

1 IN THE HOUSE

BY TERRITORIAL AFFAIRS COMMITTEE

2

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6

For an Act entitled "An Act to reorganize the administrative

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branch of the Territorial Government;

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creating the office of Administrative

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Governor, and defining his power and

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duties; repealing conflicting laws to the

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extent of the conflict; authorizing an

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appropriation; and declaring an emergency."

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PREAMBLE

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WHEREAS, the Congress of the United States provided for the

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appointment of the Governor of Alaska by the President; and

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WHEREAS, in so providing the Congress envisaged a Governor

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of Alaska charged with the execution of substantial Federal

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duties; and

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WHEREAS, the Governor of Alaska is responsible to the

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appointing authority, the President of the United States; and

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WHEREAS, the duly elected Legislatures of Alaska have

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imposed a myriad of duties on the Governor of Alaska; and

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WHEREAS, the Governor of Alaska is excessively burdened by

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the duty to execute Federal and Territorial enactments; and

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WHEREAS, the people of Alaska, by the formation and adoption

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of a Constitution for the State of Alaska, have demonstrated

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political maturity and an overwhelming desire to assume the duties

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and responsibilities of complete citizenship in the union of

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States; and

C.S. for H. B. No. 1

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1 WHEREAS, the Constitution for the State of Alaska reposes
2 executive authority in a Governor to be elected by the citizens
3 of Alaska from their number, and

4 WHEREAS, the office of Administrative Governor as established
5 by this Act should be filled forthwith without incurring the
6 expense of a special election; and

7 WHEREAS, the Legislature of Alaska in session duly convened
8 has heretofore elected executive officers to fill existing
9 vacancies pending the next general election;

10 NOW THEREFORE,

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

12 Section 1. OFFICE OF ADMINISTRATIVE GOVERNOR. There is
13 Territory of Alaska.

14 The office of Administrative Governor for the
15 Territory of Alaska. Said office shall be filled and its powers,
16 duties and responsibilities shall be as provided in this Act
17 and as otherwise prescribed by law.

18 Section 2. FIRST ADMINISTRATIVE GOVERNOR TO BE ELECTED BY
19 THE LEGISLATURE. The first Administrative Governor shall be
20 elected by the members of the Senate and House of Representatives
21 of the Legislature in Joint Session Assembled during the 1957
22 Session of the Legislature. He shall be elected by ballot, and
23 a majority of all votes of all members of the Legislature shall
24 be necessary for his election. He shall, as soon as his Oath of
25 Office is filed as hereinafter provided, enter upon the duties
26 of his office immediately, or as soon as this Act goes into effect
27 and shall serve until his successor is elected and qualified.

28 If the Act does not go into effect until after the
29 Legislature adjourns, the first Administrative Governor shall,
30 nevertheless, be elected as above provided, at the 1957 Session

1 of the Legislature, qualify and assume the duties of his office
2 as soon as this Act becomes effective.

3 Section 3. ELECTION AND TERM OF OFFICE. Beginning with
4 the General election of 1953, the Administrative Governor shall
5 be elected at the general election every four years.

6 His term of office shall commence at noon on the first
7 Monday in December next after his election and end at noon on
8 the first Monday in December four years later.

9 Section 4. FILLING A VACANCY. Whenever a vacancy occurs
10 in the office of Administrative Governor such vacancy shall be
11 filled by popular election at the next general election held
12 after the vacancy occurs.

13 The person so elected shall take office at noon on the
14 first Monday in December next after his election and shall serve
15 until the expiration of that term of office as fixed by this Act.

16 Until the vacancy shall be filled by election, the members
17 of the two Houses of the Legislature in joint session assembled,
18 in the manner heretofore provided for the selection of the first
19 Administrative Governor under this Act, shall elect an
20 Administrative Governor.

21 When a vacancy occurs in the office of the Administrative
22 Governor at a time when the Legislature is not in session, or,
23 if the Legislature fails to elect while in session, the
24 Attorney General, the Treasurer and the Highway Engineer, shall
25 by a majority of the three, appoint some qualified person to
26 fill the vacancy and such appointee shall serve until the person
27 elected by the members of the Legislature, or elected by popular
28 vote, is qualified.

29 Section 5. QUALIFICATIONS: OATH OF OFFICE. No person shall

1 be eligible to hold the office of Administrative Governor unless
2 he is at least thirty years of age, has been a citizen of the
3 United States for at least seven years, and has been a bona fide
4 domiciliary of the Territory of Alaska for at least seven years
5 immediately preceding his election or appointment.

6 Before entering upon the duties of his office, the
7 Administrative Governor shall file with the Attorney General his
8 oath of office to the effect that he will faithfully and
9 impartially discharge the duties of his office.

10 Section 6. LIMITATION OF TENURE. No person who has been
11 elected Administrative Governor for two full successive terms
12 shall be again eligible to hold that office until one full term
13 has intervened.

14 Section 7. ORDERLY TRANSITION BY GENERAL ORDERS. The
15 Administrative Governor is hereby empowered to put into effect
16 any and all of the provisions of Sections 8, 9 and 10 of this
17 Act by the issuance of General Orders. Such General Orders
18 shall be signed by the Administrative Governor and filed with
19 the office of the Attorney General.

20 Section 8. TRANSFERRING ALL POWERS, DUTIES AND
21 RESPONSIBILITIES OF THE GOVERNOR OF ALASKA, VESTED IN HIM BY
22 TERRITORIAL LAW, TO THE ADMINISTRATIVE GOVERNOR. Pursuant to the
23 provisions of Section 7 of this Act, wherever the word "Governor"
24 or "Governor of Alaska" or an equivalent word or phrase appears
25 in any applicable existing Territorial law or statute, the term
26 "Administrative Governor" shall be substituted therefor
27 immediately upon the issuance by the Administrative Governor of
28 the applicable General Order or Orders. Pursuant to the
29 provisions of Section 7 of this Act, the Administrative Governor

1 shall be vested with all the powers, duties and responsibilities,
2 including all powers of appointment, necessary for the execution,
3 enforcement and administration of all applicable Territorial laws
4 previously vested in the Governor of Alaska immediately upon the
5 issuance by the Administrative Governor of the applicable General
6 Order or Orders; provided, however, that all powers and duties
7 conferred on the "Governor" or "Governor of Alaska" by enactment
8 of the Congress of the United States shall remain with the
9 Governor of Alaska.

10 Section 9. POWERS OF HEADS OF CERTAIN AGENCIES; TRANSFER OF
11 POWERS. All powers heretofore conferred on the following named
12 boards and commissions shall, immediately upon the issuance by the
13 Administrative Governor of the applicable General Order or Orders
14 pursuant to the provisions of Section 7 of this Act, be exercised
15 by the heads of the corresponding departments or agencies, who
16 shall serve at the pleasure and under the supervision and direction
17 of the Administrative Governor: (a) Board of Health and Water
18 Pollution Control Board; (b) Aeronautics and Communications Com-
19 mission; (c) Alaska Fisheries Board; (d) Board of Education,
20 Board of Vocational Education, Teachers Retirement Board; (e)
21 Alaska Resource Development Board; (f) Territorial Historical
22 Library and Museum Commission; (g) Alaska World War II Veterans
23 Board; (h) Alaska Employment Security Commission; (i) Alaska
24 Insurance Commission; (j) Board of Public Lands; (k) Territorial
25 Board of Welfare; (l) Board of Library Service; (m) a Board of
26 Juvenile Institutions; (n) Alaska Rural Development Board; (o)
27 Police Commission.

28 Section 10. ABOLISHMENT OF BOARDS. The boards and
29 commissions named in Section 9 of this Act shall be abolished

1 immediately upon the issuance by the Administrative Governor of
2 the applicable General Order or Orders pursuant to the provisions
3 of Section 7 of this Act.

4 Section 11. APPOINTMENTS. All appointments made by the
5 Administrative Governor under the provisions of this Act shall
6 be subject to confirmation by the Legislature in joint session
7 assembled in accordance with Chapter 64, SLA 1955.

8 Section 12. ADMINISTRATIVE GOVERNOR: POWERS AND DUTIES.
9 The Administrative Governor shall supervise and manage all
10 departments included under the provisions of Sections 8 and 9 of
11 this Act; and shall have power to approve, alter, amend, or annul
12 any rules and regulations promulgated by the heads of departments
13 appointed by him; and shall have power to issue Special Orders
14 respecting the management of said departments; and shall have
15 power to do all other acts and things necessary or desirable to
16 carry out the provisions of this Act and to secure the maximum
17 of economy and efficiency in the conduct of the agencies and
18 departments supervised including the power to remove for cause.

19 Section 13. ADMINISTRATIVE GOVERNOR'S ADVISORY BOARDS.
20 The Administrative Governor shall have power to appoint, and at
21 his discretion remove, the following advisory boards or commis-
22 sions and the members thereof: (a) a Board of Health; (b) a
23 Water Pollution Control Board; (c) an Alaska Fisheries Board;
24 (d) a Board of Education; (e) a Board of Vocational Education;
25 (f) a Board of Aeronautics and Communications; (g) a Teachers'
26 Retirement Board; (h) an Alaska Resource Development Board;
27 (i) a Territorial Historical Library and Museum Commission;
28 (j) an Alaska World War II Veteran's Board; (k) an Employment
29 Security Commission; (l) an Alaska Insurance Commission;

1 (m) a Board of Public Lands; (n) a Territorial Board of Welfare;
2 (o) a Board of Library Service; (p) a Board of Juvenile
3 Institutions; (q) an Alaska Rural Development Board; (r) a
4 police Commission. Each Board or Commission shall be composed
5 of five persons with, in so far as is possible, at least one
6 member from each judicial division.

7 Section 14. DUTIES OF ADVISORY BOARDS. The Advisory
8 boards and commissions named in Section 13 of this Act shall
9 study the needs of the Territory related to the functions per-
10 formed by the various departments and agencies, and advise the
11 Administrative Governor, the Governor of Alaska, and the
12 departmental and agency heads in relation thereto; and keep the
13 public informed of the operation of the Territorial Government.

14 Section 15. AUTHORIZING AN APPROPRIATION. Funds to carry
15 out the provisions of this Act shall be appropriated in the
16 General Appropriations Bill of the Alaska Legislature.

17 Section 16. SALARY. The Administrative Governor shall
18 receive a salary of Nineteen Thousand Dollars (\$19,000) per
19 annum in full for all services, to be paid him from such moneys
20 as are appropriated for that purpose.

21 Section 17. REPEALER. All laws or parts of laws, relating
22 to appointments, terms, powers and duties of officials, boards
23 and commissions, and members of boards or commissions named in
24 this Act, that are in conflict with the provisions of this Act
25 are hereby repealed, but only to the extent of the conflict,

26 Section 18. SEPARABILITY. If any provision of this Act,
27 or the application thereof to any person or circumstance, is
28 held invalid, the remainder of this Act, and the application of
29 such provisions to other persons or circumstances, shall not be

1 affected thereby.

2 Section 19. DECLARING AN EMERGENCY. An emergency is
3 hereby declared to exist and this Act shall be in full force
4 and effect immediately upon its passage and approval.

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