

BILLS 1981 - 1982

HB 546 cont. - CSHB 551

1530

1530

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 546
 Title An Act Relating to State Contracts for Professional Services
 Requested by House State Affairs Date 3/5/82

II. FISCAL DETAIL

Agency Affected Administration
 Program Category Affected Centralized Administration
 BRU, Program, Or Subprogram(s) Affected Accounting
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	67.5	72.9	78.7	84.9	91.6	98.9
200 TRAVEL	-					
300 CONTRACTUAL	238.4	257.4	277.9	300.1	324.1	350.0
400 COMMODITIES	1.5	1.6	1.7	1.8	1.9	2.0
500 EQUIPMENT	12.6	13.6	14.6	15.7	16.9	18.2
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	320.0	345.5	372.9	402.5	434.5	469.1

FUNDING (Thousands of Dollars)

GENERAL FUND	320.0	345.5	372.9	402.5	434.5	469.1
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	2	2	2	2	2	2
PART TIME						
TEMPORARY						

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

Contractual

Computer Program Development:

Register Development
 Evaluation System/Form/Tracking System
 Application form
 On-line Capabilities 160.0
 Printing of Labels 4.0
 Printing of Applications 1.0

IV. DATE March 26, 1982 PREPARED BY George Elgee *GE*
 AGENCY Administration
 Original: Legislative Finance PHONE 465-2250
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

Contractual

Procedures:

Training in procuring contracts and operating
within new regulations
Re-write of Existing Procedures
Administration Code Drafts
Administration Code Public Hearings

60.0

Advertising:

Professional Listing

5.4

Services associated with required positions --
phone, office space, computer terminal rental, etc.

8.0

\$238.4

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

HB 546

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 546
Title For an Act Relating to State Contracts for Professional Services, etc.
Requested by State Affairs Committee Date 3/15/82

II. FISCAL DETAIL

Agency Affected _____
Program Category Affected _____
BRU, Program, Or Subprogram(s) Affected _____
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
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 Source)						
	0	0	0	0	0	0

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY	0	0	0	0	0	0

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

IV. DATE 3/15/82 PREPARED BY Colonel Robert J. Stickles
AGENCY Dept. of Public Safety
Original: Legislative Finance PHONE 269-5532
cc: Budget and Management *Stickles*
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 545 7103
 Title "An Act relating to state contracts for professional services and
Requested by Repr. Barnes, House Judiciary Date March 21, 1982
establishing penalties....and providing for an effective date."

II. FISCAL DETAIL
 Agency Affected Department of Law
 Program Category Affected General Government
 BRU, Program, Or Subprogram(s) Affected Legal Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
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)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

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

This clarifies and improves the state's procurement practices for professional services. The current bill (offered 3/5/82) provides departments with the flexibility to meet exigent circumstances while, at the same time, assuring that the public interest in competition is properly served. Although some slight expense will be incurred in complying with the bill, no additional resources will be required to carryout its provisions.

IV. DATE March 24, 1982 PREPARED BY Richard I. Pegues, Director, Admin. Svcs.
 AGENCY Department of Law
 Original: Legislative Finance PHONE 465-3672
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

Original sponsor: State Affairs Committee
by request

Offered: 3/5/82
Referred: Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 546 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state contracts for professional
7 services and establishing a penalty for violation of
8 provisions of law relating to professional service
9 contracts; and providing for an effective date."

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

11 * Section 1. AS 19.10.170(a) is amended to read:

12 (a) Except as provided in AS 36.98 and AS 44.33.300, it shall be
13 the general policy of the department to require the construction of all
14 highways under bid contract. However, subject to the provisions of (b)
15 of this section, when the estimated cost of a construction project is
16 less than \$100,000 or when it appears to be in the best interests of the
17 state, the department may perform the work notwithstanding any other
18 provisions of law.

19 * Sec. 2. AS 35.15.010(a) is amended to read:

20 (a) Except as provided in AS 36.98 and AS 44.33.300, it shall be
21 the general policy of the department to require the construction of all
22 public works under bid contract. However, when the estimated cost of a
23 construction project is less than \$100,000, or when it appears to be in
24 the best interests of the state, the department may perform the work,
25 notwithstanding any other provisions of law. A complete record shall be
26 kept by the commissioner or his designee of all transactions entered
27 into under this section including names of employees involved in the
28 transactions.

29 * Sec. 3. AS 36 is amended by adding a new chapter to read:

1 CHAPTER 98. PROFESSIONAL SERVICES CONTRACTS.

2 Sec. 36.98.010. APPLICATION. (a) Except as provided in AS 36.98.-
3 080, this chapter applies to contracts for professional services provided
4 to a state agency unless

5 (1) the total amount of a contract does not exceed \$25,000;

6 (2) the contract is an employment contract for services to be
7 performed under direct supervision regardless of the existence of an
8 employer-employee relationship and a written justification signed by the
9 person responsible for awarding the contract is filed with the commis-
10 sioner;

11 (3) the contract is for construction, repair, or maintenance
12 of a public work and the total amount of a contract does not exceed
13 \$50,000;

14 (4) the contract is awarded based on competitive bids ob-
15 tained under the procedure provided in AS 37.05.230.

16 (b) The commissioner may by regulation adjust the dollar limita-
17 tions set out in (a) of this section to reflect changes in the consumer
18 price index for Anchorage since July 1, 1982. However, the commissioner
19 may not make this adjustment more frequently than every other year.

20 Sec. 36.98.020. PROFESSIONAL SERVICES CONTRACTORS REGISTER. (a)
21 A person or firm who desires to provide professional services to a state
22 agency shall submit to the commissioner a statement of qualifications
23 and performance data, and any other information that the commissioner,
24 by regulation, may require.

25 (b) The commissioner may at any time require the person or firm to
26 revise the statement of qualifications and performance data or any other
27 information submitted by the person or firm if the commissioner believes
28 that the credentials or record of experience of the person have materi-
29 ally changed since the last filing by the person or firm.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

1 CHAPTER 98. PROFESSIONAL SERVICES CONTRACTS.

2 Sec. 36.98.010. APPLICATION. (a) Except as provided in AS 36.98.-
3 080, this chapter applies to contracts for professional services provided
4 to a state agency unless

5 (1) the total amount of a contract does not exceed \$25,000;

6 (2) the contract is an employment contract for services to be
7 performed under direct supervision regardless of the existence of an
8 employer-employee relationship and a written justification signed by the
9 person responsible for awarding the contract is filed with the commis-
10 sioner;

11 (3) the contract is for construction, repair, or maintenance
12 of a public work and the total amount of a contract does not exceed
13 \$50,000;

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17 tions set out in (a) of this section to reflect changes in the consumer
18 price index for Anchorage since July 1, 1982. However, the commissioner
19 may not make this adjustment more frequently than every other year.

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23 and performance data, and any other information that the commissioner,
24 by regulation, may require.

25 (b) The commissioner may at any time require the person or firm to
26 revise the statement of qualifications and performance data or any other
27 information submitted by the person or firm if the commissioner believes
28 that the credentials or record of experience of the person have materi-
29 ally changed since the last filing by the person or firm.

Original sponsor: State Affairs Committee
by request

Offered: 3/5/82
Referred: Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 546 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state contracts for professional
7 services and establishing a penalty for violation of
8 provisions of law relating to professional service
9 contracts; and providing for an effective date."

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

11 * Section 1. AS 19.10.170(a) is amended to read:

12 (a) Except as provided in AS 36.98 and AS 44.33.300, it shall be
13 the general policy of the department to require the construction of all
14 highways under bid contract. However, subject to the provisions of (b)
15 of this section, when the estimated cost of a construction project is
16 less than \$100,000 or when it appears to be in the best interests of the
17 state, the department may perform the work notwithstanding any other
18 provisions of law.

19 * Sec. 2. AS 35.15.010(a) is amended to read:

20 (a) Except as provided in AS 36.98 and AS 44.33.300, it shall be
21 the general policy of the department to require the construction of all
22 public works under bid contract. However, when the estimated cost of a
23 construction project is less than \$100,000, or when it appears to be in
24 the best interests of the state, the department may perform the work,
25 notwithstanding any other provisions of law. A complete record shall be
26 kept by the commissioner or his designee of all transactions entered
27 into under this section including names of employees involved in the
28 transactions.

29 * Sec. 3. AS 36 is amended by adding a new chapter to read:

1 Sec. 36.98.030. SOLICITATION OF SERVICES. (a) When a state
2 agency proposes to enter into a contract for professional services, the
3 agency shall give public notice soliciting proposals for the profes-
4 sional services contract by publication at least three times in one or
5 more newspapers in general circulation in the state. The first notice
6 shall be published not less than 30 days before the date on which the
7 agency expects to enter into the contract and each subsequent notice
8 shall be published at intervals of no more than three days thereafter.
9 The notice shall include

10 (1) a general description of the proposed project for which
11 the agency is seeking professional services; and

12 (2) the procedure by which a person or firm interested in the
13 professional services contract may make its proposal to the agency for
14 consideration for the contract.

15 (b) In addition to complying with the publication requirements of
16 (a) of this section, when a state agency proposes to enter into a con-
17 tract for professional services it shall

18 (1) review the register of professional services contractors
19 maintained by the commissioner under AS 36.98.020; and

20 (2) provide a request for proposals for the proposed profes-
21 sional services contract to each prospective contractor who, after
22 review of the register of professional services contractors under (1) of
23 this subsection, the agency finds is qualified for consideration for the
24 contract.

25 (c) A request for proposals must be extended to a sufficient
26 number of prospective providers of the required services to assure that
27 public interest in competition is adequately served. Proposals from at
28 least six persons or firms shall be solicited for contracts equal to or
29 greater than \$100,000 if the expertise required is available. Proposals

1 from at least three persons or firms shall be solicited for contracts of
2 less than \$100,000 if the expertise required is available. If the exper-
3 tise required is not available to enable an agency to solicit the number
4 of proposals otherwise required under this subsection, the agency shall

5 (1) solicit proposals from each person or firm listed on the
6 professional services contractors register maintained under AS 36.98.020
7 who appears to possess the required expertise;

8 (2) publish notice soliciting proposals as required under (a)
9 of this section; and

10 (3) solicit proposals from each other person or firm possess-
11 ing the required expertise of which the agency is aware.

12 (d) The provisions of this section do not apply if

13 (1) the contracting agency demonstrates that there is a
14 single source of the expertise or knowledge required or that one person
15 or firm can clearly perform the required tasks more satisfactorily
16 because of the person's or firm's prior work; however, this exemption
17 applies only when the head of the state agency has submitted a written
18 request to the commissioner that details the reasons for the exemption
19 and the commissioner or his designee has authorized the state agency to
20 enter contract negotiations with the single source;

21 (2) the commissioner determines that public necessity will
22 not permit delay incident to the procedures otherwise required by this
23 chapter; or

24 (3) the service is to be provided by another state agency, a
25 federal agency, the University of Alaska, or a political subdivision of
26 the state.

27 (e) A request for proposals must contain a description of the work
28 to be performed under the contract and the terms under which the work is
29 to be performed. A request for proposals must contain that information

1 necessary for a prospective contractor to submit a response or contain
2 references to any information that cannot reasonably be included with
3 the request. The request for proposals must provide a description of
4 the factors that will be considered by the state agency when it evaluates
5 the proposals received.

6 (f) Nothing in this section limits the authority of an agency to
7 use additional means that it may consider appropriate to notify prospec-
8 tive contractors that it proposes to enter into a contract for profes-
9 sional services.

10 Sec. 36.98.040. AWARD OF CONTRACT. (a) After the responses are
11 submitted, the state agency shall evaluate them. The evaluation shall
12 consist of assigning point values to factors considered by the agency in
13 evaluating each proposal. All proposals received must be evaluated
14 using the same factors as those set out in the request for proposal.

15 (b) The contract must be executed by the contractor and the pro-
16 ject director for the contracting agency and be approved by the head of
17 the contracting agency or his designee. If a contract is made by a
18 board or commission, execution of the contract on behalf of the board or
19 commission must be authorized by the board or commission.

20 (c) A contract subject to this chapter must be submitted to the
21 commissioner for review and approval and, if approved, is effective from
22 the date of the approval. A state agency must clearly provide in the
23 request for proposal that the state is not obligated to perform under
24 the contract until the approval required by this subsection is granted.

25 (d) A contract awarded under this chapter shall contain:

- 26 (1) the amount of the contract stated on its first page;
27 (2) the date for the work to begin;
28 (3) the date by which the work must be completed; and
29 (4) a certification under penalty of perjury by the project

1 director for the contracting agency, the head of the contracting agency,
2 or his designee that sufficient funds are available in an appropriation
3 to be encumbered for the amount of the contract.

4 (e) If the contract contains terms that are not provided in a
5 state standard form contract or if the standard terms are deleted or
6 modified by other terms that are not standard, the contract must be
7 reviewed by the Department of Law and approved as to form. The review
8 and approval required by this subsection must be completed before award
9 of the contract to the successful contractor.

10 Sec. 36.98.050. CONTRACT ADMINISTRATION. (a) When a state agency
11 has entered into a professional services contract, the agency is respon-
12 sible for the diligent administration and monitoring of the performance
13 of the provisions of the contract.

14 (b) When a professional services contract has been completed, the
15 state agency shall evaluate the performance of the contractor under the
16 contract and shall report on and evaluate the use of the final product
17 of the professional services contract. A copy of the report and evalua-
18 tion prepared under this subsection shall be transmitted to the commis-
19 sioner and shall be retained by the commissioner for as long as he is
20 required to maintain copies of completed contracts.

21 Sec. 36.98.060. FILING. A copy of each contract and the response
22 to the request for proposal upon which the contract was awarded must be
23 filed with both the Department of Administration and the contracting
24 agency and is open for public inspection. The request for proposal and
25 the name and address of each person who submitted a response to it must
26 also accompany the filed copies.

27 Sec. 36.98.070. CONTRACT PROCEDURES. The commissioner shall, by
28 regulation adopted in accordance with the Administrative Procedure Act
29 (AS 44.62), establish the manner and form by which state professional

1 services contracts shall be prepared and processed, including, but not
2 limited to, a review process for persons aggrieved under this chapter.

3 Sec. 36.98.080. CONTRACTS FOR ARCHITECTURAL, ENGINEERING, AND LAND
4 SURVEYING SERVICES. (a) The state shall select persons or firms and
5 award contracts for the performance of architectural, engineering, or
6 land surveying services on the basis of competence and qualification for
7 the type of professional services required. The amount of the contract
8 shall be determined by negotiation for those services at fair and rea-
9 sonable prices or by the competitive bidding procedures provided under
10 AS 37.05.230. Before negotiations or competitive bidding procedures
11 under this section, the state may not request or consider any statement,
12 bid or estimate of fees or charges for architectural, engineering, or
13 land surveying services for the proposed project or request any other
14 submission or action that would violate AS 08.48 or a regulation adopted
15 under AS 08.48.

16 (b) In awarding a contract by negotiation for the services of an
17 architect, engineer, or land surveyor registered under AS 08.48, the
18 state shall negotiate with the three best qualified persons or firms to
19 perform the desired work on the basis of competence and professional
20 qualifications. The state may reject all or part of a proposal.

21 (c) The provisions of AS 36.98.040(a) do not apply to contracts
22 awarded under this section.

23 (d) This section does not apply to a contract for the performance
24 of architectural, engineering, or land surveying services if the commis-
25 sioner determines that public necessity will not permit delay incident
26 to the procedures otherwise required by this section.

27 Sec. 36.98.090. DEFINITIONS. In this chapter

28 (1) "commissioner" means the commissioner of administration;
29 however, in the case of contracts issued by the Department of Transpor-

1 tation and Public Facilities, it means the commissioner of transporta-
2 tion and public facilities;

3 (2) "professional services contract" means a contract for
4 professional, technical, or consultant's services that are predominantly
5 intellectual in character and that

6 (A) include analysis, evaluation, prediction, planning,
7 or recommendation; and

8 (B) result in the production of a report or the comple-
9 tion of a task;

10 (3) "public necessity" means an urgent public need that could
11 not have been anticipated or foreseen; the term also includes emergency
12 situations when work is necessary to protect life or property;

13 (4) "request for proposals" means a written solicitation for
14 contract proposals by prospective contractors that sets out the nature
15 of the services to be performed or product to be secured with sufficient
16 information for a qualified prospective contractor to prepare a contract
17 proposal for consideration and evaluation by the state agency;

18 (5) "state agency" means a department, institution, board,
19 commission, division, or other administrative unit of the executive
20 branch of state government, and the University of Alaska.

21 * Sec. 4. AS 37.05.230 is amended by adding a new paragraph to read:

22 (9) requests for and acceptance of bids or other proposals
23 for professional services shall comply with AS 36.98.

24 * Sec. 5. AS 37.05.240 is amended by adding a new subsection to read:

25 (b) A contract for professional services shall be awarded in
26 accordance with AS 36.98.

27 * Sec. 6. This Act applies to requests for bids or proposals for profes-
28 sional services issued after the effective date of this Act.

29 * Sec. 7. This Act takes effect July 1, 1982.

#

Original sponsor: State Affairs Committee
by request

Offered: 4/5/82
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 546 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to state contracts for professional
7 services; and providing for an effective date."

8

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

9

* Section 1. AS 19.10.170(a) is amended to read:

10

(a) Except as provided in AS 36.98 and AS 44.33.300, it shall be
11 the general policy of the department to require the construction of all
12 highways under bid contract. However, subject to the provisions of (b)
13 of this section, when the estimated cost of a construction project is
14 less than \$100,000 or when it appears to be in the best interests of the
15 state, the department may perform the work notwithstanding any other
16 provisions of law.

17

* Sec. 2. AS 35.15.010(a) is amended to read:

18

(a) Except as provided in AS 36.98 and AS 44.33.300, it shall be
19 the general policy of the department to require the construction of all
20 public works under bid contract. However, when the estimated cost of a
21 construction project is less than \$100,000, or when it appears to be in
22 the best interests of the state, the department may perform the work,
23 notwithstanding any other provisions of law. A complete record shall be
24 kept by the commissioner or his designee of all transactions entered
25 into under this section including names of employees involved in the
26 transactions.

27

* Sec. 3. AS 36 is amended by adding a new chapter to read:

28

CHAPTER 98. PROFESSIONAL SERVICES CONTRACTS.

29

Sec. 36.98.010. APPLICATION. Except as provided in AS 36.98.080,

1 this chapter applies to contracts for professional services provided to
2 a state agency unless

3 (1) the total amount of a contract does not exceed \$5,000;

4 (2) the contract is an employment contract for services to be
5 performed under direct supervision regardless of the existence of an
6 employer-employee relationship and a written justification signed by the
7 person responsible for awarding the contract is filed with the commis-
8 sioner;

9 (3) the contract is for construction, repair, or maintenance
10 of a public work and the total amount of a contract does not exceed
11 \$100,000;

12 (4) the contract is awarded based on competitive bids ob-
13 tained under the procedure provided in AS 37.05.230.

14 Sec. 36.98.020. PROFESSIONAL SERVICES CONTRACTORS REGISTER. The
15 commissioner shall establish and maintain a register of all persons or
16 firms interested in providing professional services to the state.

17 Sec. 36.98.030. SOLICITATION OF SERVICES. (a) When a state
18 agency proposes to enter into a contract for professional services, the
19 agency shall give public notice soliciting proposals for the profes-
20 sional services contract by publication at least three times in one or
21 more newspapers in general circulation in the state. The first notice
22 shall be published not less than 30 days before the date on which the
23 agency expects to enter into the contract and each subsequent notice
24 shall be published at intervals of no more than three days thereafter.
25 The notice shall include

26 (1) a general description of the proposed project for which
27 the agency is seeking professional services; and

28 (2) the procedure by which a person or firm interested in the
29 professional services contract may make its proposal to the agency for

1 consideration for the contract.

2 (b) In addition to complying with the publication requirements of
3 (a) of this section, when a state agency proposes to enter into a con-
4 tract for professional services it shall

5 (1) review the register of professional services contractors
6 maintained by the commissioner under AS 36.98.020; and

7 (2) provide a request for proposals for the proposed profes-
8 sional services contract to each prospective contractor who, after
9 review of the register of professional services contractors under (1) of
10 this subsection, the agency finds is qualified for consideration for the
11 contract.

12 (c) A request for proposals must be extended to a sufficient
13 number of prospective providers of the required services to assure that
14 public interest in competition is adequately served. Proposals from at
15 least six persons or firms shall be solicited for contracts equal to or
16 greater than \$100,000 if the expertise required is available. Proposals
17 from at least three persons or firms shall be solicited for contracts of
18 less than \$100,000 if the expertise required is available. If the
19 expertise required is not available to enable an agency to solicit the
20 number of proposals otherwise required under this subsection, the agency
21 shall

22 (1) solicit proposals from each person or firm listed on the
23 professional services contractors register maintained under AS 36.98.020
24 who appears to possess the required expertise;

25 (2) publish notice soliciting proposals as required under (a)
26 of this section; and

27 (3) solicit proposals from each other person or firm possess-
28 ing the required expertise of which the agency is aware.

29 (d) The provisions of this section do not apply if

1 (1) the contracting agency demonstrates that there is a
2 single source of the expertise or knowledge required or that one person
3 or firm can clearly perform the required tasks more satisfactorily
4 because of the person's or firm's prior work and the head of the state
5 agency submits a written request to the commissioner of administration
6 detailing the reasons for an exemption and the commissioner of adminis-
7 tration or his designee authorizes the state agency to enter contract
8 negotiations with the single source;

9 (2) the commissioner determines that public necessity will
10 not permit delay incident to the procedures otherwise required by this
11 chapter; or

12 (3) the service is to be provided by another state agency, a
13 federal agency, or a political subdivision of the state.

14 (e) A request for proposals must contain a description of the work
15 to be performed under the contract and the terms under which the work is
16 to be performed. A request for proposals must contain that information
17 necessary for a prospective contractor to submit a response or contain
18 references to any information that cannot reasonably be included with
19 the request. The request for proposals must provide a description of
20 the factors that will be considered by the state agency when it evalu-
21 ates the proposals received.

22 (f) Nothing in this section limits the authority of an agency to
23 use additional means that it may consider appropriate to notify prospec-
24 tive contractors that it proposes to enter into a contract for profes-
25 sional services.

26 Sec. 36.98.040. AWARD OF CONTRACT. (a) After the responses are
27 submitted, the state agency shall evaluate them. The evaluation shall
28 consist of assigning point values to factors considered by the agency in
29 evaluating each proposal. All proposals received must be evaluated

1 using the same factors as those set out in the request for proposal.

2 (b) The contract must be executed by the contractor and the pro-
3 ject director for the contracting agency and be approved by the head of
4 the contracting agency or his designee. If a contract is made by a
5 board or commission, execution of the contract on behalf of the board or
6 commission must be authorized by the board or commission.

7 (c) A contract subject to this chapter must be submitted to the
8 commissioner for review and approval and, if approved, is effective
9 from the date of the approval. A state agency must clearly provide
10 in the request for proposal that the state is not obligated to perform
11 under the contract until the approval required by this subsection is
12 granted.

13 (d) A contract awarded under this chapter shall contain:
14 (1) the amount of the contract stated on its first page;
15 (2) the date for the work to begin;
16 (3) the date by which the work must be completed; and
17 (4) a certification under penalty of perjury by the project
18 director for the contracting agency, the head of the contracting agency,
19 or his designee that sufficient funds are available in an appropriation
20 to be encumbered for the amount of the contract.

21 (e) If the contract contains terms that are not provided in a
22 state standard form contract or if the standard terms are deleted or
23 modified by other terms that are not standard, the contract must be
24 reviewed by the Department of Law and approved as to form. The review
25 and approval required by this subsection must be completed before award
26 of the contract to the successful contractor.

27 Sec. 36.98.050. CONTRACT ADMINISTRATION. (a) When a state agency
28 has entered into a professional services contract, the agency is respon-
29 sible for the diligent administration and monitoring of the performance

1 of the provisions of the contract.

2 (b) When a professional services contract has been completed, the
3 state agency shall evaluate the performance of the contractor under the
4 contract and shall report on and evaluate the use of the final product
5 of the professional services contract. A copy of the report and evalua-
6 tion prepared under this subsection shall be transmitted to the commis-
7 sioner and shall be retained by the commissioner for as long as he is
8 required to maintain copies of completed contracts.

9 Sec. 36.98.060. FILING. A copy of each contract and the response
10 to the request for proposal upon which the contract was awarded must be
11 filed with both the Department of Administration and the contracting
12 agency and is open for public inspection. The request for proposal and
13 the name and address of each person who submitted a response to it must
14 also accompany the filed copies.

15 Sec. 36.98.070. CONTRACT PROCEDURES. The commissioner shall, by
16 regulation adopted in accordance with the Administrative Procedure Act
17 (AS 44.62), establish the manner and form by which state professional
18 services contracts shall be prepared and processed, including, but not
19 limited to, a review process for persons aggrieved under this chapter.

20 Sec. 36.98.080. CONTRACTS FOR ARCHITECTURAL, ENGINEERING, AND LAND
21 SURVEYING SERVICES. (a) A state agency shall select persons or firms
22 for the performance of architectural, engineering, or land surveying
23 services and award contracts for those services on the basis of compe-
24 tence and qualification for the type of professional services required.

25 (b) The state agency shall attempt to negotiate a contract for the
26 services with the best qualified person or firm at a price that is fair
27 and reasonable.

28 (c) Before selection of and negotiation with the best qualified
29 person or firm, a state agency may not request or consider a statement,

1 bid, or estimate of fees, hourly charges, estimated hours of professional
2 time, or other estimate of charges for architectural, engineering, or
3 land surveying services for the proposed project or request any other
4 submission or action that would constitute a violation of AS 08.48 or a
5 regulation adopted under AS 08.48. A request for proposals or other
6 solicitation for services of an architect, engineer, or land surveyor
7 issued by a state agency may not contain a requirement or request for a
8 statement, bid, estimate, or other information concerning fees or charges
9 prohibited under this section.

10 (d) This section does not require a particular procedure for the
11 selection of architects, engineers, or land surveyors or for the award
12 of contracts except as provided in (b) and (c) of this section. A state
13 agency may rank proposals or offers received.

14 (e) The provisions of AS 36.98.040(a) do not apply to contracts
15 awarded under this section.

16 (f) This section does not apply to a contract for the performance
17 of architectural, engineering, or land surveying services if the commis-
18 sioner determines that public necessity will not permit delay incident
19 to the procedures otherwise required by this section.

20 Sec. 36.98.090. DEFINITIONS. In this chapter

21 (1) "architectural, engineering, or land surveying services"
22 means professional services involving the practice of architecture,
23 engineering, or land surveying as defined under AS 08.48.341;

24 (2) "commissioner" means the commissioner of administration;
25 however, in the case of contracts issued by the Department of Transpor-
26 tation and Public Facilities, it means the commissioner of transporta-
27 tion and public facilities;

28 (3) "professional services contract" means a contract for
29 professional, technical, or consultant's services that are predominantly

1 intellectual in character and that

2 (A) include analysis, evaluation, prediction, planning,
3 or recommendation; and

4 (B) result in the production of a report or the comple-
5 tion of a task;

6 (4) "public necessity" means an urgent public need that could
7 not have been anticipated or foreseen; the term also includes emergency
8 situations when work is necessary to protect life or property;

9 (5) "request for proposals" means a written solicitation for
10 contract proposals by prospective contractors that sets out the nature
11 of the services to be performed or product to be secured with sufficient
12 information for a qualified prospective contractor to prepare a contract
13 proposal for consideration and evaluation by the state agency;

14 (6) "state agency" means a department, institution, board,
15 commission, division, or other administrative unit of the executive or
16 judicial branch of state government, and the University of Alaska.

17 * Sec. 4. AS 37.05.230 is amended by adding a new paragraph to read:

18 (9) requests for and acceptance of bids or other proposals
19 for professional services shall comply with AS 36.98.

20 * Sec. 5. AS 37.05.240 is amended by adding a new subsection to read:

21 (b) A contract for professional services shall be awarded in
22 accordance with AS 36.98.

23 * Sec. 6. This Act applies to requests for bids or proposals for profes-
24 sional services issued after the effective date of this Act.

25 * Sec. 7. This Act takes effect July 1, 1982.
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Introduced: 4/30/81
Referred: State Affairs

1 IN THE HOUSE

BY THE STATE AFFAIRS
COMMITTEE BY REQUEST

2 HOUSE BILL NO. 546

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state contracts for professional
7 services and establishing a penalty for violation of
8 provisions of law relating to professional service
9 contracts; and providing for an effective date."

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

11 * Section 1. AS 36 is amended by adding a new chapter to read:

12 CHAPTER 98. PROFESSIONAL SERVICES CONTRACTS.

13 ARTICLE 1. CONTRACTORS' REGISTER.

14 Sec. 36.98.010. PROFESSIONAL SERVICES CONTRACTORS REGISTER. (a)

15 A person who desires to provide professional services to a state
16 agency, the judicial branch of state government, or the University of
17 Alaska shall annually, by a date determined by the commissioner of
18 administration by regulation, submit to the commissioner a statement of
19 qualifications and performance data, and any other information which
20 the commissioner, by regulation, may require.

21 (b) The commissioner may at any time require the person to revise
22 the statement of qualifications and performance data, or any other
23 information, submitted by the person before the annual filing date
24 established by the commissioner under (a) of this section if the com-
25 missioner believes that the credentials or record of experience of the
26 person have materially changed since the last filing by the person.

27 ARTICLE 2. STATE AGENCY CONTRACTS.

28 Sec. 36.98.100. PRELIMINARY REQUIREMENTS. (a) When a state
29 agency proposes to enter into a contract for professional services, the

1 agency shall give public notice of the professional services contract.
2 At least 30 days before the date on which the agency expects to enter
3 into the contract for professional services it shall give notice by
4 publication at least three times in one or more newspapers in general
5 circulation in the state of

6 (1) a general description of the proposed project for which
7 the agency is seeking professional services; and

8 (2) the procedure by which a person interested in the pro-
9 fessional services contract may apply to the agency for consideration
10 for the contract.

11 (b) In addition to complying with the publication requirements of
12 (a) of this section, when a state agency proposes to enter into a
13 contract for professional services it shall

14 (1) review the register of professional services contractors
15 maintained by the commissioner under AS 36.98.010; and

16 (2) provide a request for proposals for the proposed pro-
17 fessional services contract to each prospective contractor which, after
18 review of the register of professional services contractors under (1)
19 of this subsection, the agency finds is qualified for consideration for
20 the contract.

21 Sec. 36.98.110. DUTIES OF STATE AGENCY. A state agency may not
22 enter into a contract for professional services unless the head of the
23 agency or a certifying officer of the agency certifies to the commis-
24 sioner that

25 (1) there are no state employees who are competent or avail-
26 able to perform the services required by the contract;

27 (2) competitive bid provisions are not adequate to secure
28 the professional services needed to perform the services required by
29 the contract;

1 (3) the professional services required by the contract are
2 original in character and not available as a product of a prior con-
3 sultant;

4 (4) the agency has complied with the provisions of AS 36.98.-
5 100;

6 (5) the agency has received, reviewed, and accepted a de-
7 tailed work plan from the contractor for performance of professional
8 services by the contractor; and

9 (6) the agency has developed and will implement a written
10 plan by which the agency will

11 (A) assign personnel of the agency to monitor the
12 performance of the contract;

13 (B) periodically review and make written reports on
14 partial performance of the contract by the contractor; and

15 (C) use the final product of the contract for profes-
16 sional services.

17 Sec. 36.98.120. DUTIES OF THE COMMISSIONER. (a) The commis-
18 sioner shall provide all contract management and review functions for
19 state agency professional services contracts except those management
20 and review functions which are assigned by AS 36.98.100 - 36.98.110 to
21 the state agency. A state agency may not enter into a professional
22 services contract unless the contract has been approved in writing by
23 the commissioner.

24 (b) The commissioner shall, by regulation adopted in accordance
25 with the Administrative Procedure Act (AS 44.62), establish the manner
26 and form by which state professional services contracts shall be pre-
27 pared and processed, and shall examine and approve or disapprove pro-
28 posed professional services contracts based on review of the purpose
29 and content, propriety, and financial effect of the proposed contract.

1 (c) The commissioner may not approve a proposed professional
2 services contract unless he first finds that

3 (1) all provisions of AS 36.98.110 have been verified or
4 complied with by the state agency and that the plan developed by the
5 agency under AS 36.98.110(6) is satisfactory;

6 (2) the work to be performed under the contract is necessary
7 for the agency to fulfill a responsibility assigned to it by statute;

8 (3) there is authority in statute for the agency to enter
9 into the contract;

10 (4) the contract will not establish an employer-employee
11 relationship between the agency and the contractor or any persons per-
12 forming under the proposed contract;

13 (5) a state employee will not perform the contract or any
14 portion of it; and

15 (6) a state agency has not previously performed or con-
16 tracted for the performance of tasks which would be substantially
17 duplicated under the proposed professional services contract.

18 Sec. 36.98.130. CONTRACT TERMS AND CONDITIONS. A professional
19 services contract with a state agency is not valid unless

20 (1) the contract includes a provision by which the agency
21 may unilaterally terminate the contract, upon payment of just compensa-
22 tion for professional services rendered under the contract, if the
23 agency determines that further performance under the contract would not
24 serve the purposes of the agency or the best interests of the state;

25 (2) the contract contains a termination date; and

26 (3) the contract is executed by the state by

27 (A) the head of the agency which is a party to the
28 contract; and

29 (B) the commissioner or his designee.

1 Sec. 36.98.140. CONTRACT ADMINISTRATION. (a) When a state
2 agency has entered into a professional services contract, the agency is
3 responsible for the diligent administration and monitoring of the
4 performance of the provisions of the contract.

5 (b) The commissioner may require a state agency to report to him
6 at any time on the current status of a professional services contract
7 to which the agency is a party.

8 (c) When a professional services contract has been completed, the
9 state agency shall evaluate the performance of the contractor under the
10 contract and shall report on and evaluate the use of the final product
11 of the professional services contract. A copy of the report and
12 evaluations prepared under this subsection shall be transmitted to the
13 commissioner, and shall be retained by the commissioner for as long as
14 he is required to maintain copies of completed contracts.

15 Sec. 36.98.150. EXCEPTIONS. The provisions of AS 36.98.100 -
16 36.98.150 do not apply to a professional services contract for which
17 the estimated cost of the professional services to be provided is
18 \$2,500 or less.

19 ARTICLE 3. GENERAL PROVISIONS.

20 Sec. 36.98.200. DEFINITIONS. In this chapter

21 (1) "commissioner" means the commissioner of administration;

22 (2) "professional services contract" means a contract for
23 professional, technical, or consultant's services which are predom-
24 inantly intellectual in character and which

25 (A) include analysis, evaluation, prediction, planning
26 or recommendation; and

27 (B) result in the production of a report or the comple-
28 tion of a task;

29 (3) "state agency" means a department, institution, board,

1 commission, division, or other administrative unit of the executive
2 branch of state government; the term does not include the University of
3 Alaska.

4 * Sec. 2. AS 14.40 is amended by adding a new section to article 3 to
5 read:

6 Sec. 14.40.455. PROFESSIONAL SERVICES CONTRACTS. (a) When the
7 University of Alaska proposes to enter into a contract for professional
8 services, it shall give public notice of the professional services
9 contract. At least 30 days before the date on which the University of
10 Alaska expects to enter into the contract for professional services it
11 shall give notice by publication at least three times in one or more
12 newspapers in general circulation in the state of

13 (1) a general description of the proposed project for which
14 the University of Alaska is seeking professional services; and

15 (2) the procedure by which a person interested in the pro-
16 fessional services contract may apply to the University of Alaska for
17 consideration for the contract.

18 (b) In addition to complying with the publication requirements of
19 (a) of this section, when the University of Alaska proposes to enter
20 into a contract for professional services it shall

21 (1) review the register of professional services contractors
22 maintained by the commissioner of administration under AS 36.98.010;
23 and

24 (2) provide a request for proposals for the proposed pro-
25 fessional services contract to each prospective contractor which, after
26 review of the register of professional services contractors under (1)
27 of this subsection, the University of Alaska finds is qualified for
28 consideration for the contract.

29 (c) A member of the Board of Regents, or an officer or employee

1 of the University of Alaska may not enter into a professional services
2 contract on behalf of the University of Alaska in violation of the
3 provisions of this section. A person who wilfully violates a provision
4 of this section is guilty of a misdemeanor. A person who is convicted
5 of a misdemeanor under this section immediately forfeits his office or
6 position.

7 (d) In this section, "professional services contract" means a
8 contract for professional, technical, or consultant's services which
9 are predominantly intellectual in character and which

10 (1) include analysis, evaluation, prediction, planning or
11 recommendation; and

12 (2) result in the production of a report or the completion
13 of a task.

14 * Sec. 3. AS 22.20 is amended by adding a new section to read:

15 ARTICLE 4. PROFESSIONAL SERVICES CONTRACTS.

16 Sec. 22.20.200. PROFESSIONAL SERVICES CONTRACTS. (a) When a
17 judicial officer or an employee of the judicial system proposes to
18 enter into a contract for professional services, the judicial officer
19 or the employee shall give public notice of the professional services
20 contract. At least 30 days before the date on which the judicial
21 officer or the employee expects to enter into the contract for profes-
22 sional services, the judicial officer or the employee shall give notice
23 by publication at least three times in one or more newspapers in general
24 circulation in the state of

25 (1) a general description of the proposed project for which
26 the judicial officer or the employee is seeking professional services;
27 and

28 (2) the procedure by which a person interested in the pro-
29 fessional services contract may apply to the judicial officer or the

1 employee for consideration for the contract.

2 (b) In addition to complying with the publication requirements of
3 (a) of this section, when a judicial officer or an employee proposes to
4 enter into a contract for professional services, the judicial officer
5 or the employee shall

6 (1) review the register of professional services contractors
7 maintained by the commissioner of administration under AS 36.98.010;
8 and

9 (2) provide a request for proposals for the proposed pro-
10 fessional services contract to each prospective contractor which, after
11 review of the register of professional services contractors under (1)
12 of this subsection, the judicial officer or the employee finds is
13 qualified for consideration for the contract.

14 (c) A judicial officer or an employee of the judicial system may
15 not enter into a professional services contract on behalf of the judi-
16 cial system in violation of the provisions of this section. A judicial
17 officer or an employee who wilfully violates a provision of this section
18 is guilty of a misdemeanor. An employee who is convicted of a mis-
19 demeanor under this section immediately forfeits his position.

20 (d) In this section,

21 (1) "employee" means an employee of the judicial system who
22 is not a judicial officer;

23 (2) "professional services contract" means a contract for
24 professional, technical, or consultant's services which are predomi-
25 nantly intellectual in character and which

26 (A) include analysis, evaluation, prediction, planning
27 or recommendation; and

28 (B) result in the production of a report or the comple-
29 tion of a task.

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* Sec. 4. AS 39.25.160 is amended by adding a new subsection to read:
 (i) A person may not enter into a professional services contract
 on behalf of a state agency in violation of the provisions of AS 36.98.
* Sec. 5. This Act takes effect July 1, 1981.

COMMITTEE REPORT
SENATE

5/28/81

FURTHER: Finance

Date: MAY 13, 1982

Mr. President:

The Committee on JUDICIARY has had HB 548 am

providing legal services in civil cases for persons who are financially unable to obtain legal counsel

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 ^SCS for HB 548 (Jud) same title
 new title
- and recommends ~~HAS INDIVIDUAL RECOMMENDATIONS~~
as follows
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

2 Charles H. Pa

MEMBERS HAVING
OTHER RECOMMENDATIONS:

3 Melba G. Anderson No Rec
3 Bill Ray No Rec

1 Patrick Foley
CHAIRMAN
DO NOT PASS

Original sponsor: Malone

Offered: 5/14/82
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 548 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to uninterpreted exploration data; and
7 providing for an effective date."

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

9 * Section 1. AS 38.05.180 is amended by adding a new subsection to read:

10 (aa) In order to achieve the purposes of this chapter, the commis-
11 sioner may require a person conducting geophysical exploration for oil
12 or gas resources or drilling a stratigraphic test well on unleased state
13 land to provide the commissioner with access to and copies of all un-
14 interpreted exploration data acquired from these activities. The com-
15 missioner shall pay all reasonable costs of reproducing the data. The
16 commissioner shall keep confidential all uninterpreted exploration data
17 submitted to the department under this subsection and any reproduction,
18 analysis, processing, or interpretation of the uninterpreted exploration
19 data prepared by the department or by a third party on behalf of the
20 department which is based in whole or in part upon the uninterpreted
21 exploration data. An employee, agent, or contractor of the state, who
22 knowingly and wilfully reveals uninterpreted exploration data or infor-
23 mation that is required to be kept confidential under this subsection is
24 guilty of a class B felony upon conviction. Each agent or contractor of
25 the department who has access to uninterpreted exploration data or
26 information derived from uninterpreted exploration data submitted under
27 this subsection shall execute and post a bond in an amount determined by
28 the commissioner. The bond shall be to the benefit of the state and the
29 permittee. As used in this subsection, "uninterpreted exploration data"

1 (1) means

2 (A) field data that has been initially processed and is
3 ready for geologic and geophysical analysis;

4 (B) data that corresponds to the data that a geophysical
5 contractor would provide participants in a group seismic survey;
6 and

7 (2) includes associated material necessary to locate, identi-
8 fy, analyze, or interpret the field data.

9 * Sec. 2. AS 38.05.180(aa) added by sec. 1 of this Act applies to un-
10 interpreted exploration data acquired from geophysical surveys that were
11 commenced on unleased state land on or after January 1, 1982.

12 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
13 070(c).

Introduced: 5/1/81
Referred: Judiciary and Finance

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 548 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for legal services in civil cases
7 for persons who are financially unable to obtain legal
8 counsel."

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

10 * Section 1. PURPOSE. There is a need for a program that will allow all
11 persons equal access to the system of justice in the state. Reductions in
12 federal funding for legal services for persons who cannot afford those
13 services in civil cases leaves a gap which can and should be filled by state
14 coordination and support of a legal services program to serve the needs of
15 those persons. A legal services program supported by the state must be a
16 statewide program that

17 (1) provides legal assistance to those otherwise unable to afford
18 legal counsel;

19 (2) supplements or replaces the existing federal legal services
20 program in the state; and

21 (3) allows the attorneys who operate the program to have full
22 freedom to represent their clients in keeping with the Code of Professional
23 Responsibility, the Canons of Ethics, and the highest standards of the legal
24 profession.

25 * Sec. 2. AS 44.47 is amended by adding new sections to read:

26 ARTICLE 11. LEGAL SERVICES PROGRAM FOR CERTAIN PERSONS.

27 Sec. 44.47.600. PROGRAM ESTABLISHED. (a) A program to provide
28 legal services for persons who cannot afford legal counsel in civil
29 cases is established in the Department of Community and Regional

1 Affairs.

2 (b) The department shall contract for the legal services program
3 on an annual basis with an organization selected by the department
4 through competitive bidding.

5 Sec. 44.47.602. PROPOSAL AND CONTRACT FOR OPERATION OF THE LEGAL
6 SERVICES PROGRAM. (a) An organization seeking to operate the legal
7 services program established under AS 44.47.600 - 44.47.610 shall
8 submit a proposal to the department containing

9 (1) an operating budget for the first year of operation;

10 (2) a plan to establish local advisory councils from the
11 client population served by the program;

12 (3) financial and income guidelines to be applied in deter-
13 mining client eligibility, which are substantially based upon regula-
14 tions drafted to be generally similar to those contained in the Code of
15 Federal Regulations, Title 45, Chapter XVI, Part 1611 - Eligibility;

16 (4) a statement that the organization agrees to

17 (A) operate a competent, professional legal services
18 program to serve persons eligible under the guidelines adopted
19 under (3) of this section;

20 (B) provide legal services for persons eligible under
21 the guidelines adopted under (3) of this subsection on a statewide
22 basis;

23 (C) maintain an approximately equal number of attorneys
24 and persons who are not attorneys on its board of directors; and

25 (D) assume the caseload of the Alaska Legal Services
26 Corporation.

27 (b) The contract entered into between the department and the
28 organization selected to operate the legal services program shall
29 include the terms and information set out in (a) of this section,

1 together with other terms and conditions agreed to by the department
2 and the organization.

3 Sec. 44.47.604. DUTIES OF THE DEPARTMENT. The department shall

4 (1) supervise the organization selected to operate the legal
5 services program;

6 (2) provide for and accept the transfer of the caseload of
7 the Alaska Legal Services Corporation to the organization selected to
8 operate the legal services program;

9 (3) receive federal and state money appropriated to operate
10 the legal services program; and

11 (4) distribute money received to the contracting organiza-
12 tion under the terms of the contract.

13 Sec. 44.47.606. LIMITS ON SUPERVISION. In performing its duties
14 under AS 44.47.604 the department may not interfere with the attorney-
15 client relationship between the organization selected and the clients
16 represented by the legal services program.

17 Sec. 44.47.610. DEFINITION. In AS 44.47.600 - 44.47.610 "organi-
18 zation" means a corporation organized for the purpose of providing
19 legal services, which applies to operate the legal services program
20 under AS 44.47.602.

ALASKA STATE LEGISLATURE

TWENTY... Legislature FIRST... Session

HOUSE ..BILL..... NO. 548...

By MALONE.....

"An Act providing for legal services in civil cases for persons who are financially unable to obtain legal counsel."

Legal counsel for persons financially unable to obtain

Introduced in the House . 5/1....., 19..81

HISTORY IN THE HOUSE

1981		Read first time and referred to Committee on
May 1	1	Judiciary and Finance <i>waved</i>
May 5	5	Reported back with recommendation that <i>decreased, 4 do pass, 1 do not pass, 1 no rec to Finance</i>
May 12	12	<i>known waived to Rules</i>
May 21	21	Read second time and <i>Did not advance</i>
May 25	25	<i>In 2d for specific am amended today</i>
May 25	25	<i>again in 2d for specific am. amended today</i>
May 25	25	Read third time and
May 25	25	<i>Returned to 2d for specific am</i>
May 25	25	<i>Returned to 2d for specific am</i>
May 26	26	<i>Reconsideration brought up held until 5/27</i>
May 25	25	PASS ed. Effective Date
		Yeas 22 Yeas
		Nays 18 Nays
		Absent Absent
		Excused Excused
May 25	25	<i>Planning</i> Reconsideration
May 27	27	PASS ed Effective Date
		Yeas 23 Yeas
		Nays 16 Nays
		Absent 1 <i>not</i> Absent
		Excused <i>not voting</i> Excused
5 27	27	Reported correctly engrossed
5 27	27	Signed by Speaker
5 27	27	Sent to Senate
		<i>Irene Pastern</i> CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19 81		Read first time and referred to Committee on
508		<i>Justice</i>
1981		
514		Reported back with recommendation that <i>Judiciary w/SCS, new title, 1 do pass, 1 do not pass, 2 no rec to Fin.</i>
		Read second time and
		Read third time and
		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
		Returned to House
		SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19		Received from Senate
		Concurred in Senate amendment thus adopting: VOTE
		Failed to concur in Senate amendment; asked Senate to recede VOTE
		Senate receded from amendment VOTE
		Senate failed to recede from amendment VOTE
		CC appointed by House
		CC appointed by Senate
		CC adopted by House VOTE
		CC adopted by Senate VOTE
		To enrolling
		Reported correctly enrolled
		Sent to Governor
	 by Governor
		Filed with Lt. Governor
		Chapter No.

Introduced: 5/1/81
Referred: Judiciary and Finance

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 548 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for legal services in civil cases
7 for persons who are financially unable to obtain legal
8 counsel."

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

10 * Section 1. PURPOSE. There is a need for a program that will allow all
11 persons equal access to the system of justice in the state. Reductions in
12 federal funding for legal services for persons who cannot afford those
13 services in civil cases leaves a gap which can and should be filled by state
14 coordination and support of a legal services program to serve the needs of
15 those persons. A legal services program supported by the state must be a
16 statewide program that

17 (1) provides legal assistance to those otherwise unable to afford
18 legal counsel;

19 (2) supplements or replaces the existing federal legal services
20 program in the state; and

21 (3) allows the attorneys who operate the program to have full
22 freedom to represent their clients in keeping with the Code of Professional
23 Responsibility, the Canons of Ethics, and the highest standards of the legal
24 profession.

25 * Sec. 2. AS 44.47 is amended by adding new sections to read:

26 ARTICLE 11. LEGAL SERVICES PROGRAM FOR CERTAIN PERSONS.

27 Sec. 44.47.600. PROGRAM ESTABLISHED. (a) A program to provide
28 legal services for persons who cannot afford legal counsel in civil
29 cases is established in the Department of Community and Regional

1 Affairs.

2 (b) The department shall contract for the legal services program
3 on an annual basis with an organization selected by the department
4 through competitive bidding.

5 Sec. 44.47.602. PROPOSAL AND CONTRACT FOR OPERATION OF THE LEGAL
6 SERVICES PROGRAM. (a) An organization seeking to operate the legal
7 services program established under AS 44.47.600 - 44.47.610 shall
8 submit a proposal to the department containing

9 (1) an operating budget for the first year of operation;

10 (2) a plan to establish local advisory councils from the
11 client population served by the program;

12 (3) financial and income guidelines to be applied in deter-
13 mining client eligibility, which are substantially based upon regula-
14 tions drafted to be generally similar to those contained in the Code of
15 Federal Regulations, Title 45, Chapter XVI, Part 1611 - Eligibility;

16 (4) a statement that the organization agrees to

17 (A) operate a competent, professional legal services
18 program to serve persons eligible under the guidelines adopted
19 under (3) of this section;

20 (B) provide legal services for persons eligible under
21 the guidelines adopted under (3) of this subsection on a statewide
22 basis;

23 (C) maintain an approximately equal number of attorneys
24 and persons who are not attorneys on its board of directors; and

25 (D) assume the caseload of the Alaska Legal Services
26 Corporation.

27 (b) The contract entered into between the department and the
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18 zation" means a corporation organized for the purpose of providing
19 legal services, which applies to operate the legal services program
20 under AS 44.47.602.

Introduced: 5/1/81
Referred: Judiciary and Finance

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BY MALONE

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Introduced: 5/1/81
Referred: Judiciary and Finance

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BY MALONE

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Original sponsor: Malone

Offered: 5/14/82
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 548 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to uninterpreted exploration data; and
7 providing for an effective date."

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

9 * Section 1. AS 38.05.180 is amended by adding a new subsection to read:

10 (aa) In order to achieve the purposes of this chapter, the commis-
11 sioner may require a person conducting geophysical exploration for oil
12 or gas resources or drilling a stratigraphic test well on unleased state
13 land to provide the commissioner with access to and copies of all un-
14 interpreted exploration data acquired from these activities. The com-
15 missioner shall pay all reasonable costs of reproducing the data. The
16 commissioner shall keep confidential all uninterpreted exploration data
17 submitted to the department under this subsection and any reproduction,
18 analysis, processing, or interpretation of the uninterpreted exploration
19 data prepared by the department or by a third party on behalf of the
20 department which is based in whole or in part upon the uninterpreted
21 exploration data. An employee, agent, or contractor of the state, who
22 knowingly and wilfully reveals uninterpreted exploration data or infor-
23 mation that is required to be kept confidential under this subsection is
24 guilty of a class B felony upon conviction. Each agent or contractor of
25 the department who has access to uninterpreted exploration data or
26 information derived from uninterpreted exploration data submitted under
27 this subsection shall execute and post a bond in an amount determined by
28 the commissioner. The bond shall be to the benefit of the state and the
29 permittee. As used in this subsection, "uninterpreted exploration data"

1 (1) means

2 (A) field data that has been initially processed and is
3 ready for geologic and geophysical analysis;

4 (B) data that corresponds to the data that a geophysical
5 contractor would provide participants in a group seismic survey;
6 and

7 (2) includes associated material necessary to locate, identi-
8 fy, analyze, or interpret the field data.

9 * Sec. 2. AS 38.05.180(aa) added by sec. 1 of this Act applies to un-
10 interpreted exploration data acquired from geophysical surveys that were
11 commenced on unleased state land on or after January 1, 1982

12 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
13 070(c).

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 548 obtain legal counsel.
 Title An Act providing legal services in civil cases for persons financially unable to
 Requested by House Judiciary Committee Date May 5, 1981

II. FISCAL DETAIL

Agency Affected Department of Community and Regional Affairs
 Program Category Affected Development
 BRU, Program, or Subprogram(s) Affected Local Government Assistance
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		-0-				
200 TRAVEL		-0-				
300 CONTRACTUAL		-0-				
400 COMMODITIES		-0-				
500 EQUIPMENT		-0-				
600 LAND & STRUCTURES		-0-				
700 GRANTS, CLAIMS, ETC.		-0-				
TOTAL		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS		-0-				
OTHER (Specify Fund Source)		-0-				

POSITIONS

FULL TIME		-0-				
PART TIME						
TEMPORARY						

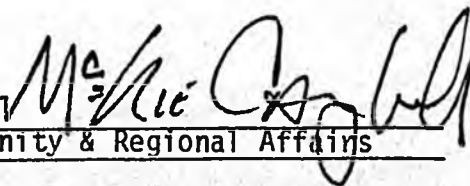
III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No administrative costs assuming that existing Department of Community and Regional Affairs Legislative Grant administrative positions remain in Governor's FY 82 budget.

IV. DATE May 5, 1981

PREPARED BY McKie Campbell
 AGENCY Department of Community & Regional Affairs
 PHONE 465-4735

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



STATE OF ALASKA
THE LEGISLATURE

POUCH V, STATE CAPITOL
JUNEAU, ALASKA 99811

Julie HOUSE OF REPRESENTATIVES

TO

HRB 548 *pick up*

REMARKS:

*Invoice wanted 5/12
20 Rules*

FROM

9

*Poon 519
Mukigov
DATE Becky*

Introduced: 5/1/81
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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TWELFTH LEGISLATURE

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700 GRANTS, CLAIMS, ETC.		-0-				
TOTAL		-0-				

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GENERAL FUND		-0-				
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PART TIME						
TEMPORARY						

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No administrative costs assuming that existing Department of Community and Regional Affairs Legislative Grant administrative positions remain in Governor's FY 82 budget.

IV. DATE May 5, 1981

PREPARED BY McKie Campbell
 AGENCY Department of Community & Regional Affairs
 PHONE 455-4735

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

COMMITTEE REPORT
SENATE

4/3/82

FURTHER: None

Date: 4/2/82

Mr. President:

The Committee on FINANCE has had OSNY 549(FIN)

making a special appropriation to the Dept. of Administration for a cost analysis of alternative designed for state health communications network

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

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

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]
CHAIRMAN

Original sponsor: Fuller

Offered: 3/26/82
Referred: Rules

Funding Information
General Fund \$130,000
Other Funds -0-
\$130,000

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 549 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act making a special appropriation to the Department of Administration for a cost analysis of alternative designs for the state health communications network; and providing for an effective date."

7

8

9

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

11

* Section 1. The sum of \$130,000 is appropriated from the general fund to the Department of Administration for preparation of a cost analysis of alternative telecommunications designs for improvements to the statewide health communications network.

15

* Sec. 2. The unexpended and unobligated portion of the appropriation made by this Act lapses into the general fund June 30, 1983.

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* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-070(c).

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HOUSE JOURNAL

HOUSE FINANCE COMMITTEE
LETTER OF INTENT
For
CSHB 549 (Finance)

It is the intent of the Legislature that the Department of Administration's preparation of a cost analysis of alternative telecommunications designs for improvements to the statewide health communications network include the following:

- (1) A comparative analysis of the initial installment cost and future operation and maintenance costs of various improvements. Such improvements include enhanced phone communications, enhanced radio communications, 2-way video communications, or combinations thereof.
- (2) An assessment of the level-of-service needs of five different kinds of communities: remote village, village with surface transportation to larger community, subregional center, regional center, and city. This component of the project is important since a combination of improvements listed in No. (1) above will likely best serve future needs and since the Legislature is in need of level-of-service guidelines in order to choose the best combination of improvements.
- (3) An analysis of cost savings to be achieved when different agencies share communications capability in certain communities. For example, the Department would analyze whether it would be more economical for EMS personnel, village health aides, Village Public Safety Officers or troopers, and other personnel to share communication facilities in certain communities.

The Legislature further intends that the \$130,000 appropriated for this project be allocated as follows:

Contractual Services: \$ 90,000
Procurement and payment of a consultant to undertake a statewide survey and analysis of existing EMS, IHS, and other health communication capability in the state, in conjunction with Department of Administration personnel. Same consultant, in conjunction with the Department, will also prepare cost analysis of alternative design improvement for the existing systems.

Travel: \$ 30,000
Funding to travel to existing sites to conduct the survey, to discuss technological design innovations with in-state experts, to consult health corporations and other personnel familiar with the needs of individual areas.

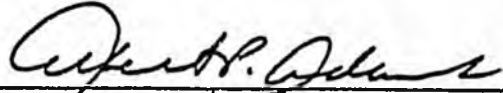
Commodities: \$ 10,000
Secretarial work associated with project and preparation of report (50%), printing of final report to the Legislature (30%), telephone calls (10%), postage (5%), miscellaneous (5%).

TOTAL: \$130,000

HOUSE JOURNAL

House Finance Committee
Letter of Intent
CSHB 549 (Finance)
Page 2

The project shall be completed in time for review by the Legislature during the First Session of the Thirteenth Alaska State Legislature.



Representative Al Adams
Chairman, House Finance
Committee

5/14/82

HOUSE BILL 549

AN ACT MAKING SPECIAL APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR COST ANALYSIS OF ALTERNATIVE DESIGNS FOR THE STATE HEALTH COMMUNICATION NETWORK; AND PROVIDING FOR AN EFFECTIVE DATE

05/01/81

INTRODUCED BY REPRESENTATIVE FULLER
REFERRED TO: COMMUNITY AND REGIONAL AFFAIRS
THEN FINANCE

05/04/81

COMMUNITY & REGIONAL AFFAIRS REPORTED OUT WITH
4 'DO PASS' AND 1 'NO REC' (BYLSMA)

03/26/82

HOUSE FINANCE REPORTED BILL OUT AS COMMITTEE
SUBSTITUTE WITH 6 'DO PASS' 3 'NO REC' AND
1 'DO NOT PASS'

** ORIGINAL BILL SOUGHT TO APPROPRIATE \$100,000 TO DEPT. OF COMMUNITY & REGIONAL AFFAIRS FOR A GRANT TO THE NORTON SOUND HEALTH CORPORATION FOR A FEASIBILITY STUDY ON ESTABLISHING A VHF NETWORK.

** THE SUBSTITUTE WOULD APPROPRIATE \$130,000 TO THE DEPARTMENT OF ADMINISTRATION FOR PREPARATION OF A COST ANALYSIS OF ALTERNATIVE TELECOMMUNICATION DESIGNS FOR IMPROVEMENTS TO THE STATEWIDE HEALTH COMMUNICATIONS NETWORK. THE UNSPENT PORTION WOULD LAPSE ON JUNE 30, 1983 AND THE MONEY WOULD BE APPROPRIATED IMMEDIATELY.

HOUSE FINANCE COMMITTEE ATTACHED A LETTER OF INTENT (SEE ATTACHED)

HB549 - CONT.

PAGE 2

04/07/82

HOUSE ADOPTED FINANCE SUBSTITUTE AND PASSED
33-2-5 WITH THE EFFECTIVE DATE ADOPTED.

04/08/82

RECEIVED BY THE SENATE
REFERRED: SENATE FINANCE

Original sponsor: Fuller

Offered: 3/26/82
Referred: Rules

Funding Information
General Fund \$130,000
Other Funds -0-
\$130,000

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 549 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act making a special appropriation to the Department of Administration for a cost analysis of alternative designs for the state health communications network; and providing for an effective date."

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

11 * Section 1. The sum of \$130,000 is appropriated from the general fund to
12 the Department of Administration for preparation of a cost analysis of alter-
13 native telecommunications designs for improvements to the statewide health
14 communications network.

15 * Sec. 2. The unexpended and unobligated portion of the appropriation
16 made by this Act lapses into the general fund June 30, 1983.

17 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
18 070(c).

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Rec'd after
bill rep. out
4-13-82

POSITION PAPER
CS FOR HOUSE BILL NO. 549

CSHB 549; "An Act making a special appropriation to the Department of Administration for a cost analysis of alternative designs for the state health communications network; and providing for an effective date."

CSHB 549 would appropriate the sum of \$130,000 to the Department of Administration for preparation of a cost analysis of alternative telecommunications designs for improvements to the state health communications network.

The Department of Health and Social Services strongly endorses this bill. Reliable health communications continues to be a significant problem in many areas of the state, especially in some rural and bush areas. Necessary health communications include clinic-to-hospital and ambulance-to-hospital communications. In some areas, the communications links are either non-existent (concerning ambulance-to-hospital communications in some areas) or unreliable. Current technology includes HF single side band radios, VHF radios, VHF microwave links, and satellite earth stations. Involved organizations include state agencies, the Indian Health Service, private long line carriers, ambulance services, native health corporations, and hospitals. It is expected that, with funding appropriated under CSHB 549, the Department of Administration, Divisions of Telecommunications, will be able to work with all of these organizations and identify health communications needs throughout the state, and to determine cost effective designs to improve availability and reliability of health communications systems.

The Department of Health and Social Services supports this bill.

Recommended by: E. S. Rabeau
E. S. Rabeau, M.D., Director
Division of Public Health

Date: April 2, 1982

Approved by: Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health and
Social Services

Date: 4-6-82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CS for House Bill No. 549
 Title Appropriation to Dept. of Admin. for cost analysis for state health communi-
 Requested by Finance Committee Date 3/26/82 cations

II. FISCAL DETAIL
 Agency Affected Department of Health and Social Services
 Program Category Affected Health/Public Health
 BRU, Program, Or Subprogram(s) Affected Emergency Medical Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

IV. DATE April 2, 1982 PREPARED BY Mark S. Johnson

AGENCY Public Health

Original: Legislative Finance PHONE 465-3027

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

JCC

Original sponsor: Fuller

Funding Information

General Fund	\$130,000
Other Funds	-0-
	<u>\$130,000</u>

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 549 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Administration for a cost analysis of alterna-
8 tive designs for the state health communications net-
9 work; and providing for an effective date."

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

11 * Section 1. The sum of \$130,000 is appropriated from the general fund to
12 the Department of Administration for preparation of a cost analysis of alter-
13 native telecommunications designs for improvements to the statewide health
14 communications network.

15 * Sec. 2. The unexpended and unobligated portion of the appropriation
16 made by this Act lapses into the general fund June 30, 1983.

17 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
18 070(c).

HOUSE JOURNAL

HOUSE FINANCE COMMITTEE LETTER OF INTENT For CSHB 549 (Finance)

It is the intent of the Legislature that the Department of Administration's preparation of a cost analysis of alternative telecommunications designs for improvements to the statewide health communications network include the following:

- (1) A comparative analysis of the initial installment cost and future operation and maintenance costs of various improvements. Such improvements include enhanced phone communications, enhanced radio communications, 2-way video communications, or combinations thereof.
- (2) An assessment of the level-of-service needs of five different kinds of communities: remote village, village with surface transportation to larger community, subregional center, regional center, and city. This component of the project is important since a combination of improvements listed in No. (1) above will likely best serve future needs and since the Legislature is in need of level-of-service guidelines in order to choose the best combination of improvements.
- (3) An analysis of cost savings to be achieved when different agencies share communications capability in certain communities. For example, the Department would analyze whether it would be more economical for EMS personnel, village health aides, Village Public Safety Officers or troopers, and other personnel to share communication facilities in certain communities.

The Legislature further intends that the \$130,000 appropriated for this project be allocated as follows:

Contractual Services: \$ 90,000
Procurement and payment of a consultant to undertake a statewide survey and analysis of existing EMS, IHS, and other health communication capability in the state, in conjunction with Department of Administration personnel. Same consultant, in conjunction with the Department, will also prepare cost analysis of alternative design improvement for the existing systems.

Travel: \$ 30,000
Funding to travel to existing sites to conduct the survey, to discuss technological design innovations with in-state experts, to consult health corporations and other personnel familiar with the needs of individual areas.

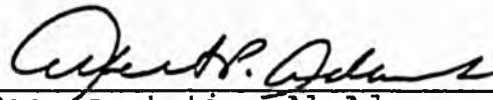
Commodities: \$ 10,000
Secretarial work associated with project and preparation of report (50%), printing of final report to the Legislature (30%), telephone calls (10%), postage (5%), miscellaneous (5%).

TOTAL: \$130,000

HOUSE JOURNAL

House Finance Committee
Letter of Intent
CSHB 549 (Finance)
Page 2

The project shall be completed in time for review by the Legislature during the First Session of the Thirteenth Alaska State Legislature.



Representative Al Adams
Chairman, House Finance
Committee

Funding Information
General Fund \$100,000
Other Funds -0-
\$100,000

Introduced: 5/1/81
Referred: Community &
Regional Affairs and Finance

1 IN THE HOUSE

BY FULLER

2 HOUSE BILL NO. 549

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation for a feasi-
7 bility study on establishing a Norton Sound VHF net-
8 work; and providing for an effective date."

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

10 * Section 1. The sum of \$100,000 is appropriated from the general fund
11 to the Department of Community and Regional Affairs for payment as a grant
12 to the Norton Sound Health Corporation for a feasibility study on establish-
13 ing a Norton Sound VHF network.

14 * Sec. 2. The appropriation made by this Act shall be disbursed in
15 accordance with AS 37.05.315.

16 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 551
 Title An Act relating to planning & improvement loans
 Requested by House C&RA Date 5-14-81

II. FISCAL DETAIL
 Agency Affected Natural Resources
 Program Category Affected NRMEC
 BRU, Program, or Subprogram(s) Affected Land Management
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		118.9	118.9			
200 TRAVEL		10.0	10.0			
300 CONTRACTUAL		5.0	5.0			
400 COMMODITIES		.6	.6			
500 EQUIPMENT		12.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		30,000.0	30,000.0			
TOTAL		30,146.5	30,134.5			

FUNDING (Thousands of Dollars)

GENERAL FUND		30,146.5	30,134.5			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

- Demand assessment will be done as part of SB 531 or HB 31 requirement - no additional fiscal impact.
- One LMO III in each district is required to process loan applications and prepare background information for commissioner and/or legislative approval.
- One Acctg. Tech II will be required to maintain loan files, send bills, and transmit receipts.
- Loan requirements are estimated at \$60,000,000 for first two years. (Approximately 20,000 acres per year)

IV. DATE 5 June 81 PREPARED BY [Signature]
 AGENCY _____
 PHONE _____
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Original sponsors: Grussendorf, Duncan
and Gardiner

Offered: 5/28/81
Referred: Finance

1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2

CS FOR HOUSE BILL NO. 551 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to planning and improvement loans for
7 municipalities to implement land disposal programs;
8 and providing for an effective date."

9

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

10

* Section 1. AS 38.05 is amended by adding a new section to read:

11

Sec. 38.05.048. FINANCIAL ASSISTANCE FOR DISPOSAL OF MUNICIPAL

12

LAND. (a) A home rule, general law, or unified municipality may apply
13 to the department for a loan to plan a program to dispose of municipal
14 land to the public. The loan application may include amounts to finance
15 the expenses of identifying and classifying land for disposal, survey-
16 ing land for subdivisions, designing subdivision plats, planning
17 improvements, and platting and recording a subdivision of land to be
18 disposed of to the public. An application for a loan must be accom-
19 panied by a plan for disposal of municipal land including

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(1) an estimate of the amount of land to be disposed of;

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(2) an estimate of the period of time during which the land
22 will be disposed of;

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(3) a general description of the land to be studied for
24 possible subdivision and disposal or a copy of a proposed subdivision
25 plat of land to be disposed of;

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(4) a resolution by the governing body of the municipality
27 that the purpose of the proposed subdivision is to make land available
28 to the public and that the loan will be applied exclusively to the
29 costs of subdividing land for disposal to the public.

1 (b) A home rule, general law, or unified municipality may apply
2 to the department for a loan to install improvements on a subdivision
3 of land to be disposed of to the public. The loan application may
4 include amounts to finance the installation of access roads, subdivision
5 roads, street paving, sewer and water, and other improvements that are
6 required by subdivision ordinances of the municipality or by regulation
7 of the municipal platting board adopted under AS 29.33.150. An applica-
8 tion for a loan must include

9 (1) a copy of the preliminary subdivision plat of the land
10 to be disposed of to the public which has been approved by the govern-
11 ing body of the municipality;

12 (2) an estimate of the costs of improvements for the sub-
13 division;

14 (3) a resolution by the governing body of the municipality
15 that the loan will be used exclusively for installing improvements in
16 accordance with this subsection and that the money which the munici-
17 pality receives from the sale of lots in the subdivision will be used
18 to repay the loan.

19 (c) The department may approve an application filed by a munici-
20 pality in accordance with (a) or (b) of this section upon determining
21 that the money from the sale of lots in the subdivision of land will be
22 sufficient to repay the loan. The department may not demand security
23 for a loan under this section. The department shall establish terms
24 and conditions for a loan, including at least the following:

25 (1) the rate of interest on the loan; the rate may not
26 exceed six percent;

27 (2) each lot in the subdivision shall be made available by
28 the municipality for purchase by the public as soon as possible;

29 (3) repayment of a loan shall begin within three months

1 after the municipality receives the first payment or partial payment
2 for a lot in the subdivision which has been purchased;

3 (4) all money which the municipality receives from the sale
4 of lots in the subdivision shall be used to repay the loan until the
5 loan is fully repaid; and

6 (5) the loan shall be repaid within 20 years of the date the
7 municipality is required to make its first payment.

8 (d) Notwithstanding (c) of this section, a municipality may allow
9 a discount in accordance with AS 38.05.058 on the purchase price of a
10 lot in a subdivision developed with money from a loan made under this
11 section. If a municipality allows a discount under this subsection,
12 the department shall forgive repayment of an amount of the loan equal
13 to the amount by which the purchase price was discounted.

14 (e) An amendment to the plat of a subdivision which has been
15 developed with money from a loan made under this section shall be
16 subject to approval by the department until the loan is entirely repaid.

17 (f) The department may adopt regulations under the Administrative
18 Procedure Act (AS 44.62) necessary to administer the loan programs
19 established by (a) and (b) of this section.

20 * Sec. 2. This Act takes effect July 1, 1981.
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Introduced: 5/4/81
Referred: Community & Regional
Affairs and Finance

1 IN THE HOUSE

BY GRUSSENDORF, DUNCAN AND
GARDINER

2 HOUSE BILL NO. 551

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to planning and improvement loans for
7 municipalities to implement land disposal programs;
8 and providing for an effective date."

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

10 * Section 1. AS 38.05 is amended by adding a new section to read:

11 Sec. 38.05.048. FINANCIAL ASSISTANCE FOR DISPOSAL OF MUNICIPAL
12 LAND. (a) A home rule, general law, or unified municipality may apply
13 to the department for a loan to plan a program to dispose of municipal
14 land to the public. The loan application may include amounts to finance
15 the expenses of identifying and classifying land for disposal, survey-
16 ing land for subdivisions, designing subdivision plats, planning
17 improvements, and platting and recording a subdivision of land to be
18 disposed of to the public. An application for a loan must be accom-
19 panied by a plan for disposal of municipal land including

20 (1) an estimate of the amount of land to be disposed of;
21 (2) an estimate of the period of time during which the land
22 will be disposed of;

23 (3) a general description of the land to be studied for
24 possible subdivision and disposal or a copy of a proposed subdivision
25 plat of land to be disposed of;

26 (4) a resolution by the governing body of the municipality
27 that the purpose of the proposed subdivision is to make land available
28 to the public and that the loan will be applied exclusively to the
29 costs of subdividing land for disposal to the public.

1 (b) A home rule, general law, or unified municipality may apply
2 to the department for a loan to install improvements on a subdivision of
3 land to be disposed of to the public. The loan application may include
4 amounts to finance the installation of access roads, street paving,
5 sewer and water, and other improvements which are required by sub-
6 division ordinances of the municipality or by regulation of the
7 municipal platting board adopted under AS 29.33.150. An application
8 for a loan must include

9 (1) a copy of the recorded subdivision plat of land to be
10 disposed of to the public

11 (2) an estimate of the costs of improvements for the sub-
12 division;

13 (3) a resolution by the governing body of the municipality
14 that the loan will be used exclusively for installing improvements on a
15 subdivision of land to be disposed of to the public and that the
16 proceeds of the sale of lots in the subdivision will be used to repay
17 the loan.

18 (c) Repayment of a loan made under (a) or (b) of this section
19 must begin after disposal of the land or three years after receipt of
20 the loan, whichever is earlier. A loan must be repaid over a period of
21 not more than 20 years with interest not to exceed six percent.

22 (d) A loan made under (a) or (b) of this section becomes an
23 encumbrance on all lots in a subdivision developed with money from the
24 loan which has priority over all other encumbrances. The total sales
25 price of all lots in the subdivision may not be less than 105 percent
26 of the balance of the loan unpaid at the time the first lot is sold,
27 and proceeds of sale of each lot shall be used to repay the loan until
28 the entire balance including interest is repaid. The encumbrance on an
29 individual lot in the subdivision shall be released when payment for

1 the lot is received by the department.

2 (e) An amendment to the plat of a subdivision which has been
3 developed with money from a loan made under (a) or (b) of this section
4 shall be subject to approval by the department until the loan is
5 entirely repaid.

6 (f) The department may adopt regulations under the Administrative
7 Procedure Act (AS 44.62) necessary to administer the loan programs
8 established by (a) and (b) of this section.

9 * Sec. 2. This Act takes effect July 1, 1981.

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COMMITTEE REPORT

HOUSE

5/28

5/4/81

FURTHER: FINANCE

(7)

Date: 5-27-81

Mr. Speaker:

The Committee on COMMUNITY & REGIONAL AFFAIRS has had HB 551

"An Act relating to planning and improvement loans for municipalities to implement land disposal programs; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 551 (C+RA) same title
 new title
- and recommends if do Pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]
[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature] (No Rec)
[Signature] - Do Not Pass

[Signature]
 CHAIRMAN

Cook
12-1590

Original sponsors: Grussendorf, Duncan
and Gardiner

Offered: 5/28/81
Referred: Finance

1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 551 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to planning and improvement loans for
7 municipalities to implement land disposal programs;
8 and providing for an effective date."

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

10 * Section 1. AS 38.05 is amended by adding a new section to read:

11 Sec. 38.05.048. FINANCIAL ASSISTANCE FOR DISPOSAL OF MUNICIPAL
12 LAND. (a) A home rule, general law, or unified municipality may apply
13 to the department for a loan to plan a program to dispose of municipal
14 land to the public. The loan application may include amounts to finance
15 the expenses of identifying and classifying land for disposal, survey-
16 ing land for subdivisions, designing subdivision plats, planning
17 improvements, and platting and recording a subdivision of land to be
18 disposed of to the public. An application for a loan must be accom-
19 panied by a plan for disposal of municipal land including

20 (1) an estimate of the amount of land to be disposed of;

21 (2) an estimate of the period of time during which the land
22 will be disposed of;

23 (3) a general description of the land to be studied for
24 possible subdivision and disposal or a copy of a proposed subdivision
25 plat of land to be disposed of;

26 (4) a resolution by the governing body of the municipality
27 that the purpose of the proposed subdivision is to make land available
28 to the public and that the loan will be applied exclusively to the
29 costs of subdividing land for disposal to the public.

COMMITTEE COPY

1 (b) A home rule, general law, or unified municipality may apply
2 to the department for a loan to install improvements on a subdivision
3 of land to be disposed of to the public. The loan application may
4 include amounts to finance the installation of access roads, subdivision
5 roads, street paving, sewer and water, and other improvements that are
6 required by subdivision ordinances of the municipality or by regulation
7 of the municipal platting board adopted under AS 29.33.150. An applica-
8 tion for a loan must include

9 (1) a copy of the preliminary subdivision plat of the land
10 to be disposed of to the public which has been approved by the govern-
11 ing body of the municipality;

12 (2) an estimate of the costs of improvements for the sub-
13 division;

14 (3) a resolution by the governing body of the municipality
15 that the loan will be used exclusively for installing improvements in
16 accordance with this subsection and that the money which the municipi-
17 pality receives from the sale of lots in the subdivision will be used
18 to repay the loan.

19 (c) The department may approve an application filed by a municipi-
20 pality in accordance with (a) or (b) of this section upon determining
21 that the money from the sale of lots in the subdivision of land will be
22 sufficient to repay the loan. The department may not demand security
23 for a loan under this section. The department shall establish terms
24 and conditions for a loan, including at least the following:

25 (1) the rate of interest on the loan; the rate may not
26 exceed six percent;

27 (2) each lot in the subdivision shall be made available by
28 the municipality for purchase by the public as soon as possible;

29 (3) repayment of a loan shall begin within three months

1 after the municipality receives the first payment or partial payment
2 for a lot in the subdivision which has been purchased;

3 (4) all money which the municipality receives from the sale
4 of lots in the subdivision shall be used to repay the loan until the
5 loan is fully repaid; and

6 (5) the loan shall be repaid within 20 years of the date the
7 municipality is required to make its first payment.

8 (d) Notwithstanding (c) of this section, a municipality may allow
9 a discount in accordance with AS 38.05.058 on the purchase price of a
10 lot in a subdivision developed with money from a loan made under this
11 section. If a municipality allows a discount under this subsection,
12 the department shall forgive repayment of an amount of the loan equal
13 to the amount by which the purchase price was discounted.

14 (e) An amendment to the plat of a subdivision which has been
15 developed with money from a loan made under this section shall be
16 subject to approval by the department until the loan is entirely repaid.

17 (f) The department may adopt regulations under the Administrative
18 Procedure Act (AS 44.62) necessary to administer the loan programs
19 established by (a) and (b) of this section.

20 * Sec. 2. This Act takes effect July 1, 1981.
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Cook
12-1590

Introduced: 5/4/81
Referred: Community & Regional
Affairs and Finance

BY GRUSSENDORF, DUNCAN AND
GARDINER

1 IN THE HOUSE

2 HOUSE BILL NO. 551

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to planning and improvement loans for
7 municipalities to implement land disposal programs;
8 and providing for an effective date."

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

10 * Section 1. AS 38.05 is amended by adding a new section to read:

11 Sec. 38.05.048. FINANCIAL ASSISTANCE FOR DISPOSAL OF MUNICIPAL
12 LAND. (a) A home rule, general law, or unified municipality may apply
13 to the department for a loan to plan a program to dispose of municipal
14 land to the public. The loan application may include amounts to finance
15 the expenses of identifying and classifying land for disposal, survey-
16 ing land for subdivisions, designing subdivision plats, planning
17 improvements, and platting and recording a subdivision of land to be
18 disposed of to the public. An application for a loan must be accom-
19 panied by a plan for disposal of municipal land including

- 20 (1) an estimate of the amount of land to be disposed of;
21 (2) an estimate of the period of time during which the land

22 will be disposed of;

23 (3) a general description of the land to be studied for
24 possible subdivision and disposal or a copy of a proposed subdivision
25 plat of land to be disposed of;

26 (4) a resolution by the governing body of the municipality
27 that the purpose of the proposed subdivision is to make land available
28 to the public and that the loan will be applied exclusively to the
29 costs of subdividing land for disposal to the public.

HB 551

1 (b) A home rule, general law, or unified municipality may apply
2 to the department for a loan to install improvements on a subdivision of
3 land to be disposed of to the public. The loan application may include
4 amounts to finance the installation of access roads, street paving,
5 sewer and water, and other improvements which are required by sub-
6 division ordinances of the municipality or by regulation of the
7 municipal platting board adopted under AS 29.33.150. An application
8 for a loan must include

9 (1) a copy of the recorded subdivision plat of land to be
10 disposed of to the public;

11 (2) an estimate of the costs of improvements for the sub-
12 division;

13 (3) a resolution by the governing body of the municipality
14 that the loan will be used exclusively for installing improvements on a
15 subdivision of land to be disposed of to the public and that the
16 proceeds of the sale of lots in the subdivision will be used to repay
17 the loan.

18 (c) Repayment of a loan made under (a) or (b) of this section
19 must begin after disposal of the land or three years after receipt of
20 the loan, whichever is earlier. A loan must be repaid over a period of
21 not more than 20 years with interest not to exceed six percent.

22 (d) A loan made under (a) or (b) of this section becomes an
23 encumbrance on all lots in a subdivision developed with money from the
24 loan which has priority over all other encumbrances. The total sales
25 price of all lots in the subdivision may not be less than 105 percent
26 of the balance of the loan unpaid at the time the first lot is sold,
27 and proceeds of sale of each lot shall be used to repay the loan until
28 the entire balance including interest is repaid. The encumbrance on an
29 individual lot in the subdivision shall be released when payment for