

SCOMM

95:23

Alaska State Legislature

REPRESENTATIVE
GENE THERRIAULT

P.O. Box 55326
North Pole, Alaska 99705
(907) 488-0862

House District 33



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797

House Of Representatives

CSHB 179
work draft "c"

"An Act relating to the commissioner of education and the commissioner of fish and game; and providing for an effective date."

SPONSOR: Representative Gene Therriault

Sectional Analysis:

- Section 1:** Amends AS 14.07.145(c). The commissioner of education serves at the pleasure of the board and may not have a fixed term. It also eliminates the removal for cause reference.
- Section 2:** Amends AS 16.05.010. Removes the requirement that the commissioner of fish and game serves a five year term.
- Section 3:** Amends AS 44.39.030. Reaffirms the commissioner of fish and game serves at the pleasure of the governor and removes the five year term.
- Section 4:** Amends AS 44.39.050. Clarifies that the governor may remove the commissioner of fish and game without a request from the Board of Fisheries and the Board of Game.
- Section 5:** Repeals AS 14.07.145(f) which lists the causes by which a commissioner of education may be removed. (f) is not needed due to changes made in section 1.
- Section 6:** Changes apply to appointments made after the effective date.
- Section 7:** Provides an immediate effective date.

HOUSE COMMITTEE REPORT

(5)

Date Referred: February 13, 1995

FURTHER REFERRALS:

HESS
Finance

Date of Committee Action: 2-14-96

The HOUSE SPECIAL COMMITTEE ON FISHERIES Committee considered:

HB 179

HOUSE BILL NO. 179

LIMIT TERM OF COMMRS OF EDUC. & FISH/GAME

"An Act relating to the commissioner of education and the commissioner of fish and game; and providing for an effective date."

recommends it be replaced
with the following committee substitute

CS HB 179 (FSH)

☒ the same title
☐ a new title

☐ additional referral to _____ Committee
☐ attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS:

(Dept/Date)

☐ fiscal note(s) _____

☐ fiscal note(s) _____

☒ zero fiscal note(s) By the House

☐ zero fiscal note(s) _____

Special Committee on Fisheries

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Scott Ryan</u>			☒	
<u>AT - J. Q.</u>			☒	
<u>Gregory J. ...</u>	☒			
<u>William ...</u>			☒	

CHAIR'S SIGNATURE

[Signature]

Alaska State Legislature

REPRESENTATIVE
GENE THERRIAULT

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Fairbanks, Alaska 99701
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House District 33

House Of Representatives

MEMORANDUM

TO: Representative Alan Austerman
Chairman, House Fisheries Committee

FROM: Representative Gene Therriault 

DATE: April 7, 1995

RE: Scheduling of House Bill 179

I would like to request that House Bill 179, "An Act relating to the commissioner of education and the commissioner of fish and game; and providing for an effective date," be scheduled for a hearing before the House Fisheries Committee.

House Bill 179 seeks to amend current statutes to clarify that no Commissioner of Fish and Game or Education can enter into a contract that extends past the term of the current Governor. At present there is no standard that specifically defines the terms of the Commissioner of Education or Fish and Game, or prohibits the negotiated buyout of the Commissioner's contract. HB 179 is an attempt to rectify this situation.

I appreciate your time and consideration.

9-LS0701\NC :
Lauterbach
2/7/96

CS FOR HOUSE BILL NO. 179()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE THERRIAULT

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the commissioner of education and the commissioner of fish
2 and game; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * Section 1. AS 14.07.145(c) is amended to read:

5 (c) The commissioner serves at the pleasure of the board and may not be
6 appointed by the board for a fixed term [OF OFFICE NOT TO EXCEED FIVE
7 YEARS. THE COMMISSIONER MAY BE REMOVED DURING A TERM OF
8 OFFICE BY FOUR MEMBERS OF THE BOARD FOR CAUSE AS DEFINED IN
9 THIS SECTION].

10 * Sec. 2. AS 16.05.010 is amended to read:

11 Sec. 16.05.010. COMMISSIONER OF FISH AND GAME. The commissioner
12 is the principal executive officer of the Department of Fish and Game. The
13 commissioner shall be a qualified executive with knowledge of the requirements for
14 the protection, management, conservation, and restoration of the fish and game

resources of the state. [THE COMMISSIONER SHALL BE APPOINTED FOR A TERM OF FIVE YEARS.]

* Sec. 3. AS 44.39.030 is amended to read:

Sec. 44.39.030. APPOINTMENT [AND TERM OF OFFICE] OF COMMISSIONER. The governor shall appoint the commissioner of fish and game from a list of qualified persons nominated by the Board of Fisheries and the Board of Game meeting in joint session, subject to the right of the governor to request additional nominations. The appointment shall be confirmed by a majority of the members of the legislature in joint session. The commissioner of fish and game serves at the pleasure of the governor and may not be appointed for a fixed term [OF FIVE YEARS].

* Sec. 4. AS 44.39.050 is amended to read:

Sec. 44.39.050. REMOVAL OF COMMISSIONER. The Board of Fisheries or the Board of Game may submit a resolution to the governor requesting the removal of the commissioner. The resolution shall set out the grounds for the request and the governor shall give the commissioner and both boards an opportunity to be heard. The final decision to remove or retain the commissioner shall be made by the governor. The governor may also remove the commissioner without being requested to do so by a board.

* Sec. 5. AS 14.07.145(f) is repealed.

* Sec. 6. This Act applies to appointments made by the Board of Education and the governor, as applicable, on or after the effective date of this Act.

* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHB 179 (FSH)

Title: relating to the commissioner of education
and the commissioner of fish and game; and
Sponsor: ~~providing for an effective date~~
Requestor: House Special Committee on Fisheries

Dept. Affected ALL
BRU: _____
Components: _____
Serial # _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 Fund						
Other						
TOTAL	0	0	0	0	0	0

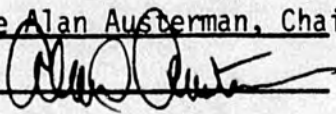
POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by: House Special Committee on Fisheries
Representative Alan Austerman, Chair



Date: 2/14/96

Phone: 465-2487

Phone:

CS FOR HOUSE BILL NO. 179(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered:

Referred:

Sponsor(s): REPRESENTATIVE THERRIAULT

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the commissioner of education and the commissioner of fish
2 and game; and providing for an effective date."

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13 commissioner shall be a qualified executive with knowledge of the requirements for
14 the protection, management, conservation, and restoration of the fish and game

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2 TERM OF FIVE YEARS.]

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6 from a list of qualified persons nominated by the Board of Fisheries and the Board of
7 Game meeting in joint session, subject to the right of the governor to request
8 additional nominations. The appointment shall be confirmed by a majority of the
9 members of the legislature in joint session. The commissioner of fish and game serves
10 at the pleasure of the governor and may not be appointed for a fixed term [OF
11 FIVE YEARS].

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14 or the Board of Game may submit a resolution to the governor requesting the removal
15 of the commissioner. The resolution shall set out the grounds for the request and the
16 governor shall give the commissioner and both boards an opportunity to be heard. The
17 final decision to remove or retain the commissioner shall be made by the governor.
18 The governor may also remove the commissioner without being requested to do
19 so by a board.

20 * Sec. 5. AS 14.07.145(f) is repealed.

21 * Sec. 6. This Act applies to appointments made by the Board of Education and the
22 governor, as applicable, on or after the effective date of this Act.

23 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

☐ 1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 269-5100
FAX: (907) 276-3697

☐ KEY BANK BUILDING
100 CUSHMAN ST., SUITE 400
FAIRBANKS, ALASKA 99701-4679
PHONE: (907) 451-2811
FAX: (907) 451-2846

☒ P.O. BOX 110300-DIMOND COURT HOUSE
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-6735

(FAX) 465-2539

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

February 8, 1996

Honorable Gene Therriault
Alaska State Legislature
State Capitol-Room 421
Juneau, AK 99801-1182

Re: CSHB 179 -- An Act relating to
the commissioner of education
and the commissioner of fish
and game; and providing for an
effective date

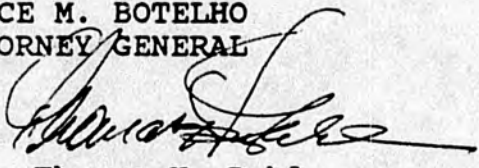
Dear Representative Therriault:

At your request, we have reviewed the working draft given to us today. We believe the proposed language solves the problems you have identified in the present law. The changes are consistent with the discussion we had with your staff on Tuesday, February 6, and we support the bill.

Thank you for allowing us to assist you in this way.

Sincerely yours,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By: 
Thomas H. Dahl
Assistant Attorney General

JAR:pao

cc: Pat Pourchot, Legislative Director
Office of the Governor

Chrystal Smith, Legal Administrator
Department of Law

Deborah Behr, Assistant Attorney General
Department of Law

Steve White, Assistant Attorney General
Department of Law

REPRESENTATIVE
GENE THERRIAULT

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House District 33

SPONSOR STATEMENT

HB 179

HB 179: An Act relating to the commissioner of education and the commissioner of fish and game; and providing for an effective date.

SPONSOR: Representative Gene Therriault

SPONSOR STATEMENT:

HB 179 is an effort to address the current discrepancies associated with Gubernatorial appointments to fill the positions of Commissioner of Fish and Game and Commissioner of Education. At present there is no standard that specifically defines the terms of the Commissioner of Education or Fish and Game, limits them to the term of the current governor or prohibits the negotiated buyout of the Commissioner's contract, which we have learned, can be problematic and expensive.

Under current law the Commissioners of Fish and Game and Education both work for boards who can negotiate terms of employment that extend past the term of the existing governor. When this happens and the governor is not retained in office, the new governor has to wait for the commissioner's contract to expire or buy the contract out. This problem is exacerbated when there is a shift in political philosophy from one governor to the next.

HB 179 proposes to amend the current statutes to clarify that no Commissioner of Fish and Game or Education can enter into a contract that extends past the term of the current Governor. Passage of this bill would ensure a smooth transitions from one commissioner to the next during changes in administration.