

SCOMM

#51:17

Offered: 6/22/83
Referred: Finance

Original sponsor: Rules/Legislative Council

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE SENATE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 55 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to collective bargaining; and pro-
7 viding for an effective date."

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

9 * Section 1. AS 23.40.215 is amended by adding a new subsection to
10 read:

11 (b) The Department of Administration shall submit the monetary
12 terms of an agreement to the legislature within 10 days after the
13 agreement of the parties, if the legislature is in session, or within
14 10 days after the convening of the next regular session. The legisla-
15 ture shall advise the parties by concurrent resolution if it approves
16 or disapproves of the monetary terms within 60 days after the agree-
17 ment is submitted to the legislature. The approval of the monetary
18 terms of an agreement under this subsection is a nonbinding, advisory
19 expression of legislative intent. If within 60 days after the agree-
20 ment is submitted the legislature advises the parties by concurrent
21 resolution that it disapproves the monetary terms of the agreement,
22 the parties may resume negotiations. If within 60 days after the
23 agreement is submitted, the legislature does not pass a concurrent
24 resolution under this section the monetary terms of the agreement are
25 considered approved.

26 * Sec. 2. AS 23.40.250 is amended by adding a new paragraph to read:

27 (8) "monetary terms of an agreement" means the changes in
28 the terms and conditions of employment resulting from an agreement
29 that will require an appropriation for their implementation or will

1 result in a change in state revenues or productive work hours for
2 state employees.

3 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
4 10.070(c).

Offered: 6/17/83

Original sponsor: Rules/Legislative Council

1 IN THE SENATE BY THE RULES COMMITTEE
2 CS FOR SENATE BILL NO. 55 (Rules)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
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25 the terms and conditions of employment resulting from an agreement
26 that will require an appropriation for their implementation or will
27 result in a change in state revenues or productive work hours for
28 state employees.
29 * Sec. 3. This Act takes effect immediately in accordance with

1 AS 01.10.070(c).

Offered: 6/6/83
Referred: Rules

Original sponsor: Rules/Legislative Council

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 55 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

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14 10 days after the convening of the next regular session. If the
15 legislature approves the monetary terms of the agreement, it shall
16 advise the parties by concurrent resolution within 60 days after the
17 agreement is submitted to the legislature. The approval of the mone-
18 tary terms of an agreement under this subsection is a nonbinding,
19 advisory expression of legislative intent. If within 60 days after
20 the agreement is submitted the legislature does not advise the parties
21 by concurrent resolution that it approves the monetary terms of the
22 agreement, the parties may resume negotiations.

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28 state employees.

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ALASKA STATE LEGISLATURE

THIRTEENTH LEGISLATURE - FIRST SESSION

JUNEAU, ALASKA

THURSDAY

March 3, 1983

Forty-sixth Day

Pursuant to adjournment, the Senate was called to order by President Kerttula at 10:13 a.m.

The roll call showed twenty members present.

The prayer was offered by the Chaplain, Reverend Jimmy Stringer of the First Baptist Church.

Senator Ray moved that the journal for the forty-fifth legislative day be approved as certified. Without objection, it was so ordered.

MESSAGES FROM THE HOUSE

Message of March 2 was read, stating the House has passed the following:

FIRST READING AND REFERENCE OF
HOUSE RESOLUTIONS

HCR 2

HOUSE CONCURRENT RESOLUTION NO. 2 by Representatives Grussendorf and Fritz,

Relating to travel by senior citizens
aboard vessels of the state marine
highway system,

HCR 2 cont'd

was read the first time and referred to the State Affairs Committee and the Finance Committee.

FIRST READING AND REFERENCE OF HOUSE BILLS

HB 139

HOUSE BILL NO. 139 by Representatives Malone and Phillips, entitled:

"An Act providing a penalty for violation of a law or regulation relating to bees and beekeeping equipment."

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

HB 151

CS FOR HOUSE BILL NO. 151 (FIN) by the Finance Committee, entitled:

"An Act making a special appropriation to the Department of Natural Resources, division of parks, for acquisition and development of the House of Wickersham in Juneau; and providing for an effective date."

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

STANDING COMMITTEE REPORTS

SB 55

The Judiciary Committee considered SENATE BILL NO. 55 (relating to collective bargaining) and a majority of the committee recommended it be replaced with CS FOR SENATE BILL NO. 55 (JUD), do pass and attached the following letter of intent:

SB 55 cont'd

SENATE JUDICIARY COMMITTEE LETTER OF INTENT
SENATE BILL NO. 55

Before an organization and the state may enter into an agreement, the agreement proposed to be entered into shall be submitted to the legislature for consideration of the monetary terms of the agreement. Submittal of the proposed agreement to the legislature shall occur within ten (10) days after the proposed agreement of the parties has been reached, or ten (10) days after the convening of the next regular session. The monetary terms of the proposed agreement take effect if they are not rejected by the legislature by concurrent resolution within thirty (30) days after the agreement is submitted to the legislature.

/s/ Bill Ray
Senator Bill Ray, Chairman

The report was signed by Senator Ray, Chairman and concurred in by Senators Josephson, Pettyjohn and Eliason. Senator Ziegler signed "no recommendation".

SENATE BILL NO. 55 was referred to the Finance Committee.

SB 126

The Rules Committee considered SENATE BILL NO. 126 (amending ch. 82, SLA 1981) and recommended it be calendered March 3. The report was signed by Senator Faiks, Chairman and concurred in by Senators Kelly, Ray, Bennett and Ferguson.

SENATE BILL NO. 126 appears on today's calendar.

CONSIDERATION OF THE CALENDAR

SECOND READING OF SENATE BILLS

SB 126

SENATE BILL NO. 126 (amending ch. 82, SLA 1981) was read the second time.

SB 126 cont'd

Senator Sackett moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 250. Without objection, CS FOR SENATE BILL NO. 126 (FIN) (amending the purpose of an allocation made for Delta Junction School to also allow the purchase of administrative offices; efd) was adopted.

CS FOR SENATE BILL NO. 126 (FIN) was read the second time.

Senator Ray moved and asked unanimous consent that CS FOR SENATE BILL NO. 126 (FIN) be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 126 (FIN) was read the third time.

Senator Ray moved and asked unanimous consent that the title change be adopted. Without objection, the title change was adopted.

The question being: "Shall CS FOR SENATE BILL NO. 126 (FIN) (amending the purpose of an allocation made for Delta Junction School to also allow the purchase of administrative offices) pass the Senate?" The roll was taken with the following result:

CS SB 126 (FIN) 3RD

Yeas:	20	Bennett, Eliason, Fahrenkamp, Faiks, Ferguson, Fischer Paul, Fischer Vic, Gilman, Halford, Josephson, Kelly, Kerttula, Moss, Mulcahy, Pettyjohn, Ray, Rodey, Sackett, Sturgulewski, Ziegler
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Nays:	0	
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and so, CS FOR SENATE BILL NO. 126 (FIN) passed the Senate.

Senator Ray moved and asked unanimous consent that the roll call on the passage of the above bill be considered the roll call on the effective date clause. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 126 (FIN) was referred to the Secretary for engrossment.

JUDICIARY - BUTROVICH ROOM - 1:30 p.m.

Mar 4 SB 88 Minors present where alcohol is served
Mar 7 SJR 1 Equal Rights Amendment
Mar 11 HCR 11 Petit jurors using earphones
Mar 25 SB 20 Magistrates-judicial retirement system--TELE.

LABOR & COMMERCE - BELTZ ROOM - 1:30 p.m.

Mar 3 SB 67 utility facility highway projects

RESOURCES - BELTZ ROOM - 3:00 p.m.

Mar 4 Briefing - Dept. Environmental Conservation
Mar 7 SB 43, SB 102 Homesteads

SENATE FINANCE - 2:00 p.m. - Joint with Oil & Gas
Mar 7 Briefing on gas pipeline

HOUSE RESOURCES RM 118 - Joint with Oil & Gas
Mar 8 Dept. Minerals & Energy Manage.-leasing procedures

BELTZ ROOM
Mar 9 SB 124 Alaska Agricultural Loan Act
Briefing Admiralty Island mining project

FAIRBANKS N. STAR BOROUGH ASSEMBLY CHAMBERS - 4:30 p.m.
Mar 11 SB 14 State Forests
SB 108 Fairbanks State Forest
SB 79 Toxic & hazardous substances

STATE AFFAIRS - SENATE FINANCE ROOM - 1:30 p.m.

Mar 3 SB 68 - SB 71 Susitna Hydro Project

TRANSPORTATION - BUTROVICH ROOM - 1:30 p.m.

Mar 3 Overview Dept. Transportation & Public Facilities

LEGISLATIVE BUDGET & AUDIT - HOUSE FINANCE - 4:00 p.m.

Mar 3 Finance Research Center contract

LEGISLATIVE REFORM COMMITTEE - BELTZ ROOM - 12:00 p.m.

Mar 3 NCSL Staff

ANCHORAGE DELEGATION - BUTROVICH ROOM - 5:00 p.m.

Mar 3

MINORITY CAUCUS - BUTROVICH ROOM - UPON ADJOURNMENT

Mar 3

ANNOUNCEMENTS

*Meetings will be in Capitol Building and at times listed unless otherwise noted

COMMUNITY AND REGIONAL AFFAIRS - BELTZ ROOM - 3:00 p.m.

Mar 3 SB 37 State aid for municipalities
SB 98 Unincorporated community assistance

FINANCE - SENATE FINANCE ROOM - 9:00 a.m.

Mar 4 UA operating budget

SUBCOMMITTEES ON FINANCE - SENATE FINANCE ROOM - 1:30 p.m.

Administration - 8:00 a.m.
Mar 9 Overview

Court System - 8:00 a.m.
Mar 10 Budget

Education - HOUSE FINANCE ROOM - 3:00 p.m.
Mar 3 Joint w/House; Art Council and Historic Preservation

Education - 8:00 a.m.
Mar 4

Health & Social Services - 4:00 p.m.
Mar 3 Division of Family & Youth Services

Labor
Mar 4 Commissioner's Office, ESD, Administrative Services
Mar 8 Public Protection functions
Mar 9 Public Protection cont.

Military Affairs
Mar 10 Overview
Mar 11 Overview cont.

Revenue - 8:00 a.m.
Mar 8 Overview

HEALTH, EDUCATION & SOCIAL SERVICES - ROOM 504 - 3:00 p.m.

Mar 4 SB 122 Protection of the elderly
Mar 7 SB 97 Bethel Social Services, Inc. grant
SB 78 Public Employment Relations
Mar 9 SB 109 Board of Psychologists - Psychological Associate Examiners
Mar 11 SB 93 Endowment - Physical Sciences UA
SB 94 Endowment - Physical Sciences UA - special approp.

CITATIONS

Senator Ray moved and asked unanimous consent that the Citation In Memoriam - Ed Barber by Representative Ward and All Other Members of the House and Senators Vic Fisher and Ziegler be sponsored by All Other Members of the Senate. Without objection, it was so ordered.

Senator Ray moved that the following citations be approved:

Honoring - Ivan Blunka
by Representatives Herrmann, Davis and Zharoff
Senators Mulcahy and Sturgulewski

In Memoriam - Ed Barber
by Representative Ward and All Other Members of the House
Senators Vic Fischer and Ziegler and All Other Members of the Senate

In Memoriam - Robert Mayokok
by Representative Fuller
Senators Ferguson, Sturgulewski and Vic Fischer

In Memoriam - Jan Beukers
by Representative Zharoff
Senator Mulcahy

In Memoriam - Benjamin Aure, Jr.
by Representative Zharoff
Senator Mulcahy

In Memoriam - Willie Kuchenoff
by Representatives Herrmann and Zharoff
Senator Mulcahy

Without objection, the citations were approved and referred to the Secretary for transmittal.

Senator Ray moved and asked unanimous consent that the Rules be suspended and the publication and notice requirement on the Citation Honoring - Sweet Honey in the Rock by Representative Furnace be waived and taken up as a Special Order of Business at this time. Without objection, it was so ordered.

SPECIAL ORDER OF BUSINESS

Senator Ray moved that the Citation Honoring - Sweet Honey in the Rock by Representative Furnace be approved. Without objection, the citation was approved and referred to the Secretary for transmittal.

UNFINISHED BUSINESS

SB 143

Senator Vic Fischer, Chairman, moved and asked unanimous consent that the State Affairs Committee referral on SENATE BILL NO. 143 (solicitation of a prostitute by a patron a crime of prostitution punishable as a Class B misdemeanor) be waived. Without objection, it was so ordered.

SENATE BILL NO. 143 was referred to the Judiciary Committee.

ANNOUNCEMENTS

Announcements appear at the end of the journal.

SPECIAL ORDERS

Senator Ziegler moved and asked unanimous consent that he be excused from a call of the Senate from 10:30 a.m., March 31 through convening time April 4. Without objection, Senator Ziegler was excused.

Senator Gilman moved and asked unanimous consent that he be excused from a call of the Senate March 11-13. Without objection, Senator Gilman was excused.

Senator Sackett moved and asked unanimous consent that he be excused from a call of the Senate March 10-11. Without objection, Senator Sackett was excused.

ENGROSSMENT

The following has been engrossed, signed by the President and Secretary and transmitted to the House:

CSSB 126 (FIN)

ADJOURNMENT

Senator Ray moved that the Senate adjourn until 10:00 a.m., March 4, 1983. Without objection, the Senate adjourned at 10:40 a.m.

Peggy Mulligan
Secretary of the Senate

March 1983

Original sponsor: Rules/Legislative Council

CSSB 55 (Jud)

Introduced: 1/18/83
Referred: State Affairs and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE SENATE

2

SENATE BILL NO. 55

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to collective bargaining; and
7 providing for an effective date."

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

9 * Section 1. AS 23.40.210 is amended by adding a new subsection to
10 read:

11 (b) When an agreement is entered into between an organization
12 and the state, the agreement shall be submitted to the legislature
13 within 10 days after the signing of the agreement by the parties or 10
14 days after the convening of the next regular session. The monetary
15 terms of an agreement take effect if they are not rejected by the
16 legislature by concurrent resolution within 30 days after the agree-
17 ment is submitted to the legislature.

18 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
19 10.070(c).



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

MEMORANDUM

June 21, 1983

TO: House Labor & Commerce Committee

FROM: Teresa B. Cramer *Teresa B. Cramer*
Administrative Assistant

SUBJECT: CS for Senate Bill No. 55 (Rules)
Relating to Collective Bargaining

The Public Employment Relations Act provides that the monetary terms of any agreement entered into between the state and an employee representative are subject to funding through legislative appropriation. AS 23.40.215. The PERA does not set out a system of legislative review for the monetary terms. If the legislature is dissatisfied with the negotiated terms, there is no formal vehicle to explain to the parties to the agreement (the Administration and the employee union or association) the substance of the legislature's concerns. Therefore, the parties do not have a concrete set of limitations from which to work should they decide to renegotiate the original agreement. Furthermore, legislative delay and rejection of negotiated contracts has, in the past, led to the calling of a Special Session, which is an expensive way to resolve the issue.

The Blue Ribbon Commission recommends legislation to encourage legislative review of collective bargaining agreements early in the session. If the legislature is dissatisfied with the monetary terms, the parties may choose to renegotiate before the session adjourns with a clear understanding of the legislature's concerns.

Bill Analysis

Page 1
Line 9

The first section requires that the monetary terms of a collective bargaining agreement be submitted to the legislature within 10 days of agreement by the parties. If the parties reach an agreement while the legislature is not in session, then the monetary terms are to be submitted within 10 days of the convening of the next regular session. The legislature is given 60 days to consider the agreement and express its opinion by concurrent resolution.

- Line 17 Any approval given by the legislature is a "nonbinding, advisory expression of legislative intent." This language makes clear that the resolution does not take the place of an appropriation bill to fund the contract and permits the legislature to change its mind, should circumstances warrant.
- Line 19 If the legislature disapproves the negotiated agreement, the parties may resume negotiations.
- Line 23 The second section adds a definition of "monetary terms of an agreement" to the Public Employment Relations Act to set out those items which are subject to legislative review.
- Line 29 The third section provides for an immediate effective date.

TBC:lmk

6/6/83 Senate Finance

Amendment adopted w/ on change:

Mulcahy moves Version 1 w/ amendment

Josephson questions - recommends Version 2

Falks recs $\textcircled{P}$ bc requires ^{ppl to state} ~~version~~ objections

Adopted: Fischer, Falks, Mulcahy

Passed w/ indiv recs

Original sponsor: Rules/Legislative Council

IN THE SENATE

BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 55 (Finance)
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE - FIRST SESSION

A BILL

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* Sec. 2. This Act takes effect immediately in accordance with AS 01.-10.070(c).

*Adopted w/ amendment by Senate Finance
June 6, 1983 -*

In favor of this version: Fischer, Faiks, Mulcahy

Adopted as changed 6/6/83
by Senate Finance Committee

A M E N D M E N T

Offered in the Senate

By V. Fischer

TO: CSSB 55 (Finance)

Page 1, following line 22, add a new section 2:

* Sec. 2. AS 23.40.250 is amended by adding a new subsection to read:

(8) "Monetary terms of an agreement" means those changes in the terms ^{and} ~~or~~ conditions of employment resulting from an agreement that will require an appropriation for its implementation or will result in a change in state revenues or productive work hours for state employees.

Renumber subsequent section accordingly.

Mon 9 Senate Finance
def. of monetary terms

Original sponsor: Rules/Legislative Council

IN THE SENATE

BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 55 (Finance)

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* Sec. 2. This Act takes effect immediately in accordance with AS 01.-10.070(c).

Senator Vic Fischer

Alaska State Legislature

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



MEMORANDUM

TO: Senate Finance Committee

FROM: Senator Vic Fischer

RE: CSSB 55 (Finance)

DATE: June 2, 1983

SB 55 was before the committee on May 19. The consensus of the committee, at that time, was to review committee substitutes to address constitutional and other problems.

Two CS versions of SB 55 are attached. Version 1 of CSSB 55 (Finance) follows the suggestion made by Senator Mulcahy that the legislature make a positive action to express agreement of the monetary terms. Version 2 of CSSB 55 (Finance) was drafted by the Department of Law at the request of Senator Ray, and follows more closely the original intent of the bill.

Both make some changes from the Judiciary CS. The substantive changes are:

- a) In both proposed committee substitutes, the Department of Administration submits the monetary terms only after the agreement has been entered into; in the Judiciary version of SB 55, the monetary terms would be submitted to the legislature before the state and an organization entered into an agreement.
- b) Both proposed committee substitutes add a sentence that legislative action taken by resolution on the monetary terms of an agreement is a non-binding advisory expression of legislative intent.
- c) Both committee substitutes also change the period of time in which the legislature can act on the submitted terms from 30 to 60 days.
- d) Both committee substitutes contain a provision enabling parties to resume negotiations if the monetary terms are not supported by the legislature.

The differences between the two proposed committee substitutes are:

a) Version 1 requires an approval by concurrent resolution to express that the monetary terms of an agreement are acceptable to the legislature (lines 14-17). In version 2, the monetary terms of the agreement shall be considered acceptable to the legislature, unless a concurrent resolution expressing rejection of the monetary terms of the agreement is passed (lines 14- 18).

b) Regarding negotiations, version 1 of the bill states that the parties may resume negotiations if the legislature does not pass a concurrent resolution approving the monetary terms of the agreement (lines 19-23). Version 2 of the bill states that the parties may resume negotiations if the legislature passes a concurrent resolution rejecting the monetary terms of the agreement (lines 20-23).

FROM
MURRAY

Original sponsor: Rules/Legislative Council

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 55 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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10 read:

11 (b) Before entering into an agreement between an organization
12 and the state a proposed agreement approved by the organization and
13 the state shall be submitted to the legislature for consideration of
14 the monetary terms of the agreement. The proposed agreement shall be
15 submitted to the legislature within 10 days after the agreement of the
16 parties or 10 days after the convening of the next regular session.
17 The agreement may take effect only if the monetary terms of the agree-
18 ment are approved by the legislature by concurrent resolution within
19 60 days after the agreement is submitted to the legislature.

20 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

MAY 23 1983

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

May 20, 1983

The Honorable Bill Ray
Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: CSSB 55 -- collective
bargaining
Our file no.: 377-103-83

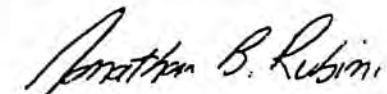
Dear Senator Ray:

Attached please find a proposed substitute for CSSB 55 which does not raise the legal concerns identified in our letter of May 18, 1983. As you will note, the substitute provides for the prompt submission of the monetary terms of an agreement to the legislature. The legislature, acting in its advisory capacity, will be considered to approve the monetary terms, unless a contrary concurrent resolution is adopted within 30 days. Any action under this new review procedure does not disturb any legislatures prerogatives with respect to the funding of an agreement.

We apologize that the Department of Law did not provide you with a prepared substitute for SB 55 at an earlier date. If you have any questions, please feel free to call.

NORMAN C. GORSUCH
ATTORNEY GENERAL

By:



Jonathan B. Rubini
Assistant Attorney General

JBR:jb

cc: Emil Notti
Legislative Assistant
Governor's Office

Eleanor Andrews
Deputy Commissioner -- Personnel Mgr.
Department of Administration

PROPOSED (Dept. of Law)

Offered: 3/3/83
Referred: Finance

Original sponsor: Rules/Legislative Council

IN THE SENATE

BY THE JUDICIARY COMMITTEE

CS FOR SENATE BILL NO. 55 (Judiciary)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - FIRST SESSION

A BILL

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* Sec. 2. This Act takes effect immediately in accordance with AS 01.-10.070(c).

Thursday, May 26th

Senator Ray -

Two Committee Substitutes have been prepared for SB 55 - the collective bargaining bill. One comes from Jon Rubini of the Attorney General's office and has been sent to you already. The other was prepared at Senator Mulcahy's request. There are some problems with this second CS, the major one being that it provides that a collective bargaining agreement may take effect only if the monetary terms are approved by the legislature within 60 days of being submitted.

The problem with this approach is that, in fact, the legislature may fail to meet the 60-day deadline but still be willing to fund the agreements. This leaves employee representatives and the executive branch to second guess whether the legislature has serious disagreements with the terms proposed or whether there were timing problems which delayed legislative action. It ~~takes~~ ^{reduces} the pressure ~~to act off~~ ^{on} ~~(the legislature)~~ to make its views known promptly.

Should I talk with Senator Mulcahy's office about the CS he is proposing?

Jerry

Senate Finance Comm. Hearing
5/19/83 El. Andrews

Sep. of powers

If leg & act → funding by default?
If litig req'd, chaos till ct decides

If admin → "prop" agit, then leg appears
to be in posture of neg. w/ unions

Sen Fairs: Admin neg. k & leg & fund pay <? yes
legal ram? 1977/9 leg & fund. Filed st
Ct ruled leg role fund or not fund.

Parties strike if wanted

CB good faith by all 3 - broken one seg → whole limbo
? - leg does not have to fund? (Correct)

EA: approp by default

Sen B: all parts of agit

EA: parties have can set eff. date for non-mon terms
(effective on passage of #)

Sen J: delay - all in limbo while leg. dallies

EA: any limbo = litig. over legality of law

Sen J: what cd happen: Key comm. Chair wants k
effect, then Leg. bd even if disagrees

Sen F: poss w/ orig bill - CS says agit "may" take

Sen Fairs: Mon terms & take effect unless leg approps

Sen J: Letter of Intent

John Rubini

2 Q CRB55 - Not sure of answers, but prob. litig
Sen Fish - discuss for record

Annulment by resolution
① ~~Failure to act ~~as approp~~~~

② De facto approp: Failure to act but no approp
leg might be compromising reviewing K terms(?)
during approp process

Sen Fischer rec - lay on table: return to bill file

Senator Vic Fischer

Alaska State Legislature

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



MEMORANDUM

TO: Senate Finance Committee

FROM: Senator Vic Fischer

RE: CSSB 55 (Jud)

DATE: May 18, 1983

CSSB 55 (Jud) adds a new subsection to AS 23.40.210.

Section 1 states that when a proposed agreement is reached between an organization and the state, the agreement shall be submitted to the legislature within 10 days after agreement or 10 days after the convening of the legislative session for consideration of the monetary terms of the agreement.

Lines 9-16
Lines 17-19 state that the agreement may take effect if the monetary terms of the agreement are not rejected by concurrent resolution within 30 days after submission of the agreement to the legislature.

Section 2 provides for an immediate effective date.

SB 55 was waived to the Judiciary committee from the State Affairs committee because there seemed to be some problems with the bill that could best be taken care of in that committee. No senators in the Senate State Affairs Committee disagreed with the concept of the bill.

The Judiciary Committee adopted a Committee Substitute which called for a proposed agreement to be submitted to the legislature as opposed to a signed agreement as outlined in the original version of the bill.

I requested an opinion from the Attorney General for possible constitutional and other legal problems that might be associated with this bill. The opinion of May 18, 1983 is enclosed in your backup material. John Rubini from the Attorney General's office will be here to testify on these constitutional problems.

The Department of Administration position is also included in your backup. Also included in your backup is the original version of the bill.

Offered: 3/3/83
Referred: Finance

Original sponsor: Rules/Legislative Council

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

CS FOR SENATE BILL NO. 55 (Judiciary),

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to collective bargaining; and pro-

7

viding for an effective date."

8

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

9

* Section 1. AS 23.40.210 is amended by adding a new subsection to

10 read:

11

(b) Before entering into an agreement between an organization

12

and the state a proposed agreement approved by the organization and

13

the state shall be submitted to the legislature for consideration of

14

the monetary terms of the agreement. The proposed agreement shall be

15

submitted to the legislature within 10 days after the agreement of the

16

parties or 10 days after the convening of the next regular session.

17

The agreement may take effect if the monetary terms of the agreement

18

are not rejected by the legislature by concurrent resolution within 30

19

days after the agreement is submitted to the legislature.

20

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-

21

10.070(c).

22

I. REQUEST

Bill/Resolution No.: CS SB 55 (Judiciary)

Title: See page 2

Sponsor: Judiciary committee

Requestor:

II. FISCAL DETAIL

Agency Affected: Administration

Program Category Affected: Central Adm. Svcs

BRU, Program of Subprogram(s) Affected:

Labor Relations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0		
CAPITAL						
REVENUE	0	0	0	0		

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Judy StoughtonDivision: Labor Relations

Phone: (907) 465-4044

Date: March 29, 1983Approved by Commissioner: Lisa RuddDepartment: ADMINISTRATIONDate: 4/7/83

Distribution:

Original to Legislative Finance

Copy to Office of Management and Budget (for Legislature introduced bills)

Copy to Department (for Governor introduced bills)

Copy to Sponsor

Copy to Requestor (if different from Sponsor)

3/8/83

POSITION PAPER
CS SB 55 (Judiciary)

This bill would add a new subsection to the Public Employment Relations Act providing: 1) for submission of a "proposed" collective bargaining agreement which has been "approved by the organization and the State" to the Legislature within ten (10) days "after the agreement of the parties", or ten (10) days after the regular session convenes; 2) that the Legislature is to consider the agreement's monetary terms; 3) that if the Legislature does not reject the monetary terms of the agreement by concurrent resolution within thirty (30) days of the agreement's submission the agreement may take effect.

Amendments to this bill have so altered it as to cause us to withdraw our conditional support for the original version. That support was based upon a belief that the underlying objective of the bill was a worthy one, and was achievable with minor modifications to the bill's language. But the committee substitute places the original objective out of reach.

We have two major concerns with the present version of the bill. First, we believe that the legislature may by the provisions of the bill, be unduly restricting its own actions. Second, the bill now seems to involve the legislature in the actual collective bargaining process! We strongly oppose any requirement that the parties submit a "proposed" agreement to the legislature for approval before actually entering into the agreement. Since the legislature's role is to fund or not fund the monetary terms of the agreement, legislative involvement prior to actual agreement would be premature.

Prepared By:

Guy Stringham

Guy Stringham, Director
Division of Labor Relations

Approved By:

Lisa Rudd

Lisa Rudd, Commissioner
Department of Administration

4/4/83
Date

4/7/83
Date

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

2/10/83

Date: 2/23/83

Mr. President:

The Committee on JUDICIARY has had SB 55

Relating to collective bargaining; eff. date

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

- ☐ do pass ☐ do not pass
- ☐ do pass with attached amendments(s)
- ☒ replace with CS for SB 55 (Judiciary) ☒ same title ☐ new title
- and recommends _____
- ☒ AND attaches a "Letter of Intent" ☐ New Fiscal Note
- ☐ reports it back without recommendation
- ☐ referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Bill Ray
Paul Jones
[Signature]
[Signature]

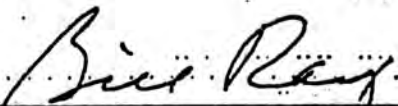
N/R - 3

Bill Ray
CHAIRMAN

Senate Judiciary Committee

Letter of Intent on SB 55

Before an organization and the state may enter into an agreement, the agreement proposed to be entered into shall be submitted to the legislature for consideration of the monetary terms of the agreement. Submittal of the proposed agreement to the legislature shall occur within ten (10) days after the proposed agreement of the parties has been reached, or ten (10) days after the convening of the next regular session. The monetary terms of the proposed agreement take effect if they are not rejected by the legislature by concurrent resolution within thirty (30) days after the agreement is submitted to the legislature.



Senator Bill Ray, Chairman

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

May 18, 1983

The Honorable Vic Fischer
Senator
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: CSSB 55 -- Collective
bargaining agreements
Our file no.: 366-612-83

Dear Senator Fischer:

In your letter of May 18, 1983, you have asked whether the procedures proposed in CSSB 55 to effectuate approval of a collective bargaining agreement raise constitutional concerns. As we discussed below, the bill raises substantial constitutional questions and, as a consequence, will almost undoubtedly foster extensive litigation. In light of the limited time available for our response and the complexity of the matter, we limit our response to identifying the legal questions posed by CSSB 55.

As you know, present law provides that the monetary terms of an agreement do not take effect without legislative approval. AS 23.40.215. In practical application, monetary terms take effect only when an appropriation to fund the agreement is adopted. The effective dates of other provisions in an agreement are not, however, contingent on legislative review and approval. CSSB 55 proposes, in contrast, that monetary terms of an agreement would take effect unless the legislature adopts within 30 days a concurrent resolution which disapproves of the monetary terms. Further, the effective date for other items in the agreement would be contingent on the monetary terms taking effect through legislative inaction.

We first question whether CSSB 55 proposes a permissible exercise of legislative powers. The novel feature of the legislation is the significance of the legislature's failure to

act. In State v. A.L.I.V.E. Voluntary, 606 P.2d 769 (Alaska 1980), the Alaska Supreme Court considered the constitutionality of a statute, AS 44.62.320(a), which provided for the annulment of administrative regulations through adoption of a concurrent resolution. The Court observed that "[t]he Alaska Constitution defines with specificity the mechanics of legislation. Each provision has a purpose 'designed to engender a responsible legislative process worthy of the public trust.'" Id. at 772, quoting Plumley v. Hale, 594 P.2d 497, 500 (Alaska 1979). With respect to the regulation annulment procedure at issue, the court concluded that the adoption of a concurrent resolution was an impermissible method to exercise legislative power. Indeed, since CSSB 55 infers legislative action through an absence of action, the bill arguably exacerbates the procedural deficiencies identified at length in A.L.I.V.E. Voluntary. Further, the A.L.I.V.E. Voluntary court also noted that where the legislature acts through the adoption of a concurrent resolution, the governor is deprived of an opportunity to exercise a veto of the legislative action. That concern is equally applicable to the procedures established under CSSB 55.

The bill also raises substantial questions with respect to the appropriation process. Article 9, section 13 of the Alaska Constitution provides that "no money shall be withdrawn from the treasury except in accordance with appropriations made by law." Clearly, legislative inaction cannot suffice to permit the expenditure of public money without an appropriation. The bill, therefore, should not be construed to permit a "de facto appropriation" of public money to fund the agreement. And, if the monetary terms of an agreement became effective through legislative inaction, the terms of any outstanding appropriations would be determinative of whether the executive branch had authority to expend public money to fund the agreement. Of course, as a practical matter the use of a preexisting appropriation may require the dismissal of public employees to provide sufficient money to fund the agreement. A related, and more difficult problem is that once the monetary terms are effective, contractual obligations are established. We cannot opine with any certainty what ramifications would follow were the state in the difficult posture of being subject to contractual obligations, yet without the requisite appropriation to enable the expenditure of public money. We note that it is arguable that the legislature's continuing obligation to fund the monetary terms of an agreement pursuant to AS 23.40.215 may, ultimately, be compromised in this instance.

Hon. Vic Fischer
CSSB 55 -- collective bargaining agreements
366-612-83

May 18, 1983
Page 3

If you have any further questions on this matter,
please feel free to call.

NORMAN C. GORSUCH
ATTORNEY GENERAL

By:

Jonathan B. Rubini
Jonathan B. Rubini
Assistant Attorney General

JBR:jb

cc: Honorable Bill Ray
Alaska State Legislature

Eleanor Andrews, Deputy Commissioner
Department of Administration

Introduced: 1/18/83
Referred: State Affairs and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE SENATE

2 SENATE BILL NO. 55

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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13 within 10 days after the signing of the agreement by the parties or 10
14 days after the convening of the next regular session. The monetary
15 terms of an agreement take effect if they are not rejected by the
16 legislature by concurrent resolution within 30 days after the agree-
17 ment is submitted to the legislature.

18 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
19 10.070(c).

STATE OF ALASKA
FISCAL NOTE

Revision Date: March 29, 1983

I. REQUEST

Bill/Resolution No.: CS SB 55 (Judiciary)
Title: See page 2
Sponsor: Judiciary committee
Requestor:

II. FISCAL DETAIL

Agency Affected: Administration
Program Category Affected: Central Adm. Svcs
BRU, Program of Subprogram(s) Affected:
Labor Relations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0		
CAPITAL						
REVENUE	0	0	0	0		

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Larry Stinson
Division: Labor Relations

Phone: (907) 465-4044
Date: March 29, 1983

Approved by Commissioner: Lisa Rudd
Department: ADMINISTRATION

Date: 4/7/83

Distribution:

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3/8/83



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

MEMORANDUM

March 3, 1983

TO: Senate Finance Committee

FROM: Teresa B. Cramer *Teresa B Cramer*
Administrative Assistant

SUBJECT: CS SB 55 (Judiciary) - Collective Bargaining

The Public Employment Relations Act provides that the monetary terms of any agreement entered into between the state and an employee representative are subject to funding through legislative appropriation. AS 23.40.215. The Act does not set out how the legislative review should occur.

The Blue Ribbon Commission has discussed the problems which can arise if the Legislature fails to act expeditiously on collective bargaining agreements submitted to it. Delay followed by legislative rejection can preclude the parties from completing any renegotiations before the Legislature adjourns. There would then be no funding for the new agreement and the Legislature might have to convene in special session, an expensive alternative.

The commission recommends that legislation be adopted to encourage prompt legislative review of collective bargaining agreements.

Bill Analysis

Page 1 The first section of the bill requires that proposed agreements
Line 9 be submitted to the Legislature within 10 days after the parties have agreed for consideration of the monetary terms. The Legislature then has 30 days to review those terms.

Line 17 If the Legislature finds the terms unacceptable, then it may reject the agreement by concurrent resolution. If the Legislature fails to act within 30 days, then the contracts will be considered to have legislative approval. The proposed legislation does not address the introduction or passage of an appropriation bill funding the agreements.

Line 20 The second section of the bill contains an immediate effective date clause.

TBC:lmk



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

MEMORANDUM

January 25, 1983

TO: Senate State Affairs Committee

FROM: Teresa B. Cramer *Teresa B. Cramer*
Administrative Assistant

SUBJECT: Senate Bill 55 - Collective Bargaining

The Public Employment Relations Act provides that the monetary terms of any agreement entered into between the state and an employee representative are subject to funding through legislative appropriation. AS 23.40.215. The Act does not set out how the legislative review should occur.

The Blue Ribbon Commission has discussed the problems which can arise if the Legislature fails to act expeditiously on collective bargaining agreements submitted to it. Delay followed by legislative rejection can preclude the parties from completing any renegotiations before the Legislature adjourns. There would then be no funding for the new agreement and the Legislature might have to convene in special session, an expensive alternative.

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 then it may reject the agreement by concurrent resolution.
 If the Legislature fails to act within 30 days, then the
 contracts will be considered to have legislative approval.
 The proposed legislation does not address the introduction
 or passage of an appropriation bill funding the agreements.

Line 18 The second section of the bill contains an immediate
 effective date clause.

2/17/83

APEA:

Cherie Shelley, Executive Director
Darlene Livermore, Director of Field
Operations

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Juneau Headquarters
340 North Franklin Street
Juneau, AK 99801
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Dianne M. Corso, Field Representative
Ann C. Geohegan, Field Representative

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Juneau Field Office
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Cheryl Ann Scott, Field Representative
John Marton, Field Representative
Theresa Signorini-Evans, Field
Representative
Mike Hensley, Field Representative

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Bob Watts, Field Representative
Verna Eason, Field Representative

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LTC:

Al J. Baffone, Sr., Business Manager
Jennie Day Peterson, Business Representative
Jim Gillaspie, Business Representative
Doug Stewart, Business Representative

PUBLIC EMPLOYEES LOCAL #71, AFL-CIO
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Ph: 276-7211

Donald Valesko, Business Representative

PUBLIC EMPLOYEES LOCAL #71, AFL-CIO
208 Wendell Street, Room 205
Fairbanks, AK 99701
Ph: 452-5024

Don Rouleau, Business Representative

PUBLIC EMPLOYEES LOCAL #71, AFL-CIO
369 South Franklin Street
Juneau, AK 99801
Ph: 586-6993

PSEA:

Ed Harter, President
Robert Piazza, Business Representative
Carole L. Doyle, Secretary

PUBLIC SAFETY EMPLOYEES ASSOCIATION
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Anchorage, AK 99509
Ph: 276-6464

CEA:

Lynda McCurry, President

CONFIDENTIAL EMPLOYEES ASSOCIATION
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Juneau, AK 99802
Ph: 465-2789

IBU:

Jerry Johansen, Regional Director

INLANDBOATMEN'S UNION OF THE PACIFIC
P.O. Box 6300
Ketchikan, AK 99901
Ph: 225-6360 or 225-6560

Mike Wilson, Business Representative

INLANDBOATMEN'S UNION OF THE PACIFIC
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Juneau, AK 99801
Ph: 586-2120

Donald Liddle, President

INLANDBOATMEN'S UNION OF THE PACIFIC
National Office
2700 First Avenue, Room 211
Seattle, WA 98121
Ph: (206) 622-9736

MEBA:

Stephen Franks, Branch Agent
Karl Landegrebe, Patrolman

NATIONAL MARINE ENGINEERS BENEFICIAL
ASSOCIATION
DISTRICT #1 - PACIFIC COAST DISTRICT
2701 First Avenue
Seattle, WA 98121
Ph: (206) 622-0842

MM&P: J.E. Frischmiller (Gen. Counsel)

Captain David Boyle, Regional Director

INTERNATIONAL ORGANIZATION OF MASTERS,
MATES & PILOTS
BRANCH #6, PACIFIC MARITIME REGION
55 Bell Street
Seattle, WA 98121
Ph: (206) 623-2271

IHM #5/2/LRFL

LRA:

C. R. "Steve" Hafling

STATE LABOR RELATIONS AGENCY & STATE
PERSONNEL BOARD
P.O. Box 6701
Anchorage, AK 99502
Ph: 243-6955

*Morgan Red
Ronald Henry*

William J. Pauzauskie, Consultant

STATE LABOR RELATIONS AGENCY & STATE
PERSONNEL BOARD
P.O. Box 6701
Anchorage, AK 99502

OR

William J. Pauzauskie
Attorney at Law
1101 West 7th Avenue
Anchorage, AK 99501
Ph: 276-2232

FMCS:

Director of Arbitration Services

FEDERAL MEDIATION & CONCILIATION SERVICE
2100 "K" Street, N.W., 65th Floor
Washington, D.C. 20427

FEDERAL MEDIATION & CONCILIATION SERVICE
P.O. Box 8
Federal Building & U.S. Court House
701 "C" Street
Anchorage, AK 99513

MEMORANDUM

November 9, 1982

TO: Tom Sofo, Legislative Counsel

FROM: Teresa B. Cramer
Administrative Assistant

SUBJECT: Work Draft 13-0040
Relating to Collective Bargaining

Enclosed is a copy of the collective bargaining bill with the amendments made by the commission at its last meeting. Could you send me a final work draft for the commission's review?

Thanks.

TBC:lmk
Enclosure

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to collective bargaining; and
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18 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
19 10.070(c).
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BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
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Amended at Blue
Ribbon Comm meeting
11/9/82 as noted
below.

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
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24

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
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1
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BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
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3 SENATE BILL NO.

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17 ture has 30 days to accept or reject the monetary
18 terms of an agreement submitted under this subsec-
19 tion. The monetary terms of an agreement shall take
20 effect if they are accepted by the legislature by
21 concurrent resolution within 30 days after the agree-
22 ment is submitted to the legislature.

23 * Sec. 2. This Act takes effect immediately in accor-
24 dance with AS 01.10.070(c).

10/12/82

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IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to collective bargaining; and providing for an effective date."

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

* Section 1. AS 23.40.210 is amended by adding a new subsection to read:

(b) When an agreement is entered into between an organization and the state, the agreement shall be submitted to the legislature within 60 days after the convening of the next regular session. The legislature has 60 days to accept or reject the monetary terms of an agreement submitted under this subsection. The monetary terms of an agreement shall take effect unless rejected by the legislature by concurrent resolution within 60 days after the agreement is submitted to the legislature.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

13-0040

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9.17

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE -- FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to collective bargaining; and pro-
7 viding for an effective date."

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

9 * Section 1. AS 23.40.210 is amended by adding a new subsection to read:

10 (b) When an agreement is entered into between an organization and
11 the state, the agreement shall be submitted to the legislature within 30
12 days after the convening of the next regular session for approval of the
13 monetary terms by appropriation or for rejection by concurrent resolu-
14 tion. The legislature may not adjourn a regular session until it has
15 accepted or rejected the monetary terms of an agreement submitted under
16 this subsection. The monetary terms of an agreement may not take effect
17 unless approved by appropriation by the legislature as provided in this
18 subsection.

19 * Sec. 2. AS 23.40.215 is amended by adding a new subsection to read:

20 (b) If the monetary terms of an agreement for more than one year
21 are approved by an appropriation and the agreement does not provide for
22 reopening and negotiating adjustments in those monetary terms during the
23 life of the agreement, the appropriation shall be for the entire cost of
24 the monetary terms, to be expended in successive fiscal years in accor-
25 dance with those terms, over the life of the agreement, and its enactment
26 shall constitute a contract by the state not to repeal or diminish the
27 appropriation during the life of the agreement.

28 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-

29 070(c).

Offered: 5/18/82
Adopted: 5/19/82
Journal pg 1471-3

1 person who (1) has broad and varied experience in the conduct of human
2 affairs, (2) resides in the affected school district, and (3) is not at
3 the time of selection employed in a position that requires direct parti-
4 cipation in labor-management relations. Within three days of the date
5 designated for submission of names under this subsection the organiza-
6 tion and the board shall each notify the arbitrator if it accepts the
7 person selected by the other party. If the parties agree, the persons
8 selected shall serve on the board described in (a) of this section. If
9 the organization and the board do not agree within three days on the
10 members selected, the arbitrator shall request each party to submit to
11 the labor relations agency a list consisting of not less than three nor
12 more than five persons who meet the criteria set out in (1), (2), and
13 (3) of this subsection. From each list submitted to the labor relations
14 agency, the agency shall promptly choose one person who shall serve on
15 the board described in (a) of this section.

16 (e) An arbitration board is entitled to compensation by the par-
17 ties for its services as follows:

18 (1) public members shall receive per diem and travel allow-
19 ances as provided by law for members of state boards and commissions;

20 (2) the professional arbitrator serving as chairperson shall
21 be compensated on terms that the parties determine to represent fair
22 value for such professional services.

23  Sec. 13. AS 23.40.210 is amended by adding a new subsection to read:

24 (b) When an agreement is entered into between an organization and
25 the state, the agreement shall be submitted to the legislature within
26 60 days after convening of a regular session. The legislature shall
27 have 60 days to accept or reject the monetary terms of an agreement
28 submitted under this subsection. The monetary terms of an agreement
29 shall take effect unless rejected by the legislature by concurrent

1 resolution within the 60-day limitation as provided above.

2 * Sec. 14. AS 23.40.250(1) is amended to read:

3 (1) "collective bargaining" means the performance of the
4 mutual obligation of the public employer or his designated representa-
5 tives and the representative of the employees to meet at reasonable
6 times, including meetings in advance of the budget making process and
7 negotiate in good faith with respect to wages, hours and other terms and
8 conditions of employment, or, for employees who are teachers, to negoti-
9 ate in good faith with respect to matters pertaining to the employment
10 and the fulfillment of the professional duties of teachers, or the
11 negotiation of an agreement, or negotiation of a question arising under
12 an agreement and the execution of a written contract incorporating an
13 agreement reached if requested by either party, but these obligations do
14 not compel either party to agree to a proposal or require the making of
15 a concession;

16 * Sec. 15. AS 23.40.250(5) is amended to read:

17 (5) "public employee" means any employee of a public employer,
18 whether or not in the classified service of the public employer, except
19 elected or appointed officials or administrative employees of school
20 boards [TEACHERS] or noncertificated employees of school districts;

21 * Sec. 16. AS 23.40.250(6) is amended to read:

22 (6) "public employer" means the state or a political sub-
23 division of the state, including without limitation, a [TOWN,] city,
24 borough, district, board of regents, city, borough, or regional school
25 board, public and quasi-public corporation, housing authority or other
26 authority established by law, and a person designated by the public
27 employer to act in its interest in dealing with public employees;

28 * Sec. 17. AS 23.40.250 is amended by adding new paragraphs to read:

29 (8) "district" means a district as defined by AS 14.12.010;

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HJR 71 cont'd

Senator Rodey moved and asked unanimous consent that CS FOR HOUSE JOINT RESOLUTION NO. 71 (SA) be held one legislative day. Senator Colletta objected, then withdrew his objection. There being no further objection, the resolution will appear on the May 20 calendar in second reading.

UNFINISHED BUSINESS

SB 668

Senator Ray requested that the reconsideration on CS FOR SENATE BILL NO. 668 (RLS) be taken up at this time.

SENATE BILLS IN THIRD READING

CS FOR SENATE BILL NO. 668 (RLS) (relating to public employees subject to collective bargaining) was before the Senate at this time on reconsideration.

Senator Ray moved and asked unanimous consent that CS FOR SENATE BILL NO. 668 (RLS) be returned to second reading for the purpose of a specific amendment. Without objection, it was so ordered.

Senator Ray offered the following amendment No. 2:

Page 9, line 23: Insert new Section 13 as follows:

*Sec. 13. AS 23.40.210 is amended by adding a new subsection to read:

(b) When an agreement is entered into between an organization and the state, the agreement shall be submitted to the legislature within 60 days after convening of a regular session. The legislature shall have 60 days to accept or reject the monetary terms of an agreement submitted under this subsection. The monetary terms of an agreement shall take effect unless rejected by the legislature by concurrent resolution within the 60-day limitation as provided above.

renumber accordingly

Senator Ray moved and asked unanimous consent for the adoption of amendment No. 2. Senator Dankworth objected.

SB 668 cont'd

Senator Colletta offered the following amendment to amendment No. 2:

delete the last sentence of amendment No. 2

Senator Colletta moved and asked unanimous consent for the adoption of the amendment to amendment No. 2. Senator Parr objected.

The question being: "Shall amendment to amendment No. 2 be adopted?" The roll was taken with the following result:

CSSB 668 RLS AM TO AM

Yeas: 10 Bennett, Bradley, Colletta,
Dankworth, Eliason, Fahrenkamp,
Kelly, Kerttula, Mulcahy, Ziegler

Nays: 10 Anderson, Ferguson, Fischer,
Gilman, Parr, Ray, Rodey, Sackett,
Stimson, Sturgulewski

and so, amendment to amendment No. 2 was not adopted.

The question now being: "Shall amendment No. 2 be adopted?" The roll was taken with the following result:

CSSB 668 RLS AM NO 2

Yeas: 13 Anderson, Bennett, Bradley,
Colletta, Fahrenkamp, Ferguson,
Fischer, Gilman, Kerttula, Ray,
Rodey, Sackett, Stimson

Nays: 7 Dankworth, Eliason, Kelly, Mulcahy,
Parr, Sturgulewski, Ziegler

and so, amendment No. 2 was adopted.

Senator Rodey moved and asked unanimous consent that CS FOR SENATE BILL NO. 668 (RLS) am be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 668 (RLS) am was read the third time.

SB 668 cont'd

The question to be reconsidered is: "Shall CS FOR SENATE BILL NO. 668 (RLS) am (relating to public employees subject to collective bargaining) pass the Senate?" The roll was taken with the following result:

CSSB 668 AM 3RD

Yeas: 14 Bennett, Bradley, Colletta,
Eliason, Fahrenkamp, Fischer, Kelly,
Kerttula, Mulcahy, Parr, Ray, Rodey,
Stimson, Sturgulewski

Nays: 6 Anderson, Dankworth, Ferguson,
Gilman, Sackett, Ziegler

and so, CS FOR SENATE BILL NO. 668 (RLS) am with a Senate Letter of Intent passed the Senate on reconsideration and was referred to the Secretary for engrossment.

SB 666

A memorandum to President Kerttula from Senator Rodey follows:

"The Conference Committee considered SENATE BILL NO. 666 (mining loan fund (AS 17.09); eff. date) and HOUSE CS FOR SENATE BILL NO. 666 (FIN) am H (certain state loan programs; eff. date) requests an addition to the limited powers of free conference:

"Shall the language under the veterans loans
(AS 26.15) be modified?"

President Kerttula granted the limited powers of free conference to the Conference Committee on the above addition.

The Secretary was requested to notify the House.

HB 2, HB 159, HJR 41

Senator Bennett, Co-Chairman of the Finance Committee, moved and asked unanimous consent that the Finance Committee referrals on the following bills and resolution be waived:

CS FOR HOUSE BILL NO. 2 (FIN) am (relating
to land)

CS FOR HOUSE BILL NO. 159 (FIN) (workers'
compensation)

May 18, 1982

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HJR 12

Senator Kelly moved and asked unanimous consent to advance to Unfinished Business. Without objection, the Senate advanced to:

UNFINISHED BUSINESS

Senator Kelly moved and asked unanimous consent that the Senate rescind its previous action in failing SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 12 (TRSP) am S (proposing an amendment to the Constitution of the State of Alaska providing a method for limiting the length of regular sessions of the legislature).

Senator Kelly moved and asked unanimous consent to withdraw his motion. The President stated that the resolution will be held on the Secretary's desk.

The Senate reverted to:

CONSIDERATION OF THE CALENDAR

SECOND READING OF SENATE BILLS

SB 668

SENATE BILL NO. 668 (relating to the resolution of impasses in public employee collective bargaining) which had been placed at the bottom of today's calendar was read the second time.

Senator Kelly moved and asked unanimous consent for the adoption of the Rules Committee Substitute offered on page 1424. Without objection, CS FOR SENATE BILL NO. 668 (RLS) (relating to public employees subject to collective bargaining) was adopted.

CS FOR SENATE BILL NO. 668 (RLS) was read the second time.

Senator Ray offered the following amendment No. 1:

Page 9, line 23: insert new Section 13 and 14 as follows:

*Section 13. AS 23.40.210 is amended by adding a new subsection to read:

(b) When an agreement is entered into between an organization and the state, the agreement shall be submitted to the legislature within 60 days after convening of a

SB 668

regular session for approval of the monetary terms by appropriation or for rejection by concurrent resolution. The legislature may not adjourn a regular session until it has accepted or rejected the monetary terms of the agreement submitted under this subsection. The monetary terms of an agreement may not take effect unless approved by appropriation by the legislature as provided in this subsection.

*Sec. 14. AS 23.40.215 is amended by adding a new subsection to read:

(b) When the monetary terms of an agreement for more than one year are approved by an appropriation and the agreement makes no provision for reopening and negotiating adjustments in those monetary terms during the life of the agreement, the appropriation shall be for the entire cost of the monetary terms to be expended in successive fiscal years in accordance with those terms over the life of the agreement, and its enactment shall constitute a contract by the state not to repeal or diminish the appropriation during the life of the agreement.

renumber accordingly

Senator Ray moved and asked unanimous consent that the question be divided. Without objection, it was so ordered.

Senator Kelly offered the following amendment to amendment No. 1, Part I (that material pertaining to Section 13).

Delete "The legislature may not adjourn a regular session until it has accepted or rejected the monetary terms of an agreement submitted under this subsection."

Senator Ferguson moved and asked unanimous consent that CS FOR SENATE BILL NO. 668 (RLS) be held one legislative day. Senator Fischer objected.

Senator Kelly moved and asked unanimous consent to withdraw his amendment to amendment No. 1, Part I. Without objection, it was so ordered.

Senator Ray offered the following 2nd amendment to amendment No. 1, Part I.

SB 668 cont'd

On Section 13 delete "The legislature may not adjourn a regular session until it has accepted or rejected the monetary terms of an agreement submitted under this subsection" insert:

"The legislature shall have 60 days to accept or reject the monetary terms of an agreement under this subsection".

Senator Ray moved the 2nd amendment to amendment No. 1, Part I. Senator Bennett asked unanimous consent. Senators Sturgulewski and Ziegler objected.

The question being: "Shall the 2nd amendment to amendment No. 1, Part I be adopted?" The roll was taken with the following result:

CSSB 668 AM TO AM 1 PT 1

Yeas: 13 Anderson, Bennett, Bradley,
Colletta, Dankworth, Kelly, Kerttula,
Mulcahy, Parr, Ray, Rodey, Sackett,
Stimson

Nays: 7 Eliason, Fahrenkamp, Ferguson,
Fischer, Gilman, Sturgulewski,
Ziegler

and so, the 2nd amendment to amendment No. 1. Part I was adopted.

The question now being: Shall Part I of amendment No. 1 as amended be adopted?" The roll was taken with the following result:

CSSB 668 PT 1 AM 1

Yeas: 9 Anderson, Bennett, Dankworth,
Fahrenkamp, Parr, Ray, Rodey,
Sackett, Stimson

Nays: 11 Bradley, Colletta, Eliason,
Ferguson, Fischer, Gilman, Kelly,
Kerttula, Mulcahy, Sturgulewski,
Ziegler

and so, Part I of amendment No. 1 as amended was not adopted.

Senator Ray moved and asked unanimous consent to withdraw Part II of amendment No. 1. Without objection, it was so ordered.

SB 668 cont'd

Senator Rodey moved and asked unanimous consent that CS FOR SENATE BILL NO. 668 (RLS) be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

Senator Gilman moved and asked unanimous consent that the Rules Letter of Intent offered on page 1424 be adopted as a Senate Letter of Intent. Without objection, the Letter of Intent was adopted as a Senate Letter of Intent.

The question being: "Shall CS FOR SENATE BILL NO. 668 (RLS) (relating to public employees subject to collective bargaining) pass the Senate?" The roll was taken with the following result:

CSSB 668 3RD

Yeas: 13 Bennett, Bradley, Colletta,
Eliason, Fahrenkamp, Fischer, Kelly,
Kerttula, Mulcahy, Parr, Rodey,
Stimson, Sturgulewski

Nays: 7 Anderson, Dankworth, Ferguson,
Gilman, Ray, Sackett, Ziegler

and so, CS FOR SENATE BILL NO. 668 (RLS) passed the Senate with a Senate Letter of Intent.

Senator Rodey gave notice of reconsideration on CS FOR SENATE BILL NO. 668 (RLS) and moved and asked unanimous consent that the Rules be suspended and the bill be taken up at this time. Senators Gilman and Sackett objected.

Senator Rodey gave notice of reconsideration on CS FOR SENATE BILL NO. 668 (RLS).

CITATIONS

Senator Rodey moved and asked unanimous consent for the approval of the Citation - Honoring Dave Knapp by Representatives Grussendorf and Montgomery and Senators Eliason, Fischer and Sturgulewski. Without objection, the Citation was approved and referred to the Secretary.

1st Reading Hs - pg 1968

Referral: HESS & Fin

HESS Report pg 229 5/29/82