

HJR

12

HOUSE COMMITTEE ON STATE AFFAIRS

**RECAP OF
HJR 12**

Legislative Confirmation: Public Corp. Board

Received January 12, 1989
by The Labor and Commerce Committee

Heard February 9, 1989

Passed Out of Committee February 9, 1989
4 Do Pass
3 No Recommendation

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NOT MANDATORY, BUT LEG MAY CONFIRM

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

HOUSE JOINT RESOLUTION NO. 12

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

Proposing an amendment to the Constitu-
tion of the State of Alaska relating to
legislative confirmation of the board
members of public corporations of the
state.

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8

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

11 * Section 1. Article III, sec. 26, Constitution of the State of Alaska,
12 is amended to read:

13 SECTION 26. BOARDS AND COMMISSIONS. When a board or commission
14 is at the head of a principal department, [OR] a regulatory or quasi-
15 judicial agency, or a public corporation established by law, its
16 members shall be appointed by the governor, subject to confirmation by
17 a majority of the members of the legislature in joint session, and may
18 be removed as provided by law. They shall be citizens of the United
19 States. The board or commission may appoint a principal executive
20 officer when authorized by law, but the appointment shall be subject
21 to the approval of the governor.

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

SOME STATUTES GIVE LEG POWER TO CONFIRM/CONF.
P.C. NOT AROUND WHEN CONF.
1) DO LEG HAVE POWER NOW?
2) IF CONF SPECIFY THIS IN CONF.

put it before the voters -

MENARD

P.P. STANDPOINT - GOOD PROPOSAL.

ZUSACKI

ARMS LENGTH - POLITICAL -
SEPARATION - OUT OF LEADERS -
RESTRICT

JIM CAMPBELL - REMOVED BY GOVT
ON N.P.F.

SPONKOFF

DOWLING

Really innovative these positions,
FROM PUBLIC/LEG scrutiny

quasi-legal contract organizations

HAWLEY

PUBLIC CORP = what is definition?

STATE FUNDING IS INVOLVED?

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Amend. to Constitution - Legisla-
tive Confirmation of members of public corp.
Sponsor: Labor and Commerce Committee
Requestor: Labor and Commerce Committee

Agency Affected: Office of the Governor
BRU: Division of Elections
Components: I Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	-0-	-0-	2.2*	-0-	-0-	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	2.2*	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	2.2*	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	2.2*	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* Costs included cover 2 to 3 pages in each Official Elections Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote (Continued)

Prepared by: Linda Edgeworth Phone: 465-4611
Division: Elections Date: _____

Approved by Commissioner: *Sandra Steut* Date: 2/7/89
Agency: Division of Elections

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HJR 12

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

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE
Chairman - Representative Dave Donley

P.O. BOX 11 JUNEAU 99811

477 253 1802

January 10, 1989

M E M O R A N D U M

To: Members, House Labor and Commerce Committee

From: Representative Dave Donley, Chair
House Labor and Commerce Committee

Re: Proposed Committee Legislation - Confirmation of
Appointments to Public Corporations

The enclosed draft bill, identical to HJR 67 of last year, proposes a ballot proposition to amend Alaska's Constitution to require legislative confirmation of appointments to public corporations.

The House Labor and Commerce Committee introduced HJR 67 in response to a court ruling that Alaska's Constitution does not require legislative confirmation of appointments to public corporations. Alaska's Constitution does require legislative confirmation of appointments to regulatory agencies. However, the founders of our Constitution did not anticipate the creation of public corporations and therefore did not specifically include them under the provisions regarding legislative confirmations.

The Committee was concerned that the proliferation of public corporations, coupled with the court's ruling, has left Alaskans without adequate safeguards to assure accountability of appointees to public agencies. These public corporations (see attached list) are responsible for millions of dollars of public money and have a huge impact on public policy decisions. In addition, most of these corporations deal with areas traditionally under the jurisdiction of the Labor and Commerce Committee.

It is clear that the founders of our constitution believed confirmation authority was an important and appropriate tool to assure public accountability by members of public agencies. This bill is simply an extension of that wisdom.

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX Y, JUNEAU 99811

(907) 465-3892

Chairman-Representative Dave Donley

April 30, 1988

M E M O R A N D U M

To: Senator Mitch Abood, Chair
Senate State Affairs Committee

From: Representative Dave Donley, Chair ¹ D
House Labor and Commerce Committee

Re: HJR 67 - Legislative Confirmation

HJR 67 proposes a ballot proposition to amend Alaska's Constitution to require legislative confirmation of appointments to public corporations.

The House Labor and Commerce Committee introduced HJR 67 in response to a court ruling that Alaska's Constitution does not require legislative confirmation of appointments to public corporations. Alaska's constitution does require legislative confirmation of appointments to regulatory agencies. However, the founders of our constitution did not anticipate the creation of public corporations in the future and therefore did not specifically include them under the provisions regarding legislative confirmation.

Our Committee was concerned that the proliferation of public corporations, coupled with the court's ruling, has left Alaskans without adequate safeguards to assure accountability of appointees to public agencies. These public corporations (see attached list) are responsible for millions of dollars of public money and have a huge impact on public policy decisions.

It is clear that the founders of our constitution believed confirmation authority was a critically important and appropriate tool to assure public accountability by members of public agencies. HJR 67 is simply an extension of that wisdom, and I urge your support for the measure.

STATE OF ALASKA
THE LEGISLATURE

POUCH V STATE CAPITOL
FLOOR ALASKA 99811
907 465-1800

LEGISLATIVE AFFAIRS AGENCY


MEMORANDUM

January 25, 1988

RECEIVED
JAN 25 1988

SUBJECT: Confirmation of the board members of state corporations (Work Order No. 5-1694)

TO: Representative Dave Donley

FROM: Richard A. Bradley
Legislative Counsel 

You have requested a constitutional amendment that would require the legislative confirmation of the members of certain state boards. Those that we identified when we spoke included the Alaska Railroad Corporation (AS 42.40.010); the Alaska Power Authority (AS 44.83.020); the Alaska State Housing Authority, now called the Alaska State Building Authority (AS 18.55.020, 18.55.030); the Alaska Housing Finance Corporation (AS 18.56.020), and the Alaska Public Offices Commission (AS 15.13.020).

All of the agencies except the Public Offices Commission are fairly described as "public corporations;" it is simply an agency of the state.

Certain other corporations that are presumably of interest and that get picked up in the description of a "public corporation" include

- (1) Alaska Student Loan Corporation (AS 14.42.100);
- (2) Alaska Seafood Marketing Institute (AS 16.51.010);
- (3) Alaska Medical Facility Authority (AS 18.26.010);
- (4) Medical Indemnity Corporation of Alaska (AS 21.88.020);
- (5) Alaska Resources Corporation (AS 37.12.010);

Representative Dave Donley

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January 25, 1988

- (6) Alaska Permanent Fund Corporation (AS 37.13.040);
- (7) Alaska Gas Pipeline Finance Authority (AS 44.82.010);
- (8) Alaska Municipal Bond Bank Authority
(AS 44.85.020); and
- (9) Alaska Industrial Development Authority
(AS 44.88.020).

Others may exist. The computer search that I did of "public corporation" failed to identify the Alaska State Building Authority because it is a "public corporate authority".

At this point, since the governor seems to think that the members of the Alaska Public Offices Commission are subject to confirmation by the legislature--see his SSSB 241-- there may be no difficulty in not dealing with that issue. And my earlier opinion on that question may be wrong; I could be persuaded.

If I may be of further assistance, please advise.

RAB:gc
WKG1:047



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-2991

July 8, 1988

MEMORANDUM

TO: Representative Dave Donley

FROM: Sandi Depue *Sandi*
Administrative Officer

RE: Legislative Confirmation of Appointments to Public Corporations
in Other States
Research Request 88.260

You requested a listing of all public corporations in Alaska. You also asked whether or not legislative confirmation of appointments to public corporations is required in other states.

Whether or not a state requires legislative confirmation of appointments to public corporations depends on how the statutes creating the corporation are written. It is not possible to make a general statement that a particular state does or does not require legislative confirmation of appointments without reviewing the statutes for every public corporation in that state. I was unable to locate a comprehensive listing of public corporations in other states; consequently, I identified a sample of 25 corporations in 21 states and reviewed the statutes for each.¹ Fifteen of the sampled 25 public corporations require legislative confirmation of appointments. The requirement for legislative confirmation of appointments is not necessarily consistent within a state. For example, legislative confirmation is required for appointments to the Iowa Finance Authority but not for appointments to the Iowa State Fair Authority.

¹The Council of State Governments (CSG) and National Conference of State Legislatures (NCSL) were unable to provide a source for other states' public corporations. Public corporations are not indexed as a group in the statutes; each entity is listed under its own index heading. A CSG publication, State Administrative Officials Classified by Function 1987-88, was used to identify public corporations.

Representative Donley
July 8, 1988
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It should be noted that department commissioners often serve on the boards of public corporations. Alaska public corporations--where legislative confirmation of appointments is required--do not require confirmation of commissioners, but require confirmation of other members. Since commissioners are confirmed by the legislature, it may be understood that a part of the commissioner's job is to serve on these corporations as defined in statute.

A list of Alaska public corporations and their requirements for legislative confirmation of appointments is attached. Randy Welker, of the Budget and Audit Division, supplied me with the names of the corporations. He believes the list is complete. Public corporations are indexed in the Alaska statute in the same manner as in other states; individually by corporation name under the appropriate subject matter.

I hope you find this information useful. If there are a few particular states about which you would like more information, I would be happy to provide further research. If you have any questions, please contact this agency.

Attachment

PUBLIC CORPORATIONS IN ALASKA

<u>Active Corporations</u>	<u>Legislative Confirmation Required</u>
Alaska Housing Finance Corporation	No
Alaska Industrial Development and Export Authority	No
Alaska Medical Facility Authority	No
Alaska Municipal Bond Bank Authority	Yes
Alaska Permanent Fund Corporation	No
Alaska Power Authority	Yes
Alaska Railroad Corporation	Yes
Alaska Resources Corporation	No
Alaska Seafood Marketing Institute	No
Alaska State Building Authority	Yes
Alaska Student Loan Corporation	No
Medical Indemnity Corporation of Alaska	Yes
<u>Inactive Corporations</u>	
Capital City Development Corporation	Yes
Gas Pipeline Financing Authority	No ²
<u>Other Corporations</u>	
Alaska Commercial Fishing & Agriculture Bank	No ³

²The board of the Gas Pipeline Financing Authority is composed only of department commissioners. No legislative confirmation is required in the statutes for the Authority, however confirmation of departmental commissioners is required upon taking office.

³Legislation adopted in 1981 removed the provision making the Commercial Fishing & Agriculture Bank a "public corporation." See House Research Agency Memorandum 83.224 for further information.

ACTION=>

PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
EXIT	MENU	TEXT	PRINT	BWD	FWD	CMT/JRNL	FIRST	LAST	QUIT	

1/RESOLUTION HISTORY
 1: HJR 67
 2: HJR 67 AM

02:28 PM 11/01/88

PAGE 1

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF ALASKA RELATING TO LEGISLATIVE CONFIRMATION OF THE BOARD MEMBERS OF PUBLIC CORPORATIONS OF THE STATE.

THE SPONSOR: LABOR & COMMERCE COMMITTEE

CURRENT STATUS: (S) JUD
THEN FIN

STATUS DATE: 05/06/88

ACTION=>

PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
EXIT	MENU	TEXT	PRINT	BWD	FWD	CMT/JRNL	FIRST	LAST	QUIT	

67 BILL/RESOLUTION FLOOR ACTION
 CURRENT STATUS: (S) JUD
 PAGE 2 OF 3

	JRN-DATE	JRN-PG		ACTION
1	02/26/88	2367	(H)	READ THE FIRST TIME - REFERRAL(S)
2	02/26/88	2367	(H)	STATE AFFAIRS THEN JUDICIARY
3	03/24/88	2690	(H)	STA RPT 5DP 1DNP 1NR
4	03/24/88	2690	(H)	ZERO FISCAL NOTE PUBLISHED 3/24/88
5	03/24/88	2690	(H)	FISCAL NOTE PUBLISHED 3/24/88
6	04/11/88	2881	(H)	JUD RPT 5DP
7	04/11/88	2881	(H)	FINANCE REFERRAL ADDED
8	04/14/88	2966	(H)	REFERRED BACK TO JUDICIARY
9	04/19/88	3018	(H)	JUD RPT 5DP 1NR
10	04/19/88	3018	(H)	ZERO FISCAL NOTE/ANALYSIS 4/19/88
11	04/19/88	3030	(H)	FIN REFERRAL WAIVED
12	04/20/88		(H)	RULES TO CALENDAR 4/20/88
13	04/20/88	3051	(H)	READ THE SECOND TIME
14	04/20/88	3051	(H)	ADVANCED TO THIRD READING UNAN CONSENT
15	04/20/88	3051	(H)	READ THE THIRD TIME HJR 67
16	04/20/88	3052	(H)	PASSED Y36 N2 X2
17	04/20/88	3052	(H)	GOLL NOTICE OF RECONSIDERATION
18	04/21/88	3075	(H)	RECON TAKEN UP -- IN THIRD READING

ACTION=>

PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
EXIT	MENU	TEXT	PRINT	BWD	FWD	CMT/JRNL	FIRST	LAST	QUIT	

67 BILL/RESOLUTION FLOOR ACTION
 CURRENT STATUS: (S) JUD
 PAGE 3 OF 3

	JRN-DATE	JRN-PG		ACTION
1	04/21/88	3075	(H)	RETURN TO SECOND FOR AM 1 UNAN CONSENT
2	04/21/88	3075	(H)	AMENDMENT NO 1 BY GOLL
3	04/21/88	3075	(H)	AM NO 1 ADOPTED UNAN CONSENT
4	04/21/88	3076	(H)	PASSED ON RECON Y35 N2 X1 A2 HJR 67 AM
5	04/21/88	3079	(H)	TRANSMITTED TO (S)
6	04/22/88	3156	(S)	READ THE FIRST TIME - REFERRAL(S)
7	04/22/88	3156	(S)	STA, THEN JUD, FINANCE
8	05/06/88	3498	(S)	STA RPT 1DP 3NR
9	05/06/88	3498	(S)	REFERRED TO JUDICIARY