

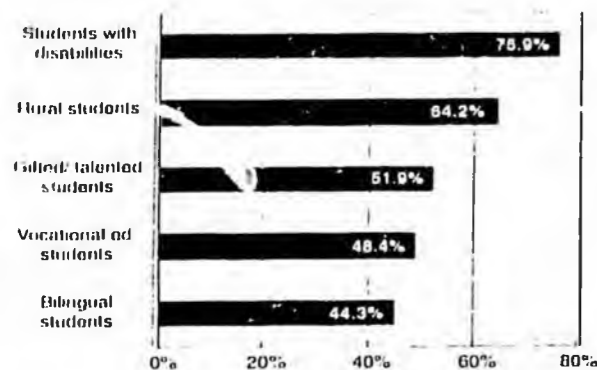
ALASKA LEGISLATURE

1797

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

■ Nearly 70% of voters believe that districts receiving additional money for students in programs, such as special education, should be required to spend the money, dollar for dollar, on programs for these students.

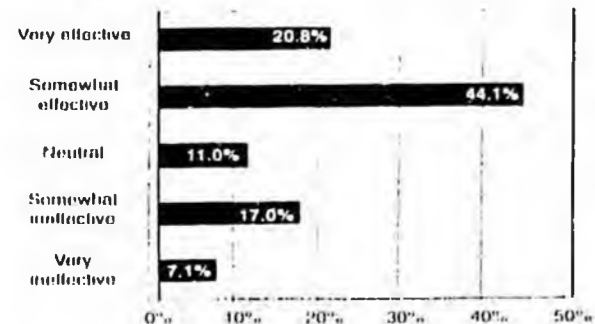
■ Alaskans generally support funding some students at higher levels than others. The following graph shows the percentage of Alaska voters who favor spending more on students in special categories.



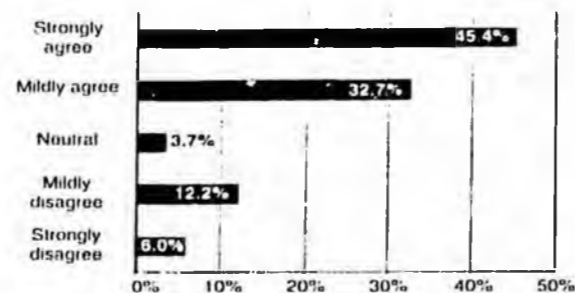
School Governance

The survey found that, although most Alaska voters believe that parent and community groups have influence in schools, they favor increased parental involvement and authority.

"Parent and community involvement is encouraged in some schools through Parent Advisory Councils, Advisory School Boards, or Parent Teacher Associations. How effective do you think these groups are in influencing decision-making in schools in your area?"

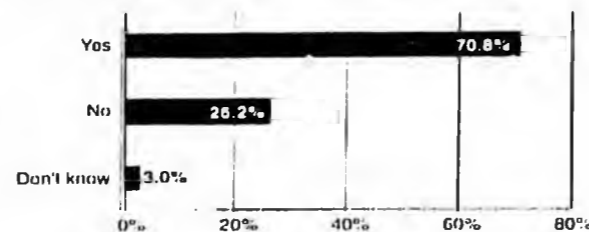


"Some people say that parental involvement at all schools should be changed, improved or structured differently. They argue that parents are in the best position to make decisions regarding education, as opposed to the current system whereby decisions are made by district administrators, superintendents and school boards. Do you strongly agree, mildly agree, mildly disagree or strongly disagree with this proposal for increased parental involvement in schools?"



Respondents agreed overwhelmingly that parents should be allowed to decide which schools their child attends.

"Do you think that parents should be allowed to decide which school their child attends?"



The survey also found:

- Alaska voters split evenly on whether local councils of parents and community members should have authority to hire and fire principals.
- 54% of voters do not want local councils to hire teachers and support staff.
- 48% of voters support a voucher system for public schools. Nearly the same percentage supports a voucher system that includes private schools.

PUBLICATION NOTICE

This brochure was published by the Dept. of Education. It was printed in Juneau at a cost of \$0.17 per copy.

Alaska Department of Education
801 West Tenth Street
Juneau, Alaska 99801-1894



FIRST-CLASS MAIL
US POSTAGE PAID
JUNEAU AK
Permit No. 191

January 1996

About the Survey

Early in 1995, Governor Tony Knowles asked the State Board of Education to recommend changes in the way the state funds public schools. The governor called the present school funding formula a "convoluted method of calculations, exclusions, exemptions and differentials."

While researching the issue of school funding, the Board saw that school funding and school governance are closely linked. This survey attempts to uncover citizen attitudes toward the public schools, the way the state funds schools, and the way schools and school districts are governed.

Hellenthal and Associates conducted the survey by interviewing 1,284 Alaska voters. Of these Alaskans, 47% said they have school children in their household. The survey's margin of error is plus or minus 2.73%.

The interviews were conducted by phone between October 5 and 21, 1995. The persons interviewed were chosen at random from lists of registered voters. At least thirty persons were interviewed from each legislative house district in Alaska.

This brochure highlights a portion of the questions and responses in this survey.

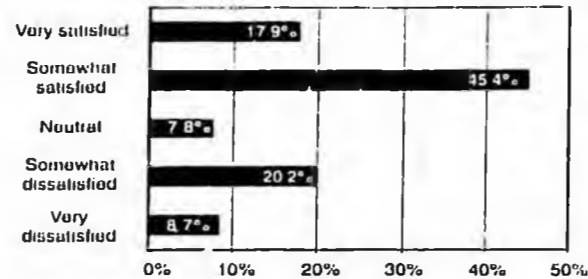
For additional information or a copy of the survey, write the Department of Education at the following address:

Alaska Department of Education
Education Survey
801 W. Tenth Street, Suite 200
Juneau, AK 99801-1894
(907) 465-2821
e-mail: hgamble@educ.state.ak.us

Attitudes Toward Public Education

The majority of Alaska voters are satisfied with public schools in general, but nearly 30 percent of Alaskans say they are dissatisfied.

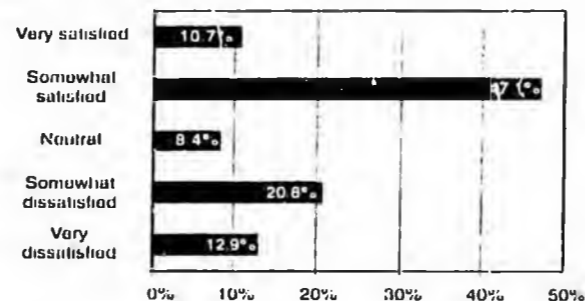
"Generally speaking, how satisfied would you say you are with the quality of education provided by public schools in Alaska?"



However, of respondents with children in a local school, 77% reported being satisfied with the quality of education at their child's school, while 18% are dissatisfied.

Nearly 58% of Alaska voters are satisfied with their local school boards, but about one-third are dissatisfied.

"How satisfied are you with how well your school board is working in your area?"



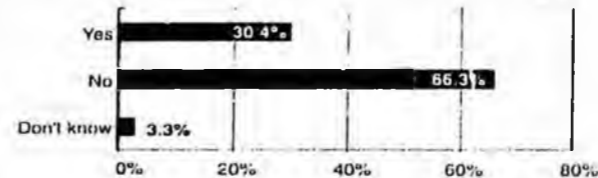
The survey also found:

- Nearly 95% of Alaska voters believe that a good public school education should be made equally available to all children. Almost 93% say they are interested in education issues.

School Funding

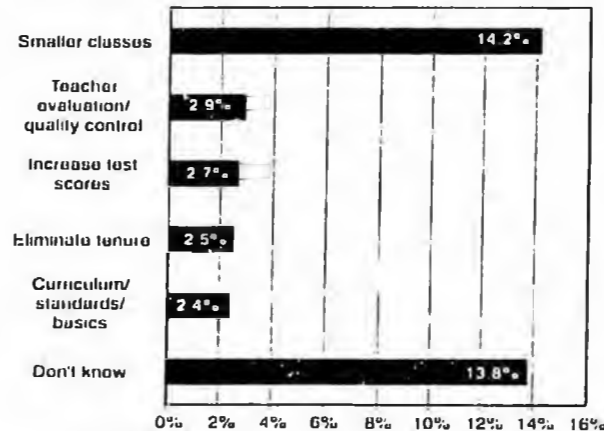
The survey found that only one in three Alaska voters believes that significant increases in education funding would improve the quality of education.

"If state funding of education was increased significantly tomorrow, do you think the quality of education in the state would increase?"



In an open-ended question, respondents reported some of the changes they would need to see that would make them more likely to support increased funding for education. Smaller class size, teacher quality and tenure issues, higher test scores, and better curriculum, higher standards and back-to-basics were the most frequent responses.

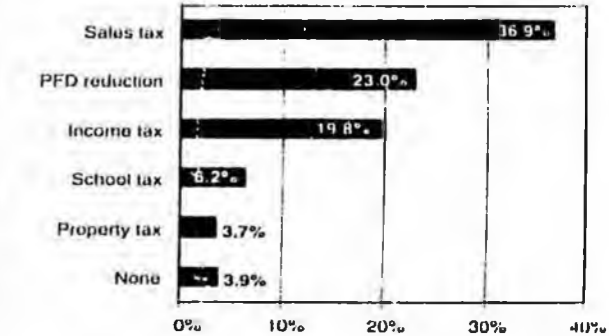
"What's the main thing you'd like to see happen that would make you more likely to pay more money for education?"



Five tax options were presented to respondents: a 1.5% sales tax, a 1% income tax, a 3 mill property tax, a \$160 Permanent Fund deduction, and a \$200 school tax. All of the proposed taxes yield annual revenue in the range of \$60 million to \$80 million. When

asked to make a choice among the tax options, more voters favored the sales tax.

"If the State needed to raise funds in some way to pay for education in Alaska, which of the five revenue sources we discussed would you be most supportive of...?"

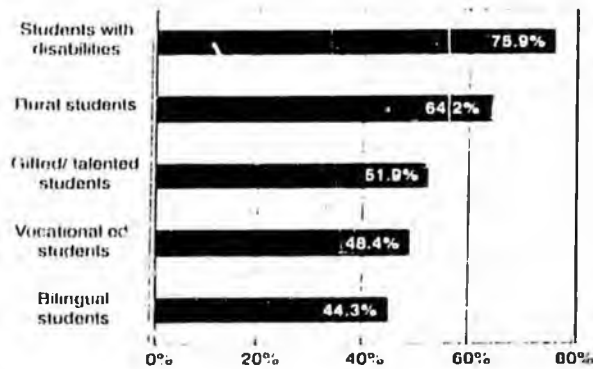


The survey also found:

- Nearly half the state's voters think that Alaska is in financial trouble.
- Alaska voters are three times more likely to support cutting expenditures than raising taxes to alleviate state financial problems.
- More than 52% of voters believe that some districts receive too much funding while others receive too little.
- 57% of voters are unaware of the Foundation Formula for school funding. Another 9% are aware of its existence but unfamiliar with how it works.
- 81% believe the state's method of funding schools should be simplified.
- 73% of voters support funding education based on an amount per student, with additional amounts added for special needs, rather than the current instructional unit method.
- Half of those surveyed feel it is reasonable for rural school districts to receive twice the per student funding of urban schools.
- 43% say it makes sense to place all schools into one of four cost brackets representing costs in urban communities, small communities on the road system, rural hubs such as Bethel, and remote rural communities.

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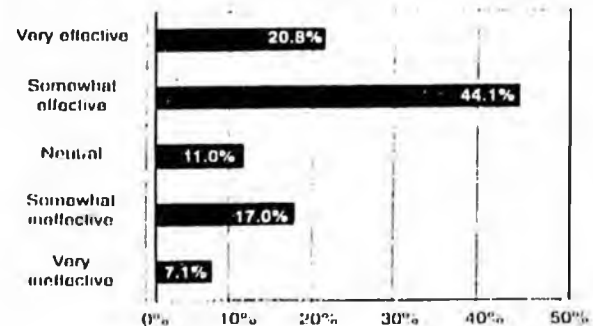
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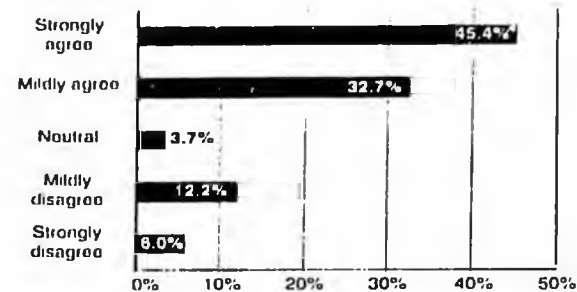
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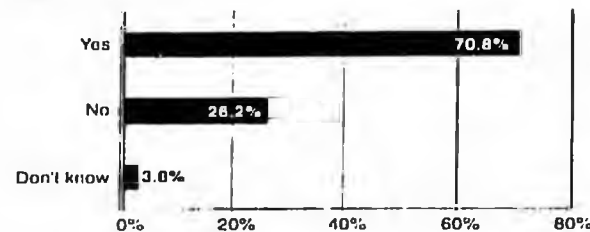


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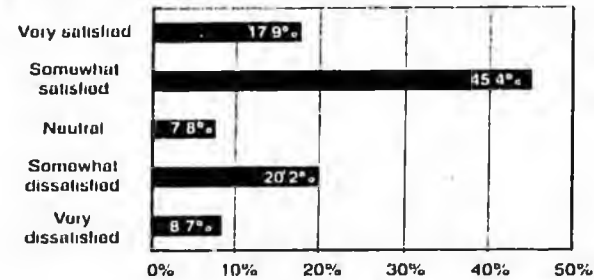
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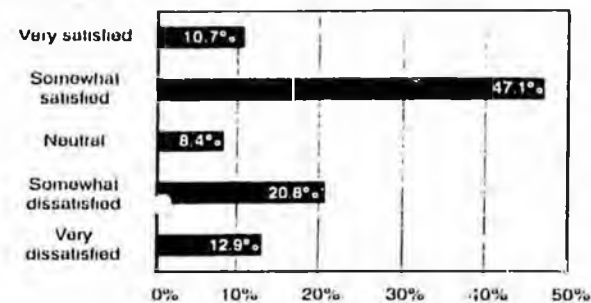
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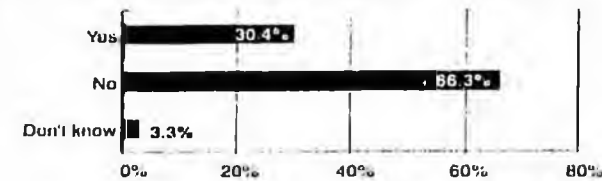
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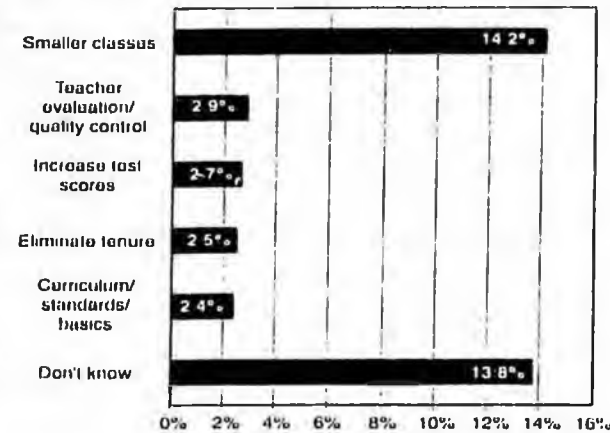
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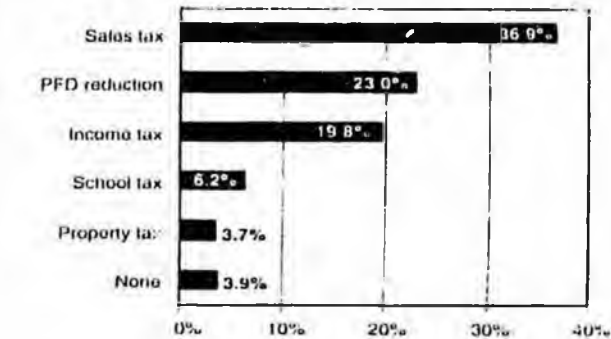
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SB

148

SFIN

FILE

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 148

Revision Date: 12-Jan-98 Dept. Affected: EDUCATION
 Title: An Act relating to libraries BRU: Division of Libraries, Archives & Museums
 Component: Libraries
 Sponsor: Sen. Torgerson
 Requester: Senate Finance **COMPONENT SERIAL NO. 208**

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
----------------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
Other:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY97) cost: \$

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on the Department of Education nor will it have any on the Department of Community and Regional Affairs. The bill addresses the following issues: 1) It provides a definition of public libraries, and how they can be established, organized, and administered; and what services need to be provided in order to be eligible for the Public Library Assistance Grant program; 2) It clarifies eligibility for the already existing grant programs administered by the State Library; 3) It revises the Public Library Assistance Grant program by requiring local effort but also allowing in-kind contributions; and 4) repeals two public library construction statutes because these programs no longer exist. The State Library is already administering all programs impacted by the bill.

Prepared by: George V. Smith Phone: 465-2910
 Division: Libraries, Archives & Museums Date: 1/12/98
 Approved by Commissioner: Shirley J. Holloway, Ph.D. Date: 1/20/98
 Agency: Department of Education

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 1
 Bill Version: SB 148
 (S) Publish Date: 4-4-97

Revision Date: 21-Mar-97 Dept. Affected: EDUCATION
 Title: An Act relating to libraries BRU: Division of Libraries, Archives & Museums
 Component: Libraries
 Sponsor: Sen. Torgerson
 Requester: HESS COMPONENT SERIAL NO. 208

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
Other:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY97) cost: \$

POSITIONS:

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

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 Division: Libraries, Archives & Museums
 Approved by Commissioner: Shirley J. Holloway, Ph.D.
 Agency: Department of Education

Phone: 465-2910
 Date: 4/1/97
 Date: 4-2-97

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SB

149

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: May 7, 1997

FURTHER REFERRALS:

Date of Committee Action: 5/8/97

The FINANCE Committee considered:

SB 149

SENATE BILL NO. 149

HEALTH CARE FACILITY AUDITS & REPORTS

"An Act relating to reports and audits concerning health care facilities; and providing for an effective date."

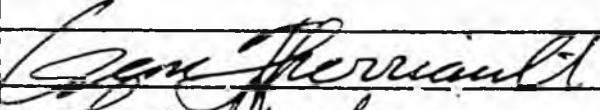

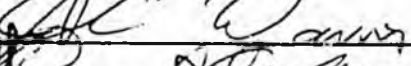


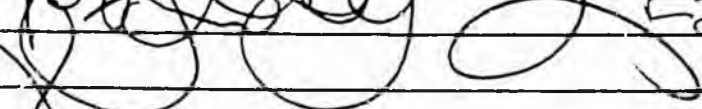
recommends it be replaced with the following committee substitute _____ the same title a new title

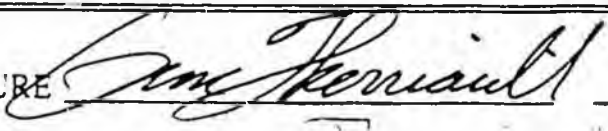
additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) HSS 4/4/97

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	Theriault	X			
	Martin	X			
	Davies	X			
	Moses	X			
	Davis	X			
	Foster	X			

CHAIR'S SIGNATURE 

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

1
 Bill Version: SB 149
 (S) Publish Date: 4-4-97

Revision Date: _____
 Title: An Act relating to rates, reports, and
inspections of health facilities under AS 47.07.
 Sponsor: Senate HESS
 Requestor: Senate HESS

Dept. Affected: Health and Social Services
 BRU: Medical Assistance
 Component: Medicaid Facilities
 COMPONENT SERIAL NO. 230
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The attached bill amends AS 47.07.074 to clarify that the Department of Health and Social Services is authorized to consider the department's audits of financial and statistical information submitted by health care facilities, for the purpose of establishing Medicaid payment rates for such facilities. This bill also addresses the timing of the submission of reports by health facilities, and provides that Medicaid audits may be conducted less than annually on health care facilities.

Handwritten: 3/20/97

Prepared by: Jack Nielson *BN*
 Division: Medical Assistance/MRAC

Phone: 2-96
 Date: 03/28/97

Approved by Commissioner: Karen Perdue, Commissioner *KPerdue*
 Agency: Department of Health & Social Services

Date: 4-2-97

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SB

149

SFIN

FILE

SENATE COMMITTEE REPORT

DATE: 4/4/97

FURTHER: REPORTED APR 22 1997

DATE TURNED IN TO OFFICE: 4-22-97

Finance Committee considered

SENATE BILL NO. 149

"An Act relating to reports and audits concerning health care facilities; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Roller</i>	✓				
<i>John Jay</i>	✓				
<i>Wendell</i>	✓				
Co-Chair: <i>Pearce</i>	✓	Co-Chair:			
Co-Chair: <i>Barry</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

1 DHSS	4/2	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

REPORTED OUT OF
SFC, APR 22 1997

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Bill Version: SB 149
(S) Publish Date: 4-4-97

Revision Date: _____
Title: An Act relating to rates, reports, and
inspections of health facilities under AS 47.07.
Sponsor: Senate HESS
Requestor: Senate HESS

Dept. Affected: Health and Social Services
BRU: Medical Assistance
Component: Medicaid Facilities
COMPONENT SERIAL NO. 230
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
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1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The attached bill amends AS 47.07.074 to clarify that the Department of Health and Social Services is authorized to consider the department's audits of financial and statistical information submitted by health care facilities, for the purpose of establishing Medicaid payment rates for such facilities. This bill also addresses the timing of the submission of reports by health facilities, and provides that Medicaid audits may be conducted less than annually on health care facilities.

Jack
3/20/97

Prepared by: Jack Nielson *JS*
Division: Medical Assistance/MRAC

Phone: 562-1996
Date: 03/28/97

Approved by Commissioner: Karen Perdue, Commissioner *KPerdue*
Agency: Department of Health & Social Services

Date: 4-2-97

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SB

150

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 21, 1997

FURTHER REFERRALS:

Date of Committee Action: 5/7/97

The FINANCE Committee considered:

CSSB 150(RLS) am

CS FOR SENATE BILL NO. 150(RLS) am

PUB. EMPLOYEES: MOVING, COMP TIME & PERS

“An Act relating to moving expenses of state employees, to compensatory time for state employees, and to calculation of compensation for the public employees' retirement system.”

recommends it be replaced
with the following committee substitute

HCS CS 150 (FIN)

the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) AW Departments 4/4/97

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Care Theriault</i> Theriault			<input checked="" type="checkbox"/>	
<i>Mark Hanley</i> Hanley			<input checked="" type="checkbox"/>	
<i>Glenn Milder</i> Milder	<input checked="" type="checkbox"/>			
<i>Charles Martin</i> Martin	<input checked="" type="checkbox"/>			
<i>Wm Kohring</i> Kohring	<input checked="" type="checkbox"/>			
<i>Greg Davis</i> g. Davis			<input checked="" type="checkbox"/>	

CO CHAIR'S SIGNATURE

Care Theriault *Mark Hanley*

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 5
 Bill Version SB 150
 Publish Date 4-4-97

Revision Date 4/3/97 Dept. Affected All
 Title Pub Employees.Moving, Comp. Time & Pers. BRU All
 Component _____
 Sponsor Senate Finance
 Requester _____ Component Serial No. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES []						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact.

Prepared by Senate State Affairs
 Division _____
 Approved by Senator Lyda Green, Chairman State Affairs
 Agency All Departments

Phone 465-4522
 Date 4/3/97
 Date 4/3/97

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Failed 2-6 #1
AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CSSB 150 (RLS) am

Page 2, line 16:

Delete "five"

Insert "three"

Page 2, line 18:

Delete "five"

Insert "three"

Page 2, line 25:

Delete "five"

Insert "three"

Failed 4-4
AMENDMENT #2

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CSSB 150 (RLS) am

Page 2, line 16, following "state for the"

Delete "entire"

Page 2, line 17, following "expenses,"

Delete "plus interest as required by regulation,"

Insert ", pro rated according to the length of time the employee
remained in state service,"

adopted N/D

AMENDMENT

#3

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CSSB 150 (RLS) am

Page 2, line 29, following "promotion"

Insert ";

(A) offered by the department or agency that paid the employee's
initial moving expenses, or

(B) by another state agency or department."

Failed 2/7

#4

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CSSB 150 (RLS) am

Page 3, line 20:

Delete "and"

Insert "overtime pay. and"

Page 3, line 21, following "plan;"

Insert "but"

Page 3:

Delete lines 22 - 24

Page 3, line 25:

Delete "(C)"

Insert "(B)"

Page 3, lines 27 and 28:

Delete "overtime pay except as provided in (B) of this paragraph."

Failed 2/7

AMENDMENT

#5

OFFERED IN THE HOUSE,

BY REPRESENTATIVE DAVIES

TO: CSSB 150 (RLS) am

1 Page 3, line 17, following "i":

2 Insert a new subparagraph to read:

3 "(C) includes, for employees not covered by (B) of this
4 paragraph, overtime pay as permitted by this subparagraph; an
5 employee's compensation may only be increased by the amount of
6 overtime pay that does not exceed, when added to all other components
7 of the employee's compensation for that calendar year, \$81,648 for
8 calendar year 1998 and, for subsequent years, the sum of \$81,648 and the
9 amount of increase, if any, established by regulation by the board; the
10 increase shall be based on the Consumer Price Index for all urban
11 consumers for Anchorage prepared by the United States Bureau of Labor
12 Statistics;"

13 Reletter the following subparagraph accordingly.

14 Page 3, line 21, following "(B)":

15 Insert "or (C)"

SB

150

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/4/97

FURTHER: REPORTED OUT OF
SEC - APR 10 1997

DATE TURNED
IN TO OFFICE: 4-11-97

Finance Committee considered

SENATE BILL NO. 150

"An Act relating to moving expenses of state employees, to compensatory time for state employees, and to calculation of compensation for the public employees' retirement system."

and recommends:

be replaced with _____ CS SB 150 (FIN)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical change

new: SCR# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Rock E. [Signature]</i>			
		<i>Stan [Signature]</i>	✓		
		<i>Al [Signature]</i>	✓		
		<i>John [Signature]</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
DPS	4/11	✓	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
2 LABOR (1200)	4/2	✓	
3 LABOR (345)	4/2	✓	
4 ADMIN	4/3	✓	
5 S. STATE AFFAIRS	4/3	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 2
Bill Version: SB 150
(S) Publish Date: 4-4-97

Revision Date: _____
Title: Pub. Employees: Moving, Comp
Time and PERS
Sponsor: Senate Finance
Requestor: Senate Finance

Department Affected: Labor
BRU: Office of the Commissioner
Component: Alaska Labor Relations Agency
COMPONENT SERIAL NO. 1200

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUE						
FUND SOURCE #						

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) Impact: \$ None

ANALYSIS:

This bill would amend AS 23.40.075 to eliminate certain subjects from collective bargaining: Limits on payment of moving expenses under AS 39.20.450 and compensatory time. These changes are not expected to affect the operational expenses of this Agency.

Prepared by: Jan Hart DeYoung, Hearing Examiner Phone: 269-4895
Division: Alaska Labor Relations Agency Date: 4/2/97
Approved by Commissioner: Tom Cashen, Commissioner
Agency: Department of Labor Date: 4/2/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 3
Bill Version: SB 150
(S) Publish Date: 4-4-97

Revision Date: _____
Title: Pub. Employees: Moving, Comp
Time and PERS
Sponsor: Senate Finance
Requestor: Senate Finance

Department Affected: Labor
BRU: Labor Standards & Safety
Component: _____
Wage & Hour Administration
COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUE						
FUND SOURCE #						

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: \$ NONE

ANALYSIS: (Attach a separate page if necessary)
This bill clarifies the limits on state employee moving expenses and requires employees being moved at state expense to repay those expenses unless they remain at the new location for 5 years; it establishes a restriction for compensatory time; and finally, it removes overtime from the formula used to determine peak earnings for the purposes of computing retirement benefits. This legislation will have no effect on Wage & Hour programs, and no fiscal impact.

Prepared by: Alan W. Dwyer, Director *[Signature]* Phone: 465-4855
Division: Labor Standards & Safety Date: 4/2/97
Approved by Commissioner: Tom Cashen, Commissioner *[Signature]*
Agency: Department of Labor Date: 4/2/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 4
Bill Version: SB 150
(S) Publish Date: 4-4-97

Revision Date: _____
Title: An Act relating to moving expenses of state employees, to compensatory time for state employees, and to calculation of
Sponsor: Senate Finance
Requestor: (S) STA

Department Affected: Administration
BRU: Retirement & Benefits
Component: Retirement & Benefits

COMPONENT SERIAL NO. 64

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ zero

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact on the operations of the Division of Retirement & Benefits.

This bill will not materially affect the accrued liabilities or the funding ratio of the Public Employees' Retirement System (PERS).

Prepared by: Janet L. Parker
Division: Retirement & Benefits

Phone: 465-4470
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 4/3/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 5
B Bill Version: SB 150
(S) Publish Date: 4-4-97

Revision Date 4/3/97 Dept. Affected All
Title Pub. Employees: Moving, Comp. Time & Pers. BRU All
Component _____
Sponsor Senate Finance
Requester _____ Component Serial No. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES []						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federa. Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This bill will have no fiscal impact.

Prepared by Senate State Affairs
Division _____
Approved by Senator Lyda Green, Chairman State Affairs
Agency All Department

Phone 465-4522
Date 4/3/97
Date 4/3/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 150

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act relating to moving expenses of state employees, to compensatory time for state employees..." BRU: ALL
 Sponsor: Senate Finance Component: ALL
 Requester: Senate Finance Committee COMPONENT SERIAL NO. #0694

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES	*	*	*	*	*	*
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	*	*	*	*	*	*
------------------------	---	---	---	---	---	---

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY97) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Department of Corrections is unable to predict what the fiscal impact will be resulting from passage of SB 150.

Prepared by: Bruce Richards
 Division: Commissioner's Office
 Approved by: Commissioner Margaret M. Pugh
 Agency: Department of Corrections

Phone: 465-3307
 Date: 4/7/97
 Date: 4/7/97

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1997 LEGISLATIVE SESSION

Revision Date: 4/11/97 Dept. Affected: Public Safety
 Title: Public Employee: Moving, comp. time & PERS DPS Statewide Support
 Component: Commissioner's Office
 Sponsor: Senate Finance
 Requestor: S. Finance COMPONENT SERIAL NO. 0523

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
 No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner Phone: 465-4322
 Division: Commissioner's Office Date: 4/11/97
 Approved by Commissioner: *Ronald L. Otte* Date: 4/11/97
 Agency: Ronald L. Otte, Dept. of Public Safety

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SENATE FINANCE
COMMITTEE

MOVED by PEARCE
ADMITTED w/o P-02

Amendment Number: 1 0-1.S0688\A.1
Bill Number: SB 150 Cramer
Sponsor: Pearce Date: 4-10-97 4/10/97
Logged In By: PF

A M E N D M E N T

OFFERED IN THE SENATE .

BY SENATOR PEARCE

TO: SB 150

- 1 Page 2, line 21, following ".":
- 2 Insert "In the case of certified peace officers employed by the Department of Public
- 3 Safety, the commissioner of public safety may waive a moving expense repayment required
- 4 by this subsection if the commissioner makes a written finding that the relocation is in the
- 5 best interest of the state."

SENATE FINANCE
COMMITTEE

Amendment Number: 2

Bill Number: SB 150

Sponsor: Pearce Date: 4-10-97

Logged In By: Py

0-LS06881A.2

Cramer

4/10/97

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR PEARCE

TO: SB 150

1 Page 2, lines 19 - 21:

2 Delete "because of a certified medical necessity of the employee or the spouse or a
3 dependent of the employee, or if the state involuntarily transfers the employee"

4 Insert

5 "(1) because of a certified medical necessity of the employee or the
6 spouse or a dependent of the employee;

7 (2) because the state involuntarily transfers the employee; or

8 (3) because the employee accepts a promotion offered by the
9 department or agency that paid the employee's initial moving expenses"

Moved by Pearce
ADOPTED w/o P.03

SENATE FINANCE
COMMITTEE

Amendment Number: 3

Bill Number: SB 150

Sponsor: Pearce Date: 4-10-97

Logged In By: [Signature]

0-LS0688\A.3

Cramer

4/10/97

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR PEARCE

TO: SB 150

- 1 Page 2, line 17, following "moves":
- 2 Insert "or leaves state service"

- 3 Page 2, line 19, following "moves":
- 4 Insert "or leaves state service"

SB

151

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
199 / LEGISLATIVE SESSION

BILL NO. HCSSB 151(FIN)

Title: Public Employment Labor Relations

Dept. Affected: Law

BRU: Civil Division

Sponsor: Senate Finance

Components: General Legal Services

Requestor: _____

Serial # 2087

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	26.9	26.9	26.9	26.9	26.9	26.9
Travel	0.4	0.4	0.4	0.4	0.4	0.4
Contractual	4.0	4.0	4.0	4.0	4.0	4.0
Supplies	0.6	0.6	0.6	0.6	0.6	0.6
Equipment	3.2	3.2	3.2	3.2	3.2	3.2
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	35.0	35.0	35.0	35.0	35.0	35.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	35.0	35.0	35.0	35.0	35.0	35.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	35.0	35.0	35.0	35.0	35.0	35.0

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Tempo	0	0	0	0	0	0

ANALY

PAGE IF NECESSARY)

all dated

Prepared by: House Finance Committee

Date: 4/8/97

Gene Therriault
Rep. Gene Therriault, Co-Chair

Phone: 465-4939

Phone: 465-4797

Rep. Mark Hanley, Co-Chair

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HCSSB 151(FIN)

Title: Public Employment Labor Relations
Sponsor: Senate Finance
Requestor: _____

Dept. Affected: Courts
BRU: Trial Courts
Components: _____
Serial # 768

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	10.0	10.0	10.0	10.0	10.0	10.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	10.0	10.0	10.0	10.0	10.0	10.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (THOUSANDS OF DOLLARS)

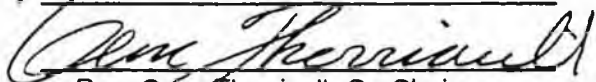
General Fund	10.0	10.0	10.0	10.0	10.0	10.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	10.0	10.0	10.0	10.0	10.0	10.0

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	1	1	1	1	1	1
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Prepared by: House Finance Committee


Rep. Gene Therriault, Co-Chair

Date: 4-8/97

Phone: 465-4939

Phone: 465-4797

Rep. Mark Hanley, Co-Chair

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HCSSB 151(FIN)

Title: Public Employment Labor Relations
Sponsor: Senate Finance
Requestor: _____

Dept. Affected: Labor
BRU: Office of the Commissioner
Components: _____
Serial # 1200

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	57.4	57.4	57.4	57.4	57.4	57.4
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	5.0	5.0	5.0	5.0	5.0	5.0
TOTAL OPERATING	62.4	62.4	62.4	62.4	62.4	62.4

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	62.4	62.4	62.4	62.4	62.4	62.4
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	62.4	62.4	62.4	62.4	62.4	62.4

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	2	2	2	2	2	2
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Fiscal note will fund one six month funded Admin. Clerk III (Range 10) and one six month funded Hearing Officer (Range 21). 5.0 is also listed in misc. for supplies and equipment.

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FISCAL NOTE

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

BILL NO. CSSB 151(FIN)am

Revision Date (Note if correction) _____ Dept. Affected Law
 Title "An Act relating to public employment labor" BRU Civil Division
 Component Governmental Affairs
 Sponsor Senate Finance Committee
 Requester House Finance Committee Component Serial No. 2207

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	226.4	226.4	226.4	226.4	226.4	226.4
Travel	5.6	5.6	5.6	5.6	5.6	5.6
Contractual	41.4	41.4	41.4	41.4	41.4	41.4
Supplies	3.6	3.6	3.6	3.6	3.6	3.6
Equipment	13.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	290.0	277.0	277.0	277.0	277.0	277.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	290.0	277.0	277.0	277.0	277.0	277.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	290.0	277.0	277.0	277.0	277.0	277.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time	2	2	2	2	2	2
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Department of Law will need two additional attorneys to deal with the new cases that will result from the bill's creation of a right to appeal grievance arbitration awards to the superior court under AS 44.62. Presently such arbitration awards are subject to only limited court review.

The full-time equivalent cost estimate is based on the department's standard attorney cost schedule (\$133,517) and includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses. Case specific travel and contractual costs and one-time equipment purchases are not included in the rate, and so are added separately. (\$5,000 and \$6,500 per position respectively.)

Prepared by Joan M. Kasson
 Division Attorney General's Office
 Approved by Commissioner Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 465-5370
 Date 5/6/98
 Date 5/6/98

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**PUBLIC SAFETY EMPLOYEES ASSOCIATION
"REPRESENTING ALASKA'S FINEST"**

4300 Boniface Parkway, #116
Anchorage, AK 99504-4387
(907)337-1979 FAX:(907)337-1753

Alaska State House Finance Committee
State Capitol
Juneau, AK 99801-1182

May 7, 1998

Dear House Finance Committee members:

The Public Safety Employees Association opposes Senate Bill 151. This bill re-writes the Public Employees Relations Act (PERA).

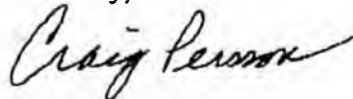
PERA has been effectively working for 25 years. Members of PSEA have not had complaints about their Association in regards to elections or unethical behavior. This bill completely over-regulates how public employee unions operate. SB151 tries to solve a problem that is not there.

Also, this bill is an anti-worker right to work piece of legislation. The sections which contain phrases such as "voluntary dues deduction" leads one to believe that the sponsor(s) of this bill are out to decimate public employee organized labor.

Lastly, this bill is very costly. With a fiscal note of more than one million dollars for fiscal year 99 this legislation will ultimately cost Alaskans more than 20 million dollars over the next 20 years.

I urge each and every one of you to not pass SB151 out your committee. SB151 is too costly and an unnecessary piece of legislation which only adds more regulation and bureaucracy to our state government.

Sincerely,



Craig Persson
PSFA Legislative Liaison

END

0-LS0675Q

Cramer

5/10/97

Adopted 5/11/97

HOUSE CS FOR CS FOR SENATE BILL NO. 151()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:

R :

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to public employment labor relations; relating to the protection
 2 of the rights of public employees under the Public Employment Relations Act;
 3 establishing ethical standards for union representatives of public employees; and
 4 establishing disclosure requirements for public employee labor organizations."

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

6 * Section 1. AS 23.40.100 is amended by adding a new subsection to read:

7 (f) The labor relations agency may not investigate a petition by a labor
 8 organization and may not place the name of a labor organization on a ballot under this
 9 section unless the organization has filed all reports required of the organization under
 10 AS 23.40.400. This subsection does not apply to a labor organization that is exempt
 11 under AS 23.40.510 from the reporting requirements of AS 23.40.400.

12 * Sec. 2. AS 23.40.110(b) is amended to read:

13 (b) Nothing in this chapter prohibits a public employer from making an
 14 agreement with an organization to require as a condition of employment

1 [(1) MEMBERSHIP IN THE ORGANIZATION WHICH
2 REPRESENTS THE UNIT ON OR AFTER THE 30TH DAY FOLLOWING THE
3 BEGINNING OF EMPLOYMENT OR ON THE EFFECTIVE DATE OF THE
4 AGREEMENT, WHICHEVER IS LATER; OR

5 (2)] payment by the employee to the exclusive bargaining agent of a
6 service fee to reimburse the exclusive bargaining agent for the expense of representing
7 the members of the bargaining unit. The service fee may only include
8 reimbursement for collective bargaining activities, including the adjustment of
9 grievances.

10 * Sec. 3. AS 23.40.110 is amended by adding new subsections to read:

11 (d) The expression or dissemination of views, argument, or opinion in any
12 form does not constitute and is not evidence of an unfair labor practice under this
13 chapter so long as the expression does not contain a threat of reprisal or force or a
14 promise of benefit.

15 (e) A statement or action of a member of the legislature, a justice or judge, or
16 a member of the legislative body of a political subdivision of the state may not be
17 considered to be an unfair labor practice under this section if the statement or action
18 was within the scope of the individual's normal duties and if the individual was not
19 at the time of the statement or action designated to act as the agent of the public
20 employer in collective bargaining or the adjustment of grievances.

21 * Sec. 4. AS 23.40.210(a) is amended to read:

22 (a) Upon the completion of negotiations between an organization and a public
23 employer, if a settlement is reached, the employer shall reduce it to writing in the form
24 of an agreement. The agreement must [MAY] include a term for which it will remain
25 in effect, not to exceed three years. The agreement may not contain a provision for
26 automatic renewal. The agreement must [SHALL] include a pay plan designed to
27 provide for a cost-of-living differential between the salaries paid employees residing
28 in the state and employees residing outside the state. The plan must [SHALL] provide
29 that the salaries paid, as of August 26, 1977, to employees residing outside the state
30 shall remain unchanged until the difference between those salaries and the salaries paid
31 employees residing in the state reflects the difference between the cost of living in

1 Alaska and living in Seattle, Washington. The agreement: must [SHALL] include a
2 grievance procedure that, during its term, has [WHICH SHALL HAVE] binding
3 arbitration as its final step. Either party to the agreement has a right of action to
4 enforce the agreement by petition to the labor relations agency. However, unless the
5 labor organization is exempt from reporting requirements under AS 23.40.510, a
6 labor organization that has failed to file the reports required by AS 23.40.400 may
7 not petition the labor relations agency to enforce an agreement under this section.

8 * Sec. 5. AS 23.40.215(a) is amended to read:

9 (a) The monetary terms of any agreement: entered into under this chapter and
10 the extension or modification of an agreement, including an award by an
11 arbitrator acting under AS 23.40.200, if the extension or modification affects in
12 any way the monetary terms of an agreement, [AS 23.40.070 - 23.40.260] are
13 subject to funding through [LEGISLATIVE] appropriation by the legislature or by
14 the legislative body of a political subdivision that is subject to this chapter, as
15 appropriate. A monetary term of an agreement is not effective or enforceable
16 until the term has been approved and funded under this section.

17 * Sec. 6. AS 23.40.215(b) is amended to read:

18 (b) The Department of Administration shall submit the monetary terms of an
19 agreement, an arbitrator's award under AS 23.40.200, or an extension, or
20 modification of an agreement, to the legislature within 10 legislative days after the
21 agreement of the parties [,] if the legislature is in session, or within 10 legislative days
22 after the convening of the next regular session. The legislature shall advise the parties
23 by concurrent resolution if it approves or disapproves of the monetary terms within 60
24 legislative days after the agreement is submitted to the legislature. The approval of
25 the monetary terms of an agreement under this subsection is a nonbinding, advisory
26 expression of legislative intent. If within 60 legislative days after the agreement is
27 submitted the legislature advises the parties by concurrent resolution that it disapproves
28 the monetary terms of the agreement, the parties shall [MAY] resume negotiations.
29 This subsection applies to an agreement, award, extension, or modification
30 between the state, including the University of Alaska or a public corporation of
31 the state, and a labor organization representing state employees.

1 * Sec. 7. AS 23.40.215 is amended by adding new subsections to read:

2 (d) An agreement, resolution, settlement, or arbitrator's award during the term
3 of a collective bargaining agreement between the state and a labor organization that

4 (1) will require the expenditure of \$10,000 or more over the life of the
5 collective bargaining agreement or that requires the state to forego repayment of
6 money owed to the state may not take effect until at least 30 days after a copy of the
7 terms has been received by the Legislative Budget and Audit Committee for review;

8 (2) substantially modifies the monetary terms reported to the legislature
9 under (a) of this section is subject to approval by the legislature as provided in (a) and
10 (b) of this section and is not effective unless and until it receives legislative funding
11 and approval.

12 (e) The legislative body of a political subdivision that is an employer under
13 this chapter may, by ordinance or resolution, provide a system of review and approval
14 of the monetary terms of collective bargaining agreements consistent with this section.

15 * Sec. 8. AS 23.40.220 is amended to read:

16 **Sec. 23.40.220. Labor or employee organization dues and employee**
17 **benefits, deduction and authorization.** Upon the voluntary written authorization of
18 a public employee within a bargaining unit, the public employer shall deduct from the
19 payroll of the public employee the monthly amount of membership dues [, FEES,]
20 and other employee benefits as certified by the secretary of the exclusive bargaining
21 representative and shall deliver it to the chief fiscal officer of the exclusive bargaining
22 representative. An authorization under this subsection may not be made
23 irrevocable for a period longer than one year.

24 * Sec. 9. AS 23.40.220 is amended by adding new subsections to read:

25 (b) Upon the voluntary written authorization of a public employee required to
26 pay a service fee under AS 23.40.110(b), the public employer shall deduct from the
27 salary of the employee the monthly amount of the service fee or other employee
28 benefits as certified by the secretary of the exclusive bargaining representative and
29 shall deliver the amount withheld to the chief fiscal officer of the exclusive bargaining
30 representative. The authorization may not be made irrevocable beyond the expiration
31 of the collective bargaining agreement under which it was made or for a period longer

1 than one year, whichever occurs first.

2 (c) An authorization form presented to a public employee by a public employer
3 or labor organization must clearly state that an employee required to pay a service fee
4 under AS 23.40.110(b) is obligated to pay, as a condition of employment, only a
5 service fee for representation and may not be compelled to be or become a member
6 of a labor organization as a condition of employment or to provide monetary support
7 to a labor organization's social, fraternal, or political activities.

8 * Sec. 10. AS 23.40.250 is amended to read:

9 **Sec. 23.40.250. Definitions. Except as otherwise provided in AS 23.40.590,**
10 **in this chapter [IN AS 23.40.070 - 23.40.260], unless the context otherwise requires,**

11 (1) **"bargaining unit member" means an employee of a public**
12 **employer who is employed in a position or job classification in a unit that has**
13 **been recognized by the public employer or that has been determined by the labor**
14 **relations agency to be appropriate for collective bargaining;**

15 (2) "collective bargaining" means the performance of the mutual
16 obligation of the public employer or the employer's designated representatives and the
17 representative of the employees to meet at reasonable times, including meetings in
18 advance of the budget making process, and negotiate in good faith with respect to
19 wages, hours, and other terms and conditions of employment, or the negotiation of an
20 agreement, or negotiation of a question arising under an agreement and the execution
21 of a written contract incorporating an agreement reached [IF REQUESTED BY
22 EITHER PARTY], but these obligations do not compel either party to agree to a
23 proposal or require the making of a concession;

24 (3) [(2)] "election" means a proceeding conducted by the labor relations
25 agency in which the employees in a collective bargaining unit cast a secret ballot for
26 collective bargaining representatives, or for any other purpose specified in this chapter
27 [AS 23.40.070 - 23.40.260];

28 (4) **"fee payer" or "service fee payer" means a person in a**
29 **collective bargaining unit who is obligated to pay a service fee;**

30 (5) **"intentionally" has the meaning given in AS 11.81.900;**

31 (6) **"knowingly" has the meaning given in AS 11.81.900;**

1 (7) [(3)] "labor relations agency" means the Alaska labor relations
2 agency established in AS 23.05.360;

3 (8) "member" or "member in good standing," when used in
4 reference to a labor organization, includes a person who has fulfilled the
5 requirements for membership in the organization, and who neither has voluntarily
6 withdrawn from membership nor has been expelled or suspended from
7 membership after appropriate proceedings consistent with lawful provisions of the
8 constitution and bylaws of the organization;

9 (9) [(4)] "monetary terms of an agreement" means the changes in the
10 terms and conditions of employment from a predecessor agreement, or from the
11 terms and conditions established by statute, ordinance, resolution, or other means,
12 resulting from an agreement that will require the expenditure of public money [AN
13 APPROPRIATION] for their implementation or will result in a change in [STATE]
14 revenues of the public employer or productive work hours for public [STATE]
15 employees;

16 (10) "officer" means a constitutional officer, a person authorized
17 to perform the functions of president, vice-president, secretary, treasurer, or other
18 executive functions of a labor organization, and a member of its executive board
19 or similar governing body, including an employee or agent of a labor organization
20 who acts at the direction of an officer;

21 (11) "officer, agent, shop steward, or other representative," when
22 used with respect to a labor organization, includes elected officials and key
23 administrative personnel, whether elected or appointed, including business agents,
24 heads of departments or major units, and organizers who exercise substantial
25 independent authority, but does not include salaried nonsupervisory professional
26 s/aff, stenographic, and service personnel;

27 (12) [(5)] "organization" means a labor or employee organization of any
28 kind, an agency, or employee representative committee, group, association, or plan
29 in which employees participate and that [WHICH] exists for the [PRIMARY] purpose,
30 in whole or in part, of dealing with public employers concerning grievances, labor
31 disputes, wages, rates of pay, hours of employment, and other terms and conditions

1 of employment;

2 (13) "person" includes a labor organization:

3 (14) [(6)] "public employee" means any employee of a public employer,
4 whether or not in the classified service of the public employer, except elected or
5 appointed officials or superintendents of schools;

6 (15) [(7)] "public employer" means the state or a political subdivision
7 of the state, including without limitation, a municipality, district, school district,
8 regional educational attendance area, board of regents, public and quasi-public
9 corporation, housing authority, or other authority established by law, and a person
10 designated by the public employer to act in its interest in dealing with public
11 employees;

12 (16) [(8)] "regional educational attendance area" means an educational
13 service area in the unorganized borough that may or may not include a military
14 reservation [,] and that contains one or more public schools of grade levels K - 12 or
15 any portion of those grade levels that are to be operated under the management and
16 control of a single regional school board;

17 (17) "secret ballot" means the expression by ballot, voting machine,
18 or otherwise, but in no event by proxy, of a choice with respect to an election or
19 vote taken on a matter, which is cast in such a manner that the person expressing
20 the choice cannot be identified with the choice expressed;

21 (18) "service fee" means a fee authorized by AS 23.40.110(b) for
22 the costs associated with representation;

23 (19) [(9)] "terms and conditions of employment"

24 (A) means the hours of employment, the compensation and
25 fringe benefits, and the employer's personnel policies affecting the working
26 conditions of the employees; but

27 (B) does not mean the general policies describing the function
28 and purposes of a public employer.

29 * Sec. 11. AS 23.40.250 is amended by adding a new subsection to read:

30 (b) A labor organization is subject to this chapter if it

31 (1) is the recognized or certified representative of public employees

1 under this chapter;

2 (2) although not certified, is a national or international labor
3 organization or a local labor organization recognized or acting as the representative of
4 employees of a public employer or employers under this chapter; or

5 (3) has been chartered by a labor organization representing or actively
6 seeking to represent public employees as the local or subordinate body through which
7 the employees may enjoy membership or become affiliated with a labor organization.

8 * Sec. 12. AS 23.40 is amended by adding new sections to read:

9 **Article 3. Rights of Members of Labor Organizations.**

10 **Sec. 23.40.300. Rights of members of labor organizations.** (a) A member
11 of a labor organization has equal rights and privileges within the organization, subject
12 to reasonable rules and regulations in the organization's constitution and bylaws, to

13 (1) nominate candidates;

14 (2) vote in elections or referenda of the labor organization;

15 (3) attend membership meetings, and participate in the deliberations and
16 vote on the business of those meetings.

17 (b) A bargaining unit member, including a service fee payer, has equal rights
18 to vote in

19 (1) an election that has as its purpose the acceptance or rejection of a
20 collective bargaining agreement reached under AS 23.40.210, or the modification,
21 extension, or amendment of an agreement;

22 (2) an election or referendum of the labor organization that affects
23 wages, hours, or terms and conditions of employment of members of the bargaining
24 unit or of a subdivision of the bargaining unit to which the employee belongs.

25 (c) A member of a labor organization has the right to meet and assemble freely
26 with other members. A union representative may not infringe these rights. Subject
27 to (d) of this section, a member of a labor organization also has the right to express

28 (1) views, arguments, or opinions; and

29 (2) at meetings of the labor organization, the member's views on
30 candidates in an election of the labor organization or on any business properly before
31 the meeting.

1 (d) Notwithstanding (c) of this section, a labor organization has the right to
2 adopt and enforce reasonable rules concerning the conduct of meetings, the
3 responsibility of every member toward the organization as an institution, and the duty
4 of members to refrain from conduct that would interfere with the performance of the
5 labor organization's obligations.

6 **Sec. 23.40.310. Dues, initiation fees, and assessments.** (a) Except in the
7 case of a federation of national or international labor organizations, the rates of dues
8 and initiation fees payable by members of a labor organization in effect on the
9 effective date of this Act may not be increased and a general or special assessment
10 may not be levied on the members of the labor organization except as provided in this
11 section.

12 (b) A labor organization may increase dues or initiation fees or impose a
13 special or general assessment by majority vote by secret ballot of the members in good
14 standing voting

15 (1) at a general or special membership meeting after reasonable notice
16 of the intention to vote on the question; or

17 (2) in a membership referendum.

18 **Sec. 23.40.320. Right to copies of a collective bargaining agreement.** (a)
19 The secretary or the equivalent officer shall maintain at the principal office of that
20 labor organization copies of the agreements made or received by the labor
21 organization. If the labor organization does not have its principal office in this state,
22 it shall make the copies available at a location in this state.

23 (b) A collective bargaining agreement between a labor organization and a
24 public employer, including extensions, modifications, and amendments of the
25 agreement, is a public record under AS 09.25.110.

26 **Article 4. Reporting by Labor Organizations.**

27 **Sec. 23.40.400. Reporting by labor organizations.** (a) A labor organization
28 shall adopt a constitution and bylaws and, except for a labor organization that is
29 exempt from filing requirements under AS 23.40.510, shall file copies of them with
30 the commissioner together with a report signed by the organization's president and
31 secretary or the equivalent officers containing

1 (1) the name of the labor organization, its mailing address, and any
2 other address at which it maintains its principal office or keeps the records referred to
3 in AS 23.40.400 - 23.40.410;

4 (2) the name and title of each of the organization's officers;

5 (3) the amount of the initiation fee or fees required from a new or
6 transferred member and hiring hall fees required by the reporting labor organization;

7 (4) the amount of the regular dues or fees or other periodic payments
8 required to remain a member of the labor organization and the service fee required of
9 an employee subject to an agreement authorized by AS 23.40.110(b); and

10 (5) detailed statements, or references to specific provisions of
11 documents filed under this subsection that contain the required statements, showing the
12 provisions made and procedures followed with respect to

13 (A) qualifications for or restrictions on membership;

14 (B) the levying of assessments;

15 (C) participation in insurance or other benefit plans;

16 (D) authorization for disbursement of funds of the labor
17 organization;

18 (E) the audit of financial transactions of the labor organization;

19 (F) calling regular and special meetings;

20 (G) selection of officers, stewards, and representatives to other
21 bodies composed of labor organizations' representatives with a specific
22 statement of the manner in which each officer was elected, appointed, or
23 otherwise selected;

24 (H) discipline or removal of officers or agents for breaches of
25 trust;

26 (I) imposition of fines, suspensions, and expulsions of members,
27 including the grounds for the action and provisions made for notice, hearing,
28 judgment on the evidence, and appeal procedures;

29 (J) authorization for bargaining demands;

30 (K) ratification of contract terms;

31 (L) authorization for strikes; and

1 (M) the issuance of work dispatches.

2 (b) A labor organization shall report a change in the information required by
3 (a) of this section to the commissioner at the time the labor organization files the
4 annual financial report required by (c) of this section.

5 (c) Except as provided in (e) of this section or in AS 23.40.510, a labor
6 organization that is a party to an agreement authorized by AS 23.40.110(b), that
7 represents a bargaining unit of more than 75 employees, or that has an aggregate
8 income from dues, fees, and assessments in excess of \$50,000, shall file annually with
9 the commissioner a financial report for the preceding fiscal year, signed by its
10 president and treasurer or the equivalent officers, containing the information required
11 by this subsection in adequate detail to accurately disclose the organization's financial
12 condition and operations. The financial report must be organized in categories
13 prescribed by the commissioner that permit the identification of costs associated with
14 political, social, fraternal, or other activities not incident to the negotiation or
15 administration of a collective bargaining agreement or the adjustment of grievances and
16 must contain

17 (1) assets and liabilities of the organization at the beginning and end
18 of the fiscal year;

19 (2) receipts of any kind and the sources for the receipts;

20 (3) salary, allowances, and other direct or indirect disbursements,
21 including reimbursed expenses, to each officer, employee, consultant, or contractor
22 who, during the fiscal year, received more than \$500 in the aggregate from the labor
23 organization and any other labor organization affiliated with it or with which it is
24 affiliated or that is affiliated with the same national or international labor organization;

25 (4) direct and indirect loans made to an officer, employee, or member
26 that aggregated more than \$250 during the fiscal year, together with a statement of the
27 purpose, security, if any, and arrangements for repayment;

28 (5) direct and indirect loans to a business enterprise, together with a
29 statement of the purpose, security, if any, and arrangements for repayment;

30 (6) any payment of money or other thing of value and any expenditure,
31 including compensation and reimbursed expenses paid to employees or agents of the

1 labor organization, that is intended to influence the outcome of an election of a
2 candidate, a ballot proposition, or the passage or defeat of legislation; and

3 (7) other disbursements made by the labor organization and the
4 purposes of those disbursements.

5 (d) A labor organization required to submit a report under this chapter shall
6 maintain the information required to be reported in this state and make it available to
7 all of its members and fee payers without cost to the member or fee payer.

8 (e) A labor organization that has established the amount of its service fee as
9 a result of the decision or order of an impartial arbitrator or court may comply with
10 the reporting requirements set out in (c) of this section by annually filing a copy of the
11 order or decision with the commissioner.

12 **Sec. 23.40.410. Reports; public records.** (a) The reports and documents filed
13 with the commissioner under AS 23.40.400 are public records under AS 09.25.110.

14 (b) A person required to file a report under this chapter shall maintain records
15 at a location in the state on the matters required to be reported for a period of not less
16 than five years after the filing of the documents based on the information that the
17 records contain. The records must

18 (1) provide the necessary basic detailed information and data from
19 which the documents filed with the commissioner may be verified, explained, or
20 clarified, and checked for accuracy and completeness;

21 (2) include vouchers, worksheets, receipts, and applicable resolutions.

22 (c) A labor organization required to report under AS 23.40.400 shall file the
23 initial report required under AS 23.40.400 within 30 days after the date on which the
24 labor organization first becomes subject to this chapter. A person required to file a
25 report under AS 23.40.400 shall file the report within 90 days after the end of the
26 person's fiscal year.

27 **Sec. 23.40.420. Criminal provisions.** (a) A person who intentionally violates
28 a provision of AS 23.40.400 - 23.40.410 is guilty of a class A misdemeanor.

29 (b) A person who makes a false statement or representation of a material fact,
30 knowing it to be false, or who knowingly fails to disclose a material fact, in a
31 document, report, or other information required under AS 23.40.400 - 23.40.410 is

1 guilty of a class A misdemeanor.

2 (c) A person who intentionally makes a false entry in or intentionally
3 withholds or destroys books, records, reports, or statements required to be kept under
4 AS 23.40.400 - 23.40.410 is guilty of a class A misdemeanor.

5 (d) An individual required to sign reports under AS 23.40.400 shall be
6 personally responsible for the filing of the report and for any statement contained in
7 the report that the person knows to be false.

8 **Article 5. Miscellaneous Provisions.**

9 **Sec. 23.40.500. Service of process.** For the purposes of this chapter, service
10 of summons, subpoena, or other legal process of a court of the state upon an officer
11 or agent of a labor organization in the officer's or agent's capacity as such constitutes
12 service on the labor organization.

13 **Sec. 23.40.510. Exemption from reporting requirements for labor**
14 **organizations subject to certain federal requirements.** A labor organization or a
15 subdivision of a labor organization that represents or seeks to represent public
16 employees and that is subject to reporting requirements under 29 U.S.C. 401 - 531 is
17 exempt from the requirement to file reports under AS 23.40.400 so long as the labor
18 organization or division of a labor organization files with the commissioner a copy of
19 each report required by 29 U.S.C. 401 - 531.

20 **Article 6. Definition for AS 23.40.300 - 23.40.590.**

21 **Sec. 23.40.590. Definition for AS 23.40.300 - 23.40.590.** In AS 23.40.300 -
22 23.40.590, "employer" includes a person acting directly or indirectly as an employer
23 or an agent of an employer in relation to a public employee.

24 * **Sec. 13.** AS 39.20.310(8) is amended to read:

25 (8) persons employed by the division of marine transportation as
26 masters and members of the crews operating the state ferry system who are covered
27 by collective bargaining agreements as provided in AS 23.40.210 [AS 23.40.040],
28 except as expressly provided by law;

29 * **Sec. 14.** AS 39.25.110(16) is amended to read:

30 (16) persons employed by the division of marine transportation as
31 masters and members of the crews of vessels who operate the state ferry system and

1 who are covered by a collective bargaining agreement provided in AS 23.40
2 [AS 23.40.040];

3 * Sec. 15. AS 23.40.020, 23.40.030, 23.40.040, 23.40.215(c), and 23.40.240 are repealed.

4 * Sec. 16. REPORT FROM LABOR ORGANIZATION. Notwithstanding the deadline set
5 out in AS 23.40.410(c), a labor organization that is subject to the requirements of
6 AS 23.40.410 on the effective date of this Act must file its initial report under AS 23.40.410
7 no later than 30 days after the effective date of this Act.

8 * Sec. 17. INSTRUCTIONS TO THE REVISOR OF STATUTES. (a) The revisor of
9 statutes shall substitute "this chapter" for "AS 23.40.070 - 23.40.260" wherever "AS 23.40.070
10 - 23.40.260" occurs in AS 23.40.

11 (b) The revisor of statutes shall substitute "AS 23.40" for "AS 23.40.070 - 23.40.260"
12 wherever "AS 23.40.070 - 23.40.260" occurs in the Alaska Statutes, other than in AS 23.40.

5/10/97

0-LS067:\B.10
Cramer
4/10/97

Failed 3-7

#3

A M E N D M E N T

OFFERED IN THE SENATE
TO: ^{CS} SB 151

BY DAVIES

- 1 Page 3, line 16:
- 2 Delete "new subsections"
- 3 Insert "a new subsection"
- 4 Page 3, line ¹¹24, through page 4, line ¹²25:
- 5 Delete all material.

delete Section 4

ROLL CALL: HOUSE FINANCE COMMITTEE

DATE _____

SUBJECT _____

Am 3 DAVIS

SB 151

MEMBER	YES	NO
MOSES	✓	
MULDER		✓
DAVIES, JOHN	✓	
DAVIS, GARY		✓
GRUSSENDORF	✓	
FOSTER		✓
KELLY		✓
KOHRING		✓
MARTIN		✓
THERRIAULT		✓
HANLEY	←	✓

TOTAL

3	7
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PASSED _____

FAILED _____

Mulder
#1

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: HCS CSSB 151() ("P" Version, Dated 5/8/97)

1 Page 3, lines 5 - 10:

2 Delete "However, an employee or group of employees within the bargaining unit may
3 at any time present disputes to the public employer and have those disputes adjusted as long
4 as the adjustment is consistent with the terms of the collective bargaining agreement that
5 covers those employees and as long as the bargaining representative has been given an
6 opportunity to be present when the dispute is presented or adjusted."

7 Page 3, lines 18 - 26:

8 Delete ";

9 (5) an employee who is prohibited from engaging in strikes under
10 AS 23.40.200(b) with an employee who is not so prohibited.

11 (d) A labor organization may not be certified as the representative of
12 employees who are not peace officers if the organization

13 (1) has members or fee payers who are peace officers;

14 (2) is certified to represent peace officers; or

15 (3) is affiliated directly or indirectly with a labor organization that
16 represents or has members or fee payers who are peace officers"

17 Reletter the following subsection accordingly.

18 Page 29, line 1:

19 Delete "and (d)"

20 Page 29, line 5:

21 Delete "or (d)"

Mulder
#2

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: HCS CSSB 151()("P" Version, Dated 5/8/97)

- 1 Page 3, line 18, following "officer;":
- 2 Insert "a peace officer whose primary duties are supervisory is considered a
- 3 supervisory employee and is not considered a peace officer for purposes of this subsection;"



NEA-ALASKA

Affiliated with the National Education Association

Position Paper House Finance Committee Substitute for CSSB 151

NEA-Alaska and its local affiliates have worked for over six years to improve our system of financial reporting. Annually, NEA-Alaska and our affiliates with agency fee provisions, provide non-members a detailed package of financial information about the local, state and national associations. Agency fee provisions are negotiated at the local school district level and not mandated by the state. This package of information, commonly called the "Hudson Notice" demonstrates NEA-Alaska's effort to protect the constitutional rights of those who choose to only pay expenses associated with bargaining and contract administration. This notice provides non-members an opportunity to freely object to the payment of expenditures not associated with collective bargaining. Annually, they are provided the opportunity to challenge the Association's calculations of chargeable fees before an impartial arbitrator.

This system has withstood challenges through arbitration and within the federal courts. Even though the process is difficult and burdensome on the Association, it is only fair to those who may wish to object.

Fourteen of seventy locals affiliated with NEA-Alaska have agency fee. In the balance of our local affiliates membership in the associations is purely voluntary.

For several weeks NEA-Alaska has worked with the majority to address concerns the Association has had with SB 151. We appreciate the consideration the majority has given us and we are please to announce that many of those concerns have been worked out and we can support the House Finance Committee Substitute for CSSB 151

May 8, 1997



General Teamsters Local 959 State of Alaska

Affiliated with the International Brotherhood of Teamsters

ANCHORAGE ALASKA 99504 4300 BONIFACE PKWY (907) 259-4122 FAX (907) 337-6668 GERALD L HOOD Secretary/Treasurer

FAIRBANKS, ALASKA 99707, P.O. Box 70609
JUNEAU, ALASKA 99801, 306 Willoughby

(907) 452-2959 FAX (907) 452-5051
(907) 585-3225 FAX (907) 585-1227

Dear Representative Hanley: *Mark*

I am writing to you to express my strong opposition to the CS for Senate Bill 151, a re-write of the Public Employees Relations Act and all of its subsequent versions.

Quite frankly, I'm surprised and extremely disappointed at the speed associated with this bill's advancement.

This legislation probably impacts more Alaskans than any other single bill before you this year. Because of its significance and complexity, I urge you to approach your review of this matter with judicious care to attain the balance that I have been led to believe was the intent of the legislations sponsors.

This legislation, even with its revisions, remains seriously flawed. At the eleventh hour you simply do not have the time to re-write PERA in a meaningful and rational manner.

There are many Alaskans who feel this bill is of a punitive nature. For those Alaskans, rushing this bill's passage without an adequate review and understanding will only confirm their beliefs and create division. As a labor leader, I have worked hard to eliminate the division between business and employees with great success. It's been good for our union, our members and our employers.

I am committed to working with you during the interim to help develop the legislation and create a win-win situation for all Alaskans with a bill that is truly fair and equitable.

There's a lot to be said about working together and I look forward to working with you to make this a better bill.

Jerry Hood
Secretary/Treasurer

House CS for CS for Senate Bill 151

*
was originally adopted and impose upon public employee labor organizations many of the same requirements as are imposed upon private sector unions and employers bargaining under federal law.

Major changes to the existing Act:

Sec. 2 Provides that parties may not negotiate terms contrary to a statute except if such terms are specifically made subject to bargaining by the Act. (See, APEA v. State)

Sec. 3 Provides that public employers retain managerial rights and prerogatives and that limitations on such rights are to be narrowly construed by arbitrators, the labor relations agency and the courts.

Sec. 4 Incorporates Alaska Labor Relations Agency (ALRA) regulations and decisions regarding composition of bargaining units and adds definitions of supervisory, confidential and law enforcement employees based on ALRA decisions. Bargaining units in political subdivisions which were established by the former State Labor Relations Agency or ALRA prior to the effective date of this legislation are exempted at Sec. 32

Requires that peace officers, including Correctional Officers, must be in separate bargaining units from employees who are not peace officers. This provision mirrors the guards unit language in federal law.

Sec. 5 Reflects ALRA decisions and federal law in permitting public employers to challenge the composition of a bargaining unit and to question the majority status of a union.

Sec. 6. Requires the ALRA to investigate the propriety of a mutually recognized bargaining unit upon the petition of an employee in that bargaining unit.

Sec. 8 makes it an unfair labor practice for a public employer to contribute financial or other support to a union mirroring federal law.

Allows a public employer to confer with its employees over work related matters without incurring unfair labor practice charges. This is predicated on the National Labor Relations Board's decision in the Electromation Corp. case

House CS for CS for Senate Bill 151

that prohibited such management techniques as quality circles and work teams. There have been complaints filed under this case with the ALRA, but none have been finally decided.

Eliminates the current law's authorization of compulsory union membership while retaining the authorization for compulsory fees for collective bargaining services. This is based on a long line of Supreme Court cases holding that an employee may not be compelled to contribute to a union's social, political and fraternal activities as a condition of employment. The current provision would probably be found unconstitutional under both the State and federal constitutions. (See, Abood v. Detroit Board, Teachers Local 1 v. Hudson, Beck v. Communications Workers, Langill, et al v. Alaska State Employees Association, et al among others)

Prohibits a union from involving a secondary employer in a labor dispute, e.g., picketing, boycotting or otherwise interfering with a private employer as the result of a dispute with a public employer. This is based on federal secondary boycott and hot cargo provisions.

Prohibits a union from charging a service fee not reasonably related to the cost of providing representation and provides that an employee may bring such charges to the ALRA. This is based on court cases, principally Teachers Local 1 v. Hudson and Beck v. Communications Workers, as well as Langill et al v. Alaska State Employees Association et al holding that fee payers may only be compelled to pay for the costs of collective bargaining and grievance adjustment.

Prohibits a public employee union and public employer from agreeing to refrain from doing business with another employer. This also is based on federal secondary boycott and hot cargo provisions.

Sec. 9 Provides that statements by legislators, judges and certain municipal officials may not constitute unfair labor practices so long as that person is not specifically responsible for relations with employees. (See generally, Local 71 v. State and underlying ALRA proceeding)

House CS for CS for Senate Bill 151

Sec. 12 Narrows the scope of employees prohibited from striking (Class One) and, thus, subject to interest arbitration.

Sec. 13 Narrows the scope of employees who can be enjoined from striking (Class Two) and, thus, subject to interest arbitration. Adds a class of residential care employees to reflect changes in Pioneer Home mission to assisted living. Previously, all were considered Class One hospital employees, a classification that could not withstand scrutiny. Removes post-secondary education employees from this class to Class Three employees mirroring K-12 teachers and other school employees.

Sec. 14 Reflects recent court holding that ferry system employees are Class Three employees. (See, I3U v. State, Superior Ct., 1997, citation omitted)

Provides that employees may only lawfully strike after impasse in bargaining. (See, APEA and Local 71 v. State)

Sec. 15 Provides a reliable means of selecting arbitrators for interest arbitrations and requires that they have Alaska or Pacific Northwest experience.

Sec. 16 Prohibits agreements longer than three years and automatic renewal clauses.

Provides that employees may resort to binding grievance arbitration only under the terms of an agreement.

Prohibits a labor organization that has failed to file required financial reports from enforcing an agreement.

Requires that the ALRA rather than the Commissioner of Administration will promulgate regulations governing residency based pay differentials in recognition of the fact that the PERA applies to all public employers, not just the State.

Sec. 19 Establishes arbitrator selection criteria for binding grievance arbitration and requires Alaska or Pacific Northwest experience.

Sec. 20 - 22 Increase Legislative oversight authority over collective bargaining by:

House CS for CS for Senate Bill 151

Defining monetary terms to include extensions, modifications and interest arbitrator's awards. (See, FEA v. State)

Specifically empowering the legislative body of a political subdivision to review and approve the monetary terms of an agreement. (Superior Ct. case involving City of Fairbanks, affirmed by SC, citation not known)

Providing that no monetary term is effective or enforceable until approved by the Legislature or the legislative body of a political subdivision.

Requiring the parties to resume negotiations in the event of disapproval.

Requiring the Commissioner of Administration to report all State agreements, settlements and arbitrators' awards costing over \$10.0 to the Legislative Budget and Audit Committee for review.

Requiring the Commissioner of Administration to report all agreements, settlements and arbitrators' awards that substantively modify the reported terms to the Legislature for approval.

Empowering the legislative bodies of political subdivisions to promulgate approval procedures.

Sec. 23 Prohibits irrevocable dues checkoffs for periods longer than one year and provides explicitly that checkoff authorizations must be voluntary and renewed annually.

Sec. 24 Prohibits checkoffs from service fee payers outside the term of an agreement and includes the same irrevocability provisions.

Requires affirmative notice on the checkoff form that employees may not be required as a condition of employment to be or become a member of the union nor to contribute financial support to its social, political and fraternal activities. Based on the Supreme Court's Beck decision.

Sec. 25 (10) Clarifies the definition of "monetary terms" to include changes from the predecessor agreement or

House Majority Caucus Bill Summary
House CS for CS for Senate Bill 151

statutory terms which will require the expenditure of public money.

Exempts certain types of employees from the Act's coverage including: temporary or nonpermanent employees, Legislative employees, employees responsible for certain collective bargaining activities and certain employees of the legislative bodies of political subdivisions and of the courts.

Includes employer groups in the definition of public employer.

Major Additions to the Act:

These additions are modeled on the Taft-Hartley and Landrum-Griffin amendments to the National Labor Relations Act and are essentially identical to the requirements imposed on private sector unions bargaining under that act.

Sec. 27 Articulates the rights of union members to participate democratically in the operation of the union.

Requires that service fee payers be allowed to vote in contract ratification elections and other elections or referenda which might effect a fee payer's terms and conditions of employment. Currently, they are not allowed to vote.

Requires that dues may only be increased in a democratic, secret ballot election.

Prohibits union restrictions on a member's right to sue the union and to participate in other forms of adjudication.

Prohibits employers from surreptitiously participating in suits against a union.

Prohibits arbitrary discipline of members by the union and provides for due process.

Requires public employee unions to maintain in the State copies of all collective agreements and makes agreements a public record.

Requires public employee unions to inform members of their rights under the Act.

House CS for CS for Senate Bill 151

Article 4 Requires public employee unions to register with the Commissioner of Labor and report their structure and finances. Currently, most are merely State chartered non-profit corporations subject to little or no regulation.

Requires annual financial reports by public employee unions categorized in such a manner as to permit the identification of costs associated with social, political and fraternal activities.

Requires disclosure of all expenditures made for the purpose of influencing the outcome of an election, a ballot proposition or the passage or defeat of legislation.

Requires that such report be maintained in the State and made available to members and fee payers at no cost.

Provides that a labor organization that has its service fee established by an arbitrator or a court may comply with the reporting requirements by submitting a copy of the decision or order with the Commissioner of Labor.

Provides that a labor organization that is subject to the Federal Labor Management Reporting and Disclosure Act may comply with the reporting requirements by submitting a copy of its federal reports to the Commissioner of Labor.

Sec. 23.40.410: Exempts attorney-client and certain deliberative communications from reporting and disclosure.

Sec. 23.40.420: Makes reports a public record.

Sec. 23.40.430: Makes violation of reporting requirements a Class A misdemeanor.

Article 5: Prohibits certain financial transactions, including contribution to political campaigns, between officers, agents and employees of unions and officers and officials of public employers where the intent is to influence the exercise by employees of their rights under the Act, or to influence the outcome of an adjudication or negotiation.

Sec. 23.40.620: Provides an exemption from reporting requirements for labor organizations that are subject to

House CS for CS for Senate Bill 151

the federal Labor-Management Reporting and Disclosure Act. This covers traditional crafts unions that may represent some public employees in addition to their private sector membership.

Sec. 30: Repeals all pre-PERA bargaining authorization.

Sec. 33: Exempts established bargaining units in political subdivision from the bargaining unit definition changes in Sec. 4.

**Summary Of Proposed Changes And Additions To The
Public Employment Relations Act**

The proposed legislation has two purposes and discussion will be divided into two parts. First, the existing law is amended to incorporate the lessons of twenty-five years of collective bargaining in Alaska and to comply with a line of U.S. Supreme Court cases concerning union dues issues in public employment. Second, additions are made to the Act to reflect the provisions of the federal National Labor Relations Act as amended. These provisions regulate the conduct of public employee and public employers. The legislation covers only public employee unions and public employers and does not regulate the conduct of private sector labor unions or councils and federations that do not directly engage in collective bargaining between public employee unions and public employers.

In the twenty-five years since enactment there have been over 200 formal adjudications before the Alaska Labor Relations Agency, many hundreds more which did not reach formal hearing and many, many more before the now abolished State Labor Relations Agency which had jurisdiction over political subdivisions. There have been dozens of suits in the Superior Courts, more than a dozen to the State Supreme Court and several to the federal courts challenging various provisions of the Act.

This bill seeks to incorporate the teachings of the adjudication under PERA in the State courts and Labor Relations Agency and over sixty years of federal experience, including thousands of adjudications, under the parent law, the National Labor Relations Act. Particularly, the legislation seeks to incorporate the teachings of Lanqill, et al v. Alaska State Employees Association et al decided in February of 1997 in the federal District Court of Alaska wherein ASEA and the State admitted that ASEA's collection of agency fees failed to comply with the constitutional requirements articulated in Teachers Local 1 v. Hudson, a U.S. Supreme Court decision. Almost all the changes in the law are predicated on the regulations and decisions of the Alaska Labor Relations Agency and the decisions of State and federal courts. The regulatory portions of the legislation are based directly upon the 1947 and 1959 amendments to the federal National Labor Relations Act which were not incorporated when PERA

House CS for CS for Senate Bill 151

- Will require that public employee unions register with the Department of Labor and file their constitution and bylaws, list their officers and qualifications for office, publish their dues and service fee structures, qualifications for voting in election of union officers and other vital information.
- Will require that all members of the bargaining unit, not just members, can vote on contract ratifications and amendments to contracts.
- Will establish rules for secret ballot elections for union dues increases.
- Will require unions disclose their financial dealings in sufficient detail to determine expenditures for social, political and fraternal activities.
- Will prohibit payments, business dealings or contributions by unions to public officials if the intent is to influence the outcome of a negotiation, grievance or arbitration.
- Will prohibit payments, business dealings or contributions by public employers to unions if the intent is to influence union activities or to interfere with an employee's rights guaranteed by PERA.
- Will prohibit compulsory employee payments to unions for social, political and fraternal activities while still allowing agreements to pay for the actual cost of representation in negotiations and grievance adjustment.
- Requires that employees with law enforcement authority be in separate unions to avoid conflicts of interest.
- Prohibits supervisors and high-level managers from participation in bargaining units with subordinate employees.
- Enhances employee participation in management decisions by allowing focus groups, quality circles and other joint employee-employer committees.
- Protects private employers from becoming embroiled in disputes between public employers and public employee unions.
- Protects employees from being compelled to pay fees not reasonably related to the cost of representation.
- Streamlines and clarifies the rules for selecting an arbitrator to settle contract disputes with employees who are prohibited from striking.
- Ensures that Pioneer Home employees can be enjoined back to work should a strike threaten the welfare of residents.
- Requires that all collective bargaining agreements be written and must have a fixed expiration date.
- Ensures legislative oversight over all costs of collective bargaining.
- Ensures the oversight authority of the legislative bodies of political subdivisions over the costs of collective bargaining.
- Requires that public employees working under an agreement that requires the payment of dues or fees are given notice of their right to pay only for the costs of collective bargaining.

BILL NO: SB 151

DATE: May 9, 1997

TITLE: Public Employment Labor Relations

CONTACT: Dwight Perkins
465-2700

The Department of Labor opposes SB 151 because it creates a cumbersome and unneeded new bureaucracy and will disrupt rather than improve public sector labor relations in the state of Alaska. Even in its new abbreviated form, SB 151 adds twenty nine pages to a twenty-page law, the Public Employment Labor Relations Act (PERA), which has adequately governed public sector labor relations in Alaska for twenty-five years.

This so-called "modernization" is, in large part, an adoption of provisions of two federal labor laws, the Taft-Hartley Act of 1947 and the Landrum-Griffin Act of 1959, both of which were extant at the time of PERA's enactment in 1972. We would submit that the legislature knew what it was doing when it eschewed the Taft-Hartley and Landrum-Griffin provisions in PERA, since their adoption through this Act would break what does not need fixing.

Section 1. Declaration of findings and purpose . . . the legislature further finds that legislation is necessary to eliminate or prevent improper practices on the part of labor organizations, public employers and their officers or representatives . . .

In four public hearings in three committees, the only person to speak in support of the bill was the paid consultant to the House and Senate Finance Committees, and he provided no evidence or documentation to support this finding.

Section 2. Adds a fifth "item not subject to bargaining" which would allow political subdivisions under PERA to limit the scope of collective bargaining by merely passing an ordinance.

Section 4 would allow individual employees to file grievances outside of the union process, removing the "filtration" of non-meritorious complaints which the union provides and increasing workload for public employers.

Section 4 also explodes the current bargaining unit system by prohibiting inclusion of peace officers and non-peace officers and strike eligible and non-strike eligible

POSITION PAPER/Department of Labor

employees in the same unit. This will result in the state going from nine bargaining units to twenty-one.

Section 4 also would prohibit most of the unions in Alaska from representing any public employees other than peace officers, since they are all "affiliated directly or indirectly with a labor organization that represents peace officers."

Section 6 allows a single member (rather than the normal 30 percent required in both state and federal law) of a bargaining unit the union representative of which was recognized by consent to challenge the appropriateness of the unit and the majority status of the union.

Section 8 removes from PERA even the reference to allowing parties to bargain clauses requiring union membership as an option or alternative to "service fees."

Section 8 also includes a number of irrelevant federal law prohibitions on secondary boycotts, "hot cargo" clauses, and recognition or jurisdictional strikes.

Section 8 also puts the Alaska Labor Relations Agency (ALRA) rather than the courts (which have been sufficiently protecting the rights of union dissenters) in the business of adjudicating service fees for "dissenters" who do not wish to support the political, social, or fraternal activities of the union.

Section 9 may be construed to prohibit "subcontracting clauses" in public sector agreements, which removes a "mandatory" subject of bargaining (in both PERA and federal law) from the table.

Sections 12, 13, and 14 alter the current "classes" of employees with regard to strike eligibility. Many employees in institutions who are currently barred from striking, such as food service, maintenance and custodial, administrative and non-licensed medical personnel, would now have the right to strike.

Section 15 would limit "interest arbitrator" selection to members of FMCS, precluding use of arbitrators who are only affiliated with AAA.

Section 16 prohibits "automatic renewal" of agreements and would presumably

POSITION PAPER/Department of Labor

prohibit parties from continuing to work under the terms of an expired collective bargaining agreement until a successor agreement is negotiated, a process which can take months or even years. This section also terminates the grievance procedure during an interim between contracts further promoting disharmonious labor relations in direct contradiction to the declared purpose of PERA and this legislation.

Section 17 transfers responsibility for establishing the COLD for non-resident employees from the commissioner of administration to ALRA.

Section 19 would prohibit parties from utilizing AAA arbitrators and would make arbitrator's awards under PERA subject to the Administrative Procedures Act for purpose of appeal, thereby subjecting all awards to court review; current law only allows for appeal to the court in the event of gross error or violation of public policy. Increased litigation is not in the best interest of either employers or employees.

Sections 20-22 expand legislative review and/or approval to include arbitration awards (both interest and grievance), contract extensions and modifications. Grievance arbitration awards interpret and enforce contractual commitments inherent in negotiated agreements which have already been approved by the legislature.

Section 24 would end service fee payment by non-members during any interim between agreements. In addition to denying funds to a union at the time when collective bargaining expenditures are likely to be at their highest, a public employer wishing to break their union could do so by protracting negotiations over a long period of time.

Section 25 excludes temporary or non-permanent employees from the definition of public employee, thereby denying them union representation or the benefits of collectively bargained provisions. The bill drafter has stated that the relationship of these employees, some of whom work for the state or political subdivisions for years before attaining permanent status, to the bargaining unit is "tangential". We strongly disagree.

Section 27 adds five articles to PERA:

Article 3 goes beyond federal law in giving non-member fee payers a right to vote in contract ratification elections or dues referendums.

POSITION PAPER/Department of Labor

Article 3 allows two months for a labor organization to handle a member complaint internally before the member may institute legal or administrative action. Federal law allows four months. Ironically, due to its short staffing and heavy workload, ALRA takes up to a year to handle a member's unfair labor practice complaint against a union.

Article 4 requires extensive reporting by labor organizations to the commissioner of labor of detailed information regarding all aspects of the organization's operations and finances. While similar to that required by federal law, there are significant differences.

Where the federal Labor Management Reporting and Disclosure Act (LMRDA) requires that a union report salary, allowances and disbursements to each officer or employee who received more than \$10,000 in the aggregate from a labor organization and its affiliates, proposed AS 23.40.400 goes far beyond the federal requirement by including payments to consultants or contractors with payments to employees and lowers the \$10,000 threshold for all to \$500. Under this provision, if several unions utilized the same company to deliver bottled water to their offices for thirty dollars a month, unbeknownst to each other, and did not report the contract with the company, the fact that it was below \$500 notwithstanding, each could be guilty of a Class A misdemeanor.

In another departure from federal law, AS 23.40.400 also requires reporting to the commissioner of any payment, regardless of amount, to an employee or agent of the organization, that is intended to influence the outcome of an election or the passage or defeat of legislation.

Given the minute detail of the required reporting, the criminal penalties for failure to comply, and the assignment to it of new functions involving record-keeping and audit of financial and political contribution reports, the added expense and workload to the department of labor will be substantial.

Article 4 allows some exemptions from the reporting requirements of AS 23.40.400 which may raise issues of equal protection. Labor organizations which report under LMRDA, which as stated is less stringent than the proposed state law, are exempt under proposed AS 23.40.620. The one labor organization in the state which has adopted an annual arbitration of its service fee as the method to deal with

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