

1 IN THE HOUSE

BY MR. TAYLOR

2 HOUSE BILL NO. 392

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - SECOND SESSION

A BILL

6 For an Act entitled: "An Act to provide for the continuity of
7 the legislature in the event of an attack
8 by an enemy of the United States; and pro-
9 viding for an effective date."

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

11 Section 1. SHORT TITLE. This Act shall be known as the
12 "Emergency Interim Legislative Succession Act."

13 Sec. 2. DECLARATION OF POLICY. The legislature declares:
14 (1) that recent technological developments make possible an
15 enemy attack of unprecedented destructiveness, which may result
16 in the death or inability to act of a large proportion of the
17 membership of the legislature; (2) that to conform in time of
18 attack to existing legal requirements pertaining to the legisla-
19 ture would be impracticable, would admit of undue delay, and
20 would jeopardize continuity of operation of a legally constituted
21 legislature; and (3) that it is therefore necessary to adopt
22 special provisions as hereinafter set out for the effective
23 operation of the legislature.

24 Sec. 3. DEFINITIONS. As used in this Act:

25 (1) "attack" means any action or series of actions
26 taken by an enemy of the United States resulting in substantial
27 damage or injury to persons or property in this state whether
28 through sabotage, bombs, missiles, shellfire, or atomic, radio-
29 logical, chemical, bacteriological, or biological means or other

1 weapons or methods;

2 (2) "unavailable" means absent from the place of
3 session (other than on official business of the legislature), or
4 unable, for physical, mental or legal reasons, to exercise the
5 powers and discharge the duties of a legislator, whether or not
6 such absence or inability would give rise to a vacancy under
7 existing constitutional or statutory provisions.

8 Sec. 4. DESIGNATION OF EMERGENCY INTERIM SUCCESSORS TO
9 LEGISLATORS. The district committee of the two major political
10 parties in each election or senatorial district shall, for each
11 legislator representing that district and party in the legisla-
12 ture, submit to the governor the names of not less than three
13 nor more than five persons for designation as emergency interim
14 successors to the powers and duties of the legislator and specify
15 the order of succession of the emergency interim successors for
16 each legislator. The governor shall promptly designate these
17 persons as emergency interim successors in the specified order
18 of succession. Any authority conferred in this Act upon a
19 district committee of a major political party with reference to
20 emergency interim successors of a legislator may be exercised
21 only by a committee of the political party of which the incumbent
22 legislator is a registered member. The district committee of the
23 political party shall review the designations and, as necessary,
24 promptly submit revisions to the governor to insure that at all
25 times there are at least three qualified emergency interim
26 successors for each legislator, and the governor shall promptly
27 make these revisions. The authority conferred upon the party
28 district committee and the governor in this section may be exer-
29 cised only prior to attack. When the incumbent legislator is not

1 a registered member of a political party, the governor shall,
2 upon nomination by the independent incumbent legislator of not
3 less than three nor more than five emergency interim successors
4 not registered as members of any political party, designate his
5 emergency interim successor.

6 Sec. 5. STATUS, QUALIFICATIONS AND TERM OF EMERGENCY INTERIM
7 SUCCESSORS. An emergency interim successor is one who is desig-
8 nated for possible temporary succession to the powers and duties,
9 but not the office, of a legislator. No person shall be desig-
10 nated or serve as an emergency interim successor unless he may
11 under the constitution and statutes hold the office of the
12 legislator to whose powers and duties he is designated to succeed,
13 but no constitutional or statutory provision prohibiting a
14 legislator from holding another office or prohibiting the holder
15 of another office from being a legislator shall be applicable to
16 an emergency interim successor. Prior to an attack the political
17 party district committee may at pleasure submit to the governor
18 changes in the designation of emergency interim successors, or
19 in the order of succession, or both, and the governor shall
20 promptly make these changes.

21 Sec. 6. CONTINGENT METHOD OF DESIGNATING EMERGENCY INTERIM
22 SUCCESSORS. If the political party district committee fails to
23 submit to the governor the names of the required minimum number
24 of emergency interim successors for a legislator or if the
25 governor fails to designate them, within 60 days following the
26 effective date of this Act or, after such period, if for any
27 reason the number of emergency interim successors for any legis-
28 lator falls below the required minimum and remains below such
29 minimum for a period of 30 days, then the legislator shall

1 promptly designate as many emergency interim successors as are
2 required to achieve such minimum number, but the legislator shall
3 not assign to any of his designees a rank in order of succession
4 higher than that of any remaining emergency interim successor
5 previously designated by the governor. Each emergency interim
6 successor designated by a legislator shall serve at the pleasure
7 of the legislator designating him or of any subsequent incumbent
8 of his office, but prior to an attack the political party district
9 committee may at its pleasure submit to the governor a change in
10 the rank in order of succession or a replacement of any emergency
11 interim successor designated by a legislator, and the governor
12 shall promptly make the change.

13 Sec. 7. RECORDING AND PUBLICATION. Each designation of an
14 emergency interim successor shall become effective when the
15 governor or legislator making the designation files with the
16 secretary of state the successor's name, address and rank in
17 order of succession. The removal of an emergency interim succes-
18 sor or change in order of succession shall become effective when
19 the governor or legislator so acting files this information with
20 the secretary of state. All such data shall be open to public
21 inspection. The secretary of state shall inform the governor,
22 the state office of civil defense, the legislator and the politi-
23 cal party district committee concerned, the presiding officer of
24 the house concerned and all emergency interim successors, of all
25 such designations, removals and changes in order of succession.
26 The presiding officer of each house shall enter all information
27 regarding emergency interim successors for the house in its
28 journal at the beginning of each legislative session and shall
29 enter all changes in membership or order of succession as soon as

1 possible after their occurrence.

2 Sec. 8. EFFECTIVE DATE. This Act takes effect on the day
3 after its passage and approval or on the day it becomes law with-
4 out such approval.

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