

LEG. FINANCE - BILLS 1983 - 1984 1860
HB 209 - HB 210 1859

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

3/11/83

Date:

3/23/83

Mr. Speaker:

The Committee on FINANCE has had HB 209

An Act placing emergency guards employed by the Department of Public Safety in the exempt service.

under consideration and reports it back as follows:

- do pass do not pass
 do pass with attached amendments(s)
 replace with CS for HB 209 (FIN) same title new title
and recommends do pass
 AND attaches a "Letter of Intent" New Fiscal Note
 Zero Fiscal Note Attached
 reports it back without recommendation
 referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Sam Westergaard
Robert H. Adams
John D. ...
...
...
...
...
...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Robert H. Adams
CHAIRMAN

Original sponsor: Bussell

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 209 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act placing guards employed by the Department of
7 Public Safety for emergencies in the partially exempt
8 service; and providing for an effective date."

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

10 * Section 1. AS 39.25.120(c) is amended by adding a new paragraph to
11 read:

12 (19) guards employed by the Department of Public Safety for
13 emergencies.

14 * Sec. 2. AS 44.41 is amended by adding a new section to read:

15 Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department
16 of Public Safety shall submit a report to the director of the division
17 of personnel quarterly and on request of the director. The report
18 shall contain a description of each emergency and shall include the
19 total amount of time by hours for each emergency for which emergency
20 guards under AS 39.25.120(c)(19) were used.

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

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 209 (Finance)
 Title Placing emergency guards in partially exempt service...
 Requested by House Finance Committee Date 3/23/82

II. FISCAL DETAIL

Agency Affected Department of Public Safety
 Program Category Affected Alaska State Troopers
 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 83	FY 84	FY 85	FY 86	FY 87	FY 88
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)						

POSITIONS

0

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 3/23/83 PREPARED BY Al Adams, Chair

AGENCY House Finance Committee

Original: Legislative Finance PHONE 465-3706

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

33-001 (Rev. 12/82)

The following individuals are expected to testify on CS HB 209
(State Affairs):

Representative Charlie Bussell, prime sponsor

Mike McMullen, Deputy Director, Division of Personnel, Department
of Administration

Available for questions:

Chet Cottingim, Department of Public Safety

Position Paper
HB 209
Division of Personnel

The Division of Personnel supports the passage of HB 209 with amendments. Attached marked up copy of CSSB 116 satisfies all the issues raised to date by the Senate State Affairs and Judiciary and the House State Affairs Committees, as well as rewriting certain phases to remove any possible confusion. The bill, with proposed amendments will place guards employed by the Department of Public Safety for emergencies in the partially exempt service. They will be subject to the statutory pay plan (AS 39.27.011). Section 2 of the bill imposes a reporting requirement on the Department of Public Safety. This will insure the continued visibility of the appointments. In its amended form the bill still accomplishes the primary purpose: to remove guards employed by the Department of Public Safety from the classified service. The Department of Public Safety should experience a significant reduction in paperwork by the passage of this bill.

Frank Ruge

DIRECTOR

3/21/83

DATE

Rich Rudd

COMMISSIONER

3/21/83

DATE

STATE OF ALASKA
FISCAL NOTE

Revision Date: _____, 1983

I. REQUEST

Bill/Resolution No. CS HB 209 (State Affairs)
 Title: Placing DPS Guards in exempt svc
 Sponsor: Bussell
 Requestor: H. Finance

II. FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Cont. Admin. Svc
 BRU, Program of Subprogram(s) Affected:
Personnel

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING						
CAPITAL	-0-	-0-	-0-	-0-	-0-	
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Frank H. Raye *Frank H. Raye*
 Division: Personnel

Phone: 465-4430
 Date: 03/21/83

Approved by Commissioner: Lisa Rudd *Lisa Rudd*
 Department: ADMINISTRATION

Date: 03/21/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 209 Date on Bill: 2-17-83
 Title: "An Act placing emergency guards..."
 Sponsor: Bussel
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures: No fiscal impact is anticipated.

(Thousands of Dollars)

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

b. Revenues:

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

3. Assumptions:

4. Disclaimer:

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

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 2-23-83

Approved by Commissioner: *Robert L. Berg* Date: 3-1-83
 Department: Department of Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: CS HB 209 (SA)
 Title: "DPS Emergency Guards..."
 Sponsor: House State Affairs
 Requestor: House Finance

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Crime ID
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No Fiscal Impact Anticipated

Prepared By: Paul Conger Phone: 465-4338
 Division: Administrative Services Date: 3/18/83
 Approved by Commissioner: [Signature] Date: 3/21/83
 Department: Public Safety

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A Report on Nonpermanent
and Emergency Employment 1982

Prepared by the
Division of Personnel

January, 1983

NONPERMANENT EMPLOYMENT

FOURTH ANNUAL REPORT

January 1, 1983

PURPOSE:

The purpose of this report is to be in compliance with AS 39.25.195 (Ch. 67, SLA 1979). That statute in pertinent part requires:

The director shall present a report on nonpermanent and emergency hire practices in state government to the legislature within the first 10 days of each regular legislative session. . . . The report shall include information on the number of nonpermanent employees authorized under this section and the number of emergency employees hired in each department, a description of the procedures used in authorizing the hiring of nonpermanent employees, and any recommendations for legislation required to implement the intent of this section. (AS 39.25.295 (h))

The statute became effective January 1, 1980. This report covers the third full calendar year of activity. The format has been expanded to report on the effect of local preference in nonpermanent appointments which became effective June 5, 1982 (Ch. 89, SLA 1982).

The Number of Nonpermanent Employees Authorized:

AS 39.25.195-200 provides for four types of nonpermanent appointments: program, project, substitute, and (for lack of a specific statutory label) normal. During calendar year 1982, departments had submitted formal requests to establish 126 program, 197 project, and 101 normal nonpermanent positions. One hundred eighty-seven nonpermanent positions authorized in prior years continued into 1982. The departments also indicated their intent to fill 203 permanent positions with nonpermanent substitutes. Table 1 compares 1980, 1981 and 1982 figures.

Table 1

Nonpermanent Positions Requested

	<u>1980</u>	<u>1981</u>	<u>1982</u>
Program	254	149	126
Project	237	198	197
Normal	225	71	101
Subtotal	<u>716</u>	<u>418</u>	<u>424</u>
Permanent Positions to be filled with substitutes	179	229	203

The Legislative Findings and Intent connected with AS 39.25.195-200 included the intent to unmask poor planning. The schedule established by the Division of Personnel for identifying the need for a nonpermanent position places two and one-half months advance notice as the criterion to call a position planned. Of the 424 program, project and normal nonpermanent positions identified by departments, one meets the two and one-half month criterion for planning and 423 do not. Table 2 compares these figures to 1980 and 1981.

Table 2

Nonpermanent Positions - Planned Versus Unplanned

	<u>1980</u>	<u>1981</u>	<u>1982</u>
Planned	58	4	1
Unplanned	<u>658</u>	<u>414</u>	<u>423</u>
Total	716	418	424

As of December 15, 1982, there were 165 program, project and normal nonpermanent employees on the State payroll. Table 3 provides a comparison with the previous three years. Summary data by department of program, project and normal nonpermanent employees is presented in Addendum A.

Table 3

Nonpermanent Employees as of December 15

<u>1979*</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>
425 -	99	130	165

*Temporary employees in agencies subject to AS 39.25.195-200

Since June 5, 1982, (the effective date of Ch. 89, SLA 1982) 59 program, project and normal nonpermanent appointments were made based on eligible lists issued by the Division. Ten of the 59 appointments were of qualified applicants referred by Job Service. The locations of the positions and the local referrals are shown in Table 4.

Table 4

Location of Nonpermanent Positions Filled by
Local Preference Job Service Referral,
June 5 to December 31, 1982

Juneau	8
Anchorage	1
Ketchikan	<u>1</u>
	10

The Number of Emergency Employees Hired:

AS 39.25.195-200 incorporated provisions of the Personnel Rules regarding emergency employees. While little change was required to implement this portion of the law for most agencies, the most frequent use of emergency appointments - guarding prisoners and protecting seized property - has been significantly impacted. The Department of Public Safety hires emergency employees to guard prisoners or seized property in rural areas where a one or two person post prevents a Trooper from maintaining 24-hour per day watch. The period required for emergency service is between arrest and either arraignment or transportation to a correctional facility or until other arrangements are made to maintain custody of the seized property. It is not possible to predict the situations requiring those services with sufficient detail to make regular nonpermanent appointments. For each appointment all of the paperwork to hire an emergency Guard, document the emergency, and separate the employee must be completed. The Department of Public Safety made 495 such emergency appointments in 1982.

Departments made 114 emergency appointments, other than emergency Guards, during 1982. Table 5 shows that number of emergency appointments by Division and Department ranked according to the number of such appointments. Addendum B provides details on these appointments.

Table 5
Emergency Appointments¹ 1982

<u>Department</u>	<u>Division</u>		
Fish & Game	F.R.E.D.	38	
	Commercial Fisheries	19	
	Game	11	
	Subsistence	4	
	Sport Fish	<u>2</u>	74
Health & Social Services	Mental Health	14	
	Corrections	6	
	Public Health	<u>2</u>	22
Law	Criminal	5	
	Civil	<u>1</u>	6
Education	Adult & Continuing Education	<u>3</u>	3
Transportation & Public Facilities	Interior Region, Maintenance & Operations	<u>3</u>	3
Public Safety	State Troopers	<u>3</u>	3
Military Affairs	Military Affairs	<u>2</u>	2
Natural Resources	Admin. & Management	<u>1</u>	<u>1</u>
			114

¹Other than guarding of prisoners.

899

A Description of Procedures Used in Authorizing the Hiring of Nonpermanent Employees:

The initial procedures to implement the nonpermanent law were attached to the first annual report. Amendments were made in 1980 and the updated procedures were attached to the second annual report. No changes in procedures were made during 1981. Ch. 89, SLA 1982, "An Act authorizing preference for hiring local residents for positions in the state service; and providing for an effective date," became effective June 5, 1982. Personnel Rule amendments incorporating local preference became effective on June 30. On August 25, the changes in the law and Rules were incorporated in the procedures for hiring nonpermanent employees. The procedures are 32 pages in length. Ten copies have been supplied to Legislative Affairs with this report. Additional copies are available by contacting the Division office at:

Division of Personnel
Pouch C-0201
Juneau, AK 99811-0201

or calling (907) 465-4430.

Recommendation for Legislation Required to Implement the Intent of this Section:

Prior to the effective date of the nonpermanent law the Personnel Rules provide flexibility in the emergency hiring of guards for prisoners. The definition of "emergency employee" in AS 39.25.200(3) is less flexible and presents a significant paperwork burden on the Department of Public Safety, and consequently the Divisions of Personnel, Finance, and Retirement and Benefits. As indicated under "The Number of Emergency Employees Hired," the Department of Public Safety made 495 emergency guard hires in 1982. However, only 136 different employees were hired. Several potential solutions to the situation have been discussed with the management of the Department. We and they have concluded that the best long-range solution is to place these positions in the exempt service. There are many similarities between these positions and emergency firefighters of the Department of Natural Resources, which are already placed in the exempt service (AS 39.25.110(19)). We therefore recommend the adoption of an additional subsection as follows: "AS 39.25.110(22) emergency guards employed by the Department of Public Safety."

ADDENDUM A

Program, Project, and Normal Employees by Department

December 15

<u>Department</u>	<u>Program</u>			<u>Project</u>			<u>Normal</u>			<u>Department Total</u>		
	1980	1981	1982	1980	1981	1982	1980	1981	1982	1980	1981	1982
Administration	1	2	4	1	14	6	1	0	1	3	16	11
Law	6	3	4	0	1	2	0	0	0	6	4	6
Revenue	0	4	13	22	8	25	0	0	0	22	12	38
Education	5	13	20	1	1	2	0	0	0	6	14	22
Health & Social Services	0	0	1	0	7	19	0	0	0	0	7	20
Labor	15	3	0	1	1	1	0	0	0	16	4	1
Commerce & Economic Development	0	0	0	0	6	0	0	0	0	0	6	0
Military Affairs	0	0	0	0	0	0	0	0	0	0	0	0
Natural Resources	15	38	49	15	15	4	4	1	-1	34	54	54
Fish and Game	1	1	4	0	10	2	5	1	0	6	12	6
Public Safety	0	0	0	0	0	3	1	0	3	1	0	6
Environmental Conservation	0	0	0	0	0	0	0	0	0	0	0	0
Community & Regional Affairs	5	0	0	0	1	1	0	0	0	5	1	1
Transportation & Public Facilities	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	48	64	95	40	64	65	11	2	5	99	130	165

ADDENDUM B
Emergency Employees By Department and Division, 1902

Fish and Game
F.R.E.D.

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
Cole, Dale A.	Fish Culturist I	05/10/82	05/12/82	No Interest People Off Register
Rhodes, James M.	Fish Culturist I	05/17/82	05/31/82	No Interested People Off Register
McMichael, Deborah K.	Fish Culturist I	04/08/82	04/30/82	Replace Permanent Employee
Hayward, Thomas B.	Fish Culturist I	06/07/82	06/30/82	Replace EM Hire
Ness, Edward R., Jr.	Fish Culturist I	05/25/82	06/23/82	Replace Permanent Employee
Monrich, Clark S.	Fish Culturist I	05/26/82	06/18/82	Replace Permanent Employee
Peratrovich, Corrine	Fish Culturist I	05/27/82	06/07/82	Replace Permanent Employees
Heacock, Marta L.	Fish Culturist I	05/17/82	06/07/82	Replace Permanent Employees
Hamilton, Lori E.	Fish Culturist I	05/17/82	06/15/82	Replace Permanent Employee
Brannen, Jennifer	Fish Culturist I	05/19/82	06/15/82	Replace Permanent Employee
Morrison, Ann E.	Fish Culturist I	05/17/82	06/01/82	Replace Permanent Employee
Lalik, Heather E.	Fish Culturist I	05/17/82	06/15/82	Replace Permanent Employee
Birnbaum, Molly K.	Fish Culturist I	05/19/82	06/15/82	Replace Permanent Employee
Link, Gerald	Fish Culturist I	06/07/82	07/02/82	Replace Permanent Employee
Tremblay, Ryan R.	Fish Culturist I	09/08/82	09/17/82	Take care of work backlog
Collins, Donna	Fish Culturist I	06/21/82	06/21/82	Replace Permanent Employee
Murphy, Marjorie K.	Fish Culturist I	05/03/82	05/26/82	Help with work overload
Thompson, Carol L.	Fish Culturist I	08/02/82	08/13/82	Take care of backlog
Rosenbalm, Glenda M.	Fish Culturist I	08/02/82	08/31/82	Take care of backlog
Kunkler, Carol L.	Fish & Game Technician II	08/02/82	08/24/82	Take care of work backlog
Sullivan, Sharon A.	Fish & Game Technician II	08/10/82	08/24/82	Replaced Permanent Employee
Jacobs, Laura L.	Fish & Game Technician II	07/30/82	08/24/82	Replaced Permanent Employee
Jacobs, Laura L.	Fish Culturist I	08/31/82	09/23/82	Replace Permanent Employee
Sugita, Brent T.	Fish & Game Technician II	07/01/82	07/01/82	Replaces Permanent Employee
Souze, Victoria	Fish Culturist I	07/15/82	07/29/82	Take care of work backlog
Patton, Ellie	Fish Culturist I	07/15/82	07/29/82	Take care of work backlog
Kaneshiro, Stuart K.	Fish Culturist I	07/15/82	08/13/82	More work than expect
Elston, David L.	Fish Culturist I	07/15/82	07/29/82	Take care of work backlog
Henry, Charles B.	Fish Culturist I	09/01/82	09/30/82	Replace Permanent Employee
Goodwin, John, Sr.	Fish Culturist I	09/01/82	09/30/82	Replace Permanent Employee
Goodwin, Pearl	Fish Culturist I	09/07/82	09/30/82	Replace Permanent Employee
Foster, Amos, Sr.	Fish Culturist I	09/01/82	09/03/82	Take care of work backlog
Nelson, Gary S.	Trades Helper VII	05/19/82	05/25/82	Repair Water Line
Stalcup, Richard B.	Maintenance Worker I	05/19/82	05/26/82	Replace Permanent Employee, Repair Waterline
Bowling, Robert D.	Trades Helper VII	02/16/82	03/12/82	Repair Water System
McCracken, Kenneth	Trades Helper VII	02/16/82	03/01/82	Repair Water System
Burnett, Robert C.	Fish Culturist I	06/15/82	07/14/82	Take care of work backlog
Mann, Paul A.	Fish & Game Technician II	06/15/82	06/30/82	Replace Permanent Employee

Fish and Game
Commercial Fisheries

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
Fehols, Catherine	Fish & Game Technician II	06/24/82	07/17/82	Replace Permanent Employee
McNatt, JoAnn	Clerk Typist III	11/30/82	12/28/82	Replace Permanent Employee
Harman, Kathy	Fish & Game Technician II	06/28/82	07/28/82	Replaces Permanent Employee
Mangiardi, Joseph L.	Fishery Biologist I	06/08/82	07/16/82	Replace Permanent Employee
Smoker, Frances	Fish & Game Technician II	07/06/82	07/16/82	Replace Permanent Employee
Harrison, Robert	Fish & Game Technician III	05/18/82	06/08/82	Replace Permanent Employee
Peters, William F.	Fish & Game Technician III	07/16/82	08/13/82	Replaced Permanent Employee
Boyle, Donald	Fish & Game Technician II	11/10/82	11/23/82	Replace Permanent Employee
Fillingham, Philip H., Jr.	Fish & Game Technician III	07/16/82	07/23/82	Replaced Permanent Employee
Tranfro, Peter	Fishery Biologist I	07/02/82	07/20/82	Replace Permanent Employee
Burt, Emily	Fish & Game Technician II	07/04/82	07/20/82	Replace Permanent Employee
Eubanks, Elizabeth	Fish & Game Technician III	07/16/82	08/02/82	Replaced Permanent Employee
Palmer, Stephen F.	Fish & Game Technician III	07/22/82	08/17/82	Take care of work backlog
Alexan, Danny T., Sr.	Fish & Game Technician I	05/17/82	06/23/82	Obtain harvest data
Puckett, Donnie R.	Fish & Game Technician I	05/17/82	06/11/82	Obtain harvest data
Kumaek, Susan K.	Fish & Game Technician II	06/23/82	07/01/82	Replace Permanent Employee
Constantine, Michael	Fish & Game Technician I	05/17/82	05/21/82	Obtain harvest information
Lance, Todd E.	Fish Culturist I	06/02/82	07/01/82	No Interested People Off Register
Ashworth, Karen	Data Entry Clerk I	07/16/82	07/29/82	Work backlog

Fish and Game
Game

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
Bibb, Aimee	Clerk Typist III	08/05/82	09/03/82	Replaced Permanent Employee
Ferguson, Norris	Secretary I	02/19/82	03/08/82	Replace Permanent Employee
Yaska, Vincent	Fish & Game Technician II	03/01/82	03/11/82	Replace Permanent Employee
Hogarth, Keith	Fish & Game Technician II	08/10/82	09/09/82	To assist with bison depredation control
Honea, James S.	Fish & Game Technician III	09/01/82	09/27/82	Take care of work backlog
Yasha, Vincent	Fish & Game Technician II	09/01/82	09/26/82	Take care of work backlog
Gillaspie, Sheree L.	Fish & Game Technician II	08/26/82	09/24/82	Take care of work backlog
Huntington, Gilbert	Fish & Game Technician II	09/03/82	09/26/82	Take care of work backlog
Holbrook, Janet L.	Fish & Game Technician III	09/11/82	09/26/82	Take care of work backlog
Henry, Arthur, Jr.	Fish & Game Technician III	09/15/82	09/20/82	Take care of work backlog
Rogers, Phyllis M.	Clerk Typist III	02/01/82	03/02/82	Replace Permanent Employee

Fish and Game
Subsistance

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
Peol, Janet C.	Clerk Typist III	01/04/82	01/10/82	Replace Permanent Employee
Sumida, Valerie A.	Secretary I	01/25/82	02/23/82	Fill Permanent Position
Thomas, Daniel	Fish & Game Resource Spec. II	01/11/82	02/05/82	Complete Report
Dindinger, Carole	Administrative Assistant II	11/16/82	12/15/82	Help with budget preparation

Fish and Game
Sport Fish

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
Jensen, Kathleen A.	Fish & Game Technician III	08/10/82	09/02/82	Take care of work backlog
Virgin, David M.	Fish & Game Technician II	06/19/82	07/04/82	Replace Permanent Employee

Health & Social Services
Mental Health

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
Anderson, David	Food Services Worker I	03/11/82	04/09/82	Provide meals to patients
Wilson, Jubal	Psychiatric Nurse Asst. I	07/12/82	07/18/82	Replaces Permanent Employee
Maxwell, Audra	Psychiatric Nurse Asst. I	07/07/82	07/12/82	Increased patient load
Schmitt, Kelcy V.	Psychiatric Nurse Asst. I	07/07/82	07/12/82	Increased patient load
Nelson, Mark W.	Psychiatric Nurse Asst. I	07/07/82	07/12/82	Increased Patient Load
Schoenberg, Marc C.	Psychiatric Nurse Asst. I	07/07/82	07/12/82	Increased Patient Load
Anshutz, Robert G.	Psychiatric Nurse Asst. I	07/07/82	07/12/82	Increased Patient Load
Harley, Keith R.	Psychiatric Nurse Asst. I	07/07/82	07/12/82	Increased Patient Load
Conn, John A., II	Psychiatric Nurse Asst. I	07/07/82	07/12/82	Increased Patient Load
Eastlake, Steven R.	Psychiatric Nurse Asst. I	07/07/82	07/12/82	Increased Patient Load
King, James G.	Psychiatric Nurse Asst. I	07/07/82	07/12/82	Increased Patient Load
Olsen, Jeffrey W.	Psychiatric Nurse Asst. I	07/07/82	07/12/82	Increased Patient Load
Taylor, Diane	Clerk II	11/03/82	12/02/82	Replace Permanent Employee
French, Judith L.	Psychiatric Nurse Asst. I	07/21/82	08/03/82	Replaced Permanent Employee

Health & Social Services
Corrections

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
McCollister, Gary L.	Correctional Officer I	08/16/82	10/04/82	Take care of work backlog
Hanson, Gregory	Correctional Officer I	08/18/82	09/29/82	Take care of work backlog
Storms, Donald	Correctional Officer I	12/03/82		Maintain adequate security
Lyon, Tabitha	Correctional Officer I	06/07/82	06/30/82	Replace Permanent Employee
Lyon, Tamitha A.	Correctional Officer I	02/15/82	03/15/82	Replace Permanent Employee
Conidi-Voltz, Julie A.	Correctional Officer I	06/08/82	07/08/82	Facility Short Staffed

Health & Social Services
Public Health

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
Morrison, Linda D.	Clerk Typist II	02/16/82	02/25/82	Provide Clerical Support to P.H.N.
McLane, Margaret D.	Clerk Typist II	04/13/82	04/30/82	Replace Permanent Employee

Law
Criminal

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
Mayer, Laurie A.	Legal Secretary I	03/04/82	03/24/82	Replace Permanent Employee
Unertl, Roberta A.	Clerk Typist III	06/07/82	07/07/82	Replace Permanent Employee
Dentler, Georgeanne	Clerk Typist III	08/09/82	09/10/82	Replaced Permanent Employee
Hoadley, Marion G.	Legal Secretary II	09/21/82	09/21/82	Replace Permanent Employee
Smithson, Kim M.	Clerk Typist III	03/11/82	03/16/82	Replace Permanent Employee on Annual Leave

Law
Civil

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
Skurla, Karen L.	Clerk Typist III	05/28/82	06/04/82	Replace Permanent Employee

Education
Adult & Cont. Education

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
Tippit, Michael	Laborer VIII	08/11/82	08/12/82	To help clean up fire damage
Svabik, Mark	Laborer VIII	08/11/82	08/12/82	To help clean up fire damage
Ronne, Mark S.	Laborer VIII	08/11/82	08/12/82	To help clean up fire damage

Transportation & Public Facilities
Interior Region M & O

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
Dodge, Larry T.	Security Guard I	02/11/82	03/18/82	Replace Permanent Employee
Dodge, Larry	Security Guard I	01/09/82	01/23/82	Replace Permanent Employee
Kaiser, Wendell	Building Management Spec. II	09/01/82	09/16/82	Replace Permanent Employee

Military Affairs
Military Affairs

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
Brown, Randall	Laborer VIII	01/20/82	01/20/82	Prevent Float from Sinking
Price, Frank	Laborer VIII	01/20/82	01/20/82	Prevent Float from Sinking

Public Safety
State Troopers

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
Stirn, Andrea	Data Entry Clerk I	05/17/82	06/11/82	Take care of work backlog
O'Brienness, Barbara	Data Entry Clerk I	05/17/82	06/11/82	Take care of work backlog
Allen, Hazel	Data Entry Clerk I	05/17/82	06/11/82	Take care of work backlog

Natural Resources
Admin. & Management

<u>NAME</u>	<u>Job Class</u>	<u>Appt. Date</u>	<u>Sep. Date</u>	<u>Reason</u>
Foster, Robin	Administrative Officer III	03/30/82	05/01/82	Assume duties of Citizens Advisory Commission

POUCH V
JUNEAU, ALASKA 99811
465-4990
P.O. Box 4-1325
ANCHORAGE, ALASKA 99509
248-1515



CHAIRMAN
HOUSE JUDICIARY COMMITTEE
MEMBER
HOUSE RESOURCES COMMITTEE

Representative Charlie Bussell

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

MEMORANDUM

DATE: March 23, 1983

TO: Representative Al Adams
Chairman, Finance Committee

FROM: Representative Charlie Bussell *CB*
Chairman, Judiciary Committee

SUBJECT: CS HB 209 "An Act placing emergency guards employed by the Department of Public Safety in the partially exempt service."

This legislation was introduced in response to recommendations made in "A Report on Nonpermanent and Emergency Employment 1982" by the Division of Personnel.

AS 39.25.195-200 incorporated provisions of the Personnel Rules regarding emergency employees. While little change was required to implement this portion of the law for most agencies, the most frequent use of emergency appointments - GUARDING PRISONERS and PROTECTING SEIZED PROPERTY - has been significantly impacted. The Department of Public Safety hires emergency employees to guard prisoners or seized property in rural areas where a one or two person post prevents a trooper from maintaining a 24-hour per day watch.

The period required for emergency service is between arrest and either arraignment or transportation to a correctional facility or until other arrangements are made to maintain custody of the seized property. It is not possible to predict the situations requiring those services with sufficient detail to make regular non-permanent appointments. For each appointment all of the paperwork to hire an emergency guard, document the emergency, and separate the employee must be completed.

The Department of Public Safety made 495 such emergency appointments in 1982 of which only 136 different employees were hired. This is a clear indication that troopers who often need these services have specific persons who are rehired when the need arises.

Enactment of this legislation will substantially reduce the amount of paperwork required to hire emergency guards.



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

MEMORANDUM

March 23, 1983

TO: House Finance Committee

FROM: Teresa B. Cramer *Teresa B. Cramer*
Administrative Assistant

SUBJECT: Proposed Amendment to CSHB 209(SA)

The Blue Ribbon Commission supports the passage of legislation to place emergency guards in the partially exempt service. The commission suggests the following amendment to CSHB 209(SA) in order to provide for oversight by the Division of Personnel of emergency guard appointments by the Department of Public Safety. Emergency guards are currently placed in the classified service, and the Division of Personnel maintains oversight of emergency appointments in compliance with AS 39.25.195(h). The proposed language would continue this function.

Line 13: Add a new section to read:

Sec. 2. AS 44.41 is amended by adding a new section to read:

Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department of Public Safety shall submit a report to the director of the division of personnel quarterly and on request of the director. The report shall contain a description of each emergency and shall include the total amount of time by hours for each emergency for which emergency guards under AS 39.25.120(c)(19) were used.

Line 14: Renumber the following section.

TBC:lmk

Introduced: 2/17/83
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY BUSSELL

2

HOUSE BILL NO. 209

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act placing emergency guards employed by the

7

department of public safety in the exempt service."

8

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

9

* Section 1. AS 39.25.110 is amended by adding a new paragraph to read:

10

(22) emergency guards employed by the Department of Public

11

Safety.

Offered: 3/11/83
Referred: Finance

Original sponsor: Bussell

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 209 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act placing emergency guards employed by the
7 Department of Public Safety in the partially exempt
8 service; and providing for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 39.25.120(c) is amended by adding a new paragraph to
11 read:
12 (19) emergency guards employed by the Department of Public
13 Safety.
14 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

COMMITTEE REPORT
SENATE

6/13/83

FURTHER:

Date: 3/16/84

Mr. President:

The Committee on Finance has had CSHB 209(R1s)

Classification of personnel; eff. date.

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with ^SCS for CSHB 209 (SA) same title
 new title
- and recommends do pass
- 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:

Bob Mulvihill

[Signature]

[Signature] Mr. Rec.

[Signature]

CHAIRMAN

passed
3/16/84

Offered: 6/13/83
Referred: Finance

Original sponsor: Bussell

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 209 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the classification of personnel;
7 and providing for an effective date."

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

9 * Section 1. AS 39.25.110 is amended by adding a new paragraph to read:
10 (22) youth employed by the Department of Natural Resources
11 under the Youth Employment and Student Intern programs.

12 * Sec. 2. AS 39.25.120(c) is amended by adding a new paragraph to read:
13 (19) guards employed by the Department of Public Safety for
14 emergencies.

15 * Sec. 3. AS 44.41 is amended by adding a new section to read:
16 Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department
17 of Public Safety shall submit a report to the director of the division
18 of personnel quarterly and on request of the director. The report
19 shall contain a description of each emergency and shall include the
20 total amount of time by hours for each emergency for which emergency
21 guards under AS 39.25.120(c)(19) were used.

22 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).

THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 209 (Finance)
 Title Placing emergency guards in partially exempt service...
 Requested by House Finance Committee Date 3/23/82

II. FISCAL DETAIL

Agency Affected Department of Public Safety
 Program Category Affected Alaska State Troopers
 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 83	FY 84	FY 85	FY 86	FY 87	FY 88
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)						

POSITIONS 0

FULL TIME						
PART TIME						
TEMPORARY						

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

ALASKA STATE SENATE

JOE P. JOSEPHSON
DISTRICT G - ANCHORAGE
1526 F STREET
ANCHORAGE, ALASKA 99501
(907) 277-4419



WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4907
(907) 465-4525

COMMITTEES
HEALTH, EDUCATION & SOCIAL SERVICES (CHAIR)
JUDICIARY (VICE-CHAIR)
FINANCE
MAJORITY CAUCUS (CHAIR)

MEMORANDUM

To: Senate Finance Committee

From: Senator Josephson *JPJ*

Re: SCS for CS for HB 209 (State Affairs) - An Act relating
relating to the classification of personnel

Date: March 14, 1984

Sectional Analysis

Section 1: Exempts youth employed by the Department of Natural Resources under the Youth Employment and Student Intern Program. This insures that these people will be hired at minimum wage. Unless this section is adopted, DNR will have to pay union wages and, thus, serve fewer students.

Section 2: Partially exempts guards employed by the Department of Public Safety for emergencies. Emergencies exist when it is necessary to guard prisoners or seized property in rural areas where a one or two person post prevents a trooper from maintaining 24-hour per day watch. The period required for emergency service is between arrest and either arraignment or transportation to a correctional facility or until other arrangements are made to maintain custody of the seized property. For each emergency appointment, and there were 404 such emergency hires in 1983, there is a tremendous quantity of paperwork. By placing the guards in the partially exempt category, the paperwork would be eliminated.

Section 3: The Department of Public Safety will be required to submit a report about the emergency hires to the director of the Division of Personnel quarterly and on request of the director.

Fiscal Information

The Department of Administration, Division of Personnel is zero.

Past Committee Action

In House Rules, Representative Bussell requested and the Committee adopted a section which would partially exempt correctional superintendents. The Department of Natural Resources requested and the Committee adopted a section which would exempt youth employed under the Youth Employment and Student Intern Program

In Senate State Affairs, the section on correctional superintendents was deleted. Voting 'do pass' were Senators Fischer, Sturgulewski, Rodey, and Ray.

Enclosed as Backup

- * A position paper and fiscal note from the Department of Administration dated 3/21/83
- * Senate State Affairs Committee Report
- * Copies of all appropriate Alaska Statutes
- * Exerpt from "A Report on Nonpermanent and Emergency Employment 1983" by the Division of Personnel, January 1984
- * A position paper by APEA
- * All versions of the bill

Offered: 6/13/83
Referred: Finance

Original sponsor: Bussell

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 209 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the classification of personnel;
7 and providing for an effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 39.25.110 is amended by adding a new paragraph to read:
10 (22) youth employed by the Department of Natural Resources
11 under the Youth Employment and Student Intern programs.
12 * Sec. 2. AS 39.25.120(c) is amended by adding a new paragraph to read:
13 (19) guards employed by the Department of Public Safety for
14 emergencies.
15 * Sec. 3. AS 44.41 is amended by adding a new section to read:
16 Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department
17 of Public Safety shall submit a report to the director of the division
18 of personnel quarterly and on request of the director. The report
19 shall contain a description of each emergency and shall include the
20 total amount of time by hours for each emergency for which emergency
21 guards under AS 39.25.120(c)(19) were used.
22 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).

Offered: 5/5/83
Referred: Rules

Original sponsor: Bussell

1 IN THE HOUSE BY THE RULES COMMITTEE
2 CS FOR HOUSE BILL NO. 209 (Rules)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the classification of personnel;
7 and providing for an effective date."

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

9 * Section 1. AS 39.25.110 is amended by adding a new paragraph to read:

10 (22) youth employed by the Department of Natural Resources
11 under the Youth Employment and Student Interim programs.

12 * Sec. 2. AS 39.25.120(c) is amended by adding new paragraphs to read:

13 (19) guards employed by the Department of Public Safety for
14 emergencies;

15 (20) correctional superintendents I and II employed by the
16 Department of Health and Social Services.

17 * Sec. 3. AS 44.41 is amended by adding a new section to read:

18 Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department
19 of Public Safety shall submit a report to the director of the division
20 of personnel quarterly and on request of the director. The report
21 shall contain a description of each emergency and shall include the
22 total amount of time by hours for each emergency for which emergency
23 guards under AS 39.25.120(c)(19) were used.

24 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
25 10.070(c).

Introduced: 2/17/83
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY BUSSELL

2

HOUSE BILL NO. 209

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act placing emergency guards employed by the

7

department of public safety in the exempt service."

8

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

9

* Section 1. AS 39.25.110 is amended by adding a new paragraph to read:

10

(22) emergency guards employed by the Department of Public

11

Safety.

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

5/16/83

Date: 6/9/83

Mr. President:

The Committee on STATE AFFAIRS has had CSHB 209 (R1s)

Classification of personnel; eff. date.

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with ^SCS for CSHB 209 (SA) same title
- and recommends may do pass new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Cecil Stimpel

Robert Koller

Bice Ray

MEMBERS HAVING
OTHER RECOMMENDATIONS:

V. Fischer do pass

CHAIRMAN

THIRTEENTH LEGISLATURE

FISCAL NOTE

cl

I. REQUEST

Bill/Resolution No. CS HB 209 (Finance)

Title Placing emergency guards in partially exempt service...

Requested by House Finance Committee Date 3/23/82

II. FISCAL DETAIL

Agency Affected Department of Public Safety

Program Category Affected Alaska State Troopers

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 83	FY 84	FY 85	FY 86	FY 87	FY 88
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)						

POSITIONS

0

FULL TIME						
PART TIME						
TEMPORARY						

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

ADA

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



June 9, 1983
3:00 p.m.

Butrovich Room

Members Present

Senator Vic Fischer, Chair
Senator Bill Ray, Vice Chair
Senator Pat Rodey
Senator Arliss Sturgulewski

Agenda

HB 209 Classification of Personnel
HB 323 Residency
HB 413 Capital Area Historic Properties Advisory Commission

HB 209 Classification of Personnel

Terry Cramer, Executive Director, Blue Ribbon Commission on State Personnel, testified against the portion of the bill which would put correctional superintendents into the partially exempt service.

Mary Halloran, Department of Natural Resources, testified in favor of Sec. 1 of the bill. She said that the Department cannot maintain a financially viable summer youth employment program unless the participants are placed in the partially exempt service.

Kevin Bruce, Special Assistant to the Governor, testified in favor of the provision which Ms. Cramer opposed.

Bill Huston, Superintendent of the Juneau Correctional Center, testified against the provision supported by Mr. Bruce. He felt that under a properly managed corrections system those who fail to perform in their jobs can be fired notwithstanding the fact that they are classified personnel.

Cherie Shelly, A.P.E.A., testified that the organization supports Mr. Huston's position.

Senator Ray moved and asked unanimous consent that lines 15 and 16 of the bill be deleted. There was no objection. He then moved and asked unanimous consent that the bill pass from committee with individual recommendations. There was no objection.

HB 323 Residency

Senator Fischer presented a proposed committee substitute.

Robert Maynard, Department of Law, testified for the committee substitute. He said it corrects constitutional problems with a variety of residency statutes. He explained the current state of the law on residency.

Senator Ray moved and asked unanimous consent to amend the committee substitute to raise the age for obtaining a free hunting and fishing license from 60 years old to age 65. There was no objection.

Senator Rodey moved and asked unanimous consent to adopt the committee substitute and pass it from committee with individual recommendations. There was no objection.

HB 413 Capital Area Historic Properties Advisory Commission

Mike Scott, Aide to Senator Ferguson, testified for the bill. He said that it formalizes an informal group which is studying the preservation of the Capitol Building and the Governor's Mansion.

Senator Rodey moved and asked unanimous consent that the bill pass from committee with a do pass recommendation. There was no objection.

The meeting was adjourned at 4:15 p.m.

Position Paper
HB 209
Division of Personnel

The Division of Personnel supports the passage of HB 209 with amendments. Attached marked up copy of CSSB 116 satisfies all the issues raised to date by the Senate State Affairs and Judiciary and the House State Affairs Committees, as well as rewriting certain phases to remove any possible confusion. The bill, with proposed amendments will place guards employed by the Department of Public Safety for emergencies in the partially exempt service. They will be subject to the statutory pay plan (AS 39.27.011). Section 2 of the bill imposes a reporting requirement on the Department of Public Safety. This will insure the continued visibility of the appointments. In its amended form the bill still accomplishes the primary purpose: to remove guards employed by the Department of Public Safety from the classified service. The Department of Public Safety should experience a significant reduction in paperwork by the passage of this bill.

Shane R. Rye

DIRECTOR

3/21/83

DATE

Rich Rued

COMMISSIONER

3/21/83

DATE

STATE OF ALASKA
FISCAL NOTE

Revision Date: _____, 198

I. REQUEST

Bill/Resolution No. CS HB 209 (State Affairs)
 Title: Placing DPS Guards in exempt svc
 Sponsor: Bussell
 Requestor: H. Finance

II. FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Cont. Admin. S
 BRU, Program of Subprogram(s) Affected: Personnel

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING						
CAPITAL	-0-	-0-	-0-	-0-	-0-	
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Frank H. Raye *Frank H. Raye*
 Division: Personnel

Phone: 465-4430

Date: 03/21/83

Approved by Commissioner: Lisa Rudd *Lisa Rudd*
 Department: ADMINISTRATION

Date: 03/21/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

Sec. 44.39.040. Vacancy. If a vacancy occurs in the office of the commissioner of fish and game, the governor shall appoint a successor for the unexpired term in the manner provided for the regular appointment. (§ 17 ch 64 SLA 1959)

Sec. 44.39.050. Removal of commissioner. The Board of Fisheries or the Board of Game may submit a resolution to the governor requesting the removal of the commissioner. The resolution shall set out the grounds for the request and the governor shall give the commissioner and both boards an opportunity to be heard. The final decision to remove or retain the commissioner shall be made by the governor. (§ 17 ch 64 SLA 1959; am § 38 ch 206 SLA 1975)

Chapter 41. Department of Public Safety.

Section

- 10. Commissioner of public safety
- 20. Duties of department

Sec. 44.41.010. Commissioner of public safety. The principal executive officer of the Department of Public Safety is the commissioner of public safety. (§ 18 ch 64 SLA 1959)

Am. Jur. 2d and C.J.S. references. — 1 and 2 Am. Jur. 2d, Administrative Law, § 1 et seq.; 63 Am. Jur. 2d, Public Funds, § 1 et seq.; 63 Am. Jur. 2d, Public Officers and Employees, § 22; 64 Am. Jur. 2d, Public Works and Contracts, § 1 et seq.; 72 Am. Jur. 2d, States, Territories and Dependencies, §§ 66-74. 81A C.J.S. States § 147.

Sec. 44.41.020. Duties of department. The Department of Public Safety shall administer functions relative to the protection of life and property. (§ 18 ch 64 SLA 1959)

State troopers are employees of the Department of Public Safety. *Lee v. State, Sup. Ct. Op. No. 749 (File No. 1395), 490 P.2d 1206 (1971).*
And are not shielded by AS 09.05.090 from liability for ordinary negligence. — *The Good Samaritan Statute, AS 09.65.090, does not shield a police officer from liability for ordinary negligence. Lee v. State, Sup. Ct. Op. No. 749 (File No. 1395), 490 P.2d 1206 (1971).*

Chapter 42. Department of Transportation and Public Facilities.

Section

- 10. Commissioner of transportation and public facilities
- 20. Powers and duties
- 30. Regulations
- 40. Departmental organization
- 50. State transportation plan
- 55. State public facilities plan

Section

- 60. Grants to the department
- 65. Conservation of energy in public buildings
- 70. Limitation on transportation facilities
- 80. Capital projects funds
- 900. Definitions

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1. Ct. Op.
2d 718

Sec. 39.25.080. Public records. The state personnel records, except those records which the rules require to be held confidential for reasons of public policy, are public records and are open to public inspection, subject to reasonable regulations as to the time and manner of inspection. (§ 18 ch 144 SLA 1960)

Article 2. Coverage of Personnel.

Section

- | | |
|-------------------------|--|
| 90. Coverage of chapter | 120. Partially exempt service |
| 100. Classified service | 130. Extension of partially exempt and classified services |
| 110. Exempt service | |

Sec. 39.25.090. Coverage of chapter. This chapter and the rules adopted under it apply to all positions in (1) the classified service, and (2) the partially exempt service as specifically provided. (§ 3 ch 144 SLA 1960)

Sec. 39.25.100. Classified service. The classified service consists of all positions in the state service not included in the exempt service or in the partially exempt service. (§ 4 ch 144 SLA 1960)

Quoted in *Mueller v. Alaska State Bd. of Personnel*, Sup. Ct. Op. No. 396 (File No. 738), 425 P.2d 145 (1967); *State v. Bogenrife*, Sup. Ct. Op. No. 918 (File No. 1665), 513 P.2d 13 (1973).

Sec. 39.25.110. Exempt service. The following positions in the state service constitute the exempt service and are exempt from the provisions of this chapter and the rules adopted under it:

- (1) persons elected to public office by popular vote or appointed to fill vacancies in elected offices;
- (2) justices of the supreme court, judges of the superior court, judges and magistrates of other state courts established by law;
- (3) the administrative director and all other employees of the state court system, and employees and members of the Judicial Council;
- (4) the chief administrative officer of each house of the legislature;
- (5) all employees of the state legislature and its agencies;
- (6) the head of each principal department in the executive branch;
- (7) officers, members of the teaching staff, and employees of the University of Alaska;
- (8) certificated teachers employed by the state to teach in schools operated by the state;
- (9) patients and inmates employed in state institutions;
- (10) persons employed in a professional capacity to make a temporary and special inquiry, study, or examination as authorized by the governor, the legislature, or a legislative committee;
- (11) members of boards, commissions, or authorities, except as otherwise provided by law;

(12) personnel employed by the division of marine transportation as masters and members of the crews or vessels who operate the state ferry system and who are covered by collective bargaining agreements provided in AS 23.40.040;

(13) commissioners of the Alaska Public Utilities Commission;

(14) the executive officer of the Alaska Commission on Postsecondary Education;

(15) commissioners and employees of the Alaska Commercial Fisheries Entry Commission;

(16) the ombudsman and his staff;

(17) the members, executive secretary and legal counsel of the Alaska Municipal Bond Bank Authority;

(18) certified teachers and noncertified employees employed by a regional educational attendance area established and organized under AS 14.08.031 — 14.08.041 to teach in, administer or operate schools under the operation, control and management of a regional educational attendance area school board;

(19) licensed physicians, as defined in AS 47.30.340(9), employed by the division of mental health and developmental disabilities, Department of Health and Social Services;

(20) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources except for those employed in the division of geological and geophysical surveys;

(21) employees of the Alaska Gas Pipeline Financing Authority;

(22) members of the board of trustees, the executive director, and staff of the Alaska Permanent Fund Corporation;

(23) the executive director and other employees of the Alaska Industrial Development Authority;

(24) officers, agents, and employees of the Alcoholic Beverage Control Board granted limited peace officer powers by the Alcoholic Beverage Control Board under AS 04.06.110;

(25) employees of the Alaska Energy Center. (§ 5 ch 144 SLA 1960; am § 1 ch 48 SLA 1961; am § 1 ch 133 SLA 1961; am § 3 ch 93 SLA 1962; am § 3 ch 24 SLA 1966; am § 31 ch 46 SLA 1970; am § 65 ch 69 SLA 1970; am § 13 ch 113 SLA 1970; am § 3 ch 78 SLA 1971; am § 18 ch 78 SLA 1974; am § 42 ch 127 SLA 1974; am § 2 ch 32 SLA 1975; am § 2 ch 79 SLA 1975; am § 37 ch 124 SLA 1975; am § 1 ch 157 SLA 1976; am § 3 ch 90 SLA 1978; am § 7 ch 18 SLA 1980; am § 43 ch 106 SLA 1980; am § 10 ch 131 SLA 1980; am § 4 ch 148 SLA 1980)

Effect of amendments. — The 1976 amendment added paragraphs (19) and (20).

The 1978 amendment added paragraph (21).

The first 1980 amendment added paragraph (22).

The second 1980 amendment added paragraph (23).

The third 1980 amendment added paragraph (24).

The fourth 1980 amendment added paragraph (25).

39.25.110
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Legislative history reports. — For report on ch. 69, SLA 1970 (HB 564), see 1970 House Journal Supplement No. 2, p. 7 (2/10/70). For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657. For report on ch. 157, SLA 1976 (SCS CSHB 887 am S), see 1976 House Journal, p. 1449.
 The thrust of the exemptions in this chapter, the Public Employees Retirement System, former AS 39.35.680(5(c), and the statutory leave provisions for state employees, AS

39.20.310, is to provide for those public employees who are not susceptible to ordinary recruiting and examining procedures. *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).
 No inconsistency between ferry crew exemption of this section and inclusion of such personnel with Public Employment Relations Act, AS 23.40.070 et seq. — See *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Sec. 39.25.120. Partially exempt service. The following positions in the state service constitute the partially exempt service and are subject to this chapter and the rules adopted under it only as specifically provided in this chapter. Positions in the partially exempt service shall be included in the position classification plan established under this chapter, and these positions shall be compensated according to the pay plan. Persons holding positions in the partially exempt service are not required to take examinations, qualify or earn a place on a register, nor are they eligible for a hearing by the personnel board in case of dismissal, demotion, or suspension. Positions in the partially exempt service are specifically exempt from the rule established under AS 39.25.150(3) — (11), (14), (15), (18). They are also specifically exempt from AS 39.25.170 and 39.25.180 and as stated in AS 39.25.160(a):

- (1) assistant commissioners of the principal departments of the executive branch;
- (2) the directors, division of personnel, division of public health, division of medical assistance, and those other directors of the major divisions of the principal departments of the executive branch as are specifically designated by the governor;
- (3) attorney members of the staff of the Department of Law;
- (4) one private secretary for each head of a principal department in the executive branch;
- (5) all employees of the Office of the Governor and the lieutenant governor, including the staff of the governor's mansion;
- (6) Repealed by § 4 ch 78 SLA 1971.
- (7) Repealed by § 9 ch 47 SLA 1974.
- (8) the director and deputy director of the division of tourism in the Department of Commerce and Economic Development;
- (9) regional directors of the Department of Transportation and Public Facilities;
- (10) the executive director and deputy director of the Alaska Public Utilities Commission;
- (11) the state forester, in the Department of Natural Resources;

(12) the executive director and staff of the Alaska Public Offices Commission;

(13) the attorney members, but not the non-attorney members, of the staff of the public defender agency in the Department of Administration;

(14) the executive director of the Alaska Historical Commission;

(15) the chief executive officer, but not other staff, of the Alaska State Council on the Arts;

(16) the administrator of the Alaska Police Standards Council;

(17) the executive director, but not other staff, of the Alaska Council on Science and Technology located in the Department of Environmental Conservation;

(18) the director, deputy director, staff legal counsel, and hearing officers of the Alaska Transportation Commission. (§ 6 ch 144 SLA 1960; am § 2 ch 48 SLA 1961; am § 2 ch 133 SLA 1961; am § 4 ch 5 SLA 1966; am § 3 ch 104 SLA 1969; am § 2 ch 109 SLA 1969; am § 4 ch 78 SLA 1971; am § 9 ch 47 SLA 1974; am § 4 ch 82 SLA 1975; am § 10 ch 207 SLA 1975; am § 2 ch 157 SLA 1976; am § 19 ch 263 SLA 1976; am Executive Order No. 39 § 6 (1977); am § 1 ch 103 SLA 1978; am § 2 ch 108 SLA 1978; am Executive Order No. 41 § 3 (1980); am Executive Order No. 42 §§ 3, 4 (1980); am Executive Order No. 43 § 4 (1980); am Executive Order No. 44 § 5 (1980); am Executive Order No. 45 § 3 (1980); am Executive Order No. 46 § 4 (1980); am § 18 ch 115 SLA 1980)

Revisor's note. — In this section "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Effect of amendments. — The first 1976 amendment deleted "division of mental health" following "division of personnel" in paragraph (2).

The second 1976 amendment, retroactive to July 1, 1975, deleted "and the staff of the division of tourism" from the end of paragraph (8).

Executive Order No. 39 § 6 (1977), added paragraph (9).

The first 1978 amendment added paragraph (10).

The second 1978 amendment added paragraph (11).

Section 3, Executive Order No. 41 (1980), the first 1980 amendment, added paragraph (12).

Sections 3 and 4, Executive Order No. 42 (1980), the second 1980 amendment,

deleted "and the attorney members of the staff of the public defender agency, but not including the nonattorney members of the staff of that agency" from the end of paragraph (5), and added paragraph (13).

Section 4, Executive Order No. 43 (1980), the third 1980 amendment, added paragraph (14).

Section 5, Executive Order No. 44 (1980), the fourth 1980 amendment, added paragraph (15).

Section 3, Executive Order No. 45 (1980), the fifth 1980 amendment, added paragraph (16).

Section 4, Executive Order No. 46 (1980), the sixth 1980 amendment, added paragraph (17).

The seventh 1980 amendment, added paragraph (18).

Legislative history report. — For report on ch. 5, SLA 1966, see 1966 House Journal, pp. 50 and 51. For report on ch. 157, SLA 1976 (SCS CSHB 887 am S), see 1976 House Journal, p. 1449.

Changes to SCSCSHB 209 (State Affairs)

Line 12: delete "a", change "paragraph" to "paragraphs"

Line 14: change "," to ";"

following line 14: insert "(20) correctional superintendents; however, appointees to these positions must have at least three years of experience in a correctional program, including at least one year of administrative, managerial, supervisory, or policy development experience."



Alaska Public
Employees Association **APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

TO: Senator Joe Josephson
Senate Finance Committee

FROM: Cherie Shelley *CS*
Executive Director

DATE: February 14, 1984

SUBJECT: Correctional Superintendents and the Exempt Service

APEA is opposed to any amendment to CSHB209 which would remove Correctional Superintendents, Department of Public Safety, from the Classified Service and place them in the Exempt Service.

EMPLOYMENT QUALIFICATIONS

Classified Service Employees - are covered by the Personnel Rules. Currently, Correctional Superintendents are required to have specific experience and/or education in the field of corrections. Stringent employment requisits should be mandatory in a career field that is hazardous and where working conditions are stressful. Furthermore, if the changing times reflect a need for a change in employment requirements then this can be done by the Division of Personnel with input from the Division of Corrections.

Exempt Service Employees - are not covered by the Personnel Rules. Appointees to exempt positions are not required to meet any standards of employment with regard to experience or education.

PROPOSED AMENDMENT

Although it would require appointees to have at least three years of experience in a correctional program, including at least one year of administrative, managerial, supervisory, or policy development experience - APEA feels strongly that this is not enough background to take on the grueling job and the experience needed to qualify as a Corrections Superintendent.

Other major factors against such an amendment are dealt with in the ensuing paragraphs.

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POLITICAL SPOILS SYSTEM

Correctional Superintendent positions could easily become political 'plum' appointments. Exempt Service employees can be hired and fired at will - or whim. This would put current superintendents in a very tenuous position. If terminated, they would not have recourse to due process which includes an objective review of the action.

CAREER LADDER

The career ladder would no longer reach from the level of corrections personnel to Correctional Superintendent. There would no longer be the opportunity for fair and equitable promotion for motivated and qualified staff personnel. The Corrections Master Plan, written in 1979, discussed the ongoing development of a career ladder for Division of Corrections personnel. The rungs on that ladder would be removed with removal of Superintendents from the Classified Service.

CRITERIA FOR EXEMPT POSITIONS

The majority of the Directors for the various Divisions within the State are in Range 26. They are political appointees, who, with... or without expertise...manage whole Divisions. They set and carry out policy, direct personnel and handle the responsibilities that are kindered to a top management position.

Correctional Superintendents are in Ranges 18 through 21. Unlike the Directors, they do have to answer to various levels of management above them. Their duties outlined in their job classification specifications do not meet the criteria expected from an employee in the Exempt Service.

The majority of the members of APEA's Supervisory Bargaining Unit fall between Ranges 18 and 22. It would make as much sense to move this group into the Exempt Service, as it would to move the Correctional Superintendents.

RECOMMENDATIONS

On May 3, 1983, the House Rules Standing Committee held a hearing for HB209. APEA Executive Director Cherie Shelley and William H. Houston, then Superintendent of the Juneau Correctional Center testified.

William Houston- stated that it would be a great mistake to remove the Superintendents from the Classified Service. He pointed out that qualified employees would not have an opportunity to move up the career ladder. He noted that the job of Superintendent is tough and demanding and requires experience. A political appointee would feel that their head was on the block everytime they made a decision and it would be difficult to work under these conditions.

Statements from other qualified sources included:

Dr. Gary Copus - In his testimony before the Senate Finance Committee on January 19, 1984, Dr. Copus recommended that Correctional Superintendents remain in the classified service because it provides an additional career step necessary to attract qualified people to corrections. Dr. Copus is the author of Alaskan Corrections: Issues for the 1980's, a report prepared for the Alaska State Senate.

Blue Ribbon Commission - In studying the State Personnel Act, the former Blue Ribbon Commission reviewed the issue of Exempt, Partially Exempt and Classified Service. It expressed concern regarding agencies whose employees might be more appropriately placed in the Classified Service and subject to the merit principle of employment. The Commission urged that employees be moved to the Classified Service whenever possible.

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CS/rb

Recommendation for Legislation Required to Implement the Intent of this Section:

Prior to the effective date of the nonpermanent law the Personnel Rules provide flexibility in the emergency hiring of guards for prisoners. The definition of "emergency employee" in AS 39.25.200(3) is less flexible and presents a significant paperwork burden on the Department of Public Safety, and consequently the Divisions of Personnel, Finance, and Retirement and Benefits. As indicated under "The Number of Emergency Employees Hired," the Department of Public Safety made 404 emergency guard hires in 1983. However, only 131 different employees were hired. Several potential solutions to the situation have been discussed with the management of the Department. We and they have concluded that the best long-range solution is to place these positions in the partially exempt service.

We had recommended placement of these positions in the exempt service to the First Session of the Thirteenth State Legislature. Three initially identical bills were introduced to accomplish this placement: HB 207, HB 209, SB 116. In the committee hearing process we supported the change to partially exempt instead of exempt and added a reporting requirement. We continue to recommend passage of a bill which will place these emergency guards in the partially exempt service.

The current statutes of the bills proposing this change are as follows:

SCSCS HB 209 (State Affairs), Sections 2 and 3, in Senate Finance,
CSSB 116 (State Affairs), Sections 1 and 2, in House Judiciary,
HB 207, Section 1 (unamended), in House State Affairs (Committee of
first referral.

EXEPT FROM:
A REPORT ON NONPERMANENT
AND EMERGENCY EMPLOYMENT "1983"
Prepared by the Division of
Personnel. Jan, 1984

Recommendation for Legislation Required to Implement the Intent of this Section:

Prior to the effective date of the nonpermanent law the Personnel Rules provide flexibility in the emergency hiring of guards for prisoners. The definition of "emergency employee" in AS 39.25.200(3) is less flexible and presents a significant paperwork burden on the Department of Public Safety, and consequently the Divisions of Personnel, Finance, and Retirement and Benefits. As indicated under "The Number of Emergency Employees Hired," the Department of Public Safety made 404 emergency guard hires in 1983. However, only 131 different employees were hired. Several potential solutions to the situation have been discussed with the management of the Department. We and they have concluded that the best long-range solution is to place these positions in the partially exempt service.

We had recommended placement of these positions in the exempt service to the First Session of the Thirteenth State Legislature. Three initially identical bills were introduced to accomplish this placement: HB 207, HB 209, SB 116. In the committee hearing process we supported the change to partially exempt instead of exempt and added a reporting requirement. We continue to recommend passage of a bill which will place these emergency guards in the partially exempt service.

The current statutes of the bills proposing this change are as follows:

SCSCS HB 209 (State Affairs), Sections 2 and 3, in Senate Finance,
CSSB 116 (State Affairs), Sections 1 and 2, in House Judiciary,
HB 207, Section 1 (unamended), in House State Affairs (Committee of
first referral.

EXEMPT FROM:
" A REPORT ON NON PERMANENT
AND EMERGENCY EMPLOYMENT 1983 "
Prepared by the Division of
Personnel. Jan, 1984

Recommendation for Legislation Required to Implement the Intent of this Section:

Prior to the effective date of the nonpermanent law the Personnel Rules provide flexibility in the emergency hiring of guards for prisoners. The definition of "emergency employee" in AS 39.25.200(3) is less flexible and presents a significant paperwork burden on the Department of Public Safety, and consequently the Divisions of Personnel, Finance, and Retirement and Benefits. As indicated under "The Number of Emergency Employees Hired," the Department of Public Safety made 404 emergency guard hires in 1983. However, only 131 different employees were hired. Several potential solutions to the situation have been discussed with the management of the Department. We and they have concluded that the best long-range solution is to place these positions in the partially exempt service.

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HB 207, Section 1 (unamended), in House State Affairs (Committee of
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EXCERPT FROM:
"A REPORT ON NON PERMANENT
AND EMERGENCY EMPLOYMENT 1983"
Prepared by the Division of
Personnel. Jan, 1984

Recommendation for Legislation Required to Implement the Intent of this Section:

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CSSB 116 (State Affairs), Sections 1 and 2, in House Judiciary,
HB 207, Section 1 (unamended), in House State Affairs (Committee of
first referral.

EXEPT FROM:
A REPORT ON NON PERMANENT
AND EMERGENCY EMPLOYMENT 1983
Prepared by the Division of
Personnel. Jan, 1984

Recommendation for Legislation Required to Implement the Intent of this Section:

Prior to the effective date of the nonpermanent law the Personnel Rules provide flexibility in the emergency hiring of guards for prisoners. The definition of "emergency employee" in AS 39.25.200(3) is less flexible and presents a significant paperwork burden on the Department of Public Safety, and consequently the Divisions of Personnel, Finance, and Retirement and Benefits. As indicated under "The Number of Emergency Employees Hired," the Department of Public Safety made 404 emergency guard hires in 1983. However, only 131 different employees were hired. Several potential solutions to the situation have been discussed with the management of the Department. We and they have concluded that the best long-range solution is to place these positions in the partially exempt service.

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CSSB 116 (State Affairs), Sections 1 and 2, in House Judiciary,
HB 207, Section 1 (unamended), in House State Affairs (Committee of
first referral.

EXEMPT FROM:
A REPORT ON NON PERMANENT
AND EMERGENCY EMPLOYMENT 1983 "
Prepared by the Division of
Personnel. Jan, 1984

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

5/16/83

Date:

6/9/83

Mr. President:

The Committee on STATE AFFAIRS has had CSHB 209 (R1s)

Classification of personnel; eff. date.

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

do pass do not pass

do pass with attached amendments(s)

replace with ^SCS for CSHB 209 (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

Cecil Stimpel
Bob Kober
Brian Ray

MEMBERS HAVING
OTHER RECOMMENDATIONS:

V. Fischer do pass
CHAIRMAN

Offered: 5/5/83
Referred: Rules

Original sponsor: Bussell

1 IN THE HOUSE BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 209 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the classification of personnel;
7 and providing for an effective date."

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

9 * Section 1. AS 39.25.110 is amended by adding a new paragraph to read:
10 (22) youth employed by the Department of Natural Resources
11 under the Youth Employment and Student Interim programs.

12 * Sec. 2. AS 39.25.120(c) is amended by adding new paragraphs to read:
13 (19) guards employed by the Department of Public Safety for
14 emergencies;

15 (20) correctional superintendents I and II employed by the
16 Department of Health and Social Services.

17 * Sec. 3. AS 44.41 is amended by adding a new section to read:

18 Sec. 44.41.030. REPORT TO DIVISION OF PERSONNEL. The Department
19 of Public Safety shall submit a report to the director of the division
20 of personnel quarterly and on request of the director. The report
21 shall contain a description of each emergency and shall include the
22 total amount of time by hours for each emergency for which emergency
23 guards under AS 39.25.120(c)(19) were used.

24 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
25 10.070(c).

Original sponsors: Shultz, Buncen
and Liaka

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 210 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to payment for purchases by the
7 state; and providing for an effective date."

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

9 * Section 1. AS 37.05 is amended by adding a new section to read:

10 Sec. 37.05.275. PAYMENT FOR STATE PURCHASES. (a) Payment for
11 purchases of goods or services provided a state agency must be made on
12 a required payment date that is

13 (1) the date on which payment is due under the terms of a
14 contract; or

15 (2) 30 days after receipt of a proper invoice for the
16 amount of the payment due, if a specific date on which payment is due
17 is not established by contract and if the invoice contains or is
18 accompanied by documents required by the contract or purchase order.

19 (b) If a seller offers a discount from the amount otherwise due
20 for property or services in exchange for payment within a specified
21 period of time, the state agency may make payment in an amount equal
22 to the discounted price only if payment is made within the specified
23 period of time.

24 (c) If payment for goods or services purchased by the state is
25 not made within 30 days of a required payment date under (a)(1) of
26 this section or on the required payment date specified in (a)(2) of
27 this section, the state shall pay interest on the unpaid balance from
28 the date of receipt of the invoice for the goods or services at the
29 rate of one and one-half percent a month unless an agreement exists

1 between the seller and the state that precludes the charging of
2 interest.

3 (d) This section does not apply

4 (1) if the cost of the goods or services purchased exceeds
5 \$500,000; or

6 (2) to payment for any specific goods or services in dis-
7 pute after a seller of goods or services receives notice from the
8 state official responsible for authorizing payment for goods and
9 services that the amount of the invoice or quality of specific goods
10 or services is in dispute and stating the reasons for the dispute.

11 (e) Interest paid under (c) of this section shall be charged to
12 the budget of the state agency which purchased the goods or services.

13 (f) In this section

14 (1) "dispute" means a determination by the state official
15 responsible for authorizing the payments for the purchase of goods or
16 services that the performance or price charged is not in compliance
17 with the terms of the contract or purchase order;

18 (2) payment is considered made on the date when the payment
19 is personally delivered to the seller or agent of the seller or on the
20 date the payment is mailed;

21 * Sec. 2. This Act does not apply to contracts entered into before the
22 effective date of this Act.

23 * Sec. 3. This Act takes effect July 1, 1983.

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 210 (finance)
 Title Relating to payment for purchases by the state
 Requested by House Finance Committee Date 5/26/83

II. FISCAL DETAIL
 Agency Affected all
 Program Category Affected all
 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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0				

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME		0				
PART TIME		0				
TEMPORARY		0				

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

IV. DATE 5/18/83 PREPARED BY Al Adams, Chairman
 AGENCY House Finance Committee
 PHONE 465-3706

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

STATE OF ALASKA
FISCAL NOTE

Revision Date: May 26, 1983

I. REQUEST

Bill/Resolution No.: CSHB210(FIN)am
Title: Relating to Payment of Interest
Sponsor: Duncan/Shultz by State
Requestor: House Finance Committee

II. FISCAL DETAIL

Agency Affected: All
Program Category Affected: All
BRU, Program of Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC	0	1,125.0	1,125.0	1,125.0	1,125.0	1,125.0
TOTAL OPERATING	0	1,125.0	1,125.0	1,125.0	1,125.0	1,125.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	1,125.0	1,125.0	1,125.0	1,125.0	1,125.0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Kenneth E. Bischoff Director
Division: Finance

Phone: 465-2240
Date: 5/26/83

Approved by Commissioner: Lisa Rudd
Department: ADMINISTRATION

Date: 5/26/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/26/83

IV. ANALYSIS:

Differences between CS for HB-210(SA) and CS for HB-210(FIN) am (May 17, 1983)

1. The Finance version section 1(c) changes the date for determining when payment of interest should begin from the required payment date to the date invoice for the goods or services is received.
2. Sections 1(d)(2) of the finance version require notification by the official responsible for authorizing payment rather than the officer responsible for administering the contract when payment for goods and services is in dispute.
3. Section 1(f)(1) was changed to be consistent with the change in 1(d)(2) and made more generally applicable by adding purchase order.
4. Section 1(f)(3) was changed to narrow the scope and specifically include the legislative and judicial branches.

This does not appear to have a significantly different fiscal impact from the analysis done versus the previous bill version CSHB210 (State Affairs). That analysis dated May 15, 1983 is attached. There are some potential administrative impacts as follows:

- a. The change to section 1(c) requiring interest be paid based upon date of invoice receipt may be challengeable by vendors who receive no interest for the same time frame. If a vendor is paid on the 29th day after receipt of invoice, no interest will be paid to that vendor. If a vendor is paid on the 31st day after receipt of invoice that vendor will be entitled to 31 days interest. Twenty-nine days of the two examples overlap. Why should one vendor be paid and the other vendor not paid? The prior version would have given all subject vendors equal treatment.
- b. Is the term Purchase Order singularly applicable to the State purchase order form or should it be defined broadly to all purchase type documents?

IV. ANALYSIS:

Differences between Orig. HB-210 and CS for HB-210 (May 2, 1983)

1. The CS removes the stipulation that a discount must be taken when discount is at least 2% and payment is made within 10 days of receipt of goods, services or invoice, whichever is later, and substitutes, may take discount if made within the specified period of time until payment is due.
2. The CS excludes the legislative agencies and the Court System from subjectivity of this bill.
3. The CS specifies that the interest will be paid out of the paying agencies budget. The original bill specifies that the State will pay interest.
4. The substitute provides for a daily interest calculation after 30 days where the original bill specifies a monthly calculation. For example, if paid in 45 days under original bill the state would owe 2% interest, under CS state would owe approximately 3% interest.
5. The original bill specifies that interest will be paid if payment is not made within 30 days of receipt of goods and invoice, but the substitute requires payment by contract due date or within 30 days of receipt of invoice (excludes receipt of goods which may be after receipt of invoice).

This does not appear to have a significantly different impact from the analysis done versus the previous bill version HB205/210. That analysis dated March 17, 1983 is attached.

IV. ANALYSIS

The Department of Administration is opposed to this Legislation, not because we disagree with the idea of the State paying its bill in a timely manner, but because we feel there are better ways to address this problem. In determining the fiscal impact on mandatory payment of interest, it is impossible to place a definite dollar amount for the cost. Many items must be taken into consideration.

First, in order to calculate what the interest cost would be, a detailed analysis would be necessary to determine what the dollar amount of bills paid in excess of 30 days might be. Readily available information does not exist. However, to show what the potential impact might be, we offer this example, making a number of assumptions.

On the assumption that the State annual budget is \$3.0 billion and that 50% of that budget represents vendor payments effected by this legislation. Further we assume that 5% of the vendor payments might be subject to penalty as defined in the Legislation. Based on these assumptions, the interest penalty could be as high as \$1,125,000.00.

Calculated as follows:

\$3,000,000,000.00	Annual Budget
X 50%	

\$1,500,000,000.00	Potential Vendor Payments
X 5%	

\$ 75,000,000.00	5% Subject to Penalty
X 0.15%	

<u>\$ 1,125,000.00</u>	Interest Penalty for Bills Paid in Excess of 30 Days.

The preferable way to avoid penalty payments is to pay vendors within the 30 day period. This is and always has been the goal of the Department of Administration. The only effective way of doing this is either to divert current staff of the various State agencies to the effort of paying bills timely or to develop the agencies internal procedures and the Department of Administration's automated systems in order to address the payment problem. The cost to the State in providing additional staff or a bill paying effort that would pay all bills within 30 days using the current system has not be determined. The Department of Administration is currently in the process of

Fiscal Note: HB 205/210

March 17, 1983

redesigning the statewide accounting system which will include features that will improve the bill paying and tracking capabilities of the State.

While we recognize the problem of paying vendors in a timely manner is a serious matter, we should point out that for the most part, vendors are paid timely. For a 12 month period, the State paid on the average of 70,200 invoices a month. During that time, the average payment time was 29 days. The high monthly average was 33 days while the low monthly average was 24 days. During this period, only two months exceeded 30 days payment time.

In addition to the costs of attempting to improve the payment time and the potential interest penalties, we should also consider the cost of increased bureaucracy that would be involved in determining what payments would be subject to penalty, what period of time would be covered, as well as the logistics of making the interest payments, all of these would be costs to the State in time and effort.

Lastly, it should be noted that the funding of the interest payments would need to be 100% State funds. We have been advised by the U.S. Office of Management and Budget that the Prompt Payment Act (P.L. 970177) prohibits the use of Federal grant funds for the agencies that are primarily federally funded. (Copy of OMB letter attached)

Again, we are not opposed to timely payment of vendor bills but are concerned with the method of achieving that goal.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

December 14, 1982

MEMORANDUM

SUBJECT: Payment Practices

It has come to our attention that several States have laws, or are considering legislation, that requires the payment of interest penalties to contractors when bills are paid late.

This is to alert you to the fact that the Prompt Payment Act (P.L. 97-177) prohibits the use of Federal grant funds for the payment of such interest penalties. The act says

"(A) in no case shall an obligation to pay such interest penalties be construed to be an obligation of the United States, and

"(B) any payment of such interest penalties shall not be made from funds provided to the grant recipient by a Federal agency, nor shall any non-Federal funds expended for such interest penalties be counted toward any matching requirement applicable to that grant."

We would appreciate your alerting your staff to this prohibition to assure that the Federal Government is not charged improperly for interest penalty costs.

John J. Lordan
Deputy Associate Director
for Financial Management

The following individuals are expected to testify on CS
HB 210 (State Affairs):

Rep. Dick Shultz, prime sponsor

A representative of the Department of Administration
may testify

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 210 (finance)

Title Relating to payment for purchases by the state

Requested by House Finance Committee Date 5/26/83

II. FISCAL DETAIL

Agency Affected all

Program Category Affected all

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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0				

FUNDING (Thousands of Dollars)

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

FULL TIME		0				
PART TIME		0				
TEMPORARY		0				

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

IV. DATE 5/16/83

PREPARED BY Al Adams, Chairman

AGENCY House Finance Committee

Original: Legislative Finance

PHONE 465-3706

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

A13 2/15

Bill No: HB 210 Date on Bill: 2-17-83
 Title: "An Act relating to payment for purchases by the state;..."
 Sponsor: Schultz
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		188.2	197.7	207.5
Total		188.2	197.7	207.5

b. Revenues:

Revenue							
---------	--	--	--	--	--	--	--

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

Unable to estimate potential recovery from discounts taken, but offset is unlikely to approach cost.

3. Assumptions:

Currently there is no method within the system to identify invoices that have not been paid within 30 days from receipt. The department average payment time from the date of invoice to date of payment is less than 30 days. However, we can assume there are invoices that are not processed within 30 days of receipt. The interest payments that may be required should be nominal. Additional staff would be required to investigate each inquiry, make a determination as to whether interest is due, calculate the interest due and process the payment. The designated employee in each region should be at the Accounting Technician I or higher level of responsibility. One additional employee (Accounting Clerk III R/10B) would be required in each region to identify potential discount purchases and prepare payment documents for priority processing. It is unlikely that sufficient benefit would accrue from this practice to offset its cost. Document preparation, transit time to Juneau, key punching and necessary edits combine to make a ten day payment unlikely in the best of circumstances.

4. Disclaimer:

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

Prepared By: Jim Slocum Phone: 465-3911
 Division: Financial Management Date: 3-4-83

Approved by Commissioner: Donna Page for Gov. B. Lind Date: 3-7-83
 Department: Transportation & Public Facilities

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requester

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB-205/210
 Title: Relating to Payment of Interest
 Sponsor: Duncan/Shultz by State
 Requestor: House State Affairs

II. FISCAL DETAIL

Agency Affected: All
 Program Category Affected: All
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC	0	1,125.0	1,125.0	1,125.0	1,125.0	1,125.0
TOTAL OPERATING	0	1,125.0	1,125.0	1,125.0	1,125.0	1,125.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	1,125.0	1,125.0	1,125.0	1,125.0	1,125.0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

No source identified by the Legislature.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Tom Haas, Acting Director
 Division: Finance

Phone: 465-2240
 Date: 3/17/83

Approved by Commissioner: Lisa Rudd
 Department: Administration

Date: 3/17/83

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

IV. ANALYSIS

The Department of Administration is opposed to this Legislation, not because we disagree with the idea of the State paying its bill in a timely manner, but because we feel there are better ways to address this problem. In determining the fiscal impact on mandatory payment of interest, it is impossible to place a definite dollar amount for the cost. Many items must be taken into consideration.

First, in order to calculate what the interest cost would be, a detailed analysis would be necessary to determine what the dollar amount of bills paid in excess of 30 days might be. Readily available information does not exist. However, to show what the potential impact might be, we offer this example, making a number of assumptions.

On the assumption that the State annual budget is \$3.0 billion and that 50% of that budget represents vendor payments effected by this legislation. Further we assume that 5% of the vendor payments might be subject to penalty as defined in the Legislation. Based on these assumptions, the interest penalty could be as high as \$1,125,000.00.

Calculated as follows:

<u>\$3,000,000,000.00</u>	Annual Budget
X 50%	
<u>\$1,500,000,000.00</u>	Potential Vendor Payments
X 5%	
<u>\$ 75,000,000.00</u>	5% Subject to Penalty
X 0.15%	
<u><u>\$ 1,125,000.00</u></u>	Interest Penalty for Bills Paid in Excess of 30 Days.

The preferrable way to avoid penalty payments is to pay vendors within the 30 day period. This is and always has been the goal of the Department of Administration. The only effective way of doing this is either to divert current staff of the various State agencies to the effort of paying bills timely or to develop the agencies internal procedures and the Department of Administration's automated systems in order to address the payment problem. The cost to the State in providing additional staff or a bill paying effort that would pay all bills within 30 days using the current system has not be determined. The Department of Administration is currently in the process of

March 17, 1983

redesigning the statewide accounting system which will include features that will improve the bill paying and tracking capabilities of the State.

While we recognize the problem of paying vendors in a timely manner is a serious matter, we should point out that for the most part, vendors are paid timely. For a 12 month period, the State paid on the average of 70,200 invoices a month. During that time, the average payment time was 29 days. The high monthly average was 33 days while the low monthly average was 24 days. During this period, only two months exceeded 30 days payment time.

In addition to the costs of attempting to improve the payment time and the potential interest penalties, we should also consider the cost of increased bureaucracy that would be involved in determining what payments would be subject to penalty, what period of time would be covered, as well as the logistics of making the interest payments, all of these would be costs to the State in time and effort.

Lastly, it should be noted that the funding of the interest payments would need to be 100% State funds. We have been advised by the U.S. Office of Management and Budget that the Prompt Payment Act (P.L. 970177) prohibits the use of Federal grant funds for the agencies that are primarily federally funded. (Copy of OMB letter attached)

Again, we are not opposed to timely payment of vendor bills but are concerned with the method of achieving that goal.