

**HOUSE BILL NO. 377**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE HODGINS**

**Introduced: 2/4/98**

**Referred: State Affairs**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to filling a vacancy in the office of United States senator or  
2 in an office in the state legislature."

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

4 \* **Section 1.** AS 15.40.010 is amended to read:

5 **Sec. 15.40.010. Conditions and time of filling vacancy by appointment.**

6 When a vacancy occurs in the office of United States senator, the governor, within 30  
7 days after the vacancy occurs, shall appoint, under (b) of this section, an individual  
8 [A QUALIFIED PERSON] to fill the vacancy. However, if the remainder of the term  
9 of the predecessor in office will expire or if the vacancy will be filled by a special  
10 election before the United States senate will next meet, convene, or reconvene, the  
11 governor may not fill the vacancy.

12 \* **Sec. 2.** AS 15.40.010 is amended by adding a new subsection to read:

13 (b) If the predecessor in the office of United States senator was a member of  
14 a political party when the predecessor was elected or appointed, the appointee shall be

1 a member of the same political party. The governor shall make the appointment from  
 2 a list of at least three qualified nominees submitted by the state organization that  
 3 represents the political party of the predecessor when the predecessor was elected or  
 4 appointed. The list of nominees shall be submitted to the governor within 15 days  
 5 after the vacancy occurs. If the predecessor was not a member of a political party or  
 6 the appropriate political party organization fails to submit at least three qualified  
 7 nominees within the required time period, the governor may appoint any qualified  
 8 individual.

9 \* **Sec. 3.** AS 15.40.320 is amended to read:

10 **Sec. 15.40.320. Condition and time for filling vacancy by appointment.**

11 When a vacancy occurs in the state legislature, the governor, within 30 days **after the**  
 12 **vacancy occurs**, shall appoint, **under AS 15.40.330, an individual** [A QUALIFIED  
 13 PERSON] to fill the vacancy. However, if the remainder of the term of the  
 14 predecessor in office will expire or if a vacancy in the state senate will be filled by a  
 15 special election before the legislature will next meet, convene, or reconvene, the  
 16 governor may not fill the vacancy.

17 \* **Sec. 4.** AS 15.40.330(a) is repealed and reenacted to read:

18 (a) The appointee to a vacant office in the state legislature shall meet the  
 19 qualifications of a member of the legislature under art. II, sec. 2, Constitution of the  
 20 State of Alaska. If the predecessor in office was a member of a political party when  
 21 the predecessor was elected or appointed, the appointee shall be a member of the same  
 22 political party and shall be subject to confirmation by a majority of the members of  
 23 the house in which the vacancy occurs who are members of the same political party.  
 24 The governor shall make the appointment from a list of at least three qualified  
 25 nominees submitted by the party district committee that represents, in the predecessor's  
 26 district, the political party of the predecessor when the predecessor was elected or  
 27 appointed or, if there is not a party district committee, by the state organization that  
 28 represents that political party. The list of nominees shall be submitted to the governor  
 29 within 15 days after the vacancy occurs. If the predecessor was not a member of a  
 30 political party or the appropriate political party organization fails to submit at least  
 31 three qualified nominees within the required time period, the governor may appoint

1 any qualified individual. If the appointee is not a member of a political party or there  
 2 are no other members of the appointee's political party in the house in which the  
 3 vacancy occurs, the appointment is not subject to confirmation.

4 \* **Sec. 5.** AS 15.40.330 is amended by adding new subsections to read:

5 (c) When a vacancy occurs in an office in the state legislature during the  
 6 interim between sessions, confirmation under (a) of this section may be conducted in  
 7 a public meeting of those members of the legislature entitled to vote on the question.  
 8 A report of the meeting shall be mailed or delivered to the governor and presiding  
 9 officer of the appropriate house within 10 days after the meeting. The report must  
 10 include the names of the members voting on the confirmation question and a record  
 11 of the vote. A copy of the report made under this subsection to the presiding officer  
 12 shall be published in the journal. If the appointee is confirmed, the presiding officer  
 13 shall, within 10 days after receipt of the report, administer the oath of office to the  
 14 confirmed appointee.

15 (d) When confirmation under this section occurs during a session of the  
 16 legislature, the vote may be taken during a floor session of the appropriate house by  
 17 roll call of those members entitled to vote on the question or in the manner provided  
 18 in (c) of this section. If the appointee is confirmed by roll call, the presiding officer  
 19 shall immediately thereafter administer the oath of office to the confirmed appointee.  
 20 If the appointee is confirmed in the manner provided under (c) of this section, the  
 21 presiding officer shall administer the oath of office during the first floor session held  
 22 after receipt of the report.

23 \* **Sec. 6.** AS 15.40.340 is amended to read:

24 **Sec. 15.40.340. Date of office of appointee.** The [IF THE APPOINTMENT  
 25 IS NOT SUBJECT TO CONFIRMATION, THE] term of the appointee **begins when**  
 26 [SHALL BEGIN ON THE FIRST DAY] the appointee is **given the oath of office**  
 27 [PRESENT WHEN THE LEGISLATURE MEETS, CONVENES, OR RECONVENES  
 28 AFTER THE DATE OF THE APPOINTMENT. IF THE APPOINTMENT IS  
 29 SUBJECT TO CONFIRMATION, THE TERM OF THE APPOINTEE SHALL BEGIN  
 30 ON THE DATE THE APPOINTMENT IS CONFIRMED].

31 \* **Sec. 7.** AS 15.40.350 is amended to read:

1           **Sec. 15.40.350. Procedure upon rejection.** If the appointee is subject to  
2 confirmation and the [AN] appointment is rejected, the governor, within 10 days  
3 after receiving the report of rejection, shall appoint another [QUALIFIED] person  
4 as provided in AS 15.40.330, who shall also be subject to confirmation, as provided  
5 in that section. If the first appointment was made from a list of nominees, the  
6 governor shall appoint another nominee from the same list. If the second or a  
7 subsequent appointment is rejected, the governor, within 10 days, shall appoint  
8 another person. The third or a subsequent appointee must be a member of the  
9 same political party as the predecessor in office and is subject to confirmation as  
10 provided in AS 15.40.330, but need not be nominated by the party district  
11 committee or state political party organization.

12 \* **Sec. 8.** AS 24.05.170 is amended to read:

13           **Sec. 24.05.170. Organization of second and special sessions; new members.**

14           On the day set for the assembly of the second regular session or a special session of  
15 the legislature, the presiding officer elected at the first regular session shall  
16 [ADMINISTER THE OATH OF OFFICE TO NEW MEMBERS AND] proceed with  
17 the business of the house in accordance with the rules of the legislature.