

# ALASKA STATE LEGISLATURE



## REPRESENTATIVE ZACK FIELDS

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### HB 58 Sectional Analysis

*“An Act relating to the office of public advocacy; and relating to the public advocate.”*

\*\*\*The following sectional analysis does not include a summary of minutia such as minor grammatical and vocabulary corrections made by the proposed Bill.

**Section 1:** Amends AS 13.26.750(a), changing the title from “COMMISSIONER OF ADMINISTRATION” to “public advocate.”

**Section 2:** Amends AS 36.30.305(a), changing the title from “DIRECTOR OF THE OFFICE OF PUBLIC ADVOCACY” to “public advocate.”

**Section 3:** Amends AS 36.30.850(b)(31), changing the title from “DIRECTOR OF THE OFFICE OF PUBLIC ADVOCACY” to “public advocate.”

**Section 4:** Amends AS 44.21.400 to read: (with reference to the “public advocacy office”)

“The office is administered by the public advocate.”

**Section 5:** Amends AS 44.21 by adding a new section that reads:

“Sec.44.21.405. Appointment, removal, and vacancy.”

**Subsection (a)** directs the governor to appoint the public advocate for a term of four years, from persons nominated by the judicial council and subject to majority confirmation by the joint legislature. Retention of the public advocate requiring only similar legislative approval.

**Subsection (b)** lays out the removal process for the public advocate, a power held by the governor, who need only submit a report stating the reasons and notify the legislature of the report within 10 days after the convening of the regular session.

**Subsection (c)** required eligibility entails acquiring admittance to practice law in the State of Alaska.

**NOTE:** This mirrors the existing Sec. 44.21.430 (requiring employees of the public advocacy office to be licensed to practice law in the State of Alaska.

**Subsection (d)** during vacancy, the governor has discretionary authority to appoint an “acting public advocate” and the joint duty (with judicial council) to fill the vacancy as soon as possible.

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**Section 6:** Amends AS 44.21.410(a)(7), changing the title from “COMMISSIONER OF ADMINISTRATION” to “public advocate.”

**Section 7:** Amends AS 44.21.410(b), changing the title from “COMMISSIONER OF ADMINISTRATION” to “public advocate” (and under (b)(1): “COMMISSIONER” to “public advocate”).

**Section 8:** Amends AS 44.21.415(c), changing the title from “COMMISSIONER” to “public advocate.”

**Section 9:** Amends AS 44.21.415(e), changing the title from “COMMISSIONER OF ADMINISTRATION” to “public advocate.”

**Section 10:** Amends AS 44.21.420, changing the title from “COMMISSIONER OF ADMINISTRATION” in subsection (a) and “COMMISSIONER” in subsections (b), & (c), to “public advocate.”

**Section 11:** The uncodified law of the State of Alaska is amended by adding a new section, titled: “TRANSITION” and to read:

Subsection (a): Provides for the continuity of all orders, regulations, contracts, rights, liabilities and obligations issued, created, or adopted by the predecessor to the envisioned public advocate (the commissioner of administration) and by the pre-existing law changed by this bill.

Subsection (b): Provides for the continuity of governance by allowing the individual employed as the director of the office of public advocacy on the day before the effective date of this Act to serve as the public advocate until the governor appoints a new public advocate.