

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

HB 166 thru CSHB 170 287

HB

1666

(11)

# HOUSE COMMITTEE REPORT

Date referred: 4/28/87

FURTHER REFERRALS:

DATE: 5-10-87

The Finance Committee has considered HB 166

"An Act appropriating from the earnings reserve account of the Alaska permanent fund to the general fund; and providing for an effective date."

**RECOMMENDS:**

- replace with CS HB 166 (FIN)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

Al Adams  
Pat Sanchez  
Ray Wallace  
Bob Marshall  
Donald J. Jones

**SIGNING OTHER RECOMMENDATIONS:**

Peter Jones  
Mike Davis  
Mark Bowen  
Lyn Brown  
Alma No Rec  
Steve Price No Recommendation

Al Adams  
 Chairman's signature

Original sponsor: Rules/Governor

Funding Information

General Fund	\$	-0-
Other Funds		-0-
	\$	-0-

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 166 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making an appropriation from the earnings  
7 reserve account of the Alaska permanent fund to the  
8 budget reserve fund and an appropriation from the  
9 budget reserve fund to the general fund; and provid-  
10 ing for an effective date."

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

12 \* Section 1. The balance of the earnings reserve account of the Alaska  
13 permanent fund (AS 37.13.145), less the amount appropriated to the dividend  
14 fund for the payment of the 1987 permanent fund dividend and administrative  
15 and associated costs, and less the amount necessary to fund the transfer to  
16 the principal of the permanent fund for fiscal year 1987 inflation proof-  
17 ing, is appropriated to the budget reserve fund in the general fund  
18 (AS 37.05.156).

19 \* Sec. 2. If the unexpended and unobligated balance of the general fund  
20 is insufficient to pay obligations of the general fund under appropriations  
21 at any time during fiscal year 1988, the amount required to pay those  
22 obligations is appropriated from the budget reserve fund in the general  
23 fund (AS 37.05.156) to the general fund.

24 \* Sec. 3. This Act takes effect July 1, 1987.

Original sponsor: Rules/Governor

Funding Information

General Fund	\$	-0-
Other Funds		-0-
	\$	-0-

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 166 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making an appropriation from the earnings  
7 reserve account of the Alaska permanent fund to the  
8 budget reserve fund and an appropriation from the  
9 budget reserve fund to the general fund; and provid-  
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21 at any time during fiscal year 1988, the amount required to pay those  
22 obligations is appropriated from the budget reserve fund in the general  
23 fund (AS 37.05.156) to the general fund.

24 \* Sec. 3. This Act takes effect July 1, 1987.

25  
26 *old sec. 1 language removed:*

27 [The sum of \$2524 is appropriated from the  
28 earnings reserve account to the budget  
29 reserve fund.]

Why should we do HCS 166 (FIN)

1) The earnings reserve account goes in to the budget reserve account. Based on the March estimate of permanent fund earnings by the Permanent Fund Corporation this puts 516.0 million in the Budget Reserve Fund.

If HB 113 passes there will be a minimum of 18 million that will also go into this budget reserve fund bringing the balance to 532.

This is a conservative estimate. The amount that will actually go into the BRF will be more than that if 1) the agencies lapse any money as of July 1, 1987; 2) if the actual revenues for FY 87 are greater than what was estimated in the March 1987 revenue forecast by the Department of Revenue; and 3) if the earnings of the permanent fund are greater than estimated in the March Monthly Financial Report of the Alaska Permanent Fund Corporation.

2) a) If the March forecast for FY 88 revenues turns out to be conservative, you will not need to use as much money from the budget reserve fund in FY 88 as is currently estimated.

b) If the March estimate is optimistic and the actual revenues for FY 88 are less than expected, you will be able to meet the obligations of the State.

In either case, the only time you will be spending money from the BRF, is when there is an insufficient amount in the general fund to meet the general fund obligations of the state.



## Alaska Permanent Fund Corporation

### FINANCIAL PROJECTIONS (in millions)

as of March 31, 1987

FY	PRINCIPAL						INCOME					Reserves		FY
	FY Begin Balance	Appropriations	Dedicated State Revenues*	Inflation Proofing	FY End Balance	Inflation Proofing Shortfall	Net Income	Distributions			General Fund	Add (Delete)	FY End Balance	
								Dividends	Per Capita Dividends**	Inflation Proofing				
78			54		54		2				1			78
79	54		84		139		8				7			79
80	139		344		483		32	12			12			80
81	483	900	385		1,769		150	28			28	59	59	81
82	1,769	800	401		2,969		368	71	\$1,000.00		71	185	244	82
83	2,969	400	421	231	4,021		471	108	\$386.15	231	110	110	354	83
84	4,021	300	366	151	4,838		530	175	\$331.29	151		204	557	84
85	4,838	300	368	235	5,741		658	217	\$404.00	235		206	763	85
86	5,741		323	216	6,281		1,021	303	\$556.26	216		501	1,264	86
37	6,281	1,264	150	148	7,843		1,054	390	\$724.73	148		516	516	87
88	7,843		165	320	8,329		796	424	\$790.57	320		51	567	88
89	8,329		187	511	9,026		847	458	\$849.73	511		( 121)	446	89
90	9,026		206	554	9,787		902	484	\$894.66	554		( 135)	311	90
91	9,787		194	599	10,580		961	478	\$880.23	599		( 116)	195	91
92	10,580		211	647	11,438		1,025	476	\$871.19	647		( 98)	97	92
93	11,438		225	687	12,350	13	1,098	508	\$925.74	687		( 97)		93
94	12,350		230	633	13,213	122	1,175	542	\$984.82	633				94
95	13,213		230	677	14,120	130	1,256	579	\$1,048.31	677				95
96	14,120		229	722	15,071	139	1,341	619	\$1,116.58	722				96
97	15,071		231	770	16,072	149	1,431	662	\$1,188.95	770				97
98	16,072		231	819	17,121	159	1,526	707	\$1,264.83	819				98
99	17,121		228	871	18,220	170	1,624	754	\$1,344.20	871				99
0	18,220		223	924	19,367	182	1,728	803	\$1,426.99	924				0
1	19,367		217	980	20,564	195	1,835	855	\$1,513.29	980				1
2	20,564		215	1,039	21,818	208	1,948	909	\$1,603.09	1,039				2
3	21,818		210	1,100	23,128	222	2,066	966	\$1,695.39	1,100				3
4	23,128		208	1,164	24,499	236	2,189	1,026	\$1,793.60	1,164				4
5	24,499		205	1,231	25,936	251	2,319	1,038	\$1,894.48	1,231				5
-----														
Cumulative Totals:	3,964	6,742	15,229	25,936	2,175		30,361	13,639	\$25,490.07	15,229	229	1,264		
-----														

ASSUMPTIONS: 1.92% Inflation Rate FY 87  
 ----- 14.03% Rate of Return FY 87

4.00% Inflation Rate FY 88  
 9.00% Rate of Return FY 83

\* SOURCE: Alaska Department of Revenue  
 30% Case Forecast - March 1987

STATUS QUO

6.00% Inflation Rate FY 89-05  
 9.00% Rate of Return FY 89-05

\*\* SOURCE: Population Projections From  
 DOR Revenue Source Book - Page 44



## Alaska Permanent Fund Corporation

### FINANCIAL PROJECTIONS (in millions)

as of March 31, 1987

FY	PRINCIPAL					INCOME					Reserves			
	FY Begin Balance	Appro- priations	Dedicated State Revenues*	Inflation Proofing	FY End Balance	Inflation Proofing Shortfall	Net Income	Distributions			General Fund	Add (Delete)	FY End Balance	FY
								Dividends	Per Capita Dividends**	Inflation Proofing				
78			54		54		2				1			78
79	54		84		139		8				7			79
80	139		344		483		32	12			12			80
81	483	900	385		1,769		150	28			28	59	59	81
82	1,769	800	401		2,969		368	71	\$1,000.00		71	185	244	82
83	2,969	400	421	231	4,021		471	108	\$386.15	231	110	110	354	83
84	4,021	300	366	151	4,838		530	175	\$331.29	151		204	557	84
85	4,838	300	368	235	5,741		658	217	\$404.00	235		206	763	85
86	5,741		323	216	6,281		1,021	303	\$556.26	216		501	1,264	86
87	6,281	1,264	150	148	7,843		1,054	390	\$724.73	148	516			87
88	7,843		165	320	8,329		747	419	\$780.87	320		8	8	88
89	8,329		187	355	8,871	156	794	447	\$829.47	355		( 8)		89
90	8,871		206	379	9,456	166	846	467	\$863.35	379				90
91	9,456		194	445	10,095	134	900	455	\$837.04	445				91
92	10,095		211	515	10,821	103	951	446	\$815.64	515				92
93	10,821		225	555	11,601	108	1,030	476	\$866.87	555				93
94	11,601		230	596	12,427	114	1,104	508	\$922.66	596				94
95	12,427		230	638	13,294	121	1,182	544	\$983.07	638				95
96	13,294		229	682	14,205	130	1,264	582	\$1,048.11	682				96
97	14,205		231	727	15,163	139	1,350	623	\$1,117.46	727				97
98	15,163		231	774	16,169	149	1,440	666	\$1,190.16	774				98
99	16,169		228	824	17,220	160	1,535	711	\$1,266.20	824				99
0	17,220		223	875	18,318	172	1,633	758	\$1,345.48	875				0
1	18,318		217	929	19,464	183	1,737	808	\$1,427.98	929				1
2	19,464		215	985	20,664	196	1,844	860	\$1,514.00	985				2
3	20,664		210	1,043	21,916	209	1,957	914	\$1,603.36	1,043				3
4	21,916		208	1,104	23,228	223	2,075	971	\$1,696.32	1,104				4
5	23,228		205	1,168	24,602	238	2,199	1,030	\$1,792.98	1,168				5
-----														
Cumulative Totals:	3,964		6,742	13,895	24,602	2,702	28,892	12,988	\$24,303.47	13,895	745	1,264		
-----														

ASSUMPTIONS: 1.92% Inflation Rate FY 87  
14.03% Rate of Return FY 87

4.00% Inflation Rate FY 88  
9.00% Rate of Return FY 88

\* SOURCE: Alaska Department of Revenue  
30% Case Forecast - March 1987

STATUS QUO EXCEPT FOR FY 87 ONLY,  
EARNINGS RESERVE TO GENERAL FUND

6.00% Inflation Rate FY 89-05  
9.00% Rate of Return FY 89-05

\*\* SOURCE: Population Projections From  
DOR Revenue Source Book - Page 44

BUDGET RESERVE  
FUND

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCHY STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

MEMORANDUM

May 7, 1987

SUBJECT: Budget Reserve Fund (CSHB 81 (Fin))  
TO: Representative Al Adams  
FROM: Tamara Brandt Cook *TBC*  
Director  
Division of Legal Services

You have asked whether the appropriation restrictions contained in the AS 37.05.156 (Budget Reserve Fund) are binding upon the legislature. The power of appropriation is vested in the legislature under the state constitution (Article 11, Sec. 1; Article IX, Sec. 13). That constitutional power of appropriation cannot be diminished, except, as has been done in Article IX, Sections 15 and 16, by the constitution itself. In my opinion, restrictions placed on the power of the legislature over appropriations by statute cannot bind the legislature and an appropriation that exceeds those limits will, nonetheless, be valid legislation.

TBC: csh  
c8/027

Enclosure

BRT

is determined to be available for lapse at the end of the fiscal year (§ 1 ch 17 SLA 1986)

Revisor's notes. — Enacted as AS SLA 1986, makes this section effective 37.05.156. Renumbered in 1986. April 24, 1986, in accordance with AS Effective dates. — Section 2, ch. 17, 01.10.070(c).

Sec. 37.05.153. Railbelt energy fund. There is established in the general fund the Railbelt energy fund. The fund consists of money appropriated to it by the legislature. The Department of Revenue shall manage the fund. Interest received on money in the fund shall be accounted for separately and may be appropriated into the fund annually. The legislature may appropriate money from the fund to assist in meeting Railbelt energy needs. (§ 1 ch 29 SLA 1986)

Revisor's notes. — Enacted as AS 44.25.050. Renumbered in 1986. Effective dates. — Section 2, ch. 29, SLA 1986, makes this section effective May 24, 1986, in accordance with AS 01.10.070(c). Cross references. — For railbelt energy council formed to review railbelt energy problems and needs, see ch. 30, SLA 1986, in the Temporary and Special Acts.

Sec. 37.05.155. [Renumbered as AS 37.05.151.]

Sec. 37.05.156. Budget reserve fund; Appropriation limit. (a) There is established as a separate fund in the state treasury the budget reserve fund. The budget reserve fund consists of appropriations to the fund. Money received by the state that is subject to the appropriation limit under (b) of this section and that exceeds that limit, may be appropriated to the budget reserve fund.

(b) Except for appropriations to the permanent fund or for Alaska permanent fund dividends, appropriations to the budget reserve fund, appropriations of revenue bond proceeds, appropriations required to pay the principal and interest on general obligation bonds, and appropriations of money received from a nonstate source in trust for a specific purpose, including revenue of a public enterprise or public corporation of the state that issues revenue bonds, appropriations from the treasury made in a fiscal year may not exceed appropriations made in the preceding fiscal year by more than five percent plus the change in population and inflation since the beginning of the preceding fiscal year. For purposes of applying this limit an appropriation is considered to be made in the fiscal year in which it is enacted and a reappropriation remains attributed to the fiscal year in which the original appropriation is enacted. The determination of the change in population for purposes of this subsection shall be based on an annual estimate of population by the Department of Labor. The determination of the change in inflation for purposes of this subsection shall be based

on the Consumer Price Index for all urban consumers for Anchorage prepared by the United States Bureau of Labor Statistics. The amount of money received by the state that is subject to the appropriation limit includes the balance in the general fund carried forward from the preceding fiscal year.

(c) If the legislature determines that the money subject to the appropriation limit received by the state in a fiscal year is less than the maximum permitted to be appropriated under (b) of this section, up to 25 percent of the balance of the budget reserve fund may be appropriated to the general fund.

(d) The Department of Revenue shall manage and invest assets of the budget reserve fund in the manner set out for the management and investment of the assets of the general fund under AS 37.10.070. Income from investment of the budget reserve fund may be appropriated to the fund each year by law.

(e) Notwithstanding other provisions of this section, appropriations may be made from the budget reserve fund needed by the governor to meet a disaster. In this subsection, "disaster" has the meaning given in AS 26.23.230. (§ 1 ch 58 SLA 1986)

**Effective dates.** — Section 4, ch. 58, SLA 1986, provides: "This Act takes effect July 1, 1986."

**Editor's notes.** — Section 3, ch. 58,

SLA 1986 provides that this section "applies to fiscal year 1988 and fiscal years thereafter."

*Sec. 37.05.159. Reserve for emergency operating expenses account. [Repealed, § 2 ch 58 SLA 1986.]*

**Sec. 37.05.165. Petty cash accounts [Effective July 1, 1987].** The Department of Administration shall determine the amount of the petty cash accounts needed by each state agency and inspect the petty cash accounts at least once each year to determine that the total plus amounts of receipts for unreplenished disbursements is equal to the fixed sum of cash set aside. Shortages in petty cash accounts are a personal liability of the responsible head of the agency to whom the account is set aside. The department shall adopt necessary regulations governing use and replenishment of petty cash funds. (§ 38 ch 106 SLA 1986)

**Revisor's notes.** — Enacted as AS 37.05.232. Renumbered in 1986.

**Effective dates.** — Section 69, ch. 106,

SLA 1986, makes this section effective July 1, 1987.

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: HB 166  
Publish Date: HOUSE 3/4/87

REQUEST \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: Appropriation of Earnings Reserve  
Account of P.F. to the General Fund  
Sponsor: Governor  
Requestor: \_\_\_\_\_

Agency Affected: Permanent Fund Corp.  
BRU: Permanent Fund Corporation

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	0-555M	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	0-555M	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

It is estimated, at this time, that approximately 200 million in earnings will be necessary to meet FY 87 budget requirements. See attachment - Financial projections provided by the Alaska Permanent Fund Corporation.

Prepared By: Royce Weller  
Division: Revenue/Commissioner's Office

Phone: 465-2300  
Date: 3/2/87

Approved by Commissioner: Hugh Malone  
Agency: Department of Revenue

Date: 3/2/87

Distribution (by Agency preparing fiscal note):

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



**Alaska Permanent Fund Corporation**

**FINANCIAL PROJECTIONS**  
(in millions)

as of January 31, 1987

FY	PRINCIPAL						INCOME				ASSETS	
	FY Begin Balance	Appro- priations	Dedicated State Revenues*	Inflation Proofing	FY End Balance	Inflation Proofing Shortfall	Net Income	Distributions		Reserves		FY End Balance
								Dividends	Per Capita Dividends**	Inflation Proofing	Add (Delete)	
78			54		54		2					55
79	54		84		139		8					141
80	139		344		483		32	12				503
81	483	900	385		1,769	150	28			59	59	1,875
82	1,769	800	401		2,969	368	71	\$1000.00		185	244	3,302
83	2,969	400	421	231	4,021	471	108	\$386.15	231	110	354	4,593
84	4,021	300	366	151	4,838	530	175	\$331.29	151	204	557	5,531
85	4,838	300	368	235	5,741	558	217	\$404.00	235	206	763	5,723
86	5,741		323	216	6,281	1,021	303	\$556.26	216	501	1,264	7,956
87	6,281	1,264	103	147	7,795	1,097	395	\$734.22	147	555	555	3,745
88	7,795		137	317	8,249	793	429	\$799.70	317	47	502	9,230
89	8,249		160	505	8,913	342	462	\$857.68	505	( 125)	478	9,852
90	8,913		167	545	9,624	393	487	\$900.69	545	( 139)	339	10,450
91	9,624		162	587	10,373	947	480	\$883.43	587	( 121)	218	11,071
92	10,373		165	632	11,170	1,006	470	\$861.09	532	( 97)	122	11,762
93	11,170		166	680	12,016	1,072	500	\$911.21	680	( 108)	14	12,530
94	12,016		158	624	12,798	1,141	531	\$964.78	624	( 14)		13,329
95	12,798		153	648	13,599	1,213	565	\$1022.06	648			14,163
96	13,599		146	688	14,433	1,288	601	\$1082.90	588			15,033
97	14,433		144	728	15,305	1,367	639	\$1146.79	728			15,944
98	15,305		140	771	16,216	1,449	678	\$1213.16	771			16,894
99	16,216		136	815	17,167	1,535	720	\$1282.02	815			17,886
0	17,167		130	861	18,158	1,624	763	\$1353.45	961			18,920
1	18,158		123	909	19,190	1,717	808	\$1427.62	909			19,998
2	19,190		117	960	20,267	1,814	855	\$1504.48	960			21,121
3	20,267		112	1,012	21,391	1,915	904	\$1584.40	1,012			22,294
4	21,391		110	1,066	22,566	2,021	955	\$1667.28	1,066			23,521
5	22,566		104	1,124	23,794	2,132	1,008	\$1753.24	1,124			24,802

ASSUMPTIONS

1.92% Inflation Rate FY 87  
~~11.02%~~ Rate of Return FY 87  
 14.6%  
 4.00% Inflation Rate FY 88  
 9.00% Rate of Return FY 88

5% Average Inflation Rate FY 89-05  
 9% Average Rate of Return FY 89-05

\* SOURCE: Alaska Department of Revenue  
 30% Case Forecast - December 1986

STATUS QUO WITH AN INCREASE IN FY 87 NET INCOME  
 OF \$275 MILLION DUE TO GAINS FROM SALE OF STOCK

\*\* SOURCE: Population Projections From  
 DOR Revenue Source Book - Page 44

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 3, 1987

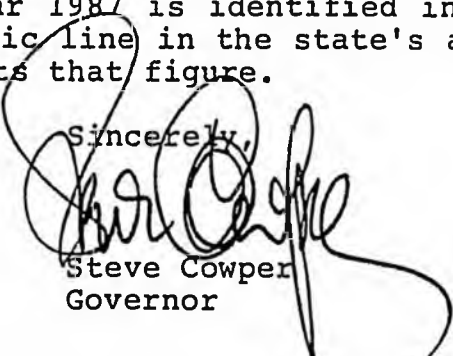
The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill appropriating money from the earnings reserve account (formerly called the "undistributed income account," AS 37.13.145) of the Alaska permanent fund to the general fund. This bill appropriates a sufficient amount of money to cover whatever deficit may exist after the end of fiscal year 1987 from the earnings reserve account of the permanent fund to the general fund. If an insufficient amount is available from the earnings reserve account, then the entire amount is appropriated to the general fund.

The deficit for fiscal year 1987 is identified in the bill by reference to the specific line in the state's annual financial report which reports that figure.

Sincerely,



Steve Cowper  
Governor

Offered: 4/28/87  
Referred: Finance

wol387hB

Original sponsor: Rules/Governor

Funding Information

General Fund	\$	-0-
Other Funds		-0-
	\$	-0-

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 166 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act appropriating from the earnings reserve  
7 account of the Alaska permanent fund to the budget  
8 reserve fund; and providing for an effective date."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
10 \* Section 1. The sum of \$250,000,000 is appropriated from the earnings  
11 reserve account of the Alaska permanent fund (AS 37.13.145) to the budget  
12 reserve fund (AS 37.05.156).  
13 \* Sec. 2. This Act takes effect July 1, 1987.

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 166

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act appropriating from the earnings reserve  
7 account of the Alaska permanent fund to the general  
8 fund; and providing for an effective date."

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

10 \* Section 1. The lesser of the following two amounts is appropriated  
11 from the earnings reserve account of the Alaska permanent fund to the  
12 general fund: (1) an amount sufficient to offset any negative amount in  
13 the "Available Fund Equity/Balance" for the general fund as reported for  
14 June 30, 1987 on the "State of Alaska, All Fund Types and Account Groups,  
15 Combined Balance Sheet" in the State of Alaska's "Annual Financial Report"  
16 for fiscal year 1987, published under AS 37.05.210(2); or (2) the amount in  
17 the earnings reserve account of the Alaska permanent fund as of July 1,  
18 1987.

19 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

HB

170

# HOUSE COMMITTEE REPORT

(11)

Date referred: 1/22/88

FURTHER REFERRALS:

DATE: 2-22-88

The Finance Committee has considered HB 170

"An Act relating to participation of municipalities, school districts, and other political subdivisions under the Public Employment Relations Act and to collective bargaining rights of school district employees."

**RECOMMENDS:**

- replace with CS HB 170 (Finance)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

**SIGNING OTHER RECOMMENDATIONS:**

POURCHOT [Signature]

SWACK-HAMMER [Signature]

BOYER [Signature]

LARSON [Signature]

GOLL [Signature]

BROWN [Signature]

DAVIS [Signature]

FRANK [Signature]

ADAMS Al Adams - No Rec.

RIEGER [Signature] No Recommendation

WALLIS Kay Wallis do not dilute school board's powers

Al Adams  
Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: 2-18-88  
Title: "An Act extending collective bargaining rights to non-certificated School District Employees."  
Requestor: \_\_\_\_\_

Agency Affected: \_\_\_\_\_  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
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	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Under this CS, no state agency is involved in administration or adjudication of labor relations matters. Recourse in disputes is to the Federal Mediation and Conciliation Service or the courts, with expense borne by the parties.

Prepared by: Representative Al Adams, Chairman *AAA* Phone: 465-3706  
Division: House Finance Committee Date: 2/22/88

Approved by Commissioner: N/A Date: \_\_\_\_\_  
Agency: \_\_\_\_\_

Distribution (by preparer):

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

Original sponsor: Labor and Commerce  
Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 170 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act extending collective bargaining rights to  
7 noncertificated school district employees."

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

9 \* Section 1. AS 14.20.550 is amended to read:

10 Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED EMPLOYEES. A  
11 [EACH CITY, BOROUGH AND REGIONAL] school board [,] shall negotiate  
12 with its certificated employees in good faith on matters pertaining to  
13 their employment and the fulfillment of their professional duties. A  
14 school board shall negotiate in good faith with its noncertificated  
15 employees on matters of wages, hours, and other terms and conditions  
16 of employment.

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18 (d) Negotiations between the noncertificated employees of the  
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20 school boards shall be conducted by one team representing all the  
21 noncertificated employees and one team representing all the partic-  
22 ipating regional school boards. The provisions of (b) and (c) of this  
23 section apply to these negotiations.

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25 (a) When a majority of the certificated employees in a school  
26 district have designated an educational organization of their own  
27 choosing to bargain for them, the organization shall be recognized by  
28 the school board as the bargaining agent for all the certificated  
29 staff, except superintendents of schools. The membership of a [ANY

1 SUCH] recognized educational organization shall be composed principal-  
2 ly of those employed in the teaching profession in Alaska. When a  
3 majority of the noncertificated employees in a school district have  
4 designated an employee bargaining organization to bargain for them,  
5 the school board shall recognize it as the bargaining agent for all of  
6 the noncertificated employees.

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8 (b) The organization representing a majority of the certificated  
9 or noncertificated employees of a school district shall, upon the  
10 request of the school board, submit an affidavit verifying that it  
11 does represent a majority of those [THE CERTIFICATED] employees.  
12 Recognition of the employee bargaining agency by a school board is  
13 valid for one year or a term agreed upon by the two parties to an  
14 agreement, unless a majority of those eligible to vote on the question  
15 [CERTIFIED STAFF] votes to request the termination of recognition of  
16 the employee bargaining agency. The school board is entitled to an  
17 affidavit of membership from the employee bargaining agency once each  
18 year.

19 \* Sec. 5. AS 14.20.560(c) is amended to read:

20 (c) Upon the request of 25 percent of the certificated or non-  
21 certificated employees in a district, the school board shall hold,  
22 within 20 days, an election by secret ballot of all the certificated  
23 or noncertificated employees in order to determine their choice of a  
24 bargaining agency. The results of this election are binding for one  
25 year.

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27 (b) If the mediation meetings are held during working hours [THE  
28 SCHOOL DAY], teachers or noncertificated employees representing an  
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1 assigned duties without penalty or loss of pay.

2 \* Sec. 7. AS 14.20.590 is amended to read:

3 Sec. 14.20.590. GRIEVANCE PROCEDURES. Negotiations agreements  
4 must

5 (1) [EXECUTED AFTER JULY 1, 1975 SHALL] define "grievances"  
6 and provide for grievance procedures for the certificated staff or  
7 noncertificated employees; the [. THE] grievance procedures shall  
8 provide that the final step in the procedure shall be binding arbi-  
9 tration; and

10 (2) [. THE NEGOTIATIONS AGREEMENT SHALL] provide a method  
11 for the selection of an arbitrator.

12 \* Sec. 8. Notwithstanding the amendments made to AS 14.20.560 by secs.  
13 3 - 5 of this Act, a bargaining unit that exists on the effective date of  
14 this Act may continue to exist unless the members of the unit vote by  
15 secret ballot to decertify the bargaining agent or to join with another  
16 bargaining unit in the school district.

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 170(Fin)  
PUBLISH DATE: 2/22/1988

FISCAL NOTE

REQUEST:

Revision Date: 2-18-88  
Title: "An Act extending collective bargaining rights to non-certificated School District Employees."  
Requestor: \_\_\_\_\_

Agency Affected: \_\_\_\_\_  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
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	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Under this CS, no state agency is involved in administration or adjudication of labor relations matters. Recourse in disputes is to the Federal Mediation and Conciliation Service or the courts, with expense borne by the parties.

Prepared by: Representative Al Adams, Chairman *AAA* Phone: 465-3706  
Division: House Finance Committee Date: 2/22/88

Approved by Commissioner: N/A Date: \_\_\_\_\_  
Agency: \_\_\_\_\_

Distribution (by preparer):

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

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: "An act relating to the Public  
 Employment Relations Act."  
 Sponsor: Labor and Commerce Committee  
 Requestor: House Judiciary

Agency Affected: Labor  
 BRU: Labor Standards and Safety

Components: Wage and Hour

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		43.6	43.6	43.6	43.6	43.6
TRAVEL		11.0	11.7	8.0	8.2	8.4
CONTRACTUAL		25.9	26.6	16.8	17.3	17.8
SUPPLIES		7	.7	.8	.8	.8
EQUIPMENT		1.6	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>82.8</b>	<b>82.6</b>	<b>69.2</b>	<b>69.9</b>	<b>70.6</b>

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

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

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		82.8	82.6	69.2	69.9	70.6
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>82.8</b>	<b>82.6</b>	<b>69.2</b>	<b>69.9</b>	<b>70.6</b>

**POSITIONS:**

FULL-TIME	0	1	1	1	1	1
PART-TIME						
TEMPORARY						

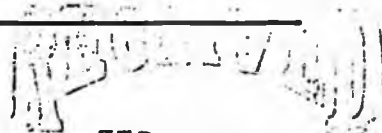
**ANALYSIS :** (Attach a separate page if necessary)

(See attached)

Prepared by: Tom Stuart, Director Phone: 264-2452  
 Division: Labor Standards and Safety Date: 1/14/88

Approved by Commissioner: Jim Sampson Date: 1/14/88  
 Agency: Labor

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



FEB 0 1988

LEGISLATIVE FINANCE

FISCAL NOTE ANALYSIS  
For CSHB 170 (Jud)

Under the provisions of this bill one new position, a Wage and Hour Investigator I located in Anchorage, will be necessary to handle the increase in workload. Additionally, a contractual hearing officer will be required to perform adjudication functions when necessary. The anticipated costs for the first two years are summarized as follows:

	<u>FY 89</u>	<u>FY 90</u>
<u>Personnel Services</u>		
One new employee	43.6	43.6
 <u>Travel</u>		
New Wage & Hour Investigator	7.5	7.7
Contractual Hearing Officers	3.5	4.0
	----	----
Subtotal	11.0	11.7
 <u>Contractual Services</u>		
Hearing Officer	10.0	10.3
Printing	1.5	1.5
Transcription Services	3.0	3.1
Rent	3.2	3.3
Indirect	4.2	4.3
Miscellaneous	4.0	4.1
	----	----
Subtotal	25.9	26.6
 <u>Commodities</u>	.7	.7
 <u>Equipment</u>	1.6	-0-
	-----	-----
TOTAL:	82.8	82.6

After the first two years we anticipate most of the organizational activities in the communities will be complete. Thus, in FY 91 and beyond the program should be able to be handled by the new position. The hearing officers and related costs would then be eliminated.

Assumptions:

- 1) An effective date of July 1, 1988.
- 2) Inflation of 3% per year in FY's 90-93 in non-personal service items.

Position Title Wage and Hour Investigator		No. of Positions 1	Range/Step 16A	Barg. Unit GGU	
Time Status PFT	Staff Months 12	Location Anchorage		Election District	
Type of Expenditure		Justification			
Amount		<p>This position will perform a variety of labor relations duties. The person will investigate petitions for collective bargaining, investigate complaints of unfair labor practice, provide informal resolution to unfair labor practice complaints, and investigate challenges to elections. The position will also conduct elections, certify elections, and provide education and information on the Public Employment Relations Act to employees and employers.</p> <p>Travel costs are for travel to the various locations around the State where public employee labor relations activity would be required.</p> <p>Contractual and commodity costs are average per-employee costs. Equipment would be a one-time expense for desk, chair, cabinets, etc.</p>			
1	2				3
Salary	32,424				
Benefits	11,211				
Premium Pay					
Other					
Total Personal Services					43,635
Travel					7,500
Contractual					15,900
Commodities					700
Equipment		1,600			
Other					
Total Cost		69,335			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	69,335			
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency Labor  
 BRU Labor Standards and Safety  
 Component Wage and Hour

Page 3 of 3  
 Revised Date

**FY 89**

# Alaska State Legislature

REPRESENTATIVE  
MARK BOYER

HOUSE FINANCE COMMITTEE



House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE  
FAIRBANKS, ALASKA 99701  
(907) 456-6473

JUNEAU

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 485-3466

## MEMORANDUM

TO: Representative Al Adams, Chairman  
Representative Pat Pourchot, Vice-Chairman  
House Finance Committee

FROM: Representative Mark Boyer *MB*  
HB 170 Subcommittee

SUBJECT: Draft CS for HB 170 (Finance)

DATE: February 19, 1988

In this latest incarnation, HB 170 grants collective bargaining rights to noncertificated school employees by including them in the existing Title 14 collective bargaining statute, which presently applies to certificated employees only. The anomalous situation created by placing them under the Public Employees Relations Act, from which they have heretofore been excluded by definition, and from which certificated personnel remain excluded, is avoided, as are the questions and objections raised regarding binding arbitration, right to strike, and the ability of school districts to "opt-out" under the Koslosky amendment. While bargaining will lack finality due to the lack of a right to strike or binding arbitration, the right of noncertificated employees to bargain collectively will finally be recognized in statute, thus ending their "exile" as the only group of public employees in the state not covered by some collective bargaining law.

The draft CS takes into account the concerns regarding the scope of negotiations which were raised by the employer representatives. Rather than lump the noncertificated employees in with the teachers, who negotiate "on matters pertaining to their employment and the fulfillment of their professional duties" - as defined and enumerated by the Supreme Court in *Kenai vs. Kenai Peninsula Education Association* (1977) - this bill employs the same language as the PERA statute when addressing the scope of negotiations:

A school board shall negotiate in good faith with its noncertificated employees on matters of wages, hours, and other terms and conditions of employment.

This language is more appropriate for the noncertificated employees and brings with it a substantial body of case law and decisions of record- much of it Alaskan - regarding negotiability of issues.

As for the question of whether or not non-certificated employees presently have the right to strike, the answer is no. According to Terry Cramer of Legal Services, public employees are barred from striking under common law unless expressly granted that right by statute, as is the case with PERA. Employees not granted the right to strike may elect, individually or collectively, not to work. However, they do so without the protections enjoyed by legitimate strikers, and may be terminated and replaced immediately by the employer. Given the Court's decision in Anchorage vs. Anchorage Education Association (1982), inclusion of the non-certificated employees in the Title 14 collective bargaining statute will not grant them the right to strike. It will, however, afford them the opportunity to organize for purposes of collective bargaining and to utilize the services of the Federal Mediation and Conciliation Service in the event of impasse.

Section 8 of the Draft CS exempts existing bargaining units of non-certificated employees from the provisions of the bill which require organization of the employees into a single bargaining unit on a district-wide, all-inclusive basis. This exemption accomodates the existing situation in the Anchorage school district, where employees have organized themselves into separate bargaining units along craft or classification lines and are represented by different unions or associations. Other school districts which currently bargain with their non-certificated employees do so on an all-inclusive, single bargaining unit basis compatible with Sections 3 - 5 of the Draft CS.

Original sponsor: Labor and Commerce  
Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 170 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act extending collective bargaining rights to  
7 noncertificated school district employees."

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

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22 ipating regional school boards. The provisions of (b) and (c) of this  
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29 staff, except superintendents of schools. The membership of a [ANY

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2 ly of those employed in the teaching profession in Alaska. When a  
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12 Recognition of the employee bargaining agency by a school board is  
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14 agreement, unless a majority of those eligible to vote on the question  
15 [CERTIFIED STAFF] votes to request the termination of recognition of  
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1 assigned duties without penalty or loss of pay.

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3 Sec. 14.20.590. GRIEVANCE PROCEDURES. Negotiations agreements  
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8 provide that the final step in the procedure shall be binding arbi-  
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12 \* Sec. 8. Notwithstanding the amendments made to AS 14.20.560 by secs.  
13 3 - 5 of this Act, a bargaining unit that exists on the effective date of  
14 this Act may continue to exist unless the members of the unit vote by  
15 secret ballot to decertify the bargaining agent or to join with another  
16 bargaining unit in the school district.



# NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

## ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE  
ANCHORAGE, ALASKA 99503  
(907) 274-0536

## JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302  
JUNEAU, ALASKA 99801  
(907) 586-3090

## FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701  
(907) 456-4435

February 8, 1988

To: Rep. Al Adams, Chair  
Members, House Finance Committee

Re: CS HB 170 (Judiciary); "An Act extending collective bargaining rights to non-certificated school district employees."

NEA-Alaska supports and strongly encourages that the Committee pass legislation giving non-certificated employees of school districts the right to organize and negotiate their terms and conditions of employment.

For nearly 18 years, since the passage of the teacher bargaining law, AS 14.20.550, and the passage of the Public Employee Relations Act, AS 23.40.070, non-certificated employees of school districts have been without the right under law to organize and negotiate.

While opponents of HB 170 allege that it represents an intrusion into local control and suggest that the local election process should be a viable substitute for collective bargaining, the Legislature has clearly established that joint employer/employee decision making through the collective bargaining process is in the public interest. They have further emphasized that employees should have a meaningful role in determining the conditions of their work environment.

We do encourage that the Committee consider an amendment to CS HB 170 (Judiciary) which would preclude the opportunity for local school districts to opt out of the provisions of PERA, AS 23.40.070-23.40.260, unless they have adopted a local collective bargaining procedure substantially similar to PERA and providing for finality in the negotiations process through strike or binding interest arbitration.

Thank you for your consideration of our position. We encourage favorable and expeditious attention.

Sincerely,

Bob Manners  
Executive Secretary

e5feb1



# Alaska State Legislature

SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811

(907) 465-4766

COMMITTEES:  
FINANCE  
RESOURCES  
BUDGET AND AUDIT

May 6, 1987

To: Senator Abood

From: Senator Duncan

Subject: SB 271 relating to historic and community schools.

This covers school buildings built before Alaska Statehood that have historic significance and deserve to be recognized identified and preserved.

The following are those schools that would qualify:

<u>School</u>	<u>School District</u>	<u>Age</u>
Whitecliff Elementary	Ketchikan	60
Akiak Elementary	Lake/Peninsula	40
Pilot Point Elementary	Lake/Peninsula	39
Ft. Yukon Elementary	Yukon Flats	30
Tok Elementary	Alaska Gateway	30
Capital School	Juneau	50
Anthony Andrew School (St. Michael)	Berring Strait	33
Emmonala	Lower Yukon	30
Mt. Edgecumbe	Sitka	?
Denali	Anchorage	<del>32</del> 38
Kenny Lake	Cooper River	32
Main	Fairbanks	57

Please act favorably on this legislation.

DISTRICT OFFICE

# BERING STRAIT SCHOOL DISTRICT

P.O. BOX 226  
UNALAKLEET, ALASKA 99884  
(907) 624-3811

February 22, 1988

To: House Finance Committee  
Representative Al Adams, Chair

Fm: Edwin T. Gonion, Superintendent  
Bering Strait School District

BREVIK MISSION

COUNCIL

DIOMEDE

ELIM

GAMBELL

GOLOVIN

KOYUK

SAINT MICHAEL

SAVOONGA

SHAKTOOLIK

SHISHMAREF

STEBBINS

TELLER

UNALAKLEET

WALES

WHITE MOUNTAIN

The Bering Strait School District opposes C/S for H.B. 170 for the following reasons:

- (1.) Injects the State Department of Labor into REAA relations.
- (2.) The District knows of no Study or Finding that the current system is not meeting the public interest in the villages.
- (3.) In these times of fiscal distress, this law will further deplete ~~the resources~~ of the REAA's and raise employee expectations. Reduced funding levels preclude higher salaries and more benefits.
- (4.) The REAA's need to focus on Students-at-Risk with new ideas and new programs. This law will hinder the ability to clearly focus on pure educational needs.
- (5.) Outside interests could use the strike threat or the threat of a job action in rural villages to destroy the social fabric and the cohesiveness between local boards and local people- for the benefit of others such as teacher unions.
- (6.) This law is not the way to improve education in rural Alaska.



# Alaska State Legislature

Please enter into the record my testimony to the House Finance  
 committee name  
 committee on HB 170, dated 2/8/88  
 bill/subject

I have always felt that we should all have collective bargaining rights, we who are classified feel we have just as an important roll in our schools here in Kodiak as certified do, I honestly & sincerely feel we are a team. We all need each other. We to have a very important part keeping our schools, clean, our secretaries, our aids, janitor maintenance, Cafeteria ect. Please fight for us to have these equal right of bargaining.

Thank you!  
6

Signed: Lorene K Harrington  
 Testifier

Representing (Optional)  
P.O. Box 3511 Kodiak, AK 99615  
 Address  
486-5003  
 Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the House Finance  
committee name  
 committee on HB 170, dated 2/8/88  
bill/subject

I have always felt that we should all have collective bargaining rights, we who are classified, I feel we have just as an important role in our schools here in Kodiak as certified do, I honestly and sincerely feel we are a team, we all need each other, I sincerely feel we to have a very important part keeping our schools, clean, our secretaries, our aids, janitor maintenance <sup>afternoon</sup> etc. I feel strongly for you to fight for us to have these equal rights <sup>of bargaining</sup> Thank you  
 Kuller.

Signed: Lauren Anderson  
Testifier

Representing (Optional)  
P.O. Box 1013 Kodiak, AK 99615  
Address  
486-6465

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the House Finance  
committee name  
committee on House Bill 170, dated 2/8/88  
bill/subject

I urge you to repeal Kosloski  
Amendment because I feel the  
bill is ineffective with this  
amendment. Please return it to the  
original language.

Signed: Sandra R. Ellison  
Testifier  
Kodiak Island Educational Support  
Representing (Optional)  
Box 478  
Address  
Kodiak, Ak. 99615  
Phone No.  
486-3619



# Alaska State Legislature

Please enter into the record my testimony to the HOUSE FINANCE  
committee name

committee on H B 170, dated FEB. 8, 1988  
bill/subject

I urge you to repeal The Kosloski amendment and support HB170 in its original form.

As an aide in The Kodiak Is. Borough School District, I am proud of The quality of education we offer. Without the efforts of The non-certificated employees, this level of quality of education could not be achieved.

Collective bargaining rights will help assure our place in The schools. I feel it is our right and your duty to see that HB170 passes.

Signed: Marilyn McIntosh  
Testifier  
Kodiak Educational Support Assn.  
Representing (Optional)  
909 Mission Kodiak 99615  
Address  
486-3087  
Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the The House Finance  
committee name  
 committee on House bill 170, dated February 8<sup>th</sup>, 1988  
bill/subject

I urge you to repeal Kosloski  
 Amendment because the bill is  
 ineffective with this Amendment.  
 Please return it to the original  
 language.

Signed: Susan King  
Testifier  
Kodiak Classified Educational Support  
Representing (Optional)  
773 E Lake Louise Dr Kodiak  
Address  
487-4419  
Phone No.



# Alaska State Legislature

2

Please send me the report by returning to the

~~HOUSE OF REPRESENTATIVES~~

LEGISLATIVE COUNCIL

committee on HR 170

dated

bill/subject

Not being paid for my  
 time, when I submit the  
 I don't get paid for  
 and don't do  
 I don't get any job  
 things to do like meeting  
 they do not get me  
 I would like to get  
 is not enough and I  
 help the state  
 make pay for me and  
 let make some

Signed:

Jerry Penner

Tosafier

Representing (Optional)

Box 11, Delta, AK

Address

Phone No



# Alaska State Legislature

Member of the \_\_\_\_\_

[Redacted]

Committee on \_\_\_\_\_

HF 170

bill/subject

(5)

Not much hours

mostly equal hours

Bilingual base to be made

undergotten, it's  
get together to work

That was it

the. Each week about

or about 4 hours

So I come to work

Signature

*William Selby*  
Chair

Representing (Optional)

Dist. 13 Hoonah 99501

Address

(907) 485-2147

Phone No.



# Alaska State Legislature

~~CONFIDENTIAL~~

3

COMMITTEE ON LABOR

LEGISLATIVE COUNCIL

committee on LABOR

bill/subject

*[Faint, mostly illegible handwritten text, possibly a letter or report, covering the majority of the page.]*

Signatures

Testifier

Representing (Optional)

North, Alaska 99764

Address

900 E

Phone No



2/19/88  
DATE

TO: House Finance Committee

FROM: Richard L. T. S.

NUMBER OF PAGES (INCLUDING COVER SHEET) 11

THIS IS BEING SENT BY THE  
LEGISLATIVE INFORMATION DIVISION,  
NORTHAS, ALASKA

Please note that we have a higher 300 word "dial-up" rate. The  
machine normally pays up to \$1.75 per line. If you have any  
line is (907) 486-3264.

PLEASE TELEPHONE FIRST REGARDLESS OF THE TIME  
AND FISCAL YEAR OF THE BILL.

BILLING

NUMBER: \_\_\_\_\_



# Alaska State Legislature

A.

Please enter into the record my testimony to the Finance committee on HB 170 bill subject State

I wish to express that I am in favor of repealing the State Amendment.

Signed: Patricia A. Cook  
Testifier

R.T.F.S.H.  
Representing (Optional)

Box 2462 Kodiak  
Address

487-2544  
Phone No.



# Alaska State Legislature

H.

Please enter into the record my testimony to the Finance

Committee

committee on H.B. 170 State of Alaska  
bill/subject

I am in support  
repeal of the Public  
to the... Please...  
original language.

I am a...  
... ..

Signed: Jim Latta  
Testifier

KIESH  
Representing (Optional)

P.O. Box 3120  
Address

485 351  
Phone No



# Alaska State Legislature

Please enter into the record my report  
 A. ...  
 committee on HR 1170  
 of the

I urge you to report the Alaska  
 Attachment to HR 1170 & to support  
 the bill in its original form.

All school district employees  
 have the same rights and duties  
 to collective bargaining. The existing  
 relationship with the board is not  
 even if the father in union of all  
 conditions & services employed by  
 not a relationship of any kind.

Signed Jeanne De Bernard  
 Test for

KILSA  
 Representing Educational

Box 368  
 Address

486-4855  
 Phone No

Original sponsor: Labor and Commerce  
Committee

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 170 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act extending collective bargaining rights to  
7 noncertificated school district employees."

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

9 \* Section 1. AS 23.40.250(6) is amended to read:

10 (6) "public employee" means any employee of a public em-  
11 ployer, whether or not in the classified service of the public em-  
12 ployer, except elected or appointed officials, or teachers employed by  
13 [OR NONCERTIFICATED EMPLOYEES OF] school districts;

Original sponsor: Labor and Commerce  
Committee

1 IN THE HOUSE BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 170 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to participation of political sub-  
7 divisions under the Public Employment Relations Act  
8 and to collective bargaining rights of school  
9 district employees."

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

11 \* Section 1. AS 23.40 is amended by adding a new section to read:

12 Sec. 23.40.075. APPLICABILITY. AS 23.40.070 - 23.40.260 apply  
13 to a political subdivision of the state unless the political sub-  
14 division

15 (1) permits its employees either the right to strike or  
16 binding arbitration as the final step in the negotiation process; or

17 (2) did not receive funds from the state under AS 29.60.-  
18 010 - 29.60.080 or 29.60.350 - 29.60.375 during that fiscal year.

19 \* Sec. 2. AS 23.40.250(6) is amended to read:

20 (6) "public employee" means any employee of a public em-  
21 ployer, whether or not in the classified service of the public em-  
22 ployer, except elected or appointed officials, or teachers employed by  
23 [OR NONCERTIFICATED EMPLOYEES OF] school districts;

24 \* Sec. 3. Section 4, ch. 113, SLA 1972 is repealed.

Introduced: 3/6/87  
Referred: Labor & Commerce,  
Health, Education & Social  
Services and Judiciary

5-0724A

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

HOUSE BILL NO. 170

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to participation of municipalities,  
7 school districts, and other political subdivisions  
8 under the Public Employment Relations Act and to  
9 collective bargaining rights of school district  
10 employees."

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

12 \* Section 1. AS 14.20 is amended by adding a new section to read:

13 Sec. 14.20.595. FINAL RESOLUTION OF IMPASSE. If a contract  
14 negotiated under AS 14.20.550 - 14.20.610 does not otherwise provide  
15 for binding arbitration as a final step to resolve an impasse in  
16 negotiations, employees shall have the rights granted to public em-  
17 ployees whose services may be interrupted for a limited but not indef-  
18 inite period of time under AS 23.40.200.

19 \* Sec. 2. AS 23.40 is amended by adding a new section to read:

20 Sec. 23.40.075. APPLICABILITY. AS 23.40.070 - 23.40.260 applies  
21 to an organized borough or a political subdivision of the state unless  
22 the borough or subdivision has adopted an ordinance that permits  
23 collective bargaining for its employees with either the right to  
24 strike or binding arbitration as the final step in the negotiation  
25 process.

26 \* Sec. 3. AS 23.40.250(6) is amended to read:

27 (6) "public employee" means any employee of a public em-  
28 ployer, whether or not in the classified service of the public em-  
29 ployer, except elected or appointed officials, or teachers employed by

- 1 [OR NONCERTIFICATED EMPLOYEES OF] school districts;
- 2 \* Sec. 4. Section 4, ch. 113, SLA 1972 is repealed.

CSHB

170

SENATE COMMITTEE REPORT

FURTHER

5/3/88

DATE TURNED INTO OFFICE

5/5/88

Mr. President:

Finance

Committee considered

CSHB 170 (FIN)

extending collective bargaining rights to noncertificated school district employees

and recommended

[ ] replace with \_\_\_\_\_ CS \_\_\_\_\_ ) [ ] same title  
[ ] or adopt \_\_\_\_\_ CS \_\_\_\_\_ ) [ ] new title

[ ] attached amendment(s) and

[x] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

[ ] letter of intent adopted \_\_\_\_\_

Committee [ ] attached or [ ] adopted fiscal note(s)

[ ] new [ ] updated or [x] previous

[x] zero [ ] fiscal impact

HRC

MEMBERS SIGNING DO PASS

*Paul Schoff*  
*Kit W*  
*Stanley*  
*Paul Frank*  
~~\_\_\_\_\_~~  
\_\_\_\_\_

OTHER RECOMMENDATIONS

*Wiche Henry* - <sup>DO NOT</sup> PASS-PASS IT FOR THOSE DISTRICTS THAT WANT IT!!  
*John B. Riley* No REC  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Rick Halford* <sup>do pass</sup>  
Chairman signature and recommendation

[ ] Committee Backup attached

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 170(FIN)  
PUBLISH DATE: HOUSE 2/22/88

FISCAL NOTE

REQUEST:

Revision Date: 2-18-88  
Title: "An Act extending collective bargaining rights to non-certificated School District Employees."  
Requestor: \_\_\_\_\_

Agency Affected: \_\_\_\_\_  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
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	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Under this CS, no state agency is involved in administration or adjudication of labor relations matters. Recourse in disputes is to the Federal Mediation and Conciliation Service or the courts, with expense borne by the parties.

Prepared by: Representative Al Adams, Chairman *AAA* Phone: 465-3706  
Division: House Finance Committee Date: 2/22/88

Approved by Commissioner: N/A Date: \_\_\_\_\_  
Agency: \_\_\_\_\_

Distribution (by preparer):

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

Original sponsor: Labor and Commerce  
Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 170 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act extending collective bargaining rights to  
noncertificated school district employees."

7

8

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

9

\* Section 1. AS 14.20.550 is amended to read:

10

Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED EMPLOYEES. A

11

[EACH CITY, BOROUGH AND REGIONAL] school board [,] shall negotiate

12

with its certificated employees in good faith on matters pertaining to

13

their employment and the fulfillment of their professional duties. A

14

school board shall negotiate in good faith with its noncertificated

15

employees on matters of wages, hours, and other terms and conditions

16

of employment.

17

\* Sec. 2. AS 14.20.555 is amended by adding a new subsection to read:

18

(d) Negotiations between the noncertificated employees of the

19

regional educational attendance areas and the respective regional

20

school boards shall be conducted by one team representing all the

21

noncertificated employees and one team representing all the partic-

22

ipating regional school boards. The provisions of (b) and (c) of this

23

section apply to these negotiations.

24

\* Sec. 3. AS 14.20.560(a) is amended to read:

25

(a) When a majority of the certificated employees in a school

26

district have designated an educational organization of their own

27

choosing to bargain for them, the organization shall be recognized by

28

the school board as the bargaining agent for all the certificated

29

staff, except superintendents of schools. The membership of a [ANY

1 SUCH] recognized educational organization shall be composed principal-  
2 ly of those employed in the teaching profession in Alaska. When a  
3 majority of the noncertificated employees in a school district have  
4 designated an employee bargaining organization to bargain for them,  
5 the school board shall recognize it as the bargaining agent for all of  
6 the noncertificated employees.

7 \* Sec. 4. AS 14.20.560(b) is amended to read:

8 (b) The organization representing a majority of the certificated  
9 or noncertificated employees of a school district shall, upon the  
10 request of the school board, submit an affidavit verifying that it  
11 does represent a majority of those [THE CERTIFICATED] employees.  
12 Recognition of the employee bargaining agency by a school board is  
13 valid for one year or a term agreed upon by the two parties to an  
14 agreement, unless a majority of those eligible to vote on the question  
15 [CERTIFIED STAFF] votes to request the termination of recognition of  
16 the employee bargaining agency. The school board is entitled to an  
17 affidavit of membership from the employee bargaining agency once each  
18 year.

19 \* Sec. 5. AS 14.20.560(c) is amended to read:

20 (c) Upon the request of 25 percent of the certificated or non-  
21 certificated employees in a district, the school board shall hold,  
22 within 20 days, an election by secret ballot of all the certificated  
23 or noncertificated employees in order to determine their choice of a  
24 bargaining agency. The results of this election are binding for one  
25 year.

26 \* Sec. 6. AS 14.20.570(b) is amended to read:

27 (b) If the mediation meetings are held during working hours [THE  
28 SCHOOL DAY], teachers or noncertificated employees representing an  
29 employee bargaining agency shall be released from [CLASSROOM OR OTHER]

1 assigned duties without penalty or loss of pay.

2 \* Sec. 7. AS 14.20.590 is amended to read:

3 Sec. 14.20.590. GRIEVANCE PROCEDURES. Negotiations agreements  
4 must

5 (1) [EXECUTED AFTER JULY 1, 1975 SHALL] define "grievances"  
6 and provide for grievance procedures for the certificated staff or  
7 noncertificated employees; the [. THE] grievance procedures shall  
8 provide that the final step in the procedure shall be binding arbi-  
9 tration; and

10 (2) [. THE NEGOTIATIONS AGREEMENT SHALL] provide a method  
11 for the selection of an arbitrator.

12 \* Sec. 8. Notwithstanding the amendments made to AS 14.20.560 by secs.  
13 3 - 5 of this Act, a bargaining unit that exists on the effective date of  
14 this Act may continue to exist unless the members of the unit vote by  
15 secret ballot to decertify the bargaining agent or to join with another  
16 bargaining unit in the school district.

5/5/88  
JB-3  
2-5  
Failed

WORK DRAFT

WORK DRAFT

WORK DRAFT

5-07240  
Cramer/  
Bannister  
5/5/88

Original sponsor: Labor and Commerce  
Committee

~~#1 Collective Bargaining in Alaska  
UNLESS there is voter approval~~

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 170 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act extending collective bargaining rights to  
7 noncertificated school district employees."

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

9 \* Section 1. AS 14.20.550 is amended to read:

10 Sec. 14.20.550. NEGOTIATION WITH [CERTIFICATED] EMPLOYEES. A  
11 [EACH CITY, BOROUGH AND REGIONAL] school board [,] shall negotiate  
12 with its certificated employees in good faith on matters pertaining to  
13 their employment and the fulfillment of their professional duties. A  
14 school board in a school district that has extended collective bar-  
15 gaining rights to its noncertificated employees under AS 14.20.615  
16 shall negotiate in good faith with its noncertificated employees on  
17 matters of wages, hours, and other terms and conditions of employment.

18 \* Sec. 2. AS 14.20.555 is amended by adding a new subsection to read:

19 (d) Negotiations between the noncertificated employees of the  
20 regional educational attendance areas and the respective regional  
21 school boards shall be conducted by one team representing all the  
22 noncertificated employees and one team representing all the partic-  
23 ipating regional school boards. The provisions of (b) and (c) of this  
24 section apply to these negotiations.

25 \* Sec. 3. AS 14.20.560(a) is amended to read:

26 (a) When a majority of the certificated employees in a school  
27 district have designated an educational organization of their own  
28 choosing to bargain for them, the organization shall be recognized by  
29 the school board as the bargaining agent for all the certificated

1 staff, except superintendents of schools. The membership of a [ANY  
2 SUCH] recognized educational organization shall be composed principal-  
3 ly of those employed in the teaching profession in Alaska. When a  
4 majority of the noncertificated employees in a school district have  
5 designated an employee bargaining organization to bargain for them,  
6 the school board shall recognize it as the bargaining agent for all of  
7 the noncertificated employees.

8 \* Sec. 4. AS 14.20.560(b) is amended to read:

9 (b) The organization representing a majority of the certificated  
10 or noncertificated employees of a school district shall, upon the  
11 request of the school board, submit an affidavit verifying that it  
12 does represent a majority of those [THE CERTIFICATED] employees.  
13 Recognition of the employee bargaining agency by a school board is  
14 valid for one year or a term agreed upon by the two parties to an  
15 agreement, unless a majority of those eligible to vote on the question  
16 [CERTIFIED STAFF] votes to request the termination of recognition of  
17 the employee bargaining agency. The school board is entitled to an  
18 affidavit of membership from the employee bargaining agency once each  
19 year.

20 \* Sec. 5. AS 14.20.560(c) is amended to read:

21 (c) Upon the request of 25 percent of the certificated or non-  
22 certificated employees in a district, the school board shall hold,  
23 within 20 days, an election by secret ballot of all the certificated  
24 or noncertificated employees in order to determine their choice of a  
25 bargaining agency. The results of this election are binding for one  
26 year.

27 \* Sec. 6. AS 14.20.570(b) is amended to read:

28 (b) If the mediation meetings are held during working hours [THE  
29 SCHOOL DAY], teachers or noncertificated employees representing an

1 employee bargaining agency shall be released from [CLASSROOM OR OTHER]  
2 assigned duties without penalty or loss of pay.

3 \* Sec. 7. AS 14.20.590 is amended to read:

4 Sec. 14.20.590. GRIEVANCE PROCEDURES. Negotiations agreements  
5 must

6 (1) [EXECUTED AFTER JULY 1, 1975 SHALL] define "grievances"  
7 and provide for grievance procedures for the certificated staff or  
8 noncertificated employees; the [. THE] grievance procedures shall  
9 provide that the final step in the procedure shall be binding arbi-  
10 tration; and

11 (2) [. THE NEGOTIATIONS AGREEMENT SHALL] provide a method  
12 for the selection of an arbitrator.

13 \* Sec. 8. AS 14.20 is amended by adding a new section to article 6 to  
14 read:

15 → ~~Sec. 14.20.615. VOTER APPROVAL REQUIRED.~~ (a) The provisions of  
16 AS 14.20.555 - 14.20.610 relating to collective bargaining by a school  
17 board with noncertificated employees do not apply to a school board  
18 unless the voters of the school district have approved extending  
19 collective bargaining rights to noncertificated employees.

20 (b) If at least 25 percent of the noncertificated employees of a  
21 school district petition for rights to bargain collectively under  
22 AS 14.20.550 - 14.20.615, the school board shall deliver the petition  
23 to the appropriate elections officer. The elections officer shall  
24 place the question of collective bargaining rights for the noncertif-  
25 icated employees of the school district before the voters of the  
26 school district at the school district election that follows certifi-  
27 cation of the petition by at least 45 days. The question shall be in  
28 substantially the following form:

29 Shall the noncertificated employees of

1                   the \_\_\_\_\_ school district  
2                   be granted collective bargaining rights?

3           (c) The noncertificated employees are granted collective bar-  
4           gaining rights under AS 14.20.550 - 14.20.615 if a majority of the  
5           voters voting in the school district election approve the question.

6           \* Sec. 9. Notwithstanding the amendments made to AS 14.20.560 by secs.  
7           3 - 5 of this Act, a bargaining unit that exists on the effective date of  
8           this Act may continue to exist unless the members of the unit vote by  
9           secret ballot to decertify the bargaining agent or to join with another  
10          bargaining unit in the school district.

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5/5/88  
JB  
RH  
2-5  
Failed

5-0724J ✓  
Cramer/  
Bannister  
5/5/88

Original sponsor: Labor and Commerce  
Committee

~~...~~  
~~...~~

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 170 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act extending collective bargaining rights to  
7 noncertificated school district employees."

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

9 \* Section 1. AS 14.20.550 is amended to read:

10 Sec. 14.20.550. NEGOTIATION WITH [CERTIFICATED] EMPLOYEES. A  
11 [EACH CITY, BOROUGH AND REGIONAL] school board [,] shall negotiate  
12 with its certificated employees in good faith on matters pertaining to  
13 their employment and the fulfillment of their professional duties.  
14 Except as provided in AS 14.20.615, a school board shall negotiate in  
15 good faith with its noncertificated employees on matters of wages,  
16 hours, and other terms and conditions of employment.

17 \* Sec. 2. AS 14.20.555 is amended by adding a new subsection to read:

18 (d) Negotiations between the noncertificated employees of the  
19 regional educational attendance areas and the respective regional  
20 school boards shall be conducted by one team representing all the  
21 noncertificated employees and one team representing all the partic-  
22 ipating regional school boards. The provisions of (b) and (c) of this  
23 section apply to these negotiations.

24 \* Sec. 3. AS 14.20.560(a) is amended to read:

25 (a) When a majority of the certificated employees in a school  
26 district have designated an educational organization of their own  
27 choosing to bargain for them, the organization shall be recognized by  
28 the school board as the bargaining agent for all the certificated  
29 staff, except superintendents of schools. The membership of a [ANY

1 SUCH] recognized educational organization shall be composed principal-  
2 ly of those employed in the teaching profession in Alaska. When a  
3 majority of the noncertificated employees in a school district have  
4 designated an employee bargaining organization to bargain for them,  
5 the school board shall recognize it as the bargaining agent for all of  
6 the noncertificated employees.

7 \* Sec. 4. AS 14.20.560(b) is amended to read:

8 (b) The organization representing a majority of the certificated  
9 or noncertificated employees of a school district shall, upon the  
10 request of the school board, submit an affidavit verifying that it  
11 does represent a majority of those [THE CERTIFICATED] employees.  
12 Recognition of the employee bargaining agency by a school board is  
13 valid for one year or a term agreed upon by the two parties to an  
14 agreement, unless a majority of those eligible to vote on the question  
15 [CERTIFIED STAFF] votes to request the termination of recognition of  
16 the employee bargaining agency. The school board is entitled to an  
17 affidavit of membership from the employee bargaining agency once each  
18 year.

19 \* Sec. 5. AS 14.20.560(c) is amended to read:

20 (c) Upon the request of 25 percent of the certificated or non-  
21 certificated employees in a district, the school board shall hold,  
22 within 20 days, an election by secret ballot of all the certificated  
23 or noncertificated employees in order to determine their choice of a  
24 bargaining agency. The results of this election are binding for one  
25 year.

26 \* Sec. 6. AS 14.20.570(b) is amended to read:

27 (b) If the mediation meetings are held during working hours [THE  
28 SCHOOL DAY], teachers or noncertificated employees representing an  
29 employee bargaining agency shall be released from [CLASSROOM OR OTHER]

1 assigned duties without penalty or loss of pay.

2 \* Sec. 7. AS 14.20.590 is amended to read:

3 Sec. 14.20.590. GRIEVANCE PROCEDURES. Negotiations agreements  
4 must

5 (1) [EXECUTED AFTER JULY 1, 1975 SHALL] define "grievances"  
6 and provide for grievance procedures for the certificated staff or  
7 noncertificated employees; the [. THE] grievance procedures shall  
8 provide that the final step in the procedure shall be binding arbi-  
9 tration; and

10 (2) [. THE NEGOTIATIONS AGREEMENT SHALL] provide a method  
11 for the selection of an arbitrator.

12 \* Sec. 8. AS 14.20 is amended by adding a new section to article 6 to  
13 read:

14 ~~Sec. 14.20.615. VOTER DISAPPROVAL.~~ (a) The provisions of  
15 AS 14.20.555 - 14.20.610 relating to collective bargaining by a school  
16 board with noncertificated employees do not apply to a school board if  
17 the voters in the school district have voted to withdraw collective  
18 bargaining rights from the noncertificated employees under this  
19 section.

20 (b) The voters of a school district may file an initiative peti-  
21 tion to withdraw collective bargaining rights from the noncertificated  
22 employees of the school district. If the school district is a municipi-  
23 pal school district, the petition shall be prepared and the election  
24 held under the procedures for initiatives set out in AS 29.26.100 -  
25 29.26.190. For an initiative in a regional educational attendance  
26 area, the lieutenant governor shall adopt regulations for the filing  
27 of the initiative and the conduct of the election comparable, as far  
28 as practicable, to those prescribed for municipal school boards under  
29 AS 29.26.100 - 29.26.190. The question must be in substantially

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the following form.

Shall noncertificated employees of the  
\_\_\_\_\_ school district be  
prohibited from bargaining collectively  
with the school board?

(c) The initiative is approved if a majority of the voters in  
the school district approve the question.

\* Sec. 9. Notwithstanding the amendments made to AS 14.20.560 by secs.  
3 - 5 of this Act, a bargaining unit that exists on the effective date of  
this Act may continue to exist unless the members of the unit vote by  
secret ballot to decertify the bargaining agent or to join with another  
bargaining unit in the school district.

# ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510 • (907) 586-1083

## POSITION OF ASSOCIATION OF ALASKA SCHOOL BOARDS

### CSHB 170

The Association of Alaska School Boards is firm in its opposition to CSHB 170, dealing with collective bargaining for classified employees for the following reasons:

1. The majority of Alaskan school districts are rural in nature. Most of their classified employees are relatives and personal friends. They are compensated at a fair and equitable rate of pay, and the conditions of employment are simply not an issue.
2. In our view, CSHB 170 will create a situation which will encourage outside bargaining groups to actively seek to organize new groups of potential members in these school districts. Collective bargaining often creates an adversarial relationship between employer and employees, and we do not want to see this type of relationship forced on rural communities by outside labor organizers eager to increase the size of their membership statewide. CSHB 170 would create such an atmosphere as to artificially create labor/management conflicts in areas of the state where this is simply not an issue.

The long term concern with CSHB 170 would be possible representation of a majority of school employees by a single bargaining unit. CSHB 170 would provide for both classified and certified employees to be covered under Title 14. At the present time, collective bargaining provisions in Title 14 are exempt from binding arbitration, but attempts to change that status for teachers, and now classified employees have been a major effort on behalf of teachers' groups in the state.

To allow bargaining units for school employees to increase their strength by increasing the size of their membership in order to gain an advantage over management would be a mistake. The expectation that classified employees can gain prominence through collective bargaining cannot be met because of the fiscal hardships faced by most school districts. School districts have limited financial resources and are constrained by such things as teacher tenure and negotiated teacher salary schedules in determining how those resources will be spent on personnel.

When the district's inability to meet the expectations of classified employees are realized at the bargaining table, mediation and advisory arbitration will likely not produce results that will satisfy their negotiators. The plea for finality through binding arbitration will begin again.

If the legislature passes this bill, they may be delivering a block of membership to already strong labor unions. Faced with the political influence that these groups can wield, legislators may find it more difficult to deal with the issue of binding arbitration in a logical and reasonable manner.

The bottom line is: why must we pass legislation for which there is no real need ?

SENATE COMMITTEE REPORT

*[Handwritten Signature]*  
FINANCE

FURTHER

DATE TURNED INTO OFFICE \_\_\_\_\_

4/28/88

Mr. President:

LABOR AND COMMERCE Committee considered CSHB 170 (FIN)

extending collective bargaining rights to noncertificated school district employees

and recommended

[ ] replace with \_\_\_\_\_ CS \_\_\_\_\_ ) [ ] same title  
[ ] or adopt \_\_\_\_\_ CS \_\_\_\_\_ ) [ ] new title

[ ] attached amendment(s) and

*[Handwritten: pass]*  
[X] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

[ ] letter of intent adopted \_\_\_\_\_

Committee [X] attached or [ ] adopted ~~fiscal note(s)~~

[ ] new [ ] updated or [X] previous  
[X] zero [ ] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*[Handwritten Signatures: M. G. ...]*  
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*[Handwritten Signature: Tim Kelly - Do Pass]*  
\_\_\_\_\_  
Chairman signature and recommendation

[ ] Committee Backup attached

Original sponsor: Labor and Commerce  
Committee

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 CS FOR HOUSE BILL NO. 170 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act extending collective bargaining rights to  
7 noncertificated school district employees."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 14.20.550 is amended to read:  
10 Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED EMPLOYEES. A  
11 [EACH CITY, BOROUGH AND REGIONAL] school board [,] shall negotiate  
12 with its certificated employees in good faith on matters pertaining to  
13 their employment and the fulfillment of their professional duties. A  
14 school board shall negotiate in good faith with its noncertificated  
15 employees on matters of wages, hours, and other terms and conditions  
16 of employment.  
17 \* Sec. 2. AS 14.20.555 is amended by adding a new subsection to read:  
18 (d) Negotiations between the noncertificated employees of the  
19 regional educational attendance areas and the respective regional  
20 school boards shall be conducted by one team representing all the  
21 noncertificated employees and one team representing all the partic-  
22 ipating regional school boards. The provisions of (b) and (c) of this  
23 section apply to these negotiations.  
24 \* Sec. 3. AS 14.20.560(a) is amended to read:  
25 (a) When a majority of the certificated employees in a school  
26 district have designated an educational organization of their own  
27 choosing to bargain for them, the organization shall be recognized by  
28 the school board as the bargaining agent for all the certificated  
29 staff, except superintendents of schools. The membership of a [ANY

1 SUCH] recognized educational organization shall be composed principal-  
2 ly of those employed in the teaching profession in Alaska. When a  
3 majority of the noncertificated employees in a school district have  
4 designated an employee bargaining organization to bargain for them,  
5 the school board shall recognize it as the bargaining agent for all of  
6 the noncertificated employees.

7 \* Sec. 4. AS 14.20.560(b) is amended to read:

8 (b) The organization representing a majority of the certificated  
9 or noncertificated employees of a school district shall, upon the  
10 request of the school board, submit an affidavit verifying that it  
11 does represent a majority of those [THE CERTIFICATED] employees.  
12 Recognition of the employee bargaining agency by a school board is  
13 valid for one year or a term agreed upon by the two parties to an  
14 agreement, unless a majority of those eligible to vote on the question  
15 [CERTIFIED STAFF] votes to request the termination of recognition of  
16 the employee bargaining agency. The school board is entitled to an  
17 affidavit of membership from the employee bargaining agency once each  
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28 SCHOOL DAY], teachers or noncertificated employees representing an  
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1 assigned duties without penalty or loss of pay.

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4 must

5 (1) [EXECUTED AFTER JULY 1, 1975 SHALL] define "grievances"  
6 and provide for grievance procedures for the certificated staff or  
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8 provide that the final step in the procedure shall be binding arbi-  
9 tration; and

10 (2) [. THE NEGOTIATIONS AGREEMENT SHALL] provide a method  
11 for the selection of an arbitrator.

12 \* Sec. 8. Notwithstanding the amendments made to AS 14.20.560 by secs.  
13 3 - 5 of this Act, a bargaining unit that exists on the effective date of  
14 this Act may continue to exist unless the members of the unit vote by  
15 secret ballot to decertify the bargaining agent or to join with another  
16 bargaining unit in the school district.

SENATE COMMITTEE REPORT

FURTHER L&C

4/26/88

DATE TURNED INTO OFFICE \_\_\_\_\_

Mr. President:

HESS

Committee considered CSHB 170 (FIN)

extending collective bargaining rights to noncertificated school district employees

and recommended

replace with \_\_\_\_\_ CS \_\_\_\_\_ )  same title  
 or adopt \_\_\_\_\_ CS \_\_\_\_\_ )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)

new  updated or  previous

zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

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Chairman signature and recommendation

Committee Backup attached

SENATE COMMITTEE REPORT

RECEIVED  
FEB 25 1988

FURTHER HESS  
L&C

<sup>25</sup>  
2/26/88

DATE TURNED INTO OFFICE 4-25-88

Mr. President:

State Affairs Committee considered CSHB 170 (FIN)

extending collective bargaining rights to noncertificated school district employees

and recommended

*& reports it back as follows:*

[ ] replace with \_\_\_\_\_ CS \_\_\_\_\_ ) [ ] same title  
[ ] or adopt \_\_\_\_\_ CS \_\_\_\_\_ ) [ ] new title

[ ] attached amendment(s) and

do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

[ ] letter of intent adopted \_\_\_\_\_

Committee  attached or [ ] adopted fiscal note(s)

[ ] new [ ] updated or  previous

zero [ ] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*2* [Signature]  
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*1* [Signature] Do NOT PASS  
*1* [Signature] NO REC  
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[Signature]  
Chairman signature and recommendation

[ ] Committee Backup attached