

SJR

54



SENATE AMENDMENT

By The Judiciary Committee

To: SJR 54 SENATE BILL No. \_\_\_\_\_

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE:

LINE:

Line 16, Page 1:

Delete "a" and insert "another" in its place

Line 26, Page 1:

Delete "a" and insert "another" in its place

*Per File - PARRY PARRIS*  
*CRISIS OF POWER QUESTION*  
*DOES COURT HAVE SUPPORT DECISIONS*  
*UNDESIRABLE VIEW TO FRANCHISES OF CONSTITUTION*  
 Introduced: 6/23/81  
 Referred: Judiciary

1 IN THE SENATE BY PARR

2 SENATE JOINT RESOLUTION NO. 54

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the Constitu-  
 6 tion of the State of Alaska relating  
 7 to the confirmation of appointments  
 8 by the governor.

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,  
 11 is amended by adding a new subsection to read:

12 (b) The legislature may, by passage of a concurrent resolution  
 13 adopted by a vote of <sup>two-thirds</sup> of the membership of each house, with-  
 14 draw confirmation of the head of a principal department. On the with-  
 15 drawal of confirmation under this subsection, the governor shall submit  
 16 <sup>ANSWER</sup> name for confirmation. Withdrawal of confirmation is not permitted  
 17 during the six months after the appointment or during the last six  
 18 months of the term of office of the governor.

19 \* Sec. 2. Article III, sec. 26, Constitution of the State of Alaska, is  
 20 amended by adding a new subsection to read:

21 (b) The legislature may, by passage of a concurrent resolution  
 22 adopted by a vote of <sup>two-thirds</sup> of the membership of each house, with-  
 23 draw confirmation of a member of a board or commission at the head of a  
 24 principal department or a regulatory or quasi-judicial agency. On the  
 25 withdrawal of confirmation under this subsection, the governor shall  
 26 submit <sup>ANSWER</sup> name for confirmation. Withdrawal of confirmation is not  
 27 permitted during the six months after the appointment or during the  
 28 last six months of the term of office of the governor.

29 \* Sec. 3. The amendments proposed by this resolution shall be placed

*Ray/M.O.*

*Ray/M.O.*

*MOTION FAILS*

1 before the voters of the state at the next general election in conformity  
2 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election  
3 laws of the state.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

Raji: GOVERNOR SHOULD PROPOSE SESSION LIMITATIONS  
IF HE'S WORRIED ABOUT BALANCE OF POWER.

Pratt: WOULDNT BE IN CONFLICT WITH CONSTITUTION  
IF PUBLIC ADOPTS IT SEEMS LIKE  
GOOD PUBLIC POLICY.

WHAT IS PROBLEM WITH LEGISLATURE ABLE  
TO REVIEW APPOINTMENTS.

Pratt: DICHOTOMY IN CONSTITUTION - WHY CAN'T  
WE CHANGE

Pratt

Raji - WHY THE INSIDE STAFF FOR 5/11



Official Business

# Alaska State Legislature

Senate

Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

## MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

JANUARY 22, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

### Legislation Before Committee:

SJR 54 - Proposing amendments to the Constitution of the State of Alaska relating to the confirmation of appointments by the governor.

SSSJR 10 - Proposing amendments to the Constitution of the State of Alaska relating to agricultural rights in the state lands.

The meeting of the Senate Judiciary Committee was called to order by Vice-Chairman Bennett at 1:45 P.M. Committee members present were: Senators Bennett, Ray, and Parr. Senators Rodey and Hohman were absent.

The first legislation before the committee was SJR 54. Pete Froehlech, representing the Attorney General, spoke against the resolution. It was his belief that adoption of such an amendment would alter the balance of power between the executive and legislative branches. He further stated that a commissioner could not make unpopular decisions in fear of removal by the Legislature. It was the view of the Attorney General's office that this amendment would be undesirable to the framers of the Constitution.

Senator Parr explained the purpose behind the amendment and gave a brief history of his experiences with executive appointments.

Senator Ray moved that on Page 1, Line 16, and on Line 26, the word "a" be struck and the word "another" inserted in its place. There was no objection to the amendment and it was adopted. Senator Ray further moved that on Page 1, Line 13, and Line 22, the words "two-thirds" be deleted and the words "three-fourths" substituted. Senator Parr objected the amendment. On a roll call vote, Senator Ray voted yes, Senators Parr and Bennett voted no and the amendment was not adopted.

Senator Parr moved that the resolution pass from committee as amended with individual recommendations. Senator Ray requested that the chair hold it over for one meeting and it was so ordered. Senator Bennett requested that the staff bring this resolution before the committee at the next meeting.

The committee next took up SSSJR 10. Bob Palmer, Office of the Governor, testified in favor of the resolution. He indicated that this amendment would end speculation in agricultural land and should keep the price where farmers could afford to acquire and work parcels. Nick Carney, Department of Natural Resources, also supported the legislation and responded to questions by the committee. Marcia Vandercook, of Senator Kerttula's office, also spoke in favor of the resolution.

The committee was concerned that land claimed by Native Corporations or local governments that had previously been classified as agricultural land could not use the land for other purposes. Mr. Carney replied that this was correct, but that land selectors could have the land re-classified before it was conveyed. The committee took no action on the legislation.

The meeting was adjourned at 2:30 P.M.