

ALASKA  
CODE RE-

VISION  
COMMISSION

SUNSET

HEARING

SUNSET HEARING ON ALASKA CODE REVISION COMMISSION

PROPOSED STATUTE CHANGES

-STATUTORY LANGUAGE-

Sec. 24.20.075. Code Revision Commission. (a) The Code Revision Commission is established as permanent commission of the legislature.

(b) The commission consists of two legislators, one from each house, appointed by the presiding officer, (one) four public member s, who (is) are not (an) employee s of the state government, appointed by the governor; a designee of the governor, who is an attorney employed by the executive branch of the state government; a designee of the chief justice of the supreme court; and a designee of the Alaska Bar Association appointed by the board of governors of the association. Legislative members serve at the pleasure of the presiding officer, and appointed members serve at the pleasure of the appointing authority. Members receive the standard per diem for board members, or the regular legislative per diem if they are legislators, for days spend on commission business. The commission selects its chairman and vice-chairman. The director of legal services for the Legislative Affairs Agency, or his designee serves as executive secretary for the commission.

(c) The commission shall

(1) examine the statutes of the state and judicial decisions to discover defects and anachronisms in the law;

(2) review and consider proposed changes in the law recommended by the National Law Institute, the National Conference of Commissioners on Uniform State Laws, the Alaska Judicial Council, the supreme court, the state or local bar associations, principal departments, agencies, boards and commissions of the executive or judicial branch and committees of the legislative branch,

(3) receive and consider suggestions from the Legislative Council as to proposed statute revisions mandated by the Council in 24.20(4)(b) and 24.20.070(a) and (b).

(4) receive and consider suggestions from the Alaska bench and bar, public officials, organizations, and individuals as to areas of law needing review and remedy;

(5) recommend changes in law needed to eliminate antiquated and inadequate rules of law and to bring the law into harmony with current needs and conditions.

(d) The commission may

(1) hold public hearings and other meetings as necessary throughout the state and shall determine an appropriate quorum for conducting business;

(2) establish one or more subcommissions to assist it in the performance of its duties. Persons from the public sector may be solicited by commission members to act as advisory members on the duly established subcommissions.

(e) The staff of the Legislative Affairs serves as staff for the commission. Subject to appropriation for the purpose, the commissions may request the agency to contract with other agencies or persons for the performance of necessary services.

(f) The commission shall submit its reports and recommendations, and draft legislation as to revision of law, to the Legislative Council and shall distribute them to the governor, members of the legislature, and the chief justice of the supreme court.

(g) Within 30 days of the convening of each legislative session, the commission shall address a joint session of the legislature. In the address, the chairman or his designee shall inform the legislators of the primary pieces of legislation they have been working on and which the commission feels should be taken up by the two houses and the reasons why.

(h) All branches of state government shall provide information and documents requested by the commission necessary to the accomplishment of its work.

(i) The commission shall make a formal request to the Legislative Council for funds it considers necessary for the per diem, travel and contractual expenses of the commission. Funds appropriated to the commission are to be disbursed and accounted for under procedure required by the Legislative Affairs Agency. The commission chairman shall approve all expenditure documents (1 ch 114 SLA 1976; am 1 ch 57 SLA 1977)

The above amendments to existing law are an attempt at addressing the following problem areas highlighted in the Alaska Revision Commission Sunset Hearings:

A) The need for additional public input to make proposed legislation more pertinent to legislators and public alike.

B) Implementation of language to provide a closer more cohesive relationship between the Legislative Council and the A.C.R.C., and eliminate possible overlap of work between the two bodies.

C) If the legislation the commission is working on is to be acted up by the legislature, the addition of a joint session informing the members of the proposed legislation would provide the two houses with the initial information necessary to make them aware that such legislation exists through the work of the Code Revision Commission.

\* An additional recommendation to the Alaska Code Revision Commission (not included in statutory changes or requirements) would be to have the commission implement as a top priority the active pursuit of enactment, by the legislature, the legislation they believe to be of vital importance.



# Alaska State Legislature

## House of Representatives

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 19, 1982

### MEMORANDUM

FROM: Representative Charles Anderson

TO: Representative Ramona Barnes, Chairman  
House Judiciary

RE: Memo regarding Continuing the Alaska Code Revision  
Commission

For your information, enclosed is a copy of above memo.

ALASKA CODE REVISION COMMISSION



COMMISSIONERS  
JOHN W. ABBOTT - CHAIRMAN  
JAMES L. BALDWIN - VICE CHAIRMAN  
PATRICK M. RODEY  
CHARLES G. ANDERSON  
L. S. KURTZ, JR.  
JUDGE (RET.) THOMAS B. STEWART

ALASKA STATE LEGISLATURE  
FOUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-4878

EXECUTIVE SECRETARY  
BILLY G. BERRIER

MEMORANDUM

TO: Senator Patrick M. Rodey  
Representative Charles G. Anderson

FROM: Dickerson Regan, Consultant *Dick Regan*  
Alaska Code Revision Commission

DATE: February 18, 1982

RE: Continuing the Alaska Code Revision Commission

Although I am sure you are aware of it, this is a reminder that the Alaska Code Revision Commission expires June 30, 1982 (except for a windup year) unless it is continued or reestablished (AS 44.66.010).

I understand each judiciary committee will be a "committee of reference" to hold "one or more hearings" (AS 44.66.050(a)), and to submit a report to the presiding officer of the (each) house not later than the 60th day of the legislative session (AS 44.66.050(d)). The committee of reference may introduce a bill providing for the reorganization or continuation of the commission (AS 44.66.050(e)). The maximum period of continuation is four years (AS 44.66.010(c)). It appears that the committee bill could be as simple as:

An Act to continue the Alaska Code Revision Commission.

AS 44.66.010(a)(8) is amended to read:

(8) Alaska Code Revision Commission (AS 24.20.075) -- June 30, 1986;

I understand the audit of the commission will be submitted to the committees of reference about February 23rd, or shortly thereafter (AS 24.20.271(1)).

This memo is mainly to mention the report that is required by the 60th day of the session, and the bill that is necessary if the commission is to continue to function actively and not be in its windup year starting July 1, 1982.

DR:chw

SENATOR  
PATRICK M. RODEY  
3271 MONTCLAIRE COURT  
ANCHORAGE, AK 99503



SENATE MAJORITY LEADER  
CHAIRMAN  
SENATE JUDICIARY COMMITTEE  
CHAIRMAN  
SENATE SPECIAL COMMITTEE  
ON BANKING

ALASKA STATE LEGISLATURE

POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3717

March 2, 1982

Honorable Vic Fischer  
Chairman  
Senate State Affairs Committee  
Pouch V  
Juneau, Alaska 99811

RE: SUNSET OF THE ALASKA CODE REVISION COMMISSION

Mr. Chairman and Members of the Committee:

As your Committee considers the performance record of the Alaska Code Revision Commission, I would like to go on record as supporting the continuation of this Commission.

I was the primary Sponsor of the legislation which created the Commission in 1976. Since its inception, I have served as Chairman, and am currently a member of the Commission. Working with the Commission for more than five years has given me an opportunity to observe its activities and performance on a first-hand basis. It is my belief that the Commission operates in a fair, efficient, economical and effective manner in carrying out its statutory functions and responsibilities.

The membership of the Commission provides a wide range of legislative, judicial, executive and public knowledge and perception. This broad base of experience and expertise has served the legislative process well and I believe it is in the Legislature's best interest to continue the Commission.

I hope the Committee will agree that the Alaska Code Revision Commission deserves continuation so the Legislature can still benefit from their services. The responsibility of revising and updating entire bodies of technical law is a task not performed by any other agency of state government.

Additionally, the Commission has accomplished a great deal toward identifying antiquated and superfluous laws bringing them into conformity with current technological, economical, and social conditions. The Commission has undertaken a task, which if left to the Legislature, would place a heavy burden on our already taxed time.

Sincerely,

A handwritten signature in cursive script that reads "Patrick M. Rodey".  
Patrick M. Rodey

# STATE OF ALASKA

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

March 2, 1982

JAY S. HAMMOND, GOVERNOR

POUCH D  
JUNEAU, ALASKA 99811  
PHONE: 465-2500

Honorable Vic Fischer  
Chairman  
Senate State Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Dear Senator Fischer:

Re: Alaska Code Revision Commission ("CRC")

The Division of Banking, Securities, Small Loans & Corporations does not have adequate personnel either in numbers or by training to monitor, prepare and propose necessary revisions to laws it is charged with administering.

The CRC has directed the preparation of revisions to several statutes affecting the division. They include:

The Alaska Business Corporation Act, AS 10.05;  
The Alaska Nonprofit Corporation Act, AS 10.20; and  
The Alaska Uniform Limited Partnership Act, AS 32.10.

It is important that laws affecting Alaska businesses and business activities be kept current and under regular review.

The CRC has been most responsive to our inquiries and suggestions concerning statutes which affect the division or which the division is charged with administering. The CRC in these matters has, in fact, treated us as a de facto member of the commission.

Mr. Kirkpatrick, director of the division, stands ready to answer any questions or furnish additional information.

Sincerely,



Charles R. Webber  
Commissioner

CRW/shB/30

cc: Katherine Walsh, Secretary, CRC  
Pouch Y

ALASKA CODE REVISION COMMISSION

Proposed Budget for FY 83

Personal Services

Secretary (Range 12, step K)  
12 mos. at 2,379 per month \$28,548  
Benefits at 27% 7,708

\$36,256

*research director (Range 23, Step C)*  
12 mo. at 4,022 per mo.

Travel

12 monthly hearings @ \$29,278  
1 hearing in rural Alaska 6,136

\$35,414

Contractual Services

Telephone at \$294 per mo. \$ 3,528  
Printing/advertising 2,354  
Rents/Leases 2,943  
Consultants 152,600

\$161,425

Supplies and Materials

Printing Supplies/Materials @ \$196  
per mo. \$2,352  
Stationery and office supplies 2,825

\$5,177

Total Fiscal Year 1983 \$238,272

Rounded \$239,000

STATE OF ALASKA

ALASKA CODE

REVISION COMMISSION

1981

ANNUAL REPORT



FEBRUARY 1982

ALASKA CODE REVISION COMMISSION  
POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811

ALASKA CODE REVISION COMMISSION

Commission Members

and

Appointing Authority

JOHN W. ABBOTT  
Chairman  
Governor--Public Member

L. S. KURTZ, JR.  
Board of Governors  
Alaska Bar Association

JAMES L. BALDWIN  
Vice-Chairman  
Governor--Executive

CHARLES G. ANDERSON  
Member of the House of  
Representatives  
Alaska State Legislature

PATRICK M. RODEY  
Member of the Senate  
Alaska State Legislature

JUDGE THOMAS B. STEWART (RET.)  
Chief Justice--  
Judicial Branch

---

SUSAN A. BURKE  
served as  
representative of  
Governor--Executive Branch  
until her resignation  
on January 1, 1981

FRED E. BROWN  
served as  
representative of the  
House of Representatives  
until he was replaced in  
June, 1981

WM. GRANT CALLOW  
served as the representative of the  
Chief Justice--Judicial Branch  
until his resignation on September 15, 1981

BILLY G. BERRIER  
Executive Secretary  
Director, Legal Services  
Legislative Affairs Agency

OFFICE:

110 Seward Street, Rm. No. 5  
Juneau, Alaska 99801  
PHONE: (907) 465-4378

MAILING:

Pouch Y, State Capitol  
Juneau, Alaska 99811

ALASKA CODE REVISION COMMISSION



COMMISSIONERS  
JOHN W. ABBOTT - CHAIRMAN  
JAMES L. BALDWIN - VICE CHAIRMAN  
PATRICK M. RODEY  
CHARLES G. ANDERSON  
L. S. KURTZ, JR.  
JUDGE (RET.) THOMAS B. STEWART

ALASKA STATE LEGISLATURE  
POUCH V - STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-4878

EXECUTIVE SECRETARY  
BILLY G. BERRIER

February, 1982

Representative Hugh Malone  
Chairman, Alaska Legislative Council  
Pouch V, State Capitol  
Juneau, Alaska 99811

Dear Representative Malone:

Pursuant to AS 24.20.075(f), the Alaska Code Revision Commission submits this report of its activities performed throughout the year 1981.

Very truly yours,

A handwritten signature in cursive script that reads "John W. Abbott".

John W. Abbott, Chairman  
Alaska Code Revision Commission

JWA:chw

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# ANNUAL REPORT FOR THE YEAR 1981

## INTRODUCTION

The primary objective of the Alaska Code Revision Commission, as established by AS 24.20.075, is to review and consider proposed changes in the law recommended by the National Law Institute, the National Conference of Commissioners on Uniform State Laws, the Alaska Judicial Council, the supreme court, the state or local bar associations, principal departments, agencies, boards and commissions of the executive or judicial branch, and committees of the legislative branch. The commission also seeks out on its own and works on parts of Alaska Statutes where it finds revision is needed to eliminate antiquated and inadequate law and to bring the law into harmony with current needs and conditions.

The commission consists of (1) two legislators, one from each house, appointed by the respective presiding officers; (2) one public member who is not an employee of the executive branch, appointed by the governor, and one member who is an employee of the executive branch, appointed by the governor; (3) a designee of the chief justice of the supreme court; and (4) a designee of the Alaska Bar Association, appointed by the board of governors of that association. The director of legal services for the Legislative Affairs Agency, or his designee, serves as the executive secretary for the commission.

The commission assists the legislature by carefully studying complex subjects, identifying major policy questions for legislative attention, gathering the views of interested persons and organizations, and drafting legislation for consideration by the legislature. Thus, the commission assists the legislature in accomplishing needed reforms that otherwise might not be made because of the heavy demands on legislative time.

## SUMMARY OF WORK OF COMMISSION

Presently in the Twelfth Legislature, Second Session, there are five bills that the commission prepared. One of the bills it prepared was enacted during the First Session of the Twelfth Legislature. The other bills now in the legislature are carried over from the 1981 session.

The Alaska Code Revision Commission was created in 1976. Since its creation it has generally reviewed the uniform acts proposed for adoption by the National Conference of Commissions on Uniform State Laws and has reviewed and discussed many parts of the Alaska Statutes for possible revision in depth. However, it has concentrated its attention on those projects described below.

Its first major project was revision of debtor and creditor law relating to exemption from execution. The resulting bill was introduced in 1979 and again in 1981. It is HB 74 and is in the House Judiciary Committee as this report is written. Commission members testified before that committee in 1981, and committee work on the bill has resumed in the 1982 session.

In 1978 the commission undertook a major revision of AS 4--Alcoholic Beverages. Since the legislature had established an interim committee specifically for this purpose, the commission forwarded its draft and extensive commentary to the Legislative Council for referral to the appropriate committee for further consideration. A complete revision of AS 4 was enacted as ch. 131, SLA 1980, which included much of the commission's work.

Also in 1978 a review of the real property conveyancing laws was begun. Then in 1979 this major project was divided into two areas: (1) recording and recorded documents; and (2) security interests in real property. The commission prepared draft legislation on each topic. In 1980 the draft bill on recording and recorded documents, which incorporates the Uniform Federal Lien Registration Act as amended by the commission, was submitted to the Legislative Council. However, no action was taken by the council on the bill in 1980, and it was introduced at the start of the First Session of the Twelfth Legislature in 1981 as SB 78. It passed out of the Senate Labor and Commerce Committee early in the session and presently rests in the Senate Judiciary Committee. The commission has provided testimony in both committees. The bill on security interests is in the House Judiciary Committee. The commission has offered to provide testimony on the bill when it comes up for consideration.

From its work on these real property bills, the commission saw the need for revision of the state law on acknowledgment that was based on a uniform law superseded in 1943. Various similar technical requirements of law also needed clarification and definition. The bill that resulted was SB 80 on oath, affirmation, acknowledgment, notarization and verification. It was enacted as ch. 137, SLA 1981.

In 1979 another major project was begun--a revision of Title 10--Corporations and Associations. This project began with an analysis of existing law and a comparison of Alaska law with other states' laws and the Model Act. Detailed drafting was done by a consultant in the field under contract with the commission. A draft of the proposed bill and commentary was completed and approved in November 1980. After forwarding the draft bill to the Legislative Affairs Agency for review, the review and final bill typing were completed in May 1981. After several meetings with the contractor and the staff member of the Legislative Affairs Agency, modifications were approved and the bill was retyped at the agency for introduction during the Second Session of the Twelfth Legislature.

Late in 1980 it was determined that a revision of the nonprofit corporations code should be undertaken, and a contract was entered into with the consultant who performed the work on the for profit code. An initial installment for review was received in February of 1981. After work throughout 1981, the final draft and commentary was approved during the November meeting and then forwarded to the Legislative Affairs Agency for review and bill typing. It is expected that the bill will be introduced sometime during the Second Session of the Twelfth Legislature. Also at the November meeting the contractor was given guidelines for preparation of a draft bill on native corporations. The first installment of that draft will be ready for consideration at the February 1982 meeting.

Also in 1980 a major project to revise the law on occupational licensing, AS 08, was begun. Six drafts were considered during 1981 and the commission gave final substantive approval to this revision and commentary at its January, 1982 meeting.

Throughout the years the commission has considered a variety of revisions. Several projects were either dropped or postponed so the commission could concentrate its efforts on revisions it believed to be more necessary and more consistent with the purposes for which it was created. Of the various topics considered, the following are worthy of note: the insurance code, the class action act, the uniform comparative fault act, the uniform marriage and divorce act, the uniform brain death act, the uniform limited partnership act,

guardians and conservators, the model product liability act, the administrative procedure act, domestic violence, small loans, and vital statistics.

In accordance with the intent of Title 24 and Title 44 of the Alaska Statutes, the Division of Legislative Audit was mandated to perform a "Sunset" review of the commission. A preliminary report including recommendations was presented to the commission in November. Consistent with "sunset" practices, the 1982 session of the legislature will determine whether the commission should be continued.

Each of the commission's bills was developed through a process of study of the available materials on the subject for revision including any pertinent uniform laws, inquiry of persons, groups and agencies concerned, and distribution of proposed drafting for comment.

During 1981 the commission held nine meetings consisting of eighteen working sessions. The time and place of these meetings was advertised in the major newspapers of the state, and special notice was given to the persons and groups thought to be most directly interested in the subjects to be taken up at particular meetings. Public participation has been encouraged in all phases of the commission's work.

## STATUS OF PROPOSED LEGISLATION

The status of legislation proposed by the commission, as detailed in its Annual Report of 1980, is as follows:

### Alaska Exemptions Act--HB 74

The bill was reintroduced in 1981 as HB 74 and was referred to House Judiciary. Although the committee held hearings on the bill, it remains in committee for further consideration in 1982.

### Uniform Commercial Code (Articles 8 and 9)--SB 77

The bill was reintroduced in 1981 as SB 77. It passed the Senate without amendment early in the session. On May 28, 1981, committee work on the bill was completed in the House, and it was referred to Rules for placement on the calendar. Although there appeared to be no opposition to enactment of these uniform amendments to the UCC, the bill was not placed on the calendar and remains in House Rules. Final passage is anticipated in the 1982 session.

### Uniform Disposition of Community Property Rights at Death Act--SB 79

The bill was reintroduced in 1981 as SB 79. It was referred to Senate Judiciary on January 14, 1981, and remains in that committee.

### Security Interests in Real Property--HB 403

The bill was introduced as HB 403 on March 25, 1981, and referred to House Judiciary. Committee hearings have not been held on the bill.

### Recording and Recorded Documents--SB 78

The bill was introduced as SB 78 and referred to Senate Judiciary January 16, 1981. Committee staff has sought to resolve differences that appeared over some aspects of the bill, and a Judiciary Committee substitute is expected to be introduced.

### Corporations--For Profit Code

The bill is scheduled for introduction early in the 1982 legislative session.

### Corporations--Nonprofit Code

The draft bill has been submitted to the Legislative

Affairs Agency for its review. Because of the volume and complexity of the bill it is uncertain when it will reach the legislature, but it should be during the 1982 regular session.

LEGISLATION ENACTED INTO LAW

Oath, Affirmation, Acknowledgment, Notarization and Verification

The commission's bill, SB 80 am H, was enacted in the form in which it was introduced, except for a nonsubstantive amendment, and became ch.37, SLA 1981, effective September 22, 1981.

## WORK OF THE COMMISSION IN 1981

During the year, the commission worked on the revisions listed below.

### Corporations--For Profit Code

The commission's work on corporations law began in 1979. After review and analysis of problems in the state law on business corporations, the commission contracted for a comprehensive study of Title 10 by a leading expert on corporation law, Professor Daniel Wm. Fessler. On the basis of the study, a contract was entered into with Professor Fessler to redraft the business corporations code.

A draft was given the commission's approval late in 1979, and the review process in the Legislative Affairs Agency was begun in 1980. However, the large volume of the work product and some differences in drafting style from the standard adopted by the legislature caused the review process to be especially time-consuming and complex. The work of the commission on the draft during 1981, therefore, was concerned largely with preserving its substantive work on the bill as style and drafting changes were made. The bill is to be introduced in the 1982 legislative session.

### Corporations--Nonprofit Code

Work on the business corporations code led the commission to contract for a review of the nonprofit corporations code and then to carry through a project to revise the law on nonprofit corporations. Work on the project continued through the year in much the same way the work had been done with the consultant on the business corporations law. The consultant's advice on policy issues was reviewed and policy decisions were made, specific drafting was done by the commission on some sections, successive drafts of the consultant's work were reviewed and revised, and a draft was approved for submission to the Legislative Council in November. The draft bill with extensive explanatory notes and section analysis then was sent to Legislative Affairs for further review required by that agency before the bill could be introduced through the Legislative Council. Experience with the for-profit revision indicated that several months will be required for the review process, and the commission may have further work to do on the bill after the Legislative Affairs Agency review.

### Business and Professions--Occupational Licensing

Throughout the year the commission's work on occupational licensing law continued. Study of the subject with

preliminary drafting was done in 1980. In 1981 the commission's work went through several additional drafts. Each of these was sent to chairpersons of the various boards, to the division of occupational licensing, and to other persons and groups thought to be interested, with a request for critical comment and an invitation to participate in the commission's meetings to review the successive drafts. A draft subject to the further review process of the Legislative Affairs Agency was approved in January, 1982. Since some of the agency review had been done at an earlier point, the additional review in that agency should be much less time consuming than that required for the corporations codes, and the bill should be introduced through the Legislative Council in the 1982 legislative session.

### Security Interests in Real Property--HB 403, Twelfth Legislature

Although the bill on real property security interests was ready for introduction early in the 1981 legislative session, there was continued work on the bill in early 1981. Throughout the commission's work on the bill, drafts were sent to title companies, banks, and other interested parties and public hearings were held. Continued and increased interest in the commission's work was shown by the Federal Home Loan Mortgage Association (FNMA, "Fannie Mae") at the time. The commission studied the extensive materials provided by FNMA and revised that part of the bill that limits the use of a "due-on-sale" clause in home sales. At present there is no statutory restriction on use of a "due on sale" clause in real property sales that permits the lender to call the whole debt on the real property due when it is resold. The section which finally resulted in the bill was designed to meet problems brought on by inflation and fluctuating interest rates that were troubling FNMA and other lenders and mortgage buyers. But at the same time, the bill places some limits on enforcement of the "due on sale" clause when a home is resold.

The "due on sale" section, although a very minor part of the bill, has taken attention from the balance of the bill. It would be possible to delete the section without affecting the main substance of the bill.

The bill was introduced as HB 403, was referred to the House Judiciary Committee, and remains in that committee as this report is written. Legislative committee hearings have not yet been scheduled.

A commentary prepared by the commission, including a section analysis, appears as House Journal Supplement No. 21 dated March 25, 1981, and is available in the legislature's bill distribution office or through the Alaska Code Revision Commission, Pouch Y, State Capitol. Juneau, Alaska 99811.

## Recording and Recorded Documents--SB 78, Twelfth Legislature

Although the commission's work in drafting this bill was completed before 1981, it was introduced in the 1981 session. The commission discussed the bill with the Senate Labor and Commerce Committee, its first committee of reference. It was passed out of that committee and referred to Senate Judiciary. The commission met with the committee and made its consultant on the bill available to work with committee staff so the main substance of the bill could be preserved and accommodated to changes desired by the committee.

The issues dealt with are discussed in the commission's commentary on the bill which was sent with the bill to the legislature. Copies are available from the commission's office at Pouch Y, State Capitol, Juneau, Alaska 99811.

## Oath, Affirmation, Acknowledgment, Notarization and Verification

The commission's work on this bill was completed in 1980. During 1981 the commission provided testimony on the bill in legislative committees, and the bill became law as ch. 137, SIA 1981.

## Alaska Hire

The commission is gathering background materials and searching for the optimum person to prepare a study and to work with it on avoidance of constitutional pitfalls in local hire laws.

## Revised Uniform Limited Partnership Act

Priorities set by the commission did not permit further work on the limited partnership law in 1981. The National Conference of Commissions on Uniform State Laws' revised uniform act has been further revised by the NCCUSL, and the subject will be taken up again for review.

## TOPICS FOR FUTURE CONSIDERATION

Setting priorities for the commission's attention has become increasingly important. The following subjects have been temporarily set aside, but they and other subjects will undergo continued work as time permits.

## Administrative Procedure Act

The commission has concluded that a revision of the Administrative Procedure Act is needed and has kept abreast of developments. In 1981 the National Conference of Commissioners

on Uniform State Laws adopted a revised model act. In the Senate Judiciary is a bill, SB 594, which borrows from NCCUSL drafts and would extensively amend the Alaska APA. Because the Senate Judiciary Committee expects concerted committee work on SB 594, the commission determined it should delay its work on the subject to see what progress the legislature makes on that bill during the 1982 session. If it proves that legislative changes in the APA do not come out of the 1982 session, the commission will assess the work that was done during the session on SB 594, and make a judgment, based upon its own assessment and that of legislators and others, on whether it should make the APA a major project.

#### SUNSET REVIEW OF THE COMMISSION

By AS 44.66.010(a), the commission is among a number of boards, commissions, and agencies that will be terminated on fixed dates unless continued by legislative action. Since the commission's termination date is June 30, 1982, the 1982 legislature will consider the place of the commission in the state's governmental and legislative organization and whether it should be continued. The Legislative Audit Division in its preliminary report has recommended termination of the commission unless its composition and role are changed. However, the commission believes it serves a needed function that is not performed by any other agency, and that it should be continued by the legislature in substantially its present form and role.

## ENABLING ACT

The law establishing the Alaska Code Revision Commission and stating its duties follows:

Sec. 24.20.075. Alaska Code Revision Commission. (a) The Alaska Code Revision Commission is established as a permanent commission of the legislature.

(b) The commission consists of two legislators, one from each house, appointed by the presiding officer; one public member, who is not an employee of the state government, appointed by the governor; a designee of the governor, who is an attorney employed by the executive branch of the state government; a designee of the chief justice of the supreme court; and a designee of the Alaska Bar Association appointed by the board of governors of the association. Legislative members serve at the pleasure of the presiding officer; the designee of the governor and the designee of the chief justice serve at the pleasure of the governor and chief justice, respectively; the public member and the designee of the board of governors serve terms of six years each, beginning July 1 and ending on June 30 six years later. Members may be reappointed or redesignated. A vacancy in the membership of the commission occurring other than by expiration of term shall be filled in the same manner as the original appointment but, with regard to the legislative members, the public member, and the board of governors' designee, for the unexpired term only. Members who are not state employees or legislators are entitled to receive the standard per diem and travel allowance provided for members of independent boards and commissions. Legislative members are entitled to receive the regular legislative per diem and travel allowance for days spent on commission business, and members who are state employees are entitled to receive the regular state employees per diem and travel allowance for days spent on commission business. The commission selects its chairman and vice-chairman. The director of legal services for the Legislative Affairs Agency, or his designee, serves as executive secretary for the commission. (am §§ 1, 2 ch 44 SLA 1980)

(c) The commission shall

(1) examine the statutes of the state and judicial decisions to discover defects and anachronisms in the law;

(2) review and consider proposed changes in the law recommended by the National Law Institute, the National Conference of Commissioners on Uniform State Laws, the Alaska Judicial Council, the supreme court, the state or local bar associations, principal departments, agencies, boards and commissions of the executive or judicial branch, and committees of the legislative branch;

(3) receive and consider suggestions from the Alaska bench and bar, public officials, organizations, and individuals as to areas of law needing review and remedy;

(4) recommend changes in law needed to eliminate antiquated and inadequate rules of law and to bring the law into harmony with current needs and conditions.

(d) The commission may

(1) hold public hearings and other meetings as necessary throughout the state and shall determine an appropriate quorum for conducting business;

(2) establish one or more subcommissions to assist it in the performance of its duties.

(e) The staff of the Legislative Affairs Agency serves as staff for the commission. Subject to appropriation for the purpose, the commission may request the agency to contract with other agencies or persons for the performance of necessary services.

(f) The commission shall submit its reports and recommendations, and draft legislation as to revision of law, to the Legislative Council and shall distribute them to the governor, members of the legislature, and the chief justice of the supreme court.

(g) All branches of state government shall provide information and documents requested by the commission necessary to the accomplishment of its work.

(h) The commission shall make a formal request to the Legislative Council for funds it considers necessary for the per diem, travel, and contractual expenses of the commission. Funds appropriated to the commission are to be disbursed and accounted for under procedures required by the Legislative Affairs Agency. The commission chairman shall approve all expenditure documents. (§ 1 ch 114 SLA 1976; am § 1 ch 57 SLA 1977)

#### Editor's Note

Section 4, ch. 44, SLA 1980, effective May 27, 1980, provides: "The public member and the designee of the board of governors, serving on the Alaska Code Revision Commission on the effective date of this Act [May 27, 1980], shall determine the length of their terms by drawing lots. The term of one of those members ends June 30, 1980, and the term of the other ends June 30, 1982. After these initial dates, the six-year-term provisions of AS 24.20.075(b) apply."

**Sec. 24.20.065. Examination of regulations and opinions.** (a) The legislative council shall annually examine administrative regulations, published opinions of state and federal courts and of the Department of Law that rely on state statutes, and final decisions adopted under the Administrative Procedure Act (AS 44.62) to determine whether or not

(1) the courts and agencies are properly implementing legislative purposes;

(2) there are court or agency expressions of dissatisfaction with state statutes;

(3) the opinions or regulations indicate unclear or ambiguous statutes.

(b) The legislative council shall submit a comprehensive report of the annual examination with recommendations to the members of the legislature at the start of each regular session. (§ 1 ch 72 SLA 1963)

**Sec. 24.20.070. Revision of statutes.** (a) The legislature may direct the council to revise the laws of the state in the form of a bulk formal revision. At the direction of the legislature and within the limit of appropriations made, the council may enter into contracts for the printing, annotating, indexing, and distribution of a revision of the laws of the state. The council receives sufficient copies of a revision for exchange with other states and jurisdictions. A revision prepared by the council under authority of this section shall be referred to the legislature for enactment or adoption.

(b) Statute revision is a continuing responsibility of the council. The general and permanent acts of each regular and special session of the legislature shall be integrated with and published as annual supplements to or replacement pamphlets for the Alaska Statutes. (§ 7 ch 17 SLA 1960; am § 5 ch 100 SLA 1963)

*Cited in Employment Sec. Comm'n v. Wilson, Su Ct. Op. No. 587 (File No. 1084), 461 P.2d 400 (1969).*

**Sec. 24.20.075. Code Revision Commission.** (a) The Code Revision Commission is established as a permanent commission of the legislature.

(b) The commission consists of two legislators, one from each house, appointed by the presiding officer; one public member, who is not an employee of the state government, appointed by the governor; a designee of the governor, who is an attorney employed by the executive branch of the state government; a designee of the chief justice of the supreme court; and a designee of the Alaska Bar Association appointed by the board of governors of the association. Legislative members serve at the pleasure of the presiding officer, and appointed members serve at the pleasure of the appointing authority. Members receive the standard per diem for board members, or the regular legislative per diem if they are legislators, for days spent on commission business. The

commission selects its chairman and vice-chairman. The director of legal services for the Legislative Affairs Agency, or his designee, serves as executive secretary for the commission.

(c) The commission shall

(1) examine the statutes of the state and judicial decisions to discover defects and anachronisms in the law;

(2) review and consider proposed changes in the law recommended by the National Law Institute, the National Conference of Commissioners on Uniform State Laws, the Alaska Judicial Council, the supreme court, the state or local bar associations, principal departments, agencies, boards and commissions of the executive or judicial branch, and committees of the legislative branch;

(3) receive and consider suggestions from the Alaska bench and bar, public officials, organizations, and individuals as to areas of law needing review and remedy;

(4) recommend changes in law needed to eliminate antiquated and inadequate rules of law and to bring the law into harmony with current needs and conditions.

(d) The commission may

(1) hold public hearings and other meetings as necessary throughout the state and shall determine an appropriate quorum for conducting business;

(2) establish one or more subcommissions to assist it in the performance of its duties.

(e) The staff of the Legislative Affairs Agency serves as staff for the commission. Subject to appropriation for the purpose, the commission may request the agency to contract with other agencies or persons for the performance of necessary services.

(f) The commission shall submit its reports and recommendations, and draft legislation as to revision of law, to the Legislative Council and shall distribute them to the governor, members of the legislature, and the chief justice of the supreme court.

(g) All branches of state government shall provide information and documents requested by the commission necessary to the accomplishment of its work.

(h) The commission shall make a formal request to the Legislative Council for funds it considers necessary for the per diem, travel, and contractual expenses of the commission. Funds appropriated to the commission are to be disbursed and accounted for under procedures required by the Legislative Affairs Agency. The commission chairman shall approve all expenditure documents. (§ 1 ch 114 SLA 1976; am § 1 ch 57 SLA 1977)

Effect of amendment. — The 1977 amendment inserted "who is not an employee of the state government" and "a designee of the governor, who is an attorney employed by the executive branch of the state government" in the first sentence of subsection (b).  
Editor's note. — For provisions relating

to the former Criminal Law Revision Subcommittee of the Code Revision Commission, which expired January 15, 1978, see §§ 2 and 3, ch. 114, SLA 1976, in the Temporary and Special Acts of 1976 in

Binder 9. For provisions amending section 2, ch. 114, SLA 1976, see § 2, ch. 57, SLA 1977, in the Temporary and Special Acts of 1977 in Binder 9.

**Sec. 24.20.080. Intergovernmental cooperation.** The council may encourage and arrange conferences with officials of other states and nations and of other units of government and propose cooperation between this state and other states and nations. The council constitutes the Alaska Commission on Interstate Cooperation in participating in and carrying out the programs of the Council of State Governments as they apply to Alaska. The chairman of the council serves as chairman of the commission. (§ 8 ch 17 SLA 1960; am § 6 ch 126 SLA 1966; am § 1 ch 6 SLA 1972)

**Sec. 24.20.090. Assignment of projects.** The council may be assigned projects or subjects for study, reporting, or drafting. Assignment shall be by resolution. The council may determine a schedule of priorities for these and other assignments or requests based on feasibility, time and the availability of funds and staff. (§ 9 ch 17 SLA 1960)

**Sec. 24.20.100. Requests for service.** Members of the legislature may utilize the research and bill drafting services of the Legislative Affairs Agency. Requests by members of the legislature are confidential. Staff services for members of the legislature shall be accomplished subject only to the priority of assignments determined by the council. (§ 10 ch 17 SLA 1960)

**Sec. 24.20.110. Meetings.** The legislative council may meet during sessions of the legislature and during intervals between sessions at such times and places inside 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. (§ 11 ch 17 SLA 1960)

**Sec. 24.20.120. 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 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 public and may be made available at a reasonable cost. (§ 12 ch 17 SLA 1960)

**Sec. 24.20.130. 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 estimated 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. (§ 13 ch 17 SLA 1960)

**Sec. 24.20.140. Appropriations.** Appropriations for carrying out §§ 10 — 140 of this chapter shall be set forth in the general appropriation bill or such other bills as may be necessary. The council may direct the executive director to transfer amounts from one appropriation to another if the transfer is considered necessary to accomplish the work of the council. The council may not exceed the total amount of the authorized appropriation. All expenditures of the council are subject to an independent audit which shall be made annually. (§ 14 ch 17 SLA 1960; am § 2 ch 10 SLA 1976)

**Effect of amendment.** — The 1976 amendment substituted "to an independent audit which shall be made annually" for "to audit" at the end of the last sentence.

**Article 2. Legislative Budget and Audit Committee.**

Section	Section
151. Legislative Budget and Audit Committee established	241. Legislative audit division
161. Membership	251. Qualifications and appointment of legislative auditor
171. Term of membership	261. Staff
181. Vacancies	271. Powers and duties
191. Meetings	281. Special audit
201. Powers	291. Conflict of interest
211. Legislative finance division	301. Records
221. Staff	311. Reports
231. Duties	

**Repeal of former article.** — Section 1, ch. 95, SLA 1971, repealed former Article 2, entitled "Legislative Post Audit." The former article consisted of §§ 24.20.150 — 24.20.370, and derived from ch. 86, SLA 1959.

**Legislative committee report.** — For report on ch. 95, SLA 1971 (FCCS SCS CSHB 14 am 2d FCC), see 1971 House Journal, p. 121.

**Sec. 24.20.151. Legislative Budget and Audit Committee established.** 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. (§ 2 ch 95 SLA 1971)

**Sec. 24.20.161. Membership.** The Legislative Budget and Audit

The fourth 1980 amendment added paragraph (8) of subsection (a).

The fifth 1980 amendment added paragraph (9) of subsection (a).

**Sec. 44.66.020. Agency programs.** (a) Agency programs and activities listed in this subsection which are specifically designated as provided in AS 44.66.030 are subject to termination during the regular legislative session convening in the month and year set out after each:

- (1) programs in the budget categories of general government, public protection, and administration of justice — January, 1980;
- (2) programs in the budget categories of education and the University of Alaska — January, 1981;
- (3) programs in the budget categories of health and social services — January, 1982;
- (4) programs in the budget categories of natural resources management, development and transportation — January, 1983.

(b) An agency program or activity designated in (a) of this section shall be subject to termination during the regular legislative session convening four years after the preceding review and may be subject to termination at any time upon the recommendation of the Legislative Budget and Audit Committee and the concurrence of the legislature as if under AS 44.66.030. (§ 3 ch 149 SLA 1977)

**Sec. 44.66.030. Program identification.** During the legislative session preceding each of the years set out in AS 44.66.020, the Legislative Budget and Audit Committee shall designate, not later than March 1 of those years, the programs and activities within each program category which shall be subject to termination in the next fiscal year. The recommendations of the Legislative Budget and Audit Committee shall be submitted to the respective houses of the legislature in the form of a bill which, if enacted into law, would terminate those designated programs and activities on or before July 1 of the following year. (§ 3 ch 149 SLA 1977)

**Sec. 44.66.050. Legislative oversight.** (a) Before the termination, dissolution, continuation or reestablishment of a board or commission under AS 08.03.010 or AS 44.66.010, or of an agency program under AS 44.66.020 and 44.66.030, a committee of reference of each house, which shall be the standing committee of legislative jurisdiction as provided in the Uniform Rules of the Legislature, shall hold one or more hearings to receive testimony from the public, the commissioner of the department having administrative responsibility for each named board, commission, or agency program, and the members of the board or commission involved. The hearings may be joint hearings. The committee shall also consider the proposed budget of the board, commission, or agency program, prepared in accordance with AS 37.07.050(f), and the performance audit of the activities of the board, commission, or agency program, prepared by the legislative audit division as prescribed in AS 24.20.271(1). The committee may consider

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any other report of the activities of the board, commission or program, including but not limited to annual reports, summaries prepared by the Legislative Affairs Agency, and any evaluation or general report of the manner of conduct of activities of the board, commission, or agency program prepared by the office of the ombudsman.

(b) During a public hearing, the board, commission or agency shall have the burden of demonstrating a public need for its continued existence or the continuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

(c) A determination as to whether a board or commission or agency program has demonstrated a public need for its continued existence shall take into consideration the following factors:

(1) the extent to which the board, commission or program has operated in the public interest;

(2) the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters;

(3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest;

(4) the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided;

(5) the extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions;

(6) the efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved;

(7) the extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public;

(8) the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest; and

(9) the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

(d) As to each board, commission, or agency program assigned to it for purposes of review, the committee of reference shall, not later than the 60th day of the legislative session, submit a report to the presiding officer of the house. The report shall contain a summary of the findings of the committee as to the compliance of the board, commission or program with the factors enumerated in (c) of this section, together with a summary or recommendations of the committee as to each of the following:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

(4) an assessment of alternative methods of achieving the purposes of the program;

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

(e) The committee of reference may introduce a bill providing for the reorganization or continuation of the board, commission or agency program. No more than one board, commission, or agency program shall be continued or reestablished in any legislative bill, and the board, commission, or agency program shall be mentioned in the title of the bill. (§ 3 ch 149 SLA 1977)

Sec. 44.66.060. Existing claims. This chapter shall not cause the termination or dismissal of a claim or right of a citizen against a board, commission or program of an agency terminated under this chapter which is subject to litigation. Claims and rights shall be assumed by the department to which the board or commission terminated under this chapter was attached for administrative purposes. (§ 3 ch 149 SLA 1977)