

Introduced: 3/14/79
Referred: Community & Regional
Affairs and Judiciary

1 IN THE HOUSE

BY BRANSON, MALONE AND PARKER

2

HOUSE BILL NO. 384

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the composition and apportionment
7 of borough assemblies; and providing for an effective
8 date."

9

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

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* Section 1. AS 29.23 is amended by adding new sections to read:

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Sec. 29.23.021. ASSEMBLY COMPOSITION AND APPORTIONMENT. (a)

12

Assembly composition and apportionment shall be consistent with the
13 equal representation standards of the Constitution of the United States.

14

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(b) The assembly of a newly incorporated borough is, after incor-
16 poration and until the adoption of an ordinance providing for a change
17 in composition or apportionment, composed of the number of members and
18 apportioned as set out in the incorporation petition approved by the
19 voters. If a borough is already incorporated, the assembly shall be
20 composed and apportioned in a manner that is consistent with AS 29.23.-
023 and prescribed by charter or ordinance.

21

(c) An assembly may not provide for weighted voting.

22

Sec. 29.23.023. COMPOSITION AND REPRESENTATION REQUIREMENTS FOR

23

GENERAL LAW BOROUGHES. (a) The assembly of a general law borough may
24 not be composed of more than 11 members.

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(b) The assembly of a general law borough shall provide, by ordi-
26 nance, that members of the borough assembly are

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(1) elected at large by all qualified voters of the borough;

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(2) elected at large by all qualified voters of the borough

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but required to live within an election district or zone established by

1 the borough for the election of borough assembly members; or

2 (3) elected by and from election districts or zones estab-
3 lished by the borough for the election of borough assembly members.

4 (c) A member of the assembly of a general law borough may not be
5 elected or appointed by and from the council of a city in the borough.

6 Sec. 29.23.025. ASSEMBLY RECOMPOSITION AND REAPPORTIONMENT. (a)
7 Not later than July 31, 1981, and, thereafter, within four months after
8 the official report of a federal decennial census, the assembly shall
9 determine and declare by resolution if the existing apportionment of the
10 assembly meets the applicable standards of AS 29.23.021 - 29.23.023.

11 (b) If the existing apportionment of the assembly does not meet
12 the applicable standards of AS 29.23.021 - 29.23.023, the assembly shall
13 provide by ordinance for its reapportionment. At the same time, the
14 assembly may change the composition of the assembly.

15 (c) In addition to providing for apportionment at the times re-
16 quired under (b) of this section, the borough assembly shall provide by
17 ordinance for its reapportionment and may provide for a change in its
18 composition whenever it determines, on the basis of federal census
19 reports or other reliable population data, that the existing apportion-
20 ment does not meet the standards for apportionment in AS 29.23.021. If
21 a petition signed by not less than 50 borough voters requests the
22 assembly to determine whether the existing apportionment meets the
23 standards for apportionment in AS 29.23.021, and the petition contains
24 evidence that the existing apportionment does not meet those standards,
25 the assembly shall make the determination requested.

26 (d) An ordinance adopted by the assembly under (b) or (c) of this
27 section shall be submitted to the voters for approval. The vote on an
28 ordinance submitted to the voters shall be tabulated in two separate
29 classifications. One classification shall consist of all votes cast in

1 the first class and the home rule cities in the borough. The other
2 classification shall consist of all votes cast in the remaining areas of
3 the borough. In order for the ordinance to be approved it must receive
4 majority approval in each classification.

5 (e) Within four months of a determination by the assembly that the
6 current apportionment does not meet the standards of AS 29.23.021 -
7 29.23.025; the assembly shall adopt an ordinance providing for reap-
8 portionment, and submit the ordinance to the voters. If, at the end of the
9 four month time period, an ordinance providing for reapportionment has
10 not been approved, the Department of Community and Regional Affairs
11 shall provide for the reapportionment in accordance with the standards
12 of AS 29.23.021 - 29.23.023.

13 (f) A reapportionment ordinance, or a determination of the borough
14 assembly that applicable standards do not require adoption of a change
15 in apportionment, is subject to judicial review.

16 (g) A change in assembly apportionment or composition under this
17 section is effective beginning with the first regular election for
18 members of the assembly which follows approval of a reapportionment
19 ordinance.

20 * Sec. 2. AS 29.13.100(3) is repealed and re-enacted to read:

21 (3) AS 29.23.021; 29.23.025 - 29.23.050 (composition and
22 apportionment of borough assembly; borough assembly recomposition and
23 reapportionment; assembly representation)

24 * Sec. 3. AS 29.18.050(4) is amended to read:

25 (4) composition and apportionment of the assembly or council,
26 but the number of members of a borough assembly may not exceed 11;

27 * Sec. 4. AS 29.23.040 is amended to read:

28 Sec. 29.23.040. REGULAR TERM OF OFFICE. Assemblymen are selected
29 for three-year terms and until their successors are selected and have

1 qualified, unless different terms not exceeding four years are pre-
2 scribed by borough charter or ordinance. [HOWEVER, IF UNDER A BOROUGH
3 APPORTIONMENT CITY COUNCILMEN ARE APPOINTED AS ASSEMBLYMEN OR ELECTED TO
4 DUAL ASSEMBLY-COUNCIL SEATS, THEY MAY NOT BE REPLACED UNTIL THEIR
5 ASSEMBLY TERM EXPIRES AS PROVIDED BY CITY CHARTER OR ORDINANCE, OR THEY
6 CEASE TO BE A MEMBER OF EITHER THE ASSEMBLY OR COUNCIL.] The current
7 term of incumbent assemblymen may not be altered under this section.
8 This section applies to home rule and general law boroughs.

9 * Sec. 5. AS 29.23.020 is repealed.

10 * Sec. 6. This Act takes effect January 1, 1981.