

SJR

47

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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MEMORANDUM

February 1, 1992

SUBJECT: Sectional analysis, draft Work Order No. 7-LS1780\G:
Providing for a legislative role in the reapportionment process

TO: Senator Richard Eliason
ATTN: Laura Fleming

FROM: Jack Chenoweth
Legislative Counsel

This draft Senate Joint Resolution was prepared generally in response to instruction that the Alaska Legislature be provided an equal role in the legislative reapportionment process.

Resolution section 1: The amendment to article VI, section 8 of the state constitution eliminates existing language that appointments to the five-member Reapportionment Board be made without regard to political affiliation and, in its place, authorizes the governor to appoint members with reference to their membership in a political party, but limits to three the maximum number of members that may be appointed from one political party.

Resolution section 2: This series of amendments within article VI, section 10 of the state constitution revises the reapportionment and redistricting process and builds into that process a role for the legislature.

Subsection (a):

-- reduces from 90 to 60 days the period in which the governor may consider a plan of reapportionment submitted by the Reapportionment Board;

-- directs the governor to

-- prepare a draft reapportionment proclamation within the 60 days;

- convene the legislature in special session;
- transmit the draft reapportionment proclamation to the legislature; and
- submit with the draft reapportionment proclamation a statement explaining any changes between the draft proclamation and the plan of reapportionment received from the Reapportionment Board;

Subsection (b) authorizes the legislature to approve the draft proclamation as submitted by adoption of a concurrent resolution approved by a majority of the members of each of the two houses.

Subsection (c) summarizes the process to be followed in the event the two houses of the legislature fail to adopt the concurrent resolution of approval. The legislature must report to the governor its recommendations for changes to the draft reapportionment proclamation. Once it does so, the governor is to promptly reconvene the board, submit the changes recommended, and ask the board to consider those changes. The board may prepare a modified plan but, for changes suggested by the legislature that it does not accept, it must explain the reasons for the disagreement. Thereafter, without reference to any time constraints, the governor has opportunity to review the modified plan and

- prepare a second draft reapportionment proclamation;
- convene the legislature in special session;
- transmit the second draft reapportionment proclamation to the legislature; and
- submit with the second draft reapportionment proclamation a statement explaining any changes between the second draft proclamation and the original proclamation.

Subsection (d) directs that the governor may not execute a proclamation of reapportionment unless the proclamation has received the approval of the legislature.

Subsection (e) described the final process by which a proclamation prepared by the governor and approved by the legislature is to be implemented.

Resolution section 3: The amendments to the Enforcement section, article VI, section 11 of the state constitution, are largely technical. They remove gender references set out in that section, eliminate reference to "either of two 90-day

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periods" in light of the reduction of one of those periods to 60 days, and otherwise affirm that the Enforcement section is applicable to action or inaction by the state executive. Enforcement does not lie under this section against the legislature.

Resolution section 4: This is a new section, intended to bring a measure of closure to any ongoing reapportionment dispute between the executive and the legislature. If, 120 days after the delivery of a plan of apportionment by the Reapportionment Board to the governor, the legislature has not approved a draft proclamation of reapportionment, then further action to reapportion and redistrict the legislature is assigned to a three-judge panel of the superior court. The panel has 45 days to adopt a final proclamation of reapportionment and redistricting.

Resolution section 5: This is a boilerplate provision under which the amendments are submitted to the voters at the November, 1992, general election.

JC:gc
92-021.lmb

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MEMORANDUM

January 16, 1992

SUBJECT: Legislative involvement in reapportionment (Revised)
(Work Order No. 7-LS1780D)

TO: Senator Richard Eliason
ATTN: Laura Fleming

FROM: Jack Chenoweth
Legislative Counsel

SHADED
AREA MUST
BE
COMPLETED
WITHIN
120 DAYS

RELEASE OF FEDERAL CENSUS INFORMATION	
Maximum 90 days	
REAPPORTIONMENT BOARD PLAN ISSUES	
Maximum 60 days	
DRAFT PROCLAMATION ISSUES	
10 days + or -	
LEGISLATIVE SPECIAL SESSION CONVENED	
Maximum 30 days	
LEGISLATIVE ACTION REPORTED	
DRAFT PROCLAMATION APPROVED	DRAFT PROCLAMATION NOT APPROVED "Prompt" action required; no time limit specified; governor may set limit
PROCLAMATION ISSUES	REAPPORTIONMENT BOARD RE-CONVENED, LEGISLATIVE CONCERNS CONSIDERED; NEW DRAFT PLAN "Prompt" action required; no time limit specified; governor may set limit

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DRAFT PROCLAMATION
APPROVED

PROCLAMATION ISSUES

GOVERNOR CONSIDERS AND ISSUES
NEW DRAFT PROCLAMATION

10 days + or -

LEGISLATIVE SPECIAL SESSION
CONVENED

Maximum 30 days

DRAFT PROCLAMATION NOT
APPROVED

"Prompt" action required; no time limit speci-
fied; governor may set limit

REAPPORTIONMENT BOARD RE-
CONVENED; LEGISLATIVE CONCERNS
CONSIDERED; NEW DRAFT PLAN

TIME EXPIRES - REFERRED TO ALASKA
SUPREME COURT

JBC:lmb
92-007.lmb

ALASKA STATE LEGISLATURE SENATE

SENATOR RICHARD I. ELIASON

PRESIDENT OF THE SENATE
LABOR & COMMERCE COMMITTEE
RESOURCES COMMITTEE
RULES COMMITTEE
CHAIRMAN, SPECIAL COMMITTEE ON
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PRESS RELEASE* FOR IMMEDIATE RELEASE* PRESS RELEASE

**SENATE PRESIDENT DICK ELIASON PROPOSES LEGISLATIVE
APPROVAL OF FUTURE REAPPORTIONMENT PLANS**

FEBRUARY 7, 1992. JUNEAU, ALASKA. Senate President Dick Eliason (R-Sitka) today introduced legislation proposing amendments to the state constitution requiring legislative approval of reapportionment and redistricting plans.

"Alaska is the only state that gives the governor total authority in the matter of redistricting, and I think it's about time we changed that," said Eliason. "This measure provides for some legislative involvement by requiring that the governor's plan be approved by officials from every region of the state, legislators elected to represent the interests of their constituents. The current system of concentrating all of the power in the Executive branch isn't balanced. The participation of the legislature will bring the whole process closer to the public."

The measure, Senate Joint Resolution 47, retains the current constitutional provisions for a 5-member advisory Reapportionment Board appointed by the governor, adding a requirement that no more than three members may be from the same political party. It requires the governor to submit his draft reapportionment proclamation to the legislature for approval, and directs the governor to convene a special session for legislative consideration of the proposal. The legislature must approve the proposal as written, or send it back to the governor with

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recommendations for changes. The Reapportionment Board may adopt the changes in its next submittal to the governor, or reject the legislature's suggestions and state its reasons for doing so.

The legislature must approve the plan within 120 days of the board's delivery of its initial plan to the governor. If it does not, both the governor and the legislature forfeit their participation in the redistricting process, and a panel of three superior court judges appointed by the supreme court must draw up a reapportionment and redistricting proclamation.

"Ultimately, the voters will decide this issue," Eliason stated, referring to required ratification by the voters of constitutional amendments. "I hope Alaskans will take a serious look at this proposal and give the Legislature the benefit of their views on it. I'd like to see the public get really involved in the debate."

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