

Introduced: 3/25/80
Referred: Judiciary

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
BUDGET AND AUDIT COMMITTEE

1 IN THE SENATE

2 SENATE CONCURRENT RESOLUTION NO. 58

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Relating to the University of Alaska
6 lawsuit against the state.

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

8 WHEREAS the case of University of Alaska v. State of Alaska, et al (Case
9 No. 3AN-79-2801) was filed in the superior court for the State of Alaska
10 Third Judicial District in the spring of 1979; and

11 WHEREAS counts IV and V of plaintiff's complaint allege that the Public
12 Employment Relations Act (AS 23.40.070 - 23.40.260) made applicable to the
13 Board of Regents in ch. 148, sec. 1, SLA 1978, and the limitation contained
14 in AS 14.40.570 on the university's authority to provide community college
15 services violate sections 2 and 3 of Article VII of the constitution of the
16 state of Alaska and AS 14.40.070 - 14.40.190 which vest power in the Board of
17 Regents to govern the university; and

18 WHEREAS counts VI, XI and XIII of plaintiff's complaint allege,
19 respectively, that the university as a constitutional body has the right to
20 submit its budget directly to the legislature, and that the legislature's
21 efforts to establish a uniform policy concerning the presentation and de-
22 velopment of the annual budget of state agencies, and its conditioning of the
23 transfer of appropriations of federal and state funds to the university on
24 approval of the division of budget and management in the executive branch
25 impermissibly infringe on the constitutional authority of the Board of
26 Regents; and

27 WHEREAS counts VII and IX of plaintiff's complaint allege that legis-
28 lation, particularly AS 14.40.300 and AS 23.10.380, creating and fixing the
29 duties of the office of university comptroller and establishing standards for

1 the payment of employee moving expenses, respectively, impermissibly inter-
2 fere with the prerogatives of the university in the areas of employment
3 policies and the internal management of university affairs; and

4 WHEREAS counts VIII and XII, respectively, allege that the Legislative
5 Budget and Audit Committee may not have access to student records and that
6 the university is required to keep such records confidential under federal
7 law, and that since the legislature may not treat the university as a state
8 agency, that the uniform accounting system for state agencies which the state
9 Department of Administration is required to set up under AS 37.05.130 -
10 37.05.280 violate sections 2 and 3 of Article VII of the constitution of the
11 State of Alaska and AS 14.40.170, which prescribe specifically the duties of
12 the Board of Regents and the University of Alaska; and

13 WHEREAS the Legislature of the State of Alaska is vested with the legis-
14 lative power and, subject only to the provisions of the constitution of the
15 State of Alaska, has the power to enact laws affecting the governance of the
16 University of Alaska including, but not limited to, requiring the University
17 of Alaska to comply with uniform accounting and budget procedures; and

18 WHEREAS AS 24.20.201(a)(8) provides that the Legislative Budget and
19 Audit Committee may sue in the name of the legislature during the interim
20 between sessions if authorized by majority vote of the full membership of the
21 committee; and

22 WHEREAS the Legislative Budget and Audit Committee at its meeting of
23 June 4, 1979, voted to intervene to protect a fundamental power of the legis-
24 lature to pass legislation affecting the governance of the University of
25 Alaska, the relationship of the university with its employees and other
26 educational facilities, and establishing statewide fiscal policy and pro-
27 cedures, but left the decision on timing of the intervention to its legal
28 counsel; and

29 WHEREAS legal counsel is of the opinion that it is appropriate to in-

1 tervene at this time;

2 BE IT RESOLVED by the Alaska State Legislature that it directs the
3 Legislative Budget and Audit Committee to take all steps it considers ad-
4 visable to protect the authority of the legislature to enact legislation
5 relating to the governance of the University of Alaska, the relationship of
6 the unversity with its employees and other educational facilities, and, in
7 particular, but not limited to, legislation relating to public finance and
8 legislative audit responsibilities, and be it

9 FURTHER RESOLVED that the Legislative Budget and Audit Committee is
10 authorized to proceed with intervention in the case of University of Alaska
11 v. State of Alaska, et al, Case No. 3AN-79-2801, Superior Court of the State
12 of Alaska, Third Judicial District, and to commence and maintain other court
13 action it considers advisable for these purposes.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29