

Offered: 2/23/90
Referred: Rules

go0819hH

Original sponsor(s): Rules/Governor

1 IN THE HOUSE BY THE HESS COMMITTEE
2 CS FOR HOUSE BILL NO. 193 (HESS)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to vacancies on and reallocation of
7 elective regional educational attendance area and
8 coastal resource service area board seats in areas of
9 the unorganized borough."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 14.08.041(d) is amended to read:
12 (d) Subject to (f) of this section, a regional school board
13 member shall be elected at large by the qualified voters of the commu-
14 nities receiving educational services in the entire regional educa-
15 tional attendance area. However, each seat on the regional school
16 board shall be designated by letter or number, and when the declara-
17 tion of candidacy or other nomination papers of a candidate for the
18 regional school board are filed those papers must indicate the seat
19 that the candidate seeks. A newly elected board member takes office
20 at the first regional school board meeting after certification of the
21 election. If no candidate files for election to a seat on the region-
22 al school board, the seat is considered vacant at the time a newly
23 elected member would have taken office.
24 * Sec. 2. AS 14.08 is amended by adding a new section to read:
25 Sec. 14.08.045. VACANCIES. (a) The regional school board shall
26 declare a regional school board seat vacant when the person elected
27 (1) fails to qualify within 30 days of certification of the
28 election;
29 (2) notifies the school board in writing of the person's

1 refusal to take office;

2 (3) resigns and the resignation is accepted by the school
3 board;

4 (4) is convicted of a felony involving moral turpitude or
5 of an offense involving a violation of the oath of office while
6 serving as a school board member; or

7 (5) no longer physically resides within the boundaries of
8 the regional educational attendance area, or if the regional educa-
9 tional attendance area has been divided into sections, within the
10 section from which the person was elected, and the school board by a
11 two-thirds vote, declares the seat vacant.

12 (b) A vacancy on a regional school board shall be filled under
13 AS 14.12.070.

14 * Sec. 3. AS 14.08.051(c) is amended to read:

15 (c) If a regional educational attendance area has been divided
16 into sections, the commissioner shall recast the boundaries of the
17 sections within 90 days following the official reporting of the decen-
18 nial federal census in accordance with (a) of this section. If the
19 census is five years old or older and other reliable population data
20 acceptable to the department that establishes that board members do
21 not represent as nearly as practicable equal numbers of people under
22 the allocation of seats to a multi-member section under (d) of this
23 section, the commissioner may reallocate the seats among the sections
24 if reallocation will achieve as nearly as practicable equal represen-
25 tation. Reallocation of seats takes effect at the next regular board
26 election after the reallocation.

27 * Sec. 4. AS 46.40.140(e) is amended to read:

28 (e) The lieutenant governor shall provide for the election of
29 the members of coastal resource service area boards. The first

1 election of board members shall occur at the same time as the [NOT
2 LESS THAN 60 NOR MORE THAN 90 DAYS AFTER CERTIFICATION OF THE RESULTS
3 OF AN] organization election under AS 46.40.130(b) [IN WHICH A MAJORI-
4 TY OF VOTES CAST FAVORS ORGANIZATION OF THE COASTAL RESOURCE SERVICE
5 AREA].

6 * Sec. 5. AS 46.40.140(f) is amended to read:

7 (f) Except for the first election of members of coastal resource
8 service area boards, elections shall be held annually on the date of
9 election of members of regional educational attendance area boards
10 under AS 14.08.071(b). For an election under this subsection or under
11 (e) of this section, a newly elected board member takes office at the
12 first coastal resource service area board meeting after certification
13 of the election. If no candidate files for election to a seat on the
14 coastal resource service area board, the seat is considered vacant at
15 the time a newly elected member would have taken office.

16 * Sec. 6. AS 46.40.140(g) is amended to read:

17 (g) A seat on a coastal resource service area board shall be
18 declared vacant by the board if the criteria under AS 14.08.045(a)
19 apply to the person elected. A vacancy on a coastal resource service
20 area board shall be filled by appointment as provided in AS 14.12.070
21 [AS 14.08.041(a)] for vacancies in the membership of regional educa-
22 tional attendance area boards.

23 * Sec. 7. AS 14.08.041(e) is repealed.