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*By Messrs. F. O. Stewart, Blummer, & McNealy*

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IN THE HOUSE

HOUSE BILL NO. 126

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 appointments of certain Territorial Administrative and Executive officers, and certain members of Territorial boards, commissions, authorities, councils, and committees; prescribing an additional qualification for appointments; repealing prior inconsistent Acts; 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 these and other appointive powers conferred by the Alaska Legislature, the elimination, insofar as possible, of recess or interim appointments except in the event of death, resignation, inability to act or other removal from office 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. As used in this Act; (a) "confirmation" shall mean confirmation or approval by the Legislature or either House thereof, of any name submitted for appointment to

1 any position or membership; and (b) "position or membership"  
2 shall mean any executive position, or membership on any Terri-  
3 torial board, commission, authority, council or committee which  
4 by law requires appointment by the Governor of Alaska or other  
5 appointing authority and confirmation by the Legislature or of  
6 either House thereof.

7       Sec. 3. Professional Group Recommendations. The time  
8 limitations concerning the submission and re-submission of names  
9 as prescribed in Section 4, shall not be applicable to those  
10 appointments which by law require recommendations by profession-  
11 al groups.

12       Sec. 4. Procedure for all Appointments. Notwithstanding  
13 the provisions of any other law on appointments to any executive  
14 position or to membership on any Territorial board, commission,  
15 authority, council, or committee which by law are required to be  
16 made by the Governor of Alaska or other appointing authority and  
17 subject to confirmation by the Legislature or either House there-  
18 of, all appointments shall, from and after the effective date of  
19 this Act, be made in the following manner:

20       (a) Within three calendar days following the passage  
21 and approval of this Act, the appointing authority shall present  
22 to the Legislature for confirmation the names of all persons:

23       (1) appointed to any "position or membership"  
24 which names have not heretofore been confirmed by the Legis-  
25 lature or either House thereof;

26       (2) by him appointed subject to confirmation to  
27 fill any existing "position or membership" vacancy;

28       (3) to be appointed subject to confirmation to  
29 fill any "position or membership" the term of which shall

1 expire on or before July 1, 1955.

2 (b) At every succeeding regular or special session of  
3 the Legislature the appointing authority shall, within five  
4 calendar days of the convening of the Legislature, present to  
5 the Legislature for confirmation the names of all persons:

6 (1) appointed to any "position or membership"  
7 which names have not theretofore been confirmed by the  
8 Legislature or either House thereof;

9 (2) by him appointed subject to confirmation to  
10 fill any existing "position or membership" vacancy;

11 (3) to be appointed subject to confirmation to  
12 fill any "position or membership" the term of which shall  
13 expire on or before July 1, following such session of the  
14 Legislature.

15 (c) Whenever appointments are presented to the Legis-  
16 lature for confirmation, the Legislature shall, in joint session  
17 assembled, act thereon within three days following receipt of  
18 the names so presented, by confirming or declining to confirm by  
19 a majority vote of all of the members thereof the appointments so  
20 made and presented;

21 (d) Whenever the Legislature shall decline to confirm  
22 any or all appointments so made and presented to it for confirma-  
23 tion, the Legislature shall notify the appointing authority of  
24 its action and a vacancy in such "position or membership" shall  
25 thereupon exist which the appointing authority shall fill by mak-  
26 ing a new appointment, which new appointment shall be presented  
27 for confirmation to the Legislature within ten calendar days fol-  
28 lowing receipt by the appointing authority of the Legislature's  
29 notification aforesaid. If the name of any person has been

1 submitted and has not been confirmed, the appointing authority  
2 shall not, upon re-submission of appointments as required by  
3 this Act, submit again the name of the person not confirmed for  
4 the same "position or membership" during that session of the  
5 Legislature; nor shall such person whose name has been refused  
6 or rejected for appointment by the Legislature be thereafter  
7 appointed to such "position or membership" during the interim  
8 between legislative sessions.

9 (e) Pending confirmation or rejection of appointment  
10 by the Legislature, persons so appointed shall exercise all of  
11 the functions, have all of the powers and be charged with all of  
12 the duties by law prescribed for such appointive "positions or  
13 memberships".

14 Sec. <sup>5</sup> Appointee shall be a Qualified Voter in Alaska.  
15 In addition to any other statutory qualifications, persons  
16 appointed to any "position or membership" in any appointive office  
17 of the Territorial Government, shall have the qualifications  
18 necessary to vote in Alaska.

19 Sec. <sup>6</sup> Inconsistent Laws Repealed. All laws or parts of  
20 laws in conflict with the provisions of this Act are hereby re-  
21 pealed to the extent of such conflict.

22 Sec. <sup>7</sup> Emergency. An emergency is hereby declared and  
23 this Act shall take effect and be in force from and after its  
24 passage and approval, or upon its becoming law without such  
25 approval, and it is so enacted.