

ALASKA CODE
REVISION
COMMISSION



Alaska State Legislature

Senate Committee on State Affairs

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

Official Business

3-4-82

SENATE STATE AFFAIRS COMMITTEE SCHEDULE

TUESDAY

March 9

1:00 pm

Room 124, Capitol

SUNSET REVIEW OF ALASKA CODE REVISION COMMISSION

(Joint meeting with House Judiciary Committee)

THURSDAY

March 11

1:30 pm

Room 423 Capitol

SJR 9, SJR 24, SJR 55---CONSTITUTIONAL AMENDMENT:
TERMS OF LEGISLATORS

SB 652---CONFIDENTIALITY OF TRADE SECRETS SUPPLIED
TO DEPT. OF ENVIRONMENTAL CONSERVATION

Dear Senator -

Please bring this file with you to Tuesday's meeting as we have no extra copies of these materials.

(Meeting will be from 1:00-2:00 in House Judiciary.) Thank you !!
Laura

SENATE BILL NO. 864 by the State Affairs Committee, entitled:

"An Act continuing the existence of the Alaska Code Revision Commission and amending the statutes relating to its responsibilities."

was read the first time and referred to the Judiciary Committee and the Finance Committee.

The Judiciary Committee considered SENATE BILL NO. 864 (continuing the existence of the Alaska Code Revision Commission and amending statutes relating to its responsibilities) and recommends it be replaced with CS FOR SENATE BILL NO. 864 (JUD) and reports it back as follows: Senator Roday, Chairman and Senator Anderson signed "do pass". Senators Ray and Parr signed "no recommendation".

SENATE BILL NO. 864 was referred to the Finance Committee.

The Finance Committee considered SENATE BILL NO. 864 (continuing the existence of the Alaska Code Revision Commission and amending statutes relating to its responsibilities) and recommends it be replaced with CS FOR SENATE BILL NO. 864 (FIN) and do pass. The report was signed by Senator Bennett, Co-Chairman and concurred in by Senators Sackett, Stimson, Sturgulewski, Eliason, Ferguson and Dankworth.

The committee further attached a zero fiscal note.

SENATE BILL NO. 864 was referred to the Rules Committee.

STATE OF ALASKA

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

February 24, 1982

TO: The Honorable Vic Fischer
Chairman
Senate State Affairs Committee

FROM: Gerald L. Wilkerson, CPA *GLW*
Legislative Auditor
Division of Legislative Audit

SUBJECT: Discussion of Legislative
Oversight Responsibilities
as Related to Sunset Audits

As required by "sunset" legislation, your Committee has been assigned the oversight review of the Alaska Code Revision Commission. In addition to the audit reports released earlier by this Division, the following information may be helpful.

According to AS 44.66.050, the standing committee of legislative jurisdiction as provided in Rule 20 of the Uniform Rules of the Legislature shall hold one or more hearings to receive testimony from the public and other parties that have associated responsibilities or interests. In addition, the Committee shall consider Legislative Audit's report, the agency's proposed sunset, the agency's program performance report, and any other tools that might assist it in evaluating the conduct and activities of the agency being terminated.

It is important to note that the terminating agency shall have the burden of demonstrating a public need for its continued existence during the public hearings.

The determination of "public need" for continued existence shall take into consideration the following factors set out in AS 44.66.050(c):

1. The extent to which the board, commission or program has operated in the public interest.

2. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
3. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.
4. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.
5. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.
6. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.
7. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.
8. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.
9. The extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

The Legislative Audit reports have addressed these issues individually but only to the extent allowed by restricted audit scopes detailed within the reports.

The Law further states that the committee of reference shall, not later than the 60th day of the legislative session, submit a report to the presiding officer of each

The Honorable Vic Fischer
February 24, 1982
Page 3

house. The report is to include a summary of findings as to compliance with the "public need" factors enumerated above together with recommendations as to each of the following:

1. An identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address.
2. A statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments.
3. An identification of any other programs having similar, conflicting or duplicate objectives.
4. An assessment of alternative methods of achieving the purposes of the program.
5. An assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level.
6. A justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts.
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.

The committee of reference may introduce a bill providing for the reorganization or continuation of the agency being terminated as stipulated in AS 44.66.050(e).

If additional information is needed, please contact this office at 465-3830.

cc: Senator Arliss Sturgulewski
Chairman
Legislative Budget and Audit Committee



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 anachronisms 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:

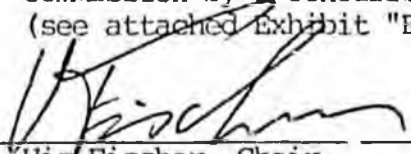
Its broad-based membership of legislative, executive and judicial branch representatives, as well as the public and Alaska Bar members, provide a breadth of legal knowledge, perception and experience that has much potential value as an advisory function to the lawmaking process. Particularly in areas 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.

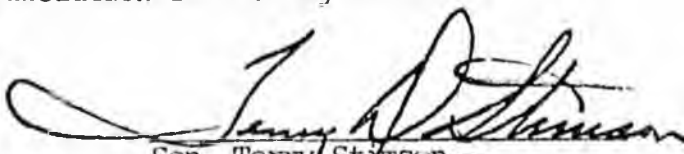
Finding:

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").



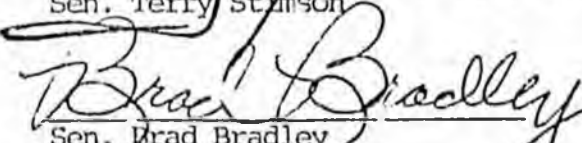
Sen. Vic Fischer, Chair




Sen. Terry Stinson



Sen. Mike Colletta



Sen. Brad Bradley



Sen. Dick Eliason

Effect of amendments. — The first 1979 amendment added subparagraph (G) to paragraph (4). The second 1979 amendment added paragraph (8).

Sec. 24.20.062. Legislative internship program. A legislative internship program established by the legislative council under AS 24.20.060(8) shall provide that

- (1) the University of Alaska provide academic support and credit to the program;
- (2) students enrolled and in good standing at any accredited postsecondary educational institution who have successfully completed at least two years of study are eligible to participate in the program;
- (3) interns will be selected by a committee composed of members of the legislature appointed by the legislative council and representatives of the university appointed by the university;
- (4) interns will be selected on the basis of their experience and interest in subjects which the legislative council feels are likely to be considered during a legislative session;
- (5) legislative interns are entitled to receive academic credit and payment of \$30 for each day of participation in the program during the legislative session. (§ 11 ch 87 SLA 1979)

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

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

the regular state employees per diem and travel allowance for days spent on commission business. The commission selects its chairman and vice-chairman. The director of legal services for the Legislative Affairs Agency, or his designee, serves as executive secretary for the commission.

(c) The commission shall

- (1) examine the statutes of the state and judicial decisions to discover defects and anachronisms in the law;
- (2) review and consider proposed changes in the law recommended by the National Law Institute, the National Conference of Commissioners on Uniform State Laws, the Alaska Judicial Council, the supreme court, the state or local bar associations, principal departments, agencies, boards and commissions of the executive or judicial branch, and committees of the legislative branch;
- (3) receive and consider suggestions from the Alaska bench and bar, public officials, organizations, and individuals as to areas of law needing review and remedy;
- (4) recommend changes in law needed to eliminate antiquated and inadequate rules of law and to bring the law into harmony with current needs and conditions.

(d) The commission may

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

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

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

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

(h) The commission shall make a formal request to the Legislative Council for funds it considers necessary for the per diem, travel, and contractual expenses of the commission. Funds appropriated to the commission are to be disbursed and accounted for under procedures required by the Legislative Affairs Agency. The commission chairman shall approve all expenditure documents. (§ 1 ch 114 SLA 1976; am § 1 ch 57 SLA 1977; am §§ 1, 2 ch 44 SLA 1980)

Effect of amendments. — The first 1979 amendment added subparagraph (G) to paragraph (4). The second 1979 amendment added paragraph (8).

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

ALASKA CODE
REVISION COMMISSION

1981
ANNUAL REPORT



FEBRUARY 1982

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

ALASKA CODE REVISION COMMISSION

Commission Members.

and

Appointing Authority

JOHN W. ABBOTT
Chairman
Governor--Public Member

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

JAMES L. BALDWIN
Vice-Chairman
Governor--Executive

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

PATRICK M. RODEY
Member of the Senate
Alaska State Legislature

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

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

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

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

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

OFFICE:

110 Seward Street, Rm. No. 5
Juneau, Alaska 99801
PHONE: (907) 465-4878

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Pouch Y, State Capitol
Juneau, Alaska 99811

ALASKA CODE REVISION COMMISSION



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

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

EXECUTIVE SECRETARY
BILLY G. BERRIER

February, 1982

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

Dear Representative Malone:

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

Very truly yours,

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

John W. Abbott, Chairman
Alaska Code Revision Commission

JWA:chw

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ANNUAL REPORT FOR THE YEAR 1981

INTRODUCTION

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

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

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

SUMMARY OF WORK OF COMMISSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATUS OF PROPOSED LEGISLATION

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

Alaska Exemptions Act--HB 74

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

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

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

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

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

Security Interests in Real Property--HB 403

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

Recording and Recorded Documents--SB 78

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

Corporations--For Profit Code

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

Corporations--Nonprofit Code

The draft bill has been submitted to the Legislative

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

LEGISLATION ENACTED INTO LAW

Oath, Affirmation, Acknowledgment, Notarization and Verification

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

WORK OF THE COMMISSION IN 1981

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

Corporations--For Profit Code

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

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

Corporations--Nonprofit Code

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

Business and Professions--Occupational Licensing

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

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

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

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

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

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

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

Recording and Recorded Documents--SB 78, Twelfth Legislature

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

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

Oath, Affirmation, Acknowledgment, Notarization and Verification

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

Alaska Hire

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

Revised Uniform Limited Partnership Act

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

TOPICS FOR FUTURE CONSIDERATION

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

Administrative Procedure Act

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

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

SUNSET REVIEW OF THE COMMISSION

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

ENABLING ACT

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

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

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

(c) The commission shall

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

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

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

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

(d) The commission may

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

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

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

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

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

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

Editor's Note

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

ALASKA CODE REVISION COMMISSION

Proposed Budget for FY 83

Personal Services

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

\$36,256

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

Travel

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

\$35,414

Contractual Services

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

\$161,425

Supplies and Materials

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

\$5,177

Total Fiscal Year 1983 \$238,272

Rounded \$239,000

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



CHAIRMAN
SENATE JUDICIARY COMMITTEE
CHAIRMAN
SENATE SPECIAL COMMITTEE
ON BANKING

ALASKA STATE LEGISLATURE

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

March 2, 1982

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

RE: SUNSET OF THE ALASKA CODE REVISION COMMISSION

Mr. Chairman and Members of the Committee:

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

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

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

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

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

Sincerely,

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

Patrick M. Rodey

ALASKA CODE REVISION COMMISSION



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

ALASKA STATE LEGISLATURE
FOUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465.4870

EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

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

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

DATE: February 18, 1982

RE: Continuing the Alaska Code Revision Commission

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

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

An Act to continue the Alaska Code Revision Commission.

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

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

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

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

DR:chw

ALASKA CODE REVISION COMMISSION

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Personal Services

Secretary (Range 12, step K)
12 mos. at 2,379 per month \$28,548
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SENATOR
PATRICK M. RODEY
3271 MONTCLAIRE COURT
ANCHORAGE, AK 99503



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

ALASKA STATE LEGISLATURE

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

March 2, 1982

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

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

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

Sincerely,

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

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)
 33-001 (Rev. 12/81)

STATE OF ALASKA

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

February 24, 1982

TO: The Honorable Patrick M. Rodey
Chairman
Senate Judiciary Committee

FROM: Gerald L. Wilkerson, CPA *GLW*
Legislative Auditor
Division of Legislative Audit

SUBJECT: Discussion of Legislative
Oversight Responsibilities
as Related to Sunset Audits

As required by "sunset" legislation, your Committee has been assigned the oversight review of the Alaska Code Revision Commission. In addition to the audit reports released earlier by this Division, the following information may be helpful.

According to AS 44.66.050, the standing committee of legislative jurisdiction as provided in Rule 20 of the Uniform Rules of the Legislature shall hold one or more hearings to receive testimony from the public and other parties that have associated responsibilities or interests. In addition, the Committee shall consider Legislative Audit's report, the agency's proposed budget, the agency's program performance report, and any other tools that might assist it in evaluating the conduct and activities of the agency being terminated.

It is important to note that the terminating agency shall have the burden of demonstrating a public need for its continued existence during the public hearings.

The determination of "public need" for continued existence shall take into consideration the following factors set out in AS 44.66.050(c):

1. The extent to which the board, commission or program has operated in the public interest.

2. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter including budgetary, resource, and personnel matters.
3. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.
4. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.
5. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.
6. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.
7. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.
8. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.
9. The extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

The Legislative Audit reports have addressed these issues individually but only to the extent allowed by restricted audit scopes detailed within the reports.

The Law further states that the committee of reference shall, not later than the 60th day of the legislative session, submit a report to the presiding officer of each

The Honorable Patrick M. Rodey
February 24, 1982
Page 3

house. The report is to include a summary of findings as to compliance with the "public need" factors enumerated above together with recommendations as to each of the following:

1. An identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address.
2. A statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments.
3. An identification of any other programs having similar, conflicting or duplicate objectives.
4. An assessment of alternative methods of achieving the purposes of the program.
5. An assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level.
6. A justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts.
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.

The committee of reference may introduce a bill providing for the reorganization or continuation of the agency being terminated as stipulated in AS 44.66.050(e).

If additional information is needed, please contact this office at 465-3830.

cc: Senator Arliss Sturgulewski
Chairman
Legislative Budget and Audit Comm

ALASKA CODE REVISION COMMISSION



COMMISSIONERS
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JAMES L. BALDWIN - VICE CHAIRMAN
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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
Representative Charles G. Anderson

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

DATE: February 18, 1982

RE: Continuing the Alaska Code Revision Commission

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

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

An Act to continue the Alaska Code Revision Commission.

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

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

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

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

DR:chw

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

March 5, 1982

JAY S. HAMMOND, GOVERNOR

POUCH D
JUNEAU, ALASKA 99811
PHONE: 465-2500

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

Dear Senator Fischer:

Re: Code Revision Committee

I have been advised by the Director of Occupational Licensing, that the Senate State Affairs Committee is in the process of reviewing the Code Revision Committee.

Although we have not always been in agreement with the Code Revision Committee, I would be remiss if we did not inform the Senate of our position.

As you may be aware, the Code Revision Committee has been reviewing Alaska Statute, Title 8, Business and Professions. This is the statutory authority for boards and commissions and the Division of Occupational Licensing. Members of my staff have been afforded the opportunity to offer testimony and suggestions and have been treated in a courteous manner. The Director of Occupational Licensing indicates a need for this type of committee, since many statutes become outdated and the process of having updates or changes by piecemeal would be extremely time consuming. We also agree the input from the public, professional licensing groups and governmental agencies is a fair evaluation when made by the committee. We appreciate the time and efforts expended by the committee.

Based on the information and comments from the Director of Occupational Licensing regarding Title 8, I would encourage the continuance of the Code Revision Committee.

If my department can be of any further assistance, please contact me or my staff.

Thank you for your consideration and the opportunity to convey our position.

Sincerely,



Charles R. Webber
Commissioner

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



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

ALASKA STATE LEGISLATURE

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

March 2, 1982

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

RE: SUNSET OF THE ALASKA CODE REVISION COMMISSION

Mr. Chairman and Members of the Committee:

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

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

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

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

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

Sincerely,

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

Effect of amendments. — The first 1979 amendment added subparagraph (G) to paragraph (4). The second 1979 amendment added paragraph (8).

Sec. 24.20.062. Legislative internship program. A legislative internship program established by the legislative council under AS 24.20.060(8) shall provide that

(1) the University of Alaska provide academic support and credit to the program;

(2) students enrolled and in good standing at any accredited postsecondary educational institution who have successfully completed at least two years of study are eligible to participate in the program;

(3) interns will be selected by a committee composed of members of the legislature appointed by the legislative council and representatives of the university appointed by the university;

(4) interns will be selected on the basis of their experience and interest in subjects which the legislative council feels are likely to be considered during a legislative session;

(5) legislative interns are entitled to receive academic credit and payment of \$30 for each day of participation in the program during the legislative session. (§ 11 ch 87 SLA 1979)

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

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

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the regular state employees per diem and travel allowance for days spent on commission business. The commission selects its chairman and vice-chairman. The director of legal services for the Legislative Affairs Agency, or his designee, serves as executive secretary for the commission.

(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 subcommission to assist it in the performance of its duties.

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

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

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

(h) The commission shall make a formal request to the Legislative Council for funds it considers necessary for the per diem, travel, and contractual expenses of the commission. Funds appropriated to the commission are to be disbursed and accounted for under procedures required by the Legislative Affairs Agency. The commission chairman shall approve all expenditure documents. (§ 1 ch 114 SLA 1976; am § 1 ch 57 SLA 1977; am §§ 1, 2 ch 44 SLA 1980)

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

March 2, 1982

JAY S. HAMMOND, GOVERNOR

POUCH D
JUNEAU, ALASKA 99811
PHONE: 465-2500

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

Dear Senator Fischer:

Re: Alaska Code Revision Commission ("CRC")

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

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

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

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

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

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

Sincerely,

C. W. Webber

Charles R. Webber
Commissioner

CRW/shB/30

cc: Katherine Walsh, Secretary, CRC
Pouch Y

SB 2	SPEC APPROP/CAPITAL SITE PLAN CMSN/RELOCA	COLLETTA	1/13/81	FINANCE
SB 10	REPEAL LAW RE:EXPENDITURES/RELOCATING CAP	COLLETTA	1/13/81	FINANCE
SB 13	SPEC APPROP/CAPITAL IMPROVE/G.O. BONDS/19	COLLETTA	1/13/81	TRANSPORT
SB 21	SPEC APPROP/AK PERMANENT FUND; ED	RODEY	1/13/81	FINANCE
SB 43	RE/BONDS/CONTRACTORS/PUB BUILDINGS/WORKS	RULES	1/13/81	FINANCE
SB 59	RE/COLLECTIVE BARGAINING; ED	RAY	1/13/81	FINANCE
SB 66	PROVIDE ROYALTY OIL PREM PAYMENTS/ST RES;	RULES	1/13/81	FINANCE
SB 67	SPEC APPROP/ROYALTY OIL PREMIUM PAYMENTS;	RULES	1/13/81	FINANCE
SB 68	SPEC APPROP/AK PERMANENT FUND; ED	RULES	1/13/81	FINANCE
SB 73	RE/CAPITAL FELONIES/ESTAB SENTENCING PROC	BRADLEY	1/14/81	JUDICIARY
SB 82	REPEAL/CAMPAIGN CONTRIB TAX CREDIT; ED	COLLETTA	1/14/81	FINANCE
SB 92	RE/VETERANS' GUARDIANSHIP	BRADLEY	1/16/81	JUDICIARY
SB 93	RE/DECENTRALIZING/EXEC BRANCH/ST GOV; ED	FARR	1/16/81	-----
SB 104	RE/VETERAN'S PREFERENCE/STATE EMPLOYMENT	BRADLEY	1/26/81	FINANCE
SB 110	SPEC APPROP/DOT/SENIOR CITIZENS' BLDG/CHU	KELLY	1/27/81	FINANCE
SENATE STATE AFFAIRS COMMITTEE SUMM		14:38	2/24/82	PAGE 2 OF
BILL #	ABBREVIATED TITLE	SPONSOR	DATE	REFERRALS

SB 112	RE/RELOCATION OF STATE CAPITAL; ED	DANKWORTH	1/28/81	FINANCE
SB 18	NAME NORTH SLOPE HAUL RD AFTER WALTER J.	FERGUSON	1/29/81	----
SB 121	AUTH CREDITED SERVICE/PUBLIC EMP RETIRE S	RAY	1/30/81	FINANCE
SB 143	ALLOW RETIRE CREDIT/UNUSED SICK LEAVE/PER	FARR	2/04/81	FINANCE
SB 175	RE/STND OF CONDUCT/PUB OFFICIALS/EMP/ST E	FISCHER	4/21/81	JUDICIARY
SB 183	EXEMPT PHYSICIANS/FIN DISCLOSE/AS 39.50;	MULCAHY	2/16/81	JUDICIARY
SB 194	RE/NEPOTISM/ST EMPLOYMENT; ED	RULES	2/20/81	JUDICIARY
SB 195	LIMIT ADJUST/RETIREMENT BENEFITS; ED	RULES	2/20/81	FINANCE
SB 196	RE/MEMBER PUB EMPLOYEE RETIRE BD	RULES	2/20/81	-----
SB 197	APPLY ADMIN PROC ACT (AS44.62)/REGS/ST RE	RULES	2/20/81	JUDICIARY
SB 262	RE/AK NATIONAL GUARD/NAVAL MILITIA; ED	BRADLEY	4/02/81	FINANCE
SB 296	PROHIBIT/SALE/G.O. BONDS; ED	STATE AFFA	3/17/81	TRANSPORT
SB 297	SPEC APPROP/CAPITAL PROJECTS/G.O. BONDS;	STATE AFFA	3/17/81	TRANSPORT
SB 334	SPEC APPROP/AK CAPITAL CITY DEVELOPMENT C	KELLY	3/25/81	FINANCE
SB 336	RE/STANDARD/CONDUCT/ESTAB ST ETHICS CMSN;	STIMSON	3/26/81	JUDICIARY
SB 356	RE/TEMPORARY SERVICE CREDIT/PERS; ED	RAY	3/31/81	FINANCE
SB 360	RE/INVEST/PUB EMPLOYEES/TEACHERS RETIREME	STIMSON	3/31/81	FINANCE
SB 361	SPEC APPROP/DEPT ADMIN/PMT/PUB EMP/TEACHE	STIMSON	4/02/81	FINANCE
SB 394	ALLOW SERVICE CREDIT/TRS/SERVICE IN PEACE	STIMSON	4/07/81	FINANCE
SB 402	RE/CREDITED SVC/PERS/ACTIVE MILITARY SERV	BRADLEY	4/08/81	FINANCE
SENATE STATE AFFAIRS COMMITTEE SUMM		14:39	2/24/82	PAGE 3 OF
BILL #	ABBREVIATED TITLE	SPONSOR	DATE	REFERRALS

SB 414	ESTAB/SMALL CONTRACTOR SURETY BONDING CLR	FISCHER	4/10/81	LABOR&COM
SB 415	RE/CONTRACT/COMPET BIDDING/FISCAL PROCED	FISCHER	4/10/81	TRANSPORT
SB 471	RE/RETROACTIVE CONTRIBUTIONS/PERS; ED	KERTTULA	4/20/81	JUDICIARY
SB 472	PROVIDE/TERRITORIAL EMPLOYEES/MEMBERS/PER	KERTTULA	4/20/81	JUDICIARY
SB 530	SPEC APPROP/DEPT ADMIN/TV TRANSLATOR/KYUK	HOLMAN	4/28/81	FINANCE
SB 538	RE/BONUSES FOR VETERANS/PRISONERS OF WAR/	BRADLEY	5/04/81	FINANCE
SB 549	SPEC APPROP/DEPT ADMIN/CONST/PERS/ST TROO	RODEY	5/05/81	FINANCE
SB 551	RE/VETERANS CMTE/PERM INTER CMTE/LEG	BRADLEY	5/08/81	FINANCE
SB 552	RE/TEACHERS/PUB EMPLOYEES/JUDICIAL/NATL G	FISCHER	5/11/81	HESS
SB 558	AUTH PARTICIP/AMER LEG/DEPT VETS/GRUOP	ELIASON	5/15/81	HESS
SB 585	RE/RELOCATION/CAPITAL	RULES	6/03/81	FINANCE
SB 587	RE/EXPENDITURE/STATE GOV'T FACILITIES/STA	KELLY	6/03/81	FINANCE
SB 589	RE/CREDIT FOR SERVICE/PERS; ED	RAY	6/05/81	FINANCE
SB 591	RE/AK PERMANENT FUND	FISCHER	6/08/81	RESOURCES
SB 621	PROVIDE TAX CREDITS/EMPLOYERS/PERSONS OVE	BRADLEY	1/11/82	FINANCE
SB 625	PROVIDE PER DIEM/AK NATL GD/NAVAL MILITIA	FARR	1/11/82	FINANCE
SB 630	RE/LEGISLATIVE OVERSIGHT PROCEDURES/AS 08	STURGULEWS	1/18/82	LABOR&COM
SB 632	RE/GAMES OF CHANCE/CONTESTS OF SKILL; ED	FARR	1/11/82	JUDICIARY
SB 637	RE/MEMBERSHIP/AK HISTORICAL CMSN	ELIASON	1/11/82	FINANCE
SB 642	RE/EXPIRATION OF REGULATIONS ED	COLLETTA	2/17/82	JUDICIARY
SENATE STATE AFFAIRS COMMITTEE SUMM		14:39	2/24/82	PAGE 4 OF
BILL #	ABBREVIATED TITLE	SPONSOR	DATE	REFERRALS

SB 645	PROVIDE/ELECTION/STATE AUDITOR/LEGIS AUDI	KELLY	1/11/82	FINANCE
SB 652	RE/CONFIDENTIALITY/TRADE SECRETS/DEPT/ENV	RULES	1/12/82	LABOR&COM
SB 653	RE/EMPLOYEES/PUB EMPLOYMENT RELATIONS ACT	RULES	1/12/82	FINANCE
SB 685	RE/UNLAWFUL CONDUCT/MINERS	RODEY	1/27/82	JUDICIARY
SB 689	RE/APPROP/G O BONDS/CAPITAL PROJECTS; ED	STURGULEWS	1/27/82	FINANCE
SB 704	RE/ALASKAN SERVICEMEN'S MEMORIAL AT VETER	BRADLEY	2/02/82	FINANCE
SB 705	SPEC APPROP/DEPT/MILITARY AFFAIRS/CONST M	BRADLEY	2/02/82	FINANCE
SB 706	SPEC APPROP/DEPT/NAT RES/CONST/CARETAKER	BRADLEY	2/02/82	FINANCE
SB 707	RE/NAME GEOGRAPHIC FEATURES/RE-NAME BYERS	BRADLEY	2/02/82	FINANCE

Wed. Bam - computer

WAIVE SA

SB 818 Inver Loop Banners - FIN.
SJR 68 forfeiture of legisl. office - JUD
SB ~~821~~ 821 convening of special sessions - JUD

~~Forest~~
~~Olympic Fund - SB 790, SJR 73~~
~~BY REQUEST~~

~~SB 791 - LIO's + teleconf.~~

~~SB 189 - Trails - 200 fiscal note~~

ARLISS -

Sunset - Code Rev Comm. - SA/JUD

↓ Donna Peque
↓ Dick Bradley

→ conflict?
→ overlap?
→ Pruitt
(overboard)
→ Welberson

4878
✱



Official Business

Alaska State Legislature

Senate

Office of the Secretary

Pouch V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

February 23, 1982

TO: Senator Fischer,
Chairman
State Affairs Committee

FROM: Peggy Mulligan
Secretary of the Senate *Peggy M.*

SUBJECT: Sunset Audit Report

The President has referred the following report to your Committee:

Alaska Code Revision Commission

Enclosure

12-2700
Walker ✓

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IN THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the Alaska Code Revision Commission."

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

* Section 1. AS 24.20.075(c) is repealed and reenacted to read:

(c) The commission shall review and consider changes in the law as assigned by the Legislative Council or by a concurrent resolution of the legislature.

* Sec. 2. AS 24.20.075(f) is repealed and reenacted to read:

(f) The commission shall submit its draft reports and recommendations to the Legislative Affairs Agency for preparation and presentation to the Legislative Council.

* Sec. 3. AS 24.20.075 is amended by adding a new subsection to read:

(i) The commission shall report to the Legislative Council on any matter assigned to it for study by the council or by a concurrent resolution of the legislature. The Legislative Council shall report to the presiding officer of each house concerning the findings and recommendations of matters assigned to the commission by the legislature.

+ sunset date revision: 1985(?)

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. ^{It} IT WOULD NOT, HOWEVER,
NECESSARILY ~~RESULT IN REQUIRED~~ ^{prevent needed} CODE REVISIONS ^{from} BEING ACCOMPLISHED
(SEE PRECEDING RESPONSE). ELIMINATION OF THE COMMISSION
WOULD NOT RESULT IN ANY SIGNIFICANT SAVINGS, AS COMM MMBRS REC

(A)



Alaska State Legislature

Senate Committee on State Affairs

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

Official Business

3-4-82

SENATE STATE AFFAIRS COMMITTEE SCHEDULE

TUESDAY

March 9

1:00 pm

Room 124, Capitol

SUNSET REVIEW OF ALASKA CODE REVISION COMMISSION

(Joint meeting with House Judiciary Committee)

THURSDAY

March 11

1:30 pm

Room 423, Capitol

SJR 9, SJR 24, SJR 55---CONSTITUTIONAL AMENDMENT:
TERMS OF LEGISLATORS

SB 652---CONFIDENTIALITY OF TRADE SECRETS SUPPLIED
TO DEPT. OF ENVIRONMENTAL CONSERVATION



Official Business

Alaska State Legislature

Senate Committee on State Affairs

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

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 anachronisms 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:

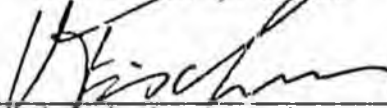
Its broad-based membership of legislative, executive and judicial branch representatives, as well as the public and Alaska Bar members, provide a breadth of legal knowledge, perception and experience that has much potential value as an advisory function to the lawmaking process. Particularly in areas 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.

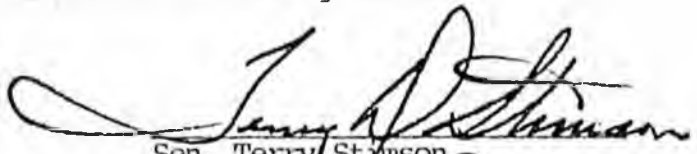
Finding:

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:

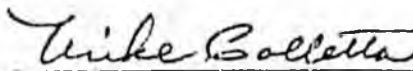
- 1) that the Commission be extended to June 30, 1985; and
- 2) that the Commission's duties be limited to reviewing and considering proposed changes in the law by the National Law Institute, and the National Conference of Commissioners on Uniform State Laws and any other matter referred to the Commission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



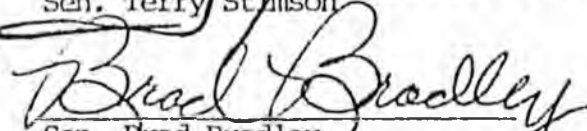
Sen. Vic Fischer, Chair




Sen. Terry Stinson



Sen. Mike Colletta



Sen. Brad Bradley



Sen. Dick Eliason

ALASKA CODE REVISION COMMISSION

Proposed Budget for FY 83

Personal Services

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

\$36,256

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

Travel

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

\$35,414

Contractual Services

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

\$161,425

Supplies and Materials

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

\$5,177

Total Fiscal Year 1983 \$238,272

Rounded \$ 39,000

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



CHAIRMAN
SENATE JUDICIARY COMMITTEE
CHAIRMAN
SENATE SPECIAL COMMITTEE
ON BANKING

ALASKA STATE LEGISLATURE

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

March 2, 1982

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

RE: SUNSET OF THE ALASKA CODE REVISION COMMISSION

Mr. Chairman and Members of the Committee:

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

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

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

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

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

Sincerely,

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

Patrick M. Rodey

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
Representative Charles G. Anderson

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

DATE: February 18, 1982

RE: Continuing the Alaska Code Revision Commission

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

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

An Act to continue the Alaska Code Revision Commission.

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

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

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

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

DR:chw

3-9-82

Bob Lavitt

criteria for measuring effectiveness
- acceptance by leg. ✓

could do the same work w/o addit. staff ~~money~~

↳ NO

Dir. of Services

1976

Barris: "it's useful"
- different approach

overlap? similar service

Common → Leg Affairs (write proper bill form)

→ Leg Council → legis

Jim Baldwin

add. revisor of statutes, as voting member

March 9
Committee reviewed audit
Annual report.

— Purpose of Sunset —

— As required by statute, SSA
Committee introduced legis

↳ which states in
relevant,
SSA introduced

CCR spend lots of time

Test. + audit — showed that
CRC spends numerous hrs.
working on legislation

definite
overlap w/

LH could contract w/
& set up special task
Force

Corn Beirne —

~~these~~

The attached forms
used by your division
have been brought
to my attention.

Nemeny



Nemeny,

Bob Barnack: 6-3138.
HS. Principal assets
into on retirement leg.
Dra

Bob Barnack

6-3138

Independent
Options

were wouldn't normally be

done

but bill

change in scope
points out change

perhaps - implicit

changes on lettering - always
available to lettering - opinion

don't act as a lobbyist

success of committee?

mean this - over-ambitious
have speakers

→ forward to make policy decisions
- always attempted in formal
letters - to point out policy

- plan a legislative per dream
travel

VF

estimate hours -

VF 9 meetings 6-8 days/yr. - lobby
remain 300-500 pg. materials

VF burden of proof - testimony
evidence
been development / measuring
capacity - Leg. Aff. i.

VF No

theory - could best

Leg. Aff. best

we outside expertise to draw

private practice
all bills dealt w/ problem solving
promotes interest of ct. system

V.F. Part II - recommendations
subject's matter
have sought guidance from
Leg.

Billy Barrier - Leg. Aff -
that overlap - useful &
didn't deliberate - not a problem
difference is scope but good for

absolute law - dying outside
Exemption Act - condition
statute policy impact

goes beyond scope of Leg. Aff.
stuff same as 1976
difference in function/workpower

code revision - many different
meanings

trif war - conflict

overlapping powers should continue

Ramona Barnes

Per diem rate?

B.B. - not changed

how many consider uniform laws
state/Local rep. - Dept. of Law
Leg. Council & Code
Revisory

OF - how many people in leg. aff.
Legal
BB - 10

OF - what do people do when leg.
not here - ^{work}
interim committee ~~work~~

OF - what does commission do
that Leg. Services doesn't?
1) amt. of time
2) leg. consultant fees - private
practice
- brings outside perspective

OF - budget
consultants?

BB - looking at local hire / residential
preference

OF - why couldn't you contract

BB - we could, but not

- 1) valuable time from private sector
- 2) our division is policy neutral

725
248
1000

VF - what does commission add -
BB 1) high level expertise - allfully
difficult to pay for

VF - use an advisory group?
responsibility rests in leg. aff. agency
2-3 day workshop
Ad-hoc basis?

BB - Corp. basis - 20-2 day meeting
An administrative nightmare

~~F. Abbott~~
leg. council administers budget
no control

Dave Walker

Jim Baldwin

- Peace is at hand
 - minority voting position
 - rep. of exec. branch
 - should stay out of areas of controversy
 - involved in
 - most valuable legislation is less controversy
- UCC - really important

UF - Enough public members?
✓ B - obtaining membership on Comm
of revisor
should add revisor of statute
should vote

— turf wars - bunch of lawyers
could iron out by adding revisor

John Abbott
UF - what do you think of present commission
— 3 yrs ago - draft bill add
2-4 new members - expressed
grave doubts because of attendance
now restrictive rules re: quorum/
amendment

2 private sector members end up
doing the work
if we knew they would attend

no objection to extra private
members

will solicit input from private

OF - who cares
of Abb - makes a big difference
Criminal Code

Probate Code

3/9/82 Joint Committee

Sunset - Alaska Code Revision Commission

Bob Pavitt - Pres.
did the audit

Mr. Jensen - here

numerous interviewed past & present members.

Donna

Dave

Dick Regan

Susan Burke

Tim Baldwin

Derry Kurty

audit quest. & ans.

code
submitted
a list

response - puzzling
adversary preceding
belligerent

review made in conformance w/
Sunset

- difference - criteria for measuring
effectiveness

Sen. Fish -

1) How do you arrive at conclusion?

Pavitt Overall question - effectiveness
informal rating 9.8

- make recommendations of interest
- saw as sunset law

T.S. Any other sunsets?
Fav. Bd of Public Accountants 1979
Recommend accepted

T.S. → unique - a permanent committee
of leg.
what value?
what damage if you wipe out?

Fav. - correct apparent impression
totally useless - don't think
recognize unique functions
all atty's - vast experience
chg. legislation to do away w/ conflicts

John Abbott - if commission not
providing a service, should be
sunsets

History -
Blue Ribbon Comm. - response to
success w/ criminal
code

5 bills in legislative process

defer to legislature - if political
question

existing legislative

- 1) technical revision
- 2) receive
- 3) CSRB 717 - Comm. Code § 49
bring up-to-date

Dave Walker / Donna Pegues

review process - never
even review w/ Revisors
contracted out

bring bill to agency - but
doesn't change anything
fair/accurate statement
will review audit

I have an REAA

Budget Oversight Meeting

Now — Sorry I must

leave

A handwritten signature in cursive script, appearing to read "Jerry". The signature is written in dark ink and features a large, sweeping loop at the beginning and a long, horizontal tail that curves upwards at the end.

Gen Fischer

I HAVE FIN.
ATG AT. 1130 P.M

SUNSET

YES

NO