

1 IN THE HOUSE

BY MESSRS. FISHER, GIERSDORF AND GREUEL

2

HOUSE BILL NO. 106

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIRST LEGISLATURE - FIRST SESSION

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A BILL

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For an Act entitled: "An Act relating to determination of mental  
7 or physical incapacity of the Governor; and  
8 providing an effective date."

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

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Section 1. DETERMINATION OF EXECUTIVE INCAPACITY. Whenever

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for a period of six months, a governor has been continuously

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absent from office or has been continuously unable to discharge

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the duties of the office by reason of mental or physical disability,

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the office shall be deemed vacant upon a declaration of finding

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of mental or physical incapacity by the House of Representatives

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according to the procedure set forth herein.

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Sec. 2. INITIATION OF MOTION CHARGING INCAPACITY. A pro-

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ceeding to determine mental or physical disability of a governor

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shall be originated by a formal motion in the Senate of Alaska.

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The motion initiating proceedings leading to a finding of incapacity

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shall specifically and fully state the reasons for initiating the

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proceedings charging the governor with incapacity. The motion

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shall require concurrence of two-thirds of the members of the

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Senate.

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Sec. 3. HEARING PROCEDURE: VOTE ON FINDING. Within ten

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days of the Senate's passing the motion charging the governor with

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incapacity, the House of Representatives shall hold a public

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hearing to receive evidence supporting or disproving the charges

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specified in the Senate's motion. The hearing shall be presided

1 over by a Supreme Court Justice designated by the Supreme Court.  
2 Upon conclusion of the public hearing, a finding of incapacity  
3 shall be arrived at only by concurrence of two-thirds of the  
4 members of the House of Representatives.

5 Sec. 4. This Act shall take effect immediately upon its  
6 passage and approval, or upon its becoming law without such  
7 approval.

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