

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984

3002 SSA SB 27 - SB 55 8672 2

VARIOUS OPTIONS	FY84 ANNUAL COSTS	TYPE OF SERVICE	CITIZEN ACCESS POINTS	GOVERNMENT DESTINATIONS
Toll-free Zenith numbers to 5 Offices of the Governor for State Government Information.	\$276,000 (includes Zenith lines + toll, personnel, directory listings).	State Government Information at regional offices; referrals made to Governor and State agencies when necessary.	Any telephone or in person.	Governor's Offices in Anchorage, Juneau, Fairbanks, Kotzebue and Nome.
Toll-free Zenith number to Centrex Information Operator (no call transfer).	\$194,482 (Zenith service plus 200 calls per day and personnel costs.)	State Government Information provided by informed operator via one toll free number; referrals given to agencies if necessary.	Any telephone through long-distance operator.	One information operator based in Juneau; separate position from Centrex <u>Directory Operator</u> .
Directory/Information Operators in Anchorage (Governor's Office) and Juneau.	\$175,000 (reflects estimated toll reduction due to Anchorage population).	Information, referrals and directory service.	Any telephone.	Information Operators in Anchorage or Juneau.
Toll-free Zenith number to Centrex Information Operator plus call transfer capability to 83 State agencies.	\$1,100,000 (Zenith service plus 830 calls per day, space, equipment and personnel costs.)	Direct access to certain State agencies via one number only; citizens transferred to appropriate agency by answering operator.	Any telephone through long-distance operator.	83 Juneau-based agencies only, due to Centrex transfer feature.
Collect calls received by State agencies.	\$1,648,020 (toll charges only; no Zenith charges).	Direct access to certain numbers in certain State agencies.	Any telephone; through long-distance operator.	227 specific agencies in Juneau, Anchorage and Fairbanks.
Toll-free Zenith numbers to 227 frequently-called State agencies.	\$2,300,000 (Zenith service plus 2,270 calls per day).	Direct access to certain State agencies via 227 specific telephone numbers.	Any telephone through long-distance operator.	227 State agencies in Juneau, Anchorage and Fairbanks.

THOMAS TAGGART
Box B
Hyder, Alaska 99923
March 28, 1983

SENATOR VIC FISCHER
Pouch V
Juneau, Alaska 99811

re; SB 27

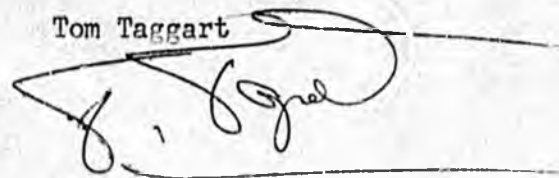
Dear Senator:

Thanks for a copy of SB 27 and update on its status.

Do you suppose you, or a Senate or House committee, could ammend it to insure that we, the Alaskans of Hyder, also get full access via this proposed service? We are on a Canadian exchange here (area code 604) and we cannot get a phone call out of here to Alaska proper, even in screaming emergencies, without special arrangements made ahead of time. Very few people in Alaska seem to even know where we are, or care. One exception is your friend, Senator Josephson, who has been here. If there is not a special provision written into the bill for Hyder, and carried on after enactment to each and every affected agency, the bill will have no effect upon us here.

Thanks for checking into it.

Tom Taggart

A handwritten signature in black ink, appearing to read "Tom Taggart", is written over a horizontal line. The signature is stylized and cursive.



welcome to Canada's most northerly "ice-free deep-sea port", situated at the northern extremity of the Portland Canal. A ninety mile mountain-girt fiord with Alaska on the one hand and British Columbia on the other. Huge ocean-going ships enter the harbour with ease. With further development to the north Stewart will become a major port of the Pacific.

SERVICES

Park area for campers and tents.
 Modern hotel, motel accommodations.
 Taxi Services.
 Laundromat, Dry cleaning and laundry facilities.
 Licensed dining facilities, lounge.
 Complete auto service facilities.
 Travel agency • Charter Helicopter.
 Aircraft and Marine fuel!
 Two schedule return flights via Prince Rupert
 May through October, one during the winter.
 Tourist information booth.
 Banking • Vehicle rentals • Hospital.
 Pharmacy • Fishing and Hunting supplies.
 Supermarkets • Department stores.
 Drive in Restaurant.

RECREATION AND ENTERTAINMENT FACILITIES

Wading pool in campgrounds.
 Indoor swimming pool • Recreation centre.
 Theatre • Curling • Skiing with T Bar Tow.
 Glacier Bus Tours.

A TWO NATION VACATIONLAND

POINTS OF INTEREST

HYDER, ALASKA: Hyder offers souvenir shops, cafe and three taverns, open seven days a week. You haven't lived until you have been "Hyderized!"

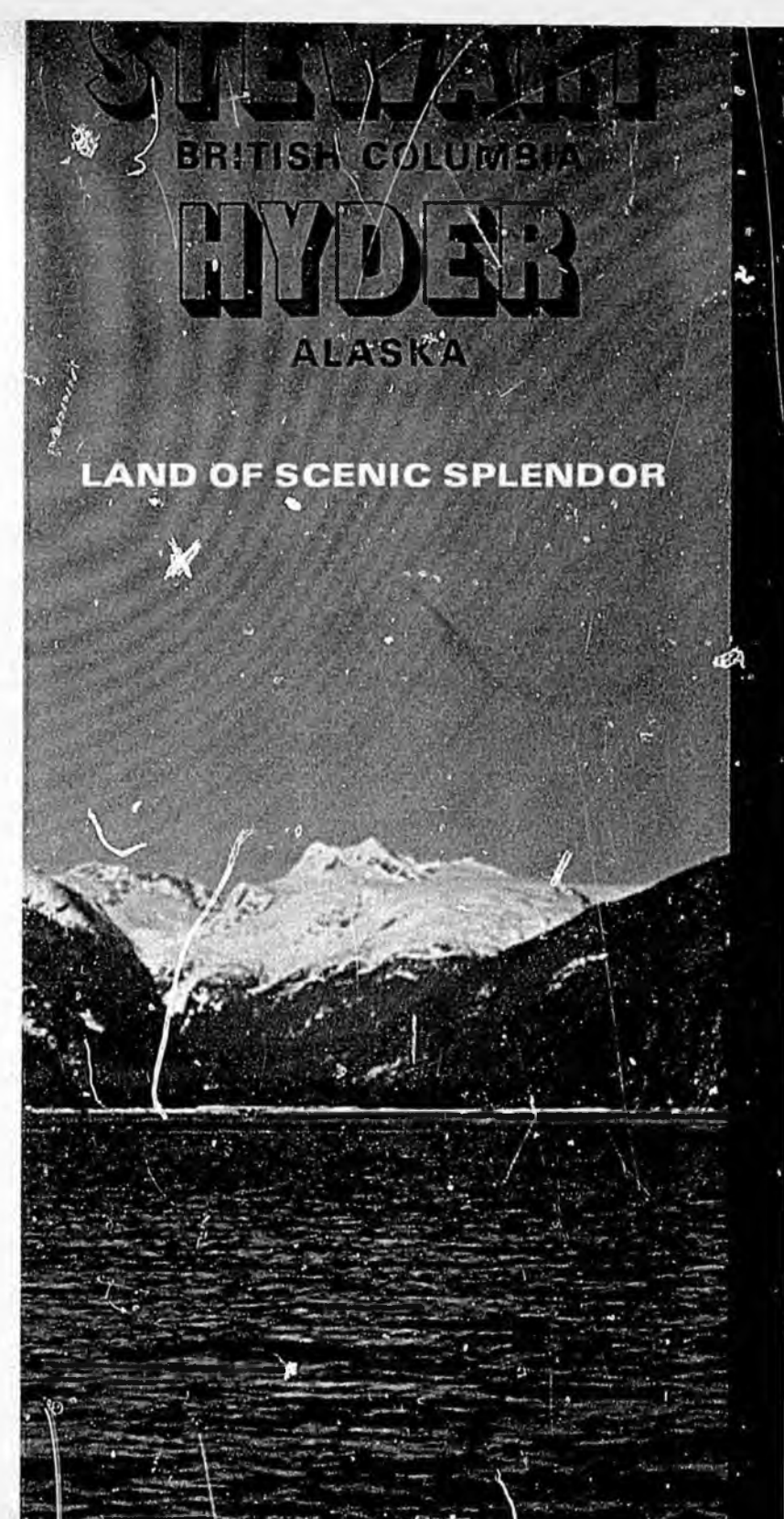
BEAR GLACIER: a roadside glacier of robin's egg blue, a challenge to the professional and a delight to the amateur photographer.

TIDE LAKE: the site of the world's greatest snowfall, 1104 inches, recorded May 16th, 1971 to May 15th, 1972. (Recorded in the Guinness Book of Records).

FISH CREEK: an unforgettable sight, its water teeming with salmon and Dolly Varden providing excitement for the naturalist and the sports fisherman. This special breed of Salmon is reported in the August issue of Alaska Sportsman 1974 by the U.S. Fish and Wildlife Service as being the world's largest.

PREMIER MINES made Stewart famous in 1919.
MUSEUM: A look into Stewart, Hyder, Alaska past and present.

"BEAR ISLAND" Movie Set - Tours



LAND OF SCENIC SPLendor

BRITISH COLUMBIA
HYDER
 ALASKA



SALMON FISHING - CHARTERS AVAILABLE



SALMON GLACIER ON BUS TOUR



STEWART & PORTLAND CANAL

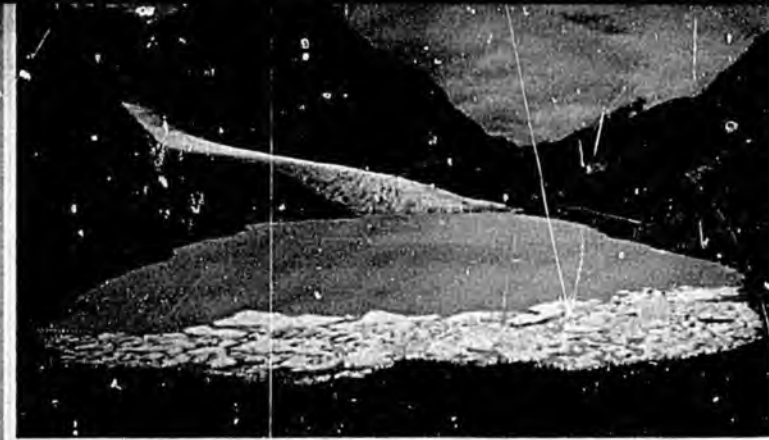
Stewart, located at the head of the Portland Canal and bordering the Alaska Panhandle, has a history dating back to 1906 when gold seekers came to discover the vast mineral wealth that nature stored in this area. The community was subsequently named in honor of the Stewart brothers. Hyder, Alaska, is only two miles away. In 1919 the Stewart-Hyder area came into prominence with the discovery of the enormous and fabulously rich Premier gold and silver mine.

Mining is still one of the main industries in the area, and in December 1968, the Granduc Operating Co. completed the longest tunnel in the world to be driven from one end; 53,743 feet, providing access to its Leduc copper ore body.

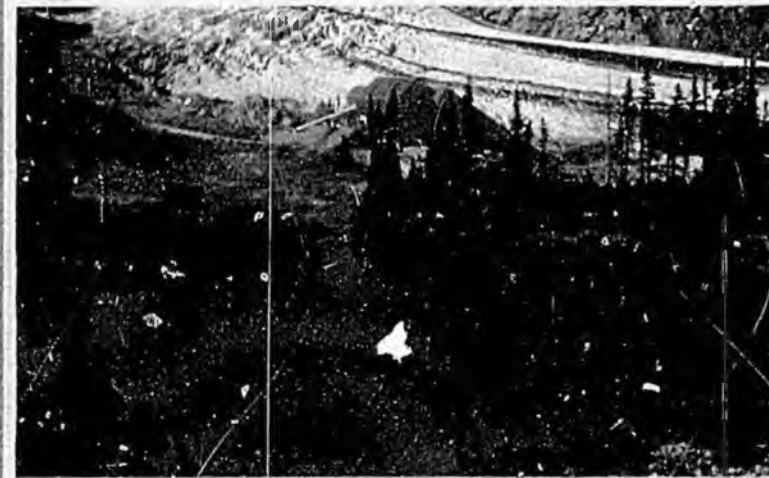
Beautiful Meziadin Lake is only 40 miles away offering the traveller some of nature's most photogenic scenery. The Bear Pass overlooking the magnificent Bear Glacier will keep the viewer spellbound. For the angler, Meziadin Lake will truly be remembered as a fisherman's paradise. And for the hunter too, there are such game in the area as black bear, grizzly, moose and goat.

Should you wish further information, contact District of Stewart, Box 460, Stewart, British Columbia V0T 1W0.

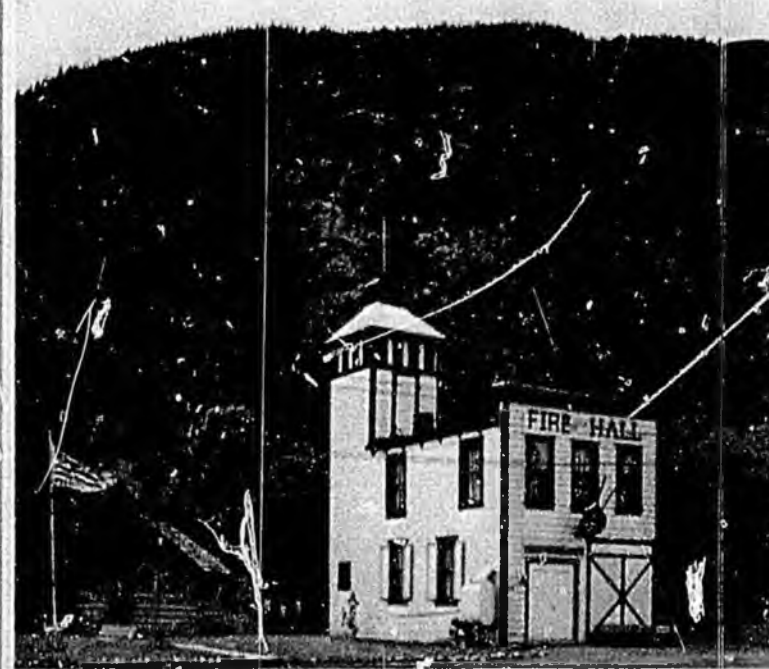
Highway 37 offers the completion of the circle to travellers touring the Alaska Highway. Highway 37 gives travellers an alternative route to travel, enroute or returning from the Yukon via Kitwanga on Highway 16, or Watson Lake Junction on the Alaska Highway. This route passes through one of the last great wilderness areas in Northwest British Columbia.



BEAR GLACIER - HIGHWAY 37 AT RIGHT



GRANDUC MINE SITE ON BUS TOUR



MUSEUM - A GLIMPSE OF THE PAST

Alistair MacLean's
"BEAR ISLAND"
Starring
DONALD SUTHERLAND



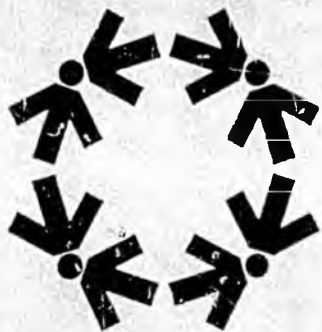
NINE MILLION DOLLARS were expended to produce "BEAR ISLAND", the largest Canadian film in history. Stewart was transformed into the "Hollywood of the North" from November, 1978 to January, 1979. One could expect to visit with famous movie stars like Donald Sutherland, Vanessa Redgrave, Richard Widmark, Christopher Lee, Barbra Parkins and Lloyd Bridges. Fans, both young and old, received pictures and autographs of their heroes of the screen during their stay in Stewart.

Bus tours are available during the summer months to visit the area where the movie was filmed. This tour will also include a breathtaking view of the Salmon Glacier Ice Fields, Summit Lake, and the Granduc Mine site. This is a 3 hour round trip that will encompass scenery that is unequalled anywhere in the world.

Be sure to see the film on how the movie was produced as well as the numerous pictures of the stars and major events throughout the movie. The "hydrocopters" and "larvins" used as vehicles during the action scenes will also be on display.

Photo Credits:
AERIAL VIEW OF STEWART BY DORSE McTAGGART
PHOTO COURTESY OF SCENES BY DORSE
BEAR GLACIER MUSEUM - PHOTO BY ED COOPER

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ALASKA PUBLIC INTEREST RESEARCH GROUP
Post Office Box 1093/Anchorage, Alaska 99510/(907) 278-3561

Handwritten initials: RYI.

April 4, 1983

The Honorable William Sheffield
Governor of Alaska
3rd Floor, State Capitol
Pouch A
Juneau, AK 99811

Dear Governor Sheffield:

I am writing in support of SB-27 and HB-97, relating to toll-free telephone calls to state agencies.

During our eight years of existence, the primary goal of the Alaska Public Interest Research Group has been to increase accountability and access to the government by its citizens. During your campaign for governor, you expressed a similar commitment. We believe that the bills mentioned above, when passed, will go far in addressing this important goal.

At present, doing business with the State can be like running a gauntlet for some residents. Assuming a resident has access to a phone, long distance charges can pile up quickly in pursuing a simple state-related matter. For example, an injured worker from Kodiak would pay almost \$10 for one fifteen-minute conversation with the Worker's Compensation office in Anchorage, provided s/he contacted the proper official on the first call. And, as many lawyers and social service workers can tell you, a phone call is often the only way to properly resolve a problem.

The Personal Opinion Message program does convey short messages to legislators, but the program cannot handle similar messages to your office, nor does it provide for longer, or two-way conversations between citizens and legislators. A 15-minute conversation from Anchorage to a legislator in Juneau costs over \$12.

Finally, there was widespread agreement last year that if the Capital Move effort failed, the State would intensify its efforts to increase citizen access to government. House Bill 27 and SB 97 are a key part of that effort.

Can we count on your support on this issue?

Sincerely,

Handwritten signature: Maureen Kennedy
Maureen Kennedy, Director

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STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

March 23, 1983

The Honorable Vic Fischer
Pouch V, M/9 3100
Juneau, Alaska 99811

Dear Senator Fischer:

I understand that you have Senate Bill 33 and Senate Bill 34 under consideration in the Senate State Affairs Committee. These bills both speak to establishing the working hours of state employees in Juneau.

There is considerable statutory precedent to show that the Executive Branch of State Government has the responsibility for setting work hours, although we would be pleased to take the Legislature's wishes under advisement.

The three primary references are the Alaska State Constitution, the State Personnel Act and the Public Employment Relations Act (PERA).

Article III of the Constitution of Alaska establishes the power of the Executive.

AS 39.25.150(17) says that the Personnel Rules shall provide for hours of work for all employees in the State service. Then the State Personnel Rules (Rule 7) address hours for State Employees.

Under the terms of PERA (AS 23.40.070-260), which establishes the scope of collective bargaining, the definitions section states that "terms and conditions of employment" mean the hours of employment.

Collective bargaining agreements for most bargaining units negotiated under the authority of the Public Employment Relations Act specifically provide that management has retained the right to set employees' working hours.

Please feel free to contact me for any further background information on this question.

Sincerely,



Lisa Rudd
Commissioner

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B

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Section

- 173. Adjustments
- 175. Waiver of adjustments
- 177. Effect of amendments
- 180. Custody and investment
- 190. Actuarial evaluations of the retirement fund

Section

- 200. Exemption from taxation and process
- 205. Time limit for application
- 210. Penalty for false statements
- 220. Definitions

Collateral references. — 60 Am. Jur. 78 C.J.S. Schools and School Districts, §§ 231-236.
2d Pensions and Retirement Funds, §§ 39-72.

Sec. 14.25.010. Retirement system established. A joint-contributory retirement system for teachers of the state is created. (§ 1 ch 145 SLA 1955; am § 1 ch 89 SLA 1960)

Sec. 14.25.012. Purpose and effective date. (a) The purpose of this chapter is to encourage qualified teachers to enter and remain in service with participating employers by establishing a system for the payment of retirement, disability, and death benefits to or on behalf of the members.

(b) The system created became effective as of July 1, 1955, at which time contributions by the participating employers and members began. (§ 1 ch 13 SLA 1980)

Sec. 14.25.015. Administrator. The commissioner of administration shall appoint an administrator of the system. (§ 1 ch 13 SLA 1980)

Cross references. — For definition of "administrator," see AS 14.25.220(3).

Sec. 14.25.020. Powers of the administrator. (a) The administrator may

(1) formulate and recommend to the Alaska Teachers' Retirement Board regulations to govern the operation of the system;

(2) make expenditures from the retirement fund necessary to administer this chapter.

(b) The administrative expenditures permitted by (a) (2) of this section shall be included in the governor's budget for each fiscal year and are subject to appropriation by the legislature. (§ 4 ch 145 SLA 1955; am § 2 ch 142 SLA 1957; am § 3 ch 89 SLA 1960; am § 1 ch 137 SLA 1982)

Effect of amendments. — The 1982 amendment, in subsection (a), rewrote paragraph (1), which formerly read "promulgate and issue appropriate regulations having the force of law to implement this chapter and to cover matters not expressly touched upon or anticipated but implied by this chapter."

Sec. 14.25.022. Regulations. Regulations adopted by the Alaska Teachers' Retirement Board under this chapter relate to the internal

management of a state Administrative Procedure Act ch 137 SLA 1982)

Effect of amendment substituted "Alaska Teachers' Retirement"

Sec. 14.25.030. D shall

(1) establish and maintain a retirement fund;

(2) approve or disapprove

(3) serve as secretary and keep an official record

(4) publish annual report on retirement fund; and

(5) do whatever else may be necessary to carry out the purposes of this chapter. (§ 4 ch 89 SLA 1960; am

Effect of amendment substituted "secretary" in paragraph (2) and

Sec. 14.25.035 established the Alaska Teachers' Retirement Board. One member shall be appointed by the governor a list of

(b) Members of the board shall determine the rate established for each member may

(c) The board shall determine and revenue regarding the Teachers' Retirement Fund. The board shall

(d) The board shall determine the administration of the information on

(e) The board shall determine at the request of the board on decisions made by the board. The board shall determine findings to the board. The board shall determine more public hearings. The board shall determine consider and adopt

management of a state agency and their adoption is not subject to the Administrative Procedure Act (AS 44.62). (§ 1 ch 13 SLA 1963; am § 2 ch 137 SLA 1982)

Effect of amendments. — The 1982 amendment substituted "adopted by the Alaska Teachers' Retirement Board under this chapter" for "promulgated by the administrator under AS 14.25.010 — 14.25.220."

Sec. 14.25.030. Duties of the administrator. The administrator shall

- (1) establish and maintain an adequate system of accounts for the retirement fund;
- (2) approve or disapprove claims for retirement benefits;
- (3) serve as secretary of the Alaska Teachers' Retirement Board and keep an official record of all proceedings;
- (4) publish annually a report showing the financial condition of the retirement fund; and
- (5) do whatever else may be necessary to carry out the purposes of this chapter. (§ 4 ch 145 SLA 1955; am § 2 ch 142 SLA 1957; am § 3 ch 89 SLA 1960; am § 2 ch 13 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "benefits" for "salary" in paragraph (2) and added "serve as secretary of the Alaska Teachers' Retirement Board and" to the beginning of paragraph (3).

Sec. 14.25.035. Teachers' Retirement Board. (a) There is established the Alaska Teachers' Retirement Board consisting of five members appointed by the governor for overlapping three-year terms. One member shall be a resident who is receiving retirement benefits under this chapter. Statewide teacher organizations may submit to the governor a list of recommended nominees to serve on the board.

(b) Members of the board serve without compensation except that each member may be reimbursed for actual and necessary expenses at the rate established in AS 39.20.190.

(c) The board shall confer with the commissioners of administration and revenue regarding the administration and the investment policies of the Teachers' Retirement Fund and may make such recommendations to them as they consider necessary.

(d) The board shall be furnished reports relating to the condition and administration of the retirement fund which shall be distributed for the information of the members of the system.

(e) The board shall serve as an appeal board and shall hold hearings at the request of an employer, member, annuitant, or any beneficiary on decisions made by the administrator. The board shall submit its findings to the administrator. The board shall hold annually one or more public hearings to discuss proposed changes in the system and to consider and adopt resolutions which might apply to the system.

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58,

SLA 1982.

Legislative history reports. — For report on ch. 83, SLA 1967 (HB 141), see 1967 House Journal, pp. 339-340.

Sec. 22.25.025. Administration. The commissioner of administration is responsible for the administration of the judicial retirement system. (§ 8 ch 146 SLA 1980)

Sec. 22.25.027. Regulations. The commissioner of administration may adopt regulations to implement this chapter. Regulations adopted by the commissioner under this chapter relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62). (§ 8 ch 146 SLA 1980)

Sec. 22.25.030. Survivors' benefits. (a) Upon the death of a justice or judge who has served for at least two years, the surviving spouse is entitled to receive monthly compensation equal to one-half of the monthly retirement pay the justice or judge would thereafter have been entitled to receive if retired at the time of death. If at death the justice or judge was not yet entitled to retirement pay, or was or would have been entitled to less than 60 percent of the monthly salary authorized for the office, the surviving spouse is entitled to monthly compensation equal to 30 percent of the salary authorized for justices or judges, respectively, at the time each monthly payment is made.

(b) To be eligible for the survivors' benefits, the surviving spouse must have been married to the justice or judge for at least two years immediately preceding the death of the justice or judge. The benefits continue until the remarriage or death of the surviving spouse.

(c) If there is no surviving spouse, or if the surviving spouse does not meet the requirements of (b) of this section, or upon the remarriage or death of the surviving spouse, the surviving dependent child or children of the justice or judge are entitled to receive in equal shares 50 percent of the amount of the survivors' benefits specified under (a) of this section.

(d) The surviving child or children are entitled to the survivors' benefits under (c) of this section during the period of their dependency. Dependency exists with respect to any child of a justice or judge who is either (1) a minor under the laws of Alaska, (2) under the age of 23 and is a student attending on a full-time basis an accredited educational or technical institution recognized by the state Department of Education, or (3) so mentally or physically incapacitated as to be unable to provide for self care.

(e) If there are both an eligible surviving spouse and surviving dependent children, but who reside in separate households, the surviving spouse and dependent children will share equally in the benefits payable under (a) of this section. (§ 1 ch 102 SLA 1963; am 12 ch 83 SLA 1967; am § 2 ch 160 SLA 1972)

Editor's notes. — redrafted by the revisor to remove personal pronouns with AS 01.05.031(c) and SLA 1982.

Sec. 22.25.040. I
Repealed by § 16

Editor's note. — The derived from § 1, ch. 102 Legislative history 1

Sec. 22.25.041. R
vacates office for any of creditable service of the total amount of the amount. If a judge contributions returns within one year the prevailing rate to rec AS 22.25.019(f). (§ 7

Editor's notes. — This redrafted by the revisor to remove personal pronouns

Sec. 22.25.045. Ap
Repealed by § 42 cl

Editor's notes. — The derived from § 13, ch. 83, §

Sec. 22.25.046. Em
tern shall contribute established by the commission rate shall be based on judicial retirement system be based on actuarial commissioner of administration
(b) The contribution to the covered compensation system, will grow contributions from members system. (§ 8 ch 146 SLA

Sec. 22.25.048. Acc
sioner of administrative general fund, a fund for certain accounts and records

(8) to waive the requirements of AS 39.35.520 in accordance with AS 39.35.522;

(9) to exercise the duties set out in AS 39.30.155 with respect to the supplemental employee benefit program (AS 39.30.150 — 39.30.180),

(10) to exercise the duties set out in AS 39.45.025 with respect to the deferred compensation program for state employees. (§ 32 ch 143 SLA 1960; am § 1 ch 235 SLA 1968; am § 1 ch 109 SLA 1970; am § 2 ch 159 SLA 1972; am §§ 1—4 ch 1 SLA 1974; am §§ 16, 17 ch 128 SLA 1977; am § 8 ch 174 SLA 1978; am § 24 ch 146 SLA 1980)

Effect of amendments. — The 1977 amendment substituted "surviving spouse" for "widow" in paragraph (4), and in paragraph (5), substituted "each employer" for "the state and each participating political subdivision and public organization" in two places in the introductory paragraph, deleted "participating" preceding "employers" in

subparagraph (A) and preceding "employer" in subparagraph (B), and substituted "actuarial" for "biennial" in subparagraph (B).

The 1978 amendment added paragraph (8).

The 1980 amendment added paragraphs (9) and (10).

Sec. 39.35.041. Regulations. Regulations adopted by the board under this chapter relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62). (§ 3 ch 13 SLA 1963)

Sec. 39.35.050. Administrator. (a) The commissioner shall appoint an administrator in charge of the public employees' retirement system and the supplemental employee benefit program (AS 39.30.150 — 39.30.180).

(b) Repealed by § 50 ch 13 SLA 1980. (§ 33 a ch 143 SLA 1960; am § 5 ch 1 SLA 1974; am §§ 26, 50 ch 13 SLA 1980; am § 25 ch 146 SLA 1980)

Effect of amendments. — The first 1980 amendment deleted "the detailed affairs of" preceding "the system" near the end of the former first sentence of subsection (a), deleted the former second sentence of subsection (a) which read: "The commissioner may appoint the personnel director of the personnel division of the Department of Administration as the administrator," and repealed subsection

(b), which read: "The administrator shall serve as secretary of the board. He shall administer the business of the system and is responsible for its proper operation."

The second 1980 amendment inserted "public employees' retirement" preceding "system" near the beginning of the section, and added "and the supplemental employee benefit program (AS 39.30.150—39.30.180)" at the end of the section.

Sec. 39.35.060. Duties of the administrator. The administrator shall:

(1) with the assistance of a technical actuarial advisor, submit to the board the required actuarial tables and the statistical data necessary for periodic actuarial surveys of the operating experience of the system;

(2) maintain records of the employees included in the system which are necessary for the proper administration of the system and furnish

Sec. 44.62.040. Submitting regulations. (a) Every state agency which by statute possesses regulation-making authority shall submit to the lieutenant governor for filing a certified original and one duplicate copy of every regulation or order of repeal adopted by it, except one which

(1) establishes or fixes rates, prices or tariffs;

(2) relates to the use of public works, including streets and highways, under the jurisdiction of a state agency if the effect of the order is indicated to the public by means of signs or signals; or

(3) is directed to a specifically named person or to a group of persons and does not apply generally throughout the state.

(b) Citation of the general statutory authority under which a regulation is adopted, as well as citation of specific statutory sections being implemented, interpreted or made clear, shall follow the text of each regulation submitted under (a) of this section. (§ 1 art II (ch 1) ch 143 SLA 1959; am § 1 ch 40 SLA 1969)

Legislative history report. — For report on ch. 40, SLA 1969 (HB 21 am S), see 1969 House Journal, p. 415.

Regulations adopted by the Commissioner of Natural Resources are subject to the rule-making provisions of the Administrative Procedure Act and must be adopted according to the procedures set forth therein. Among the required procedures for adoption of regulations are notice of the proposed adoption, a public hearing in which any interested person may submit statements to the agency, filing of the regulation, if adopted, with the secretary of state, and publication. Kelly v. Zamarello, Sup. Ct. Op. No. 705 (File Nos. 1255, 1256), 486 P.2d 906 (1971).

Regulations promulgated under AS 15.15.330, dealing with the early counting of election votes, are not exempt from the requirements of the Administrative Proce-

cedure Act (AS 44.62) by operation of this section and AS 44.62.640. Coghill v. Boucher, Sup. Ct. Op. No. 900 (File No. 1798), 511 P.2d 1297 (1973).

The lieutenant governor's supervision of personnel and activities relating to the conduct of a statewide election is not the same as the management of employees and internal affairs of a state agency. Executive organization of the election machinery goes well beyond the lieutenant governor's control of his own staff and their actions. Coghill v. Boucher, Sup. Ct. Op. No. 900 (File No. 1798), 511 P.2d 1297 (1973).

Failure to specify in regulation incorporating building code where copies of code could be obtained did not invalidate regulation. Northern Lights Motel, Inc. v. Sweaney, Sup. Ct. Op. No. 1386 (File No. 2476), 561 P.2d 1176 (1977).

Sec. 44.62.050. Style and forms. The Department of Law shall prepare and shall revise when necessary a drafting manual for administrative regulations which prescribes the style and forms for submitting regulations under AS 44.62.040. (§ 2 art II (ch 1) ch 143 SLA 1959; am § 3 ch 70 SLA 1966; am § 1 ch 57 SLA 1969; am § 1 ch 64 SLA 1978)

Effect of amendment. — The 1978 amendment substituted "Department of Law" for "Legislative Affairs Agency" near the beginning of the section.

Sec. 44.62.060. Preparation and filing. (a) Every state agency which by statute possesses regulation-making authority shall work

with the Department of Law, under AS 44.62.050, and revision of its regulations and shall prepare for administrative regulations prepared under AS 44.62.050.

(b) In the performance of duties under the Department of Law shall advise the agencies of the promulgation of regulations and may advise the agencies for and the policy involved in particular regulations. The department shall prepare a written statement of disapproval after each regulation has been promulgated if

(1) its legality, constitutionality or applicability of regulations;

(2) the existence of statutory authority or the required citation of statutory authority;

(3) its clarity, simplicity of expression or the absence of misapplication;

(4) compliance with the drafting requirements of regulations.

(c) The lieutenant governor may not amend an order of repeal or order of amendment accompanied by the written statement and the statement approves the regulation or order of repeal. (§ 3 art II (ch 1) ch 143 SLA 1959; am § 4 ch 70 SLA 1966; am § 1 ch 53 SLA 1969)

Effect of amendment. — The 1978 amendment substituted "Department of Law" for "Legislative Affairs Agency" near the end of subsection (a).

Agency cannot adopt future amendments to code, etc., by reference. — According to the Legislative Affairs Agency (now Department of Law) drafting manual, an administrative agency may not adopt by reference a code or set of standards from another state, the federal government or a private organization and provide that future amendments as they become effective are being adopted also. Northern Lights Motel, Inc. v. Sweaney, Sup. Ct. Op. No. 1386 (File No. 2476), 561 P.2d 1176, aff'd on rehearing, 563 P.2d 256 (1977).

One reason for the prohibition against delegation of the future law-making power of the state to private groups is that when amendments are adopted by these groups the public does not necessarily receive

Sec. 44.62.070. Fees. No state officer shall receive a fee to perform an official act in connection with the performance of his or her duties.

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



April 14, 1983
3:00 p.m.

Butrovich Room
Capitol Bldg.

Members Present:

Senator Vic Fischer, Chair
Senator Bill Ray, Vice Chair
Senator Arliss Sturgulewski
Senator Pat Rodey
Senator Tim Kelly

HB 79--Peremptory challenge of judges

Representative Fritz (prime sponsor) read a prepared statement in favor of the bill. He gave a history of peremptory challenge statute and discussed the situation in Homer where Judge Hornaday has been removed from up to 80% of his cases by defense attorneys, allegedly in response to tough drunk driving sentences handed down by Hornaday.

Senator Ray moved and asked unanimous consent that the bill be waived to the next committee of referral (Judiciary). There was no objection.

SB 220--Establishing a capital projects advisory commission

Senator Josephson (prime sponsor) testified in favor of the bill. He stated that this bill was modeled after a successful New Jersey statute. He observed that many legislators, the governor and the public have problems with the current method of allocating capital projects whereby each house of the legislature and the Governor have absolute discretion to pick projects equal to 1/3 of the revenues available. He read a letter from the Governor in support of the concept presented in the bill.

Senator Fischer commented that the time-frames in the bill did not mesh with the budget process. Senator Josephson said that he was not opposed to improving the mechanics of the legislation.

Senator Kelly was of the opinion that an appointed commission would not necessarily make better decisions than an elected 60 member legislature.

Senator Sturgulewski said that she felt that this bill was adding another patch to an already unworkable system.

Senator Ray felt that this bill is a "typical text book solution" that looks good on paper but wouldn't work in reality.

Senator Rodey said that he didn't see any other alternative for improving the present system.

Peter McDowell, Director of O.M.B. said that the Governor wholeheartedly supports this legislation in principle but that the details would have to worked out. He did not favor the creation of another Commission, however.

No action was taken on the bill.

SB 218--Disclosure of Information

Senator Kelly thinks this bill may open up legislative files for inspection. He suggested that the bill be amended to keep the existing disclosure law.

Senator Ray moved and asked unanimous consent to adopt a committee substitute which incorporated Sen. Kelly's suggestion and to move the CS with individual recommendations. There was no objection.

SB 48--Adoption of state retirement regulations

Ken Humphries, Director of the Division of Retirement and Benefits said that he thinks the bill is unnecessary since his division is promulgating regulations to address the problem, however, he doesn't object to the bill.

Senator Fischer proposed a committee substitute.

Senator Ray moved and asked unanimous consent to adopt the committee substitute and to pass the bill from committee with individual recommendations.

SJR 22--Supporting establishment of a U.S. Academy of Peace

Senator Fischer suggested that the words "and conflict resolution" be stricken from the bill to conform to the language used in the congressional legislation which this resolution supports.

A general discussion followed concerning the sponsorship of the congressional legislation. Some committee members did not want to be associated with certain well known liberal senators and other committee members did not want to be associated with certain conservative senators. It was noted that Senator Murkowski is prime sponsor of the congressional legislation.

Senator Ray moved and asked unanimous consent that a committee substitute incorporating Sen. Fischer's suggestion be adopted and passed from the committee with individual recommendations. There was no objection.

HCR 28--Establishing George A. Parks Day

Senator Ray moved and asked unanimous consent that the bill pass from committee with a do pass recommendation. There was no objection.

The meeting was adjourned at 4:30 p.m.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: Senate Bill 48 Date on Bill: 1-18-83
 Title: An Act Relating to the Adoption of Regulations for State Retirement Systems
 Sponsor: Senator Ray
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital								
Operating								
Total			-0-	-0-	-0-	-0-		

b. Revenues:

Revenue								

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor.

J. K. Humphreys

Prepared By: J. K. Humphreys, Director
 Division: Retirement & Benefits

Phone: 465-4460
 Date: 2-23-83

Approved by Commissioner: [Signature]
 Department: [Signature]

Date: 2/24/83

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

TEACHERS' RETIREMENT SYSTEM

Regulation No. 83-3

Procedures For Adoption of Regulations

- A. This regulation sets forth the procedures for adopting permanent and emergency regulations of the Teachers' Retirement Board (the "Board") pursuant to AS 14.25.022 and AS 14.25.035.
- B. The Board may adopt regulations by motion or by resolution to carry out the purposes of its authority under AS 14.25.
- C. The following steps will be taken prior to a Board meeting in which regulations are adopted, amended or repealed:
1. At least forty-five (45) days before the meeting, copies of all regulations upon which action will be taken will be distributed to all Board members and the Division of Retirement and Benefits (the "Division").
 2. At least forty-five (45) days before the meeting, copies of all regulations on which action will be taken will be circulated at least to (a) professional associations which represent or have an interest in retired or active teacher members and (b) retired or

active members of the Teachers' Retirement System; provided that such associations or members have requested that they be on mailing lists for the receipt of such information.

3. Copies of proposed regulations distributed pursuant to this subsection (C) will be accompanied by a brief explanation of and rationale for the proposed regulations and a brief statement describing the effect the proposed regulations will have on the Teachers' Retirement System. The explanation, rationale, and statement will be prepared by the agency or entity (i.e., the Board or the Division) originating the proposed regulation.

4. At least thirty (30) days before the meeting, the Board or the Division will give public notice of the proposed action by publishing a notice in at least three newspapers of general circulation in the State and by mailing a copy of the notice to every person who has filed a request for notice of proposed regulations with the Board or the Division. Public notice must include a statement of the time, place, and nature of the proceedings for the adoption, amendment or repeal of regulations and must include an informative summary of the proposed subject of the regulations upon which action will be taken.

D. Prior to or on the date and at the time designated in the notice set forth in (C)(3) of this regulation, the Board will give each interested person the opportunity to present statements, arguments or contentions in writing. On the date and at the time designated in the notice, the Board will give each interested person and members of

the public the opportunity to present statements, arguments or contentions orally. The Board will consider all relevant matters presented to it before adopting, amending, or repealing a regulation. At a hearing under this paragraph, the Board may continue or postpone the hearing to a time and place which it determines. A regulation which is adopted, or its amendment or repeal, may vary in content from the informative summary specified in (C)(3) of this regulation if the subject matter of the regulation, or its amendment or repeal, remains the same and the original notice is written so as to assure that members of the public are reasonably notified of the proposed subject of the Board's action in order for them to determine whether their interests could be affected by the Board's action on that subject.

- E. Notwithstanding the provisions of (C) of this regulation, a regulation or order of repeal may be adopted by unanimous vote of a quorum of the Board as an emergency regulation or order of repeal. To be so adopted, the Board must make a finding in its order of adoption or repeal, including the statement of the facts which constitute the emergency, that the adoption of the regulation or order of repeal is necessary for the immediate preservation of the orderly operation of the Teachers' Retirement System or the business of the Board. The requirements of (C) of this regulation do not apply to the initial adoption of an emergency regulation; however, upon adoption of an emergency regulation, the Board shall, within ten (10) days after adoption, give notice of the adoption pursuant to the provisions of (C) and

(D) of this regulation. No emergency regulation adopted under this regulation remains in effect past the date of the next regular Board meeting unless the Board substantially complies with the procedures of (C) and (D) of this regulation and adopts an emergency regulation as a permanent one in substantial compliance with those procedures.

F. A regulation adopted pursuant to the procedures of this regulation becomes effective immediately upon its adoption by the Board, unless otherwise specifically provided by the order of adoption.

G. Except for AS 44.62.310 and 44.62.312, regarding public meetings, the Administrative Procedure Act (AS 44.62) does not apply to regulations adopted pursuant to the procedures of this regulation. The Board shall make available to the public, through the Administrator, copies of its adopted regulations.

Approved: Harry Purdy

Harry Purdy, Chairman

Teachers' Retirement Board

Dated this 3rd day of April, 1983.

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

POUCH CR

JUNEAU, ALASKA 99811

Public Employees' Retirement System
Teachers' Retirement System
Judicial Retirement System
Elected Public Officers Retirement System
National Guard Retirement System
Territorial Retirement System
Retirees' Voluntary Dental-Vision-Audio Plan
Supplemental Benefits System
Group Health/Life Insurance Benefits
Deferred Compensation Plan
Public Employers Social Security Contributions

Bill Sheffield, Governor

(907) 465-4460

March 14, 1983

Honorable Vic Fischer
Senator
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Fischer:

This letter is in response to a recent telephone request by Susan Tryck of your office. The following are our comments on AS 14.25.022 and 39.35.042 which exempt TRS and PERS regulations, respectively, from the Administrative Procedure Act (AS 44.62).

Since the Division of Retirement and Benefits is complying with or is in the process of complying with most of the requirements of Senate Bill No. 48, the added burden imposed by making TRS and PERS regulations subject to the APA would not be great. It is not clear, however, why such action would be desirable. The attendant delays and additional red tape and paper work required by the APA appear somewhat counterproductive. For example, the additional 30-day delay after filing with the Lieutenant Governor seems unnecessary. We're not clear as to why a slightly wider distribution list for proposed regulations is necessary when the regulations are already distributed to anyone who wants them. Promulgating emergency TRS and PERS regulations according to the APA might prove difficult since it is not clear if the emergency requirement of the AAC--"a threat to the public peace, health, safety, or general welfare"--would apply.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Regulation No. 82-5

Procedures For Adoption of Regulations

- A. This regulation sets forth the procedures for adopting permanent and emergency regulations of the Public Employees' Retirement Board (the "Board") pursuant to AS 39.35.040.
- B. The Board may adopt regulations by a motion or by resolution to carry out the purposes of its authority under AS 39.30, AS 39.35, or AS 39.45.
- C. Except as provided in (D) of this regulation, at least thirty (30) days before the adoption, amendment or repeal of a regulation, the Board shall give public notice of the proposed action by publishing the notice in at least three newspapers of general circulation in this state and by mailing a copy of the notice to every person who has filed a request for notice of proposed regulations with the Board or the Administrator. Public notice must include a statement of the time, place, and nature of the proceedings for the adoption, amendment, or repeal of the regulation and must include an informative summary of the proposed subject of the regulation. Prior to or on the date and at the time designated in the notice, the Board shall give each interested person the opportunity to present statements, arguments or contentions in writing; on the date and at the time designated in the notice, the Board shall give each interested person and members of the public the opportunity to present

statements, arguments or contentions orally. The Board shall consider all relevant matters presented to it before adopting, amending, or repealing a regulation. At a hearing under this subsection, the Board may continue or postpone the hearing to a time and place which it determines. A regulation which is adopted, or its amendment or repeal, may vary in content from the informative summary specified in this paragraph if the subject matter of the regulation, or its amendment or repeal, remains the same and the original notice is written so as to assure that members of the public are reasonably notified of the proposed subject of the Board's action in order for them to determine whether their interests could be affected by the Board's action on that subject.

- D. A regulation or order of repeal may be adopted as an emergency regulation or order of repeal if the Board makes a finding in its order of adoption or repeal, including the statement of the facts which constitute the emergency, that the adoption of the regulation or order of repeal is necessary for the immediate preservation of the orderly operation of the Public Employees' Retirement System or the business of the Board. The requirements of (C) of this regulation do not apply to the initial adoption of an emergency regulation; however, upon adoption of an emergency regulation, the Board shall, within ten (10) days after adoption, give notice of the adoption in accordance with (C) of this regulation. No emergency regulation adopted under this regulation remains in effect past the date of the next regular Board meeting unless the Board complies with the procedures of (C) of this regulation and adopts said emergency regulation as a permanent one according to those procedures.

E. A regulation adopted pursuant to the procedures of this regulation becomes effective immediately upon its adoption by the Board, unless otherwise specifically provided by the order of adoption.

F. Except for AS 44.62.310 and 44.62.312, regarding public meetings, the Administrative Procedure Act (AS 44.62) does not apply to regulations adopted pursuant to the procedures of this regulation. The Board shall make available to the public, through the Administrator, copies of its adopted regulations.

Approved and Adopted: C. R. "Steve" Hafling
C.R. "Steve" Hafling, Chairman
Public Employees' Retirement Board

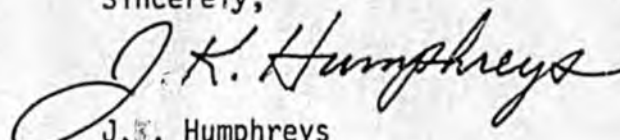
Dated this 1 day of Oct., 1982.

Senator Fischer
March 14, 1983
Page 2

TRS and PERS regulations are generally technical in nature, relate to matters of internal management, and do not affect the general public. Contrary to the regulations of other agencies, retirement regulations affect a specific, defined group of citizens and not the Alaskan populace as a whole. In short, although the issue is not weighty, I believe the exemptions from the APA to be appropriate in this case.

If I can provide additional information on this matter, please let me know.

Sincerely,


J. K. Humphreys
Director

JKH,'sd
cc: Eleanor Andrews
Rebecca Burch

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 10, 1983

SUBJECT: Adoption of regulations for state retirement systems (SB 48)

TO: Senator Vic Fischer

FROM: *LHA* Linn H. Asper
Legislative Counsel

You have requested a sectional analysis of SB 48.

Section 1 modifies the exclusion of the Alaska Teacher's Retirement Board (AS 14.25) from the operation of the Administrative Procedure Act (AS 44.62). Under the proposed amendment the retirement board would have to publish regulations that it adopts in the Alaska Administrative Register and Code. The retirement board would also have to give notice of the proposed adoption, amendment, or repeal of a regulation by posting, publishing, mailing to persons or groups that have requested notice, and by notifying the legislature. Failure to mail notice to a person who has requested notice would not invalidate the regulation. The retirement board could hold a hearing on the proposed regulation. An adopted regulation would take effect 30 days after its adoption.

Section 2 applies the provisions outlined above to the judicial retirement system (AS 22.25).

Section 3 applies the provisions outlined above to the public employee's retirement system (AS 39.35).

Section 4 applies the provisions outlined above to the elected public officers retirement system (former AS 39.37).

Section 5 requires that regulations that apply to the affected state retirement systems and that are in effect on the effective date of the Act be published in the Alaska Administrative Register and Code within six months after the effective date of the Act.

LHA:ljk
1/029

POSITION PAPER

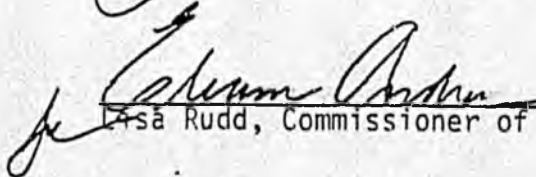
SB 48

The Division of Retirement and Benefits is complying or is in the process of complying with most of the provisions of the bill. PERS Regulation 82-5 imposes substantially the same requirements as the bill and a similar regulation is proposed for the TRS. The Division is in the process of revising all of the existing regulations to conform with the style and format requirements of the AAC preparatory to having them published voluntarily in the Alaska Administrative Register and Code. There are no objections to the procedures the division is following or plans to follow being incorporated into the w; however, it appears unnecessary.

The Department is opposed to the bill in its present form as it makes no provisions for adopting emergency regulations to take effect without waiting 30 days after adoption in instances where it is warranted.



J.K. Humphreys, Director, Division of Retirement & Benefits

 3/15/83

Lisa Rudd, Commissioner of Administration



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

M E M O R A N D U M

January 25, 1983

TO: Senate State Affairs Committee

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

SUBJECT: Senate Bill 57 - Limiting the Adjustment of Retirement Benefits

On several occasions the Blue Ribbon Commission has heard testimony about problems created by overpayments of retirement benefits. Retired state employees may have substantial difficulties if they are required to repay retirement benefits improperly received because of errors made by the Division of Retirement and Benefits or because of a change in law. The commission is proposing legislation to limit the authority of the division to collect amounts paid improperly through no fault of the beneficiary or retired person if the error is not corrected within two years.

One woman testified to the commission that before she retired she asked the division to verify her years of credited service. Several years later a court-ordered change in retirement regulations reduced the number of years for which she received credit. Her employment with the University of Alaska could no longer be counted as credited service in PERS. As a result she had received more than \$5000 in benefits to which she was not entitled. The division reduced her benefit to the correct amount and began withholding an additional \$100 per month to be applied to the overpayment. She appealed to the Public Employees Retirement Board asking that collection of the overpayment be waived.

Both the Public Employees' Retirement Board and the Teachers' Retirement Board have authority to waive collection of overpayments, but the uncertainty of an appeal can cause considerable stress to people on fixed incomes. Both boards are required to determine whether there would be undue hardship imposed by requiring repayment. AS 14.25.175 and AS 39.35.522. In establishing whether there is financial hardship, the entire family financial situation is considered, not just the resources of the petitioner.

The commission recommends that a two-year statute of limitations be placed on the collection of overpayments which resulted from errors which were not caused by the retired state employee. Two years provides ample opportunity for the division to audit its records and correct any errors. After that period, a retired person should not be required to repay benefits erroneously received if he or she did not cause the error. The division would still correct the amount of future benefits paid to the retired person.

Bill Analysis

- Page 1
Line 9 The first section of the proposed legislation adds the two-year statute of limitations to the Teachers' Retirement System.
- Line 18 The second section adds the same provision to the Public Employees' Retirement System. The amendment to PERS is applied only to state employees because the Blue Ribbon Commission considered that requiring other participating employers to pay for errors made by the state was inappropriate.
- Line 29 The third section makes the bill effective retroactively to July 1, 1979, in order to apply to those individuals whose situations came to the commission's attention.
- Page 2
Line 2 The fourth section of the bill contains an immediate effective date clause.

COMMITTEE REPORT
SENATE

1/18/83

FURTHER: JUDICIARY

Date: 1/18/83

Mr. President:

The Committee on STATE AFFAIRS has had SENATE BILL NO. 48

"An Act relating to the adaption of regulations for state retirement system."

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB-18 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Tom Kelly

James H. ...

...

...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Richard ... do pass

CHAIRMAN

S

B

5

4

BALLOT MEASURE NO. 1

Question

CONSTITUTIONAL CONVENTION

The Alaska State Constitution states that during any ten-year period, if a constitutional convention has not been held, the lieutenant governor shall place on the ballot for the next general election the question:

“Shall there be a Constitutional Convention?”

BALLOT FORM:

YES
NO

vote **82**

**MAKE YOUR
OPINION COUNT—
VOTE ON TUESDAY,
NOVEMBER 2**

Thursday, January 27 - House Finance Committee Room

- 9:30 a.m. University Subcommittee Worksession
- 11:30 a.m. Education Subcommittee Worksession
- 1:30 p.m. Department of Commerce and Economic Development
Budget Overview
Commissioner Dick Lyon

Friday, January 28 - House Finance Committee Room

- 8:30 a.m. Department of Labor
Commissioner Jim Robison
- 1:30 p.m. Department of Fish and Game Budget Overview
Acting Commissioner Don Collingswood
- 3:00 p.m. Alaska Court System Budget Overview
Art Snowden, Administrative Director

Monday, January 31 - House Finance Committee Room

- 8:30 a.m. Department of Public Safety Budget Overview
Commissioner Robert Sundberg
- 1:30 a.m. Department of Revenue Budget Overview
Commissioner Robert Heath

Tuesday, February 1 - House Finance Committee Room

- 8:30 a.m. Department of Law Budget Overview
Attorney General Norm Gorsuch
- 1:00 p.m. University of Alaska Subcommittee Teleconference

Wednesday, February 2

- 8:30 a.m. Department of Education Budget Overview
Acting Commissioner Marshall Lind
- 1:30 p.m. Department of Natural Resources
Commissioner Esther Wunnicke
- 3:00 p.m. Department of Transportation & Public Facilities
Budget Overview
Commissioner Daniel Casey

1 IN THE SENATE

BY ZIEGLER BY REQUEST

2

SENATE BILL NO. 54

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the contents of the election

7

pamphlet."

8

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

9

* Section 1. AS 15.58.020 is amended by adding a new paragraph to read:

10

(10) for the question whether a constitutional convention

11

shall be called,

12

(A) a full statement of the question placed on the

13

ballot;

14

(B) statements submitted that advocate voter approval

15

or rejection of the question not to exceed 500 words.

Should it
be amended
to say both
approval + rejection.

MEMORANDUM
LEAGUE OF WOMEN VOTERS OF ALASKA

TO: Senator Ziegler

DATE: January 4, 1983

FROM: League of Women Voters of Alaska

SUBJECT: Possible amendment to AS 15.58.020

Attached please find an attorney general's opinion which indicates that no neutral summary, pro or con statement may appear in the state election pamphlet for ballot issues referred to specifically as "questions." Also attached are pages from the 1982 pamphlet which illustrate the different treatment Ballot Measure No. 1 received, as opposed to any of the other seven measures, as a result of the aforesaid opinion.

The League of Women Voters of Alaska feels that all ballot measures should be treated in exactly the same way and that all should be entitled to have neutral summaries and pro and con statements written about them. We feel it is confusing and misleading to the voters to have one measure set apart on the basis of what we feel is only a technicality.

In addition, it is unfair to those citizens who wish to express themselves, either for or against, such a ballot measure. They are deprived of so doing. It would be remiss of the League not to point out here that we did wish to submit a statement opposing Ballot Measure No. 1. It was when we were advised no statements could appear in the pamphlet regarding this measure that we became aware of what we feel is an inequity that could easily be corrected.

If you agree with the League, we would be most appreciative of your sponsoring remedial legislation on the subject. It may well be that the Division of Elections has this in mind as well; that could be easily ascertained.

Thank you for your consideration.

enc.

MEMORANDUM

State of Alaska

TO: Patty Ann Polley, Director
Division of Elections

DATE: May 6, 1982

Attn: Marcy Rähfeld
Research Analyst

FILE NO: J66-588-82

TELEPHONE NO: 465-3600

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Election pamphlet
discussion of consti-
tutional convention
question

By: 
Laura Davis
Assistant Attorney General

In response to your memorandum of April 1, 1982, it is our opinion that you lack statutory authority to include in the election pamphlet a neutral summary of or statements for and against a question regarding the calling of a constitutional convention. Our opinion is based upon the following reasoning.

AS 15.58.020 lists in some detail what the election pamphlet "shall contain." It must contain certain specific information "for each ballot proposition submitted to the voters by initiative or referendum petition or by the legislature." AS 15.58.020(8). The question of whether to have a constitutional convention is neither an initiative nor a referendum. It is not submitted by the legislature, but rather is constitutionally required to be on the ballot at least once every 10 years. Alaska Const., art. XIII, § 3. */

The constitutional convention issue is excluded from the definition of "proposition" and included in the definition of a "question." Title 15 defines "proposition" to mean "an initiative, referendum, or constitutional amendment submitted at an election to the public for vote." AS 15.60.010(23) (emphasis added). "Question" is defined to include "whether a constitutional convention shall be called." AS 15.60.010(26).

There is no reference in the section describing the contents of the election pamphlet to the ballot question regarding the calling of a constitutional convention. AS 15.58.020 does describe the information which shall be published as to ballot questions regarding the issuance of bonds, and retention of judges. AS 15.58.020 requires that the election pamphlet contain "additional information on voting procedures that the lieutenant governor considers necessary." There is no general provision regarding the inclusion of information regarding

*/ This constitutional section is entitled "Call by Referendum." The question has been referred to as a "referendum" in *Boucher v. Bomhoff*, 495 P.2d 77, 78 (Alaska 1972). However, it is not a "referendum" in the meaning of AS 15.58.020.

ballot measures.

The statute is clearly written and specific as to the required contents of the election pamphlet. According to the common rules of statutory construction, a statute which lists several specific items impliedly excludes any items not specifically included. Sands, SUTHERLAND STATUTORY CONSTRUCTION (1973) § 47-23. The statute simply omits any reference to a ballot question regarding the calling of a constitutional convention. The reason for this omission is not apparent, and no relevant legislative history has been discovered.

The statute regarding the contents of the pamphlet was amended by the election code revision, 1980 Alaska Sess. L., ch. 100, § 206. However, there is no pertinent administrative interpretation of the former law on this issue since it was enacted after the last election in which the question of a constitutional convention appeared on the ballot. AS 15.57.-010, adopted by 1974 Alaska Sess. L., ch. 76, § 2.

It could be argued that the statute should be interpreted according to its purpose, to ensure that the voters are informed as to the contents of the ballot, including the significance of the calling of a constitutional convention. If there were any doubt as to the statute's meaning, this rule of interpretation would apply. However, we see no doubt as to the statute's meaning.

If the election pamphlet did include information not strictly required by AS 15.58.020, and litigation resulted, we doubt that the Alaska Supreme Court would find any malconduct. The court has stated that election "irregularities containing no element of bias, even if they amount to significant deviations from prescribed norms, do not necessarily constitute malconduct." Hammond v. Hickel, 588 P.2d 256 (Alaska 1975). In determining whether irregularities constitute malconduct, the court considers whether the irregularities show "knowing non-compliance with the law or a reckless indifference to norms established by law." Hammond v. Hickel at 259.

The inclusion of material regarding the constitutional convention question probably would not constitute malconduct, if it occurred inadvertently or was based on a reasonable interpretation of your statutory authority. However, we cannot advise you that the statutes permit you to include this material. We suggest that you recommend a legislative amendment to AS 15.58.020 to permit the inclusion of this and other information which you think would be helpful to the voters. We hope that this answers your questions.

LLD/pjg

BALLOT MEASURE NO. 2

Constitutional Amendment

VETERANS' HOUSING BONDING AUTHORITY

(Committee Substitute for House Joint Resolution No. 71 State Affairs)

SUMMARY

(As it will appear on the November 2, 1982 General Election Ballot)

This amendment to article IX, section 8, of the Alaska Constitution would expand the state's authority to incur indebtedness by allowing the State to issue general obligation bonds for veterans' housing loans. The constitution currently permits the State to issue bonds secured by the general obligation of the State only for capital improvements.

BALLOT FORM:

A vote "FOR" adopts the amendment.

A vote "AGAINST" rejects the amendment.

FOR

AGAINST

VOTE CAST BY MEMBERS OF 12TH STATE LEGISLATURE ON FINAL PASSAGE

Senate	(20 members):	Yeas <u>18</u>	Nays <u>1</u>	Absent or Not Voting <u>1</u>
House	(40 members):	Yeas <u>33</u>	Nays <u>3</u>	Absent or Not Voting <u>4</u>

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

This proposal for a constitutional amendment would allow general obligation state debt to be contracted to provide housing loans for veterans. Currently general obligation state debt may be contracted only for capital improvements, for certain emergency purposes, or for redemption of indebtedness that was outstanding at the time the Constitution of the State of Alaska became effective.

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

(Underlining indicates material to be added.)

SECTION 8. STATE DEBT. No state debt shall be contracted unless authorized by law for capital improvements or unless authorized by law for housing loans for veterans, and ratified by a majority of the qualified voters of the State who vote on the question. The State may, as provided by law and without ratification, contract debt for the purpose of repelling invasion, suppressing insurrection, defending the State in war, meeting natural disasters, or redeeming indebtedness outstanding at the time this constitution becomes effective.

Constitutional Amendment

CHANGES IN COMMISSION ON JUDICIAL QUALIFICATIONS

(Committee Substitute for House Joint Resolution No. 32 Judiciary Committee Amended Senate)

SUMMARY

(As it will appear on the November 2, 1982 General Election Ballot)

The amendment to article IV, section 10, of the Alaska Constitution re-names the Commission on Judicial Qualifications and changes the makeup of the body. Membership of the new Commission on Judicial Conduct would include: three justices or judges of state courts (instead of the present requirement of five from specified courts); three (instead of two) lawyers; and three (instead of two) persons who are neither members of the state bar nor judges. Judicial members would be elected by all justices and judges, rather than their respective courts, and lawyer members would be appointed by the governor from state bar association nominees and subject to legislative confirmation, rather than appointed directly by the bar.

BALLOT FORM:

A vote "FOR" adopts the amendment.

A vote "AGAINST" rejects the amendment.

FOR
AGAINST

VOTE CAST BY MEMBERS OF 12TH STATE LEGISLATURE ON FINAL PASSAGE

Senate	(20 members):	Yeas <u>19</u>	Nays <u>0</u>	Absent or Not Voting <u>1</u>
House	(40 members):	Yeas <u>35</u>	Nays <u>0</u>	Absent or Not Voting <u>5</u>

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

This proposal for a constitutional amendment would change the name of the Commission on Judicial Qualifications to the Commission on Judicial Conduct. The proposal would also realign the membership of the commission:

(1) At this time, there are five justices or judges who are elected from the judiciary, one from the supreme court, three from the superior court, and one from the district court. Under the proposal, there would be three justices or judges elected by the members of the judiciary.

(2) At this time, there are two attorneys appointed by the governing body of the organized bar. Under the proposal, there would be three attorneys nominated by the governing body of the organized bar, appointed by the governor, and subject to confirmation by the legislature.

(3) At this time, there are two persons appointed by the governor and subject to confirmation by the legislature who are required not to be judges, retired judges, or members of the state bar. Under the proposal, there would be three persons appointed to the commission by the governor and confirmed by the legislature who are required not to be judges, retired judges or members of the state bar.

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

(Underlining indicates material to be added. Brackets indicate material to be deleted.)

SECTION 10. COMMISSION ON JUDICIAL CONDUCT [QUALIFICATIONS]. The Commission on Judicial Conduct [QUALIFICATIONS] shall consist of nine members, as follows; three persons who are justices or judges of state courts [ONE JUSTICE OF THE SUPREME COURT], elected by the justices and judges of state courts [OF THE SUPREME COURT; THREE JUDGES OF THE SUPERIOR COURT, ELECTED BY THE JUDGES OF THE SUPERIOR COURT; ONE JUDGE OF THE DISTRICT COURT, ELECTED BY THE JUDGES OF THE DISTRICT COURT]; three [TWO] members who have practiced law in this state for ten years, appointed by the governor from nominations made by the governing body of the organized bar and subject to confirmation by a majority of the members of the legislature in joint session; and three [TWO] persons who are not judges, retired judges, or members of the state bar, appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. In addition to being subject to impeachment under Section 12 of this article, a justice or judge may be disqualified from acting as such and may be suspended, removed from office, retired, or censured by the supreme court upon the recommendation of the commission. The powers and duties of the commission and the bases for judicial disqualification shall be established by law.

STATEMENT IN FAVOR OF BALLOT MEASURE NO. 2

The Mortgage Subsidy Tax Act of 1980 removed the ability of states or public corporations (AHFC) to sell housing bonds in the tax-exempt market. As a consequence, AHFC must now raise most of its capital in the more expensive taxable bond market. However, the Act did provide an exception for General Obligation Bonds for veterans' housing loans. Alaska's Constitution currently allows for the sale of General Obligation Bonds only for capital improvements. This constitutional amendment is necessary for Alaska to take advantage of the exception.

This amendment deserves support because of the positive benefits that will accrue to veterans and other housing loan recipients.

1. The State will save millions of dollars
 - By selling General Obligation Bonds, the State can access a tax free market with lower interest rates resulting in less state subsidy.
2. Other home loan programs will also benefit
 - Ensures stability in the existing programs by decreasing the mortgage subsidy needed to

operate these programs, relieving the subsidy demand.

3. Ensure funding for veterans' programs
 - Current Federal law does not restrict the sale of tax-exempt debt for veterans' loans.
4. Gives recognition to veterans in Alaska's Constitution.
5. The bond and credit rating of the State of Alaska will not be jeopardized because each sale of Veterans' Housing Bonds must have the approval of the State Bond Committee.
6. Voter approval is required for passage of the constitutional amendment and any General Obligation Bond sale.

In light of the benefits which all citizens of the State will enjoy, your support of this constitutional amendment and bond authorization is respectfully requested.

—Sam Cotten, Representative
Alaska State Legislature

STATEMENT AGAINST BALLOT MEASURE NO. 2

It is not necessary to borrow money to help the veterans. I oppose this as totally unnecessary. While veterans deserve recognition for their sacrifices, we can accomplish this by providing them directly with low interest rate home loans from the treasury. We can also give them free land. We have the cash. We have the

land. We don't need to borrow more money. And every exception made to the Constitution in this way weakens it. This is a political gimmick. Vote no.

—Mike Beirne, Representative
Alaska State Legislature

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 54 Date on Bill: 1/18/83
 Title: An Act relating to the contents of the election pamphlet.
 Sponsor: Ziegler
 Requestor: State Affairs

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital								
Operating								
Total				-0-	-0-	-0-		

b. Revenues:

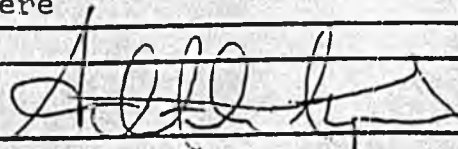
Revenue								
---------	--	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions: A constitutional convention question only appears on the ballot every ten years. This question was on the 1982 General Election ballot.

4. Disclaimer:

This statement has not been reviewed by the CMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Linda Dupere Phone: 586-6181
 Division: Elections Date: 3/7/83
 Approved by Commissioner:  Date: 3-8-83
 Department: _____

5. Distribution:
 Original to Legislative Finance
 Copy to OMB
 Copy to Sponsor

S.A. file



JUNEAU, ALASKA

Alaska State Legislature

House

Sen. Concur
20-0

MESSAGE TO THE SENATE

Date June 14, 1983

MR. PRESIDENT:

The House ~~has~~ passed ~~SB 54 (relating to the contents of the election pamphlet) with the following amendment:~~

SB 54amH (same title)

and it is ~~transmitted~~ for consideration.

returned

Natalie Altman for Irene Cashe
Chief Clerk of the House

S

B

5

5

Senator Vic Fischer

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



MEMORANDUM

TO: Senate Finance Committee

FROM: Senator Vic Fischer

RE: CSSB 55 (Finance)

DATE: June 2, 1983

SB 55 was before the committee on May 19. The consensus of the committee, at that time, was to review committee substitutes to address constitutional and other problems.

Two CS versions of SB 55 are attached. Version 1 of CSSB 55 (Finance) follows the suggestion made by Senator Mulcahy that the legislature make a positive action to express agreement of the monetary terms. Version 2 of CSSB 55 (Finance) was drafted by the Department of Law at the request of Senator Ray, and follows more closely the original intent of the bill.

Both make some changes from the Judiciary CS. The substantive changes are:

- a) In both proposed committee substitutes, the Department of Administration submits the monetary terms only after the agreement has been entered into; in the Judiciary version of SB 55, the monetary terms would be submitted to the legislature before the state and an organization entered into an agreement.
- b) Both proposed committee substitutes add a sentence that legislative action taken by resolution on the monetary terms of an agreement is a non-binding advisory expression of legislative intent.
- c) Both committee substitutes also change the period of time in which the legislature can act on the submitted terms from 30 to 60 days.
- d) Both committee substitutes contain a provision enabling parties to resume negotiations if the monetary terms are not supported by the legislature.

The differences between the two proposed committee substitutes are:

a) Version 1 requires an approval by concurrent resolution to express that the monetary terms of an agreement are acceptable to the legislature (lines 14-17). In version 2, the monetary terms of the agreement shall be considered acceptable to the legislature, unless a concurrent resolution expressing rejection of the monetary terms of the agreement is passed (lines 14- 18).

b) Regarding negotiations, version 1 of the bill states that the parties may resume negotiations if the legislature does not pass a concurrent resolution approving the monetary terms of the agreement (lines 19-23). Version 2 of the bill states that the parties may resume negotiations if the legislature passes a concurrent resolution rejecting the monetary terms of the agreement (lines 20-23).

ST



Alaska State Legislature
House

JUNEAU, ALASKA

MESSAGE TO THE SENATE

Date Feb. 9, 1984

MR. PRESIDENT:

OK'd

The House passed CS FOR SENATE BILL NO. 55 (Rls) with
the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO. 55 (Fin)
(collective bargaining; efd)

and returned for consideration.

Irene Peterson

Chief Clerk of the House



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

MEMORANDUM

January 25, 1983

TO: Senate State Affairs Committee

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

SUBJECT: Senate Bill 55 - Collective Bargaining

The Public Employment Relations Act provides that the monetary terms of any agreement entered into between the state and an employee representative are subject to funding through legislative appropriation. AS 23.40.215. The Act does not set out how the legislative review should occur.

The Blue Ribbon Commission has discussed the problems which can arise if the Legislature fails to act expeditiously on collective bargaining agreements submitted to it. Delay followed by legislative rejection can preclude the parties from completing any renegotiations before the Legislature adjourns. There would then be no funding for the new agreement and the Legislature might have to convene in special session, an expensive alternative.

The commission recommends that legislation be adopted which would encourage prompt legislative review of collective bargaining agreements.

Bill Analysis

Page 1 The first section of the proposed legislation requires
Line 9 that negotiated agreements be submitted to the Legisla-
 ture within 10 days of signing by the parties and that
 the Legislature have 30 days to review the monetary
 terms. If the Legislature finds the terms unacceptable,
 then it may reject the agreement by concurrent resolution.
 If the Legislature fails to act within 30 days, then the
 contracts will be considered to have legislative approval.
 The proposed legislation does not address the introduction
 or passage of an appropriation bill funding the agreements.

Line 18 The second section of the bill contains an immediate
 effective date clause.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

May 18, 1983

The Honorable Vic Fischer
Senator
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: CSSB 55 -- Collective
bargaining agreements
Our file no.: 366-612-83

Dear Senator Fischer:

In your letter of May 18, 1983, you have asked whether the procedures proposed in CSSB 55 to effectuate approval of a collective bargaining agreement raise constitutional concerns. As we discussed below, the bill raises substantial constitutional questions and, as a consequence, will almost undoubtedly foster extensive litigation. In light of the limited time available for our response and the complexity of the matter, we limit our response to identifying the legal questions posed by CSSB 55.

As you know, present law provides that the monetary terms of an agreement do not take effect without legislative approval. AS 23.40.215. In practical application, monetary terms take effect only when an appropriation to fund the agreement is adopted. The effective dates of other provisions in an agreement are not, however, contingent on legislative review and approval. CSSB 55 proposes, in contrast, that monetary terms of an agreement would take effect unless the legislature adopts within 30 days a concurrent resolution which disapproves of the monetary terms. Further, the effective date for other items in the agreement would be contingent on the monetary terms taking effect through legislative inaction.

We first question whether CSSB 55 proposes a permissible exercise of legislative powers. The novel feature of the legislation is the significance of the legislature's failure to

act. In State v. A.L.I.V.E. Voluntary, 606 P.2d 769 (Alaska 1980), the Alaska Supreme Court considered the constitutionality of a statute, AS 44.62.320(a), which provided for the annulment or administrative regulations through adoption of a concurrent resolution. The Court observed that "[t]he Alaska Constitution defines with specificity the mechanics of legislation. Each provision has a purpose 'designed to engender a responsible legislative process worthy of the public trust.'" Id. at 772, quoting Plumley v. Hale, 594 P.2d 497, 500 (Alaska 1979). With respect to the regulation annulment procedure at issue, the court concluded that the adoption of a concurrent resolution was an impermissible method to exercise legislative power. Indeed, since CSSB 55 infers legislative action through an absence of action, the bill arguably exacerbates the procedural deficiencies identified at length in A.L.I.V.E. Voluntary. Further, the A.L.I.V.E. Voluntary court also noted that where the legislature acts through the adoption of a concurrent resolution, the governor is deprived of an opportunity to exercise a veto of the legislative action. That concern is equally applicable to the procedures established under CSSB 55.

The bill also raises substantial questions with respect to the appropriation process. Article 9, section 13 of the Alaska Constitution provides that "no money shall be withdrawn from the treasury except in accordance with appropriations made by law." Clearly, legislative inaction cannot suffice to permit the expenditure of public money without an appropriation. The bill, therefore, should not be construed to permit a "de facto appropriation" of public money to fund the agreement. And, if the monetary terms of an agreement became effective through legislative inaction, the terms of any outstanding appropriations would be determinative of whether the executive branch had authority to expend public money to fund the agreement. Of course, as a practical matter the use of a preexisting appropriation may require the dismissal of public employees to provide sufficient money to fund the agreement. A related, and more difficult problem is that once the monetary terms are effective, contractual obligations are established. We cannot opine with any certainty what ramifications would follow were the state in the difficult posture of being subject to contractual obligations, yet without the requisite appropriation to enable the expenditure of public money. We note that it is arguable that the legislature's continuing obligation to fund the monetary terms of an agreement pursuant to AS 23.40.21: may, ultimately, be compromised in this instance.

Hon. Vic Fischer
CSSB 55 -- collective bargaining agreements
366-612-83

May 18, 1983
Page 3

If you have any further questions on this matter,
please feel free to call.

NORMAN C. GORSUCH
ATTORNEY GENERAL

By:

Jonathan B. Rubini

Jonathan B. Rubini
Assistant Attorney General

JBR:jb

cc: Honorable Bill Ray
Alaska State Legislature

Eleanor Andrews, Deputy Commissioner
Department of Administration

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Bill Sheffield, Governor

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600
465-3603

June 8, 1983

JUN 10 1983

The Honorable Vic Fischer
Senator
Pouch V
Juneau, Alaska 99811

Collective Bargaining for Teachers
Our File 366-609-83

Dear Senator Fischer:

You have posed a series of questions relating to collective bargaining for teachers. You have asked (1) whether school districts are required to negotiate placement of teachers on salary schedules, (2) whether school districts are required to grant tenure to teachers who work half-time for two school years, and (3) whether school districts are limited to awarding sick leave as it accrues.

We believe that arguments can be made in support of the position taken by the Department of Education on each of these questions. As discussed below, however, we believe it would be appropriate for the Department of Education to reevaluate its role in this area.

Your first and second questions were addressed in a letter from this office to Peter C. Partnow, Esq., dated June 15, 1982, and appended to this letter. ^{1/} In this letter Assistant Attorney General Bruce M. Botelho reviews the general authority of the Department of Education and the regulations of that agency which are relevant to your inquiry. Mr. Botelho concludes that regulations of the Department of Education give rise to a negative answer to your first and second questions and that the regulations are probably valid. See 4 AAC 15.020, 4 AAC 18.030(b).

Your third question is also addressed by regulations of the Department of Education. Under 4 AAC 15.040, sick leave "is

^{1/} Mr. Partnow was counsel to the Anchorage School District at the time of this communication.

The Honorable Vic Fischer
Senator
Re: Collective Bargaining

June 8, 1983
Page -2-

accrued" at the rate of one and one-third days for each calendar month and may be used only after it has been accrued. Although we recognize that substantial arguments can be offered in opposition, the arguments outlined by Mr. Botelho apply in this context with equal force.

Although it is not at all clear that a court would reach the results predicted by Mr. Botelho, it is apparent that arguments can be made in good faith to support the positions taken by the Department of Education. 2/ Accordingly, we are prepared to defend them in court as need arises.

Your inquiry was accompanied by materials which outlined a number of policy arguments in favor of amending the above regulations. We have forwarded those materials to the Department of Education for its review. That agency has informally indicated a willingness to reevaluate its present policies in this area.

If you have additional questions, please do not hesitate to contact this office.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By:



Thomas H. Robertson
Assistant Attorney General

THR:jca

cc: Harold Raynolds, Jr.
Commissioner
Department of Education

2/ It is perhaps noteworthy that AS 44.62.060 requires that all regulations be approved by the Department of Law before filing with the Lieutenant Governor.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

RECEIVED JUN 21 1982

JAY S. HAMMOND, GOVERNOR

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

465-3603

June 15, 1982

Mr. Peter C. Partnow
Hellen & Partnow
425 G Street, Suite 710
Anchorage, AK 99501

366-714-82

Re: Teacher's Credible
Service

Dear Peter:

This letter is in response to your recent communication on behalf of the Anchorage School District to seek clarification regarding credible service of teachers employed by local school districts as it pertains to the acquisition of tenure and placement on district salary schedules.

You first asked under what authority the Department of Education regulates credible teaching experience for salary advancement purposes. In raising that issue you correctly note that the Alaska Supreme Court has interpreted AS 14.20.550¹ and AS 14.20.610² to require districts to negotiate with its certificated employers in good faith on questions concerning salaries, leave time and other issues closely connected with the economic well being of the individual teacher. See Rouse v. Anchorage School District, 613 P.2d. 263, 264, -65, (Alaska 1980) and Kenai Peninsula School District v. Kenai Peninsula Education Association, 572 P.2d.

1. AS 14.20.550 provides: Each city, borough and regional school board, shall negotiate with its certificated employees in good faith on matters pertaining to their employment and the fulfillment of their professional duties.

2. AS 14.20.610 states: Nothing in secs. 550-600 of this chapter may be construed as an abrogation or delegation of the legal responsibilities, powers, and duties of the school board including its right to make final decisions on policies.

416, 422 (Alaska 1977). The court's pronouncements in those cases tend to support your position that local school districts and certificated bargaining representatives possess the authority to agree on any salary schedule, including the method by which individual employees are to be placed in the pay schedule. However, on the occasions at which the Supreme Court has had an opportunity to address the issue, the parties before it did not include the Alaska Department of Education. For that reason, we do not believe Rouse and Kenai Peninsula to be dispositive. Other language supports the authority of the department to affect salary schedule advances.

The genesis of that authority is found at VII, Sec. 1 of the Alaska Constitution which provides:

The Legislature shall by general law establish and maintain a system of public schools open to all children of the state, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

The Alaska Supreme Court has interpreted that section to mean that the state has a clear and pervasive authority to supervise and direct the field of public education, authority which has been delegated to the Department of Education, which is empowered under AS 14.07.060 to promulgate any regulations necessary to carry out that educational mandate. Tunley v. Municipality of Anchorage School District, 631 P.2d. 67 (Alaska 1981). In addition to its general delegation, the legislature has also conferred specific authority to the department to affect matters relating to compensation. In particular, AS 14.20.130 provides in pertinent part:

An employer may, after January 1, issue contracts for the following school year to employees regularly qualified in accordance with the regulations of the department.³

3. The legislature also established other parameters relating to salaries by statute. See AS 14.20.220-230.

These statutes were the authorities relied upon by the department in adopting 4 AAC 15.020,⁴ which provides in pertinent part:

4 AAC 15.020. CREDITABLE TEACHING EXPERIENCE. (a) Certificated teachers serving a school term of 140 instructional days or more shall be credited with a year of teaching service.

(b) Fractional years of teaching, either through teaching full days on contracts for less than a full term, or through teaching part of a day on full-term contracts, or part of an instructional day on contracts of less than a full term may be converted to full school term (180 days) in determining creditable service. No part-time teaching may be counted unless the terms for such part-time teaching are specifically stated in the contract.

(c) Teaching days less than a full instructional day shall be given a fractional value. This value times the number of equivalent instructional days.

We cannot conclude that this regulation is invalid. There is ample justification for the state's regulation of teacher's salaries, since teachers frequently transfer from district to district and uniformity in crediting service for salaries and the teacher's retirement system (AS 14.25) promote a single system of public education.

In short Commissioner Lind's February 10, 1982 interpretation of 4 AAC 15.020(1) to Superintendent Davis is

4. AS 44.62.040(b) requires that the statutory authority for the regulation be given. AS 44.62.040(b) reads:

Citation of the general statutory authority under which a regulation is adopted, as well as citation of specific statutory sections being implemented, interpreted or made clear, shall follow the text of each regulation submitted under (a) of this section.

a reasonable administrative interpretation of that regulation. Tunley, supra 681 P.2d. at 78, fn30.

Your second area of inquiry surrounds the manner in which tenure is calculated for regularly contracted part-time teachers.

You correctly note that the Alaska Supreme Court's decision in State v. Redman, 491 P.2d. 157 (Alaska 1971) held that a teacher who worked half days continuously throughout a particular school year could count that year's employment toward acquiring tenure rights under AS 14.20.150 which provides:

(a) A teacher acquires tenure rights in a district when he (1) possesses a standard teaching certificate; (2) has been employed as a teacher in the same district continuously for two full school years and is re-employed for the school year immediately following the two full school years.

(b) The tenure rights acquired under (a) of this section become effective on the first day the teacher performs teaching services in the district during the school year immediately following the two full school years. (emphasis added)

While there has been no statutory change since the Redman I-decision, the Department of Education, relying upon its general supervisory powers, adopted 4 AAC 18.030(b) which under the same facts alters the result in Redman I. That regulation provides:

(b) In AS 14.20.150 (pertaining to acquisition of tenure right), "two full years" means

(1) two consecutive school years consisting of the number of days within the school term set by AS 14.03.030 and the customary hours per day other than temporary authorized absences; or

(2) a combination of sequential fractions of years of continuous employment, computed in accordance with 4 AAC 15.030(b) - (d) which total two full school years of not less than the average number of days in the school terms during which the fractional service is computed.

Mr. Peter C. Partnow

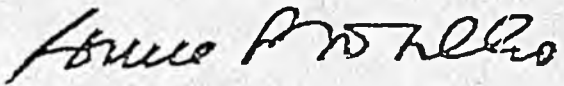
-5-

June 15, 1982

While we think it a close question, we believe that the Alaska Supreme Court would defer to the Department of Education's interpretative regulation.

Sincerely,

WILSON L. CONDON
ATTORNEY GENERAL

By: 
Bruce M. Botelho
Assistant Attorney General

BMB:prn:bp

MEMORANDUM

February 6, 1983

TO: Senator Vic Fischer

FROM: Suzanne Tryck

RE: SB 55



SB 55, "An act relating to collective bargaining; and providing for an effective date," is a modification of the final amendment to SB 668 made on the floor of the Senate on May 18, 1982, and of SB 59 of the 12th legislative session.

One variation between the three pieces of legislation concerns the amount of time allowed before an agreement must be submitted to the legislature, and may be pinpointed in lines 13 and 14 of this year's bill. In SB 55, the State's agreement with an organization must be submitted within 10 days of signing, or 10 days after the convening of a regular legislative session. In the 1982 amendment to SB 668, the agreement between the State and an organization had to be submitted to the legislature within 60 days after the convening of a regular legislative session. In SB 59 of last session, the agreement arrived at by collective bargaining had to be submitted to the legislature within 30 days after the convening of the regular

Legislative session.

Another modification between this year's SB 55 and the two previous pieces of legislation is the legislative action required for the agreement to go into effect. This is addressed in line 15 of SB 55. Here, the monetary terms of the agreement take effect unless rejected by concurrent resolution within 30 days after the submission of the agreement to the legislature. In the 1982 amendment to SB 668, the legislature had to approve the monetary terms by appropriation for them to go into effect. In SB 59, the legislature could not adjourn until it had accepted or rejected the monetary terms of an agreement submitted to which the bill applied. Constitutional questions arose concerning SB 59 as a result of the adjournment clause (See enclosure from the Department of Law).

The constitutional problems of SB 59 appear to be cleaned out of this year's SB 55. However, I have requested the Attorney General's office to testify on SB 55 on February 8, 1983.

SB 59 died in Senate State Affairs, the voting record for that committee meeting is unavailable. That bill may never have come up in committee. The amendment to SB 668 was not adopted. The voting record in respect to this year's Senate State Affairs committee is as follows; for the amendment were Senators Ray and Rodey, the other's voted against adoption of the amendment. The version of SB 668 as it passed out of the Senate, and as it relates to the current SB 55 is as follows: 1) The organization and the State of Alaska had 60 days to submit the

agreement to the legislature (vs 10 days in SB 55), and the monetary terms of the agreement would take effect unless rejected by the legislature by concurrent resolution within 60 days of the submission (vs 30 days in SB 55). Senator Ray voted against SB 668.

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



May 18, 1983

Norman Gorsuch,
Attorney General
Department of Law
Pouch K,
Juneau, Alaska 99811

Dear Mr. Gorsuch:

I would appreciate an Attorney General's opinion on possible constitutional and other legal problems that might be associated with CSSB 55 (Jud).

I thank you for your prompt attention to this matter.

Best regards,

A handwritten signature in cursive script, appearing to read "Vic Fischer", written over the "Best regards," text.

Senator Vic Fischer

↓

MEMORANDUM

February 6, 1983

TO: Senator Vic Fischer

FROM: Suzanne Tryck

RE: SB 55

SB 55, "An act relating to collective bargaining; and providing for an effective date," is a modification of the final amendment to SB 668 made on the floor of the Senate on May 18, 1982.

One

The alteration occurs in lines 13 and 14 of SB 55. In this bill, the State's agreement with an organization must be submitted within 10 days of signing, or 10 days after the convening of a regular legislative session. In the amendment to SB 668, the agreement between the state and an organization had to be submitted to the legislature within 60 days after the convening of a regular legislative session.

The second alteration of the amendment is found in line 15 of SB 55. Here, the monetary terms of the agreement take effect unless rejected within 30 days after the submission of the agreement to the legislature. Whereas, in the 1982 amendment to SB 668, the legislature had to approve the monetary terms by appropriation for them to go into effect. The amended section 14 of SB 668 directing the long term monetary agreement between the State and an organization is not addressed in SB 55.

by concurrent resolution

Of those sitting on the Senate State Affairs Committee, only Senator Ray voted against the amendment to SB 668 on May 18, 1982.

SB 55

① Any agreements entered into between the state and any organization w/in 10 days of signing or 10d after convening of leg. session.

② Monetary terms take agreement w/in 30d after submission - unless they are rejected by concurrent resolution w/in 30d. time frame,

? are teachers under the umbrella of any organization?

SB 668

① relates specifically to teachers.

NOTE: PUBLIC EMPLOYEES ≠ TEACHERS; T'S = ADMINISTRATIVE EMPLOYEES.

SEC 2) Between school boards and their admin employees (teachers) negotiations shall be done in good faith.

SEC 3. Negot. between admin + regional school boards shall be conducted by one team from each group.

SEC. 4 A Teachers may choose their own arbitrators, who will be recognized by the school board.

1/2)

~~SEC 5~~ ^{1/2} crossing a bargaining agency - final agreements shall be at public meeting of school board

SEC. 5: b.

teachers shall be released from job duties w/out dock if mediation

? what are grievance procedures?

? when does collective bargaining come in process?
is held.

sec. 6 grievance proced.
shall provide that the final step in procedure shall be collective bargaining.

sec. 7 certificated administrative employee may address school board as an individual.

sec 8

ask David Dye.

SELA

A certain employees may not engage in strikes

B) ^{dispute} impasse collect. Barg.

→ fact-finding →

arbitration AS. 23.40.208

* 23.40.200(a)2,

* 23.40.202

SEL. 12. local

1-2 voters have local option to determine the classification of teachers.

^{BN} C) about fact finding

7-19 Arbitration

1) arbitrators, mediators

SB 55

SB 55 is an alteration
of the amendment to SB 668
made on the floor
of the senate on 5/12/82

SB 668

1) selection of Board
shall be ~~to~~ considered to
be the collective bargaining
agreement between the
parties.

A) determination of Board
shall be final.

Alaska State Legislature

Senate

Committee on State Affairs

Pouch V
State Capitol
Juneau, Alaska 99811



Official Business

MEMORANDUM

DATE: 1/19/81
TO: Sen. Ray
FROM: Sen. Vic Fischer *Vic*
RE: SB 59, "An Act relating to collective bargaining
and providing for an effective date."

Senate Bill 59 has been referred to Senate State Affairs Committee. Please forward any information and statements of intent that would be helpful in committee analysis of the bill. My office is Room 205, Behrends Building; phone 465-4954.

Thank you.

*file SB 59
Dead full*



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

SB 55

February 6, 1983

TO: Senator Vic Fischer

FROM: Suzanne Tryck

RE: SB 55

SB 55, "An act relating to collective bargaining; and providing for an effective date," is a modification of ~~1~~ the final amendment to SB 668 made on the floor of the Senate on May 18, 1982, and of ~~2~~ SB 59 of the 12th legislative session.

^{ONE}
~~A most fundamental~~ variation between the three pieces of legislation ^{CONCERNS} revolves around the amount of time allowed before an agreement must be submitted to the legislature, ^(LINES 13 + 14 of SB55) ~~(and may be pinpointed in lines 13 and 14 of this year's bill.)~~ In SB 55, the State's agreement with an organization must be submitted within 10 days of signing, or 10 days after the convening of a regular legislative session. In the 1982 amendment to SB 668, the agreement between the State and an organization had to be submitted to the legislature within 60 days after the convening of a regular legislative session. In SB 59 of last session, the agreement arrived at by collective bargaining had to be submitted to the legislature within 30 days after the convening of the regular

legislative session.

another
The ~~second~~ modification between this year's SB 55 and the two previous pieces of legislation centers ^{is} around the ~~action~~ ^{Legislative required} that must be taken by ~~the legislature allowing or disabling~~ ^{to go} the agreement ~~from going~~ into effect. This is addressed in line 15 of SB 55. Here, the monetary terms of the agreement take effect unless rejected by concurrent resolution within 30 days after the submission of the agreement to the legislature. In the 1982 amendment to SB 668, the legislature had to approve the monetary terms by appropriation for them to go into effect. In SB 59, the legislature could not adjourn until it had accepted or rejected the monetary terms of an agreement submitted to which the bill applied. Constitutional questions arose concerning SB 59 as a result of the adjournment clause (See enclosure from the Department of Law).

this
The constitutional problems of SB 59 appear to be cleaned out of ~~this~~ ^{years} ~~years~~ SB 55. However, I have asked ~~someone from~~ ^{request} the Attorney General's office to testify on SB 55 on February 8, 1983.

SB 59 died in Senate State Affairs, the voting record for that committee's meeting is unavailable. That bill may never have come up in committee. The amendment to ^{SB} ~~668~~ was not adopted. The voting record in respect to this year's Senate State Affairs committee is as follows; for the amendment were Senators Ray and Rodey, the other's voted against adoption of the amendment. The version of SB 668, as it passed out of the Senate, and as it relates to the current SB 55 is as follows: 1) The organization and the State of Alaska had 60 days to submit the

agreement to the legislature (vs 10 days in SB 55), and the monetary terms of the agreement ^{will} ~~should~~ take effect unless rejected by the legislature by concurrent resolution within 60 days of the submission (vs 30 days in SB 55). Senator Ray voted against SF 668.

1/13/81
Senate
Journal
SB 59 vote

Died in
State
affairs

MEMORANDUM

February 6, 1983

TO: Senator Vic Fischer

FROM: Suzanne Tryck

RE: SB 55

SB 55, "An act relating to collective bargaining; and providing for an effective date," is a modification of the final amendment to SB 668 made on the floor of the Senate on May 18, 1982.

One alteration occurs in lines 13 and 14 of SB 55. In this bill, the State's agreement with an organization must be submitted within 10 days of signing, or 10 days after the convening of a regular legislative session. In the 1982 amendment to SB 668, the agreement between the state and an organization had to be submitted to the legislature within 60 days after the convening of a regular legislative session.

The second alteration of the amendment is found in line 15 of SB 55. Here, the monetary terms of the agreement take effect unless rejected by concurrent resolution within 30 days after the submission of the agreement to the legislature. Whereas in the 1982 amendment to SB 668, the legislature had to approve the monetary terms by appropriation for them to go into effect. The amended section 14 of SB 668 directing the long term monetary agreement between the State and an organization is not addressed in SB 55.

Of those sitting on the Senate State Affairs Committee, only senator Ray voted against the amendment to SB 668 on May 18, 1982.

STATE OF ALASKA

Ham
JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF ADMINISTRATION

DIVISION OF ADMINISTRATIVE SERVICES

POUCH C - JUNEAU 99811
465-2277

March 2, 1981

Honorable Vic Fischer
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Fischer:

Re: SB59

In response to a request from your office, the following are the expiration dates of contracts with the various bargaining units:

General Government Unit	12-31-82
Supervisory Unit	12-31-82
Labor Trades & Crafts	12-31-82
Public Safety Unit	12-31-81
Confidential Employees Unit	12-31-82
Non-Licensed Ferry System Employees (IBU)	3-31-83
Masters, Mates & Pilots	3-31-83
Marine Engineers	6-30-80

Although the contract for Marine Engineers has expired, there is a letter of agreement which extends the contract on a day to day basis.

If I can answer any other questions, please call.

Sincerely,

Judy
Judy Crondahl
Director

JC/bc
cc: Sandra Withers
Director
Division of Labor Relations
Department of Administration

Rules

LETTER OF INTENT

CS FOR SENATE BILL NO. 668 (Rls)

It is the intent of the Legislature that school boards and their respective teacher groups may enter into agreements on any matter of interest to the two parties if they so choose; however, it is understood that neither party is compelled to negotiate those items listed as non-negotiable in the Kenai Peninsula Borough School District V. Kenai Peninsula Education Association, 572 P 2d 416 (Alaska.1977).

Neither section 13 of CS FOR SENATE BILL 668 (Rules) (amending AS 23.40.250(1) nor the bill in total is intended to diminish or restrict the list of non-negotiable items in the above referenced case.

Adopted by the Senate as a Senate Letter of Intent - May 18, 1982



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

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F4

January 19, 1982

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill providing for the resolution of impasses in public employee collective bargaining. The bill provides for public participation in the process of impasse resolution through an arbitration board which includes four members of the public who reside in various areas of the state. I expect that this method of impasse resolution will ensure that the terms and conditions of public employment are more consistent with the terms and conditions generally prevailing throughout the state. The bill applies to all public employers who have not elected to opt out of the Public Employment Relations Act (PERA) (AS 23.040.070 -- 23.40.260).

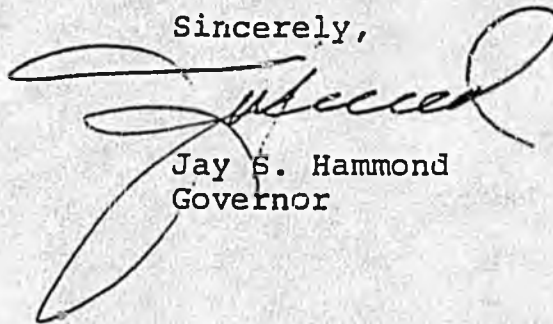
Amended AS 23.40.200 (sec. 1 of the bill) provides that when a public employer and an employee organization reach an impasse in bargaining, the parties shall submit to fact-finding. Under new AS 23.40.201 (sec. 2 of the bill), a neutral person will be selected by the parties to conduct the fact-finding. The factfinder will conduct an investigation and submit recommendations to the parties after considering certain factors. The parties will discuss the factfinder's report and attempt to reach an agreement. If there is still an impasse after fact-finding is employed, AS 23.40.200 provides that the dispute will be submitted to an arbitration board, appointed by the Labor Relations Agency, which consists of one professional arbitrator and four public members chosen from a standing panel (AS 23.40.202 in sec. 2 of the bill). The arbitration board will choose between the final proposal of each party.

Under AS 23.40.202, the standing panel will include persons with substantial length of Alaskan residence, who have broad and varied personal experience in human affairs, and who are not employed in a position requiring participation in labor-management relations. The panel will include residents of each state judicial district. Each arbitration board chosen from the panel for state employee impasses will include residents of at least three of the four state judicial districts.

Under AS 23.40.202(d), the public members of the board will be compensated with per diem and travel allowance applicable to all state boards and commissions. The professional arbitrator will be paid a reasonable fee for such professional services. These expenses will be shared by the parties.

Section 3 of the bill repeals AS 23.40.040, which allowed bargaining with ferry system personnel before the enactment of the Public Employment Relations Act (PERA). The decision in IBU v. Hafling, 585 P.2d 870 (Alaska 1978), held that the PERA applies to ferry personnel. That decision made AS 23.40.040 redundant and unnecessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay S. Hammond", is written over the typed name. The signature is fluid and cursive, with a large loop at the end.

Jay S. Hammond
Governor

Rules

Section Analysis

CS SB 668 (Rules) am

Provides that noncompliance with the provisions of the Public Employees Relations Act may also be a reason for the dismissal of a teacher.

-7: Amends Chapter 20 of the Title 14 to apply only to certificated administrator employees of the school districts.

This bill moves certificated teachers from Chapter 20 of Title 14 to the Public Employees Relations Act, (PERA) 23.40.070 - 23.40.260, for purposes of negotiations.

Amends 14.20.610 to clarify that the inclusion of teachers under PERA does not diminish the rights and responsibilities of school boards on matters attendant to policy.

Amends 23.40.200(b) - "essential service" employees to include emergency services employees of the Department of Military Affairs in class (1) under PERA. (Arbitration, no right to strike.) Provides for fact finding as a method to settle the dispute before the parties submit the issues to arbitration.

0: Amends 23.40.200(c) to include teachers under class (2) of PERA - limited right to strike; school board may seek an injunction; if the strike is enjoined then the dispute to be submitted to fact finding as a method to settle the issues before submitting them to arbitration.

: No substantive change but references the new Panel arbitration procedure.

2: Adds a new section, 23.40.202 which provides that a school board may, by majority vote, have the question of prohibition of teacher strikes placed before the voters in the next general election through the municipal governing body or director of elections in the case of REAA's.

If the question is approved by the voters, teachers are then placed in class (1) with access to fact finding and arbitration.

Adds a new section, 23.40.206: Fact Finding, which provides that a neutral, independent person, selected by the parties, shall review the issues, evidence, and facts and make recommendations for resolution of the dispute.

Adds a new section, 23.40.208 Arbitration, which is a change from the previous single person conventional arbitration to panel arbitration. This procedure to be used only after mediation and fact finding have been exhausted.

For State employees, the panel will consist of one professional arbitrator and four residents of the State representing at least three of the four judicial districts.

For teachers, the panel will consist of one professional arbitrator and two residents of the school district.

The panel will be restricted in its decision to the final offer of the organization or the final offer of the public employer.

~~Adds a new subsection to 23.40.210 which provides for Legislative response to an agreement covering State employees within 60 days of convening of a regular legislative session.~~

Amends 23.40.250(1) the definition of "collective bargaining" to mandate that the permissible scope of bargaining for teachers under PERA not be changed and to be exactly as currently stated in Title 14.

Amends 23.40.250(5) to exclude administrative employees of school boards.

Amends 23.40.250(6) to change the definition of "public employers" to include a "city, borough, or regional school board".

Amends 23.40.250 to add definitions of "district" and "teacher".

Repeals 23.40.040 which allows the Commissioner of Public Works to enter into collective bargaining agreements with the employees of the Division of Marine Transportation.

Requires school boards to apply the PERA to teachers.



NEA - ALASKA

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Deputy Executive Secretary
Fairbanks Office

24 February '82

TO: Senator Parr, Chair
Senate HESS

FROM: NEA-Alaska, Inc.

RE: SENATE BILL 668

NEA-Alaska strongly urges the Senate HESS Committee to amend SB 668 to provide for inclusion of public school teachers in the Public Employee Relations Act, AS 23.40.070-23.40.260.

Such a change would require amendments to Sec. 23.40.200(b) to specifically include public school teachers, to Sec. 23.40.250(5) to again specifically include public school teachers, and to Sec. 23.40.250(6) to expand the definition of public employer to include public school district boards of education. Further, if passed and signed into law, this legislation could provide for the repeal of AS 14.20.550-14.20.610.

NEA-Alaska has long sought reforms to the current teacher bargaining law, especially in terms of its inadequacy in not providing for an equitable process to achieve finality or closure to collective bargaining.

By including teachers in the PERA, the Legislature effectively addresses other problems attendant to the current teacher bargaining law. The question of "scope" of negotiations and terms and conditions of employment has a better definition in the PERA. The right to bargain fair representation fees is clearly established in PERA. The PERA defines procedures for resolution of questions pertaining to the appropriateness of a bargaining unit and bargaining agent and does not leave them to be defined by one of the parties of interest, in this case the employer. And, the PERA defines and establishes procedures for resolutions of unfair labor practices, a process which teachers must now pursue in our already over-loaded court system. Finally, the PERA has an administrative agency, the Alaska State Labor Relations Agency. None exists for the current teacher bargaining law.

Handwritten: HESS 1982

NEA-Alaska urges and encourages your support for the inclusion of public school teachers in the PERA.

Respectfully submitted,

Robert Manners

Robert Manners
Executive Secretary

RM/st

SB # 668 / HESS

Bob Green

SB 668 Takes away decisions from boards
No fiscal autonomy. Board policies.
Staunchly opposes bill. At a minimum, basic
audits are needed - School Bd Law is antiquated
- Rts are vague as to what is
subject to bargaining (cov. - that's more complicated)
eq - negot/ arbitrable? Points out that boards
believe there is not really a choice - arbitration bill.
Local teachers probably won't take part on panel.
Mentions Gov's task Force on Collective Bargaining
Bill does not adhere to this.

Manners

1. Note letter of intent from Senate
2. Notes arbitrator is limited

Karen Sery Mar-Su Bd

opposed to bill - points out budget situation. This may
create problems with budget. If the ~~pro~~ arbitrator
was god - that would be OK (She should have
stuck to her notes) If I can't make the decision
then god is the only one I'd trust. Wow!

Assy Supt Mar-Su

Binding Arkl in grievance - gives example
(The bill helps to solve his problem,
since it provides the labor relations
agency (professionals) will select ~~an~~ a
professional arbitrator.

SB 557

①

De Facto Appropriations.

- 1) if don't take action money is appropriated.
- 2) disapproved if not passed by ~~sub~~ concurrent resolution.

②

more subtle.

concept to present full agreement to leg. review.

1) only monetary provision & can be subject to leg. review.

2) can't leg. can't vote on the whole package.

Ans. limit to monetary terms. make bill more explicit - whole contract not sub. to leg review.