

Introduced: 3/28/73  
Referred: Judiciary

1 IN THE HOUSE

BY FINK

2 HOUSE BILL NO. 392

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the filling of vacancies in the  
7 state legislature by appointment; and providing for  
8 an effective date."

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

10 \* Section 1. AS 15.40.320 is repealed and re-enacted to read:

11 Sec. 15.40.320. CONDITION AND TIME FOR FILLING VACANCY BY APPOINT-  
12 MENT. (a) When a vacancy occurs in the legislature, within 30 days,

13 (1) if the vacancy occurs in the majority party, the presiding  
14 officer of the house in which the vacancy occurs shall appoint a quali-  
15 fied person to fill the vacancy;

16 (2) if the vacancy occurs in the minority party, the minority  
17 leader of the house in which the vacancy occurs shall appoint a quali-  
18 fied person to fill the vacancy.

19 (b) However, if the remainder of the term of the predecessor in  
20 office will expire or if a vacancy in the state senate will be filled by  
21 a special election before the legislature will next meet, convene or  
22 reconvene, neither the governor under sec. 330 of this chapter nor the  
23 presiding officer or the minority leader under (a) of this section may  
24 fill the vacancy.

25 \* Sec. 2. AS 15.40.330 is amended to read:

26 Sec. 15.40.330. QUALIFICATION AND CONFIRMATION OF APPOINTEE. The  
27 appointee shall meet the qualifications of a member of the legislature  
28 as prescribed in sec. 2, art. II of the state constitution, shall be a  
29 member of the same political party as that which nominated the

1 predecessor in office, and shall be subject to confirmation by a majority  
2 of the members of the legislature who are members of the same political  
3 party which nominated the predecessor in office and of the same house as  
4 was the predecessor in office. If the predecessor in office was not  
5 nominated by a political party or if no other member of his political  
6 party is a member of his house of the legislature, the governor may  
7 appoint any qualified person. If the appointee is not a member of a  
8 political party, the appointment is [NOT] subject to confirmation by a  
9 majority of the members of the legislature in the house where the  
10 vacancy occurred. If the appointee is a member of a political party,  
11 the appointment is subject to confirmation as provided by this section  
12 for the confirmation of political party appointees.

13 \* Sec. 3. AS 15.40.340 is repealed and re-enacted to read:

14 Sec. 15.40.340. DATE OF OFFICE OF APPOINTEE. The term of the  
15 appointee shall begin on the date the appointment is confirmed.

16 \* Sec. 4. AS 15.40. 350 is amended to read:

17 Sec. 15.40.350. PROCEDURE UPON REJECTION. If an appointment is  
18 rejected, the presiding officer or minority leader under sec. 320 of  
19 this chapter or the governor under sec. 330 of this chapter, within  
20 10 days, shall appoint another qualified person as provided in secs. 320  
21 and [SEC.] 330 of this chapter, who shall also be subject to confirma-  
22 tion, as provided in sec. 330 of this chapter [THAT SECTION].

23 \* Sec. 5. This Act takes effect on the day after its passage and approval  
24 or on the day it becomes law without approval.