

Introduced: 3/15/63
Referred: State Affairs

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 178

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for continuity of govern-
7 ment in enemy attack; and providing for an
8 effective date."

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

10 * Section 1. AS 26 is amended by adding a new chapter to read:

11 CHAPTER 25. CONTINUITY OF GOVERNMENT

12 Sec. 26.25.010. ADDITIONAL SUCCESSORS TO OFFICE OF

13 GOVERNOR. (a) If there is an enemy attack and the governor
14 is unavailable, the following persons, in the order named
15 shall assume the powers and duties of the office of governor:

- 16 (1) secretary of state;
17 (2) officer appointed under AS 44.19.120;
18 (3) president of the senate;
19 (4) speaker of the house of representatives.

20 (b) The person exercising the powers and discharging
21 the duties of the office of governor shall continue until a
22 new governor is elected and qualified, or until a preceding
23 named officer becomes available.

24 (c) No emergency interim successor to the offices
25 specified in this section may serve as governor.

26 Sec. 26.25.020. EMERGENCY INTERIM SUCCESSORS FOR STATE
27 OFFICERS. (a) If there is an enemy attack and a state
28 officer is unavailable, his emergency interim successor shall
29 exercise the powers and discharge the duties of the state

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officer.

(b) All state officers shall designate by title emergency interim successors and specify their order of succession. The officer shall review and revise designations made under this chapter to insure their current status. The officer will designate a sufficient number of emergency interim successors so that there will not be less than three nor more than five emergency interim successors and specify their order of succession.

(c) The emergency interim successor shall exercise the powers and discharge the duties of the office to which designated until

(1) the governor, or other official exercising the powers and discharging the duties of the office of governor, appoints a successor to fill a vacancy;

(2) a successor is otherwise appointed and qualified by law; or

(3) the officer, or a preceding named emergency interim successor, becomes available to exercise or resume the exercise of the powers and discharge the duties of his office.

Sec. 26.25.030. ENABLING AUTHORITY FOR EMERGENCY INTERIM SUCCESSORS FOR LOCAL OFFICES. The legislative bodies of political subdivisions may enact resolutions or ordinances relative to the manner in which vacancies will be filled or temporary appointments to an office are to be made. These legislative bodies are authorized to enact resolutions or ordinances providing for emergency interim successors to offices of that political subdivision. These resolutions

1 and ordinances must be consistent with this chapter.

2 Sec. 26.25.040. EMERGENCY INTERIM SUCCESSORS FOR LOCAL
3 OFFICERS. (a) If there is an enemy attack and an officer
4 of a political subdivision is unavailable, his emergency
5 interim successor shall exercise the powers and discharge
6 the duties of that officer.

7 (b) Officers of political subdivisions, subject to such
8 regulations as the executive head of the political subdivi-
9 sion may issue, shall designate by title or by named person,
10 their emergency interim successors and specify their order
11 of succession. The officer shall review and revise, as
12 necessary, designations made under this chapter to insure
13 their current status. The officer will designate a suffi-
14 cient number of persons so that there will be not less than
15 three, nor more than seven, emergency interim successors at
16 any time. If an officer of any political subdivision is
17 unavailable, the powers of the office shall be exercised
18 and duties shall be discharged by his designated emergency
19 interim successors in the order specified.

20 (c) The emergency interim successor shall exercise the
21 powers and discharge the duties of the office to which
22 designated until such time as a vacancy which may exist
23 shall be filled in accordance with the constitution or
24 statutes; or until the officer, or his deputy or a preceding
25 emergency interim successor, again becomes available to
26 exercise the powers and discharge the duties of his office.

27 Sec. 26.25.050. EMERGENCY INTERIM JUDGES. In the event
28 of an enemy attack and until other judges can be appointed
29 according to law, the judicial functions of the state shall

1 be administered as follows:

2 (1) should any judges of the supreme court be
3 unavailable, the remaining judge or judges of the supreme
4 court have authority and jurisdiction to act for the full
5 court;

6 (2) should any judge of the superior court be
7 unavailable and should the supreme court find that his
8 absence impaired the administration of justice, the supreme
9 court may by proclamation enlarge the jurisdiction and power
10 of any district magistrate to include the jurisdiction and
11 power of a judge of the superior court; and

12 (3) should all the judges of the superior court
13 be unavailable, the senior presiding judge of the superior
14 court shall accede to the jurisdiction and powers of the
15 supreme court.

16 Sec. 26.25.060. FORMALITIES OF TAKING OFFICE. (a) At
17 the time of their designation, emergency interim successors
18 and special emergency judges shall take the following oath
19 of affirmation:

20 "I do solemnly swear (or affirm) that I will
21 support and defend the Constitution of the United
22 States and the Constitution of the State of Alaska,
23 and that I will faithfully discharge my duties as
24 _____ to the best of my ability."

25 (b) Notwithstanding any other provision of law, no
26 person, as a prerequisite to the exercise of the powers or
27 discharge of the duties of an office to which he succeeds,
28 is required to comply with any other provision of law
29 relative to taking office.

1 Sec. 26.25.070. REGULATIONS. The governor, or other
2 official exercising the powers and discharging the duties
3 of the office of governor may issue regulations to provide
4 the manner in which this chapter is to be executed.

5 Sec. 26.25.080. PERIOD IN WHICH AUTHORITY MAY BE EXER-
6 CISED. Officials authorized to act as governor under this
7 chapter, emergency interim successors and special emergency
8 judges are empowered to exercise the powers and discharge
9 the duties of an office as provided in this chapter only
10 after an attack upon the United States, as defined in sec.
11 110 of this chapter has occurred. The legislature by joint
12 resolution, may at any time terminate the authority of the
13 emergency interim successors and special emergency judges to
14 exercise the powers and discharge the duties of office as
15 provided in this chapter.

16 Sec. 26.25.090. REMOVAL OF DESIGNEES. Until the
17 persons designated as emergency interim successors or special
18 emergency judges are authorized to exercise the powers and
19 discharge the duties of an office in accordance with this
20 chapter they shall serve in their designated capacities at
21 the pleasure of the designating authority and may be re-
22 moved or replaced by the designating authority at any time,
23 with or without cause.

24 Sec. 26.25.100. DISPUTES. Any dispute concerning a
25 question of fact arising under this chapter with respect to
26 an office in the executive branch of the state government
27 (except a dispute of fact relative to the office of governor)
28 shall be adjudicated by the governor, or other official
29 authorized under the constitution or this chapter to exercise

1 the powers and discharge the duties of the office of governor,
2 and his decision shall be final.

3 Sec. 26.25.110. DEFINITIONS. In this chapter, unless
4 the context requires otherwise:

5 (1) "unavailable" means either that a vacancy in
6 office exists and there is no deputy authorized to exercise
7 all of the powers and discharge the duties of the office, or
8 that the lawful incumbent of the office (including any
9 deputy exercising the powers and discharging the duties of
10 an office because of a vacancy) and his duly authorized
11 deputy are absent or unable to exercise the powers and dis-
12 charge the duties of the office;

13 (2) "emergency interim successor" means a person
14 designated pursuant to this chapter, who, in the event the
15 officer is unavailable, is to exercise the powers and dis-
16 charge the duties of an office until a successor is appointed
17 or elected and qualified as may be provided by law or until
18 the lawful incumbent is able to resume the exercise of the
19 powers and discharge the duties of the office;

20 (3) "attack" means any attack or series of attacks
21 by an enemy of the United States causing, or which may cause,
22 substantial damage or injury to civilian property or persons
23 in the United States in any manner by sabotage or by the use
24 of bombs, missiles, shellfire, or atomic, radiological,
25 chemical, bacteriological, or biological means or other
26 weapons or processes;

27 (4) "political subdivision" includes boroughs
28 and cities; and

29 (5) "state officer" means a head of a principal

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department of the state.

* Sec. 2. This Act becomes effective July 1, 1963.