

SB

227

OK
w/me.

CS FOR SENATE BILL NO. 227()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION**

BY

Offered:

Referred:

Sponsor(s): SENATOR GARY STEVENS

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to municipal initiative and referendum elections."**

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

3 *** Section 1.** AS 29.26.170(a) is amended to read:

4 (a) Unless substantially the same measure is adopted, when a petition seeks an
5 initiative vote, the clerk shall submit the matter to the voters at the next regular
6 election or, if already scheduled, special election occurring not [NO] sooner than 60
7 [45] days after certification of the petition. If no [REGULAR] election is scheduled
8 to occur [OCCURS] within 75 days after the certification of a petition and the
9 governing body determines it is in the best interest of the municipality, the
10 governing body may by ordinance order [SHALL HOLD] a special election to be
11 held within 75 days, but not sooner than 45 days after certification.

12 *** Sec. 2.** AS 29.26.170(b) is amended to read:

13 (b) If the governing body adopts substantially the same measure, the petition
14 is void, and the matter initiated may not be placed before the voters.

15 *** Sec. 3.** AS 29.26.180(a) is amended to read:

1 (a) Unless the ordinance or resolution is repealed, when a petition seeks a
2 referendum vote, the clerk shall submit the matter to the voters at the next regular
3 election or, if already scheduled, special election occurring not [NO] sooner than 60
4 [45] days after certification of the petition. If no election is scheduled to occur
5 [OCCURS] within 75 days after [OF] certification of a petition and the governing
6 body determines it is in the best interest of the municipality, the governing body
7 may by ordinance order [SHALL HOLD] a special election to be held within 75
8 days, but not sooner than 45 days after certification.

SENATE COMMITTEE REPORT

DATE: 2/19/04

FURTHER:

DATE TURNED
IN TO OFFICE: 2/27/04

State Affairs Committee considered **SENATE BILL NO. 227**

SB 227 MUNI INITIATIVE AND REFERENDUM ELECTIONS

"An Act relating to municipal initiative and referendum elections."

and recommends:

- be replaced with _____ CS SB 227 (STA)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	Indet.	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	Indet.	FN#
<u>DCED</u>	<u>2/18/04</u>		✓		<u>1</u>

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<u>John J. Caudery</u>			✓	
<u>Bob A. ...</u>			✓	
CHAIR: <u>[Signature]</u>	✓			

ALASKA STATE LEGISLATURE



SESSION ADDRESS
Alaska State Capitol
Juneau, AK 99801-1182
(907) 465-4925
Fax (907) 465-3517

INTERIM ADDRESS
112 Mill Bay Road
Kodiak, AK 99615
(907) 486-4925
Fax (907) 486-5264

Senator Gary Stevens

Sponsor Statement SB 227

Senate Bill 227: "An Act relating to municipal initiative and referendum elections."

SB 227 was introduced specifically to help local governments avoid costly special initiative elections and referendums brought forward by voters. In many cases, these measures are not so pressing in nature that they could not wait for the regular municipal election.

Special Elections are costly and generally result in a lower voter turnout than the regular election. Recently, the Fairbanks North Star Borough had over 46 petitions filed in a period of 4 months. Although these petitions resulted in only one special election (at a cost of \$35,000), there was a potential for many more special elections at great cost to the municipality.

This bill could result in cost savings to municipalities who could choose to wait until the next regular election, typically in October, to consider an issue. This legislation would give the municipal governing body the option of calling a special election if the Council or Assembly wished to have the initiative and referendum considered in a more timely manner.

This bill is supported by the Alaska Municipal League and the Kenai Peninsula Borough. I ask for your support of this important measure.

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

May 16, 2003

SUBJECT: Sectional summary (SB 227)

TO: Senator Gary Stevens
Attn: Doug Letch

FROM: Tamara Brandt Cook
Director

TBC

Section 1. Requires a matter proposed by municipal initiative petition to be submitted to the voters at the next regular (municipal) election that occurs no sooner than 60 days after certification of the petition. Eliminates current provision for holding a special election on an initiative proposal.

Section 2. Technical change.

Section 3. Requires a referendum proposal to be submitted to the voters at the next election that occurs no sooner than 60 days after certification of the petition. Eliminates current provision for holding a special election on a referendum proposal.

TBC:med
03-551.med

ALASKA ASSOCIATION OF MUNICIPAL CLERKS

RESOLUTION NO. 2004-01

**A RESOLUTION OF THE ALASKA ASSOCIATION OF MUNICIPAL CLERKS
SUPPORTING SB 227 AND HB 322 RELATING TO MUNICIPAL INITIATIVE
AND REFERENDUM ELECTIONS**

WHEREAS, municipal clerks in the State of Alaska strongly support the right of its citizens to petition the government through the initiative and referendum process; and

WHEREAS, AS 29.26.270 and 29.26.280 mandate that a municipality to conduct a special election on initiative and referendum questions respectively when no regular election occurs within 75 days after certification of a sufficient initiative or referendum petition; and

WHEREAS, there is no such requirement that mandates a special election for initiative and referendum questions submitted to the state for state elections; and

WHEREAS, special elections are costly, consume staff time for extended periods, and often result in a much lower turnout than the municipality's regular election; and

WHEREAS, it is often difficult to obtain election officials for multiple elections; and

WHEREAS, many municipalities are struggling to provide basic services to its citizens and cannot easily afford the cost of an unbudgeted special election; and

WHEREAS, in recognition of these factors, Senator Gary Stevens and Representative Paul Seaton have sponsored SB 227 and HB 322 respectively to eliminate the mandate that a municipality call a special election after certification of an initiative or a referendum petition; and

WHEREAS, nothing in these bills eliminates the local government option to call a special election if one is deemed necessary or advisable by the governing body;

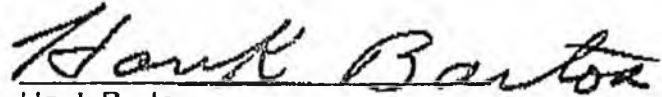
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ALASKA ASSOCIATION OF MUNICIPAL CLERKS (AAMC):

SECTION 1. That AAMC supports the passage of SB 227 and HB 322 and urges the State Legislature to expeditiously move these bills through their respective houses.

SECTION 2. That a copy of this resolution shall be mailed to each member of the Alaska Senate and the Alaska House of Representatives.

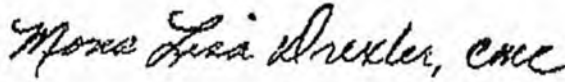
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PASSED AND APPROVED THIS 12th DAY OF FEBRUARY 2004.



Hank Bartos
Presiding Officer

ATTEST:



Mona Lisa Drexler, CMC
Municipal Borough Clerk

Ayes: Hutchison, Sattley, Rex, Henry, Williams, Beck, Frank, Aldridge, Cummings, Bartos
Noes: None

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

By:	FNSB Assembly
Introduced:	02/12/04
Adopted:	02/12/04

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2004-15

A RESOLUTION SUPPORTING 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" AND SB 227, "AN ACT RELATING TO MUNICIPAL INITIATIVE AND REFERENDUM ELECTIONS".

WHEREAS, AS 29.26.270 and 29.26.280 mandate that a municipality conduct a special election on initiative and referendum questions respectively when no regular election occurs within 75 days after certification of a sufficient initiative or referendum petition; and

WHEREAS, special elections are costly, consume staff time for extended periods, and result in a much lower turnout than the municipality's regular election; and

WHEREAS, it is difficult to obtain election officials and polling locations for special elections; and

WHEREAS, many municipality's are struggling to provide basic services to its citizens and cannot easily afford the cost of an unbudgeted special election; and

WHEREAS, HB 322 and SB 227 do not effect the right of the local governing body to call a special election if necessary.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the Fairbanks North Star Borough supports the passage of HB 322 and SB 227 and urges the State Legislature to expeditiously move these bills through their respective bodies.

BE IT FURTHER RESOLVED, that copies of this resolution shall be sent to the Honorable Governor Murkowski and the Alaska State Legislature.



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

**KENAI PENINSULA BO**

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

Postnet	Date	# of pages
Fax Note R7873	1/15/04	2
To	Doug	
Fax#		
From	Linda S. Murphy	
Phone		

LINDA MURPHY, MMC
 BOROUGH CLERK

April 29, 2003

The Honorable Gary Stevens
 Alaska State Senate
 State Capitol, Room 417
 Juneau, AK 99801-1182

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

Dear Senator Stevens:

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 Representative Seaton 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

February 10, 2004

Senator Gary Stevens
State Capitol
Juneau, AK 99801

Re: Support for SB 227

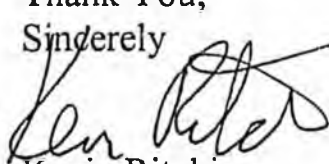
Dear Senator Stevens,

Thank you for introducing SB 227. This bill primarily removes the unfunded state mandate that municipalities hold special elections, and allows municipalities, with citizen input, to make their own decision regarding the scheduling of an election.

In times of great fiscal stress, allowing communities and citizens to save money by making local decisions on local issues is much appreciated.

The concept of the bill is strongly supported in the 2004 AML Policy Statement. The bill was also discussed again fully and endorsed by the AML Local Government Legislative Subcommittee on February 9, 2004.

Thank You,
Sincerely



Kevin Ritchie
Executive Director

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 227
 (S) Publish Date: 2/19/04

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
 Title Muni Initiative & Referendum Elections RDU Comm Assist & Ec Dev (405)
 Component Community Advocacy
 Sponsor Senator Gary Stevens
 Requester Senate Community & Regional 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						
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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 (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 relates to municipal initiatives and referendum elections.

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 2/18/04 8:45 AM
 Approved by: Edgar Blatchford, Commissioner Date 2/18/2004
 Agency Department of Community & Economic Development