

HJR

47

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HJR 47

Revision Date: \_\_\_\_\_ Department Affected: Office of the Governor/Elections  
 Title: Ammend. to the Constitution -re- appointment, confirmation and removal of BRU: Division of Elections  
 Component: II - Primary and General Elections  
 Sponsor: House Judiciary Committee  
 Requestor: State Affairs COMPONENT SERIAL NO. 

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

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		2.2*				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		2.2*				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		2.2*				
FEDERAL FUNDS						
OTHER						
TOTAL		2.2*				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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 Election 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: 9/25/91  
 Approved by Commissioner: D. Max Hodel, Chief of Staff  
 Agency: Office of the Governor Date: 9/25/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

DIV. OF ELECTIONS - FISCAL NOTE

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HJR 47

Revision Date: 5/1/91 Department Affected: Commerce & Economic Dev.  
 Title: Confirmation of Public Officers BRU: Insurance  
 Component: Operations  
 Sponsor: House Judiciary  
 Requestor: House State Affairs COMPONENT SERIAL NO. 

0	3	5	4
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: No impact.

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact on the division.

Prepared By: Joan Brown, Administrative Officer Phone: 465-2597  
 Division: Insurance Date: 9/16/91  
 Approved by Commissioner: Glenn A. Olds  
 Agency: Department of Commerce & Economic Development Date: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

DEPT OF COMMERCE - FISCAL NOTE

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HJR 47

Revision Date: \_\_\_\_\_ Department Affected: Office of the Governor  
 Title: "Proposing amendments to the Constitution...relating to appointment, confirmation, and removal of board members..." BRU: Executive Operations  
 Component: Executive Office

Sponsor: House Judiciary Requestor: Representative Kubina COMPONENT SERIAL NO. 

0	0	0	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)  
 No fiscal impact on Executive Operations is anticipated.

Prepared By: Michael A. Nizich, Director Phone: 465-3616  
 Division: Division of Administrative Services Date: 9/16/91

Approved by Commissioner: D. Max Hodel, Chief of Staff  
 Agency: Office of the Governor Date: 9/16/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

OFFICE OF GOV. - FISCAL NOTE

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HIR 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						
<b>TOTAL OPERATING</b>	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:						
<b>TOTAL</b>						

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 Phone: 465-3672  
Division: Administrative Services Date: March 10, 1992  
Approved by Commissioner: Charles E. Cole, Attorney General  
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

Component: 11-Primary and General Elections

Sponsor: Judiciary Committee

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
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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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 Zieglar, Deputy Director  
Division: Elections

Phone: 465-4611  
Date: 01/13/92

Approved by Commissioner: *Charles L. Hickel*  
Agency: Office of the Governor

Date: 01-13-92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DRR, 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

## MEMORANDUM

TO: Representative Gene Kubina, Chair  
House State Affairs Committee

FROM: Representative Dave Donley, Chair *DD*  
House Judiciary Committee

RE: Request for scheduling HJR 47, amending the  
constitution to provide for legislative  
confirmation of appointees to public corporations  
and of the Director of the Division of Insurance.

DATE: January 13, 1992

I would appreciate it very much if you would schedule HJR 47  
for an expeditious hearing.

This resolution proposes a constitutional amendment to  
require legislative confirmation of appointments to public  
corporations, and to require legislative confirmation of the  
the Director of the Division of Insurance.

Thank you for your consideration of this request.

DD/hk

# 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.

# 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 *JLR*  
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 considered 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:

Representative Dave Donley

February 4, 1991

Page 2

- (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

91-017.mai

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:  the same title  
 be replaced with CS HJR 47 (STA)  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 DIV. OF ELECTIONS

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

UBINA  
LOPER  
OQUITE  
MURPHY  
JACKEL

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Ernest R. Kuhner</i>	X				
<i>Tommy</i>	X				
<i>David A. Keadle</i>	P				
<i>Tom</i>					
<i>Jay</i>					

*Ernest R. Kuhner*  
CHAIRMAN'S SIGNATURE