

HOUSE BILL NO. 359

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES PORTER, Green

Introduced: 12/29/95

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the appointment and confirmation process for members of
2 certain boards, commissions, and similar bodies; relating to terms of certain
3 appointees; and providing for an effective date."

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

5 * **Section 1.** AS 08.01.035 is amended to read:

6 Sec. 08.01.035. APPOINTMENTS AND TERMS. Members of boards subject
7 to this chapter are appointed for staggered terms of four years. **Except as provided**
8 **in AS 39.05.080(4), a** [A] member of a board serves until a successor is appointed.
9 **Except as provided in AS 39.05.080(4), an** [AN] appointment to fill a vacancy on a
10 board is for the remainder of the unexpired term. A member who has served all or
11 part of two successive terms on a board may not be reappointed to that board unless
12 four years have elapsed since the person has last served on the board.

13 * **Sec. 2.** AS 14.07.095 is amended to read:

14 Sec. 14.07.095. TERM OF OFFICE. The members of the board shall be

1 appointed for overlapping five-year terms commencing **on the March 1 following the**
2 **date of the member's** [FEBRUARY 1 OF THE YEAR OF] appointment. **Except as**
3 **provided in AS 39.05.080(4), a** [A] member appointed to fill a vacancy serves for the
4 unexpired term of the member whose vacancy is filled. A vacancy occurring during
5 a term of office is filled in the same manner as the original appointment.

6 * **Sec. 3.** AS 15.13.020(h) is amended to read:

7 (h) A vacancy on the commission shall be filled through the appropriate
8 appointing method for the position within 30 days after the occurrence of the vacancy.
9 **Except as provided in AS 39.05.080(4), the** [THE] appointee shall serve for the
10 remaining term of the appointee's predecessor.

11 * **Sec. 4.** AS 16.43.030(b) is amended to read:

12 (b) A vacancy on the commission shall be filled by appointment by the
13 governor and the appointment shall be confirmed by the legislature in joint session.
14 **Except as provided in AS 39.05.080(4), a** [A] member selected to fill a vacancy shall
15 hold office for the balance of the full term for which the member's predecessor on the
16 commission was appointed.

17 * **Sec. 5.** AS 31.05.007(b) is amended to read:

18 (b) A vacancy arising in the office of a commissioner shall be filled by
19 appointment by the governor and confirmed by the legislature in joint session, and,
20 **except as provided in AS 39.05.080(4),** an appointee selected to fill a vacancy shall
21 hold office for the balance of the full term for which the predecessor on the
22 commission was appointed.

23 * **Sec. 6.** AS 38.06.025(e) is amended to read:

24 (e) Vacancies in public membership shall be filled in the same manner as
25 original appointment. **Except as provided in AS 39.05.080(4), an** [AN] appointee to
26 fill a vacancy shall hold office for the balance of the term for which the predecessor
27 on the board was appointed. A vacancy in board membership does not impair the
28 authority of a quorum of the board members to exercise all the powers and duties of
29 the board.

30 * **Sec. 7.** AS 39.05 is amended by adding a new section to read:

31 Sec. 39.05.053. TERMS OF OFFICE. The term of office of a position or

1 membership ends on March 1 of the year when the position's or membership's term
2 expires except as otherwise provided in a law relating to positions or memberships on
3 a specific board or commission.

4 * **Sec. 8.** AS 39.05.060(d) is amended to read:

5 (d) A vacancy occurring during a term of office is filled in the same manner
6 as the original appointment is made and, **except as provided in AS 39.05.080(4), is**
7 **filled** for the balance of the unexpired term. **Except as otherwise provided by law,**
8 **each** [EACH] member holds office at the pleasure of the governor notwithstanding the
9 member's term.

10 * **Sec. 9.** AS 39.05.080 is amended to read:

11 Sec. 39.05.080. PROCEDURE FOR ALL APPOINTMENTS. **Except as**
12 **otherwise provided in a law relating to the positions or memberships on a specific**
13 **board or commission, appointment to a position or membership**
14 [APPOINTMENTS] shall be made in the following manner:

15 (1) The **governor** [APPOINTING AUTHORITY] shall, within **the first**
16 30 days **after** [OF THE CONVENING OF] the legislature **convenes** in regular session,
17 present to the legislature for confirmation the names of the following persons: (A)
18 persons appointed to a position or membership who have not previously been
19 confirmed by the legislature, **and (B)** [OR EITHER HOUSE OF IT; (B) PERSONS
20 APPOINTED SUBJECT TO CONFIRMATION TO FILL AN EXISTING POSITION
21 OR MEMBERSHIP VACANCY; (C)] persons to be appointed [SUBJECT TO
22 CONFIRMATION] to fill a position or membership the term of which **will** [SHALL]
23 expire **March 1 during that** [BEFORE JULY 2, FOLLOWING THE] session of the
24 legislature. If an appointment is made after the **first 30 days of the convening of the**
25 **regular session** [DEADLINE] but while the legislature is in **regular** session, the
26 **governor** [APPOINTING AUTHORITY] shall, within five calendar days after the
27 appointment is made, present to the legislature for confirmation the name of the person
28 appointed. The deadline may be extended by the legislature by the approval of a
29 concurrent resolution.

30 (2) When appointments are presented to the legislature for
31 confirmation,

1 (A) the presiding officer of each house shall assign the name
2 of each appointee to a standing committee of that house for a hearing, report,
3 and recommendation; standing committees of the two houses assigned the same
4 person's name for consideration may meet jointly to consider the qualifications
5 of the person appointed and may issue either a separate or a joint report and
6 recommendation concerning that person; then

7 (B) the legislature shall, before the end of the session in which
8 the appointments are presented, in joint session assembled, act on the
9 appointments by confirming or declining to confirm by a majority vote of all
10 of the members the appointments presented.

11 (3) When the legislature declines to confirm an appointment, the
12 legislature shall notify the **governor** [APPOINTING AUTHORITY] of its action and
13 a vacancy in the position or membership exists which the **governor** [APPOINTING
14 AUTHORITY] shall fill by making a new appointment. The new appointment shall
15 be presented for confirmation to the legislature within 20 calendar days following
16 receipt by the **governor** [APPOINTING AUTHORITY] of the legislature's notification
17 of its refusal to confirm the prior appointment. **The governor** [IF THE NAME OF
18 A PERSON IS SUBMITTED AND IS NOT CONFIRMED, THE APPOINTING
19 AUTHORITY] may not **appoint** [, UPON RESUBMISSION OF APPOINTMENTS,
20 SUBMIT] again the **same** [NAME OF THE] person whose confirmation was refused
21 for the same position or membership during the session of the legislature at which
22 confirmation was refused. The person whose name is refused for appointment by the
23 legislature may not thereafter be appointed to the **same** position or membership during
24 the interim between legislative sessions. Failure of the legislature to act to confirm or
25 decline to confirm an appointment during the session in which the appointment was
26 presented **by the governor under (1) of this section or assigned to a committee**
27 **under (5) of this section** is tantamount to a declination of confirmation on the day the
28 session adjourns.

29 (4) Pending confirmation or rejection of appointment by the legislature,
30 persons appointed shall exercise the functions, [AND] have the powers, and be charged
31 with the duties prescribed by law for the appointive positions or membership.

1 However, the duration of an appointment made during the time period between
2 regular sessions of the legislature, or within five days of the end of a regular
3 session, ends on the first day of the next regular session. An appointee whose
4 appointment ends on the first day of the next regular session, under this
5 paragraph, does not serve until a successor is appointed but may be reappointed
6 for the remainder of the term.

7 (5) The legislature may consider presented, for purposes of this
8 section, the name of a person who is performing the duties of a position or
9 membership, regardless of whether the governor has submitted the person's name
10 to the legislature. The provisions of (2) - (4) of this section apply to appointments
11 considered presented under this paragraph. Assignment of an appointee's name
12 to a committee under (2) of this section constitutes the legislature's intent to
13 consider a name presented under this paragraph. The legislature shall notify the
14 governor of appointments assigned to a committee under this paragraph.

15 * **Sec. 10.** AS 39.23.200(a) is amended to read:

16 (a) The State Officers Compensation Commission is established. The
17 commission is composed of seven members appointed by the governor subject to
18 confirmation by a majority of the legislature in joint session. Members serve for
19 staggered terms of four years. Commission membership shall include at least one
20 business executive, one representative of a nonpartisan voters' organization, one person
21 with experience in public administration, and one representative of a labor
22 organization. **Except as provided in AS 39.05.080(4), a** [A] vacancy shall be filled
23 for the balance of the unexpired term. A commission member may serve no more than
24 two complete consecutive terms.

25 * **Sec. 11.** AS 41.35.330 is amended to read:

26 Sec. 41.35.330. TERM OF OFFICE. The term of office for a member of the
27 commission is three years, except for those who are members by virtue of their
28 positions with the state, who serve for as long as they remain in the position by virtue
29 of which they are members of the commission. **Except as provided in**
30 **AS 39.05.080(4), a** [A] member appointed to fill a vacancy serves for the unexpired
31 term of the member succeeded.

1 * **Sec. 12.** AS 42.05.030(b) is amended to read:

2 (b) vacancy arising in the office of commissioner shall be filled by
3 appointment by the governor and confirmed by the legislature in joint session. **Except**
4 **as provided in AS 39.05.080(4), an** [AN] appointee selected to fill a vacancy shall
5 hold office for the balance of the full term for which the appointee's predecessor on
6 the commission was appointed.

7 * **Sec. 13.** AS 42.40.040(a) is amended to read:

8 (a) Except for the commissioner of commerce and economic development and
9 the commissioner of transportation and public facilities, a vacancy on the board is
10 filled by appointment by the governor, and the appointment must be confirmed by the
11 members of the legislature in joint session. **Except as provided in AS 39.05.080(4),**
12 **a** [A] member appointed to fill a vacancy holds office for the balance of the term for
13 which the member's predecessor was appointed.

14 * **Sec. 14.** AS 46.15.200 is amended to read:

15 Sec. 46.15.200. TERM OF OFFICE. The term of office for members of the
16 board is four years. If a vacancy occurs, the governor shall fill it by appointment for
17 the unexpired term, **subject to AS 39.05.080(4).** The appointment shall be submitted
18 to the legislature for confirmation at the next regular [OR SPECIAL] session.

19 * **Sec. 15.** AS 08.36.020; AS 08.80.020; and AS 08.88.026 are repealed.

20 * **Sec. 16.** TRANSITIONAL PROVISIONS. In order to implement the changes made in
21 this Act, and notwithstanding other provisions of law that may limit the years or terms of
22 positions or memberships, the terms of office of positions or memberships, as defined in
23 AS 39.05.200, that exist on the effective date of this Act are extended to the March 1 next
24 following the date that the term would have expired without the changes made in this Act.
25 This section does not apply to terms of office that would have expired on March 1 even if this
26 Act had not taken effect.

27 * **Sec. 17.** This Act takes effect January 1, 1997.