

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

1746 HLC 2/19/82 SB 84 - 2/26/82 HB 634 TELECONFERENCE

1 a unit development plan, or a unit exploration plan, or conveyances  
2 of interest in state land or water;

3 (E) does include all authorizations and approvals,  
4 whether proprietary or regulatory, necessary to undertake a project  
5 under a previously conveyed property interest;

6 (3) "project" means a new activity or expansion or addition  
7 to an existing activity for which permits are required before construc-  
8 tion or operation; "project" does not include pursuing a trade or  
9 profession, providing public health service, or operating a financial  
10 institution;

11 (4) "resource agency" includes the Department of Natural  
12 Resources, the Department of Environmental Conservation, and the Depart-  
13 ment of Fish and Game with respect to permits issued for the protection  
14 of fish habitat or the regulation of state sanctuaries, refuges, and  
15 critical habitat areas.

\* AMENDMENT 5

Page 5, ls. 3-5.



Delete existing subsection (d) and insert the following:

(d) For activities involving both a disposal of interest in land, or plan of operations approval under a previous disposal, and a certification under sec. 401 of the Clean Water Act (33 U.S.C. sec. 1341), the lead agency shall be the Department of Natural Resources.

AMENDMENT 3 - Replace with the following:

Page 4, ls. 6 - 29

Delete all of sec. 44.62.635(a) and (b) and insert following in its place:

(a) There are established lead agencies which are solely responsible for issuing coastal management consistency determinations under AS 46.40 and for preparing and submitting state comments on federal permit applications for all projects which involve the disposal of an interest in state land or water or at least one class II permit. The lead agency may vary for classes of activities, but shall be that agency which has principal responsibility for authorizing the overall activity. For classes of activities for which no agency with principal responsibility exists the governor shall designate a lead agency by administrative order no later than October 1, 1982.

(b) In performing its function under this section, the lead agency shall consult with other resource agencies and with coastal resource districts under AS 46.40. The lead agency shall consider facts, data, opinion, conclusions or recommendations submitted by the commenting agency and the coastal resource districts within their areas of expertise. The lead agency shall then balance competing factors in reaching its final decision. No resource agency other than the lead agency has primary expertise on the balancing of competing factors.

(c) In its consideration of the comments of other resource agencies, the lead agency shall give substantive consideration to the facts and data, and to the (opinions, conclusions or recommendations substantiated by said facts and data) which are submitted by commenting agencies within their primary areas of expertise. An opinion, conclusion or recommendation is adequately substantiated under this subsection if it is based on facts or data reasonably relied upon by experts in the field.

(d) If a coastal resource district with an approved and applicable district coastal management program appeals the lead agency's consistency determination, AS 44.62.560 -- 44.62.570 govern judicial review. However, notwithstanding AS 44.62.570(c), abuse of discretion is established if the reviewing court determines that the consistency determination is not supported by a preponderance of evidence in the administrative record.

2nd HOUSE CS FOR CS FOR SB NO. 84 (L&C)

PROPOSED ADMINISTRATION AMENDMENTS

AMENDMENT 1

Page 2, l. 12.

718

application [.] , unless a public hearing is held on the  
application, in which case a final decision must be issued  
within 85 days after the date of receipt.

Revised 75

AMENDMENT 2

Page 2, ls. 26-28.

yes-3

under the Appellate Rules of Procedure. Unless the applicant and the agency otherwise agree, [T]the time period may not be extended more than 120 days beyond the time period specified in AS 44.62.632(a).

AMENDMENT 3

NO  
Page 4, ls. 6 -- 29

*Lead agency*

Delete all of sec. 44.62.635(a) and (b) and insert the following in its place:

(a) There are established lead agencies which are solely responsible for issuing coastal management consistency determinations under AS 46.40 and for preparing and submitting state comments on federal permit applications for all projects which involve the disposal of an interest in state land or water or a least one class II permit. The lead agency may vary for classes of activities, but shall be that agency which has principal responsibility for authorizing the overall activity. For classes of activities for which no agency with principal responsibility exists the governor shall designate a lead agency by administrative order no later than October 1, 1982. In performing its function under this section the lead agency shall consult with other resource agencies and with coastal resource districts under AS 46.40. The lead agency shall balance competing factors in reaching its decision. Substantive consideration shall be given to the comments of resource agencies within their primary areas of expertise.

(b) If a coastal resource district with an approved and applicable district coastal management program appeals the lead agency's consistency determination,

AS 44.62.560 -- 44.62.570 govern judicial review. However, notwithstanding AS 44.62.570(c), abuse of discretion is established if the reviewing court determines that the consistency determination is not supported by a preponderance of evidence in the administrative record.

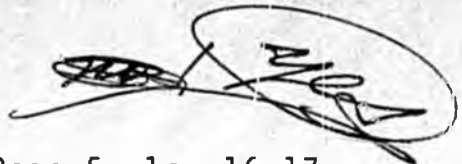
AMENDMENT 4

Page 5, ls. 1-2.

yes

(c) Except as otherwise required by federal law,  
[N] no state agency other than the lead agency may comment to  
a federal permitting agency.

AMENDMENT 6



Page 5, ls. 16-17.

extend the time period specified in this section. [FOR UP TO  
AN ADDITIONAL 30 DAYS.]

AMENDMENT 7

702

Page 5, ls. 22-23.

Administrative appeals [EXCEPT AS PROVIDED IN THIS SECTION  
THE PROCEDURE IS] conducted under this section need not  
comply with AS 44.62.330 - 44.62.630.

AMENDMENT 8

Page 5, l. 24.

ms

(b) Except when applicable due process rights may require more formal administrative proceedings, the [THE] administrative appeal must be resolved within 45 days.

MS

yes

AMENDMENT 9

Page 6, ls. 12-13.

Procedure. [THE RIGHT TO APPEAL IS NOT AFFECTED BY THE FAILURE TO SEEK FURTHER REVIEW UNDER AS 44.62.637.] The review is governed by the

AMENDMENT 10

Page 6, ls. 15-17.

*yes*

(b). An appeal taken under this section [HAS] should  
have preference on the calendar of civil actions before the  
court and [SHALL] should be decided without unnecessary  
delay.

AMENDMENT 11

NO

Page 7, 1. 12.

Resources, the Department of Environmental Conservation, the  
Alaska Coastal Policy Council, and the Depart-

CHANGES TO PROPOSED ADMINISTRATION ADMENDMENTS TO SB 84  
(2nd House CS for CS for SB 84 Labor & Commerce)

AMENDMENT 1 - No Change.

AMENDMENT 2 - No Change.

AMENDMENT 3 - See Attached.

AMENDMENT 4 - No Change.

AMENDMENT 5 - No Change.

AMENDMENT 6 - Replace with the following:

Page 5, ls. 16=17

*ok if given today*

extend the time period specified in this section. (FOR UP TO AN ADDITIONAL 30 DAYS.) However, comments submitted under this subsection shall be submitted no later than 30 days prior to the date on which the lead agency must issue a final decision.

AMENDMENT 7 - Revise as follows:

Page 5, ls 22 - 23

Administrative appeals (EXCEPT AS PROVIDED IN THIS SECTION THE PROCEDURE IS) conducted under this section are not subject to the procedures in AS 44.62.330-44.62.630.

AMENDMENT 8 - No Change.

AMENDMENT 9 - Revise as follows:

Page 6, ls. 12 - 13

Procedure. The right to appeal is not affected by the failure to seek further review under AS 44.62.637 if either solely a question of law is at issue or in those instances in which an administrative appeal would be futile. The review is governed by the

AMENDMENT 10 - No Change.

AMENDMENT 11 - No Change.

MSG 82-00009323 PRTY 1 02/22/82 09:37:45 ORIG: LJE1 IN= 0002 OUT= 0002  
FROM: JOAN, H LABOR & COMMERCE TO: FLORENCE, BARROW  
TARGET: LJHY SUBJ: YOUR OMNI RE SB 84 PAGE 0001

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FLORENCE:

THE COMMITTEE HEARD SB 84 LAST FRIDAY, AND UNEXPECTEDLY PASSED THE BILL OUT. AS I HAD TOLD YOU PREVIOUSLY THAT WE WOULD BE CONTINUING TO HEAR THE BILL FOR AT LEAST ANOTHER FRIDAY, I THOUGHT I SHOULD LET YOU KNOW ABOUT THIS ACTION. THERE WERE AMENDMENTS. IF YOU NEED A COPY OF THE AMENDMENTS, OR ANY OTHER INFORMATION, DON'T HESITATE TO CONTACT ME. ...JOAN

LAXR

MSG 82-00008574 PRTY 1 02/17/82 12:34:03 ORIG: LJE4 IN= 0001 OUT= 0002  
FROM: JOAN, H LABOR & COMMERCE TO: FLORENCE, BARROW  
TARGET: LJHY SUBJ: REPLY PAGE 0001

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FLORENCE:

SB 84 HAS BEEN HELD OVER. THE COMMITTEE WILL BRING IT UP AGAIN THIS FRIDAY, AND EVERY SUCCESSIVE FRIDAY (WHEN NOTHING ELSE IS SCHEDULED) UNTIL TESTIMONY HAS BEEN TAKEN AND REVISIONS TO THE BILL, IF ANY, HAVE BEEN MADE. THERE ARE ALOT OF PEOPLE WHO HAVE SEVERAL POINTS OF VIEW. APPARENTLY, ABOUT THIS LEGISLATION. AT THIS TIME, WE PLAN TO HEAR THE BILL AGAIN THIS FRIDAY, AND TWO WEEKS FROM THIS FRIDAY; NEXT FRIDAY WE HAVE THE AIR TAXI TELECONFERENCE.

I GUESS I MANAGED TO MAKE THAT FAIRLY CONFUSING, BUT THE MAIN THING IS IF YOU HAVE PEOPLE INQUIRING ABOUT THE BILL. IT WILL BE HEARD AGAIN, AND WE WILL ACCEPT WRITTEN TESTIMONY, LETTERS, ETC.; AT THIS TIME NO TELECONFERENCES ARE PLANNED. IF YOU HAVE QUESTIONS, FEEL FREE TO CONTACT ME AGAIN.

HOPE ALL IS WELL TN BARROW.

...JOAN

MSG 82-00008549 PRTY 1 02/17/82 11:50:45 ORIG: LR00 IN= 0003 OUT= 0001  
FROM: FLORENCE IN BARROW TO: JOAN MATTHEWS, (H) L&C  
TARGET: LJHY SUBJ: REQUEST. PAGE 0001

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CAN YOU TELL ME WHAT HAPPENED TO THE STATUS OF SB84 IN THE MEETING OF THE (H) LABOR & COMMERCE COMMITTEE ON FRIDAY, FEB. 12?  
THANKS.

PS: HAVING THE SCHEDULE OF THE MEETINGS IS VERY HELPFUL! YOUR EXTRA FEW MINUTES AT THE IBM IS APPRECIATED!

2-22-82

H B 705

H B 619

H B 698

HOUSE LABOR & COMMERCE  
STANDING COMMITTEE  
February 22, 1982  
1:08 p.m.

Members Present: Rep. Martin, Chairman  
Rep. Bylsma, Vice Chairman  
Rep. Randolph  
Rep. Rogers

Members Absent: Rep. Gardiner

COMMITTEE CALENDAR

HB 619 An Act relating to labor relations involving teachers and school districts.

HB 698 An Act relating to teachers' retirement benefits; and providing for an effective date.

HB 705 An Act relating to public employees and teachers benefits; and providing for an effective date.

WITNESS REGISTER

Representative Cato  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811  
465-4858

Position Statement: Prime sponsor of HB 705; testified about need for bill.

Representative Zharoff  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811  
465-4968

Position Statement: Prime sponsor of HB 698; testified about need for bill.

Bob Cooksey  
NEA-Alaska  
147 South Franklin  
Juneau, Alaska 99801

Position Statement: Favors both bills (HB 698 and HB 705); encouraged adopting Rep. Zharoff's sponsor substitute.

Bob Manners

NEA-Alaska  
147 South Franklin  
Juneau, Alaska 99801

Position Statement: Supported need for HB 619; requested changes.

Bob Greene  
Alaska School Boards  
326 4th Street  
Juneau, Alaska 99801  
586-1083

Position Statement: Supported portion of HB 619; requested changes.

Fred Muller, Deputy Commissioner  
Department of Administration  
Pouch C  
Juneau, Alaska 99811

Position Statement: Testified regarding HB 705 and HB 698; recommended changes.

Marilyn Miller  
Alaska Municipal League  
Juneau, Alaska  
586-1325

Position Statement: Comments on changes they would like.

Cherie Shelley  
Alaska Public Employees Association  
no address or phone given

Position Statement: Comments on bills.

#### PREVIOUS ACTION

HB 619

No previous action.

Statutory Reference: AS 14.20

Action Taken: No action taken during this meeting as sponsor had requested hearing be delayed.

HB 698

No previous action.

Statutory Reference: AS 14.20; AS 14.25

Action Taken: No action taken during this meeting.

HB 705

No previous action.

Statutory Reference: AS 14.20; AS 14.25; AS 39.35

Action Taken: No action taken during this meeting.

ACTION NARRATIVE

Tape #22  
Recording  
Number 000

The meeting was called to order by Chairman Martin at 1:08 p.m. Members present were: Representatives Martin, Dylsma, Randolph, and Rogers. Representative Gardiner was absent. Also in attendance were Representatives Cato and Zharoff. Before the committee were House Bills 619, 698, and 705. Rep. Martin said that the prime sponsor of HB 619, Rep. Metcalfe, had asked that the committee delay hearing on HB 619.

Number 013

Rep. Cato, prime sponsor of HB 705, testified regarding the need for the bill, and gave a history of prior legislation. She said the bill does not increase the teacher's contribution. It sets guidelines to determine the increase each age group receives, cost of living eligibility, and survivor's benefits. She feels this needs to be addressed. Rep. Rogers inquired about the fiscal note; Rep. Cato responded. There was discussion of the fiscal note and impact.

Number 147

Rep. Zharoff, prime sponsor of HB 698, said a sponsor substitute for the bill should have been given to the committee. He said if the committee would adopt his proposed sponsor substitute as a committee substitute, it would help for clarification. Rep. Zharoff gave background on the bill and explained the fiscal note. He said, if the committee preferred, he would give them suggested amendments in lieu of adopting the sponsor substitute.

Number 200

There was discussion by the committee of the differences in HB 698 and HB 705.

Number 240

Bob Cooksey, NEA-Alaska, said they favored both bills, and encouraged adopting Rep. Zharoff's sponsor substitute. He went over the impact of both bills, and gave his reasons for supporting the legislation. At Rep. Rogers' request, Cooksey went over HB 698, section by section.

- Number 415 Rep. Martin asked if there is enough money in the pension fund to cover cost of living allowances in the future, or if this would be paid out of the general fund. There was discussion of the pension fund and investments. Rep. Rogers gave background of investment powers.
- Number 403 Bob Manners, NEA-Alaska, gave background supporting the need for HB 619. He gave their concept of need for arbitration in collective bargaining, and the affect. Manners said, regarding the intent of the legislation, that arbitration is good. He went over portions of the bill they're concerned about, section by section.
- Number 694 Bob Greene, Alaska School Board, testified regarding HB 619. He said the school boards support the first section dealing with mediation. He said current law gives direction to the federal government, but the federal government uses its own laws. He said a provision should be added to allow mediation to be used more than once in a bargaining period. Greene commented on other sections of the bill.
- Side B, Number 077 There was discussion of the right to strike, alternative arbitration, and accelerated bargaining.
- Number 209 Regarding HB 698, Greene commented on the change in function of the teacher retirement board. He said the school boards oppose this unless there is a change in composition of this board. He said that, if the board can make policy decisions, the members should represent all parties affected. He said no provision is made for school board input. There was discussion.
- Number 260 Greene spoke of the increase in employer contributions. He proposed that either the local employer contribution be frozen at the same contribution as the employee's; or that all parties contributing (employer, employee, state) be treated the same. He suggested the state accept the responsibility for paying for the increased costs. He agreed that a post-retirement benefit would be helpful.
- Number 359 Fred Muller, Deputy Commissioner, Department

of Administration, testified regarding both HB 705 and HB 698. Muller said that HB 705 provides an automatic cost of living adjustment. He elaborated on how these adjustments are made, and their future impact. Muller said HB 705 recognizes that older people have more difficulty living on a pension than younger retirees. He said no adjustment is made for those people under 55 years old. Muller said that continuing to fund ad hoc increases will put the retirement system in a position similar to the federal social security system. He said the funds needed will be billions of dollars per year in the future. He supported yearly funding. Muller said HB 705 does not take into account the employee contribution. He felt employees should contribute to benefits they will receive.

Number 468

There was a discussion of costs and investments.

Number 536

Regarding HB 698, Muller said it was the same as former HB 121, only it was related just to teachers. Muller explained the investment decisions made by the Department of Revenue. Muller went over changes they would recommend to HB 698. There was discussion of how the program would be funded.

Tape 23, Number 01

Marilyn Miller, Alaska Municipal League, said they would like to see the increase in benefit costs borne by the employees.

Number 025

Cherie Shelley, APFA, supported the cost of living increases. She said the problem with HB 698 is that it addresses only teachers. She felt this would upset employees in the PERS system, and felt the bill should cover both groups.

Number 057

Rep. Martin said that the bills would be heard again at a later time. Jeff Barry, committee aide, said the attorney general had requested more time on HB 557; Rep. Martin explained why they had requested more time.

Number 076

There being no further business to come before the committee, the meeting was adjourned at 2:45 p.m.

Gardiner } absent  
~~Randolph~~

Cato, Zharoff attending

1:08

2/22/82

006

Call to order

HB 619

Sponsor requested may be delayed

013

HB 705 - Betty Cato - gave reason for legislation & history of prior legis.. Bill does not increase teachers' contract contribution. Sets guidelines to determine increase each age group recs, COLA eligibility, disability & <sup>survivor's</sup> spouse of deceased benefits. Feels this needs to be addressed.

066

Rogers inquired about fiscal note; Cato responded. Discussion of note & impact.

109

Martin said it seemed we're mandating increase (refd secs. 2 & 3); discussion of where funds will come from (revenue funds, pension plan funds, etc).

147

Rep. Zharoff - HB 698 - prime sponsor. Said sponsor substitute shd have been in packets - it's being revised for final submission. Said if Comm. wd adopt his sponsor sub as a comm. sub, wd help for clarification. (This was not formally done.)  
~~Rogers was not~~ Give background on bill & explained fiscal note. ~~Spit wd give.~~ ~~Lawt~~ suggested amendments in lieu of adopting ~~the~~ sponsor sub.

200

Martin, Rogers discussed differences in 698 & 705. Discussion.

040

Bob Cooksey ANEA (?) Alaska - favored both bills; encouraged adopting Rep Z's (?) S. Went over what Cato's bill does & what Zharoff's bill does; gave reasons for supporting legislation.

~~Supp~~ Spoke of what teacher board wd do.

285 Rogers requested he go over sections of HB698.

291 Cooksey ~~and~~ did so, section by section (draft CS/SS)

366 ~~Recognize~~. Recognize Cost; if, in long run, continues as presently set up, will eventually be more costly than this legislation

385 Randolph asked status of administrative option; Cooksey said it has been implemented for present yr. Implement'n depends on funds (?). Gave history of this option.

~~405 Discussion.~~

415 Martin asked if there is enough <sup>money</sup> funds in pension fund to cover cola's in future, or if wd be pd out of general fund. Discussion of pension fund & investments.

439 Rogers gave background of investment powers.

447 Rogers asked abt testimony on labor relations bill - discussion.

463 Bob Manners, NEN Alaska, re HB 619 - gave their concept of need for arbitration in collective bargaining & affect. Gave background supporting need for HB 619. Said, no intent of legis, arbitration is good. Went over portions of bill they're concerned about - p. 2-4, strike section

533 p. 2, l. 23-27 - court order shd carry order to use arbitral  
p. 3 - right to strike - concerned abt how right to strike is arrived at.  
p. 4 - arbitration procedure - ambiguity in Sec A.  
p. 4 - para C - selection of arbiter - shd be latitude  
p. 5 - para E - arbiters award shd be dealt with item by item rather than total pkg.

637 Cost of arbitration - hopefully state wd assist w/ cost. Not all school districts can afford it.

Last p., sec 14 - discrepancy in bill

677 Rogers - asked if they prefer the bill or current law.

Manners said finality is important process

694 Bob Green, ex School Board - <sup>re HB 619 - school boards</sup> ~~one incentive to take new~~

support first section dealing w/ mediation. Current law gives direction to fed govt; feds use their own laws.

side B

shd add provision to allow mediation to be used more than once in bargaining period.

020 Sec 14.20.580 - fed mediation svc will not provide reports;

suggested deleting references to reports.

Sec 2 - difficulty w/ ref to lockout.

053 Rogers asked clarification; discussion

077 Green - sec 3, right to strike determined by election - concerned abt impact in rural community.

076 Rogers - <sup>in hood who he</sup> wd rather have decision (strike/arbitration)

Green - feel this wd be handled at state level; wd rather see determination by local govt agency, even borough or city govt.

129 ~~Dee~~ Rogers - if teachers don't have right to strike & mediation unsuccessful, what alternative do teachers have?

Green - advisory arbitration; good collective bargaining will result in agmt. Things can be done to speed process.

Don't support third party arbitrator in any case. Thinks too much time spent in process is problem. Spoke of accelerated bargaining & other options to speed process.

209 Green - re retirement bills

HB 678 - ref to chang in function of teacher retirement bd: school boards oppose this unless there is chang in makeup of this bd. If board can make policy decisions, members shd <sup>represent</sup> ~~reflect~~ all parties affected. No provision made for school bd input.

1425.035-252 Rogers - <sup>plans to clarify</sup> ~~then include~~ what they want.

260 Green - cost of bill causes abt 5% increase of employer contribution (Randolph/Rogers clarified - presently 8.45% of wages; will go to 12.27%, which is close to 50% increase in contribution). Concerned. Proposed either local empr cont'n be frozen at same as employees cont; or all parties ~~cont'g~~ contributing (empe, empr, state) be treated the same. Significant amt of money. If ~~increasing teacher benefits~~ suggested state accept responsibility for paying for the change <sup>increasing</sup> ~~over what~~ costs already known. Agreed post-retirement benefit wd be helpful.

359 Fred Muller, dep comm, dept admin, re HB 705 & 698.

HB 705 bill provides automatic cola adjustment - elaborated on how cola adjustments are made, & future impact. [Cost ~~not~~ of new benefits is not actuarially funded.] 705 provides cola adjustment recognizing that older people have more difficulty, living on pension than younger. No adjustments for those under 55. Continuing to fund ad hoc increases will put retirement system in prsn similar to soc. security. Funds needed will be billions per yr in future. Support fundg each yr.

448 HB 705 doesn't take into account employee contribution; employees shd contribute to benefits they will receive. Agreed w/ Rogers that this wd reduce fiscal note.

468 Rogers request cost, assuming 4% ad hoc, actuarial cost.

480 Martin said he had assumed investments were made to take care of bene. increases; asked how it works.

491 Muller -  
Comm of Dep of Admin makes that decision. ~~Actuarial estimates~~ Explained how system works, factors considered. Said inc + comes from general revenues.

536 Rogers asked when decisions for ad hoc increases are made; Muller ~~said~~ explained.

Discussion.

HB 698  
0553 Muller said 698 is same as former <sup>121</sup> ~~771~~, only related just to teachers.

HB 705  
564 Martin asked abt HB 705, sec 2, increasing benef. pymts. Muller explained both. Said mandatory increase is easier to budget.

HB 698  
611 Discussion. Muller explained investmt decisions by Dept. Revenue

Recommended chgs -

§. 4, l. 14 (orig bill) - word "membership" be chngd to "credited"  
§. 7, l. 5 - last word "star" shd be chngd to "employer-sponsors"  
, l. 6 - first word " " " " " "

Overall - tried to address probs (in 121) in administering system; 698 only addresses probs w/ teachers, doesn't address PERS. Admin wd prefer to see total prob treated.

672 Randolph asked opinion of equal sharing (empr, empse)

085 Muller - ~~Employer determines benefit~~ ~~Equal sharing~~

Doesn't address major problems, like automatic COLA

Discussion. Randolph had qstns abt program.

729 Muller explained. Retirement determined by wages & length of svc.  
Tape 2 Discussion

015 Marilyn Miller, Ok Municipal League - ~~try~~ ~~and recognize~~  
<sup>in</sup> wd like to see <sup>in</sup> benef. increases, costs be borne by employees.

026 Sherry Shilley, APEA (PERS & TERS system) - support COLA increases -  
~~concepts in bill~~ <sup>part w/</sup> 698, <sup>is it</sup> addresses just teachers; wd upset  
other employees (PERS) - shd cover both groups.

042 Martin asked Muller for fiscal note on HB 698 to include PERS as well.  
Martin said thinking of bringing bills up again. Thurs. <sup>a TERS</sup>

057 Will wk on WC of these bills Thurs.

063 Barry said AG requested more time on HB 557.

066 Martin explained why AG needed more time.  
Went over agenda.

076 Adjourned. 1:45.

LABOR & COMMERCE COMMITTEE  
DAILY COMMITTEE HEARING

Date: 2/22/82

Place: \_\_\_\_\_

<u>Members</u>	<u>Present</u>	<u>Absent</u>	<u>Time Arrived</u>	<u>Time Left</u>
Rep. B. Bylsma, V. Chair	✓		1:00	
Rep. D. Randolph	✓		1:18	
Rep. B. Rogers	✓		12:58	
Rep. T. Gardiner				
Rep. T. Martin, Chair	✓			12:55

Subject Matter:

House Bill No. 705 619 698 \_\_\_\_\_

Senate Bill No. \_\_\_\_\_

Special Orders:



HB 619  
 HB 698  
 HB 705

Considered

SIGN-IN SHEET

Name (please print)	Address	Representing	Testify? (YES or NO)	Phone Number
Rep Cato	Capital 1028		✓	X 4858
Donnie Coulter	"	Rep Cato		"
Bob Mannes	147 S. Franklin	NEA - AIC	Yes	619, 698, 705
Bob Cooksey	147 S Franklin	NEA-AIC	Yes	619.698-705
BOB GREENE	326 4TH St.	Ak Sch. BOARDS	YES	586-1083
FRED MULLER	POUCH C. TUNNEY	DEPT OF ADMIN	YES	705-698
JOHN LOGAN	"	"	"	465-4462
Ken Humphreys	"	"	"	"

2-23-82

HR 17

HB 6662

HOUSE LABOR & COMMERCE  
STANDING COMMITTEE  
February 23, 1982  
1:10 p.m.

Members Present: Rep. Martin, Chairman  
Rep. Bylsma, Vice Chairman  
Rep. Rogers  
Rep. Randolph  
Rep. Gardiner

COMMITTEE CALENDAR

HR 17 Requesting AHFC, AIDA, and the Department of  
Community and Regional Affairs to obtain and  
analyze statistical data on unlawful  
discrimination in state loan programs.

HB 662 An Act relating to occupational licensing  
fees; and providing for an effective date.

WITNESS REGISTER

Harry D. Treager  
Division of Occupational Licensing  
Juneau, Alaska 99811  
465-2534  
Position Statement: Available to answer questions.

Peter Froehlich  
Assistant Attorney General  
Department of Law  
Juneau, Alaska 99811  
465-3600  
Position Statement: Available to answer questions.

Wayne Jensen  
Board of Architects, Engineers, and Land Surveyors  
Box 310  
Juneau, Alaska 99801  
586-1070  
Position Statement: Expressed concerns about HB 622.

PREVIOUS ACTION

HR 17 No previous formal action. See minutes of  
House Labor & Commerce teleconference  
meeting of 1/14/82.

Statutory Reference: none.

Action Taken: Rep. Martin moved to accept a Labor & Commerce committee substitute. Motion passed unanimously.

Rep. Martin moved to report CSHR 17 from committee. On the question: for--Martin, Rogers, Randolph; opposed--Bylsma. Motion passed.

HB 662

No previous action.

Statutory Reference: AS 08.01; AS 08.04; AS 08.13; AS 08.18; AS 08.20; AS 08.32; AS 08.36; AS 08.40; AS 08.42; AS 08.48; AS 08.54; AS 08.62; AS 08.64; AS 08.68; AS 08.70; AS 08.71; AS 08.72; AS 08.80; AS 08.84; AS 08.86; AS 08.98; AS 08.99.

Action Taken: No action taken.

#### ACTION NARRATIVE

Tape #24  
Recording  
Number 000

The meeting was called to order by Chairman Martin at 1:10 p.m. Members present were: Representatives Martin, Bylsma, and Rogers. Representatives Randolph and Gardiner arrived later in the meeting.

Number 011

Representative Martin gave the background of HR 17 (a meeting before session with NAACP, and a teleconference held by the House Labor & Commerce Committee on 1/14/82 regarding possible discrimination in the financial community).

Number 033

Rep. Martin moved to accept the Labor & Commerce committee substitute. Rep. Bylsma objected. After discussion, Rep. Bylsma removed his objection. Committee substitute for HR 17 was adopted.

Number 039

There was discussion of the intent of the resolution. Rep. Bylsma did not think it appropriate for departments to investigate themselves. Rep. Rogers suggested that legislative subpoena could be used if there are problems getting information. The committee discussed means of acquiring information.

Number 080

Rep. Martin said part of the reason for the

resolution was to assure minorities that action is being taken.

- Number 091                    Rep. Martin moved to report CSHR 17 from committee. On the question: for--Rogers, Martin, Randolph; opposed--Bylsma. Motion passed.
- Number 122                   Rep. Martin brought HB 662 before the committee.
- Number 125                   Harry Treagor, Division of Occupational Licensing, and Peter Froehlich, Assistant Attorney General, came before the committee to answer questions. Froehlich went over HB 662.
- Number 146                   Froehlich said the bill is similar to legislation introduced in 1979. He said the principle of the authorizing agency to set fees has been followed recently. He used corporate filings as an example. Froehlich said advantages are that setting fees by regulation makes fees more flexible and easier to adjust. He said uniformity was another advantage. Currently, there are 19 boards with 88 licensing categories. Each board sets fees, in most cases. Froehlich said this bill would accomplish uniformity, as the same entity would set fees for all boards who license people. He said this could more closely match the cost of licensing a program to each program. He noted that the bill also includes some housekeeping changes.
- Number 190                   Rep. Rogers had questions. Rogers said the department ends up setting fees in case of disagreement between the department and the board. He noted that most boards and commissions are subject to sunset review, so the fees could change every four years as an inclusion in sunset bills. He said that many boards and commissions license only a few people. He felt that charging the costs to the departments involved might be expensive. Rep. Rogers asked for input from the affected departments. There was a discussion of costs, and of consolidating boards.
- Number 309                   Rep. Gardiner said that a policy decision has been made that boards exist and agencies regulate. He said the legislature

appropriates funds for these boards. He asked who should pay the budget with this system. He felt it has always been easier to take money from general funds than to raise fees. Gardiner said a policy decision needs to be made as to who pays what share of the burden.

Number 348

Rep. Rogers said a problem could arise if an agency has an empire-builder on staff who wants to increase staff. He felt it would be easy for a division to raise fees and add employees without being questioned by the legislature. He agreed that some fees need adjusting, but felt it should be done by statute rather than regulation. Rep. Rogers felt some portion of the costs should be borne by the regulated industries, some by the public.

Number 412

Treagor agreed with Rep. Rogers regarding sunseting. He gave his reasons for supporting the bill.

Number 441

Rep. Gardiner requested a proposed fee schedule from the Division of Occupational Licensing. There was discussion of the need for this information.

Number 462

Rep. Rogers felt another concern to be addressed with making the industry bear costs, especially in a field such as medical, is that there is dislike and dissention within the field. It could happen that one profession would increase the fees of another (dentists increase fees of dental hygienists, for example). If legislative review of regulations was clearly established as constitutional, he would be less concerned.

Number 505

Wayne Jensen, Board of Architects, Engineers, and Land Surveyors, was concerned that regulations have in the past been established by boards, and it appears the Department of Commerce would establish regulations that will cover boards (under the provisions of the bill). He felt there appears to be little advantage to doing this. Jensen thought fees were often viewed more as a tax than as a cost. He said the Board directly receives no more than 15-20% of the fees generated. He would prefer that the board should establish fees and

procedures, and the Department of Commerce should assist the board. Jensen said that boards are not intended to serve departments.

Number 656

In response to a point Jensen brought up in explaining his position regarding HB 662, Rep. Randolph felt that professional associations should provide funds for travel to participate in national and regional conferences.

Number 720

No action was taken on HB 662. There being no further business to come before the committee, the meeting was adjourned at 1:55 p.m.

HOUSE LABOR & COMMERCE  
STANDING COMMITTEE  
February 23, 1982  
1:10 p.m.

Members Present: Rep. Martin, Chairman  
Rep. Bylsma, Vice Chairman  
Rep. Rogers  
Rep. Randolph  
Rep. Gardiner

COMMITTEE CALENDAR

HR 17 Requesting AHFC, AIDA, and the Department of  
Community and Regional Affairs to obtain and  
analyze statistical data on unlawful  
discrimination in state loan programs.

HB 662 An Act relating to occupational licensing  
fees; and providing for an effective date.

WITNESS REGISTER

Harry D. Treager  
Division of Occupational Licensing  
Juneau, Alaska 99811  
465-2534  
Position Statement: Available to answer questions.

Peter Froehlich  
Assistant Attorney General  
Department of Law  
Juneau, Alaska 99811  
465-3600  
Position Statement: Available to answer questions.

Wayne Jensen  
Board of Architects, Engineers, and Land Surveyors  
Box 310  
Juneau, Alaska 99801  
586-1070  
Position Statement: Expressed concerns about HB 622.

PREVIOUS ACTION

HR 17 No previous formal action. See minutes of  
House Labor & Commerce teleconference  
meeting of 1/14/82.

Statutory Reference: none.

Action Taken: Rep. Martin moved to accept a Labor & Commerce committee substitute. Motion passed unanimously.

Rep. Martin moved to report CSHR 17 from committee. On the question: for--Martin, Rogers, Randolph; opposed--Bylsma. Motion passed.

HB 662

No previous action.

Statutory Reference: AS 08.01; AS 08.04; AS 08.13; AS 08.18; AS 08.20; AS 08.32; AS 08.36; AS 08.40; AS 08.42; AS 08.48; AS 08.54; AS 08.62; AS 08.64; AS 08.68; AS 08.70; AS 08.71; AS 08.72; AS 08.80; AS 08.84; AS 08.86; AS 08.98; AS 08.99.

Action Taken: No action taken.

ACTION NARRATIVE

Tape #24  
Recording  
Number 000

The meeting was called to order by Chairman Martin at 1:10 p.m. Members present were: Representatives Martin, Bylsma, and Rogers. Representatives Randolph and Gardiner arrived later in the meeting.

Number 011

Representative Martin gave the background of HR 17 (a meeting before session with NAACP, and a teleconference held by the House Labor & Commerce Committee on 1/14/82 regarding possible discrimination in the financial community).

Number 033

Rep. Martin moved to accept the Labor & Commerce committee substitute. Rep. Bylsma objected. After discussion, Rep. Bylsma removed his objection. Committee substitute for HR 17 was adopted.

Number 039

There was discussion of the intent of the resolution. Rep. Bylsma did not think it appropriate for departments to investigate themselves. Rep. Rogers suggested that legislative subpoena could be used if there are problems getting information. The committee discussed means of acquiring information.

Number 080

Rep. Martin said part of the reason for the

resolution was to assure minorities that action is being taken.

Number 091

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Rep. Martin brought HB 662 before the committee.

Number 125

Harry Treagor, Division of Occupational Licensing, and Peter Froehlich, Assistant Attorney General, came before the committee to answer questions. Froehlich went over HB 662.

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2/23/82

HL & C

HB 662

HR 17

Absent: Ha. Limer, Randolph

000

1:10

Call to order by Martin

011

HR 17 & CS - gave history of legislation (mtg w/NAACP 1/2 & Jan teleconf)

~~012~~

~~HB~~

033

Martin moved to accept CS & asked Urban consent; objection by Bylsma; removed; CS adopted.

039

Bylsma doesn't think appropriate for depts to investigate themselves.

Discussion of intent of resolution. Rogers suggested legislative subpoena ed be used if there are problems getting info. Martin ~~said~~ gave his thoughts abt getting info; Bylsma felt info wd not be unbiased.

Discussion of means of getting info.

080

Martin said part of the reason was to assure minorities that action is being taken.

091

Martin moved to pass resol. out of comm. As Rep.

Randolph just arrived, he asked explanation of resolution.

Question for, Martin, Rogers, Randolph Opp: Bylsma

~~that~~ CS HR 17 passed from Committee.

HB 662

122

~~Dr~~ Martin int'd HB 662

125

Tarry Treason, Dr Occ'l Licensing, & Peter Hochlich, ACT ofc, said they're avail to answer questions.

1:25 Martin left

136 Treagor - said ~~he was to~~ requested revising fee structure

146 Peter Fraelich, Asst AG -

- ~~is~~ similar to legislation int'd in 1977
  - principle of authorizing agency to set fees has been followed recently. Have example (corporate filing).
  - Advantages
    - 1) setting fees by regn makes fees more flexible, easier to adjust.
    - 2) Uniformity. Currently 19 bds w/ 88 licensing categories - each bd setting fees in most cases. This bill wd accomplish uniformity - same entity wd set fees for all bds who license people.
    - 3) More closely match cost of licensing <sup>pgm</sup> to each ~~firm~~.
- Bill also includes some housekeeping changes.

190 Rogers - got no

- dept ends up setting fees in case of disgmt bet dept & bd.
- most bds & common subject to sunset rev, so fees ca' change every 4 yrs in bills to sunset orgs.
- Many bds & common don't license that many people. Charging costs to depts might be expensive. Wants depts input.

Discussion of costs w/ Treagor.

Rogers - sometimes <sup>creating</sup> boards increases costs in sites that don't warrant a board.

Discussion of consolidating bds.

- 267 Rogers asked why dept rather than bd shd set fees.
- 270 Treagor - uniformity, awareness, & experience to base fees.  
Agreed w/Rogers concerning small bds not <sup>always</sup> being necessary.
- 285 Discussion.
- 294 Randolph - went over problems he foresees
- 309 Gardiner - policy decision has been made that bds exist & agencies regulate. legis approp's funds for these bds.  
Who shd pay the budget with this system. Felt it has always been easier to take ~~for~~ money from gen'l funds than to raise fees. Policy decision needs to be made on who ~~take~~ <sup>pay</sup> what share of the burden.
- 348 Rogers - Problem - if agency has an empire-builder on staff who wants to increase staff, wd be easy for division to raise fees & add people w/o it being gottd by Regulators. Agreed some fees need adjusting, but feels it shd be done by statute rather than regn.  
Feels some portion of costs shd be borne by reg'd industries, some by public
- 396 Randolph ~~either, nature of bds~~ Discussion.
- 409 Byrma re-directed committee to getting witnesses
- 412 Treagor - agd w/Rogers re sunsetting. Gave his reasons for supporting bill.
- 441 Gardiner requested prop'd fee schedule from Occ'l Licensing.  
Discussion of need for this info.

462 Rogers - another concern w/ making industry bear cost, esp in medical field, for example, there is dislike or dissention w/in field. Cd happen that one profession wd increase fees of another (dentists increase dental hygienists, eg). If legis rw of regns were clearly established as const'l, wd be less concerned.

505 Wayne Jensen, Bd Arch, Engin & Land Surveyors - concerned

1) regns ~~that~~ have in past been est'd by bds; appears that Commerce will establish reg that will cover bds.

Appears to be little advantage to doing this. Concerned ~~that revenues generated from registration~~ All 3 types of members ~~are in conjunction~~ <sup>participate</sup> w/ <sup>National</sup> federal committee to provide uniformity.

Thinks fees are often viewed more as a tax than as a cost.

Bd directly recvs no more than 15-20% of fees generated. <sup>& procedures</sup> Wd prefer that bd shd establish fees, & Dept of Commerce shd assist bd. Bds not intended to serve dept.

656 Randolph - ~~rather than have state decide allowable expenses,~~ professional assoc. shd provide funds for travel to participate in national/regional confs (in response to a point Jensen brought up in explaining his pos'n).

Discussion.

700 Mtg adjourned 1:55. No action.

LABOR & COMMERCE COMMITTEE  
DAILY COMMITTEE HEARING

Date: 2/23/82

Place: \_\_\_\_\_

<u>Members</u>	<u>Present</u>	<u>Absent</u>	<u>Time Arrived</u>	<u>Time Left</u>
Rep. B. Bylsma, V. Chair	✓		1:00	
Rep. D. Randolph	✓		1:18	
Rep. B. Rogers	✓			
Rep. T. Gardiner	✓		1:00	
Rep. T. Martin, Chair	✓		1:26	
			12:55	

Subject Matter:

House Bill No. 662 HR 17 \_\_\_\_\_

Senate Bill No. \_\_\_\_\_

Special Orders:





POSITION PAPER  
HOUSE BILL 662

Department of Commerce and Economic Development. "An Act relating to occupational licensing fees and providing for an effective date."

AMENDING LICENSING FEES

This bill would give the Department of Commerce and Economic Development the authority to establish licensing fees by regulation. It centralizes the responsibility of setting fees which accurately reflect the cost of licensing and examination services for the various professions licensed through the Division of Occupational Licensing.

This bill also amends inconsistencies in existing language throughout Title 8.

FISCAL IMPACT ANALYSIS

The attached fiscal note reflects the need for a research aide (contractual basis) to assist the regulations specialist in assessing the various costs incurred by the State in the licensing and examination processes for 88 licensing categories. It is anticipated that once the fee regulating project is outlined, the necessary research should be completed by the research aide within eight months. The staggering of established renewal periods and recent changes in legislation may affect the commencement of this project. This could occur in FY '83, FY '84 or the beginning of FY '85.

Once the initial research has been completed, the research aide's contract will be terminated and the department's regulation specialist will consult the respective licensing boards and proceed with the regulation adoption process pursuant to the Administrative Procedures Act.

RECOMMENDATION

The department strongly supports the passage of this bill.

Recommended by:

Harry D. Treager  
Harry D. Treager, Director  
Division of Occupational  
Licensing

Date:

February 23, 1982

Approved by:

E. W. Eboch  
Edward W. Eboch  
Deputy Commissioner  
Department of Commerce and  
Economic Development

Date:

2-23-82

POSITION PAPER  
HOUSE BILL 662

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Edward W. Eboch  
Deputy Commissioner  
Department of Commerce and  
Economic Development

Date:

2-23-82

2-2 4-82

E.O. 52

HOB 641

HOB 642



LABOR & COMMERCE COMMITTEE  
DAILY COMMITTEE HEARING

Date: 2/24/82

Place: \_\_\_\_\_

<u>Members</u>	<u>Present</u>	<u>Absent</u>	<u>Time Arrived</u>	<u>Time Left</u>
Rep. B. Bylsma, V. Chair	✓		1:10	
Rep. D. Randolph	✓		1:05	
Rep. B. Rogers				
Rep. T. Gardiner	✓		1:18	
Rep. T. Martin, Chair	✓	<del>12:55</del>	12:55	

Subject Matter:

House Bill No. 641 642 \_\_\_\_\_

Senate Bill No. \_\_\_\_\_

Special Orders:

*Executive Order 52*

HOUSE LABOR & COMMERCE  
STANDING COMMITTEE  
February 24, 1982  
1:12 p.m.

Members Present: Rep. Martin, Chairman  
Rep. Bylsma, Vice Chairman  
Rep. Randolph  
Rep. Rogers

Members Absent: Rep. Gardiner

COMMITTEE CALENDAR

Executive Order 52 Regarding merging the statutory responsibilities of the Wage and Hour Division and the Division of Occupational Safety and Health within the Department of Labor.

HB 641 An Act establishing a personal loan program for Alaska residents; and providing for an effective date.

HB 642 An Act establishing the Alaska natural resource trust; and providing for an effective date.

WITNESS REGISTER

Judy Knight  
Department of Labor  
Box 1149  
Juneau, Alaska 99811  
465-2700  
Position Statement: Explained Executive Order 52.

Dale Cheek  
Department of Labor  
Box 630  
Juneau, Alaska 99811  
465-4870  
Position Statement: Explained Executive Order 52.

Anselm Staack, Comptroller  
Division of Treasury  
Department of Revenue  
Pouch SB  
Juneau, Alaska 99811  
465-2350  
Position Statement: Went over fiscal notes necessary for HB 642.

Billy Berrier, Director  
LAA Legal Services  
Pouch Y  
Juneau, Alaska 99811  
465-3867

Position Statement: Available to answer questions.

Lynette Clark  
CJ Mining, Inc.  
PO Box 10492  
Fairbanks, Alaska  
456-3086

Position Statement: Testified in support of HB 641 and 642.

Dave Massey, Deputy Director  
Division of Loans & Veterans Affairs  
Department of Commerce  
Pouch D  
Juneau, Alaska 99811  
465-2510

Position Statement: Testified regarding HB 641.

#### PREVIOUS ACTION

Executive Order 52 No previous action.

Statutory Reference: AS 18.60; AS  
23.10.075.

Action Taken: Rep. Rogers moved that the committee write a letter to Speaker Hayes stating that the committee had reviewed EO 52 and found it to be of benefit to the administration, and note changes (correction of clerical errors). Motion passed without objection.

HB 641 No previous action.

Statutory Reference: AS 45.

Action Taken: Rep. Rogers moved to delete Section 1. There was objection by Rep. Randolph. On the question: for--Rogers, Martin, Bylsma; opposed--Randolph. Motion passed.

Rep. Rogers moved, page 2, line 26, to add subsection (3): "makes an application for the loan on or before August 24, 1982." Rep. Bylsma objected. Rep. Rogers withdrew the motion and restated it, changing the date to November 1, 1982. On the question:

for--Rogers, Randolph; opposed--Bylsma, Martin. Motion failed.

Rep. Rogers moved, page 2, line 10, insert after the word "for", the words "up to". On the question: for--Rogers, Randolph, Bylsma; opposed--Martin. Motion passed.

Rep. Rogers moved, page 2, line 5, to insert a new sentence, to read, "If funds appropriated to this program are insufficient to fully fund all loan applications, the Commissioner shall reduce the maximum amount of the loan to an amount which would allow all loans to be made." On the question: for--Rogers, Randolph; opposed--Bylsma, Martin. Motion failed.

Rep. Rogers moved to incorporate the amendments into a new committee substitute for HB 641. On the question: for--Rogers, Randolph; opposed--Martin, Bylsma. Motion failed.

Rep. Bylsma moved, page 2, line 26, to delete subsection (2). Rep. Randolph objected, and withdrew his objection. Motion passed without objection.

Rep. Randolph moved to rescind the committee's action in not adopting Rep. Rogers' amendment to page 2, line 5. On the question, for--Rogers, Randolph; opposed--Martin, Bylsma. Motion failed.

Rep. Randolph moved to report the bill from committee with individual recommendations. On the question: for--Rogers, Randolph; opposed--Martin, Bylsma. Motion failed.

Rep. Randolph moved to rescind the committee's action in not reporting the bill from committee. On the question: for--Rogers, Randolph; opposed--Martin, Bylsma. Motion failed.

1 42


Resources Committee added Labor & Commerce Committee referral by unanimous consent. Bill was moved from Resources to Labor & Commerce 1/12/82.

Statutory Reference: AS 37.

Action Taken: No formal action taken. Rep.

Rogers requested forming a subcommittee to review bill. Rep. Martin said he wished to discuss composition of a subcommittee with the House leadership before appointing a subcommittee.

ACTION NARRATIVE

  
Tape #25  
Recording  
Number 000

The meeting was called to order by Chairman Martin at 1:12 p.m. Members present were: Representatives L. A. Bylsma, Rogers, and Randolph. Repres. ative Gardiner was absent.

Number 010

Rep. Martin brought Executive Order 52 before the committee for consideration. He asked Judy Knight and Dale Cheek, both from the Department of Labor, to come before the committee to give an overview of the Order.

Number 014

Judy Knight said Dale Cheek would be the director of the proposed Labor Standards & Safety. She gave background of the need for the order, and went over how the new name was selected, based on the functions of the agency. In response to a question by Rep. Martin, Knight explained the new draft which was given to the committee was needed because of incorrect statutory citations. The changes were discussed, and changes adopted.

Number 070

There was discussion about what action to take on the order. Rep. Rogers moved that the committee write a letter to the Speaker of the House stating that the committee had reviewed EO 52 and found it to be of benefit to the administration. Motion passed without objection.

Number 094

Rep. Martin brought HB 642 before the committee, and said that Legal Services wished to testify. Rep. Martin noted that HJR 81 is similar to HB 642.

Number 111

Rep. Randolph, prime sponsor of HB 642 and HJR 81, spoke of the purpose of the legislation, which he said was to take a percentage of resource development income, aside from taxes income, and create a trust, of which every Alaskan would be a

beneficiary. For his motivation, he said he believes the wealth belongs to the people of the state, and should be shared equitably. He said this legislation would affect 25-30% of the total income from resource extraction. He expanded on this, and recommended appointing a subcommittee to examine the bill.

Number 148

Rep. Rogers, co-sponsor of HB 642, said he believes this can be done without a constitutional amendment. He concurred with Rep. Randolph that the bill should be worked on by a subcommittee.

Number 169

Rep. Martin said he is concerned this is similar to a bill by Senator Gravel (which would have created AGSOC, Alaska General Stock Ownership Corporation). Rep. Randolph explained the difference, and said it would have the opposite effect. Rep. Rogers noted the similarity--transferring money from the state to individuals--but felt the trust is just a vehicle to transfer funds, not to conduct business. He gave examples of similar royalty trusts. Rogers said the advantage of a trust is that there are good precedents of similar trusts. Rep. Randolph went into the justification for a trust.

Number 236

Rep. Martin said the constitution already says the natural resources wealth belongs to all the people. Rep. Randolph responded that the federal and state governments have made agreements with development companies (oil companies) to the exclusion of individual participation. He said oil companies are given a favored position. Randolph said the people of the state have derived a significant share, but the money belongs to the people equally. He felt there is no justification for giving one segment more than another.

Number 275

Rep. Martin asked for a timeframe if a special subcommittee is appointed. Rep. Randolph felt that a good bill could be drafted by the end of session. Rep. Martin asked if members of the Resources Committee could be allowed on the subcommittee. Rep. Randolph felt Labor & Commerce had expertise, and suggested appointing Representatives Rogers, Gardner, and himself.

Number 303

Rep. Martin said Phillip Woll requested to be allowed to give input. There was discussion of fiscal notes. A gentleman from the audience said he had written a fiscal note.

Number 319

Anselm Staack, Comptroller, Division of Treasury, said three fiscal notes were necessary: 1) the amount of revenue reduction to the general fund unrestricted amounts. He said this excluded conservation and severance tax monies; it appeared these may have been addressed in the bill, but not in the resolution. Rep. Rogers said the intent is income derived from being owners as opposed to being a sovereign taxation authority. Rep. Rogers requested a revision be prepared to match the revenue forecast. Staack referred to other fiscal notes: 2) a fiscal note reflecting administrative costs with investment money management; and, 3) administrative costs controlling share certificates, dividend distribution, etc.

Number 407

Rep. Martin said, regarding a constitutional amendment, that the Attorney General's position on amendments and initiatives on the ballot had been unpredictable, and asked Billy Berrier, director of LAA Legal Services, to clarify. Berrier said a constitutional amendment clearly goes on the ballot. Rep. Rogers asked if the legislature could put an advisory vote on the ballot. Berrier said the legislature could do that, but he couldn't say if it has clear power to do so. Rep. Martin went over past experiences.

Number 632

Rep. Bylsma asked why people would pay loans back if there is no security required. Rep. Randolph explained it would be similar to banks giving signature loans which require no security. The committee discussed problems with collection and the possibility of people coming to Alaska just to take advantage of "giveaway" money. Rep. Randolph said he sees the loan program taking place only once; after that, the royalty trust would come into effect.

Side B, Number 006

Rep. Martin expressed concern about constitutionality and funding. Rep. Randolph said there is no question of constitutionality with the loan. Discussion

continued.

- Number 033 Rep. Rogers recommended eliminating the sentence referring to estimated income. He expressed his feelings about participation in the program. Rep. Bylsma said he felt the first sentence of the intent section was just an opinion.
- Number 059 Lynette Clark, CJ Mining, Inc., Fairbanks, said she supported the bill. She gave her views and examples of how the bill could benefit people. She felt the trickle-down effect would benefit everyone. She thought many grants could be eliminated with this type of program.
- Number 122 Committee discussed funding of the program. Staack answered questions posed by the committee. Rep. Rogers asked him to go ahead and figure lower costs if they can see modifications to reduce administrative costs.
- Number 460 Rep. Martin said he would like to discuss composition of a subcommittee with the House Leadership before appointing a subcommittee.
- Number 480 HB 641 was brought before the committee. Rep. Randolph explained the purpose of the bill. He said it is an attempt to establish a program to get money to Alaskans quickly with the least tax problems. It establishes a loan program to allow adult Alaskans to apply for a \$10,000 loan, with forgiveness of 20% for each of five years after the loan is acquired for each year of residency. He asked the committee to expedite the bill in order to get it to Finance.
- Number 551 Rep. Rogers said he is concerned, first, whether forgiveness makes the loan subject to taxation; and second, although he likes the idea of the loans, it seems only certain people get state loans, and probably the same people will get these new loans. He feels people should have a choice between personal loans, housing, agriculture, mining, or other loans. He said this might cut the cost while serving the same purpose.
- Number 590 Rep. Randolph agreed that the loans are taxable, but thought that, with inflation, it would be advantageous. He agrees with

the concept  
whichever  
this loan  
for many  
was an effort  
and control

Tape 26, Number 144

Rep. Martin  
student in  
there would  
discussion  
difference  
in process

Number 183

David Masse  
Loans & Ve  
real value  
applicant  
processing  
be the pro  
be minimal  
discussion

Number 225

Rep. Roger  
There was  
the quest  
opposed-

Rep. Roger  
add a sub  
for the lo  
Rep. Byler  
about set  
of passing

Number 383

Rep. Roger  
restarted  
1, 1982".  
Randolph;  
failed.

Rep. Roger  
insert be  
"\$120,000"  
objection  
question  
opposed--

Number 430

Rep. Roger  
on page 2  
appropriate  
insufficient  
application  
the maximum

pt of only one state loan,  
kind one chooses, but felt that  
program could eliminate the need  
other loan programs. He felt this  
efficient way to get money, power,  
col back to the people.

in, using the example of the  
loan program, explained why he felt  
uld be fiscal problems. There was  
m. Rep. Rogers said he saw a major  
e in processing student loans and  
using the proposed personal loans.

ey, Deputy Director, Division of  
Veterans Affairs, said there was no  
question to be done on the  
as. He said it would just be  
ng the application, which would also  
omissory note. He said there would  
al processing time. There was  
on.

ers moved to delete Section 1.  
objection by Rep. Randolph. On  
ion: for--Rogers, Martin, Bylsma;  
Randolph. Motion passed.

ers moved, on page 2, line 26, to  
subsection (3)): "makes an application  
loan on or before August 24, 1982."  
ma objected. There was discussion  
gating a date and the ramifications  
ng the legislation.

ers withdrew the motion, and  
it, changing the date to "November  
On the question: for--Rogers,  
opposed--Martin, Bylsma. Motion

ers moved, page 2, line 10, to  
between the words "for" and  
, the words "up to". There was  
by Martin. Discussion. On the  
for--Randolph, Rogers, Bylsma;  
Martin. Motion passed.

ers moved to insert a new sentence  
2, line 5, to read, "If funds  
ated to this program are  
ent to fully fund all loan  
ions, the Commissioner shall reduce  
sum amount of the loan to an amount

which would allow all loans to be made." There was discussion of availability of funds. On the question: for--Rogers, Randolph; opposed--Bylsma, Martin. Motion failed.

- Number 480 Rep. Rogers moved to incorporate amendments into a committee substitute for HB 641. On the question: for--Rogers, Randolph; opposed--Bylsma, Martin. Motion failed.
- Number 488 Rep. Bylsma said he wanted to add, page 2, line 24, that residency must be verified. There was discussion.
- Number 512 Massey explained the certification used in the veterans program. He said it would be easy to make a form for people to sign verifying residency and establishing penalties for making false statements. Rep. Randolph felt administrative procedures could be easily established. There was discussion of verifying residency and the potential for groups of people to falsely verify each others' residency statements.
- Number 592 Rep. Bylsma moved, on page 2, line 26, to delete subsection (2). There was objection by Rep. Randolph. Rep. Randolph withdrew his objection. Motion passed without objection.
- Number 725 Rep. Randolph moved that the committee rescind its action in not accepting Rep. Rogers' motion to amend page 2, line 5, regarding proration. There was objection by Rep. Martin. On the question: for--Rogers, Randolph; opposed--Martin, Bylsma. Motion failed.
- Side B, Number 010 Rep. Randolph moved to report HB 641 from committee with individual recommendations. On the question: for--Randolph, Rogers; opposed--Martin, Bylsma. Motion failed.
- Number 015 Rep. Randolph moved that the committee rescind its action in not accepting the motion to report the bill from committee. There was discussion. On the question: for--Rogers, Randolph; opposed--Martin, Bylsma. Motion failed.
- Number 026 There being no further business to come before the committee, the meeting was

adjourned at 2:46 p.m.

1:12 pm

000

START; Call to Order by Ch. Martin

Announced that Bylsma will chair tomorrow, as well as on his teleconf

010

Exec Order 52 - asked Knight & Check <sup>-Dir wage</sup> for overview

014

Judy Knight - said Check wd be dir of prop'd Labor Standards & Safety.  
Gave background of need for order. Went over how new name was selected, based on functions of agency.

035

Check - agreed w/Knight.

044

Martin requested clarification abt new draft.

- Knight explained new draft was needed because of incorrect stat. citation.

- Martin - quest p 2 l. 15; Knight said same error

065

<sup>Bylsma</sup> Martin moved to accept amndt to correct p. 2, l. 15

No obj, amndmt passed.

070

Discussed what action to take on order

Rogers mod comm write ltr to speaker stating comm would EO 52 & find it to be of benefit to admin.

094

HB 642 - Martin noted legal socs wishes to testify.

Noted HJR 81 is similar to bill.

111

Randolph, prime sponsor of both 642 & HJR 81. Spoke of purpose of legislation - take percentage of resource deplet income, aside from tax income, & create trust of which every Alaskan wd be a beneficiary. Motivation - blue wealth ~~is~~ belongs to people of the state, which shd be shared equitably. <sup>affects</sup> 25-30% of total income from resource extraction. Expanded; recommended appointing subcommittee to examine bill.

HB 642, cont'd

- 148 Rogers - CO-Appropriator - believes this can be done w/o consto amount. Will be x'ing asset & not funds to be rec'd. Concurs w/Randolph that bill shd be worked on by subcommittee.
- 169 Martin concerned this is similar to a bill by Sen. Gravel (AGSOC). Randolph explained difference - opposite effect. Rogers ~~to~~ noted similarity - x'ing money from state to ind'ls - but felt trust ~~was~~ <sup>is</sup> just a vehicle to x' funds, not to conduct business. Gave examples of similar royalty trusts. Said advantage of trust is there are good ~~examples~~ precedents of similar trusts. Randolph expanded on justification for trust.
- 236 ~~Rand moved to establish~~ Martin - said constitution already says <sup>nat'l resources</sup> wealth belongs to all the people. Randolph responded. Govts (fed & state) have made agmts w/dept cos (oil cos) to the exclusion of individual participation. Oil companies given favored pos'n; people of state have derived signif share, but money belongs to people equally. No justification for giving one segment more than another.
- 275 Martin asked for timeframe if special comm. appointed. Randolph felt by end of session good bill cd be drafted. Martin asked if members of Resource Comm cd be allowed in subcomm. Randolph felt L+C had expertise in comm. ~~and~~ suggested Rogers, Gardner & self.
- 303 Martin said Phillip Wall requested to be allowed to give input; there was discussion of fiscal notes. Gentleman from audience said he had written fm.

319 Anselm Stock, Comptroller, Treas. Said 3 fn's necessary:

- 1) ant revenue reduction to genl fund unrestricted amts  
- ~~also~~ excluded conservation & severance tax monies; appears  
This may be addressed in bill, but not in resolution.

Rogers - intent is income derived from being owners as opp'd to being  
sovereign tax'n auth.

- Stock - #s are in millions of \$; figures for 1984-87.

- Rogers requested preparing revision / match revenue forecast.

<sup>Stock</sup> 2) (fn) admin costs w/ investment money mgmt

3) admin costs controlling share certificates, dividend distn, etc.

(Explained administrative fiscal notes (how figures were  
arrived at).

~~3~~ 3) - This will be higher, Wall preparing it now; will be higher.

407 Martin, re const'l amend - Act of pos'n on ammnts/initiatives on  
ballot ~~not~~ has been unpredictable. Asked Berrier to clarify.

422 Berrier - const'l amend clearly goes on ballot.

Rogers - can legis. put advisory vote on ballot? Berrier said legis.  
cd, but can't say they have it has clear power.

Martin ~~went~~ over past experiences.

630

Byloma - why wd people pay loans back if there's no security, Randolph explained - eg, banks giving signature loans, collection procedures, etc.

Committee discussion of collection problems & possible problem w/ people coming up just to take advantage of ~~the~~ "giveaway" money.

Randolph sees the loan pgm as a one-time deal; royalty trust wd come into effect after that.

Martin expressed concern abt constitutionality, & funding.

Side B

006 Randolph said no gstr of constitutionality w/ loan; people under 18 can't legally contract loans; also, other loan pgms exist. Discussion continued.

033 Rogers recommended eliminating sentence referring to estimated income. Have his feelings abt participation in pgm.

052 Byloma - felt first sentence of ~~bill~~ <sup>intent</sup> was just an opinion.

059 Willetto Clark - CJ Mining Inc, Fox, & retailer - ~~sent~~ ~~of~~ ~~bill~~ ~~that~~ ~~was~~ ~~just~~ ~~an~~ ~~opinion~~. Supported bill. Have her views & examples of how bill could benefit people. Felt trickle-down effect wd also benefit everyone. Thought many grants cd be eliminated w/ this type pgm.

102 Resumed committee discussion. Martin asked abt fm fm dept of revenue. Rogers felt no cost to dept of revenue, fm correct. Rogers asked what wd be done if ~~the~~ not enough money approp'd to meet need - first come first serve, or pro ration. Randolph thought probly pro-rated.

450 Stock arranged. Rogers asked him to go ahead & figure low costs if they can see modifications to reduce admin. costs.

460 Martin said he'd like to discuss subcomm. membership w/ leadership.

HB 641

480

Randolph - explained purpose of bill; similar to HB 23.

Attempt to set pgm to get money to Alaskans quickly w/ least tax problems. Est's loan pgms to allow adult Alaskans to apply for \$10,000 loan; forgiveness of 20% for each of 5 yrs after loan acquired for each yr of residency. Asked committee to expedite bill in order to get it to finance.

551 Rogers concerned - 1) forgiveness makes it subject to taxation.

- 2) likes idea of ~~Alaskans~~ <sup>seems</sup> ~~but~~ only certain people get loans, & probly same people will get these loans. Feels people shd have choice bet. personal loans, housing, ag, mining, or other loans. Might cut cost while serving same purp.

590 Randolph - agrees loans are taxable, but w/ inflation, wd be advantageous.

Re getting loans more than on - agrees w/ concept; however such a loan pgm cd eliminate need for many other loan pgms. Efficient way to get money, power, & control back to people.

Rogers

430 p. 2, l. 5 <sup>insert</sup> new sentence:

seconded by Rand.

Discussion of availability of funds.

If funds appropriated to this pgm are insufficient to fully fund all loan applications, the commissioners shall reduce the max amt of the loan to an amount which wd allow all loans to be made.

476 Qstrn: for R, R

opp'd B M

failed

480 Rogers moved to the amdm'ts into C.S for HB 641 for R R against B, M

488 Bylsma <sup>wanted</sup> ~~needed~~ p. 2, l. 24, to add that residency must be verified.

Discussion.

512 Mr. Seely explained certification used in veterans pgm; easy to ~~make~~ make form for people to sign verifying residency, & establishing penalties.

Randolph felt administrative procedure easily established.

Discussion of ~~verify~~ verifying residency & potential ~~for~~ for groups of people to lie abt residency.

592 Bylsma <sup>delete</sup> p. 2, l. 26; eliminate (?)

objection by Randolph &

discussion. Rand withdrew objection

701  
~~670~~

~~Rand suggested~~ ~~Qstrn~~ Mo passed w/o obj

705 Rand moved to rescind action in not accepting Rogers amendment to p. 2, l. 5: (provision)

Page 2  
Side A

007 obj by Martin. Qstrn for R, R opp'd B M, failed.

144 Martin - using example of student loan pgm, explained why he felt ~~that~~ there wd be fiscal problems.

Discussion.

173 Rogers <sup>disc</sup> thought major differences in processing student loans & ~~the~~ prop'd personal loans.

183 Dave Massey, Dep Dir, Div Loans, Veterans Affairs - no real evaluation to be done on applicants; just documents processing of application, which wd also be promissory note. Minimal processing time.

204 Discussion.

225 Rogers - Sec 1 - moved to delete Sec 1.

\* objection by Randolph; for Rog, ~~Ran~~, <sup>Mart</sup> B agnt Ran.

Rogers - p. 2, line 26, add # (33) "makes an <sup>application</sup> ~~offer~~ for the loan on or before ~~the~~ Aug 24, 1982".

Byzoma had objection, ~~Randolph~~ discussion.

Randolph moved the amendment.

Discussion about <sup>setting</sup> date & ramifications of passing legislation.

~~375~~ ~~Qstrn~~

383 w/dren mo; change to "Nov 1, 1982"

392 for: Rog, Ran against: M, B

failed

but "for"

not more than

Rogers p. 2, l. 10 - insert ~~to~~ "10,000" - "up to"; asked unan consent.

~~the~~ Obj. by Martin. Discussion.

424 Qstrn: for R. R. B agnt M

passed

010 Ran moved to pass bill from comm w/ind'l  
for RR against B, M  
failed

015 Ran moved to rescind action on not moving bill from comm.  
discussion

200 for RR opp'd B, M.

026 Adjourned 2:46

To: Speaker Joe Hayes  
From: Terry Martin, Chairman  
Labor & Commerce Committee  
Date: March 4, 1982  
Subject: Executive Order 52

Please incorporate another correction into Executive Order 52. This correction was omitted in my previous letter of February 25.

On page 2, line 15, the second statute cited is also incorrect. That statutory reference should read "AS 18.60.105" rather than "AS 18.60.150".

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Terry Martin, Chairman  
House Labor & Commerce Committee

To: Speaker Joe Hayes

From: Terry Martin, Chairman  
Labor & Commerce Committee

Date: February 25, 1982

Subject: Executive Order 52

This committee has reviewed Executive Order 52. We find this order to be of benefit to the administration.

Please note that a correction was made to page 2, line 15, where a statute was incorrectly cited: the first statutory reference on that line should read "AS 18.60.010..."

Contact me if you have any questions.

ltr to Joe Hayes, Speaker  
fm Terry Martin, Chmn  
H L & C  
re Elec order 52

This committee has reviewed Elec order 52 &  
finds it to be of benefit to the administration.  
Please note that a correction was made to page  
2, line 15, where a statute was incorrectly cited:  
the first statutory reference should read "AS 18.60.010..."

also second cite, p. 2, l. 15, needs to be changed

H L & C

HB 642 HOUSE ACTION  
DATE SEQ PAGE

01/11/82 01 0010  
01/12/82 02 0033  
01/12/82 03 0033

13:23 3/10/82 PAGE 2 OF 2  
LEGISLATIVE ACTION

-----  
FIRST READING -- COMMITTEE REPORTS  
L&C COMM REFERRAL ADDED BY UNAN CONSENT  
MOVED FROM RES TO L&C BY UNAN CONSENT  
LABOR & COMMERCE  
JUDICIARY  
FINANCE  
RULES

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2-25-82

NO MEETING  
—

LACK OF  
QUORUM



LABOR & COMMERCE COMMITTEE  
DAILY COMMITTEE HEARING

Date: 2/25/82

Place: \_\_\_\_\_

<u>Members</u>	<u>Present</u>	<u>Absent</u>	<u>Time Arrived</u>	<u>Time Left</u>
Rep. B. Bylsma, V. Chair	✓		1:00	
Rep. D. Randolph	✓		1:10	
Rep. B. Rogers				
Rep. T. Gardiner				
Rep. T. Martin, Chair		✓		

Subject Matter:

House Bill No. \_\_\_\_\_

Senate Bill No. \_\_\_\_\_

Special Orders:

*No meeting for lack of quorum.*



2-26-82

TELECON-  
FERENCE

HOUSE LABOR & COMMERCE  
STANDING COMMITTEE  
February 26, 1982  
1:12 p.m.

Members Present: Rep. Martin, Chairman  
Rep. Bylsma, Vice Chairman  
Rep. Rogers  
Rep. Randolph

Members Absent: Rep. Gardiner

COMMITTEE CALENDAR

TELECONFERENCE HEARING

HB 634 An Act limiting the amount of damages which may be awarded for personal injury or death in an action brought against an ATC-registered air carrier.

WITNESS REGISTER

L. Ames Luce, attorney  
Chairman, Alaska Action Trust  
1015 West 7th  
Anchorage, Alaska  
279-9571  
Position Statement: Felt bill does not address air safety problem.

Kent Woodman  
AOPA and Alaska Airmen's Association  
Box 2386 SRA  
Anchorage, Alaska 99507  
345-1356  
Position Statement: Supported bill.

Tulinda Deegan, President  
Alaska Air Carriers  
Anchorage, Alaska  
Position Statement: Supported bill.

Robert Judy  
Van Dusen Air, Inc.  
Anchorage, Alaska  
Position Statement: Supported bill.

Stephan A. Wilbur, Vice President  
Wilbur's Flight Operations  
Anchorage, Alaska  
Position Statement: Supported bill.

Chuck LaPage  
Valdez, Alaska  
Position Statement: Supported bill.

Bob Bielefeld  
Soldotna, Alaska  
Position Statement: Supported bill.

Linda Slaeger  
Trailways Flying Service  
Seward, Alaska  
Position Statement: Supported bill.

Cecil McClain, Chairman  
Transportation Committee  
Greater Sitka Chamber of Commerce  
Box 118  
Sitka, Alaska  
747-6970  
Position Statement: Supported bill.

Mike Ivers  
air taxi operator  
Yakutat, Alaska  
Position Statement: Supported bill.

Joyce Galleher  
Munz Northern Airlines  
Box 790  
Nome, Alaska  
Position Statement: Supported bill.

Jim Rowe, President  
Bering Air, Inc.  
Box 1650  
Nome, Alaska  
Position Statement: Supported bill.

Millard Ingraham, attorney  
1919 Lathrop Street, D 33  
Fairbanks, Alaska  
456-2157  
Position Statement: Opposed bill.

Pete Haggland  
Haggland Aviation  
Box 81464  
Fairbanks, Alaska 99701  
479-6737  
Position Statement: Supported bill.

Lee Daniels  
Delta Aviation, Inc.  
Fairbanks, Alaska

Position Statement: Supported bill.

William Nelmes  
Department of Aviation Technology  
Tanana Valley Community College  
Fairbanks, Alaska

Position Statement: Asked legislators to promote safety education.

Don Cogger  
Alaska Air Guides  
Anchorage, Alaska

Position Statement: Supported bill.

Dave Diamond  
President and General Manager  
Southcentral Air  
Soldotna, Alaska

Position Statement: Supported bill.

Everett Long  
private pilot  
Fairbanks, Alaska

Position Statement: Felt limit was too high.

Cindy Andrechek  
Executive Charter Service  
Bethel, Alaska

Position Statement: Supported bill.

Dennis Gunder  
Delaire Charter Service  
Bethel, Alaska

Position Statement: Supported bill.

#### PREVIOUS ACTION

HB 634

See minutes of teleconference meeting of 1/21/82.

Statutory Reference: 09.65.

Action Taken: No action taken during meeting.

#### ACTION NARRATIVE

Tape #27  
Recording  
Number 000

The meeting of was called to order at 1:12 p.m. by Vice Chairman Bylsma, who chaired this meeting at Rep. Martin's request.