310.10 - CONSTITUTIONAL CONVENTION
C/P No. 10a - The Executive
Original

Jan. 12, 1956

1) Dec. 16, 1955

ACE 585117

2) Jan. 12, 1956

3) 10a amended Jan. 16, 1956

4) Style + Drafting Jan. 26, 1956

5) Amendments dated Jan. 27, 1956

6) amended Jan. 28, 1956
ALASKA CONSTITUTIONAL CONVENTION

Report of the Committee on Executive Branch

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear Mr. President:

The Committee on the Executive Branch presents for consideration and adoption by the Convention the attached Article on the Executive Branch. A commentary explaining the provisions of this Article is also attached.

Proposals No. 14 and 15 were referred to this Committee. The Committee incorporated parts of Proposal No. 14 in its proposal. It felt that the subject matter of Proposal No. 15 was outside its terms of reference and that the Proposal should be referred to another Committee for consideration.

Respectfully submitted,

Victor Rivers, Chairman
Frank Barr
John C. Boswell
Thomas C. Harris
Maynard D. Lodborg
Katherine Nordale
H. R. VanderLeest
ALASKA CONSTITUTIONAL CONVENTION

COMMITTEE PROPOSAL NO. 10

Report of the Committee on the Executive Branch

ARTICLE ON THE EXECUTIVE

RESOLVED, that the following be agreed upon as part of the Alaska State Constitution

Executive Authority

1. Section 1. The executive power of the State shall be vested in a governor.

Qualifications of Governor

2. Section 2. The governor shall be not less than thirty years of age, and shall have been for at least twenty years a citizen of the United States, and a resident of this state seven years next preceding his election.

Election of Governor

3. Section 3. The governor shall be elected by the qualified voters of this state. The person receiving the greatest number of votes shall be the governor; but if two or more shall be equal and greatest in votes, one of them shall be elected governor by the vote of a majority of all the members of both houses in joint meeting at the regular legislative session next following the election for governor by the people. Contested elections for the office of

Committee Proposal No. 10
Term of Governor

Section 4. The term of office of the governor shall be four years, beginning at noon on the first Monday in December next following his election, and ending at noon on the first Monday in December four years thereafter. No person who has been elected governor for two full successive terms shall be again eligible to hold that office until the 1st Monday in December of the fourth year following the expiration of his second successive term.

Other Offices

Section 5. The governor shall not hold any other office or employment of profit under the state, or the United States, during his term of office. Compensation for service in the armed forces of the state or the United States is not profit as that term is here used.

Secretary of State

Section 6. There shall be a secretary of state, who shall have the same qualifications as the governor. He shall be elected at the same time and for the same term as the governor, and the election procedure prescribed by law shall provide that the electors, in casting their vote for governor shall also be deemed to be casting their vote for the candidate for secretary of state shown on the ballot as
running jointly with the respective candidate for governor. The candidate for secretary of state who runs jointly with the successful candidate for governor shall be elected secretary of state. The secretary of state shall perform such duties as may be prescribed by law and as may be delegated to him by the governor.

Section 7. In case the governor-elect shall die before he has qualified and assumed the office of governor, or in case he fails to qualify for any other cause, the powers, duties, and emoluments of the office of Governor shall devolve upon the person elected secretary of state at the same election, and he shall serve as governor for the term for which the governor-elect was elected. In case of a vacancy in the office of governor because of his death, resignation, impeachment, or removal, his powers and duties shall devolve upon the secretary of state. In case of the temporary absence of the governor from office, the powers and duties shall devolve upon the secretary of state. Whenever for a period of six months a governor in office shall have remained continuously absent from the state or shall have been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant.
The procedure for determining continuous absence and disability shall be prescribed by law.

Section 8. If for any reason the secretary of state is incapable of acting, the President of the Senate and the Speaker of the House of Representatives in succession shall act as governor until the vacancy is filled or the disability removed. If the office of governor becomes vacant and there is no secretary of state, the offices of governor and secretary of state shall be filled for the remainder of the terms at the next succeeding general election unless the vacancy occurs less than 60 days before the election; but no election to fill an unexpired term shall be held in any year in which a governor is to be elected for a full term. No election of a secretary of state shall be had in any event except at the time of electing a governor.

Section 9. The compensation of the governor and the secretary of state shall be prescribed by law and shall not be diminished during their term of office. When the secretary of state or other officer succeeds to the office of governor, he shall receive the compensation for that office.

Section 10. The governor shall be responsible for the faithful execution of the laws. To this end...
he shall have power, by appropriate action or proceeding in the courts brought in the name of the state, to enforce compliance with any constitutional or legislative mandate, or to restrain violation of any constitutional or legislative power or duty, by any officer, department or agency of the state; but this power shall not be construed to authorize any action or proceeding against the Legislature. The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the state and recommend to its consideration such measures as he deems expedient. He may convene the Legislature, or the Senate alone, whenever in his opinion the public interest requires.

The governor shall, prior to the end of his term of office, prepare a written report on the conduct of his administration, which shall contain such information as may be useful to his successor in carrying out the duties of his office.

Section 11. The governor shall be commander-in-chief of the armed forces of the state, and may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence or repel invasion. The governor, as provided by law, shall nominate and appoint all general and flag officers of the armed forces of the state.
forces of the state, with the advice and consent of the Senate, and shall appoint and commission all other officers.

Martial Law 4 Section 12. The governor may proclaim martial law when the public safety requires it in case of rebellion or invasion or imminent danger thereof. Martial law shall not continue for a period longer than 20 days without the approval of a majority of both houses of the legislature in joint session.

Section 13. The governor may grant pardons, commutations, and reprieves and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A commission or other body may be established by law to aid and advise the governor in the exercise of executive clemency. A system for the granting of parole shall be provided by law.

Section 14. All executive and administrative offices, departments, and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. Regulatory and quasi-judicial bodies and temporary agencies may be established by law and need not be allocated within a prin-
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in the administrative structure or in the assignment
of functions as may, in his judgment, be necessary for
efficient administration. These changes shall be set
forth in executive orders which shall become effective
at the close of the next regular session of the legis­
lature, unless disapproved by a resolution concurred in
by a majority of all the members of the legislature
meeting jointly.

Section 15. Each principal department shall be
under the supervision of the Governor. The head of
each principal department shall be a single executive
unless otherwise provided by law, and shall be nomin­
ated and appointed by the governor, with the advice
and consent of the Senate, to serve at the pleasure of
the Governor during his term of office and until the
appointment and qualification of his successor, except
as herein otherwise provided with respect to the Sec­
retary of State. The heads of all principal depart­
ments appointed under the provisions of this section
shall be citizens of this State and shall have been
residents of the State for at least three years next
preceding their appointment.

Section 16. The members of regulatory and quasi­
judicial bodies shall be nominated and appointed by the
Governor, with the advice and consent of the Senate, and may be removed in the manner provided by law. A regulatory or quasi-judicial body may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the Governor.

Section 17. The Governor may fill any vacancy occurring in any office during a recess of the legislature, appointment to which is made by the Governor with the advice and consent of the Senate or of the Legislature in joint meeting. An appointment so made shall expire at the end of the next regular session of the Legislature, unless a successor shall be sooner appointed and qualified. After the end of the session no ad interim appointment to the same office shall be made unless the Governor shall have submitted to the Senate a nomination to the office during the session and the Senate shall have adjourned without confirming or rejecting it. No person nominated for any office shall be eligible for an ad interim appointment to such office if the nomination shall have failed of confirmation by the Senate.
ALASKA CONSTITUTIONAL CONVENTION

Commentary on the Executive Branch Article

(Section 1. Executive Authority.)

This section vests executive authority in a governor. The intention throughout the article is to centralize authority and responsibility for the administration of government and the enforcement of laws in a single elected official.

(Section 2. Qualifications of Governor.)

The age, citizenship, and residence qualifications are designed to ensure that the governor will be a mature person who is intimately familiar with the ideals and institutions of the United States and with conditions in Alaska. The residence requirement of seven years refers to legal residence and should not serve to disqualify residents of Alaska who are stationed outside Alaska while in the military service of the United States or in the service of the state.

(Section 3. Election of Governor.)

Provision is made for direct election of the Governor, but if two or more candidates get the same and highest number of votes, both houses of the legislature in joint meeting elect one of them to be governor. The legislature is called upon to provide for contested elections.
(Section 4. Term of Governor.)

The governor will hold office for four years. He can be elected for only two full successive terms. However, an official who fills a vacancy in the office of governor, can be elected for two successive terms immediately after serving the unexpired term. A governor who has served two full terms in succession is eligible for reelection again after one term out of office. The Committee believes in strong executive authority but realizes that the power granted could be used to perpetuate a governor in office. A lapse of four years after two full successive terms would, it is felt, tend to prevent such abuse of power.

(Section 5. Limit on Other Activities.)

This section would prevent the governor from resigning during his term of office for the purpose of having his successor appoint him to fill a vacancy in another state office. It would, however, allow the officers concerned to retain their active membership in the National Guard or the Military Reserve of the United States.

(Section 6. Secretary of State.)

The Committee believes that only persons who hold an elective office should succeed to the Office of Governor. However, the successor should be of the same political party as the governor to avoid unnecessary confusion or waste when a vacancy occurs. These considerations led the committee to adopt a plan of election
similar to that in effect in New York and also the same in principle as the arrangement for election of President and Vice-president of the United States. It calls for voters to cast a single vote applicable to both offices. The respective persons having the highest number of votes cast jointly for them for governor and secretary of state respectively would be elected. With respect to the duties of the Secretary of State, the Committee felt that he should have a full time job in the administration and that he should not preside over the Senate.

(Section 7 and 8. Succession.)

This section provides for succession in event the Governor-elect dies or for other reasons fails to qualify, in the event of a vacancy in the office of Governor, and in the event there is no secretary of state when a vacancy occurs in the office of governor. The order of succession is the Secretary of State, the President of the Senate and the Speaker of the House. Thus, only persons holding an elective office will succeed to the governorship. If a vacancy occurs in the office of Governor and there is no secretary of state, then an election will be held to fill the unexpired terms at the next general election unless the vacancies occur less than 60 days before a general election. No election would be held to fill an unexpired term in any year in which an election for a full term will be held.

The procedure for determining disability and continuous absence from the state is to be prescribed by law. An orderly pro-
procedure would, it is hoped, avoid the uncertainty and confusion that has prevailed elsewhere in the past when the chief executive has been incapacitated.

(Section 9. Compensation.)

This section will prevent the legislature from reducing the compensation of the Governor and Secretary of State during their respective terms of office. The Secretary of State would receive the compensation assigned to the Office of Governor when he fills a vacancy in that office, but not when he assumes the governor's duties during the temporary absence of the governor.

(Section 10. Executive Powers.)

This section makes the governor responsible for the faithful execution of the laws and gives him power to do so through the courts and by other means. It authorizes him to make recommendations to the legislature and to convene the legislature or the Senate alone when he deems it necessary in the public interest. Convening the Senate alone might be necessary to obtain Senate confirmation of appointments.

(Section 11. Armed Forces of the State.)

The purposes for which the Governor may call out the armed forces of the state are the same as those contained in many state constitutions. The authority of the governor to appoint
officers of the armed forces is made subject to applicable law of the state and the United States.

(Section 12. Martial Law.)

This provision confers authority to declare martial law and at the same time limits the situations in which the authority can be exercised. In order to continue martial law for longer than 20 days, the approval of a majority of members of both houses of the legislature in attendance at a joint session would have to be obtained, and if the legislature were not in session at the time, the Governor would have to call it into special session for the purpose.

(Section 13. Executive Clemency.)

The power conferred by this section is similar to that conferred by many state constitutions on the chief executive of the state.

(Sections 14 - 17. Organization.)

A clear distinction is made between the administrative departments, such as public works, health, education, and welfare, and the regulatory, including quasi-judicial, bodies such as a rate-setting public utility commission. The head of an administrative department, whether single or multiple, can be removed at any time by the Governor. The members of regulatory bodies can be removed only in the manner provided by law. In
order to ensure maximum coordination of staff services, the appointment of an executive director for a regulatory body requires the governor's approval. The appointment and removal of an executive-director of any administrative department which is headed by a board are left to determination by law. The governor can from time to time by executive order, reorganize governmental agencies provided that any such executive order shall not become effective until a full regular session of the legislature has been held after the order is issued and has not disapproved it by a majority of both houses in joint session assembled.
Hon. William A. Egan, President
Alaska Constitutional Convention

Dear Mr. President:

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Section 3. The governor shall be elected by the qualified voters of this state. The person receiving the greatest number of votes shall be the governor; but if two or more shall be equal and greatest in votes, one of them shall be elected governor by the vote of a majority of all the members of both houses in joint meeting at the regular legislative session next following the election for governor by the people. Contested elections for the office of
Term of Governor

1 governor shall be determined in the manner provided by law.

Section 4. The term of office of the governor shall be four years, beginning at noon on the first Monday in December next following his election, and ending at noon on the first Monday in December four years thereafter. No person who has been elected governor for two full successive terms shall be again eligible to hold that office until the 1st Monday in December of the fourth year following the expiration of his second successive term.

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Section 5. The governor shall not hold any other office or employment of profit under the state, or the United States, during his term of office. Compensation for service in the armed forces of the state or the United States is not profit as that term is here used.

Secretary of State

Section 6. There shall be a secretary of state, who shall have the same qualifications as the governor. He shall be elected at the same time and for the same term as the governor, and the election procedure prescribed by law shall provide that the electors, in casting their vote for governor shall also be deemed to be casting their vote for the candidate for secretary of state shown on the ballot as
Succession

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15 elect was elected. In case of a vacancy in the
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20 office, the powers and duties shall devolve upon the
21 secretary of state. Whenever for a period of six months
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23 absent from the state or shall have been unable to dis­
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he shall have power, by appropriate action or proceeding in the courts brought in the name of the state, to enforce compliance with any constitutional or legislative mandate, or to restrain violation of any constitutional or legislative power or duty, by any officer, department or agency of the state or any of its political subdivisions, but this power shall not be construed to authorize any action or proceeding against the Legislature. The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the state and recommend to its consideration such measures as he deems expedient. He may convene the Legislature, or the Senate alone, or the two houses in joint session, whenever in his opinion the public interest requires.

The governor shall, prior to the end of his term of office, prepare a written report on the conduct of his administration, which shall contain such information as may be useful to his successor in carrying out the duties of his office.

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forces of the state, with the advice and consent of
the Senate, and shall appoint and commission all other
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Section 12. The governor may proclaim martial
law when the public safety requires it in case of re-
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Organization
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such manner as to group the same according to major
purposes so far as practicable. Regulatory and quasi-
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Government or in the assignment of functions among the
units thereof, as may, in his judgment, be necessary
for efficient administration. Where these changes require
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orders which shall become effective at the close of the
next regular session of the Legislature, unless disap­
proved by a resolution concurred in by a majority of
all the members of the Legislature meeting jointly.

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ment shall be a single executive, unless otherwise
provided by law. Such single executive shall be nomi­
nated and appointed by the governor, with the advice
and consent of the Senate, and shall serve at the
pleasure of the Governor during his term of office
and until the appointment and qualification of their
successors, except as herein otherwise provided with
respect to the Secretary of State. The heads of all
principal departments appointed under the provisions
of this section shall be citizens of this State and
shall have been residents of the State for at least
three years next preceding their appointment.
Section 17. Wherever a board or commission is at the head of a principal department or of a regulatory or quasi-judicial body, the members thereof shall be nominated and appointed by the Governor, with the advice and consent of the Senate, and may be removed in the manner provided by law. Such a board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the Governor.

Section 18. The Governor may fill any vacancy occurring in any office during a recess of the Legislature, appointment to which is made by the Governor with the advice and consent of the Senate or of the Legislature in joint meeting. An appointment so made shall expire at the end of the next regular session of the Legislature, unless a successor shall be sooner appointed and qualified. After the end of the session no ad interim appointment to the same office shall be made unless the Governor shall have submitted to the Senate a nomination to the office during the session and the Senate shall have adjourned without confirming or rejecting it. No person nominated for any office shall be eligible for an ad interim appointment to such office if the nomination shall have failed of confirmation by the Senate.
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CONSTITUTIONAL CONVENTION OF ALASKA

RESOLVED, that the following be agreed upon as part of the Alaska State Constitution:

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Term of Office 13  Section 4. The term of office of the governor is four years, beginning at noon on the first Monday in December following his election and ending at noon on the first Monday in December four years later.
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Limit on Tenure

1. Section 5. No person who has been elected governor for two full successive terms shall be again eligible to hold that office until one full term has intervened.

Dual Office Holding

2. Section 6. The governor shall not hold any other office or position of profit under the United States, the State or its political subdivisions.

Secretary of State: Duties

3. Section 7. There shall be a secretary of state. He shall have the same qualifications as the governor and serve for the same term. He shall perform such duties as may be prescribed by law and as may be delegated to him by the governor.

Election

4. Section 8. The secretary of state shall be nominated in the manner provided by law for nominating candidates for other elective offices. In the general election the votes cast for a candidate for governor shall be considered as cast also for the candidate for secretary of state running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor is elected secretary of state.

Acting Governor

5. Section 9. In case of the temporary absence of the governor from office, the secretary of state serves as acting governor.

Succession: Failure to Qualify

6. Section 10. In case a governor-elect fails to qualify and assume office for any reason, the person
Section 11. In case of a vacancy in the office of governor for any reason the secretary of state shall succeed to the office for the remainder of the term.

Section 12. Whenever for a period of six months a governor shall have been continuously absent from the State or shall have been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. The procedure for determining continuous absence and disability shall be prescribed by law.

Section 13. If for any reason the secretary of state is incapable of succeeding to the office of governor, the vacancy in the office of governor shall be filled as prescribed by law. No election of a secretary of state shall be held except at the time of electing a governor.

Section 14. When the secretary of state or other officer succeeds to the office of governor, he shall have the title, powers, duties, and emoluments of that office.

Section 15. The compensation of the governor and the secretary of state shall be prescribed by law and shall not be diminished during their term of office,
Section 16. The governor is responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the State, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty or right by any officer, department or agency of the State or any of its political subdivisions. This authority shall not be construed to authorize any action or proceeding against the legislature.

Section 17. Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session.

Section 18. The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the State and recommend the measures he considers necessary.

Section 19. The governor is commander-in-chief of the armed forces of the State. He may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence, or repel invasion. The governor, as provided by law, shall nominate and appoint all general and flag officers of the armed forces of

unless by general law applying to all salaried officers of the State.
the State, subject to confirmation by a majority of
the members of the legislature in joint session. He
shall appoint and commission all other officers.

Section 20. The governor may proclaim martial
law when the public safety requires it in case of
rebellion or actual or imminent invasion. Martial
law shall not continue for longer than 20 days without
the approval of a majority of the members of the legis-
lature in joint session.

Section 21. Subject to procedure prescribed by
law, the governor may grant pardons, commutations and
reprieves, and may suspend and remit fines and for-
feitures. This power shall not extend to impeachment.
A parole system shall be provided by law.

Section 22. All executive and administrative
offices, departments, and agencies of the state govern-
ment and their respective functions, powers and duties
shall be allocated by law among and within not more
than twenty principal departments, so as to group them
as far as practicable according to major purposes.
Regulatory, quasi-judicial and temporary agencies may
be established by law and need not be allocated within
a principal department.

Section 23. The governor may make changes in the
organization of the executive branch or in the
assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders which shall become effective at the close of the next regular session of the legislature, unless disapproved by a resolution concurred in by a majority of the members of the legislature in joint session.

Section 24. Each principal department shall be under the supervision of the governor.

Section 25. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be nominated and appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the secretary of state. The heads of all principal departments shall be citizens of the United States.

Section 26. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be nominated and appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law.
They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

Section 27. The governor may make appointments to fill vacancies occurring during a recess of the legislature in offices requiring confirmation by the legislature. The duration of such appointments shall be prescribed by law.
Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its suggestions for redraft of substantive amendments made yesterday to the Article on the Executive.

Section 10. We recommend that the language, as amended on the floor, be retained.

Section 13. This section was amended on the floor to read as follows:

Section 13. Provision shall be made by law for succession to the office of governor in the event that the secretary of state is unable to succeed to the office. Provision shall also be made for a person to serve as acting governor in the event that the secretary of state is unable to act as governor. No election of a secretary of state shall be held except at the time of electing a governor.

We recommend that the section be as follows:

Section 13. Provision shall be made by law for succession to the office of governor and for an acting governor in the event that the secretary of state is unable to succeed to the officer or act as governor. No election of a secretary of state shall be held except at the time of electing a governor.

Section 23. The end of section 23, after the word "orders" on line 4 of page 6, was amended on the floor to read as follows:
These orders shall become effective after sixty days of a regular session of the legislature have elapsed following their issuance or at the close of the next regular session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of the legislature in joint session.

We recommend that the section be as follows:

The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George M. McLaughlin
Katherine D. Nordale
AMENDMENT TO ARTICLE III - STYLE AND DRAFTING

MR. PRESIDENT:

I move that Article III of the Report of the Committee on Style and Drafting be amended as follows:

Section 23, page 6, line 4, insert period after the word "orders", strike balance of section and substitute the following:

"These orders become effective after sixty days of a regular session of the legislature have elapsed following their issuance or at the close of the next regular session, whichever is sooner, unless disapproved by a resolution concurred in by a majority of the members of the legislature in joint session."
MR. PRESIDENT:

I move that ARTICLE III of the Report of the Committee on Style and Drafting be amended as follows:

Section 10, Page 2, strike the section and insert the following:

"Section 10. If the governor-elect dies, resigns or is disqualified, the secretary of state elected with him succeeds to the office of governor. If the governor-elect fails to assume office for any other reason, the secretary of state elected with him shall serve as acting governor and succeeds to the office if the governor-elect does not assume his office within six months of the beginning of the term."

Section 13, Page 3, strike the section and insert the following:

"Section 13. Provision shall be made by law for succession to the office of governor in the event that the secretary of state is unable to succeed to the office. Provision shall also be made for a person to serve as acting governor in the event that the secretary of state is unable to act as governor. No election of a secretary of state shall be held except at the time of electing a governor."