

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

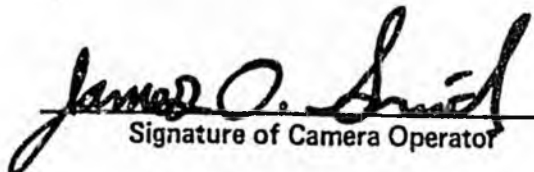
3604 HRLS HB 68 - HB 237 480



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

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STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

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1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee, 4/21/86, 8:30 am



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### HOUSE RULES STANDING COMMITTEE MEETING

MONDAY, APRIL 21, 1986

8:30 A.M. - CAPITOL, ROOM 208

#### I N D E X

- I. PROPOSED VERSION CSHB 68 (RULES)
- II. POSITION PAPER - DEPT. OF COMMERCE AND ECONOMIC DEVELOPMENT
- III. BACKGROUND FOR SSHB 68
- IV. FISCAL NOTE
- V. CSHB 68 (L&C)
- VI. HB 68

**I**  
Bannister  
4/17/86 ✓

Original sponsor: Shultz

1 IN THE HOUSE BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 68 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle liability insur-  
7 ance."

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

9 \* Section 1. AS 28.22.010 is repealed and reenacted to read:

10 Sec. 28.22.010. MOTOR VEHICLE LIABILITY POLICY. (a) An owner's  
11 motor vehicle liability policy must designate by description or appro-  
12 priate reference the motor vehicles that it covers and insure the  
13 person named against loss from the liability imposed by law for dam-  
14 ages that arise from the ownership, maintenance, or use of a desig-  
15 nated motor vehicle <sup>deleted:</sup> *[or the use by an insured person of a nonowned motor vehicle]*

16 (b) An operator's motor vehicle liability policy must insure the  
17 person named as insured against loss from the liability imposed by law  
18 for damages that arise from the use by the operator of a motor vehicle  
19 not owned by the operator.

20 (c) A personal motor vehicle liability policy must insure the  
21 person named as insured against loss from the liability imposed by law  
22 for damages that arise from the ownership, maintenance, or use by the  
23 named person of an owned or nonowned motor vehicle.

24 (d) A motor vehicle liability policy must provide coverage in  
25 the United States or Canada, subject to limits exclusive of interest  
26 and costs, with respect to each vehicle, as follows:

27 (1) \$50,000 because of bodily injury to or death of one  
28 person in one accident, and, subject to the same limit for one person,  
29 \$100,000 because of bodily injury to or death of two or more persons

1 in one accident; and

2 (2) \$25,000 because of injury to or destruction of property  
3 of others in one accident.

4 (e) A motor vehicle liability policy must provide coverage under  
5 AS 28.22.100 - 28.22.130 in the amounts set out in (d) of this section  
6 for the protection of the persons insured under the policy who are  
7 legally entitled to recover damages from the owner or operator of an  
8 uninsured or underinsured motor vehicle because of bodily injury or  
9 death, or damage to or destruction of property arising out of the  
10 ownership, maintenance, or use of the uninsured or underinsured motor  
11 vehicle.

12 (f) A motor vehicle liability policy must state the name and  
13 address of the named insured and meet the requirements of AS 21.42.-  
14 160 - 21.42.170. In the absence of specific contract language or  
15 endorsement, the motor vehicle liability policy issued for a person in  
16 this state is presumed to meet the minimum requirements of (d) of this  
17 section.

18 \* Sec. 2. AS 28.22.100(b) is amended to read:

19 (b) If both the owner and operator of a [THE UNINSURED] vehicle  
20 are unknown, payment under the uninsured and underinsured motorists  
21 coverage may be made only where direct contact between the [INSURED  
22 AND UNINSURED OR UNDERINSURED] motor vehicles has occurred. A vehicle  
23 and operator that have [HAS] left the scene of the accident with  
24 another [AN INSURED] vehicle are [IS] presumed to be uninsured if the  
25 insured person reports the accident to the appropriate authorities  
26 within 24 hours.

27 \* Sec. 3. AS 28.22.100(c) is amended to read:

28 (c) The uninsured and underinsured motorists coverage for damage  
29 to or destruction of property is subject to a deductible of \$250 in

1 any one accident, but the insurer may offer a deductible other than  
2 \$250. This coverage shall be limited to damage to or destruction of  
3 the covered [INSURED] motor vehicle. It may not include loss of use  
4 of such vehicle.

5 \* Sec. 4. AS 28.22.200(a) is amended to read:

6 (a) The operator or owner of a motor vehicle subject to regis-  
7 tration under AS 28.10.011 when driven on a highway, vehicular way or  
8 area, or on other public property in the state, shall be insured under  
9 a [HAVE] motor vehicle liability policy [INSURANCE] that complies with  
10 this chapter or a certificate of self-insurance that complies with  
11 AS 28.20.400 [IN EFFECT FOR THE MOTOR VEHICLE], unless

12 (1) the motor vehicle is being driven or moved on a high-  
13 way, vehicular way, or a public parking place in the state that is not  
14 connected by a land highway or vehicular way to

15 (A) the land-connected state highway system, or

16 (B) a highway or vehicular way with an average daily  
17 traffic volume greater than 499; and

18 (2) the operator has not been cited within the preceding  
19 five years for a traffic law violation with a demerit point value of  
20 six or more on the point schedule determined under regulations adopted  
21 by the department under AS 28.15.221.

22 \* Sec. 5. AS 28.22.600 is repealed and reenacted to read:

23 Sec. 28.22.600. DEFINITION. In this chapter, "motor vehicle  
24 liability policy" means an owner's policy, an operator's policy, or a  
25 personal policy that

26 (1) meets the requirements established under AS 28.22.010;  
27 and

28 (2) is issued by an insurance carrier authorized to  
29 transact business in the state to or for the benefit of the person

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named as insured.

CSHB 68 (L&C): "An Act relating to motor vehicle liability insurance."

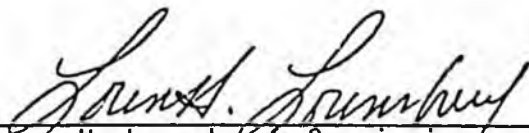
The department is in favor of this legislation, if amended. This legislation offers a third form of automobile insurance that may comply with the provisions of the mandatory automobile insurance law which became effective on January 1, 1985.

Under current law, there are two forms of automobile liability insurance recognized. The first is "owner's" coverage which insures an owner for a specified vehicle or vehicles and anyone operating the specified vehicle with the consent of the owner. Typically, there is also a limited extent of nonowned vehicle coverage extended for temporary replacement vehicles.

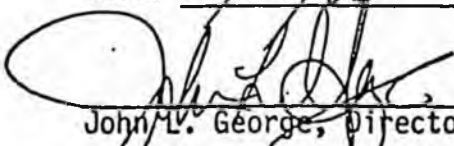
The second form is "operators" coverage which covers the insured person's use of nonowned vehicles only. Typically, this coverage is written for a person who does not own a motor vehicle but may be driving nonowned vehicles.

The two available forms can work a financial hardship on persons owning a number of vehicles, where that person is the sole operator of a motor vehicle. For this person and others who wish to avail themselves of the option, a third choice is proposed. This option is called the "personal" policy and it is a combination of the first two forms. This form covers all vehicles operated by only the person named, whether the vehicle operated is owned or not. No vehicles are specified and coverage would not extend to other operators. This kind of coverage will be particularly attractive to the owner and sole operator of a number of vehicles.

During work on the CS, a provision was unintentionally added to the description of the "owner's" coverage. The language on page 1, lines 15-16, "or the use by an insured person of a nonowned motor vehicle" should be removed. Inclusion of this language substantially and unnecessarily broadens that form of coverage.

  
Loren H. Lounsbury, Commissioner  
Department of Commerce & Economic  
Development

Date: 2/26/86

  
John L. George, Director of Insurance

Date: 5/25/86

III

BACKGROUND FOR  
SS HOUSE BILL 68

THE PURPOSE OF THIS BILL IS TO PROVIDE AN ALTERNATIVE TO THE PRESENT METHOD OF PURCHASING MANDATORY LIABILITY INSURANCE. IT IS DESIGNED FOR THE DRIVER WHO OWNS NUMEROUS VEHICLES BUT ONLY DRIVES THEM A PART OF THE YEAR. WE FEEL IT IS THE DRIVER WHO NEEDS THE LIABILITY INSURANCE AND NOT THE VEHICLE. THERE ARE INSURANCE COMPANIES TODAY WHO WRITE LIABILITY INSURANCE POLICIES FOR PERSONS WHO OPERATE BUT DON'T OWN A VEHICLE. THE BILL HAS A LARGE GROUP OF SUPPORTERS WHO ARE IN THE CATEGORY OF OWNING A LOT OF VEHICLES BUT ONLY DRIVE THEM FOR SHORT PERIODS DURING THE YEAR. THIS BILL IS MEANT TO BE A VIABLE ALTERNATIVE ONLY FOR OBTAINING LIABILITY INSURANCE AND IS NOT MEANT TO REPLACE ANY OTHER INSURANCE PROGRAM PRESENTLY IN EFFECT.

ANALYSIS OF CS FOR HB 68 (LABOR AND COMMERCE)

Sec. 1. AS 28.22.010 is repealed and reenacted to read:

- (a) Sec. 28.22.010 Motor Vehicle Liability Policy --owners policy must designate by description or reference the vehicle covered and the name of the person insured against liability.
- (b) operators liability policy must insure person named as insured from liability imposed by law for damages arising from use by operator of vehicle not owned by operator
- (c) a personal motor vehicle liability policy must insure person named as insured against loss for damages arising from ownership maintenance or use by a person of an owned or unowned vehicle
- (d) Must provide coverage in U. S. and Canada
  - (1) \$50,000.00 bodily injury or death of one person--\$100,000.00 for 2 persons.
  - (2) \$25,000.00 to cover injury to or destruction of property of other, in one accident
- (e) Must provide coverage under AS 28.22.100--28.22.130 in amounts set forth in (d) of this section.
- (f) Policy must state name and address of insured and meet requirements of AS 21.42.160--21.42.170

Sec. 2. AS 28.22.100 (b) is amended to read :

- (b) If owner and operator of a vehicle are unknown, payment under the uninsured or underinsured coverage maybe made only where direct contact between motor vehicles has occurred . If one person leaves the scene of an accident, the other person is presumed to be insured if he or she reports the accident to the authorities within 24 hours.

Sec. 3 AS 28.22.100 (c) is amended to read:

- (c) deductible of \$250.00 is allowed but insurer may offer more or less to insured. This is only allowed in case of damage to vehicle and does not include loss of use of vehicle.

Sec. 4 AS 28.22.200 (a) is amended to read:

- (a) Owner or operator must have insurance in compliance with this chapter or that complies with AS 28.20.400 unless
  - (A) Vehicle is moved on land not connected to highway system
  - (B) Highway has a daily traffic volume greater than 499 and
- (2) Operator has not been cited within preceding 5 years or a traffic law violation of more than 6 demerits value under regulations adopted by the dept. under AS 28.15.221.

ANALYSIS OF CS FOR HB 68 (LABOR AND COMMERCE)

- Sec. 5. Gives definition of "motor vehicle liability policy" that
- (1) meets requirements under AS 28.22.010
  - (2) insurance carriers authorized to do business in the State of Alaska for the benefit of the person insured.

# STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N  
JUNEAU, ALASKA 99811  
PHONE: 465-4322

March 5, 1985

*File  
W.H. #B68*

The Honorable Dick Shultz  
House of Representatives  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811


Dear Representative Shultz:

I have reviewed Committee Substitute for House Bill 68 "An act relating to motor vehicle liability insurance".

The broader interpretation addressed in the aforementioned committee substitute clarifies the scope and insurance policy needs to meet the requirements of vehicle liability insurance.

The Department supports the amendments.

Sincerely,

  
Robert J. Sundberg  
Commissioner

Enclosure

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

**IV**

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: CSHB 68 (I&C)  
Title: An Act relating motor  
vehicle liability insurance

Sponsor: Labor and Commerce  
Requestor: Labor and Commerce  
Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Alaska Public Utilities Comm.  
BRU: Commerce and Econ Dev.

Components: Public Protection  
Division of Insurance

**EXPENDITURES / REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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**FUNDING: (Thousands of dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

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

**ANALYSIS:** Attach a separate page if necessary.

Prepared by: John L. George, Director  
Division: Alaska Public Utilities Commission  
Approved by Commissioner: John H. Tommsbury  
Agency: Commerce and Economic Development

Phone: 465-2515  
Date: February 20, 1986  
Date: February 20, 1986

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Offered: 4/24/85  
Referred: Judiciary and  
Finance

Original sponsor: Shultz

V

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 68 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to motor vehicle liability insurance."

7

8

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

9

\* Section 1. AS 28.22.010 is repealed and reenacted to read:

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Sec. 28.22.010. MOTOR VEHICLE LIABILITY POLICY. (a) An owner's

11

motor vehicle liability policy must designate by description or appropriate

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reference the motor vehicles that it covers and insure the

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person named against loss from the liability imposed by law for damages

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that arise from the ownership, maintenance, or use of a designated

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motor vehicle, <sup>delete.</sup> or the use by an insured person of a nonowned

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motor vehicle.]

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(b) An operator's motor vehicle liability policy must insure the

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person named as insured against loss from the liability imposed by law

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for damages that arise from the use by the operator of a motor vehicle

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not owned by the operator.

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(c) A personal motor vehicle liability policy must insure the

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person named as insured against loss from the liability imposed by law

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for damages that arise from the ownership, maintenance, or use by the

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named person of an owned or nonowned motor vehicle.

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(d) A motor vehicle liability policy must provide coverage in

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the United States or Canada, subject to limits exclusive of interest

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and costs, with respect to each vehicle, as follows:

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(1) \$50,000 because of bodily injury to or death of one

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person in one accident, and, subject to the same limit for one person,

1       \$100,000 because of bodily injury to or death of two or more persons  
2       in one accident; and

3               (2) \$25,000 because of injury to or destruction of property  
4       of others in one accident.

5               (e) A motor vehicle liability policy must provide coverage under  
6       AS 28.22.100 - 28.22.130 in the amounts set out in (d) of this section  
7       for the protection of the persons insured under the policy who are  
8       legally entitled to recover damages from the owner or operator of an  
9       uninsured or underinsured motor vehicle because of bodily injury or  
10       death, or damage to or destruction of property arising out of the  
11       ownership, maintenance, or use of the uninsured or underinsured motor  
12       vehicle.

13              (f) A motor vehicle liability policy must state the name and  
14       address of the named insured and meet the requirements of AS 21.42.-  
15       160 - 21.42.170. In the absence of specific contract language or  
16       endorsement, the motor vehicle liability policy issued for a person in  
17       this state is presumed to meet the minimum requirements of (d) of this  
18       section.

19       \* Sec. 2. AS 28.22.100(b) is amended to read:

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21       are unknown, payment under the uninsured and underinsured motorists  
22       coverage may be made only where direct contact between the [INSURED  
23       AND UNINSURED OR UNDERINSURED] motor vehicles has occurred. A vehicle  
24       and operator that have [HAS] left the scene of the accident with  
25       another [AN INSURED] vehicle are [IS] presumed to be uninsured if the  
26       insured person reports the accident to the appropriate authorities  
27       within 24 hours.

28       \* Sec. 3. AS 28.22.100(c) is amended to read:

29              (c) The uninsured and underinsured motorists coverage for damage

1 to or destruction of property is subject to a deductible of \$250 in  
2 any one accident, but the insurer may offer a deductible other than  
3 \$250. This coverage shall be limited to damage to or destruction of  
4 the covered [INSURED] motor vehicle. It may not include loss of use  
5 of such vehicle.

6 \* Sec. 4. AS 28.22.200(a) is amended to read:

7 (a) The operator or owner of a motor vehicle subject to regis-  
8 tration under AS 28.10.011 when driven on a highway, vehicular way or  
9 area, or on other public property in the state, shall be insured under  
10 a [HAVE] motor vehicle liability policy [INSURANCE] that complies with  
11 this chapter or a certificate of self-insurance that complies with  
12 AS 28.20.400 [IN EFFECT FOR THE MOTOR VEHICLE], unless

13 (1) the motor vehicle is being driven or moved on a high-  
14 way, vehicular way, or a public parking place in the state that is not  
15 connected by a land highway or vehicular way to

16 (A) the land-connected state highway system, or

17 (B) a highway or vehicular way with an average daily  
18 traffic volume greater than 499; and

19 (2) the operator has not been cited within the preceding  
20 five years for a traffic law violation with a demerit point value of  
21 six or more on the point schedule determined under regulations adopted  
22 by the department under AS 28.15.221.

23 \* Sec. 5. AS 28.22.600 is repealed and reenacted to read:

24 Sec. 28.22.600. DEFINITION. In this chapter, "motor vehicle  
25 liability policy" means an owner's policy, an operator's policy, or a  
26 personal policy that

27 (1) meets the requirements established under AS 28.22.010;

28 and

29 (2) is issued by an insurance carrier authorized to

1 transact business in the state to or for the benefit of the person  
2 named as insured.



# RECORDS CERTIFICATION



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Signature of Camera Operator

  
Date

H B

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STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Rules 5-10-85 12:57pm*

COMMITTEE REPORT

HOUSE

(7)

5/3/85

FURTHER:

Date: 5/10/85

The Committee on RULES has had HB 123

"An Act extending the termination date of the board of pharmacy; and providing for an effective date."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 123 (Rules)  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Jan Jelle

Terry Martin

Ben [unclear]

M.W. Miller

Mich [unclear]

F. Keywallin

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Rob [unclear] no rec

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

M.W. Miller

CHAIRMAN

# COMMITTEE REPORT

## HOUSE

(7)

5/3/85

FURTHER:

Date: 5/10/85

The Committee on RULES has had HB 123

"An Act extending the termination date of the board of pharmacy; and providing for an effective date."

under consideration and recommends:

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

MEMBERS SIGNING  
DO PASS

Jan Zella  
Terri Martin  
Ben ...  
M.W. Miller

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

M.W. Miller  
CHAIRMAN

The Proposed Rules CS would  
extend the board of pharmacy to  
June 30, 1985 and the board  
would thus enter their sunset  
phase from July 1, 1985 to  
June 30, 1986

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 123 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act extending the termination date of the Board  
7 of Pharmacy; and providing for an effective date."

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

9 \* Section 1. AS 08.03.010(c)(4) is amended to read:

10 (4) Board of Pharmacy (AS 08.80.010) -- June 30, 1985

11 [1984].

12 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
13 10.070(c).

*Cramer*

Original sponsor: Rules/Governor

IN THE HOUSE

BY THE RULES COMMITTEE

CS FOR HOUSE BILL NO. 123 (Rules)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act extending the termination date of the Board of Pharmacy; and providing for an effective date."

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

\* Section 1. AS 08.03.010(c)(4) is amended to read:

(4) Board of Pharmacy (AS 08.80.010) -- June 30, 1985

[1984].

\* Sec. 2. This Act takes effect immediately in accordance with AS 01.-10.070(c).

*sunset:  
July 1, 1985  
to June 30, 1986*

## BILL HISTORY

HB 123HOUSE CALENDAR:

BILL HB0123  
 PAGE 00145  
 DATE 01/25/85  
 CHAMBER HOUSE  
 TEXT HOUSE BILL NO. 123 by the Rules Committee by request of the Governor, entitled:

"An Act extending the termination date of the Board of Pharmacy; and providing for an effective date."

was read the first time and referred to the Labor & Commerce, Health, Education & Social Services and the Finance Committees.

A zero fiscal note with an analysis was attached and appears in House Journal Supplement No. 8.

The Governor's transmittal, dated January 25, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill extending the termination date of the Board of Pharmacy for four more Under AS 08.03.010(c)(4), the board terminated on June 30, 1984. Under AS 08.03.020, however, the board is authorized to continue its activities, with no reduction in its powers or authority, until June 30, 1985. If the board's termination date is not extended before June 30, 1985, the board must cease its activities. Because of the valuable examination and oversight functions of the Board of Pharmacy, I believe the public interest would be best served by continuing the existence of the board.

The attached bill, therefore, amends AS 08.03.010(c)(4) to extend the life of the board until June 30, 1988.

Last session, I vetoed CSHB 716(L&C), which, in part, would also have extended the board's termination date until June 30, 1988. That bill, however, contained other provisions that I felt were administratively undesirable. I noted in my veto message that the legislature could still accomplish extension of the board before June 30, 1985.

I urge your prompt action on this bill.

Sincerely,

/s/

Bill Sheffield  
 Governor"

BILL HB0123  
 PAGE 00357  
 DATE 02/15/85  
 CHAMBER HOUSE  
 TEXT The Labor & Commerce Committee has considered HOUSE BILL NO. 123 (extending the termination date of the Board of Pharmacy; effective date) and reports it back as follows: Navarre (Chairman), Davis, Boucher and Koponen recommend do pass; Pearce, Collins and Hanley have no recommendation. The previous zero fiscal note was approved. HB 123 was referred to the Health, Education & Social Services Committee.

BILL HB0123  
PAGE 00599  
DATE 03/15/85  
CHAMBER HOUSE  
TEXT The Health, Education & Social Services Committee has considered HOUSE BILL NO. 123 (extending the termination date of the Board of Pharmacy; effective date) and reports it back as follows: Koponen and Gruenberg (Co-Chairs), Thompson, Taylor and Hurley recommend do pass; Hanley signed "Do Not Pass - Substitute"; Pettyjohn signed "Do not pass unless amended".

HOUSE  
HB 123 was referred to the Finance Committee.

BILL HB0123  
PAGE 01261  
DATE 05/03/85  
CHAMBER HOUSE  
TEXT The Finance Committee has considered HOUSE BILL NO. 123 (extending the termination date of the Board of Pharmacy; effective date) and reports it back as follows: Adams (Chairman), Ringstad, Duncan, Larson, Pourchot, Szymanski, Uehling, Cotten, Rieger, Frank and Binkley recommend do pass.  
HB 123 was referred to the Rules Committee for placement on the calendar.

Board of  
Pharmacy  
(extending)

HOUSE BILL NO. 123, by the Rules Committee by Request of the Governor. Extends the Board of Pharmacy until June 30, 1988 (currently set to terminate June 30, 1984). Act takes effect immediately.

Introduced January 25 and referred to Labor & Commerce, Health, Education & Social Services, then Finance.

In his message transmitting the bill, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill extending the termination date of the Board of Pharmacy for four more years.

Under AS 08.03.010(c)(4), the board terminated on June 30, 1984. Under AS 08.03.020, however, the board is authorized to continue its activities, with no reduction in its powers or authority, until June 30, 1985. If the board's termination date is not extended before June 30, 1985, the board must cease its activities. Because of the valuable examination and oversight functions of the Board of Pharmacy, I believe the public interest would be best served by continuing the existence of the board.

The attached bill, therefore, amends AS 08.03.010(c)(4) to extend the life of the board until June 30, 1988.

Last session, I vetoed CSHB 716(L&C), which, in part, would also have extended the board's termination date until June 30, 1988. That bill, however, contained other provisions that I felt were administratively undesirable. I noted in my veto message that the legislature could still accomplish extension of the board before June 30, 1985.

HOUSE BILL NO. 123, (see page 147). Reported back to the House February 15 by Labor & Commerce as follows: Navarre (Chair), Davis, Boucher and Koponen recommend it do pass. Pearce, Collins and Hanley had no recommendation. To Health, Education and Social Services.

HOUSE BILL-NO. 123, (see pages 147;285). Reported back to the House March 15 by Health, Education & Social Services recommending as follows: Koponen and Gruenberg (co-Chairs Thompson, Taylor and Hurley recommend do pass. Hanley signed "do not pass - substitute." Pettyjohn signed "do not pass unless amended." To Finance.

HOUSE BILL NO. 123, (see pages 147;285;457). Reported back to the House May 3 from Finance recommending that it do pass. Concurring: Adams (chair), Ringstad, Duncan, Larson, Pourchot, Szymanski, Uehling, Cotten, Rieger, Frank and Binkley. To Rules.

January 25, 1985

HOUSE JOURNAL  
SUPPLEMENT

No. 8

HB  
123

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: October 9, 1984

REQUEST

Bill/Resolution No.: HB 123  
Title: An Act relating to the con-  
tinuation of the Board of Pharmacy  
Sponsor: \_\_\_\_\_  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.  
Program Category Affected: \_\_\_\_\_  
Consumer Protection  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>FEDERAL FUNDS</b>						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>FULL-TIME</b>						
<b>PART-TIME</b>						
<b>TEMPORARY</b>						

ANALYSIS: Attach a separate page if necessary

The bill extends the function of the Board of Pharmacy which was sunsetted and expected to terminate on June 30, 1985. Funding for operating costs of the board is included in the agency's FY '86 budget request.

Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144  
Division: Occupational Licensing Date: 10/19/84

Approved by Commissioner: Richard A. Lyon Date: 12/11/84  
Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

7/1/84



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

9/5/89  
Date

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STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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JUNEAU, ALASKA 99811  
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1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee , 4/23/1985, 8:30 am

CALL MEETING TO ORDER:

AGENDA  
HOUSE RULES STANDING COMMITTEE  
APRIL 23, 1985

T I M E - indicate time -

INDICATE MEMBERS PRESENT AND ABSENT:

Committee Members: Chairman M.W. Miller  
Vice-Chair Wallis  
Speaker Grussendorf  
Rep. Fuller  
Rep. Martin  
Rep. Davis  
Rep. Pignalberi

THE COMMITTEE CALENDAR TODAY IS:

HB 140 - "An Act relating to the use of teleconferencing  
under the Administrative Procedure Act."  
(Rules by Request of the Governor)

The Proposed Rules CS incorporates changes suggested by the Director of the Division of Legal Services, Bill Berrier. Included in the packets for today is an analysis from the Attorney General's Office on these changes.

Request a motion to adopt CSHB 140(Rules) and bring it before the committee for discussion.

(MIKE) - PETER B. FROHLICH, ASSISTANT ATTORNEY GENERAL IS AVAILABLE TO TESTIFY ON THE CHANGES MADE ON THE RULES CS, AS WELL AS BILLY BERRIER, DIRECTOR OF THE DIVISION OF LEGAL SERVICES.

The RULES CS MAKES 5 CHANGES TO CSHB 140(FINANCE).

1. °Page 1, line 29, after "section." ADD: except for meetings of a house of the legislature.
2. °Page 2, line 2, after "teleconferencing" DELETE: "according to regulations adopted by the commissioner of administration. The regulations must include a provision that"
3. °Page 2, line 13, after "meeting" DELETE: "general topics to be discussed or considered" ADD if the meeting is by teleconference
4. °Page 3, line 3, after "meetings" DELETE: "and is to provide the broadest input and dissemination of information practicable"
5. °Page 3, line 8, after "MAIL VOTE". DELETE: "If voting in person is not reasonably possible"

FURTHER DISCUSSION?

REQUEST APPROVAL OF THE MOTION TO PASS CSHB 140 RULES FROM COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS.



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### HOUSE RULES STANDING COMMITTEE

APRIL 23, 1985

#### AGENDA

- HB 140 - "An Act relating to the use of teleconferencing under the Administrative Procedure Act.  
(Rules by Request of the Governor)

#### I N D E X

- I. MEMORANDUM (4/18/85) - Analysis of differences between CSHB 140(FIN) AND Proposed CSHB 140(RULES) - from Attorney General's Office
- II. PROPOSED CSHB 140(RULES)
- III. CSHB 140(FINANCE)
- IV. ORIGINAL VERSION HB 140
- V. ALASKA STATUTES - TITLE 44. State Government  
CHAPTER 62  
Administrative Procedure Act  
Article 6  
Sec. 44.62.310  
Sec. 44.62.312  
Article 8  
Sec. 44.62.410  
Sec. 44.62.600
- VI. BILL HISTORY - HB 140

# MEMORANDUM

# State of Alaska

TO: Jeannie Smith  
Professional Assistant  
House Rules Committee

DATE: April 18, 1985

FILE NO:

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch  
Attorney General

SUBJECT: Differences between  
CSHB 140(Fin) and  
CSHB 140(Rls)

By: *Peter B. Froehlich*  
Peter B. Froehlich  
Assistant Attorney General  
Legislation/Regulations Section

There are five differences between CSHB 140(Fin) and CSHB 140(Rls). Four of them involve the bill's amendments to our open meeting statutes, AS 44.62.310 and 44.62.312. The differences were suggested on April 13th by Director of Legal Services Bill Berrier and concurred in by Chairman Boucher of the Special Committee on Telecommunications; Chairman Miller, Representative Gruenberg, and Counsel Kaden of the House Judiciary Committee; and Director of Telecommunications Services of the Department of Administration; as well as by myself.

All five differences are listed as follows with page and line references to the Rules version:

- 1) Page 1, line 29, after "section." -- the phrase "except for meetings of a house of the legislature" is added. This eliminates the option of teleconferencing for meetings of a house of the legislature.
- 2) Page 2, line 2, after "teleconferencing." -- the language "according to regulations adopted by the commissioner of administration. The regulations must include a provision that" is deleted. This eliminates any possibility that the commissioner of administration would adopt regulations that could affect the use of teleconferencing by legislative committees. It also enhances flexibility in the use of teleconferencing by all agencies but preserves the commissioner's option under other authority to adopt general regulations on the use of teleconferencing by executive branch agencies only.
- 3) Page ~~2~~<sup>2</sup>, line 13, after "meeting." -- the phrase "general topics to be discussed or considered" is deleted and the phrase "if the meeting is by teleconference" is added. This eliminates the burden on agencies of giving advance notice of every

possible topic to be discussed or considered at a public meeting whether it is teleconferenced or not. It also eliminates a possible technical grounds for challenge of action taken on topics not included in a notice. This change was suggested by the Senate State Affairs Committee in response to a concern raised by the City and Borough of Juneau.

- 4) Page 3, line 3, after "meetings." -- the phrase "and is to provide the broadest input and dissemination of information practicable" is deleted. This eliminates unnecessary and possibly problematic policy statement language.
- 5) Page 3, line 8, after "[MAIL VOTE]." -- the phrase "if voting in person is not reasonably possible" is deleted. This encourages use of teleconference voting as an option to in person voting by executive branch agencies in administrative adjudication.

Everyone at the April 13 meeting expressed the desire that the Rules Committee substitute of this bill reach the floor of the House as soon as possible. If I can provide any further information or assistance towards that end, please let me know.

PBF:md

cc: Rep. Red Boucher, Chair  
House Special Committee on Teleconferencing

Rep. Mike M. Miller, Chair  
House Judiciary Committee

Sen. Mitchell Abood, Chair  
Senate State Affairs Committee

Bill Berrier, Esq.  
Director of Legal Services  
LAA

Hayden Kaden, Esq.  
Counsel to House Judiciary Committee

Sioux Plummer, Director  
Division of Telecommunications Services  
Dept. of Administration

II

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 140 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of teleconferencing under  
7 the Administrative Procedure Act."

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

9 \* Section 1. AS 44.62.210(a) is amended to read:

10 (a) On the date and at the time and place designated in the  
11 notice the agency shall give each interested person or the person's  
12 authorized representative, or both, the opportunity to present state-  
13 ments, arguments, or contentions in writing, with or without oppor-  
14 tunity to present them orally. The state agency may accept material  
15 presented by any form of communication authorized by this chapter and  
16 shall consider all relevant matter presented to it before adopting,  
17 amending or repealing a regulation.

18 \* Sec. 2. AS 44.62.310(a) is amended to read:

19 (a) All meetings of a legislative body, of a board of regents,  
20 or of an administrative body, board, commission, committee, subcommit-  
21 tee, authority, council, agency, or other organization, including  
22 subordinate units of the above groups, of the state or any of its  
23 political subdivisions, including but not limited to municipalities,  
24 boroughs, school boards, and all other boards, agencies, assemblies,  
25 councils, departments, divisions, bureaus, ~~commissions~~ or organiza-  
26 tions, advisory or otherwise, of the state ~~and~~ all government sup-  
27 ported in whole or in part by public money or authorized to spend  
28 public money, are open to the public except as otherwise provided by  
29 this section. ~~added:~~ Except for meetings of a house of the legislature.

attendance and participation at meetings by members of the public or  
by members of a body may be by teleconferencing. ~~delete:~~ [according to  
regulations adopted by the commissioner of Administration. The  
are to be considered at the meeting shall be made available at tele-  
regulations must include a provision that]  
conference locations. Except when voice votes are authorized, the  
vote shall be conducted in such a manner that the public may know the  
vote of each person entitled to vote. The vote at a meeting held by  
teleconference shall be taken by roll call. This section does not  
apply to any votes required to be taken to organize a public body  
described [THE BODIES SPECIFIED] in the subsection.

\* Sec. 3. AS 44.62.310(e) is amended to read:

(e) Reasonable public notice shall be given for all meetings  
required to be open under this section. The notice must include the  
date, time, and place of the meeting, and ~~delete:~~ add: ~~delete:~~ [general  
topics to be discussed or considered]  
~~conference~~ the location of any teleconferencing facilities that will  
be used.

\* Sec. 4. AS 44.62.312(a) is amended to read:

(a) It is the policy of the state that

- (1) the governmental units mentioned in AS 44.62.310(a)  
exist to aid in the conduct of the people's business;
- (2) it is the intent of the law that actions of those units  
be taken openly and that their deliberations be conducted openly;
- (3) the people of this state do not yield their sovereignty  
to the agencies which serve them;
- (4) the people, in delegating authority, do not give their  
public servants the right to decide what is good for the people to  
know and what is not good for them to know;
- (5) the people's right to remain informed shall be protect-  
ed so that they may retain control over the instruments they have  
created;

1                   (6) the use of teleconferencing under this chapter is for  
2                   the convenience of the parties, the public, and the governmental units  
3                   conducting the meetings. delete: [and is to provide the broadest input  
4                   and dissemination of information practicable]

\* Sec. 5. AS 44.62.410 is amended by adding a new subsection to read:

5                   (b) Upon the mutual agreement of the parties, the agency may use  
6                   teleconferencing in the conduct of a hearing under this section.

\* Sec. 6. AS 44.62.600 is amended to read:

7                   delete: [if voting in  
8                   Sec. 44.62.600. VOTING PROCEDURE [MAIL VOTE]. A member of an  
9                   person is not reasonably possible.]  
10                   agency qualified to vote on a question may vote by mail or by telecon-  
11                   ferencing. A vote by teleconferencing shall be recorded in a manner  
12                   that identifies each person who has voted and how the person voted.

\* Sec. 7. AS 44.62 is amended by adding a new section to article 9 to  
13 read:

14                   Sec. 44.62.635. TELECONFERENCING. (a) An agency may use tele-  
15                   conferencing for the benefit or convenience of the parties, the pub-  
16                   lic, or the agency, in connection with a proceeding or act authorized  
17                   under this chapter if all statutory and constitutional rights of the  
18                   parties are waived or adequately protected.

19                   (b) Teleconferencing may be used to establish quorums, receive  
20                   public input, and, if all voting individuals have an opportunity to  
21                   evaluate all testimony and evidence, to vote on actions.

\* Sec. 8. AS 44.62.640 is amended by adding a new subsection to read:

22                   (c) In this chapter "teleconferencing" means information ex-  
23                   change by audio or video medium.



Offered: 4/8/85  
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 FOR HOUSE BILL NO. 140 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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14 tunity to present them orally. The state agency may accept material  
15 presented by any form of communication authorized by this chapter and  
16 shall consider all relevant matter presented to it before adopting,  
17 amending or repealing a regulation.

18 \* Sec. 2. AS 44.62.310(a) is amended to read:

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25 councils, departments, divisions, bureaus, commissions or organiza-  
26 tions, advisory or otherwise, of the state or local government sup-  
27 ported in whole or in part by public money or authorized to spend  
28 public money, are open to the public except as otherwise provided by  
29 ~~add: except for meetings of a house of the legislature~~  
this section. Attendance and participation at meetings by members of

1 created;

2 (6) the use of teleconferencing under this chapter is for  
3 the convenience of the parties, the public, and the governmental units  
4 conducting the meetings <sup>delete:</sup> and is to provide the broadest input and  
5 dissemination of information practicable.

6 \* Sec. 5. AS 44.62.410 is amended by adding a new subsection to read:

7 (b) Upon the mutual agreement of the parties, the agency may use  
8 teleconferencing in the conduct of a hearing under this section.

9 \* Sec. 6. AS 44.62.600 is amended to read:

10 Sec. 44.62.600. VOTING PROCEDURE [MAIL VOTE]. <sup>delete:</sup> [If voting in  
11 person is not reasonably possible,] a [A] member of an agency qualified  
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19 lic, or the agency, in connection with a proceeding or act authorized  
20 under this chapter if all statutory and constitutional rights of the  
21 parties are waived or adequately protected.

22 (b) Teleconferencing may be used to establish quorums, receive  
23 public input, and, if all voting individuals have an opportunity to  
24 evaluate all testimony and evidence, to vote on actions.

25 \* Sec. 8. AS 44.62.640 is amended by adding a new subsection to read:

26 (c) In this chapter "teleconferencing" means information ex-  
27 change by audio or video medium.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**



Offered: 4/8/85  
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 CS FOR HOUSE BILL NO. 140 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
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Attendance and participation at meetings by members of

11.

delete:

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- 18 (a) It is the policy of the state that  
19 (1) the governmental units mentioned in AS 44.62.310(a)  
20 exist to aid in the conduct of the people's business;  
21 (2) it is the intent of the law that actions of those units  
22 be taken openly and that their deliberations be conducted openly;  
23 (3) the people of this state do not yield their sovereignty  
24 to the agencies which serve them;  
25 (4) the people, in delegating authority, do not give their  
26 public servants the right to decide what is good for the people to  
27 know and what is not good for them to know;  
28 (5) the people's right to remain informed shall be protect-  
29 ed so that they may retain control over the instruments they have

1 created;

2 (6) the use of teleconferencing under this chapter is for  
3 the convenience of the parties, the public, and the governmental units  
4 conducting the meetings ~~and is to provide the broadest input and~~  
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6 \* Sec. 5. AS 44.62.410 is amended by adding a new subsection to read:

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27 change by audio or video medium.

IV

Introduced: 1/28/85  
Referred: House Special Committee  
on Telecommunications, Judiciary  
and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 140

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of teleconferencing under  
7 the Administrative Procedure Act."

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

9 \* Section 1. INTENT. The amendments in this Act are intended to allow  
10 state agencies, as defined in AS 44.62, and the public to employ advances  
11 in teleconferencing technology that can increase the efficiency and conve-  
12 nience of transacting business with or by a state agency. Nothing in this  
13 Act is intended to diminish the constitutional or statutory rights of the  
14 parties, or existing procedural safeguards.

15 \* Sec. 2. AS 44.62.210(a) is amended to read:

16 (a) On the date and at the time and place designated in the  
17 notice the agency shall give each interested person or the [HIS]  
18 authorized representative of the person, or both, the opportunity to  
19 present statements, arguments, or contentions in writing, with or  
20 without opportunity to present them orally. The state agency may  
21 accept material presented by any form of communication authorized by  
22 this chapter, unless otherwise designated in the notice, and shall  
23 consider all relevant matter so presented to it before adopting,  
24 amending or repealing a regulation.

25 \* Sec. 3. AS 44.62.310(a) is amended to read:

26 (a) All meetings of a legislative body, of a board of regents,  
27 or of an administrative body, board, commission, committee, subcommit-  
28 tee, authority, council, agency, or other organization, including  
29 subordinate units of the above groups, of the state or any of its

VI

1 political subdivisions, including but not limited to municipalities,  
 2 boroughs, school boards, the University of Alaska, and all other  
 3 boards, agencies, assemblies, councils, departments, divisions, bu-  
 4 reaus, commissions or organizations, advisory or otherwise, of the  
 5 state or local government supported in whole or in part by public  
 6 money or authorized to spend public money, are open to the public  
 7 except as otherwise provided by this section. Attendance and partici-  
 8 pation at meetings by members of the public or by members of a body  
 9 may be by teleconferencing according to reasonable ground rules estab-  
 10 lished by the body conducting the meeting. The ground rules must  
 11 provide that agency materials that are to be considered at the meeting  
 12 are available at teleconference locations. The rules are not con-  
 13 sidered regulations and need not be adopted under AS 44.62.040 --  
 14 44.62.290. Except when voice votes are authorized, the vote shall be  
 15 conducted in such a manner that the public may know the vote of each  
 16 person entitled to vote. This section does not apply to any votes  
 17 required to be taken to organize a public body described in this  
 18 subsection [THE AFORE-MENTIONED BODIES].

19 \* Sec. 4. AS 44.62.310(e) is amended to read:

20 (e) Reasonable public notice shall be given for all meetings  
 21 required to be open under this section. The notice must include the  
 22 date, time, and place of the meeting, general topics to be discussed  
 23 or considered, and the location of any teleconferencing facilities  
 24 which will be used.

25 \* Sec. 5. AS 44.62.312(a) is amended to read:

26 (a) It is the policy of the state that  
 27 (1) the governmental units mentioned in AS 44.62.310(a)  
 28 exist to aid in the conduct of the people's business;  
 29 (2) it is the intent of the law that actions of those units

1 be taken openly and that their deliberations be conducted openly;

2 (3) the people of this state do not yield their sovereignty  
3 to the agencies which serve them;

4 (4) the people, in delegating authority, do not give their  
5 public servants the right to decide what is good for the people to  
6 know and what is not good for them to know;

7 (5) the people's right to remain informed shall be protect-  
8 ed so that they may retain control over the instruments they have  
9 created;

10 (6) the use of teleconferencing under this chapter is for  
11 the convenience of the parties, the public, and the governmental units  
12 conducting the meetings and is to provide the broadest input and  
13 dissemination of information practicable.

14 \* Sec. 6. AS 44.62.410 is amended by adding a new subsection to read:

15 (b) Upon the mutual agreement of the parties, the agency may use  
16 teleconferencing in the conduct of a hearing under this section.

17 \* Sec. 7. AS 44.62.600 is amended to read:

18 Sec. 44.62.600. VOTING PROCEDURE [MAIL VOTE]. When normal,  
19 in-person voting is not reasonably possible, a [A] member of an agency  
20 qualified to vote on a question may vote by mail or by teleconferenc-  
21 ing. A vote by teleconferencing must be recorded in a manner that  
22 identifies each person who has voted and on which side of the question  
23 the person voted.

24 \* Sec. 8. AS 44.62 is amended by adding a new section in Article 9 to  
25 read:

26 Sec. 44.62.635. TELECONFERENCING. (a) In addition to the spe-  
27 cific authorizations in this chapter of the use of teleconferencing,  
28 an agency may use teleconferencing for the benefit or convenience of  
29 the parties, the public, or the agency, in connection with any

1 proceeding or act authorized under this chapter, so long as all stat-  
2 utory and constitutional rights of the parties are either waived or  
3 adequately protected.

4 (b) Teleconferencing may be used to establish quorums, receive  
5 public input, and, if all voting individuals have a substantially  
6 equal opportunity to evaluate all testimony and evidence, to vote on  
7 actions.

8 \* Sec. 9. AS 44.62.640 is amended by adding a new subsection to read:

9 (c) In this chapter "teleconferencing" means information ex-  
10 change by audio, video, or computerized electronic media.

HEADINGS TITLE 44.  
State Government.  
CHAPTER 62.  
Administrative Procedure Act.  
ARTICLE 6.  
Agency Meetings Public.

CITATION Sec. 44.62.310.

CATCH LINE

AGENCY MEETINGS PUBLIC.

TEXT

(a) All meetings of a legislative body, of a board of regents, or of an administrative body, board, commission, committee, subcommittee, authority, council, agency, or other organization, including subordinate units of the above groups, of the state or any of its political subdivisions, including but not limited to municipalities, boroughs, school boards, and all other boards, agencies, assemblies, councils, departments, divisions, bureaus, commissions or organizations, advisory or otherwise, of the state or local government supported in whole or in part by public money or authorized to spend public money, are open to the public except as otherwise provided by this section. Except when

voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. This section does not apply to any votes required to be taken to organize the bodies specified in this subsection.

(b) If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the exceptions contained in (c) of this section shall be determined by a majority vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session.

(c) The following excepted subjects may be discussed in an executive session:

(1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;

(2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

(3) matters which by law, municipal charter, or ordinance are required to be confidential.

(d) This section does not apply to

(1) judicial or quasi-judicial bodies when holding a meeting solely to make a decision in an adjudicatory proceeding;

(2) juries;

(3) parole or pardon boards;

(4) meetings of a hospital medical staff; or

(5) meetings of the governing body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges or discipline.

(e) Reasonable public notice shall be given for all meetings required to be open under this section.

(f) Action taken contrary to this section is void.

HISTORY

(Sec. 1 art VI (ch 1) ch 143 SLA 1959; am sec. 1 ch 48 SLA 1966; am sec. 1 ch 78 SLA 1968; am sec. 1 ch 7 SLA 1969; am secs. 1, 2 ch 98 SLA 1972; am sec. 2 ch 100 SLA 1972; am sec. 1 ch 189 SLA 1976)

HEADINGS TITLE 44.  
State Government.  
CHAPTER 62.  
Administrative Procedure Act.  
ARTICLE 6.  
Agency Meetings Public.

CITATION Sec. 44.62.312.

CATCH LINE

STATE POLICY REGARDING MEETINGS.

TEXT

(a) It is the policy of the state that

(1) the governmental units mentioned in AS 44.62.310(a) exist to aid in the conduct of the people's business;

(2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;

(3) the people of this state do not yield their sovereignty to the agencies which serve them;

(4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;

(5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created.

(b) AS 44.62.310(c)(1) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and avoid unnecessary executive sessions.

HISTORY

(Sec. 3 ch 98 SLA 1972)

HEADINGS TITLE 44.  
State Government.  
CHAPTER 62.  
Administrative Procedure Act.  
ARTICLE 8.  
Administrative Adjudication.

CITATION Sec. 44.62.410.

CATCH LINE

TIME AND PLACE OF HEARING.

TEXT The agency shall determine the time and place of hearing. The hearing shall be held in Juneau or Ketchikan, whichever is closer to the place where the transaction occurred or where the respondent resides, if the transaction occurred in or the respondent resides in the Southeastern Senate District; in Anchorage if the transaction occurred or the respondent resides within the South Central Senate District; in Fairbanks or Nome, whichever is closer to the place where the transaction occurred or where the respondent resides, if the transaction occurred in or the respondent resides in the Central or Northwestern Senate Districts. The agency may, if the transaction occurred in a senate district other than that of respondent's residence, select the place of hearing appropriate for either district. The agency may select a different place nearer the place where the transaction occurred or where the respondent resides, or the parties by agreement may select any place in the state.

HISTORY (Sec. 9 (ch 2) ch 143 SLA 1959)

HEADINGS TITLE 44.  
State Government.  
CHAPTER 62.  
Administrative Procedure Act.  
ARTICLE 8.  
Administrative Adjudication.

CITATION Sec. 44.62.600.

CATCH LINE

MAIL VOTE.

TEXT A member of an agency qualified to vote on a question may vote by mail.

HISTORY (Sec. 28 (ch 2) ch 143 SLA 1959)

HOUSE CALENDAR:

BILL HB0140  
 PAGE 00182  
 DATE 01/28/85  
 CHAMBER HOUSE  
 TEXT HOUSE BILL NO. 140 by the Rules Committee by request of the

Governor, entitled:

"An Act relating to the use of  
 teleconferencing under the  
 Administrative Procedure Act."

was read the first time and referred to the House Special Committee on Telecommunications, the Judiciary and Finance Committees.

A zero fiscal note with an analysis was attached and appears in House Journal Supplement No. 10.

The Governor's transmittal letter dated January 28, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the use of teleconferencing for meetings and hearings held under the Administrative Procedure Act (AS 44.62). The bill confirms and clarifies that teleconferencing is a legally permissible means for increasing efficient public access and input to government bodies. Provisions to safeguard the constitutional and statutory rights of the public relating to hearings and public meetings are included in the bill.

The availability of new communications technology combined with our declining revenues make passage of this important measure a timely step towards economical efficient expansion of public access to the administrative process.

Sincerely,

/s/

Bill Sheffield  
Governor"

HB0140  
 00559  
 03/11/85  
 HOUSE

The House Special Committee on Telecommunications has considered HOUSE BILL NO. 140 (relating to the use of teleconferencing under the Administrative Procedure Act) and reports it back as follows: Boucher (Chairman), Goll, Wallis and Thompson recommend do pass.

HB 140 was referred to the Judiciary Committee.

HB0140  
 00697  
 03/25/85  
 HOUSE

The Judiciary Committee has considered HOUSE BILL NO. 140 (relating to the use of teleconferencing under the Administrative Procedure Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 140 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg, Phillips and Clocksin recommend do pass.

HB 140 was referred to the Finance Committee.

HB0140  
00838  
04/08/85  
HOUSE

The Finance Cmmittee has considered HOUSE BILL NO. 140 (use of teleconferencing under the Administrative Procedure Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 140 (Finance) (same title) and reports it back as follows: Adams (Chairman), Duncan, Larson, Uehling, Rieger, Frank and Cotten recommend do pass.

A zero fiscal note with an analysis was attached and appears in House Journal Supplement No. 43.

HB 140 was referred to the Rules Committee for placement on the calendar.

HB0140  
00890  
04/11/85  
HOUSE

HOUSE BILL NO. 140 (use of teleconferencing under the Administrative Procedure Act) was read the second time with the House Special Committee on Telecommunications report (page 559), the Judiciary Committee report (page 697), and the Finance Committee report (page 838).

Representative Clocksin moved and asked unanimous consent that HB 140 be removed from today's calendar and returned to the Rules Committee. There being no objection, it was so ordered.

Use of Teleconferencing

HOUSE BILL NO. 140, by the Rules Committee by Request of the Governor. Confirms and clarifies that teleconferencing is a legal means for increasing public access and input to government bodies (see Governor's message). No effective date (takes effect 90 days after Governor signs bill).

Introduced January 28 and referred to the House Special Committee on Telecommunications, Judiciary and Finance.

In his letter transmitting the bill to the House, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the use of teleconferencing for meetings and hearings held under the

Administrative Procedure Act (AS 44.62). The bill confirms and clarifies that teleconferencing is a legally permissible means for increasing efficient public access and input to government bodies. Provisions to safeguard the constitutional and statutory rights of the public relating to hearings and public meetings are included in the bill.

The availability of new communications technology combined with our declining revenues make passage of this important measure a timely step towards economical efficient expansion of public access to the administrative process.

HOUSE BILL NO. 140, (see page 138). Reported back to the House from the House Special committee on Telecommunications March 11 as follows: Boucher (Chairman), Goll, Wallis and Thompson recommended do pass. To Judiciary.

HOUSE BILL NO. 140, (see pages 188;457). Reported back to the House March 25 by Judiciary recommending it be replaced with a substitute and that it do pass. concurring: M. M. Miller (Chair), Sund, Gruenberg, Phillips and Clocksin. To Finance.

The Judiciary version deletes the "Intent" section contained in the original. The Judiciary substitute also provides that attendance and participation at meetings by members of the public or by members of a body may be by teleconferencing according to regulations adopted by the Commissioner of Administration. The original version stated that members of the public or members of a body could attend by teleconference, "according to reasonable ground rules established by the body conducting the meeting." It stated that the ground rules were not regulations and did not need to be adopted as such.

Judiciary changes the definition of "teleconferencing" to mean, "...information exchange by audio or video medium." The former version read: "...information exchange by audio, video or computerized electronic media." All other changes are clean-up or technical.

HOUSE BILL NO. 140, (see pages 188;457;542). Reported back to the House April 8 by Finance recommending it be replaced with a substitute and that it do pass. Concurring: Adams (Chair), Duncan, Larson, Uehling, Rieger, Frank, and Cotten. To Rules.

Finance adds one sentence stating that the vote at a meeting held by teleconference shall be taken by roll call.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

No. 43

HOUSE JOURNAL  
SUPPLEMENT

April 8, 1985

HB  
140

Revision Date: \_\_\_\_\_ Page 1 of 2

REQUEST Page 1 of 2 FISCAL DETAIL Page 1 of 2  
 Bill/Resolution No.: CSHB 140 (FIN) Agency Affected: Administration  
 Title: Relating to use of teleconferencing under Administrative Procedures Act Program Category Affected: \_\_\_\_\_  
 Sponsor: Governor General Government  
 Requestor: \_\_\_\_\_ BRU Program or Subprogram(s) Affected: Telecommunications Services  
 Date of Request: \_\_\_\_\_

Page 2 of 2

CSHB 140 (FIN) Page 2 of 2  
 Fiscal Note Analysis  
 Prepared by Division of Telecommunications Services  
 Department of Administration  
 April 1, 1985

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>	0	0	0	0	0	0
<b>REVENUE</b>	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>GENERAL FUND</b>						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>FULL-TIME</b>	0	0	0	0	0	0
<b>PART-TIME</b>	0	0	0	0	0	0
<b>TEMPORARY</b>	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared By: Sioux Plummer, Director Phone: 465-2041  
 Division: Telecommunications Services Date: April 1, 1985

Approved by Commissioner: Lisa Rudd Date: 4/1/85  
 Agency: Department of Administration

HOUSE JOURNAL SUPPLEMENT NO. 43:

# COMMITTEE REPORT

## HOUSE

FURTHER:

(7)

4/11/85

(taken from calendar 4/11/85)

Date: April 23, 1985

The Committee on RULES has had HB 140

"An Act relating to the use of teleconferencing under the Administrative Procedure Act."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 140 (Rules)  same title  
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

M.W. Miller

John A. Fuller

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

no rec

Terry Martin " "

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

M.W. Miller  
CHAIRMAN

Rep. Martin's

Offered: 4/8/85  
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 140 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of teleconferencing under  
7 the Administrative Procedure Act."

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

9 \* Section 1. AS 44.62.210(a) is amended to read:

10 (a) On the date and at the time and place designated in the  
11 notice the agency shall give each interested person or the person's  
12 authorized representative, or both, the opportunity to present state-  
13 ments, arguments, or contentions in writing, with or without oppor-  
14 tunity to present them orally. The state agency may accept material  
15 presented by any form of communication authorized by this chapter and  
16 shall consider all relevant matter presented to it before adopting,  
17 amending or repealing a regulation.

18 \* Sec. 2. AS 44.62.310(a) is amended to read: *minority - majority caucuses*

19 (a) All meetings of a legislative body of a Board of regents,  
20 or of an administrative body, board, commission, committee, subcommit-  
21 tee, authority, council, agency, or other organization, including  
22 subordinate units of the above groups, of the state or any of its  
23 political subdivisions, including but not limited to municipalities,  
24 boroughs, school boards, and all other boards, agencies, assemblies,  
25 councils, departments, divisions, bureaus, commissions or organiza-  
26 tions, advisory or otherwise, of the state or local government sup-  
27 ported in whole or in part by public money or authorized to spend  
28 public money, are open to the public except as otherwise provided by  
29 this section. Attendance and participation at meetings by members of

1 the public or by members of a body may be by teleconferencing accord-  
2 ing to regulations adopted by the commissioner of administration. The  
3 regulations must include a provision that agency materials that are to  
4 be considered at the meeting be made available at teleconference  
5 locations. Except when voice votes are authorized, the vote shall be  
6 conducted in such a manner that the public may know the vote of each  
7 person entitled to vote. The vote at a meeting held by teleconference  
8 shall be taken by roll call. This section does not apply to any votes  
9 required to be taken to organize a <sup>? Commission? party caucuses</sup> public body described in this [THE  
10 BODIES SPECIFIED IN THE] subsection.

11 \* Sec. 3. AS 44.62.310(e) is amended to read:

12 (e) Reasonable public notice shall be given for all meetings  
13 required to be open under this section. The notice must include the  
14 date, time, and place of the meeting, general topics to be discussed  
15 or considered, and the location of any teleconferencing facilities  
16 that will be used.

17 \* Sec. 4. AS 44.62.312(a) is amended to read:

18 (a) It is the policy of the state that  
19 (1) the governmental units mentioned in AS 44.62.310(a)  
20 exist to aid in the conduct of the people's business;  
21 (2) it is the intent of the law that actions of those units  
22 be taken openly and that their deliberations be conducted openly;  
23 (3) the people of this state do not yield their sovereignty  
24 to the agencies which serve them;  
25 (4) the people, in delegating authority, do not give their  
26 public servants the right to decide what is good for the people to  
27 know and what is not good for them to know;  
28 (5) the people's right to remain informed shall be protect-  
29 ed so that they may retain control over the instruments they have

1 created;

2 (6) the use of teleconferencing under this chapter is for  
3 the convenience of the parties<sup>?</sup>, the public, and the governmental units  
4 conducting the meetings and is to provide the broadest input and  
5 dissemination of information practicable.

6 \* Sec. 5. AS 44.62.410 is amended by adding a new subsection to read:

7 (b) Upon the mutual agreement of the parties, the agency may use  
8 teleconferencing in the conduct of a hearing under this section.

9 \* Sec. 6. AS 44.62.600 is amended to read:

10 Sec. 44.62.600. VOTING PROCEDURE [MAIL VOTE]. If voting in  
11 person is not reasonably possible, a [A] member of an agency qualified  
12 to vote on a question may vote by mail or by teleconferencing. A vote  
13 by teleconferencing shall be recorded in a manner that identifies each  
14 person who has voted and how the person voted.

15 \* Sec. 7. AS 44.62 is amended by adding a new section to article 9 to  
16 read:

17 Sec. 44.62.635. TELECONFERENCING. (a) An agency may use tele-  
18 conferencing for the benefit or convenience of the parties, the pub-  
19 lic, or the agency, in connection with a proceeding or act authorized  
20 under this chapter if all statutory and constitutional rights of the  
21 parties are waived or adequately protected.

22 (b) Teleconferencing may be used to establish quorums, receive  
23 public input, and, if all voting individuals have an opportunity to  
24 evaluate all testimony and evidence, to vote on actions.

25 \* Sec. 8. AS 44.62.640 is amended by adding a new subsection to read:

26 (c) In this chapter "teleconferencing" means information ex-  
27 change by audio or video medium.





# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

9/5/89  
Date

H B

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HB 237 - see 5/02 and 5/06/85

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
J. NEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

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1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee, 4/30/85, 8:34am



