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IN THE HOUSE

BY MR. RILEY

HOUSE BILL NO. 26

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-SECOND SESSION

A BILL

For an Act entitled: "An Act to provide procedural uniformity in the appointment of Territorial agency executives and in the appointment of Territorial board, commission, council, authority and committee members in all cases which require legislative confirmation or approval; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. Declaration of Intent. Whereas the Governor of Alaska as an appointive Federal official has had conferred on him by the Territorial Legislature certain powers of appointment, it is the intent and purpose of said Legislature, in the passage of this Act, to achieve procedural uniformity in the exercise of such appointive powers, the elimination insofar as possible of recess or interim appointments, and the exercise insofar as possible of such appointive powers only at such times as the Legislature is in session duly assembled.

Sec. 2. Definitions. (a) "Confirmation" shall mean confirmation or approval by the Legislature of any name submitted for appointment to any position or membership which by statute requires legislative action in the nature of confirmation or approval before the appointment process is in a given case complete and final.

(b) "Membership" shall mean membership or appointment

Page 1, Line 19: Strike the words "such appointive powers", and insert following the word "of" the following: "those and other appointive powers conferred by the Alaska Legislature."

Page 1, Line 20: Following the word "appointments" insert the following: "except in the event of death, resignation, inability to act or other removal from office."

1 to membership on any Territorial board, commission, authority,
2 council or committee which is subject to legislative confirmation
3 or approval.

4 Sec. 3. Notwithstanding the provisions of any other law,
5 all appointments to membership on Territorial boards, commissions,
6 authorities, or committees, or to executive positions in Terri-
7 torial government which by law are required to be made by the
8 Governor of Alaska or other appointing authority subject to con-
9 firmation by the Legislature, shall from and after the effective
10 date of this Act be made in the following manner:

11 (a) Whenever a vacancy occurs in the membership of any
12 Territorial board, commission, council, authority or committee,
13 or in an appointive, Territorial executive position, or one
14 filled by appointment in the event of vacancy, if the same by
15 law is one subject to confirmation of appointment by the Legisla-
16 ture, the appointing authority shall fill such vacancy by appoint-
17 ment, subject to confirmation as hereinafter provided.

18 (b) Pending confirmation or rejection of appointment
19 by the Legislature, persons so appointed shall exercise all of
20 the functions, have all of the powers and be charged with all of
21 the duties by law prescribed for such appointive positions or
22 membership.

23 (c) In addition to any other statutory qualifications,
24 persons appointed to Territorial boards, commissions, authori-
25 ties, committees or councils, shall have the qualifications
26 necessary to vote in Alaska.

27 (d) Within ten days following the passage and approval
28 of this Act, and thereafter at subsequent sessions of the Legis-
29 lature within ten days following its convening in either regular

Page 2, Line 16: Following "ture" (last part of the word Legislature) insert the following "or by either house thereof,"

Page 3, Line 27: Strike the word "ten" and substitute the word "three".

Page 2, Line 28: Strike everything following the comma.
Line 29: Strike entire line.

1 or special session, the appointing authority shall present to the
2 Legislature for confirmation the names of all persons appointed
3 to membership on any Territorial board, commission, council,
4 committee or authority, or to any executive position; subject to
5 this Act, who have not theretofore been confirmed in such appoint-
6 ments by the Legislature; and names of persons to fill any and
7 all existing vacancies, or whose terms will expire on or before
8 July first following any legislative session.

9 (e) Whenever appointments are presented to the Legis-
10 lature for confirmation, the Legislature shall in joint session
11 assembled act thereon within three days following receipt of
12 the names so presented, by confirming or declining to confirm by
13 a majority vote of all of the members thereof the appointments
14 so made and presented.

15 (f) Whenever the Legislature shall decline to confirm
16 any or all appointments so made and presented to it for confir-
17 mation, the Legislature shall notify the appointing authority of
18 its action and a vacancy in such position or membership shall
19 thereupon exist which the appointing authority shall fill by
20 making a new appointment; which new appointment shall be pre-
21 sented for confirmation to the Legislature within five days
22 following receipt by the appointing authority of the Legisla-
23 ture's notification aforesaid. If the name of any person has
24 been submitted and not been confirmed, the appointing authority
25 shall not, upon re-submission of appointments as required by
26 this Act, submit again the name of the person not confirmed,
27 whether for the same or any other membership or position.

28 (g) Whenever the Legislature shall have twice declined
29 to confirm names submitted for confirmation of appointment to

Page 3, Line 1: Strike "or special session,"

Page 3, Line 8: Strike last three words, and substitute therefor:
"final adjournment of the twenty-second regular session of the Alaska
Legislature."

Page 3, AFTER Line 8, insert new paragraph to read:

(1) At every succeeding regular or special session of
the Legislature the appointing authority shall, within ten days of the
Legislature's convening, present to the Legislature for confirmation the

Page 3, AFTER Line 8, continued:

"names of all persons appointed to membership on any Territorial
board, commission, council, committee or authority, or to any executive
position, subject to this Act, who have not theretofore been confirmed
in such appointments by the Legislature; and names of persons to fill
any and all existing vacancies, or whose terms will expire on or before
July first following any legislative session."

Page 3, Line 25: Omit comma after word "confirmed".

Page 3, Line 27: Omit the words "whether" and "or any other member-
ship or".

1 any one position or membership subject hereto, the Legislature
2 itself shall then in joint session assembled under its own rules
3 but by a majority vote of all of its members, exercise full
4 appointive powers covering such position or membership; and per-
5 sons so appointed shall serve in their respective appointments
6 for the full term or period of appointment set by law, or the
7 unexpired portion thereof, and shall exercise all of the func-
8 tions, have all of the powers and be charged with all of the
9 duties by law prescribed for the respective positions or member-
10 ship to which appointed.

11 (h) When appointment to any executive position or
12 membership aforesaid shall have been made under provisions of
13 subsection (g) of this section, a warrant or commission of ap-
14 pointment shall be issued to the appointee, and said warrant or
15 commission shall state the name of the office or membership to
16 which appointed, the term of said appointment, and shall be
17 signed by the President of the Senate and by the Speaker of the
18 House of the Legislature making such appointment. Copies there-
19 of shall be filed with the Territorial Auditor and the Terri-
20 torial Treasurer to evidence the appointee's entitlement to
21 office and the perquisites thereof.

22
23 Sec. 4. Appointment to membership on the Aeronautics and
24 Communications Commission, or its successor or successors, is
25 hereby expressly made subject to confirmation by the Legislature
26 and to the provisions hereof.

27 Sec. 5. All laws or parts of laws in conflict with the
28 provisions of this Act are hereby repealed to the extent of such
29 conflict.

Sec. 6. An emergency is hereby declared and this Act shall

Page 4, Line 1: After the word "hereto", insert the following:
"or if the appointing authority shall within the time prescribed fail
to present a name for confirmation of appointment to any one position
or membership subject hereto,"

1 take effect and be in force from and after its passage and ap-
2 proval, or upon its becoming law without such approval, and it
3 is so enacted.

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