

HB

806

COMMITTEE REPORT

(7)

HOUSE

4/3/80

FURTHER: JUDICIARY

Date: 4-17-80

Mr. Speaker:

The Committee on STATE AFFAIRS has had SSHB 806

"An Act relating to heads, deputy heads, and directors of divisions of principal departments of the executive branch and to members of regulatory boards and commissioners."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- [] do pass [] do not pass
[] do pass with attached amendments(s)
[X] replace with CS for ... [] same title [] new title
and recommends ...
[] AND attaches a "Letter of Intent" [] New Fiscal Note
[] reports it back without recommendation
[] referred to the ... Committee

MEMBERS SIGNING DO PASS

Handwritten signatures of members signing 'DO PASS'.

MEMBERS HAVING OTHER RECOMMENDATIONS:

Handwritten signatures of members having other recommendations.

CHAIRMAN

Introduced: 4/3/80
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY MALONE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 806

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to heads, deputy heads, and directors
7 of divisions of principal departments of the executive
8 branch and to members of regulatory boards and commis-
9 sions."

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

11 * Section 1. AS 39.50.090 is amended by adding new subsections to read:

12 (g) A person who served as a member of a state board or commission
13 ^{as} ~~and who was~~ a full-time state employee during that service may not, for
14 ^{one} ~~two~~ years after leaving that position, seek or take ^{direct or contractual} employment in a
15 business regulated by the board or commission of which he was a member.

16 (h) A person who was the head or deputy head of a principal de-
17 partment of the executive branch or director of a division in a prin-
18 cipal department of the executive branch may not, for ^{one} ~~two~~ years after
19 leaving that position, seek or take ^{direct or contractual} employment in a business with which
20 the principal department had a contract for services.

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LA21 0579 12.20 JAO1 0042 12.20 02/26/80

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TO: HOUSE JUDICIARY COMMITTEE CHAIRMAN PARR AND MEMBERS
HOUSE STATE AFFAIRS COMMITTEE CHAIRMAN MILLER AND MEMBERS

FR: SILEEN MONTANO, CHAIRMAN, BOARD OF NURSING, SR 10033, FTX 99701
PHONE - 479-4410 (H) 452-0101 (WK)

RE HS 906

THE BOARD OF NURSING IS OPPOSED TO THIS BILL BOARD MEMBERS NEED TO BE
ACTIVE IN THE PROFESSION THEY REGULATE IN ORDER TO MAKE INTELLIGENT
DECISIONS. I DOUBT MANY ACTIVELY PRACTICING NURSES COULD AFFORD OR
WANT TO REFRAIN FROM PRACTICING THEIR PROFESSION FOR A PERIOD OF TWO
YEARS.

CAN BE CONTACTED 9 - 3:30 WORK 7 - 10 HOME

FBX 110713

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For your information, from
Senator Tillion's office.

Union Oil Company of California
P.O. Box 575, Kenai, Alaska 99611
Telephone (907) 776-8121



March 3, 1980

Representative Hugh Malone
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Malone:

Recently I received a copy of your House Bill 806 regarding department heads and board members. This bill, if enacted, will create an unworkable situation for most if not all board members.

I am a member of the State Board of Welding Examiners and also derive my livelihood in an industry regulated by the Board. I believe this holds true for all members of the Board of Welding Examiners and presume it holds true for most members of most State boards as the people in any industry are the most knowledgeable about that industry.

Part (G) of your bill states that a board member "may not seek or take employment in a business regulated by a board or commission of which he was a member" for two years after leaving that position.

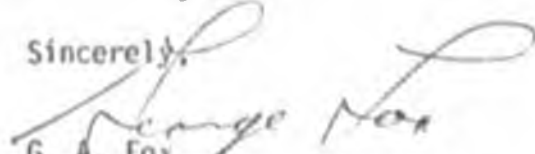
Board members serve without compensation other than expenses as a civic responsibility in order to make our state a better place in which to live.

There is absolutely no way that I or other board members could or would jeopardize our livelihoods or future earning ability to serve as a board member without compensation. To be restricted from accepting employment in my chosen field of endeavor would constitute an economic risk that I could not accept.

If this bill is enacted as written I shall be forced to tender my resignation to the board. I am sure most board members will feel the same way.

This would be comparable to a law stating that you could not accept any surveying contracts from any government entity for two years after your service in the house because you have been involved in government.

Sincerely,


G. A. Fox
Engineering Superintendent

cc: ~~Clay~~ V. Tillion, Senate, Pouch V, Juneau, AK 99811

Patrick M. O'Connell, House of Representatives, Pouch V, Juneau, AK 99811

Hoyle H. Hamilton
4040 Apollo Drive
Anchorage, Alaska 99504
March 7, 1980

Hon. Sarah J. Smith
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Smith:

This is in response to two similar House bills SSHB 799 and HB 806.

Both of these bills would amend AS 39.50.090 by adding a subsection which would not allow certain persons to take employment for two years in the business field associated with their position in state government.

In both bills this would apply to members of state commissions and they could not seek or take employment in a business regulated by the commission for two years after leaving the commission.

I am currently a member of the Alaska Oil and Gas Conservation Commission. A requirement for the position I hold is that I have to be a licensed professional engineer in the field of petroleum engineering. This has been my profession for the last 24 years. If either of these bills were to become law as they are currently written, then I would be unable to obtain employment in my professional field for two years following my employment with the Commission. To be deprived of one's livelihood for two years is an extreme hardship to place on anyone.

By virtue of being a licensed engineer I am already bound by statute (AS 08.01 and AS 08.48) and regulations (12 AAC 36) to "Rules of Professional Conduct."

I would like to ask that consideration be given to this matter when these bills are being reviewed.

Sincerely yours,



Hoyle H. Hamilton
State of Alaska
Registered Professional Engineer
No. 1755-E
EP

Hoyle H. Hamilton
4040 Apollo Drive
Anchorage, Alaska 99504
March 7, 1980

Hon. Mike Miller
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Miller:

This is in response to two similar House bills SSHB 799 and HB 806.

Both of these bills would amend AS 39.50.090 by adding a subsection which would not allow certain persons to take employment for two years in the business field associated with their position in state government.

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Sincerely yours,



Hoyle H. Hamilton
State of Alaska
Registered Professional Engineer
No. 1755-E
EP

Alaska State Legislature

LIBERTARIAN
REPRESENTATIVE
RICHARD (DICK) L. RANDOLPH
1105 CUSHMAN ST.
FAIRBANKS, ALASKA 99701
Phone (907) 452-2206



WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA
99811
Phone (907) 465-4955

House of Representatives
April 1, 1980

Hoyle H. Hamilton
4040 Apollo Dr.
Anchorage, Ak 99504

Dear Mr. Hamilton,

I think your personal difficulty with SSHB 799 and HB 806 demonstrates the total inadequacy of these bills even from the point of view of people who strongly support this type of measure, because surely none of them intended to squeeze a person out of his own profession by these bills. As a first step in trying to alleviate your problem I will forward copies of your letter to the bills' sponsors to see if they can deal with this glaring problem before the bills reach the floor of the House.

As a libertarian, I have problems with the whole concept behind these pieces of legislation. In the first place, I do not believe that it is the government's business to be doing much of the regulating which it is poorly attempting to do, because the unhampered market has demonstrated time and again that it can do the job much more efficiently. Given that the state does have the task to regulate parts of the market, however, I still do not think that this sort of legislation is the proper way to prevent the abuses which can occur when government and business work closely together, because such laws punish the innocent right along with the guilty. As far as I can see, the only proper method to prevent undesirable transfers of employment from regulatory commissions to private industry is to require that prospective employees of government agencies sign agreements or contracts specifying unacceptable post-employment activities. This would be fair to all concerned, because no threat of punishment forces anyone to behave in a manner other than that to which he has agreed.

It is certainly monstrous to make these penalties apply to present commission employees ex post facto without first giving them a chance to resign.

Freedom is the issue,

Dick Randolph
Alaska's Libertarian Legislator

cc: McKinnon, Malone, Miller, Fuller, Gardiner, Parker, Eliason
Martin, Metcalfe

Hoyle H. Hamilton
4040 Apollo Drive
Anchorage, Alaska 99504
March 7, 1980

Hon. Richard L. Randolph
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Randolph:

This is in response to two similar House bills SSHB 799 and HB 806.

Both of these bills would amend AS 39.50.090 by adding a subsection which would not allow certain persons to take employment for two years in the business field associated with their position in state government.

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I am currently a member of the Alaska Oil and Gas Conservation Commission. A requirement for the position I hold is that I have to be a licensed professional engineer in the field of petroleum engineering. This has been my profession for the last 24 years. If either of these bills were to become law as they are currently written, then I would be unable to obtain employment in my professional field for two years following my employment with the Commission. To be deprived of one's livelihood for two years is an extreme hardship to place on anyone.

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Sincerely yours,



Hoyle H. Hamilton
State of Alaska
Registered Professional Engineer
No. 1755-E
EP

Alaska State Legislature

HOME ADDRESS
1136 SUNSET DRIVE
FAIRBANKS, ALASKA 99701
HOME PHONE: 455-4610

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
HOME PHONE 588-3583
OFFICE PHONE 478-3788



SENATOR
GLENN HACKNEY
REPRESENTING
SENATE DISTRICT 0
"ALASKA'S GOLDEN HEART"

COMMITTEES:
FINANCE
HEALTH, EDUCATION & SOCIAL SERVICES
CHAIRMAN

State Senate

March 28, 1980

Hoyle H. Hamilton
4040 Apollo Drive
Anchorage, Alaska 99504

Dear Mr. Hamilton,

Thank you for your letter of March 7 stating your objections to SSHB 799 and HB 806. Both of these bills are still in the House State Affairs Committee. I am forwarding a copy of your letter to the chairman of that House committee for his consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Glenn".

Glenn Hackney
State Senator

cc: ✓ Representative Mike Miller

Hoyle H. Hamilton
4040 Apollo Drive
Anchorage, Alaska 99504
March 7, 1980

Hon. Glenn Hackney
Alaska Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Hackney:

This is in response to two similar House bills SSHB 799 and HB 806.

Both of these bills would amend AS 39.50.090 by adding a subsection which would not allow certain persons to take employment for two years in the business field associated with their position in state government.

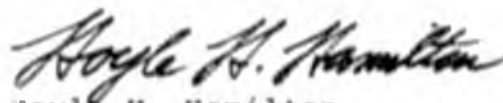
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I would like to ask that consideration be given to this matter when these bills are being reviewed.

Sincerely yours,



Hoyle H. Hamilton
State of Alaska
Registered Professional Engineer
No. 1755-E
EP

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

BOARD OF NURSING HOME ADMINISTRATORS

March 5, 1980

JAY S. HAMBROED, GOVERNOR

POUCH D
JUNEAU, ALASKA 99811

Representative Hugh Malone
Pouch V
Juneau, Alaska 99811

Dear Mr. Malone:

I wish to call to your attention that House Bill No. 806 which you introduced on February 18, 1980 will render the present Nursing Home Administrators Licensing Board non-functional. This, in turn, will cause severe hardships on the States administration of Nursing Homes as the NHA Board is required in order to comply with Federal Regulations to receive some \$10 million in Federal Medicaid and Medicare matching funds.

The present Board consists of members comprised of:
Two Nursing Home Administrators
One Registered Nurse
Two Lay Persons

It is obvious no practicing Nursing Home Administrator or Registered Nurse would put their livelihood and career in jeopardy for two years to accept a position on the Board no matter how dedicated they may be.

The two Nursing Home Administrators presently on the Board have indicated they would have to resign unless the legislation was amended to address such situations. I do not believe that legislation exempting present Board members is the solution since an effective Board requires such professionals to be effective.

I urge you serious consideration of the possible consequences of House Bill No. 806 as presently written.

Respectfully,


Jane Hanna
Chairperson

CC CM Webber
Ann Griens
All Board Members
Rep. Miller (re-Dove M. Kull's conversation w/you on this matter)
Art Peterson

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HH 806 An Act relating to heads, dep. heads, and directors
 Title of divisions in depts. of the ex. branch & to members of reg. bds. &
 Requested by commissions. (H) State Affairs Date April 22, 1980

II. FISCAL DETAIL

Agency Affected Commerc. and Economic Development
 Program Category Affected Protection
 BRU, Program, or Subprogram(s) Affected All

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

There is no fiscal impact associated with passage of this bill.

IV. DATE April 22, 1980

PREPARED BY David Creekman

AGENCY Dept. of Commerce and Economic Dev.

PHONE 465-2504

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)