

1 IN THE SENATE

BY ELIASON

2

SENATE BILL NO. 199

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to filling legislative vacancies."

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

8 * Section 1. AS 15.40.320 is amended to read:

9 Sec. 15.40.320. CONDITION AND TIME FOR FILLING VACANCY BY AP-
10 POINTMENT. When a vacancy occurs in the state legislature [,] the
11 governor, within 30 days after the vacancy occurs, shall appoint a
12 [QUALIFIED] person to fill the vacancy under AS 15.40.330. However,
13 if the remainder of the term of the predecessor in office will expire
14 or if a vacancy in the state senate will be filled by a special elec-
15 tion before the legislature will next meet, convene, or reconvene, the
16 governor may not fill the vacancy.

17 * Sec. 2. AS 15.40.320 is amended by adding a new subsection to read:

18 (b) The appointee shall meet the qualifications of a member of
19 the legislature prescribed in sec. 2, art. II, of the state constitu-
20 tion.

21 * Sec. 3. AS 15.40.330(a) is repealed and reenacted to read:

22 (a) If the predecessor in office was a member of a political
23 party, the appointee shall be a member of the same political party and
24 shall be subject to confirmation by a majority of the members of the
25 house in which the vacancy occurs who are members of the same politi-
26 cal party. The governor shall make the appointment from a list of at
27 least three qualified nominees submitted by the local organization
28 that represents the political party of the predecessor in the prede-
29 cessor's district or, if there is no local organization, by the state

1 organization that represents that political party. The list of nomi-
2 nees shall be submitted to the governor within 15 days after the
3 vacancy occurs. If the predecessor in office was not a member of a
4 political party or the appropriate political party organization fails
5 to submit three qualified nominees within the required time period,
6 the governor may appoint any qualified person. If the appointee is
7 not a member of a political party or there are no other members of the
8 appointee's political party in the house in which the vacancy occurs,
9 the appointment is not subject to confirmation.

10 * Sec. 4. AS 15.40.330 is amended by adding new subsections to read:

11 (c) When a vacancy occurs during the interim between sessions of
12 the legislature, confirmation under (a) of this section may be con-
13 ducted in a public meeting of those members of the legislature enti-
14 tled to vote on the question. A report of the meeting shall be mailed
15 or delivered to the governor and presiding officer of the appropriate
16 house within 10 days after the meeting. The report must include the
17 names of the members voting on the question and a record of the vote.
18 A copy of the report made under this subsection to the presiding
19 officer shall be published in the journal. If the appointee is con-
20 firmed, the presiding officer shall, within 10 days after receipt of
21 the report, administer the oath of office to the confirmed appointee.

22 (d) When confirmation under this section occurs during a legis-
23 lative session, the vote may be taken by roll call of those members in
24 the appropriate house entitled to vote on the question or in the
25 manner provided in (c) of this section. If the appointee is confirmed
26 by roll call, the presiding officer shall immediately thereafter
27 administer the oath of office to the confirmed appointee. If the
28 appointee is confirmed in the manner provided under (c) of this sec-
29 tion, the presiding officer shall administer the oath of office during

1 the first floor session held after receipt of the report.

2 * Sec. 5. AS 15.40.340 is amended to read:

3 Sec. 15.40.340. DATE OF OFFICE OF APPOINTEE. The [IF THE AP-
4 POINTMENT IS NOT SUBJECT TO CONFIRMATION, THE] term of the appointee
5 begins when [SHALL BEGIN ON THE FIRST DAY] the appointee is given the
6 oath of office [PRESENT WHEN THE LEGISLATURE MEETS, CONVENES, OR
7 RECONVENES AFTER THE DATE OF THE APPOINTMENT. IF THE APPOINTMENT IS
8 SUBJECT TO CONFIRMATION, THE TERM OF THE APPOINTEE SHALL BEGIN ON THE
9 DATE THE APPOINTMENT IS CONFIRMED].

10 * Sec. 6. AS 15.40.350 is amended to read:

11 Sec. 15.40.350. PROCEDURE UPON REJECTION. If the appointee is
12 subject to confirmation and the [AN] appointment is rejected, the
13 governor, within 10 days after receiving the report of rejection,
14 shall appoint another [QUALIFIED] person as provided in AS 15.40.330,
15 who shall also be subject to confirmation, as provided in that sec-
16 tion. If the first appointment was made from a list of nominees, the
17 governor shall appoint another nominee from the same list. If the
18 second or a subsequent appointment is rejected, the governor within 10
19 days shall appoint another person who shall also be subject to confir-
20 mation as provided in AS 15.40.330. The third or a subsequent appoin-
21 tee must be a member of the same political party as the predecessor in
22 office, but need not be nominated by the local or state political
23 party organization.

24 * Sec. 7. AS 24.05.170 is amended to read:

25 Sec. 24.05.170. ORGANIZATION OF SECOND AND SPECIAL SESSIONS. On
26 the day set for the assembly of the second regular session or a spe-
27 cial session of the legislature, the presiding officer elected at the
28 first regular session shall [ADMINISTER THE OATH OF OFFICE TO NEW
29 MEMBERS AND] proceed with the business of the house in accordance with

1 the rules of the legislature.