

S

B

8

6

7

COMMITTEE REPORT

SENATE

3/18/82

FURTHER: Finance

Date: 3/18/82

Mr. President:

The Committee on JUDICIARY has had SB 864

continuing the existence of the Alaska Code Revision Commission and amending statutes relating to its responsibilities

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)
- replace with CS for 11/10/81 same title
- and recommends 11/10/81 new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

CHAIRMAN

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

EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: David Rogers, Spec. Counsel
Senate Finance Committee

FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission

DATE: April 22, 1982

RE: CSSB 864 (Jud) continuing of the
Alaska Code Revision Commission

As you requested, following is a sectional analysis of CSSB 864 (Jud):

Section 1. This section extends until June 30, 1985, the life of the Alaska Code Revision Commission. Unless the date of June 30, 1982 is extended, the commission "expires" on that date and continues in existence only one more year "for the purposes of concluding its affairs." Reference AS 44.66.010.

Section 2. By this section the membership of the commission is increased by the addition of two public members who are not employees of the state. Like the present public member, the additional members would be appointed by the governor for six year terms.

If the bill becomes law this year without an effective date clause or a transitional section, it is possible that the additional public members' terms would not begin until July 1, 1983.

Although the bill is workable as it is, a transition section could be added in a form like one of the following:

ALTERNATIVE 1.

TRANSITION. Notwithstanding the provisions of AS 24.20.075(b), the term of the additional public members appointed by the governor after the effective date of this Act begins on the date of appointment and ends June 30 1988.

ALTERNATIVE 2.

TRANSITION. Notwithstanding the provisions of AS 24.20.075(b), the term of the additional public members appointed by the governor after the effective date of this Act begins on the date of appointment; the term of one ends June 30, 1984 and the term of the other ends June 30, 1986, as designated by the governor.

The term of the existing public member expires June 30, 1982. The second alternative above would stagger the six year terms of the three public members.

Section 3. The change on page 2, line 14, corrects an error in the name of the American Law Institute as it appears in AS 24.20.275(c)(2).

The change on page 2, line 16, makes it specific that the Alaska Legislative Council is one of the committees of the legislature whose recommendations for changes in law will be reviewed and considered by the commission. This is existing practice.

Section 4. This section requires the commission to continue its present practice of preparing a sectional analysis of its draft legislation. It is specified that the analysis be in "language that is understandable to a layman."

The committee hearing, if it is held April 23, 1982, coincides with a meeting of the commission in Juneau. Therefore, the commission members will be available to answer your committee's questions.

DR:chw

MEMORANDUM

TO: Senator Don Bennett and Senator Ed Dankworth
Co-Chairmen, Senate Finance Committee

FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission

DATE: April 13, 1982

RE: CSSB 864--Continuing the Alaska Code
Revision Commission

This is to review the history of CSSB 864 and to point out the time pressure on the bill. It was referred to your committee very recently on April 7, 1982.

Existing law, AS 44.66.010(a)(8), terminates the Alaska Code Revision Commission June 30, 1982, subject to its continuing another year "for the purpose of concluding its affairs."

After a joint hearing of House Judiciary and Senate State Affairs on March 9th, both committees intended to introduce continuation bills (see Senate Journal for March 15th at pages 572-574; House Journal for March 12th at page 777).

As it happened, the House Judiciary Committee did not introduce a bill because time for introduction of bills ran out. For reasons unrelated to the merits, the committee chose to rely on the Senate bill rather than to ask for suspension of the rules to introduce its bill in the House. I am informed the bill in the form your committee has it is the bill the House Judiciary Committee would have introduced. These things can be checked with House Judiciary staff.

The result is that the House is not doing committee work on its version of a continuation bill.

I do not know how much work the House will do on the bill, but it seems an early arrival of the bill in the House would help assure it will have time for passage.

Senator Don Bennett and Senator Ed Dankworth
April 13, 1982
Page 2

I will be glad to answer any questions or to try
to get answers for you to any questions I cannot answer.

DR:chw

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SENATE BILL NO. 864
 Title An Act continuing the existence of the Alaska Code Revision Com-
mission and amending the statutes, etc Date 4-12-82
 Requested by: Senate Finance Committee

II. FISCAL DETAIL

Agency Affected Legislative Affairs Agency
 Program Category Affected General Government
 BRU, Program, Or Subprogram(s) Affected _____
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		101.1	111.2	122.3		
200 TRAVEL		35.4	39.0	42.9		
300 CONTRACTUAL		96.6	106.3	116.9		
400 COMMODITIES		5.2	5.7	6.3		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		238.3	262.2	288.4		

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		238.3	262.2	288.4		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		2	2	2		
PART TIME						
TEMPORARY						

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

Fiscal Year 1983: (Fiscal Years 1984 and 1985 - add 10% per year)

Personal Services ----- 101.1
 Secretary - Range 12K - for 12 months @\$2,379 per month
 Research Director - Range 23C - for 12 mo @\$4,251 per mo.
 Plus benefits at 27%

Travel ----- 35.4
 12 monthly hearings ----- \$29,278
 1 hearing rural Alaska ---- 6,136

Contractual Services ----- 96.6
 Telephone @\$294 per month - \$3,528 Rents/Leases - \$2,943
 Printing/advertising ----- 2,354 Consultants --- 87,800

Supplies and Materials ----- 5.2
 Printing supplies/materials - @\$196 per month - \$2,352
 Stationery and office supplies ----- \$2,825

IV. DATE 4-12-82 PREPARED BY Wally Harrison, Director
 AGENCY Legislative Affairs Agency
 PHONE 465-3850

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

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

EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Senator Patrick M. Rodey
Alaska State Legislature

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

DATE: April 30, 1982

RE: CSSB 864 (Fin) (continuing the code
revision commission)

I walked up Seward Street with you this noon, and we talked about CSSB 864 (Fin) to continue the code revision commission.

Soon thereafter I had a telephone call from Tom Stewart. He had talked with Speaker Joe Hayes during the noon hour about this bill and said Hayes was "very cooperative" about moving it along.

I attach material I had left with Judge Stewart (for your information).

DR:chw

Attachments

4:30 PM Friday, April 30: Second call today from Tom Stewart. He saw Hayes again, and Hayes agreed that he would refer the bill directly to Rules.

MEMORANDUM

TO: Commissioner Thomas B. Stewart
Alaska Code Revision Commission

FROM: Dickerson Regan, Consultant

DATE: April 30, 1982

RE: CSSB 864 (Fin) (continuing the ACRC)

I left a couple of messages concerning passage of CSSB 864 (Fin). It passed the Senate with a 20-0 vote April 29.

At the commission meeting, I believe you said you would ask Joe Hayes to refer the bill directly to Rules when it came to the House.

That referral would be fine, and by this note I just pass along what information I have.

Before trying to call you about Senate passage of the bill, I stopped by to see the House Judiciary staff asking the question on the attached penciled note. I ran into Ramona Barnes who said she would not be offended if her committee were by-passed.

I then stopped to see Linda Wilde in Rules (other penciled note and attachments). Linda informed me the bill would have to have a hearing in Rules if it had not had a hearing in any other House committee. She also said the legislature would not be adjourning for ten days. Linda did not see what would be gained by a referral directly to Rules. You know the legislative process better than any of us, and I just pass along the comments without any judgment about them.

There was a joint meeting of House Judiciary and Senate State Affairs concerning sunseting the commission on March 9th, before SB 864 was introduced. I neglected to mention that to Linda, and don't know whether it affects the rule that a Senate bill must have a hearing in the House.

Commissioner Thomas B. Stewart
April 30, 1982
Page 2

As you probably know, the Speaker has not been referring bills to committees this week and the House is recessed until 10:00 a.m., Monday, May 3rd.

(The zero fiscal note replaces one that included the entire commission budget.)

DR:chw

Attachments

April 29, 1982

To Julia Koster
+ Bill Cook

Re SB 864 (Fin)
(continuing the
code revision comm'n)

When the code revision
commission met here
April 23, 1982, it was
concerned about the
time element for passage of
SB 864 extending the life
of the commission.

In its present form
(CS SB 864 (Fin)) it is just
as Julia drafted it and
coordinated it with Kevin
Bruce, except for the
addition of a Section 5 that
staggeres the terms of the
public members. For all

practical purposes, the bill that passed the Senate today is your bill. It carries a zero fiscal note.

I see by my notes from the commission's meeting that it was agreed that commission member Tom Stewart would ask Speaker Joe Hays if the bill could be referred directly to Rules when it came to the House. (Time, of course, is the consideration.) Would your committee be offended if the referral were directly to Rules?

A sectional analysis of the bill is attached. Dick Regan

Renoma Barnes
said OK to this on Apr. 29.
Dick Regan

SECTIONAL ANALYSIS OF CSSB 864 (FIN)

Section 1. This section extends until June 30, 1985, the life of the Alaska Code Revision Commission. Unless the date of June 30, 1982 is extended, the commission "expires" on that date and continues in existence only one more year "for the purposes of concluding its affairs." Reference AS 44.66.010.

Section 2. By this section the membership of the commission is increased by the addition of two public members who are not employees of the state. Like the present public member, the additional members would be appointed by the governor for six year terms.

Section 3. The change on page 2, line 14, corrects an error in the name of the American Law Institute as it appears in AS 24.20.075(c)(2).

The change on page 2, line 16, makes it specific that the Alaska Legislative Council is one of the committees of the legislature whose recommendations for changes in law will be reviewed and considered by the commission. This is existing practice.

Section 4. This section requires the commission to continue its present practice of preparing a sectional analysis of its draft legislation. It is specified that the analysis be in "language that is understandable to a layman."

Section 5. This transitional section is the only change (addition) made to the bill by the Finance CS. Since the term of the existing public member expires June 30, 1982, Section 5 staggers the six year terms of the three public members.

April 29, 1982
To Linda Wilde, H. Rules

Re: CSSB 864 (Fin)
(continuing the Alaska
Code Revision Comm)

This bill may come
directly to Rules
when it comes over
to the House. Roma
Barnes has no
problem with it

bypassing Judiciary,
since the present
form of the bill is
what Julia Koster
of House Judiciary put
together.

Attached is
my memorandum to
Senate Finance. Also
attached is a section
analysis. Dick Regan 465-4878

SECTIONAL ANALYSIS OF CSSB 864 (FIN)

Section 1. This section extends until June 30, 1985, the life of the Alaska Code Revision Commission. Unless the date of June 30, 1982 is extended, the commission "expires" on that date and continues in existence only one more year "for the purposes of concluding its affairs." Reference AS 44.66.010.

Section 2. By this section the membership of the commission is increased by the addition of two public members who are not employees of the state. Like the present public member, the additional members would be appointed by the governor for six year terms.

Section 3. The change on page 2, line 14, corrects an error in the name of the American Law Institute as it appears in AS 24.20.075(c)(2).

The change on page 2, line 16, makes it specific that the Alaska Legislative Council is one of the committees of the legislature whose recommendations for changes in law will be reviewed and considered by the commission. This is existing practice.

Section 4. This section requires the commission to continue its present practice of preparing a sectional analysis of its draft legislation. It is specified that the analysis be in "language that is understandable to a layman."

Section 5. This transitional section is the only change (addition) made to the bill by the Finance CS. Since the term of the existing public member expires June 30, 1982, Section 5 staggers the six year terms of the three public members.

MEMORANDUM

TO: Senator Don Bennett and Senator Ed Dankworth
Co-Chairmen, Senate Finance Committee

FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission

DATE: April 13, 1982

RE: CSSB 864--Continuing the Alaska Code
Revision Commission

This is to review the history of CSSB 864 and to point out the time pressure on the bill. It was referred to your committee very recently on April 7, 1982.

Existing law, AS 44.66.010(a)(8), terminates the Alaska Code Revision Commission June 30, 1982, subject to its continuing another year "for the purpose of concluding its affairs."

After a joint hearing of House Judiciary and Senate State Affairs on March 9th, both committees intended to introduce continuation bills (see Senate Journal for March 15th at pages 572-574; House Journal for March 12th at page 77;).

As it happened, the House Judiciary Committee did not introduce a bill because time for introduction of bills ran out. For reasons unrelated to the merits, the committee chose to rely on the Senate bill rather than to ask for suspension of the rules to introduce its bill in the House. I am informed the bill in the form your committee has it is the bill the House Judiciary Committee would have introduced. These things can be checked with House Judiciary staff.

The result is that the House is not doing committee work on its version of a continuation bill.

I do not know how much work the House will do on the bill, but its seems an early arrival of the bill in the House would help assure it will have time for passage.

Senator Don Bennett and Senator Ed Dankworth
April 13, 1982
Page 2

I will be glad to answer any questions or to try
to get answers for you to any questions I cannot answer.

DR:chw

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSSB 864 (Jud)
 Title Alaska Code Revision Commission
 Requested by Finance Committee Date 4-12-82

II. FISCAL DETAIL
 Agency Affected Legislative Affairs
 Program Category Affected General Government
 BRU, Program, Or Subprogram(s) Affected _____
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

-0-

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

-0-

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section VII)

The funds for this committee are contained in the General Appropriations Act and no additional funds are requested.

IV. DATE 4/27/82 PREPARED BY Wally Harrison, Director
 AGENCY Legislative Affairs Agency
 Original: Legislative Finance PHONE 465-3850
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-1 (Rev. 12/81)

A PERFORMANCE REVIEW
OF THE
ALASKA CODE REVISION COMMISSION

conducted by
R. W. Pavitt and Associates, Inc.

Members of the Alaska
Code Revision Commission

John W. Abbott, Chairman

Sen. Patrick M. Rodey

Rep. Charles G. Anderson

L.S. (Jerry) Kurtz, Jr., Esq.

James L. Baldwin

Hon. Thomas B. Stewart

Billy G. Berrier, Executive Secretary

STATE OF ALASKA

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

THE LEGISLATURE

FINANCE DIVISION
POUCH WF—STATE CAPITOL

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

November 6, 1981

Members of the
Legislative Budget and Audit Committee:

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 Alaska Code Revision Commission.

Since this Division is part of the Legislative Branch as is the Commission, we lack the apparent independence necessary to perform the review.

The Division contracted with Mr. R. W. Pavitt of R.W. Pavitt and Associates, Inc. to perform this review. This firm is a reputable planning and management consultant business that has been in operation for several years and is located in Juneau.

We feel this report discharges our responsibility, mandated under Title 24 and Title 44. The report is submitted for your review.



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

R. W. PAVITT AND ASSOCIATES, INC.

PLANNING CONSULTANTS

October 28, 1981

Legislative Audit Division
State of Alaska
Pouch W
Juneau, Alaska 99811

Att: Merle R. Jenson, Deputy Legislative Auditor

Dear Mr. Jenson:

In accordance with the Contract for Services between the Legislative Audit Division and our firm, we have completed a performance review of the Alaska Code Revision Commission using guidelines and standards established in Alaska Statutes for such "sunset" reviews.

The report, entitled A PERFORMANCE REVIEW OF THE ALASKA CODE REVISION COMMISSION, is hereby submitted.

Respectfully,



R. W. Pavitt, AICP
President

RWP/bp

A PERFORMANCE REVIEW OF THE ALASKA CODE REVISION COMMISSION

Table of Contents

PURPOSE AND SCOPE OF THE REVIEW	- 1-
ORGANIZATION AND FUNCTION	- 3-
REPORT CONCLUSION	- 6-
FINDINGS AND RECOMMENDATIONS	- 9-
ANALYSIS OF PUBLIC NEED	-11-

Appendices

APPENDIX A - Table summarizing subject matter studied by the Commission, 1975 - 1981	-13-
APPENDIX B - Alaska Statutes regarding law revision	-17-
APPENDIX C - Table indicating how other states deal with code revision	-20-
APPENDIX D - Alaska Code Revision Commission Budgets, FY 77 - FY 82	-22-

Responses

• Letter from Alaska Code Revision Commission; 11/30/81	-24-
• Letter transmitting response from ACRC; 1/25/82	-25-
• <u>Response to Performance Review of Alaska Code Revision Commission; 1/25, 82</u>	-26-
• Letter from R. W. Pavitt and Associates, Inc; 2/5/82	-32-
• <u>Rebuttal to Response to Performance Review of Alaska Code Revision Commission; 2/5/82</u>	-33-

PURPOSE AND SCOPE OF THE REVIEW

Purpose

In accordance with AS 24.20.271(1) and AS 44.66 (Sunset Legislation), a review of the Alaska Code Revision Commission was conducted to examine the commission's activities, operation, policies and accomplishments. The purpose of the review is to determine if the commission has operated in a fair, effective, efficient and economical manner in the performance of its statutory functions, duties and responsibilities.

As required by AS 44.66.050, this report shall be considered during the legislative oversight procedure in determining whether the Alaska Code Revision Commission should be continued or reestablished. AS 44.66.010(a) currently specifies that this commission will terminate on June 30, 1982, but will continue until June 30, 1983 for the purpose of concluding its affairs.

Scope

The major areas studied were the commission's operations, policies, administration, procedures; and the effectiveness of its recommendations in accomplishing its mandated objective of bringing "the law into harmony with current needs and conditions" (AS 24.20.075(c)(4)). The review consisted of examination, research, analysis and evaluation of the following:

- (1) Applicable Alaska Statutes and amendments thereto;
- (2) Minutes of the commission from its inception to the present;
- (3) Annual Reports of the Alaska Code Revision Commission dated February 1979, February 1980, February 1981;
- (4) Records and documents of the commission;
- (5) Contracts with consultants;
- (6) Commission budgets for FY 77, 78, 79, 80, 81 and 82;
- (7) Code revision procedures in other states;
- (8) Interviews conducted with:
 - ° an Alaskan representative to the National Conference of Commissioners on Uniform State Laws (NCCUSL)

- Legislative Affairs Agency personnel:
 - . Co-Revisors of Statutes
 - . Director of Legal Services
 - . Director of Administrative Services
 - Legislative Finance Division personnel
 - present members of the commission
 - former members of the commission
 - a consultant to the commission
 - the secretary to the commission
- (9) Observation of the Alaska Code Revision Commission during its October 12, 1981 meeting in Juneau.

*

ORGANIZATION AND FUNCTION

The Code Revision Commission was established as a permanent commission of the legislature by an act of that body (ch 114 SLA 1976). The act creating the commission established its membership as consisting of two legislators (one from each house appointed by the presiding officer); a public member appointed by the governor; a designee of the chief justice of the supreme court, and a designee of the board of governors of the Alaska Bar Association. The director of legal services for the Legislative Affairs Agency or his designee serves as executive secretary for the commission.

The commission was created to:

- (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 the law needing revision 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.

The commission was empowered to:

- (1) hold public hearings and other meetings as necessary throughout the state, and to determine an appropriate quorum for conducting business;
- (2) establish one or more subcommissions to assist it in the performance of its duties.

The staff of the Legislative Affairs Agency serves as staff for the commission, and (subject to appropriations for the purpose) contracts with other agencies or persons for the performance of necessary services for the commission.

Funds considered necessary for the commission (per diem, travel, contract expenses) are to be sought in a formal budget request to the legislative council. (Appropriated funds are dispersed and accounted for under procedures required by the Legislative Affairs Agency).

All branches of state government are directed to provide information and documents required by the commission necessary to the accomplishment of its work.

The commission is directed to 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.

In 1977, membership on the commission was broadened to include a "designee of the governor who is an attorney employed by the executive branch of the state government." (ch 57 SLA 1977).

The enabling legislation was further amended in 1980 to:

- (1) clarify the name of the commission as the Alaska Code Revision Commission;
- (2) establish 6 year terms for the public member and the designee of the Alaska Bar Association board of governors, and prescribe the manner in which vacancies are filled;
- (3) clarify the per diem and travel allowances provided members of the commission; and,
- (4) prescribe the manner in which the public member and the designee of the board of governors shall determine the length of their respective terms of office.

The amending act (ch 44 SLA 1980) also brings the Alaska Code Revision Commission (AS 24.20.075) within the purview of the sunset law, (AS 44.66.010), and adds the name of the commission to the list of boards and commissions scheduled to expire on June 30, 1982.

*

*

REPORT CONCLUSION

Policy Issues

This review discusses issues raised as a result of our analysis and evaluation of the commission's responsibilities, structure, operations and procedures. Resolution of these policy matters will require legislative action. In debating these issues, the legislative oversight committees should consider the findings and alternatives presented in this report in reaching their decision.

Report Conclusion

In our opinion, the Alaska Code Revision Commission should not be continued in its present form.

That conclusion is supported by the following rationale:

- In the 5 years since its establishment, the commission has met 45 times. In terms of substantive revisions adopted into law by the Alaska Legislature, the results of the commission's work have not been commensurate with the thousands of hours devoted to the effort (see Appendix A)
- The duties and responsibilities assigned to the commission by the enabling act (AS 24.20.075) are substantially similar to those mandated to the Legislative Council, the Legislative Affairs Agency and the Co-revisors of Statutes (AS 01.05.036; 24.20.060(4); 24.20.065(a); and 24.20.070(b)). Such duplication of responsibilities tends to create tensions and conflict among legislative agencies which is not in the best interests of state government (see Appendix B)
- The subject matter considered by the commission is frequently not consistent with legislative needs and priorities.

The creation of the code revision commission resulted from a bill (SB 665) submitted by Senators Rodey and Rader in 1976. The commission envisioned

in the bill was to be "within the Legislative Affairs Agency" and "staffed by the agency". Membership was to include four legislators, four public members, a designee of the Alaska Bar Association and a designee of the chief justice of the supreme court. Substantive changes were made to the Rodey-Rader bill, and when it emerged from the legislative process as chapter 114 SLA 1976, the new commission had a different lineup of membership, and quasi-independent status as a "permanent commission of the legislature." Although the "Director of Legal Services for the Legislative Affairs Agency serves as executive secretary for the commission", the relationship between the commission and the agency is not sharply defined; and the responsibilities assigned to the commission are, in part, duplicative of revision tasks already required of the Legislative Council, the Legislative Affairs Agency and the Revisors of Statutes.

A major difference between Alaska's code revision commission and the prestigious California Law Revision Commission (after which it was intended to be patterned) is the manner in which subjects come before the commission for consideration. In the California model, topics for commission study are restricted to those approved by concurrent resolution of the Legislature. This system assures legislative concern and interest in the recommendations of the commission, and provides certainty that the subjects considered are consistent with the Legislature's desires and priorities.

Of 35 states answering a 1979 inquiry by the commission as regarding code revision procedures, 10 responded that the legislature itself (through its judiciary committees, legislative council or special committees) accomplished needed revisions. Revisors of Statutes and legislative affairs agencies accomplished revision work in 14 other jurisdictions. 11 states reported permanent law revision commissions, but of these, four are empowered to deal only with non-substantive revisions (see Appendix C).

Substantive revision of politically-sensitive law in Alaska has been successfully accomplished in the past by legislatively-appointed special commissions (as in the case of the major Criminal Code revision), or by a special committee of the legislature such as the committee that revised Title 4 (Alcoholic Beverages). A special committee is currently working on a major overhaul of Title 29 (Municipal Government).

Despite perceived conflicts resulting from the present statutory structure of the code revision commission, its broad-based membership of legislative, executive and judicial branch representatives, as well as the public and Alaska Bar members, provide a breadth of legal knowledge, perception and experience that has much potential value as an advisory function to the lawmaking process. Particularly in areas of generally low legislative interest such as probate law, security law, real property conveyancing, bankruptcy law and the like, the commission has shown that it can provide necessary expertise in recommending statutory revision that "will bring the law into harmony with current needs and conditions." (AS 24.20.075(c)(4)).

While this report concludes that the Alaska Code Revision Commission should not be continued in its present form, we believe that if the legislature desires to continue the commission after June 30, 1982, AS 24.20.075 should be substantively amended to eliminate the perceived conflicts with other legislative agencies, as well as to clarify the duties and responsibilities of the commission and its relationship to the Legislative Council. The Findings and Recommendations section of this report is thus divided into two parts. If the oversight committee considering this performance review opts to recommend termination of the commission, Part 1 includes the recommended procedure. Part 2 recommends statutory changes that should be considered if the committee wishes to recommend continuation of the Alaska Code Revision Commission.

*

*

*

FINDINGS AND RECOMMENDATIONS

PART 1

[TO TERMINATE THE ALASKA CODE REVISION COMMISSION - AS 44.66.010(a)(8)]

Recommendation No. 1

Repeal AS 24.20.075 effective June 30, 1983.

If the decision is made to terminate the commission, it will continue in existence until June 30 of 1983 for the purpose of concluding its affairs (AS 44.66.010(b)).

The FY 83 budget of the commission should contain sufficient funds for concluding its contractual obligations, submitting its final report, and transferring its records, files and office equipment to the Legislative Affairs Agency.

PART 2

[TO CONTINUE OR REESTABLISH THE ALASKA CODE REVISION COMMISSION -
AS 44.66.010(c)]

Recommendation No. 1

Amend AS 24.20.075 to require that the commission annually file a report to the Legislative Council which shall contain a calendar of topics selected by it for study, including a list of the studies in progress and a list of topics intended for future consideration. After the filing of the first report, the commission shall confine its studies to those topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study by resolution of the Legislative Council. The commission shall also study any topic which the legislature, by concurrent resolution, refers to it for such study.

The purpose of this recommended amendment is two-fold:

- (1) to improve communication and understanding between the legislative council and the commission; and,
- (2) to avoid conflict between special committees of the legislature and the commission with regard to study topics.

Recommendation No. 2

Amend AS 24.20.075 to clarify the role of the commission as an advisory body.

Conflict has arisen from time to time with respect to the actual drafting of legislation by the commission...a task that is clearly assigned to the Legislative Affairs Agency division of legal services by the legislative council.

Recommendation No. 3

Amend AS 24.20.075 to delete (c)(1).

AS 24.20.075(c)(1) states that the commission shall examine the statutes of the state and judicial decisions to discover defects and anachronisms in the law. This duty is assigned to other legislative agencies in AS 01.05.036 and AS 24.20.065.

*

*

*

*

ANALYSIS OF PUBLIC NEED

The following analysis of Commission activities relates to the public need factors defined in AS 44.66.050(c). Inasmuch as the Alaska Code Revision Commission is not a regulatory body, a number of the factors are not applicable to the performance review of the commission.

I. The extent to which the board, commission or agency has operated in the public interest.

1. The commission has recommended revisions to Alaska law which in its judgement were in the general public interest.

II. 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.

1. Lack of its own staff and the inability of the legal services division of the legislative affairs agency to provide continuing services to the commission (because of its own heavy work load) tended to impede the commission's work in its early years. More recently, consultants have been engaged to keep up with the continuing work of the commission.

III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.

See response to I.

IV. 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.

Not applicable to this commission.

V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.

1. The commission has consistently notified parties of interest in topics that it was studying and encouraged their participation in its meetings.
2. The commission has held meetings in a number of locations in Alaska for the purpose of encouraging public participation on specific topics under consideration.

VI. 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 the board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.

1. This review has not identified any record of complaints with respect to commission activities with either the Legislative Affairs Agency or the Office of the Ombudsman.

VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

Not applicable to this commission.

VIII. 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.

Not applicable to this commission.

IX. 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.

Please refer to the previous section, Findings and Recommendations, Part 2.

* * * * *

APPENDIX A

TABLE SUMMARIZING SUBJECT MATTER
STUDIED BY THE COMMISSION 1976-1981

LEGISLATION CONSIDERED	Referred by	Consultant	date first considered	ACRC ACTION	date of action	LEGISLATIVE ACTION
1. ALCOHOLIC BEVERAGES (Title 4)	Individual Legislator	Machyowsky	7/15/76	materials forwarded to Leg. Council for Leg. Committee use.	7/17/79	some materials used in ch 131 SLA 1980
2. INSURANCE (Title 21)	Individual Legislator	-----	-----	See No. 26	-----	-----
3. CLASS ACTION ACT	NCCUSL	-	9/1/76	postponed pending Court action	12/10/76	
4. UNIFORM LAND TRANSACTIONS ACT	NCCUSL	MacMurtray	9/1/76	divided into sections, see Nos. 11, 16, 17 and 22		
5. UNIFORM EXEMPTIONS ACT	NCCUSL	LAA staff Jim Baldwin	9/1/76	approved for submission to Leg. Council	9/21/78	HB 74 ('81) HB 56 ('79)
6. UNIFORM COMPARATIVE FAULT ACT	NCCUSL	-	3/17/78	-	-	
7. CORPORATIONS (Title 10)	-	• Fessler	6/22/78	to Leg. Affairs for drafting bill	11/17/80	
8. UNIFORM COMMERCIAL CODE (Articles 8 and 9)	NCCUSL	LAA staff Ken Vassar	6/22/78	approved for submission to Leg. Council	1978 1980	HB 55 ('79) HB 77 ('81)
9. UNIFORM PROBATE CODE (Homicide)	NCCUSL	-	6/22/78	considered	10/26/78	SB 56 ('79) ch 36 SLA 1979

LEGISLATION CONSIDERED	Referred by	Consultant	date first considered	ACRC action	date of action	LEGISLATIVE ACTION
10. INTERNATIONAL WILLS (Probate Code)	NCCUSL	-	3/16/78	approved for submission to Leg. Council	10/26/78	SB 54 ('79)
11. REAL PROPERTY CONVEYANCING	see No. 4	Peterson Regan	2/9/79			
12. UNIFORM MARRIAGE & DIVORCE ACT	NCCUSL	-	4/18/79	no further action	11/10/80	
13. UNIFORM FEDERAL TAX LIEN REGISTRATION ACT	NCCUSL	LAA staff Ken Vassar	10/18/79	modified and approved for submission to Leg. Council	11/18/79	included in SB 78 ('81)
14. UNIFORM BRAIN DEATH ACT	NCCUSL	-	10/18/79	no further action	10/18/79	
15. UNIFORM LIMITED PARTNERSHIP ACT	NCCUSL	LAA staff Jack Chenoweth	10/18/79			
16. OATHS, AFFIRMATIONS, ACKNOWLEDGEMENTS, NOTARIZATION AND VERIFICATION	see No.4 (includes Unif. Recog. of Acknowl. Act - NCCUSL)	Regan	2/9/79	approved for submission to Leg. Council	2/21/80	SB 80 ('81) ch 37 SLA 1981
17. RECORDING AND RECORDED DOCUMENTS	see No.4 and No. 13	Regan	2/9/79	approved for submission to Leg. Council	10/18/79	SB 78 ('81)
18. GUARDIANS AND CONSERVATORS	Individual Legislator	-	2/21/80	no further action	5/8/80	

LEGISLATION CONSIDERED	Referred by	Consultant	date first considered	ACRC action	date of action	LEGISLATIVE ACTION
19. MODEL PRODUCT LIABILITY ACT	Individual Legislator	-	2/22/80	no further action	4/10/80	
20. ALASKA HIRE	Several Legislators		2/22/80			
21. ADMINISTRATIVE PROCEDURES ACT	NCCUSL		4/10/80			
22. REAL PROPERTY SECURITY INTERESTS	see No. 4	Regan	2/9/79	approved for submission to Leq. Council	2/23/81	HB 403 ('81)
23. DOMESTIC VIOLENCE	Several Legislators	-	2/22/80	no further action	5/8/80	
24. SMALL LOANS		Regan	5/8/80	bill drafted no further action	12/12/80	
25. VITAL STATISTICS		Regan	5/8/80	bill drafted no further action	8/18/80	
26. INSURANCE CODE			5/8/80			
27. ALASKA SECURITIES ACT			5/8/80			
28. OCCUPATIONS AND PROFESSIONS		Regan	7/2/80			
29. UNIFORM DISPOSITION OF COMMUNITY PROPERTY RIGHTS AT DEATH ACT	NCCUSL			no record of action		SB 79 ('81) SB 58 ('79)
30. NON-PROFIT CORPORATIONS		Fessler	11/17/80			

APPENDIX B

ALASKA STATUTES REGARDING LAW REVISION

APPENDIX B
ALASKA STATUTES REGARDING LAW REVISION

Sec. 01.05.036. Improvement of statutes. The Legislative Affairs Agency, working in cooperation with the revisor shall make recommendations to the legislative council concerning deficiencies, conflicts or obsolete provisions in and the need for reorganization or revision of the statutes, and, at the direction of the legislative council, shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state. - - - -

(emphasis added)

Sec. 24.20.060. The legislative council has the following powers:

- - - - -

- (4)(B) conduct a continuing program for the revision and publication of the acts of the legislature.
- (C) execute a program for the oversight of the administration and construction of laws by state agencies and the courts through regulations, opinions and rulings.

(emphasis added)

Section 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 the final decisions adopted under the Administrative Procedure Act (AS 44.02) 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.

(emphasis added)

Sec.24.20.070. Revision of Statutes. - - - - -

- (b) Statute revision is a continuing responsibility of the council.

- - - - -

(emphasis added)

Section 24.20.075. Code Revision 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 ba., 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.

- - - - -
(emphasis added)

APPENDIX C

TABLE INDICATING HOW OTHER STATES
DEAL WITH CODE REVISION

APPENDIX C
HOW OTHER STATES DEAL WITH CODE REVISION

In 1979, the commission directed inquiries to 45 states seeking information on how those states accomplished code revision. 35 states responded to the survey. Following is a summary of those responses.

States that accomplish code revision through their legislative committee system, and/or the equivalent of Alaska's Legislative Council.

ARIZONA	NEW HAMPSHIRE
MAINE	NORTH DAKOTA
MISSOURI	OHIO
NEBRASKA	WEST VIRGINIA
NEVADA	WISCONSIN

States that accomplish code revision through their revisors of statutes, or through the equivalent of Alaska's Legislative Affairs Agency.

ALABAMA	NEW MEXICO
DELAWARE	OKLAHOMA
HAWAII	RHODE ISLAND
KANSAS	SOUTH DAKOTA
KENTUCKY	TENNESSEE
MINNESOTA	TEXAS
MONTANA	WYOMING

States that accomplish code revision through code revision commissions

CALIFORNIA	MARYLAND (n-s)
COLORADO	MICHIGAN
GEORGIA	NEW YORK
INDIANA (n-s)	NORTH CAROLINA
LOUISIANA	VERMONT (n-s)
VIRGINIA (n-s)	

(n-s) = commissions empowered to consider only non-substantive revisions

APPENDIX D

ALASKA CODE REVISION COMMISSION
BUDGETS FY 77 - FY 82

APPENDIX D
BUDGETS OF THE ALASKA CODE REVISION COMMISSION, FY 77 - FY 82

The following information was obtained from the Authorizations and Expenditures documents of the Legislative Affairs Agency, and from the records of the Alaska Code Revision Commission.

Budget for Fiscal year 1977	-	\$ 57,000
Budget for Fiscal year 1978	-	53,000
Budget for Fiscal year 1979	-	100,000
Budget for Fiscal year 1980	-	119,000
Budget for Fiscal year 1981	-	175,000
Budget for Fiscal year 1982	-	219,000
		<hr/>
TOTAL AUTHORIZED SINCE INCEPTION . . .		\$ 723,000

ALASKA CODE REVISION COMMISSION



COMMISSIONERS
JOHN W. ABBOTT - CHAIRMAN
WM. GRANT CALLOW - VICE CHAIRMAN
PATRICK M. RODEY
FRED E. BROWN
L. S. KURTZ, JR.
JAMES L. BALDWIN

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

EXECUTIVE SECRETARY
BILLY G. BERRIER

November 30, 1981

RECEIVED

DEC 01 1981

LEGISLATIVE
AUDIT

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit
Pouch W, State Capitol
Juneau, Alaska 99811

Re: Performance review of the Alaska Code
Revision Commission, October 28, 1981

Dear Mr. Wilkerson:

The Alaska Code Revision Commission acknowledges receipt of the preliminary performance review. Copies were distributed to members for review at the November 23-24, 1981 meeting in Anchorage. We are currently in the process of drafting a response as requested in your November 10, 1981 letter. However, because of further telecommunications between commissioners necessary for a thorough response, there will be a slight delay in submitting it to you within the allotted twenty-day time period. We sincerely regret the delay.

Please call if this creates any problems for you.
Thank you for your consideration.

Very truly yours,

John W. Abbott
by: chw

John W. Abbott, Chairman
Alaska Code Revision Commission

JWA:chw

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

EXECUTIVE SECRETARY
BILLY G. BERRIER

January 25, 1982

RECEIVED

JAN 27 1982

LEGISLATIVE
AUDIT

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit
Pouch WF, State Capitol
Juneau, Alaska 99811

Re: Response to Preliminary Performance Review
of the Alaska Code Revision Commission

Dear Mr. Wilkerson:

Enclosed please find the report as referenced above
as our response to the audit conducted by Mr. R. W. Pavitt
and Associates, Inc.

Please contact me if you require further information
by way of response.

Very truly yours,

John W. Abbott
by: chw

John W. Abbott, Chairman
Alaska Code Revision Commission

JWA:chw

Enclosure

RESPONSE TO PERFORMANCE REVIEW
OF ALASKA CODE REVISION COMMISSION

This response, in addition to addressing matters specifically requested to be addressed, will respond to both information and recommendations contained in the audit review of R. W. Pavitt and Associates, Inc.

Purpose and Scope of Review

Although the scope of review as set forth in the audit report was very broad, in fact little or no attention was paid to many factors in evaluating the commission. While the legislative mandate creating this commission is given lip service, in fact the thrust of the audit makes clear some significant misconceptions of commission functions and responsibilities by the auditor.

Little if any attention appears to have been given to Items (2) through (8). Only one present member of the Alaska Code Revision Commission was interviewed. Approximately one-half day of the October 12, 1981 meeting was observed by the auditor. A misconception concerning the work to be performed by the commission pursuant to its statutory mandate and the actual workings of this commission is apparent throughout the audit report and is further reflected in the recommendations contained in the report.

Organization and Function

The commission agrees with the auditor's statement of the organization and function of the commission.

Report Conclusion

The commission does not agree with the recommendation that it should not be continued in its present form. While it agrees with some of the recommendations set out in the report (as indicated below), it does not feel that legislative action is necessary at this time to restructure the commission.

The report conclusion is supported by the following reasons:

1. That in spite of the many hours devoted to producing proposed legislation, few of the commission bills have been adopted.

This rationale is incorrect in two respects:

- (a) It assumes that the function of the commission is to get bills passed. The legislature, not the commission is responsible for the passage of legislation. The commission's work product has been used in many ways other than enactment of

commission proposed bills. The commission's work product has been used by the legislature in a research context; has been used to effect major revisions in existing law (Title 4); has been used as a research tool by Legislative Affairs and the Attorney General's Office; and language drafted by the commission has been used where appropriate in the drafting of many bills by other state agencies.

(b) At the present time there are five major bills proposed by the commission under consideration by this legislature. These include:

- (1) Exemptions Act
- (2) Amendments to Chapters 8 and 9 of the Uniform Commercial Code
- (3) A Revised Recording Act
- (4) A Security Interests Bill
- (5) The Alaska Business Corporations Code

2. That the duties and responsibilities of the commission are substantially similar to those mandated to the Legislative Council, Legislative Affairs, and the Co-Revisors of Statutes.

This rationale is incorrect in the following respects:

(a) The commission, even where the mandate would permit, does not perform certain functions performed by the aforementioned bodies, including:

(i) Revisor duties of a strictly technical nature (e.g., adherence to the legislative drafting style, use of legislative format).

(ii) Review of draft legislation for the legislature or the executive branch of government or drafting.

(iii) Introduction of personal bills or special interest legislation.

(b) The commission reviews model act legislation, statutory changes amending or updating uniform laws, introduction of uniform laws recommended for adoption by the NCCUSL, legislation encompassing an entire title as opposed to amendments of existing laws.

3. That the enabling legislation for the commission has created problems concerning the duplication of legislative-type tasks.

Although the commission's mandate is extremely broad and would allow duplication of functions, in fact there is little or no duplication. The relationships and jurisdiction of the legislative bodies have been worked out through the cooperation of these bodies, and each now performs its own

functions in cooperation with the other legislative bodies.

4. The commission finds no significance in the fact or belief that it originally was patterned after the California Law Revision Commission. The commission's authority results from legislative enactment, and it is irrelevant what California does or does not do.

5. It is also irrelevant what other states have done. In Alaska, the legislature has created by statute the scope of the commission's authority. The statement contained in this paragraph of the audit report that substantive law revisions in Alaska have been successfully handled in the past is entirely incorrect. The success of the Criminal Code Commission provided the impetus for creation of a permanent code revision commission. The Title 4 revision was begun after the commission had half completed its revision of Title 4, and the legislature used all of the commission's factual data and draft legislation. No other major projects like those of the commission have been undertaken by any other body or group.

6. This paragraph is correct insofar as it goes. It fails to mention, however, that the extremely technical nature of the legislation considered by the commission renders it particularly suitable to blue-ribbon panel treatment. Moreover, technical statutory revision as accomplished by the commission has traditionally been deferred by the legislature to select committees, a fact which led to the creation of both the criminal code and the Acode revision commissions.

7. The commission believes that it can continue to provide valuable assistance to the legislature in its present form without any changes in the present law, but is not opposed to legislation to make more clearly known to the commission the desires of the legislature so that the commission may better perform its functions.

Findings and Recommendations

Part I

If the commission is terminated, funds should be provided to allow it to fulfill its existing obligations and cease activities on June 30, 1983.

Part II

The commission now complies (and has in the past complied) with the below-listed recommendations:

(a) Filing of annual reports.

(b) Notification to the Legislative Council of the matters to be considered by the commission.

(c) Complete information, including minutes of all commission meetings, to apprise the Legislative Council of its activities.

(d) Consideration of any topics referred to it by the legislature, by formal or informal request; the formality of a concurrent resolution is not necessary, as the commission has on numerous occasions solicited projects from the legislature and its individual members.

(e) The commission has always maintained a calendar of topics to be considered and has to the extent practicable adhered to it.

The commission agrees that communications between it and the Legislative Council could be improved and has made repeated efforts for the past several years to do so.

The commission also agrees that a better mechanism should be developed to avoid conflicts between it and special legislative committees.

Recommendation No. 2

The commission now sees its mandate as providing advice and assistance to the legislature. All draft legislation is subject to review by the Legislative Council and is actually introduced through the council. Thereafter, it is subject to the same treatment as every bill introduced in the legislature. The commission acts in an advisory role.

Recommendation No. 3

The commission presently examines statutes of the state and judicial decisions as a part of its overall mandate to revise, in toto, anachronistic state laws.

Analysis of Public Need

The commission agrees with all of the paragraph, of this section except:

(a) IX which is responded to in the commission's reponse to Findings and Recommendations, Part II.

Conclusion

The commission performs a task that is not now performed by any other body in the state government: the substantial revision-updating of entire bodies of technical laws. Legislatures in Alaska have never undertaken these projects, and in fact they would normally be beyond its scope. These projects are logically and practically performed by a special commission similar to the Alaska Code Revision Commission.

APPENDIX

Appendix "A" to the Preliminary Audit incorrectly states commission action in a number of instances where column "ACRC action" of the exhibit says "no further action." The commission actively considered the Uniform Brain Death Act (Item 14) and the Uniform Marriage and Divorce Act (Item 12) and decided they were inappropriate for Alaska.

The appendix incorrectly states that a legislator referred the insurance code (Items 2 and 26) to the commission. Actually, in 1980 the Department of Commerce and Economic Development asked the commission to review AS 21. The commission realized revision of the insurance code would be a major project, and concluded that it could absorb no more major projects at that time. Later, the commission was informed that the Department of Commerce was working on the project so considered it no further.

The class action problem (Item 3) was solved by court rules. Real property conveyancing (Item 11) was dealt with under Item 22, which resulted in HB 403. The commission decided the matters covered by the Uniform Comparative Fault Act (Item 6) were best left for court resolution, some of which had occurred when that decision was made.

The Uniform Limited Partnership Act (Item 15) was renewed and redrafted by the Legislative Affairs Agency at the request of the commission. It then became apparent that it was a poor uniform act, and the commission decided to table it. This and the Uniform Marriage and Divorce Act are good examples of considerable effort devoted by the commission to reviewing and sometimes hearing testimony on uniform acts. "No further action" is a poor description of the time required for that review.

The commission's work on guardians and conservators was started by legislative request and stopped by legislative request, again not disclosed by the "no further action" in the appendix. The introduction of a bill on the subject by the administration also encouraged the commission to abandon the field.

Alaska Hire (Item 20) still is under active consideration by the commission after having been tabled pending completion of litigation. The commission now is seeking a constitutional law expert to explore the feasibility of new approaches to that legal thicket. Similarly, the commission has repeatedly discussed the Administrative Procedure Act (Item 2). We still are waiting for a statement of the administration's position and legislative action on SB 594 (Senator Rodey's Judiciary Committee bill). If neither the administration nor the legislature pushes the bill, the commission may. However, the commission now is being discouraged by both branches from moving ahead on this bill.

The commission is unaware of legislative direction to work on domestic violence (Item 23). While several legislators may have suggested that, others informed the commission to stay away from the area because bills were being actively considered by the legislature. One passed last year.

The commission started work on a revision of the Small Loans Act (Item 24). After hearing testimony and learning of the activity of the Special Senate Committee on Banking, the commission refrained from taking action on that subject. The commission has not worked on the Alaska Securities Act (Item 27), although the Department of Commerce has asked that the commission look at limited portions of it on several occasions.

R. W. PAVITT AND ASSOCIATES, INC. _____

PLANNING CONSULTANTS

February 5, 1982

Legislative Audit Division
State of Alaska
Pouch W
Juneau, Alaska 99811

Attention: Merle R. Jenson, Deputy Legislative Auditor

Dear Mr. Jenson:

I have completed close scrutiny of the 6-page document entitled RESPONSE TO PERFORMANCE REVIEW OF ALASKA CODE REVISION COMMISSION.

The thrust of the document (hereafter referred to as the Response) appears to hold that the PERFORMANCE REVIEW OF THE ALASKA CODE REVISION COMMISSION (hereafter referred to as the Review) incorrectly assesses the duties and responsibilities assigned to the commission by the Legislature; and, as a result of such misconception, erroneously recommends that the body be restructured or terminated.

I submit that the research accomplished in preparing the Review was thorough and adequate; that the factors considered in the Review are proper and consistent with the "sunset review" process, and that the conclusion and recommendations were arrived at logically and objectively from the evidence and material available.

With the exception of a minor amendment to the title of Appendix A (page - 13 -; change DETAILING to SUMMARIZING), I recommend that the report entitled A PERFORMANCE REVIEW OF THE ALASKA CODE REVISION COMMISSION, as submitted by the contractor, be forwarded to the appropriate legislative committee along with the responses received by the Legislative Audit Division.

As agreed, I will be available for testimony at such time as the committee considers the matter.

Respectfully,



R. W. Pavitt, AICP
President

RWP/bp

REBUTTAL

TO

RESPONSE TO PERFORMANCE REVIEW OF ALASKA CODE REVISION COMMISSION

Purpose and Scope of Review

The Response constitutes an unsupported attack on the methodology and the thoroughness of the performance audit.

- Contrary to the contention of the Response, great weight was given to items (2) through (8).
- In addition to the formal interview of one present member, the auditor, during the October 12, 1981 meeting, spent well over an hour in a direct question and answer session with all members (in attendance) of the commission, and informally discussed the matter of the sunset review further for 15 - 20 minutes during a coffee break with two of the commissioners. Two extensive interviews were also conducted with the Executive Secretary.
- The Response fails to document its contention that "a misconception" is apparent in the Review with respect to the mandate and the workings of the commission.

Organization and Function

The Response agrees with the Review.

Report Conclusion

The Response contends that the results of the commission's efforts in terms of substantive revisions adopted into law by the Alaska Legislature is not a valid measure of the overall effectiveness of the commission; and goes on to disagree with statements in the Review regarding duplication of code revision responsibility, and the conflicts that result from such redundancy of effort.

- Inasmuch as the responsibilities of the commission (AS 24.20.075) boil down to the charge to "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", the acceptance of these recommendations by the Legislature, as reflected in substantive enactments, would appear to be the ultimate test of the commission's effectiveness.

- Interviews conducted with staff attorneys connected with the Legislative Affairs Agency and the Department of Law did not support the contention in the Response that the commission's work product has been an important research tool.
- The fact that the "duties and responsibilities of the commission are substantially similar to those mandated to the Legislative Council, Legislative Affairs and the Co-Revisors of Statutes" is clearly documented in the summary of Alaska Statutes regarding law revision contained in Appendix B to the Review.
- The Response states that "The commission, even where the mandate would permit, does not perform certain functions performed by the aforesaid bodies...." (emphasis added); and acknowledges that the "commission's mandate is extremely broad and would allow duplication of functions",.... (emphasis added). Although the Response holds that duplication and conflicts do not exist, interviews conducted during the Review with Legislative Affairs attorneys and a careful reading of the commission's minutes indicates that they in fact do.

Findings and Recommendations

Part I

The Response agrees with the statement in the Review that if the commission is terminated, sufficient funds should be provided to fulfill its existing obligations and cease activities on June 30, 1983.

Part II

The Response sets forth the parts of Recommendation No. 1 with which the commission feels it is now complying, and agrees that communications with the Legislative Council need improving, and that a mechanism for avoiding conflict with special legislative committees should be developed.

- Recommendation No. 1, as written, attempts to address these matters.

With respect to Recommendation No. 2, the Response indicates that the commission understands its advisory role in the lawmaking process.

- Recommendation No. 2, as written, seeks to statutorily clarify the relationship of legislative advisors.

Regarding Recommendation No. 3, the Response states that the commission presently sees the review of anachronistic state laws as part of its mandate.

- Recommendation No. 3, as written, seeks to leave this responsibility with the Co-Revisors of Statutes and the Legislative Affairs Agency where it presently is placed (AS 01.05.036)

Appendix

The Response takes umbrage at the use of the term "no further action", and suggests that in a number of instances, that term does not tell the whole story of the commission's consideration with respect to the item of legislation.

- Appendix "A" to the Review summarizes, in brief tabular form, the work of the commission on 30 items. The table was constructed from the minutes of the commission (7/15/76 - 8/5/81). In its preliminary form, it was independently checked for accuracy by a consultant to the commission and by a former member. Both suggested minor additions and corrections which were incorporated into the table.
- The auditor agrees that a 3-page table cannot totally detail 5+ years of commission effort. The table does, however, accurately summarize the actions of the commission and of the legislature. The suggestion is therefore made that the title of the appendix in question be changed to: "TABLE SUMMARIZING SUBJECT MATTER STUDIED BY THE COMMISSION 1976 - 1981"

The Response, in discussing the commission's consideration of the Administrative Procedure Act makes the statement: "If neither the administration nor the legislature pushes the bill, the commission may." (emphasis added)

- While the enthusiasm of the commission for exploring the difficult problems of the Administrative Procedure Act is commendable, the stridency of the statement quoted above appears to be in marked contrast to the claims in the Response that the commission fully perceives its duties and responsibilities vis-a-vis the legislative process.

*

*

*

February 5, 1982

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSSB 864 (Jud)
 Title Alaska Code Revision Commission
 Requested by Finance Committee Date 4-12-82

II. FISCAL DETAIL
 Agency Affected Legislative Affairs
 Program Category Affected General Government
 BRU, Program, Or Subprogram(s) Affected _____
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

-0-

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

-0-

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

The funds for this committee are contained in the General Appropriations Act and no additional funds are requested.

IV DATE 4/27/82 PREPARED BY Wally Harrison, Director
 AGENCY Legislative Affairs Agency
 PHONE 465-3850

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

- I. REQUEST
 Bill/Resolution No. SENATE BILL NO. 864
 Title An Act continuing the existence of the Alaska Code Revision Com-
mission and amending the statutes, etc Date 4-12-82
 Requested by: Senate Finance Committee
- II. FISCAL DETAIL
 Agency Affected Legislative Affairs Agency
 Program Category Affected General Government
 BRU, Program, Or Subprogram(s) Affected _____
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		101.1	111.2	122.3		
200 TRAVEL		35.4	39.0	42.9		
300 CONTRACTUAL		96.6	106.3	116.9		
400 COMMODITIES		5.2	5.7	6.3		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		238.3	262.2	288.4		

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		238.3	262.2	288.4		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		2	2	2		
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note: Preparation Instruction, Section III)

Fiscal Year 1983: (Fiscal Years 1984 and 1985 - add 10% per year)

Personal Services ----- 101.1
 Secretary - Range 12K - for 12 months @\$2,379 per month
 Research Director - Range 23C - for 12 mo @\$4,251 per mo.
 Plus benefits at 27%

Travel ----- 35.4
 12 monthly hearings ----- \$29,278
 1 hearing rural Alaska ---- 6,136

Contractual Services ----- 96.6
 Telephone @\$294 per month - \$3,528 Rents/Leases - \$2,943
 Printing/advertising ----- 2,354 Consultants --- 87,800

Supplies and Materials ----- 5.2
 Printing supplies/materials - @\$196 per month - \$2,352
 Stationery and office supplies ----- \$2,825

IV. DATE 4-12-82 PREPARED BY Wally Harrison, Director
 AGENCY Legislative Affairs Agency
 Original: Legislative Finance PHONE 465-3850
 cc: Budget and Management

Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chairman • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Official Business

Mar. 11, 1982

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Mr. President:

In compliance with AS 44.66.050 and referral by the President of the Senate, the Senate Committee on State Affairs has conducted a sunset review of the Alaska Code Revision Commission.

The committee utilized Legislative Audit report 30-022-0025-R, A Performance Review of the Alaska Code Revision Commission, dated October 28, 1981; the 1981 Annual Report of the Alaska Code Revision Commission, dated February 1982; and the Commission's Proposed Budget for FY '83.

Testimony was received from the auditor, R.W. Pavitt, AICP; John W. Abbott, Chair; Billy G. Berrier, Executive Secretary; and James L. Baldwin, member of the Commission. Written communication was received from Patrick M. Rodey, member of the Commission, and Charles R. Webber, Commissioner of the Alaska Department of Commerce and Economic Development.

Findings required by AS 44.66.050 (d) follow:

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

Finding:

As a permanent commission of the legislature, the Commission is charged with the following duties:

- (1) examining the statutes of the state and judicial decisions to discover defects and anomalies in the law;
- (2) reviewing and considering 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 legislative branch;
- (3) receiving and considering suggestions from the Alaska bench and bar, public officials, organizations, and individuals

as to areas of law needing review and remedy;

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

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

Finding:

The commission is directed to submit its report and recommendations, and draft legislation as to revision of law, to the Legislative Council, and distributes them to the governor, members of the legislature, and the chief justice of the supreme court. See 1981 Annual Report (attached Exhibit A) for a discussion of its accomplishments.

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

Finding:

The duties and responsibilities assigned to the commission by the enabling act (AS 24.20.075) are substantially similar to those mandated to the Legislative Council, the Legislative Affairs Agency and the Co-revisors of Statutes (AS 01.05.036; 24.20.060(4); 24.20.065(a); and 24.20.070(b).

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

Finding:

Substantive revision of law in Alaska can be accomplished by legislatively-appointed special commissions (as in the case of the major Criminal Code revision), by a special committee of the legislature such as the committee that revised Title 4 (Alcoholic Beverages), or by the the Legislative Affairs Agency contracting with consultants.

(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.

Finding:

Elimination of the Commission would remove the breadth of review and participation that accrue as a result of code revision being supervised by a multi-member group. Elimination would not, however, necessarily prevent needed code revisions from being accomplished (see preceding response). Elimination of the Commission would not result in any significant savings, as the Commission members receive no compensation for services rendered. The public member and the designee of the Alaska Bar Association board of governors do receive per diem and travel allowance.

(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 or or conflict with other efforts;

Finding:

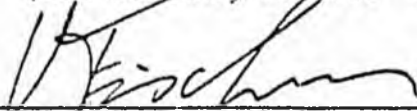
Its broad-based membership of legislative, executive and judicial branch representatives, as well as the public and Alaska Bar members, provide a breadth of legal knowledge, perception and experience that has much potential value as an advisory function to the lawmaking process. Particularly in areas of generally low legislative interest such as probate law, security law, real property conveyancing, bankruptcy law and the like, the Commission has shown that it can provide necessary expertise in recommending statutory revision that "will bring the law into harmony with current needs and conditions." (AS 24.20.075(c)(4)).

(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.

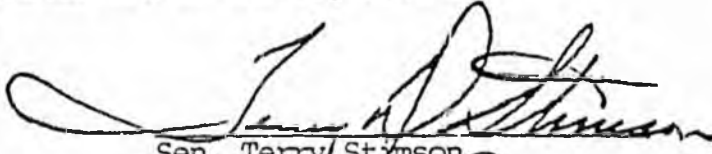
Finding:

The Committee acknowledges the numerous hours and efforts of the Commission but is concerned with the process the Commission utilizes to select topics for study and the duplication of responsibilities with other existing agencies. Therefore, the Committee recommends the following:

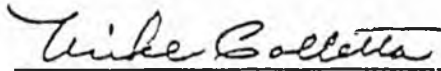
- 1) that the Commission be extended to June 30, 1985; and
- 2) that the Commission's duties be limited to reviewing and considering proposed changes in the law by the National Law Institute, and the National Conference of Commissioners on Uniform State Laws and any other matter referred to the Commission by a concurrent resolution of the legislature (see attached Exhibit "B").



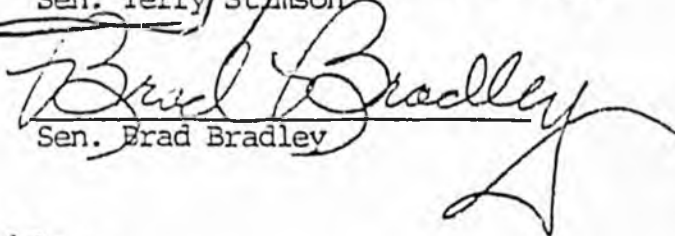
Sen. Vic Fischer, Chair



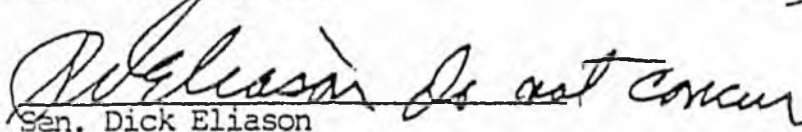
Sen. Terry Stinson



Sen. Mike Colletta



Sen. Brad Bradley



Sen. Dick Eliason



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

APRIL 5, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

- SB 327 - "An Act relating to parole of offenders; continuing the existence of the Board of Parole; and providing for an effective date."
- HB 377 - "An Act relating to factors in aggravation for purposes of imposing presumptive terms of imprisonment for felonies."
- SB 686 - "An Act relating to the return of property recovered or seized by law enforcement agencies or acquired as evidence in a criminal proceeding."
- SB 864 - "An Act continuing the existence of the Alaska Code Revisor Commission and amending the statutes relating to its responsibilities."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:40 P.M. Committee members present were: Senators Rodey, Ray, Parr, and Anderson. Senator Bennett was absent.

002 - Call to order.

005 - Chairman Rodey brought SB 327 before the committee.

027 - Senator Anderson moved to delete [\$100] and insert \$150 on Page 3, Line 1. Senator Ray objected.

076 - Senator Anderson's amendment was adopted with Senator's Rodey, Parr, and Anderson a yes vote. Senator Ray voted no.

124 - Senator Parr moved to pass SB 327 with individual recommendations. There was no objection.

184 - Chairman Rodey brought SB 864 before the committee.

220 - Mr. Bruce goes over language.

417 - Senator Parr moved that beginning on Page 2, Line 24 the following language be added: Each draft of legislation submitted by the commission shall be accompanied by a sectional analysis; the commission shall prepare the sectional analysis using language that is understandable to a layman. There was no objection.

531 - Senator Ray moved to strike Sec. 4 of the committee substitute beginning on Page 2, Line 21: [(2) establish one or more subcommissions to assist it in the performance of its duties; the commission may appoint any person to serve on a subcommission established under this paragraph.] There was no objection.

547 - Senator Ray moves to pass SB 864 with individual recommendations. There was no objection.

558 - Chairman Rodey brought HB 377 before the committee.

560 - Mr. Bruce explains the committee substitute.

640 - Senator Anderson moved to adopt the committee substitute for HB 377. Senator Ray objected on the basis that the committee substitute is not germane to the original bill.

659 - Senator Anderson moved to pass HB 377 pending the chair's decision on germaneness.

675 - Chairman Rodey brought SB 686 before the committee.

677 - Pat Conheady, Department of Law, testified, giving the changes in the bill.

107 - Don Magnuson, representing the Alaska Retailers Association, testified in favor of photographing evidence.

180 - SB 686 returned to file.

183 - Adjourned at 3:15 P.M.

2506-1

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 or 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.