

Introduced: 2/5/82
Referred: Community & Regional
Affairs and Judiciary

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 SENATE BILL NO. 725

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to assembly composition and reapportionment; and providing for an effective date."
7

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

9 * Section 1. AS 29.23.023(c) is amended to read:

10 (c) A form of borough assembly representation that [WHICH] includes
11 election of borough assembly members under (b)(2) or (b)(3) of this
12 section shall be submitted to the voters of the borough with a plan of
13 apportionment that corresponds to the form of representation proposed.
14 The assembly shall describe the plan of apportionment in the ballot
15 proposition, and may present the plan in any manner that it believes
16 accurately describes the apportionment that is proposed under the form
17 of representation. If the assembly determines that its existing apportionment
18 meets the standards of AS 29.23.021, the assembly may include
19 the existing apportionment as a proposed plan of apportionment of
20 assembly seats that corresponds to a form of representation that is
21 proposed [AS REQUIRED BY AS 29.23.025(a)].

22 * Sec. 2. AS 29.23.025(a) is amended to read:

23 (a) Not later than two months after the official report of a
24 federal decennial census, the borough assembly shall determine and
25 declare by resolution whether the existing apportionment of the borough
26 assembly meets the standards of AS 29.23.021. If the borough assembly
27 determines that the existing apportionment does not meet the standards
28 of AS 29.23.021, each form of assembly representation submitted to the
29 voters under AS 29.23.023(b) shall include a plan of apportionment in

1 accordance with AS 29.23.021(c) that meets the standards of AS 29.23.021
2 [SUBMITS TO THE VOTERS A FORM OF REPRESENTATION WHICH INCLUDES ELECTION
3 OF BOROUGH ASSEMBLY MEMBERS UNDER AS 29.23.023(b)(2) OR (b)(3), THE
4 ASSEMBLY SHALL SUBMIT WITH THE PROPOSITION A PROPOSED PLAN OF APPORTION-
5 MENT WHICH CORRESPONDS TO THE FORM OF REPRESENTATION PROPOSED. THE
6 ASSEMBLY SHALL DESCRIBE THE PLAN OF APPORTIONMENT IN THE BALLOT PROPOSI-
7 TION, AND MAY PRESENT THE PLAN IN ANY MANNER WHICH IT BELIEVES ACCURATELY
8 DESCRIBES THE APPORTIONMENT WHICH IS PROPOSED UNDER THE FORM OF REPRE-
9 SENTATION. IF THE BOROUGH ASSEMBLY DETERMINES THAT ITS EXISTING APPOR-
10 TIONMENT MEETS THE STANDARDS OF AS 29.23.021, THE ASSEMBLY MAY INCLUDE
11 THE EXISTING APPORTIONMENT AS A PROPOSED PLAN OF APPORTIONMENT OF
12 ASSEMBLY SEATS WHICH CORRESPONDS TO A FORM OF REPRESENTATION WHICH IS
13 PROPOSED].

14 * Sec. 3. AS 29.23.025(b) is amended to read:

15 (b) The borough assembly may at any time consider whether the
16 existing apportionment of the assembly meets the standards of AS 29.23.-
17 021. The borough assembly shall provide, by ordinance, for a change in
18 an existing apportionment of the borough assembly within six months after
19 the date on which [WHENEVER] it determines that the apportionment does
20 not meet the standards of AS 29.23.021. At the same time, the borough
21 assembly may [, BY ORDINANCE,] change the composition of the assembly
22 by including in the ordinance one of the forms of representation listed
23 in AS 29.23.023(b)(1) - (3).

24 * Sec. 4. AS 29.23.025(c) is amended to read:

25 (c) If a petition signed by not less than 50 registered voters who
26 are residents of the borough requests the borough assembly to determine
27 whether the existing apportionment meets the standards for apportionment
28 in AS 29.23.021, and the petition contains evidence that the existing
29 apportionment does not meet those standards, the assembly shall within

1 two months after receipt of the petition [MAY] make the determination
2 requested. The assembly shall provide by ordinance for a change in the
3 existing apportionment of the assembly within six months after the date
4 on which it determines that the apportionment does not meet the standards
5 of AS 29.23.021. At the same time, the assembly may change the composi-
6 tion of the assembly by including in the ordinance one of the forms of
7 representation listed in AS 29.23.023(b)(1) - (3) [THE BOROUGH ASSEMBLY
8 SHALL MAKE A DETERMINATION REQUIRED BY THIS SUBSECTION WITHIN TWO MONTHS
9 OF RECEIPT OF A PETITION WHICH MEETS THE REQUIREMENTS OF THIS SUB-
10 SECTION].

11 * Sec. 5. AS 29.23.023(e) is amended to read:

12 (e) If within [WITHIN] six months of a determination by the borough
13 assembly under (b) or (c) of this section that the current apportionment
14 does not meet the standards of AS 29.23.021, [THE BOROUGH ASSEMBLY SHALL
15 ADOPT AN ORDINANCE PROVIDING FOR REAPPORTIONMENT, AND SUBMIT THE ORDI-
16 NANCE TO THE VOTERS. IF, AT THE END OF THE SIX-MONTH TIME PERIOD,] an
17 ordinance providing for reapportionment has not been approved by the
18 voters, the commissioner of the Department of Community and Regional
19 Affairs shall provide for the reapportionment in accordance with the
20 standards of AS 29.23.021 by preparing an order of reapportionment and
21 delivering the order to the borough mayor.

22 * Sec. 6. AS 29.20.070(c) is repealed and reenacted to read:

23 (c) A form of borough assembly representation that includes elec-
24 tion of assembly members under (b)(2) or (b)(3) of this section shall be
25 submitted to the voters of the borough with a plan of apportionment that
26 corresponds to the form of representation proposed. The assembly shall
27 describe the plan of apportionment in the ballot proposition, and may
28 present the plan in any manner that it believes accurately describes the
29 apportionment that is proposed under the form of representation. If the

1 assembly determines that its existing apportionment meets the standards
2 of AS 29.20.060, the assembly may include the existing apportionment as
3 a proposed plan of apportionment of assembly seats that corresponds to a
4 form of representation that is proposed.

5 * Sec. 7. AS 29.20.080(a) is repealed and reenacted to read:

6 (a) Not later than two months after the official report of a
7 federal decennial census, the assembly shall determine and declare by
8 resolution whether the existing apportionment of the assembly meets the
9 standards of AS 29.20.060. If the assembly determines that the existing
10 apportionment does not meet the standards of AS 29.20.060, each form of
11 assembly representation submitted to the voters under AS 29.20.070(b)
12 shall include a plan of apportionment in accordance with AS 29.20.070(c)
13 that meets the standards of AS 29.20.060.

14 * Sec. 8. AS 29.20.080(b) is repealed and reenacted to read:

15 (b) The assembly may at any time consider whether the existing
16 apportionment of the assembly meets the standards of AS 29.20.060. The
17 assembly shall provide by ordinance for a change in an existing appor-
18 tionment of the assembly within six months after the date on which it
19 determines that the apportionment does not meet the standards of AS 29.-
20 20.060. At the same time, the assembly may change the composition of
21 the assembly by including in the ordinance one of the forms of represen-
22 tation listed in AS 29.20.070(b)(1) - (3).

23 * Sec. 9. AS 29.20.080(c) is repealed and reenacted to read:

24 (c) If a petition signed by not less than 50 voters requests the
25 assembly to determine whether the existing apportionment meets the
26 standards for apportionment in AS 29.20.080, and the petition contains
27 evidence that the existing apportionment does not meet those standards,
28 the assembly shall within two months after receipt of the petition make
29 the determination requested. The assembly shall provide by ordinance

1 for a change in the existing apportionment of the assembly within six
2 months after the date on which it determines that the apportionment does
3 not meet the standards of AS 29.20.060. At the same time, the assembly
4 may change the composition of the assembly by including in the ordinance
5 one of the forms of representation listed in AS 29.20.070(b)(1) - (3).

6 * Sec. 10. AS 29.20.080(e) is repealed and reenacted to read:

7 (e) If within six months of a determination by the assembly under
8 (b) or (c) of this section that the current apportionment does not meet
9 the standards of AS 29.20.060, an ordinance providing for reapportionment
10 has not been approved by the voters, the commissioner of the Department
11 of Community and Regional Affairs shall provide for the reapportionment
12 in accordance with the standards of AS 29.20.060 by preparing an order
13 of reapportionment and delivering the order to the borough mayor.

14 * Sec. 11. Sections 1 - 5 of this Act are repealed.

15 * Sec. 12. Sections 6 - 11 of this Act take effect on the effective date
16 of a version of an Act entitled "An Act relating to municipal government; and
17 providing for an effective date."

18 * Sec. 13. Sections 1 - 5 of this Act take effect immediately in accor-
19 dance with AS 01.10.070(c).

20

21

22

23

24

25

26

27

28

29