

Introduced: 1/30/85
Referred: State Affairs
and Judiciary

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 152

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the status of board members whose
7 term of office has expired; and providing for an ef-
8 fective date."

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

10 * Section 1. AS 39.05.080 is amended to read:

11 Sec. 39.05.080. PROCEDURE FOR ALL APPOINTMENTS. Appointments
12 must [SHALL] be made in the following manner:

13 (1) The appointing authority shall, within 30 days after
14 [OF] the convening of the legislature in regular session, present to
15 the legislature for confirmation the names of the following persons:
16 (A) persons appointed to a position or membership who have not previ-
17 ously been confirmed by the legislature or either house of it; (B)
18 persons appointed who are [BY HIM] subject to confirmation to fill an
19 existing position or membership vacancy; (C) persons to be appointed
20 subject to confirmation to fill a position or membership the term of
21 which expires [SHALL EXPIRE] before July 2, following the session of
22 the legislature. If an appointment is made after the deadline but
23 while the legislature is in session, the appointing authority shall,
24 within five calendar days after the appointment is made, present to
25 the legislature for confirmation the name of the person appointed.
26 The deadline may be extended by the legislature by the approval of a
27 concurrent resolution.

28 (2) When appointments are presented to the legislature for
29 confirmation,

1 (A) the presiding officer of each house shall assign
2 the name of each appointee to a standing committee of that house
3 for a hearing, report and recommendation; standing committees of
4 the two houses assigned the same person's name for consideration
5 may meet jointly to consider the qualifications of the person
6 appointed and may issue either a separate or a joint report and
7 recommendation concerning that person; then

8 (B) the legislature shall, before the end of the ses-
9 sion in which the appointments are presented, in joint session
10 assembled, act on the appointments by confirming or declining to
11 confirm by a majority vote of all of the members the appointments
12 presented.

13 (3) When the legislature declines to confirm an appoint-
14 ment, the legislature shall notify the appointing authority of its
15 action and a vacancy in the position or membership exists which the
16 appointing authority shall fill by making a new appointment. The new
17 appointment must [SHALL] be presented for confirmation to the legisla-
18 ture within 20 calendar days following receipt by the appointing
19 authority of the legislature's notification of its refusal to confirm
20 the prior appointment. If the name of a person is submitted and is
21 not confirmed, the appointing authority may not, upon resubmission of
22 appointments, submit again the name of the person whose confirmation
23 was refused for the same position or membership during the session of
24 the legislature at which confirmation was refused. The person whose
25 name is refused for appointment by the legislature may not thereafter
26 be appointed to the position or membership during the interim between
27 legislative sessions. Failure of the legislature to act to confirm or
28 decline to confirm an appointment during the session in which the
29 appointment was presented is tantamount to a declination of

1 confirmation on the day the session adjourns.

2 (4) Pending confirmation or rejection of appointment by the
3 legislature, persons appointed shall exercise the functions, and they
4 have the powers and are [BE] charged with the duties, prescribed by
5 law for the appointive positions or membership.

6 (5) Pending appointment of a successor, a member of a board
7 or commission, other than one that is at the head of a principal
8 department, serves until a successor is appointed, even if the term of
9 the member has expired.

10 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
11 10.070(c).