

COMMITTEE REPORT
SENATE

3/30/82

FURTHER: Finance

Date: 4/27/82

Mr. President:

The Committee on STATE AFFAIRS has had HB 675
limitation of the number of state employees

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

- do pass do not pass
- do pass with attached amendments(s)
- 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

Larry D. Stinson

V. Vischen

MEMBERS HAVING
OTHER RECOMMENDATIONS:

W. Blum *MS 100*

V. Vischen

CHAIRMAN

HB 675

12-2218
Bernie

Introduced: 1/20/82
Referred: Finance

BY COTTEN, FREEMAN, BETTISWORTH,
ADAMS, BEIRNE, CHUCKWUK, MONTGOMERY,
HURLBERT, FULLER, HALFORD AND
PHILLIPS

1 IN THE HOUSE

2 HOUSE BILL NO. 675

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to limitation of the number of state
7 employees; and providing for an effective date."

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

9 * Section 1. AS 37.07.080(d) is amended to read:

10 (d) No state agency may increase the salaries of its employees,
11 employ additional employees, or expend money or incur obligations except
12 in accordance with law and properly approved operations plan. A limit
13 on state employees set out in an appropriation act may not be exceeded
14 by a state agency. However, this prohibition does not apply to addition-
15 al positions approved through a revised program under (h) of this
16 section.

17 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
18 070(c).

ALASKA STATE LEGISLATURE

TWELFTH Legislature SECOND... Session

HOUSE ...BILL..... NO. ...675.

By COTTEN, FREEMAN, BETTISHORN,
ADAMS, BEIRNE, CHUCKWUK,
MONTGOMERY, HURLBERT,
FULLER, WALFORD AND PHILLIPS

"An Act relating to limitation
of the number of state employees;
and providing for an effective date."

Limitation of state employees

Introduced in the House . 1982, 1982

HISTORY IN THE HOUSE

1982		Read first time and referred to Committee on Finance										
Jan 20												
Jan 29		Reported back with recommendation that <i>Finance, & Expenses To Rules</i>										
Mar 26		Read second time and <i>Failed to advance</i>										
Mar 29		Read third time and										
Mar 29		<table border="0"> <tr> <td>PASS <i>2d</i></td> <td>Effective Date</td> </tr> <tr> <td>Yeas 35</td> <td>Yeas</td> </tr> <tr> <td>Nays 4</td> <td>Nays <i>None</i></td> </tr> <tr> <td>Absent 0</td> <td>Absent</td> </tr> <tr> <td>Excused 1</td> <td>Excused</td> </tr> </table>	PASS <i>2d</i>	Effective Date	Yeas 35	Yeas	Nays 4	Nays <i>None</i>	Absent 0	Absent	Excused 1	Excused
PASS <i>2d</i>	Effective Date											
Yeas 35	Yeas											
Nays 4	Nays <i>None</i>											
Absent 0	Absent											
Excused 1	Excused											
		Reconsideration										
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PASS	Effective Date											
Yeas	Yeas											
Nays	Nays											
Absent	Absent											
Excused	Excused											
27		Reported correctly engrossed										
27		Signed by Speaker										
27		Sent to Senate										
		<i>Joseph L. Boyd</i> CHIEF CLERK OF THE HOUSE										

HISTORY IN THE SENATE

19 82		Read first time and referred to Committee on SA Fin										
3 30												
4 28		Reported back with <i>S.A.</i> recommendation that <i>2 do pass, 1 no rec, to fin.</i>										
		Read second time and										
		Read third time and										
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		Reported correctly engrossed										
		Signed by President										
		Returned to House										
		SECRETARY OF THE SENATE										

HISTORY IN THE HOUSE

19		Received from Senate
		Concurred in Senate amendment thus adopting: VOTE
		Failed to concur in Senate amendment; asked Senate to recede VOTE
		Senate receded from amendment VOTE
		Senate failed to recede from amendment VOTE
		CC appointed by House
		CC appointed by Senate
		CC adopted by House VOTE
		CC adopted by Senate VOTE
		To enrolling
		Reported correctly enrolled
		Sent to Governor
	 by Governor
		Filed with Lt. Governor
		Chapter No.

N O T I C E

Section 7, chapter 82, SLA 1981 became law on January 16, 1982, following a vote of the legislature to override the governor's 1981 veto of the section.

The section (part of the 1981 - 1982 general appropriation bill) reads as follows:

* Sec. 7. The figures in parentheses indicating numbers of positions which follow certain program or subprogram names throughout sec. 28 of this Act shall be the total number of permanent full-time or part-time positions for which expenditures are authorized from appropriations made in this Act. The amounts budgeted for personal services within an appropriation are conditioned upon compliance with the requirement that the total number of permanent full-time or part-time positions shall not be increased during the fiscal year over the numbers shown in parentheses for program or subprogram units within the appropriation. Additional positions beyond those indicated in parentheses may be authorized through an appropriated fiscal note or revised program authorizing receipt and expenditure of additional federal or other program receipts approved in accordance with AS 37.07.080(h).

STATE OF ALASKA

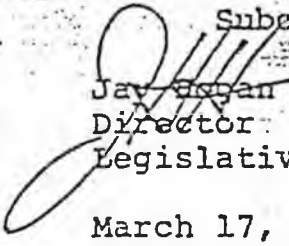
THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF--STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

MEMORANDUM

TO: Senator Arliss Sturgulewski
Chairman
Senate Finance Transportation
Subcommittee

FROM:  Jay Egan
Director
Legislative Finance

DATE: March 17, 1981

SUBJECT: Position control through appropriations

This memorandum assumes two things:

- (1) There exists a desire to have some legislative control over the size and growth rate of the state operating budget, and
- (2) The size and growth rate of the operating budget are in large part related to the number of state employees.

During the early and mid 1970's, the legislature had some degree of control over the number of state employees assigned to various state operations. During the regular session the finance committees received, reviewed, and approved, where appropriate, agency requests for new positions. During the interim and throughout the budget year, the Legislative Budget & Audit Committee received, reviewed, and approved, where appropriate, revised programs establishing new positions. This process disintegrated in May of 1978 with the Superior Court decision in Kelley v. Hammond, in which the court held that the Budget & Audit Committee could not approve or veto the establishment of positions (see attached partial summary judgment). The decision opened the gates for the establishment of new positions during the budget year via revised programs requiring approval only of the Director of Budget and Management.

MEMORANDUM

March 17, 1981

Position control through appropriations

Page 2

The shortcomings of the currently-existing system are nowhere better illustrated than in RP 81-14x (attached). Through this RP, Central Region, Highways, established ten new positions for the current budget year, FY 1981, four days following adjournment of the Second Session of the Eleventh Legislature. According to the new rules of the game, legislative approval of these ten positions is now requested of this legislature in the FY 82 DOT operating budget.

At the request of the Senate Finance Committee, I sent a memo dated February 10, 1981, to all departments and agencies, requesting among other things the numbers, salaries, and positions requested in the FY 82 budget that had been established by revised program. I further requested an indication as to whether or not these positions were currently filled (memorandum attached). The responses to this request are still trickling in, but of particular interest is a memorandum from the Director of Budget and Management to all agencies, the first paragraph of which reads as follows:

The Governor's Office is concerned about the rapid growth of new positions in State Government. Many of these positions have been established by revised program. This fact reveals that many agencies have not done an adequate job of estimating their FY 81 staffing requirements. Ultimately this reflects on the quality of the Governor's budget.

(copy of memorandum attached).

Obviously, as long as the governor's budget office can authorize the establishment of new positions at will, there is no way the legislature can effectively control the number of state employees. In my view, the Executive Budget Act as currently written allows the legislature, if it wishes, to state as a condition of its appropriations that the amounts budgeted for personal services are for a specified number of positions and that that number may not be exceeded. In support of this AS 37.07.080(d) (attached) states:

MEMORANDUM --

March 17, 1981

Position control through appropriations

Page 3

(d) No state agency may increase the salaries of its employees, employ additional employees, or expend money or incur obligations except in accordance with law and properly approved operations plan.

If adopted by the legislature, a policy of legislative position control would require the insertion of language conditioning those portions of appropriations budgeted for personal services with language similar to that shown in Sec. 3 from a State of Maine general appropriation act (copy attached). For all appropriations or allocations that include budgets for positions, we have for the past several years--for informational purposes only--included a parenthetical reference to the total number of permanent full time and part time positions approved. Under this proposal that parenthetical reference would shift from an "informational" item to a permanent position ceiling not to be exceeded except through an additional authorization for personal services contained in some other appropriation approved by the legislature.

Attachments

Introduced: 1/20/82
Referred: Finance

BY COTTEN, FREEMAN, BETTISWORTH,
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