

Original sponsor: Community and Regional  
Affairs Committee

Offered: 5/12/80  
Referred: Rules

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IN THE HOUSE

BY THE COMMUNITY AND REGIONAL  
AFFAIRS COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 947  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to borough assemblies and amending the apportionment requirements of charters of unified municipalities; and providing for an effective date."

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

\* Section 1. AS 29.13.100(3) is repealed and re-enacted to read:

(3) AS 29.23.021 (borough assembly composition and apportionment), and AS 29.23.040 - 29.23.050 (borough assembly members)

\* Sec. 2. AS 29.18.050(4) is amended to read:

(4) composition and apportionment of the assembly or council  
[, BUT THE NUMBER OF MEMBERS OF A BOROUGH ASSEMBLY MAY NOT EXCEED 11];

\* Sec. 3. AS 29.23.021(b) is amended to read:

(b) The assembly of a newly incorporated borough is, after incorporation and until the adoption of an ordinance providing for a change in composition or apportionment, composed of the number of members and apportioned as set out in the incorporation petition approved by the voters. If the borough is already incorporated, the assembly shall be composed and apportioned in a manner that is consistent with the requirements of this section [AS 29.23.023] and prescribed by charter or ordinance.

\* Sec. 4. AS 29.23.021 is amended by adding a new subsection to read:

(d) A member of the assembly of a borough may not be elected or appointed by and from the council of a city in the borough.

\* Sec. 5. AS 29.23.025(a) is amended to read:

(a) Within two [NOT LATER THAN JULY 31, 1981, AND THEREAFTER

1 WITHIN FOUR] months after the official report of a federal decennial  
2 census, the borough assembly shall determine and declare by resolution  
3 if the existing apportionment of the assembly meets the applicable  
4 standards of AS 29.23.021 [AS 29.23.021 - 29.23.023].

5 \* Sec. 6. AS 29.23.025(b) is amended to read:

6 (b) If the existing apportionment of the borough assembly does not  
7 meet the applicable standards of AS 29.23.021 [AS 29.23.021 - 29.23.023],  
8 the assembly shall provide by ordinance for its reapportionment. At the  
9 same time, the borough assembly may, by ordinance, change the composition  
10 of the assembly.

11 \* Sec. 7. AS 29.23.025(c) is amended to read:

12 (c) In addition to providing for apportionment at the times re-  
13 quired under (b) of this section, the borough assembly shall provide by  
14 ordinance for its reapportionment and may provide, by ordinance, for a  
15 change in its composition whenever it determines, on the basis of federal  
16 census reports or other reliable population data, that the existing  
17 apportionment does not meet the standards for apportionment in AS 29.23.-  
18 021. If a petition signed by not less than 50 registered [BOROUGH]  
19 voters who are residents of the borough requests the borough assembly to  
20 determine whether the existing apportionment meets the standards for  
21 apportionment in AS 29.23.021, and the petition contains evidence that  
22 the existing apportionment does not meet those standards, the assembly  
23 may [SHALL] make the determination requested. The borough assembly shall  
24 make a determination required by this subsection within two months of  
25 receipt of a petition which meets the requirements of this subsection.

26 \* Sec. 8. AS 29.23.025(e) is amended to read:

27 (e) Within six [FOUR] months of a determination by the borough  
28 assembly that the current apportionment does not meet the standards of  
29 AS 29.23.021 [AS 29.23.021 - 29.23.025], the borough assembly shall

1 adopt an ordinance providing for reapportionment, and submit the ordi-  
2 nance to the voters. If, at the end of the six-month [FOUR-MONTH] time  
3 period, an ordinance providing for reapportionment has not been approved  
4 by the voters, the commissioner of the Department of Community and  
5 Regional Affairs shall provide for the reapportionment in accordance  
6 with the standards of AS 29.23.021 [AS 29.23.021 - 29.23.023] by prepar-  
7 ing an order of reapportionment and delivering the order to the borough  
8 mayor.

9 \* Sec. 9. AS 29.23.025(f) is repealed and re-enacted to read:

10 (f) A reapportionment ordinance approved by the voters, or a  
11 determination of the borough assembly that the standards of AS 29.23.021  
12 do not require a change in apportionment, may be appealed to the commis-  
13 sioner of the Department of Community and Regional Affairs. Fifty  
14 registered voters who are residents of the borough may submit a petition  
15 to the commissioner of community and regional affairs requesting the  
16 commissioner to determine whether the proposed reapportionment ordinance  
17 approved by the voters meets the standards of AS 29.23.021, or whether a  
18 determination of the borough assembly that the standards of AS 29.23.021  
19 do not require a change of apportionment is correct. If the petition  
20 asks the commissioner of community and regional affairs to review an  
21 ordinance approved by the voters under (e) of this section, the petition  
22 shall be delivered to the commissioner not later than 20 days after  
23 certification of the election. If the petition asks the commissioner of  
24 community and regional affairs to review a determination of the borough  
25 assembly under (c) of this section, the petition shall be delivered to  
26 the commissioner within 20 days of the determination of the borough  
27 assembly. The commissioner of community and regional affairs shall  
28 review the petition and may make the determination requested. The  
29 determination of the commissioner of community and regional affairs is

1 advisory. The commissioner shall provide copies of his advisory deter-  
2 mination to the persons petitioning for appeal and to borough officials  
3 not later than 60 days after he receives the petition.

4 \* Sec. 10. AS 29.23.025(g) is amended to read:

5 (g) A change in assembly apportionment or composition under this  
6 section is effective beginning with the first regular election for  
7 members of the assembly which is held more than 60 days after the later  
8 of:

9 (1) approval of the reapportionment ordinance by the voters  
10 under (e) of this section; or

11 (2) the delivery to the mayor of the reapportionment order of  
12 the commissioner of community and regional affairs under (e) of this  
13 section [FOLLOWS APPROVAL OF A REAPPORTIONMENT ORDINANCE].

14 \* Sec. 11. AS 29.23.025 is amended by adding new subsections to read:

15 (h) Each of the following is subject to judicial review:

16 (1) a reapportionment ordinance approved by the voters under  
17 (e) of this section;

18 (2) a determination by the borough assembly under (c) of this  
19 section that the standards of AS 29.23.021 do not require a change in  
20 apportionment; and

21 (3) a reapportionment order of the commissioner of community  
22 and regional affairs made under (e) of this section.

23 (i) The provisions of (g) of this section do not apply to a  
24 borough in which a change in assembly composition or apportionment is  
25 subject to review and approval or determination of nonobjection by the  
26 Attorney General of the United States under the Voting Rights Act of  
27 1965, as amended, (42 U.S.C. 1971 - 1974). A change in assembly com-  
28 position or apportionment subject to review under the Voting Rights Act  
29 of 1965, as amended, is effective beginning with the first regular

1 election for members of the assembly which is held more than 60 days  
2 after

3 (1) receipt by the borough assembly of approval by the  
4 Attorney General of the United States of the proposed change in the  
5 composition or apportionment of the assembly;

6 (2) receipt by the borough assembly of a statement of non-  
7 objection from the Attorney General of the United States to the proposed  
8 change in the composition or apportionment of the assembly; or

9 (3) the last day on which the Attorney General of the United  
10 States may review a proposed change in the composition or apportionment  
11 of the assembly.

12 (j) The provisions of this section apply only to a home rule or  
13 general law borough.

14 \* Sec. 12. AS 29.23.040 is amended to read:

15 Sec. 29.23.040. REGULAR TERM OF OFFICE. (a) Assemblymen are  
16 selected for three-year terms and until their successors are selected  
17 and have qualified, unless different terms not exceeding four years are  
18 prescribed by borough charter or ordinance. Except when otherwise re-  
19 quired by a change of apportionment, if the term of an assemblyman is  
20 changed by charter or ordinance, the term of an assemblyman holding  
21 office at the time the change takes effect is not affected by that  
22 change.

23 (b) The regular term of office begins on the first Monday follow-  
24 ing certification of the election, unless a different date is prescribed  
25 by borough charter or ordinance. [THE CURRENT TERM OF INCUMBENT AS-  
26 SEMBLYMEN MAY NOT BE ALTERED UNDER THIS SECTION.]

27 (c) This section applies to home rule and general law boroughs.

28 \* Sec. 13. AS 29.68.350(a)(2) is repealed and re-enacted to read:

29 (2) provisions for

1 (A) the establishment of service areas; and

2 (B) the establishment of districts or sections for the  
3 election of members of the legislative body of the unified munici-  
4 pality, if election of members of the legislative body is not  
5 areawide, and procedures by which to reapportion the election  
6 districts or sections;

7 \* Sec. 14. AS 29.23.023 is repealed.

8 \* Sec. 15. Sections 1 - 11, 13, and 14 of this Act take effect January 1,  
9 1981.

10 \* Sec. 16. Sections 12, 15 and 16 of this Act take effect immediately in  
11 accordance with AS 01.10.070(c).