



LAWS OF ALASKA

1996

Source

SCS CSHB 359(L&C)

Chapter No.

80

AN ACT

Relating to the appointment and confirmation process for members of certain boards, commissions, and similar bodies; relating to terms of certain appointees; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 20, 1996

Actual Effective Date: January 1, 1997

AN ACT

1 Relating to the appointment and confirmation process for members of certain boards,
2 commissions, and similar bodies; relating to terms of certain appointees; and providing for an
3 effective date.

4

5 * Section 1. AS 08.01.035 is amended to read:

6 Sec. 08.01.035. APPOINTMENTS AND TERMS. Members of boards subject
7 to this chapter are appointed for staggered terms of four years. Except as provided in
8 AS 39.05.080(4), a [A] member of a board serves until a successor is appointed. Except
9 as provided in AS 39.05.080(4), an [AN] appointment to fill a vacancy on a board is
10 for the remainder of the unexpired term. A member who has served all or part of two
11 successive terms on a board may not be reappointed to that board unless four years have
12 elapsed since the person has last served on the board.

13 * Sec. 2. AS 08.04.040 is amended to read:

14 Sec. 08.04.040. VACANCY ON BOARD. A vacancy shall be filled by
15 appointment for the unexpired term, except as provided in AS 39.05.080(4), and all

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1 vacancies shall be filled within 60 days. Except as provided in AS 39.05.080(4), after
2 [AFTER] the expiration of a member's term of office a member continues to serve until
3 a successor is appointed and qualifies, formally advises the board of acceptance of the
4 appointment, and appears at the next meeting of the board.

5 * Sec. 3. AS 08.65.010(b) is amended to read:

6 (b) The board consists of five members appointed by the governor subject to
7 confirmation by the legislature in joint session. Members serve for staggered terms of
8 four years and, except as provided in AS 39.05.080(4), each member serves until a
9 successor is appointed and qualified. The board consists of two members who are
10 certified in this state as direct-entry midwives, one physician licensed by the State
11 Medical Board in this state who has an obstetrical practice or has specialized training in
12 obstetrics, one certified nurse midwife licensed by the Board of Nursing in this state, and
13 one public member.

14 * Sec. 4. AS 14.07.095 is amended to read:

15 Sec. 14.07.095. TERM OF OFFICE. The members of the board shall be
16 appointed for overlapping five-year terms commencing on the March 1 following the
17 date of the member's [FEBRUARY 1 OF THE YEAR OF] appointment. Except as
18 provided in AS 39.05.080(4), a [A] member appointed to fill a vacancy serves for the
19 unexpired term of the member whose vacancy is filled. A vacancy occurring during a
20 term of office is filled in the same manner as the original appointment.

21 * Sec. 5. AS 14.20.420(a) is amended to read:

22 (a) The term of office for each member of the commission is three years and,
23 except as provided in AS 39.05.080(4), each member serves until a successor is
24 appointed.

25 * Sec. 6. AS 14.20.420(b) is amended to read:

26 (b) Vacancies shall be filled by appointment by the governor and, except as
27 provided in AS 39.05.080(4), an appointment to fill a vacancy is for the unexpired
28 term.

29 * Sec. 7. AS 15.13.020(h) is amended to read:

30 (h) A vacancy on the commission shall be filled through the appropriate
31 appointing method for the position within 30 days after the occurrence of the vacancy.

1 Except as provided in AS 39.05.080(4), the [THE] appointee shall serve for the
2 remaining term of the appointee's predecessor.

3 * Sec. 8. AS 16.05.221(c) is amended to read:

4 (c) Members of the Board of Fisheries or Board of Game serve staggered terms
5 of three years and, except as provided in AS 39.05.080(4), each member serves until
6 a successor is appointed. An appointment to fill a vacancy in the membership of the
7 Board of Fisheries or Board of Game shall be made in the same manner as the original
8 appointment and, except as provided in AS 39.05.080(4), an appointment to fill a
9 vacancy is for the balance of the unexpired term.

10 * Sec. 9. AS 16.43.030(b) is amended to read:

11 (b) A vacancy on the commission shall be filled by appointment by the governor
12 and the appointment shall be confirmed by the legislature in joint session. Except as
13 provided in AS 39.05.080(4), a [A] member selected to fill a vacancy shall hold office
14 for the balance of the full term for which the member's predecessor on the commission
15 was appointed.

16 * Sec. 10. AS 31.05.007(b) is amended to read:

17 (b) A vacancy arising in the office of a commissioner shall be filled by
18 appointment by the governor and confirmed by the legislature in joint session, and,
19 except as provided in AS 39.05.080(4), an appointee selected to fill a vacancy shall
20 hold office for the balance of the full term for which the predecessor on the commission
21 was appointed.

22 * Sec. 11. AS 38.06.025(e) is amended to read:

23 (e) Vacancies in public membership shall be filled in the same manner as
24 original appointment. Except as provided in AS 39.05.080(4), an [AN] appointee to
25 fill a vacancy shall hold office for the balance of the term for which the predecessor on
26 the board was appointed. A vacancy in board membership does not impair the authority
27 of a quorum of the board members to exercise all the powers and duties of the board.

28 * Sec. 12. AS 39.05 is amended by adding a new section to read:

29 Sec. 39.05.053. TERMS OF OFFICE. The term of office of a position or
30 membership ends on March 1 of the year when the position's or membership's term
31 expires except as otherwise provided in a law relating to positions or memberships on

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1 a specific board or commission.

2 * Sec. 13. AS 39.05.060(d) is amended to read:

3 (d) A vacancy occurring during a term of office is filled in the same manner as
4 the original appointment is made and, except as provided in AS 39.05.080(4), is filled
5 for the balance of the unexpired term. Except as otherwise provided by law, each
6 [EACH] member holds office at the pleasure of the governor notwithstanding the
7 member's term.

8 * Sec. 14. AS 39.05.080 is amended to read:

9 Sec. 39.05.080. PROCEDURE FOR ALL APPOINTMENTS. Except as
10 otherwise provided in a law relating to the positions or memberships on a specific
11 board or commission, appointment to a position or membership [APPOINTMENTS]
12 shall be made in the following manner:

13 (1) Each governor shall present to the legislature the names of the
14 persons appointed by that governor; each governor may present the name of a
15 person appointed by a previous governor; only presentment that occurs during the
16 time that the legislature is in regular session constitutes presentment under this
17 section. The governor [APPOINTING AUTHORITY] shall, within the first 30 days
18 after [OF THE CONVENING OF] the legislature convenes in regular session, present
19 to the legislature for confirmation the names of the following persons: (A) persons
20 appointed to a position or membership who have not previously been confirmed by the
21 legislature, and (B) [OR EITHER HOUSE OF IT; (B) PERSONS APPOINTED
22 SUBJECT TO CONFIRMATION TO FILL AN EXISTING POSITION OR
23 MEMBERSHIP VACANCY; (C)] persons to be appointed [SUBJECT TO
24 CONFIRMATION] to fill a position or membership the term of which will [SHALL]
25 expire March 1 during that [BEFORE JULY 2, FOLLOWING THE] session of the
26 legislature. If an appointment is made after the first 30 days of the convening of the
27 regular session [DEADLINE] but while the legislature is in regular session, the
28 governor [APPOINTING AUTHORITY] shall, within five calendar days after the
29 appointment is made, present to the legislature for confirmation the name of the person
30 appointed. The deadline may be extended by the legislature by the approval of a
31 concurrent resolution.

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

2 (A) the presiding officer of each house shall assign the name of
3 each appointee to a standing committee of that house for a hearing, report, and
4 recommendation; standing committees of the two houses assigned the same
5 person's name for consideration may meet jointly to consider the qualifications
6 of the person 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 session in which
9 the appointments are presented, in joint session assembled, act on the
10 appointments by confirming or declining to confirm by a majority vote of all of
11 the members the appointments presented.

12 (3) When the legislature declines to confirm an appointment, the
13 legislature shall notify the governor [APPOINTING AUTHORITY] of its action and a
14 vacancy in the position or membership exists which the governor [APPOINTING
15 AUTHORITY] shall fill by making a new appointment. The new appointment shall be
16 presented for confirmation to the legislature within 20 calendar days following receipt
17 by the governor [APPOINTING AUTHORITY] of the legislature's notification of its
18 refusal to confirm the prior appointment. The governor [IF THE NAME OF A
19 PERSON IS SUBMITTED AND IS NOT CONFIRMED, THE APPOINTING
20 AUTHORITY] may not appoint [, UPON RESUBMISSION OF APPOINTMENTS,
21 SUBMIT] again the same [NAME OF THE] person whose confirmation was refused for
22 the same position or membership during the session of the legislature at which
23 confirmation was refused. The person whose name is refused for appointment by the
24 legislature may not thereafter be appointed to the same position or membership during
25 the interim between legislative sessions. Failure of the legislature to act to confirm or
26 decline to confirm an appointment during the session in which the appointment was
27 presented is tantamount to a declination of confirmation on the day the session adjourns.

28 (4) Pending confirmation or rejection of appointment by the legislature,
29 persons appointed shall exercise the functions, [AND] have the powers, and be charged
30 with the duties prescribed by law for the appointive positions or membership. However,
31 the duration of an appointment made during the time period between regular

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1 sessions of the legislature by a person who is not still the governor on the first day
2 of the next regular session ends on the date during the next regular session that
3 the sitting governor presents for confirmation an appointment to the office. For
4 the purpose of applying laws that limit the number of terms or parts of terms
5 that may be served by a member of a board or commission, the part of the term
6 of office that is served under an interim appointment immediately before the
7 member is reappointed under this paragraph is considered to be merged with the
8 part of the term of office that is served immediately after reappointment so that
9 the two periods of service constitute only one part of a term. The duration of an
10 appointment made during a regular session of the legislature and not presented
11 to the legislature by the governor during that session ends no later than the last
12 day of that session. The duration of an appointment made during an interim by
13 a governor who is not in office at the beginning of the next regular session of the
14 legislature ends no later than the last day of that regular session unless the
15 governor who is in office during that session presents the person's name for
16 confirmation. The same governor may not appoint the same person to the same
17 position or membership if the person's appointment ends because of the
18 governor's failure to present the person's name for confirmation.

19 * Sec. 15. AS 39.23.200(a) is amended to read:

20 (a) The State Officers Compensation Commission is established. The
21 commission is composed of seven members appointed by the governor subject to
22 confirmation by a majority of the legislature in joint session. Members serve for
23 staggered terms of four years. Commission membership shall include at least one
24 business executive, one representative of a nonpartisan voters' organization, one person
25 with experience in public administration, and one representative of a labor
26 organization. Except as provided in AS 39.05.080(4), a [A] vacancy shall be filled
27 for the balance of the unexpired term. A commission member may serve no more than
28 two complete consecutive terms.

29 * Sec. 16. AS 41.35.330 is amended to read:

30 Sec. 41.35.330. TERM OF OFFICE. The term of office for a member of the
31 commission is three years, except for those who are members by virtue of their

1 positions with the state, who serve for as long as they remain in the position by virtue
2 of which they are members of the commission. Except as provided in
3 AS 39.05.080(4), a [A] member appointed to fill a vacancy serves for the unexpired
4 term of the member succeeded.

5 * Sec. 17. AS 42.05.030(b) is amended to read:

6 (b) A vacancy arising in the office of commissioner shall be filled by
7 appointment by the governor and confirmed by the legislature in joint session. Except
8 as provided in AS 39.05.080(4), an [AN] appointee selected to fill a vacancy shall
9 hold office for the balance of the full term for which the appointee's predecessor on
10 the commission was appointed.

11 * Sec. 18. AS 42.40.040(a) is amended to read:

12 (a) Except for the commissioner of commerce and economic development and
13 the commissioner of transportation and public facilities, a vacancy on the board is
14 filled by appointment by the governor, and the appointment must be confirmed by the
15 members of the legislature in joint session. Except as provided in AS 39.05.080(4),
16 a [A] member appointed to fill a vacancy holds office for the balance of the term for
17 which the member's predecessor was appointed.

18 * Sec. 19. AS 46.15.200 is amended to read:

19 Sec. 46.15.200. TERM OF OFFICE. The term of office for members of the
20 board is four years. If a vacancy occurs, the governor shall fill it by appointment for
21 the unexpired term, subject to AS 39.05.080(4). The appointment shall be submitted
22 to the legislature for confirmation at the next regular [OR SPECIAL] session.

23 * Sec. 20. AS 08.36.020; AS 08.80.020; and AS 08.88.026 are repealed.

24 * Sec. 21. TRANSITIONAL PROVISIONS. In order to implement the changes made in
25 this Act, and notwithstanding other provisions of law that may limit the years or terms of
26 positions or memberships, the terms of office of positions or memberships, as defined in
27 AS 39.05.200, that exist on the effective date of this Act are extended to the March 1 next
28 following the date that the term would have expired without the changes made in this Act.
29 This section does not apply to terms of office that would have expired on March 1 even if this
30 Act had not taken effect.

31 * Sec. 22. This Act takes effect January 1, 1997.