

HJR

56



Official Business

# Alaska State Legislature

## House of Representatives

Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 29, 1980

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Pouch Y, State Capitol  
Juneau, Alaska 99811

Dear Mr. Speaker:

It is the intent of the House Judiciary Committee in recommending passage of HJR 56 that at least once every four years the Legislature will have the opportunity to confirm or deny confirmation to each head of a principal department.

If the Governor does not finish a four-year term, his appointees who are retained when the Lieutenant Governor succeeds would be subject to confirmation at the end of the four-year period. New commissioners appointed by the Lieutenant Governor who succeeds him would be subject to confirmation upon appointment, and if reappointed at the end of that same four-year term, would be again subject to confirmation.

In brief, each head of a principal department would be subject to confirmation upon his initial appointment and upon completion of the four-year term if the incumbent Governor wishes to reappoint him.

Sincerely,

Charles H. Parr  
Chairman

CHP:vc

1 IN THE HOUSE

BY MALONE AND MOSS

2 HOUSE JOINT RESOLUTION NO. 56

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Consti-  
6 tution of the State of Alaska relat-  
7 ing to confirmation of heads of  
8 principal departments.

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

10 \* Section 1. Article III, sec. 25, Constitution of the State of Alaska is  
11 amended to read:

12 SECTION 25. The head of each principal department shall be a  
13 single executive unless otherwise provided by law. He shall be ap-  
14 pointed by the governor, subject to confirmation by a majority of the  
15 members of the legislature in joint session, and shall serve at the  
16 pleasure of the governor, except as otherwise provided in this article  
17 with respect to the lieutenant governor. Each head of a principal de-  
18 partment is removed from office at the expiration of the term of the  
19 governor in office at the time of his appointment. He may be reap-  
20 pointed, but a reappointment is subject to confirmation by a majority  
21 of the members of the legislature in joint session. The heads of all  
22 principal departments shall be citizens of the United States.

23 \* Sec. 2. The amendment proposed by this resolution shall be placed  
24 before the voters of the state at the next general election in conformity  
25 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election  
26 laws of the state.

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1 limited duration, or otherwise, and includes the duty to pay arrearages  
2 of support past due and unpaid;  
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in joint session, these orders become effective at a date thereafter to be designated by the governor.

Supervision

SECTION 24. Each principal department shall be under the supervision of the governor.

Department  
Heads

SECTION 25. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the lieutenant governor. The heads of all principal departments shall be citizens of the United States.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Boards and  
Commissions

SECTION 26. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

Recess  
Appointments

SECTION 27. The governor may make appointments to fill vacancies occurring during a recess of the legislature, in offices requiring confirmation by the legislature. The duration of such appointments shall be prescribed by law.

#### ARTICLE IV

#### THE JUDICIARY

Judicial  
Power and  
Jurisdiction

SECTION 1. The judicial power of the State is vested in a supreme court, a superior court and the courts established by the legislature. The jurisdic-

tion of courts shall be prescribed by law. The courts shall constitute a unified judicial system for operation and administration. Judicial districts shall be established by law.

Supreme  
Court

SECTION 2. (a) The supreme court shall be the highest court of the State, with final appellate jurisdiction. It shall consist of three justices, one of whom is chief justice. The number of justices may be increased by law upon the request of the supreme court.

(b) The chief justice shall be selected from among the justices of the supreme court by a majority vote of the justices. His term of office as chief justice is three years. A justice may serve more than one term as chief justice but he may not serve consecutive terms in that office.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. Subsection (b) was added.)

Superior  
Court

SECTION 3. The superior court shall be the trial court of general jurisdiction and shall consist of five judges. The number of judges may be changed by law.

Qualifications  
of Justices  
and Judges

SECTION 4. Supreme court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the State, and possessing any additional qualifications prescribed by law. Judges of other courts shall be selected in a manner, for terms, and with qualifications prescribed by law.

Nomination  
and  
Appointment

SECTION 5. The governor shall fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

Approval or  
Rejection

SECTION 6. Each supreme court justice and superior court judge shall, in the manner provided by law, be subject to approval or rejection on a nonpartisan ballot at the first general election held