

LEG. FINANCE - BILLS 1985 - 1986 2394

HB 390 - HB 398 2399

gov
18154

Introduced: 4/19/85
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 390

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act placing the employees of the Alaska Power
7 Authority in the exempt service under the State
8 Personnel Act; and providing for an effective date."

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

10 * Section 1. AS 39.25.110(11) is amended to read:

11 (11) the officers and employees of the following boards,
12 commissions, and authorities:

- 13 (A) Alaska Gas Pipeline Financing Authority;
- 14 (B) Alaska Permanent Fund Corporation;
- 15 (C) Alaska Energy Center;
- 16 (D) Alaska Industrial Development Authority;
- 17 (E) Alaska Commercial Fisheries Entry Commission;
- 18 (F) Alaska Commission on Postsecondary Education;
- 19 (G) Alaska Power Authority;

20 * Sec. 2. AS 44.83.045(c) is amended to read:

21 (c) The authority shall employ an executive director who may,
22 with the approval of the authority, employ additional staff as neces-
23 sary. In addition to its staff of regular employees, the authority
24 may contract for and engage the services of legal and bond counsel,
25 consultants, experts, and financial and technical advisors the author-
26 ity considers necessary for the purpose of conducting studies, inves-
27 tigations, hearings, or other proceedings. The board of directors
28 shall establish the compensation of the executive director. The
29 executive director and staff of the authority are in the exempt

1 service under AS 39.25.110 [IS SUBJECT TO THE PROVISIONS OF AS 39.25.-
2 010 -- 39.25.220].

3 * Sec. 3. This Act takes effect immediately in accordance with AS 03.-
4 10.070(c).

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BILL SHEFFIELD
GOVERNOR



NB 390

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 19, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the exemption of the Alaska Power Authority's officers and employees from the State Personnel Act (AS 39.25).

The amendment in sec. 1 of the bill clarifies the status of the authority's executive director and staff by codifying a longstanding practice, i.e., treatment of the executive director and his or her staff as being in the exempt service. The members of the authority are already in the exempt service by virtue of AS 39.25.110(10), which places "members of boards, commissions, or authorities" in that category. Adding the Alaska Power Authority to the list in AS 39.25.110(11), as sec. 1 of the bill does, may create an element of redundancy regarding "members" and "officers," but that list already contains precedent for doing so, and it leaves no doubt as to this authority -- both members and staff -- being in the exempt service.

The amendment in sec. 2 of the bill corrects what appears to be an error made when AS 44.83.045 became law in 1978 (ch. 156, SLA 1978). AS 44.83.045(c) contains language making the executive director of the authority "subject to the provisions of AS 39.25" (which citation the revisor of statutes, evidently, changed to refer specifically to the sections of AS 39.25). The State Personnel Act covers all state employees, placing them in one of three categories of service: exempt, partially exempt, or classified. Making the executive director "subject to" the State Personnel Act merely means that he or she is either exempt, partially exempt, or in the classified service. In effect, the language in question has no meaning.

Section 2 of the bill, therefore, deletes that language from AS 44.83.045(c), and makes clear what category of service the executive director and the rest of the staff are in -- consistent with the amendment in sec. 1.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor

**STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE**

4/19

Revision Date: _____

REQUEST

Bill/Resolution No.: HB-390
 Title: An act placing the employees of APA
 in the exempt service under the State Personnel Act

FISCAL DETAIL

Agency Affected: Alaska Power Authority
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____

Sponsor: Senate Rules Committee
 Requestor: Governor
 Date of Request: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL			- 0 -			
400 SUPPLIES						
500 EQUIPMENT			NOT APPLICABLE			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS			- 0 -			
OTHER						
TOTAL			NOT APPLICABLE			

POSITIONS:

FULL-TIME			- 0 -			
PART-TIME						
TEMPORARY			NOT APPLICABLE			

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert D. Heath Phone: 276-0001
 Division: Alaska Power Authority Date: 4/12/85

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

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

7/1/84

COMMITTEE COPY

ALASKA STATE LEGISLATURE	
14th... Legislature FIRST... Session	
HOUSE	BILL..... NO. 390
By THE RULES COMMITTEE BY.... REQUEST OF THE GOVERNOR	
"An Act placing the employees of the Alaska Power Authority in exempt service under the State Personnel Act; and providing for an effective date."	
Ak. Power Authority Personnel in Exempt Service	
Introduced in the House 4/19., 19. 85	

HISTORY IN THE HOUSE											
19 85	Read first time and referred to Committee on										
Apr. 19	STATE AFFAIRS AND FINANCE										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table style="width: 100%;"> <tr> <td style="text-align: center;">PASS</td> <td style="text-align: center;">Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
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Absent	Absent										
Excused	Excused										
	Reconsideration										
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Excused	Excused										
	Reported correctly engrossed Signed by Speaker Sent to Senate										
CHIEF CLERK OF THE HOUSE											

HISTORY IN THE SENATE											
19	Read first time and referred to Committee on										
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Excused	Excused										
	Reported correctly engrossed Signed by President Returned to House										
SECRETARY OF THE SENATE											

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

COMMITTEE COPY

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 390
 Title : Status of employees

 Sponsor : Governor
 Requestor : House Finance Committee
 Date of Request : 4/24/86

FISCAL DETAIL

Agency Affected : Alaska Power Authority
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		-0-	-0-	-0-	-0-	-0-
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS		-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS		-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL		-0-	-0-	-0-	-0-	-0-
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REVENUE		-0-	-0-	-0-	-0-	-0-
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FUNDING : (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS		-0-	-0-	-0-	-0-	-0-
OTHER		-0-	-0-	-0-	-0-	-0-
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No Funds are needed to implement this Bill.

Prepared by : Representative Al Adams - Chairman
 Division : House Finance Committee

Phone : 465-3706
 Date : 4/24/86

Approved by Commissioner : _____
 Agency : _____

Date : _____

Distribution (by Agency preparing fiscal note) :

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

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 19, 1985

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Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

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The amendment in sec. 1 of the bill clarifies the status of the authority's executive director and staff by codifying a longstanding practice, i.e., treatment of the executive director and his or her staff as being in the exempt service. The members of the authority are already in the exempt service by virtue of AS 39.25.110(10), which places "members of boards, commissions, or authorities" in that category. Adding the Alaska Power Authority to the list in AS 39.25.110(11), as sec. 1 of the bill does, may create an element of redundancy regarding "members" and "officers," but that list already contains precedent for doing so, and it leaves no doubt as to this authority -- both members and staff -- being in the exempt service.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor



Alaska Public
Employees Association **APEA**

~~State Headquarters: 340 N. Franklin Juneau, AK 99801 (907) 586-2334~~
210 Ferry Way, Suite 200, Juneau, AK 99801
(907)586-2334

MEMORANDUM

TO: Representative Al Adams, Chairman
House Finance Committee

FROM: Cherie Shelley
Executive Director

SUBJECT: HB 390

DATE: April 21, 1986

House Bill 390 proposes to include employees of the Alaska Power Authority in the exempt service. While such designation may be appropriate for the Executive Director and certain high level, appointed positions, it is totally inappropriate for the vast majority of employees at the APA.

AS 39.25.130(a) establishes the criteria necessary to classify positions as part of the exempt service. They are:

1. The position involves principle responsibility for the determination of policy;
2. The position involves principle responsibility for the way in which policies are carried out; or
3. The position involves responsibilities and duties of a type not susceptible to the ordinary recruiting and examining procedure.

Clearly, a case can not be made for including employees of the Alaska Power Authority in the exempt service based upon the criteria established by law.

This group of employees includes secretaries, clerks, administrative assistants, accountants, and engineers. None of these positions are primarily responsible for the determination or interpretation of policy. Additionally, these positions have counterparts in the classified service for which hiring must be done from registers.

Fairbanks Field Office
825-D College Road
Fairbanks, AK 99701
Telephone: (907) 456-5412

Anchorage Field Office
833 Gambell Street, Suite A
Anchorage, AK 99501
Telephone: (907) 274-1688

Juneau Field Office
227 4th Street
Juneau, AK 99801
Telephone: (907) 586-6305

SB 292 will place over 80 positions in the exempt service. Hiring for these positions will not be covered by the standard personnel procedures of the State. There is no requirement for overview by the Division of Personnel. There is no requirement for competitive evaluation of candidates based upon education and experience. These positions become political appointments which can be doled out to friends and supporters of the current administration. We trust you will agree; this is not good public policy. Further, it is more expensive to place employees in the exempt service due to the cost of personal leave. A new employee receives 24 days a year which may be taken or cashed out upon termination.

While the committee is considering the issue, we suggest that past errors be corrected. The Alaska Commission on Postsecondary Education and the Alaska Commercial Fisheries Entry Commission are also unjustifiably included in the exempt service. The Blue Ribbon Commission on the State Personnel Act recommended that employees of these commissions be placed in the classified service.

The Fisheries Commission has 43 positions including analyst programmers, research analysts and fish permit clerks. Obviously, the degree of independent policy-making authority for these positions cannot justify inclusion in the exempt service. Likewise, the Commission on Postsecondary Education employs 61 people including records processors, repayment specialists and accounting technicians. Once again, there is no valid reason for including these positions in the exempt service.

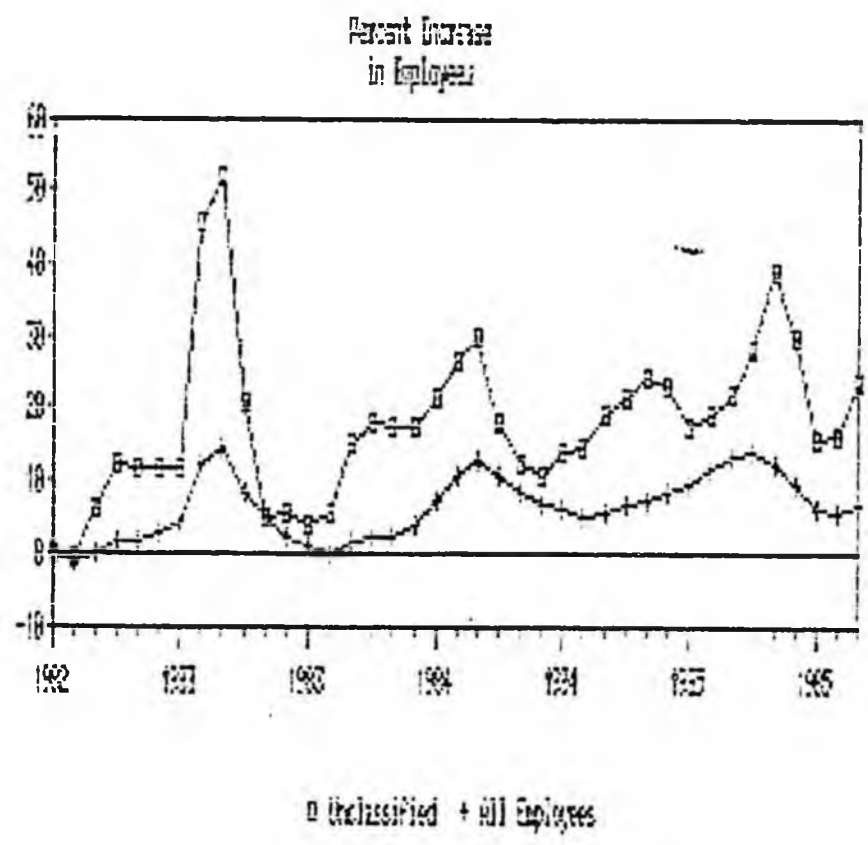
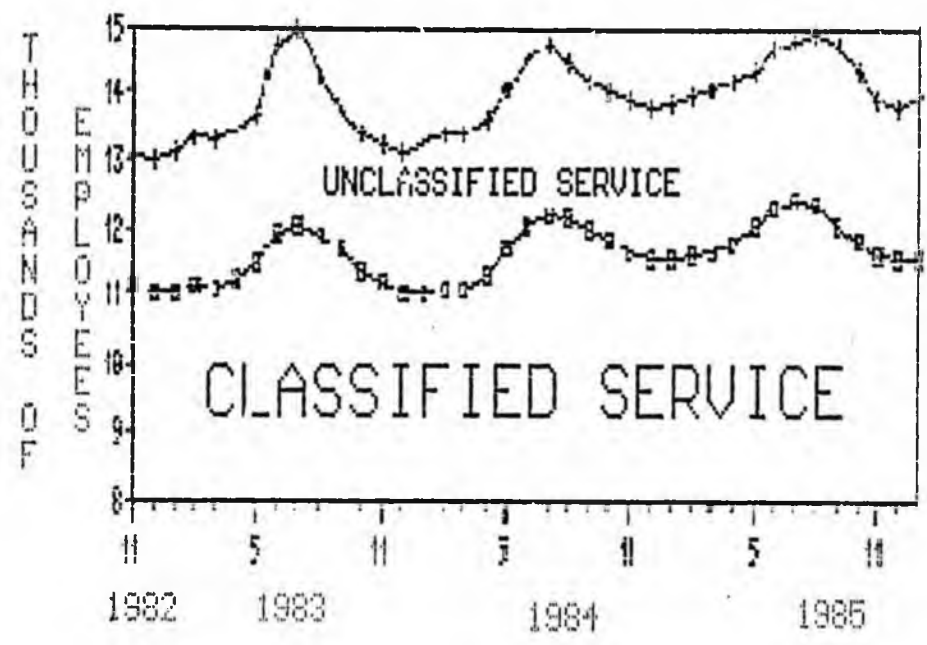
It is our understanding that this legislation was requested after an employee was fired without just cause. APA maintained that the Authority was an exempt agency and did not need just cause to terminate an employee. Upon investigation APA could not find any legal authority for that assertion. It is clear that the APA has violated Alaska Statute in treating their employees as exempt. APEA finds it interesting that the administration is proposing to place file clerks, mail clerks, correspondence secretaries, etc., in the exempt service while retaining the entire Division of Labor Relations, which negotiates all collective bargaining agreements for the State, in the classified service.

Of equal concern is the disproportionately large increase in the number of positions either created in or transferred to the exempt service since 1982. The authority of the administration to classify positions in the exempt service is being abused, as is evident by the attached graphs. Whereas the number of classified employees in state government has increased 3.82% since 1982, the number of unclassified positions has increased by 23.60%. This rampant disregard for the system circumvents the classification process and opens state government to political patronage.

The cause of good government in Alaska would be best served by following the procedures established by AS 39.25 whereby the Personnel Board determines those positions to be included in the exempt service.

CS/kr

SIZE OF EXECUTIVE BRANCH



		CLASSIFIED SERVICE		UNCLASSIFIED		STATEWIDE TOTALS	
		NUMBER EMPLOYEES		NUMBER EMPLOYEES		NUMBER EMPLOYEES	
YEAR	MONTH	TOTAL	% incr.	TOTAL	% incr.	TOTAL	% incr.
1982	11	11,139	0.00	1,953	0.00	13,092	0.00
1982	12	11,055	-0.75	1,942	-0.56	12,997	-0.73
1983	1	11,039	-0.90	2,081	6.55	13,120	0.21
1983	2	11,146	0.06	2,197	12.49	13,343	1.92
1983	3	11,132	-0.06	2,188	12.03	13,320	1.74
1983	4	11,299	1.44	2,191	12.19	13,490	3.04
1983	5	11,516	3.38	2,183	11.79	13,699	4.64
1983	6	11,926	7.07	2,848	45.83	14,774	12.85
1983	7	12,037	8.06	2,965	51.82	15,002	14.59
1983	8	11,884	6.69	2,364	21.04	14,248	8.83
1983	9	11,721	5.22	2,051	5.02	13,772	5.19
1983	10	11,372	2.09	2,070	5.99	13,442	2.67
1983	11	11,190	0.46	2,036	4.25	13,226	1.02
1983	12	11,070	-0.62	2,070	5.99	13,140	0.37
1984	1	11,065	-0.66	2,252	15.31	13,317	1.72
1984	2	11,087	-0.47	2,309	18.23	13,396	2.32
1984	3	11,132	-0.06	2,303	17.92	13,435	2.52
1984	4	11,324	1.66	2,298	17.67	13,622	4.05
1984	5	11,698	5.02	2,380	21.86	14,078	7.53
1984	6	12,060	8.27	2,478	26.89	14,538	11.04
1984	7	12,262	10.08	2,540	30.06	14,802	13.06
1984	8	12,179	9.34	2,312	19.39	14,491	10.69
1984	9	12,030	8.00	2,199	12.54	14,228	8.98
1984	10	11,962	6.49	2,189	11.09	14,151	7.17
1984	11	11,666	4.73	2,237	14.54	13,903	6.19
1984	12	11,565	3.82	2,240	14.70	13,805	5.45
1985	1	11,543	3.63	2,329	19.26	13,872	5.96
1985	2	11,608	4.21	2,380	21.94	13,988	6.84
1985	3	11,673	4.79	2,430	24.42	14,103	7.72
1985	4	11,786	5.91	2,406	23.29	14,192	8.40
1985	5	12,057	6.24	2,302	17.67	14,359	9.68
1985	6	12,368	11.03	2,327	19.16	14,695	12.24
1985	7	12,476	12.00	2,381	21.92	14,857	13.48
1985	8	12,422	11.52	2,512	29.62	14,934	14.07
1985	9	12,050	8.18	2,720	39.27	14,770	12.82
1985	10	11,928	6.19	2,541	30.11	14,469	9.75
1985	11	11,639	4.49	2,265	15.98	13,904	6.20
1985	12	11,567	3.84	2,275	16.48	13,842	5.73
1986	1	11,564	3.82	2,414	23.60	13,978	6.77



Alaska Public
Employees Association **APEA**

~~State House quarters: 340 Al. Franklin Juneau, AK 99801 (907) 586-2334~~
210 Perry Way, Suite 200, Juneau, AK 99801
(907) 586-2334

MEMORANDUM

TO: Representative Al Adams, Chairman
House Finance Committee

FROM: Cherie Shelley
Executive Director

SUBJECT: HB 390

DATE: April 21, 1986

House Bill 390 proposes to include employees of the Alaska Power Authority in the exempt service. While such designation may be appropriate for the Executive Director and certain high level, appointed positions, it is totally inappropriate for the vast majority of employees at the APA.

AS 39.25.130(a) establishes the criteria necessary to classify positions as part of the exempt service. They are:

1. The position involves principle responsibility for the determination of policy;
2. The position involves principle responsibility for the way in which policies are carried out; or
3. The position involves responsibilities and duties of a type not susceptible to the ordinary recruiting and examining procedure.

Clearly, a case can not be made for including employees of the Alaska Power Authority in the exempt service based upon the criteria established by law.

This group of employees includes secretaries, clerks, administrative assistants, accountants, and engineers. None of these positions are primarily responsible for the determination or interpretation of policy. Additionally, these positions have counterparts in the classified service for which hiring must be done from registers.

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Fairbanks, AK 99701
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Anchorage, AK 99501
Telephone: (907) 273-1599

Juneau Field Office
227 4th Street
Juneau, AK 99801
Telephone: (907) 586-6205

SB 292 will place over 80 positions in the exempt service. Hiring for these positions will not be covered by the standard personnel procedures of the State. There is no requirement for overview by the Division of Personnel. There is no requirement for competitive evaluation of candidates based upon education and experience. These positions become political appointments which can be doled out to friends and supporters of the current administration. We trust you will agree: this is not good public policy. Further, it is more expensive to place employees in the exempt service due to the cost of personal leave. A new employee receives 24 days a year which may be taken or cashed out upon termination.

While the committee is considering the issue, we suggest that past errors be corrected. The Alaska Commission on Postsecondary Education and the Alaska Commercial Fisheries Entry Commission are also unjustifiably included in the exempt service. The Blue Ribbon Commission on the State Personnel Act recommended that employees of these commissions be placed in the classified service.

The Fisheries Commission has 43 positions including analyst programmers, research analysts and fish permit clerks. Obviously, the degree of independent policy-making authority for these positions cannot justify inclusion in the exempt service. Likewise, the Commission on Postsecondary Education employs 61 people including records processors, repayment specialists and accounting technicians. Once again, there is no valid reason for including these positions in the exempt service.

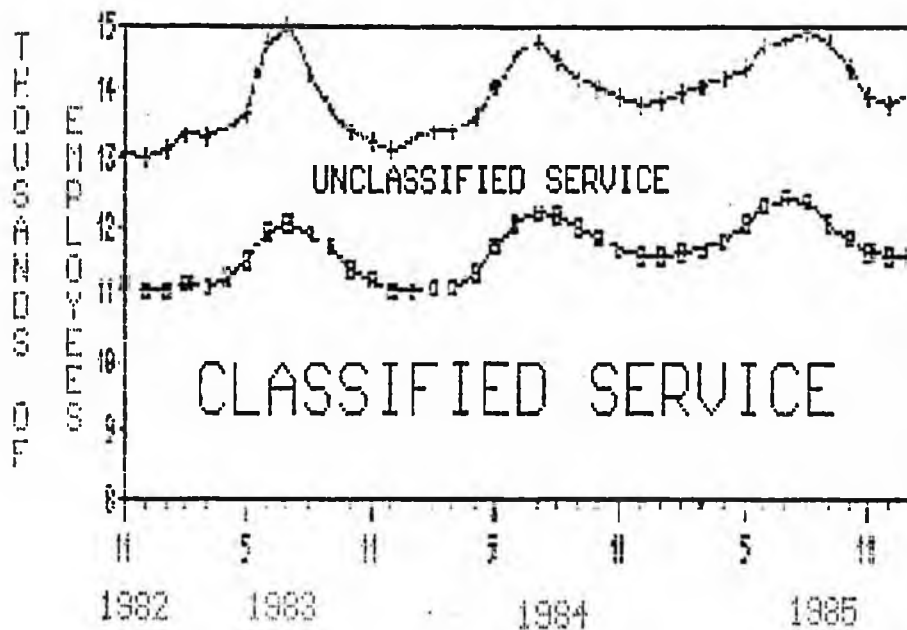
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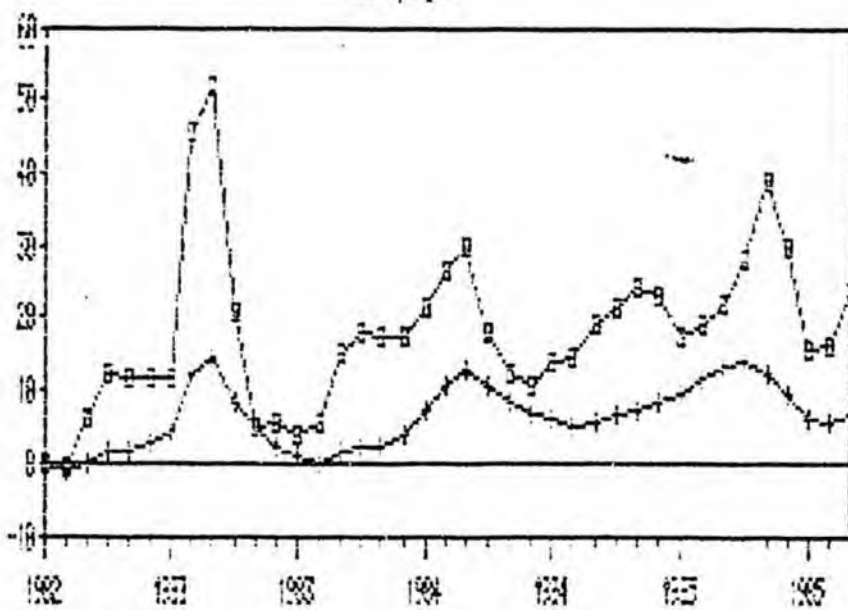
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CS/kr

SIZE OF EXECUTIVE BRANCH



Percent Increase
in Employees



□ unclassified + all Employees

		CLASSIFIED SERVICE		UNCLASSIFIED		STATEWIDE TOTALS	
		NUMBER EMPLOYEES		NUMBER EMPLOYEES		NUMBER EMPLOYEES	
YEAR	MONTH	TOTAL	% incr.	TOTAL	% incr.	TOTAL	% incr.
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1983	2	11,146	0.06	2,197	12.49	13,343	1.92
1983	3	11,132	-0.06	2,188	12.03	13,320	1.74
1983	4	11,299	1.44	2,191	12.19	13,490	3.04
1983	5	11,516	3.38	2,183	11.78	13,699	4.64
1983	6	11,926	7.07	2,848	45.83	14,774	12.85
1983	7	12,037	8.06	2,965	51.82	15,002	14.59
1983	8	11,884	6.69	2,364	21.04	14,248	8.83
1983	9	11,721	5.22	2,051	5.02	13,772	5.19
1983	10	11,372	2.09	2,070	5.99	13,442	2.67
1983	11	11,190	0.46	2,036	4.25	13,226	1.02
1983	12	11,070	-0.62	2,070	5.99	13,140	0.37
1984	1	11,065	-0.66	2,252	15.31	13,317	1.72
1984	2	11,087	-0.47	2,309	18.23	13,396	2.32
1984	3	11,132	-0.06	2,303	17.92	13,435	2.62
1984	4	11,324	1.66	2,298	17.67	13,622	4.05
1984	5	11,698	5.02	2,390	21.86	14,072	7.53
1984	6	12,060	9.27	2,478	26.99	14,538	11.04
1984	7	12,262	10.08	2,540	20.06	14,802	13.06
1984	8	12,179	9.34	2,312	19.39	14,491	10.69
1984	9	12,030	8.00	2,198	12.54	14,228	8.68
1984	10	11,962	6.49	2,159	11.05	14,121	7.17
1984	11	11,666	4.73	2,237	14.54	13,903	6.19
1984	12	11,565	3.82	2,240	14.73	13,805	5.45
1985	1	11,543	3.63	2,329	19.28	13,872	5.96
1985	2	11,608	4.21	2,380	21.94	13,989	6.84
1985	3	11,673	4.79	2,430	24.42	14,103	7.72
1985	4	11,786	5.81	2,406	23.20	14,192	9.40
1985	5	12,057	8.24	2,302	17.67	14,359	9.68
1985	6	12,368	11.03	2,327	19.15	14,695	12.24
1985	7	12,476	12.00	2,391	21.92	14,867	13.48
1985	8	12,422	11.52	2,512	29.62	14,934	14.07
1985	9	12,050	6.18	2,720	39.27	14,770	12.82
1985	10	11,828	6.19	2,541	30.11	14,369	9.75
1985	11	11,639	4.49	2,265	15.98	13,904	6.20
1985	12	11,567	3.84	2,275	16.49	13,842	5.73
1986	1	11,564	3.82	2,414	23.60	13,978	6.77

**Alaska Power Authority**

State of Alaska

April 23, 1986

The Honorable Al Adams
Chairman
House Finance Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Adams:

HB 390, which relates to placing the employees of the Alaska Power Authority (APA) in the exempt service under the State Personnel Act, was introduced for the purpose of clarifying the legal status of the Executive Director and staff of the Alaska Power Authority.

Currently, the legal status pertaining to the employees of the Alaska Power Authority is not expressly stated through statute. The Authority has been advised by the Attorney General's Office to seek legislation clarifying the agency's status. The Alaska Power Authority Board supports the amendment to AS 39.25.110(11) and has adopted Resolution No. 1985-03, which requests the Governor to introduce legislation to specifically name the Alaska Power Authority as an agency in exempt service.

Of historical note, G. Thomas Koester, in his July 27, 1977 AG Opinion No. J-66-719-77, stated that there was intent by the Legislature for the Executive Director to be exempt from the State Personnel Act. He further stated that it was difficult to determine whether the Act applies to the APA staff. The opinion suggested that the staff employed by the APA be considered in the exempt service and not covered by the provisions of AS 39.25. This conclusion was based on the fact that the Authority is "a public corporation of the state," and has a "separate and independent legal existence."

In addition, the exempt status approach has been applied to other public corporations of the state, such as the Alaska State Housing Authority and the Alaska Housing Finance Corporation. However, being as the Attorney General viewed the exempt status approach to the Power Authority as

The Hon. Al Adams

-2-


April 23, 1986

not certain, legislation clarifying the status was recommended.

In another AG Opinion No. J-66-808-78 of July 11, 1978, by Rodger W. Pegues, it was pointed out that existing statute reference of AS 39.25 was made in error relating to the status of the Executive Director. The statutory reference should have been to AS 39.50. Further, it was Mr. Pegues' view that the "plain error rule controls." It was his understanding that the Statute Revisor would be asked to make a corrective amendment in 1979. Corrective action was not taken, and amendment is required.

The Board of Directors of the Alaska Power Authority reaffirmed their support for HB 390 at the March 24, 1986 board meeting. .

Sincerely,


Robert D. Heath
Executive Director

Attachments

cc: Members, House Finance Committee
Office of the Governor

July 27, 1977

The Honorable H. Phillip Hubbard
Commissioner
Department of Commerce and
Economic Development

AVRUM M. GROSS
ATTORNEY GENERAL

Legal status of executive
director and staff of
Alaska Power Authority
Our File: J-66-719-77

By:
G. Thomas Koester
Assistant Attorney General
Department of Law

You requested an opinion regarding the applicability of AS 39 to the executive director and staff of the Alaska Power Authority, AS 44.56. We understand that the thrust of your request relates to the coverage of these positions by the State Personnel Act, AS 39.25.

AS 44.56.050 provides that the executive director employed by the authority is subject to confirmation by the legislature. While the confirmation requirement is invalid, Bradner v. Hammond, 553 P.2d 1 (Alaska 1976), this is a clear indication that the legislature intended the executive director to be exempt from Personnel Act coverage. Therefore, we believe the Act has no application to the executive director position.

Whether the Act applies to the staff is difficult to determine. AS 44.56 provides no guidance, and we have been unable to discover anything in its legislative history to resolve the issue.

The statutes governing agencies similar to the Power Authority usually state expressly the status of employed staff (e.g., Municipal Bond Bank Authority: employees are in the classified service, AS 44.58.070; Small Business Development Corporation: employees are in the exempt service, AS 44.60.380). One notable exception is AS 18.55, the Alaska State Housing Authority (ASHA) Act. However, AS 18.55.070, the provision authorizing ASHA to employ staff, was enacted by the Territorial Legislature in 1949, several years before the Personnel Act was enacted in 1960. ASHA employees have been considered in the exempt service since 1960; ASHA has its own personnel rules which are similar to those governing "normal" state employment, but does not consider itself under the Personnel Act. The legislature arguably ratified this situation in 1971 when it created the Alaska Housing Finance Corporation (AHFC), AS 18.56, providing that "[t]he personnel of the corporation are exempt from AS 39.25 to the same extent as the personnel of [ASHA]." AS 18.56.070.

The Honorable H. Phillip Hubbard
Commissioner
Department of Commerce and
Economic Development

July 27, 1977

We suggest that staff employed by the Alaska Power Authority be considered in the exempt service and not covered by the provisions of AS 39.25. This conclusion is based on the fact that the authority, while "a public corporation of the state," has a "separate and independent legal existence," AS 44.56.020, the fact that the legislature arguably has ratified this approach, and the fact that this approach applies to most of the other public corporations of the state (ASHA, AHFC, Alaska Toll Bridge Authority, Small Business Development Corporation; the one exception is the Municipal Bond Bank Authority). However, note that whatever personnel system is established must incorporate merit principles. Alaska Const., art. XII, §6. Perhaps the authority can follow a system patterned after the ones employed by ASHA and AHFC.

However, because it is not certain that this approach is correct and it could be argued the other way, we urge you to seek legislative clarifying the status of staff employed by the Alaska Power Authority.

GTH:md

cc: V. Kent Dawson
Legislative Assistant
Office of the Governor

STATE
of ALASKA

MEMORANDUM

TO: Hon. Phillip Hubbard, Commissioner, Department of Commerce & Economic Development
ATTN: Lois Cook

DATE: July 11, 1978

FILE NO: J-66-808-78

TELEPHONE NO.

FROM: AVRUM M. GROSS
ATTORNEY GENERAL

SUBJECT: Status of personnel of the Alaska Power Authority

By: Rodger W. Pegues
Assistant Attorney General

This responds to your request for our opinion as to the effect of the recent amendment to the APA's organic act which provides, "The executive director of the authority is subject to the provisions of AS 39.25."

We are advised on good authority that the amendment was proposed to make the executive director subject to the Conflict of Interest Act and that, by error, the reference was made to AS 39.25 rather than to AS 39.50. The bill was rushed through at the last minute, and passed without correction to the reference. The Statute Reviser will be asked to make a corrective amendment in his omnibus bill next year.

In our view, the plain error rule controls. The amendment makes sense only if it is read to be 39.50 rather than 39.25. Making a person "subject to" the State Personnel Act -- without anything more -- accomplishes nothing. Under that Act, one may be exempt, partially exempt, or classified. If the amendment is read to mean AS 39.25, i.e., the Personnel Act, then all it says is that the executive director is exempt, partially exempt, or classified. He is that now, i.e., he is exempt. Moreover, there is neither rhyme nor reason to place the executive director under the Personnel Act and not include his staff. That will be the result, however, if the amendment's plain language is followed. On the other hand, if the reference were to AS 39.50, i.e., to the Conflict of Interest Act, it would subject the executive director to that Act's requirements and thereby accomplish the amendment's purpose. Moreover, it would make sense to subject the executive director to that Act but not to include his staff. Accordingly, the reference to AS 39.25 must be considered plain error, and the status quo ante obtains.

That the amendment was intended to subject the executive director to the Conflict of Interest Act does not, however, mean that he is now subject to that Act. Until a

Lois Cook
July 11, 1978
Page #2

law has been passed subjecting him to that Act, he is not subject to it; it takes more than intent to make a law. Train v. City of New York, 420 U.S. 35, 45 (1975). Nothing prevents his filing a Conflict of Interest Statement voluntarily, however, or the authority's requiring him to file one as a condition of employment.

The answers to your questions then are as follows:

- (1) The executive director of the APA is in the exempt service.
- (2) The other employees of the APA are in the exempt service.

RWP/pjg

ALASKA POWER AUTHORITY
Resolution 1985-03

RESOLUTION BY THE ALASKA POWER AUTHORITY BOARD OF DIRECTORS RECOMMENDING THAT AS 39.25.110 BE AMENDED TO SPECIFICALLY NAME THE ALASKA POWER AUTHORITY AS A STATE AGENCY IN EXEMPT SERVICE.

WHEREAS, the Alaska Power Authority was created as a public corporation of the State of Alaska with a separate and independent legal existence in the Department of Commerce and Economic Development; and

WHEREAS, the Alaska Power Authority consists of a seven member board of directors required to employ an Executive Director, who employs additional staff as necessary, and is granted powers under AS 44.83.080 to carry on and further its corporate purposes; and

WHEREAS, the Alaska Power Authority, although considered to be a State agency in exempt service not covered by the provisions of AS 39.25 (the State Personnel Act), is not specifically named as such in this chapter; and

WHEREAS, the Authority has been advised by the Office of the Attorney General to seek legislation to provide clarification on the status of the Executive Director and staff;

NOW THEREFORE, BE IT RESOLVED, by the Board of Directors of the Alaska Power Authority:

That AS 39.25.110 is recommended for statutory amendment to specifically name the Alaska Power Authority as being a State agency in exempt service, thereby exempting the Authority from the provisions of the State Personnel Act;

BE IT FURTHER RESOLVED, that the Alaska Power Authority Board of Directors respectfully requests the Governor to introduce legislation providing for amendment to AS 39.25.110 as recommended herein.

This resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: _____

NAYS: _____

ABSENT: _____

And the resolution was declared adopted on this the 26th day of MARCH, 1985.

ALASKA POWER AUTHORITY

BY: _____
Chairman

BY: _____
Secretary

Introduced: 4/19/85
Referred: State Affairs and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 390

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act placing the employees of the Alaska Power
7 Authority in the exempt service under the State
8 Personnel Act; and providing for an effective date."

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

10 * Section 1. AS 39.25.110(11) is amended to read:

11 (11) the officers and employees of the following boards,
12 commissions, and authorities:

13 (A) Alaska Gas Pipeline Financing Authority;

14 (B) Alaska Permanent Fund Corporation;

15 (C) Alaska Energy Center;

16 (D) Alaska Industrial Development Authority;

17 (E) Alaska Commercial Fisheries Entry Commission;

18 (F) Alaska Commission on Postsecondary Education;

19 (G) Alaska Power Authority;

20 * Sec. 2. AS 44.83.045(c) is amended to read:

21 (c) The authority shall employ an executive director who may,
22 with the approval of the authority, employ additional staff as neces-
23 sary. In addition to its staff of regular employees, the authority
24 may contract for and engage the services of legal and bond counsel,
25 consultants, experts, and financial and technical advisors the author-
26 ity considers necessary for the purpose of conducting studies, inves-
27 tigations, hearings, or other proceedings. The board of directors
28 shall establish the compensation of the executive director. The
29 executive director and staff of the authority are in the exempt

1 service under AS 39.25.110 [IS SUBJECT TO THE PROVISIONS OF AS 39.25.-
2 010 -- 39.25.220].

3 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
4 10.070(c).

Introduced: 4/19/85
Referred: Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 392

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the acquisition and development
7 of state office and prison facilities; and providing
8 for an effective date."

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

10 * Section 1. AS 37.05.280 is amended to read:

11 Sec. 37.05.280. LEASES. (a) The department shall lease neces-
12 sary space, and contract for the lease of space for the use of the
13 state or an agency of the state, wherever it is necessary and feasi-
14 ble, subject to compliance with the requirements of AS 37.05.220 --
15 37.05.280. No lease or contract for a lease may provide for a period
16 of occupancy greater than 40 years. An agency of the state requiring
17 office, warehouse or other space shall lease the space through the
18 department.

19 (b) The department may enter into lease-financing agreements,
20 including lease-purchase agreements and agreements related to the is-
21 suance of certificates of participation. A lease-financing agreement
22 must provide that lease payments are subject to annual appropriation.
23 If the department intends to enter into an agreement under this sub-
24 section, the department shall provide notice to the legislature. The
25 notice must include the anticipated annual lease obligation and the
26 anticipated total construction or acquisition cost of the project.
27 The department may not enter into an agreement under this subsection
28 unless the office facility or project to be provided for has been spe-
29 cifically approved by the legislature by law. [NO CONTRACT OR LEASE

1 EXECUTED AFTER JANUARY 1, 1966, WHICH PROVIDES FOR A PAYMENT OR PAY-
2 MENTS BY THE STATE IN EXCESS OF \$12,000 ANNUALLY IS VALID UNLESS THE
3 USE OF THE SPACE TO BE PROVIDED FOR BY SUCH CONTRACT OR LEASE HAS BEEN
4 EXPRESSLY APPROVED BY THE LEGISLATURE BY CONCURRENT RESOLUTION.]

5 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
6 10.070(c).

184

HB 392

10092

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____
Page 1 of 1

REQUEST
Bill/Resolution No.: _____
Title: Relating to various state facilities
Sponsor: Rules/Governor
Requestor: _____
Date of Request: 4-18-85

FISCAL DETAIL
Agency Affected: Administration
Program Category Affected: General Government
BRU, Program or Subprogram(s) Affected: Leasing & Facilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS: 0 0 0 0 0 0

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill provides for prior project notification to the legislature if the department intends to use lease-purchase agreements. At that time, the agency must provide details as to anticipated annual lease costs, total project or acquisition costs. A separate law must be passed to approve the project. At that time a separate fiscal note would indicate the full fiscal impact for that particular project.

Prepared By: Anselm Staack *A. Staack* Phone: 465-2200
Division: Deputy Comm./Administrative Mgmt. Date: 4-18-85

Approved by Commissioner: Lisa Rudd *LJR* Date: 4/18/85
Agency: Department of Administration

- Distribution (by Agency preparing fiscal note):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 19, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that relates to financing for the acquisition and development of public facilities.

During my recent address to the joint session of the legislature, I stated that the Anchorage Office Complex would not proceed unless the project is approved by the legislature. As you know, the money for developing the Anchorage Office Complex is intended to be provided through the sale of certificates of participation in rental payments, i.e., lease-financing agreements. My commitment to seek legislative approval was offered in recognition of the substantial legislative interest in a project as substantial and as costly as the proposed Anchorage Office Complex.

It is important for the Legislature to understand the long-term implications of this legislation. I believe it is good public policy to find creative ways to finance buildings when such financing saves us money in the future. We have an obligation to our citizens to take advantage of these savings whenever we can.

The desirability of legislative review of the Anchorage Office Complex raises the more general question of how to assure adequate legislative involvement when the state seeks to enter into lease-financing agreements. As we enter an era of declining state revenues, I believe that it is all the more critical to explore all available opportunities to provide needed public facilities in the most cost-efficient method. In some instances, lease-financing transactions offer an extremely attractive vehicle to finance the development of public buildings. While I believe that the authority to enter into long-term leases under AS 37.05.280

cognizant of the need to assure that the legislature is accorded an opportunity to review these projects before their actual development. Section 1 of this bill amends AS 37.05.280 to provide that legislative approval must be obtained before the Department of Administration may enter into a lease-financing agreement.

I must observe that the proposed amendment to AS 37.05.280 poses difficult separation-of-powers considerations. Traditionally, a requirement of specific project approval is not a proper exercise of legislative powers. Yet where lease-financing arrangements are at issue, the practical fact is that the decision to enter into such an agreement may, as a practical matter, place a far-reaching economic burden on the state. In these circumstances, I recognize that providing legislative review only through the annual appropriation process is somewhat limited. In short, because I believe lease-financing transactions do have a substantial impact on the state's fiscal affairs over a period of fiscal years, I welcome the legislature's participation in the process of project review.

I believe that this bill offers the legislature a strong role in review and approval of proposed lease-financings. I urge your prompt review and passage of this legislation.

Sincerely,



Bill Sheffield
Governor

CEL
Sept 52

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____ Page 1 of 1

REQUEST
Bill/Resolution No.: HB 392
Title: Relating to various state facilities
Sponsor: Rules/Governor
Requestor: _____
Date of Request: 4-18-85

FISCAL DETAIL
Agency Affected: Administration
Program Category Affected: General Government
BRU, Program or Subprogram(s) Affected: Leasing & Facilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0
POSITIONS:	0	0	0	0	0	0
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill provides for prior project notification to the legislature if the department intends to use lease-purchase agreements. At that time, the agency must provide details as to anticipated annual lease costs, total project or acquisition costs. A separate law must be passed to approve the project. At that time a separate fiscal note would indicate the full fiscal impact for that particular project.

Prepared By: Anselm Staack *A. Staack* Phone: 465-2200
Division: Deputy Comm./Administrative Mgmt. Date: 4-18-85

Approved by Commissioner: Lisa Rudd *LJR* Date: 4/18/85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

COMMITTEE REPORT
HOUSE

(11)

5/3/85

FURTHER:

Date: 5-7-85

The Committee on FINANCE has had HB 393

"An Act relating to rights of physically and mentally disabled persons."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 393 (JUD) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
5-1-85
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Albert R. Coker

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Albert R. Coker
CHAIRMAN

Offered: 5/3/85
Referred: Finance

Original sponsor: Judiciary Committee

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 393 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the rights of physically and
7 mentally disabled persons."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 09.20.010 is amended by adding new subsections to read:
10 (b) A person is not disqualified to act as a juror solely be-
11 cause of the loss of hearing or sight in any degree or a disability
12 that substantially impairs or interferes with the person's mobility.
13 (c) The court shall provide, and pay the cost of services of, an
14 interpreter or reader when necessary to enable a person with impaired
15 hearing or sight to act as a juror.
16 * Sec. 2. AS 18.06.040 is amended to read:
17 Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].
18 Enforcement of this chapter shall be by the state Human Rights Commis-
19 sion under AS 18.80.010 - 18.80.145. A person who denies or inter-
20 feres with admittance to or enjoyment of the public facilities set out
21 in AS 18.06.020 or otherwise interferes with the rights of a physical-
22 ly or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE] disabled
23 person is guilty of a misdemeanor and upon conviction is punishable by
24 a fine of not more than \$1,000, or by imprisonment for not more than
25 60 days, or by both.
26 * Sec. 3. AS 18.80.255 is amended to read:
27 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL
28 SUBDIVISIONS. It is unlawful for the state or any of its political
29 subdivisions

1 (1) to refuse, withhold from or deny to a person any local,
2 state or federal funds, services, goods, facilities, advantages or
3 privileges because of race, religion, sex, color or national origin;

4 (2) to publish, circulate, issue, display, post or mail a
5 written or printed communication, notice or advertisement which states
6 or implies that any local, state or federal funds, services, goods,
7 facilities, advantages or privileges of the office or agency will be
8 refused, withheld from or denied to a physically or mentally disabled
9 person or a person of a certain race, religion, sex, color or national
10 origin or that the patronage of a physically or mentally disabled
11 person or a person belonging to a particular race, creed, sex, color
12 or national origin is unwelcome, not desired or solicited; it is not
13 unlawful to post notice that facilities to accommodate the physically
14 or mentally disabled are not available;

15 (3) to refuse or deny to a person any local, state, or
16 federal funds, services, goods, facilities, advantages or privileges
17 because of physical or mental disability; however, this paragraph may
18 not be construed to require alteration or remodeling of buildings or
19 facilities owned or operated by the state or its political subdi-
20 visions to any extent not required by other law.

**STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 393

Title: "An Act relating to the rights of physically and mentally disabled

Sponsor: Judiciary Committee

Requestor: _____

Date of Request: 4-30-85

FISCAL DETAIL

Department of Health

Agency Affected: and Social Services

Program Category Affected: Division of Mental Health Person" (and Developmental Disabilities

BRU, Program or Subprogram(s) Affected: _____

Central Office Division of Mental Health and Developmental Disabilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME none						
TEMPORARY required						

ANALYSIS: Attach a separate page if necessary

Prepared By: Mel Henry, Ph.D., M.P.A.  Phone: 465-3370

Division: Mental Health and Developmental Disabilities Date: 4-30-85

Approved by Commissioner:  Date: 5-1-85

Agency: _____ jcc

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

**STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: 5/1/85

REQUEST

Bill/Resolution No.: HB 393
 Title: An Act Relating To Rights of Deaf, Blind, Disabled Persons
 Sponsor: House Judiciary
 Requestor: _____
 Date of Request: 5/1/85

FISCAL DETAIL

Agency Affected: ALASKA COURT SYSTEM
 Program Category Affected: _____
 Due Process
 BRU, Program or Subprogram(s) Affected: Trial Courts

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		4.1	4.3	4.6	4.9	5.2
300 CONTRACTUAL		9.9	10.5	11.1	11.8	12.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		14.0	14.8	15.7	16.7	17.7

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		14.0	14.8	15.7	16.7	17.7
FEDERAL FUNDS						
OTHER						
TOTAL		14.0	14.8	15.7	16.7	17.7

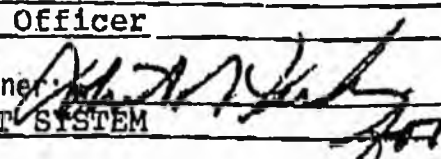
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert G. Fisher
 Division: Fiscal Officer

Phone: 264-0561
 Date: 5/1/85

Approved by Commissioner: 
 Agency: ALASKA COURT SYSTEM

Date: 5/1/85

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

ALASKA COURT SYSTEM
HB 393 - RIGHTS OF DEAF, BLIND, AND DISABLED PERSONS
FISCAL IMPACT

This legislation allows deaf, blind, and disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. This legislation will impact the Court's travel, contractual, and leasehold improvements budget categories.

Historically, seven percent of all eligible persons are selected for jury service, which typically averages one and one-half days in length. The Division of Vocational Rehabilitation has estimated that 250 deaf persons would be eligible for jury duty. Based on past experience, approximately 17 deaf individuals could be called for service in a year. Each deaf juror would require an interpreter for all activities in the court. Interpreter fees are calculated to cost \$9,900 per year. Depending upon availability, interpreters may have to travel to the court locations around the state. This travel is estimated to cost \$4,100.

Cost estimates for subsequent fiscal years reflect inflation at the rate of six percent.

POSITION PAPER

HB 393

"An Act relating to the rights of physically and mentally disabled persons."

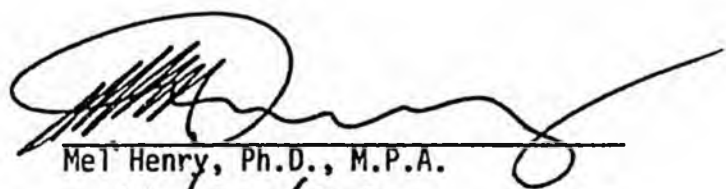
EFFECT OF HB 393:

This bill seeks to expand the rights of physically and mentally disabled persons in the following areas:

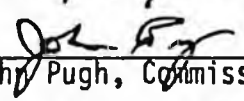
- 1. It would amend A.S. 09.20.010 to allow persons with visual, hearing and mobility impairments to serve as jurors and require courts to pay for interpreter and /or reader services as needed for such jurors.
- 2. AS. 18.06 is amended by adding a new section which would require any department, office, agency or other organizational unit of state government or a political subdivision of the state, including the University of Alaska , from which a deaf person seeks access to funds, services, goods, facilities, advantages, or privileges, to pay the costs of and provide an interpreter for the person.
- 3. 18.80.255 is amended by expanding the prohibition against discrimination in the provision, notice and advertisement of goods, services, funds, facilities and advantages, to include protection for physically and mentally disabled persons.
- 4. AS 18.80.300 is amended by adding definitions for "major life activities" and "physical or mental disability"

RECOMMENDATION:

The Department of Health and Social Services supports passage of HB 393.

Recommended by: 
 Mel Henry, Ph.D., M.P.A.

Date: 4/30/85

Approved by: 
 John Pugh, Commissioner

Date: 5-1-85

Offered: 5/3/85
Referred: Finance

Original sponsor: Judiciary Committee

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 393 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the rights of physically and
7 mentally disabled persons."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 09.20.010 is amended by adding new subsections to read:
10 (b) A person is not disqualified to act as a juror solely be-
11 cause of the loss of hearing or sight in any degree or a disability
12 that substantially impairs or interferes with the person's mobility.
13 (c) The court shall provide, and pay the cost of services of, an
14 interpreter or reader when necessary to enable a person with impaired
15 hearing or sight to act as a juror.
16 * Sec. 2. AS 18.06.040 is amended to read:
17 Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].
18 Enforcement of this chapter shall be by the state Human Rights Commis-
19 sion under AS 18.80.010 - 18.80.145. A person who denies or inter-
20 feres with admittance to or enjoyment of the public facilities set out
21 in AS 18.06.020 or otherwise interferes with the rights of a physical-
22 ly or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE] disabled
23 person is guilty of a misdemeanor and upon conviction is punishable by
24 a fine of not more than \$1,000, or by imprisonment for not more than
25 60 days, or by both.
26 * Sec. 3. AS 18.80.255 is amended to read:
27 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL
28 SUBDIVISIONS. It is unlawful for the state or any of its political
29 subdivisions

1 (1) to refuse, withhold from or deny to a person any local,
2 state or federal funds, services, goods, facilities, advantages or
3 privileges because of race, religion, sex, color or national origin;

4 (2) to publish, circulate, issue, display, post or mail a
5 written or printed communication, notice or advertisement which states
6 or implies that any local, state or federal funds, services, goods,
7 facilities, advantages or privileges of the office or agency will be
8 refused, withheld from or denied to a physically or mentally disabled
9 person or a person of a certain race, religion, sex, color or national
10 origin or that the patronage of a physically or mentally disabled
11 person or a person belonging to a particular race, creed, sex, color
12 or national origin is unwelcome, not desired or solicited; it is not
13 unlawful to post notice that facilities to accommodate the physically
14 or mentally disabled are not available;

15 (3) to refuse or deny to a person any local, state, or
16 federal funds, services, goods, facilities, advantages or privileges
17 because of physical or mental disability; however, this paragraph may
18 not be construed to require alteration or remodeling of buildings or
19 facilities owned or operated by the state or its political subdi-
20 visions to any extent not required by other law.

Introduced: 4/22/85
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

HOUSE BILL NO. 393

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the rights of physically and
7 mentally disabled persons."

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

9 * Section 1. AS 09.20.010 is amended by adding new subsections to read:

10 (b) A person is not disqualified to act as a juror solely be-
11 cause of the loss of hearing or sight in any degree or a disability
12 that substantially impairs or interferes with the person's mobility.

13 (c) The court shall provide, and pay the cost of services of, an
14 interpreter or reader when necessary to enable a person with impaired
15 hearing or sight to act as a juror.

16 * Sec. 2. AS 18.06 is amended by adding a new section to read:

17 Sec. 18.06.015. INTERPRETERS FOR DEAF PERSONS. A department,
18 office, agency, or other organizational unit of the state government,
19 or a political subdivision of the state, including the University of
20 Alaska, from which a deaf person seeks access to funds, services,
21 goods, facilities, advantages, or privileges shall pay the costs of
22 and provide an interpreter for the person.

23 * Sec. 3. AS 18.80.255 is amended to read:

24 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITI-
25 CAL SUBDIVISIONS. It is unlawful for the state or any of its politi-
26 cal subdivisions

27 (1) to refuse, withhold from or deny to a person any local,
28 state or federal funds, services, goods, facilities, advantages or
29 privileges because of race, religion, sex, physical or mental

1 disability, color or national origin;

2 (2) to publish, circulate, issue, display, post or mail a
3 written or printed communication, notice or advertisement which states
4 or implies that any local, state or federal funds, services, goods,
5 facilities, advantages or privileges of the office or agency will be
6 refused, withheld from or denied to a physically or mentally disabled
7 person or a person of a certain race, religion, sex, color or national
8 origin or that the patronage of a physically or mentally disabled
9 person or a person belonging to a particular race, creed, sex, color
10 or national origin is unwelcome, not desired or solicited.

11 * Sec. 4. AS 18.80.300 is amended by adding new paragraphs to read:

12 (15) "major life activities" means functions such as caring
13 for one's self, performing manual tasks, walking, seeing, hearing,
14 speaking, breathing, learning, and working;

15 (16) "physical or mental disability" means

16 (A) a physical or mental impairment that substantially
17 limits one or more major life activities,

18 (B) a history of, or a misclassification as having, a
19 mental or physical impairment that substantially limits one or
20 more major life activities; or

21 (C) having

22 (i) a physical or mental impairment that does not
23 substantially limit a person's major life activities but
24 that is treated by the person as constituting such a limita-
25 tion;

26 (ii) a physical or mental impairment that sub-
27 stantially limits a person's major life activities only as a
28 result of the attitudes of others toward the impairment; or

29 (iii) none of the impairments defined in this

1 paragraph but being treated by others as having such an
2 impairment;

3 (D) a condition that may require the use of a
4 prosthesis, special equipment for mobility or service animal;

5 (17) "physical or mental impairment" means

6 (A) physiological disorder or condition, cosmetic
7 disfigurement, or anatomical loss affecting one or more of the
8 following body systems: neurological, musculoskeletal, special
9 sense organs, respiratory including speech organs, cardiovascu-
10 lar, reproductive, digestive, genito-urinary, hemic and lymph-
11 atic, skin, and endocrine; or

12 (B) mental or psychological disorder, including mental
13 retardation, organic brain syndrome, emotional or mental illness,
14 and specific learning disabilities.

Levy
1103

Introduced: 4/24/85
Referred: Finance

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IN THE HOUSE BY THE RULES COMMITTEE

HOUSE BILL NO. 398

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act extending the longevity bonus program for one year; and providing for an effective date."

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

* Section 1. Section 11, ch. 38, SLA 1984 is amended to read:

Sec. 11. This Act and AS 47.45 are repealed June 30, 1986 [1985].

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

COMMITTEE COPY

ALASKA STATE LEGISLATURE	
...14th Legislature	...FIRST Session
HOUSE	BILL NO. ...398..
By ...THE RULES COMMITTEE.....	
<p>"An Act extending the longevity bonus program for one year; and providing for an effective date."</p>	
<p>Extending/Longevity Bonus</p>	
<p>Introduced in the House^{4/24} 19...⁸⁵</p>	

HISTORY IN THE HOUSE																													
19 85	Read first time and referred to Committee on																												
Apr. 24	FINANCE																												
	Reported back with recommendation that																												
	Read second time and																												
	Read third time and																												
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">PASS</td> <td style="text-align: center;">Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> <tr> <td colspan="2" style="text-align: center;">Reconsideration</td> </tr> <tr> <td style="text-align: center;">PASS</td> <td style="text-align: center;">Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> <tr> <td colspan="2">Reported correctly engrossed</td> </tr> <tr> <td colspan="2">Signed by Speaker</td> </tr> <tr> <td colspan="2">Sent to Senate</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused	Reconsideration		PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused	Reported correctly engrossed		Signed by Speaker		Sent to Senate	
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Signed by Speaker																													
Sent to Senate																													
CHIEF CLERK OF THE HOUSE																													

HISTORY IN THE SENATE																													
19	Read first time and referred to Committee on																												
	Reported back with recommendation that																												
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Reported correctly engrossed																													
Signed by President																													
Returned to House																													
SECRETARY OF THE SENATE																													

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

COMMITTEE COPY

SUMMARY OF FISCAL NOTES FOR CS HB 398 (Fin)

Fiscal Note #1:	\$ 413.8	Non-nursing home Medicaid
Fiscal Note #2:	\$ 2160.0	OAA/SSI
Fiscal Note #3:	\$ 399.0	Loss of nursing wing ALB income to Pioneers' Homes
Sub-Total	\$ 2972.8	
Fiscal Note #3:	(\$1712.4)	Savings from not paying ALB's to nursing home residents.
	<hr/> <hr/>	
TOTAL	\$1260.4	Net additional general funds required.

NOTE: No funds are provided in these fiscal notes for the payment of bonuses. These funds are provided in FY 86 Budget.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 398 (Fin)
Title: Longevity Bonus

Sponsor: Senator Ray, et al.
Requestor: House Finance Committee
Date of Request: 5/2/85

FISCAL DETAIL

Agency Affected: Dept. Health & Social Services
Program Category Affected: Social and
and Economic Assistance
BRU, Program or Subprogram(s) Affected: Medical Assistance

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-				
CAPITAL						
REVENUE		(413.8)				

FUNDING: (Thousands of Dollars)

GENERAL FUND		413.8				
FEDERAL FUNDS		(413.8)				
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The bill authorizes state funds to replace lost federal funds for medicaid benefits for non-nursing home medicaid recipients. There is no increase in operating expenditures, only a change in funding source.

RA

Prepared By: Representative Adams - Chairman Phone: 465-3706
Division: House Finance Committee Date: 5/2/85

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 398 (Fin)
Title: Longevity Bonus

Sponsor: Senator Ray et al.
Requestor: House Finance Committee
Date of Request: 5/2/85

FISCAL DETAIL

Agency Affected: Dept. Health & Social Services
Program Category Affected: Social & Economic Assistance
BRU, Program or Subprogram(s) Affected: General Relief Assistance

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		2160.0				
800 MISCELLANEOUS						
TOTAL OPERATING		2160.0				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS		2160.0				
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached Analysis

APA

Prepared By: Representative Adams - Chairman Phone: 465-3706
Division: House Finance Committee Date: 5/2/85

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Fiscal Note Analysis

CS HB 398 (Fin)

1. Costs reflect replacing lost supplemental security income monthly payments with General Relief Assistance:

FY 86:	750 persons/month	=	1400.0
FY 87:	794 persons/month	=	1530.5
FY 88:	838 persons/month	=	1669.8
FY 89:	884 persons/month	=	1821.6
FY 90:	933 persons/month	=	1987.4

2. Costs also reflect replacing lost Old Age Assistance monthly payments with General Relief Assistance:

FY 86:	750 persons/month	=	760.0
FY 87:	794 persons/month	=	830.7
FY 88:	838 persons/month	=	906.3
FY 89:	884 persons/month	=	988.8
FY 90:	933 persons/month	=	1017.9

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 398 (Fin)
 Title: Longevity Bonus

Sponsor: Senator Ray, et al.
 Requestor: House Finance Committee
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Social and Economic assistance for the aged.
 BRU, Program or Subprogram(s) Affected: Longevity Bonus and Pioneers' Home

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		(1712.4)				
800 MISCELLANEOUS						
TOTAL OPERATING		(1712.4)				

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE		(399.0)				
----------------	--	---------	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		(1312.4)				
FEDERAL FUNDS						
OTHER						
TOTAL		(1312.4)				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached analysis

Prepared By: ^{APA} Representative Adams - Chairman Phone: 465-3706
 Division: House Finance Committee Date: 5/2/85

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

CS HB 398 (Fin)

Fiscal note analysis:

This bill makes persons who reside in nursing homes and government operated mental health facilities ineligible for the Longevity Bonus.

ASSUMPTIONS

1. Those persons who would be affected in mental health facilities, Pioneers' Homes and nursing homes was approximately 608 as of February 1985. For the purpose of this fiscal note, it is assumed this number will remain unchanged.
($608 \times 12 \times \$250 = \$1,824,000$ savings.)
2. There are approximately 133 nursing care residents of the Pioneers' Homes who use the Longevity Bonus to pay their monthly charges for care. Loss of the Longevity Bonus to these people would result in loss of revenue as program receipts for the Pioneers' Homes.
($133 \times 12 \times \$250. = \$399,000$ est. loss of program receipts.)
3. Of the approximate 133 nursing care residents of the Pioneers' Homes who would be affected, approximately 93 would have incomes reduced to the point they would become eligible for the monthly stipend payable under AS 47.25.020 (b) and (c).
($93 \times 12 \times \$100 = \$111,600.$)

PROPOSED LETTER OF INTENT FOR CS HB 398 (FIN)

CS HB 398 (FIN) extends the interim longevity bonus program until July, 1986. Though the legislature has not yet agreed upon a permanent solution to the program's future, it is still appropriate for the legislature to address the "hold harmless" issue during the 1985 interim.

Because the federal government has indicated that the longevity bonus will be considered a prior resource when determining eligibility for medicaid and supplemental security income (SSI), many of Alaska's poorest seniors who qualify for the bonus will lose their medicaid and SSI benefits. Also, because the state funded Old Age Assistance (OAA) program must follow the federal ruling, these same seniors will lose their OAA benefits as well. This bill will hold the affected seniors harmless from this federal ruling by authorizing the state to pay those medicaid, SSI and OAA benefits that the federal government no longer allows, with one exception. Instead of paying the federal portion of medicaid for eligible nursing home residents, these individuals are prohibited from receiving a bonus. This is because the federal portion of their medicaid benefits far outweighs the \$3,000 in annual bonus income and because the cost to the state of paying both the bonus and the federal medicaid portion of their nursing home care is prohibitive. Nursing home care in Alaska averages \$140 per day.

The legislature recognizes that the federal government may consider the bonus as a prior resource for other programs for which eligibility requirements are controlled at the federal level. Therefore, it is the intent of the legislature that the House and Senate Health, Education & Social Services Committees conduct a joint review of the relationship between eligibility for a longevity bonus and eligibility for federal assistance programs and report back to the legislature next session. The review should consider, but is not limited to, the following items: (1) an inventory of programs for which receipt of the bonus will change eligibility for the federal program, (2) the cost of holding bonus recipients harmless for each program, (3) how best to administer hold harmless programs; (4) how an individual would fare under each program if the individual were made ineligible for a bonus, (5) proposals for legislative action, and (6) the federal reaction to any proposed legislative actions. In conducting the review, the Committees should work closely with the House and Senate Finance Committees and the affected state agencies.

Levy
5/2/85 ✓

Original sponsor: Rules Committee

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IN THE HOUSE

BY THE FINANCE COMMITTEE

CS FOR HOUSE BILL NO. 398 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to eligibility for longevity bonus payments and the use of longevity bonus payments in determining public assistance, extending the longevity bonus program for one year; and providing for an effective date."

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

* Section 1. AS 47.45.070 is amended to read:

Sec. 47.45.070. UNQUALIFIED PERSONS. An unqualified person is one who

(1) does not meet the age or residence requirements as provided for under this chapter;

(2) meets the age and residence requirements of this chapter but either is confined in a state or federal mental health institution or facility and is certified by the state as unable to manage personal affairs, or resides in a nursing home as that term is defined in AS 08.70.180; however, if that person, at the time of commitment or commencement of residence, provided the principal support of a spouse, the commissioner of administration may determine to pay the confined person's bonus to the person's spouse until the spouse is qualified for a bonus;

(3) is otherwise qualified but confined in a penal or correctional institution or facility; upon completion of sentence or upon the conferral of a pardon, parole or probation, the person may make application; confinement outside the state shall be considered as

1 residence in the state if a person was convicted and sentenced from a
2 court in Alaska; revocation of parole or probation shall be cause for
3 immediate disqualification until release from confinement is again
4 effected;

5 (4) voluntarily leaves the state and remains absent from
6 the state for a continuous period of more than 90 [180] days.

7 * Sec. 2. AS 47.45 is amended by adding a new section to read:

8 Sec. 47.45.122. ELIGIBILITY FOR PUBLIC ASSISTANCE. (a) An
9 individual whose public assistance is denied or reduced solely because
10 of the receipt of a bonus under this chapter by the individual or by a
11 member of the individual's household is eligible for assistance under
12 the general relief assistance program in AS 47.25.120 - 47.25.300.
13 Notwithstanding the limit in AS 47.25.130, the individual is entitled
14 to receive the same amount as the individual would have received under
15 other public assistance programs had the individual not received a
16 longevity bonus.

17 (b) In this section "other public assistance" means

- 18 (1) Supplemental Security Income (42 U.S.C. 1381 - 1385);
19 (2) Medicaid (42 U.S.C. 1396 - 1396p); and
20 (3) Adult Public Assistance (AS 47.25.430 - 47.25.615).

21 * Sec. 3. Section 11, ch. 38, SLA 1984 is amended to read:

22 Sec. 11. This Act and AS 47.45 are repealed June 30, 1986
23 [1985].

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

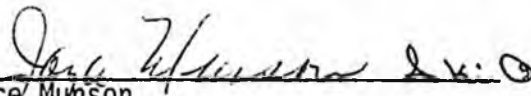
House Bill 398

This bill would extend the existing Longevity Bonus program for one year. This is a companion bill to S.B. 287, with the exact same wording and effect.

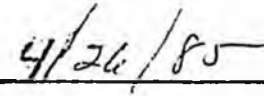
Without an extension, or enactment of legislation which would provide for a revised program, the Longevity Bonus program will come to an end on June 30, 1985.

The uncertainty of the program's future has had an unsettling effect on those who now receive the bonus and those who have planned their future with income from the Longevity Bonus in mind. For this reason, the Department of Administration favors a permanent solution to the State's dilemma over the Longevity Bonus, rather than a stopgap measure.

However, if a permanent solution cannot be agreed upon by the Legislature prior to June 30, 1985, the Department of Administration advocates passage of H.B. 398 to safeguard the economic future of Alaska's seniors until the second session of the Fourteenth Legislature can grapple with the problem.



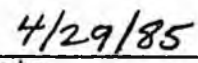
Joyce Munson
Director
Division of Pioneers' Benefits
Department of Administration



Date



Commissioner Lisa Rudd
Department of Administration



Date

Introduced: 4/24/85
Referred: Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE

2

HOUSE BILL NO. 398

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

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A BILL

6 For an Act entitled: "An Act extending the longevity bonus program for one
7 year; and providing for an effective date."

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

9 * Section 1. Section 11, ch. 38, SLA 1984 is amended to read:

10 Sec. 11. This Act and AS 47.45 are repealed June 30, 1986
11 [1985].

12 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).