

ATLASKAPITEL 2007

181 HB - HB 694 - HB 835

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Alaska State Legislature

Senate

Official Business

Labor & Commerce Committee

Pouch V
State Capitol
Juneau, Alaska 99811

CSHB 694:

Places employees of the Municipal Bond Bank Authority, other than the director and legal counsel, in the partially exempt service. Amends language pertaining to the amount of revenue bonds it expects to issue, and places a limit of \$50 million on the amount of revenue bonds the authority may issue in one year without Legislative approval.

Establishes a Municipal Bond Bank Authority revolving loan fund in the Department of Revenue. Loans may be made to municipalities for projects for which bonds have been authorized by law, but not yet sold. Would make loans available for expenditures authorized under state or federal grants, after the grant is authorized, but before the grant is received, and loans for expenditures authorized by a governing municipal body in anticipation of tax revenues expected to be received during the period of the loan. Loans shall be for a period of one year or less, and each municipality is entitled to borrow up to \$1 million from the fund. The interest rate will be determined by the authority and must not be less than the market rate which the authority will have to pay at the time of the loan for notes issued for a similar purpose.

I&C CS added a new section allowing the Municipal Bond Bank Authority to issue bonds and notes up to \$200 million. Provides the act takes effect immediately.

FISCAL NOTE

I. REQUEST

Bill/Resolution Number: CS HB 694 (L&C)

Title: An act relating to the Alaska Municipal Bond Bank Authority

Requested by: Rules/Governor

Date: 3/17/82

II. FISCAL DETAIL

Agency Affected: Revenue

Program Category Affected:

BRU, Program, or Subprogram(s) Affected: Municipal Bond Bank Authority

(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LAND & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

FUNDING (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify source)						
Program Receipts from MBB	-	1.14	-	-	-	-

POSITIONS

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

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

The Alaska Municipal Bond Bank has \$1.14 million in program receipts for FY 82. This amount would be used to fund the revolving fund set up in Section 4 of the bill. It is anticipated that a fund of \$3 million would eventually be set up and at that time program receipts would again be re-mitted to the General Fund on an annual basis.

DATE:

PREPARED BY: Denna L. Payne for Dave Rose

AGENCY: Revenue

PHONE: 465-2301

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)



48694

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 26, 1982

The Honorable Joe L. Hayes
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

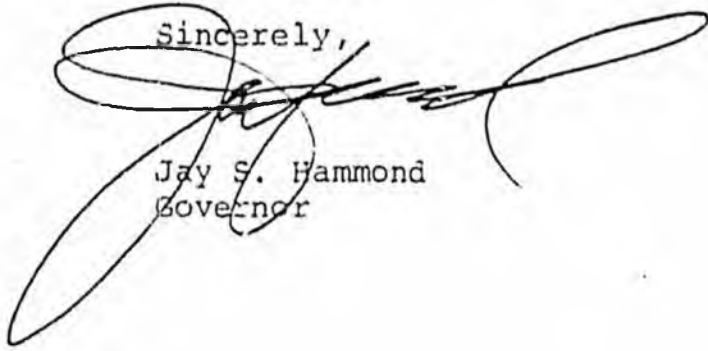
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the Alaska Municipal Bond Bank Authority.

The bill amends AS 44.85 by placing the authority's employees, other than the executive secretary and legal counsel, in the partially exempt service (secs. 1 and 2 of the bill), allowing the authority to issue up to \$50,000,000 worth of revenue bonds during any fiscal year without specific legislative authorization (sec. 3 of the bill), and establishing a municipal bond bank revolving loan fund to make loans to municipalities in anticipation of the receipt of revenues from bond issues, state or federal grants, or taxes (sec. 4 of the bill).

The bill amends AS 44.85.100(b), which requires an estimate of the amount of bonds to be issued for the "following 12-month period." The amendment makes it clear that, the estimate required under AS 44.85.100(b) is for the fiscal year following the fiscal year in which the estimate is submitted and not for the 12-month period following the submission of the estimate (sec. 3 of the bill).

Section 4 of the bill adds AS 44.85.165, which establishes a municipal bond bank revolving loan fund. The authority may make a loan of up to \$1,000,000 to a municipality from the fund for expenditures which are authorized in anticipation of the receipt of revenue described in AS 44.85.165(1)(A) -- (C).

Sincerely,



Jay S. Hammond
Governor

Legislative history reports. — For report on ch. 69, SLA 1970 (HB 564), see 1970 House Journal Supplement No. 2, p. 7 (2/10/70). For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657. For report on ch. 157, SLA 1976 (SCS CSHB 887 am S), see 1976 House Journal, p. 1449.

The thrust of the exemptions in this chapter, the Public Employees Retirement System, former AS 39.35.680(5)(c), and the statutory leave provisions for state employees, AS

39.20.310, is to provide for those public employees who are not susceptible to ordinary recruiting and examining procedures. *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

No inconsistency between ferry crew exemption of this section and inclusion of such personnel with Public Employment Relations Act, AS 23.40.070 et seq. — See *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Sec. 39.25.120. Partially exempt service. The following positions in the state service constitute the partially exempt service and are subject to this chapter and the rules adopted under it only as specifically provided in this chapter. Positions in the partially exempt service shall be included in the position classification plan established under this chapter, and these positions shall be compensated according to the pay plan. Persons holding positions in the partially exempt service are not required to take examinations, qualify or earn a place on a register, nor are they eligible for a hearing by the personnel board in case of dismissal, demotion, or suspension. Positions in the partially exempt service are specifically exempt from the rule established under AS 39.25.150(3) — (11), (14), (15), (18). They are also specifically exempt from AS 39.25.170 and 39.25.180 and as stated in AS 39.25.160(a):

(1) assistant commissioners of the principal departments of the executive branch;

(2) the directors, division of personnel, division of public health, division of medical assistance, and those other directors of the major divisions of the principal departments of the executive branch as are specifically designated by the governor;

(3) attorney members of the staff of the Department of Law;

(4) one private secretary for each head of a principal department in the executive branch;

(5) all employees of the Office of the Governor and the lieutenant governor, including the staff of the governor's mansion;

(6) Repealed by § 4 ch 78 SLA 1971.

(7) Repealed by § 9 ch 47 SLA 1974.

(8) the director and deputy director of the division of tourism in the Department of Commerce and Economic Development;

(9) regional directors of the Department of Transportation and Public Facilities;

(10) the executive director and deputy director of the Alaska Public Utilities Commission;

(11) the state forester, in the Department of Natural Resources;

(12) the executive director and staff of the Alaska Public Offices Commission;

(13) the attorney members, but not the non-attorney members, of the staff of the public defender agency in the Department of Administration;

(14) the executive director of the Alaska Historical Commission;

(15) the chief executive officer, but not other staff, of the Alaska State Council on the Arts;

(16) the administrator of the Alaska Police Standards Council;

(17) the executive director, but not other staff, of the Alaska Council on Science and Technology located in the Department of Environmental Conservation;

(18) the director, deputy director, staff legal counsel, and hearing officers of the Alaska Transportation Commission. (§ 6 ch 144 SLA 1960; am § 2 ch 48 SLA 1961; am § 2 ch 133 SLA 1961; am § 4 ch 5 SLA 1966; am § 3 ch 104 SLA 1969; am § 2 ch 109 SLA 1969; am § 4 ch 78 SLA 1971; am § 9 ch 47 SLA 1974; am § 4 ch 82 SLA 1975; am § 10 ch 207 SLA 1975; am § 2 ch 157 SLA 1976; am § 19 ch 263 SLA 1976; am Executive Order No. 39 § 6 (1977); am § 1 ch 103 SLA 1978; am § 2 ch 108 SLA 1978; am Executive Order No. 41 § 3 (1980); am Executive Order No. 42 §§ 3, 4 (1980); am Executive Order No. 43 § 4 (1980); am Executive Order No. 44 § 5 (1980); am Executive Order No. 45 § 3 (1980); am Executive Order No. 46 § 4 (1980); am § 18 ch 115 SLA 1980)

Revisor's note. — In this section "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Effect of amendments. — The first 1976 amendment deleted "division of mental health" following "division of personnel" in paragraph (2).

The second 1976 amendment, retroactive to July 1, 1975, deleted "and the staff of the division of tourism" from the end of paragraph (8).

Executive Order No. 39 § 6 (1977), added paragraph (9).

The first 1978 amendment added paragraph (10).

The second 1978 amendment added paragraph (11).

Section 3, Executive Order No. 41 (1980), the first 1980 amendment, added paragraph (12).

Sections 3 and 4, Executive Order No. 42 (1980), the second 1980 amendment,

deleted "and the attorney members of the staff of the public defender agency, but not including the nonattorney members of the staff of that agency" from the end of paragraph (5), and added paragraph (13).

Section 4, Executive Order No. 43 (1980), the third 1980 amendment, added paragraph (14).

Section 5, Executive Order No. 44 (1980), the fourth 1980 amendment, added paragraph (15).

Section 3, Executive Order No. 45 (1980), the fifth 1980 amendment, added paragraph (16).

Section 4, Executive Order No. 46 (1980), the sixth 1980 amendment, added paragraph (17).

The seventh 1980 amendment, added paragraph (18).

Legislative history report. — For report on ch. 5, SLA 1966, see 1966 House Journal, pp. 50 and 51. For report on ch. 157, SLA 1976 (SCS CSHB 887 am S), see 1976 House Journal, p. 1449.

of a quorum to exercise all the powers and perform all the duties of the bond bank authority. (§ 1 ch 79 SLA 1975)

Sec. 44.85.050. Bonding of members. Before the issuance of bonds or notes under this chapter, each director shall execute a surety bond in the penal sum of \$25,000 and the treasurer shall execute a surety bond in the penal sum of \$50,000. Each surety bond shall be conditioned upon the faithful performance of the duties of the office of the director or treasurer, to be executed by a surety company authorized to transact business in the state as surety and filed in the office of the lieutenant governor. After issuance of bonds or notes by the bond bank authority each director shall maintain his surety bond in force. All costs of the surety bonds shall be borne by the bond bank authority. (§ 1 ch 79 SLA 1975)

Sec. 44.85.060. Compensation and expenses. The directors of the bond bank authority shall serve without compensation, but the bond bank authority shall reimburse its directors for actual expenses necessarily incurred in the discharge of their duties. Notwithstanding any other law, an officer or employee of the state need not forfeit his office or employment or any benefits by reason of his acceptance of appointment to the office of director of the bond bank authority. (§ 1 ch 79 SLA 1975; am § 1 ch 56 SLA 1976)

Effect of amendment. — The 1976 amendment substituted "need not forfeit his office or employment or" for "shall forfeit his office or employment and" in the second sentence.

Sec. 44.85.070. Staff. The bond bank authority shall employ an executive secretary who may with the approval of the bond bank authority select and employ additional staff as necessary. Employees and agents of the bond bank authority other than legal counsel and the executive secretary are in the classified service under AS 39.25. In addition to its staff of regular employees, the bond bank authority may contract for and engage the services of the bond counsel, consultants, experts, and financial advisors the bond bank authority considers necessary for the purpose of developing information, or conducting studies, investigations, hearings or other proceedings. (§ 1 ch 79 SLA 1975)

Sec. 44.85.080. Powers of bond bank authority. The bond bank authority may

- (1) sue and be sued;
- (2) adopt and alter an official seal;
- (3) make and enforce bylaws and rules for the conduct of its business and for the use of its services and facilities;
- (4) maintain an office at any place in the state;
- (5) acquire, hold, use and dispose of its income, revenues, funds and money;

(b) The bond bank authority shall include in the report required by (a) of this section an estimate of the amount of revenue bonds of the bond bank authority to be issued during the following 12-month period. The bond bank authority may not issue revenue bonds other than refunding bonds during any 12-month period beginning after June 30, 1981, unless the legislature, by law, approves the estimate required by this subsection for that 12-month period. (§ 1 ch 79 SLA 1975; am § 40 ch 106 SLA 1980)

Effect of amendment. — The 1980 amendment added subsection (b).

Sec. 44.85.110. Annual budget. The bond bank authority shall prepare and submit an annual budget in accordance with the provisions of the Executive Budget Act (AS 37.07). (§ 1 ch 79 SLA 1975)

Sec. 44.85.120. Care and custody of bonds. The bond bank authority may enter into agreements or contracts with a bank, trust company, banking or financial institution inside or outside the state as may be necessary, desirable or convenient, in the opinion of the bond bank authority, for rendering services in connection with the care, custody or safekeeping of municipal bonds or other investments held or owned by the bond bank authority, for rendering services in connection with the payment or collection of amounts payable as to principal or interest, and for rendering services in connection with the delivery to the bond bank authority of municipal bonds or other investments purchased by it or sold by it, and to pay the cost of those services. The bond bank authority may also, in connection with any of the services to be rendered by a bank, trust company or banking or financial institution as to the custody and safekeeping of its municipal bonds or investments, require security in the form of collateral bonds, surety agreements or security agreements in such form and amount as, in the opinion of the bond bank authority, is necessary or desirable. (§ 1 ch 79 SLA 1975)

Sec. 44.85.130. Effect of obligations. (a) Bonds and notes issued under this chapter are not a debt or liability of the state and do not create or constitute an indebtedness, liability or obligation of the state, nor do they constitute a pledge of the faith and credit of the state. All bonds and notes issued under this chapter, unless funded or refunded by bonds or notes of the bond bank authority, are general obligations of the authority to which the full faith and credit of the authority are pledged to the payments of them, except to the extent provided by the resolution authorizing the issuance of them. Each bond and note must contain on its face a statement to the effect that the bond bank authority is obligated to pay the principal and interest on the instrument only from revenues or funds of the bond bank authority and

Sec. 37.10.040. Enforcement of liability. The liability of a certifying officer or employee is enforced in the same manner as provided by law with respect to enforcement of the liability of a disbursing and other accountable officer. (§ 12-3-4 ACLA 1949)

Article 2. Accounting.

Section	Section
50. Accounting for state money and payment to Department of Revenue for deposit in proper fund	60. Department of Revenue to deposit money to state treasury

Sec. 37.10.050. Accounting for state money and payment to Department of Revenue for deposit in proper fund. (a) Each office, board, commission, or bureau authorized to collect or receive fees, licenses, taxes or other money belonging to the state shall account for and pay the fees, licenses, taxes or other money, less fees to which he is entitled by law to the Department of Revenue at least once each month.

(b) Money collected for the state shall be deposited by the collector in the nearest bank to the account of the Department of Revenue when the Department of Revenue directs this to be done.

(c) The Department of Revenue in June and December of each year shall publish in at least one newspaper of general circulation in each of the four judicial districts a detailed report in display advertising form of the amount of state money deposited in each named bank or other financial institution. A copy of the semiannual report on bank deposits shall also be sent to the Legislative Affairs Agency for distribution of copies to the members of the legislature. The terms of the deposit may be obtained upon a written request. (§ 12-2-1 ACLA 1949; am § 8 art III ch 82 SLA 1955; am § 5 ch 186 SLA 1957; am § 1 ch 115 SLA 1968)

Revisor's note. — Section 12-2-1 ACLA 1949 was repealed by § 48, ch. 133, SLA 1951. Section 1, ch. 24, SLA 1953 repealed ch. 133, SLA 1951 and § 2, ch. 24, SLA 1953 reenacted § 12-2-1 ACLA 1949 as it appeared in ACLA 1949.

The reference to § 8, art. III ch. 82, SLA 1955 in the source refers to the second of two sections which are both numbered § 8. The amendment by § 5, ch. 186, SLA 1957 corrects the error.

Cross reference. — As to deposit of state funds, see AS 37.10.075.

Quoted in *Empire Printing Co. v. Roden*, 17 Alas. 209, 247 F.2d 8 (9th Cir. 1957).

Am. Jur. and C.J.S. references. — 42 Am. Jur., Public Funds, §§ 5 to 41.

23 C.J.S. Depositories §§ 7 to 14; 81 C.J.S. States § 155.

Sec. 37.10.060. Department of Revenue to deposit money to state treasury. All fees and receipts received by the Department of Revenue from any source shall be deposited in the state treasury at least once each month, and credited by the department to the proper fund. (§ 12-2-2 ACLA 1949)

notes, are exempt from taxation except for transfer, inheritance and estate taxes. (§ 1 ch 79 SLA 1975)

Sec. 44.85.170. Loans to political subdivisions. (a) The bond bank authority, to carry out the purposes and policies of this chapter, may lend money to municipalities through the purchase by the bond bank authority of municipal bonds of municipalities. Notwithstanding a home rule charter provision requiring public sale by a municipality of its municipal bonds, a municipality may sell its municipal bonds to the bond bank authority at a negotiated, private sale. The bond bank authority, for this purpose, may issue its bonds and notes payable solely from the revenues or funds available to the bond bank authority for such payment and may otherwise assist municipalities as provided in this chapter.

(b) Notwithstanding any provision of law, to the extent that any department or agency of the state is the custodian of money payable to a municipality, at any time after written notice to the department or agency head from the bond bank authority that the municipality is in default on the payment of principal or interest on municipal general obligation bonds of the municipality then held or owned by the bond bank authority, the department or agency shall withhold the payment of that money from that municipality and pay over the money to the bond bank authority for the purpose of paying principal of and interest on bonds of the bond bank authority. (§ 1 ch 79 SLA 1975; am § 2 ch 56 SLA 1976; am § 1 ch 48 SLA 1978)

Cross reference. — As to the authority of municipal instrumentalities to issue obligations for specified purposes, see AS 29.59.010.

Effect of amendments. — The 1975 amendment added the present second sentence of subsection (a), and in subsection (b), substituted "Notwithstanding any provision of law, to the extent that any department or agency of the state" for "To the extent that the commissioner of revenue" at the beginning of the subsection, substituted "the department or agency head" for "him" and "department or agency" for "commissioner of revenue"

near the middle of the subsection, and substituted all of the language beginning "and pay over the money" for "until the amount of the principal or interest then due and unpaid has been paid to the bond bank authority, or until the commissioner of revenue has been advised that arrangements, satisfactory to the bond bank authority, have been made for the payment of the principal and interest" at the end of the subsection.

The 1978 amendment inserted "general obligation" preceding "bonds" near the middle of subsection (b).

Sec. 44.85.180. Issuance of bonds and notes. (a) Subject to AS 44.85.100(b), the bond bank authority may issue its bonds or notes in principal amounts that it considers necessary to provide funds for any purposes under this chapter, including

- (1) the purchase of municipal bonds;
- (2) the making of loans through the purchase of municipal bonds;
- (3) the payment, funding or refunding of the principal of, or interest or redemption premiums on, bonds or notes issued by it whether the

bonds or notes or interest to be funded or refunded have or have not become due;

(4) the establishment or increase of reserves to secure or to pay bonds or notes or interest on bonds or notes and all other costs or expenses of the bond bank authority incident to and necessary or convenient to carry out its corporate purposes and powers.

(b) Except as otherwise provided in this chapter or by the bond bank authority, every issue of bonds or notes shall be general obligations payable out of the revenues or funds of the bond bank authority, subject only to agreements with the holders of particular bonds or notes pledging a particular revenue or fund. Bonds or notes may be additionally secured by a pledge of a grant or contributions from the United States or the state or a political subdivision or a person, firm or corporation, or a pledge of income or revenues, funds or money of the bond bank authority from any source whatsoever.

(c) Notwithstanding the provisions of (a) and (b) of this section, the total amount of bond bank authority bonds and notes outstanding at any one time, except bonds or notes issued to fund or refund bonds or notes, may not exceed \$150,000,000.

(d) In deciding to purchase municipal bonds of a municipality, the bond bank authority shall give preference to the municipalities referred to in § 5 of this chapter. In addition, the following, listed in order of preference, are preferred purposes of the municipal bonds that may be considered by the bond bank authority for purchase: schools, waste water treatment facilities, fire protection and public safety facilities, public health facilities and public transportation facilities. (§ 1 ch 79 SLA 1975; am § 41 ch 106 SLA 1980)

Effect of amendment. — The 1980 44.85.100(b), the" for "The" at the amendment substituted "Subject to AS beginning of subsection (a).

Sec. 44.85.190. Form of issuance. Bonds or notes of the bond bank authority shall be authorized by resolution of the bond bank authority and may be issued in one or more series and shall bear the date, mature at the time, bear interest at the rate of interest each year or within a maximum rate, be in the denomination, be in the form, either coupon or registered, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be payable from the sources in the medium of payment at the place inside or outside the state, and be subject to the terms of redemption, with or without premium, as the resolution of the bond bank authority provides. (§ 1 ch 79 SLA 1975)

Sec. 44.85.200. Sale price. Bonds or notes of the bond bank authority may be sold at public or private sale at the price the bond bank authority determines. (§ 1 ch 79 SLA 1975)

firm, association, organization, business trust, or society, as well as a natural person;

(8) "personal property" includes money, goods, chattels, things in action, and evidences of debt;

(9) "property" includes real and personal property;

(10) "real property" is coextensive with land, tenements, and hereditaments;

(11) Repealed by § 2 ch 66 SLA 1965.

(12) "signature" or "subscription" includes mark when the person cannot write, with his name written near the mark by a witness who writes his own name near the person's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto;

(13) "state" means the State of Alaska unless applied to the different parts of the United States and in the latter case it includes the District of Columbia and the territories;

(14) "writing" includes printing. (§ 4 ch 62 SLA 1962; am § 2 ch 66 SLA 1965; am § 10 ch 117 SLA 1968)

Cross references. — For additional definition of "peace officer," see AS 11.30.100. For further definition of "person," see AS 15.55.250. For additional definitions, see AS 15.60.010.

Effect of amendments. — The 1965 amendment repealed paragraph (11).

The 1968 amendment substituted "state troopers" for "state police" in paragraph (6).

Quoted in *Matanuska-Susitna Borough v. King's Lake Camp*, Sup. Ct. Op. No. 472 (File No. 857), 439 P.2d 441 (1968); *Stroh v. State Housing Authority*, 7 Alas. L.J. No. 9, p. 647 (Sept., 1969); *Stroh v. Alaska State Housing Authority*, Sup. Ct. Op. No. 496 (File No. 924), 459 P.2d 480 (1969).

Sec. 01.10.065. Certified mail. When the use of registered mail is authorized or required by the laws of the state, certified mail, with return receipt requested, may be used. (§ 1 ch 66 SLA 1965)

Article 3. Effect of Statutes.

Section

70. Time statutes take effect

80. Computation of time

Section

90. Retrospective statutes

100. Effect of repeals or amendments

Sec. 01.10.070. Time statutes take effect. (a) All laws passed by the legislature become effective 90 days after enactment. The legislature may by concurrence of two-thirds of the membership of each house, provide for another effective date.

(b) The actual effective date of a bill having no effective date clause is determined by starting with the day after signature by the governor or the day on which he gives written notice that he is allowing it to become law without his signature, and counting 90 calendar days, the law becoming effective at 12:01 a.m., Pacific Standard time, on the 90th day.

(c) A law having an immediate effective date clause becomes

law at 12:01 a.m., on the day after it is signed by the governor or on the day after he has given written notice that he is allowing the law to become effective without his approval.

(d) A law which specified a definite effective date becomes effective at 12:01 a.m., Pacific Standard time, on the date specified. (§ 5 ch 62 SLA 1962; am § 8 ch 126 SLA 1966)

Effect of amendment.—The 1966 amendment rewrote this section.

Sec. 01.10.080. Computation of time. The time in which an act provided by law is required to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded. (§ 6 ch 62 SLA 1962)

This section was taken from the laws of Oregon. *Mahan v. Sparks*, 10 Alaska 292 (1942); *Lowe v. Hess*, 10 Alaska 174 (1941).

It merely states the common-law rule. *Lowe v. Hess*, 10 Alaska 174 (1941).

This statutory computation is declaratory of the common-law rule in Alaska. *Turnbull v. Bonkowski*, 274 F. Supp. 733 (D. Alas. 1967).

Alaska's computation-of-time statute merely expresses the common law. *Turnbull v. Bonkowski*, 419 F.2d 104 (9th Cir. 1969).

Common law.—At common law it was established if the last day on which an act was to be performed fell on a Sunday, then that Sunday was excluded and the time was extended to the following day. *Wade v. Dworkin*, Sup. Ct. Op. No. 306 (File No. 603), 407 P.2d 587 (1965).

The common-law rule is that when the period of time within which an act is to be performed exceeds one week, an intervening Sunday is included in the computation. *Wade v. Dworkin*, Sup. Ct. Op. No. 306 (File No. 603), 407 P.2d 587 (1965).

Legislative intent.—The legislature, by virtue of its enactment of this section, manifested its intent to exclude Sundays in the computation of time only when Sunday falls on the last day of a period in question. *Wade v. Dworkin*, Sup. Ct. Op. No. 306 (File No. 603), 407 P.2d 587 (1965).

Exception in common law as to computation of person's age.—There exists a well-recognized exception in the common law as to the computation of a person's age. This exception, briefly stated, is that a year must be

counted, not from the day of birth, but from the preceding day when limitation is figured. *Turnbull v. Bonkowski*, 274 F. Supp. 733 (D. Alas. 1967).

The computation-of-time statute is expressive of only the general common-law rule and does not presume to abrogate the well-established exception thereto governing the computation of a person's age. It follows that the statute has no application in calculating a person's age. *Turnbull v. Bonkowski*, 419 F.2d 104 (9th Cir. 1969).

The supreme court is enjoined by the legislature to observe the provisions of AS 01.10.020, in resolving any issue relating to this section and its applicability to the five-day recount provision of AS 15.20.430. *Wade v. Dworkin*, Sup. Ct. Op. No. 306 (File No. 603), 407 P.2d 587 (1965).

Computing limitation under AS 15.20.430.—In computing the five-day period of limitation prescribed by AS 15.20.430, an intervening Sunday is to be included. *Wade v. Dworkin*, Sup. Ct. Op. No. 306 (File No. 603), 407 P.2d 587 (1965).

Computation of the limitations period provided by AS 09.10.070 subsequent to the removal of the disability of minority is to be made by excluding the first day and including the last. *Turnbull v. Bonkowski*, 274 F. Supp. 733 (D. Alas. 1967).

Filing appeal.—Under this section, the day on which the judgment is entered should be excluded in computing the time within which an application for an appeal must be filed. *Mahan v. Sparks*, 10 Alaska 292 (1942).

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Alaska State Legislature

Senate

Official Business

Labor & Commerce Committee

Pouch V
State Capitol
Juneau, Alaska 99811

CS HB 697:

Allows the state to hire temporary employees if the hiring of permanent employees for a work assignment of 120 days or less would result in "additional costs or the hiring of inappropriate individuals". Adds a new section which grants an exception to the prohibition on the hiring of temporaries.

Directs the commissioner of a department which hires temporaries to adopt regulations to ensure that employees are appointed in the most efficient manner possible so that the needs of the department regarding work assignments of 120 days or less are met. The regulations shall require that each employee meets the minimum qualification established for a work assignment.

Nothing in this section authorizes a commissioner or a department to use a non permanent employee to perform a given work assignment for more than 120 days in a 12 month period, or to employ any individual as a non permanent employee for more than 120 calendar days in a 12 month period.

SUPPORT OF 48511112 OF SEC 39.25. 49 *J. Keck*

The Department of Fish and Game currently has 712 permanent seasonal positions that were created in response to Alaska Statute 39.25.195. These seasonal positions range in time from two weeks to ten months each year. The regulations required us to create seasonal positions because our activities are both planned and reoccurring each year. For positions that last more than four months in a year, the seasonal system has produced some positive benefits for Fish and Game. For these longer term positions, a higher percentage of the incumbents return in succeeding years providing us with trained, knowledgeable employees. However, these benefits are unfortunately overshadowed by the problems we encounter with the system on those positions that last less than 120 days. The difficulties occur in two major areas: cost and local hire.

First the cost.

Attachment No. 1 outlines the salary plus benefit costs for 712 seasonal positions. 56% or 399 of these 712 positions are employed for less than 120 days a year. These 399 positions represent a salary cost of 2.4 million dollars to which you must add \$556,000 for benefits as permanent seasonals. These same 399 positions would need only \$185,000 as non permanents--a difference of \$471,000. Keep in mind these employees are on our payroll for two weeks to four months per year.

That is only part of the cost. To that you must add the cost of recruiting these people. We did a survey of those positions hired out of our Anchorage Regional office for just the Division of Commercial Fisheries. In 1979, prior to the passage of the non permanent hire law, we spent \$3,900 on telegrams and long distance phone calls, during April, May and

June, to hire 175 temporary employees. In 1980, after the non permanent hire law, to hire these same 175 employees we spent \$14,600 on telegrams and long distance phone calls--a difference of \$10,000. In 1981 our \$14,000 in long distance calls and telegrams only got us 40 employees. The total cost for telegrams and long distance phone calls for recruiting in 1981 was \$28,000.

The third cost associated with these seasonal employees is another recruiting cost--manpower. Commercial Fisheries estimates it took about 50 man days in 1979 to recruit 175 seasonals. In 1980 it took 217 man days to recruit 175 seasonals. In 1981 the personnel doing the recruiting were more organized, more knowledgeable about the new regulations and more efficient and it still took in excess of one man day of effort to hire each seasonal employee. When we hit the peak recruiting months of April, May and June in Anchorage, everyone from a range 8 clerk typist to range 20 management biologists recruit seasonal personnel. At an average salary of \$12 per hour plus benefits, 217 man days represents a cost of \$25,000. Even at this we haven't begun to measure the cost of lost productivity in their regular jobs.

Another area of particular concern to the Department is the ability to hire local residents. In the past, if one of the Fisheries Divisions needed some basic biological information in a rural area, they sought someone in the area who understood the local fishery to gather the data. Now, when that need arises, the Divisions must go to a register and hire from the top five. In most cases they hire someone from an entirely different area. This is compounded by some rural residents who don't want to bother with the

bureaucracy so don't bother to get on registers or, during the one month in the year when the register is open, doesn't think he will want to work for us in six months so again doesn't get on the register.

Those are the major problems but, in addition, there are the little ones:

- Comm Fish tries to get this seasonal hiring organized early and on May 1 offers John Smith a Fish Tech II job for two months beginning on June 1. John says, "I'll be there." On May 27, Sport Fish offers John Smith a Fish Tech III job for three months beginning June 1 and John Smith accepts. Comm Fish then finds themselves with an expired register and no employee to begin work in 4 days. An emergency hire is only good for 30 days so, if you hire that way, you will have to replace the person mid stream. It will take a week to get a new register, another week to work it and, if you are successful, there is only a two week delay which probably means some data is lost forever.
- College students who want summer jobs have to be on the registers when we go through our big recruiting effort in April and May. Individuals have told us they have received in excess of 100 telegrams from Fish and Game. Each one must be responded to or their name will be removed from the register.

In summary, Fish and Game supports permanent seasonal positions for jobs that last more than 120 days per year. However, we believe the Department could operate more efficiently, less expensively, to greater satisfaction of all parties and to the benefit of State if AS 39.25.195 applied only to positions in excess of 120 days.

Department of Fish and Game
Seasonal Positions
FY 1982

		<u>Pos</u>	<u>Mos</u>	<u>Salary</u> \$
Commercial Fisheries	Salmon	326	868.2	1,419.4
	Shellfish	40	142.8	280.7
	Herring	42	97.7	165.4
	Admin	3	9.5	16.4
	Groundfish	14	76.0	159.1
Sport Fish	Investigations	119	313.5	593.7
	Management	5	17.0	33.7
	Restoration	4	8.0	14.8
F.R.E.D.	Operations	127	579.0	1,037.4
	Admin	4	27.5	37.9
Game	Investigations	28	147.0	270.8
	& Research	—	—	—
		<u>712</u>	<u>2,286.2</u>	<u>4,013.3</u>

56% of these positions are for less than 120 days.
 $\$4,029.3$ (total salaries) \times .56 = $\$2,256.4$

Benefits as Non Permanents

$\$2,256.4 \times .0819$ (FY 82 benefit rate) = \$184.0

Benefits as Permanent Seasonals

$\$2,256.4 \times .1575$ (FY 82 benefit rate) = 355.4

$\$1,128.2 \times .0966$ (50% covered by police retirement) = 109.0

$1,280.3 \text{ mm} \times \150 (insurance premium \times months) = 192.0

Total benefits \$656.4

Difference \$471.6



Alaska Public
Employees Association **APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

April 9, 1982

William R. Hudson
Commissioner
Department of Administration
Pouch C
Juneau, Alaska 99811

Dear Commissioner Hudson:

A growing body of evidence, increased public concern and legislative inquiry have focused attention on two existing problems relative to State employment in remote or rural areas.

First, residents in remote areas frequently face almost insurmountable obstacles in securing local State employment. This is due primarily to an inability to gain the experience and training necessary to meet the stated minimum qualifications and the complicated process involved for obtaining a place on State registers. This is made more cumbersome and lengthy due to their remote status.

Second, several Departments (notably Fish & Game) have expressed concern about their capacity to fill positions in remote areas expeditiously and economically when required to import labor from larger metropolitan areas. This is particularly true when faced with the need to fill a large number of short-term but essential positions.

Equally critical concerns are budgetary shortfalls. There is increasingly obvious failure on the part of the State to meet Affirmative Action goals and objectives. This includes stabilizing and improving the economic base in remote areas and addressing the issue of employment in remote areas.

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

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

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

William R. Hudson
Commissioner
April 9, 1982
Page Two

APEA is prepared to address these issues and repeatedly indicated its willingness to do so. APEA has reviewed pertinent statutes, Personnel Rules, and negotiated agreements. This review suggests that a viable, legal mechanism exists which can be utilized to meet the needs of both the citizens and the State.

The mechanism is the Vocational Class V-XVII series, currently a part of the State Classification Plan.

The Vocational Class series was created in 1971 in accordance with the provisions of AS 39.25.155 for the purpose stated in the specifications (copy attached):

These classes are intended for use primarily in remote areas of high unemployment where the opportunity to gain required hiring qualifications does not exist, but where there is a local need for employees with certain vocational skills.

As far as we have been able to determine, positions are not now being allocated to the Vocational Class series, nor have these classes ever been used extensively (if at all) for their stated purpose. The State's failure to utilize an apparently available mechanism is doubtless due in part to the absence of adequate procedures for implementation. In recognition of this fact and in the interest of facilitating a rapid, effective response to the problems outlined above, APEA proposes the following minor modifications:

1. Revision of the existing Vocational Class V-XVII specifications (6905-6917)

Delete second sentence of paragraph three under Distinguishing Characteristics which reads:
"Vocational Classes are compensated at one pay range below the counterpart in regular non-professional classes."

Substitute:

An employee meeting the Minimum Qualifications of the target class (such as Fish & Game Technicians I-III, Fish Culturists I-II, or Forest Technicians I-III) for which he/she is recruited will be placed in the Vocational Class assigned a salary range equivalent to that of the target class.

An employee capable of doing the work but lacking specific training and experience necessary for appointment to the target class will be placed in the Vocational Class one pay range below the target class.

As soon as any employee in a Vocational Class gains sufficient training and experience to meet the minimum qualifications of the target class, he or she will be placed in the target class, and receive the pay rate assigned to that class.

2. Establishment of a procedure to implement revisions.

A procedure must be developed to determine which classifications and specific positions may be subject to the provisions outlined. Additionally, success of the proposal clearly requires a method for insuring that employees who enter State service in a Vocational Class are allocated to the appropriate target class in a timely manner. This could be accomplished by departmental certification to the Division of Personnel (as with coupled classes) or within the individuals departments under the delegation of authority regarding classification action.

3. Development of simplified application form.

APFA suggests that a simplified one page application form be developed solely for use in Vocational Class recruitment. Similar to the form once used for temporary employment, this form would request only basis information including demographic data and pertinent work history. To facilitate recruitment in the local areas, the application forms could be made available through State and local agencies capable of providing assistance to the applicant. Such agencies include the Department of Labor Job Services offices and the Department of Health and Social Services Public Assistance offices, as well as local Native Corporations and school systems.

4. Development of a definition of "remote areas" for use in implementing the Vocational Class specifications.

The Vocational Class series is intended for use in remote areas. Clearly, this precludes allocation

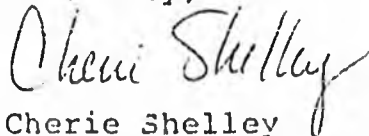
William R. Hudson
Commissioner
April 9, 1982
Page Four

to the series of those positions located in readily accessible population centers such as Anchorage, Fairbanks, Juneau, Ketchikan, Sitka, Haines, et cetera. APEA proposes that for purposes of recruitment within the Vocational Class series, "remote areas" be defined as those areas which have a relatively small population and are relatively inaccessible. This definition is intended to promote hire of local residents, particularly in those areas outside large metropolitan areas which experience demands for a large number of employees for short-term employment (i.e., Nome, Bethel, Kotzebue, Kodiak). In the past, these needs have been met through the importation of labor to the exclusion of local residents who are willing and capable of doing the necessary work.

In summary, APEA believes the above proposals will facilitate entry into State service for residents in remote areas; serve the needs of user departments in meeting their program needs; reduce the costs of recruitment for positions in remote areas; assist the State in meeting its Affirmative Action objectives, and contribute significantly to the economic base of the affected areas.

These proposals will require only minor modification to existing procedures and are in accordance with pertinent laws, personnel rules, and collective bargaining agreements. APEA urges their adoption.

Sincerely,



Cherie Shelley
Executive Director

CS/rb

Attachment

cc: Senator Frank Ferguson
Representative John Fuller
Sandra Withers
Kenneth Kareen

Class Series Specification

VOCATIONAL CLASS V	6905 -05	VOCATIONAL CLASS XI	6911 - 11
VOCATIONAL CLASS VI	6906 -06	VOCATIONAL CLASS XII	6912 - 12
VOCATIONAL CLASS VII	6907 07	VOCATIONAL CLASS XIII	6913 - 13
VOCATIONAL CLASS VIII	6908 08	VOCATIONAL CLASS XIV	6914 - 14
VOCATIONAL CLASS IX	6909 -09	VOCATIONAL CLASS XV	6915 - 15
VOCATIONAL CLASS X	6910 -10	VOCATIONAL CLASS XVI	6916 - 16
		VOCATIONAL CLASS XVII	6917 - 17

Definition:

An incumbent filling a position in one of these classes performs the duties of the non-professional class and position to which its counterpart vocational class is assigned.

Distinishing Characteristics:

This class series provides a means by which Alaska residents not meeting minimum qualifications of regular non-professional classes may enter State service via one of these classes, and maintain employment in that class until he or she meets minimum qualifications for a regular State class of position.

These classes are intended for use primarily in remote areas of high unemployment where the opportunity to gain required hiring qualifications does not exist, but where there is a local need for employees with certain vocational skills, in accordance with provisions of AS 39.25.155.

Although written examinations are not required, aptitude or occupational tests may be given if a position requires a specific ability. Vocational classes are compensated at one pay range below the counterpart in regular non-professional classes.

Examples of Duties:

Performs the duties of the non-professional class to which this class is assigned to the extent permitted by knowledge, skills and abilities.

Participates in any required training designed to impart knowledge, skills and abilities required for competent performance.

Knowledge, Skills and Abilities:

Ability to: Learn and perform specific job skills; follow instructions.

Willingness to participate in such testing, training and/or licensing required for safe and effective job performance, and for compliance with applicable laws.

Minimum Qualifications:

Physical and mental capacity to perform the work assigned.

Orig: 5/1/71



Alaska State Legislature

Senate

Official Business

Labor & Commerce Committee

Pouch V
State Capitol
Juneau, Alaska 99811

Amendment proposed by Senator Fergusson

Amend Alaska Statute AS39.25.150 (6) to enable the adoption of personnel rules to provide for local preference. The specific language would be: "the procedure for certifying eligibles including preference for local residents under appropriate circumstances....."



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

February 6, 1981

COMMISSIONER'S OFFICE
RECEIVED
FEB 9 1981

Sum, 12 Feb 81
DEPARTMENT OF FISH AND GAME

The Honorable Jay S. Hammond
Governor of the State Of Alaska
Pouch A
Juneau, Alaska 99811

Dear Governor Hammond:

At the most recent meeting of the Blue Ribbon Commission on the State Personnel Act, a situation was presented which caused members some concern. It regards the classification for seasonal positions in rural parts of Alaska in the Department of Fish and Game. In the past, these positions were classified as temporary positions and filled primarily by local residents. With the implementation of the nonpermanent law, the department reclassified these jobs as permanent seasonal and filled them through hiring from the list of eligibles.

Unfortunately, this meant that many experienced local residents were not hired for the past season, either because they had not applied in time to be considered for placement on the register or because, when their applications were evaluated, they failed to place within the top five interested eligible candidates. The persons hired for monitoring the marine mammal harvest and for collecting biological specimens were more likely to come from Anchorage and Fairbanks than from the local area. This was harmful to the local residents and also cost the state more because of transportation costs and because the out-of-towners had to become acquainted with the area before they were in a position to begin substantive work on the job. Attached is a copy of information supplied to the commission about this situation.

The commission is concerned and urges you to encourage the hiring of local residents for these positions.

Sincerely,

Senator Bill Ray
Chairman

BR:lmk

Enclosure

cc: Commissioner Ronald O. Skoog
Department of Fish and Game
Bruce Cummings, Director
Division of Personnel

Article 7. Nonpermanent Employees.

<p>Section 195. Appointment of nonpermanent employees 197. Termination of nonpermanent employees</p>	<p>Section 198. Civil liability 200. Definitions</p>
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Editor's note. — Section 1, ch. 67, SLA 1979 provides: "LEGISLATIVE FINDINGS AND INTENT. The legislature finds and declares that certain inconsistencies and abuses in the hiring of nonpermanent employees have jeopardized the integrity and efficiency of the merit system as well as the morale of employees. The legislature intends to curb the widespread administrative practice of

using nonpermanent state employment to evade departmental accountability and mask poor planning. The legislature further intends that nonpermanent employees be used only to the extent that it is impractical to meet the need with permanent employees and that the burden of proof shall fall upon the department or agency which proposes nonpermanent hire."

Sec. 39.25.195. Appointment of nonpermanent employees. (a) An individual may not be appointed as a nonpermanent employee in the state service without prior written approval of the director except as an emergency employee.

(b) Every appointment to state service, except an emergency appointment, shall be made from an applicable eligible list or dispatching register unless in appropriate circumstances the director has waived this requirement.

(c) No appointment of a nonpermanent employee may be made unless the request for authorization is approved by the director, adequate money is available for the anticipated duration of the appointment, and the director determines that

(1) the hiring department or agency has certified that the legislature has appropriated money for the work in question knowing that it is to be performed by a nonpermanent employee;

(2) the hiring department or agency has certified that there is an immediate need to fill an authorized, permanent position and it is impractical either to establish the position or to make certification within a reasonable time;

(3) the hiring department or agency has certified that an immediate need exists and the director determines that the hiring department or agency could not reasonably have been expected to anticipate and meet through the creation of a permanent position; or

(4) the hiring department or agency has certified that a program or project exists and the director determines that the need for employees can most appropriately be met through the use of program or project employees.

(d) The director may not authorize the appointment of a nonpermanent employee if he determines that

(1) the need for the nonpermanent employee can practicably be met through establishing and filling an authorized permanent position;

(2) the need for the nonpermanent employee would be more appropriately met through an emergency appointment; or

(3) the need for the nonpermanent employee is not immediate and reasonably have been anticipated and met by the appointing authority through the creation and filling of a permanent position.

(e) A nonpermanent employee may not be placed on the state payroll unless the director has first approved the personnel action for the employee's appointment.

(f) Nothing in this section prevents the director from adopting regulations to provide for timely substitution for permanent employees on medical or personal leave or other situations in which the appointment of an emergency or permanent employee would be inappropriate or when delay in making a temporary replacement would cause serious disruption.

(g) A department or agency may not use nonpermanent employees to perform a given work assignment for more than 120 calendar days in a 12-month period. A department or agency may not employ any individual as a nonpermanent employee for more than 120 calendar days in a 12-month period. In appropriate circumstances the director may authorize an extension of the limit imposed by this subsection if he finds that there is an immediate need for the extension. The limit imposed by this subsection does not apply to program or project employees or to substitutes appointed under (f) of this section.

(h) The director shall present a report on nonpermanent and emergency hire practices in state government to the legislature within the first 10 days of each regular legislative session. A hiring department or agency shall certify to the director within 15 working days following the appointment its reasons for appointing an emergency employee. The report shall include information on the number of nonpermanent employees authorized under this section and the number of emergency employees hired in each department, a description of the procedures used in authorizing the hiring of nonpermanent employees, and any recommendations for legislation required to implement the intent of this section. (§ 4 ch 67 SLA 1979)

Sec. 39.25.197. Termination of nonpermanent employees. When the director determines that an employee has been appointed as a result of a false certification under AS 39.25.195, he shall immediately notify the head of the affected department or agency in writing and the department or agency shall terminate the employee from state service within one working day after receipt of notice. (§ 4 ch 67 SLA 1979)

Sec. 39.25.198. Civil liability. A person who makes a false certificate under AS 39.25.195 is personally liable in a civil action to an individual terminated under AS 39.25.197 for any resultant damages and for punitive damages of an amount not to exceed three times the gross monthly salary at which the nonpermanent employee was appointed. (§ 4 ch 67 SLA 1979)

Sec. 39.25.200. Definitions. In AS 39.25.195 — 39.25.200,

(1) "certified" means signed by the head of a department or agency or by a responsible person designated by him;

(2) "director" means the director of the division of personnel and labor relations;

(3) "emergency employee" means an employee appointed for a period not to exceed 30 calendar days, whose appointment was made under conditions requiring immediate action to carry on work that is required in the public interest;

(4) "nonpermanent employee" means a person who is employed in state service in a position which is not in the exempt or partially exempt service and who is not a permanent or an emergency employee;

(5) "permanent employee" means an employee who has been appointed to an authorized, permanent full-time or part-time or permanent seasonal position in the classified service and who is in the process of completing or has successfully completed the required probationary service in that position;

(6) "program or project employee" means a nonpermanent employee, including a student intern, who is employed in state service with prior written understanding that employment in that position will continue for at most the duration of a specified program or project which is not a regular and continuing function of a department or agency and which has an established probable date of termination. (§ 4 ch 67 SLA 1979)

Article 8. General Provisions.

Section

210. Penalties

220. Short title

Sec. 39.25.210. Penalties. (a) A person who wilfully violates a provision of this chapter or of the personnel rules adopted under this chapter is guilty of a misdemeanor.

(b) A state employee who is convicted of a misdemeanor under this chapter or the personnel rules adopted under this chapter immediately forfeits his office or position. (§ 20 ch 144 SLA 1960)

Sec. 39.25.220. Short title. This chapter may be cited as the State Personnel Act. (§ 2 ch 144 SLA 1960)

(e) The rules adopted under this chapter relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act. The rules may be published in the Alaska Administrative Register and Code for informational purposes. (§ 12 ch 144 SLA 1960; am § 5 ch 5 SLA 1966)

Legislative history report. — For report on ch. 5, SLA 1966, see 1966 House Journal, pp. 50 and 51.

A right clearly created by statute cannot be taken away by regulation. *Mueller v. Alaska State Bd. of Personnel*, Sup. Ct. Op. No. 396 (File No. 738), 425 P.2d 145 (1967).

Stated in *Kelly v. Zamarello*, Sup. Ct. Op. No. 705 (File Nos. 1255, 1256), 486 P.2d 906 (1971).

Cited in *State in Bogenrife*, Sup. Ct. Op. No. 918 (File No. 1665), 513 P.2d 13 (1973).

Sec. 39.25.150. Scope of rules. The personnel rules shall provide for

(1) the preparation, maintenance, and revision by the director of personnel, subject to approval by the commissioner of administration and the personnel board, of a position classification plan for all positions in the classified and partially exempt services; in the position classification plan all positions shall be grouped together into classes on the basis of duties and responsibilities; the position classification plan shall include for each class of position an appropriate title, a description of the duties and responsibilities, training and experience qualifications, and other necessary position specifications;

(2) the preparation, maintenance, revision, and administration by the director of personnel of a pay plan for all positions in the classified and partially exempt services; the pay plan shall be prepared after consultation with the appointing authorities or their designee, and with representatives of interested employee groups; the pay plan shall be based upon the position classification plan, shall provide for fair and reasonable compensation for services rendered, and shall be based on the principle of like pay for like work; commissioners' salaries are not the maximum limit for the pay plan and in exceptional circumstances higher salaries may be specified; the pay plan may provide for uniform starting pay, increments, and area and time differentials; the pay plan prepared under this section may be amended, approved or disapproved by the legislature in regular or special session; after the pay plan is put into effect, no salary or wage payment may be made to a state employee covered by the pay plan unless the payment is in accordance with this chapter and the rules adopted under this chapter;

(3) the use of sound employee selection methods, including open competitive examinations to test the fitness of applicants for positions in the state service;

(4) promotions from within the state service when there are qualified candidates in the state service; vacancies shall be filled by promotion whenever practicable and in the best interest of the state

service, and promotion shall be by competitive examination whenever possible; in considering promotions, applicants' qualifications, performance record, seniority, and conduct shall be evaluated;

(5) the establishment and maintenance of eligible lists for appointment and promotion; the names of eligible candidates shall be placed on eligible lists in order of their relative performance in the examinations;

(6) the procedure for certifying eligibles;

(7) a period of probation not to exceed one year before an appointment to a position becomes permanent, except that a permanent employee receiving a promotional appointment retains permanent status in the service and the job class from which appointed for the duration of the probationary period, and may be demoted to his former class without right of appeal, AS 39.25.170 notwithstanding, but if dismissed from the service he has appeal rights under AS 39.25.170;

(8) emergency appointments to positions in the state service;

(9) nonpermanent appointments to positions in the state service in accordance with AS 39.25.195 — 39.25.200;

(10) provisional appointment without competitive examination when appropriate eligible lists are not available;

(11) transfers from one department to another and from another merit system jurisdiction to the state service;

(12) transfers from one area of the state to another;

(13) the payment of transportation costs when an employee transfers from one area to another at the request of the employer;

(14) the reinstatement of a person who resigns in good standing;

(15) layoffs for reason of lack of funds or work, abolition of positions, or material changes in duties or organization; best performance and seniority records shall be considered in the development of layoff orders;

(16) the development, maintenance, and utilization of employee performance records;

(17) the imposition of disciplinary suspension without pay for not longer than 30 days in any 12-month period;

(18) the procedures for review of disputed personnel actions and for resolving employee and interagency grievances;

(19) hours of work for all employees in the state service;

(20) methods and procedures covering overtime work and pay;

(21) the delegation, where feasible, of personnel responsibilities and duties to the principal departments of the executive branch.

(22) other rules and administrative regulations, not inconsistent with this chapter, which are necessary for its enforcement;

(23) the granting of employment preference rights to a veteran at each time he applies for employment, not within the area of promotion, when he possesses the necessary qualifications in the job classification

for which he applies under this chapter; the term "veteran" means a person with 90 days or more active service in the armed forces of the United States who has been honorably discharged after having served during any period between April 6, 1917, and December 1, 1919, between September 16, 1940, and December 31, 1947, or between June 27, 1950, and November 7, 1975; the term "disabled veteran" means a veteran who is rated by the United States Veterans' Administration as having at least a 10 per cent service-connected disability; in the examination to determine the qualification of applicants for entrance into the classified service under merit system examination, five additional points shall be added to the passing grade of a veteran and 10 additional points shall be added to the passing grade of a disabled veteran; if a position in the classified service is eliminated, employees shall be released in accordance with rules which give due effect to all factors; if all job qualifications are equal, the veteran shall be given preference over the nonveteran and the veteran shall be kept on the job;

(24) the employment of persons in permanent positions on a part-time basis of 15 hours or more a week, including the employment of two persons to fill one permanent full-time position; these employees shall be designated as permanent part-time employees;

(25) the granting of employment preference to severely handicapped persons; this includes the right to provisional appointment without competitive examination for periods up to four months and the granting of eligibility to a severely handicapped person provisionally appointed under the rules who demonstrates his ability to perform the job for permanent appointment without competitive examination; provisional employment under this paragraph may not exceed four months during a 12-month period; "severely handicapped" as used in this paragraph means persons certified by the director of the division of vocational rehabilitation to be severely handicapped. (§ 13 ch 144 SLA 1960; am § 1 ch 130 SLA 1961; am § 1 ch 147 SLA 1962; am § 1 ch 117 SLA 1966; am § 1 ch 33 SLA 1967; am § 3 ch 226 SLA 1970; am § 1 ch 39 SLA 1971; am § 3 ch 42 SLA 1971; am § 1 ch 21 SLA 1973; am § 1 ch 27 SLA 1976; am § 1 ch 4 SLA 1978; am § 2 ch 67 SLA 1979; am § 38 ch 94 SLA 1980)

Revisor's note. — The pay plan prepared under (2) of this section is set out in AS 39.27.011.

Effect of amendments. — The 1976 amendment added paragraph (24).

The 1978 amendment added paragraph (25).

The 1979 amendment substituted "nonpermanent appointments" for "temporary appointments" and "in accordance with AS 39.25.195 — 39.25.200" for "which are determined to be

of a seasonal or temporary nature" in paragraph (9).

The 1980 amendment substituted "November 7, 1975" for "a date to be determined by the legislature which shall be on or about six months after the termination of hostilities involving forces of the United States in Viet Nam" near the middle of paragraph (23), and substituted a semicolon for a period at the end of paragraph (23).

Article 7. Nonpermanent Employees.

<p>Section 195. Appointment of nonpermanent employees 197. Termination of nonpermanent employees</p>	<p>Section 198. Civil liability 200. Definitions</p>
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using nonpermanent state employment to evade departmental accountability and mask poor planning. The legislature further intends that nonpermanent employees be used only to the extent that it is impractical to meet the need with permanent employees and that the burden of proof shall fall upon the department or agency which proposes nonpermanent hire."

Sec. 39.25.195. Appointment of nonpermanent employees. (a) An individual may not be appointed as a nonpermanent employee in the state service without prior written approval of the director except as an emergency employee.

(b) Every appointment to state service, except an emergency appointment, shall be made from an applicable eligible list or dispatching register unless in appropriate circumstances the director has waived this requirement.

(c) No appointment of a nonpermanent employee may be made unless the request for authorization is approved by the director, adequate money is available for the anticipated duration of the appointment, and the director determines that

(1) the hiring department or agency has certified that the legislature has appropriated money for the work in question knowing that it is to be performed by a nonpermanent employee;

(2) the hiring department or agency has certified that there is an immediate need to fill an authorized, permanent position and it is impractical either to establish the position or to make certification within a reasonable time;

(3) the hiring department or agency has certified that an immediate need exists and the director determines that the hiring department or agency could not reasonably have been expected to anticipate and meet through the creation of a permanent position; or

(4) the hiring department or agency has certified that a program or project exists and the director determines that the need for employees can most appropriately be met through the use of program or project employees.

(d) The director may not authorize the appointment of a nonpermanent employee if he determines that

(1) the need for the nonpermanent employee can practicably be met through establishing and filling an authorized permanent position;

(2) the need for the nonpermanent employee would be more appropriately met through an emergency appointment; or

(3) the need for the nonpermanent employee is not immediate and could reasonably have been anticipated and met by the appointing authority through the creation and filling of a permanent position.

(e) A nonpermanent employee may not be placed on the state payroll unless the director has first approved the personnel action for the employee's appointment.

(f) Nothing in this section prevents the director from adopting regulations to provide for timely substitution for permanent employees on medical or personal leave or other situations in which the appointment of an emergency or permanent employee would be inappropriate or when delay in making a temporary replacement would cause serious disruption.

(g) A department or agency may not use nonpermanent employees to perform a given work assignment for more than 120 calendar days in a 12-month period. A department or agency may not employ any individual as a nonpermanent employee for more than 120 calendar days in a 12-month period. In appropriate circumstances the director may authorize an extension of the limit imposed by this subsection if he finds that there is an immediate need for the extension. The limit imposed by this subsection does not apply to program or project employees or to substitutes appointed under (f) of this section.

(h) The director shall present a report on nonpermanent and emergency hire practices in state government to the legislature within the first 10 days of each regular legislative session. A hiring department or agency shall certify to the director within 15 working days following the appointment its reasons for appointing an emergency employee. The report shall include information on the number of nonpermanent employees authorized under this section and the number of emergency employees hired in each department, a description of the procedures used in authorizing the hiring of nonpermanent employees, and any recommendations for legislation required to implement the intent of this section. (§ 4 ch 67 SLA 1979)

Sec. 39.25.197. Termination of nonpermanent employees. When the director determines that an employee has been appointed as a result of a false certification under AS 39.25.195, he shall immediately notify the head of the affected department or agency in writing and the department or agency shall terminate the employee from state service within one working day after receipt of notice. (§ 4 ch 67 SLA 1979)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 697

Title An Act Relating to appointment of nonpermanent employees

Requested by Representative Bylsma Date 1/27/82

II. FISCAL DETAIL

Agency Affected Fish and Game

Program Category Affected Natural Resources Management

BRU, Program, Or Subprogram(s) Affected see #III

(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	(471.6)	(477.0)				
200 TRAVEL						
300 CONTRACTUAL	(24.5)	(26.7)				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	(496.1)	(503.7)				

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	378.0	383.9				
FEDERAL FUNDS	78.5	79.5				
OTHER (Specify Source)	39.6	40.3				
Fish & Game Fund						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

	Line Item	
	100	300
Commercial Fisheries	(239.1)	(16.0)
F.R.E.D.	(125.9)	(5.0)
Sport Fish	(75.0)	(2.0)
Game	(31.6)	(1.5)

IV. DATE 2/5/82

PREPARED BY Beverly Reaume

AGENCY Fish and Game

Original: Legislative Finance

PHONE 465-4120

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Corrected 2/16/82

H B

726

Bill No. Committee Substitute for House Bill 726 (L & C) Date April 7, 1982

Title "An Act providing an exemption from the Alaska Employment Security Act for certain employees of certain corporations."

Contact: A. G. Zillis
465-2712
Judy Knight
465-2700

AZ
J Knight

Committee substitute for House Bill 726 exempts certain employees of Alaskan corporations from the Alaska Employment Security Act (unemployment insurance). For this exemption, the employee must be an executive officer of the corporation who directly or indirectly owns 25 percent or more of the voting securities of the corporation, and further requires the agreement of the employee.

Although the department cannot ascertain how many corporations and employees may elect exemption under this provision, we feel it will be minimal. The provisions of this bill would not have a measurable effect on the administration of the unemployment insurance program nor employer rates for purposes of the Unemployment Insurance Trust Fund.

The Department of Labor has no objection to this exemption.



Alaska State Legislature

Senate

Official Business

Labor & Commerce Committee

Pouch V
State Capitol
Juneau, Alaska 99811

CS HB 726:

Exempts certain employees of Alaskan corporations from the Alaska Employment Security Act. Criteria for exemption:

- 1) Employee must be an executive officer of the corporation
- 2) Employee must own 25% or more of the voting securities of the corporation
- 3) Employee must agree

Limited Entry Permit Broker



Services for Commercial Fishermen

THE ALASKA EXCHANGE

P.O. BOX 2593 • JUNEAU, ALASKA 99803

Phone: (907) 789-2779

April 20, 1982

Senator Mulcahy, Chairman
Senate Labor and Commerce Committee
Pouch V
Juneau, AK 99811

Re: CSHB 726

Dear Senator Mulcahy:

In regard to the above-referenced bill, I am submitting the following:

I began my business, The Alaska Exchange, in January of 1979. In 1980, I became incorporated, mainly for liability purposes.

In incorporating, I became the major stockholder and the principal officer with an ownership of seventy percent of the corporation. Each of my five children became owners of six percent each of the corporation.

With incorporation came a set of rules and regulations with which to adhere.

Upon becoming incorporated, the corporation paid to me, when possible, a salary, and withheld and paid Federal income taxes, FICA and an unemployment contribution to the State of Alaska on my wages, as well as on any other employee's wages of the corporation.

Although I don't particularly appreciate paying the Federal income taxes and FICA taxes, I resent even more having to pay the State unemployment contribution tax. I really feel it is an unjust and unfair tax in my particular situation, for the following reasons:

1. I am the only employee of The Alaska Exchange, Inc., with the exception that, on rare occasions, the corporation hires and pays one of my children to work for the company.
2. Being the sole employee of the corporation, I am in between "a rock and a hard spot," so to speak, regarding having to pay State unemployment taxes on my wages. To put it more adequately, I'm in a "darned-if-you-do-and-darned-if-you-don't" type of situation.

April 20, 1982

For instance: In 1980, when I became incorporated, the corporation made a fairly good amount of money, and contributed, as per regulations, to the State unemployment taxes on wages. In 1981, the corporation did very poorly, and paid to me only two pay checks--one in January, and one in October. In 1982, the corporation is doing better financially than it did in 1981, but not nearly as well as it did in 1980.

The problem is, that during the lean months, when the corporation was not able to pay me a salary, I could not apply for unemployment wages to which I and the corporation had contributed. Even though I was working, but not paid, I was still considered an employee. If I had filed for unemployment wages, I would have had to accept a position of hire if it was offered, and would have been unable to collect any unemployment wages.

My complaint is that I am a sole employee of my own corporation in which I hold the majority of the stock, and I must contribute to the State unemployment system out of any wages paid to myself, but I can never, as long as I work for my own corporation, even if unsalaried, collect unemployment wages. I am, basically, paying hard-earned dollars into something that will never benefit me.

I feel that I am being taxed unfairly by the State unemployment contribution system. I think there must be others in a situation similar to mine that are also being unfairly taxed by the present law.

I would be happy to present additional testimony if it is needed.

Very truly yours,

THE ALASKA EXCHANGE, INC.

By Mary Margaret Brady
Mary Margaret Brady



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

January 22, 1982

MEMORANDUM

TO: Representative Ramona Barnes
FROM: David Teal
Research Staff
RE: Unemployment Insurance
Research Request Number 82-6

Dave Stancliffe requested this agency to examine the possibility of exempting shareholder/employees of a corporation from State unemployment insurance taxes. Provisions which currently accomplish this intent in several states are briefly described below.

California Sole stockholders of corporations are exempt from State unemployment insurance taxes.

Colorado Corporate officers with a majority or controlling interest in the corporation are exempt from State unemployment insurance taxes.

Iowa Shareholder/employees are exempt from State unemployment insurance taxes only if the employer is not subject to the Federal Unemployment Tax Act (FUTA). Attachments to this memorandum define employee for the purpose of FUTA coverage.

Minnesota Shareholder/employees of family agricultural corporations are exempt from State unemployment insurance taxes.

Delaware Officers of corporations performing civil or social functions are exempt from State unemployment insurance taxes if the officers work on a part-time basis and are paid no more than \$75 per week.

Washington Corporate officers may elect exemption from State unemployment insurance taxes if the corporation is not a non-profit or government corporation.

Representative Barnes
 January 22, 1982
 page 2

Primary differences among State laws concern the requirements for exemption and whether the exemption is mandatory or optional. Corporate officer status and/or controlling, majority, or sole interest in the corporation are minimum qualifications in most states. The degree of corporate control required for exemption was not specified for Iowa.

In all cases, the exemption is accompanied by loss of FUTA tax credits on services performed by those exempted from State taxes. That is, if the exemption were in effect, the federal unemployment insurance tax rate would increase from a rate of .7 percent to a rate of 3.4 percent on the first \$6,000 of earnings. Assuming annual earnings exceed Alaska's taxable wage base of \$14,600, exemption would provide a net gain to the shareholder/employee of \$118 to \$650 per year, depending on the State tax rate assigned. The table below describes the effects of exemption on employers with minimum and maximum tax rates assigned by the Alaska Department of Labor.

Effect of Exemption from State Unemployment Insurance Taxes
 Alaska 1982

	minimum tax rate (1.22%)		maximum tax rate (4.86%)	
	current law	with exemption	current law	with exemption
FUTA tax	\$ 42	\$204	\$ 42	\$204
employer share	178	0	710	0
employee share	102	0	102	0
TOTAL	\$322	\$204	\$854	\$204
net change		\$118		\$650

As you are aware, unemployment insurance is an extremely complex subject. If the terminology or law require further explanation, I will be happy to offer my assistance.

Attachments

for the first time under 26 U.S.C. 3304(a) an unemployment compensation law sub-

mitted to him by the Virgin Islands." See revisor's note above.

NOTES TO DECISIONS

Place of business. — Premises leased by a lumber mill operator for the purpose of hiring workers to harvest the timber thereon to be delivered to the mill for processing were considered a place of business for the purpose of unemployment tax liability. *Clayton v. State*, Sup. Ct. Op. No. 1890 (File No. 4116), 598 P.2d 84 (1979).

Discretion of department of labor under subsection (a)(10). — It is evident from the statutory requirement of a showing "to the satisfaction of the department" under subsection (a)(10) that the Department of Labor is vested with broad discretion in deciding whether an "employment" relationship exists. *Clayton v. State*, Sup. Ct. Op. No. 1890 (File No. 4116), 598 P.2d 84 (1979).

Proof required under subsection (a)(10). — Under subsection (a)(10) of this section, a business proprietor must prove the factors listed in (A), (B) and (C) to win an exemption from the tax. *Clayton v. State*, Sup. Ct. Op. No. 1890 (File No. 4116), 598 P.2d 84 (1979).

Where an employer could not demonstrate that workers hired for a particular job were customarily entrepreneurs engaged in an independently established business, but that the unavailability of work created unemployment for them, he failed to carry the burden of proof to establish the requirements of subsection (a)(10)(C) of this section. *Clayton v. State*, Sup. Ct. Op. No. 1890 (File No. 4116), 598 P.2d 84 (1979).

Sec. 23.20.526. Exclusions from definition of "employment."
(a) In AS 23.20.005 — 23.20.535, unless the context otherwise requires, "employment" does not include

(1) domestic service in a private home, except as provided in AS 23.20.525(a)(15);

(2) newsboys' services in selling or distributing newspapers on the street or from house to house;

(3) service not in the course of the employing unit's trade or business performed in a calendar quarter by an individual, unless the cash remuneration paid for the service is \$50 or more and the service is performed by an individual who is regularly employed by the employing unit to perform the service; an individual is here considered to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if he performs the service for some portion of the day on each of some 24 days during the quarter or during the preceding calendar quarter;

(4) service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of 18 in the employ of his father or mother;

(5) service with respect to which unemployment insurance is payable under an unemployment insurance program established by an Act of Congress;

(6) service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

(7) service performed in the employ of an instrumentality wholly owned by a foreign government if

(A) the service is of a character similar to that performed in foreign countries by employees of the United States government or its instrumentalities; and

(B) the department finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and its instrumentalities;

(8) service performed by an insurance agent, insurance solicitor, a real estate broker, a real estate salesman or a securities salesman to the extent he is compensated by commission, unless the service is required to be covered under the Federal Unemployment Tax Act as amended;

(9) notwithstanding AS 23.20.525(a)(11), service performed by an officer or member of the crew of an American vessel on or in connection with the vessel, if the operating office, from which the operations of the vessel operating on navigable waters inside or outside the United States are ordinarily and regularly supervised, managed, directed and controlled, is outside this state;

(10) service performed on or in connection with a vessel not an American vessel by an individual if he performed service on and in connection with the vessel when outside the United States;

(11) service performed in the employ of the United States government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by AS 23.20.005 — 23.20.535, except that to the extent that the Congress of the United States permits states to require an instrumentality of the United States to make payments into an unemployment fund under a state employment security law, all of the provisions of AS 23.20.005 — 23.20.535 apply to the instrumentalities, and to service performed for the instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and service; however, if this state is not certified for any year by the Secretary of Labor under § 3304(c) of the Federal Unemployment Tax Act, the payments required of the instrumentalities with respect to the year shall be refunded by the department from the fund in the same manner and within the same period as is provided in AS 23.20.225 with respect to contributions erroneously collected;

(12) service performed in the employ of another state, or political subdivision of another state, or an instrumentality of another state or political subdivision which is wholly owned by another state or its political subdivision, or a service performed in the employ of an instrumentality of another state or its political subdivisions to the extent that the instrumentality is, with respect to the service, exempt under the Constitution of the United States from the tax imposed by § 3301 of the Federal Unemployment Tax Act;

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(13) service performed in the employ of an international organization;

(14) service covered by an election approved by the agency charged with the administration of any other state or federal employment security law, in accordance with an arrangement under AS 23.20.090(a) during the effective period of the election;

(15) service performed by an individual in agricultural labor, except as provided in AS 23.20.525(a)(16); the term "agricultural labor" means remunerated service

(A) on a farm, in the employ of any person in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(B) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of the farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of the service is performed on a farm;

(C) in connection with the production or harvesting of any commodity defined as an agricultural commodity in sec. 15(g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, sec. 3; 12 U.S.C. 1141j), or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(D) in the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if the operator produced more than one-half of the commodity with respect to which the service is performed except as stated in (b) of this section;

(E) in the employ of a group of operators of farms (or a cooperative organization of which the operators are members) in the performance of service described in (D) of this paragraph, but only if the operators produced more than one-half of the commodity with respect to which the service is performed;

(F) on a farm operated for profit if the service is not in the course of the employer's trade or business.

(16) Repealed by § 25 ch 122 SLA 1977.

(17) service performed after December 31, 1971, by nurses, technicians, and other professional employees of hospitals no part of the net earnings of which inures to the benefit of a private shareholder or individual, unless the service is required to be covered under the Federal Unemployment Tax Act;

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(18) Repealed by § 25 ch 122 SLA 1977.

(19) Repealed by § 80 ch 9 SLA 1980.

(20) service performed by an individual on a boat engaged in catching fish or other forms of aquatic animal life under an arrangement with the owner or operator of that boat under which

(A) that individual does not receive any cash remuneration except as provided in (B) of this paragraph;

(B) that individual receives a share of the boat's (or the boats' in the case of a fishing operation involving more than one boat) catch of fish or other forms of aquatic animal life or a share of the proceeds from the sale of that catch; and

(C) the amount of that individual's share depends on the amount of the boat's (or the boats' in the case of a fishing operation involving more than one boat) catch of fish or other forms of aquatic animal life; but only if the operating crew of that boat (or each boat from which the individual receives a share in the case of a fishing operation involving more than one boat) is normally made up of fewer than 10 individuals.

(d) For the purposes of AS 23.20.525(a)(4), (5), (6) and (14), the term "employment" does not apply to service performed

(1) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by the order;

(2) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who, because of their impaired physical or mental capacity, cannot be readily absorbed in the competitive labor market by an individual receiving the rehabilitation or remunerative work;

(3) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or any agency of a state or political subdivision of the state, by an individual receiving work relief or work training;

(4) for a state hospital by an inmate of a prison or correctional institution;

(5) in the employ of a school, college, or university, if the service is performed by a student who is enrolled and is regularly attending classes at the school, college or university;

(6) by an individual under the age of 22 who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, except that this para-

graph does not apply to service performed in a program established for or on behalf of an employer or group of employers;

(7) in the employ of a hospital, if the service is performed by a patient of the hospital, as defined in AS 23.20.520;

(8) in the employ of the state or a political subdivision of the state if the service is performed by an individual in the exercise of duties:

(A) as a "public official" as defined in AS 39.50.200(1) or any other elected official;

(B) as a member of the Alaska Army National Guard or Alaska Air National Guard or Alaska Naval Militia; or

(C) as an employee serving on only a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency.

(9) in the employ of

(A) a church or a convention or association of churches; or

(B) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or a convention or association of churches.

(am § 1 ch 55 SLA 1976; am §§ 19 — 23, 25 ch 122 SLA 1977; am § 80 ch 9; am § 3 ch 145 SLA 1980)

Effect of amendments. — The 1977 amendment added "except as provided in AS 23.20.525(a)(15)" to the end of paragraph (1) of subsection (a); in paragraph (15) of subsection (a), inserted "except as provided in AS 23.20.525(a)(16)" in the introductory language and deleted "or is domestic service in a private home of the employer" at the end of subparagraph (F); substituted "AS 23.20.525(a)(4), (5), (6) and (14)" for "§ 525(a)(4), (5) and (6)" in the introductory language of subsection (d); added paragraph (8) to subsection (d); added paragraph (20) to subsection (a); repealed paragraphs (16) and (18) of subsection (a), which read "except as provided in § 525(a)(4) of this chapter, service performed in the employ of the state or a political subdivision of the state unless coverage is elected under § 325 or § 226 of this chapter" and "service performed by employers of state-assisted agricultural fairs," respectively.

The first 1980 amendment repealed paragraph (19) of subsection (a).

The second 1980 amendment added paragraph (9) of subsection (d).

As the rest of the section was not affected by the amendments, it is not set out.

Editor's notes. — Section 35 of ch. 122 makes § 23 of the act effective June 15, 1977, in accordance with AS 01.10.070(c) and retroactive to April 1, 1977, except that § 23 shall become inoperative and

void "if the United States Secretary of Labor, within 30 days after the effective date of this Act, finds that the provisions of this Act do not meet the requirements of section 1207(e) of the Tax Reform Act of 1976 (P.L. 94-455) and section 3306(c) of the Federal Unemployment Tax Act (26 U.S.C. 3306(c)). The amendment made by § 23, ch. 122, SLA 1977, is effective because the finding described in § 35, ch. 122 SLA 1977, was not made by the Secretary of Labor within the 30-day period.

Section 27, ch. 122, SLA 1977, provides: "(a) Notwithstanding the provisions of AS 23.20.350, benefits may be paid to an individual after December 31, 1977 on wages earned by that individual in a category of employment which was not covered under AS 23.20 [AS 23.20.005 -- 23.20.535] at any time during calendar year 1975 and which was service which is covered under AS 23.20 [AS 23.20.005 — 23.20.535], effective January 1, 1978, as the result of enactment of sec. 19 of this Act.

"(b) An employing unit which elects to make payments in place of contributions as provided in AS 23.20.278, as enacted by sec. 3 [4] of this Act, is not liable to make those payments with respect to benefits paid to an individual as a result of the operation of (a) of this section to the extent that the unemployment compensation fund is reimbursed for those benefits under sec. 121 of P. L. 94-566."

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FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for House Bill No. 726 (L & C)

Title "An Act providing for an exemption from the Alaska Employment Security . . ."

Requested by Senate Labor & Commerce Date 4/5/82

II. FISCAL DETAIL

Agency Affected Labor

Program Category Affected Social Services

BRU, Program, or Subprogram(s) Affected Employment Security

(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

No fiscal impact.

IV. DATE 4/5/82

PREPARED BY Nico Bus, Finance Officer

AGENCY Labor

PHONE 465-2720

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

H B

8 3 5



Alaska State Legislature

Senate

Official Business

Labor & Commerce Committee

Pouch V
State Capitol
Juneau, Alaska 99811

CSHB 835: Establishes the Alaska Safety Advisory Council in the Department of Labor consisting of 13 members appointed by the Governor. The council is to work in cooperation with official and unofficial organizations and State or local departments that are interested in the promotion of safety so that possible resources can be marshalled and used to reduce the menace of accidental death and injury.

The Council is to make recommendations to the various state and federal departments that are concerned with safety programs and accident prevention, and to make recommendations to the Governor and the Legislature on the achievement of a coordinated State policy and program for the safety and health of State residents, and hold an annual governor's safety conference to bring together citizens interested in safety and health matters.

The Finance CS adds language to the section pertaining to DNR, and states that the commissioner shall adopt regulations to establish and operate mine rescue teams to assure the availability of mine rescue capability for purposes of emergency rescue and recovery as required by the Federal Mine and Health and Safety Act of 1977.

Bill No. House Bill No. 835 (Finance) am
Title "An Act relating to Health and Safety."

Date April 20, 1982.

Contact: *Judy Knight*
Judy Knight
465-2700

At the present time, a number of state, federal, and local government agencies have responsibilities for providing safety and health protection to Alaskans in the work place, on the highways, in the home, and in recreational pursuits. Establishment of an Alaska Safety Advisory Council as proposed in House Bill 835 would provide a needed and effective vehicle for formal coordination of the efforts of the various government agencies which administer safety and health programs.

The bill provides for the council to be comprised of a cross section of Alaska's citizens. This is an excellent approach inasmuch as it will provide the council with the diversification needed when recommendations are formulated for addressing safety and health issues which are of concern to all Alaskans. Despite vigorous attempts by government agencies to involve Alaska's public in the development and delivery of safety and health programs, it is often difficult to obtain input from all segments of the population. The council, as proposed in this bill, is a positive step towards filling this void.

In the Department of Labor, our Workers' Compensation, Occupational Safety and Health, and Mechanical Inspection programs would all be favorably impacted by this bill.

The proposed annual safety conference will also provide an excellent forum for a meaningful exchange of information among Alaska's citizens; and state, federal, and local government agencies who are concerned with or have responsibilities for safety and health in the state.

This bill should do much to assist the department in meeting its goal of protecting workers from work-related safety and health hazards. The department supports this bill.

EP:mjs
1101:28

Sec. 39.20.160. Regulations. The fixing and payment under AS 39.20.110 — 39.20.170 of travel and per diem allowances and of advances and recovery and reimbursement of travel expenses shall be in accordance with regulations adopted by the commissioner of administration. The regulations shall be uniform for all officials and employees, and all agencies and departments. The regulations shall also govern the use of public transportation facilities by officials and employees. The regulations relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62). (§ 9 ch 60 SLA 1957; am § 2 ch 13 SLA 1963)

Sec. 39.20.170. Construction of AS 39.20.110 — 39.20.170. AS 39.20.110 — 39.20.170 may not be construed to modify or repeal a law providing for the travel expenses of the governor, or members of the legislature, or members of boards or commissions of the state government. (§ 10 ch 60 SLA 1957)

Sec. 39.20.180. Transportation and per diem expenses for members of boards, commissions, etc. Except as otherwise provided by law, from and after March 27, 1962, the provisions in this section relating to per diem and transportation govern exclusively and supersede all other provisions of law with respect to a member of a state board, commission, committee, judicial council, or other similar body of persons of the state organized or established under the authority of law, but excluding any other state employee other than a legislator, who is otherwise entitled by law to receive from the state payments for expenses of transportation, and for reimbursement or for per diem in lieu of reimbursement for other expenses incident to his duties as such member:

(1) For transportation, the member is entitled either to the use of state transportation requests, or to be reimbursed for expenses of transportation to the same extent, in the same manner, and under the same conditions as provided for state officials and employees by the provisions of AS 39.20.110 — 39.20.170.

(2) For reimbursement for other expenses, the member is entitled to a per diem allowance prescribed by the commissioner of administration under the regulatory authority set out in AS 39.20.160 for each day or portion of a day spent in actual meeting or on authorized official business incident to his duties as a member. (§ 1 ch 130 SLA 1953; am § 1 ch 34 SLA 1960; am § 1 ch 37 SLA 1962; am § 5 ch 136 SLA 1967; am § 12 ch 47 SLA 1974)

Cross reference. — As to coverage of state board and commission members under the Worker's Compensation Act, see AS 23.30.242.

Quoted in *Employers Liab. Assurance Corp. v. Groothuis*, 8 Alas. L.J. No. 12, p. 334 Nov., 1970.

Cited in *Laborers & Hod Carriers Local 341 v. Groothuis*, Sup. Ct. Op. No. 773 (File Nos. 1435, 1459), 494 P.2d 308 (1972).

impracticable to place a monument in its true position, a witness monument shall be erected and marked to indicate the true position of the corner or angle. (§ 47-3-31 ACLA 1949; am § 1 ch 16 SLA 1955)

Effect of amendments. — The 1965 amendment substituted "at the northeast corner of the claim" for "on the surface at or adjacent to the point of discovery" in paragraph (1), rewrote paragraph (1) (D),

and deleted "on the vein at the center of each end line and" formerly appearing between "erecting" and "at each corner" near the beginning of paragraph (2).

Sec. 27.10.080. Water rights where claim includes both banks of a stream.

Repealed by § 2 ch 50 SLA 1966.

Editor's notes. — The repealed section derived from § 47-3-35 ACLA 1949.

Chapter 20. Mine Operation.

Section

- 10. Regulations
- 15, 20. [Repealed]
- 21. Department may inspect mining operations
- 25, 30. [Repealed]
- 31. Correcting unsafe conditions
- 35, 40. [Repealed]

Section

- 41. Reports to be confidential
- 45, 50. [Repealed]
- 51. Penalties
- 55, 60. [Repealed]
- 61. Definition of mining operation
- 65 — 480. [Repealed]

Sec. 27.20.010. Regulations. (a) The commissioner of natural resources may adopt the rules, regulations, and orders which he considers necessary to carry out the purposes of AS 27.20.005 — 27.20.061, and his rules and regulations shall have the force and effect of law. Rules, regulations, and orders authorized by AS 27.20.005 — 27.20.061 shall be consistent with its purposes, and may include but are not limited to rules, regulations, and orders pertaining to and supplementing the subject matter contained in AS 27.20.005 — 27.20.061. The commissioner of natural resources, in adopting coal mining safety regulations, shall, as nearly as is practicable, conform to the federal regulations applicable to bituminous coal and lignite mine safety.

(b) All rules, regulations and orders authorized by AS 27.20.005 — 27.20.061 shall be adopted in accordance with the Administrative Procedure Act (AS 44.62.010 — 44.62.650). (§ 2 ch 70 SLA 1960; am § 1 ch 75 SLA 1963)

Effect of amendments. — The 1963 amendment added the last sentence in subsection (a).

Sec. 27.10.240. Definitions. In § 230 of this chapter

(1) the term "geological surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of geology as they relate to the search for and discovery of mineral deposits;

(2) the term "geochemical surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of chemistry as they relate to the search for and discovery of mineral deposits;

(3) the term "geophysical surveys" means surveys on the ground for mineral deposits through the employment of generally recognized equipment and methods for measuring physical differences between rock types or discontinuities in geological formations;

(4) the term "qualified expert" means an individual qualified by education or experience to conduct geological, geochemical, or geophysical surveys. (§ 47-3-62 ACLA 1949; added by § 1 ch 67 SLA 1960)

Chapter 15. Mining Rights on State-Owned Lands.

Revisor's Note.

Rights to minerals on state-owned lands may be acquired under AS 38.05.185—38.05.280. For information on mining rights on federal public domain in Alaska, see the appropriate federal law and ch. 10 of this title.

Section

10. Grubstake contracts to be in writing and recorded

Sec. 27.15.010. Grubstake contracts to be in writing and recorded. All contracts, commonly known as "grubstaking," except as between the parties making them, are void, unless in writing, subscribed by the parties and filed for record with the recorder of the district in which locations thereunder are made. The contract must contain the names of the parties and the duration of the contract. (§ 47-3-10 ACLA 1949)

Cross reference.—See AS 27.10.020 and note thereto.

Am. Jur. reference.—36 Am. Jur., Mines and Minerals, §§ 171, 172.

Chapter 20. Mine Operation.

Article

1. Administration by Department (§§ 27.20.005—27.20.010)
2. Coal Mines (§§ 27.20.015—27.20.335)
3. Other Mines (§§ 27.20.340—27.20.480)

Article 1. Administration by Department.

Section

5. Purposes

Section

10. Rules and regulations

Sec. 27.20.005. Purposes. This chapter is intended to provide uniform safety standards for all mining operations conducted within

the state; to afford maximum freedom of operation to mining operators while assuring proper working conditions for their employees in regard to mining operations; to insure the protection of the public safety and public interest; and to provide for the conservation of natural resources in the public interest in relating to mining operations. (§ 1 ch 70 SLA 1960)

Am. Jur. and C.J.S. references.— 58 C.J.S. Mines and Minerals § 229.
 36 Am. Jur., Mines and Minerals, §§
 146 to 156.

Sec. 27.20.010. Rules and regulations. (a) The commissioner of natural resources may adopt the rules, regulations and orders which he considers necessary to carry out the purposes of this chapter, and his rules and regulations shall have the force and effect of law. Rules, regulations and orders authorized by this chapter shall be construed with its purposes and may include, but are not limited to, rules, regulations and orders pertaining to and supplementing the subject matter contained in this chapter.

(b) All rules, regulations and orders authorized by this chapter shall be adopted in accordance with the Administrative Procedure Act (AS 44.62). (§ 2 ch 70 SLA 1960)

Article 2. Coal Mines.

Section	Section
15. Application	105. Speed and occupancy requirements for cages, skips and buckets
20. Department may make exceptions	110. Lamps in nongaseous mines
25. Department may inspect mines	115. Lamps in gaseous mines
30. Notice to remedy defects	119. Department may require safety lamps
35. Mine operators to register and report statistics	125. Use of internal-combustion engines
40. Record and report of injuries	130. Use of electric locomotives
45. Report and subsequent proceedings in case of serious or fatal accidents	135. Clearance on hauling roads
50. Miners to report dangerous conditions	140. Haulage roads to be kept clear and low roof offsets whitened
55. Act endangering persons or property is a misdemeanor	145. Landings to be whitewashed and lighted
60. Miners may be searched	150. Track safety requirements
65. Copy of law to be posted	155. Safety in room and pillar work
70. First-aid equipment and training	160. Timbers to be furnished and roof and sides secured
75. Artificial breathing apparatus required	165. Storage and handling of explosives
80. Two exits required	170. Magazine safety rules
85. Safeguards on slopes and inclines	175. Thawing explosives
90. No combustible structures at mine openings	180. Handling of explosives in the mine
95. Safety requirements for machinery and appliances	185. Blasting regulations
100. Additional requirements for hoisting machinery	190. Gaseous mine defined
	195. Shot firing in gaseous mines
	200. Blasting in nongaseous mines
	205. Additional blasting precautions

Sec. 27.20.055. Act endangering persons or property is a misdemeanor.

Repealed by § 3 ch 75 SLA 1963.

Editor's notes. — The repealed section derived from § 47-3-146(b) ACLA 1949.

Sec. 27.20.060. Miners may be searched.

Repealed by § 3 ch 75 SLA 1963.

Editor's notes — The repealed section derived from § 47-3-146(c) ACLA 1949.

Sec. 27.20.061. Definition of mining operation. In AS 27.20.005 — 27.20.061

(1) "mining operation" includes all parts of a mine or mineral exploration project in the state and any mining or treatment plant or equipment connected with it underground or on the surface, which contributes or may contribute to the mining or treatment of ore or other metalliferous or nonmetalliferous mineral product; the term also includes a site of tunneling, shaft-sinking, quarrying or excavation of rock for other purposes, including but not limited to the construction of water or highway tunnels or drains or of underground sites for the housing of industrial plants or other facilities;

(2) "department" means the Department of Natural Resources. (§ 2 ch 75 SLA 1963)

Secs. 27.20.065 — 27.20.335. Posting of law; health and safety requirements; penalties for violations; employment of certified foremen and firebosses required; penalty for violation; certificates of competency; disposition of money received; scope.

Repealed by § 3 ch 75 SLA 1963.

Editor's notes. — The repealed sections ACLA 1949; §§ 3-8, ch. 21, SLA 1953; § 4, derived from §§ 47-3-146(d) — 47-3-192 ch. 70, SLA 1960.

Secs. 27.20.340 — 27.20.480. Application of chapter; jurisdiction of commissioner; inspections; notice of dangerous conditions; accident reports and investigations; health and safety requirements; first-aid requirements.

Repealed by § 3 ch 75 SLA 1963.

Editor's notes. The repealed sections 47-3-220 — 47-3-228 ACLA 1949; § 1, ch. derived from §§ 47-3-201 — 47-3-218, 7, SLA 1953; §§ 5-7, ch. 70, SLA 1960.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE
FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 835 Page 1 of 4

Title "An Act Creating the Alaska Safety Advisory Council."

Requested by Representative Halford

Date 1/25/82

II. FISCAL DETAIL

Agency Affected Labor

Program Category Affected Worker Protection

BRU, Program, or Subprogram(s) Affected Commissioner's Office

(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	14.2	15.3	16.5	17.8	19.2
300 CONTRACTUAL	0	16.4	17.7	19.1	20.6	22.2
400 COMMODITIES	0	.4	.4	.5	.5	.6
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	31.0	33.4	36.1	38.9	42.0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	19.7	20.3	21.1	23.9	25.1
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	11.3	13.1	15.0	15.0	16.9
Program Receipts						
(Conference Fees)						

POSITIONS

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

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

This fiscal note is based on the following assumptions:

- Contractual Costs: Administrative Costs 3.0 (note 2)
Conference Costs 13.4 (note 5)
- The Department of Labor will provide clerical/administrative support through its word processing center and its clerical staff.

Cost 300: \$1,500 Reimbursable service agreement with Department of Labor, Word Processing Center
Code 300: \$1,500 Telephone/mailing costs
Code 400: \$ 400 Office Supplies

Total Administrative Costs \$3,400

IV. DATE February 4, 1982 PREPARED BY Nico Bus
AGENCY Department of Labor
PHONE (907) 465-2729

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

3. There should not be much need for the Council to request legal advice as it will not be involved, as the bill is presently drafted, in any adjudication.
4. Travel: It is anticipated that the Council will meet three times during the year. One of these meetings will be in conjunction with the annual safety conference. It is assumed that at least five of the ten members representing industry and labor will be from Anchorage and, therefore, for purpose of this fiscal note, we are assuming that five members will require transportation.

Three meetings x \$350.00/trip x five members = \$5,250.00

As far as the three members representing government agencies, we are assuming that two will be stationed in Anchorage, and, therefore, only one of these members will require transportation.

Three meetings x \$350.00/trip x one member = \$1,050.00

Industry and labor members will receive the current per diem rate. This per diem is paid all members regardless of whether travel is required to attend the meeting.

Per diem \$80.00/day x three days x three meetings x ten members = \$7,200.00

Government employees are paid per diem when on travel status.

\$80.00/day x three days x three meetings x one member = \$720.00

Travel: Transportation	\$ 6,300
Per Diem	<u>7,920</u>
Total	\$ 14,220

5. Cost of annual Governor's Safety Conference.

The cost of holding an annual Governor's Safety Conference can vary depending on how many topics will be included, the quality of conference speakers, the length of the conference, and the facilities provided for the conference.

In order to come up with a realistic estimate, the following assumptions are made:

- A. The conference will be held in one of the major hotels in Anchorage.
- B. It will be two days in length.
- C. Only the keynote speaker will be paid - all other speakers and trainers will volunteer their services.
- D. A banquet and two luncheons will be included in the registration fee.
- E. A reasonable registration fee will be assessed in order to encourage maximum participation.

Hotel facilities (main room and 3 training rooms)	2,400
Banquet	3,000
Luncheons (two)	2,000
Cost of keynote speaker	1,000
Printing of agenda & other conference materials	3,000
Miscellaneous costs such as coffee service, etc.	2,000
Total Cost for Conference	<u>\$13,400</u>

Registration Fee \$75.00	
Anticipated participation (150 x \$75.00)	<u>(11,250)</u>
Cost to Council	2,150

6. We are assuming an inflation rate of eight percent in estimating costs after FY '83. In FY '84 we are assuming 175 conference participants, in FY '85 and FY '86, 200 participants and in FY '87, 225 participants.
7. Assumes an effective date of July 1, 1982.

ALASKA SAFETY ADVISORY COUNCIL

History:

In 1977 Commissioner Edmund Orbeck asked a group of industry leaders to organize a Governor's Safety Conference. Mr. Vern Smith of 3M Company and Mr. Richard Pittenger of the Alaska Associated General Contractors were instrumental in organizing a committee of industry and labor leaders to work with the departments of Labor and Transportation and Public Facilities to hold the first conference in 1977. Conferences were also held in 1978 and 1979.

Legislation to form an Alaska Safety Advisory Council was first introduced in 1978.

OSHA - Savings and Federal Relations:

The formation of an Alaska State Advisory Council will not replace the need for a state occupational safety and health program and, therefore, no direct money savings will occur. However, such a council will do much in assisting the Department of Labor in assuring more and better public participation in the development of regulations, policies, and procedures of its occupational safety and health program. It will also assist in helping the department to make employers and employees more cognizant of the importance for safety and health on the job. This will help in improving the voluntary consultative and training services that the Department provides.

This council will not change the state-federal relationship of the occupational safety and health program. This relationship is set out in Section 23 of the Federal Occupational Safety and Health Administration (OSHA) when the latter agency recommends changes that affect the operations of the state programs.