daily News-Miner at four polling places harshly criticized the referendum.

"I think it was silly to bother," said Craig Dorman, a University of Alaska administrator. "It's been made quite clear the state's going to take it over."

About 100 area residents contributed money to the I/M repeal campaign, but its contributions were dwarfed by those to fight the repeal, gathered by a group that called itself Fairbanksans for Local I/M Control.

The repeal committee amassed at least \$4,867, according to financial disclosure reports made available by the Alaska Public Offices Commission last week. The group for local control raised \$17,750 during the same time. Its money came mostly from unions and businesses, including a \$10,000 donation from Jiffy Lube.

"We're happy that the voters recognized that we're better off with a locally run program," said Dave Veazey, a former borough assemblyman who was co-chairman for the local control group.

PAGE 2

turnout is typically 18,000 to 24,000 voters, Drexler said.

At the last special election, held in June 2002, 9,159 people voted.

The assembly appropriated \$51,350 to pay for this election, so it cost about \$5 per vote.

Veazey, who was reached at the Elks Lodge during an election night get-together of local control supporters, said the downside to the night was the low voter turnout.

"I wish we'd wake up as a community and participate more in this process," he said.

Reporter Amanda Bohman can be reached at abohman@newsminer.com or 459-7544.

[+](#) RETURN TO TOP

[Home](#) | [Subscribe](#) | [Business Directory](#) | [Find A Job](#) | [Find A House](#) | [C](#)

©2004 MediaNews Group, Inc. and Fairbanks Daily News-Miner, Inc.