

COMMITTEE REPORT
SENATE

FURTHER:

6/2/83

Date: 6/15/83

Mr. President:

The Committee on FINANCE has had CSSS HJR 7(Jud)

Proposing amendments to the Constitution of Alaska relating to the election of the attorney general.

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 _____ same title new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation *Attached F.N. 2/23/83 # 6/26/83*
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

V. Fisher Do NOT PASS

J. Prosser Do NOT PASS

Bob Mulder Do NOT Pass

Deming No Rec

Chris Smith No Rec

John Sedwick - No not pass

[Signature]

CHAIRMAN

no Rec

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SS HJR 7 Date on Bill: 2/11/83
 Title: "proposing amendments to the Constitution..relating to the election of the
 Sponsor: Uehling, Ward et al attorney general"
 Requestor: House Judiciary Committee

1. Estimated fiscal impacts on: Office of the Governor, Division of Elections

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		-0-	-0-	
Total				

b. Revenues:

Revenue	FY 83	FY 84	FY 85	FY 86

2. Source of funds to offset fiscal impact of bill:

3. Assumptions: Implementation of this resolution would result in a Constitutional amendment question to be asked in the 1984 general election. As a single question on the ballot it would not incur a fiscal impact.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: TPTThoma, Information Officer Phone: 4611
 Division: Elections Date: 2/23/83

Approved by Commissioner: _____ Date: _____
 Department: _____

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

II. FISCAL DETAIL

Bill/Resolution No.: CSSSHJR No. 7 (Judiciary) Agency Affected: Department of Law
 Title: "...election of the Attorney General." Program Category: Affected: General Govt.
 Sponsor: House Judiciary (Orig.-Uehling) BRU, Program of Subprogram(s) Affected: Legal Services, Administrative Services
 Requestor: Senate State Affairs

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			*	*	*	*
CAPITAL						
REVENUE						

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:

* Because expenditures would not begin until the latter part of FY 85, actual costs cannot be determined at this time. Please see Analysis.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues Director Phone: 465-3672
 Division: Administrative Services Division Date: May 26, 1983
 Approved by Commissioner: Richard I. Pegues / for /
 Department: Department of Law Date: May 26, 1983

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)

CSSSHJR No. 7 (Judiciary)
Analysis

This resolution provides for a ballot proposition that would, if approved by the voters, amend the state's constitution by changing the position of attorney general from an appointed office to an elected office. The proposed amendments would also remove the governor's organizational and supervisory controls over any function or unit of government headed by the attorney general.

These controls are normally maintained through executive branch procedural requirements imposed on other executive branch agencies by the Department of Administration and the Office of Management and Budget. The controls are exercised by requiring that other departments obtain OMB's and Administration's approval for: purchasing, leasing and supply; professional services contracting; duplicating services; personnel administration and labor relations; equal employment opportunity programs; data processing, information management and telecommunications services; records management; preaudit accounting services; and budget preparation and budget management.

It will be very expensive for an elected attorney general to provide all or most of these services in-house. Although an attorney general may decide to use some of the centrally provided services, key areas such as: personnel; professional services contracting; purchasing, supply and leasing; data processing; and budget preparation and management, would have to be provided in-house if the attorney general's functions are to be at least reasonably free of the governor's supervision. In addition, it is more than likely that attorney timekeeping would be required throughout the Civil Division because most client agencies would not share the same priorities and program goals of an elected attorney general and they would undoubtedly insist that all interagency-funded legal services provided on their behalf be accurately documented and fully substantiated.

Additional costs, expressed in FY 83 dollars, that will provide for complete independence from the organizational and supervisory control of the governor are shown below. Even if the attorney general were to forego a part of this independence, the savings would only amount to 20 or 30% of the total cost because of the necessity to retain in-house control over the essential support services that determine a department's freedom of action.

<u>Function</u>	<u>Positions</u>	<u>Salary/ Benefits</u>	<u>Other Position Costs</u>	<u>Total</u>
Director's Office	(1) Budget Analyst R19		Travel 2,500	
	(1) Admin. Officer R17		Contractual 24,100	
	(1) Clk. Typist R8		Commod.-ongoing 5,400	
			Commod.-one-time 4,500	
			Equip.-one-time 18,100	
	(3)	113,805	54,600	168,405
Personnel	(1) Personnel Mgr. R21		Travel 2,500	
	(2) Personnel Analysts R16		Contractual 54,200	
	(1) Training Officer R18		Commod.-ongoing 14,400	
	(2) Personnel Tech.'s R12		Commod.-one-time 12,000	
	(1) Payroll Clerk R10		Equip.-one-time 24,100	
	(1) Clk. Typist R8			
	(8)	255,307	107,200	362,507
Property/Supply	(1) Materials Mgr. R21		Travel 2,500	
	(1) Purchasing Agent R18		Contractual 19,600	
	(1) Supply Officer R16		Commod.-ongoing 7,200	
	(1) Clk. Typist R8		Commod.-one-time 6,000	
			Equip.-one-time 19,300	
	(4)	161,843	54,600	216,443
Finance/Accounting	(1) Finance Officer R21		Travel 2,500	
	(1) Acct. Supervisor R16		Contractual 19,900	
	(1) Acct. Clerk R10		Commod.-ongoing 5,400	
			Commod.-one-time 4,500	
			Equip.-one-time 3,600	
	(3)	120,427	35,900	156,327

Attorney Timekeeping

(1) Accountant R18	Travel	1,800	
(3) DP Clerks R11/R9	Contractual	33,000	
	Commod.-ongoing	7,200	
	Commod.-one-time	6,000	
	Equip.-one-time	16,000	
(4)		64,000	175,023
			111,023

Records Management

(1) Records Analyst R18	Travel	1,800	
(1) Records Supervisor R15	Contractual	81,200	
(1) Records Handler R12	Commod.-ongoing	9,000	
(2) Microfilm Operators R10/R14	Commod.-one-time	7,500	
	Equip.-one-time	81,000	
(5)		180,500	360,932
			180,432

Data Processing/Communications

(1) DP Mgr. R21	Travel	2,500	
(1) Programmer Analyst R18	Contractual	319,900	
(1) DP/Comm. Sys. Supvr. R18	Commod.-ongoing	5,400	
	Commod.-one-time	4,500	
	Equip.-one-time	41,600	
(3)		373,900	516,016
			142,116

Duplication Svcs.

(1) Duplication Mgr. R19	Travel	1,000	
(1) Printing Tech. R17	Contractual	74,500	
(2) Machine Operators R12	Commod.-ongoing	57,200	
	Commod.-one-time	6,000	
	Equip.-one-time	154,800	
(4)		293,500	457,268
			163,768

TOTAL

(34)		1,164,200	2,412,921
			1,248,721

Non-salary costs include anticipated space rental of 6,000 sq. ft. for the additional staff of 34, at \$2.00 per sq. ft., per month, plus 2,000 sq. ft. each, for records management and duplication services. Also costed in is \$200 per month per employee for contractual services to cover telephone, copying and postage. Ongoing commodities are estimated at \$150 per month, per employee. New position costs include \$1,500 per employee for one-time commodities (furniture and equipment costing less than \$500 per item), and \$1,200 per employee for new position equipment costing more than \$500 per item. Special items include \$15,000 for employee recruitment advertising for non-attorney job applicants, \$5,000 for personnel system printing, and \$20,000 for a data processing program to maintain EEO statistics. Word processors will cost \$14,500 each for a total cost of \$48,000. Records management equipment include storage devices and microfilm/graphics equipment totalling \$75,000. Duplication equipment will cost approximately \$150,000. DP terminals for both the DP section and the timekeeping section will cost \$50,000. Data processing computer-time should be at \$150,000 per year and an additional \$150,000 is included to maintain and enhance the department's work management, timekeeping, opinion indexing, Westlaw and PROMIS systems.

The total additional cost of \$2,412,921 is an enormous increase over the department's current administrative overhead of \$449,800 projected for FY 84. It is, however, part of the price that must be paid if the proposal to have an elected attorney general is adopted by the electorate during the 1984 general election.

Another major cost area that will eventually occur as a result of changing from an appointed to an elected attorney general, will be a proliferation of special counsel on the staff of major departments. Historically, such counsel have been employed by executive branch agencies to give department heads a "second" opinion in controversial matters in states having an elected attorney general. Such counsel usually do not have the authority to litigate, but they do provide legal advice to department heads and submit amicus briefs in litigation affecting their department's programs. It is not unusual in these states to see four or five separate briefs filed in a single matter, in addition to the attorney general's brief, representing the varying viewpoints of different agencies. Costs for just a single special counsel, including secretarial assistance, total about \$150,000 per year in 1983 dollars. Although it is impossible, at this time, to accurately say how extensive the use of in-house counsel will be if there is an elected attorney general, the additional cost for such counsel could easily exceed \$1.0 million annually, within just a few years.

Offered: 3/4/83
Referred: Rules

Original sponsors: Uehling, Ward,
Barnes, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 7 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the Constitution
6 of the State of Alaska relating to the
7 election of the attorney general and to
8 procedures governing the election and
9 term for state offices to be elected
10 under the constitution.

11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 * Section 1. Article III, sec. 23, Constitution of the State of Alaska
13 is amended to read:

14 SECTION 23. REORGANIZATION. (a) Except as provided in (b) of
15 this section, the [THE] governor may make changes in the organization
16 of the executive branch or in the assignment of functions among its
17 units which he considers necessary for efficient administration.
18 Where these changes require the force of law, they shall be set forth
19 in executive orders. The legislature shall have sixty days of a
20 regular session, or a full session if of shorter duration, to disap-
21 prove these executive orders. Unless disapproved by resolution con-
22 curred in by a majority of the members in joint session, these orders
23 become effective at a date thereafter to be designated by the gover-
24 nor.

25 (b) The governor shall make no change in the organization or
26 function of any unit of the executive branch which is headed by the
27 attorney general.

28 * Sec. 2. Article III, sec. 24, Constitution of the State of Alaska is
29 amended to read:

1 SECTION 24. SUPERVISION. Except for any unit of the executive
2 branch which is headed by the attorney general, each [EACH] principal
3 department shall be under the supervision of the governor.

4 * Sec. 3. Article III, sec. 25, Constitution of the State of Alaska is
5 amended to read:

6 SECTION 25. DEPARTMENT HEADS. The head of each principal de-
7 partment shall be a single executive unless otherwise provided by law.
8 He shall be appointed by the governor, subject to confirmation by a
9 majority of the members of the legislature in joint session, and shall
10 serve at the pleasure of the governor, except as otherwise provided in
11 this article with respect to the lieutenant governor and the attorney
12 general [SECRETARY OF STATE]. The heads of all principal departments
13 shall be citizens of the United States.

14 * Sec. 4. Article III, Constitution of the State of Alaska is amended
15 by adding new sections to read:

16 SECTION 28. ATTORNEY GENERAL: QUALIFICATIONS. There shall be
17 an attorney general. He shall be at least thirty years of age and a
18 qualified voter of the State. He shall have been a resident of Alaska
19 at least five years immediately preceding his filing for office, and
20 he shall have been a citizen of the United States for at least seven
21 years. He shall be licensed to practice law in the State and shall
22 possess additional qualifications prescribed by law.

23 SECTION 29. ELECTION OF ATTORNEY GENERAL. The attorney general
24 shall be chosen by the qualified voters of the State on nonpartisan
25 ballots. Candidates for attorney general shall file for the office as
26 prescribed by law. The candidates receiving the greatest and the
27 second greatest number of votes on a nonpartisan ballot at the primary
28 election shall be candidates in the general election. The candidate
29 receiving the greatest number of votes on a nonpartisan ballot at the

1 general election shall be attorney general.

2 SECTION 30. LIMIT ON TENURE. No person who has been elected
3 attorney general for two full successive terms shall be again eligible
4 to hold that office until one full term has intervened.

5 SECTION 31. VACANCY. In case of a vacancy in the office of
6 attorney general for any reason, a successor shall be elected for the
7 remainder of the unexpired term at the first general election occur-
8 ring not less than six months after the office becomes vacant. The
9 governor may appoint a qualified person to fill the office between the
10 date it becomes vacant and the date it is filled by election.

11 SECTION 32. COMPENSATION. The compensation of the attorney
12 general shall be prescribed by law and shall not be diminished during
13 his term of office, unless by general law applying to all salaried
14 officers of the State.

15 SECTION 33. DUTIES. The attorney general shall be the legal
16 adviser of the state officers, and shall perform other duties pre-
17 scribed by law.

18 SECTION 34. ELECTION AND TERM OF NEWLY ESTABLISHED ELECTED STATE
19 OFFICES. The first election for a state office required by the con-
20 stitution to be elected shall occur at the first general election
21 occurring after the office is established under the constitution. If
22 a vacancy occurs in the office before the first general election held
23 after the office is established under the constitution, the office
24 shall be filled under the law as it existed before the office was
25 established under the constitution. Except as otherwise provided in
26 the constitution, the term of office of a state office required by the
27 constitution to be elected begins at noon on the first Monday in
28 December following the general election for that office and it expires
29 at noon on the first Monday in December four years later.

1 * Sec. 5. The amendments proposed by this resolution shall be placed
2 before the voters of the state at the next general election in conformity
3 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
4 tion laws of the state.

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

5/27/83

Date: 6/1/83

Mr. President:

The Committee on JUDICIARY has had CS SSHJR 7 (Jud)
Proposing amendments to the Constitution of Alaska relating to the
election of the attorney general.

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 _____ 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

✓ [Signature]

3 [Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

1 3 in - Do Not Pass
1 Boyer - Do NOT PASS

Bill Ray
CHAIRMAN
1 Do NOT PASS

COMMITTEE REPORT

SENATE

3/24/83

FURTHER:

JUDICIARY

Finance

Date: 5/26/83

Mr. President:

The Committee on STATE AFFAIRS has had CS SSHJR 7 (Jud)

Proposing amendments to the Constitution of Alaska relating to the election of the attorney general

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 _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" ^{Zero} New Fiscal Note
Analysis
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Tom Kelly - No Rec

Curtis Stupple - No Rec

Bill Ray - No Rec

V. Fischer **DO NOT PASS**

CHAIRMAN

Offered: 3/4/83
Referred: Rules

Original sponsors: Uehling, Ward,
Barnes, et al

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11 this article with respect to the lieutenant governor and the attorney
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19 at least five years immediately preceding his filing for office, and
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21 years. He shall be licensed to practice law in the State and shall
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