

1172

ISA

HB 764

-

HB 927

1172

STUDENT LEADERSHIP ~~FOUNDATION~~ ASSOCIATION

The Executive Secretary for the Student Leadership ~~Foundation~~ ASSOCIATION shall perform the following functions:

Coordinate the statewide activities of each student leadership organization.

Provide for leadership training of each elected state officer of each organization.

Manage membership activities newsletters and communication for each organization.

Organize and conduct each state conference in conjunction with the state advisor and officers.

Act as facilitator for the executive board of each organization.

Administer the grant funds provided in the student leadership ~~Foundation~~ ASSOCIATION

Act as a public relations officer for each organization.

It is the recommendation of the state sponsors that this person have had a minimum of five years teaching experience including student organization experience and preferably public relations experience.

STUDENT LEADERSHIP ASSOCIATIONStudent Leadership Organizational Funds

Instructional materials for developing skills in parliamentary procedure, organizational management, legislative process and instructional projects. \$ 5,000

Testing supplies for competitive events held at state conference, particularly Office Education Association, Distributive Education Clubs of America, Future Farmers of America, and Vocational Industrial Clubs of America. \$ 5,000

Awards for achievement in leadership activities, competitive events and unique merit. \$ 5,000

Leadership skills training in group dynamics, decision making, parliamentary procedure, goal setting, time management, communication, and motivation. Includes consultant fees for leadership training. \$ 13,000

Telephone, paper, postage, ect., for student officers to conduct the business of their organization. \$ 16,000

Teacher in-service in developing local advisor's leadership skills. \$ 16,000

Substitute fees for state organization advisors. \$ 5,000

Student Leadership Grant Funds to enable student officers to participate in statewide leadership activities (maximum limit per organization \$75,000) \$150,000

Sub Total \$220,000

Administrative Services

Director to implement and manage the student leadership foundation. See Appendix I \$ 40,000

Secretarial staff (one-half time). \$ 15,000

Travel for Director and advisors to implement. \$ 15,000

Communications supplies, printing, postage, telephone, etc. \$ 10,000

Office supplies and equipment. \$ 5,000

Sub Total \$ 85,000

Grand Total \$300,000

STUDENT LEADERSHIP ASSOCIATION

Appropriation by Object Code

100	Salaries	\$ 55,000
200	Travel	15,000
300	Contractual	5,000
400	Commodities	7,500
500	Equipment	2,500
700	Grants	220,000
	Grand Total	<u>\$300,000</u>

WE, THE UNDERSIGNED, urge support of the House Bill being presented by Pappy Moss, District 19 Representative, relating to the \$100,000.00 allotment for Vocational Student Travel.

We feel this is critical at the present time for the following reasons.

VOCATIONAL YOUTH ORGANIZATIONS ARE AN INTEGRAL PART OF THE VOCATIONAL CLASSROOM EDUCATION.

ALASKANS SHOULD BE EVER CONSCIOUS OF KEEPING ALASKA'S YOUNG PEOPLE IN ALASKA THROUGH EDUCATION.

State Officers represent the entire State of Alaska and not local organizations, once they become State Officers. Student travel is needed for State Officers of all Vocational Youth Organizations to:

1. Attend National Leadership Training Institutes provided by the various National Organizations
2. Provide leadership training for local vocational students throughout the State of Alaska.

Travel is needed for Alaska Student Delegates to attend national conferences as voting delegates and skill contestants.

We believe that this State representation is not the responsibility of the local school districts, as these young people are State Representatives. Currently there is no State funding for student travel. This places a tremendous financial burden on local communities. It often also places a financial burden on the individual students who expend their own funds to travel within their State and to their national conferences.

Vocational Youth Organizations are now being run by State Advisors who are chosen from classroom teachers who remain full-time classroom teachers as unpaid volunteers with little or no release time available to spend with community, business and industry to gain the support of these representative bodies.

ALL ALASKANS HAVE A RESPONSIBILITY TO TAKE A STAND AND SUPPORT THEIR YOUNG PEOPLE AND THEIR STATE BY SUPPORTING THIS BILL. THANK YOU FOR YOUR SUPPORT.

Steve Talovich
STEVE TALOVICH, FFA

Eric H. Brown
Co-FFA Advisor

KORLYN W. JANS, DEA *Koryn William*

Bill Schrier
BILL SCHRIER, DECA

Howard Lowery
HOWARD LOWERY, VICA

Marge Schmiege
MARGE SCHMIEGE, FHA

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

P.O. Box 1250, Fairbanks, Alaska 99707

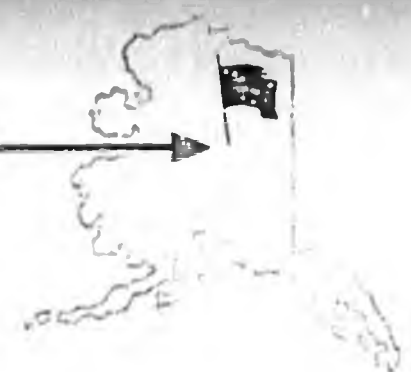
(907)456-7934

DR. BRYCE STALLARD

Superintendent of Schools

GUS ZADRA

Associate Superintendent



January 25, 1980

The Honorable Pappy Moss
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Moss:

I would like to state my opposition to the proposed Section 14:07 075 of Chapter 07 regarding Student Leadership Association. It is my feeling this will only establish another level of administration, which is unnecessary in view of the fact that the Alaska School Activities Association is a presently functioning body capable of incorporating all of the needs of a Student Leadership Association within its administrative and governing structure.

Sincerely,

Charles A. Lowry
Assistant Superintendent

CAL:M
c Mr. Les Wells, Exec. Sec'y
ASAA
All Secondary Principals

IVAN R. GILLESPIE
Director of Vocational Education

Fairbanks North Star Borough School District
3750 Geist Road
Fairbanks, AK 99701
(907) 479-2261

February 4, 1980

State of Alaska
Pouch V
Juneau, Alaska 99811

Attention: The Honorable Pappy Moss
House of Representatives

Dear Mr. Moss:

This letter is to indicate my support for the concept of the proposed legislation of Chapter 07, Section 14:07 075 regarding Student Leadership Association.

This would provide an avenue for promotion and development, on a State-Wide Basis, of those Student Activities of a non-competitive nature. Vocational Education Student Leadership Organizations would benefit a great deal!

Yours truly,



Ivan R. Gillespie, Director
VOCATIONAL EDUCATION

IRG:bn

Pouch F, Juneau, Alaska 99811

Dear Sirs,

North American
PO Box 5156
North Pole Alaska
99705

2/1/80

(I'm interested in receiving information on student and organization legislation.)

I am an agriculture student. I attend school here in North Pole High. I've been a student in North Pole schools for 13 years. I was told I may receive information on this particular legislation that Mr.

Mr. Pappy Moss is trying, or is going to be trying to pass.

I will do everything in my power to muster up support because I feel this is for the best interests of all Vocational students whatever they may be in. I also feel this will help myself open new interests in the field in which I'm studying. This bill or legislation will help me provide leadership, and thus help me and many others represent their school properly.

Thank you very much, for listening to me, I hope to be influenced by you still on the subject which is:

"We the students want the passage of Student Organization legislation by Pappy Moss.
Thank you. North American N.P.A.H.K."

HB

782

COMMITTEE REPORT

HOUSE

2/18/80

FURTHER:

Date: 4-7-80

Mr. Speaker:

The Committee on STATE AFFAIRS has had HB 782

"An Act relating to local service roads and trails."

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 782 same title
 new title
- and recommends do not pass
- AND attaches a "Letter of Intent" new Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]
[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

HOUSE BILL 782 RELATING TO THE LOCAL SERVICE ROADS & TRAILS ACT
SPONSORED BY MALONE AND ROGERS

The Department of Transportation and Public Facilities recommends the following revisions to the proposed changes:

Section 19.30.171(b) Revise to read as follows:

The costs incurred by the commissioner in acquiring this land or interest in land includes all costs and any fees incidental to acquisition. All costs incurred in connection with the acquisition of the land or interest in land for local governments with road powers shall be paid by the local government for which the land or interest in land is acquired. Right of way acquisition costs incurred by the commissioner for local governments without road powers is chargeable to the project allocation for the local government for which the land or interest in land is acquired.

Comment: This revision is necessary to clarify the area of responsibility of funding for right of way costs. Deleted reference to relocation assistance.

Section 19.30.173 Royalty. Add the following section:

Royalty payments required to obtain the necessary materials to construct local service roads and trails projects is a valid item of construction costs.

Comment: This addition is necessary to clarify the area of responsibility of funds related to royalty payments.

Section 19.30.191(b) Revise as follows:

Contracts for the construction of each project by the local government with road powers shall be awarded only on the basis of the lowest responsible bid submitted by a bidder meeting established criteria of responsibility.

Comment: This revision is necessary to differentiate between local governments with road powers and others without.

Section 19.30.191(c) Revise as follows:

All contracts by other than a local government with road powers awarded by competitive bidding under / of this section must comply with the provisions of this section, and have the prior concurrence of the commissioner.

Comment: This revision is necessary to place the responsibility of proper contract procedures with local autonomy.

Section 19.30.191(d) Add the following section:

Except as provided in AS 44.33.300 and in (b) above, construction of each project subject to the provisions of this section shall be administered by the Department within the commissioner's guidelines.

Comment: This addition is necessary to direct the local governments without road powers to a source document such as the LSR&T Handbook. The LSR&T Handbook will cover the policy and procedures necessary to carry out the LSR&T program concerning other than local governments with road powers.

Fiscal Note for HB 782 SUPPORT

Local Service Roads & Trails project average cost breakdown for one mile projects are as follows:

I. Right-of-Way Costs

Urban

Construction cost	\$1,000,000
R/W Acquisition (\$130,000 per Acre)	200,000
R/W Administration @25%	50,000
R/W Cost/Construction cost	25%

Suburban

Construction cost	\$ 500,000
R/W Acquisition (\$40,000 per Acre)	80,000
*R/W Administration @30%	24,000
R/W cost/Construction cost	30%

*Additional cost percentage due to some travel and additional map source such as BIM, ADL Native allotments, etc.

Remote Areas

Construction cost	\$ 200,000
R/W Acquisition (\$3,500 per Acre)	8,000
*R/W Administration @40%	3,200
R/W cost/Construction cost	5%

*Additional cost percentage due to more travel involved than the Suburban areas.

15% increase of project costs for Right-of-Way is anticipated reflecting \$690,000 per year for a \$10,000,000 bond issue.

II. Payment of Royalties. Based on royalty payments for materials, needed funding for the program follows:

Assuming that each project averages one mile and 15,000 cu. yds. is utilized per project, royalty related costs are computed as follows:

Calendar years 1981 & 1982. Each average 16 new projects in the unorganized Boroughs. Estimated cost of material at \$.75/cu. yd. paid for royalties (Tanana Village Streets is set at \$.55 and paid for through a special appropriation by the legislature). Cost of load count employee is \$3,000 to \$6,000 per month. (State employees will be base X O.H. factor of 1.77. Survey party time and travel would exceed \$8,000).

15,000 cu. yd. X \$.75	=	\$11,250.00
Load Count Employee	=	5,000.00
TOTAL.	"	\$16,250.00

16 projects X \$16,250 = \$260,000/year.
1981 & 1982 Royalty related costs = \$520,000 total.

An additional \$500,000 per year increase funding is anticipated.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. H. B. 782
 Title An Act relating to Local Service Roads and Trails
 Requested by House State Affairs Date 3/18/80

II. FISCAL DETAIL

Agency Affected DOT/PP
 Program Category Affected Transportation
 BRU, Program, or Subprogram(s) Affected Highways
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
.00 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		500	500			
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		690	690			
700 GRANTS, CLAIMS, ETC.						
TOTAL		1190	1190			

FUNDING (Thousands of Dollars)

GENERAL FUND		1190	1190			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The revision to this bill will result in payment for all right of way and royalty related costs.

IV. DATE 3/14/80 PREPARED BY Charles D. Korella
 AGENCY DOT/PP
 Original: Legislative Finance PHONE 364-2121
 cc: Budget and Management
 Prime Sponsor (Last Legislator Named)

HOUSE BILL 782

TITLE: AN ACT RELATING TO LOCAL SERVICE ROADS AND TRAILS PROGRAM.

OBJECTIVES OF LEGISLATION: To grant local governments, which have assumed local road powers, increased authority/responsibility over local road criterions and the expenditure of the program's funds.

MAJOR AMENDMENTS TO PRESENT LAW: (A). Remove the discretionary authority of the commissioner of the department of transportation to withhold program money from "qualified" local governments; and power to mandate project agreements between the dept. and local governments concerning the construction of projects.

(B). Under this Act, local governments, which have adopted local road powers, may establish the design standards, right of ways, and widths, not the commissioner.

(C). The proposed language would allow the useage of program funds for the purchase of rights of ways. Present law prohibits such a useage.

SECTIONAL ANALYSIS OF HOUSE BILL 782

SEC 1 19.10.015

(B) would provide a municipality, that has assumed road powers (and will maintain said road) with the authority to designate road widths.

SEC 2 19.30.151

(A) is amended to remove reference to a date requiring a local government election. Amended version would require the transfer of L. S.R. and T's, upon approval by D.O.T., to the requesting local government.

SEC. 3 19.30.151

(B) is amended by deleting the commissioner's authority to with-hold program funds; based on his interpretation of qualification.

SEC 4 19.30.161

is amended by delegating to a local government, which has assumed road powers, the authority to establish road design standards, rights of way and widths for projects carried out under this program.

SEC 5 19.30.171

(B) is amended by deleting the requirement that the local government shall pay for the acquirement of rights of ways. Amended language would allow for the usage of program funds to acquire rights of ways.

SEC 6 19.30.181

is amended by deleting the project approval/disapproval authority of the commissioner and the requirement that the state and the appropriate local government enter into a formal project agreement. Amended language gives the local government the option to enter into a formal project agreement with the state, on any specific project.

SEC 7 19.30.191

(B) For local governments, which have not assumed road powers, amended language would delete the commissioner's authority to award contracts on a non-competitive basis. For Local governments, which have assumed local road powers, amended language deletes references to commissioner bidding participation. Furthermore, to insure that winning bids are selected upon the principle of "the lowest responsible bid" references to requirements or obligations that may be imposed upon a bidder were deleted.

SEC 8 19.30.201

technical amendments that serve to separate D.O.T. design standards and state law, from local government design standards and ordinances.

SEC 9 19.30.211

amendment that serves to distinguish between departmental constructed and maintained roads, and those constructed by the local government. If a project is under the authority of a local government, it will be its responsibility to insure maintenance.

SEC 10 19.30.221

(A) and (B) (With reference to 19.30.151(B), directing that funds be transferred to the appropriate local government) any reference to local governments in this section is unnecessary.

SEC 11 19.30.233 REPORTS:

(A) to insure accountability, by the local governments, an annual report must be submitted to the commissioner, stating the useages of the funds monies.

(B) To insure accountability, by the department, an annual report must be submitted to the governor stating the useages of the funds monies and the status of all projects for which it has construction responsibility.

*

Notes

The amendments proposed are intended to provide more flexibility for the existing LSR program. The bill as written is a "rough-cut", and may need refinement of language.

Also, the Department of Transportation has not been solicited as to the proposed changes. Therefore the DOT/PF may have substantial recommendations. These should be considered with respect to the responsibilities that remain with the Department under the bill.



Alaska State Legislature

House of Representatives

Committee on State Affairs

Official Business

February 27, 1980

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Russ Meekins, Chairman
House Finance Committee

FROM: Mike Miller, Chairman
House State Affairs Committee

As the attached letter from Commissioner Bob Ward indicates the local service roads and trails act was created by the seventh legislature and bonds for service roads have been included in every even-year bond election since. As you can see in past years the local service road portion of the transportation bonds package has amounted to as much as 40 per cent of the total. The administration proposal for the current transportation bond program is set at \$10,000,000. This is far too little to budget for one of the most successful and popular transportation programs in the state. Therefore the State Affairs Committee voted to raise the bonding for local service roads from 10 to 14.7 million dollars. Upon reflection I believe that even this is too small and would strongly recommend that additional bonding for this purpose be considered by the Finance Committee.

MM:kb

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. H. B. 782
 Title An Act relating to Local Service Roads and Trails
 Requested by House State Affairs Date 3/7/80

II. FISCAL DETAIL

Agency Affected DOT/PF
 Program Category Affected Highways - Design and Construction
 BRU, Program, or Subprogram(s) Affected Highways

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		690	690			
700 GRANTS, CLAIMS, ETC.						
TOTAL		690	690			

FUNDING (Thousands of Dollars)

GENERAL FUND		690	690			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The revision to this bill will result in payment for all right of way related costs. The above estimated costs are based only upon the proposed FY 81 CIP Bond Issue for \$10,000,000.

IV. DATE 3/10/80 PREPARED BY Charles D. Karella
 AGENCY DOT/PF
 PHONE 364-2121
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

3/12/80 CJK

Fiscal Note HB 782

Local Service Roads and Trails projects average 150 per bond issue.

Average project is one mile in length.

Urban

R/W Acq (^{\$}130,000 per A.) = ^{\$}200,000 }
R/W Admin @ 25% 50,000 } 250,000
Construction ^{\$}1,000,000 per mi.
R/W cost percentage of Const. 25%

Suburban

R/W Acq (^{\$}40,000 per Acre) = ^{\$}80,000 }
R/W Admin @ 35% 28,000 } 108,000
Construction 500,000 per mi.
R/W cost percent. of Const. = 22%

Remote Areas

R/W Acq (^{\$}3,500 per Acre) = ^{\$}8,000 }
R/W Admin @ 40% 3,000 } 11,000
Construction @ ^{\$}200,000 per mi.
R/W cost percent. of Construction = 5%

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DEPUTY COMMISSIONER - DESIGN, AND CONSTRUCTION

POUCH 2
JUNEAU, ALASKA 99811

March 18, 1980

200H

RE: HB 782 Relating to
Local Service Roads & Trails
Act - Malone & Rogers

The Honorable Mike Miller
House of Representatives
House State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Miller:

At your hearing on March 10, 1980 discussing the referenced bill, a question was raised concerning the apparent high administration costs for right of way acquisition in Remote areas compared with Urban and Suburban areas.

In comparing the actual costs per acre for right of way acquisition, it turns out that the cost of administration in remote areas is far less than for urban areas (see figure below).

<u>Area</u>	<u>Av. Cost of ROW per acre</u>	<u>Av. Admin Cost of ROW acquisition per acre</u>	<u>ROW Admin. as percent of ROW Cost</u>
Urban	\$130,000	\$32,500	25
Suburban	40,000	12,000	30
Remote	3,500	1,400	40

As is shown above, the percentages for ROW Administration can be very misleading and should be viewed in their proper context.

After your March 10 hearing on the proposed bill, we met briefly with Representative Malone to discuss possible amendments. As a result of that meeting we would like to recommend the attached wording for your consideration.

The major change suggested is to authorize royalty payments for materials used in constructing local service roads and trails projects. A revised fiscal note is attached which shows the added cost of royalty payments based on a \$10,000,000 Capital Improvement Program for LSR&T.

The Honorable Mike Miller

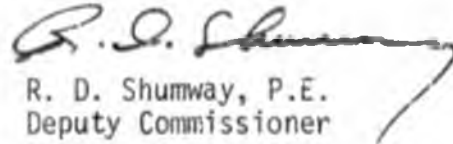
-2-

March 18, 1980

Other recommendations are intended to clarify the department's relation to local governments with, and without, road powers consistent with HB 782 as proposed.

We would be happy to discuss our comments and recommendation with you in more detail if you desire.

Sincerely,



R. D. Shumway, P.E.
Deputy Commissioner

Enclosures

cc: Representative Malone w/enc..

I. REQUEST

Bill/Resolution No. CS HB 782

Title An Act relating to local service roads and trails

Requested by Senate Community & Regional Affairs Committee Date 4/18/80

II. FISCAL DETAIL

Agency Affected Transportation & Public Facilities

Program Category Affected Highways - Design & Construction

BRU, Program, or Subprogram(s) Affected Highways

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		690	690			
700 GRANTS, CLAIMS, ETC.						
TOTAL		690	690			

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		690	690			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME						
PART TIME						
TEMPORARY						

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

The revision to this bill will result in payment for all right of way related costs. The above estimated costs are based only upon the proposed FY 81 CIP Bond Issue for \$10,000,000.

IV. DATE 4/18/80

PREPARED BY Charles D. Karella

AGENCY DOT/PT

PHONE 364-2121

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

3/12/80 CDK

Fiscal Note HB 782

Local Service Roads and Trails projects
average 150 per bond issue

Average project is one mile in length.

Urban

R/W Acq (¹⁵130,000 per A.) = 200,000 }
R/W Admin @ 25% 50,000 } 250,000
Construction @ 1,000,000 per mi.
R/W cost percentage of Const. 2.5%

Suburban

R/W Acq (¹⁵40,000 per Acre) = \$ 80,000 }
R/W Admin @ 35% 28,000 } 108,000
Construction 500,000 per mi.
R/W cost percent. of Const. = 2.2%

Remote Areas

R/W Acq (¹⁵43,500 per Acre = 23,000 }
R/W Admin @ 40% 3,000 }
Construction @ 200,000 per mi.
R/W cost percent. of Construction = 5%

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

Department of Transportation and Public Facilities

DEPUTY COMMISSIONER — PLANNING AND RESEARCH

Pouch Z

Juneau, Alaska 99811

February 25, 1980

The Honorable Ray Metcalfe
Alaska House of Representatives
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Metcalfe:

At your request, I offer the following information concerning Capital Projects.

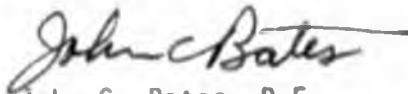
1) Bragaw, O'Malley to Huffman The department prepared an estimate of construction of this project. Our estimate is \$1,750,000.00.

2) Northern Lights Blvd., Boniface to Muldoon The departments current estimate for this project is \$5,000,000.00.

3) Hillside Drive, O'Malley to Abbott Paving of this route with minor widening and grade improvement is estimated at \$1,000,000.00.

If this office can be of further assistance please let me know.

Sincerely,



John C. Bates P.E.
Deputy Commissioner

ALASKA STATE LEGISLATURE - HOUSE OF REPRESENTATIVES



REPRESENTATIVE RICHARD I. ELIASON

P.O. BOX 143
SITKA, ALASKA 99835

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811

COMMITTEES
RESOURCES
STATE AFFAIRS

February 21, 1980
Juneau, Alaska

To: State Affairs Committee

From: Rep. Dick Eliason

Subject : Paving of Halibut road in Sitka

④ The Department of Transportation estimates the cost to pave the road from Davidoff street to the ferry terminal is \$2.4 million dollars. This covers the cost of paving, replacing guardrails and plastic striping. The length of road to be paved is 5.4 miles long, 2 inches thick and 36 feet wide, with an A.D.T. (average daily travel) rate of 1,800 people from the ferry terminal and 6,000 from the city limits.



Alaska State Legislature

House of Representatives

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

February 26, 1980

2/26/80

Memo-Rep. Miller

Regarding Holy Cross road as amended to HB 563, Holy Cross a village on the Yukon River is dependant on barge traffic for their bulk supplies. The road would lead from the village to the River. The road would also encourage growth of the village along the road. It is an eight mile all purpose road. It is to be a gravel road north of the village over the hill to the river.

A handwritten signature in cursive script, appearing to read "Vern Hurlbert".

Rep. Vern Hurlbert

PROJECT TITLE Holy Cross to Barge Landing	LOCATION(S) Holy Cross	AREA SERVED Holy Cross	ELECTION DISTRICT(S) 18
--	---------------------------	---------------------------	----------------------------

OBJ. NO(S)	APPROPRIATION REQUEST		OPTION 1	OPTION 2	OPERATIONAL COST & NO. PERSONNEL INCREASE (DECREASE)	OPTION 1 ULTIMATE ANNUAL YEAR	OPTION 2 ULTIMATE ANNUAL YEAR	PREVIOUS YR-PRIORITY
	1,2,4	1002	FED. RCPTS.	1,116.0			FED. RCPTS.	
1003		G/F MATCH			GEN. FUND	10.0		
1004		GEN. FUND						
1005		I/A RCPTS.						
		G.O. BONDS	84.0					
		TOTAL		1,200.0		TOTAL ANNUAL OPER. COST	10.0	
					POSITION (FTE)			

NARRATIVE

This project will involve the construction of approximately 8 miles of a new 20 foot wide, gravel surfaced roadway connecting Holy Cross with the barge landing. This surface transportation link will provide access to the barge landing used for movement of goods to and from Holy Cross.

CATEGORY Transportation AGENCY DOT/PF PROGRAM Highways Western Region



Alaska State Legislature

House of Representatives

Committee on State Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

February 27, 1980

MEMORANDUM

TO: Russ Meekins, Chairman
House Finance Committee

FROM: Mike Miller, Chairman
House State Affairs Committee

As the attached letter from Commissioner Bob Ward indicates the local service roads and trails act was created by the seventh legislature and bonds for service roads have been included in every even-year bond election since. As you can see in past years the local service road portion of the transportation bonds package has amounted to as much as 40 per cent of the total. The administration proposal for the current transportation bond program is set at \$10,000,000. This is far too little to budget for one of the most successful and popular transportation programs in the state. Therefore the State Affairs Committee voted to raise the bonding for local service roads from 10 to 14.7 million dollars. Upon reflection I believe that even this is too small and would strongly recommend that additional bonding for this purpose be considered by the Finance Committee.

MM:kb

HB

806

COMMITTEE REPORT

(7)

HOUSE

4/3/80

FURTHER: JUDICIARY

Date: 4-17-80

Mr. Speaker:

The Committee on STATE AFFAIRS has had SSHB 806

"An Act relating to heads, deputy heads, and directors of divisions of principal departments of the executive branch and to members of regulatory boards and commissioners."

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SSHB 806 same title
 new title
- and recommends DELETING
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

[Signature]

[Signature]

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]

[Signature]

CHAIRMAN

Introduced: 4/3/80
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY MALONE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 806

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to heads, deputy heads, and directors
7 of divisions of principal departments of the executive
8 branch and to members of regulatory boards and commis-
9 sions."

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

11 * Section 1. AS 39.50.090 is amended by adding new subsections to read:

12 (g) A person who served as a member of a state board or commission
13 ^{as} ~~and who was~~ a full-time state employee during that service may not, for
14 ^{one} ~~two~~ years after leaving that position, seek or take ^{direct or contractual} employment in a
15 business regulated by the board or commission of which he was a member.

16 (h) A person who was the head or deputy head of a principal de-
17 partment of the executive branch or director of a division in a prin-
18 cipal department of the executive branch may not, for ^{one} ~~two~~ years after
19 leaving that position, seek or take ^{direct or contractual} employment in a business with which
20 the principal department had a contract for services.

21
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23
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25
26
27
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29

LA21 0579 12.20 JAN1 0042 12.20 02/26/80

##

16

TO: HOUSE JUDICIARY COMMITTEE CHAIRMAN PARR AND MEMBERS
HOUSE STATE AFFAIRS COMMITTEE CHAIRMAN MILLER AND MEMBERS

FR: SILEEN MONTANO, CHAIRMAN, BOARD OF NURSING, SR 10033, FTX 99701
PHONE - 479-4410 (H) 452-8101 (WK)

RE HS 906

THE BOARD OF NURSING IS OPPOSED TO THIS BILL BOARD MEMBERS NEED TO BE
ACTIVE IN THE PROFESSION THEY REGULATE IN ORDER TO MAKE INTELLIGENT
DECISIONS. I DOUBT MANY ACTIVELY PRACTICING NURSES COULD AFFORD OR
WANT TO REFRAIN FROM PRACTICING THEIR PROFESSION FOR A PERIOD OF TWO
YEARS.

CAN BE CONTACTED 9 - 3:30 WORK 7 - 10 HOME

FBX 110713

#####

For your information, from
Senator Tillion's office.

Union Oil Company of California
P.O. Box 575, Kenai, Alaska 99611
Telephone (907) 776-8121



March 3, 1980

Representative Hugh Malone
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Malone:

Recently I received a copy of your House Bill 806 regarding department heads and board members. This bill, if enacted, will create an unworkable situation for most if not all board members.

I am a member of the State Board of Welding Examiners and also derive my livelihood in an industry regulated by the Board. I believe this holds true for all members of the Board of Welding Examiners and presume it holds true for most members of most State boards as the people in any industry are the most knowledgeable about that industry.

Part (G) of your bill states that a board member "may not seek or take employment in a business regulated by a board or commission of which he was a member" for two years after leaving that position.

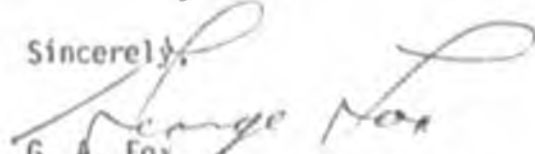
Board members serve without compensation other than expenses as a civic responsibility in order to make our state a better place in which to live.

There is absolutely no way that I or other board members could or would jeopardize our livelihoods or future earning ability to serve as a board member without compensation. To be restricted from accepting employment in my chosen field of endeavor would constitute an economic risk that I could not accept.

If this bill is enacted as written I shall be forced to tender my resignation to the board. I am sure most board members will feel the same way.

This would be comparable to a law stating that you could not accept any surveying contracts from any government entity for two years after your service in the house because you have been involved in government.

Sincerely,


G. A. Fox
Engineering Superintendent

cc: ~~Clay~~ V. Tillion, Senate, Pouch V, Juneau, AK 99811

Patrick M. O'Connell, House of Representatives, Pouch V, Juneau, AK 99811

Hoyle H. Hamilton
4040 Apollo Drive
Anchorage, Alaska 99504
March 7, 1980

Hon. Sarah J. Smith
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Smith:

This is in response to two similar House bills SSHB 799 and HB 806.

Both of these bills would amend AS 39.50.090 by adding a subsection which would not allow certain persons to take employment for two years in the business field associated with their position in state government.

In both bills this would apply to members of state commissions and they could not seek or take employment in a business regulated by the commission for two years after leaving the commission.

I am currently a member of the Alaska Oil and Gas Conservation Commission. A requirement for the position I hold is that I have to be a licensed professional engineer in the field of petroleum engineering. This has been my profession for the last 24 years. If either of these bills were to become law as they are currently written, then I would be unable to obtain employment in my professional field for two years following my employment with the Commission. To be deprived of one's livelihood for two years is an extreme hardship to place on anyone.

By virtue of being a licensed engineer I am already bound by statute (AS 08.01 and AS 08.48) and regulations (12 AAC 36) to "Rules of Professional Conduct."

I would like to ask that consideration be given to this matter when these bills are being reviewed.

Sincerely yours,



Hoyle H. Hamilton
State of Alaska
Registered Professional Engineer
No. 1755-E
EP

Hoyle H. Hamilton
4040 Apollo Drive
Anchorage, Alaska 99504
March 7, 1980

Hon. Mike Miller
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Miller:

This is in response to two similar House bills SSHB 799 and HB 806.

Both of these bills would amend AS 39.50.090 by adding a subsection which would not allow certain persons to take employment for two years in the business field associated with their position in state government.

In both bills this would apply to members of state commissions and they could not seek or take employment in a business regulated by the commission for two years after leaving the commission.

I am currently a member of the Alaska Oil and Gas Conservation Commission. A requirement for the position I hold is that I have to be a licensed professional engineer in the field of petroleum engineering. This has been my profession for the last 24 years. If either of these bills were to become law as they are currently written, then I would be unable to obtain employment in my professional field for two years following my employment with the Commission. To be deprived of one's livelihood for two years is an extreme hardship to place on anyone.

By virtue of being a licensed engineer I am already bound by statute (AS 08.01 and AS 08.48) and regulations (12 AAC 36) to "Rules of Professional Conduct."

I would like to ask that consideration be given to this matter when these bills are being reviewed.

Sincerely yours,



Hoyle H. Hamilton
State of Alaska
Registered Professional Engineer
No. 1755-E
EP

Alaska State Legislature

LIBERTARIAN
REPRESENTATIVE
RICHARD (DICK) L. RANDOLPH
1105 CUSHMAN ST.
FAIRBANKS, ALASKA 99701
Phone (907) 452-2206



WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA
99811
Phone (907) 465-4955

House of Representatives
April 1, 1980

Hoyle H. Hamilton
4040 Apollo Dr.
Anchorage, Ak 99504

Dear Mr. Hamilton,

I think your personal difficulty with SSHB 799 and HB 806 demonstrates the total inadequacy of these bills even from the point of view of people who strongly support this type of measure, because surely none of them intended to squeeze a person out of his own profession by these bills. As a first step in trying to alleviate your problem I will forward copies of your letter to the bills' sponsors to see if they can deal with this glaring problem before the bills reach the floor of the House.

As a libertarian, I have problems with the whole concept behind these pieces of legislation. In the first place, I do not believe that it is the government's business to be doing much of the regulating which it is poorly attempting to do, because the unhampered market has demonstrated time and again that it can do the job much more efficiently. Given that the state does have the task to regulate parts of the market, however, I still do not think that this sort of legislation is the proper way to prevent the abuses which can occur when government and business work closely together, because such laws punish the innocent right along with the guilty. As far as I can see, the only proper method to prevent undesirable transfers of employment from regulatory commissions to private industry is to require that prospective employees of government agencies sign agreements or contracts specifying unacceptable post-employment activities. This would be fair to all concerned, because no threat of punishment forces anyone to behave in a manner other than that to which he has agreed.

It is certainly monstrous to make these penalties apply to present commission employees ex post facto without first giving them a chance to resign.

Freedom is the issue,

Dick Randolph
Alaska's Libertarian Legislator

cc: McKinnon, Malone, Miller, Fuller, Gardiner, Parker, Eliason
Martin, Metcalfe

Hoyle H. Hamilton
4040 Apollo Drive
Anchorage, Alaska 99504
March 7, 1980

Hon. Richard L. Randolph
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Randolph:

This is in response to two similar House bills SSHB 799 and HB 806.

Both of these bills would amend AS 39.50.090 by adding a subsection which would not allow certain persons to take employment for two years in the business field associated with their position in state government.

In both bills this would apply to members of state commissions and they could not seek or take employment in a business regulated by the commission for two years after leaving the commission.

I am currently a member of the Alaska Oil and Gas Conservation Commission. A requirement for the position I hold is that I have to be a licensed professional engineer in the field of petroleum engineering. This has been my profession for the last 24 years. If either of these bills were to become law as they are currently written, then I would be unable to obtain employment in my professional field for two years following my employment with the Commission. To be deprived of one's livelihood for two years is an extreme hardship to place on anyone.

By virtue of being a licensed engineer I am already bound by statute (AS 08.01 and AS 08.48) and regulations (12 AAC 36) to "Rules of Professional Conduct."

I would like to ask that consideration be given to this matter when these bills are being reviewed.

Sincerely yours,



Hoyle H. Hamilton
State of Alaska
Registered Professional Engineer
No. 1755-E
EP

Alaska State Legislature

HOME ADDRESS
1136 SUNSET DRIVE
FAIRBANKS, ALASKA 99701
HOME PHONE: 455-4610

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
HOME PHONE 588-3583
OFFICE PHONE 478-3788



SENATOR
GLENN HACKNEY
REPRESENTING
SENATE DISTRICT 0
"ALASKA'S GOLDEN HEART"

COMMITTEES:
FINANCE
HEALTH, EDUCATION & SOCIAL SERVICES
CHAIRMAN

State Senate

March 28, 1980

Hoyle H. Hamilton
4040 Apollo Drive
Anchorage, Alaska 99504

Dear Mr. Hamilton,

Thank you for your letter of March 7 stating your objections to SSHB 799 and HB 806. Both of these bills are still in the House State Affairs Committee. I am forwarding a copy of your letter to the chairman of that House committee for his consideration.

Sincerely,

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

Glenn Hackney
State Senator

cc: ✓ Representative Mike Miller

Hoyle H. Hamilton
4040 Apollo Drive
Anchorage, Alaska 99504
March 7, 1980

Hon. Glenn Hackney
Alaska Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Hackney:

This is in response to two similar House bills SSHB 799 and HB 806.

Both of these bills would amend AS 39.50.090 by adding a subsection which would not allow certain persons to take employment for two years in the business field associated with their position in state government.

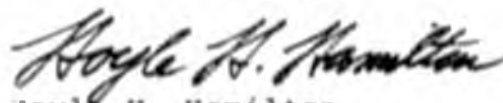
In both bills this would apply to members of state commissions and they could not seek or take employment in a business regulated by the commission for two years after leaving the commission.

I am currently a member of the Alaska Oil and Gas Conservation Commission. A requirement for the position I hold is that I have to be a licensed professional engineer in the field of petroleum engineering. This has been my profession for the last 24 years. If either of these bills were to become law as they are currently written, then I would be unable to obtain employment in my professional field for two years following my employment with the Commission. To be deprived of one's livelihood for two years is an extreme hardship to place on anyone.

By virtue of being a licensed engineer I am already bound by statute (AS 08.01 and AS 08.48) and regulations (12 AAC 36) to "Rules of Professional Conduct."

I would like to ask that consideration be given to this matter when these bills are being reviewed.

Sincerely yours,



Hoyle H. Hamilton
State of Alaska
Registered Professional Engineer
No. 1755-E
EP

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

BOARD OF NURSING HOME ADMINISTRATORS

March 5, 1980

JAY S. HAMBROED, GOVERNOR

POUCH D
JUNEAU, ALASKA 99811

Representative Hugh Malone
Pouch V
Juneau, Alaska 99811

Dear Mr. Malone:

I wish to call to your attention that House Bill No. 806 which you introduced on February 18, 1980 will render the present Nursing Home Administrators Licensing Board non-functional. This, in turn, will cause severe hardships on the States administration of Nursing Homes as the NHA Board is required in order to comply with Federal Regulations to receive some \$10 million in Federal Medicaid and Medicare matching funds.

The present Board consists of members comprised of:
Two Nursing Home Administrators
One Registered Nurse
Two Lay Persons

It is obvious no practicing Nursing Home Administrator or Registered Nurse would put their livelihood and career in jeopardy for two years to accept a position on the Board no matter how dedicated they may be.

The two Nursing Home Administrators presently on the Board have indicated they would have to resign unless the legislation was amended to address such situations. I do not believe that legislation exempting present Board members is the solution since an effective Board requires such professionals to be effective.

I urge you serious consideration of the possible consequences of House Bill No. 806 as presently written.

Respectfully,


Jane Hanna
Chairperson

CC CM Webber
Ann Griens
All Board Members
Rep. Miller (re-Dove M. Kull's conversation w/you on this matter)
Art Peterson

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HH 806 An Act relating to heads, dep. heads, and directors
 Title of divisions in depts. of the ex. branch & to members of reg. bds. &
 Requested by commissions. (H) State Affairs Date April 22, 1980

II. FISCAL DETAIL

Agency Affected Commerc. and Economic Development

Program Category Affected Protection

BRU, Program, or Subprogram(s) Affected All

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

There is no fiscal impact associated with passage of this bill.

IV. DATE April 22, 1980

PREPARED BY David Creekman

AGENCY Dept. of Commerce and Economic Dev.

PHONE 465-2504

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

HB

883

COMMITTEE REPORT

(7)

HOUSE

2/19/80

FURTHER: FINANCE

Date:

7-21-80

Mr. Speaker:

The Committee on STATE AFFAIRS has had HB 883

"An Act making a special appropriation to the Office of the Governor, Reapportionment Board; and providing for an effective date."

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 883 same title
 new title
- and recommends YES
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

CHAIRMAN

March 19, 1980

The Honorable Russ Meekins
Chairman
House Finance Committee
Pouch V
Juneau, Alaska 99811

Re: HB 883 - Special Appropriation to the
Office of the Governor, Reapportionment
Board

Dear Mr. Chairman:

Please amend the above-mentioned bill by increasing the
appropriation amount in Section 1 to \$204,800. The
justification for the increase is attached.

Thank you for your consideration of this matter.

Sincerely,

Keith W. Specking
Legislative Assistant
to the Governor

Attachment

cc: ✓ The Honorable Mike Miller
Chairman, House State Affairs Committee, w/attachment

Jeff Morrison
Budget & Management, w/attachment

Karen Ward, Executive Director
Reapportionment Board

KWS:kms

MEMORANDUM

TO: Ron Lehr, Director
Division of Budget and
Management

DATE: March 18, 1980

FILE NO:

TELEPHONE NO:

FROM: 
Karen Ward, Executive Director
Reapportionment Board

SUBJECT: Revision of Special
Appropriation - HB 883

During the March 13, 1980 meeting of the Reapportionment Board, the members approved an additional \$93.6 for funding of the Reimbursable Services Agreement with the Institute of Social and Economic Research of the University of Alaska. The Board has currently entered into an RSA with the Institute for \$65.5; however, payment of the entire amount of \$65.5 was contingent upon legislative approval of the special appropriation.

Based on my March 13 memo to the Board (copy attached) outlining the basis for requesting the additional funding and the comments by Mr. Jack Kruse of the Institute who attended their meeting, the Board felt that in order to obtain an adequate response rate to their survey of Alaska's military population, providing a reliable data base for reapportionment purposes, they would need the additional amount of \$93.6 bringing the total request for the Board to \$204.8 for FY 80.

HB 883 is currently in the House State Affairs Committee. Their hearing on this appropriation is scheduled for Friday, March 21. Your prompt attention and approval of this revision is greatly appreciated.

Attachment

cc: Keith Specking
Legislative Assistant
to the Governor

KW:skf

March 13, 1980

To: Reapportionment Board

From: *Karen Ward*
Karen Ward

Re: Reimbursable Services Agreement with the Institute of
Social and Economic Research

Jack Kruse has informed me that several factors will necessitate a substantial increase in the amount of the RSA. The factors are these: first, the military will not make a self-administered survey to all military mandatory; second, the expected low response rate from a voluntary survey will provide data of questionable value; and, third, a random sample survey with planned follow-ups of non-respondents will be necessary to insure the acquisition of reliable data.

The random sample will be as described in Option B as set forth in ISER's revised proposal of 3-3-80. The cost of Option B will be \$121,600; this constitutes an approximate increase of \$93,600.

HB

906



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

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

DATE: February 27, 1980

RE: House Bill 906

Relating to the veterans' service preference under the state personnel system.

House Bill 906 addresses Recommendation 12 of the Blue Ribbon Commission's Report to the Alaska Legislature, concerning the veterans' preference system in the State Personnel Act.

This bill proposes two changes in the veterans' preference system statute. The first, a housekeeping measure, designates November 7, 1975, as the final date for eligibility for preference as a veteran of the Vietnam era. This date was selected on the basis of President Ford's proclamation that the Vietnam era ended on May 7, 1975. See attached copy.

The second change limits eligibility for veterans' preference points to a period of three years following discharge from the armed forces of the United States. The majority of the commission considered three years to be a reasonable period to assist veterans in their readjustments to civilian life and in their reentry into the civilian work force.

TBC:sp

No. 4373

May 9, 1975, 40 F.R. 20257

**FIXING TERMINAL DATE RESPECTING SERVICE IN THE ARMED
FORCES ENTITLING PERSONS TO CERTAIN
VETERANS BENEFITS**

**BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION**

The Congress has provided that entitlement to certain veterans benefits be limited to persons serving in the Armed Forces during the period, beginning August 5, 1964, referred to as the Vietnam era. The President is authorized to determine the last day on which a person must have entered the active military, naval, or air service of the United States in order for such service to qualify as service during that period.

The signing of the cease-fire agreements and implementing protocols on January 27, 1973, between the United States of America and the Republic of Vietnam, on the one hand, and the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam on the other hand, has terminated active participation by the Armed Forces of the United States in the Vietnam conflict.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 101(29) of Title 38 of the United States Code, do hereby proclaim, for the purposes of said Section 101(29), that May 7, 1975, is designated as the last day of the "Vietnam era."

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

HB

907

(7)

COMMITTEE REPORT HOUSE

2/26/80

FURTHER:

Date: 4-7-80

Mr. Speaker:

The Committee on STATE AFFAIRS has had HB 907

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

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 907 same title
 new title
- and recomensus CS HB 907 DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

Mr. Miller
DeBlasio
Bin Park
Terry Gardiner
Jan [unclear]
Ray [unclear]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Zerry Master - Do not pass
unless amended.

Mr. Miller
 CHAIRMAN

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

1 IN THE HOUSE

2 HOUSE BILL NO. 907

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to collective bargaining; and pro-
7 viding for an effective date."

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

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

10 (b) When an agreement is entered into between an organization and
11 the state, the agreement shall be submitted to the legislature ~~within 30~~
12 ~~days after convening of a regular session~~ for approval of the monetary
13 terms by appropriation or for rejection ^{of the monetary terms.} ~~by concurrent resolution. The~~
14 ~~legislature may not adjourn a regular session until it has accepted or~~
15 ~~rejected the monetary terms of an agreement submitted under this sub-~~
16 ~~section.~~ The monetary terms of an agreement may not take effect unless
17 approved by appropriation by the legislature as provided in this sub-
18 section.

19 * Sec. 2. AS 23.40.215 is amended by adding a new subsection to read:

20 (b) When the monetary terms of an agreement for more than one year
21 are approved by an appropriation and the agreement makes no provision
22 for reopening and negotiating adjustments in those monetary terms during
23 the life of the agreement, the appropriation shall be for the entire
24 cost of the monetary terms to be expended in successive fiscal years in
25 accordance with those terms over the life of the agreement, and its
26 enactment shall constitute a contract by the state not to repeal or
27 diminish the appropriation during the life of the agreement.

28 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
29 070(c).



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant

ABC

DATE: February 27, 1980

RE: House Bill 907

Relating to collective bargaining; and providing for an effective date.

House Bill 907 addresses the issue of legislative involvement in the collective bargaining process and implements Recommendation 4 of the Blue Ribbon Commission's Report to the Alaska Legislature.

ANALYSIS OF BILL

The purpose of this bill is to provide a system for legislative consideration of the monetary terms of the collective bargaining contracts negotiated by the state and its employees' organizations.

Section one of the bill amends the Public Employment Relations Act to implement the system of review. It provides that

- the monetary terms of collective bargaining agreements must be approved by the legislature in order for those terms to take effect;
- agreements between the employee organizations and the state shall be submitted to the legislature within the first 30 days of a regular session;
- legislative review is limited to the monetary terms of the agreements;
- the legislature approves those terms by passing the appropriation bills to fund the agreements;
- the legislature may reject the monetary terms by adopting a Concurrent Resolution; and
- the legislature may not adjourn a regular session until it has either accepted or rejected the monetary terms of any collective bargaining agreements which have been brought before it.

Section two of the bill addresses funding for multi-year collective bargaining agreements. It provides that the legislative appropriation which will establish legislative approval for the monetary terms is to be an appropriation for the entire life of the agreement. The legislative enactment constitutes a contract by the state not to repeal or reduce the appropriation during that time. This provision for multi-year funding applies only to agreements which make no provision for reopening and negotiating adjustments to the monetary terms during the life of the agreement.

Section three of the bill provides that the bill takes effect immediately.

DISCUSSION

The commission considered the question of how to provide a more active role for the legislature in considering the fiscal impact of collective bargaining agreements while retaining a viable negotiating system within the executive branch. The commission considered that for the legislature to negotiate directly with the public employee organizations would be excessively time-consuming, and that therefore this task was more appropriately left to the Division of Labor Relations of the Department of Administration. The commission believes that the system proposed in this bill is the most appropriate vehicle for legislative review.

The commission recommends that action on the agreements submitted to the legislature be taken expeditiously. This would insure that if the legislature rejected an agreement, there would remain time within the session for the parties to renegotiate, should they choose to do so. If they agreed to an alternative agreement, the second agreement could be submitted for legislative review of the monetary terms. Nothing in this bill precludes the parties from taking any other action they might deem appropriate, including seeking approval of a strike by an organization's membership.

Should this bill be enacted, an interim system would have to be agreed to by the parties for contracts presently in force.

TBC:sp

HB

908

COMMITTEE REPORT

HOUSE

2/26/80

FURTHER:

Date: 3-25-80

Mr. Speaker:

The Committee on STATE AFFAIRS has had HB 908

"An Act relating to the merit principle in state employment."

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

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

**MEMBERS SIGNING
DO PASS**

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

CHAIRMAN



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

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

DATE: February 27, 1980

RE: House Bill 908

Relating to the merit principle in state employment.

House Bill 908 addresses Recommendation 1 of the Blue Ribbon Commission's Report to the Alaska Legislature concerning recognition of the components of the merit principle of employment.

The Alaska Constitution directs, in Article XII, Section 6, that "(t)he legislature shall establish a system under which the merit principle will govern the employment of persons by the state." The constitution does not identify the components of the "merit principle." During the constitutional debates, the delegates identified concepts which they believed were encompassed by that term. See Proceedings of the Alaska Constitution Convention, pages 2886-2895. The legislature incorporated those concepts into the State Personnel Act which was adopted in 1961, but did not identify specifically the essential elements. This bill places the five components of the merit principle identified during the Constitution Convention in the State Personnel Act.

Since the Public Employment Relations Act requires that all collective bargaining agreements conform to the merit principle of employment, the designation of these components of the merit principle would serve to insure that the parties to collective bargaining agreements were on notice as to the state's interpretation of that language.

These five principles are consistent with the federal Standards for a Merit System of Personnel Administration, 44 F.R. 10238. The federal standards must be met for employment of persons in any grant-in-aid program. In addition, to the five areas addressed in this bill, the federal standards include a merit principle which requires that employees be trained as needed to assure high quality performance.

TBC:sp



Alaska State Legislature

House of Representatives

Committee on State Affairs

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

April 21, 1980

MEMORANDUM

TO: State Affairs Committee Members
FROM: Kristine Harder

I received a telephone call from Bruce Cummings in the Department of Administration on Friday. At one point during the committee's discussion on H.B. 908 Representative Martin requested that the committee be providing with information concerning merit increases. In 1979 approximately 97 1/2% of all state employees received merit increases. Therefore, only 2.58% did not receive merit increases.

HB

927

(7)

COMMITTEE REPORT

HOUSE

2/29/80

FURTHER: FINANCE

Date: 3-12-80

Mr. Speaker:

The Committee on STATE AFFAIRS has had HB 927

"An Act designating programs and activities for review and termination under AS 44.66; and providing for an effective date."

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

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

**MEMBERS SIGNING
DO PASS**

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]

CHAIRMAN

(2) employ a person whose duties require expertise in determining or reducing the hazards of radiation.

(b) As used in this section, "state agency" or "agency of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the Alaska State Housing Authority; "state agency" or "agency of the state" does not include the University of Alaska, a municipality, or an agency of a municipality.

(c) As used in this section, "radiation" does not mean radiation emitted from a Federal Communications Commission licensed facility emitting radiation of a wave length longer than one centimeter and an average power output not exceeding two kilowatts. (§ 2 ch 172 SLA 1978)

Cross reference. — As to radiation protection, see AS 18.60.475.

Chapter 66. Review of the Activities of Agencies, Boards and Commissions.

Section	Section
10. Termination of state boards and commissions	30. Program identification
20. Agency programs	50. Legislative oversight
	60. Existing claims

Cross reference. — As to the termination, continuation and reestablishment of regulatory boards, see AS 08.03.010.

Editor's note. — Section 1, ch. 149, SLA 1977, provides: "The legislature finds that the substantial increase in the number of state agencies, boards and commissions, and the proliferation of rules and regulations which each has adopted have contributed to a public disenchantment with the operation of state government,

and that there is need for an effective and regular system of scrutiny of the programs and activities of all agencies, boards and commissions. The legislature further finds that the establishment of a system for periodic review by the public and the executive and legislative branches of certain state agencies, boards and commissions will help the governor and the legislature to determine the need for the continued existence of each of the agencies, boards and commissions."

Sec. 44.66.010. Termination of state boards and commissions. (a) Boards and commissions listed in this subsection expire on the date set out after each:

- (1) Alcoholic Beverage Control Board (AS 04.05.010) — June 30, 1979;
- (2) Alaska Transportation Commission (AS 42.07.011) — June 30, 1979;
- (3) State Board of Parole (AS 33.15.010) — June 30, 1980;
- (4) Alaska Public Utilities Commission (AS 42.05.010) — June 30, 1980;

- (5) Alaska Pipeline Commission (AS 42.06.010) — June 30, 1981;
 (6) Alaska Council on Science and Technology (AS 44.19.181) — June 30, 1983;
 (7) Alaska Renewable Resources Corporation (AS 37.12.010) — June 30, 1982.

(b) Upon termination, a commission listed in (a) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs.

(c) A commission scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years. (§ 3 ch 149 SLA 1977; am § 3 ch 101 SLA 1978; am § 10 ch 1979 SLA 1978)

Effect of amendments. — The first 1978 amendment added paragraph (6) of subsection (a). The second 1978 amendment added paragraph (7) of subsection (a).

Sec. 44.66.020. Agency programs. (a) Agency programs and activities listed in this subsection which are specifically designated as provided in § 30 of this chapter are subject to termination during the regular legislative session convening in the month and year set out after each:

- (1) programs in the budget categories of general government, public protection, and administration of justice — January, 1980;
- (2) programs in the budget categories of education and the University of Alaska — January, 1981;
- (3) programs in the budget categories of health and social services — January, 1982;
- (4) programs in the budget categories of natural resources management, development and transportation — January, 1983.

(b) An agency program or activity designated in (a) of this section shall be subject to termination during the regular legislative session convening four years after the preceding review and may be subject to termination at any time upon the recommendation of the Legislative Budget and Audit Committee and the concurrence of the legislature as if under § 30 of this chapter. (§ 3 ch 149 SLA 1977)

Sec. 44.66.030. Program identification. During the legislative session preceding each of the years set out in § 20 of this chapter, the Legislative Budget and Audit Committee shall designate, not later than March 1 of those years, the programs and activities within each program category which shall be subject to termination in the next fiscal year. The recommendations of the Legislative Budget and Audit Committee shall be submitted to the respective houses of the legislature in the form of a bill which, if enacted into law, would terminate those designated programs and activities on or before July 1 of the following year. (§ 1 ch 149 SLA 1977)

Sec. 44.66.050. Legislative oversight. (a) Before the termination, dissolution, continuation or reestablishment of a board or commission under AS 08.03.010 or § 10 of this chapter, or of an agency program under §§ 20 and 30 of this chapter, a committee of reference of each house, which shall be the standing committee of legislative jurisdiction as provided in the Uniform Rules of the Legislature, shall hold one or more hearings to receive testimony from the public, the commissioner of the department having administrative responsibility for each named board, commission, or agency program, and the members of the board or commission involved. The hearings may be joint hearings. The committee shall also consider the proposed budget of the board, commission, or agency program, prepared in accordance with AS 37.07.050(f), and the performance audit of the activities of the board, commission, or agency program, prepared by the legislative audit division as prescribed in AS 24.20.271(1). The committee may consider any other report of the activities of the board, commission or program, including but not limited to annual report summaries prepared by the Legislative Affairs Agency, and any evaluation or general report of the manner of conduct of activities of the board, commission, or agency program prepared by the office of the ombudsman.

(b) During a public hearing, the board, commission or agency shall have the burden of demonstrating a public need for its continued existence or the continuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

(c) A determination as to whether a board or commission or agency program has demonstrated a public need for its continued existence shall take into consideration the following factors:

(1) the extent to which the board, commission or program has operated in the public interest;

(2) the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters;

(3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest;

(4) the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided;

(5) the extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions;

(6) the efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved;

(7) the extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public;

(8) the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest; and

(9) the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

(d) As to each board, commission, or agency program assigned to it for purposes of review, the committee of reference shall, not later than the 60th day of the legislative session, submit a report to the presiding officer of the house. The report shall contain a summary of the findings of the committee as to the compliance of the board, commission or program with the factors enumerated in (c) of this section, together with a summary or recommendations of the committee as to each of the following:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

(4) an assessment of alternative methods of achieving the purposes of the program;

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

(e) The committee of reference may introduce a bill providing for the reorganization or continuation of the board, commission or agency program. No more than one board, commission, or agency program shall be continued or reestablished in any legislative bill, and the board,

commission, or agency program shall be mentioned in the title of the bill. (§ 3 ch 149 SLA 1977)

Sec. 44.66.060. Existing claims. This chapter shall not cause the termination or dismissal of a claim or right of a citizen against a board, commission or program of an agency terminated under this chapter which is subject to litigation. Claims and rights shall be assumed by the department to which the board or commission terminated under this chapter was attached for administrative purposes. (§ 3 ch 149 SLA 1977)

Part 8. Claims and Liability.

Chapter 77. Claims Against the State.

Sec. 44.77.010. Presentation of claims.

Legislative history of section. — See *State v. ZIA, Inc.*, Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

This section is only applicable after the claimant has pursued an administrative remedy. *State v. ZIA, Inc.*, Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

The word "given" serves only to modify the word "services." *State v. ZIA, Inc.*, Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

It is apparent that if "given" modified "money," "labor," "materials" and "supplies," each term would have a double modifier and the statute would be subject to construction not contemplated by the legislature. *State v. ZIA, Inc.*, Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

For the purposes of the filing of contract claims, "promptly" is not defined in calendar terms. *State v. ZIA, Inc.*, Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

If the legislature had intended to define "promptly" for other claims (including contract claims) and had a period of time in

mind, it can be assumed that a reasonable legislature would have so legislated. In the absence of those intentions, no definite time limit should delimit "promptly" as applied to contract claims under subsection (a). *State v. ZIA, Inc.*, Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

The legislature chose to define "promptly" only for medical claims. *State v. ZIA, Inc.*, Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

Corporation's claim for damages against state for breach of contract was based on contract. — See *State v. ZIA, Inc.*, Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

And was reimbursement for money expended for state. — Where, in its complaint, a corporation sought recovery against the state for money expended for labor, materials, administrative expenses, design and lost profits due to breach of contract, it sought "reimbursement for money expended for the state" as contemplated by this section. *State v. ZIA, Inc.*, Sup. Ct. Op. No. 1337 (File No. 2518), 556 P.2d 1257 (1976).

Chapter 80. Liability of the State.

Article 3. Special Use of Highways.

Section

70 Special use of highways and other areas

Sec. 44.80.070. Special use of highways and other areas. When the state, or a department or agency of the state, which has control over a highway or vehicular way or area, permits a portion of the highway or

08.02.020

by the use of appropriate letters or a title after his name which represents his specific field of practice. The letters or title shall appear on all signs, stationery or other advertising in which the person offers or displays his professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy under AS 08.64.360(2), or a person engaged in any manner in the healing arts who diagnoses, tests, or counsels other persons in relation to human health or disease and identifies himself by using the letters "M.D." or the title "doctor" or "physician" or any other title which tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist", "obstetrician", "naturopath", or the like.

(3) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of his noncompliance by his appropriate licensing board. If, after a reasonable time, with opportunity for a hearing, his noncompliance continues, the board may suspend or revoke his license or registration, or administer other disciplinary action which in its determination is appropriate. (§ 10-6 SLA 1973)

Sec. 08.02.020. Limitation of liability for members of licensing boards. No person is liable for damages or other relief in an action by reason of his performance of a duty, function, or activity as a member of a licensing board or by reason of a recommendation or action of the board when the person acts in the reasonable belief that his action or recommendation is warranted by facts known to him or to the board after reasonable efforts to ascertain the facts upon which the action or recommendation is made. (§ 45 ch 102 SLA 1976)

Chapter 03. Termination, Continuation and Reestablishment of Regulatory Boards

Termination, continuation and reestablishment of regulatory boards

Cross reference. — As to review of the activities of agencies, boards and commissions, see AS 44.66.010 et seq.

Editor's note. — Section 1, ch 149, SLA 1975 provides: "The legislature finds that the substantial increase in the number of state agencies, boards and commissions, and the proliferation of rules and regulations which each has adopted have contributed to a public disenchantment with the operation of state government, and that there is a need for an effective and

regular system of scrutiny of the programs and activities of all agencies, boards and commissions. The legislature further finds that the establishment of a system for periodic review by the public and the executive and legislative branches of certain state agencies, boards and commissions will help the governor and the legislature to determine the need for the continued existence of each of the agencies, boards and commissions."

Title 9
Code of Civil Procedure

Sec. 08.03.010. Termination, continuation and reestablishment of regulatory boards. (a) Boards listed in this subsection have a termination date of June 30, 1979:

- (1) Board of Chiropractic Examiners (AS 08.20.010);
- (2) Board of Dental Examiners (AS 08.36.010);
- (3) State Medical Board (AS 08.64.010);
- (4) Board of Nursing (AS 08.68.010);
- (5) Board of Dispensing Opticians (AS 08.71.010);
- (6) Board of Examiners in Optometry (AS 08.72.010);
- (7) Board of Pharmacy (AS 08.80.010);
- (8) Board of Veterinary Examiners (AS 08.98.010);
- (9) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010);
- (10) Board of Nursing Home Administrators (AS 08.70.010);
- (11) Physical Therapy Board (AS 08.84.010)

(b) Boards listed in this subsection have a termination date of June 30, 1980:

- (1) Board of Public Accountancy (AS 08.04.010);
- (2) Board of Barber Examiners (AS 08.12.010);
- (3) Collection Agency Board (AS 08.24.011);
- (4) Board of Hairdressing and Beauty Culture Examiners (AS 08.28.010);
- (5) Board of Electrical Examiners (AS 08.40.010);
- (6) State Board of Registration for Architects, Engineers and Land Surveyors (AS 08.48.011);
- (7) Guide Licensing and Control Board (AS 08.54.010);
- (8) Board of Marine Pilots (AS 08.62.010);
- (9) Real Estate Commission (AS 08.88.011);
- (10) Board of Welding Examiners (AS 08.99.010);
- (11) Board of Governors of the Alaska Bar Association (AS 08.08.011)

(c) Upon termination, each board listed in (a) and (b) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities.

(d) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(e) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years. (§ 2 ch 149 SLA 1977)

which the order was based. *State v. Smith*, Sup. Ct. Op. No. 1838 (File Nos. 3797, 3893), 593 P.2d 625 (1979).

Severability of order. — Where some of the provisions of an order were limited to forbidding illegal acts and that some of them were not, and where it was possible to elide the excessive portions, it was not necessary that the entire order be vacated. *State v. Smith*, Sup. Ct. Op. No. 1838 (File Nos. 3797, 3893), 593 P.2d 625 (1979).

Finality of order. — An order of the superior court that merely vacated modified order of the commissioner without ruling on the original order would not have resulted in the original order becoming final. Only if the person involved had failed to request a hearing within 15 days would that result have occurred. *State v. Smith*, Sup. Ct. Op. No. 1838 (File Nos. 3797, 3893), 593 P.2d 625 (1979).

Chapter 02. Miscellaneous Provisions.

Sec. 08.02.020. Limitation of liability for members of licensing boards.

Cross reference. — As to notes to AS 09.55.538 and Alas. Const., art II, § 14, constitutionality of ch. 102, SLA 1976, see

Chapter 03. Termination, Continuation and Reestablishment of Regulatory Boards.

Section	Section
10. Termination, continuation and reestablishment of regulatory boards	20. Procedures governing termination, transition and continuation.

Sec. 08.03.010. Termination, continuation and reestablishment of regulatory boards. (a) Boards listed in this subsection have a termination date of June 30, 1979:

- (1) Board of Chiropractic Examiners (AS 08.20.010);
 - (2) Board of Dental Examiners (AS 08.36.010);
 - (3) State Medical Board (AS 08.64.010);
 - (4) Repealed by § 3 ch 74 SLA 1979;
 - (5) Board of Dispensing Opticians (AS 08.71.010);
 - (6) Board of Examiners in Optometry (AS 08.72.010);
 - (7) Board of Pharmacy (AS 08.80.010);
 - (8) Board of Veterinary Examiners (AS 08.98.010);
 - (9) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010);
 - (10) Board of Nursing Home Administrators (AS 08.70.010);
 - (11) Physical Therapy Board (AS 08.84.010).
- (c) The following board has the termination date provided by this subsection: Board of Nursing (AS 08.68.010) — June 30, 1983.
- (d) Repealed by § 3 ch 74 SLA 1979.
 - (e) Repealed by § 3 ch 74 SLA 1979.
- (am 59 1, 3 ch 74 SLA 1979)

Cross reference. — For present provisions covering the subject matter of subsection (c) as it read prior to the 1979 amendment and of former subsections (d) and (e), see AS 08.03.020.

Effect of amendment. — The 1979 amendment, effective June 1, 1979, repealed paragraph (4) of subsection (a), which read: "Board of Nursing (AS 08.68.010)," rewrote subsection (c), and

repealed subsections (d) and (e), which read: "The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050" and "A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years," respectively.

Sec. 08.03.020. Procedures governing termination, transition and continuation. (a) Upon termination, each board listed in AS 08.03.010 shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities.

(b) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(c) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years. (§ 2 ch 74 SLA 1979)

Revisor's note (1979). — AS 08.03.020 as added by sec. 2, ch. 74, SLA 1979 derives from former AS 08.03.010(c), (d) and (e) which were repealed by ch. 74, SLA 1979.

Effective date. — Section 4, ch. 74, SLA 1979, makes this section effective June 1, 1979, in accordance with AS 01.10.070(c).

Chapter 08. Alaska Integrated Bar Act.

Article 2. The Board of Governors and Officers.

Sec. 08.08.080. Powers of board.

Final power and authority to determine standards for admission to the practice of law in Alaska resides in the supreme court, which has the inherent power to intercede at any time in admission matters. In re Luna, Sup. Ct. Op. No. 1503 (File No. 2789), 569 P.2d 789 (1977).

Practice of law not defined. — There is no rule defining the practice of law. Nor is there a statute defining the term except in the context of the requirements of active practice of law as a qualification for justice. In re Robson, Sup. Ct. Op. No. 1573 (File No. 3448), 575 P.2d 371 (1978).

Activities constituted practice of law in violation of supreme court's suspension order. — Where a person held himself out as a lawyer, performed legal services and gave legal advice in setting up a prepaid

legal service plan, completing and filing necessary forms, signed a letter of the type usually written by an attorney with "attorney at law" printed aside his name; permitted another person to refer to him in court as his attorney without making any clarifying comments and typed and edited a newsletter indicating his availability to serve as attorney for a union and its members, the cumulative effect of these activities leads to the inescapable conclusion that he was engaged in the practice of law in violation of the supreme court's order suspending him from practice. In re Robson, Sup. Ct. Op. No. 1573 (File No. 3448), 575 P.2d 771 (1978).

Board exceeded its authority in requiring a cash deposit before allowing an unsuccessful applicant to the Alaska Bar to

Effect of amendment. — The 1973 amendment deleted "or second" preceding "class city."

Legislative committee report. — For report on ch. 53, SLA 1973 (CSHP 382), see 1973 House Journal, pp. 793, 885.

Article 4. Alaska Blue Book.

<p>Section 250. Alaska Blue Book 260. Furnishing information 270. Distribution</p>	<p>Section 280. Regulations 290. Definitions</p>
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Sec. 14.56.250. Alaska Blue Book. The division of state libraries shall compile and issue biennially, beginning in 1973, an official directory of all state officers, state departments, agencies, institutions, boards and commissions and municipal officials, to be known as the Alaska Blue Book, and include in the book information regarding the functions of these officers and agencies that are considered most valuable to the people of the state, together with other data and information that is usually included in similar publications of other states. The book shall also include official reports of state agencies in the form prescribed by the division and a synopsis of all studies undertaken by each of the agencies listed. (§ 1 ch 135 SLA 1972)

Sec. 14.56.260. Furnishing information. In order to carry out the purposes of §§ 250 — 290 of this chapter, a state or municipal official shall furnish information for inclusion in the Alaska Blue Book concerning his agency, including a concise report of activities, when requested to do so by the division. (§ 1 ch 135 SLA 1972)

Sec. 14.56.270. Distribution. (a) The division may distribute a limited number of copies of the Alaska Blue Book free of charge to libraries, schools, members of the legislature and to state and municipal officials in the state.

(b) The division shall determine a reasonable price, and charge that price for each copy of the Alaska Blue Book distributed, except for those distributed free of charge. The money collected shall be deposited in the general fund. (§ 1 ch 135 SLA 1972)

Sec. 14.56.280. Regulations. The division shall adopt regulations necessary to carry out the purposes of §§ 250 — 290 of this chapter. (§ 1 ch 135 SLA 1972)

Sec. 14.56.290. Definitions. In §§ 250 — 290 of this chapter

- (1) "division" means the division of state libraries;
- (2) "municipal" includes cities and organized boroughs of every class;
- (3) "state agency" includes state departments, divisions, agencies, boards, associations, corporations, authorities, commissions, universities, institutions and offices. (§ 1 ch 135 SLA 1972)

Introduced: 2/29/80
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
BUDGET AND AUDIT COMMITTEE

2 HOUSE BILL NO. 927

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act designating programs and activities for review
7 and termination under AS 44.66; and providing for an
8 effective date."

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

10 * Section 1. LEGISLATIVE PURPOSE. The purpose of this Act is to identify
11 and designate the agency programs and activities which will be subject to the
12 legislative oversight process, as required under AS 44.66.030. Before the
13 termination of an agency program identified in this Act, hearings must be
14 held in the same manner and following the same procedures as are followed in
15 the termination hearings for boards and commissions. This Act causes the
16 legislative oversight procedures established for boards and commissions to be
17 applied to the designated executive branch agency programs and activities.

18 * Sec 2. The following laws relating to mechanical inspection functions
19 of the Department of Labor are repealed:

20 (1) AS 18.60.220 - 18.60.395 (boiler and pressure vessel
21 inspection);

22 (2) AS 18.60.600(a)(2), 18.60.600(b), and 18.60.610 - 18.60.
23 650 (electrical wiring inspection);

24 (3) AS 18.60.715(b), 18.60.720(b), 18.60.725, 18.60.730 and
25 18.60.740(4) (plumbing code inspection);

26 (4) AS 18.60.800(b)(2) and 18.60.820 (elevator safety inspec-
27 tion).

28 * Sec. 3. AS 18.80.010 - 18.80.160, 18.80.270 - 18.80.290, and AS 35.50.
29 200(9)(N) (State Commission for Human Rights) are repealed.

1 * Sec. 4. AS 23.35 (Fishermen's Fund) is repealed.

2 * Sec. 5. AS 44.19.870 - 44.19.881 (division of policy development and
3 planning, Office of the Governor) are repealed.

4 * Sec. 6. AS 45.50.491 - 45.50.521 (consumer protection - Department of
5 Law) are repealed.

6 * Sec. 7. AS 45.50.531(b) is amended to read:

7 (b) A person entitled to bring an action under this section may,
8 [AFTER INVESTIGATION BY AND APPROVAL OF THE ATTORNEY GENERAL,] if the
9 unlawful act or practice has caused similar injury to numerous other
10 persons similarly situated and if he adequately represents the similarly
11 situated persons, bring an action on behalf of himself and other simi-
12 larly injured and situated persons to recover actual damages. [A PERSON
13 PLANNING TO BRING AN ACTION UNDER THIS SUBSECTION SHALL FIRST SUBMIT TO
14 THE ATTORNEY GENERAL A COPY OF HIS PROPOSED COMPLAINT, AND HE MAY NOT
15 FILE THE COMPLAINT IN COURT WITHOUT THE ATTORNEY GENERAL'S APPROVAL.]
16 In an action brought under this subsection, the court may in its discre-
17 tion order, in addition to damages, injunctive or other equitable re-
18 lief.

19 * Sec. 8. AS 47.10.150, 47.10.160, and 47.10.180 - 47.10.220 (programs of
20 the Department of Health and Social Services relating to the confinement of
21 juveniles) are repealed.

22 * Sec. 9. A claim for an injury compensable under AS 23.35, repealed by
23 this Act, may be paid by the commissioner of labor if the claim for compen-
24 sation is made within one year of the effective date of this Act. A claim
25 shall be paid in accordance with the provisions of AS 23.35 as the provisions
26 read at the time of repeal. On July 1, 1981, the balance in the fishermen's
27 fund (AS 23.35.060, repealed, and AS 37.05.155(a)(6)) lapses into the general
28 fund.

29 * Sec. 10. The inspection responsibilities of the Department of Natural

1 Resources under AS 03.05 are terminated.

2 * Sec. 11. The inspection responsibilities of the Department of Health
3 and Social Services under AS 18.35 are terminated.

4 * Sec. 12. The water inspection responsibilities of the Department of
5 Environmental Conservation under AS 46.03 are terminated.

6 * Sec. 13. The responsibility of the Department of Labor under AS 18.60
7 for programs related to the Occupational Safety and Health Act (OSHA) is
8 terminated.

9 * Sec. 14. The Board of Fisheries, established under AS 16.05.221, is
10 terminated.

11 * Sec. 15. The Board of Game, established under AS 16.05.221, is termi-
12 nated.

13 * Sec. 16. AS 14.58.010 - 14.58.090 (relating to the Alaska Public Broad-
14 casting Commission) are repealed. The Alaska Public Broadcasting Commission,
15 established under AS 14.58.010, is terminated. The activities and programs
16 of the Department of Education funded by the Alaska Public Broadcasting
17 Commission appropriation in the fiscal year 1980 general appropriation Act,
18 as found on page 9, line 23, of ch. 80, SLA 1979, are terminated.

19 * Sec. 17. AS 44.19.900 - 44.19.950 (relating to the Alaska State Council
20 on the Arts) are repealed. The Alaska State Council on the Arts, established
21 under AS 44.19.900, is terminated. The activities and programs of the Office
22 of the Governor funded by the Alaska Arts Council appropriation in the fiscal
23 year 1980 general appropriation Act, as found on page 8, lines 15-17 of
24 ch. 80, SLA 1979, are terminated.

25 * Sec. 18. AS 14.20.380 - 14.20.510 (relating to the Professional
26 Teaching Practices Commission) are repealed. The Professional Teaching
27 Practices Commission, established under AS 14.20.380, is terminated. The
28 activities and programs of the Department of Education funded by the Pro-
29 fessional Teaching Practices Commission appropriation in the fiscal year 1980

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of debt*

1 general appropriation Act as found on page 8, line 29, of ch. 80, SLA 1979,
2 are terminated.

3 * Sec. 19. The activities and programs of the Department of Education
4 funded by the administrative and program support appropriation in the fiscal
5 year 1980 general appropriation Act as found on page 8, lines 36-38 and page
6 9, line 4, of ch. 80, SLA 1979, are terminated.

7 * Sec. 20. The activities and programs of the Department of Education
8 funded by the executive administration appropriation in the fiscal year 1980
9 general appropriation Act, as found on page 9, lines 30-33, of ch. 80, SLA
10 1979, are terminated.

11 * Sec. 21. The activities and programs of the Department of Education
12 funded by the student financial aid appropriation in the fiscal year 1980
13 general appropriation Act, as found on page 9, line 37 and page 10, lines
14 4-6, of ch. 80, SLA 1979, are terminated.

15 * Sec. 22. AS 14.40.901 - 14.40.919 (relating to the Alaska Commission on
16 Postsecondary Education) are repealed. The Alaska Commission on Post-
17 secondary Education, established under AS 14.40.903, is terminated. The
18 activities and programs funded by the Postsecondary Education Commission
19 appropriation in the fiscal year 1980 general appropriation Act, as found on
20 page 10, lines 7-9, of ch. 80, SLA 1979, are terminated.

21 * Sec. 23. The activities and programs of the Department of Commerce and
22 Economic Development, division of economic enterprise, funded by the economic
23 enterprise appropriation in the fiscal year 1980 general appropriation Act as
24 found on page 36, lines 34-39, of ch. 80, SLA 1979, are terminated.

25 * Sec. 24. Sections 1 - 13 and sec. 24 of this Act take effect July 1,
26 1980.

27 * Sec. 25. Sections 14 - 23 and sec. 25 of this Act take effect July 1,
28 1981.

29

Original sponsor: All members of the Senate

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 86

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to legislative oversight and desig-
7 nating programs and activities for review and termina-
8 tion under AS 44.66; and providing for an effective
9 date."

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

11 * Section 1. LEGISLATIVE PURPOSE. The purpose of secs. 1 - 16 of this
12 Act is to identify and designate the agency programs and activities which
13 will be subject to the legislative oversight process, as required under
14 AS 44.66.030. Before the termination of any agency program identified in
15 this Act, hearings must be held in the same manner and following the same
16 procedures as are followed in the termination hearings for regulatory boards.
17 This Act causes the legislative oversight procedures established for boards
18 and commissions to be applied to the designated executive branch agency
19 programs and activities.

20 * Sec. 2. The following laws relating to mechanical inspection functions
21 of the Department of Labor are repealed:

22 (1) AS 18.60.220 - 18.60.395 (boiler and pressure vessel
23 inspection);

24 (2) AS 18.60.600(a)(2), 18.60.600(b), and 18.60.610 - 18.60.-
25 650 (electrical wiring inspection);

26 (3) AS 18.60.715(b), 18.60.720(b), 18.60.725, 18.60.730 and
27 18.60.740(4) (plumbing code inspection);

28 (4) AS 18.60.800(b)(2) and 18.60.820 (elevator safety inspec-
29 tion).

1 * Sec. 3. AS 18.80.010 - 18.80.160, 18.80.270 - 18.80.290, and AS 39.50.-
2 200(9)(M) (State Commission on Human Rights) are repealed.

3 * Sec. 4. AS 23.35 (Fisherman's Fund) is repealed.

4 * Sec. 5. AS 44.19.870 44.19.881 (division of policy development and
5 planning) are repealed.

6 * Sec. 6. AS 45.50.491 - 45.50.521 (consumer protection - Department of
7 Law) are repealed.

8 * Sec. 7. AS 45.50.531(b) is amended to read:

9 (b) A person entitled to bring an action under this section may,
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11 unlawful act or practice has caused similar injury to numerous other
12 persons similarly situated and if he adequately represents the similarly
13 situated persons, bring an action on behalf of himself and other simi-
14 larly injured and situated persons to recover actual damages. [A PERSON
15 PLANNING TO BRING AN ACTION UNDER THIS SUBSECTION SHALL FIRST SUBMIT TO
16 THE ATTORNEY GENERAL A COPY OF HIS PROPOSED COMPLAINT, AND HE MAY NOT
17 FILE THE COMPLAINT IN COURT WITHOUT THE ATTORNEY GENERAL'S APPROVAL.]

18 In an action brought under this subsection, the court may in its discre-
19 tion order, in addition to damages, injunctive or other equitable relief.

20 * Sec. 8. AS 47.10.150, 47.10.160, and 47.10.180 - 47.10.220 (programs of
21 the Department of Health and Social Services relating to the confinement of
22 juveniles) are repealed.

23 * Sec. 9. A claim or an injury compensable under AS 23.35, repealed by
24 this Act, may be paid by the commissioner of labor if claim for compensation
25 is made within one year of the effective date of this Act. A claim shall be
26 paid in accordance with the provisions of AS 23.35 as the provisions read at
27 the time of repeal. On July 1 1981 the balance in the fisherman's fund
28 (AS 23.35.060, repealed and AS 37.05.155(a)(6)) lapses into the general fund.

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3 and Social Services under AS 18.35 are terminated.

4 * Sec. 12. The water inspection responsibilities of the Department of
5 Environmental Conservation under AS 46.03 are terminated.

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7 for programs related to the Occupational Safety and Health Act (OSHA) is
8 terminated.

9 * Sec. 14. The Board of Fisheries, established under AS 16.05.221, is
10 terminated.

11 * Sec. 15. The Board of Game, established under AS 16.05.221, is termi-
12 nated.

13 * Sec. 16. AS 14.58.010 - 14.58.090 (relating to the Alaska Public Broad-
14 casting Commission) are repealed.

15 * Sec. 17. AS 44.62 is amended by adding a new section to read:

16 Sec. 44.62.195. FISCAL NOTES ON REGULATIONS. If the adoption,
17 amendment, or repeal of a regulation would result in the state requiring
18 increased appropriations, the department or agency affected shall pre-
19 pare an estimate of the appropriation increase for the fiscal year of
20 adoption, amendment or repeal and for at least two succeeding fiscal
21 years.

22 * Sec. 18. AS 44.62.200(a) is amended by adding a new paragraph to read:

23 (5) a summary of the fiscal informatⁿ required to be pre-
24 pared under AS 44.62.195.

25 * Sec. 19. AS 44.62.320(b) is amended to read-

26 (b) At the same time a regulation is filed by the lieutenant
27 governor, the lieutenant governor shall submit the regulation to the
28 chairman of the Administrative Regulation Review Committee for review
29 under AS 24.20.400 - 24.20.460 together with the fiscal information