

HJR

18

REPRESENTATIVE DAVE DONLEY

ALASKA STATE LEGISLATURE
DISTRICT ELEVEN • SPENARD

PO. BOX V, JUNEAU 99811
(907) 465-3892



CHAIRMAN
LABOR AND COMMERCE
COMMITTEE

MEMBER
STATE AFFAIRS COMMITTEE
HEALTH, EDUCATIONAL
AND SOCIAL SERVICES COMMITTEE
INTERNATIONAL TRADE
SUB-COMMITTEE

March 3, 1987

MEMORANDUM

To: Members, House Labor and Commerce Committee

From: Representative Dave Donley

Re: HJR 18 - "Proposing an amendment to the Constitution of the State of Alaska relating to resident preference under the equal protection clause"

HJR 18 was introduced in response to concerns voiced by some Alaska State Supreme Court Justices in the Francis v Robinson case that overturned the 1985 Alaska hire law.

Specifically, the justices implied that Alaska's Constitution has potentially stronger prohibitions against local hire than federal law requires.

HJR 18 proposes an amendment to Alaska's Constitution to clarify the right of state government to give reasonable preferences to Alaskans and to make Alaska's constitution consistent with the U.S. Constitution (see attached).

This measure would help clear our way in adopting meaningful local hire legislation that can meet a constitutional challenge.

U.S CONSTITUTION

1. Privileges and Immunities Clause, Article IV, Sec. 2:

"The citizens of each state shall be entitled to all the privileges and immunities of citizens in the several States."

2. Equal Protection Clause, 14th Amendment:

"No state shall ...deny any person within its jurisdiction the equal protection of the laws."

3. Commerce Clause, Article I, Sec. 8, Clause 3:

"The Congress shall have power... to regulate commerce with foreign nations, and among the several states, and with Indian tribes."

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/20/87

FURTHER REFERRALS: Judiciary

DATE: 3/3/87

The Labor & Commerce Committee has considered HJR 18

Proposing an amendment to the Constitution of the State of Alaska relating to resident preference under the equal protection clause.

RECOMMENDS:

- replace with HJR 18 the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Steve Kopman

Carl Johnson

Cliff Davidson

Dave H. Douley

J. H. Elliot

SIGNING OTHER RECOMMENDATIONS:

W. Finmore

Dave H. Douley

 Chairman's signature

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: _____
Publish Date: _____

Revision Date: HJR #18

Agency Affected: Office of the Governor

Title: Amend. to Consti. relating to resident

BRU: Division of Elections

preference under the equal protection clause

Sponsor: Donley

Components: II

Requestor: Donley

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL			2.2			
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING			2.2			
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND			2.2			
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* Costs included cover 2 to 3 additional pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote

(cont.)

Prepared by: Linda Edgeworth

Phone: 465-4611

Division: Elections

Date: 2-24-87

Approved by Commissioner: Carol P. Kartlein
Agency: Office of the Governor/ Division of Elections

Date: 2-27-87

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HJR #18

counting purposes. However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16 cents per ballot x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2.

Under these circumstances the fiscal note would be:

53.4

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