

LEG. FINANCE - BILLS 1979 - 1980 1263

SB 91am thru SB 92 1263



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

3/23/90
Date

COMMITTEE REPORT HOUSE

2/26/79

FURTHER:

(Commerce Committee waived 2/26/79)

Date: 3/15/79

Mr. Speaker:

The Committee on FINANCE has had SB 91 am

"An Act making a supplemental appropriation to the Department of Administration, for ASHA payment; and providing for an effective 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 ^{HOUSE} CS for SB 91 same title
 new title
- and recommends that it do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

Meekins

ATKinson

Rogers

Matzger

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Engel

Kelly - no rec

Frasman 70 Rec

Meekins
CHAIRMAN

Page 1

Original sponsor: Rules/Governor

| | |
|----------------------------|------------------|
| <u>Funding Information</u> | |
| General Fund | \$259,400 |
| Other Funds | -0- |
| | <u>\$259,400</u> |

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 91

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making supplemental appropriations to the
7 Office of the Governor, the Department of Administra-
8 tion, and the Department of Law; and providing for an
9 effective date."

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

11 * Section 1. The sum of \$30,800 is appropriated from the general fund to
12 the Department of Administration for the fiscal year ending June 30, 1979 to
13 be allocated as follows:

| | |
|---|----------|
| 14 Office of the Commissioner -- for unbudgeted | |
| 15 Alaska State Housing Authority bond pay- | |
| 16 ments and fire insurance premiums | \$17,300 |
| 17 Labor Relations Agency -- for increased | |
| 18 costs of professional services contracts | 13,500 |

19 * Sec. 2. The sum of \$125,500 is appropriated from the general fund to
20 the Department of Law for payment of legal consulting services for tele-
21 communications for the fiscal year ending June 30, 1979.

22 * Sec. 3. The sum of \$103,100 is appropriated from the general fund to
23 the Office of the Governor, office of telecommunications, for payment of
24 consulting services for the fiscal year ending June 30, 1979.

25 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
26 070(c).

29

2691
January 30, 1979

The Honorable Clem Tillion
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill making a supplemental appropriation to the Department of Administration for ASHA payments and LRA services.

This request is made to cover unbudgeted ASHA bond payment costs and related fire insurance premiums (\$17,300), and to meet the increased demand for the services provided by the consultant and secretarial service to keep up with the caseload of the Labor Relations Agency (\$13,500).

Sincerely,

5/9SH

Jay S. Hammond
Governor

STATE
of ALASKA

MEMORANDUM

2491

TO: Ron Lind, Director
Division of Budget & Management
Office of the Governor

DATE: January 12, 1979

FILE NO:

TELEPHONE NO:

FROM: *Alison*
Alison Elice, Budget Analyst
Division of Budget & Management
Office of the Governor

SUBJECT: Department of Administration
Request for Supplemental Funds
to cover ASHA Bond Payments.

The Department of Administration has requested \$20,600 general funds to cover unbudgeted ASHA costs and related fire insurance premiums for Kodiak and Fort Yukon combined facilities, the Fairbanks Regional Office Building, and the Valdez Court and Office Building.

After reviewing the request I have determined that all but the Valdez Court and Office Building space were in fact unbudgeted costs. The Department of Health and Social Services has restricted funding in the Social Services Southcentral Region budget which apparently was budgeted for the Valdez space but not paid as they are no longer utilizing that space. However, I have spoken to Ken Ryals about utilizing that funding to cover \$3,300 of the ASHA obligations due to the Valdez building, and I therefore, am recommending a reduction of the supplemental request to \$17,300.

cc: Kellus Sewell
Department of Administration

Ken Ryals
Department of Health and Social Services

MEMORANDUM

State of Alaska

10. Ron Lind, Director
Division of Budget and Management
Office of the Governor

DATE: December 20, 1978

FILE NO:

TELEPHONE NO:

FROM: Robert S. Gates, Deputy Commissioner
Department of Administration

SUBJECT: FY 79 Supplemental Requests

In response to your December 7, 1978 memorandum, attached are the FY 79 Supplemental Request Analysis forms for the Department of Administration except for the Pioneers' Homes delete/add supplemental. That information is still being gathered and will be submitted under separate cover by December 27.

As has been indicated in your previous memo dated October 4, 1978 or in previous conversations my staff has had with budget analysts, the following supplemental requests have already been recommended as approved by Budget and Management.

A total of 12.0 was requested to cover unbudgeted ASHA costs and related insurance for the Kodiak and Fort Yukon combined facilities as was noted in my letter to you dated 8/15/78. However, an additional 8.6 is needed as indicated in Commissioner Allen's letter (attached) to you dated 11/21/78. We originally requested funding from the Governor's Contingency Fund as this was the past procedure. In subsequent conversations with Alison Elgee it has been suggested that these two requests be handled similarly. I also believe it is necessary that in the future an agency be required to budget for their space on the basis of their allocation at the time of the budget, and that Budget and Management should confirm this to avoid future problems of this nature. Please advise if you are not able to do this and any thoughts you have to resolve the problem.

In my memo to you dated 8/15/78, the importance of getting a supplemental for the Labor Relations Agency was pointed out. Because of the need to conduct more investigations on complaints, verification of election ballots, and increased costs related to copying hearing transcripts contractual services will be overexpended by 16.5. However, less than anticipated expenditures in travel will offset 3.0 of that shortfall so the total need is 13.5.

It is requested that Governor Hammond and you approve these requests and submit them to the legislature for their approval.

BBA/bc
9-0

Jay S. Hammond
Governor

November 21, 1978

ATTN: Mike Harper
Administrative Assistant
to the Governor

B. B. Allen, Commissioner
Department of Administration

Contingency Fund Payment
for ASHA Debt Service -
FY79

Due to reallocation of space within ASHA facilities without subsequent reallocation of budgeted ASHA payments, we find that the ASHA Debt Service has been underfunded by the amounts indicated on the attached voucher. The amount entered for Bond X(3,3) deals with a transfer of space within the Valdez Court and Office Building from the Department of Commerce to the Department of Health & Social Services. The amount entered for Bond IX deals with a transfer of space in the Fairbanks Regional Office Building from the Department of Health & Social Services to the Department of Administration. ✓

We respectfully request your approval of the attached Adjustment Voucher to transfer this amount from the contingency fund to the appropriate Debt Service Account.

Thank you.

cc: Leasing & Facilities Management
Division of Budget & Management

MEMORANDUM

State of Alaska

TO:

DATE: August 15, 1978

Ronald B. Lind, Director
Division of Budget and Management
Office of the Governor

FILE NO:

TELEPHONE NO:

FROM:

Commissioner B. B. Allen
Department of Administration

SUBJECT:

FY 79 Supplemental
Requests

Please revise Robert S. Gates' memorandum to you of August 1, 1978 on the above subject to include the following matters.

Attached you will find a copy of a letter from the Deputy Director of Data Processing which indicates they will need approximately 179.6 for the Telecommunications Network (component 02-95-6-02-04-00) in order to meet the RCA increases effective this year.

We will soon be contacting the University of Alaska regarding their intentions to delegate this Department authority to negotiate a collective bargaining agreement on their behalf and whether they intend to fund the costs of our services. However, we seriously doubt if funding is available since the University did not ask for the participation of the Department of Administration. In any event, the Department of Administration is required to participate in negotiations between the Board of Regents and funding will be required under both relationships to comply with AS 23.40.212. This Department cannot absorb these responsibilities without seriously diluting its efforts in settling seven contracts which will be coming up for negotiation this year. Costs are estimated in the attached letter from Hunt to Lind of August 9, 1978 and a supplemental appropriation will be necessary..

You will also note in the attached letter from Bradley to Lind of August 9, 1978 that a supplemental need exists in the federal surplus property program to cover deficits incurred during FY 77 and FY 78. A deficit first occurred late in FY 77. The lack of an adequate amount and quality of federal surplus property led to a reduction in receipts. This deficit was first realized late in FY 77 but promises by the federal government to increase the amount of property available for donation caused us to continue the program. Yet, these increased revenues came late in FY 78 and were not sufficient to offset past or existing fiscal year deficits. In addition, our accounts receivable collection controls were inadequate. We are now implementing more effective controls to insure timely payments. We anticipate a revenue surplus during FY 79 based upon an improved

August 15, 1978

program and more effective financial controls. Consequently, we are requesting a supplemental appropriation for about 24.0.

In addition, we are estimating a need for between 5 and 10.0 additional for the Labor Relations Agency. Per our conversations with Steve Hafling this date he has advised that our original estimates noted to you in Commissioner Allen's attached letter of July 7, 1978 are valid. He advises that Jim Lucas will require about 30.0 and Nutshell will expend about 2.0 per month. Expenditures last year were 28.0 for Lucas and 14.0 for Nutshell. The increase in expenditures for Nutshell Business Service is largely a result of a need to conduct more investigations on complaints and verification of election ballots. Since these amounts alone equal the total FY 79 budget of 55.0 it leaves no funds for travel and other incidental costs. These amounted to almost 5.0 in FY 78. Due to this limitation we have restricted the Nutshell Business Service Contract to 20.0 pending availability of the supplemental request.

Due to an oversight we failed to budget for ASHA and fire insurance costs at the Kodiak and Fort Yukon combined facilities. ASHA costs were 3.0 and 8.0 respectively, while fire insurance amounted to 1.0 for both facilities. In addition, we were advised that H&SS failed to budget for 6.0 in ASHA and fire costs related to space the Division of Personnel occupies in the Fairbanks Regional Office building. This space had been assigned at budget preparation time to the Department of Health and Social Services. I have been advised that Kip Roloff has been asked by Ron Lehr to confirm whether funds were budgeted or not. If not, a supplemental will be needed or use of the Governor's contingency fund. Other funds cannot be made available without seriously jeopardizing program objectives or current plans in progress upon which substantial efforts have been devoted.

BBA/KNS/mjc
CC: C. R. "Steve" Hafling
George Crowder
Patrick L. Hunt
Richard C. Bradley

G-17

FY 79 SUPPLEMENTAL REQUEST ANALYSIS

| | FY 77 ACTUAL | FY 78 FINAL AUTH. | FY 79 ACTUAL | FY 79 GOV. BUDGET | FY 79 INITIAL AUTH. | FY 79 CURRENT AUTH. | EXPENDITURES + ENCUMBRANCES 7/1-11/30 | OTHER OBLIGATION 7/1-11/30 | PROJECTED EXPENDI- TURES + ENCUMBRANCE 12/1-6/30 | FY 79 (DEFICIT) OR EXCESS | FY 80 CONTINUATION |
|-----------------------|-----------------|-------------------------|-----------------|-------------------------|---------------------------|---------------------------|--|----------------------------------|--|---------------------------------|-----------------------|
| PERSONAL SERVICES | 215.7 | 230.8 | 211.2 | 226.2 | 223.9 | 199.5 | 85.6 | <6.5> | 120.1 | .3 | 235.0 |
| TRAVEL | 17.1 | 23.0 | 22.6 | 11.4 | 11.4 | 11.4 | 5.3 | | 7.4 | <1.3> | 12.1 |
| CONTRACTUAL SERVICES | 414.5 | 362.2 | 357.3 | 84.1 | 84.1 | 352.5 | 141.3 | | 211.2 | - | 42.8 |
| COMMODITIES | 2.9 | 1.7 | 1.6 | 5.3 | 5.3 | 3.1 | .7 | | .9 | 1.5 | 5.6 |
| EQUIPMENT | 5.1 | 12.9 | 3.8 | | | | | | | | 1.2 |
| LANDS, BLDG. ... | 939.5 | 708.2 | 708.2 | 601.1 | 601.1 | 601.1 | 613.6 | | - | <12.5> | 554.2 |
| GRANTS, CLAIMS | | | | | | | | | | | |
| MISCELLANEOUS | | | | | | | | | | | |
| TOTAL | 1574.8 | 1333.8 | 1306.7 | 928.1 | 925.8 | 1167.6 | 846.5 | <6.5> | 339.6 | <12.0> | 902.9 |
| FEDERAL RECEIPTS | | | | | | | | | | | |
| REQUIRED OF MATCHING | | | | | | | | | | | |
| OTHER GENERAL FUND | 1210.2 | 1045.0 | 1021.5 | 928.1 | 925.8 | 929.7 | 718.2 | <6.5> | 200.0 | <12.0> | 902.9 |
| INTER-AGENCY RECEIPTS | 260.3 | 293.9 | 285.2 | | | 237.9 | 98.3 | | 139.6 | - | |
| | 24.3 | | | | | | | | | | |

The FY 79 Supplemental Request for 211.2 is for 211.2, however, the Central 4 expenditures were funded by interagency receipts of 260.3. The FY 79 from 4A line is offset 273.8 expenditures for central, which was funded by interagency receipts of 285.2. In addition, 237.9 of Central RSN's that have processed thru 11/30/78, additional RSN's that will produce net effect by their projects expenditures and will have no effect on AGENCY: Administration DRU: OFFICE OF THE COMMISSIONER COMPONENT: Commissioner's Office DEPARTMENT: DEPARTMENT OF ENVIRONMENTAL CONSERVATION REVISIONS: 1/2/79

FY 79 SUPPLEMENTAL REQUEST ANALYSIS

| | FY 77 ACTUAL | FY 78 FINAL AUTH. | FY 78 ACTUAL | FY 79 GOV. BUDGET | FY 79 INITIAL AUTH. | FY 79 CURRENT AUTH. | EXPENDITURES + INCUMBRANCES 7/1/-11/30 | OTHER OBLIGATIONS 7/1/-11/30 | PROJECTED EXPENDI- TURES + INCUMBRANCES 12/1-6/30 | FY 79 (DEFICIT) OR EXCESS | FY 80 CONTINUATION |
|-----------------------|-----------------|-------------------------|-----------------|-------------------------|---------------------------|---------------------------|---|------------------------------------|---|---------------------------------|-----------------------|
| PERSONAL SERVICES | | | | | | | | | | | |
| TRAVEL | 2.8 | 8.0 | 3.4 | 8.0 | 8.0 | 8.0 | 1.5 | | 3.5 | 3.0 | |
| CONTRACTUAL SERVICES | 56.5 | 46.2 | 44.9 | 46.2 | 46.2 | 46.2 | 40.6 | 2.3 | 19.8 | <16.5> | |
| COMMODITIES | .2 | .8 | .1 | .8 | .8 | .8 | 0 | | .8 | 0 | |
| EQUIPMENT | | | | | | | | | | | |
| LANDS, BLDG. ... | | | | | | | | | | | |
| GRANTS, CLAIMS | | | | | | | | | | | |
| MISCELLANEOUS | | | | | | | | | | | |
| TOTAL | 59.5 | 55.0 | 48.4 | 55.0 | 55.0 | 55.0 | 42.1 | 2.3 | 24.1 | <13.5> | |
| FEDERAL RECEIPTS | | | | | | | | | | | |
| REQUIRED OF MATCHING | | | | | | | | | | | |
| OTHER GENERAL FUND | 59.5 | 55.0 | 48.4 | 55.0 | 55.0 | 55.0 | 42.1 | 2.3 | 24.1 | <13.5> | |
| INTER-AGENCY RECEIPTS | | | | | | | | | | | |

Actual expenditures do not reflect .7 for phone bills, which in error were not charged against the Labor Relations Office, but to the Director of Administrative Services instead. This has been corrected for FY 79 and estimated expenditures include three months pending in FY 77. The revised totals for FY 78 are 45.6 for contractual services and 619.1 for the total.

AGENCY: Administration

DRU: Labor Relations Agency COMPONENT:

REVISED: _____

Funding Information:

General Fund: \$30,800 259,400
Other Funds: -0-
\$30,800- 259,400

Introduced: 1/31/79
Referred: State Affairs and Finance

Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

House CS SENATE BILL NO. 91

2

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making a supplemental appropriation to the

7

Department of Administration, for ASHA payments and

8

and to the Office of the Governor, Office of Telecommunications
LRA services; and providing for an effective date."

9

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

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* Section 1. The sum of \$30,800 is appropriated from the general fund

11

to the Department of Administration to be allocated as follows:

12

Office of the Commissioner -- for the purpose

13

of paying unbudgeted Alaska State Housing

14

Authority bond payments and fire

15

insurance premiums

\$17,300

16

Labor Relations Agency -- for the purpose of

17

paying increased costs of professional

18

services contracts

13,500

19

* Sec. ~~2~~²⁺³. The unexpended and unobligated portion of the appropriation

20

made in sec. 1 of this Act lapses June 30, 1979.

21

* Sec. ~~3~~³. This Act takes effect immediately in accordance with AS 01.-

22

10.070(c).

23

24

* Sec. 2. The sum of \$125,500 is appropriated from the general fund to the Department of Law of payment of legal consulting services for telecommunications.

25

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* Sec. 3. The sum of \$103,100 is appropriated from the general fund to the Office of the Governor, Office of Telecommunications for payment of consulting services.

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Funding Information
 General Fund \$250,000
 Other Funds -0-
\$250,000

1 IN THE SENATE

BY THE HOUSE FINANCE
COMMITTEE

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HCS FOR SENATE BILL NO. 90

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act making a supplemental appropriation to the
 University of Alaska for the acquisition of library
 books; and providing for an effective date."

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

* Section 1. The sum of \$250,000 is appropriated from the general fund
 to the University of Alaska for the acquisition of books for the following
 libraries during the fiscal year ending June 30, 1979:

| | |
|-------------------------|-----------|
| Fairbanks Campus | \$200,000 |
| Juneau Campus | 40,000 |
| Kenai Community College | 10,000 |

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

Funding Information:

General Fund: \$ 275,600
Other Funds: -0-
\$ 275,600

Introduced: 2/23/79
Referred: Commerce and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 291

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making supplemental appropriations for tele-
7 communications; and providing for an effective date."

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

9 * Section 1. The sum of ^{125,500} \$135,500 is appropriated from the general fund
10 to the Department of Law for payment of legal consulting services for
11 telecommunications.

12 * Sec. 3. The sum of ^{103,100} \$140,100 is appropriated from the general fund to
13 the Office of the Governor, Office of Telecommunications, for payment of
14 consulting services.

15 * Sec. 3. The unexpended and unobligated portions of the appropriations
16 made in secs. 1 and 2 of this Act lapse June 30, 1979.

17 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).

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Funding Information:
General Fund: \$30,800
Other Funds: -0-
\$30,800

Introduced: 1/31/79
Referred: State Affairs and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 91

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to the
7 Department of Administration, for ASHA payments and
8 LRA services; and providing for an effective date."

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

10 * Section 1. The sum of \$30,800 is appropriated from the general fund
11 to the Department of Administration to be allocated as follows:

12 Office of the Commissioner -- for the purpose
13 of paying unbudgeted Alaska State Housing
14 Authority bond payments and fire
15 insurance premiums \$17,300

16 Labor Relations Agency -- for the purpose of
17 paying increased costs of professional
18 services contracts 13,500

19 * Sec. 2. The unexpended and unobligated portion of the appropriation
20 made in sec. 1 of this Act lapses June 30, 1979.

21 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
22 10.070(c).

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*3/2 HFC adopted SB 91
Also adopted Section on Mechanical Inspection #608
to Dept of Labor*

STATE
of ALASKA

MEMORANDUM

TO: John Crandall
Administrative Assistant
Legislative Finance

DATE: February 21, 1979

FILE NO:

TELEPHONE NO: 465-4839

FROM: R. D. Cather
Chief, Mechanical Inspection
Wage & Hour Division
Department of Labor

SUBJECT: Life & Property Protection
Mechanical Inspection
Projected Shortfall FY 79
\$60.8

We are having serious problems in generating 50% through program receipts for the State Mechanical Inspection BRU as mandated. The department increased the pressure vessel inspection fees effective June, 1978 after public hearings to the maximum considered acceptable and reasonable upon review by the Department of Law. We now find that these new fees do not cover the shortfall from the electrical, plumbing, and elevator inspection functions which are not revenue generating. Overall, I have serious reservations if this BRU can ever meet the mandated 50% program receipts and have suggested 35% as more realistic. I am using the short experience gained from the recent increase in pressure vessel fees, for after the increase, there has been considerable resistance from boiler and pressure vessel users.

To help offset future shortfalls, the department has prepared bills to allow for inspection fees for elevator inspection, to increase the electrical and plumbing certificate of fitness fees, and to charge fees for plumbing inspections.

On February 14, 1978, Budget & Management rejected a supplemental request to cover the shortfall in program receipts of this BRU for \$60.8. At that time, director Dale W. Cheek wrote layoff notices to those employees who generated the least or no revenue. The persons initially affected are the elevator inspector, plumbing inspector, two electrical inspectors, and one boiler and pressure vessel inspector. This will eliminate Electrical, Elevator, and Plumbing inspections and will curtail Boiler and Pressure Vessel inspections.

Please note the attached FY 79 shortfall schedule and letter from Commissioner Orbeck.

LIFE AND PROPERTY PROTECTION

MECHANICAL INSPECTION

Projected Shortfall FY 79: \$60.8

| | FY 79 Current Auth | Expend and Encumb | Projected Expend and Encumb | FY 79 (Deficit) or Excess |
|----------------------|--------------------------|-------------------------|--------------------------------------|---------------------------------|
| PERSONAL SERVICES | 396.7 | 180.8 | 190.7 | 25.2 |
| TRAVEL | 48.0 | 28.5 | 28.5 | (9.0) |
| CONTRACTUAL SERVICES | 69.0 | 41.6 | 28.6 | (1.2) |
| COMMODITIES | 7.2 | 2.9 | 2.9 | 1.4 |
| EQUIPMENT | 3.5 | -0- | .1 | 3.4 |
| LANDS, BLDG. | 5.1 | 2.9 | -0- | 2.2 |
| TOTAL | 529.5 | 256.7 | 250.8 | 22.0 |
| | | | | |
| GENERAL FUND | 300.2 | 256.7 | 43.5 | need: 60.8 |
| PROGRAM RECEIPTS | 229.3 | -0- | 146.5 | unrealized: (82.8) |

10. [Ron Lind, Director
Division of Budget & Management
Office of the Governor

DATE February 9, 1979

FILE NO AKAS IM 3-3

ATTN: JEFF MORRISON

TELEPHONE NO 465 2700

FROM

Ed Orbeck
Edmund N. Orbeck
Commissioner
Department of Labor

SUBJECT State Inspection FY '79
Supplemental Budget Request

We continue to have a serious problem in generating program receipts amounting to 50% of the State Inspection BRU. The department increased the pressure vessel inspection fees effective June, 1978 to the maximum that we felt the public would stand for; however, we now find that the pressure vessel section fees do not cover the shortfalls from the electrical, plumbing, and elevator inspection functions.

The department has prepared bills to allow for inspection fees for elevator inspections, and other bills to increase the electrical and plumbing certification of fitness fees, and to charge for plumbing inspections. I cannot forecast how these bills will fare in the legislature because I do recall that there was considerable opposition from certain legislators when we were holding regulation hearings to increase pressure vessel inspection fees.

In evaluating the program receipts for FY '79 we are projecting a shortfall of \$60,500. Through January 31, 1979 this program has generated approximately \$13,750 a month. We are anticipating receipts of approximately \$10,000 per month for the remaining 5 months. The reason for the slowdown in cash flow is due mainly to the following:

1. The current weather conditions inhibits travel to remote areas, therefore the inspectors are unable to get out and conduct as many inspections as during the fall.
2. Total program receipts are projected to be approximately \$146,500. To continue operations the program would need \$207,500 in receipts. Originally receipts were estimated to be 229,300, however, through frugal management they will be able to save \$22,000 in total expenditures.

The following is a more detailed breakdown of our needs.

| | | |
|-------------------------------|---------|-----------------|
| FY '79 Budget | | 529,500 |
| Savings | | <u>(22,000)</u> |
| FY '79 Projected Expenditures | | 507,500 |
| General Funds | | 300,200 |
| Program Receipts 7/1/78 | 1/31/79 | 96,500 |
| Program Receipts 2/1/79 | 6/30/79 | <u>50,000</u> |
| Shortfall | | 60,800 |

In the event that the supplemental request is denied, our best course of action would be to lay off those employees who generate the least revenue, as well as others necessary to lower the shortfall.

For expedience we are requesting that this supplemental be attached to the existing House Bill No. 92.

If you have any questions, please contact Tim Vogl at 465-2720.

STATE
of ALASKA

MEMORANDUM

*Jim
Dunbar*

TO: Dale Cheek, Director
Division of Mechanical Engineering
Department of Labor

DATE: February 14, 1979

FILE NO.

TELEPHONE NO.

FROM: *RLD*
Ron Lind, Director
Division of Budget and Management
Office of the Governor

SUBJECT: Supplemental Request

I am not recommending approval of your request for a FY 79 supplemental for the Mechanical Inspection BRU. We continue to support the philosophy that the inspection activities should generate, on the aggregate, fifty percent of program costs when fees are outside of your control; we also support the position that the inspection activities should pay all of their related costs, if you control the fees. The Governor's action in reducing your FY 79 budget from the Free Conference Committee amount recognized that the transition to a full 50% funding by program receipts may not be immediate, and your reduced budget (from FCC) included \$25,800 in "unmatched" general funds. The addition of \$47,900 of 100% general funds for an Electrical Inspector should have allowed your agency sufficient flexibility to assure a smooth transition to a total budget of 50% program receipts, as included in the Governor's FY 80 budget request.

Since no information was supplied that clearly indicated you had been directed by the Governor's office to proceed on a spending pattern which would necessitate a supplemental, I do not feel constrained to support one.

We recognize the necessity for the legislature to approve your authority to administratively establish fees for plumbing, electrical, and elevator fees. As a practical matter, that authority, if enacted into law, will probably not take effect before the end of FY 79. We therefore realize that you may have to layoff non-revenue producing inspectors or increase your other fees for the remainder of this fiscal year. In the event that no authority to set fees is enacted this session, we will need to seriously consider the permanent deletion of authorized positions for non-revenue generating inspectors.

cc: Fran Ulmer
Mike Harper

They will A U T e .



Plumbing
Inspector

February 13, 1979

David D. Barce
3010 W. 63rd
Anchorage, Alaska 99502

Dear Dave:

After nearly eight months of experience into this fiscal year, it is now apparent that the State Mechanical Inspection Section LRU will not generate the required 50% of the budget by program receipts. Our fiscal section is projecting a program receipt shortfall of \$60,000 for FY-79. This leaves me no alternative. In order to keep a nucleus of the unit I must now layoff individuals in those positions that are bringing in the least in program receipts.

This letter serves as written notice that your duties with the Department of Labor will end at the close of business March 6, 1979.

Your name will be placed on a layoff list. This list will be certified to this department if a vacancy occurs in your job classification. If you have any specific questions regarding your layoff, please contact Lynda McCurry, Personnel Officer, at 465-2789. She will be most happy to assist you in any way possible.

The Department has introduced bills in the current legislature to increase certain inspection and certificate of fitness fees. If those bills are passed into law, then the State Mechanical Inspection Section should be able to meet the mandate of 50% of the budget from program receipts in future fiscal years.

We have also requested that a supplemental appropriation to make up the shortfall for this fiscal year; however, we have no firm decision on this request so this layoff is now necessary.

Sincerely,

Dale W. Cheek
Dale W. Cheek
Director
Wage and Hour/Mechanical
Engineering Division

DWC/rh

cc: Lynda McCurry, Personnel Officer
Commissioner Edmund N. Orbeck

*Elouso for
Inspector*

February 13, 1979

H. Dwayne Houck
P.O. Box 1402
Anchorage, Alaska 99510

Dear Dwayne:

After nearly eight months of experience into this fiscal year, it is now apparent that the State Mechanical Inspection Section ERU will not generate the required 50% of the budget by program receipts. Our fiscal section is projecting a program receipt shortfall of \$60,000 for FY-79. This leaves me no alternative. In order to keep a nucleus of the unit I must now layoff individuals in those positions that are bringing in the least in program receipts.

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We have also requested that a supplemental appropriation to make up the shortfall for this fiscal year; however, we have no firm decision on this request so this layoff is now necessary.

Sincerely,

Dale W. Cheek
Dale W. Cheek

Director
Wage and Hour/Mechanical
Engineering Division

DWC/rh

cc: Lynda McCurry, Personnel Officer
Commissioner Edmund N. Orbeck

*Electrical
Inspector*

February 13, 1979

Mr. Tony Reea
9203 Elgin Cir
Anchorage, Alaska 99502

Dear Tony:

After nearly eight months of experience into this fiscal year, it is now apparent that the State Mechanical Inspection Section BKU will not generate the required 50% of the budget by program receipts. Our fiscal section is projecting a program receipt shortfall of \$60,000 for FY-79. This leaves me no alternative. In order to keep a nucleus of the unit I must now layoff individuals in those positions that are bringing in the least in program receipts.

This letter serves as written notice that your duties with the Department of Labor will end at the close of business March 6, 1979.

Your name will be placed on a layoff list. This list will be certified to this department if a vacancy occurs in your job classification. If you have any specific questions regarding your layoff, please contact Lynda McCurry, Personnel Officer, at 465-2789. She will be most happy to assist you in any way possible.

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We have also requested that a supplemental appropriation to make up the shortfall for this fiscal year; however, we have no firm decision on this request so this layoff is now necessary.

Sincerely,

David W. Orbeck
Director
Wage and Hour/Mechanical
Engineering Division

DWC/rh

cc: Lynda McCurry, Personnel Officer -
Commissioner Edmund N. Orbeck

Electrical
Inspector

February 13, 1979

Eugene Kockerman
SR Box 60981
Fairbanks, Alaska 99701

Dear Eugene:

After nearly eight months of experience into this fiscal year, it is now apparent that the State Mechanical Inspection Section SRU will not generate the required 50% of the budget by program receipts. Our fiscal section is projecting a program receipt shortfall of \$60,000 for FY-79. This leaves me no alternative. In order to keep a nucleus of the unit I must now layoff individuals in those positions that are bringing in the least in program receipts.


This letter serves as written notice that your duties with the Department of Labor will end at the close of business March 6, 1979.

Your name will be placed on a layoff list. This list will be certified to this department if a vacancy occurs in your job classification. If you have any specific questions regarding your layoff, please contact Lynda McCurry, Personnel Officer, at 465-2789. She will be most happy to assist you in any way possible.

The Department has introduced bills in the current legislature to increase certain inspection and certificate of fitness fees. If those bills are passed into law, then the State Mechanical Inspection Section should be able to meet the mandate of 50% of the budget from program receipts in future fiscal years.

We have also requested that a supplemental appropriation to make up the shortfall for this fiscal year; however, we have no firm decision on this request so this layoff is now necessary.

Sincerely,


Dale W. Cheek
Director
Wage and Hour/Mechanical
Engineering Division

DWC/rh

cc: Lynda McCurry, Personnel Officer
Commissioner Edmund N. Orbeck

2691
January 30, 1979

The Honorable Clem Tillion
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill making a supplemental appropriation to the Department of Administration for ASHA payments and LRA services.

This request is made to cover unbudgeted ASHA bond payment costs and related fire insurance premiums (\$17,300), and to meet the increased demand for the services provided by the consultant and secretarial service to keep up with the caseload of the Labor Relations Agency (\$13,500).

Sincerely,

S/SSH

Jay S. Hammond
Governor

Ron Lind, Director
Division of Budget & Management
Office of the Governor

DATE: January 12, 1979

FILE NO:

TELEPHONE NO:

SUBJECT:

FROM:

Alison E. [Signature]
Alison E. [Signature], Budget Analyst
Division of Budget & Management
Office of the Governor

Department of Administration
Request for Supplemental Funds
to cover ASHA Bond Payments.

The Department of Administration has requested \$20,600 general funds to cover unbudgeted ASHA costs and related fire insurance premiums for Kodiak and Fort Yukon combined facilities, the Fairbanks Regional Office Building, and the Valdez Court and Office Building.

After reviewing the request I have determined that all but the Valdez Court and Office Building space were in fact unbudgeted costs. The Department of Health and Social Services has restricted funding in the Social Services Southcentral Region budget which apparently was budgeted for the Valdez space but not paid as they are no longer utilizing that space. However, I have spoken to Ken Ryals about utilizing that funding to cover \$3,300 of the ASHA obligations due to the Valdez building, and I therefore, am recommending a reduction of the supplemental request to \$17,300.

cc: Kellus Sewell
Department of Administration

Ken Ryals
Department of Health and Social Services

MORANDUM

State of Alaska

Ron Lind, Director
 Division of Budget and Management
 Office of the Governor

DATE: December 20, 1978

FILE NO:

TELEPHONE NO:

FROM:

Robert S. Gates, Deputy Commissioner
 Department of Administration

SUBJECT: FY 79 Supplemental Requests

In response to your December 7, 1978 memorandum, attached are the FY 79 Supplemental Request Analysis forms for the Department of Administration except for the Pioneers' Homes delete/add supplemental. That information is still being gathered and will be submitted under separate cover by December 27.

As has been indicated in your previous memo dated October 4, 1978 or in previous conversations my staff has had with budget analysts, the following supplemental requests have already been recommended as approved by Budget and Management.

A total of 12.0 was requested to cover unbudgeted ASHA costs and related insurance for the Kodiak and Fort Yukon combined facilities as was noted in my letter to you dated 8/15/78. However, an additional 8.6 is needed as indicated in Commissioner Allen's letter (attached) to you dated 11/21/78. We originally requested funding from the Governor's Contingency Fund as this was the past procedure. In subsequent conversations with Alison Elgee it has been suggested that these two requests be handled similarly. I also believe it is necessary that in the future an agency be required to budget for their space on the basis of their allocation at the time of the budget, and that Budget and Management should confirm this to avoid future problems of this nature. Please advise if you are not able to do this and any thoughts you have to resolve the problem.

In my memo to you dated 8/15/78, the importance of getting a supplemental for the Labor Relations Agency was pointed out. Because of the need to conduct more investigations on complaints, verification of election ballots, and increased costs related to copying hearing transcripts contractual services will be overexpended by 16.5. However, less than anticipated expenditures in travel will offset 3.0 of that shortfall so the total need is 13.5.

It is requested that Governor Hammond and you approve these requests and submit them to the legislature for their approval.

BBA/bc
 9-0

Jay S. Hammond
Governor

November 21, 1978

ATTN: Mike Harper
Administrative Assistant
to the Governor

B. B. Allen, Commissioner
Department of Administration

Contingency Fund Payment
for ASHA Debt Service -
FY79

Due to reallocation of space within ASHA facilities without subsequent reallocation of budgeted ASHA payments, we find that the ASHA Debt Service has been underfunded by the amounts indicated on the attached voucher. The amount entered for Bond X(3,3) deals with a transfer of space within the Valdez Court and Office Building from the Department of Commerce to the Department of Health & Social Services. The amount entered for Bond IX deals with a transfer of space in the Fairbanks Regional Office Building from the Department of Health & Social Services to the Department of Administration. ✓

We respectfully request your approval of the attached Adjustment Voucher to transfer this amount from the contingency fund to the appropriate Debt Service Account.

Thank you.

cc: Leasing & Facilities Management
Division of Budget & Management

DATE: August 15, 1978

Ronald B. Lind, Director
Division of Budget and Management
Office of the Governor

FILE NO:

TELEPHONE NO:

FROM:

Commissioner B. B. Allen
Department of Administration

SUBJECT:

FY 79 Supplemental
Requests

Please revise Robert S. Gates' memorandum to you of August 1, 1978 on the above subject to include the following matters.

Attached you will find a copy of a letter from the Deputy Director of Data Processing which indicates they will need approximately 179.6 for the Telecommunications Network (component 02-95-6-02-04-00) in order to meet the RCA increases effective this year.

We will soon be contacting the University of Alaska regarding their intentions to delegate this Department authority to negotiate a collective bargaining agreement on their behalf and whether they intend to fund the costs of our services. However, we seriously doubt if funding is available since the University did not ask for the participation of the Department of Administration. In any event, the Department of Administration is required to participate in negotiations between the Board of Regents and funding will be required under both relationships to comply with AS 23.40.212. This Department cannot absorb these responsibilities without seriously diluting its efforts in settling seven contracts which will be coming up for negotiation this year. Costs are estimated in the attached letter from Hunt to Lind of August 9, 1978 and a supplemental appropriation will be necessary..

You will also note in the attached letter from Bradley to Lind of August 9, 1978 that a supplemental need exists in the federal surplus property program to cover deficits incurred during FY 77 and FY 78. A deficit first occurred late in FY 77. The lack of an adequate amount and quality of federal surplus property led to a reduction in receipts. This deficit was first realized late in FY 77 but promises by the federal government to increase the amount of property available for donation caused us to continue the program. Yet, these increased revenues came late in FY 78 and were not sufficient to offset past or existing fiscal year deficits. In addition, our accounts receivable collection controls were inadequate. We are now implementing more effective controls to insure timely payments. We anticipate a revenue surplus during FY 79 based upon an improved

August 15, 1978.

program and more effective financial controls. Consequently, we are requesting a supplemental appropriation for about 24.0.

In addition, we are estimating a need for between 5 and 10.0 additional for the Labor Relations Agency. Per our conversations with Steve Hafling this date he has advised that our original estimates noted to you in Commissioner Allen's attached letter of July 7, 1978 are valid. He advises that Jim Lucas will require about 30.0 and Nutshell will expend about 2.0 per month. Expenditures last year were 28.0 for Lucas and 14.0 for Nutshell. The increase in expenditures for Nutshell Business Service is largely a result of a need to conduct more investigations on complaints and verification of election ballots. Since these amounts alone equal the total FY 79 budget of 55.0 it leaves no funds for travel and other incidental costs. These amounted to almost 5.0 in FY 78. Due to this limitation we have restricted the Nutshell Business Service Contract to 20.0 pending availability of the supplemental request.

Due to an oversight we failed to budget for ASHA and fire insurance costs at the Kodiak and Fort Yukon combined facilities. ASHA costs were 3.0 and 8.0 respectively, while fire insurance amounted to 1.0 for both facilities. In addition, we were advised that H&SS failed to budget for 6.0 in ASHA and fire costs related to space the Division of Personnel occupies in the Fairbanks Regional Office building. This space had been assigned at budget preparation time to the Department of Health and Social Services. I have been advised that Kip Roloff has been asked by Ron Lehr to confirm whether funds were budgeted or not. If not, a supplemental will be needed or use of the Governor's contingency fund. Other funds cannot be made available without seriously jeopardizing program objectives or current plans in progress upon which substantial efforts have been devoted.

BBA/KNS/mjc

CC: C. R. "Steve" Hafling
George Crowder
Patrick L. Hunt
Richard C. Bradley

G-17

FY 79 SUPPLEMENTAL REQUEST ANALYSIS

| | FY 77 ACTUAL | FY 78 FINAL AUTH. | FY 78 ACTUAL | FY 79 GOV. BUDGET | FY 79 INITIAL AUTH. | FY 79 CURRENT AUTH. | EXPENDITURES + INCURRED 7/1/-11/30 | OTHER OBLIGATIONS 7/1/-11/30 | PROJECTED EXPENDI- TURES + INCURRED 12/1-6/30 | FY 79 (DEFICIT) OR EXCESS | FY 79 CONTINUATION |
|-----------------------|-----------------|-------------------------|-----------------|-------------------------|---------------------------|---------------------------|---|------------------------------------|---|---------------------------------|-----------------------|
| PERSONAL SERVICES | 215.7 | 230.8 | 211.2 | 226.2 | 223.9 | 199.5 | 85.4 | <6.5> | 120.1 | .3 | 235.0 |
| TRAVEL | 17.1 | 23.0 | 27.6 | 11.4 | 11.4 | 11.4 | 5.3 | | 7.4 | <1.3> | 12.1 |
| CONTRACTUAL SERVICES | 414.5 | 362.2 | 357.3 | 84.1 | 84.1 | 352.5 | 141.3 | | 211.2 | - | 92.9 |
| COMMODITIES | 2.9 | 1.7 | 1.6 | 5.3 | 5.3 | 3.1 | .7 | | .9 | 1.5 | 5.6 |
| EQUIPMENT | 5.1 | 12.9 | 3.8 | | | | | | | | 1.2 |
| LANDS, BLDG. ... | 959.5 | 708.2 | 708.2 | 601.1 | 601.1 | 601.1 | 613.6 | | - | <12.5> | 554.2 |
| GRANTS, CLAIMS | | | | | | | | | | | |
| MISCELLANEOUS | | | | | | | | | | | |
| TOTAL | 1574.8 | 1333.8 | 1306.7 | 928.1 | 925.8 | 1167.6 | 846.5 | <6.5> | 339.6 | <12.0> | 902.9 |
| FEDERAL RECEIPTS | | | | | | | | | | | |
| REQUIRED OF MATCHING | | | | | | | | | | | |
| OTHER GENERAL FUND | 1310.2 | 1045.0 | 1021.5 | 928.1 | 925.8 | 929.7 | 748.2 | <6.5> | 200.0 | <12.0> | 902.9 |
| INTER-AGENCY RECEIPTS | 260.3 | 293.9 | 285.2 | | | 237.9 | 93.3 | | 139.6 | - | |
| | 21.3 | | | | | | | | | | |

Differences between FY 77 actuals and FY 77 budget are all GF items for 21.3, however, the actual expenditures were funded by interagency receipt of 260.3. The FY 79 from 4A does not reflect 233.9 expenditures for contractals which are funded by interagency receipts of 237.9.

Includes 237.9 of Other R.S.'s that have processed thru 11/7/78, all other R.S.'s that still process thru 11/7/78 by these projects or quantities and will have no effect on

AGENCY: Administration DRU: Office of the Commissioner COMPONENT: Commissioner's Office REVISIONS: 1/2/79

FY 79 SUPPLEMENTAL REQUEST ANALYSIS

| | FY 77 ACTUAL | FY 78 FINAL ACTUAL | FY 78 ACTUAL | FY 79 GOV. BUDGET | FY 79 INITIAL ACTUAL | FY 79 CURRENT ACTUAL | EXPENDITURES + ENCUMBRANCES 7/1/-11/30 | OTHER OBLIGATIONS 7/1/-11/30 | PROJECTED EXPENDI- TURES + ENCUMBRANCES 12/1-6/30 | FY 79 (DEFICIT) OR EXCESS | FY 80 CONTINUATION |
|-----------------------|-----------------|--------------------------|-----------------|-------------------------|----------------------------|----------------------------|---|------------------------------------|---|---------------------------------|-----------------------|
| PERSONAL SERVICES | | | | | | | | | | | |
| TRAVEL | 2.8 | 8.0 | 3.4 | 8.0 | 8.0 | 8.0 | 1.5 | | 3.5 | 3.0 | |
| CONTRACTUAL SERVICES | 56.5 | 46.2 | 44.9 | 46.2 | 46.2 | 46.2 | 40.6 | 2.3 | 19.8 | <16.5> | |
| COMMODITIES | .2 | .8 | .1 | .8 | .8 | .8 | 0 | | .8 | 0 | |
| EQUIPMENT | | | | | | | | | | | |
| LANDS, BLDG. ... | | | | | | | | | | | |
| GRANTS CLAIMS | | | | | | | | | | | |
| MISCELLANEOUS | | | | | | | | | | | |
| TOTAL | 59.5 | 55.0 | 48.4 | 55.0 | 55.0 | 55.0 | 42.1 | 2.3 | 24.1 | <13.5> | |
| FEDERAL RECEIPTS | | | | | | | | | | | |
| REQUIRED OF MATCHING | | | | | | | | | | | |
| OTHER GENERAL FUND | 59.5 | 55.0 | 48.4 | 55.0 | 55.0 | 55.0 | 42.1 | 2.3 | 24.1 | <13.5> | |
| INTER-AGENCY RECEIPTS | | | | | | | | | | | |

Actual expenditures do not reflect \$1 for phone bills, which in error were not charged against the Labor Relations Agency, but to the Director of Administrative Services instead. This has been corrected for FY 79 and estimated expenditures include this amount pending in FY 79. The revised total for FY 78 was 45.6 for contractual services and 617.1 for the total.

Vicki

Please provide senate Finance
(Harvey & the secretaries) with copies
of the hand-out from Hapling on
SB 91. Thanks

Jody

P.S. ~~The~~ Tell them its back-up
on the Labor Relations portion
of the supplemental. Would like
The senate to accept the House
change to include LRA.

ALASKA LABOR RELATIONS AGENCY

1978 BUSINESS

| <u>Case No.</u> | <u>Description</u> | <u>Date</u> | <u>Action</u> |
|-----------------|--|-------------|---|
| UA-78-1 | ACCFT #2404 Unit Authorization: REA/CES | 1-5-78 | Hearing 2-22-78 O&D #35: REA denied, #3 CES unit authorized |
| UC-78-1 | APEA Unit Clarification: Sup Nurse II, Mgrs Pioneer Homes | 1-78 | To be refiled Refiled as UC-78-2 |
| UPLC-78-0 | APSE #71 vs. State of AK: Firefighters | 1-78 | O&D #33; Hearing 8-21-78 Hearing 10-10-78, Elect |
| ULPC-78-1 | ACCFT vs. U of A Terminated employee for union activities | 1-10-78 | #38 appealed 12-27-78 O&D #35-11-28-78, audio Hearing 4-27 & 28-78 Postponed 4-25 Withdrawn 6-18-78 |
| ULPC-78-2 | ACCFT vs. U of A Refused to process grievances | 1-10-78 | Hearing 4-27 & 28-78 Postponed 4-25 Withdrawn 6-18-78 |
| ULPC-78-3 | ACCFT vs. U of A Refused to furnish info to union | 1-10-78 | Hearing 4-27 & 28-78 Postponed 4-25 Withdrawn 6-18-78 |
| ULPC-78-4 | ACCFT vs. U of A Refused to bargain in good faith | 1-10-78 | Hearing 4-27 & 28-78 Postponed 4-25 Withdrawn 6-18-78 |
| ULPC-78-5 | APSE #71 vs. State of AK: Lorena Corson | 3-9-78 | Pending in court Dismissed O&D #41 1-8- |
| ULPC-78-6 | State of AK vs. APSE #71 | 3-29-78 | Hearing 6-19-78, 8-21-78 Withdrawn 8-9-78 |
| ULPC-78-7 | APSE #71 vs. State of Alaska: Christine Thomas | 6-20-78 | Dismissed O&D #40 1-8- |
| ULPC-78-8 | Daniel R. DeMardo vs. State of Alaska | 7-6-78 | Hearing 10-10-78 Dismissed O&D #39 |
| UC-78-2 | APEA Unit Clarification: Sup Nurse II, Mgrs. Pioneer Homes | 9-6-78 | |
| UC-78-3 | APEA Unit Clarification: Sup Employees in #71 | 9-6-78 | Deferred by APEA 1-8-79 to April 79 hearing |
| UC-78-4 | APEA Unit Clarification: Gen Govt Emp in APSEA #71 (Elevator & Safety Inspectors) | 9-6-78 | Deferred by APEA 1-8-79 to March 79 hearing |
| UPLC-78-9 | ACCFT vs. U of A: Interfering with employee rights, refusing to bargain in good faith | 9-7-78 | Hearing scheduled 2-20 |
| UC-78-5 | APEA Unit Clarification: Elec. & Plumbing Inspectors in APSE #71 | 9-13-78 | Deferred by APEA 1-8-79 to March 79 hearing |
| UC-78-6 | APSE #71 and State of Alaska Unit Clarification: Seward Skill Center | 9-25-78 | Hearing scheduled 2-20 |
| UC-78-7 | APSE #71 vs. State of AK Unit Clarification: Supply Clerk I (Bradford) | 8-18-78 | Hearing 1-8-79, hearing scheduled 2-20-79 |
| UC-78-8 | APSE #71 vs. State of AK Unit Clarification: Pioneer Home Equipmt Operators | 10-3-78 | Board meeting 1-8-79 Hearing scheduled 2-20 |
| ELECTION 78-1 | Cooperative Extension Service, U of A ACCFT #2404 vs no representation | 10-78 | No representation |
| UC-78-9 | St. of AK & APEA: Payroll Spervisor I Unit Clarification | 10-13-78 | |
| UC-78-10 | ST. of AK, Conf & APEA: Corres Sec, Admin Support Technician Unit Clarifications | 12-27-78 | |

ALASKA LABOR RELATIONS AGENCY

1977 BUSINESS

| <u>Case No.</u> | <u>Description</u> | <u>Date</u> | <u>Action</u> |
|-----------------|---|-------------|--|
| ULPC-76 | APSE Local 71 vs. State of AK . | 12-21-76 | Dismissed |
| ULPC-77-1 | ACCFT vs. U of AK | 1-25-77 | Withdrawn |
| ULPC-77-2 | ACCFT vs. U of AK | 1-25-77 | Withdrawn |
| ULPC-77-3 | ACCFT vs. U of AK | 1-25-77 | Withdrawn |
| ULPC-77-4 | ACCFT vs. U of AK | 1-25-77 | Withdrawn |
| UC-77-5 | Unit Clarification: ACCFT #2404 Add Adult Literacy Lab employees to unit | | To be refiled under new regulations |
| ULPC-77-6 | APEA vs. State of AK . | 1-3-77 | Withdrawn |
| ULPC-77-7 | APEA vs. State of AK | 1-5-77 | Withdrawn |
| UC-77-8 | Unit Clarification: Radio Officers | 2-15-77 | O&D #29 2-20-77 |
| UC-77-13 | Unit Clarification: Public Safety Officers Fire Protection Engineers | 3-8-77 | O&D #28A 3-28-77 |
| ULPC-77-15 | ACCFT #2404 vs. U of AK | 3-77 | Withdrawn |
| UC-77-18 | APEA Unit Clarification: Budget Analysts | 5-18-77 | O&D #31 1-23-78 . |
| UC-77-19 | APEA Unit Clarification: Asst Correctional Superintendents | 5-18-77 | Settled by parties |
| UC-77-20 | PSEA Unit Clarification: Law Enforcement Officers--Weights & Measures employees | 8-2-77 | O&D #30 10-17-77 |
| ULPC-77-22 | ACCFT #2404 vs. U of AK Refusal to bargain in good faith | 8-16-77 | Hearing March 2-3, 1 O&D #37 10-9-78 Dismi |
| ULPC-77-22A | ACCFT #2404 vs. U of AK Failure to implement terms of collective bargaining agreement | 8-16-77 | Hearing scheduled 4- Postponed 4-25-78 Withdrawn 6-18-78 |
| ULPC-77-35 | ACCFT #2404 vs. U of AK Threat to discharge employees for union activities | 12-1-77 | Hearing scheduled 4- Postponed 4-25-78 Withdrawn 6-18-78 |
| ULPC-77-35 | U of AK vs. ACCFT #2404 Bypassed collective bargaining agreement, acted in bad faith | 12-13-77 | Hearing scheduled 4- Postponed 4-25-78 Withdrawn 6-18-78 |
| UC-77-30 | ACCFT #2404 Unit Clarification: REA/CES | 12-1-77 | Dismissed |
| UA-77-31 | PAGE Unit Authorization: ACCFT #2404 | 10-6-77 | Hearing 2-21-78 DENIED USD #34 4-28- |

UA = Unit Authorization
UC = Unit Clarification
ULPC = Unfair Labor Practice Charge



State of Alaska

LABOR RELATIONS AGENCY

P. O. BOX 6701 • ANCHORAGE, ALASKA 99502
TELEPHONE (907) 243.6955

C. R. "STEVE" HAFLING
CHAIRMAN
RONALD M. HENRY
MORGAN REED

JAMES R. LUCAS
CONSULTANT

Prepared for: Mr. C.R. "Steve" Hafling, Chairman
Alaska Labor Relations Agency

Prepared by: Ann Schwarz
Assistant to the Board

Date: February 19, 1979

SUMMARY OF CASES BEFORE THE LABOR RELATIONS AGENCY

1. UC-78-2 9-6-67 APEA UNIT CLARIFICATION: SUPERVISING NURSE IIs
AND MANAGERS OF PIONEER HOMES

Issue: APEA petitions to clarify and/or amend the certification for the Supervisory Bargaining Unit, State of Alaska, to include the following positions, currently in the General Government and Confidential bargaining units:

Supervising Nurse IIs
Managers, Pioneer Homes

APEA contends that employees filling these positions have hiring, firing, and related authority which properly meet the criteria for the Supervisory bargaining unit.

Action: APEA requested a delay in the LRA's hearing on the case until March 1979. The State of Alaska has not responded to the petition.

2. UC-78-3

9-6-78

APEA UNIT CLARIFICATION OF THE SUPERVISORY UNIT
TO INCLUDE SUPERVISOR EMPLOYEES PRESENTLY IN
PUBLIC EMPLOYEES LOCAL 71 BARGAINING UNIT

Issue: APEA contends that the Supervisory unit should include all non-working foremen or supervisors in Local 71 meeting supervisory criteria as set forth in Order and Decision #26 in the following classes of positions:

Airport Maintenance Foreman, Highway Maintenance Foreman, Auto Shop Foreman, Building Maintenance Foreman, Equipment Operator Foreman, Electrician Foreman, Electronic Technician Supervisor, Highway Maintenance Foreman, Party Chief, Housekeeping Supervisor, Groundsman Supervisor, Laundry Supervisor.

APEA contends that certain and/or all persons in the above classes have hiring, firing, and related authority, thus properly meeting the criteria for the Supervisory bargaining unit.

Action: On December 15, 1978, Local 71 requested notification to attend an informal conference to resolve the dispute. On January 8 at the LRA hearing, Pat Murphy of APEA requested an indefinite delay to the LRA's hearing of the case. Al Baffone of Local 71 protested that the matter should be settled, the Board agreed, and Murphy agreed to an April 1979 hearing.

3. UC-78-4

9-6-78

APEA UNIT CLARIFICATION: ELEVATOR AND SAFETY
INSPECTORS IN THE PUBLIC EMPLOYEES LOCAL 71
UNIT

Issue: APEA contends that the following positions or classes of positions, now in the Local 71 unit, correctly belong in the General Government unit:

Elevator Inspector, OCC Safety Comp. Officer, Inspector III, and Safety Consultant

Action: On December 15, Local 71 requested notification to attend an informal conference to resolve the dispute. On January 8 at a hearing before the LRA, Pat Murphy of APEA requested an indefinite delay in the LRA's hearing of the case. Al Baffone of Local 71 protested that the matter should be settled, and Murphy agreed to a March 1979 hearing of the case.

4. ULPC-78-9 9-7-78 ACCFT VS. U OF AK UNFAIR LABOR PRACTICE CHARGE

Issue: ACCFT charges that the U of AK has interfered with employee rights to representation and has refused to bargain in good faith.

Specifically, ACCFT alleges that representatives of that union and the University met in July 1978 to discuss settlement of grievances and unfair labor practices pending against the University. All agreed to drop the unfair labor practice charges if the University completed psychiatric evaluation of Evelyn Miller to determine if she were capable of returning to work (the Miller case was a matter pending for one year, either in the form of an unfair labor practice or a grievance). If incapable of work, she would be retired on disability; otherwise she would be returned to her job.

ACCFT charges that to date the University has taken no action to evaluate Miller.

Second, ACCFT contends that the University has not furnished the union the documents necessary for collective bargaining, as requested by the union and promised by the University.

Third, ACCFT charges that the University has promised but failed to schedule a negotiating session with ACCFT. This negotiation was to provide an additional fringe benefit to union members in lieu of the dependent insurance coverage previously negotiated but determined to be contrary to state law.

Action: On October 5, Carl Westman of the University denied all ACCFT charges. Furthermore, the University countercharged that ACCFT, via its allegations, was making a personal attack on the University's labor relations representative (Westman) and was illegally trying to influence the selection of management representatives in the collective bargaining relationship.

On January 8, 1979, the LRA informed Westman that his response to the ACCFT charges was deficient in particulars. It gave no answers enabling the LRA to determine whether or not the charges should be dismissed; investigated with a view to resolving the matter by informal methods; or be the subject of a formal LRA hearing. It asked specific questions of Westman.

The LRA also stated that Westman's countercharge had no apparent basis insofar as the charge was filed.

RESOLVED
8/20/79
BY BOTH PARTIES

He was informed that if he were serious about making such a charge, it should be made pursuant to the procedures described in the revised regulations.

The LRA received no response for the University to its specific questions in the 1-8-79 letter to Westman. A formal hearing on the ACCFT charge was scheduled for February 20, 1979.

5. UC-78-5 9-13-78 APEA UNIT CLARIFICATION: ELECTRICAL AND PLUMBING INSPECTORS IN LOCAL 71

Issue: APEA petitions to amend the certification for Local 71 and the APEA General Government unit to include the following positions or classes of positions in the General Government Unit:
 Electrical Inspector; Plumbing Inspector
The positions are now in the Local 71 unit. APEA contends that persons filling the positions properly meet the criteria for inclusion in the General Government unit.

Action: On December 15, Local 71 requested notification to attend an informal conference to resolve the dispute. On January 8 at a LRA hearing, Pat Murphy of APEA requested an indefinite delay on LRA's hearing of the case. Al Baffone of Local 71 protested, and Murphy agreed to a March 1979 hearing.

6. UC-78-6 9-25-79 PUBLIC EMPLOYEES LOCAL 71 AND STATE OF ALASKA UNIT CLARIFICATION: SEWARD SKILL CENTER

Issue: Local 71 petitioned for a ruling on the bargaining unit assignment of State employees at the Seward Skill Center. Local 71 investigations had found that the State was employing students to drive the school bus, was employing a Clerk II to perform Storekeeper duties in a tool crib, and was eliminating Local 71 members and employing Instructor's Aides and Instructors to do work of the Labor Trades and Crafts bargaining Unit.

Action: In its petition, Local 71 explained that it had written Commissioner Allen of the State to contact the LRA regarding the situation at the Seward Skill Center. The LRA received copies of letters from the State to Local 71 explaining the State's position. All were sent prior to Local 71's filing for unit clarification. They claimed the union had not supplied any information which would cause the State to revise its position, and directed the union to pursue these matters to the LRA. The LRA received no correspondence from the State following the filing. On November 27, 1978, the LRA heard the case first. On December 15 Local 71 again requested a hearing before the LRA. At a January 8, 1979 hearing, the LRA agreed to hear the case on February 20, 1979.

7. UC-78-7

8-18-78 LOCAL 71 AND STATE OF ALASKA UNIT CLARIFICATION:
SUPPLY CLERK I (BRADFORD)

Issue: Local 71 requested a unit clarification on the proper placement of Jack Bradford, presently classified as a Supply Clerk I in the General Government Unit. The union contends that the work performed by Bradford should be properly classified as the work of a Storekeeper, Wage Group VIII in the Labor, Trades and Crafts bargaining unit.

Action: On November 27, 1978, the LRA heard the case and received evidence regarding Bradford's job duties. On January 8 at another hearing on the case, both Local 71 and the State and APEA agreed to postpone the hearing until February.

8. UC-78-8 10-78 PUBLIC EMPLOYEES LOCAL 71 AND STATE OF ALASKA
UNIT CLARIFICATION: PIONEER HOME EQUIPMENT OPERATORS

*9/15/79
8/30/79*

Issue: Local 71 requested the unit clarification of the Pioneer Home Equipment Operator. The petition stemmed from State assignment of the job to the General Government unit. Local 71 contends the job belongs in the Local 71 unit.

Action: The LRA first heard the case on November 27, 1978. In early January the LRA investigated the actual job duties performed by the drivers of the Pioneer Home vehicles. One man, a Pioneer Aide in the General Government unit, was found to be a full-time drive.

On January 8, the LRA requested that both the State and Local 71 provide additional material on job classifications for other wage groups and for other jobs such as chauffers. This information was to be presented to the Board at a formal hearing on the case on February 20, 1979.

9. UC-78-9 10-78 STATE OF ALASKA AND APEA UNIT CLARIFICATION:
PAYROLL SUPERVISOR I

Issue: The State requested a unit clarification following disagreement between the State and APEA on the proposed movement of Payroll Supervisor I from the Supervisory to the General Government unit. State contends that employees in the disputed position serve as "working leaders" rather than supervisors according to LRA regulations.

Action: LRA is hearing the case on February 20, 1979.

10. UC-78-10 12-27-78 STATE OF ALASKA AND CONFIDENTIAL EMPLOYEES ASSN
UNIT CLARIFICATION: CORRESPONDENCE SECRETARY AND
ADMINISTRATIVE SUPPORT TECHNICIAN

Issue: The State petitioned for a unit determination on the above positions. Previously it had recommended to the unions that the positions be moved from the Confidential to the General Government bargaining unit. The Confidential Employees Association had disagreed with this proposed movement.

Action: LRA scheduled a February 21, 1979 hearing for the case. This hearing was postponed at the request of the parties on February 15, 1979.

11. ULPC-79-1 1-22-79 APEA VS. STATE OF ALASKA CHARGING
1) IMPROPER BARGAINING UNIT TRANSFERS BY STATE
2) COERCION OF EMPLOYEES EXERCIZING THEIR RIGHTS
UNDER PERA

Issue: APEA alleges that the State of Alaska is engaging in bargaining unit transfers without notice to the LRA, the affected public employee, or the employee's representative. This transfer is implemented by a "paper transaction" called "deletion/established", a method devised to avoid the requirements of the Statutes and LRA Orders and Decisions

APEA also alleges that the State is seeking to remove improperly from APEA's General Government unit past and current officers and delegates of APEA because of those individuals' valid exercise of contractual and statutory rights. APEA takes these actions to be a means of intimidation and punishment for the exercise of employer rights.

Action: LRA scheduled the case for a February 21 hearing. In a January 31 letter to the LRA, the State contended that informal means should first be used to settle the dispute. According to APEA informal means had been exhausted prior to the filing of the charge. LRA therefore denied postponement of the hearing.

ALASKA LABOR RELATIONS AGENCY
ORDERS AND DECISIONS

| <u>O & D NUMBER</u> | <u>DATE</u> | <u>SUBJECT</u> | <u>ISSUE/ACTION</u> |
|-----------------------------|-------------|--|---|
| 1 | 2-2-73 | Concerning Petitions Number 1-72, 2-72, 3-72, 4-72, 5-72, and Relevant Interventions and Objections Interventions: Natural Resources Professional Association of AK, AK Engineers in State Government, IBEW Local #1547 | 1-72 and 5-72- Unit Authorization, <u>Confidential Employees</u> approved 2-72- Unit Authorization, <u>General Government</u> , approved 3-72 - Unit Authorization, Ferry Terminal Mgrs & Assts - authorizes election 4-72 - Unit Authorization, Airport Field & Bldg Mtc - DISMISSED Interventions - DISMISSED |
| 2 | | Concerning Petition 1-73: Unit Certification all construction, maintenance, and custodial employees (Tri-Trades) | DISMISSED |
| 3 | | Concerning Petition 2-73 - Unit Certification, Maintenance and operations employees of U of A, Fairbanks Heating and Power Plant | DISMISSED |
| 4 | 7-19-73 | Relating to Objections of IBU's Union concerning elections among Ferry Terminal Operators and Assistants | DISMISSED |
| 5 | 8-15-73 | Unit Authorization- Building and Construction Trades | Unit approved, election authorized |
| 6 | 12-7-73 | Implementing O & D #1 as Pertains to Petition 1-72 and 5-72, Confidential Unit | Authorizes election for <u>Confidential Unit</u> |
| 7 | 1-9-74 | Concerning the Conduct of a Strike Vote Election | Guidelines for Strike Vote elections |
| 8 | 1-17-74 | Concerning the Petition for Collective Bargaining Representation for Supervisory Employees of the State | Authorizes <u>Supervisory Employees</u> bargaining unit, election for bargaining agent |
| 9 | 1-17-74 | Pertaining to Confidential Bargaining Unit and by Confidential Employees Assn | Authorizes election between APEA, <u>Confidential Employees Union</u> , or no re |

| O & D NUMBER | DATE | SUBJECT | ISSUE/ACTION |
|-----------------|----------|--|---|
| 10 | 1-17-74 | Concerning Appeal of Tri-Trades Public Service Council of the "Globe" Ballot Election of 10-24-73 | Authorizes another election of "Globe" election unit; objection upheld |
| 11 | 1-17-74 | Concerning the Petition for Collective Bargaining Representative of all non-certified employees of the State Operatd School System | No special unit authorized, but employees allocated among existing bargaining units |
| 12 | 4-1-74 | Concerning Challenges to Certain Classifications in Supervisory Unit | Unit Clarification, Supervisory Employees |
| 13 | 5-4-74 | Concerning Challenges to Certain Classifications in the Confidential Unit | Unit Clarification, Confidential Unit |
| 13A | 7-29-74 | Pertaining to Clarifications of O&D 13 | |
| 14 | 7-30-74 | Pertaining to Objections Filed to "Grey Collar" Election of 4-26-74 | Objections overruled; Tri-Trades is certified rep for "Grey Collar" |
| 15 | 2-3-75 | Pertaining to Petitions for Clarification of Supervisory Status | |
| 15A | 4-3-75 | Pertaining to Clarification of O&D 15 | |
| 15B | 7-18-75 | Pertaining to a Hearing Concerning a Petition by Robrrt Stinde Requesting Reclassification into Supervisory Unit | Petition denied. |
| 15C | 7-18-75 | Pertaining to a Petition by Probation Officer III for Retroactive Pay | Petition denied. |
| 16 | 4-25-75 | Pertaining to Unit Clarification Petition by APEA first dated 8-29-74 | Petition denied |
| 17 | 5-2-75 | Pertaining to the Strike Ballot Election Conducted by the Tri-Trades Public Service Council during March 1975 | |
| 17A | June 75 | Pertaining to Proposed Strike Vote Election to be Conducted by Tri-Trades Public Service Council | |
| 18 | 2-24-75 | Pertaining to Dismissal of Unfair Labor Practice Charges made by John Baxandall et al. | |
| 19 | 11-10-75 | Pertaining to Decertification Petition filed by the Marine Engineers Benefic'1 Assn with respect to Unit of Confident'1 Employees. | Authorizes election of bargaining representative: CEA, MEBA, or no rep |

| O & D NUMBER | DATE | SUBJECT | ISSUE/ACTION |
|-----------------|----------|--|--|
| 20 | 2-24-76 | Pertaining to the Status of AK Marine Ferry System Employees under the AK Public Employment Relations Act | LRA has jurisdiction |
| 21 | 4-21-76 | Pertaining to the Unit Clarification Petition by Tri-Trades Public Service Council <u>in re</u> Partially Exempt Employees | Petition denied. |
| 22 | 4-21-76 | Pertaining to Petition for Clarification of Collective Bargaining Agreement between Tri-Trades Public Service Council and the State of Alaska | Petition denied. |
| 23 | 5-5-76 | Pertaining to Unfair Labor Practice Charges filed by AFT #2404, representing Community College Teachers, against the University of Alaska | Charges upheld; U of A to cease and desist |
| 24 | 5-12-76 | Pertaining to Unit Clarification Petition by Public Service Employees Local No. 71, Successor Organization to Tri-Trades Public Service Council | Present allocation is correct. |
| 25 | 7-26-76 | Pertaining to Representation Petition by "Associated Faculty" affiliated with the National Education Association | Bargaining unit denied. |
| 26 | 7-23-76 | Pertaining to Unit Allocation of Individuals, Supervisory Unit | |
| 26A | 2-23-77 | " Supervisory vs. General Govt. Unit | |
| 26B | 2-23-77 | " | |
| 26C | 3-29-77 | " | |
| 26D | 5-20-77 | " | |
| 26E | 10-14-77 | " | |
| 26F | 10-27-77 | " | |
| 27 | 8-16-77 | Pertaining to Unfair Labor Practice Charge filed by APEA against AK Public Service Employees Local #71, AFL-CIO, heard at Anchorage, AK on August 16, 1976 | Charges DISMISSED |
| 28 | 1-3-77 | Pertaining to Unit Authorization Petition by Public Safety Employees Assoc, Inc., State of AK | Authorizes Public Safe Unit, certifies PSEA a bargaining agent |
| 28A | 3-28-77 | Pertaining to Clarification of the Unit of Public Safety Officers Authorized by O&D #28 | Unit Clarification - Fire Protection Engine from Public Safety to APEA |
| 29 | 2-20-77 | Pertaining to Clarification of Unit - Radio Officers | UC - Radio Officers f General Government to Marine Ferry Employee |

| <u>O & D NUMBER</u> | <u>DATE</u> | <u>SUBJECT</u> | <u>ISSUE/ACTION</u> |
|-----------------------------|-------------|---|---|
| 30 | 10-17-77 | Pertaining to Petition for Amendment/ Certification of the Law Enforcement Bargaining Unit | UC - Motor Vehicle Inspector moves from APEA to PSEA |
| 31 | 1-23-78 | Pertaining to Status of Program Budget Analysts in the Classified System | UC - put in General Govt unit |
| 32 | 1-23-78 | Pertaining to Petition by Dept. of Administration to Reallocated 2 Posi- tions from General Government Unit to Confidential Employees Unit (Acctg Clerk II, Payroll Supervisor) | Petition denied. |
| 33 | 3-20-78 | Pertaining to Firefighters | Unit Clarification - State of AK and APSE #71 |
| 34 | 4-28-78 | Pertaining to Petition by the Profes- sional and General Employees Council for Certification of a Proposed Bargaining Unit at the University of Alaska | UA - Denied. |



**PUBLIC EMPLOYEES
LOCAL 71 AFL-CIO**
HEADQUARTERS

3400 SPENARD ROAD, SUITE 10, ANCHORAGE, ALASKA 99509
P. O. Box 4-1535
BUSINESS MANAGER - SECRETARY TREASURER
AL J. BAFFONE, SR.



January 30, 1979

RECD FEB 9 1979

C. R. "Steve" Hafling
Chairman
Alaska Labor Relations Agency
P. O. Box 6701
Anchorage, AK 99502

Dear Sir:

Public Employees Local 71, AFL-CIO, is requesting that your office conduct a strike vote within the Labor, Trades and Crafts bargaining unit, Local 71, with the State of Alaska. Under the collective bargaining Agreement, specifically;

Article VII, Section 7:

The parties agree that there shall be no strikes or lockouts during the life of this Agreement, except as provided in Article IX, section 2, paragraph (c).

Article IX, section 2, paragraph (c):

During the process of the above procedure, there shall be no strike or lockout which is in any manner related to this grievance. The parties agree that the decisions or award of the arbitrator shall be final and binding on each of the parties and that they will abide thereby. The authority of the arbitrator shall be limited to questions directly involving the interpretation or application of specific provisions of this Agreement, and no other matter shall be subject to arbitration hereunder. The arbitrator shall have no authority to add to, subtract from or change any of the terms of this Agreement, to change an existing wage rate or to establish a new wage rate except as provided in Article XIII, Section 2 and Section 4. Should either party fail or refuse to abide by the arbiter's decision, the prevailing party shall be free to take whatever action it deems necessary, and such action will not be considered in violation of this Agreement.

On three occasions, the State of Alaska has refused to abide by the decisions of arbitrators.

JUNEAU
KEN SPRAY
BUSINESS REPRESENTATIVE
100 FRANKLIN ST., ROOM 103
(907) 595-3993

ANCHORAGE
JENNIE DAY PETERSON
JIM YOUNGER
BUSINESS REPRESENTATIVES
(907) 276-7211

FAIRBANKS
DON VALESKO
BUSINESS REPRESENTATIVE
208 WENDELL, ROOM 205
(907) 452-5024

G. R. "Steve" Hafling
RE: Strike Vote

January 30, 1979
Page 2

In the case of Lorena Corson, her grievance was arbitrated May 2 and 3, 1977. Arbitrator Michael H. Beck, in his decision dated July 13, 1977, ordered that she be returned back to the bargaining unit of Public Employees Local 71. They have refused to comply with that directive.

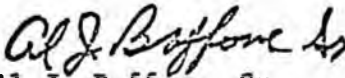
In the case of Donald Bascom, arbitrated March 1 and 2, 1978, Roger Tilbury ordered that the State of Alaska comply with the Labor Agreement by paying Mr. Bascom back pay per diem to 1976.

Arbitrator William H. Dorsey, Jr. in his award dated December 15, 1978, ordered that the State of Alaska was to pay Mr. Donald Bascom per diem for the year 1977, and his decision, according to our contract, is final and binding.

It is the position of Public Employees Local 71, AFL-CIO that we are relieved of the no strike, no lock-out clause. It is further our reading of the Alaska Statutes that, apparently, the responsibility of conducting an election for strike purposes is that of the Agency.

I am sure you are aware that time is of the essence. Your immediate attention to this matter will be greatly appreciated.

Sincerely,


Al J. Baffone, Sr.
Business Manager
Secretary/Treasurer

Certified No. 797704

cc: Patrick L. Hunt (Certified No. 797705)
Jim Lucas
Noel McMurtray
Business Representatives
Shop Stewards

AJB/tak

Introduced: 1/31/79
Referred: State Affairs and
Finance

Funding Information:
General Fund: \$30,800
Other Funds: -0-
\$30,800

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

SENATE BILL NO. 91

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making a supplemental appropriation to the
7 Department of Administration, for ASHA payments and
8 LRA services; and providing for an effective date."

9

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

10

* Section 1. The sum of \$30,800 is appropriated from the general fund
11 to the Department of Administration to be allocated as follows:

12

Office of the Commissioner -- for the purpose

13

of paying unbudgeted Alaska State Housing

14

Authority bond payments and fire

15

insurance premiums

\$17,300

16

Labor Relations Agency -- for the purpose of

17

paying increased costs of professional

18

services contracts

13,500

19

* Sec. 2. The unexpended and unobligated portion of the appropriation
20 made in sec. 1 of this Act lapses June 30, 1979.

21

* Sec. 3. This Act takes effect immediately in accordance with AS 01.-
22 10.070(c).

23

24

25

26

27

28

29




RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

SB92

SENATE FINANCE COMMITTEE
BILL CHECKLIST

- 1. Committee Copy-Current Bill
- 2. History Cover Form
- 3. Printed Copies:
 - Original Bill
 - Committee Substitutes or Amendments
- 4. SFC Committee Report Form
- 5. Fiscal Information:
 - Note in File
 - Note Requested Date
 - Other Financial Backup (See Below)
- 6. Backup:
 - Handouts
 - Letter from Governor
 - Letter from Sponsor
 - Completed Committee Reports
 - Committee RESOURCES
 - Other

with amendment

(17)

specifically ✓

3355

905.

750.

Pg 2

(17) - tighter language.
(more specific.)

Pg 5

in 3-d put [] back in.

Monday

Senate Bill 92

An Act relating to the efficient
administration of fish and game

SB 92 corrects provisions in Title 16 (Fish and Game) which have become outmoded and provides specific authority for activities which have been customary for a long period of time. It also fills unintentional gaps and clarifies ambiguities in the statutes. Without enactment, Fish and Game believe bureaucratic obstacles, resulting in unnecessary costs to taxpayers, will continue.

Section 1. Expands the original language to reflect that several federal agencies have fish and wildlife management responsibilities rather than just the National Marine Fisheries Service.

Section 2. By changing reference from "title" to "chapter", it expands the information to be collected to encompass the entire chapter and not just the title.

Section 3. Formally authorizes activities already implied under existing law.

Section 4. Clarifies some ambiguities in the emergency order statute and specifies an administrative procedure for implementing emergency orders. Does not expand the commissioner's emergency order authority. *+ due process*

Sections 5-9. Amends the authority of the Board of Fisheries by cleaning up some language and formally includes new regulations.

Subst.
due

Delete Sec 11

Sections 10-14. Does the same for the Board of Game as the above sections.

Section 15. Extends definition of "fish" to expressly state that it includes parts of one. This is necessary for enforcement purposes.

✓ Section 16. Adds to the definition of "resident" to include only those who are effectively domiciled in Alaska.

Section 17. Empowers the appropriate Boards to adopt regulations.

Sections 18-20. Provides a penalty for violation of statutory requirements already in AS 16 for refuges and habitats. This corrects an apparent oversight.

Fiscal note shows no fiscal impact.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. 1
 Title An Act relating to the efficient Administration of Fish & Game
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Department of Fish & Game
 Program Category Affected HRM & EC
 Budget Request Unit(s) Affected Divisions of Sport Fish, Game and Commercial Fish

EXPENDITURES (Thousands of Dollars)

| | FY 79 | FY 80 | FY 81 | FY 82 | FY 83 | FY 84 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, JTC. | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

FUNDING (Thousands of Dollars)

| | | | | | | |
|-----------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify) | | | | | | |

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL TIME | | | | | | |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

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

No fiscal impact

IV. DATE 1/19/79 PREPARED BY [Signature]
 AGENCY Department of Fish & Game
 PHONE 465-4120
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

COMMITTEE REPORT
SENATE

FURTHER: Finance

1/31/79

Date: _____

Mr. President:

The Committee on RESOURCES has had SB 92
relating to efficient administration of fish and game

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

MEMBERS HAVING
OTHER RECOMMENDATIONS:

2 Dankworth - as amended

2 Bennett - as amended

1 Kuttala

1 Ziegler not on Resources Com.

1 Schurkamp

1 Mel...

2 Bob Mulcahy as amended

1 [Signature]
CHAIRMAN

AMENDMENT

OFFERED IN THE SENATE:

By: Fahren Kamp

To: _____ SENATE BILL No. 92

HOUSE BILL No. _____

PAGE: _____

LINE: _____

PAGE 1 LINES 9 THROUGH 13: DELETE SECTION 1

PAGE 3 LINE 9: DELETE "CONSERVATION,"

PAGE 4 LINE 10: DELETE "CONSERVATION,"

RENUMBER ACCORDINGLY

Rh 92

Introduced: 1/31/79
Referred: Resources and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 92

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the efficient administration of
7 fish and game."

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

9 * Section 1. AS 16.05.050(1) is amended to read:

10 (1) assist the United States Fish and Wildlife Service, the
11 National Marine Fisheries Service, and any other federal agency in the
12 enforcement of federal laws and regulations pertaining to fish and
13 game;

14 * Sec. 2. AS 16.05.050(5) is amended to read:

15 (5) collect, classify, and disseminate statistics, data and
16 information as in his discretion will tend to promote the objects of
17 this title [CHAPTER];

18 * Sec. 3. AS 16.05.050 is amended by adding new paragraphs to read:

19 (12) initiate or perform research which is necessary or
20 advisable for the protection, conservation, and management of the fish
21 and game resources of the state;

22 (13) employ substances, procedures, and techniques necessary
23 to control or eradicate diseases of fish or game (including quarantine
24 and sterilization of facilities and equipment), and to reduce competi-
25 tion among fish or game;

26 (14) enter into cooperative agreements with agencies of the
27 federal government, educational institutions, or other agencies or
28 organizations when in the public interest, except that when cooperative
29 agreements with the federal government require assent to the applica-

COMMITTEE COPY

1 bility of federal laws or regulations in the state, that assent shall
2 be undertaken by the appropriate board;

3 (15) enter into contracts with, and make grants to, agencies,
4 organizations, and individuals under procedures established by the
5 commissioner to insure that such grants and contracts are consistent
6 with the overall public interest;

7 (16) any other powers necessary to implement the responsi-
8 bilities of the commissioner set out in sec. 20 of this chapter.

9 * Sec. 4. AS 16.05.060 is amended to read:

10 Sec. 16.05.060. EMERGENCY OPENINGS AND CLOSURES. This chapter
11 does not limit the power of the commissioner or his authorized designee,
12 when necessary for the protection of fish or game or the promotion of
13 the general welfare [CIRCUMSTANCES REQUIRE], to summarily open or
14 close seasons or areas wholly or partially, or to change weekly closed
15 periods on fish or game by means of emergency orders. The commissioner
16 may also implement regulations of the Boards of Fisheries and Game by
17 emergency order when authorized by a board. An emergency order has
18 the force and effect of law after field announcement by the commissioner
19 or his authorized designee. An emergency order adopted under this
20 section is not subject to the Administrative Procedure Act (AS 44.62),
21 and need not be published in the Alaska Administrative Code. An
22 emergency order must contain a description of and a justification for
23 the action undertaken, the effective date, the text of amended regula-
24 tions, and the signature of the commissioner or his authorized designee.
25 Field announcement must be made before the time of effectiveness in a
26 manner calculated to reach interested persons, such as by publication,
27 telegraph, broadcast, distribution, posting or other effective means.
28 A copy of the emergency order must be deposited in the lieutenant
29 governor's office within 20 days after the effective date of the

1 emergency order. The commissioner's announcements, when authorized by
2 a board, must be adopted in a manner identical to that required for
3 emergency orders.

4 * Sec. 5. AS 16.05.251(3) is amended to read:

5 (3) setting quotas, [AND] bag limits, harvest levels, and
6 sex and size limitations on the taking of fish;

7 * Sec. 6. AS 16.05.251(7) is amended to read:

8 (7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and habitat
9 protection [IMPROVEMENT], fish management, conservation, protection,
10 disposition, and propagation in the interest of the economy or general
11 welfare of the state [AND STOCKING];

12 * Sec. 7. AS 16.05.251(8) is repealed and re-enacted to read:

13 (8) establishing methods, means, and harvest levels where
14 necessary to control predation and competition among fish in the
15 state;

16 * Sec. 8. AS 16.05.251(9) is repealed and re-enacted to read:

17 (9) assenting to the applicability of federal regulations
18 where necessary to effectuate cooperative agreements or other arrange-
19 ments with the federal government;

20 * Sec. 9. AS 16.05.251 is amended by adding new paragraphs to read:

21 (13) imposing limitations on the use and disposition of
22 fish when necessary for the conservation and protection of fish
23 resources and the preservation of the public welfare;

24 (14) improving or facilitating conservation and protection
25 of fish; and

26 (15) authorizing the commissioner to carry out a regulatory
27 program under terms and conditions prescribed by the commissioner.

28 * Sec. 10. AS 16.05.255(4) is amended to read:

29 (4) setting quotas, [AND] bag limits, harvest levels, and

1 sex, age and size limitations on the taking of game;

2 * Sec. 11. AS 16.05.255(6) is repealed and re-enacted to read:

3 (6) establishing methods and harvest levels necessary to
4 control predation and competition among game in the state, authorizing
5 the payment of bounties in game management units or parts of them,
6 specifying the amounts of bounties, and prescribing procedures for the
7 collection of bounties;

8 * Sec. 12. AS 16.05.255(7) is amended to read:

9 (7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and habitat
10 protection [IMPROVEMENT], and game management, conservation, protection,
11 disposition, and propagation in the interest of the economy or general
12 welfare of the state [AND STOCKING];

13 * Sec. 13. AS 16.05.255(8) is repealed and re-enacted to read:

14 (8) assenting to the applicability of federal regulations
15 when necessary to effectuate cooperative agreements or other arrange-
16 ments with the federal government;

17 * Sec. 14. AS 16.05.255 is amended by adding new paragraphs to read:

18 (11) imposing limitations on the use and disposition of
19 game when necessary for the conservation and protection of game
20 resources and the preservation of the public welfare;

21 (12) improving or facilitating conservation and protection
22 of game; and

23 (13) authorizing the commissioner to carry out a regulatory
24 program under terms and conditions prescribed by the commissioner.

25 * Sec. 15. AS 16.05.940(6) is amended to read:

26 (6) "fish" means any species of aquatic fin fish, inverte-
27 brates and amphibians, in any stage of their life cycle, found in or
28 introduced into the state or any part of a fish, amphibian, or inverte-
29 brate;

1 * Sec. 16. AS 16.05.940(14) is amended to read:

2 (14) "resident" means a person who for the preceding 12
3 consecutive months has maintained his or her [A] permanent and principal
4 place of abode in the state [AND WHO HAS CONTINUALLY MAINTAINED HIS
5 VOTING RESIDENCE IN THE STATE]; and in the case of a partnership,
6 association, joint stock company, trust, or corporation, "resident"
7 means one that has its main office or headquarters in the state;
8 however, a member of the military service who has been stationed in
9 the state for the preceding 12 consecutive months is a resident for
10 the purposes of this title [CHAPTER], and the dependent of a resident
11 member of the military service, who has maintained his or her permanent
12 and principal place of abode [BEEN LIVING] in the state for the preced-
13 ing 12 consecutive months [YEAR] is a resident for the purposes of this
14 title [CHAPTER], and a person who is an alien but who for the preceding
15 12 consecutive months [ONE YEAR] has maintained his or her [A] permanent
16 and principal place of abode in the state is a resident for the pur-
17 poses of this title [CHAPTER];

18 * Sec. 17. AS 16.05.940 is amended by adding a new subsection to read:

19 (b) Except as otherwise provided, the appropriate board may
20 adopt regulations under the Administrative Procedure Act (AS 44.62) to
21 implement, apply, or make specific the definitions in (a) of this
22 section. The definitions in (a) of this section apply to all chapters
23 of this title unless the context otherwise requires.

24 * Sec. 18. AS 16.20 is amended by adding new sections to read:

25 Sec. 16.20.075. PENALTY. A person who fails to notify the com-
26 missioner when required by sec. 50 of this chapter, or who fails to
27 provide necessary information to the commissioner when required by
28 sec. 60 of this chapter, or who fails to obtain the approval of the
29 commissioner when required by sec. 60 of this chapter, or who deviates

1 materially from plans and specifications approved by the commissioner
2 under sec. 60 of this chapter, without first notifying and obtaining
3 the approval of the commissioner, is guilty of a misdemeanor and, upon
4 conviction, is punishable by a fine of not more than \$5,000, or by
5 imprisonment for not more than six months, or by both.

6 Sec. 16.20.135. PENALTY. A person who violates sec. 140 of this
7 chapter or a limitation imposed by the commissioner of fish and game
8 and the commissioner of natural resources under sec. 130 of this
9 chapter is guilty of a misdemeanor and, upon conviction, is punishable
10 by a fine of not more than \$5,000, or by imprisonment for not more
11 than six months, or by both.

12 * Sec. 19. AS 16.20.260 is amended to read:

13 Sec. 16.20.260. SUBMISSION OF PLANS AND SPECIFICATIONS. When
14 the commissioner considers it advisable [A BOARD SO DETERMINES], he
15 [IT] shall [INSTRUCT THE COMMISSIONER], in the letter of acknowledgment,
16 [TO] require the person or governmental agency to submit full plans
17 for the anticipated use, full plans and specifications of proposed
18 construction work, complete plans and specifications for the proper
19 protection of fish and game, and the approximate date when the con-
20 struction, [OR] work, or activity is to commence, and shall require
21 the person or governmental agency to obtain the written approval of
22 the commissioner as to the sufficiency of the plans or specifications
23 before construction is commenced.

24 * Sec. 20. AS 16.20 is amended by adding new sections to read:

25 Sec. 16.20.265. PENALTY. A person who fails to notify the com-
26 missioner when required by sec. 250 of this chapter, or who fails to
27 provide necessary information to the commissioner when required by
28 sec. 260 of this chapter, or who fails to obtain the approval of the
29 commissioner when required by sec. 260 of this chapter, or who deviates

1 materially from plans and specifications approved by the commissioner
2 under sec. 260 of this chapter, without first notifying and obtaining
3 the approval of the commissioner, is guilty of a misdemeanor and, upon
4 conviction, is punishable by a fine of not more than \$5,000, or by
5 imprisonment for not more than six months, or by both.

6 ARTICLE 6. GENERAL PROVISIONS.

7 Sec. 16.20.900. PENALTY FOR VIOLATION OF REGULATION. A person
8 who violates a regulation adopted by a board under this chapter is
9 guilty of a misdemeanor and, upon conviction, is punishable by a fine
10 of not more than \$5,000, or by imprisonment for not more than six
11 months, or by both.
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January 30, 1979

The Honorable Clem Tillion
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. President:

Under authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill relating to the efficient administration of fish and game.

The purpose of this legislation is primarily to correct provisions in AS 16 which have become outmoded and to provide specific authority for activities which have been customary for a long period of time. This bill would also make some additions or changes to fill unintentional gaps in the statutes or to clarify ambiguities. It is important legislation because technical difficulties in the existing AS 16 create bureaucratic obstacles resulting in a cost to the taxpayers for which they receive no benefit.

Section 1 reflects the fact that several federal agencies have fish and wildlife management responsibilities rather than just the National Marine Fisheries Service.

Section 2 modifies AS 16.05.050(5) in view of responsibilities regarding information which are in parts of AS 16 other than AS 16.05.

Section 3 formally authorizes activities already implied under existing law which are standard for a Department of Fish and Game.

Section 4 clarifies some ambiguities in the emergency-order statute and specifies an administrative procedure for implementing emergency orders. It does not expand the commissioner's emergency-order authority.

Sections 5 - 9 make some changes and modifications in the authority of the Board of Fisheries to clean up the language and to formally include some of the new types of regulations developed over the past five years. Sections 10 - 14 do the same for the authority of the Board of Game.

Section 15 elaborates on the definition of "fish" to state expressly that it includes parts of one. This is necessary for enforcement purposes.

Section 16 adds to the definition of "resident" for the purpose of including only those who are effectively domiciled in Alaska.

Section 17 is self-explanatory.

Sections 18 - 20 provide a penalty for violation of statutory requirements already in AS 16 for refuges and habitats. This corrects an apparent oversight.

Sincerely,

A handwritten signature in dark ink, appearing to read "JSH".

Jay S. Hammond
Governor

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. _____
Title An Act relating to the Efficient Administration of Fish & Game
Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Fish & Game
Program Category Affected NRM & EC
Budget Request Unit(s) Affected Divisions of Sport Fish, Game and Commercial Fish

EXPENDITURES (Thousands of Dollars)

| | FY 79 | FY 80 | FY 81 | FY 82 | FY 83 | FY 84 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

FUNDING (Thousands of Dollars)

| | | | | | | |
|-----------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify) | | | | | | |
| | | | | | | |

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL TIME | | | | | | |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

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

No fiscal impact

IV. DATE 1/19/79

PREPARED BY [Signature]
AGENCY Department of Fish & Game
PHONE 465-4120

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

ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

SENATE BILL NO. 92

By THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

"An Act relating to the efficient administration of fish and game."

Introduced in the Senate 1/31/79, 19....

HISTORY IN THE SENATE

| | | | | | | | | | | | | | | |
|-------------------------|----------------|--|-----------------|----------------|------|----------------|------|------|--------|--------|---------|---------|---------|---------|
| 19 | 79 | Read first time and referred to Committee on | | | | | | | | | | | | |
| 1 | 31 | Resources and Finance | | | | | | | | | | | | |
| 3 | 15 | Reported back with <i>Resources</i> recommendation that <i>do pass</i> <i>3do pass if amnd. to Fin</i> | | | | | | | | | | | | |
| | | Read second time and | | | | | | | | | | | | |
| | | Read third time and | | | | | | | | | | | | |
| | | <table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table> | PASS | Effective Date | Yeas | Yeas | Nays | Nays | Absent | Absent | Excused | Excused | | |
| PASS | Effective Date | | | | | | | | | | | | | |
| Yeas | Yeas | | | | | | | | | | | | | |
| Nays | Nays | | | | | | | | | | | | | |
| Absent | Absent | | | | | | | | | | | | | |
| Excused | Excused | | | | | | | | | | | | | |
| | | <table border="0"> <tr> <td colspan="2">Reconsideration</td> </tr> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table> | Reconsideration | | PASS | Effective Date | Yeas | Yeas | Nays | Nays | Absent | Absent | Excused | Excused |
| Reconsideration | | | | | | | | | | | | | | |
| PASS | Effective Date | | | | | | | | | | | | | |
| Yeas | Yeas | | | | | | | | | | | | | |
| Nays | Nays | | | | | | | | | | | | | |
| Absent | Absent | | | | | | | | | | | | | |
| Excused | Excused | | | | | | | | | | | | | |
| | | Reported correctly engrossed Signed by President Sent to House | | | | | | | | | | | | |
| SECRETARY OF THE SENATE | | | | | | | | | | | | | | |

HISTORY IN THE HOUSE

| | | | | | | | | | | | | | | |
|--------------------------|----------------|--|-----------------|----------------|------|----------------|------|------|--------|--------|---------|---------|---------|---------|
| 19 | | Read first time and referred to Committee on | | | | | | | | | | | | |
| | | Reported back with recommendation that | | | | | | | | | | | | |
| | | Read second time and | | | | | | | | | | | | |
| | | Read third time and | | | | | | | | | | | | |
| | | <table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table> | PASS | Effective Date | Yeas | Yeas | Nays | Nays | Absent | Absent | Excused | Excused | | |
| PASS | Effective Date | | | | | | | | | | | | | |
| Yeas | Yeas | | | | | | | | | | | | | |
| Nays | Nays | | | | | | | | | | | | | |
| Absent | Absent | | | | | | | | | | | | | |
| Excused | Excused | | | | | | | | | | | | | |
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| Reconsideration | | | | | | | | | | | | | | |
| PASS | Effective Date | | | | | | | | | | | | | |
| Yeas | Yeas | | | | | | | | | | | | | |
| Nays | Nays | | | | | | | | | | | | | |
| Absent | Absent | | | | | | | | | | | | | |
| Excused | Excused | | | | | | | | | | | | | |
| | | Reported correctly engrossed Signed by Speaker Returned to Senate | | | | | | | | | | | | |
| CHIEF CLERK OF THE HOUSE | | | | | | | | | | | | | | |

HISTORY IN THE SENATE

| | | |
|----|--|-----------------------------|
| 19 | | Received from House |
| | | To enrolling |
| | | Reported correctly enrolled |
| | | Sent to Governor |
| | | by Governor |
| | | Filed with Lt. Governor |
| | | Chapter No. |

COMMITTEE REPORT
SENATE

FURTHER: Finance

1/31/79

Date: _____

Mr. President:

The Committee on RESOURCES has had SB 92
relating to efficient administration of fish and game

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) same title
- replace with CS for _____ 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:

if amended?

2 Dankworth - as amended

2 Rennett - as amended

1 Kelly

1 Shigley - motion Resources Com.

1 Achurkamp

1 McLain

2 Bob Mulcahy as amended

1 Sumner
CHAIRMAN

AMENDMENT

OFFERED IN THE SENATE:

By: Fahren Kamp

To: _____ SENATE BILL No. 92

HOUSE BILL No. _____

PAGE: _____

LINE: _____

PAGE 1 LINES 9 THROUGH 13: DELETE SECTION 1

PAGE 3 LINE 9: DELETE "CONSERVATION,"

PAGE 4 LINE 10: DELETE "CONSERVATION,"

ReNumber Accordingly

2692

January 30, 1979

The Honorable Clem Tillion
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. President:

Under authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill relating to the efficient administration of fish and game.

The purpose of this legislation is primarily to correct provisions in AS 16 which have become outdated and to provide specific authority for activities which have been customary for a long period of time. This bill would also make some additions or changes to fill unintentional gaps in the statutes or to clarify ambiguities. It is important legislation because technical difficulties in the existing AS 16 create bureaucratic obstacles resulting in a cost to the taxpayers for which they receive no benefit.

Section 1 reflects the fact that several federal agencies have fish and wildlife management responsibilities rather than just the National Marine Fisheries Service.

Section 2 modifies AS 16.05.050(5) in view of responsibilities regarding information which are in parts of AS 16 other than AS 16.05.

Section 3 formally authorizes activities already implied under existing law which are standard for a Department of Fish and Game.

Section 4 clarifies some ambiguities in the emergency-order statute and specifies an administrative procedure for implementing emergency orders. It does not expand the commissioner's emergency-order authority.

Sections 5 - 9 make some changes and modifications in the authority of the Board of Fisheries to clean up the language and to formally include some of the new types of regulations developed over the past five years. Sections 10 - 14 do the same for the authority of the Board of Game.

Section 15 elaborates on the definition of "fish" to state expressly that it includes parts of one. This is necessary for enforcement purposes.

Section 16 adds to the definition of "resident" for the purpose of including only those who are effectively domiciled in Alaska.

Section 17 is self-explanatory.

Sections 18 - 20 provide a penalty for violation of statutory requirements already in AS 16 for refuges and habitats. This corrects an apparent oversight.

Sincerely,

A handwritten signature in dark ink, appearing to read "JSH", written in a cursive style.

Jay S. Hammond
Governor

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. _____
 Title An Act relating to the Efficient Administration of Fish & Game
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Fish & Game
 Program Category Affected NRM & EC
 Budget Request Unit(s) Affected Divisions of Sport Fish, Game and Commercial Fish

EXPENDITURES (Thousands of Dollars)

| | FY 79 | FY 80 | FY 81 | FY 82 | FY 83 | FY 84 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

FUNDING (Thousands of Dollars)

| | | | | | | |
|-----------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify) | | | | | | |
| | | | | | | |

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL TIME | | | | | | |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

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

No fiscal impact

IV. DATE 1/19/79

PREPARED BY [Signature]
 AGENCY Department of Fish & Game
 PHONE 465-4120

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

Introduced: 1/31/79
Referred: Resources and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 92

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the efficient administration of
7 fish and game."

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

9 * Section 1. AS 16.05.050(1) is amended to read:

10 (1) assist the United States Fish and Wildlife Service, the
11 National Marine Fisheries Service, and any other federal agency in the
12 enforcement of federal laws and regulations pertaining to fish and
13 game;

14 * Sec. 2. AS 16.05.050(5) is amended to read:

15 (5) collect, classify, and disseminate statistics, data and
16 information as in his discretion will tend to promote the objects of
17 this title [CHAPTER];

18 * Sec. 3. AS 16.05.050 is amended by adding new paragraphs to read:

19 (12) initiate or perform research which is necessary or
20 advisable for the protection, conservation, and management of the fish
21 and game resources of the state;

22 (13) employ substances, procedures, and techniques necessary
23 to control or eradicate diseases of fish or game (including quarantine
24 and sterilization of facilities and equipment), and to reduce competi-
25 tion among fish or game;

26 (14) enter into cooperative agreements with agencies of the
27 federal government, educational institutions, or other agencies or
28 organizations when in the public interest, except that when cooperative
29 agreements with the federal government require assent to the applica-

1 bility of federal laws or regulations in the state, that assent shall
2 be undertaken by the appropriate board;

3 (15) enter into contracts with, and make grants to, agencies,
4 organizations, and individuals under procedures established by the
5 commissioner to insure that such grants and contracts are consistent
6 with the overall public interest;

7 (16) any other powers necessary to implement the responsi-
8 bilities of the commissioner set out in sec. 20 of this chapter.

9 * Sec. 4. AS 16.05.060 is amended to read:

10 Sec. 16.05.060. EMERGENCY OPENINGS AND CLOSURES. This chapter
11 does not limit the power of the commissioner or his authorized designee,
12 when necessary for the protection of fish or game or the promotion of
13 the general welfare [CIRCUMSTANCES REQUIRE], to summarily open or
14 close seasons or areas wholly or partially, or to change weekly closed
15 periods on fish or game by means of emergency orders. The commissioner
16 may also implement regulations of the Boards of Fisheries and Game by
17 emergency order when authorized by a board. An emergency order has
18 the force and effect of law after field announcement by the commissioner
19 or his authorized designee. An emergency order adopted under this
20 section is not subject to the Administrative Procedure Act (AS 44.62),
21 and need not be published in the Alaska Administrative Code. An
22 emergency order must contain a description of and a justification for
23 the action undertaken, the effective date, the text of amended regula-
24 tions, and the signature of the commissioner or his authorized designee.
25 Field announcement must be made before the time of effectiveness in a
26 manner calculated to reach interested persons, such as by publication,
27 telegraph, broadcast, distribution, posting or other effective means.
28 A copy of the emergency order must be deposited in the lieutenant
29 governor's office within 20 days after the effective date of the

1 emergency order. The commissioner's announcements, when authorized by
2 a board, must be adopted in a manner identical to that required for
3 emergency orders.

4 * Sec. 5. AS 16.05.251(3) is amended to read:

5 (3) setting quotas, [AND] bag limits, harvest levels, and
6 sex and size limitations on the taking of fish;

7 * Sec. 6. AS 16.05.251(7) is amended to read:

8 (7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and habitat
9 protection [IMPROVEMENT], fish management, conservation, protection,
10 disposition, and propagation in the interest of the economy or general
11 welfare of the state [AND STOCKING];

12 * Sec. 7. AS 16.05.251(8) is repealed and re-enacted to read:

13 (8) establishing methods, means, and harvest levels where
14 necessary to control predation and competition among fish in the
15 state;

16 * Sec. 8. AS 16.05.251(9) is repealed and re-enacted to read:

17 (9) assenting to the applicability of federal regulations
18 where necessary to effectuate cooperative agreements or other arrange-
19 ments with the federal government;

20 * Sec. 9. AS 16.05.251 is amended by adding new paragraphs to read:

21 (13) imposing limitations on the use and disposition of
22 fish when necessary for the conservation and protection of fish
23 resources and the preservation of the public welfare;

24 (14) improving or facilitating conservation and protection
25 of fish; and

26 (15) authorizing the commissioner to carry out a regulatory
27 program under terms and conditions prescribed by the commissioner.

28 * Sec. 10. AS 16.05.255(4) is amended to read:

29 (4) setting quotas, [AND] bag limits, harvest levels, and

1 sex, age and size limitations on the taking of game;

2 * Sec. 11. AS 16.05.255(6) is repealed and re-enacted to read:

3 (6) establishing methods and harvest levels necessary to
4 control predation and competition among game in the state, authorizing
5 the payment of bounties in game management units or parts of them,
6 specifying the amounts of bounties, and prescribing procedures for the
7 collection of bounties;

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22 of game; and

23 (13) authorizing the commissioner to carry out a regulatory
24 program under terms and conditions prescribed by the commissioner.

25 * Sec. 15. AS 16.05.940(6) is amended to read:

26 (6) "fish" means any species of aquatic fin fish, inverte-
27 brates and amphibians, in any stage of their life cycle, found in or
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29 brate;

1 * Sec. 16. AS 16.05.940(14) is amended to read:

2 (14) "resident" means a person who for the preceding 12
3 consecutive months has maintained his or her [A] permanent and principal
4 place of abode in the state [AND WHO HAS CONTINUALLY MAINTAINED HIS
5 VOTING RESIDENCE IN THE STATE]; and in the case of a partnership,
6 association, joint stock company, trust, or corporation, "resident"
7 means one that has its main office or headquarters in the state;
8 however, a member of the military service who has been stationed in
9 the state for the preceding 12 consecutive months is a resident for
10 the purposes of this title [CHAPTER], and the dependent of a resident
11 member of the military service, who has maintained his or her permanent
12 and principal place of abode [BEEN LIVING] in the state for the preced-
13 ing 12 consecutive months [YEAR] is a resident for the purposes of this
14 title [CHAPTER], and a person who is an alien but who for the preceding
15 12 consecutive months [ONE YEAR] has maintained his or her [A] permanent
16 and principal place of abode in the state is a resident for the pur-
17 poses of this title [CHAPTER];

18 * Sec. 17. AS 16.05.940 is amended by adding a new subsection to read:

19 (b) Except as otherwise provided, the appropriate board may
20 adopt regulations under the Administrative Procedure Act (AS 44.62) to
21 implement, apply, or make specific the definitions in (a) of this
22 section. The definitions in (a) of this section apply to all chapters
23 of this title unless the context otherwise requires.

24 * Sec. 18. AS 16.20 is amended by adding new sections to read:

25 Sec. 16.20.075. PENALTY. A person who fails to notify the com-
26 missioner when required by sec. 50 of this chapter, or who fails to
27 provide necessary information to the commissioner when required by
28 sec. 60 of this chapter, or who fails to obtain the approval of the
29 commissioner when required by sec. 60 of this chapter, or who deviates

1 materially from plans and specifications approved by the commissioner
2 under sec. 60 of this chapter, without first notifying and obtaining
3 the approval of the commissioner, is guilty of a misdemeanor and, upon
4 conviction, is punishable by a fine of not more than \$5,000, or by
5 imprisonment for not more than six months, or by both.

6 Sec. 16.20.135. PENALTY. A person who violates sec. 140 of this
7 chapter or a limitation imposed by the commissioner of fish and game
8 and the commissioner of natural resources under sec. 130 of this
9 chapter is guilty of a misdemeanor and, upon conviction, is punishable
10 by a fine of not more than \$5,000, or by imprisonment for not more
11 than six months, or by both.

12 * Sec. 19. AS 16.20.260 is amended to read:

13 Sec. 16.20.260. SUBMISSION OF PLANS AND SPECIFICATIONS. When
14 the commissioner considers it advisable [A BOARD SO DETERMINES], he
15 [IT] shall [INSTRUCT THE COMMISSIONER], in the letter of acknowledgment,
16 [TO] require the person or governmental agency to submit full plans
17 for the anticipated use, full plans and specifications of proposed
18 construction work, complete plans and specifications for the proper
19 protection of fish and game, and the approximate date when the con-
20 struction, [OR] work, or activity is to commence, and shall require
21 the person or governmental agency to obtain the written approval of
22 the commissioner as to the sufficiency of the plans or specifications
23 before construction is commenced.

24 * Sec. 20. AS 16.20 is amended by adding new sections to read:

25 Sec. 16.20.265. PENALTY. A person who fails to notify the com-
26 missioner when required by sec. 250 of this chapter, or who fails to
27 provide necessary information to the commissioner when required by
28 sec. 260 of this chapter, or who fails to obtain the approval of the
29 commissioner when required by sec. 260 of this chapter, or who deviates

1 materially from plans and specifications approved by the commissioner
2 under sec. 260 of this chapter, without first notifying and obtaining
3 the approval of the commissioner, is guilty of a misdemeanor and, upon
4 conviction, is punishable by a fine of not more than \$5,000, or by
5 imprisonment for not more than six months, or by both.

6 ARTICLE 6. GENERAL PROVISIONS.

7 Sec. 16.20.900. PENALTY FOR VIOLATION OF REGULATION. A person
8 who violates a regulation adopted by a board under this chapter is
9 guilty of a misdemeanor and, upon conviction, is punishable by a fine
10 of not more than \$5,000, or by imprisonment for not more than six
11 months, or by both.