

S B

251

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 31, 1989

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

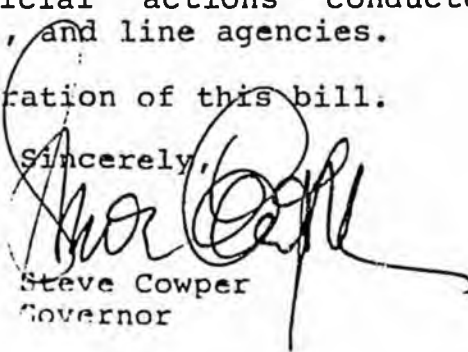
Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to you which exempts the University of Alaska from the adjudicative procedures of the Administrative Procedure Act (APA; AS 44.62). The bill would clearly establish that grievance procedures and other dispute resolution processes for employees and students at the University of Alaska are outside of the APA hearing procedures. The university is in litigation concerning the applicability of the APA as a result of a statute enacted in 1977. When that statute was enacted, it was not thought to have any material effect on the operation of the university. The enactment of this bill would resolve the problems that caused the litigation.

The University of Alaska currently has in place internal hearing procedures for students and grievance procedures for students and employees. These procedures are best suited to meeting the special circumstances of the academic enterprise. To impose a statutory process that provides for the appointment of a hearing officer by this office, involvement of attorneys, depositions, and subpoenas goes far beyond what reasonably should be imposed in what are often minor matters concerning the internal affairs of the university. The bill as proposed would expressly remove these internal processes from a procedure that applies more appropriately to quasi-judicial actions conducted by licensing boards, commissions, and line agencies.

I urge your favorable consideration of this bill.

Sincerely,


Steve Cowper
Governor

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE _____
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE _____

3/31/89

Mr. President:

HESS Committee considered SB 251

exempting the University of Alasak from the adnudicative procedures of the Administrative Procedure Act for certain actions; efd

and recommended:

replace with CS _____ same title
 attached amendment(s) and new title

_____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) attached zero
 appropriation no FN attached

fiscal impact
 Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Bill Adams - No Rec.
Howard Jones - No Rec
J. Duncan - No Rec
Tim Kelly - No Rec

Paul Grub (Do Pass)
Chair: signature and recommendation

Committee backup attached

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: University of Alaska
 Title: "An Act Exempting the University from the Adjudicative Procedures of the Administrative Procedures Act for Certain Actions, and Providing for an Effective Date." BRU: SPS, UAF, UAA, UAS
 Components: _____ Sponsor: Rules Committee
 Requester: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Marsha Hubbard *Marsha Hubbard* Phone: 474-7593
 Division: Director, Statewide Budget Date: 2/21/89

Approved by Commissioner: Vice President, Brian Rogers *Brian Rogers* Date: 2/21/89
 Agency: University of Alaska

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

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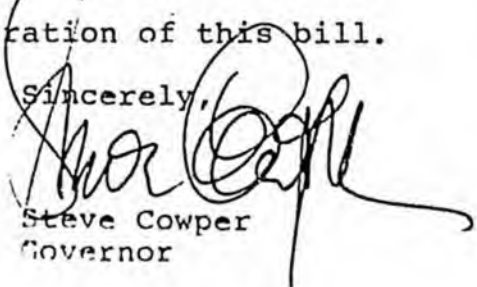
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