

HOUSE BILL NO. 89

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF LEGISLATIVE COUNCIL

Introduced: 1/25/93

Referred: Community & Regional Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act revising the law on borough assembly apportionment as recommended
2 by the revisor of statutes; and providing for an effective date."

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

4 * Section 1. AS 29.20.070(c) is amended to read:

5 (c) A form of assembly representation that includes election of assembly
6 members under (b)(2) or 3 [(b)(3)] of this section shall be submitted to the voters of
7 the borough with a plan of apportionment of the assembly seats that corresponds to
8 the form of representation that is proposed. The assembly shall describe the plan
9 of apportionment in the ballot proposition, and may present the plan in any
10 manner that it believes accurately describes the apportionment that is proposed
11 under the form of representation [AS REQUIRED BY AS 29.20.080].

12 * Sec. 2. AS 29.20.080 is repealed and reenacted to read:

13 Sec. 29.20.080. REAPPORTIONMENT AND RECOMPOSITION. (a) Not
14 later than two months after the official report of a federal decennial census, the

1 assembly shall determine and declare by resolution whether the existing apportionment
2 of the assembly meets the standards of AS 29.20.060. If the assembly determines that
3 the existing apportionment does not meet the standards of AS 29.20.060, the assembly
4 shall submit a proposed plan of reapportionment to the voters in the election required
5 under AS 29.20.070. If the assembly determines that its existing apportionment meets
6 the standards of AS 29.20.060, the assembly may include the existing apportionment
7 as a proposed plan of apportionment of the assembly seats that corresponds to the form
8 of representation that is proposed to the voters under AS 29.20.070(b).

9 (b) The assembly may consider at any time whether the existing apportionment
10 of the assembly meets the standards of AS 29.20.060. If a petition signed by not less
11 than 50 voters requests the assembly to determine whether the existing apportionment
12 meets the standards under AS 29.20.060, and the petition contains evidence that the
13 existing apportionment does not meet those standards, the assembly shall make the
14 determination within two months of receipt of the petition.

15 (c) Within six months after a determination by the assembly under (b) of this
16 section that the existing apportionment does not meet the standards of AS 29.20.060,
17 the assembly shall adopt an ordinance providing for reapportionment and submit the
18 ordinance to the voters. The ordinance may include a change in the form of
19 representation under AS 29.20.070(b). The ordinance takes effect only if approved by
20 the voters. If, at the end of the six-month period, an ordinance providing for
21 reapportionment has not been approved by the voters and the commissioner determines
22 that the existing apportionment does not meet the standards of AS 29.20.060, the
23 commissioner shall provide for reapportionment by preparing a reapportionment order
24 and delivering the order to the borough mayor.

25 (d) In an election under (c) of this section or AS 29.20.090(b), the assembly
26 shall describe the plan of reapportionment in the ballot proposition in any manner that
27 it believes accurately describes the reapportionment.

28 * Sec. 3. AS 29.20.090 is repealed and reenacted to read:

29 Sec. 29.20.090. REAPPORTIONMENT APPEALS. (a) A decision of the
30 assembly under AS 29.20.080(a) or (b) that the standards of AS 29.20.060 do not
31 require a change in apportionment, or a reapportionment ordinance approved by the

1 voters may be appealed to the commissioner by delivering a petition signed by at least
2 50 voters to the commissioner within 20 days after the decision of the assembly or the
3 certification of the election. Within 60 days after receipt of the petition, the
4 commissioner shall make a determination and provide a copy of it to the petitioners
5 and to the assembly.

6 (b) If the commissioner determines under (a) of this section that a
7 reapportionment ordinance does not meet the standards of AS 29.20.060 or that the
8 decision of the assembly that a change of apportionment is not required is incorrect,
9 the commissioner shall in writing order the assembly to prepare a reapportionment
10 ordinance that meets the standards of AS 29.20.060 and submit the ordinance to the
11 voters. Within 60 days after receipt of the order, the assembly shall adopt a
12 reapportionment ordinance. The ordinance shall be submitted to the voters within 60
13 days after it is adopted by the assembly.

14 (c) If an ordinance providing for reapportionment that meets the standards of
15 AS 29.20.060 has not been approved by the voters within 120 days after the assembly
16 receives the commissioner's order under (b) of this section, the commissioner shall
17 provide for the reapportionment of the assembly by preparing a reapportionment order
18 and delivering the order to the borough mayor.

19 * Sec. 4. AS 29.20.100 is amended to read:

20 Sec. 29.20.100. JUDICIAL REVIEW [AND RELIEF]. (a) The commissioner
21 may request the superior court to enforce a reapportionment order issued under
22 AS 29.20.080(c) or 29.20.090(c) [AS 29.20.090(e)].

23 (b) Each of the following is subject to judicial review:

24 (1) a plan of apportionment [REAPPORTIONMENT] approved by the
25 voters under AS 29.20.070(c) [AS 29.20.080(a)];

26 (2) a determination by the assembly under AS 29.20.080(a) or (b)
27 [AS 29.20.080] that the standards of AS 29.20.060 do not require a change in existing
28 apportionment;

29 (3) a reapportionment ordinance approved by the voters under
30 AS 29.20.080(c) or 29.20.090(b) [AS 29.20.080(d)];

31 (4) a reapportionment order of the commissioner made under

1 AS 29.20.080(c) or 29.20.090(c) [AS 29.20.090(c);

2 (5) A REAPPORTIONMENT ORDINANCE APPROVED BY THE
3 VOTERS UNDER AS 29.20.090(d); AND

4 (6) A REAPPORTIONMENT ORDER OF THE COMMISSIONER
5 MADE UNDER AS 29.20.090(e)].

6 * Sec. 5. AS 29.20.110 is amended to read:

7 Sec. 29.20.110. EFFECTIVE DATE OF APPORTIONMENT. (a) A change
8 in assembly apportionment or composition under AS 29.20.080 or 29.20.090 is
9 effective beginning with the first regular election for members of the assembly that is
10 held more than 60 days after the later of

11 (1) approval of a reapportionment ordinance by the voters under
12 AS 29.20.080(c) or 29.20.090(b) [AS 29.20.080(a), 29.20.080(e), or 29.20.090(d)]; or

13 (2) the delivery to the mayor of a reapportionment order of the
14 commissioner under AS 29.20.080(c) or 29.20.090(c) [AS 29.20.090(e)].

15 (b) The provisions of (a) of this section do not apply to a borough in which
16 a change in assembly composition or apportionment is subject to review and approval
17 or determination of nonobjection by the Attorney General of the United States under
18 42 U.S.C. 1971-1974 (Voting Rights Act of 1965), as amended. A change in assembly
19 composition or apportionment subject to review under 42 U.S.C. 1971-1974, as
20 amended, is effective beginning with the first regular election for members of the
21 assembly that is held more than 60 days after

22 (1) receipt by the assembly of approval or determination of
23 nonobjection by the Attorney General of the United States of the proposed change in
24 the composition or apportionment of the assembly; or

25 (2) [THE DELIVERY TO THE MAYOR OF A REAPPORTIONMENT
26 ORDER OF THE COMMISSIONER UNDER AS 29.20.090(e); OR

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

29 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).