

LEG. FINANCE - BILLS 1981 - 1982 1737

SB 864 - SB 866 1737

Original sponsor: State Affairs
Committee

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 864 (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 continuing the existence of the Alaska Code
7 Revision Commission and amending the statutes relating
8 to its responsibilities."

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

10 * Section 1. AS 44.66.010(a)(8) is amended to read:

11 (8) Alaska Code Revision Commission (AS 24.20.075) --

12 June 30, 1985 [1982];

13 * Sec. 2. AS 24.20.075(b) is amended to read:

14 (b) The commission consists of two legislators, one from each
15 house, appointed by the presiding officer; three public members who are
16 not employees [ONE PUBLIC MEMBER, WHO IS NOT AN EMPLOYEE] of the state
17 government, appointed by the governor; a designee of the governor, who
18 is an attorney employed by the executive branch of the state government;
19 a designee of the chief justice of the supreme court; and a designee of
20 the Alaska Bar Association appointed by the board of governors of the
21 association. Legislative members serve at the pleasure of the presiding
22 officer; the designee of the governor and the designee of the chief
23 justice serve at the pleasure of the governor and chief justice, re-
24 spectively; the public members [MEMBER] and the designee of the board of
25 governors serve terms of six years each, beginning July 1 and ending on
26 June 30 six years later. Members may be reappointed or redesignated. A
27 vacancy in the membership of the commission occurring other than by
28 expiration of term shall be filled in the same manner as the original
29 appointment but, with regard to the legislative members, the public

1 members [MEMBER], and the board of governors' designee, for the un-
2 expired term only. Members who are not state employees or legislators
3 are entitled to receive the standard per diem and travel allowance
4 provided for members of independent boards and commissions. Legislative
5 members are entitled to receive the regular legislative per diem and
6 travel allowance for days spent on commission business, and members who
7 are state employees are entitled to receive the regular state employees
8 per diem and travel allowance for days spent on commission business.
9 The commission selects its chairman and vice-chairman. The director of
10 legal services for the Legislative Affairs Agency, or his designee,
11 serves as executive secretary for the commission.

12 * Sec. 3. AS 24.20.075(c)(2) is amended to read:

13 (2) review and consider proposed changes in the law recom-
14 mended by the American [NATIONAL] Law Institute, the National Conference
15 of Commissioners on Uniform State Laws, the Alaska Judicial Council,
16 the Alaska Legislative Council, the supreme court, the state or local
17 bar associations, principal departments, agencies, boards and commis-
18 sions of the executive or judicial branch, and committees of the legis-
19 lative branch;

20 * Sec. 4. AS 24.20.075(f) is amended to read:

21 (f) The commission shall submit its reports and recommendations,
22 and draft legislation as to revision of law, to the Legislative Council
23 and shall distribute them to the governor, members of the legislature,
24 and the chief justice of the supreme court. Each draft of legislation
25 submitted by the commission shall be accompanied by a sectional analysis;
26 the commission shall prepare the sectional analysis using language that
27 is understandable to a layman.

28 * Sec. 5. TRANSITION. Notwithstanding the provisions of AS 24.20.075-
29 (b), the term of the additional public members added by this Act and appointed

1 by the governor after the effective date of this Act begins on the date of
2 appointment; the term of one of the additional public members ends June 30,
3 1984 and the term of the other ends June 30, 1986, as designated by the
4 governor.

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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB 864 (Fin)
 Title Alaska Code Revision Commission
 Requested by Finance Committee Date 4/28/82

II. FISCAL DETAIL

Agency Affected Legislative Affairs
 Program Category Affected General Government
 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-				

FUNDING (Thousands of Dollars)

-0-

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

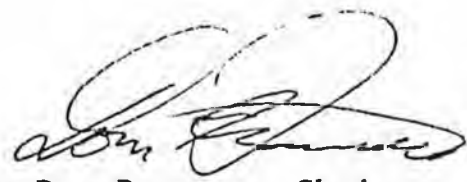
POSITIONS

-0-

FULL TIME						
PART TIME						
TEMPORARY						

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

The funds for this committee are contained in the General Appropriations Act and no additional funds are requested.



IV. DATE 4/28/82 PREPARED BY Senator Don Bennett, Chairman
 AGENCY Senate Finance Committee
 Original: Legislative Finance PHONE 465-3714
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

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FEDERAL FUNDS						
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-0-

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PART TIME						
TEMPORARY						

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IV. DATE 4/27/82 PREPARED BY Wally Harrison ^{Bennett}, Director
 AGENCY Legislative Affairs Agency
 PHONE 465-3850

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

ALASKA CODE REVISION COMMISSION



COMMISSIONERS
JOHN W. ABBOTT - CHAIRMAN
JAMES L. BALDWIN - VICE CHAIRMAN
PATRICK M. RODEY
CHARLES G. ANDERSON
L. S. KURTZ, JR.
JUDGE (RET.) THOMAS B. STEWART

ALASKA STATE LEGISLATURE
POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
(907) 465-4878

EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: David Rogers, Spec. Counsel
Senate Finance Committee

FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission *Dick Regan*

DATE: April 22, 1982

RE: CSSB 864 (Jud) continuing of the
Alaska Code Revision Commission

As you requested, following is a sectional analysis of CSSB 864 (Jud):

Section 1. This section extends until June 30, 1985, the life of the Alaska Code Revision Commission. Unless the date of June 30, 1982 is extended, the commission "expires" on that date and continues in existence only one more year "for the purposes of concluding its affairs." Reference 44.66.010.

Section 2. By this section the membership of the commission is increased by the addition of two public members who are not employees of the state. Like the present public member, the additional members would be appointed by the governor for six year terms.

If the bill becomes law this year without an effective date clause or a transitional section, it is possible that the additional public members' terms would not begin until July 1, 1983.

Although the bill is workable as it is, a transition section could be added in a form like one of the following:

ALTERNATIVE 1.

TRANSITION. Notwithstanding the provisions of AS 24.20.075(b), the term of the additional public members appointed by the governor after the effective date of this Act begins on the date of appointment and ends June 30, 1988.

ALTERNATIVE 2.

TRANSITION. Notwithstanding the provisions of AS 24.20.075(b), the term of the additional public members appointed by the governor after the effective date of this Act begins on the date of appointment; the term of one ends June 30, 1984 and the term of the other ends June 30, 1986, as designated by the governor.

The term of the existing public member expires June 30, 1982. The second alternative above would stagger the six year terms of the three public members.

Section 3. The change on page 2, line 14, corrects an error in the name of the American Law Institute as it appears in AS 24.20.275(c)(2).

The change on page 2, line 16, makes it specific that the Alaska Legislative Council is one of the committees of the legislature whose recommendations for changes in law will be reviewed and considered by the commission. This is existing practice.

Section 4. This section requires the commission to continue its present practice of preparing a sectional analysis of its draft legislation. It is specified that the analysis be in "language that is understandable to a layman."

The committee hearing, if it is held April 23, 1982, coincides with a meeting of the commission in Juneau. Therefore, the commission members will be available to answer your committee's questions.

DR:chw

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

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 Bill/Resolution No. SENATE BILL NO. 864
 Title An Act continuing the existence of the Alaska Code Revision Com-
mission and amending the statutes. etc Date 4-12-82
 Requested by: Senate Finance Committee

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 BRU, Program, Or Subprogram(s) Affected _____
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500 EQUIPMENT						
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700 GRANTS, CLAIMS, ETC.						
TOTAL		238.3	262.2	288.4		

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		238.3	262.2	288.4		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		2	2	2		
PART TIME						
TEMPORARY						

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

Fiscal Year 1983: (Fiscal Years 1984 and 1985 - add 10% per year)

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 Secretary - Range 12K - for 12 months @\$2,379 per month
 Research Director - Range 23C - for 12 mo @\$4,251 per mo.
 Plus benefits at 27%

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 12 monthly hearings ----- \$29,278
 1 hearing rural Alaska ---- 6,136

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Supplies and Materials ----- 5.2
 Printing supplies/materials - @\$196 per month - \$2,352
 Stationery and office supplies ----- \$2,825

IV. DATE 4-12-82 PREPARED BY Wally Harrison, Director
 AGENCY Legislative Affairs Agency
 PHONE 465-3850

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

33-001 (Rev. 12/81)



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

APRIL 5, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

- SB 327 - "An Act relating to parole of offenders; continuing the existence of the Board of Parole; and providing for an effective date."
- HB 377 - "An Act relating to factors in aggravation for purposes of imposing presumptive terms of imprisonment for felonies."
- SB 686 - "An Act relating to the return of property recovered or seized by law enforcement agencies or acquired as evidence in a criminal proceeding."
- SB 864 - "An Act continuing the existence of the Alaska Code Revision Commission and amending the statutes relating to its responsibilities."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:40 P.M. Committee members present were: Senators Rodey, Ray, Parr, and Anderson. Senator Bennett was absent.

002 - Call to order.

005 - Chairman Rodey brought SB 327 before the committee.

027 - Senator Anderson moved to delete [S100] and insert S150 on Page 3, Line 1. Senator Ray objected.

076 - Senator Anderson's amendment was adopted with Senator's Rodey, Parr, and Anderson a yes vote. Senator Ray voted no.

124 - Senator Parr moved to pass SB 327 with individual recommendations. There was no objection.

184 - Chairman Rodey brought SB 864 before the committee.

220 - Mr. Bruce goes over language.

417 - Senator Parr moved that beginning on Page 2, Line 24 the following language be added: Each draft of legislation submitted by the commission shall be accompanied by a sectional analysis; the commission shall prepare the sectional analysis using language that is understandable to a layman. There was no objection.

531 - Senator Ray moved to strike Sec. 4 of the committee substitute beginning on Page 2, Line 21: [(2) establish one or more subcommissions to assist it in the performance of its duties; the commission may appoint any person to serve on a subcommission established under this paragraph.] There was no objection.

547 - Senator Ray moves to pass SB 864 with individual recommendations. There was no objection.

558 - Chairman Rodey brought HB 377 before the committee.

560 - Mr. Bruce explains the committee substitute.

640 - Senator Anderson moved to adopt the committee substitute for HB 377. Senator Ray objected on the basis that the committee substitute is not germane to the original bill.

659 - Senator Anderson moved to pass HB 377 pending the chair's decision on germaneness.

675 - Chairman Rodey brought SB 686 before the committee.

677 - Pat Conheady, Department of Law, testified, giving the changes in the bill.

107 - Don Magneson, representing the Alaska Retailers Association, testified in favor of photographing evidence.

180 - SB 686 returned to file.

183 - Adjourned at 3:15 P.M.



Alaska State Legislature

Senate Committee on State Affairs

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

Official Business

Mar. 11, 1982

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Mr. President:

In compliance with AS 44.66.050 and referral by the President of the Senate, the Senate Committee on State Affairs has conducted a sunset review of the Alaska Code Revision Commission.

The committee utilized Legislative Audit report 30-022-0025-R, A Performance Review of the Alaska Code Revision Commission, dated October 28, 1981; the 1981 Annual Report of the Alaska Code Revision Commission, dated February 1982; and the Commission's Proposed Budget for FY '83.

Testimony was received from the auditor, R.W. Pavitt, AICP; John W. Abbott, Chair; Billy G. Ferrier, Executive Secretary; and James L. Baldwin, member of the Commission. Written communication was received from Patrick M. Rodey, member of the Commission, and Charles R. Webber, Commissioner of the Alaska Department of Commerce and Economic Development.

Findings required by AS 44.66.050 (d) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding:

As a permanent commission of the legislature, the Commission is charged with the following duties:

- (1) examining the statutes of the state and judicial decisions to discover defects and anachronisms in the law;
- (2) reviewing and considering proposed changes in the law recommended by the National Law Institute, the National Conference of Commissioners on Uniform State Laws, the Alaska Judicial Council, the supreme court, the state or local bar associations, principal departments, agencies, boards and commissions of the legislative branch;
- (3) receiving and considering suggestions from the Alaska bench and bar, public officials, organizations, and individuals

as to areas of law needing review and remedy;
(4) recommending changes in law needed to eliminate antiquated and inadequate rules of law and to bring the law into harmony with current needs and conditions.

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

Finding:

The commission is directed to submit its report and recommendations, and draft legislation as to revision of law, to the Legislative Council, and distributes them to the governor, members of the legislature, and the chief justice of the supreme court. See 1981 Annual Report (attached Exhibit A) for a discussion of its accomplishments.

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

Finding:

The duties and responsibilities assigned to the commission by the enabling act (AS 24.20.075) are substantially similar to those mandated to the Legislative Council, the Legislative Affairs Agency and the Co-revisors of Statutes (AS 01.05.036; 24.20.060(4); 24.20.065(a); and 24.20.070 (b)).

(4) an assessment of alternative methods of achieving the purposes of the program.

Finding:

Substantive revision of law in Alaska can be accomplished by legislatively-appointed special commissions (as in the case of the major Criminal Code revision), by a special committee of the legislature such as the committee that revised Title 4 (Alcoholic Beverages), or by the the Legislative Affairs Agency contracting with consultants.

(5) an assessment of the consequences of eliminating the board, commission, or program and consolidating its activities with another program, or of funding it at a lower level.

Finding:

Elimination of the Commission would remove the breadth of review and participation that accrue as a result of code revision being supervised by a multi-member group. Elimination would not, however, necessarily prevent needed code revisions from being accomplished (see preceding response). Elimination of the Commission would not result in any significant savings, as the Commission members receive no compensation for services rendered. The public member and the designee of the Alaska Bar Association board of governors do receive per diem and travel allowance.

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication or or conflict with other efforts;

Finding:

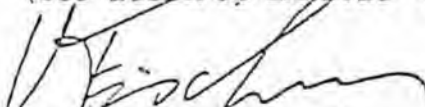
Its broad-based membership of legislative, executive and judicial branch representatives, as well as the public and Alaska Bar members, provide a breadth of legal knowledge, perception and experience that has much potential value as an advisory function to the lawmaking process. Particularly in areas of generally low legislative interest such as probate law, security law, real property conveyancing, bankruptcy law and the like, the Commission has shown that it can provide necessary expertise in recommending statutory revision that "will bring the law into harmony with current needs and conditions." (AS 24.20.075(c) (4)).

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

Finding:

The Committee acknowledges the numerous hours and efforts of the Commission but is concerned with the process the Commission utilizes to select topics for study and the duplication of responsibilities with other existing agencies. Therefore, the Committee recommends the following:

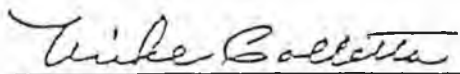
- 1) that the Commission be extended to June 30, 1985; and
- 2) that the Commission's duties be limited to reviewing and considering proposed changes in the law by the National Law Institute, and the National Conference of Commissioners on Uniform State Laws and any other matter referred to the Commission by a concurrent resolution of the legislature (see attached Exhibit "B").



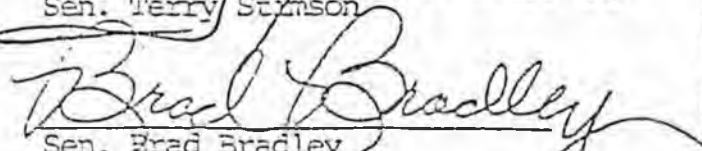
Sen. Vic Fischer, Chair



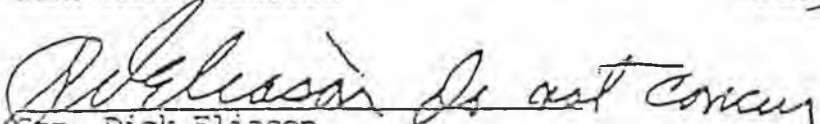
Sen. Terry Stinson



Sen. Mike Colletta



Sen. Brad Bradley



Sen. Dick Eliason

2500-1

SUNSET HEARING ON ALASKA CODE REVISION COMMISSION

PROPOSED STATUTE CHANGES

-STATUTORY LANGUAGE-

Sec. 24.20.075. Code Revision Commission. (a) The Code Revision Commission is established as permanent commission of the legislature.

(b) The commission consists of two legislators, one from each house, appointed by the presiding officer, (one) four public member s, who (is) are not (an) employee s of the state government, appointed by the governor; a designee of the governor, who is an attorney employed by the executive branch of the state government; a designee of the chief justice of the supreme court; and a designee of the Alaska Bar Association appointed by the board of governors of the association. Legislative members serve at the pleasure of the presiding officer, and appointed members serve at the pleasure of the appointing authority. Members receive the standard per diem for board members, or the regular legislative per diem if they are legislators, for days spent on commission business. The commission selects its chairman and vice-chairman. The director of legal services for the Legislative Affairs Agency, or his designee serves as executive secretary for the commission.

(c) The commission shall

(1) examine the statutes of the state and judicial decisions to discover defects and anachronisms in the law;

(2) review and consider proposed changes in the law recommended by the National Law Institute, the National Conference of Commissioners on Uniform State Laws, the Alaska Judicial Council, the supreme court, the state or local bar associations, principal departments, agencies, boards and commissions of the executive or judicial branch and committees of the legislative branch;

(3) receive and consider suggestions from the Legislative Council as to proposed statute revisions mandated by the Council in 24.20(4)(b) and 24.20.070(a) and (b).

(4) receive and consider suggestions from the Alaska bench and bar, public officials, organizations, and individuals as to areas of law needing review and remedy;

(5) recommend changes in law needed to eliminate antiquated and inadequate rules of law and to bring the law into harmony with current needs and conditions.

(d) The commission may

(1) hold public hearings and other meetings as necessary throughout the state and shall determine an appropriate quorum for conducting business;

(2) establish one or more subcommissions to assist it in the performance of its duties. Persons from the public sector may be solicited by commission members to act as advisory members on the duly established subcommissions.

(e) The staff of the Legislative Affairs serves as staff for the commission. Subject to appropriation for the purpose, the commissions may request the agency to contract with other agencies or persons for the performance of necessary services.

(f) The commission shall submit its reports and recommendations, and draft legislation as to revision of law, to the Legislative Council and shall distribute them to the governor, members of the legislature, and the chief justice of the supreme court.

(g) Within 30 days of the convening of each legislative session, the commission shall address a joint session of the legislature. In the address the chairman or his designee shall inform the legislators of the primary pieces of legislation they have been working on and which the commission feels should be taken up by the two houses and the reasons why.

(h) All branches of state government shall provide information and documents requested by the commission necessary to the accomplishment of its work.

(i) The commission shall make a formal request to the Legislative Council for funds it considers necessary for the per diem, travel and contractual expenses of the commission. Funds appropriated to the commission are to be disbursed and accounted for under procedure required by the Legislative Affairs Agency. The commission chairman shall approve all expenditure documents (1 ch 114 SLA 1976; am 1 ch 57 SLA 1977)

The above amendments to existing law are an attempt at addressing the following problem areas highlighted in the Alaska Revision Commission Sunset Hearings:

A) The need for additional public input to make proposed legislation more pertinent to legislators and public alike.

B) Implementation of language to provide a closer more cohesive relationship between the Legislative Council and the A.C.R.C., and eliminate possible overlap of work between the two bodies.

C) If the legislation the commission is working on is to be acted up by the legislature, the addition of a joint session informing the members of the proposed legislation would provide the two houses with the initial information necessary to make them aware that such legislation exists through the work of the Code Revision Commission.

* An additional recommendation to the Alaska Code Revision Commission (not included in statutory changes or requirements) would be to have the commission implement as a top priority the active pursuit of enactment, by the legislature, the legislation they believe to be of vital importance.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

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 AGENCY Legislative Affairs Agency
 PHONE 465-3850

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



Official Business

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Senate

Committee on Judiciary

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OF

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220 - Mr. Bruce goes over language.

417 - Senator Parr moved that beginning on Page 2, Line 24 the following language be added: Each draft of legislation submitted by the commission shall be accompanied by a sectional analysis; the commission shall prepare the sectional analysis using language that is understandable to a layman. There was no objection.

531 - Senator Ray moved to strike Sec. 4 of the committee substitute beginning on Page 2, Line 21: [(2) establish one or more subcommissions to assist it in the performance of its duties; the commission may appoint any person to serve on a subcommission established under this paragraph.] There was no objection.

547 - Senator Ray moves to pass SB 864 with individual recommendations. There was no objection.

558 - Chairman Rodey brought HB 377 before the committee.

560 - Mr. Bruce explains the committee substitute.

640 - Senator Anderson moved to adopt the committee substitute for HB 377. Senator Ray objected on the basis that the committee substitute is not germane to the original bill.

659 - Senator Anderson moved to pass HB 377 pending the chair's decision on germaneness.

675 - Chairman Rodey brought SB 686 before the committee.

677 - Pat Conheady, Department of Law, testified, giving the changes in the bill.

107 - Don Magnuson, representing the Alaska Retailers Association, testified in favor of photographing evidence.

180 - SB 686 returned to file.

183 - Adjourned at 3:15 P.M.



Alaska State Legislature

Senate Committee on State Affairs

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

Official Business

Mar. 11, 1982

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Mr. President:

In compliance with AS 44.66.050 and referral by the President of the Senate, the Senate Committee on State Affairs has conducted a sunset review of the Alaska Code Revision Commission.

The committee utilized Legislative Audit report 30-022-0025-R, A Performance Review of the Alaska Code Revision Commission, dated October 28, 1981; the 1981 Annual Report of the Alaska Code Revision Commission, dated February 1982; and the Commission's Proposed Budget for FY '83.

Testimony was received from the auditor, R.W. Pavitt, AICP; John W. Abbott, Chair; Billy G. Berrier, Executive Secretary; and James L. Baldwin, member of the Commission. Written communication was received from Patrick M. Rodey, member of the Commission, and Charles R. Webber, Commissioner of the Alaska Department of Commerce and Economic Development.

Findings required by AS 44.66.050 (d) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding:

As a permanent commission of the legislature, the Commission is charged with the following duties:

- (1) examining the statutes of the state and judicial decisions to discover defects and anachronisms in the law;
- (2) reviewing and considering proposed changes in the law recommended by the National Law Institute, the National Conference of Commissioners on Uniform State Laws, the Alaska Judicial Council, the supreme court, the state or local bar associations, principal departments, agencies, boards and commissions of the legislative branch;
- (3) receiving and considering suggestions from the Alaska bench and bar, public officials, organizations, and individuals

as to areas of law needing review and remedy;
(4) recommending changes in law needed to eliminate antiquated and inadequate rules of law and to bring the law into harmony with current needs and conditions.

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

Finding:

The commission is directed to submit its report and recommendations, and draft legislation as to revision of law, to the Legislative Council, and distributes them to the governor, members of the legislature, and the chief justice of the supreme court. See 1981 Annual Report (attached Exhibit A) for a discussion of its accomplishments.

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

Finding:

The duties and responsibilities assigned to the commission by the enabling act (AS 24.20.075) are substantially similar to those mandated to the Legislative Council, the Legislative Affairs Agency and the Co-revisors of Statutes (AS 01.05.036; 24.20.060(4); 24.20.065(a); and 24.20.070(b)).

(4) an assessment of alternative methods of achieving the purposes of the program.

Finding:

Substantive revision of law in Alaska can be accomplished by legislatively-appointed special commissions (as in the case of the major Criminal Code revision), by a special committee of the legislature such as the committee that revised Title 4 (Alcoholic Beverages), or by the the Legislative Affairs Agency contracting with consultants.

(5) an assessment of the consequences of eliminating the board, commission, or program and consolidating its activities with another program, or of funding it at a lower level.

Finding:

Elimination of the Commission would remove the breadth of review and participation that accrue as a result of code revision being supervised by a multi-member group. Elimination would not, however, necessarily prevent needed code revisions from being accomplished (see preceding response). Elimination of the Commission would not result in any significant savings, as the Commission members receive no compensation for services rendered. The public member and the designee of the Alaska Bar Association board of governors do receive per diem and travel allowance.

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication or or conflict with other efforts;

Finding:

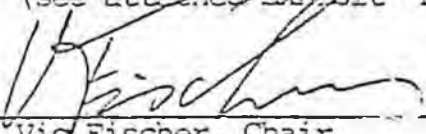
Its broad-based membership of legislative, executive and judicial branch representatives, as well as the public and Alaska Bar members, provide a breadth of legal knowledge, perception and experience that has much potential value as an advisory function to the lawmaking process. Particularly in areas of generally low legislative interest such as probate law, security law, real property conveyancing, bankruptcy law and the like, the Commission has shown that it can provide necessary expertise in recommending statutory revision that "will bring the law into harmony with current needs and conditions." (AS 24.20.075(c)(4)).

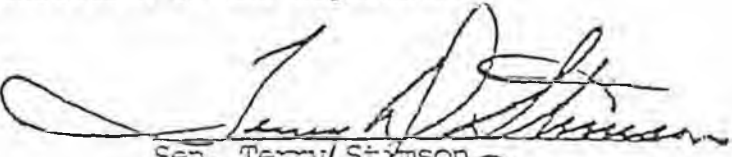
(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

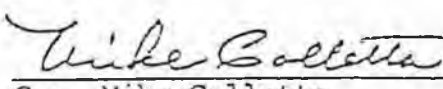
Finding:

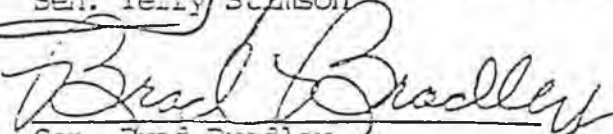
The Committee acknowledges the numerous hours and efforts of the Commission but is concerned with the process the Commission utilizes to select topics for study and the duplication of responsibilities with other existing agencies. Therefore, the Committee recommends the following:

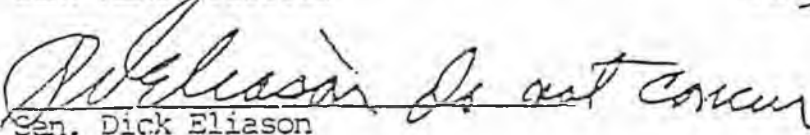
- 1) that the Commission be extended to June 30, 1985; and
- 2) that the Commission's duties be limited to reviewing and considering proposed changes in the law by the National Law Institute, and the National Conference of Commissioners on Uniform State Laws and any other matter referred to the Commission by a concurrent resolution of the legislature (see attached exhibit "B").


Sen. Vic Fischer, Chair


Sen. Terry Stinson


Sen. Mike Colletta


Sen. Brad Bradley


Sen. Dick Eliason

2500-1

SUNSET HEARING ON ALASKA CODE REVISION COMMISSION

PROPOSED STATUTE CHANGES

-STAT TORY LANGUAGE-

Sec. 24.20.075. Code Revision Commission. (a) The Code Revision Commission is established as permanent commission of the legislature.

(b) The commission consists of two legislators, one from each house, appointed by the presiding officer, (one) four public member s, who (is) are not (an) employee s of the state government, appointed by the governor; a designee of the governor, who is an attorney employed by the executive branch of the state government; a designee of the chief justice of the supreme court; and a designee of the Alaska Bar Association appointed by the board of governors of the association. Legislative members serve at the pleasure of the presiding officer, and appointed members serve at the pleasure of the appointing authority. Members receive the standard per diem for board members, or the regular legislative per diem if they are legislators, for days spend on commission business. The commission selects its chairman and vice-chairman. The director of legal services for the Legislative Affairs Agency, or his designee serves as executive secretary for the commission.

(c) The commission shall

(1) examine the statutes of the state and judicial decisions to discover defects and anachronisms in the law;

(2) review and consider proposed changes in the law recommended by the National Law Institute, the National Conference of Commissioners on Uniform State Laws, the Alaska Judicial Council, the supreme court, the state or local bar associations, principal departments, agencies, boards and commissions of the executive or judicial branch and committees of the legislative branch;

(3) receive and consider suggestions from the Legislative Council as to proposed statute revisions mandated by the Council in 24.20(4)(b) and 24.20.070(a) and (b).

(4) receive and consider suggestions from the Alaska bench and bar, public officials, organizations, and individuals as to areas of law needing review and remedy;

(5) recommend changes in law needed to eliminate antiquated and inadequate rules of law and to bring the law into harmony with current needs and conditions.

(d) The commission may

(1) hold public hearings and other meetings as necessary throughout the state and shall determine an appropriate quorum for conducting business;

(2) establish one or more subcommissions to assist it in the performance of its duties. Persons from the public sector may be solicited by commission members to act as advisory members on the duly established subcommissions.

(e) The staff of the Legislative Affairs serves as staff for the commission. Subject to appropriation for the purpose, the commissions may request the agency to contract with other agencies or persons for the performance of necessary services.

(f) The commission shall submit its reports and recommendations, and draft legislation as to revision of law, to the Legislative Council and shall distribute them to the governor, members of the legislature, and the chief justice of the supreme court.

(g) Within 30 days of the convening of each legislative session, the commission shall address a joint session of the legislature. In the address the chairman or his designee shall inform the legislators of the primary pieces of legislation they have been working on and which the commission feels should be taken up by the two houses and the reasons why.

(h) All branches of state government shall provide information and documents requested by the commission necessary to the accomplishment of its work.

(i) The commission shall make a formal request to the Legislative Council for funds it considers necessary for the per diem, travel and contractual expenses of the commission. Funds appropriated to the commission are to be disbursed and accounted for under procedure required by the Legislative Affairs Agency. The commission chairman shall approve all expenditure documents (1 ch 114 SLA 1976; am 1 ch 57 SLA 1977)

The above amendments to existing law are an attempt at addressing the following problem areas highlighted in the Alaska Revision Commission Sunset Hearings:

A) The need for additional public input to make proposed legislation more pertinent to legislators and public alike.

B) Implementation of language to provide a closer more cohesive relationship between the Legislative Council and the A.C.R.C., and eliminate possible overlap of work between the two bodies.

C) If the legislation the commission is working on is to be acted up by the legislature, the addition of a joint session informing the members of the proposed legislation would provide the two houses with the initial information necessary to make them aware that such legislation exists through the work of the Code Revision Commission.

* An additional recommendation to the Alaska Code Revision Commission (not included in statutory changes or requirements) would be to have the commission implement as a top priority the active pursuit of enactment, by the legislature, the legislation they believe to be of vital importance.

1 members [MEMBER], and the board of governors' designee, for the un-
2 expired term only. Members who are not state employees or legislators
3 are entitled to receive the standard per diem and travel allowance
4 provided for members of independent boards and commissions. Legislative
5 members are entitled to receive the regular legislative per diem and
6 travel allowance for days spent on commission business, and members who
7 are state employees are entitled to receive the regular state employees
8 per diem and travel allowance for days spent on commission business.
9 The commission selects its chairman and vice-chairman. The director of
10 legal services for the Legislative Affairs Agency, or his designee,
11 serves as executive secretary for the commission.

12 * Sec. 3. AS 24.20.075(c)(2) is amended to read:

13 (2) review and consider proposed changes in the law recom-
14 mended by the American [NATIONAL] Law Institute, the National Conference
15 of Commissioners on Uniform State Laws, the Alaska Judicial Council,
16 the Alaska Legislative Council, the supreme court, the state or local
17 bar associations, principal departments, agencies, boards and commis-
18 sions of the executive or judicial branch, and committees of the legis-
19 lative branch;

20 * Sec. 4. AS 24.20.075(f) is amended to read:

21 (f) The commission shall submit its reports and recommendations,
22 and draft legislation as to revision of law, to the Legislative Council
23 and shall distribute them to the governor, members of the legislature,
24 and the chief justice of the supreme court. Each draft of legislation
25 submitted by the commission shall be accompanied by a sectional analysis;
26 the commission shall prepare the sectional analysis using language that
27 is understandable to a layman.

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

Offered: 4/7/82
Referred: Finance

Original sponsor: State Affairs
Committee

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 864 (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 continuing the existence of the Alaska Code
7 Revision Commission and amending the statutes relating
8 to its responsibilities."

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

10 * Section 1. AS 44.66.010(a)(8) is amended to read:

11 (8) Alaska Code Revision Commission (AS 24.20.075) --
12 June 30, 1985 [1982];

13 * Sec. 2. AS 24.20.075(b) is amended to read:

14 (b) The commission consists of two legislators, one from each
15 house, appointed by the presiding officer; three public members who are
16 not employees [ONE PUBLIC MEMBER, WHO IS NOT AN EMPLOYEE] of the state
17 government, appointed by the governor; a designee of the governor, who
18 is an attorney employed by the executive branch of the state government;
19 a designee of the chief justice of the supreme court; and a designee of
20 the Alaska Bar Association appointed by the board of governors of the
21 association. Legislative members serve at the pleasure of the presiding
22 officer; the designee of the governor and the designee of the chief
23 justice serve at the pleasure of the governor and chief justice, re-
24 spectively; the public members [MEMBER] and the designee of the board of
25 governors serve terms of six years each, beginning July 1 and ending on
26 June 30 six years later. Members may be reappointed or redesignated. A
27 vacancy in the membership of the commission occurring other than by
28 expiration of term shall be filled in the same manner as the original
29 appointment but, with regard to the legislative members, the public

1 members [MEMBER], and the board of governors' designee, for the un-
2 expired term only. Members who are not state employees or legislators
3 are entitled to receive the standard per diem and travel allowance
4 provided for members of independent boards and commissions. Legislative
5 members are entitled to receive the regular legislative per diem and
6 travel allowance for days spent on commission business, and members who
7 are state employees are entitled to receive the regular state employees
8 per diem and travel allowance for days spent on commission business.
9 The commission selects its chairman and vice-chairman. The director of
10 legal services for the Legislative Affairs Agency, or his designee,
11 serves as executive secretary for the commission.

12 * Sec. 3. AS 24.20.075(c)(2) is amended to read:

13 (2) review and consider proposed changes in the law recom-
14 mended by the American [NATIONAL] Law Institute, the National Conference
15 of Commissioners on Uniform State Laws, the Alaska Judicial Council,
16 the Alaska Legislative Council, the supreme court, the state or local
17 bar associations, principal departments, agencies, boards and commis-
18 sions of the executive or judicial branch, and committees of the legis-
19 lative branch;

20 * Sec. 4. AS 24.20.075(f) is amended to read:

21 (f) The commission shall submit its reports and recommendations,
22 and draft legislation as to revision of law, to the Legislative Council
23 and shall distribute them to the governor, members of the legislature,
24 and the chief justice of the supreme court. Each draft of legislation
25 submitted by the commission shall be accompanied by a sectional analysis;
26 the commission shall prepare the sectional analysis using language that
27 is understandable to a layman.
28
29

Introduced: 3/18/82
Referred: Judiciary and
Finance

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2

SENATE BILL NO. 864

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act continuing the existence of the Alaska Code
7 Revision Commission and amending the statutes relating
8 to its responsibilities."

9

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

10

* Section 1. AS 44.66.010(a)(8) is amended to read:

11

(8) Alaska Code Revision Commission (AS 24.20.075) -- June 30,

12

1985 [1982];

13

* Sec. 2. AS 24.20.075(c) is repealed and reenacted to read:

14

(c) The commission shall review and consider proposed changes in
15 the law recommended by the American Law Institute, and the National
16 Conference of Commissioners on Uniform State Laws, and review and
17 consider any matter pertaining to the statutes of the state as assigned
18 by concurrent resolution of the legislature.

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COMMITTEE REPORT

HOUSE

FURTHER:

Date: _____

Mr. Speaker: _____

The Committee on _____ has had _____

under consideration and reports it back as follows:

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Original sponsor: State Affairs
Committee

Offered: 4/28/82
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 864 (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 continuing the existence of the Alaska Code
Revision Commission and amending the statutes relating
7 to its responsibilities."

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

9 * Section 1. AS 44.66.010(a)(8) is amended to read:

10 (8) Alaska Code Revision Commission (AS 24.20.075) --

11 June 30, 1985 [1982];

12 * Sec. 2. AS 24.20.075(b) is amended to read:

13 (b) The commission consists of two legislators, one from each
14 house, appointed by the presiding officer; three public members who are
15 not employees [ONE PUBLIC MEMBER, WHO IS NOT AN EMPLOYEE] of the state
16 government, appointed by the governor; a designee of the governor, who
17 is an attorney employed by the executive branch of the state government;
18 a designee of the chief justice of the supreme court; and a designee of
19 the Alaska Bar Association appointed by the board of governors of the
20 association. Legislative members serve at the pleasure of the presiding
21 officer; the designee of the governor and the designee of the chief
22 justice serve at the pleasure of the governor and chief justice, re-
23 spectively; the public members [MEMBER] and the designee of the board of
24 governors serve terms of six years each, beginning July 1 and ending on
25 June 30 six years later. Members may be reappointed or redesignated. A
26 vacancy in the membership of the commission occurring other than by
27 expiration of term shall be filled in the same manner as the original
28 appointment but, with regard to the legislative members, the public
29

1 members [MEMBER], and the board of governors' designee, for the un-
2 expired term only. Members who are not state employees or legislators
3 are entitled to receive the standard per diem and travel allowance
4 provided for members of independent boards and commissions. Legislative
5 members are entitled to receive the regular legislative per diem and
6 travel allowance for days spent on commission business, and members who
7 are state employees are entitled to receive the regular state employees
8 per diem and travel allowance for days spent on commission business.
9 The commission selects its chairman and vice-chairman. The director of
10 legal services for the Legislative Affairs Agency, or his designee,
11 serves as executive secretary for the commission.

12 * Sec. 3. AS 24.20.075(c)(2) is amended to read:

13 (2) review and consider proposed changes in the law recom-
14 mended by the American [NATIONAL] Law Institute, the National Conference
15 of Commissioners on Uniform State Laws, the Alaska Judicial Council,
16 the Alaska Legislative Council, the supreme court, the state or local
17 bar associations, principal departments, agencies, boards and commis-
18 sions of the executive or judicial branch, and committees of the legis-
19 lative branch;

20 * Sec. 4. AS 24.20.075(f) is amended to read:

21 (f) The commission shall submit its reports and recommendations,
22 and draft legislation as to revision of law, to the Legislative Council
23 and shall distribute them to the governor, members of the legislature,
24 and the chief justice of the supreme court. Each draft of legislation
25 submitted by the commission shall be accompanied by a sectional analysis;
26 the commission shall prepare the sectional analysis using language that
27 is understandable to a layman.

28 * Sec. 5. TRANSITION. Notwithstanding the provisions of AS 24.20.075-
29 (b), the term of the additional public members added by this Act and appointed

2 by the governor after the effective date of this Act begins on the date of
3 appointment; the term of one of the additional public members ends June 30,
4 1984 and the term of the other ends June 30, 1986, as designated by the
5 governor.

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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSSB 864 (Fin)
 Title Alaska Code Revision Commission
 Requested by Finance Committee Date 4/28/82

II. FISCAL DETAIL
 Agency Affected Legislative Affairs
 Program Category Affected General Government
 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-				

FUNDING (Thousands of Dollars)
-0-

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

POSITIONS
-0-

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

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

The funds for this committee are contained in the General Appropriations Act and no additional funds are requested.



IV. DATE 4/28/82 PREPARED BY Senator Don Bennett, Chairman
 AGENCY Senate Finance Committee
 Original: Legislative Finance PHONE 465-3714
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

SECTIONAL ANALYSIS OF CSSB 864 (FIN)

Section 1. This section extends until June 30, 1985, the life of the Alaska Code Revision Commission. Unless the date of June 30, 1982 is extended, the commission "expires" on that date and continues in existence only one more year "for the purposes of concluding its affairs." Reference AS 44.66.010.

Section 2. By this section the membership of the commission is increased by the addition of two public members who are not employees of the state. Like the present public member, the additional members would be appointed by the governor for six year terms.

Section 3. The change on page 2, line 14, corrects an error in the name of the American Law Institute as it appears in AS 24.20.075(c)(2).

The change on page 2, line 16, makes it specific that the Alaska Legislative Council is one of the committees of the legislature whose recommendations for changes in law will be reviewed and considered by the commission. This is existing practice.

Section 4. This section requires the commission to continue its present practice of preparing a sectional analysis of its draft legislation. It is specified that the analysis be in "language that is understandable to a layman."

Section 5. This transitional section is the only change (addition) made to the bill by the Finance CS. Since the term of the existing public member expires June 30, 1982, Section 5 staggers the six year terms of the three public members.

COMMITTEE REPORT

SENATE

4/5/82

FURTHER: None

Date: _____

Mr. President:

The Committee on FINANCE has had SB 865
award of state contracts and purchase to members of minority groups

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

COMMITTEE REPORT

SENATE

3/18/82

FURTHER: Finance

Date: 3-25-82

Mr. President:

The Committee on STATE AFFAIRS has had SB 865

award of state contracts and purchase to members of minority groups

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 865(SA) same title
 new title
- and recommends may do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

1 Brad Bradley

V. Fischer

1 Henry J. Starnes

MEMBERS HAVING
OTHER RECOMMENDATIONS:

2 Robinson NO REC

1 V. Fischer
CHAIRMAN

Original sponsor: State Affairs
Committee

Offered: 4/5/82
Referred: Finance

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 865 (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 providing for a minority bidders preference."

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

8 * Section 1. AS 19.10.210 is amended to read:

9 Sec. 19.10.210. AWARD OF CONTRACTS [TO LOWEST RESPONSIBLE BID-
10 DER]. The department shall award the contract in accordance with AS 37.-
11 05.230(1) [TO THE LOWEST RESPONSIBLE BIDDER], or it may reject all bids.
12 If no satisfactory bid is received, the department may readvertise the
13 project. All awards shall be made in compliance with applicable federal
14 law and [THE] regulations [PROMULGATED THEREUNDER], with AS 19.05 -
15 AS 19.25, and with AS 37.05 [,] and the [RULES AND] regulations adopted
16 under it [WHICH ARE PROMULGATED THEREUNDER], where not in conflict with
17 AS 19.05 - AS 19.25.

18 * Sec. 2. AS 35.15.050 is amended to read:

19 Sec. 35.15.050. AWARD OF CONTRACTS. The department shall award
20 the contract in accordance with AS 37.05.230(1) [TO THE LOWEST RESPON-
21 SIBLE BIDDER], or it may reject all bids. If no satisfactory bid is
22 received, the department may readvertise the project. The department
23 shall make the award in compliance with applicable federal law and [THE]
24 regulations [PROMULGATED UNDER IT], with this title, and in compliance
25 with AS 37.05 [,] and the [RULES AND] regulations adopted [PROMULGATED]
26 under it, where they are not in conflict with this title and federal
27 law.

28 * Sec. 3. AS 37.05.230(1)(B) is amended to read:

29 (B) a bid shall be awarded to an Alaska bidder if the

1 Alaska bidder's [HIS] bid is not more than five percent higher than
2 the lowest nonresident bidder's, unless (D) and (E) of this para-
3 graph apply, in which case the bid shall be awarded in accordance
4 with those subparagraphs; [AND]

5 * Sec. 4. AS 37.05.230(1) is amended by adding new subparagraphs to read:

6 (D) a contract shall be awarded to a bidder on the
7 certified minority bidders list if

8 (i) the bidder submits a bid for goods or services
9 under the name appearing on the bidder's current Alaska busi-
10 ness license;

11 (ii) the bid is within one-half of one percent of
12 the bid of the lowest bidder;

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29 (C) has actively engaged in the business of providing

1 the goods or services for which the bid is submitted in [MAINTAINED
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3 immediately preceding the date of the [HIS] bid;

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5 from the operation of the business in the state for a period of
6 six months immediately preceding the date of the bid; and

7 (E) is not delinquent in the payment of state taxes;

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9 force at least 50 percent of which consists of state residents; [.]

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Introduced: 3/18/82
Referred: State Affairs and
Finance

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 865

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

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ALASKA STATE LEGISLATURE

TWELFTH Legislature SECOND Session

SENATE BILL NO. 865

By THE STATE AFFAIRS COMMITTEE

"An Act relating to the award of state contracts and purchases to members of minority groups."

Introduced in the Senate 3/18/ 19... 82

HISTORY IN THE SENATE

19 82
3 19 Read first time and referred to Committee on St. Affairs and Finance

4 5 Reported back with *St. Aff.* recommendation that *replace w/CS, new title, 3 db pass, 1 no rec. to Finance.*

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
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19 Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
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Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19 Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. S.B. 865
Title Relating to Award of State Contracts to Minority Groups
Requested by State Affairs and Finance Date 3/19/82

II. FISCAL DETAIL

Agency Affected Administration
Program Category Affected General Government
BRU, Program, Or Subprogram(s) Affected General Services & Supply
(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		11.4				
200 TRAVEL						
300 CONTRACTUAL		33.6	5.0	5.5	5.5	6.0
400 COMMODITIES		1.0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	46.9	5.0	5.5	5.5	6.0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	0	46.9	5.0	5.5	5.5	6.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		-	-	-	-	-
PART TIME		-	-	-	-	-
TEMPORARY		1	-	-	-	-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)
First Year (One Time Expenditures):

Personel Services: 1/2 position (for first year only) to process new applications which must be issued to entire bid list.
11.4

Contractual:

2.9 New position costs
6.3 Reprinting of Bidder's application
.8 Typesetting: form re-design
5.6 Postage
15.0 Revision of Bid list Computer Program
3.0 Advertising

IV. DATE 3/22/82 PREPARED BY George Elgee
AGENCY Administration
PHONE 465-2250
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named) SN. G. [Signature]
33-001 (Rev. 12/81)

Commodities:

1.0 New position costs

Equipment:

.9 New position costs

46.9

5.0 (Continuing Costs)
Computer Program Maintenance

Introduced: 3/18/82
Referred: State Affairs and
Finance

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Original sponsor: State Affairs
Committee

Offered: 4/5/82
Referred: Finance

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21 time during the period from August 5, 1964, to May 7, 1975, and who were
22 released from the military with other than a dishonorable discharge;

23 (10) the provisions of (1)(B), (D), and (E) of this section do
24 not apply to purchases and contracts involving federal money received by
25 the state if the application of a bidding preference would violate
26 federal law or program guidelines.

27 * Sec. 7. AS 37.05.240 is amended to read:

28 Sec. 37.05.240. AWARD OF CONTRACTS AND PURCHASES. Except as pro-
29 vided in AS 37.05.230, a [] contract or purchase made by or under the

1 supervision of the department for which competitive bids are required
2 shall be awarded to the lowest responsible bidder, taking into consider-
3 ation conformity with the specifications, terms of delivery, and other
4 conditions imposed in the call for bids. Bids may be rejected, and a
5 bid shall be rejected if it contains a material alteration or erasure
6 which is not initialed by the signer of the bid. The department may
7 reject the bid of a bidder who is in arrears on taxes due the state or
8 who failed to perform on a previous contract with the state. Where
9 competitive bids are required and where all bids are rejected, new bids
10 shall be called for as in the first instance. Before the awarding of a
11 contract for a building or the making of repairs upon a building, the
12 department shall see that the bids conform with plans and specifications
13 approved by the Department of Transportation and Public Facilities. All
14 bids with the names of the bidders and the amounts of the bids, together
15 with all documents pertaining to the award of a contract, shall be made
16 a part of a file or record and retained by the department for three
17 years, unless reproduced by microfilming and these files or records are
18 open to public inspection at all reasonable times. An aggrieved bidder
19 may within five days after an award of contract appeal to the department
20 for hearing, with notice to interested parties, for redetermination and
21 final award in accordance with law.
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COMMITTEE REPORT
SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on _____ has had _____

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Funding Information
General Fund \$125,000
Other Funds -0-
\$125,000

Introduced: 3/18/82
Referred: State Affairs and
Finance

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 866

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 Senate
7 State Affairs Committee for a study of the potential
8 for contracting for state services; and providing for
9 an effective date."

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

11 * Section 1. The sum of \$125,000 is appropriated from the general fund to
12 the Senate State Affairs Committee for the purpose of hiring a consultant to
13 conduct a study of the potential for contracting for state services.

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

16 * Sec. 3. This Act takes effect on the date of adoption of a resolution
17 by the senate relating to examination of the potential for contracting for
18 state services by the Senate State Affairs Committee.

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From The

**SENATE
FINANCE COMMITTEE**

Res. that
goes w/ ⁸¹⁵ 866

Offered: 3/29/82
Referred: Finance

Original sponsor: State Affairs
Committee

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE CONCURRENT RESOLUTION NO. 50 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 Providing for delivery of services to
6 residents of the state by other than
7 state governmental agencies.

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

9 WHEREAS accountability is necessarily improved when government services
10 are provided by the level of government closest to and in regular contact
11 with the citizenry of the state; and

12 WHEREAS many of the services, and social services in particular, now
13 provided to Alaskans by state government could be provided in a more cost-
14 effective and efficient manner by local governments, by nonprofit corpora-
15 tions and organizations, or by private, for profit corporations and organiza-
16 tions; and

17 WHEREAS other services, such as engineering and design services, could
18 be provided at a lower cost by privately owned businesses instead of by state
19 governmental agencies; and

20 WHEREAS it is desirable to both limit the growth of the number of state
21 employees and to reduce the size and complexity of the bureaucracy;

22 BE IT RESOLVED by the Alaska State Legislature that the governor is
23 respectfully requested to direct state departments to contract, to the maxi-
24 mum extent possible consistent with sound and cost-effective management, with
25 local governments, with nonprofit corporations and organizations, with
26 private, for profit corporations and organizations, and with privately owned
27 businesses for the delivery of services to state residents.

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29



Official Business

Alaska State Legislature

Senate Committee on State Affairs

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

MEMORANDUM

TO: Senators and interested parties

FROM: Sen. Vic Fischer

DATE: April 20, 1982

RE: Contracting out state services and eliminating state jobs

The attached statement and analyses report on work recently carried out by my staff.

The results show that a very high proportion of state positions could be eliminated by contracting out the delivery of state services. Implementation of policies in this direction is covered by SCR 50 and SB 866.

For further information contact me or Bob Williams at 465-4954.

A handwritten signature in black ink, appearing to read "Vic Fischer".

April 20, 1982

PRESS RELEASE**FOR IMMEDIATE RELEASE**PRESS RELEASE

STATEMENT BY SEN. VIC FISCHER: THOUSANDS OF STATE JOBS CAN BE CUT

Probably more than 5,000 state positions could and should be eliminated by contracting delivery of state services to local government, non-profit organizations, and private firms, Sen. Vic Fischer stated today.

A survey by Sen. Fischer's staff indicated that 3,119 jobs (or 39 percent) could be eliminated within just three departments that now account for 7,962 positions.

Nearly one third of the 4,200 positions in the Department of Transportation and Public Facilities (DOTPF) could be cut out by contracting most of the design and engineering work to private consulting firms. More economies could be effected by farming out other work as well.

In the Department of Health and Social Services, almost one-half of the 2,000 positions could be eliminated by contracting out delivery of health and social services provided by the state.

Forty percent of Alaska Department of Fish and Game jobs could be cut if just half of the biological research now conducted in-house were to be contracted out to universities, private and non-profit fisheries groups, and other organizations capable of carrying out research.

The extent to which jobs can be abolished by contracting out state services will vary from department to department, Fischer commented.

"In some, most of the work may have to be done in-house, but I'm sure that in others more than half of the existing positions could be eliminated."

Some departments already contract out for most of their services. Thus, the Department of Community and Regional Affairs, which was not examined in Fischer's study, spends most of its budgeted funds through grants and contracts to others.

In other departments, the pattern may vary greatly. In DOTPF, virtually all harbor engineering and most public building design are performed under contract, while most of the highway and bridge work is performed in-house.

Health and Social Services recently contracted out some of its and found the results so attractive that the department is ready to extend this practice. (The federal Bureau of Indian Affairs has previously established a widespread practice of contracting all its social, employment, health, housing, and other services to regional and other non-profit organizations.)

* * *

"On the basis of our study, I'm convinced that we could probably eliminate between 5,000 and 7,000 state jobs. This is thirty to forty percent of the some 17,400 full-time equivalent state positions."

"I'm sure that if we abolish these jobs, both state government and the people of Alaska would be better off for it."

Fischer said he would not want to use a meat-axe approach to eliminate state positions: "Any reductions in jobs and any contracting must be consistent with sound and cost effective management, though I'm 100 percent convinced that the state can improve efficiency and save a lot of money by contracting out state services."

"Also, we must make sure that a state contracting policy is not implemented at the expense of thousands of state job holders. Much of the impact could be mitigated by phasing the implementation of the proposed policy and relating it to job turnover."

Fischer also said that safeguards would have to be established to make sure that state services contracts would go to in-state private firms, rather than to outside companies.

* * *

Fischer has introduced a resolution (SCR 50) that would lead to a policy of contracting state services delivery to local governments, non-profits, and the private sector. He has also proposed an appropriation to undertake a more detailed study of what state activities could be farmed out, and which positions could be abolished.

Fischer gave a series of reasons to justify a policy of contracting for state services:

- * it is desirable to both limit the growth of a number of state employees and to reduce the size and complexity of the state bureaucracy
- * accountability is necessarily improved when government services are provided by the level of government closest

- to, and in regular contact with, the citizenry of the state
- * many of the services now provided to Alaskans by state government, social services in particular, could be made available in a more cost-effective and efficient manner by local governments and by non-profit organizations
 - * other services, such as engineering and maintenance services, could often be provided at a lower cost by privately owned businesses
 - * pressure on continuing state positions, regardless of state income, would be reduced if the work was being done under contract: the amount of contracted work is easier to adjust than the number of state employees to reflect changes in state budgets
 - * Contracting would strengthen local government and the private sector, and would also increase opportunities for non-profit citizens' organizations to help deal more directly with local and regional needs.

* * *

The Department of Transportation and Public Facilities.

Date: 4/19/82

The Department of Transportation and Public Facilities (DOTPF) could eliminate the majority of its 750 full-time and 687 part-time employees capital improvement project (CIP) employees, and more efficiently oversee the state's huge public works construction program. These positions are from DOTPF's design and construction division, and they represent 33% (adjusted to staff months) of the Department's entire work force of 4,180. Most of the services performed by these 1,437 state employees should be contracted out to private engineering and consulting firms.

Design and Construction has a \$55.6 million F.Y. 82 operating budget. Of this, \$10.6 million is general fund money and the rest, \$45 million is CIP funding.

DOTPF engineers claim they need 3.1% of the total cost of their public works program for "overhead". During F.Y. 82, Design and Construction will manage a \$300 million or so construction program. They will need then about \$9.3 million. DOTPF received \$10.6 million in general fund money. They also received another \$45 million in CIP funds. Combined, this is \$46.3 million more than they say they need for overhead.

With the \$10.6 million, Design and Construction pays the salaries and benefits of 109 general fund state employees. According to DOTPF

3.1% overhead rule, 109 employees should be more than enough to handle the administration of the agencies construction program.

Instead, however, design and construction has another 750 full-time and 687 part-time staff. When converted to staff months this represents fully one-third (33%) of DOTPF's personnel. Salaries, benefits, vacation pay, sick leave and travel for these employees are paid from the \$45 million of CIP funds.

Since Design and Construction only needs 109 general fund employees to administer the construction, nearly all of the services performed by the other 1,437 employees could be contracted out. DOTPF would probably have to retain a small core of design and right of way engineers, but not 1,437 employees.

The fact that most of DOTPF's design work is done in-house is borne out further by the agency's own statistics. During 1981, DOTPF estimated the total construction program to be about \$327.6 million. Of this, design and construction engineering accounted for \$66.9 million. Of the \$66.9 million, only \$17.6 million eventually went for consulting contracts. The rest of the design work was done by CIP staff employees.

There are special reasons why contracting for DOTPF services make sense, especially since most of DOTPF's budget is capital improvement project (CIP) funding. It is obvious from the recent drop in oil prices that Alaska's capital improvement program will be subject to unexpected

and drastic fluctuations. A House budget amendment now requires a cut of 561 full-time and 267 part-time DOTPF employees. Nobody knows yet just who will have to go, but a huge CIP work force with a trimmed back public works program would not seem necessary.

Since the state's revenues will in the foreseeable future be subject to oil price uncertainties, thereby making public works budget planning largely an exercise in guesswork, it makes more sense to contract for services than to keep a in-house staff. If money is really tight, its a lot easier to issue fewer contracts than to lay off government personell.

The Municipality of Anchorage has proven that this approach works. The city increased use of consultants rather than bringing on new staff when its capital improvements budget ballooned from \$25 million to \$250 million in the span of one year. Now that the Anchorage capital budget is being cut back, the Assembly does not have to deal with the unpleasant task of laying off a large chunk of the municipal work force.

There are other compelling reasons. Often, construction projects get delayed. However, CIP personnel assigned to a delayed project may still get paid from project funds while the regulatory snarls are being worked out. Hence, funds originally earmarked for construction related activities dribble away, creating funding shortfalls when the project is finally ready to go out for bid.

And finally, construction work in Alaska is seasonal. Once design is complete, only a skeletal staff, if any, is needed for winter activities. DOTPF, however, has 750 full-time CIP employees in their Design and Construction section alone. (See: Table 1 & 2 attached)

Table 1: Summary of Authorized Positions.
DOTPF F.Y. 1982 (a) Date: 4/19/82

<u>Program</u>	<u>Authorized Positions</u>	
	<u>Full</u>	<u>Part</u>
Administration	297	2
Maintenance and Operations	621	179
State Equipment Fleet	163	15
International Airport	243	18
Marine Transportation	709	172
Design and Construction	859	687
Planning & Programming	<u>210</u>	<u>5</u>
sub-total	3,102	1,078
total	4,180	

(a) Source: Book 1, Executive Budget Act, F.Y. 1983, State of Alaska, Governor Jay S. Hammond.

Table 2 DOTPF - Design and Construction
Positions and Budget Summary - F.Y. 82 (a)

<u>Program BRU</u>	<u>Revenue Source</u>		<u>Positions</u>		
	<u>General Fund</u> (\$1,000s U.S.)	<u>Other (b)</u> U.S.)	<u>G.F.</u>	<u>CIP</u>	
				<u>Full</u>	<u>Part</u>
Highways	6,269.0	36,655.1	42	579	627
Aviation	882.5	4,868.9	25	85	59
Right of Way	1,139.7	0.0	14	0	0
Harbors	686.1	739.4	7	18	1
Facilities	<u>1,594.0</u>	<u>2,789.3</u>	<u>21</u>	<u>68</u>	<u>0</u>
sub-total	10,571.3	45,052.7	109	750	687
Total		55,624.0			1,546

(a) Source: DOTPF Design and Construction Operating Budget Workbook, Fiscal Year 1983.

(b) "Other" revenues means funds appropriated to the Design and Construction Program Area for capital improvements projects.

Department of Health and Social Services. Date: 4/19/82

Almost one-half of Health and Social Services' (DHSS's) 2,000 positions could be eliminated through contracting services to local governments, non-profit organizations, and private firms. Potentially, two-thirds of the department's positions could be abolished.

Detailed analysis has shown that 944 full-time and 47 part-time jobs can be eliminated within the various health and social divisions. These divisions currently provide 1,540 state positions.

Another 422 full-time and 4 part-time jobs are in the Division of Corrections. Under pending legislation (Sen. Vic Fischer's proposed SB 860), this unit would be removed from DHSS and established as a separate department in state government.

The combination of making the Division of Corrections a new department and contracting out for health and social service programs will go a long way in streamlining a top-heavy and sometimes cumbersome DHSS. The Department currently employs nearly 2,000 state government employees.

DHSS has already let two sets of "pilot contracts" to Maniilaq and the North Slope Borough. The contracts involved numerous social and health programs (included, but not limited to Nursing, Public Assistance Administration, Homemaker Services, Foster Care).

DHSS has also completed an internal management study (unpublished) to determine how many more services could be contracted. The department's own Division of Budget and Management estimated 944 full-time and 47 part-time positions could be contracted which are the numbers cited earlier.

Regarding the Maniilaq and North Slope Borough contracts, the department maintains the projects were a "mixed success". There have been some savings in administrative expenses. However, there were numerous problems in drafting contracts suitable to the Department of Law. The problems stemmed from the fact that it is not legal for the department to turn over the certain statutorily mandated functions.

The legal problems were surmounted, but DHSS maintained supervisory and monitoring functions and retained final responsibility. This meant, however, that DHSS could not vest itself of an administrative role and the associated cost. This led the department to conclude in a Draft Position Paper,

"...the Department has not really been able to convey local control over program content or operational procedures.",
and further,

"It is the Department's estimate that it may become more difficult to show savings as more potential contracts arise."
(See, Position Paper, "contracting for State Service, Draft dated 1/10/82.)

However, it is possible to amend state laws to provide more discretion to delegate authority. In fact, the department supports statutory changes to convert the Alcoholism, Drug Abuse, Mental Health and Special Education programs to block grants to be administered directly by organized boroughs. And, these programs include some federal funds. As the department states in a paper

"this plan opens the door for future savings in the cost of administering programs, as local needs are more accurately targeted and unneeded projects are avoided". (See, undated paper by the Department of Health and Social Services, entitled "Block Grants to Boroughs)

To conclude, contracting for certain health and social services makes sense. The federal government has done it for years under Public Law 93-638 the "Indian Self-Determination Act", with great success. It will require, however, a close look at the Alaska statutes and probably amendments to allow DHSS the ability to delegate more authority.

Table 3: Department of Health and Social
 Position Summary F.Y. 82 (a) Date: 4/19/82

Division	Authorized Positions		Potential Contract Positions	
	Full	Part	Full	Part
Public Assistance	238	33	202	8
Family and Youth Services (d)	414	7	152	6
Alcohol and Drug Abuse	25	0	25	0
Administrative Services	85	0	0	0
Public Health	271	35	163	23
Mental Health & DD (e)	433	12	413	10
Corrections (f)	422	4	0	0
Management & Budget	10	0	0	0
Block Grant Admin.	1	1	0	0
State Health Planning	20	1	0	0
Information Systems	25	1	0	0
Parole Board	<u>4</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total	1,949	94	955	47

(a) Source, State of Alaska, Department of Health and Social Services, An Overview, January 1982.

(b) The number of positions which could be contracted out by Division was provided thru exhaustive interview with the Department's Division of Budget and Management. The figures include all positions which can be contracted or delegated to private firms, non-profits, or local governments.

Table 3 Cont.

(c) Includes 13 positions from WIN. WIN was transferred to Public Assistance January 1, 1982.

(d) Includes 17 positions transferred from the Division of Adult and Aging Services.

(e) This Division includes 264 full-time and 10 part time positions from API, and 139 full-time positions from Harborview. Both can be contracted.

(f) These positions could be eliminated through passage of SB 860, which makes Corrections a new Department.

For F.Y. 82 the Alaska Department of Fish and Game (ADF&G) has a \$61 million budget. Only \$12.3 million of their budget is earmarked for contractual funding, a modest 20%.

Much of the work performed by ADF&G's Commercial Fish, Sport Fish, F.R.E.D., Game, Habitat, and Subsistence Divisions is biological research and field work. Without impairing the department's ability to manage Alaska's fish and game resources and to advise the Alaska Fisheries and Game Boards, much of this research could be contracted out to academic institutions, fisheries organizations, and private consulting firms which specialize in the biological sciences.

If 50% of the research performed by the Divisions mentioned were contracted, ADF&G's full-time staff could be reduced by 283 positions, or 34%. Approximately 363 part-time positions could be cut, about 47%. ADF&G has 1,674 positions. (See, Table 4)

These cuts could be made without affecting the Limited Entry Commission, the Fisheries and Game Boards, technical fish hatchery functions like quality control or inspection, or any of the administrative and support staff.