

LEG. FINANCE - BILLS 1983 - 1984 2010

CSSB 55 cont. - CSSB 63 2010

- Line 17 Any approval given by the legislature is a "nonbinding, advisory expression of legislative intent." This language makes clear that the resolution does not take the place of an appropriation bill to fund the contract and permits the legislature to change its mind, should circumstances warrant.
- Line 19 If the legislature disapproves the negotiated agreement, the parties may resume negotiations.
- Line 22 If the legislature fails to pass a concurrent resolution within 60 days of receiving the agreement, then the monetary terms are considered to have legislative approval. This will encourage the legislature to make any negative response it has to the contract known.
- Line 24 The second section adds a definition of "monetary terms of an agreement" to the Public Employment Relations Act to set out those items which are subject to legislative review.
- Page 2 The third section provides for an immediate effective  
Line 3 date.

TBC:lmk

Offered: 6/17/83

Original sponsor: Rules/Legislative Council

1 IN THE SENATE BY THE RULES COMMITTEE  
2 CS FOR SENATE BILL NO. 55 (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 collective bargaining; and pro-  
7 viding for an effective date."

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

9 \* Section 1. AS 23.40.215 is amended by adding a new subsection to  
10 read:

11 (b) The Department of Administration shall submit the monetary  
12 terms of an agreement to the legislature within 10 days after the  
13 agreement of the parties, if the legislature is in session, or within  
14 10 days after the convening of the next regular session. The legisla-  
15 ture shall advise the parties by concurrent resolution if it approves  
16 or disapproves of the monetary terms within 60 days after the agree-  
17 ment is submitted to the legislature. The approval of the monetary  
18 terms of an agreement under this subsection is a nonbinding, advisory  
19 expression of legislative intent. If within 60 days after the agree-  
20 ment is submitted the legislature advises the parties by concurrent  
21 resolution that it disapproves the monetary terms of the agreement,  
22 the parties may resume negotiations.

23 \* Sec. 2. AS 23.40.250 is amended by adding a new paragraph to read:

24 (8) "monetary terms of an agreement" means the changes in  
25 the terms and conditions of employment resulting from an agreement  
26 that will require an appropriation for their implementation or will  
27 result in a change in state revenues or productive work hours for  
28 state employees.

29 \* Sec. 3. This Act takes effect immediately in accordance with

1 AS 01.10.070(c).

*Differences from final Senate version*

Offered: 6/22/83  
Referred: Finance

Original sponsor: Rules/Legislative Council

1 IN THE SENATE BY THE LABOR AND  
COMMERCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 55 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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19 expression of legislative intent. If within 60 days after the agree-  
20 ment is submitted the legislature advises the parties by concurrent  
21 resolution that it disapproves the monetary terms of the agreement,  
22 the parties may resume negotiations. If within 60 days after the  
23 agreement is submitted, the legislature does not pass a concurrent  
24 resolution under this section the monetary terms of the agreement are  
25 considered approved.

26 \* Sec. 2. AS 23.40.250 is amended by adding a new paragraph to read:

27 (8) "monetary terms of an agreement" means the changes in  
28 the terms and conditions of employment resulting from an agreement  
29 that will require an appropriation for their implementation or will



STATE OF ALASKA  
Interdepartmental Route Slip

TO: Mail Station <b>3301</b>	Department
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Attention *Legislative Finance*

- |  |   |
|--|---|
| <input type="checkbox"/> Approval      | <input type="checkbox"/> Note & Return        |
| <input type="checkbox"/> Signature     | <input type="checkbox"/> Initial & Return     |
| <input type="checkbox"/> Comment       | <input type="checkbox"/> Return as Requested  |
| <input type="checkbox"/> Contact Me    | <input type="checkbox"/> Return for Approval  |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action     |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> For Your Information |

Remarks:

*Kathy*

*Reported  
but file*

FROM: Mail Station <b>0200</b>	Department
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By <i>Comm Rudd</i>	Date <i>1/29</i>
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Position Paper

House CS for CS for Senate Bill 55 (L & C)

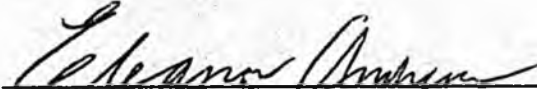
This amended version of the bill would add a new subsection to the Public Employment Relations Act providing:

1. for submission of the monetary terms of a collective bargaining agreement to the legislature within 10 days after the agreement of the parties, if the legislature is in session, or within 10 days after convening of the next regular session
2. legislative consideration of the monetary terms within 60 days after the agreement is submitted to the legislature and approval or disapproval of those terms by concurrent resolution as a nonbinding, advisory expression of legislative intent
3. that if the legislature does not pass a concurrent resolution under this section, the monetary terms are considered approved.

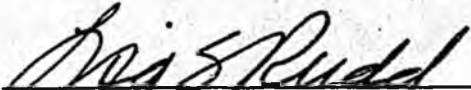
Further, the bill is amended by adding a new paragraph defining what portions of a collective bargaining agreement are considered "monetary terms".

House CS for CS for SB 55 (L & C) version of the bill still allows for the monetary terms of a collective bargaining agreement to become effective if the legislature does not pass a concurrent resolution within 60 days after submission. For this reason, the Department of Administration cannot support this bill. Attached is a copy of an Attorney General's opinion dated May 18, 1983 which explains the problems the administration has with monetary terms of a collective bargaining agreement taking effect without specific approval, and appropriation by the legislature, as written in HCSSB 55 (L & C). Also attached for your consideration is a substitute for CSCS for SB 55 drafted by the Department of Law on May 21, 1983 which satisfies this Department's concern about this issue.

The Department of Administration has another, serious concern about this bill. The State has a long history, relatively problem free, of collective bargaining with its employee representatives. This amendment to AS 23.40.215 will cloud the clear roles already established for the executive and legislative bodies in relation to collective bargaining, thereby disturbing a process that has worked to the benefit of all parties in the past. For this reason, also, we oppose this bill.

  
Eleanor Andrews, Deputy Commissioner

1/23/84  
Date

  
Commissioner Lisa Rudd

1/24/84  
Date

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

Page 1 of 2

REQUEST

Bill/Resolution No. HCSCSB 55 (L&C)  
Title: Act relating to Collective Bargaining

Sponsor: Labor & Commerce Committee  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Administration  
Program Category Affected: General Government

BRU, Program or Subprogram(s) Affected: Labor Relations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL	12.5	13.1	13.7	14.4	15.1	15.8
300 CONTRACTUAL	65.9	69.2	72.7	76.3	80.1	84.1
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>78.4</b>	<b>82.3</b>	<b>86.4</b>	<b>90.7</b>	<b>95.2</b>	<b>99.9</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	78.4	82.3	86.4	90.7	95.2	99.9
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>78.4</b>	<b>82.3</b>	<b>86.4</b>	<b>90.7</b>	<b>95.2</b>	<b>99.9</b>

POSITIONS:

	/	/	/	/	/	/
FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Eleanor Andrews Phone: \_\_\_\_\_  
Division: Commissioner's Office Date: 1/23/84

Approved by Commissioner: Lisa Rudd Date: 1/23/84  
Agency: Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

HCSCSB 55 (L&C) Fiscal Note Analysis  
Prepared by  
Commissioner's Office  
Department of Administration

January 23, 1984

The Department of Administration is concerned about potential fiscal impact of this legislation. The potential of costs is for additional staff time in negotiations because of this prolonged, cumbersome process.

Assumptions for least fiscal impact 0:

1. Assumes all nine contracts are negotiated with no problems in getting a concurrent resolution in support of agreements reached, and the legislature appropriates funds necessary to implement the monetary terms.

Assumptions for most severe impact 78.4 for FY 84:

2. Assumes legislature does not act within 60 days nor does it appropriate funds to implement the monetary terms of negotiated agreements. In order to avoid work slow downs on grievance processing and general contract administration, the division would need to add two Senior Labor Negotiators for six months each year to coordinate negotiation of collective bargaining agreements. We are assuming yearly negotiations rather than longer contracts because the unions would probably be unwilling to enter into longer contracts under the provisions of this bill. Additional potential fiscal impact could be Department of Law.

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

MAY 23 1983

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

May 20, 1983

The Honorable Bill Ray  
Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Re: CSSB 55 -- collective  
bargaining  
Our file no.: 377-103-83

Dear Senator Ray:

Attached please find a proposed substitute for CSSB 55 which does not raise the legal concerns identified in our letter of May 18, 1983. As you will note, the substitute provides for the prompt submission of the monetary terms of an agreement to the legislature. The legislature, acting in its advisory capacity, will be considered to approve the monetary terms, unless a contrary concurrent resolution is adopted within 30 days. Any action under this new review procedure does not disturb any legislatures prerogatives with respect to the funding of an agreement.

We apologize that the Department of Law did not provide you with a prepared substitute for SB 55 at an earlier date. If you have any questions, please feel free to call.

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:

*Jonathan B. Rubini*  
Jonathan B. Rubini  
Assistant Attorney General

JBR:jb

cc: Emil Notti  
Legislative Assistant  
Governor's Office

Eleanor Andrews  
Deputy Commissioner -- Personnel Mgr.  
Department of Administration

negotiations.

PROPOSED (Dept. of Law)

Offered: 3/3/83

Referred: Finance

Original sponsor: Rules/Legislative Council

IN THE SENATE

BY THE JUDICIARY COMMITTEE

CS FOR SENATE BILL NO. 55 (Judiciary)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to collective bargaining; and providing for an effective date."

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

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(b) The Department of Administration shall submit the monetary terms of an agreement to the legislature within 10 days after the agreement of the parties, if the legislature is in session, or within

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

May 18, 1983

The Honorable Vic Fischer  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Re: CSSB 55 -- Collective  
bargaining agreements  
Our file no.: 366-612-83

Dear Senator Fischer:

In your letter of May 18, 1983, you have asked whether the procedures proposed in CSSB 55 to effectuate approval of a collective bargaining agreement raise constitutional concerns. As we discussed below, the bill raises substantial constitutional questions and, as a consequence, will almost undoubtedly foster extensive litigation. In light of the limited time available for our response and the complexity of the matter, we limit our response to identifying the legal questions posed by CSSB 55.

As you know, present law provides that the monetary terms of an agreement do not take effect without legislative approval. AS 23.40.215. In practical application, monetary terms take effect only when an appropriation to fund the agreement is adopted. The effective dates of other provisions in an agreement are not, however, contingent on legislative review and approval. CSSB 55 proposes, in contrast, that monetary terms of an agreement would take effect unless the legislature adopts within 30 days a concurrent resolution which disapproves of the monetary terms. Further, the effective date for other items in the agreement would be contingent on the monetary terms taking effect through legislative inaction.

We first question whether CSSB 55 proposes a permissible exercise of legislative powers. The novel feature of the legislation is the significance of the legislature's failure to

act. In State v. A.L.I.V.E. Voluntary, 606 P.2d 769 (Alaska 1980), the Alaska Supreme Court considered the constitutionality of a statute, AS 44.62.320(a), which provided for the annulment of administrative regulations through adoption of a concurrent resolution. The Court observed that "[t]he Alaska Constitution defines with specificity the mechanics of legislation. Each provision has a purpose 'designed to engender a responsible legislative process worthy of the public trust.'" Id. at 772, quoting Plumley v. Hale, 594 P.2d 497, 500 (Alaska 1979). With respect to the regulation annulment procedure at issue, the court concluded that the adoption of a concurrent resolution was an impermissible method to exercise legislative power. Indeed, since CSSB 55 infers legislative action through an absence of action, the bill arguably exacerbates the procedural deficiencies identified at length in A.L.I.V.E. Voluntary. Further, the A.L.I.V.E. Voluntary court also noted that where the legislature acts through the adoption of a concurrent resolution, the governor is deprived of an opportunity to exercise a veto of the legislative action. That concern is equally applicable to the procedures established under CSSB 55.

The bill also raises substantial questions with respect to the appropriation process. Article 9, section 13 of the Alaska Constitution provides that "no money shall be withdrawn from the treasury except in accordance with appropriations made by law." Clearly, legislative inaction cannot suffice to permit the expenditure of public money without an appropriation. The bill, therefore, should not be construed to permit a "de facto appropriation" of public money to fund the agreement. And, if the monetary terms of an agreement became effective through legislative inaction, the terms of any outstanding appropriations would be determinative of whether the executive branch had authority to expend public money to fund the agreement. Of course, as a practical matter the use of a preexisting appropriation may require the dismissal of public employees to provide sufficient money to fund the agreement. A related, and more difficult problem is that once the monetary terms are effective, contractual obligations are established. We cannot opine with any certainty what ramifications would follow were the state in the difficult posture of being subject to contractual obligations, yet without the requisite appropriation to enable the expenditure of public money. We note that it is arguable that the legislature's continuing obligation to fund the monetary terms of an agreement pursuant to AS 23.40.215 may, ultimately, be compromised in this instance.

Hon. Vic Fischer  
CSSB 55 -- collective bargaining agreements  
366-612-83

May 18, 1983  
Page 3

If you have any further questions on this matter,  
please feel free to call.

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:

*Jonathan B. Rubini*  
Jonathan B. Rubini  
Assistant Attorney General

JBR:jb

cc: Honorable Bill Ray  
Alaska State Legislature

Eleanor Andrews, Deputy Commissioner  
Department of Administration

# COMMITTEE REPORT

## SENATE

FURTHER:

3/3/83

Date: 6/6/83

Mr. President:

The Committee on FINANCE has had SB 55

Relating to collective bargaining; 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 CS for SB 55 (Fin)  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

V. Fisher  
Chris Jack  
Bob Mulcahy  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CHAIRMAN

6/6/83

A M E N D M E N T

Offered in the Senate

By V. Fischer

TO: CSSB 55 (Finance)

Page 1, following line 22, add a a new section 2:

\* Sec. 2. AS 23.40.250 is amended by adding a new subsection to read:

(8) "Monetary terms of an agreement" means those changes in the terms <sup>and</sup> or conditions of employment resulting from an agreement that will require an appropriation for its implementation or will result in a change in state revenues or productive work hours for state employees.

Penumber subsequent section accordingly.

Original sponsor: Rules/Legislative Council

Version #1  
Sofa  
6/1/83

IN THE SENATE

BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 55 (Finance)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE - FIRST SESSION

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

CS SB 55 (Fin)

5 FC 5/19/83  
pm

# STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

May 18, 1983

The Honorable Vic Fischer  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Re: CSSB 55 -- Collective  
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Our file no.: 366-612-83

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The bill also raises substantial questions with respect to the appropriation process. Article 9, section 13 of the Alaska Constitution provides that "no money shall be withdrawn from the treasury except in accordance with appropriations made by law." Clearly, legislative inaction cannot suffice to permit the expenditure of public money without an appropriation. The bill, therefore, should not be construed to permit a "de facto appropriation" of public money to fund the agreement. And, if the monetary terms of an agreement became effective through legislative inaction, the terms of any outstanding appropriations would be determinative of whether the executive branch had authority to expend public money to fund the agreement. Of course, as a practical matter the use of a preexisting appropriation may require the dismissal of public employees to provide sufficient money to fund the agreement. A related, and more difficult problem is that once the monetary terms are effective, contractual obligations are established. We cannot opine with any certainty what ramifications would follow were the state in the difficult posture of being subject to contractual obligations, yet without the requisite appropriation to enable the expenditure of public money. We note that it is arguable that the legislature's continuing obligation to fund the monetary terms of an agreement pursuant to AS 23.40.215 may, ultimately, be compromised in this instance.

H-n. Vic Fischer  
CSSB 55 -- collective bargaining agreements  
366-612-83

May 18, 1983  
Page 3

If you have any further questions on this matter,  
please feel free to call.

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:

*Jonathan B. Rubini*  
Jonathan B. Rubini  
Assistant Attorney General

JBR:jb

cc: Honorable Bill Ray  
Alaska State Legislature

Eleanor Andrews, Deputy Commissioner  
Department of Administration

# Senator Vic Fischer

Alaska State Legislature  
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



## MEMORANDUM

TO: Senate Finance Committee

FROM: Senator Vic Fischer

RE: CSSB 55 (Finance)

DATE: June 2, 1983

SB 55 was before the committee on May 19. The consensus of the committee, at that time, was to review committee substitutes to address constitutional and other problems.

Two CS versions of SB 55 are attached. Version 1 of CSSB 55 (Finance) follows the suggestion made by Senator Mulcahy that the legislature make a positive action to express agreement of the monetary terms. Version 2 of CSSB 55 (Finance) was drafted by the Department of Law at the request of Senator Ray, and follows more closely the original intent of the bill.

Both make some changes from the Judiciary CS. The substantive changes are:

- a) In both proposed committee substitutes, the Department of Administration submits the monetary terms only after the agreement has been entered into; in the Judiciary version of SB 55, the monetary terms would be submitted to the legislature before the state and an organization entered into an agreement.
- b) Both proposed committee substitutes add a sentence that legislative action taken by resolution on the monetary terms of an agreement is a non-binding advisory expression of legislative intent.
- c) Both committee substitutes also change the period of time in which the legislature can act on the submitted terms from 30 to 60 days.
- d) Both committee substitutes contain a provision enabling parties to resume negotiations if the monetary terms are not supported by the legislature.

The differences between the two proposed committee substitutes are:

a) Version 1 requires an approval by concurrent resolution to express that the monetary terms of an agreement are acceptable to the legislature (lines 14-17). In version 2, the monetary terms of the agreement shall be considered acceptable to the legislature, unless a concurrent resolution expressing rejection of the monetary terms of the agreement is passed (lines 14- 18).

b) Regarding negotiations, version 1 of the bill states that the parties may resume negotiations if the legislature does not pass a concurrent resolution approving the monetary terms of the agreement (lines 19-23). Version 2 of the bill states that the parties may resume negotiations if the legislature passes a concurrent resolution rejecting the monetary terms of the agreement (lines 20-23).

Original sponsor: Rules/Legislative Council

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 55 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

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14 10 days after the convening of the next regular session. Unless,  
15 within 60 days after the agreement is submitted, the legislature  
16 advises the parties by concurrent resolution that it will reject the  
17 monetary terms of the agreement, the monetary terms of the agreement  
18 are considered acceptable to the legislature. The approval or rejec-  
19 tion of the monetary terms of an agreement under this subsection is a  
20 nonbinding, advisory expression of legislative intent. If the legis-  
21 lature advises the parties by concurrent resolution that it will  
22 reject the monetary terms of the agreement, the parties may resume  
23 negotiations.

24 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
25 10.070(c).

STATE OF ALASKA  
FISCAL NOTE

Revision Date: March 29, 1983

I. REQUEST

Bill/Resolution No.: CS SB 55 (Judiciary)  
Title: See page 2  
Sponsor: Judiciary committee  
Requestor: \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected: Administration  
Program Category Affected: Central Adm. Svcs  
BRU, Program of Subprogram(s) Affected:  
Labor Relations

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		
CAPITAL						
REVENUE	0	0	0	0		

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:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Guy Stingham  
Division: Labor Relations

Phone: (907) 465-4044  
Date: March 29, 1983

Approved by Commissioner: Lisa Rudd  
Department: ADMINISTRATION

Date: 4/7/83

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

POSITION PAPER  
CS SB 55 (Judiciary)

This bill would add a new subsection to the Public Employment Relations Act providing: 1) for submission of a "proposed" collective bargaining agreement which has been "approved by the organization and the State" to the Legislature within ten (10) days "after the agreement of the parties", or ten (10) days after the regular session convenes; 2) that the Legislature is to consider the agreement's monetary terms; 3) that if the Legislature does not reject the monetary terms of the agreement by concurrent resolution within thirty (30) days of the agreement's submission the agreement may take effect.

Amendments to this bill have so altered it as to cause us to withdraw our conditional support for the original version. That support was based upon a belief that the underlying objective of the bill was a worthy one, and was achievable with minor modifications to the bill's language. But the committee substitute places the original objective out of reach.

We have two major concerns with the present version of the bill. First, we believe that the legislature may by the provisions of the bill, be unduly restricting its own actions. Second, the bill now seems to involve the legislature in the actual collective bargaining process! We strongly oppose any requirement that the parties submit a "proposed" agreement to the legislature for approval before actually entering into the agreement. Since the legislature's role is to fund or not fund the monetary terms of the agreement, legislative involvement prior to actual agreement would be premature.

Prepared By:

Guy Stringham  
Guy Stringham, Director  
Division of Labor Relations

Approved By:

Lisa Rudd  
Lisa Rudd, Commissioner  
Department of Administration

4/4/83  
Date

4/7/83  
Date

STATE OF ALASKA  
FISCAL NOTE

Revision Date: March 29, 1983

I. REQUEST

Bill/Resolution No.: CS SB 55 (Judiciary)  
Title: See page 2  
Sponsor: Judiciary committee  
Requestor: \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected: Administration  
Program Category Affected: Central Adm. Svcs  
BRU, Program of Subprogram(s) Affected:  
Labor Relations

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		
CAPITAL						
REVENUE	0	0	0	0		

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:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Judy Stoughton  
Division: Labor Relations

Phone: (907) 465-4044  
Date: March 29, 1983

Approved by Commissioner: Lisa Rudd  
Department: ADMINISTRATION

Date: 4/7/83

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

POSITION PAPER  
CS SB 55 (Judiciary)

This bill would add a new subsection to the Public Employment Relations Act providing: 1) for submission of a "proposed" collective bargaining agreement which has been "approved by the organization and the State" to the Legislature within ten (10) days "after the agreement of the parties", or ten (10) days after the regular session convenes; 2) that the Legislature is to consider the agreement's monetary terms; 3) that if the Legislature does not reject the monetary terms of the agreement by concurrent resolution within thirty (30) days of the agreement's submission the agreement may take effect.

Amendments to this bill have so altered it as to cause us to withdraw our conditional support for the original version. That support was based upon a belief that the underlying objective of the bill was a worthy one, and was achievable with minor modifications to the bill's language. But the committee substitute places the original objective out of reach.

We have two major concerns with the present version of the bill. First, we believe that the legislature may by the provisions of the bill, be unduly restricting its own actions. Second, the bill now seems to involve the legislature in the actual collective bargaining process! We strongly oppose any requirement that the parties submit a "proposed" agreement to the legislature for approval before actually entering into the agreement. Since the legislature's role is to fund or not fund the monetary terms of the agreement, legislative involvement prior to actual agreement would be premature.

Prepared By:

*Guy Springham*

Guy Springham, Director  
Division of Labor Relations

Approved By:

*Lisa Rudd*

Lisa Rudd, Commissioner  
Department of Administration

*4/4/83*

Date

*4/7/83*

Date

# Senator Vic Fischer

Alaska State Legislature  
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



## MEMORANDUM

TO: Senate Finance Committee

FROM: Senator Vic Fischer

RE: CSSB 55 (Jud)

DATE: May 18, 1983

CSSB 55 (Jud) adds a new subsection to AS 23.40.210.

Section 1 states that when a proposed agreement is reached between an organization and the state, the agreement shall be submitted to the legislature within 10 days after agreement or 10 days after the convening of the legislative session for consideration of the monetary terms of the agreement.

Lines  
9-16

Lines 17-19 state that the agreement may take effect if the monetary terms of the agreement are not rejected by concurrent resolution within 30 days after submission of the agreement to the legislature.

Section 2 provides for an immediate effective date.

SB 55 was waived to the Judiciary committee from the State Affairs committee because there seemed to be some problems with the bill that could best be taken care of in that committee. No senators in the Senate State Affairs Committee disagreed with the concept of the bill.

The Judiciary Committee adopted a Committee Substitute which called for a proposed agreement to be submitted to the legislature as opposed to a signed agreement as outlined in the original version of the bill.

I requested an opinion from the Attorney General for possible constitutional and other legal problems that might be associated with this bill. The opinion of May 18, 1983 is enclosed in your backup material. John Rubini from the Attorney General's office will be here to testify on these constitutional problems.

The Department of Administration position is also included in your backup. Also included in your backup is the original version of the bill.

Offered: 3/3/83  
Referred: Finance

Original sponsor: Rules/Legislative Council

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

CS FOR SENATE BILL NO. 55 (Judiciary)

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 collective bargaining; and pro-  
7 viding for an effective date."

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

9 \* Section 1. AS 23.40.210 is amended by adding a new subsection to  
10 read:

11 (b) Before entering into an agreement between an organization  
12 and the state a proposed agreement approved by the organization and  
13 the state shall be submitted to the legislature for consideration of  
14 the monetary terms of the agreement. The proposed agreement shall be  
15 submitted to the legislature within 10 days after the agreement of the  
16 parties or 10 days after the convening of the next regular session.  
17 The agreement may take effect if the monetary terms of the agreement  
18 are not rejected by the legislature by concurrent resolution within 30  
19 days after the agreement is submitted to the legislature.

20 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
21 10.070(c).

22

## I. REQUEST

Bill/Resolution No.: CS SB 55 (Judiciary)

Title: See page 2

Sponsor: Judiciary committee

Requestor: \_\_\_\_\_

## II. FISCAL DETAIL

Agency Affected: Administration

Program Category Affected: Central Adm. Svcs

BRU, Program of Subprogram(s) Affected:

Labor Relations

## 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		
CAPITAL						
REVENUE	0	0	0	0		

## 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:

N/A

## IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Judy DillinghamDivision: Labor Relations

Phone: (907) 465-4044

Date: March 29, 1983Approved by Commissioner: Lisa Rudd *LSR*Department: ADMINISTRATIONDate: 4/7/83

## 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

POSITION PAPER  
CS SB 55 (Judiciary)

This bill would add a new subsection to the Public Employment Relations Act providing: 1) for submission of a "proposed" collective bargaining agreement which has been "approved by the organization and the State" to the Legislature within ten (10) days "after the agreement of the parties", or ten (10) days after the regular session convenes; 2) that the Legislature is to consider the agreement's monetary terms; 3) that if the Legislature does not reject the monetary terms of the agreement by concurrent resolution within thirty (30) days of the agreement's submission the agreement may take effect.

Amendments to this bill have so altered it as to cause us to withdraw our conditional support for the original version. That support was based upon a belief that the underlying objective of the bill was a worthy one, and was achievable with minor modifications to the bill's language. But the committee substitute places the original objective out of reach.

We have two major concerns with the present version of the bill. First, we believe that the legislature may by the provisions of the bill, be unduly restricting its own actions. Second, the bill now seems to involve the legislature in the actual collective bargaining process! We strongly oppose any requirement that the parties submit a "proposed" agreement to the legislature for approval before actually entering into the agreement. Since the legislature's role is to fund or not fund the monetary terms of the agreement, legislative involvement prior to actual agreement would be premature.

Prepared By:

Guy Springham

Guy Springham, Director  
Division of Labor Relations

Approved By:

Lisa Rudd

Lisa Rudd, Commissioner  
Department of Administration

4/4/83  
Date

4/7/83  
Date





# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

May 18, 1983

The Honorable Vic Fischer  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Re: CSSB 55 -- Collective  
bargaining agreements  
Our file no.: 366-612-83

Dear Senator Fischer:

In your letter of May 18, 1983, you have asked whether the procedures proposed in CSSB 55 to effectuate approval of a collective bargaining agreement raise constitutional concerns. As we discussed below, the bill raises substantial constitutional questions and, as a consequence, will almost undoubtedly foster extensive litigation. In light of the limited time available for our response and the complexity of the matter, we limit our response to identifying the legal questions posed by CSSB 55.

As you know, present law provides that the monetary terms of an agreement do not take effect without legislative approval. AS 23.40.215. In practical application, monetary terms take effect only when an appropriation to fund the agreement is adopted. The effective dates of other provisions in an agreement are not, however, contingent on legislative review and approval. CSSB 55 proposes, in contrast, that monetary terms of an agreement would take effect unless the legislature adopts within 30 days a concurrent resolution which disapproves of the monetary terms. Further, the effective date for other items in the agreement would be contingent on the monetary terms taking effect through legislative inaction.

We first question whether CSSB 55 proposes a permissible exercise of legislative powers. The novel feature of the legislation is the significance of the legislature's failure to

act. In State v. A.L.I.V.E. Voluntary, 606 P.2d 769 (Alaska 1980), the Alaska Supreme Court considered the constitutionality of a statute, AS 44.62.320(a), which provided for the annulment of administrative regulations through adoption of a concurrent resolution. The Court observed that "[t]he Alaska Constitution defines with specificity the mechanics of legislation. Each provision has a purpose 'designed to engender a responsible legislative process worthy of the public trust.'" Id. at 772, quoting Plumley v. Hale, 594 P.2d 497, 500 (Alaska 1979). With respect to the regulation annulment procedure at issue, the court concluded that the adoption of a concurrent resolution was an impermissible method to exercise legislative power. Indeed, since CSSB 55 infers legislative action through an absence of action, the bill arguably exacerbates the procedural deficiencies identified at length in A.L.I.V.E. Voluntary. Further, the A.L.I.V.E. Voluntary court also noted that where the legislature acts through the adoption of a concurrent resolution, the governor is deprived of an opportunity to exercise a veto of the legislative action. That concern is equally applicable to the procedures established under CSSB 55.

The bill also raises substantial questions with respect to the appropriation process. Article 9, section 13 of the Alaska Constitution provides that "no money shall be withdrawn from the treasury except in accordance with appropriations made by law." Clearly, legislative inaction cannot suffice to permit the expenditure of public money without an appropriation. The bill, therefore, should not be construed to permit a "de facto appropriation" of public money to fund the agreement. And, if the monetary terms of an agreement became effective through legislative inaction, the terms of any outstanding appropriations would be determinative of whether the executive branch had authority to expend public money to fund the agreement. Of course, as a practical matter the use of a preexisting appropriation may require the dismissal of public employees to provide sufficient money to fund the agreement. A related, and more difficult problem is that once the monetary terms are effective, contractual obligations are established. We cannot opine with any certainty what ramifications would follow were the state in the difficult posture of being subject to contractual obligations, yet without the requisite appropriation to enable the expenditure of public money. We note that it is arguable that the legislature's continuing obligation to fund the monetary terms of an agreement pursuant to AS 23.40.215 may, ultimately, be compromised in this instance.

Hon. Vic Fischer  
CSSB 55 -- collective bargaining agreements  
366-612-83

May 18, 1983  
Page 3

If you have any further questions on this matter,  
please feel free to call.

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:

*Jonathan B. Rubini*  
Jonathan B. Rubini  
Assistant Attorney General

JBR:jb

cc: Honorable Bill Ray  
Alaska State Legislature

Eleanor Andrews, Deputy Commissioner  
Department of Administration

Introduced: 1/18/83  
Referred: State Affairs and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE LEGISLATIVE  
COUNCIL (for the Blue  
Ribbon Commission on the  
State Personnel Act)

1 IN THE SENATE

2 SENATE BILL NO. 55

2.

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 collective bargaining; and  
7 providing for an effective date."

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

9 \* Section 1. AS 23.40.210 is amended by adding a new subsection to  
10 read:

11 (b) When an agreement is entered into between an organization  
12 and the state, the agreement shall be submitted to the legislature  
13 within 10 days after the signing of the agreement by the parties or 10  
14 days after the convening of the next regular session. The monetary  
15 terms of an agreement take effect if they are not rejected by the  
16 legislature by concurrent resolution within 30 days after the agree-  
17 ment is submitted to the legislature.

18 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
19 10.070(c).

Introduced: 1/18/83  
Referred: State Affairs and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE LEGISLATIVE  
COUNCIL (for the Blue  
Ribbon Commission on the  
State Personnel Act)

1 IN THE SENATE

2

SENATE BILL NO. 55

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 collective bargaining; and  
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12 and the state, the agreement shall be submitted to the legislature  
13 within 10 days after the signing of the agreement by the parties or 10  
14 days after the convening of the next regular session. The monetary  
15 terms of an agreement take effect if they are not rejected by the  
16 legislature by concurrent resolution within 30 days after the agree-  
17 ment is submitted to the legislature.

18 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
19 10.070(c).

Offered: 3/3/83  
Referred: Finance

Original sponsor: Rules/Legislative Council

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

CS FOR SENATE BILL NO. 55 (Judiciary)

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 collective bargaining; and pro-

7

viding for an effective date."

8

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

9

\* Section 1. AS 23.40.210 is amended by adding a new subsection to

10 read:

11

(b) Before entering into an agreement between an organization

12

and the state a proposed agreement approved by the organization and

13

the state shall be submitted to the legislature for consideration of

14

the monetary terms of the agreement. The proposed agreement shall be

15

submitted to the legislature within 10 days after the agreement of the

16

parties or 10 days after the convening of the next regular session.

17

The agreement may take effect if the monetary terms of the agreement

18

are not rejected by the legislature by concurrent resolution within 30

19

days after the agreement is submitted to the legislature.

20

\* Sec. 2. This Act takes effect immediately in accordance with AS 01.-

21

10.070(c).

22

MF

STATE OF ALASKA  
FISCAL NOTE

Revision Date: March 29, 1983

I. REQUEST

Bill/Resolution No.: CS SB 55 (Judiciary)  
Title: See page 2  
Sponsor: Judiciary committee  
Requestor:

II. FISCAL DETAIL

Agency Affected: Administration  
Program Category Affected: Central Adm. Svcs  
BRU, Program of Subprogram(s) Affected:  
Labor Relations

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		
CAPITAL						
REVENUE	0	0	0	0		

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:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Suey M. Thompson  
Division: Labor Relations

Phone: (907) 465-4044  
Date: March 29, 1983

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

Date: 4/7/83

Distribution:

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- 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



Offered: 3/10/83  
Referred: Rules

Original sponsors: V. Fischer, Rodey  
and Sturgulewski

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR SENATE BILL NO. 63 (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 Alaska Commission on the  
7 Status of Women; and providing for an effective  
8 date."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
10 \* Section 1. AS 44.19.165 is amended to read:  
11 Sec. 44.19.165. CREATION OF COMMISSION. There is created in the  
12 Office of the Governor the Alaska Women's Commission [ON THE STATUS OF  
13 WOMEN].  
14 \* Sec. 2. AS 44.19.175 is amended by adding a new paragraph to read:  
15 (13) encourage the development of regional and municipal  
16 women's councils or commissions.  
17 \* Sec. 3. AS 44.66.010(a) is amended by adding a new paragraph to read:  
18 (12) Alaska Women's Commission -- June 30, 1987.  
19 \* Sec. 4. The Alaska Women's Commission established in sec. 1 of this  
20 Act succeeds to all the powers, duties, and facilities of the Alaska Com-  
21 mission on the Status of Women.  
22 \* Sec. 5. Section 2, ch. 120, SLA 1978 is repealed.  
23 \* Sec. 6. This Act is retroactive to June 30, 1983.  
24 \* Sec. 7. This Act takes effect immediately in accordance with AS 01.-  
25 10.070(c).

Introduced: 1/20/83  
Referred: State Affairs

1 IN THE SENATE

BY V.FISCHER AND RODEY

2

SENATE BILL NO. 63

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 Alaska Commission on the  
7 Status of Women; and providing for an effective  
8 date."

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

10 \* Section 1. AS 44.19.165 is amended to read:

11 Sec. 44.19.165. CREATION OF COMMISSION. There is created in the  
12 Office of the Governor the Alaska Women's Commission [ON THE STATUS OF  
13 WOMEN].

14 \* Sec. 2. AS 44.19.175 is amended by adding a new paragraph to read:

15 (13) encourage the development of regional and municipal  
16 women's councils or commissions.

17 \* Sec. 3. AS 44.19.180 is amended to read:

18 Sec. 44.19.180. ANNUAL REPORT. Each year the commission shall  
19 file a report with the governor and the legislature of its proceedings  
20 for the previous fiscal [CALENDAR] year and shall submit recommenda-  
21 tions for legislative and administrative action. Reports and recom-  
22 mendations required under this section shall be prepared no later than  
23 the convening of the legislature.

24 \* Sec. 4. AS 44.66.010(a) is amended by adding a new paragraph to read:

25 (12) Alaska Women's Commission -- June 30, 1987.

26 \* Sec. 5. The Alaska Women's Commission established in sec. 1 of this  
27 Act succeeds to all the powers, duties, and facilities of the Alaska Com-  
28 mission on the Status of Women.

29 \* Sec. 6. Section 2, ch. 120, SLA 1978 is repealed.

1 \* Sec. 7. This Act is retroactive to June 30, 1983.

2 \* Sec. 8. This Act takes effect immediately in accordance with AS 01.-

3 10.070(c).

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. CS for SB 63 (State Affairs)  
 Title Act relating to the Alaska Commission on the Status of Women  
 Requested by \_\_\_\_\_ Date 3/22/83

II. FISCAL DETAIL  
 Agency Affected Office of the Governor  
 Program Category Affected Alaska Women's Commission  
 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 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES				0		
200 TRAVEL				0		
300 CONTRACTUAL				0		
400 COMMODITIES				0		
500 EQUIPMENT				0		
600 LAND & STRUCTURES				0		
700 GRANTS, CLAIMS, ETC.				0		
TOTAL				0		

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE March 22, 1983 PREPARED BY \_\_\_\_\_  
 AGENCY Senate Finance Committee  
 Original: Legislative Finance PHONE \_\_\_\_\_  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)



Original sponsors: V. Fischer, Hodey  
and Sturgulewski

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 63 (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 the Alaska Commission on the  
7 Status of Women; and providing for an effective  
8 date."

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

10 \* Section 1. AS 44.19.165 is amended to read:

11 Sec. 44.19.165. CREATION OF COMMISSION. There is created in the  
12 Office of the Governor the Alaska Women's Commission (ON THE STATUS OF  
13 WOMEN).

14 \* Sec. 2. AS 44.19.175 is amended by adding a new paragraph to read:

15 (13) encourage the development of regional and municipal  
16 women's councils or commissions.

17 \* Sec. 3. AS 44.19.175 is amended by adding a new subsection to read:

18 (b) Notwithstanding (a) of this section, the commission may not  
19 attempt to influence the result of an election or the approval or  
20 rejection of a ballot proposition.

21 \* Sec. 4. AS 44.66.010(a) is amended by adding a new paragraph to read:

22 (12) Alaska Women's Commission -- June 30, 1987.

23 \* Sec. 5. The Alaska Women's Commission established in sec. 1 of this  
24 Act succeeds to all the powers, duties, and facilities of the Alaska Com-  
25 mission on the Status of Women.

26 \* Sec. 6. Section 2, ch. 120, SIA 1978 is repealed.

27 \* Sec. 7. This Act takes effect immediately in accordance with AS 01.-  
28 10.070(c).

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS SB 63(SA)am  
 Title All Act relating to the Commission on the Status of Women  
 Requested by House Finance Committee Date 5/14/83

II. FISCAL DETAIL

Agency Affected Office of the Governor  
 Program Category Affected Commissions  
 BRU, Program, Or Subprogram(s) Affected Commission on the Status of Women  
 (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						
FEDERAL FUNDS						
OTHER (Specify Source)						
		0				

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

A zero fiscal note is attached to this bill because funding for the Commission appears in the FY 84 budget.

This funding procedure conforms with that utilized to extend termination dates of other boards and commissions in the House Finance Committee.

Funding information is attached in the form of the budget "cut sheet".

IV. DATE 5/14/83 PREPARED BY Rep. Al Adams RA  
 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 -- OPERATING BUDGET SUMMARY

14:33

5/07/83

\* \* \* \* \* OFFICE OF THE GOVERNOR \* \* \* \* \*

SHORT  
FORM  
PAGE

BUDGET COMPONENT	FY83 ATH	GOVERNOR	GOV.AMD.	HOUSE	SENATE	HOUSE - GOV.AMD. COMPARISON		
ADMINISTRATION OF JUSTICE								
COMMISSIONS								
2	STATUS OF WOMEN COMMISSION	348.1	342.7	342.7	326.1	336.1	-16.6	-4.7%
4	HUMAN RIGHTS COMMISSION	1492.2	1464.9	1534.9	1481.7	1519.0	-53.2	-3.5%
	*** PROGRAM TOTAL ***	1840.3	1807.6	1877.6	1807.8	1855.1	-69.8	-3.6%
GENERAL GOVERNMENT								
EXECUTIVE OPERATIONS								
8	EXECUTIVE OFFICE	24282.2	4433.5	5257.9	5119.6	5064.1	-138.3	-2.5%
10	EXECUTIVE MANSION	292.8	373.6	516.8	373.6	373.6	-143.2	-27.6%
12	AK LAND USE COUNCIL	347.8	340.5	340.5	340.5	335.4		
14	CONTINGENCY FUND	750.0	750.0	750.0	500.0	750.0	-250.0	-33.2%
16	LIEUTENANT GOVERNOR	783.0	558.1	558.1	558.1	554.9		
18	COUNCIL ON ECONOMIC POLICY	674.7	100.0	100.0			-100.0	-100.0%
20	REGULATORY REFORM OFFICE	119.4						
	*** PROGRAM TOTAL ***	27249.9	6555.7	7523.3	6891.8	7078.0	-631.5	-8.3%
OFFICE OF MANAGEMENT & BUDGET								
24	BUDGET & MANAGEMENT	2291.0						
26	INTERNAL AUDIT	998.9						
28	POLICY DEVELOPMENT & PLANNING	2095.6						
30	OFC OF MANAGEMENT AND BUDGET		6023.5	6123.5	5701.0	5973.8	-422.5	-6.8%
32	COASTAL ENERGY IMPACT PROGRAM					1127.4		
34	PLANNING ASSISTANCE					824.1		
36	COASTAL ZONE MANAGEMENT					1851.3		
	*** PROGRAM TOTAL ***	5385.5	6023.5	6123.5	5701.0	9776.6	-422.5	-6.8%
40	COASTAL ZONE MANAGEMENT	3888.0	1571.0	1571.0	1871.0		300.0	19.0%
44	ELECTIONS	3934.5	1898.8	2010.5	1569.0	1836.8	-441.5	-22.0%
48	SALARY & BENEFITS INCREASES			38866.3		38866.3	-38866.3	-100.0%
50	AGENCY UNALLOCATED REDUCTION			-258.0			258.0	-100.0%
	*** CATEGORY TOTAL ***	40457.9	16049.0	55836.6	16032.8	57607.7	-39803.8	-71.2%
	***** TOTAL AGENCY EXPENDITURES	42298.2	17856.6	57714.2	17840.6	59462.8	-39873.6	-69.0%
	***** AGENCY FUNDING							
	FED. RECEIPT	3702.5	266.0	1693.3	336.0	2911.8	-1357.3	-30.1%
	GENERAL FUND	38595.7	17590.6	50422.6	17504.6	50952.7	-32918.0	-65.2%
	OTHER FUNDS			5598.3		5598.3	-5598.3	-100.0%

The following individuals are expected to testify on CS  
SB 63 (State Affairs) am:

Senator Vic Fischer, prime sponsor, may testify

A representative of the Commission on the Status of  
Women may testify

Alaska State Legislature  
House of Representatives

Al Adams  
Chairman  
Committee on Finance

Official Business

May 14, 1983

WHILE IN SESSION  
Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3706

OUT OF SESSION  
P.O. Box 333  
Kotzebue, Alaska 99752  
(907) 442-3320

1024 W. 6th  
Anchorage, Alaska 99501  
(907) 274-0615

MEMORANDUM

TO: House Finance Committee Members

FROM: Al Adams, Chair *AAA*

SUBJ: SB 63, An Act relating to the Commission on the Status of Women

This bill would extend the life of the Commission on the Status of Women.

Section 1. Changes the name of the commission to the Alaska Women's Commission.

Section 2. Adds a new subsection to the powers and duties of the commission stating that the commission should encourage the development of regional and municipal women's councils and commissions.

Section 3. Extends the life of the commission to June 30, 1987.

Section 4. Provides that all the powers, duties and facilities of the Commission on the Status of Women are those of the Alaska Women's Commission.

Section 5. Repeals the commission's termination date in the original legislation establishing the commission.

Section 6. Provides for an immediate effective date.

You may recall that the Committee has already passed out the House version of this bill. That bill included two additional sections not in SB 63. One section contained a technical change to provide for submission of the Commission's annual report each fiscal year instead of each calendar year. The other section

included a retroactive effective date clause that would only have had the force of law if the bill passed after June 30, 1983.

I have attached a zero fiscal note to CS SB 63 (SA) am since both the House and Senate budgets include funding for the Commission. This is consistent with our consideration of the House bill.



STATE OF ALASKA

OFFICE OF THE GOVERNOR

ALASKA COMMISSION ON THE STATUS OF WOMEN  
3601 C STREET - SUITE 742  
ANCHORAGE, ALASKA 99503

MEMORANDUM

TO: Senator Vic Fischer, Chair  
Senate State Affairs Committee

FROM: Katie Hurley, Executive Director *Katie Hurley*

SUBJECT: S.B. 63, A bill to extend the Alaska Commission on the Status of Women

DATE: February 17, 1983

The Alaska Commission on the Status of Women has been asked to respond to a suggestion that the Women's Commission be located in the Department of Health and Social Services.

As you know, the PURPOSE of the Women's Commission is to improve the status of women in Alaska. This broad legislative mandate requires research, advocacy, public education and policy analysis in many diverse areas. Topics such as education, labor and employment, the availability of commercial credit, health needs of low income women, fisheries, legal rights of women, subsistence and the transition to the cash economy are some of the many areas in which the Commission has been actively involved. Its purpose has a great bearing on the Commission's location within the governmental structure, because its location will greatly affect its ability to be effective in carrying out its mandate.

EFFECTIVENESS in bringing public attention to the inequalities which exist for women in some of the areas listed above requires that the Commission have access to the Governor, to the legislature and to all of the relevant departments within state government. The stature accorded a Commission which is located within the Governor's office is often a necessary element in securing the participation of those parties who are essential to the discussion at hand. While locating the Commission within one of the established departments might lend an air of permanence to its existence, it is doubtful whether this gain would adequately offset the loss in stature which many would perceive such a move to indicate. In other words, an action taken for purely administrative purposes might easily be misinterpreted by many as a diminution of the importance of the Commission's work. Because of the nature of the legislative mandate it is essential that the Commission be located within an office that has a strong public presence and which deals with policy analysis and development. This would preclude, for instance, the Department of Administration providing an appropriate framework for the Commission.

Memorandum - February 17, 1983

Page Two

The Commission's effectiveness might be hampered along purely administrative lines as well. The Commission currently strictly adheres to all of the state's administrative regulations. Because it is located within an office which deals with a number of similarly constituted commissions, the amount of time and effort involved in administrative procedures is kept to a minimum. While the issues which the Commission addresses relate to many departments, no one department encompasses the breadth of concern which characterizes the work of the Commission. Thus, procedures currently processed in a cost efficient and timely manner in the Governor's office might become lengthy and cumbersome delays if the Commission were an appendage of a large and unrelated department whose priorities were understandably different from the Women's Commission.

Finally, protection of the Commission's PERSONNEL by including them in the state classification system has been raised as an issue. This item is one which has been discussed and there is unanimous concurrence in this regard. The issues with which the Commission must grapple are of paramount importance, to its staff as well as its appointed members. It is unrealistic to anticipate ever having the numbers of staff necessary to provide individual expertise in each area which the Commission addresses. We will continue to expect staff to perform a variety of diverse functions at a high level of expertise. In other words, we will continue to need a small number of people who can do a lot of things, and do them well. For example, in addition to her research work our research analyst provides policy analysis, does legislative monitoring, writes Requests for Proposals, draws up contracts, provides contract management and provides technical assistance to regional conference sponsors throughout the state. Our public information officer, in addition to her extensive publication efforts, provides budgetary and administrative backup, writes Requests for Proposals, draws up contracts and provides contract management. Our secretary performs the duties and functions of an experienced administrative assistant in addition to voluminous clerical duties. Neither classified positions nor partially exempt ones provide the necessary framework for designing and compensating such "multi-positions." It was for this reason that the Commission recommended from its inception that the staff be fully exempt. It is the continued recommendation of the Commission and the staff that the positions in the Women's Commission be made FULLY EXEMPT so that a small, effective working group can be maintained but can be rated and compensated according to the varied skills and experience they bring to their positions, something not possible within either the partially exempt or classified services.

In summary, I would like to reiterate the Commission's appreciation for your interest in and concern for the status of women in Alaska. With regard to the location of the Women's Commission we would continue to recommend that it be located within the Office of the Governor and that the personnel positions be fully exempt for the reasons listed above.

If we can provide any additional information please do not hesitate to call upon us.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

ALASKA COMMISSION ON THE STATUS OF WOMEN  
3801 C STREET - SUITE 742  
ANCHORAGE, ALASKA 99503

ANNUAL REPORT

January 1, 1982 - December 31, 1982

PURPOSE

The Alaska Commission on the Status of Women was formed in 1978 by the Alaska State Legislature in order to "...implement the recommendations contained in the preliminary study on the status of women in Alaska which was mandated by the Ninth Legislature, Second Session, under ch. 99 SLA 1976, and improve the status of women in Alaska by conducting further research and by making and implementing additional recommendations on the opportunities, needs, problems, and contributions of women in Alaska including, by not limited to (1) education, (2) homemaking, (3) civil and legal rights, and (4) labor and employment." (AS 44.19)

ADMINISTRATION

The Commission has 10 unpaid members who are appointed by the Governor to set policy and direction for the Commission. In 1982 the commissioners were:

Barbara Schuhmann, chair, Fairbanks  
Barbara Dale, vice chair, Juneau  
Evallee Azar, Anchorage  
Pat Berkley, Anchorage  
Mary Anne Henry, Ketchikan (ex officio member representing  
the office of the attorney general)  
Dorothy Jones, Eagle River  
Roxane Lee, Petersburg  
Fr. James Poole, S.J., Nome  
Teresa Sockpealuk-Perry, Shaktoolik  
Carla Timpone, Fairbanks

There are four staff members working for the Commission. They are:

Katherine T. Hurley, executive director  
Laurie Anderson, secretary  
Christine Callahan, research analyst  
Kathy Keisor Wisthoff, public information officer

\* Wherever this symbol occurs it identifies legislative and administrative recommendations which the Commission made during 1982.

The Commission operates on a fiscal year budget (July to June) of approximately \$289,000, and generally holds four to five meetings a year in various communities around the state. In 1982 the meeting schedule was:

- February - Meeting in Juneau.
- March - The Commissioners attended the statewide women's conference sponsored by the Commission in Anchorage.
- May - Work session in Anchorage to establish goals for fiscal year 1983.
- June - Meeting in Anchorage.
- October - Meeting in Kodiak.

#### PROJECTS AND ACTIONS IN 1982

- \* Women and Employment ● Provided testimony before the state Human Rights Commission and the Blue Ribbon Commission. Recommended changes to the state's personnel system which would make it equitable and accessible to women.
- \* ● Met with the Office of Federal Contract Compliance Programs and the Federal Inspector's Office to discuss the efforts necessary to improve women's opportunities in non-traditional labor.
- \* ● Contacted the Department of Administration regarding the concerns with the state personnel system.
- \* ● Responded to the Federal Energy Regulatory Commission's request for "reasonable and appropriate affirmative action goals" for hire on the proposed natural gas pipeline. The Commission's proposed goal was 42.3 percent women to be hired in each of the occupational categories.
- \* ● Co-sponsored with the U.S. Department of Labor, Women's Bureau, and other agencies a training session on "Women in Apprenticeships and Blue Collar Jobs."
- \* Advocacy and Outreach ● Sponsored a statewide women's conference, "Alaska's Women: Determining Our Futures." Close to 1,000 people from all over Alaska attended this highly successful event in Anchorage. Recommendations from this conference were forwarded to political leaders throughout the state.

- Provided travel assistance grants to women from 21 communities to attend the statewide women's conference.
- Contacted the Rural Alaska Television Network recommending the elimination of alcohol advertisements in bush communities where alcohol has been banned or where there is a severe alcoholism problem. A message was also sent to Governor Jay Hammond asking for his support of this request.
- Began a media campaign to combat sex-role stereotyping. Four 30-second television public service announcements were produced by Affinityfilms, Inc. and aired statewide. The spots received a second place award at the Annual Public Relations Society of America Awards Banquet.
- Published a bimonthly newsletter on Commission and women-related issues. Newsletter first published in 1981 has increased from a mailing list of 700 to 2600 - a 350% increase.
- Provided speakers for the following community efforts:
  - National Convention of Colored Women's Clubs
  - PBS Documentary, By the People, on the pros and cons of Ballot Measure 6, which would have prohibited state funding for abortions
  - National Organization for Women, Fairbanks Chapter Meeting
  - Soroptomists International meeting
  - 14th Biennial Alaska Federation of Women's Clubs Convention
  - End Violence Against Women and Children Week activities
  - National Organization for Women, Anchorage Chapter, "ERA A New Day" rally
  - Anchorage Women Lawyers meeting
  - Valley Women's Resource Center, brown bag lunch
  - Valley League of Women Voters meeting
  - Business and Professional Women's Club, Political Awareness Conference
  - Alaska Women's Political Caucus, Political Skills Conference
  - National Organization for Women, state organizational meeting
  - American Association of University Women, Fairbanks Chapter meeting

- Assisted the state Department of Education with drafting the Chapter 17 (Sex Equity in Education) regulations.
- Appointed to the Equity Coordinating Council for Alaska to assist school districts with implementing the new sex equity in education law.
- Co-sponsored the "Women and Alcohol" conference with the state Office on Alcohol and Drug Abuse and the Salvation Army.
- Sponsored a seminar, "Women in the Political Process" in Kodiak. State Senator Arliss Sturgulewski and lobbyist Jana Varrati were panelists.
- \*  
● Created a Health Task Force to define women's health needs and problems; acted upon the recommendations of the task force regarding health care for Native women, the elderly, and the poor. Scheduled a statewide teleconference on health needs for April, 1983.
- Sponsored a women's regional conference in Barrow.
- Represented the Commission at the Men's Support Network statewide conference, "The Alaskan Male: Men in Transition."
- \*  
● Met with Anchorage Mayor Tony Knowles and Anchorage women to discuss women's issues. Recommended formation of Task Force on Child Care.
- Served as a clearinghouse of information on issues affecting women. The Commission receives many inquiries on topics ranging from employment to sexual harassment to the availability of small business loans.
- Sponsored a statewide teleconference hearing as a public forum for comment on topics of special concern to the Commission and Alaska's women.
- Prepared and distributed a Request for Proposals from groups interested in sponsoring regional women's conferences during 1983. Funding provided for three conferences.

- Formed steering committees and met with representatives of various women's groups in Kodiak and Fairbanks to determine the topics of seminars the Commission sponsored while meeting in these communities.
- Prepared and delivered a statement, "The Impact on Women" for the Alaska Symposium on Social, Economic, and Cultural Impacts of Natural Resource Development. Provided recommendations for sociologists and economists attending the symposium on research related to women and minorities.

\*  
Research Projects

- Reviewed the recommendations contained in "A Preliminary Study: The Status of Women in Alaska in the areas of education, employment, mental health, physical health and the justice system. Research is compiled in a report entitled "Five Years Later."
- Developed a comprehensive request for a proposal to study the economic status of Alaska Native women. The study is underway and will be completed by June 1983.

\*  
Political Action

- In 1982 the Commission made recommendations concerning approximately 40 pieces of legislation which were pending before the Alaska State Legislature and the United States Congress. A legislative report was produced and distributed to women's organizations. In addition, the Commission made recommendations to both bodies concerning the state and national budgets and the need to provide adequate funding for services to assist people in need, with particular emphasis on health care, child care, legal aid and job training and placement for displaced homemakers.
  - Adopted resolutions which:
    - opposed Ballot Measure 6 which would have limited the use of public funds for abortion-related procedures;
    - opposed the anti-subsistence initiative, Ballot Measure 7; and
    - opposed Ballot Measure 8 which would have relocated the state capital.
- \*  
\*  
\*

- \* ● Prepared a statement for the state's Official Election Pamphlet which encouraged voters to vote against Ballot Measure 6.
- Voted to support a change in the law to include the prohibition of discrimination on the basis of sexual preference.
- \* ● Successfully requested that Alaska's congressional delegation reintroduce the Equal Rights Amendment.
- Prepared and distributed a questionnaire to gubernatorial candidates asking them to respond to issues of concern to Alaskan women.
- \* ● Provided testimony and recommendations before the State Affairs Committee during its statewide teleconference hearing on the future of the women's commission.
- Prepared and distributed a report entitled, "Five Years Later" which is a review of the recommendations contained in "A Preliminary Study: The Status of Women in Alaska, 1977." The report is an update on the status of women in the areas of education, employment, mental health, physical health, and the justice system.
- Printed and distributed reports of regional women's conferences sponsored by the Commission in 1981. The conferences were held in Hoonah, Kotzebue, Fairbanks, and Galena.
- Contracted to produce a publication on women's political leadership. The publication will be printed and distributed in 1983, and will identify women from all regions of the state who have effected political change in their communities, workplace, or state.
- Continued to publish a bimonthly newsletter, STATUS REPORT, which highlights the work of the Commission and other topics of interest to women. Circulation 2600.

#### Publications

#### Goals

In June, 1983, the Commission established goals for fiscal year 1983 (July 1, 1982 - June 30, 1983). They are:

1. To conduct and promote political action on women's issues.

- A. To support and propose legislation which addresses the needs of Alaska's women.
  - B. To extend the life of the Commission or recommend a new means of addressing women's needs.
  - C. To promote change or improvement in government agency services for women.
2. To identify the economic needs/status of Alaska Native women.
  3. To provide a comprehensive media campaign on issues pertinent to women.
  4. To monitor and comment on legislation and regulations concerning women and employment. To convince both the administrative branch and the legislature of the need for keeping adequate data on women and employment and of the need for studies to supply missing and needed information regarding women and employment.
  5. To sponsor four regional conferences.
  6. To develop and promote a network of women's groups, organizations, and social service agencies.
  7. To update existing information about the current health care situation for Alaska women.
  8. To increase the visibility of the Commission and of women through projects and promoting women's leadership.

(4) submit annually to the legislature, not later than the 10th day of each regular session, the portion of the coastal management program approved or amended by the council during the preceding year. (§ 3 ch 84 SLA 1977)

Editor's note. — This section derives from AS 44.19.893 and was renumbered by the revisor under 01.05.031.

Sec. 44.19.162. Council staff. The council shall utilize the staff of the office of coastal management within the division of policy development and planning in discharging its powers and duties. The coordinator of the office, with the concurrence of the council, may contract with or employ personnel or consultants he considers necessary to carry out the powers and duties of the council. (§ 3 ch 84 SLA 1977)

Editor's note. — This section derives from AS 44.19.894 and was renumbered by the revisor under 01.05.031.

Article 14. Alaska Commission on the Status of Women.

Section	Section
165. Creation of commission	170. Compensation
166. Composition	171. Purpose
167. Appointment	175. Powers and duties
168. Meetings	180. Annual report
169. Terms of office	

Editor's note. — Section 2, ch. 120, SLA 1978, provides: "The Alaska Commission on the Status of Women created under AS 44.19.956 shall terminate on June 30, 1983."

Sec. 44.19.165. Creation of commission. There is created in the Office of the Governor the Alaska Commission on the Status of Women. (§ 1 ch 120 SLA 1978)

Editor's note. — This section derives from AS 44.19.956 and was renumbered by the revisor under 01.05.031.

Sec. 44.19.166. Composition. The commission consists of nine members and an ex officio member representing the office of the attorney general who shall serve at the pleasure of the governor. (§ 1 ch 120 SLA 1978)

Editor's note from AS 44.19.95 the revisor under

Sec. 44.19. on a nonparti 60 days of Oct At least one employed. In given to

- (1) the rec organizations labor unions and other gr
- (2) statew
- (3) minori
- (b) The co may select o 120 SLA 19

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Sec. 44.1 all the men meeting of quorum for commission at the requ time as det 1978)

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Editor's n from AS 44.1 the revisor u

Editor's note. — This section derives from AS 44.19.957 and was renumbered by the revisor under 01.05.031.

**Sec. 44.19.167. Appointment.** (a) The members shall be appointed on a nonpartisan and nondiscriminatory basis by the governor within 60 days of October 6, 1978. The members shall be residents of the state. At least one member shall be a homemaker who is not otherwise employed. In making the appointments, due consideration shall be given to

(1) the recommendations made by civic organizations, women's organizations, educational and vocational groups, employer groups, labor unions, church groups, homemakers' clubs and organizations, and other groups having an interest in the status of women;

(2) statewide geographical representation of the commission; and

(3) minority and low-income representation.

(b) The commission shall elect one of its members as chairperson and may select other commission officers as it considers necessary. (§ 1 ch 120 SLA 1978)

Editor's note. — This section derives from AS 44.19.958 and was renumbered by the revisor under 01.05.031.

**Sec. 44.19.168. Meetings.** Within 60 days after the appointment of all the members of the commission, the governor shall call the first meeting of the commission. A majority of the members constitutes a quorum for conducting business and exercising the powers of the commission. The commission shall meet at the call of the chairperson, at the request of a majority of the members, or at a regularly scheduled time as determined by a majority of the members. (§ 1 ch 120 SLA 1978)

Editor's note. — This section derives from AS 44.19.959 and was renumbered by the revisor under 01.05.031.

**Sec. 44.19.169. Terms of office.** The term of office of each member is five years. Terms shall be staggered. Initial terms shall be three members serving for one year, three members serving for three years, and three members serving for five years. A vacancy shall be filled for the balance of the unexpired term in the same manner as original appointments. (§ 1 ch 120 SLA 1978)

Editor's note. — This section derives from AS 44.19.961 and was renumbered by the revisor under 01.05.031.

Sec. 44.19.170. Compensation. Members of the commission receive no compensation for their services but are entitled to per diem and travel allowances authorized by law for other boards and commissions. (§ 1 ch 120 SLA 1978)

Editor's note. — This section derives from AS 44.19.962 and was renumbered by the revisor under 01.05.031. The provisions formerly contained in AS 44.19.170 are now contained in AS 44.99.008.

Sec. 44.19.171. Purpose. The purpose of the commission is to implement the recommendations contained in the preliminary study on the status of women in Alaska which was mandated by the Ninth Legislature, Second Session, under ch. 99 SLA 1976, and improve the status of women in Alaska by conducting further research and by making and implementing additional recommendations on the opportunities, needs, problems, and contributions of women in Alaska including, but not limited to,

- (1) education,
- (2) homemaking,
- (3) civil and legal rights,
- (4) labor and employment. (§ 1 ch 120 SLA 1978)

Editor's note. — This section derives from AS 44.19.963 and was renumbered by the revisor under 01.05.031. The provisions formerly contained in AS 44.19.171 are now contained in AS 44.19.048.

Sec. 44.19.175. Powers and duties. To accomplish its purpose, the commission may

- (1) hire an executive director and additional administrative staff as may be necessary to the commission's function;
- (2) act as a clearinghouse and coordinating body for governmental and nongovernmental information relating to the status of women;
- (3) cooperate with public and private agencies in joint efforts to study and resolve problems relating to the status of women in Alaska;
- (4) accumulate and compile information concerning discrimination against women;
- (5) disseminate the results of research and compilation of data acquired under (4) of this section by publication and other methods such as public hearings, conferences, and seminars;
- (6) study and analyze all facts relating to Alaska laws, regulations and guidelines with respect to equal protection for women under the state constitution;
- (7) recommend legislative and administrative action on equal treatment and opportunities for women;
- (8) select and retain the services of consultants whose advice is considered necessary to assist the commission in obtaining information;

- (9) encourage leadership roles;
- (10) establish and investigate areas of concern;
- (11) create and employ experts as needed;
- (12) accept and coordinate with any agency or association or any program for the purposes of this section.

Editor's note from AS 44.19.964 the revisor under 01.05.031.

Sec. 44.19.180. The commission shall file a report with the previous legislative assembly as required under this section and convening of the assembly.

Editor's note from AS 44.19.965 the revisor under 01.05.031.

Section

- 181. Yukon-Taiyehchee Tribes
- 182. Duties of the Commission
- 183. Composition of the Commission
- 184. Term of Office

Sec. 44.19.180. created in 1978 (§ 1 ch 85 S)

Editor's note from AS 44.20.001 the revisor under 01.05.031.

Sec. 44.19.180. seek the information from the Yukon-Taiyehchee Tribes. The commission shall seek the information from the develop

(9) encourage women to utilize their capabilities and to assume leadership roles;

(10) establish standing committees among the members to investigate and make recommendations on various areas of concern;

(11) create task forces composed of commission members and other experts as needed;

(12) accept monetary gifts or grants from the federal government or an agency of it, from any charitable foundation or professional association or from any other reputable sources for implementation of any program necessary or desirable for carrying out the general purposes of the commission. (§ 1 ch 120 SLA 1978)

Editor's note. — This section derives from AS 44.19.964 and was renumbered by the revisor under 01.05.031.

The provisions formerly contained in AS 44.19.175 are now contained in AS 44.19.050.

**Sec. 44.19.180. Annual report.** Each year the commission shall file a report with the governor and the legislature of its proceedings for the previous calendar year and shall submit recommendations for legislative and administrative action. Reports and recommendations required under this section shall be prepared no later than the convening of the legislature. (§ 1 ch 120 SLA 1978)

Editor's note. — This section derives from AS 44.19.966 and was renumbered by the revisor under 01.05.031.

**Article 15. Yukon-Taiya Commission.**

**Section**

- 181. Yukon-Taiya Commission established
- 182. Duties of the commission
- 183. Composition of commission
- 184. Term of membership

**Section**

- 185. Administration
- 186. Acceptance of grants and other aid
- 187. Expenditures
- 188. Reports

**Sec. 44.19.181. Yukon-Taiya Commission established.** There is created in the Office of the Governor the Yukon-Taiya Commission. (§ 1 ch 85 SLA 1967)

Editor's note. — This section derives from AS 44.20.010 and was renumbered by the revisor under 01.05.031.

**Sec. 44.19.182. Duties of the commission.** The commission shall seek the initiation of a joint United States-Canada study of the Yukon-Taiya hydroelectric project and related resources development. The commission is authorized to conduct studies, compile and publish information, and provide the good offices of the state for encouraging the development. (§ 1 ch 85 SLA 1967; am § 1 ch 131 SLA 1968)



DEPARTMENT OF HEALTH & HUMAN SERVICES  
PUBLIC HEALTH SERVICE  
September 28, 1982

ALASKA AREA NATIVE HEALTH SERVICE  
BOX 7-741  
ANCHORAGE, ALASKA 99510

Refer to: A-EEO

Senator Vic Fisher, Chairman  
Senate State Affairs Committee  
1024 W. 6th. Avenue, Suite 204C  
Anchorage, Alaska 99501

Dear Senator Fisher:

This is in response to your letter of September 8 inviting public comment on the Alaska Commission on the Status of Women.

During the past two years, I have served as the Federal Women's Program Manager for the Alaska Area Native Health Service (Anchorage and seven Service Units) and in that time, Katie Hurley, Executive Director of the Commission on the Status of Women, has been a tremendous support to me in addressing issues related to women. I was especially impressed with the booklet "Women's Legal Rights in Alaska".

Although I am not a spokesman for my agency, I would like to share my thoughts with you. From the comments that I have received from the women throughout the State of Alaska, the regional conferences have been extremely beneficial for women in our smaller towns. I hope that they will continue in the future and that additional regional conferences will be held throughout the State. I think it's very valuable for gathering information, sharing experiences, and becoming a more cohesive group to address issues of importance to women. Since I grew up in a small town, I can understand the anticipation and excitement related to upcoming regional conferences. If those gatherings are anything like the ones we have had in Sitka, they are extremely well-attended and very beneficial.

The Alaska Commission on the Status of Women held a statewide conference which had excellent participation. I attended as many sessions as I could and, of course, I wish that I could have gone to all of them. It was extremely well-organized and the topics were of great interest to the women in our State. I hope that it will be possible to continue and/or expand these programs in the future.

I feel that the Commission on the Status of Women should be an ongoing program incorporated into law. I think it's important for improving the status of women in our State and I do believe it will take longer than simply five-year blocks of time to accomplish this. I hope that legislative action will be taken to make it a permanent division of State government. I also feel that any program of this magnitude which is so important to all the women in our

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State should have adequate funding appropriated for this Commission. Although women are champion budgeters, it does take dollars to travel, meet, do research, publish documents and run an office. I highly recommend adequate funding to cover all the expenses that are necessary to maximize the needed changes to improve the status of women. Your consideration is appreciated.

Sincerely,



Ann Breazeale  
Federal Women's Program Manager

cc: FWP Representatives  
Interagency FWP's  
Network Alaska  
Women's Resource Center  
ACC Women's Center  
Katie Hurley, Executive Director,  
Alaska Commission on the Status of Women



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

ALASKA COMMISSION ON THE STATUS OF WOMEN  
238 DENALI STREET, SUITE 250  
ANCHORAGE, ALASKA 99501

TESTIMONY FOR SENATE STATE AFFAIRS COMMITTEE HEARING  
ON THE FUTURE ROLE OF THE  
ALASKA COMMISSION ON THE STATUS OF WOMEN

Prepared by Dorothy Jones, Commissioner  
September 29, 1982

My name is Dorothy Jones. In my capacity as Professor of Sociology at the University's Institute for Social and Economic Research, I was the major author of the Preliminary Study on the status of women in Alaska produced for the Alaska Legislature. This study laid the basis for the establishment of the Commission.

In my capacity as a psychotherapist at The Collective, which specializes in the special problems of women, I have become intimately familiar with the issues of concern to Alaskan women.

I have been a member of the Commission since its inception in 1978. One of my current Commission activities involves organizing a health task force made up of representatives of major Alaska health organizations to identify the health problems specific to Alaskan women and consider remedies for these problems. The task force members underscored the urgent need for the activities we have undertaken.

In these three capacities as a commissioner, research investigator, and psychotherapist I am keenly aware that the Commission plays a

Dorothy Jones - Testimony  
Page Two

unique role in Alaska, in identifying the problems of Alaskan women, investigating the extent and nature of these problems, helping women to organize and articulate their needs, and advocating remedies. The Commission is necessary as the single voice that speaks for the comprehensive problems of Alaskan women. I strongly urge extension of this unique and necessary state organization.

SEP 28 1982  
P.O. Box 20231  
Fairbanks, Ak. 99702-0231  
September 23, 1982

Vic Fischer, Chair  
Senate State Affairs Committee  
1024 W. 6th Ave., Suite 204 C  
Anchorage, Ak. 99501

Dear Senator Fischer:

I have served from May 1981 to September 1982 as Doyon Region Representative to the Alaska Native Women's Statewide Organization, Inc.

During that time the Alaska Commission on the Status of Women was helpful in granting the Fairbanks Native Association and Women-In-Crisis Counseling and Assistance (WICCA) a joint grant to hold conferences in Fairbanks and the Galena area to allow women of this region to discuss and take action on issues important to them. As a result of these conferences, I have seen local women gain experience in leadership, organization, pinpointing of issues affecting women and children, parliamentary procedures, and enjoy sharing the commonality of issues affecting every one such as domestic violence, sexual assault and child abuse and the knowledge that such hardships are not limited to one group.

I also attended the conference put on by the Alaska Commission on the Status of Women in March. I felt very good about attending a conference where women of all races, ethnic groups, and cultures got together and discussed problems affecting all women and how to resolve them.

A very important publication issued by the Alaska Commission on the Status of Women was the legal rights handbook. I personally have used information gleaned from the handbook and suggested that others obtain it also for their use. Someone commented that I must have talked to a lawyer, but thanks for the handbook, I had preliminary information on what to do about a problem.

The director Katie Hurley and commission members have been most helpful to the Alaska Native Women's Statewide Organization, Inc. and Commissioner Dvaloe Azar has provided a crucial link with Alaska Native Women that did not exist before.

As women all working together and providing a network for information, consultation and leadership, I for one, would urge that the State of Alaska fund the Alaska Commission on the Status of Women for another five years. Some very fine activities and products have been seen as a result of the Commission's existence. It would be a shame to stop now that we have just started. Thanks for your support.



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ALASKA COMMISSION ON THE STATUS OF WOMEN  
3601 C STREET • SUITE 742  
ANCHORAGE, ALASKA 99503

TESTIMONY FOR SENATE STATE AFFAIRS COMMITTEE  
HEARING ON S.B. 63

February 15, 1983

Mr. Chairman:

I regret I cannot appear in person to request an extension of time for or that a permanent Women's Commission be established in Alaska. However, I spoke extensively on the subject at this committee's hearing last fall, and I would ask that the record of that hearing be considered as part of this hearing.

Since 1978, we have seen many measures become law that the Commission worked toward:

- the Sex Equity in Education Act,
- the law allowing peace officers to make arrests for misdemeanors based on probable cause, and
- provisions allowing victims of domestic violence to obtain temporary restraining orders to prevent such violence in the future.

We have seen a tightening of the sentences to be given criminals, including those convicted of sexual assault. Prosecutions of those accused of sexual assault have received greater attention from our prosecutors and women victims of such assaults have received much better treatment from investigatory and prosecutorial arms of government.

We have seen funding continue for women's shelters, resource centers, and displaced homemaker programs.

We have been able to sow the seed<sup>of</sup> several regional women's conferences, in Barrow, Bethel, Fairbanks, Galena, Hoonah, Kenai, and Kotzebue, and more are planned. Our statewide conference one year ago sparked the interest, imagination and dedication that will be needed to address women's issues long into the future.

We measure our successes in a manner different than most governmental agencies. We are successful if we inspire high school girls to fulfill their fondest dreams, whether they be to be homemakers, welders, fisher(men), public servants or whatever. We are successful if we alleviate the misery of entrapment in a violent or abusive family situation, a jail that treats

Barbara L. Schuhmann - Testimony  
February 15, 1983  
Page Two

females worse than male inmates, or a system of employment or compensation that locks one into an inescapable continuum of disparate treatment because of sex. We are successful if we increase the options available for our citizens, and support the career, reproductive, and family choices our citizens make. We have been successful but so much more needs to be done.

Changes in government, as changes in attitude, do not occur overnight. The problems of rural, Native and minority women deserve more attention. The legislative changes I mentioned earlier need to be fully implemented and then reviewed. The steps we have begun to take need to be followed and completed. And there are many areas where we have yet to begin to take the first step.

I urge your committee, and this legislature, to pass an extension of present women's commission. The women of the state need a central group to act as an information clearinghouse, a lightning rod, a research agency and a lobbyist. The Commission needs to continue to act as an information resource, a prod and a conscience for government at all levels of the state. I urge the extension of the women's commission, preferably permanently.

Barbara L. Schuhmann  
Chairwoman  
Alaska Commission on the  
Status of Women



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ALASKA COMMISSION ON THE STATUS OF WOMEN  
338 DENALI STREET, SUITE 850  
ANCHORAGE, ALASKA 99501

February 15, 1983

Senator Vic Fischer, Chair  
State Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Re: SB63

Dear Senator Fischer:

In 1976 the Alaska State Legislature requested that the Human Rights Commission conduct a study on the status of women in Alaska in the four areas of health, education, employment, and the justice system. Although an initial cost estimate of such a study was put at \$200,000., only \$25,000. was appropriated; hence, the study was defined as "preliminary."

The "Preliminary Study on the Status of Women in Alaska" was presented to the Legislature in 1977. One of the primary recommendations of the study was the establishment of a fully funded state commission. In 1978, the tenth Legislature created the Alaska Commission on the Status of Women.

Since that time, the Commission has undertaken numerous projects and activities in an attempt to implement the recommendations made in the preliminary study, as well as other issues:

- the Commission has served as an advocate for improving the status of Alaskan women by serving on several task forces, committees, and councils
- The Commission has produced and/or co-sponsored a state-wide conference, an apprenticeship training program, and a program on women and alcohol
- the Commission has testified before legislative bodies on many issues, and was instrumental in securing the passage of mini Title IX and the displaced homemaker program
- the Commission's "Legislative Report" is distributed to women's organizations across the State
- the Commission's publications include, among others, "Women in Alaska's Labor Force" and the "Women's Legal

"Rights in Alaska" handbook

- The Commission has conducted public hearings and statewide teleconferences on the issues of welfare, violence against women, sex bias in education, displaced homemakers, and women in construction
- the Commission has sponsored to date ten regional women's conferences, including Asian-American women, Black women, women and poverty, the NANA Regional Conferences, Northern Native Women's Conference, and two annual conferences of the Alaska Native Women's Statewide Organization
- the Commission has conducted research studies on child support enforcement, battered women, homemakers, and displaced homemakers
- the Commission has drafted resolutions, compiled resource materials, adopted policy statements, provided workshop leaders, compiled information fact sheets, and conducted media campaigns

We feel that this is an impressive partial listing of accomplishments. In many ways, it is discouraging to know that so much more needs to be done:

women still receive only 60¢ on every dollar made by her male co-worker

women are still at the low end of the wage scale, stuck in deadend, pink collar jobs

the majority of citizens living below the poverty level are women and their dependent children

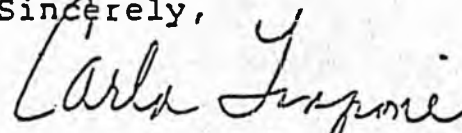
there continues to be a disproportionate number of women in apprenticeship and training programs

there continues to be a two month waiting list for day care programs

There continues to be a need to improve the status of women in Alaska.

We urge your support for passage of this bill in order to meet those needs, and we thank you for your continued support of the Commission's efforts.

Sincerely,



Carla Timpone, Chair  
Political Action Committee



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ATTACHMENT A

RURAL REGIONAL WOMEN'S CONFERENCES  
FUNDED BY THE ALASKA COMMISSION ON THE STATUS OF WOMEN

<u>PROJECT NAME</u>	<u>TARGET AUDIENCE</u>
1. Alaska Native Women's Statewide Convention, May 1979	Native Women
2. Voices of Black Women in Alaska, December 1979	Black Women
3. First Regional Women's Conference, Bethel, October 1980	Rural Native Women
4. Status and Problems of the Asian-American Women in Alaska, Nov. 1980	Asian-American Women
5. Women and Poverty Conference, September 1980	Low income Women
6. Alaska Native Women's Statewide Convention, May 1981 (report)	Native Women
7. Hoonah Regional Women's Conference, September 1981	Rural Women (Geographic area is approx. 90% Native, 10% non-Native)
8. NANA Regional Women's Conference, Kotzebue, September 1981	Rural Native Women
9. Kenai-Soldotna Regional Women's Conference, October 1981	Rural Women (Geographic area is approx. 90% non-Native, 10% Native)
10. Interior & Northern Native Women's Conference, Fairbanks - July 1981 Galena - November 1981	Urban Native Women Rural Native Women
11. Arctic Slope Regional Women's Conference, Barrow, April 1982	Rural Native Women

Attachment A (Continued)

<u>PROJECT NAME</u>	<u>TARGET AUDIENCE</u>
*12. Southeast Alaska Regional Women's Leadership Conference, March 1983	Significant emphasis on rural and Native communities in Southeast
*13. Norton Sound Women's Conference, March 1983	Rural Native Women
*14. Kodiak Regional Women's Conference, May 1983	Rural & Native Women from places such as the Aleutians will be funded to attend this conference.

\*Funded from the current year's appropriation.



STATE OF ALASKA

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ALASKA COMMISSION ON THE STATUS OF WOMEN  
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March 1, 1983

ALASKA COMMISSION ON THE STATUS OF WOMEN: ACTIVITIES AND ADVOCACY  
FOR ALASKA NATIVE WOMEN

RESEARCH

In each annual budget request since its inception the Commission has requested funds to conduct a study of Native women and employment. The need for such a study has been overwhelmingly documented and supported by labor economists and Native women's groups. The Commission was finally successful in securing these funds for the current fiscal year. After an extensive and competitive search, an Alaskan firm has been selected to conduct Phase I of a study on "The Economic Status of Alaska Native Women." The results of this phase of the study are expected in June 1983.

ADVOCACY AND POLITICAL ACTION

In one of its first acts the Commission formed a Task Force on Violence Against Native Women. It has pursued the resolutions passed by this task force to the highest levels of state government. In addition, in all of its testimony to the House Task Force on Violence and to other legislative committees dealing with the issues of domestic violence and sexual assault the Commission has continually supported proposals which accommodated the special needs and compelling concerns of rural and Native women. Recommendations such as improved training and increased funding for Village Public Safety Officers; adequate shelters for rural and bush women, and other similar suggestions have been high on the list of Commission priorities when advocating for political change.

In each of the committees which the Commission has formed over the years, a special focus has been placed on the concerns of Native women. For example, the Women and Employment Committee has testified extensively on the need for adequate affirmative action, particularly for rural and Native women, on major construction projects such as the proposed gas pipeline and on the need for improved remote dispatch procedures. In many instances the Commission has been the single voice raising and supporting these issues.