

**CS FOR SENATE BILL NO. 99(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/22/99

Referred: Rules

Sponsor(s): SENATE RULES COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act to clarify the meaning of 'decennial census of the United States' in  
2 art. VI, Constitution of the State of Alaska, to prevent discrimination in the  
3 redistricting of the house of representatives and the senate, and to prohibit  
4 expenditures of public funds for population surveys or sampling for certain  
5 purposes relating to legislative redistricting without an appropriation."

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

7 \* **Section 1. FINDINGS.** The legislature finds that

8 (1) the United States Bureau of the Census has traditionally conducted an  
9 actual enumeration of the American people and reported the results of that actual enumeration,  
10 without statistical adjustment, to the states for purposes of redistricting;

11 (2) the United States Bureau of the Census has announced plans to use  
12 sampling and estimates to adjust the actual population counts in the 2000 census;

13 (3) the United States Supreme Court, in Department of Commerce v. United

1 States House, 119 S.Ct. 765 (1999), has interpreted existing federal law to prohibit the use of  
2 adjusted or estimated figures in reapportioning the seats in the United States House of  
3 Representatives among the states;

4 (4) the United States Supreme Court, in *Department of Commerce v. United*  
5 *States House*, 119 S.Ct. 765 (1999), declined to address the constitutionality of the use of  
6 sampling and estimates by the census bureau in developing decennial census counts;

7 (5) the United States Supreme Court's decision in *Department of Commerce*  
8 *v. United States House*, 119 S.Ct. 765 (1999), did not resolve the issue of whether the census  
9 bureau may supply states with adjusted or estimated census figures for use in redistricting;

10 (6) each decade since statehood, Alaska's redistricting plan has been the  
11 subject of expensive litigation;

12 (7) Alaska's redistricting plans are subject to ongoing review by the United  
13 States Department of Justice under the Voting Rights Act;

14 (8) in the past, Alaska's redistricting boards have sometimes relied on surveys  
15 and population estimates in order to remove Alaska's military population from the decennial  
16 census figures in order to comply with the former wording of art. VI, secs. 3 and 5,  
17 Constitution of the State of Alaska, which referred to the "civilian population";

18 (9) although recent amendments to the Constitution of the State of Alaska have  
19 removed the reference to "civilian" population, court precedent regarding the exclusion of non-  
20 resident military personnel and civilian "transients" remains (see *Egan v. Hammond*, 502 P.2d  
21 856, 869 (Alaska 1972); *Groh v. Egan*, 526 P.2d 863, 869-874 (Alaska 1974); *Carpenter v.*  
22 *Hammond*, 667 P.2d 1204, 1210-1213 (Alaska 1983); *Hickel v. Southeast Conference*, 846  
23 P.2d 38, 54-56 (Alaska 1992)).

24 \* **Sec. 2.** INTENT. It is the intent of the legislature to eliminate confusion in the event  
25 the census bureau's report of the decennial census includes more than one population figure  
26 for Alaska, to facilitate the work of the redistricting board by identifying the appropriate  
27 census figures to be used in developing a redistricting plan, to avoid litigation over the board's  
28 redistricting plan, and to prevent discrimination against any segment of Alaska's population.

29 \* **Sec. 3.** AS 15.10 is amended by adding new sections to read:

30 **Article 2. Census and Population.**

31 **Sec. 15.10.200. Definition of "decennial census of the United States" and**

1        **use of census numbers by redistricting board.** (a) In art. VI, Constitution of the  
2 State of Alaska, reference to the official decennial census of the United States is a  
3 reference to the census enumeration used to establish apportionment among the several  
4 states.

5            (b) The redistricting plan adopted under art. VI, Constitution of the State of  
6 Alaska, may not use census numbers that are estimates or that have been adjusted  
7 based on sampling, nor may the redistricting plan exclude or discriminate among  
8 persons counted based on race, religion, color, national origin, sex, age, occupation,  
9 military or civilian status, or length of residency.

10           **Sec. 15.10.210. Expenditures for population surveys or sampling**  
11 **prohibited.** An expenditure of public funds may not be made for a population survey  
12 or sampling conducted for purposes of redistricting the legislature without an express  
13 appropriation by the legislature for that purpose.