

**CS FOR HOUSE BILL NO. 331(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/15/02

Referred: Rules

Sponsor(s): REPRESENTATIVE KOTT

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to appointment of persons to positions that require confirmation by the**  
2   **legislature; and providing for an effective date."**

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

4    \* **Section 1.** AS 39.05.080 is amended to read:

5           **Sec. 39.05.080. Procedure for all appointments.** Except as otherwise  
6           provided in a law relating to the positions or memberships on a specific board or  
7           commission, appointment to a position or membership shall be made in the following  
8           manner:

9                   (1) Each governor shall present to the legislature the names of the  
10           persons appointed by that governor; each governor may present the name of a person  
11           appointed by a previous governor; only presentment that occurs during the time that  
12           the legislature is in regular session constitutes presentment under this section. The  
13           governor shall, within the first 30 days after the legislature convenes in regular  
14           session, present to the legislature for confirmation the names of the following persons:

1 (A) persons appointed to a position or membership who have not previously been  
 2 confirmed by the legislature, and (B) persons to be appointed to fill a position or  
 3 membership the term of which will expire **on or before** March 1 during that session of  
 4 the legislature. If an appointment is made after the first 30 days of the convening of  
 5 the regular session but while the legislature is in regular session, the governor shall  
 6 **immediately** [, WITHIN FIVE CALENDAR DAYS AFTER THE APPOINTMENT  
 7 IS MADE,] present to the legislature for confirmation the name of the person  
 8 appointed. [THE DEADLINE MAY BE EXTENDED BY THE LEGISLATURE BY  
 9 THE APPROVAL OF A CONCURRENT RESOLUTION.]

10 (2) When appointments are presented to the legislature for  
 11 confirmation,

12 (A) the presiding officer of each house shall assign the name of  
 13 each appointee to a standing committee of that house for a hearing, report, and  
 14 recommendation; standing committees of the two houses assigned the same  
 15 person's name for consideration may meet jointly to consider the qualifications  
 16 of the person appointed and may issue either a separate or a joint report and  
 17 recommendation concerning that person; then

18 (B) the legislature shall, before the end of the **regular** session  
 19 in which the appointments are presented, in joint session assembled, act on the  
 20 appointments by confirming or declining to confirm by a majority vote of all of  
 21 the members the appointments presented.

22 (3) When the legislature declines to confirm an appointment, the  
 23 legislature shall notify the governor of its action and a vacancy in the position or  
 24 membership exists which the governor shall fill by making a new appointment. [THE  
 25 NEW APPOINTMENT SHALL BE PRESENTED FOR CONFIRMATION TO THE  
 26 LEGISLATURE WITHIN 20 CALENDAR DAYS FOLLOWING RECEIPT BY  
 27 THE GOVERNOR OF THE LEGISLATURE'S NOTIFICATION OF ITS REFUSAL  
 28 TO CONFIRM THE PRIOR APPOINTMENT.] The governor may not appoint again  
 29 the same person whose confirmation was refused for the same position or membership  
 30 during the **regular** session of the legislature at which confirmation was refused. The  
 31 person whose name is refused for appointment by the legislature may not thereafter be

1 appointed to the same position or membership during the interim between **regular**  
 2 legislative sessions. Failure of the legislature to act to confirm or decline to confirm  
 3 an appointment during the **regular** session in which the appointment was presented is  
 4 tantamount to a declination of confirmation on the day the **regular** session adjourns.

5 (4) Pending confirmation or rejection of appointment by the  
 6 legislature, persons appointed shall exercise the functions, have the powers, and be  
 7 charged with the duties prescribed by law for the appointive positions or membership.  
 8 However, the duration of an appointment made during the time period between regular  
 9 sessions of the legislature by a person who is not still the governor on the first day of  
 10 the next regular session ends on the date during the next regular session that the sitting  
 11 governor presents for confirmation an appointment to the office. For the purpose of  
 12 applying laws that limit the number of terms or parts of terms that may be served by a  
 13 member of a board or commission, the part of the term of office that is served under  
 14 an interim appointment immediately before the member is reappointed under this  
 15 paragraph is considered to be merged with the part of the term of office that is served  
 16 immediately after reappointment so that the two periods of service constitute only one  
 17 part of a term. The duration of an appointment made during a regular session of the  
 18 legislature and not presented to the legislature by the governor during that session ends  
 19 no later than the last day of that session. The duration of an appointment made during  
 20 an interim by a governor who is not in office at the beginning of the next regular  
 21 session of the legislature ends no later than the last day of that regular session unless  
 22 the governor who is in office during that session presents the person's name for  
 23 confirmation. The same governor may not appoint the same person to the same  
 24 position or membership if the person's appointment ends because of the governor's  
 25 failure to present the person's name for confirmation.

26 \* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).