

FOLDER NO.

410.3

File

REPORT OF COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention
Article III/ Executive
Style and Drafting
January 26, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

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

ARTICLE III

THE EXECUTIVE

Executive
Power

1 Section 1. The executive power of the State is
2 vested in the governor.

Qualifica-
tions of
Governor

3 Section 2. The governor shall be at least thirty
4 years of age and a qualified voter of the State. He
5 shall have been a resident of Alaska at least seven
6 years immediately preceding his filing for office,
7 and he shall have been a citizen of the United States
8 for at least seven years.

Election

9 Section 3. The governor is chosen by the qualified
10 voters of the State at a general election. The candi-
11 date receiving the greatest number of votes shall be
12 governor.

Term of
Office

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

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

Dual Office Holding 4 Section 6. The governor shall not hold any other
5 office or position of profit under the United States,
6 the State or its political subdivisions.

Secretary of State: Duties 7 Section 7. There shall be a secretary of state.
8 He shall have the same qualifications as the governor
9 and serve for the same term. He shall perform such
10 duties as may be prescribed by law and as may be dele-
11 gated to him by the governor.

Election 12 Section 8. The secretary of state shall be nomi-
13 nated in the manner provided by law for nominating
14 candidates for other elective offices. In the general
15 election the votes cast for a candidate for governor
16 shall be considered as cast also for the candidate for
17 secretary of state running jointly with him. The
18 candidate whose name appears on the ballot jointly with
19 that of the successful candidate for governor is elected
20 secretary of state.

Acting Governor 21 Section 9. In case of the temporary absence of
22 the governor from office, the secretary of state serves
23 as acting governor.

Succession: Failure to Qualify 24 Section 10. In case a governor-elect fails to
25 qualify and assume office for any reason, the person

1 elected with him as secretary of state shall succeed to
2 the office of governor for the full term.

Vacancy

3 Section 11. In case of a vacancy in the office of
4 governor for any reason the secretary of state shall
5 succeed to the office for the remainder of the term.

Absence

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

Further
Succession

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

Title and
Authority

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

Compensa-
tion

23 Section 15. The compensation of the governor and
24 the secretary of state shall be prescribed by law and
25 shall not be diminished during their term of office,

1 unless by general law applying to all salaried officers
2 of the State.

Governor:
Authority

3 Section 16. The governor is responsible for the
4 faithful execution of the laws. He may, by appropriate
5 court action or proceeding brought in the name of the
6 State, enforce compliance with any constitutional or
7 legislative mandate, or restrain violation of any
8 constitutional or legislative power, duty or right by
9 any officer, department or agency of the State or any
10 of its political subdivisions. This authority shall
11 not be construed to authorize any action or proceeding
12 against the legislature.

Convening
Legislature

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

Messages
to
Legislature

16 Section 18. The governor shall, at the beginning
17 of each session, and may at other times, give the legis-
18 lature information concerning the affairs of the State
19 and recommend the measures he considers necessary.

Military
Authority

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

1 the State, subject to confirmation by a majority of
2 the members of the legislature in joint session. He
3 shall appoint and commission all other officers.

Martial
Law

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

Executive
Clemency

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

Executive
Branch:
Principal
Departments

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

Reorganiz-
ation

24 Section 23. The governor may make changes in the
25 organization of the executive branch or in the

1 assignment of functions among its units which he con-
2 sider necessary for efficient administration. Where
3 these changes require the force of law, they shall be
4 set forth in executive orders which shall become
5 effective at the close of the next regular session of
6 the legislature, unless disapproved by a resolution
7 concurred in by a majority of the members of the legis-
8 lature in joint session.

Supervision 9 Section 24. Each principal department shall be
10 under the supervision of the governor.

Department
Heads 11 Section 25. The head of each principal department
12 shall be a single executive unless otherwise provided
13 by law. He shall be nominated and appointed by the
14 governor, subject to confirmation by a majority of the
15 members of the legislature in joint session, and shall
16 serve at the pleasure of the governor, except as other-
17 wise provided in this article with respect to the
18 secretary of state. The heads of all principal
19 departments shall be citizens of the United States.

Boards and
Commissions 20 Section 26. When a board or commission is at
21 the head of a principal department or a regulatory or
22 quasi-judicial agency, its members shall be nominated
23 and appointed by the governor, subject to confirmation
24 by a majority of the members of the legislature in
25 joint session, and may be removed as provided by law.

1 They shall be citizens of the United States. The board
2 or commission may appoint a principal executive officer
3 when authorized by law, but the appointment shall be
4 subject to the approval of the governor.

Recess
Appointments

5 Section 27. The governor may make appointments
6 to fill vacancies occurring during a recess of the
7 legislature in offices requiring confirmation by the
8 legislature. The duration of such appointments shall
9 be prescribed by law.

Amendment No. _____

Constitutional Convention
By Com. on Executive Branch
January 27, 1956

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."

Amendment No. _____

Constitutional Convention
By Committee on Executive Branch
Date January 27, 1956

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 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."

REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention
Style and Drafting/Article/III
January 28, 1956

ALASKA CONSTITUTIONAL CONVENTION

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

F I R S T E N R O L L E D C O P Y

Constitutional Convention
Committee Proposal/10/a/Enrolled
January 16, 1956

ALASKA CONSTITUTIONAL CONVENTION

COMMITTEE PROPOSAL NO. 10/a

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
2 be vested in a governor.

Qualifica-
tions of
Governor

3 Section 2. The governor shall be not less
4 than thirty years of age, and shall have been for
5 at least seven years a citizen of the United
6 States, and a resident of Alaska seven years next
7 preceding his election, and be a qualified elector.

Election
of
Governor

8 Section 3. The governor shall be elected by
9 the qualified voters of this state. The person
10 receiving the greatest number of votes shall be
11 the governor.

Term of
Governor

12 Section 4. The term of office of the governor
13 shall be four years, beginning at noon on the first
14 Monday in December next following his election,

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

Other
Offices

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

Secretary
of State

14 Section 6. There shall be a secretary of
15 state, who shall have the same qualifications as
16 the governor. He shall be nominated in the
17 manner provided by law for nominating candidates
18 for other elective offices. He shall be elected
19 at the same time and for the same term as the
20 governor, and the procedure prescribed by law
21 for general elections shall provide that the
22 electors, in casting their vote for governor
23 shall also be deemed to be casting their vote for
24 the candidate for secretary of state shown on the
25 ballot as running jointly with the respective

1 candidate for governor. The candidate for
2 secretary of state who runs jointly with the
3 successful candidate for governor shall be
4 elected secretary of state. The secretary of
5 state shall perform such duties as may be pres-
6 cribed by law and as may be delegated to him
7 by the governor.

Succession

8 Section 7. In case the governor-elect shall
9 die before he has qualified and assumed the office
10 of governor, or in case he fails to qualify for
11 any other cause, the title, powers, duties, and
12 emoluments of the office of Governor shall
13 devolve upon the person elected secretary of
14 state at the same election, and he shall serve
15 as governor for the term for which the governor-
16 elect was elected. In case of a vacancy in the
17 office of governor because of his death, resig-
18 nation, or removal, his title, powers, duties
19 and emoluments shall devolve upon the secretary
20 of state. In case of the temporary absence of
21 the governor from office, the secretary of state
22 shall become the acting governor. Whenever for
23 a period of six months a governor in office shall
24 have remained continuously absent from the state
25 or shall have been unable to discharge the duties

1 of his office by reason of mental or physical
2 disability, the office shall be deemed vacant.
3 The procedure for determining continuous absence
4 and disability shall be prescribed by law.

5 Section 8. If for any reason the secretary
6 of state is incapable of acting, a vacancy in
7 the office of governor shall be filled as pres-
8 cribed by law. No election of a secretary of
9 state shall be had in any event except at the
10 time of electing a governor.

Compensation

11 Section 9. The compensation of the governor
12 and the secretary of state shall be prescribed by
13 law and shall not be diminished during their term
14 of office unless by general law applying to all
15 salaried officers of the state. When the secre-
16 tary of state or other officer succeeds to the
17 office of governor, he shall receive the compen-
18 sation for that office.

Executive
Powers

19 Section 10. The governor shall be responsible
20 for the faithful execution of the laws. To this
21 end he shall have power, by appropriate action or
22 proceeding in the courts brought in the name of
23 the state, to enforce compliance with any consti-
24 tutional or legislative mandate, or to restrain
25 violation of any constitutional or legislative

1 power, duty or right by any officer, department
2 or agency of the state or any of its political
3 subdivisions, but this power shall not be con-
4 strued to authorize any action or proceeding
5 against the Legislature. The governor shall,
6 at the beginning of each session, and may at
7 other times, give the legislature information
8 concerning the affairs of the state and recommend
9 to its consideration such measures as he deems
10 expedient. He may convene the Legislature, or
11 either house alone, or the two houses in joint
12 session, whenever in his opinion the public
13 interest requires.

14 Section 11. The governor shall be
15 commander-in-chief of the armed forces of the
16 state, and may call out these forces to execute
17 the laws, suppress or prevent insurrection or
18 lawless violence or repel invasion. The
19 governor, as provided by law, shall nominate and
20 appoint all general and flag officers of the armed
21 forces of the state, with the advice and consent
22 of the Legislature in joint session and shall appoint
23 and commission all other officers.

Martial Law

24 Section 12. The governor may proclaim
25 martial law when the public safety requires it

1 in case of rebellion or actual or imminent inva-
2 sion. Martial law shall not continue for a
3 period longer than 20 days without the approval
4 of a majority of both houses of the legislature
5 in joint session.

Executive
Clemency

6 Section 13. The governor subject to proce-
7 dure prescribed by law may grant pardons, commuta-
8 tions, and reprieves and may suspend and remit
9 fines and forfeitures. This power shall not
10 extend to impeachment. A system for the granting
11 of parole shall be provided by law.

Organization

12 Section 14. All executive and administrative
13 offices, departments, and instrumentalities of
14 the state government and their respective func-
15 tions, powers and duties shall be allocated by
16 law among and within not more than twenty
17 principal departments in such manner as to group
18 the same according to major purposes so far as
19 practicable. Regulatory and quasi-judicial bodies
20 and temporary agencies may be established by
21 law and need not be allocated within a principal
22 department. The governor may make such changes
23 in the organization of the Executive Branch of
24 the State Government or in the assignment of
25 functions among the units thereof, as may, in

1 his judgment, be necessary for efficient admini-
2 stration. Where these changes require the force
3 of law, they shall be set forth in executive
4 orders which shall become effective at the close
5 of the next regular session of the Legislature,
6 unless disapproved by a resolution concurred in
7 by a majority of all the members of the Legisla-
8 ture meeting jointly.

9 Section 15. Each principal department shall
10 be under the supervision of the Governor.

11 Section 16. The head of each principal
12 department shall be a single executive, unless
13 otherwise provided by law. Such single executive
14 shall be nominated and appointed by the governor,
15 with the advice and consent of the Legislature
16 in joint session, and shall serve at the pleasure
17 of the Governor except as herein otherwise pro-
18 vided with respect to the Secretary of State. The
19 heads of all principal departments appointed
20 under the provisions of this section shall be
21 citizens of the United States.

22 Section 17. Wherever a board or commission
23 is at the head of a principal department or of
24 a regulatory or quasi-judicial body, the members
25 thereof shall be citizens of the United States

1 and nominated and appointed by the Governor,
2 with the advice and consent of the Legislature
3 in joint session, and may be removed in the
4 manner provided by law. Such a board or
5 commission may appoint a principal executive
6 officer when authorized by law, but the appoint-
7 ment shall be subject to the approval of the
8 Governor.

9 Section 18. The Governor may make ad interim
10 appointments to fill vacancies occurring during
11 a recess of the legislature in offices requiring
12 confirmation of the legislature. The duration of
13 such appointments shall be prescribed by law.

Constitutional Convention
Committee Proposal/10/a
January 12, 1956

ALASKA CONSTITUTIONAL CONVENTION

Revised 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. Londborg
Katherine Nordale
H. R. VanderLeest

ALASKA CONSTITUTIONAL CONVENTION

COMMITTEE PROPOSAL NO. 10/a

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
2 shall be vested in a governor.

Qualifica-
tions of
Governor

3 Section 2. The governor shall be not less than
4 thirty years of age, and shall have been for at
5 least twenty years a citizen of the United States,
6 and a resident of this state seven years next pre-
7 ceding his election.

Election
of Governor

8 Section 3. The governor shall be elected by the
9 qualified voters of this state. The person receiv-
10 ing the greatest number of votes shall be the gov-
11 ernor; but if two or more shall be equal and greatest
12 in votes, one of them shall be elected governor by
13 the vote of a majority of all the members of both
14 houses in joint meeting at the regular legislative
15 session next following the election for governor by
16 the people. Contested elections for the office of

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

Term of
Governor

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

Other
Offices

12 Section 5. The governor shall not hold any other
13 office or employment of profit under the state, or the
14 United States, during his term of office. Compensa-
15 tion for service in the armed forces of the state or
16 the United States is not profit as that term is here
17 used.

Secretary
of State

18 Section 6. There shall be a secretary of state,
19 who shall have the same qualifications as the gover-
20 nor. He shall be elected at the same time and for
21 the same term as the governor, and the election pro-
22 cedure prescribed by law shall provide that the
23 electors, in casting their vote for governor shall
24 also be deemed to be casting their vote for the candi-
25 date for secretary of state shown on the ballot as

1 running jointly with the respective candidate for gov-
2 ernor. The candidate for secretary of state who runs
3 jointly with the successful candidate for governor
4 shall be elected secretary of state. The secretary
5 of state shall perform such duties as may be pre-
6 scribed by law and as may be delegated to him by the
7 governor.

Succession

8 Section 7. In case the governor-elect shall die
9 before he has qualified and assumed the office of gov-
10 ernor, or in case he fails to qualify for any other
11 cause, the powers, duties, and emoluments of the office
12 of Governor shall devolve upon the person elected sec-
13 retary of state at the same election, and he shall
14 serve as governor for the term for which the governor-
15 elect was elected. In case of a vacancy in the
16 office of governor because of his death, resignation,
17 impeachment, or removal, his powers, duties and
18 emoluments shall devolve upon the secretary of state.
19 In case of the temporary absence of the governor from
20 office, the powers and duties shall devolve upon the
21 secretary of state. Whenever for a period of six months
22 a governor in office shall have remained continuously
23 absent from the state or shall have been unable to dis-
24 charge the duties of his office by reason of mental or
25 physical disability, the office shall be deemed vacant.

1 The procedure for determining continuous absence and
2 disability shall be prescribed by law.

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

Compensa-
tion

18 Section 9. The compensation of the governor and
19 the secretary of state shall be prescribed by law and
20 shall not be diminished during their term of office.
21 When the secretary of state or other officer succeeds
22 to the office of governor, he shall receive the com-
23 pensation for that office.

Executive
powers

24 Section 10. The governor shall be responsible
25 for the faithful execution of the laws. To this end

1 he shall have power, by appropriate action or proced-
2 ing in the courts brought in the name of the state, to
3 enforce compliance with any constitutional or legisla-
4 tive mandate, or to restrain violation of any consti-
5 tutional or legislative power or duty, by any officer,
6 department or agency of the state or any of its poli-
7 tical subdivisions, but this power shall not be con-
8 strued to authorize any action or proceeding against
9 the Legislature. The governor shall, at the beginning
10 of each session, and may at other times, give the legis-
11 lature information concerning the affairs of the state
12 and recommend to its consideration such measures as he
13 deems expedient. He may convene the Legislature, or
14 the Senate alone, or the two houses in joint session,
15 whenever in his opinion the public interest requires.

16 The governor shall, prior to the end of his term
17 of office, prepare a written report on the conduct of
18 his administration, which shall contain such informa-
19 tion as may be useful to his successor in carrying out
20 the duties of his office.

21 Section 11. The governor shall be commander-in-
22 chief of the armed forces of the state, and may call
23 out these forces to execute the laws, suppress or pre-
24 vent insurrection or lawless violence or repel invasion.
25 The governor, as provided by law, shall nominate and
26 appoint all general and flag officers of the armed

1 forces of the state, with the advice and consent of
2 the Senate, and shall appoint and commission all other
3 officers.

Martial Law

4 Section 12. The governor may proclaim martial
5 law when the public safety requires it in case of re-
6 bellion or invasion or imminent danger thereof. Mar-
7 tial law shall not continue for a period longer than
8 20 days without the approval of a majority of both
9 houses of the legislature in joint session.

Executive
Clemency

10 Section 13. The governor may grant pardons, com-
11 mutations, and reprieves and may suspend and remit
12 fines and forfeitures. This power shall not extend to
13 impeachment. A commission or other body may be estab-
14 lished by law to aid and advise the governor in the
15 exercise of executive clemency. A system for the
16 granting of parole shall be provided by law.

Organiza-
tion

17 Section 14. All executive and administrative
18 offices, departments, and instrumentalities of the
19 state government and their respective functions,
20 powers and duties shall be allocated by law among and
21 within not more than twenty principal departments in
22 such manner as to group the same according to major
23 purposes so far as practicable. Regulatory and quasi-
24 judicial bodies and temporary agencies may be estab--
25 lished by law and need not be allocated within a prin-

1 cipal department. The governor may make such changes
2 in the organization of the Executive Branch of the State
3 Government or in the assignment of functions among the
4 units thereof, as may, in his judgment, be necessary
5 for efficient administration. Where these changes require
6 the force of law, they shall be set forth in executive
7 orders which shall become effective at the close of the
8 next regular session of the Legislature, unless disap-
9 proved by a resolution concurred in by a majority of
10 all the members of the Legislature meeting jointly.

11 Section 15. Each principal department shall be
12 under the supervision of the Governor.

13 Section 16. The head of each principal depart-
14 ment shall be a single executive, unless otherwise
15 provided by law. Such single executive shall be nomi-
16 nated and appointed by the governor, with the advice
17 and consent of the Senate, and shall serve at the
18 pleasure of the Governor during his term of office
19 and until the appointment and qualification of their
20 successors, except as herein otherwise provided with
21 respect to the Secretary of State. The heads of all
22 principal departments appointed under the provisions
23 of this section shall be citizens of this State and
24 shall have been residents of the State for at least
25 three years next preceding their appointment.

1 Section 17. Wherever a board or commission is
2 at the head of a principal department or of a regula-
3 tory or quasi-judicial body, the members thereof shall
4 be nominated and appointed by the Governor, with the
5 advice and consent of the Senate, and may be removed
6 in the manner provided by law. Such a board or commis-
7 sion may appoint a principal executive officer when
8 authorized by law, but the appointment shall be sub-
9 ject to the approval of the Governor.

10 Section 18. The Governor may fill any vacancy
11 occurring in any office during a recess of the Legis-
12 lature, appointment to which is made by the Governor
13 with the advice and consent of the Senate or of the
14 Legislature in joint meeting. An appointment so made
15 shall expire at the end of the next regular session of
16 the Legislature, unless a successor shall be sooner
17 appointed and qualified. After the end of the session
18 no ad interim appointment to the same office shall be
19 made unless the Governor shall have submitted to the
20 Senate a nomination to the office during the session
21 and the Senate shall have adjourned without confirming
22 or rejecting it. No person nominated for any office
23 shall be eligible for an ad interim appointment to such
24 office if the nomination shall have failed of confirma-
25 tion by the Senate.

Constitutional Convention
Committee Proposal/10
December 16, 1955

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. Londborg

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
2 shall be vested in a governor.

Qualifica-
tions of
Governor

3 Section 2. The governor shall be not less than
4 thirty years of age, and shall have been for at
5 least twenty years a citizen of the United States,
6 and a resident of this state seven years next pre-
7 ceding his election.

Election
of Governor

8 Section 3. The governor shall be elected by the
9 qualified voters of this state. The person receiv-
10 ing the greatest number of votes shall be the gov-
11 ernor; but if two or more shall be equal and greatest
12 in votes, one of them shall be elected governor by
13 the vote of a majority of all the members of both
14 houses in joint meeting at the regular legislative
15 session next following the election for governor by
16 the people. Contested elections for the office of

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

Term of
Governor

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

Other
Offices

12 Section 5. The governor shall not hold any other
13 office or employment of profit under the state, or the
14 United States, during his term of office. Compensa-
15 tion for service in the armed forces of the state or
16 the United States is not profit as that term is here
17 used.

Secretary
of State

18 Section 6. There shall be a secretary of state,
19 who shall have the same qualifications as the gover-
20 nor. He shall be elected at the same time and for
21 the same term as the governor, and the election pro-
22 cedure prescribed by law shall provide that the
23 electors, in casting their vote for governor shall
24 also be deemed to be casting their vote for the candi-
25 date for secretary of state shown on the ballot as

1 running jointly with the respective candidate for gov-
2 ernor. The candidate for secretary of state who runs
3 jointly with the successful candidate for governor
4 shall be elected secretary of state. The secretary
5 of state shall perform such duties as may be pre-
6 scribed by law and as may be delegated to him by the
7 governor.

Succession

8 Section 7. In case the governor-elect shall die
9 before he has qualified and assumed the office of gov-
10 ernor, or in case he fails to qualify for any other
11 cause, the powers, duties, and emoluments of the office
12 of Governor shall devolve upon the person elected sec-
13 retary of state at the same election, and he shall
14 serve as governor for the term for which the governor-
15 elect was elected. In case of a vacancy in the
16 office of governor because of his death, resignation,
17 impeachment, or removal, his powers and duties shall
18 devolve upon the secretary of state. In case of the
19 temporary absence of the governor from office, the
20 powers and duties shall devolve upon the secretary of
21 state. Whenever for a period of six months a gover-
22 nor in office shall have remained continuously absent
23 from the state or shall have been unable to discharge
24 the duties of his office by reason of mental or phy-
25 sical disability, the office shall be deemed vacant.

1 The procedure for determining continuous absence and
2 disability shall be prescribed by law.

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

Compensa-
tion

18 Section 9. The compensation of the governor and
19 the secretary of state shall be prescribed by law and
20 shall not be diminished during their term of office.
21 When the secretary of state or other officer succeeds
22 to the office of governor, he shall receive the com-
23 pensation for that office.

Executive
powers

24 Section 10. The governor shall be responsible
25 for the faithful execution of the laws. To this end

1 he shall have power, by appropriate action or proceed-
2 ing in the courts brought in the name of the state, to
3 enforce compliance with any constitutional or legis-
4 lative mandate, or to restrain violation of any con-
5 stitutional or legislative power or duty, by any
6 officer, department or agency of the state; but this
7 power shall not be construed to authorize any action
8 or proceeding against the Legislature. The governor
9 shall, at the beginning of each session, and may at
10 other times, give the legislature information concern-
11 ing the affairs of the state and recommend to its con-
12 sideration such measures as he deems expedient. He
13 may convene the Legislature, or the Senate alone,
14 whenever in his opinion the public interest requires.

15 The governor shall, prior to the end of his term
16 of office, prepare a written report on the conduct of
17 his administration, which shall contain such infor-
18 mation as may be useful to his successor in carrying
19 out the duties of his office.

Armed
Forces of
the State

20 Section 11. The governor shall be commander-in-
21 chief of the armed forces of the state, and may call
22 out these forces to execute the laws, suppress or pre-
23 vent insurrection or lawless violence or repel invasion.
24 The governor, as provided by law, shall nominate and
25 appoint all general and flag officers of the armed

1 forces of the state, with the advice and consent of
2 the Senate, and shall appoint and commission all other
3 officers.

Martial Law

4 Section 12. The governor may proclaim martial
5 law when the public safety requires it in case of re-
6 bellion or invasion or imminent danger thereof. Mar-
7 tial law shall not continue for a period longer than
8 20 days without the approval of a majority of both
9 houses of the legislature in joint session.

Executive
Clemency

10 Section 13. The governor may grant pardons, com-
11 mutations, and reprieves and may suspend and remit
12 fines and forfeitures. This power shall not extend to
13 impeachment. A commission or other body may be estab-
14 lished by law to aid and advise the governor in the
15 exercise of executive clemency. A system for the
16 granting of parole shall be provided by law.

Organiza-
tion

17 Section 14. All executive and administrative
18 offices, departments, and instrumentalities of the
19 state government and their respective functions,
20 powers and duties shall be allocated by law among and
21 within not more than twenty principal departments in
22 such manner as to group the same according to major
23 purposes so far as practicable. Regulatory and quasi-
24 judicial bodies and temporary agencies may be estab--
25 lished by law and need not be allocated within a prin-

1 cipal department. The governor may make such changes
2 in the administrative structure or in the assignment
3 of functions as may, in his judgment, be necessary for
4 efficient administration. These changes shall be set
5 forth in executive orders which shall become effective
6 at the close of the next regular session of the legis-
7 lature, unless disapproved by a resolution concurred in
8 by a majority of all the members of the legislature
9 meeting jointly.

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

24 Section 16. The members of regulatory and quasi-
25 judicial bodies shall be nominated and appointed by the

1 Governor, with the advice and consent of the Senate,
2 and may be removed in the manner provided by law. A
3 regulatory or quasi-judicial body may appoint a prin-
4 cipal executive officer when authorized by law, but
5 the appointment shall be subject to the approval of the
6 Governor.

7 Section 17. The Governor may fill any vacancy
8 occurring in any office during a recess of the legis-
9 lature, appointment to which is made by the Governor
10 with the advice and consent of the Senate or of the
11 Legislature in joint meeting. An appointment so made
12 shall expire at the end of the next regular session of
13 the Legislature, unless a successor shall be sooner ap-
14 pointed and qualified. After the end of the session no
15 ad interim appointment to the same office shall be made
16 unless the Governor shall have submitted to the Senate
17 a nomination to the office during the session and the
18 Senate shall have adjourned without confirming or re-
19 jecting it. No person nominated for any office shall
20 be eligible for an ad interim appointment to such office
21 if the nomination shall have failed of confirmation by
22 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-

cedure 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.