

HJR

47

(7)

Date Referred: February 28, 1992

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

Finance

Date of Committee Action: 3.18.92

The JUDICIARY Committee considered:

HJR 47

HOUSE JOINT RESOLUTION NO. 47

Proposing amendments to the Constitution of the State of Alaska relating to the appointment, confirmation, and removal of the board members of public corporations of the state and of the head of the agency that regulates the business of insurance.

RECOMMENDATIONS:

be replaced with CS HJR 47 (JUD) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) Elections, 2.28.92

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Wendy Dowley</i>	X				
<i>John Mendenhall</i>	X	<i>Mark Rowley</i>		✓	
<i>John Mendenhall</i>	X	<i>Terry Matthews</i>	✓		✓
		<i>Mike Miller</i>		✓	
		<i>Kevin Paul Powell</i>			✓
		<i>John Ellis</i>		X	

Wendy Dowley
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HLR 47

Revision Date: _____
Title: "...Constitution...confirmation, and removal of board members of public corporations..."
Sponsor: House State Affairs Committee
Requestor: House Judiciary Committee

Department Affected: Department of Law
BRU: Legal Services
Component: Operation

COMPONENT SERIAL

		9	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

If approved by the legislature, House Joint Resolution No.47 will place a proposal before the voters to amend Alaska's Constitution to require that when a board or commission is at the head of a public corporation, appointment to such boards and commissions requires confirmation by the legislature.

The resolution will also place a proposed constitutional amendment before the voters that would require that the head of the office of state government that regulates the business of insurance shall be appointed by the governor, subject to confirmation by the legislature. Approval of the proposals will not have a fiscal impact on the Department of Law.

Prepared by: Richard I. Pegues, Director *Richard I. Pegues* Phone: 465-3672
Division: Administrative Services Date: March 10, 1992
Approved by Commissioner: Charles E. Cole, Attorney General *Richard I. Pegues HLR 1*
Agency: Department of Law Date: March 10, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HJR 47

Revision Date: 01/13/92 Department Affected: Office of the Governor-Elections
 Title: Amendment to the Constitution RE: Confirmation of Public Officials BRU: Division of Elections
 Sponsor: Judiciary Committee Component: II-Primary and General Elections
 Requestor: House State Affairs

COMPONENT SERIAL NO.

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) * This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be: 53.4.

Prepared by: Elizabeth Ziegler, Deputy Director Phone: 465-4611
 Division: Elections Date: 01/13/92
 Approved by Commissioner: *Charles L. Thielen*
 Agency: Office of the Governor Date: 01-13-92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Alaska State Legislature



House of Representatives

House Judiciary Committee
Chairman Dave Donley

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990
(907) 465-4712

SPONSOR STATEMENT

HJR 47 proposes a ballot proposition to amend Alaska's Constitution to require legislative confirmation of appointments to public corporations, and to require legislative confirmation of the Director of the Division of Insurance.

The House Judiciary Committee introduced HJR 47 in response to court rulings holding that Alaska's Constitution does not require legislative confirmation of appointments to public corporations, and in recognition of the extensive powers given by statute to the Director of the Division of Insurance. Although Alaska's Constitution requires legislative confirmation of appointments to regulatory agencies, the founders of our constitution did not anticipate the creation of public corporations or the types of powers given to the Director of Insurance and therefore did not specifically provide for legislative confirmation of these appointees.

Our Committee was concerned about public corporations operating without any legislative supervision of appointees to these entities, which have responsibility for managing millions of dollars of public money and can have a major impact on public policy decisions (see attached list of public corporations). Likewise, the Director of the Division of Insurance, who has broad quasi-judicial and regulatory powers, and statutory authority to operate independently of the Commissioner of Commerce and Economic Development, has a significant impact on the lives of all Alaskans (15% of the average household budget is spent on insurance). As a result of the constitutional limitations on the legislature's involvement in the confirmation process, Alaskans are left without adequate safeguards against unqualified persons being appointed to fill important policy-making positions.

It is clear that the founders of our constitution believed confirmation authority was a critically important and appropriate tool to assure public accountability of appointees to public agencies. HJR 47 is simply an extension of that wisdom, and I urge your support for the measure.

HOUSE COMMITTEE REPORT

(7)
Date Referred: May 1, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 2/26/92

The STATE AFFAIRS Committee considered:

HJR 47

HOUSE JOINT RESOLUTION NO. 47

CONFIRMATION OF PUBLIC OFFICIALS

Proposing amendments to the Constitution of the State of Alaska relating to the appointment, confirmation, and removal of the board members of public corporations of the state and of the head of the agency that regulates the business of insurance.

RECOMMENDATIONS:
 be replaced with CS HJR 47 (STA) the same title
 a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)
 fiscal impact DIV. OF ELECTIONS
 zero fiscal note _____

APPROVES PREVIOUS: (Dept/Date)
 fiscal note(s) _____
 zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eugene G. Kukkonen</i>	X				
<i>Tommye J. (W)</i>	X				
<i>David H. Coakley</i>	P				
<i>John J. (S)</i>					
<i>John W. Baker</i>					

Eugene G. Kukkonen
CHAIRMAN'S SIGNATURE

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

February 4, 1991

SUBJECT: Alaska Public Corporations (Work Order No. 17 LS-0640)

TO: Representative Dave Donley

FROM: Jerry Luckhaupt JLB
Legislative Counsel

You have requested a compilation of the public corporations and corporate authorities of the state of Alaska. In my review of the statutes I have found the following corporations and authorities:

- (1) Alaska Amateur Sports Authority (AS 05.40.010);
- (2) Alaska Energy Authority (AS 44.83.020);
- (3) Alaska Gas Pipeline Finance Authority (AS 44.82.010);
- (4) Alaska Housing Finance Corporation (AS 18.56.020);
- (5) Alaska Industrial Development and Export Authority (AS 44.88.020);
- (6) Alaska Medical Facility Authority (AS 18.26.010);
- (7) Alaska Municipal Bond Bank Authority (AS 44.85.020);
- (8) Alaska Permanent Fund Corporation (AS 37.13.040);
- (9) Alaska Railroad Corporation (AS 42.40.010);
- (10) Alaska Resources Corporation (AS 37.12.010);
- (11) Alaska Science and Technology Foundation (AS 37.17.010);
- (12) Alaska Seafood Marketing Institute (AS 16.51.010);
- (13) Alaska State Housing Authority (AS 18.55.020);
- (14) Alaska Tourism Marketing Council (AS 44.33.700);
- (15) Medical Indemnity Corporation of Alaska (AS 21.88.020).

In addition, the Commercial Fishing and Agriculture Bank (AS 44.81.010). appears to have some of the attributes of a public corporation in that the exercise of its powers "is cor. ndered to be for a public purpose." AS 44.81.010(a): "Further, bills that have been filed so far this year would create the following additional public corporations:

ALASKA CORPORATIONS

Representative Dave Donley

February 4, 1991

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- (a) HB 10 - Alaska Marine Highway Authority;
- (b) HB 46 - Alaska Spaceport Authority;
- (c) HB 59 - Alaska Mental Health Trust Corporation;
- (d) HB 71 - Alaska State Health Resources Authority;
- (e) SB 18 - Alaska State Pension Corporation;
- (f) SB 73 - Health Insurance Authority.

Gubernatorial appointees to the boards of public corporations are apparently not subject to confirmation by the legislature as the public corporations are not "at the head of a principal department or a regulatory or quasi-judicial agency" as provided in art. III, § 26 of the Alaska Constitution. See also, Bradner v. Hammond, 553 P.2d 1 (Alaska 1976)(only section 26 boards subject to confirmation); Walker v. Alaska State Mortgage Authority, 416 P.2d 245 (Alaska 1966)(ASMA not a section 26 board).

GPL:mi

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