

LEGISLATIVE RESEARCH SERVICES

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Membership and Composition of the Legislative Council and the Legislative Budget & Audit Committee

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You asked whether the legislative histories of AS 24.20.020 and AS 24.20.161 indicate an intent only to ensure that each political party is represented, or if there was discussion on the representation of opposing viewpoints in each committee. You also asked about minority representation on both the Legislative Council and Legislative Budget & Audit Committee.

Legislative Council Composition

Unfortunately, a lack of committee bill files and minutes prevent us from definitively identifying the primary intent of the council's composition. However, the retention of certain requirements through multiple iterations indicates an ongoing desire of the legislature to ensure representation from each political party, and arguably, opposing viewpoints.

[AS 24.20.020](#) establishes the membership of the legislative council and provides:

The legislative council is composed of the president of the senate and six other senators appointed by the president, and the speaker of the house of representatives and six other representatives appointed by the speaker. **The membership from each house shall include at least one member from each of the two major political parties.** The appointing authority in each house shall make and announce the appointment or reappointment of members of the council within 15 days after the convening of the first regular session of each legislature. [Emphasis added by Leg. Research]

The legislative council was established by the territorial legislature in 1953 (ch. 69, SLA 1953). Originally, membership consisted of "three Senators and three Representatives who shall be jointly appointed by the President of the Senate and the Speaker of the House." It additionally provided: "Whenever possible, the membership shall include at least one member from each Judicial Division and at least two members from each of the two major political parties."

In 1960, the provision was repealed and re-enacted as follows:

The legislative council is composed of the president of the senate and four other senators appointed by him, and the speaker of the house of representatives and four

other representatives appointed by him. The appointing authority in each house shall appoint at least one member from among the districts comprising each of the senate districts, A, E, J and N as described in Section 2, Article XIV of the state constitution, and at least one member from each of the two major political parties. The appointing authority of each house shall make and announce the appointment or reappointment of members of the council within thirty days after the convening of the first regular session of each legislature (ch. 17, SLA 1960).

In 1970, the provision was amended by the revisor of statutes to refer to districts numerically (ch. 69, SLA 1970).

In 1973, the legislature made several substantive changes. First, it increased the number of members from each body from four to five “voting members;” second, it specified that the president and speaker would serve as ex officio members “but either may serve as one of the five voting members if he chooses.” The requirement that each district be represented was removed, but the requirement that at least one voting member from each body represents the two major political parties was retained. Finally, the timeframe to appoint members was shortened to 15 days (ch. 1, SLA 1973).

In 1975, the current language was adopted, which increased to six the membership from each body and eliminated ex officio membership for leadership on the council (ch. 1, SLA 1975). Of likely interest to you, Senator Orsini offered an amendment to require the appointment of at least two members from each political party from each body during second reading, but the amendment failed on voice vote (Senate Journal, p. 38). The journal entry contains no discussion of the intent of the amendment, however.

Legislative Budget & Audit Committee Composition

In 1971, House Bill 14 expanded the existing six-member Audit Committee in both size and scope into the current Legislative Budget & Audit Committee (LB&A). [AS 24.20.161](#) provides:

The Legislative Budget and Audit Committee is composed of 10 members: the chairmen of the senate and house finance committees; one member selected from each of the senate and house finance committees and appointed by the president of the senate and the speaker of the house, respectively; and three members appointed from each house by the respective presiding officer. The chairman of the finance committee may choose not to serve on the committee. If this occurs, the presiding officer of the appropriate house shall appoint a replacement from the finance committee. **The membership from each house shall include at least one member from each of the two major political parties.** The committee shall select its own chairman (ch. 95, SLA 1971). [Emphasis added by Leg. Research]

This provision has not been amended since.

We reviewed the available legislative history including journal entries, committee minutes, and Finance Committee bill files for references relating to the membership provision and located the following:

February 12, 1971, minutes of the Senate Finance Committee state:

Senator Butrovich proposed an amendment to provide that the membership of the committee from each house should consist of at least two rather than one minority members. There was no objection.

There was no additional explanation for the amendment or rationale for why it was offered.

A March 1, 1971, memo from Jay Hogan, Fiscal Analyst, to Representative Mike Bradner discussing the differences between committee substitutes notes in part:

The House version requires that one member of the minority be represented on the committee and the Senate version would increase this to two minority members. In those cases where either the House or the Senate were heavily weighted in favor of the majority party (i.e., 3 or 4 to 1 in representation) the “locking in” of a disproportionate number of minority seats would make the committee unrepresentative.

We note that although both of these references refer to required membership of “minority members” the bill language explicitly referred to membership from “each of the two major political parties.”

The bill ultimately went through two conference committees and the final bill language reverted back to the original language requiring only one member from each major political party. Other than Mr. Hogan’s memo, there is no additional discussion regarding the intent of the requirement.

All session laws and other legislative history materials referenced above are attached as Attachments A (AS 24.20.020) and B (AS 24.20.161).

Minority Representation on the Legislative Council and LB&A

Tables 1 and 2 (attached) list minority member of Legislative Council and LB&A, respectively, since 1993, when legislative records became digitized. In the past, we have attempted to draw conclusions about majority and minority composition based on inferences from various factors, such as committee chair positions. However, in recent years, we have become increasingly skeptical of the accuracy of those attempts. Please note that the data reported in BASIS represents minority and majority composition at the conclusion of a legislature and as you know, political allegiances may shift within a session. Thus, the tables do not capture

changes to minority and majority composition over time. Additionally, poor reporting standards by the caucuses may have resulted in errors.

While the House has always had at least one member of the minority sitting on both the Legislative Council and LB&A; the Senate, in contrast, has not had minority representation on either committee for over a decade.

Table 3 identifies, for those legislatures where Senate minority members were not represented on either committee, the size of the minority and the political affiliation of committee members. It is important to note that, since 1993, with the exception of the LB&A committee in the 28th Legislature, both committees have met the statutory requirement that at least one member from each major political party be represented.

We hope this information is helpful. Please feel free to contact me directly if you have any questions.

Attachment A:

AS 24.20.020

Contents:

ch. 69, SLA 1953

ch. 17, SLA 1690

ch. 69, SLA 1970

ch. 1, SLA 1973

ch. 1, SLA 1975

Senate Journal, January 25, 1975

wise lost or exempted in property taxes, but from such sums shall first be deducted any amounts received during the year as contributions in lieu of taxes made by the exempted agency to the said city or district."

Statute modified. Section 2. Section 37-3-64 (c), Alaska Compiled Laws Annotated, 1949, is hereby modified only to the extent necessary for the payment of such claims to be paid under this act.

Effective date. Section 3. This Act shall become effective July 1, 1953.

CHAPTER 69

AN ACT

[S. B. 37]

Creating a Legislative Council, prescribing its powers and duties, authorizing an appropriation, and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. **PURPOSE.** Recognizing that one legislative session of sixty days each two years is insufficient time to examine, study, and intelligently legislate on the many complex problems which face Alaska, it is deemed necessary in the public interest to establish an interim legislative committee, to be called the Legislative Council, to so examine, study, and recommend to the Legislature.

Legislative Council created.

Section 2. **LEGISLATIVE COUNCIL. MEMBERSHIP.** There is hereby created the Legislative Council of the Legislature of the Territory of Alaska, which shall consist of three Senators and three Representatives who shall be jointly appointed by the President of the Senate and Speaker of the House within ten days after the passage and approval of this Act, and thereafter within ten days following the organization of the Legislature at each succeeding session. Whenever possible, the mem-

Membership.

bership shall include at least one member from each Judicial Division and at least two members from each of the two major political parties. Members shall serve until their successors are appointed.

Term of office.

Section 3. DUTIES. It shall be the duty of the Council to collect information concerning the government and general welfare of the Territory, examine the effects of previously enacted statutes, consider important issues of public policy and questions of Territory-wide interest, and prepare such legislative program, in the form of bills or otherwise, as in its opinion the welfare of the Territory may require. The Council shall submit a full report of its findings, conclusions, and recommendations to each Senator, Senator-elect, Representative, and Representative-elect, and to the Governor, at least thirty days prior to the convening of each legislative session. This report shall be deemed public information, and copies thereof shall be available to the public at reasonable cost.

Duties of Council.

Report.

The council shall assist any Senator, Senator-elect, Representative, or Representative-elect upon his written request, by collecting information, making studies and recommendations, and drafting bills.

Assistance to legislative members.

Section 4. POWERS. The Council shall have the power to organize and adopt rules for the conduct of its business; to hire, from outside the membership of the committee, an executive director and such other research, clerical, and other help as it deems necessary, and to fix their compensation; to hold public hearings on subjects under examination; to contract for the publication of its reports; and to incur such other expense and to do whatever else it may deem necessary or advisable to carry out the purposes of this Act.

Powers of Council.

Section 5. COOPERATION OF OFFICIAL AGENCIES. All Territorial officers, departments, boards, commissions, institutions, and other agencies shall give full cooperation to the Council and its executive director in

Cooperation of official agencies.

the fulfillment of their duties, by collecting and furnishing information, conducting studies and making recommendations. Specifically, the facilities of the Legislative chambers and rooms, and the services of the faculty, volunteer students, and facilities of the University of Alaska may be made available to the Council and its executive director.

Meetings.

Section 6. MEETINGS. QUORUM. The Council shall meet immediately upon the appointment of all of its members, for the purpose of organizing and fixing the time for its next meeting, which shall be within six months after the adjournment of the legislative session. The Council shall also meet once no less than four months prior to the convening of the next legislative session, for the purpose of making its final report. The Council may meet at any other times and at any place within the Territory of Alaska, which they deem necessary, Provided that meetings may be called upon the written petition of two members of the Council, or upon the call of its chairman. No meeting shall exceed ten days duration.

Duration of meetings.

Quorum.

Full and complete minutes shall be kept of every meeting, which shall be made part of the final report. Four members shall constitute a quorum.

Expenses of members.

Section 7. EXPENSES OF MEMBERS. Members of the Council shall, for time spent at meetings held in accordance with Section 6 of this Act, be entitled to receive transportation and per diem and other allowances at the same rates provided for members of the Legislature when in actual session assembled.

Appropriation authorized.

Section 8. Funds for carrying out the provisions of this Act shall be set forth in the general appropriation bill. There shall be an annual audit of all expenditures of the Council.

Emergency clause.

Section 9. An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval.

CHAPTER 17

AN ACT

Relating to the Alaska Legislative Council; repealing Ch. 177, SLA 1957, and Ch. 69, SLA 1953, as amended by Ch. 74, SLA 1955 and Ch. 140, SLA 1957; authorizing appropriations; and providing for an effective date.

(S.B. 136)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Legislative Council Established. The Alaska Legislative Council is established as a permanent interim committee and service agency of the legislature. The establishment of the council recognizes the need of the legislature for fulltime technical assistance in accomplishing the research, reporting, bill drafting, examination and revision of statutes, and general administrative services essential to the development of sound legislation in the public interest.

Sec. 2. Membership. The legislative council is composed of the president of the senate and four other senators appointed by him, and the speaker of the house of representatives and four other representatives appointed by him. The appointing authority in each house shall appoint at least one member from among the districts comprising each of the senate districts, A, E, J and N as described in Section 2, Article XIV of the state constitution, and at least one member from each of the two major political parties. The appointing authority of each house shall make and announce the appointment or reappointment of members of the council within thirty days after the convening of the first regular session of each legislature.

Sec. 3. Membership. Members serve for the duration of the legislature during which they are appointed and, if they are re-elected to or their term of office extends into the next succeeding legislature, continue to serve until reappointed or their successors are appointed.

Sec. 4. Vacancies. When a vacancy occurs in the appointive membership of the council the presiding officer of the house incurring the vacancy shall fill the vacancy within 30 days. If the office of the president of the senate or speaker of the house of representatives becomes va-

cant and a vacancy occurs among the appointed members of the council, the remaining council members from the house incurring the vacancy shall appoint a new member. Legislators appointed to fill vacancies shall represent the same senate-at-large district and be a member of the same political party as the member vacating the seat, when possible.

Sec. 5. Executive Director and Staff. The council hires an executive director and determines his salary. The executive director shall serve as the executive officer of the council in the accomplishment of its functions. He serves at the direction and at the pleasure of the council. He is authorized to employ and determine the compensation of the members of the professional and clerical staffs of the agency within the limitation of the budget approved by the council. The executive director and the members of the professional staff shall maintain the integrity of the council's functions and services on the behalf of the legislative branch by refraining from joining or supporting any partisan political organization, faction or activity which would tend to undermine the essential non-partisan nature of their functions and services. However, this section does not restrict the executive director or members of the professional staff from expressing private opinion, registering or voting.

Sec. 6. Powers. The legislative council shall have the following powers:

(1) To organize and adopt rules for the conduct of its business;

(2) To hold public hearings, administer oaths, issue subpoenas, compel the attendance of witnesses and production of any papers, books, accounts, documents, and testimony, and to cause the deposition of witnesses to be taken in a manner prescribed by court rule or law for taking depositions in civil actions when consistent with the powers and duties assigned to the council by this act.

(3) To call upon all state officials, agencies and institutions to give full cooperation to the council and its executive director by collecting and furnishing information, conducting studies and making recommendations;

(4) To maintain and operate the state legislative reference library for the use of the legislature and other state agencies;

(5) To exercise control and direction over all legislative space, supplies, and equipment and permanent legislative help between legislative sessions;

(6) To produce, publish, distribute and to contract for the printing of such reports, memoranda and other materials it finds necessary to the accomplishment of its work; and

(7) To take appropriate action for the pre-convening and post-session work of each legislative session including the employment one week in advance of each session of not more than 10 temporary legislative employees whose continuing employment shall be subject to legislative approval when the session convenes.

Sec. 7. Revision of Statutes. The council has the authority to clarify, classify, arrange, renumber, coordinate, edit, correct, annotate, index, copyright, codify and revise all laws of the state. It may specify the format, size and style of type, paper stock, number of volumes, and method and quality of binding of any codification or revision; and may contract, within the limit of appropriations, for services necessary to the accomplishment of this work. Contracts for publication and distribution of any code or revision are to be accomplished by the Department of Administration in coordination with the council. The council is authorized to receive sufficient copies of any code or revision for its own work and for exchange for those of other states and jurisdictions. Any code or revision prepared by the council under authority of this act is to be referred to the legislature for enactment or adoption.

Sec. 8. Interstate Cooperation. The council may encourage and arrange conferences with officials of other states and of other units of government; carry forward the participation of this state as a member of the Council of State Govern-

ments, and propose cooperation between this state and other states. It shall function as the Alaska Commission on Interstate Cooperation in carrying out the program of the Council of State Governments as it relates to Alaska.

Sec. 9. Assignment of Projects. The council may be assigned projects or subjects for study, reporting, or drafting only by resolution. The council is authorized to determine a schedule of priorities for these and other assignments or requests based on feasibility, time and the availability of funds and staff.

Sec. 10. Requests for Service. Members of the legislature may utilize the research and bill drafting services of the council staff and all requests are confidential. Staff services for members of the legislature are to be accomplished subject only to the priority of assignments determined by the council.

Sec. 11. Meetings. The legislative council may meet during sessions of the legislature and during intervals between sessions at such times and places within the state as the chairman may determine. The council shall meet immediately after the appointment of its membership at the first regular session of each legislature for purposes of organization. Minutes of each meeting shall be kept. One half of the membership constitutes a quorum to do business. Members may receive, for the minimum time required to get to and from meetings and while attending meetings, the same travel fare and per diem allowances provided by law for members of the legislature when attending sessions.

Sec. 12. Reports. The council shall submit a summary report of its findings and recommendations to each legislature. The council shall, from time to time, submit memorandum reports to the legislature on matters referred to it or otherwise coming before it. Bills supporting council recommendations may be filed or pre-filed in accordance with the uniform rules of the legislature. Reports released by the council are considered public and they may be made available at a reasonable cost.

Sec. 13. Budgets. The council shall submit a budget of its anticipated needs for each fiscal year to the finance committees of the legislature. The executive director shall annually submit an esti-

mated budget to the governor for information purposes in the preparation of the executive budget. The council staff shall also assist, as needed, in preparing a budget of the anticipated annual needs of the legislature.

Sec. 14. Appropriations. Appropriations for carrying out the provisions of this Act shall be set forth in the general appropriation bill or such other bills as may be necessary. The council is authorized to direct the executive director to transfer amounts from one appropriation to another if such transfer is deemed

necessary to accomplish the work of the council; provided, that in no event shall the total amount of the authorized appropriation be exceeded. All expenditures of the council are subject to audit.

Sec. 15. Repeal. Ch. 177, SLA 1957, and Ch. 69, SLA 1953, as amended by Ch. 74, SLA 1955 and Ch. 140, SLA 1957 are repealed.

Sec. 16. Effective Date. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved March 2, 1960

CHAPTER 18

AN ACT

Relating to legitimation and substitute birth certificates; repealing and re-enacting Sec. 21-3-3, ACLA 1949, as amended by Ch. 57, SLA 1951, as amended by Ch. 115, SLA 1957.

(SB. 154)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Sec. 21-3-3, ACLA 1949, as amended by Ch. 57, SLA 1951, as amended by Ch. 115, SLA 1957, is repealed and re-enacted to read as follows:

Section 21-3-3. Legitimation by Subsequent Marriage, by Acknowledgment in Writing, by Adjudication: Substitute Birth Certificate. Every child born out of wedlock heretofore or hereafter, shall be legitimated and considered the heir of the father who (1) shall subsequently intermarry with the mother of the child; or (2) shall in writing acknowledge his paternity of the child; or (3) shall be adjudged to be the father by a superior court, upon sufficient evidence and in accordance with the laws and rules of procedure which may be applicable. Acceptable evidence includes, but is not limited to, evidence that the alleged father so conducts and bears himself toward the child, either by word or act so as to indicate that the child is his, and such conduct may be construed by the court to constitute evidence of paternity. Extrinsic evi-

dence may be employed by the court to show intent when indefinite, ambiguous, or uncertain terms are used.

The Bureau of Vital Statistics, as custodian of the original certificates of birth of all persons born in Alaska, is hereby designated as the depository for such acknowledgments and adjudications, which shall be forwarded to the bureau in accordance with appropriate regulations of the bureau, and shall be noted on and filed with the corresponding original certificate of birth.

In case of the Alaska birth of any child out of wedlock, heretofore or hereafter, and the legitimation thereof has been established pursuant to this Act, then at the written request of the parents, or either of them or of the legal guardian, or of the person himself when of legal age, the Bureau of Vital Statistics shall prepare and place on file a substitute birth certificate, in accordance with the laws and regulations of the bureau pertaining to such new certificates.

Approved March 2, 1960



LAWS OF ALASKA

1970

Source

HB 564

Chapter No.

69

AN ACT

Revising the Alaska Statutes to reflect corrective amendments by the revisor of statutes.

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

* Section 1. AS 03.35.010 is amended to read:

Sec. 03.35.010. CREATION AND RESTRICTION IN USE OF CONTROLLED LIVESTOCK DISTRICTS. A district judge may create and establish a controlled livestock district within a city or organized borough, or in other settled areas of the state, as provided in this chapter, to consist of one or more townships or portions thereof or of a contiguous area of not less than 1,280 acres. It is unlawful for any domestic animal to graze or run at large within a controlled livestock district unless the domestic animal is herded on open public domain and tended by a person and prevented from grazing upon private roads or highways and privately owned land.

* Sec. 2. AS 04.10.020 is amended by adding a new subsection to read:

(1) recreational site license.

* Sec. 3. AS 06.05.212(a) is amended to read:

(a) A director, officer, or employee of a state bank who knowingly, wilfully and persistently overdraws his account or who permits a customer to do so, is engaged in an unsound banking practice and subject to the provisions of sec. 5(4) of this chapter.

* Sec. 4. AS 07.20.070(d) is amended to read:

(d) When the assembly votes on an ordinance or

resolution in exercising one or more of the powers prescribed by AS 07.15.010(7)(A), 07.15.030(1), 07.15.060, 07.15.320(a) and (c), 07.15.330, 07.15.340, 07.15.350, 07.15.360, or AS 18.30, the votes shall be weighted as provided in this subsection to enable the assemblymen who represent a majority of the borough's population to have a majority of the votes.

(1) If one first class city has a majority of the borough's population, the votes of the assemblymen representing that city shall be weighted in the manner prescribed by (3) of this subsection.

(2) If one first class city does not have a majority of the borough's population, but two or more first class cities do have a majority of the borough's population, the votes of the assemblymen representing all the first class cities shall be weighted in the manner prescribed by (4) of this subsection.

(3) The weight to be given to each vote cast by the assemblymen present and voting who represent a first class city which has a majority of the borough's population shall be determined by dividing the number of all other assembly seats plus one by the number of all assembly seats apportioned to the first class city which has a majority of the population.

(4) The weight to be given to each vote cast by assemblymen present and voting who represent the first class cities which have a majority of the borough's population shall be determined by dividing the number of all assembly seats apportioned to the area outside cities plus one by the number of all assembly seats apportioned to the first class cities.

(5) If the area outside first class cities has the majority of the borough's population, no special weight may be used, and the vote of each assemblyman present and voting shall count as one vote.

* Sec. 5. AS 08.08.130(4) is amended to read:

(4) is a graduate of a law school approved by the American Bar Association, or an attorney in good standing in the bar of another state or territory;

* Sec. 6. AS 08.36.070(4) is amended to read:

(4) to affiliate with the American Association of Dental Examiners, and pay annual dues to the association;

* Sec. 7. AS 08.36.110(4) is amended to read:

(4) a graduate of a dental college approved by the Council on Dental Education of the American Dental Association at the time of graduation, and holds a D.D.S. or D.M.D. degree or the equivalent;

* Sec. 8. AS 08.64.250 is amended to read:

Sec. 08.64.250. EXAMINATION WAIVED AND RECIPROCITY.

The board may waive the examination requirement if the applicant meets the requirements of sec. 200 of this chapter, pays the required fee and has

(1) passed an examination given by the National Board of Medical Examiners; or

(2) both

(A) a license from a board of medical examiners established under the laws of a state of the United States or a province of Canada, and that board recognizes licenses from this state and issues reciprocal licenses; and

(B) a certificate that the applicant is qualified to practice medicine in the state or province issuing the license, and that the license was issued after a thorough examination qualifying the applicant.

* Sec. 9. AS 08.80.030(4) is amended to read:

(4) adopt regulations and do whatever else is necessary and advisable to carry out the purposes of this chapter.

* Sec. 10. AS 08.86.180(b)(4) is amended to read:

(4) a person describing himself as a "social psychologist", if he is verified to be a social psychologist by the American Sociological Association;

* Sec. 11. AS 11.05.050 is amended to read:

Sec. 11.05.050. CONSECUTIVE SENTENCES. If the defendant is convicted of two or more crimes, before judgment on either, the judgment may be that the imprisonment upon one conviction begins at the expiration of the imprisonment for any other of the crimes. If the defendant is imprisoned upon a previous judgment on a conviction for a crime, the judgment may be that the imprisonment commences at the expiration of the term limited by the previous judgment.

* Sec. 12. AS 12.30.030(b) is amended to read:

(b) When a court denies a motion under (a) of this section or conditions of release have been imposed by the court having original jurisdiction over the offense, an appeal may be taken to the court having appellate jurisdiction over the court denying the motion or imposing the conditions subject to the rules of the Supreme Court of Alaska, and the District Court Rules of Criminal Procedure. The order of the lower court shall be affirmed unless it is found that the lower court abused its discretion. If it is held that the lower court did abuse its discretion, the appellate court may modify, vacate, set aside, reverse, remand the action for further proceeding, or remand the action directing entry of the appropriate order, which may include ordering the person to be released under sec. 20(a) of this chapter. The appeal shall be determined promptly.

- * Sec. 13. AS 12.35.010 is amended to read:

Sec. 12.35.010. ISSUANCE OF SEARCH WARRANT. A judicial officer may issue a search warrant upon a showing of probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the thing to be seized.

- * Sec. 14. AS 12.35.020 is amended to read:

Sec. 12.35.020. GROUNDS FOR ISSUANCE. A search warrant may be issued if the judicial officer reasonably believes any of the following:

- (1) that the property was stolen or embezzled;
- (2) that the property was used as a means of committing a crime;
- (3) that the property is in the possession of a person who intends to use it as the means of committing a crime, or in possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered;
- (4) that the property constitutes evidence of a particular crime or tends to show that a certain person has committed a particular crime;
- (5) that either reasonable legislative or administrative standards for conducting a routine or area inspection with regard to air pollution are satisfied with respect to the particular place, dwelling, structure, premises, or vehicle, or there is reason to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises, or vehicle.

- * Sec. 15. AS 12.35 is amended by adding a new section to read:

Sec. 12.35.025. SEIZURE OF PROPERTY. Property described in sec. 20 of this chapter may be taken on a warrant from:

- (1) a house or other place in which it is concealed or may be found;
- (2) the possession of the person by whom it was stolen, embezzled, or used in the commission of a crime;
- (3) a person who is in possession of the property;
- (4) the possession of a person to whom the property has been delivered for the purpose of concealing it or preventing its being discovered, or from a house or other place occupied by him or under his control.

- * Sec. 16. AS 12.35.030 is repealed.

- * Sec. 17. AS 14.17.060(a) is amended to read:

- (a) The average daily membership allotment for each

district is as follows:

(1) if the district is in the southeastern area: \$155 times average daily membership;

(2) if the district is in the southcentral area: \$165 times average daily membership;

(3) if the district is in the central and northwest areas and that part of the southcentral area lying west of 152 degrees west longitude: \$175 times the average daily membership.

* Sec. 18. AS 14.17.250 is amended by adding new paragraphs to read:

(13) "central area" means that area included within the boundaries of election districts 13, 14, 15 and 16;

(14) "northwest area" means that area included within the boundaries of election districts 17, 18 and 19;

(15) "southcentral area" means that area included within the boundaries of election districts 6, 7, 8, 9, 10, 11 and 12;

(16) "southeastern area" means that area included within the boundaries of election districts 1, 2, 3, 4 and 5.

* Sec. 19. AS 14.25.164(a) is amended to read:

(a) If a teacher dies while in membership service or while receiving a service or disability retirement salary, or is receiving or is entitled to receive a deferred or a deferred vested benefit, the surviving spouse is entitled to a spouse's pension if he or she has not remarried and if the teacher has made supplemental contribution for at least one year before his death. Application for the spouse's pension shall be made in writing to the administrator.

* Sec. 20. AS 15.10.060 is amended to read:

Sec. 15.10.060. SPECIFIC DUTY AND STANDARD FOR PRECINCT BOUNDARY MODIFICATION. If at any election more than 500 voters cast paper ballots or more than 700 voters cast voting machine ballots in one precinct, the secretary of state shall modify the boundary of the precinct to prevent the casting of paper ballots by more than 500 voters or the casting of voting machine ballots by more than 700 voters in the precinct at the next election.

* Sec. 21. AS 15.10.100 is amended to read:

Sec. 15.10.100. JUDICIAL REVIEW OF PRECINCT BOUNDARY. Any person aggrieved by a determination of precinct boundaries by the secretary of state may bring a civil action to have the determination reviewed in the superior court. If the action receives final determination within 15 days before the election, the secretary of state shall

not make the required modification in precinct boundaries until immediately after the election.

- * Sec. 22. AS 15.10.110 is amended to read:

Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS. The secretary of state shall appoint four election supervisors, one each to serve at Juneau, Anchorage, Fairbanks and Nome, to assist in the administration of elections in the election districts designated by the secretary of state. The secretary of state may appoint as an election supervisor a person who is a qualified voter in the area over which he has jurisdiction and who does not hold an office in a political party. An election supervisor shall be appointed to serve for a term to begin not more than 120 days before the date of the primary election or special election and to end not more than 45 days after the date of the general or special election. An election supervisor is entitled to receive compensation in an amount that is comparable to that received for similar state employment as determined by the secretary of state. Executive branch employees shall be appointed election supervisors whenever feasible and shall serve without additional compensation.

- * Sec. 23. AS 15.10.170 is amended to read:

Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS. The precinct party committee, where an organized precinct committee exists, or the district party committee where no organized precinct committee exists, may appoint one or more persons as watchers in each precinct for any election. Each candidate not representing a political party may appoint one or more watchers for each precinct in his respective district or the state for any election. Any organization or organized group that sponsors or opposes an initiative, referendum or recall may have one or more persons as watchers at the polls after first obtaining authorization from the secretary of state. No precinct party committee, no district party committee or candidate not representing a political party or organization or organized group may have more than one watcher on duty at a time in any precinct. The watcher may be present at a position inside the place of voting which affords a full view of all action of the election board taken from the time the polls are opened until the ballots are finally counted and the result certified by the election board. The election board may require each watcher to present a certificate showing that he is the watcher appointed by the precinct party committee, the district party committee, the organization or organized group or the candidate he represents and signed by the chairman of the precinct party committee, the district party committee, the organization or organized group or the candidate representing no party. The secretary of state may prescribe regulations governing the conduct of watchers to assure the privileges of the watchers and the proper conduct of the election.

- * Sec. 24. AS 15.15.360(11) is repealed.

- * Sec. 25. AS 15.25.055 is amended to read:

Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT.

A candidate's name will appear on the primary election ballot unless notice of his withdrawal from the primary is received by the secretary of state at least 40 days before the date of the primary election.

* Sec. 26. AS 15.25.056(a) is amended to read:

(a) If an incumbent candidate for renomination dies, becomes disqualified from holding the office he is seeking, or is certified as being incapacitated between June 1 of the election year and that date which is 15 days before the date of the primary election, his place on the ballot may be filled by party petition. The petition shall state that the political party requests the name of the proposed candidate replace that of the incumbent on the primary election ballot and shall be accompanied by a declaration of candidacy from the person named in the petition. The petition must be received by the secretary of state no later than 14 days after the death, disqualification or certification of incapacity of the incumbent or 10 days before the primary election date, whichever time is earlier.

* Sec. 27. AS 15.25.056(c) is amended to read:

(c) The death, disqualification or certification of incapacity of the incumbent within 10 days before or on the primary election date does not affect the canvass of the ballots. If the result of the canvass discloses that the candidate, if he had lived, would have been nominated, the candidate shall be declared nominated. The vacancy may be filled by party petition as provided in secs. 110 - 130 of this chapter.

* Sec. 28. AS 15.40.080 is amended to read:

Sec. 15.40.080. SELECTION OF NOMINEES IN MANNER PROVIDED FOR GENERAL ELECTION. If the vacancy in the office of the United States senator occurs one calendar month or more before the filing date for the primary election, candidates for the special election shall be nominated in the manner provided for the nomination of candidates for general elections.

* Sec. 29. AS 15.40.090 is amended to read:

Sec. 15.40.090. DESIGNATION OF NOMINEES BY PETITION. If the vacancy occurs less than one calendar month before the filing date for the primary election and more than three calendar months before the next general election, candidates shall be nominated by petition transmitted by actual delivery to the secretary of state before September 2 immediately preceding the special election.

* Sec. 30. AS 15.40.140 is amended to read:

Sec. 15.40.140. CONDITION AND TIME OF CALLING SPECIAL ELECTION. When a vacancy occurs in the office of United States representative, the governor shall, by proclamation, call a special election to be held on a date not less than 60, nor more than 90, days after the date the vacancy occurs. However, if the vacancy occurs on a date that is less than 60 days before, or is on or after the

date of the primary election in general election years, the governor shall not call a special election.

- * Sec. 31. AS 15.40.150 is amended to read:

Sec. 15.40.150. CONDITION FOR HOLDING SPECIAL ELECTION WITH PRIMARY. If the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the primary election, the governor shall, by proclamation, call the special election to be held on the date of the primary election.

- * Sec. 32. AS 15.40.230 is amended to read:

Sec. 15.40.230. CONDITION AND TIME OF CALLING SPECIAL ELECTION. When a person appointed to succeed to the office of secretary of state succeeds to the office of acting governor, the acting governor shall, by proclamation, call a special election to be held on a date not less than 60, nor more than 90, days after the date the vacancy in the office of the governor occurred. However, if the vacancy occurs on a date that is less than 60 days before, or is on or after the date of the primary election in years in which a governor is regularly elected, the acting governor shall serve the remainder of the unexpired term and shall not call a special election.

- * Sec. 33. AS 15.40.240 is amended to read:

Sec. 15.40.240. CONDITIONS FOR HOLDING SPECIAL ELECTION WITH PRIMARY OR GENERAL ELECTION. If the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the primary election in years in which a governor is regularly elected or if the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the primary election or general election in election years in which a governor is not regularly elected, the acting governor shall, by proclamation, call the special election to be held on the date of the primary election or general election.

- * Sec. 34. AS 15.40.420 is amended to read:

Sec. 15.40.420. SELECTION OF NOMINEES IN MANNER PROVIDED FOR GENERAL ELECTION. If the vacancy in the office of state senator occurs one calendar month or more before the filing date for the primary election, candidates for the special election shall be nominated in the manner provided for the nomination of candidates for general elections.

- * Sec. 35. AS 15.45.190 is amended to read:

Sec. 15.45.190. PLACING PROPOSITION ON BALLOT. The secretary of state shall place the ballot title and proposition on the election ballot of the first statewide general, special, or primary election that is held after (1) the petition and any supplementary petition have been filed, (2) a legislative session has convened and adjourned, and (3) a period of 120 days has expired since the adjournment of the legislative session.

- * Sec. 36. AS 15.45.420 is amended to read:

Sec. 15.45.420. PLACING PROPOSITION ON BALLOT. The secretary of state shall place the ballot title and proposition on the election ballot for the first statewide general, special, or primary election held more than 180 days after adjournment of the legislative session at which the act was passed.

- * Sec. 37. AS 15.45.650 is amended to read:

Sec. 15.45.650. CALLING SPECIAL ELECTION. If the secretary of state determines the petition is properly filed and if the office is not vacant, he shall prepare the ballot and shall call a special election to be held on a date not less than 60, nor more than 90, days after the date that notification is given that the petition was properly filed. If a primary or general election is to be held not less than 60, nor more than 90, days after the date that notification is given that the petition was properly filed, the special election shall be held on the date of the primary or general election.

- * Sec. 38. AS 15.55.250 is amended to read:

Sec. 15.55.250. DEFINITION OF "PERSON" AND "ELECTION". For purposes of this chapter, the term "person" means an individual, and where consistent with collective capacity, a committee, firm, partnership, company, corporation, club, organization, association, or other combination of individuals, and the term "election" means any general, special, and primary election.

- * Sec. 39. AS 18.10.060 - 18.10.260(a) are repealed.

- * Sec. 40. AS 18.55.950(12) is amended to read:

(12) "public body" means the state or a municipality;

- * Sec. 41. AS 18.55.970 is amended to read:

Sec. 18.55.970. PLANNING ASSISTANCE TO PLATTING AUTHORITIES. To facilitate urban planning in cities and other political subdivisions, the Alaska State Housing Authority may provide planning assistance, including but not limited to surveys, land-use studies, urban renewal plans, technical services, and other planning work to a city, borough, or other platting authority. In an area under the jurisdiction for planning purposes of a city, borough, or other platting authority, the housing authority may not perform the planning work except at the request or with the consent of the local authority.

- * Sec. 42. AS 18.60.590(a) is amended to read:

(a) The department may by regulation adopt amendments to the 1968 National Electrical Code as approved and issued by the American Standards Association.

- * Sec. 43. AS 18.65.060(a) is amended to read:

(a) All peace officers in the state or any municipality or subdivision shall cooperate with the Department of Public Safety in creating and maintaining its files,

and all information shall be classified upon standard forms and kept available for the detection of crime and the identification of criminals.

* Sec. 44. AS 19.25.110 is amended to read:

Sec. 19.25.110. REMOVAL OF NONCONFORMING ADVERTISING. A sign, display or device which is lawfully in existence along the interstate system or the primary system on August 6, 1968 and which is not in conformity with secs. 80 - 180 of this chapter may not be required to be removed until July 1, 1970.

* Sec. 45. AS 19.25.140(b) is amended to read:

(b) Damages resulting from a taking in eminent domain shall be ascertained in the manner provided by law.

* Sec. 46. AS 19.25.160(2) is amended to read:

(2) "interstate system" means that portion of the National System of Interstate and Defense Highways located in this state, as officially designated, or as may hereafter be so designated, by the commissioner of highways, and approved by the secretary of transportation (or by the secretary of commerce before the effective date of the transfer of functions under Public Law 89-670 [80 Stat. 931]), under the provisions of Title 23, United States Code, "Highways";

* Sec. 47. AS 19.25.160(3) is amended to read:

(3) "primary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the commissioner of highways, and approved by the secretary of transportation (or by the secretary of commerce before the effective date of the transfer of functions under Public Law 89-670 [80 Stat. 931]), under the provisions of Title 23, United States Code, "Highways";

* Sec. 48. AS 19.27.110(4) is amended to read:

(4) "interstate system" means that portion of the National System of Interstate and Defense Highways located in this state, as officially designated, or as may hereafter be so designated, by the commissioner of highways, and approved by the secretary of transportation (or by the secretary of commerce before the effective date of the transfer of functions under Public Law 89-670 [80 Stat. 931]), under the provisions of Title 23, United States Code, "Highways";

* Sec. 49. AS 19.27.110(5) is amended to read:

(5) "primary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the commissioner of highways, and approved by the secretary of transportation (or by the secretary of commerce before the effective date of the transfer of functions under Public Law 89-670 [80 Stat. 931]), under the provisions of Title 23, United States Code, "Highways";

- * Sec. 50. AS 19.35.060(4) is amended to read:

(4) supply information concerning eligibility for mortgage insurance under sec. 221(d)(2) of the National Housing Act, the small business disaster loan program under sec. 7(b)(3) of the Small Business Act, and other state or federal programs offering assistance to displaced persons.

- * Sec. 51. AS 19.35.100 is amended by adding a new paragraph to read:

(6) "department" means the Department of Highways.

- * Sec. 52. AS 22.10.080 is amended to read:

Sec. 22.10.080. PROCESS. Process of the superior court shall be in the name of the State of Alaska, be signed by the clerk of the court or his deputy in the judicial district where the process is issued, be dated when issued, sealed with the seal of the court, and made returnable according to rule prescribed by the supreme court.

- * Sec. 53. AS 23.30.205(e) is amended to read:

(e) The second injury fund may not be bound as to any question of law or fact by reason of an award or an adjudication to which it was not a party or in relation to which the commissioner of labor was not notified at least three weeks before the award or adjudication, that the fund might be subject to liability for the injury or death.

- * Sec. 54. AS 23.30.242(a) is amended to read:

(a) A member of a state board or commission is considered an employee under this chapter only while he is actually traveling or working as a member of the board or commission. The maximum weekly wage shall be used in computing the amount of compensation to be awarded.

- * Sec. 55. AS 23.40.045 - 23.40.060 are repealed.

- * Sec. 56. AS 24.05.040 is amended to read:

Sec. 24.05.040. DUAL OFFICE. No member of the legislature may hold any other office or position of profit under the United States or the state. During the term for which elected and for one year thereafter, no legislator may be nominated, elected or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased while he was a member. This section does not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section does not apply to employment by or election to a constitutional convention. A member may serve on or at the behest of an interim committee of the legislature.

- * Sec. 57. AS 24.20.020 is amended to read:

Sec. 24.20.020. MEMBERSHIP. The legislative council

is composed of the president of the senate and four other senators appointed by him, and the speaker of the house of representatives and four other representatives appointed by him. The appointing authority in each house shall appoint at least one member from the area comprising election districts 1 - 5, one from the area comprising election districts 6 - 12, one from the area comprising election districts 13 - 16, and one from the area comprising election districts 17 - 19, as described in art. XIV, sec. 1, of the state constitution, with at least one member being from each of the two major political parties. The appointing authority of each house shall make and announce the appointment or reappointment of members of the council within 30 days after the convening of the first regular session of each legislature.

- * Sec. 58. AS 28.10.520 is amended to read:

Sec. 28.10.520. DATE OF CONSTRUCTIVE NOTICE. If the documents referred to in secs. 470 - 530 of this chapter are received and filed in the central office of the department within 10 days after the date the documents are executed, the constructive notice dates from the time of the execution of the documents. Otherwise constructive notice dates from the time of receipt and filing of the documents by the department as shown by its endorsement on them.

- * Sec. 59. AS 28.20.230(b) is amended to read:

(b) The term "proof of financial responsibility for the future" as used in this chapter means proof of ability to respond in damages for liability, on account of an accident occurring after the effective date of proof, which arises out of the ownership, maintenance or use of a vehicle subject to registration under the laws of this state, in the amount of \$15,000 because of bodily injury to or death of one person in any one accident, and, subject to the same limit for one person, in the amount of \$30,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$5,000 because of injury to or destruction of property of others in any one accident. As used in this chapter the terms "proof of financial responsibility" or "proof" mean proof of financial responsibility for the future.

- * Sec. 60. AS 28.20.360(1) is amended to read:

(1) \$15,000 is credited upon a judgment given in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

- * Sec. 61. AS 28.20.360(2) is amended to read:

(2) subject to the limit of \$15,000 because of bodily injury to or death of one person, the sum of \$30,000 is credited upon a judgment given in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

- * Sec. 62. AS 29.25.020 is amended to read:

Sec. 29.25.020. "INCORPORATED VILLAGE" DEFINED.
"Incorporated village" means and is synonymous with the

term "city of the fourth class."

* Sec. 63. AS 29.25.490 is repealed.

* Sec. 64. AS 34.55.042(b)(3) is repealed.

* Sec. 65. AS 39.25.110(11) is amended to read:

(11) members of boards, commissions, or authorities, except as otherwise provided by law;

* Sec. 66. AS 39.30.090(6) is amended to read:

(6) The Department of Administration shall obtain the insurance policy from any insurer authorized to transact business in the state under AS 21.09 and 21.90.

* Sec. 67. AS 40.15.010 is amended to read:

Sec. 40.15.010. APPROVAL AND RECORDING OF SUBDIVISIONS. Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be submitted for approval to the authority having jurisdiction, as prescribed in this chapter. The regular approval of the authority shall be shown on it or attached to it and the subdivision or dedication shall be filed for record in the office of the recorder. The recorder shall not accept a subdivision or dedication for filing unless it shows this approval. If no platting authority exists as provided in secs. 70 - 130 of this chapter, lands may be sold without approval.

* Sec. 68. AS 40.15.070 is amended to read:

Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided or dedicated is situated within a borough the proposed subdivision or dedication shall be submitted to the borough planning commission for approval. The borough planning commission is the platting authority for the borough. If the borough does not have a planning commission, the borough assembly is the platting authority and the proposed subdivision or dedication shall be submitted to it. No subdivision may be filed for record until it is approved by the platting authority.

* Sec. 69. AS 40.15.080 and 40.15.090 are repealed.

* Sec. 70. AS 40.15.140 is amended to read:

Sec. 40.15.140. PETITION. No plat shall be altered, amended or changed, except upon petition of the owners of a majority of the land affected by the alteration, amendment or change, showing the changes contemplated. No street, alley or public thoroughfare or any part of one shall be vacated, except upon petition of the owners of the majority of the front feet of the land fronting upon the part of the street, alley or public thoroughfare sought to be vacated. The petition shall be filed with the clerk of the borough, requesting that the plat, addition or subdivision be amended, replatted or vacated, or that the street, alley or public thoroughfare be vacated. The petition shall be accompanied by a plat, draft or a copy of the existing plat, showing the proposed amendment,

replat or vacation.

- * Sec. 71. AS 40.15.180 is amended to read:

Sec. 40.15.180. TITLE TO VACATED AREA, STREETS, AND PUBLIC SQUARES. The title to the street or other public area vacated attaches to the lots or lands bordering on the area in equal proportions, except that where the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies upon the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the borough where the square is located or if it lies in a city, then it vests in the city for the use of the city or borough, to be used and disposed of as other public lands. If the property vacated is a lot or tract, title vests in the rightful owner.

- * Sec. 72. AS 42.35.010 - 42.35.390 are repealed.

- * Sec. 73. AS 43.26.095(a)(3) is amended to read:

(3) The department shall hold formal hearings for those persons to whom it denies certification. The purpose of these hearings is to hear evidence on the reasons for a person failing to qualify under this section. In order to obtain a reversal of the denial, the person denied certification must show by convincing evidence that he is unable to comply with this section because

(A) the specific activity engaged in requires a greater percentage of trained personnel than the guidelines for resident hiring permits and these trained personnel are not available within the state in great enough number to make out-of-state recruiting unnecessary; or

(B) even though the person applying for tax credit status has set up an on-the-job training program approved by the department, he has been unable to meet the resident guideline requirements due to the inability of the local labor market to supply enough trainable personnel.

- * Sec. 74. AS 43.70.080 is amended to read:

Sec. 43.70.080. DISPOSAL OF MONEY. All money collected by the department under this chapter shall be deposited in the general fund. The Department of Revenue shall refund to each organized borough and each city of any class 60 per cent of the money collected in the local government.

- * Sec. 75. AS 43.75.130 is amended to read:

Sec. 43.75.130. REFUND TO LOCAL GOVERNMENTS. The commissioner of revenue shall pay to each organized borough

and each city of the first, second, and third classes 10 per cent of the amount of tax revenue collected in the borough or city from taxes levied by secs. 10 - 90 of this chapter.

* Sec. 76. AS 44.19.610(9) is amended to read:

(9) to administer appropriated funds in accordance with and to carry out the purposes of secs. 580 - 620 of this chapter, and to make allotment or transfer money to other state agencies;

* Sec. 77. AS 44.27.020(2) is amended to read:

(2) administer the historical library;

* Sec. 78. AS 44.62.640(a)(4) is amended to read:

(4) "state agency" means a department, office, agency, or other organizational unit of the executive branch, except one expressly excluded by law, but does not include an agency in the judicial or legislative branches of the state government.

* Sec. 79. Sec. 5, ch. 88 SLA 1961, as amended by sec. 6, ch. 62, SLA 1968, is further amended to read:

Sec. 5. There is hereby created another special fund of the state to be known as the "International Airports Revenue Fund," which shall be completely segregated and set apart from all other funds of the state, shall be a trust fund for the uses and purposes herein provided, and into which shall be paid all revenues, fees, charges and rentals derived by the state from the ownership, lease, use and operation of the airports and all of the facilities and improvements thereof and facilities and improvements used in connection therewith. Such revenues, charges, fees and rentals shall not include the proceeds of any state tax or license. The moneys in the Revenue Fund shall only be used for the purpose of paying or securing the payment of the principal of and interest on the bonds and of and on any other revenue bonds issued by authorization of the legislature to provide funds to acquire, equip, construct and install additions and improvements to, and extensions of and facilities for, the airports and to be payable out of the Revenue Fund, the purpose of paying the normal and necessary costs of maintaining and operating the airports and all of the improvements and facilities thereof, the purpose of paying the costs of renewals, replacements and extraordinary repairs to the airports and all of the improvements and facilities thereof, the purpose of redeeming before their fixed maturities any and all revenue bonds issued for the purposes of the airports, the purpose of providing funds to acquire, construct and install necessary additions and improvements to and extensions of and facilities for the airports and all of their facilities, and the purpose of providing funds to pay any and all other costs relating to the ownership, use and operation of the airports.

The investment of moneys in the Revenue Fund may be made in such manner as the Committee may determine. The interest earned upon, or any profits derived from the sale of, such investments shall be deposited in and become

Chapter 69

a part of the Revenue Fund.

* Sec. 80. Sec. 7, ch. 110 SLA 1967 is amended to read:

Sec. 7. In exercising its jurisdiction under AS 47.10, the superior court may designate district judges and magistrates as masters under Civil Rule 53.

* Sec. 81. Sec. 4, ch. 115 SLA 1969 is amended to read:

Sec. 4. This Act takes effect on July 1, 1969 and secs. 1 and 2 terminate July 1, 1973.



LAWS OF ALASKA

1973

Source

CSHB 46 (Rules)

Chapter No.

1

AN ACT

Relating to membership on the legislative council; and providing for an effective date.

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

* Section 1. AS 24.20.020 is repealed and re-enacted to read:

Sec. 24.20.020. MEMBERSHIP. The legislative council is composed of five voting members of the senate appointed by the president of the senate and five voting members of the house of representatives appointed by the speaker of the house of representatives. The president of the senate and the speaker of the house serve as ex officio members but either may serve as one of the five voting members if he chooses. The membership from each house shall include at least one voting member from each of the two major political parties. The appointing authority in each house shall make and announce the appointment or reappointment of members of the council within 15 days after the convening of the first regular session of each legislature.

* Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.

Approved by governor: January 24, 1973
Actual effective date: January 25, 1973



LAWS OF ALASKA

1975

Source

SB 39

Chapter No.

1

AN ACT

Relating to the membership of the legislative council; and providing for an effective date.

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

* Section 1. AS 24.20.020 is amended to read:

Sec. 24.20.020. MEMBERSHIP. The legislative council is composed of the president of the senate and six other senators appointed by him, and the speaker of the house of representatives and six other representatives appointed by him. The membership from each house shall include at least one member from each of the two major political parties. The appointing authority in each house shall make and announce the appointment or reappointment of members of the council within 15 days after the convening of the first regular session of each legislature.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

SENATE JOURNAL

ALASKA STATE LEGISLATURE

NINTH LEGISLATURE - FIRST SESSION

1975

PART 1 of 4

Legislative Reference Library
Legislative Affairs Agency
Pouch Y State Capital
Juneau, Alaska 99811

SB The report was signed by Senator Hohman, Chairman, and
 11 concurred in by Senators Bradley, Chance and Colletta.
 Senator Ferguson signed "no recommendation."

SENATE BILL NO. 11 was further referred to the Judiciary
 Committee.

FIRST READING AND REFERENCE OF SENATE RESOLUTIONS

SJR SENATE JOINT RESOLUTION NO. 2 by Senator Huber,
 2

Proposing amendments to the Constitution of
 the State of Alaska establishing the Alaska
 Permanent Investment Fund,

was read the first time and referred to the State Affairs
 Committee and the Finance Committee.

FIRST READING AND REFERENCE OF SENATE BILLS

SB SENATE BILL NO. 39 by the Rules Committee by request, en-
 39 titled:

"An Act relating to the membership of the
 legislative council; and providing for an
 effective date."

was read the first time and referred to the State Affairs
 Committee.

SB SENATE BILL NO. 40 by Senators Ray, Croft and Rodey,
 40 entitled:

"An Act increasing state aid to municipalities
 for fire protection."

was read the first time and referred to the Community and
 Regional Affairs Committee and the Finance Committee.

SB SENATE BILL NO. 41 by Senator Ray, entitled:
 41

"An Act relating to termination of membership
 on the Legislative Council, the Legislative
 Budget and Audit Committee or on legislative
 interim committees."

SENATE JOURNAL

ALASKA STATE LEGISLATURE NINTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Thursday

January 23, 1975

Fourth Day

Pursuant to adjournment, the Senate was called to order by President Croft at 10:10 a.m.

The roll call showed all members present.

The prayer was offered by the Chaplain, Reverend Dale Sarles.

Senator Kerttula moved and asked unanimous consent that the journal for the third legislative day be approved as certified. Without objection, it was so ordered.

STANDING COMMITTEE REPORTS

The State Affairs Committee has had SENATE BILL NO. 39 (membership of the legislative council) under consideration, and the committee recommends it do pass. The report was signed by Senator Ferguson, Chairman, and concurred in by Senators Colletta, Meland, Miller and Huber. SB 39

SENATE BILL NO. 39 was referred to the Rules Committee.

The Community and Regional Affairs Committee has had SENATE BILL NO. 29 (dual officeholding by city managers as borough managers) under consideration, and the committee recommends it do pass. The report was signed by Senator Rodey, Chairman, and concurred in by Senators Tillion, Willis, Bradley and Ferguson. SB 29

SENATE BILL NO. 29 was referred to the Rules Committee.

INTRODUCTION AND REFERENCE OF SENATE BILLS

SENATE BILL NO. 46 by the Health, Education and Social Services Committee, entitled: SB 46

"An Act relating to the teachers' retirement system; and providing for an effective date."

STANDING COMMITTEE REPORTS

SB The Finance Committee has had SENATE BILL NO. 47 (Capital
47 Site Selection Committee appropriation) under considera-
tion and a majority of the committee recommends it do
pass. The report was signed by Senator Ray, Chairman,
and concurred in by Senators Butrovich, Rader, Chance
and Poland. Senators Sackett and Hohman signed "no
recommendation".

SENATE BILL NO. 47 was referred to the Rules Committee.

INTRODUCTION AND REFERENCE OF SENATE BILLS

SB SENATE BILL NO. 55 by Senators Kerttula and Huber,
55 entitled:

"An Act dealing with legislative review
of administrative regulations."

was read the first time and referred to the State Affairs
Committee and the Judiciary Committee.

SB SENATE BILL NO. 56 by Senator Ziegler by request,
56 entitled:

"An Act relating to the sale of alcoholic
beverages on credit."

was read the first time and referred to the Commerce
Committee.

SB SENATE BILL NO. 57 by Senator Ferguson, entitled:
57

"An Act relating to the merger or consolidation
of certain corporations; and providing for
an effective date."

was read the first time and referred to the Commerce
Committee.

CONSIDERATION OF THE CALENDARSECOND READING OF SENATE BILLS

SB SENATE BILL NO. 39 (membership of the legislative council)
39 was read the second time.

Senator Orsini offered the following amendment No. 1:

Page 1, line 19: After "least" delete "one" and
insert "two"

Senator Orsini moved and asked unanimous consent for adoption of amendment No. 1. Senator Kerttula objected. SB 39

The question being: "Shall amendment No. 1 be adopted?" On voice vote, amendment No. 1 was not adopted.

Senator Kerttula moved and asked unanimous consent that SENATE BILL NO. 39 be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SENATE BILL NO. 39 was read the third time.

The question being: "Shall SENATE BILL NO. 39 (membership of the legislative council) pass the Senate?" The roll was taken with the following result:

Yeas:	19	Bradley, Butrovich, Chance, Colletta, Croft, Ferguson, Hohman, Huber, Kerttula, Meland, Miller, Orsini, Poland; Rader, Ray, Rodey, Tillion, Willis, Ziegler
Nays:	0	
Excused:	1	Sackett

And so, SENATE BILL NO. 39 passed the Senate.

Senator Kerttula moved and asked unanimous consent that the roll call on the passage of SENATE BILL NO. 39 be considered the roll call on the effective date clause. Without objection, it was so ordered.

SENATE BILL NO. 39 was referred to the Secretary for engrossment.

SPECIAL ORDERS

President Croft announced the appointment of the following Senate members to a special committee to meet with a like committee from the House relative to the conflict of interest law:

Senator Ray, Chairman

Senator Willis

Senator Colletta

ENGROSSMENT

SB 39 SENATE BILL NO. 39 has been correctly engrossed, signed by the President and Secretary and transmitted to the House for its consideration.

ANNOUNCEMENTS

Democratic caucus		On adjournment
Finance	4th Floor	11:00 a.m. Jan 24
Rules		1:00 p.m. Jan 24
State Affairs SB 3, SB 32	1st Floor	3:00 p.m. Jan 24
C & RA Joint w/House	Assembly Room 107	3:00 p.m. Jan 24
HESS School constr. program	Room 106 Assembly	10:30 a.m. Jan 25

ADJOURNMENT

Senator Kerttula moved and asked unanimous consent that the Senate adjourn until 10:00 a.m. January 27, 1975. Without objection, the Senate adjourned at 10:29 a.m.

Beverly Keithahn
Secretary of the Senate

January 1975

SPECIAL ORDERS

The Chair announced the appointment of the following Senate members to serve on the Legislative Council:

Senator Chance
 Senator Ziegler
 Senator Kerttula
 Senator Huber
 Senator Poland
 Senator Croft
 Senator Tillfon

The Chair announced the appointment of the following Senate members to serve on the Budget and Audit Committee:

Senator Ray
 Senator Willis
 Senator Ferguson
 Senator Hohman

Senator Butrovich respectfully declined appointment to the committee and the Chair stated a fifth member would be appointed at a later date.

ENGROSSMENT AND ENROLLMENT

The following resolution and bill have been correctly engrossed, signed by the President and Secretary, and transmitted to the House for its consideration:

SENATE CONCURRENT RESOLUTION NO. 4

SENATE BILL NO. 58

SB 39 SENATE BILL NO. 39 has been properly enrolled, signed by the President and Secretary, Speaker and Chief Clerk, and was transmitted to the office of the Governor at 9:45 a.m. January 31, 1975.

SENATE JOURNAL

ALASKA STATE LEGISLATURE
NINTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Wednesday

February 5, 1975

Seventeenth Day

Pursuant to adjournment, the Senate was called to order by President Croft at 10:11 a.m.

The roll call showed all members present except Senators Butrovich, Meland, Orsini and Poland who were excused.

The prayer was offered by the chaplain, Reverend Dale Sarles.

Senator Kerttula moved and asked unanimous consent that the journal for the sixteenth legislative day be approved as certified. Without objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

*February 4, 1975

The Honorable Chancy Croft
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

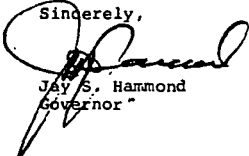
SB
39

Dear Mr. President:

I have signed the following bill and am transmitting the enrolled and engrossed copies to the Lieutenant Governor's Office for permanent filing:

SENATE BILL NO. 39
(Chapter 1, SLA 1975)

Sincerely,



JAY S. Hammond
Governor

Attachment B:

AS 24.20.161

Contents:

ch. 95, SLA 1971

Finance Committee Minutes, February 12, 1971

March 1, 1971 Jay Hogan Memo



LAWS OF ALASKA

1971

Source

Chapter No.

FCCS SCS CSHB 14 am 2d FCC

95

AN ACT

Creating a Legislative Budget and Audit Committee and providing for the reorganization and establishment of legislative fiscal support services; and providing for an effective date.

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

- * Section 1. AS 24.20.150 - 24.20.370 are repealed.
- * Sec. 2. AS 24.20 is amended by adding new sections to read:

Sec. 24.20.151. LEGISLATIVE BUDGET AND AUDIT COMMITTEE. The Legislative Budget and Audit Committee is established as a permanent interim committee of the legislature. The establishment of the committee recognizes the need of the legislature for full-time technical assistance in accomplishing the fiscal analysis, budget review and post-audit functions.

Sec. 24.20.161. MEMBERSHIP. The Legislative Budget and Audit Committee is composed of 10 members: the chairmen of the senate and house finance committees; one member selected from each of the senate and house finance committees and appointed by the president of the senate and the speaker of the house, respectively; and three members appointed from each house by the respective presiding officer. The chairman of the finance committee may choose not to serve on the committee. If this occurs, the presiding officer of the appropriate house shall appoint a replacement from the finance committee. The membership from each house shall include at least one member from each of the two major political parties. The committee shall select its own chairman.

Sec. 24.20.171. TERM OF MEMBERSHIP. The committee shall be organized within 15 days after the organization of each legislature. Members serve for the duration of

the legislature during which they are appointed. If they are reelected or their term of office extends into the next succeeding legislature, they continue to serve until reappointed or the appointment of their successor.

Sec. 24.20.181. VACANCIES. When a vacancy occurs in the membership of the committee, the presiding officer of the house incurring the vacancy shall choose a successor. If the office of the president of the senate or speaker of the house of representatives becomes vacant and a vacancy from the affected house occurs among the membership of the committee, the remaining committee members from the house incurring the vacancy shall appoint a new member.

Sec. 24.20.191. MEETINGS. The budget and audit committee may meet during sessions of the legislature and during the interim between sessions at such times and places in the state as the chairman may determine. Members may receive, for the minimum time required to get to and from meetings and for the period while attending meetings, the same travel and per diem allowances provided by law for members of the legislature when attending sessions, except that members of the committee receive no per diem during legislative sessions other than the per diem allowance paid to other members of the legislature.

Sec. 24.20.201. POWERS. (a) The Legislative Budget and Audit Committee has the power to:

(1) organize, adopt rules for the conduct of its business and prescribe procedures for the comprehensive fiscal analysis, budget review and post-audit functions;

(2) hold public hearings, administer oaths, issue subpoenas, compel the attendance of witnesses and production of papers, books, accounts, documents and testimony, and to have the deposition of witnesses taken in a manner prescribed by court rule or law for taking depositions in civil actions;

(3) require all state officials and agencies of state government to give full cooperation to the committee or its staff in assembling and furnishing requested information;

(4) review revenue projections, state agency appropriation requests, the expenditure of state funds, including the relationship between state agency program accomplishments and legislative intent, and the fiscal policies and procedures of state government;

(5) review all proposed changes to agency authorized operating budgets;

(6) make recommendations concerning appropriations, their expenditure and the fiscal policies and procedures of state government to the governor where appropriate, and the legislature;

(7) prepare and distribute reports, memoranda or other necessary materials.

(b) Nothing in this chapter shall be so construed as to authorize the referral by the presiding officer of legislation to the committee at regular or special sessions of the legislature.

Sec. 24.20.211. LEGISLATIVE FINANCE DIVISION. The legislative finance division is established as a permanent staff agency responsible to the Legislative Budget and Audit Committee for performance of fiscal analysis and budget review functions.

Sec. 24.20.221. STAFF. (a) The committee shall hire and determine the salary of the legislative fiscal analyst who shall serve both at the direction and pleasure of the committee. The fiscal analyst shall serve as head of the finance division and, within the limits of the budget approved by the committee, shall employ and determine the compensation of the professional and clerical staff of the division.

(b) The fiscal analyst and members of the professional and clerical staff shall not join or support a partisan political organization. This prohibition does not prevent the fiscal analyst or members of the staff from joining social organizations, expressing private opinion, registering as to party or voting.

Sec. 24.20.231. DUTIES. The legislative finance division shall

(1) analyze the budget and appropriation requests of each department, institution, bureau, board, commission or other agency of state government;

(2) analyze the revenue requirements of the state;

(3) provide the finance committees of the legislature with comprehensive budget review and fiscal analysis services;

(4) cooperate with the division of budget and management in establishing a comprehensive system for state program budgeting and financial management as set out in the Executive Budget Act (AS 37.07);

(5) complete studies and prepare reports, memoranda or other materials as directed by the Legislative Budget and Audit Committee;

(6) with the governor's permission, designate the legislative fiscal analyst to serve ex officio on the governor's budget review committee.

Sec. 24.20.241. LEGISLATIVE AUDIT DIVISION. The legislative audit division is established as a permanent staff agency responsible to the Legislative Budget and Audit Committee for completion of the post-audit function.

Sec. 24.20.251. QUALIFICATIONS AND APPOINTMENT OF LEGISLATIVE AUDITOR. (a) The legislative auditor shall be a certified public accountant of this state, or of another state having requirements equivalent to those of this state, with at least five years of practice in the profession, or the equivalent, before his appointment.

(b) The Legislative Budget and Audit Committee shall examine persons to serve as legislative auditor and, upon completion of the examination, place the name of the person selected in nomination before the legislature. If the legislature is not in session, the person nominated shall carry out the duties of the office until the next session of the legislature at which time the name of the person nominated shall be presented to the legislature for appointment.

(c) The legislative auditor serves at the pleasure of the legislature. However, when the legislature is not in session, the auditor may be removed for cause by a majority vote of the Legislative Budget and Audit Committee after notice by, and a hearing before, the committee.

Sec. 24.20.261. STAFF. (a) The legislative auditor shall serve as head of the audit division and, within the limits of the budget approved by the committee, shall employ and determine the compensation of the professional and clerical staff of the division.

(b) The auditor and members of the professional and clerical staff may not join or support any partisan political organization. This prohibition does not prevent the auditor or members of the staff from joining social organizations, expressing private opinion, registering as to party or voting.

Sec. 24.20.271. POWERS AND DUTIES. The legislative audit division shall

(1) perform an audit, complete with a written report, at least once every three years on the books and accounts of every department, institution, bureau, board, commission or other agency of state government;

(2) audit at least once every three years the books and accounts of all custodians of public funds and all disbursing officers of the state;

(3) at the direction of the Legislative Budget and Audit Committee, conduct performance post-audits on any agency of state government;

(4) cooperate with state agencies by offering advice and assistance as requested in establishing or improving the accounting systems used by state agencies;

(5) require the assistance and cooperation of all state officials and other state employees in the inspection, examination and audit of state agency books and accounts;

(6) have access at all times to the books, accounts, reports or other records, whether confidential or not, of every state agency;

(7) ascertain, as necessary for audit verification, the amount of agency funds on deposit in any bank as shown on the books of the bank; no bank may be held liable for making information required under this paragraph available to the legislative audit division;

(8) complete studies and prepare reports, memoranda or other materials as directed by the Legislative Budget and Audit Committee.

Sec. 24.20.281. SPECIAL AUDIT. A member of the legislature may, in writing and with at least six days notice, request that the budget and audit committee direct a special audit of any state agency or determine the propriety of any expenditure of state funds received by any political subdivision or other entity obtaining state funds. Should a majority of the committee vote to approve the request, the legislative audit division shall make the audit.

Sec. 24.20.291. CONFLICT OF INTEREST. The legislative auditor, the supervisor of audit, the legislative fiscal analyst and members of the staff of the legislative finance and audit divisions shall not serve in ex officio or other capacity on any board (except as authorized in sec. 231(6) of this chapter), commission or other administrative agency of state government; nor shall they have a financial interest in transactions involving any agency of state government.

Sec. 24.20.301. RECORDS. (a) The legislative audit division shall keep a complete file of all audit reports and other reports or releases issued by the division, and a complete file of audit work papers and other related supportive material. The division shall also keep a complete and accurate record of all fiscal transactions involving the division.

(b) The legislative finance division shall keep a complete file of all budget reports and other reports or releases issued by the division and a complete and accurate record of all fiscal transactions involving the division.

Sec. 24.20.311. REPORTS. The committee shall file copies of its approved audit reports including any committee recommendations with the governor, the agency concerned and the legislature. An annual report summarizing the audit reports and committee recommendations made during the year shall be filed with the governor and with the legislature within the first five days of each regular session of the legislature. Reports shall be approved by a majority of the committee before their release and shall be open to public inspection after their release to the legislature.

* Sec. 3. AS 37.07.040(5) is amended to read:

(5) provide the legislative finance division with the budget information it may request.

* Sec. 4. AS 37.07.050(a) is amended to read:

(a) Each state agency, on the date and in the form and content prescribed by the division, shall prepare and forward to the division and the legislative finance division

(1) the goals and objectives of the agency programs, together with proposed supplements, deletions and revisions;

(2) its proposed plans to implement the goals and objectives, including estimates of future service needs, planned methods of administration, proposed modification of existing program services and establishment of new program services, and the estimated resources needed to carry out the proposed plan;

(3) the budget requested to carry out its proposed plans in the succeeding fiscal year, including information reflecting the expenditures during the last fiscal year, those authorized for the current fiscal year, those proposed for the succeeding fiscal year, an explanation of the services to be provided, the need for the services, the cost of the services, and any other information requested by the division;

(4) a report of the receipts during the last fiscal year, an estimate of the receipts during the current fiscal year, and an estimate for the succeeding fiscal year;

(5) a statement of legislation required to implement the proposed programs and financial plans;

(6) an evaluation of the advantages and disadvantages of specific alternatives to existing or proposed program policies or administrative methods.

* Sec. 5. AS 37.07.090(a) is amended to read:

(a) Each state agency shall submit a performance report to the division no later than September 1 for the preceding fiscal year. These reports shall be in the form prescribed by the division after consultation with the legislative finance division, and shall include statements concerning

(1) the work accomplished and the services provided in the preceding fiscal year or other meaningful work period, relating actual accomplishments to those planned under sec. 80(b) of this chapter;

(2) the relationship of accomplishments and services to the policy decisions and budget determinations of the governor and the legislature;

(3) the costs of accomplishing the work and providing the services, and, to the extent feasible,

citing meaningful measures of program effectiveness and cost;

(4) the administrative improvements made in the preceding year, potential improvements in future years, and suggested changes in legislation or administrative procedures to make further improvements.

* Sec. 6. AS 24.20.060(4)(D) is repealed.

* Sec. 7. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.

SENATE FINANCE COMMITTEE
Friday, February 12, 1971
9:00 a.m.

Present: All members were present with the exception of Senator Rettig.
COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 14 (Legislative budget
CSHB 14 and audit committee) was brought up for consideration by the
committee. Sen. Ray, who was researching the bill, recommended
that it be replaced with the State Affairs Committee Substitute
for Senate Bill 3, which was originally sponsored by Senator
Palmer. He explained that the State Affairs substitute does
not stipulate that the membership of the legislative budget
and audit committee include the chairmen of the finance committees
because there are times when it would not be feasible for the
chairmen to be on the committee, and there are other competent
individuals who could fulfill the necessary functions.

Senator Merdes came in.

Senator Lewis asked if CSHB 14 and SB 3 are the same bill,
and Sen. Ray explained that they have the same title and
subject matter. Senator Ray said that the SA CSSB 3 is the
bill the leadership of the Senate wants. Sen. Ray moved that
the number of members on the committee from each house be
five rather than four and there were no objections.

Senator Lewis asked if this bill is just providing another layer
of government, and Sen. Ray explained that all the bill does is
enlarges the audit committee and takes the staff - now made up
of three professional and two clerical positions - out from
under the Legislative Affairs Agency, which is primarily
concerned with legal research, statute revision, etc., and
puts them under the fiscal committee year round.

Senator Kosloskly pointed out that the section disallowing the legislature to go into local levels of government to check on budgets (such as district school support) is repealed in this bill.

Senator Butrovich proposed an amendment to provide that the membership of the committee from each house should consist of at least two rather than one minority members. There was no objection.

Senator Palmer moved and asked unanimous consent that the body of State Affairs / CSSB 3, with the amendments above mentioned, be substituted for CSHB 14 and that the new SCSHB 14 be reported out of committee with a "do pass" recommendation. There being no objection, it was so ordered.

SB 15

SENATE BILL NO. 15 (State aid for school construction) was brought up for consideration. This bill, which was earlier discussed in meeting, was specifically designed to enable Kenai to receive state aid for the school which they built with cash. By the revenue sharing passed last year, those schools built with cash could not legally be included, although it was not the intent of the legislature that they be left out. An amendment was suggested to say that in no case would the state pay more than 50% of the cost of any school. This was suggested to insure against the possibility that half the amount could be picked up during the year of construction and then/going back three years to pick up the schools who had paid cash, the other half could be picked up. Sen. Ray expressed the fear that if this bill passes, the state will have several schools to pick up construction costs for. Senator Butrovich suggested an amendment to pay the

amount over a three year period to reduce the impact on the state. He said that he and Senator Palmer had talked with the Governor who appreciated the attempt in this way to reduce the impact.

After considerable discussion and going over the fiscal note (see bill file) Sen. Ray expressed a desire to talk with some other people before the bill was passed out of committee.

It was agreed that SB 15 be brought up in a bill session Tuesday morning, Feb. 16.

Adjourned: Meeting adjourned at 9:45 a.m.

MEMO

TO: Representative Mike Bradner

FROM: Jay Hogan, Fiscal Analyst

SUBJECT: HOUSE BILL NO. 14 -- Senate and House Finance
Committee Versions

DATE: March 1, 1971

At your request I am submitting a memo outlining and commenting on the differences between the House Finance Committee Substitute for HOUSE BILL NO. 14 and the Senate Finance Committee Substitute for Committee Substitute for House Bill 14. Proceeding through the bill the points of differences are:

MEMBERSHIP --

The House version requires that the chairmen of the Senate and House Finance Committees and two finance committee members from each house be members of the Budget & Audit Committee; the Senate version does not require any finance committee membership. Since the mission of the proposed legislative Budget & Audit Committee is to accomplish the fiscal analysis, budget review and post audit functions it would seem logical that some finance committee membership be required.

The House version requires that one member of the minority be represented on the committee and the Senate version would increase this to two minority members. In those cases where either the House or the Senate were heavily weighted in favor of the majority party (i.e., 3 or 4 to 1 in representation) the "locking in" of a disproportionate number of minority seats would make the committee unrepresentative.

The House version provides that the committee shall select its own chairman; the Senate version makes no such provision. The inclusion of a statement regarding the selection of a committee chairman seems reasonable.

TERM OF MEMBERSHIP --

The House version requires that the Budget & Audit Committee be organized within 5 days of the organization of the session; the Senate version makes no specific requirement for organization. If the 5 day organizational requirement is unacceptable, a compromise might be to use a 30 day organizational requirement similar to that for the Legislative Council.

The House version limits membership to the session for which the member was appointed; the Senate version continues service on the Budget & Audit Committee until reappointed or replaced. A decision on this provision will hinge upon the decision to require committee organization within a specified period of time.

MEETINGS --

The Senate version excludes payment of per diem for committee meetings during the legislative session. This was a floor amendment and although reasonable is perhaps unnecessary. The Legislative Council has no such restriction but I believe it is well understood that a member cannot receive both legislative session per diem and interim service per diem for the same meeting.

POWERS --

The House version contains a provision (5) authorizing the review of changes in agency operating budgets; the Senate version contains no such provision. Changes in the operating budget are accomplished through the use of authority granted under Executive Order 20. Changes in the operating budget have been a source of great concern to the finance committees. The only way to exert legislative control over shifts and changes in the operating budget is to grant the interim committee the authority to review changes made during the budget year.

The Senate version adds a prohibition (8) of session referrals; the House version contains no similar provision. This was a Senate floor amendment and although not unreasonable is again perhaps unnecessary. Practice indicates that legislation referrals are not made to interim committees.

LEGISLATIVE FINANCE DIVISION - DUTIES --

The Senate version would authorize the Legislative Fiscal Analyst to serve, with the Governor's permission, on the Governor's Budget Review Committee; the House version contains no such provision. Whether or not the Fiscal Analyst sits as a member of the Governor's Budget Review Committee is not really a matter of vital concern. The essence of budget review requires that the Fiscal Analyst and his staff have access to the budget document in time to accomplish meaningful pre-session budget review.

LEGISLATIVE AUDIT DIVISION - STAFF --

The House version would provide for a full time Legislative Auditor as head of the Audit Division; the Senate version provides for a Supervisor of Audit who shall serve as head of the Division until such time as the Legislative Auditor becomes a full time state employee and assumes the duties of running the division. From an organizational point of view it would seem that the Legislative Auditor should be the actual head of the division. At one time the dual limitations of low state salaries and absence of CPA's in the state served to justify the existing contractual service arrangement; these original arguments are no longer valid. Should the Free Conference Committee decide to go with the full time Auditor but wish to allow a period of transition, I would suggest a transitional paragraph at the end of the bill spelling out the period during which the existing contractual auditor/supervisor relationship would be authorized to continue.

LEGISLATIVE AUDIT DIVISION - POWERS AND DUTIES --

The Senate version retained authority to give advice and assistance to state agencies on accounting procedures; the House version deleted this provision. The reasoning behind the House Finance Committee deletion of the provision was -- the Audit Division by offering such advice and assistance would eventually have to review its own suggestions, perhaps creating a conflict of interest situation.

SPECIAL AUDIT --

The Senate version adds the authority to perform a special audit of political subdivisions or other entities expending state funds; the House version contains no such provision. The Senate version underscores authority granted to the committee under the power section to review expenditures of state funds.

EFFECTIVE DATE --

The Senate version by virtue of a floor amendment makes those portions of the bill pertaining to the organization of the committee -- with the exception of the powers of the committee -- take effect upon passage of the act; the remaining sections take effect July 1, 1971; the House version makes the entire act effective on passage. I would suggest that the act as a whole either take effect upon passage or on the July 1 date.

Table 1: Minority Membership on the Legislative Council		
Legislature	House	Senate
18th 1993-1994	MacLean, Davidson	Jacko, Little
19th 1995-1996	B. Davis	Lincoln
20th 1997-1998	Kubina	Hoffman
21st 1999-2000	Berkowitz	Hoffman
22nd 2001-2002	Berkowitz	Elton
23rd 2003-2004	Berkowitz	Lincoln
24th 2005-2006	Berkowitz	Davis
25th 2007-2008	Guttenberg	Wilken
26th 2009-2010	Guttenberg	Elton (resigned 3/2/2009)
27th 2011-2012	Holmes	
28th 2013-2014	Gruenberg	
29th 2015-2016	Kito	
30th 2017-2018	Millett, Eastman (alternate)	
31st 2019-2020	Johnson	
32nd 2021-2022	Tilton	
33rd 2023-2024	Hannan	
34th 2025-2026	Prax	
Source : BASIS, Member Information and Committee Membership		

Table 2: Minority Membership on the Legislative Budget & Audit Committee		
Legislature	House	Senate
18th 1993-1994	Larson, MacLean, Davies	Adams, Kerttula(alternate)
19th 1995-1996	Davies	Adams, Zharoff (alternate)
20th 1997-1998	Croft	Adams
21st 1999-2000	Croft	Adams
22nd 2001-2002	Joule, Davies (alternate)	Hoffman
23rd 2003-2004	Kerttula, Joule (alternate)	Hoffman
24th 2005-2006	Kerttula, Joule (alternate)	Hoffman
25th 2007-2008	Doogan, Joule (alternate)	Therriault
26th 2009-2010	Doogan, Tuck	
27th 2011-2012	Doogan, Kawasaki (alternate)	
28th 2013-2014	Josephson, Kawasaki (alternate)	
29th 2015-2016	Kito	
30th 2017-2018	Johnston	
31st 2019-2020	Neuman	
32nd 2021-2022	Kaufman	
33rd 2023-2024	Josephson	
34th 2025-2026	Tilton	
Source : BASIS, Member Information and Committee Membership		

Table 3: Senate Membership on Legislative Council and Legislative Budget & Audit in Legislatures Where No Minority Membership, by Political Party					
Legislature	Senate Minority	Leg. Council		LB&A	
		Democrat	Republican	Democrat	Republican
26th 2009-2010	5	Minority Represented		2	4
27th 2011-2012	4	5	3	2	4
28th 2013-2014	4	2	6	0	6
29th 2015-2016	4	1	7	1	5
30th 2017-2018	5*	1	7	1	5
31st 2019-2020	5	1	6	1	5
32nd 2021-2022	6	1	7	1	5
33rd 2023-2024	3	5	3	2	4
34th 2025-2026	6	5	3	4	2

Notes : Pursuant to Rule 1(e) of the current Uniform Rules, “minority” means a group of members who have organized and elected a minority lead and who constitute at least 25 percent of the total house membership.” In the Senate, that requires 5 members. In the 28th Legislature, Senate membership on the LB&A Committee failed to include at least one member of each major political party (in blue, above). *Does not include several members of the Senate who do not have minority/majority designations in BASIS: Senators Hughes, Dunleavy (resigned), and Shower (appointed). Count of committee members includes alternates where listed in the journals.

Sources : BASIS and House and Senate Journals