

Amended: 5/3/90  
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) am S

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(b) is amended to read:

15 (b) The division of a regional educational attendance area into  
16 sections or subsequent recasting of the section boundaries may be  
17 proposed by the regional school board or by a petition. The election  
18 of each regional school board member from a section by the voters of  
19 that section of a regional educational attendance area may be proposed  
20 by petition. A petition under this section shall be filed with the  
21 director of elections and shall contain signatures of qualified voters  
22 in the area equal to eight [15] percent of the total vote cast in the  
23 most recent regional school board election. The division of the area  
24 into sections, election of each regional school board member from a  
25 section by the voters of that section, or subsequent recasting of  
26 section boundaries is subject to approval by a majority of the quali-  
27 fied voters voting on the question in the regional educational atten-  
28 dance area at the next regular school board election or a special  
29 election called for that purpose, and takes effect at the next regular

1 school board election.

2 \* Sec. 4. AS 14.08.051(c) is amended to read:

3 (c) If a regional educational attendance area has been divided  
4 into sections, the commissioner shall recast the boundaries of the  
5 sections within 90 days following the official reporting of the decen-  
6 nial federal census in accordance with (a) of this section. If the  
7 census is five years old or older and other reliable population data  
8 acceptable to the department that establishes that board members do  
9 not represent as nearly as practicable equal numbers of people under  
10 the allocation of seats to a multi-member section under (d) of this  
11 section, the commissioner may reallocate the seats among the sections  
12 if reallocation will achieve as nearly as practicable equal represen-  
13 tation. Reallocation of seats takes effect at the next regular board  
14 election after the reallocation.

15 \* Sec. 5. AS 46.40.140(e) is amended to read:

16 (e) The lieutenant governor shall provide for the election of  
17 the members of coastal resource service area boards. The first elec-  
18 tion of board members shall occur at the same time as the [NOT LESS  
19 THAN 60 NOR MORE THAN 90 DAYS AFTER CERTIFICATION OF THE RESULTS OF  
20 AN] organization election under AS 46.40.130(b) [IN WHICH A MAJORITY  
21 OF VOTES CAST FAVORS ORGANIZATION OF THE COASTAL RESOURCE SERVICE  
22 AREA].

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

24 (f) Except for the first election of members of coastal resource  
25 service area boards, elections shall be held annually on the date of  
26 election of members of regional educational attendance area boards  
27 under AS 14.08.071(b). For an election under this subsection or under  
28 (e) of this section, a newly elected board member takes office at the  
29 first coastal resource service area board meeting after certification

1 of the election. If no candidate files for election to a seat on the  
2 coastal resource service area board, the seat is considered vacant at  
3 the time a newly elected member would have taken office.

4 \* Sec. 7. AS 46.40.140(g) is amended to read:

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

11 \* Sec. 8. AS 14.08.041(e) is repealed.