

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

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help. The majority leaders also chair the House and Senate rules committees and may have additional committee staff.

MISSISSIPPI

Staff Services Profile

GENERAL:

With limited staff, the Mississippi legislature also relies heavily on resources shared with the executive branch of government. Statutory revision and comprehensive library facilities are handled by the executive, and specialized research projects are often contracted through the Research and Development Center which is part of the state university system. Most legislative staff are organized by chamber.

SHARED HOUSE/SENATE SERVICES:

Legislative Reference Bureau -- As a service operated jointly by the House and Senate, the bureau was created by statute to answer the legislature's short-term research and information requests. The bureau also administers a library for the legislature.

Commission on Budget and Accounting -- The commission, composed of legislators, the lieutenant governor and governor, is the budget-making arm of state government. The commission staff has responsibilities to both the executive and legislative branches. The staff assists the money committees with their review of the commission's proposed budget. The office is also charged with estimating revenues and monitoring state spending.

Joint Legislative Committee on Performance Evaluation and Expenditure Review -- The committee oversees the operation of the largest staff with responsibilities only to the legislature. The staff conducts operational audits and program evaluations of local and state agencies and departments, prepares fiscal notes and writes budget memos as requested by the money committees.

Central Data Processing Authority -- The authority is headed by a six-member committee with equal representation from each house. The authority provides computer services for the legislature and public information assistance. It has control over all computer operations in state government including institutions of higher learning.

Joint Printing Office -- The office provides printing services to both chambers and is responsible for production of bills, calendars, journals and other official documents.

HOUSE:

Clerk -- The clerk's office is responsible for calendars, journals, record keeping and public information. The clerk and secretary jointly oversee mail and bill room activities.

House Management Committee -- All House employees are hired by the House Management Committee which is chaired by the speaker. The committee manages all business affairs of the House, including personnel, members' travel expenses and committee scheduling. The staff is also responsible for bill drafting and some legal research.

SENATE:

Secretary of the Senate -- The secretary is responsible for the support services of the Senate, public information, security, clerical personnel, calendar, journals and record keeping. All Senate employees are hired by the lieutenant governor. Salaries are set by the Contingent Expense Committee chaired by the lieutenant governor.

Legislative Services Office -- The services office does bill drafting, research and provides committee staff support on a limited basis. The office is supervised by a director responsible to the lieutenant governor through the secretary of the senate.

COMMITTEE SERVICES:

Each of the two appropriations committees is assigned a full-time analyst who serves as the liaison with the Commission on Budget and Accounting. In the Senate, major committees such as judiciary, finance, and appropriations are assigned their own secretaries while other committees share secretaries. Secretarial help is provided by the House Management Committee and Senate Legislative Services Office.

MEMBERS' PERSONAL STAFF:

A stenographic pool provides secretarial help during the sessions only.

LEADERSHIP STAFF:

The presiding officers have full-time secretarial and administrative help.

MISSOURI

Staff Services Profile

GENERAL:

Missouri's staff services have evolved in recent years from a centralized, joint system to one in which almost all staff is organized and employed by chamber. House and Senate staff are hired through the accounts committees. In the Senate, a committee chairman will make all appointments to the committee. In the House, the speaker makes all appointments to the Accounts Committee and plays a central role in all employment decisions.

SHARED HOUSE/SENATE SERVICES:

Committee on Legislative Research -- Established by the state constitution, the office provides legal services and bill drafting to the General Assembly and does some short-term and in-depth research. The staff also is responsible for code revision and a library. By statute, the office is required to staff certain joint committees and commissions.

Committee on State Fiscal Affairs -- Originally established as the legislature's primary fiscal advisor, the committee is currently limited to preparing fiscal notes and drafting a summary of appropriations. The office does not staff the money committees of the House and Senate.

HOUSE:

Chief Clerk/Administrator -- As the chief administrative officer of the House, the chief clerk is elected by the House and works at the direction of the Accounts Committee and the speaker on personnel and financial affairs of the House. The clerk's staff is responsible for both the traditional chamber and bill processing functions of that office as well as maintenance, security, purchasing, payroll, printing, electronic data processing and public information services. The clerk is nominally in charge of the research and appropriations staffs of the House.

House Research and Information Staff -- The research office provides committee staff assistance with one researcher assigned to handle two or three committees. The research staff also answers requests for information from individual members. The staff is bipartisan with staff members selected to reflect proportionately the partisan makeup of the House. The information section handles media relations, and publishes members' newsletters and related material.

SENATE:

Senate Administrative Office -- Supervised by the Accounts Committee, the office is in charge of senate financial matters,

personnel, purchasing, maintenance, security and sessional support services. Unlike the House, the offices of senate administrator and secretary of the senate are not combined. The administrative office handles management functions for all Senate offices.

Secretary of the Senate -- The secretary's staff is responsible for chamber functions, calendars, journals and record keeping. The secretary is elected by the Senate membership.

Senate Research Office -- Under the administrative control of the Accounts Committee, the research staff is assigned to work on selected legislative issues and proposals. The researchers staff standing committees on a regular basis. The office responds to research requests from members, leaders and committees. Staff are also responsible for updating the Senate's computerized bill tracking system.

Senate Information Officer -- The smallest of the Senate staff offices, the public information officer handles media relations, publishes members' newsletters and constituent questionnaires. Three staff members are in the Senate Information Office.

COMMITTEE SERVICES:

The House and Senate Appropriations Committees are the only standing committees assisted by separate staffs. With four or five budget analysts assigned to each committee, the staff is responsible for reviewing the executive budget, studying budget questions and monitoring executive agencies. The appropriations staff is hired through the accounts committee of each chamber with the approval of the committee chairman and the president pro tem or the speaker. The House staff is selected on a bipartisan ratio similar to the House membership.

MEMBERS' PERSONAL STAFF:

Senators are authorized to hire a year-round district secretary as well as a capitol secretary. Representatives are allowed to employ a capitol secretary during the session only. In addition, representatives receive a monthly allowance of \$450 to pay for district expenses and staff help. During the interim, a stenographic pool is available in the capitol to all representatives for secretarial tasks.

LEADERSHIP STAFF:

The president pro tem and the speaker each have two secretaries. While the speaker has two professional assistants, the president pro tem has one. Other leaders of both houses generally employ a full-time professional and a secretary. Leadership staff are assigned to research and liaison tasks in addition to handling the leader's staff needs.

MONTANA

Staff Services Profile

GENERAL:

The organization of legislative staff in Montana follows the council model with most services provided by a joint, general purpose, nonpartisan agency. Separate legislative committees oversee additional services such as audit and fiscal analysis. Chambers staff are hired by the leadership with salaries set by joint resolution.

SHARED HOUSE/SENATE SERVICES:

Legislative Council -- The council, comprising four members from each chamber, is responsible for overseeing staff assigned to general research, session and interim committee studies, bill drafting, legal counsel, code revision and publication, and legislative administration. The council is Montana's largest legislative staff office. The council executive director serves as the business manager for both houses. The council operates the electronic data processing system and the reference library. In addition, the staff is assigned to work with the Administrative Code Commission, a joint committee charged with monitoring and reviewing the promulgation of agency rules and regulations. The council also provides staff for the Revenue Oversight Committee which is charged to review the operations of the Department of Revenue and to conduct interim studies on taxation questions. The council also provides services to other committees such as the Capitol Building and Planning Committee, the Legislative Committee on Indian Affairs, the Water Resources Oversight Committee, the Coal-Tax Oversight Subcommittee, and any other committees that may by law be assigned to the council.

Legislative Audit Committee -- The audit committee appoints the legislative auditor and oversees the operation of the second largest legislative staff agency. The office is responsible for auditing financial practices and agency expenditures. The audit staff also conducts studies of the performance and effectiveness of state agencies. The staff also does some fiscal studies as assigned or requested.

Legislative Finance Committee -- As the chief budget arm of the legislature, the committee oversees the Office of the Legislative Fiscal Analyst. The analysts study the executive budget, make legislative budget recommendations, and conduct fiscal and budget studies during the interim. The staff serves the committees on appropriations and finance and claims during the session.

Environmental Quality Council -- The council employs a director and staff responsible for monitoring the condition of and trends in the quality of the environment, state policy in relation to the environment, and other related matters.

legislative Consumer Council -- The smallest of the joint legislative offices, the consumer council is a legislative body responsible to supervise the consumer counsel whose duty it is to represent utility and transportation consumers before the Public Service Commission and federal regulatory agencies. The Montana constitution requires the legislature to provide for an office of consumer counsel.

HOUSE:

Chief Clerk of the House -- The chief clerk is elected by the members and is a session employee responsible for the management of the chambers, bill flow, calendars, journals and record keeping. The clerk and the legislative council director handle the recruiting and processing of session personnel, but the leadership, sitting as the Committee on Legislative Administration, retains the authority for hiring and personnel policy. Under the rules, the committee is assigned responsibility for House employees, financial affairs, and scheduling of facilities.

SENATE:

Secretary of the Senate -- The duties and powers of the secretary are similar to the House chief clerk. The Senate Committee on Legislative Administration has the same responsibility as the House committee for employment and management.

COMMITTEE SERVICES:

Committee secretaries are hired by the respective chairmen with the assistance of the legislative administration committees. In addition, a legislative council researcher or attorney is assigned to work with each committee.

MEMBERS' PERSONAL STAFF:

A stenographic pool is available to members during the session only. Legislative interns are selected by the legislative council and are assigned to assist selected members. Some members hire aides at their own expense.

LEADERSHIP STAFF:

The presiding officers and ranking majority and minority party leaders each employ administrative aides and secretarial help during the session only. Hiring, whether full-time or sessional staff, is determined by the wishes of the leader. Interns may also be utilized by the leadership during the session.

NEBRASKA

Staff Services Profile

GENERAL:

With the only unicameral legislature, Nebraska lawmakers are staffed by several autonomous, co-equal offices. The Executive board, a leadership body elected by the Legislature, generally oversees and coordinates the operation and policies of the staff agencies. Committee services recently have been expanded, and personal staff is available for all members. All staff are nonpartisan.

CENTRALIZED SERVICES:

Clerk of the Legislature -- Nominated by the Executive Board and confirmed by the members, the clerk oversees the calendar, journal, bill distribution, record keeping, payroll and printing tasks. The clerk's staff also has responsibility for editing and publishing the session laws, supervising the bill room and registering lobbyists.

Several other personnel fall under the jurisdiction of the clerk's office, including docket clerks, index clerks, mailroom personnel, transcribers, pages, interns and public information officers. Both the pages (31) and the interns (9) are session employees. Generally, the interns are assigned to standing committees. The Unicameral Information Office is responsible for publishing a weekly newsletter and coordinating general legislative public information. A chaplain and a sergeant-at-arms, both nominated by the Executive Board and confirmed by the members, are under the purview of the clerk's office. Most session employees are hired and supervised by the clerk.

Most printing services are done by the clerk's office, including: the rules, rosters, interim study resolutions, general public information pamphlets about the unicameral bills, bill summaries, committee reports and indices by subject, section and title to bills introduced and bills passed.

Revisor of Statutes -- The revisor's office is charged with the review of all proposed legislation prior to introduction. The staff drafts bills, recodifies the statutes, and provides legal research and counsel on request. The 15-member staff are full-time employees. The revisor of statutes is responsible to the Executive Board.

Enrollment and Engrossing Attorney -- Supervised by the revisor of statutes, the attorney is responsible for reviewing all proposed legislation for technical correctness and form. The office supervises the computerized bill drafting and enrolling and engrossing of the bills.

Ombudsman -- The office provides counsel to members of the public who have problems or wish to make complaints against state agencies. The staff investigates and responds to citizen complaints and assists citizens in finding appropriate agencies to provide aid or assistance.

Other Executive Board Staff -- Also responsible to the Executive Board are accounting and budgeting personnel and other support staff. The financial office processes the payroll, prepares expense vouchers and miscellaneous bills, and oversees equipment and inventory control. A technical assistant is responsible for evaluating, recommending, installing and maintaining mechanical and electronic equipment of the Legislative Council, and a handyman moves furniture, sets up equipment for hearings and runs errands.

Research Division -- The staff conducts research, can provide assistance to committees and members, and may initiate preliminary drafts of bills. The staff conducts short-term and in-depth study projects as requested by members and committees. In the interim, staff conducts program evaluations and prepares final interim reports.

The division operates a reference library and publishes the NEBRASKA BLUE BOOK. Before each election it also prepares and publishes explanations of any proposed constitutional amendments and prepares ballot statements as to the effects of "yes" and "no" votes relative to each proposed amendment. The division is under the director of research and operates at the direction of the Executive Board. The director serves as secretary to the Executive Board.

Legislative Fiscal Office -- This staff agency is under the direction of the Appropriations Committee when the Legislature is in session. During the interim period supervision is under the control of the Executive Board. The fiscal staff under the direction of the legislative fiscal analyst, reviews the executive budget, evaluates programs and agencies, conducts department audits, drafts all appropriation bills, fiscal related amendments and fiscal notes, and assists the Appropriations Committee. The staff is responsible for fiscal budgetary and capital construction studies. The fiscal analyst also staffs the Performance Review and Audit Committee. The staff consists of all professionals and three clerical personnel.

LEADERSHIP STAFF:

The speaker employs a full-time professional aide and two full-time assistants. The chairman of the Executive Board employs a full-time professional aide and a full-time administrative assistant. The staff handle legislative research, liaison activities, administrative and clerical tasks.

MEMBERS' STAFF:

Senators are authorized to hire an administrative aide to handle clerical and administrative tasks as directed by the member. Each member who is not a committee chairman is authorized to hire a researcher or legislative aide to do research, constituent work and liaison activities. Media and press relations are handled by a member's individual staff. The majority of members hire both.

COMMITTEE STAFF:

Committee chairmen are authorized to hire a full-time researcher or legal counsel and a committee secretary. Committee staff hired by the chairmen generally assist with scheduling hearings, managing committee work and researching selected issues. Committees also receive staff assistance from the Research Division and the Legislative Fiscal Office.

NEVADA

Staff Services Profile

GENERAL:

With perhaps the most highly centralized legislative staff structure, the Nevada legislature has a single agency responsible for almost every service from building and ground maintenance to post-audit and statutory revision. The staff is nonpartisan.

SHARED ASSEMBLY/SENATE SERVICES:

Legislative Counsel Bureau -- The bureau is the umbrella agency responsible for all full-time and session staff services. The bureau is supervised by the Nevada Legislative Commission, a 12-member commission composed of six members from each house. Partisan composition generally reflects that of the houses. The commission hires a bureau director who in turn appoints four division chiefs with the approval of the commission. Staff and personnel policies are the responsibility of the bureau director working with rules adopted by the commission.

The bureau's administrative duties include maintenance and security for the six-block legislative building complex, operation of the legislative computer system and all bill processing from introduction to enrollment. The four bureau divisions provide the bulk of substantive research and legal help for the legislature. The divisions include legal, fiscal, audit and research. The staff provides services to interim committees, assists standing committees on a limited basis, drafts all bills, audits and monitors state programs and agencies, analyzes the executive budget and prepares legislative budget recommendations. The research staff responds to general information requests from individual members and committees. It also provides regular staffing to the standing committees other than appropriations and taxation.

SEPARATE HOUSE/SENATE SERVICES:

The secretary of the Senate and the chief clerk of the Assembly are elected by the members of the respective chambers. The secretary and the clerk are responsible for the housekeeping duties, bill processing and chambers staff. The number of session employees, including sergeant-at-arms, messengers, pages and doorkeepers, is determined by resolution in each chamber. Session salaries are set by statute.

COMMITTEE SERVICES:

In addition to bureau research, fiscal and, legal staff, most committee chairmen are assigned committee secretaries during the session.

MEMBERS' PERSONAL STAFF:

A secretarial pool is available to all members during the session only. University interns are also available to assist members.

LEADERSHIP STAFF:

The speaker, the president pro tem and the majority floor leaders are assigned a personal secretary during the session only.

NEW HAMPSHIRE

Staff Services Profile

GENERAL

Staff services in the New Hampshire General Court are limited to two joint staff offices and a small House research operation. The speaker and the senate president control all hiring within their chambers.

SHARED HOUSE/SENATE SERVICES:

Office of Legislative Services -- Operating under the policies of the Joint Legislative Facilities Committee, the services office is responsible for general research, bill drafting, legal research, and statutory revision. The staff answers research requests from members and committees.

Office of Legislative Budget Assistance -- The budget office is the largest legislative staff in the general court. The staff reviews the executive budget, recommends budgetary changes, studies fiscal and tax proposals, prepares fiscal impact notes on bills requiring them, and audits state programs and agencies for financial compliance with legislative appropriations. The budget staff is supervised by the Joint Fiscal Committee.

Legislative Reference Department -- The library staff is part of the state library. The staff answers member research requests and does archival searches.

HOUSE:

House Research Office -- Hired and supervised by the speaker, the research staff services House committees and conducts short-term study projects and in-depth studies. The research staff also coordinates the internship program.

House Information Officer -- Hired by the speaker, the public information staff handles media relations and answers inquiries from the public.

Operations Officer -- The operations officer is charged with year-round maintenance and scheduling of facilities. The operations officer works for the speaker.

House Clerk -- Elected by the members, the clerk is responsible for chamber activities, the calendar, journal and record keeping. Members of the clerk's staff are hired with the approval of the speaker.

Sergeant-at-Arms -- The sergeant-at-arms is elected by the House and charged with security, session maintenance and bill distribution. The speaker approves the employment of the sergeant's staff.

SENATE:

Clerk of the Senate -- Duties and powers of the secretary are similar to the House clerk. The Senate president must approve employment of the clerk's staff.

Sergeant-at-Arms -- Elected by the members, the sergeant has the same responsibilities as the House counterpart.

COMMITTEE SERVICES:

During the session, House committees may be assigned an intern and share the service of analysts from the House research office. Senate committees are provided with session secretaries and the Senate Finance Committee has a full-time administrative assistant.

MEMBERS' PERSONAL STAFF:

A stenographic pool for House members is available year-round. The pool secretaries are hired by the speaker.

Senators are provided with secretarial assistance from a Senate pool during the session only. The Senate president is responsible for employing the secretarial pool.

LEADERSHIP STAFF:

The speaker and the House minority and majority leaders each have two full-time professional aides plus secretaries who handle partisan projects, research assignments, and personal needs of the leader.

The Senate president employs a full-time assistant and a secretary to assist with the administrative operations of the Senate and some research projects. The Senate majority and minority leaders each have a full-time secretary and an administrative assistant.

NEW JERSEY

Staff Services Profile

GENERAL:

A recent reorganization of staff services for the New Jersey legislature has resulted in the consolidation of research, legal, fiscal analysis and audit staff under one agency serving both houses. In addition, majority and minority policy staffs oversee the chamber administrative services as well as provide program development and partisan staff services to members. Members also are assisted by district staff based on a budget of \$22,000 per legislator.

SHARED ASSEMBLY/SENATE SERVICES:

Office of Legislative Services -- Created in 1979, the Office of Legislative Services represents the consolidation of two major service agencies and the transfer of the office of state auditor under one policy body, the Legislative Services Commission. The commission is composed of eight legislators from each chamber with equal representation from both political parties. The commission is responsible for selecting an executive director and division directors and overseeing the operations and administration of nonpartisan legislative staff services. The office includes four service divisions and an administrative unit responsible for clerical support, personnel, budget, purchasing, printing facilities, accounting services and financial management of legislative district offices. The four divisions include:

Division of Legal Services - Headed by the legislative counsel, the legal staff is responsible for bill drafting, statutory revision, legal editing, and legal assistance to committees and members.

Division of State Auditing - The division is responsible for the constitutional duties of the state auditor as well as conducting studies of the financial management of state agencies. The division monitors agency operations for compliance with state law. The state auditor acts as division director.

Division of Legislative Information and Research - Under the direction of the research director, the division provides nonpartisan staff for standing committees of the Assembly and Senate. The staff is assigned to research, bill drafting, oversight projects, and analysis of legislation. Four to six staff members are assigned to teams, with the same staff team having responsibility for the parallel subject matter committees in both houses. Each group has a team leader and each committee has a principal staff aide.

Division of Budget and Program Review - The fiscal division is supervised by the legislative budget officer and is charged with review of state agency budget requests. The staff works with the Joint Appropriations Committee to formulate budget and expenditure proposals. The budget division is also assigned to monitor agency expenditures and to conduct evaluations of the performance of state programs. The division also provides staff assistance to the Senate and Assembly Revenue, Finance and Appropriations Committees and other standing committees as may be required.

GENERAL ASSEMBLY:

Majority Staff -- Under the direction of the speaker, the majority staff is responsible for policy research for the caucus members and leaders. The staff is hired by the speaker and serves all majority members. Staff members prepare bill analyses on legislation, supplement committee work on partisan issues, and provide public and media information services. The executive director of the majority staff oversees administrative services, scheduling of facilities, purchasing, and payroll. The speaker must approve all personnel decisions.

Minority Staff -- Under the direction of the minority leader the minority staff provides policy research, press services, and committee assistance to minority members. Staff analysts monitor committee activities, answer member information requests, and help in the development of partisan legislative proposals.

Clerk of the General Assembly -- The clerk is elected by the members and oversees the chamber staff and bill processing functions on session days only. Members of the session staff are permanent, part-time employees who are responsible to the speaker through the clerk and the executive director.

SENATE:

Majority Staff -- Like its Assembly counterpart office, the Senate majority staff is responsible for both policy research and administrative services. The staff is hired by the Senate president and is supervised by an executive director. The executive director oversees the session staff and the administrative, financial, and clerical functions of the Senate. The staff monitors committees, conducts special projects on major policy issues, provides general research and press services to majority members.

Minority Staff -- The minority staff is responsible for providing short-term and in-depth research as requested by minority members and leaders. The staff prepares press releases, partisan policy proposals, speeches, and bill analyses.

Secretary of the Senate -- The secretary is elected by the Senate and oversees the bill processing and chamber duties when the Senate is in session. The secretary serves only on session days.

COMMITTEE SERVICES:

Nonpartisan research staff for standing and special legislative commissions is provided by the Office of Legislative Services. The partisan staffs also follow the activities of the money committees of the Assembly and Senate and other standing committees. Teams of analysts and research assistants are available to assist standing committees at times when priorities and work load permit.

MEMBERS' PERSONAL STAFF:

Each legislator has a \$22,000 staff allowance with which to fund staff positions in his/her district. The allowance may be utilized at the discretion of the member to employ part-time or full-time staff. Staffing patterns vary with each legislator, but most district staff are assigned to constituent affairs, district correspondence and personal legislative projects. The New Jersey state constitution prohibits any legislator from directly receiving any public funds other than his/her salary. Because of this prohibition, the Office of Legislative Services administers the district office allowances. To hire a staff person, a legislator submits the name of a prospective employee to the presiding officer who in turn provides for processing of the payroll and personnel details.

LEADERSHIP STAFF:

The partisan staff offices function as both caucus staff available to all party members and as leadership staff to the presiding officers and ranking minority members. Legislative leaders do not have additional personal staff except for that provided through the district office allowance.

NEW MEXICO

Staff Services Profile

GENERAL:

The New Mexico legislature has joint staff offices providing year-round support and professional research assistance to lawmakers and committees of both chambers. Session staff are hired by the chief clerk of the House and the chief clerk of the Senate with the leadership of their respective chambers.

SHARED HOUSE/SENATE SERVICES:

Legislative Council Service -- The council is a 16-member body comprising the leadership of both houses. The council service staff is responsible for bill drafting, legal research, interim studies and member information requests. The council director also oversees maintenance, printing, accounting and library services.

Legislative Finance Committee -- The finance committee oversees the operation of the fiscal and budget review staff. The staff prepares the legislative budget document, reviews the executive budget, prepares fiscal notes, and conducts some agency audits during the interim. The finance staff also is responsible for sunset reviews of state programs.

Legislative Education Study Committee -- The smallest of the central staff offices, the education study committee is responsible for continuous research on school finance and educational programs.

HOUSE:

Chief Clerk of the House -- Elected by the members, the chief clerk supervises chambers staff, committee attendants, and session clerical personnel, bill distribution, journal, calendar and record keeping tasks. Employment decisions and salaries are set by the clerk, the speaker and the House Committee on Printing and Supplies.

SENATE:

Chief Clerk of the Senate -- Elected by the Senate members, the chief clerk has the same powers and responsibilities as the House chief clerk. Personnel policies, salaries, and employment decisions are handled by the chief clerk, the president pro tem and the Senate Committees' Committee.

COMMITTEE SERVICES:

The House Appropriations and Finance, Senate Finance, House Judiciary, and, at times, other committees have independent staff persons who are hired on a part-time basis. Council employees provide legal and research counsel as requested. The finance staff

provides assistance to the House Appropriations and Finance Committee, the House Revenue and Taxation Committee and the Senate Finance Committee. Committee chairmen have personal secretaries during the session.

MEMBERS' PERSONAL STAFF:

Members share secretaries during the session only.

LEADERSHIP STAFF:

The speaker has a session secretary and other leaders also have secretaries for the session.

NEW YORK

Staff Services Profile

GENERAL:

Staff services are structured by chamber and party lines with few joint, nonpartisan entities. The Assembly speaker and the Senate president pro tem determine personnel levels and policies. The two leaders set staff allowances for each committee and allocations for other staff under direct member supervision. Members, however, have considerable independence in hiring personnel and committee staff once the funding levels are established. Though staff services are similar in each chamber, the actual organization of each house is the responsibility of the legislator who serves as leader.

SHARED ASSEMBLY/SENATE SERVICES:

Legislative Bill Drafting Commission -- The commission drafts and examines legislative bills, advises as to the constitutionality of proposed legislation, and researches legislation for members or committees. The commission operates and monitors the joint legislative computer system. The commission consists of two commissioners for administration and one for operation. Each commissioner is jointly appointed by the temporary president of the Senate and the speaker of the Assembly.

Law Revision Commission -- The law revision commission is composed of the chairman of the Senate Judiciary Committee (ex officio), the chairman of the Assembly Codes Committee (ex officio), and five additional members appointed by the governor. The commission examines state statutes and current judicial decisions to discover defects and anachronisms in the law and to recommend necessary revisions or reforms.

Legislative Library -- As the legislature's library of record, the library is a bipartisan office with personnel appointed by the Assembly speaker and the Senate president pro tem. An administrative officer oversees the general library operations. The staff provides general information services, with an emphasis on legal material, to members and staffs.

Legislative Commission on Expenditure Review -- The commission, created by statute in 1969, is a permanent, independent, bipartisan body composed of legislative leaders and ranking majority and minority members of the legislature's money committees. The commission staff, headed by a mutually-agreed upon director, conducts financial and expenditure studies of agency performance to insure compliance with legislative intent. The staff is organized by program audit teams. The chairmanship rotates between the houses every year.

Administrative Regulations Review Commission -- The commission was established by statute in 1978 as a permanent bipartisan legislative body empowered to exercise continuous oversight of state agency rulemaking. The review commission staff examines rules to determine their statutory authority, to insure compliance with legislative intent, and to assess the impact of agency rules on the economy and on state and local government operations.

Temporary Study Commissions -- The New York legislature sometimes utilizes temporary study commissions as a mechanism to initiate oversight programs or to develop legislation on a selected topic. Typically, such study commissions are bipartisan, appointed jointly by the Senate president pro tem and the Assembly speaker, and assisted by an independent staff. In recent years, temporary commissions have been created to examine issues such as productivity and management in the public sector and real property taxation.

ASSEMBLY:

Majority Staff -- Under the direct supervision of the speaker, the majority staff includes program services, Assembly operations and administration, communications support and legal counsel. In the recent past, Assembly staff has been organized under the auspices of five senior staff officials:

Office of Chief of Staff -- The chief of staff is responsible for management and operations of majority personnel and Assembly support services. The office exercises budget control and general personnel supervision over Assembly staff. The speaker's chief of staff oversees the chambers staff, sergeants-at-arms and messengers, maintenance, printing, purchasing, inventory control, and record keeping. In addition, the chief of staff supervises the speaker's correspondence staff and a communications staff that assists majority members with researching and writing newsletters, testimony, and public speeches. The Assembly clerk is elected by the members and reports to the chief of staff. The clerk is responsible for bill processing tasks and record keeping.

Office of the Secretary to the Speaker -- As the chief policy arm of the speaker and majority party, the secretary's staff includes the program and committee staff, which serves the Assembly committees in drafting proposals, developing programs, reviewing legislation, assisting with committee operations and preparing committee research reports. The program and committee staff is organized into five subject-matter teams with an analyst assigned to each committee. The secretary also oversees the Office of Legislative Oversight which monitors executive agencies and investigates program operations. Also operating under the secretary's office are the Assembly's four intern programs which assign graduate and undergraduate students to full-time, part-time, summer, and session placements.

Office of Counsel to the Speaker -- The speaker's counsel is charged with reviewing legislation and coordinating bill referrals, committee scheduling, and calendaring. The counsel also directs the legal research activities for majority members, committees, and other staff.

Office of Counsel to the Majority -- The majority counsel coordinates bill drafting activities and policy level legal research. The majority counsel also oversees the enrolling and engrossing function for the Assembly.

Office of Press Secretary -- The speaker's press staff prepares his public statements and news releases and arranges his speeches and public appearances for print and electronic media coverage. The press secretary assists other majority leaders and members with media activities. The office also supervises the radio and television production unit and works closely with the chief of staff on communications support, photography services, and public information.

Assembly Washington Office -- The Washington, D.C. staff is responsible for liaison with federal agencies and monitoring federal legislation.

Minority Staff -- The minority leader oversees the administrative, legal, and research services provided to minority members. Like the speaker, the minority leader exercises extensive control over services and personnel decisions. Minority staff offices include:

Administrative Office -- Under the direction of the minority leader's executive assistant, the office performs such duties as budgeting, staffing, purchasing, and correspondence.

Director of Research for the Minority -- The director supervises minority research activities including the ways and means committee staff, other committee research services and program development activities. The minority research office handles most policy development and program analysis. Committee staff are assigned to broad subject areas with responsibility for three to five committees.

Executive Counsel to the Minority Leader -- The counsel's staff coordinates minority committee activities, oversees drafting and amendments, and directs the processing of legislation. The counsel is the chief legal advisor to the minority leader and is responsible for liaison with the majority.

Legislative Counsel to the Minority -- The minority counsel's office prepares bill analyses, provides legal counsel to minority members on committees and assists in developing minority legislation.

Office of Minority Member Services -- The member services staff is responsible for operating 10 regional offices that assist members with constituent problems, media relations, and public information efforts. The office is responsible for radio and television production activities and preparation and publication of newsletters, press releases, reports, and brochures. Field coordinators work with the research staff to respond to constituent problems and information requests.

SENATE:

Secretary of the Senate -- Elected by the senators, the secretary oversees the Senate's administrative and support activities and serves as an advisor to the majority leadership. The secretary's office also acts as the Senate's Center for Public Information. The secretary is responsible for general systems development and preparation and review of the Senate's operating budget. Under the secretary's jurisdiction are the offices of home rule counsel, Senate office services, sergeants-at-arms, documents and records, personnel, fiscal management, maintenance and operations, health services, and journal preparation. The secretary coordinates all majority appointments and member assignments to committees. In addition to administrative functions, the secretary's office oversees research and liaison groups each headed by a director. These include:

Senate Research Service -- The research staff responds to member requests for information and conducts in-depth or long-range studies on selected issues. On request, the research staff assists standing committees on studies.

Washington, D.C. Senate Office -- The Washington, D.C. staff is responsible for federal liaison activities and supplements Senate research activities.

Student Programs Office -- The office oversees the fellows program for graduate students as well as other staff training activities and Senate internships.

Majority Staff -- Members of the president pro tem's personal staff are responsible for administrative liaison and coordination. The president pro tem's staff services are organized into three divisions:

Counsel for the Majority -- The counsel's office is responsible for legal research, drafting, and monitoring the flow of Senate legislation. The counsel's staff coordinates negotiations with the Assembly and manages the Senate majority legislation in committee, on the calendar and on the floor.

Program Office -- The program staff is responsible for developing legislative initiatives for the president pro tem. The program staff assists standing committees, particularly in the processing of majority legislation through the Senate.

Communications Office -- The communications office provides media services to all Senate members. The office assists with radio and television feeds, press releases, graphic arts, printing, and all communications needs.

COMMITTEE SERVICES:

In both the Senate and the Assembly, committee and subcommittee chairmen receive staff allowances to be used for support, research, and legal personnel as the committee chair deems necessary. Committee staff size traditionally varies significantly from session to interim, with many more session only employees than year-round staffers. In the Senate, committee staff may range from two to ten or more professionals plus clerical staff. In the Assembly, committee chairmen are assigned analysts from the central program and committee staff, plus they may hire two to ten additional employees with their committee staff allocation.

Assembly Ways and Means Committee -- Budgeted as a separate line-item, the ways and means committee staff is divided along partisan lines with the majority secretary exercising some control over salary and personnel levels in both offices. The majority and minority staffs both are structured with two divisions: budget studies and fiscal studies. Each staff analyzes agency budgets and makes recommendations to their respective party leaders. The staff also evaluates agency performance and monitors the expenditure of funds by state departments. The majority staff has responsibilities to both the chairman and the speaker, while the minority staff works closely with the minority leader and the ranking minority members of the committee.

Senate Finance Committee -- The committee is budgeted separately from the rest of the Senate. With the president pro tem's approval, the committee chairman determines the allocation of minority and majority funds. The majority staff of 35 full-time professional analysts is organized into two divisions. One division deals primarily with all tax and other revenue matters, while the other reviews agency budgets and expenditures. The minority staff has a single group of professional analysts performing fiscal and budget studies including analyses of all legislation having an impact on state and local finances.

MEMBERS' PERSONAL STAFF:

Each senator receives an average base staff allowance of \$42,000 to hire staff for research, constituent, legal or clerical work. The use of the allowance is up to the individual member. Generally, the allowance is expended on district staff devoted to constituent casework and relations and on session research and administrative personnel. Additional staff allocations are distributed by the majority and minority leaders based upon committee work load, seniority or leadership responsibilities.

Assemblymen are allotted an average staff allowance of \$15,600. Members' personal staff are generally assigned to constituent and clerical duties in the district or to session secretarial positions in Albany.

LEADERSHIP STAFF:

Leadership staff is frequently integrated with the rest of the majority and minority party staff. The Assembly speaker, Senate president pro tem and two minority leaders all are served by legal counsel, press aides, program or research analysts, correspondence pools and administrative personnel. Majority and minority leaders in each chamber receive staff allowances in addition to a member's basic allowance or a committee chairman's allotment. In 1977, leadership staff allowances ranged from \$20,000 and up.

NORTH CAROLINA

Staff Services Profile

GENERAL:

Legislative services are highly centralized under the auspices of the North Carolina Legislative Services Commission. In the last 10 years, the General Assembly has expanded its staff and brought certain functions from the executive branch under legislative control.

SHARED HOUSE/SENATE SERVICES:

Legislative Services Office -- Under the direction of the 14-member Legislative Services Commission, the staff is responsible for all legislative functions except session chambers support. The services office has four divisions: general research and information, fiscal research, legislative drafting and administrative services. The drafting staff, until recently, was an arm of the attorney general's office. The services staff does research for interim and standing committees, monitors the budget making process, staffs the money committees of each chamber and operates the library and computer facilities. The administrative division handles the General Assembly's financial affairs, personnel, maintenance, security and session support services. Bill processing, record keeping, indexing and public information tasks are handled by the office.

SEPARATE HOUSE/SENATE SERVICES:

The members of each chamber elect a principal clerk, a reading clerk and a sergeant-at-arms. The principal clerk, as authorized by the Legislative Services Commission, hires a limited number of session chambers staff to handle the calendars and journals. The principal clerks also serve as parliamentarians to the House and Senate.

COMMITTEE SERVICES:

The Legislative Services Office assigns a researcher to staff one to three standing committees. In addition, a few committee consultants are hired on a contractual arrangement through the University of North Carolina's Institute of Government.

MEMBERS' PERSONAL STAFF:

Each member is authorized to hire a personal secretary during the session.

LEADERSHIP STAFF:

The lieutenant governor is the presiding officer of the Senate and has an independent budget from which professional staff members and secretarial personnel are employed for administrative, constituent and research work.

The speaker receives a lump sum allowance for staff services. In the past, the speaker's allotment has been used to hire a full-time aide to assist with constituent, administrative and research projects. Full-time secretarial help and additional session legal and research staff are hired. The Senate president pro tem and the speaker pro tem both have a year-round secretary.

NORTH DAKOTA

Staff Services Profile

GENERAL:

Most staff services are provided on a nonpartisan basis by the North Dakota Legislative Council. Session staff are generally considered patronage employees hired by legislative employment committees. University faculty and private consultants are used frequently to supplement permanent legislative staff.

SHARED HOUSE/SENATE SERVICES:

Legislative Council -- The fifteen-member council selects the council director who in turn is responsible for the day-to-day management of all central staff services. Council attorneys staff interim committees, draft bills and amendments, handle code revision projects and provide general research services to members. The council is also responsible for electronic data processing services, a reference library and clerical support. The Legislative Council's fiscal division is responsible for review of state spending and proposed expenditures. The fiscal staff also reviews the audits submitted by the state auditor.

HOUSE:

Chief Clerk of the House -- The clerk is elected by the House members and is responsible for record keeping, bill processing and preparation of the journals. The clerk trains and oversees the sessional support and clerical staff. Session staff are hired by the House Employment Committee, which is appointed by the leadership. The committee hires session employees to reflect proportionately the partisan makeup of the House.

SENATE:

Secretary of the Senate -- The secretary is elected by the Senate and performs the same duties and responsibilities as the House clerk. The Senate Employment Committee hires session staff.

COMMITTEE SERVICES:

Interim committees are staffed by the Legislative Council, and each standing committee is assisted by a clerk and a legislative intern during the session. The committee clerks are hired by the House and Senate Employment Committees while interns are selected and assigned to committees by the council. The two appropriations committees are staffed by Legislative Council fiscal staff.

MEMBERS' PERSONAL STAFF:

A stenographic pool is available to all members during the session only.

LEADERSHIP STAFF:

The speaker and the lieutenant governor as presiding officers each hire a session secretary. The party floor leaders also hire secretaries and are assigned session interns. Additional caucus aides, usually university graduate students, are sometimes hired by the state political parties to do research and press relations for the legislators.

OHIO

Staff Services Profile

GENERAL:

Most professional research support for the Ohio General Assembly is supplied through the Legislative Service Commission, a joint, nonpartisan agency. The central staff is supplemented by a growing cadre of partisan staff in each chamber. The House and Senate administrative operations are determined by the leadership with the chief administrative clerk of each chamber.

SHARED HOUSE/SENATE SERVICES:

Legislative Service Commission (LSC) -- The commission is a bipartisan, House-Senate body which oversees the operation of nonpartisan, professional staff services. Day-to-day administration of the LSC staff is delegated to the commission director. The staff is organized into five to nine divisions assigned to broad subject jurisdictions. The teams are responsible for staffing House and Senate committees, drafting legislation and amendments, preparing bill analyses, and researching member and committee requests. Each division is coordinated by a supervisor with five to eight analysts assigned. The LSC staff has included a program review unit which handles in-depth evaluation studies of selected state agencies and presently has a science and technology section which provides specialized research capabilities. A small research library specializing in legislative material is also operated under the LSC. The commission includes an administrative services section, provides computer support, and runs the legislative internship program. The LSC staff also handles statutory revision projects.

Legislative Budget Office -- The budget staff officially is part of the LSC, however the budget officer operates autonomously from the commission director. The office is supervised by a budget subcommittee of the LSC. The budget office is responsible for staffing the Senate Finance Committee and the House Finance and Appropriations Committee. Analysts review the executive budget, prepare the state's biennial budget, conduct fiscal studies of programs and revenue proposals, monitor agency expenditures, draft fiscal notes and provide liaison with partisan caucuses. The budget office assigns one analyst to serve as liaison to each of the four caucuses.

Legislative Reference Bureau -- A statutory agency, the reference bureau provides general research services to members. The bureau operates a women's information center, drafts congratulatory resolutions and some bills, and provides library and general research services. The bureau codifies administrative rules and publishes the Ohio Administrative Code.

HOUSE:

Executive Secretary -- By rule, the executive secretary is the chief administrative officer of the House and responsible directly to the speaker. The secretary, subject to the speaker's approval, hires most of the clerical and support staff of the House as well as the caucus aides. The executive secretary oversees the financial management of the House, personnel policy, public information services, and printing of calendars, journals, bills and reports. The secretary hires committee secretaries and aides, members' secretaries and caucus assistants on the recommendation of legislators.

Legislative Clerk -- Under the general supervision of the executive secretary and the speaker, the clerk is responsible for employees who are directly involved in chamber activities, bill processing, and record keeping.

Majority and Minority Caucuses -- Caucus assistants are assigned to committee chairmen and legislative leaders to handle constituent problems, partisan research projects and committee assignments. Interns selected by the Legislative Service Commission are assigned to the caucus pool and respond to requests from rank-and-file members.

SENATE:

Clerk of the Senate -- Like the House executive secretary, the clerk is the chief administrative officer of the Senate. The Senate clerk is also directly responsible for the chamber duties and bill processing activities related to the legislative process. The primary difference between the House and Senate organization is the absence of caucus staff in the Senate. There is no central partisan research staff in the Senate, however interns are available to all senators for constituent and partisan projects. The clerk's office oversees the payroll, accounting, personnel, printing, messengers, security, and public information functions. The clerk also records and files administrative rules and regulations for review by the General Assembly.

COMMITTEE SERVICES:

In addition to the Legislative Service Commission staff, the House caucus staff and the personal staff of Senate chairmen are assigned to committee projects. The nature of the work of partisan staff members varies from committee to committee. A limited number of statutory committees -- for example, the Education Review Committee and the Correctional Inspections Committees -- have small, separate staffs assigned primarily to oversight and research projects.

MEMBERS' PERSONAL STAFF:

House chairmen generally have a full-time personal secretary assigned from the executive secretary's office and most have aides.

Other House members share secretarial help. Each senator is authorized to hire a full-time aide and secretary. A senator's staff may be assigned to committee research projects, speech writing, constituent casework or priority legislative issues for the member.

LEADERSHIP STAFF:

The speaker and president pro tem employ three to four professionals including research assistants, legal counsel and press secretaries. Other majority party leaders employ administrative assistants and secretaries. The House and Senate minority leaders supervise their respective caucuses and employ personal aides and secretaries to work on district affairs and research projects.

OKLAHOMA

Staff Services Profile

GENERAL:

The Oklahoma legislature has divided most of the centralized staffing services. The leadership of each house is responsible for session personnel as well as the permanent employees.

SHARED HOUSE/SENATE SERVICES:

The House and Senate share a Joint Bill Processing Office and a Legislative Fiscal Office. The Bill Processing Office prints the bills drafted by the staff of both houses. The Legislative Fiscal Office provides fiscal staff to committees, and also provides a post-audit team directed by a joint legislative committee. These offices are both shared operations, but the fiscal staff is informally divided into House and Senate staff.

HOUSE:

Chief Clerk/Administrator--Under the direction of the speaker, the individual is responsible for directing and supervising legislative procedures of the House, including physical plant arrangements, seating, office assignments, supervision of employees, hiring of permanent employees, issuance of warrants, and keeping accounts and expenditures of the House of Representatives. The chief clerk/administrator serves as parliamentarian for the House of Representatives during legislative sessions.

The House also now employs a permanent research and legal staff, under the general direction of the chief clerk/administrator. The staff provides committee assistance, bill drafting, and general and specific research projects.

SENATE:

Secretary of the Senate--The administrative staff and the committee staff are under the direct auspices of the secretary of the Senate, who is elected by the full Senate. The administrative staff is divided into the records and information unit and the services and security unit. The records and information unit produces the daily digest, which includes the journal, calendar and agenda. A daily list of bills in conference committee and their status is also produced. No newsletters or brochures are produced, and items such as directories or other such documents are produced by the state government. Also included in this unit is a speechwriter who provides press releases, writes speeches, and produces radio and television tapes. Individual legislators have the option of utilizing this person or their own staff.

The security and services unit performs a number of functions including financial record keeping, typing, word processing, switchboard operations, and general administrative support services. Also within this unit are the sergeants, porters, messengers, supply officers, and an electrician. Pages are high school students and all food service functions are performed by the executive branch. During the interim, phone service is handled by the administrative staff, and a secretarial unit is available to members for legislative business.

COMMITTEE SERVICES:

Committees are now staffed by the research and legal staff of each house. The Legislative Fiscal Office provides fiscal staff to both the House and Senate. The House research staff functions more as a pool for all committees.

In the Senate, the committee staff forms the core of the research and bill drafting effort. Each of the nine standing committees and the three policy committees are assigned a staff coordinator. The coordinators do the research associated with legislation, draft the bills, and write limited and short bill analyses. The coordinators may provide more detailed bill analyses if requested by the chairman or an individual member. The coordinators do not write committee reports, but may in the future engage in major research projects during the interim. A small group of six attorneys and grammarians review the bills for quality and technical errors.

Finally, committee clerks handle all the committee business such as scheduling, taking minutes, and organizing hearings.

MEMBERS' PERSONAL STAFF:

Each individual member is allowed to hire one staff person for the session. Legislators have the option of hiring anyone they desire, but they usually hire an administrative aide with secretarial skills. The aides usually handle constituent requests and keep the member up-to-date on legislative activities. In addition, seven full-time staff persons are available under this category and are assigned by the leadership according to a member's needs and work load.

LEADERSHIP STAFF:

In the Senate, leadership staff is hired and fired by the president pro tem, and all seven staff members report directly to him. They are primarily administrative aides and provide the partisan policy analysis for the leadership. Liaison activities with the House and the executive are performed by the administrative aides.

The House speaker and ranking minority and majority leaders each have a full-time secretary. In addition, the House research staff reports directly to the speaker.

OREGON

Staff Services Profile

GENERAL

Legislative staff services are provided by five joint statutory agencies, each supervised by a different legislative committee, and by full- and part-time House and Senate staffs. The Legislative Assembly depends heavily on part-time staff hired for the biennial sessions. Most personnel policies revolve around the Senate president and the House speaker.

SHARED HOUSE/SENATE SERVICES:

Legislative Administration Committee -- Co-chaired by the Senate president and House speaker, the administration committee and its staff provide technical support and research services to the legislature. Other legislative offices use the administration committee for record keeping, personnel, payroll and bookkeeping but there is no requirement for centralization of these functions. A legislative administrator oversees the management services and monitors the activities of other staff units under the committee. The research office provides information services, and conducts sunset reviews. A staff unit is responsible for the legislative computer system and operation of the closed circuit television and audio systems. An administrative services unit provides security, building, supply and other services.

Legislative Counsel Committee -- The committee oversees the Office of Legislative Counsel which is responsible for legal research, bill drafting and statutory revision. The counsel's staff also reviews administrative rules and regulations for compliance with statutes and legislative intent.

Legislative Fiscal Office -- The Legislative Fiscal Office operates under the auspices of the Joint Committee on Ways and Means and is charged with analyzing the governor's budget, studying selected fiscal problems, preparing legislative fiscal recommendations, reviewing individual state programs, and staffing the money committees of the Senate and the House. During the interim, the office staffs the Emergency Board which monitors expenditures, approves the use of federal funds, and approves budget changes.

Legislative Revenue Office -- The Legislative Revenue Office operates under the auspices of the revenue committees and is responsible for in-depth studies of school finance, state tax structure and related issues. The revenue office staff prepares estimates of the fiscal effect of revenue proposals.

Joint Committee on Trade and Economic Development and Joint Committee on Land Use -- The economic development and land use committees are staffed by the same office. Both committees have

oversight responsibilities for specific state agencies and provide research on legislation in their respective jurisdictions.

HOUSE:

Chief Clerk of the House -- The clerk is nominated by the speaker and elected by the entire House. The clerk provides parliamentary assistance and manages House facilities. During sessions, the clerk supervises the chambers, calendar, journal, record keeping, and sergeants-at-arms.

Majority and Minority Caucuses -- Hired and supervised by the majority and minority leaders, caucus staffs are assigned to constituent relations, press work, agency liaison, and other information and research tasks.

SENATE:

Secretary of the Senate -- The secretary is elected by the full Senate on the nomination of the president. Duties and responsibilities of the secretary's staff are the same as the House clerk. The Senate Per Diem Committee establishes the compensation for session employees and administers personnel policies.

Majority and Minority Caucuses -- Under the direction of the majority and minority leaders, caucus staffs assist with political activities, help members with media and constituent relations, prepare analyses on legislative proposals, and perform a variety of liaison tasks.

COMMITTEE SERVICES:

When the legislature meets in session every two years, each committee is provided a committee administrator and a secretary. The administrator is responsible for assisting the chairman with scheduling and agendas, researching bills that come before the committee and providing other staff services as directed. The secretary keeps committee minutes and records. All session committee staff are hired by the presiding officers with the approval of the chairman. Similar assistance is provided to interim committees.

MEMBERS' PERSONAL STAFF:

During the 1981 session, senators were permitted to hire a legislative aide and a secretary. Representatives received a budget calculated to support an aide full-time during the session or part-time during the interim. Representatives also were allowed to hire a session secretary.

LEADERSHIP STAFF:

The presiding officers have permanent staff to assist them in their duties. The staffs help coordinate operations of the respective chambers, assist the presiding officers in performing official duties and assist legislators in constituent problem solving and other work.

PENNSYLVANIA

Staff Services Profile

GENERAL

Most legislative staff services in the General Assembly are organized independently in each chamber. This is done along partisan lines with certain exceptions in the House. Payroll accounts are available to various officials including the presiding officers, the majority and minority leaders and certain committee chairmen. The Senate still has what is known as a statutory payroll with job titles and salaries which were originally fixed by law in 1968. Recently increased resources have been allocated to the various caucuses to provide committee staff and professional services. The few joint staff agencies of the General Assembly provide general and specialized research assistance on a nonpartisan basis.

SHARED HOUSE/SENATE SERVICES

Legislative Reference Bureau--The bureau provides bill drafting, legal research and law library services to both chambers and all members. The bureau staff undertakes some statutory revision projects and codification of Pennsylvania statutes. In addition to drafting and legal services, the bureau oversees the entry of bills and resolutions in the computer system and the printing of all acts. Administrative rules and regulations are reviewed and edited by the bureau prior to publication in the Pennsylvania Bulletin.

Local Government Commission--The commission, composed of five legislators from each house, oversees a small staff assigned to local government issues and research. The commission staff provides information and liaison services between lawmakers and local government officials.

Joint State Government Commission--The Joint State Government Commission is the research arm of the General Assembly and is directed by an executive committee of 14 legislative leaders. The commission staff provides in-depth and long-range research on a wide diversity of issues. The staff may be assigned research studies by joint or single house resolution or on request from a committee or individual member. In recent years the commission has specialized in doing oversight activities and studies on topics such as public retirement funds, eminent domain, higher education, condominiums, local school tax reform, child abuse and sovereign immunity.

Legislative Budget and Finance Committee--The committee is composed of 12 members drawn in equal numbers from each caucus and chamber. The committee oversees a staff of researcher/evaluators who are assigned to do program evaluation, administrative procedure analysis and other oversight studies.

Legislative Data Processing Committee--The Data Processing Center provides full computer programmed support to both the Senate and the House of Representatives for production of calendars, bills and amended bills, complete session history, journals, statutes and slip laws. Also supported are the committee functions on fiscal, budgetary, reapportionment/redistricting and other areas. In addition, word searching resources are also maintained on prior legislation and current Pennsylvania statutes. The administrative functions of accounting personnel, payroll compilation and processing, fringe benefits, and inventories are also computer supported.

Joint Legislative Air and Water Pollution Control and Conservation Committee--A statutory body created in 1968, the pollution control committee is responsible for studying selected air and water issues and monitoring related state agency activities.

HOUSE

Chief Clerk of the House--The chief clerk is selected by the House Bipartisan Management Committee and is subject to confirmation or removal by a two-thirds vote of the House membership. The clerk's duties include day-to-day supervision of the administrative and housekeeping functions.

Bipartisan Management Committee--The central administrative and housekeeping services for the House are provided under the supervision of a Bipartisan Management Committee. This committee, created by statute, is composed of the speaker, the two floor leaders and the two whips who appoint an executive director and other necessary staff. It exercises overall supervision of the central administration of House services and is authorized to promulgate, subject to House approval, uniform rules and regulations governing personnel, payroll processing and other procedures. In addition to selecting a chief clerk, they also select the comptroller who prepares and processes payrolls and expense reimbursements.

Caucus Staff--Each caucus receives equal allowances for the hiring of staff and the payment of other necessary expenses. In addition to research staff who are responsible for program development, bill analyses and research, both caucus organizations include legal counsel assigned to bill drafting and legal research, public information staff who provide media services, speech writing and radio-television assistance. There are differences in the administrative organizations of the two caucuses, principally in that the present majority maintains a centralized research staff while the present minority has research organized around its minority committee chairmen.

LEGISLATIVE OFFICE FOR RESEARCH LIAISON

The office serves as the liaison between the legislature and university faculty in the six state-affiliated colleges and

universities. The liaison staff utilizes university personnel to respond to scientific or technical questions from members or committees. Though funded by the House, the staff is available to senators as well as House members.

SENATE

Secretary of the Senate--Elected by the Senate, the secretary serves as the chief legislative officer of the Senate. During Senate sessions, the secretary acts as parliamentarian and assists the presiding officer in conducting session business. Responsibilities under his direction include amending bills in the Senate, publishing the Senate calendar and history, transmitting all bills and resolutions to the House and certifying passage of Senate bills. The secretary's office controls the purchase and inventory of furnishings, equipment, and supplies and directs improvements to Senate facilities.

Chief Clerk of the Senate--Elected by the Senate, the chief clerk serves as the fiscal officer of the Senate. Responsibilities under his direction include the financial management of all payrolls for members and staff, committee accounts, and office and expense accounts.

Majority Caucus Staff--The president pro tempore and the majority leader oversee the majority leadership staff which is funded from a special leadership account. The majority leadership staff consists of five divisions. The legal staff, under the direction of the general counsel, analyzes bills, monitors action on the Senate calendar, drafts bills, resolutions and amendments, and provides legal research. The general counsel acts as the chief legal advisor to the caucus and leadership. Responsibilities for press relations, speech writing and radio and television technical assistance are assigned to the communications staff. Legislative services staff acts as an interface between the private sector and caucus, provides staff for the Legislative Reapportionment Commission and publishes general informational material to all majority staff. Research and constituent services are provided by the legislative information staff. The staff administrator oversees clerical staff services for majority members and various administrative duties.

Minority Caucus Staff--The minority caucus staff is funded from the caucus's special leadership account. The staff includes the chief counsel who provides legal assistance, monitors calendar and committee action, drafts bills, resolutions and amendments, and acts as chief legal advisor to the caucus and leadership. The office of communications provides press, radio and television services for members. The development of caucus legislation and priority programs is assigned to research staff. Responsibilities for oversight of clerical staff services and various administrative duties for the caucus are assigned to the minority administrator.

COMMITTEE SERVICES

In each house, appropriations are made for minority and majority committee staff. In the Senate, an allocation is made to the chairman and minority chairman of each committee from the appropriate caucus's Legislative Management Committee. In the current session, the chairman and minority chairman of each standing committee, except appropriations, received \$85,000 for the fiscal year to hire research and support staff, consultants, and pay committee expenses.

The present House minority caucus has its research activities organized around its minority committee chairmen, whereas the majority caucus maintains a centralized research staff.

Senate Appropriations Committee--Funds allocated to the Appropriations Committee are budgeted independently of the legislative management committees which provide money to all other standing committees. For fiscal year 1981, the chairman and minority chairman of the Appropriations Committee each received \$420,000. Staff members are responsible to their respective chairmen for review of the executive budget, monitoring agency expenditures and preparing fiscal notes for legislation. A similar appropriations committee is found in the House.

MEMBERS' PERSONAL STAFF

In the Senate, each member is allocated funds to hire two secretaries--one to work in the capitol and one to work in the district office. Money for additional staff may be available through the leadership or from other funds.

In the House, most members share secretarial staff in the capitol while district office staff are available year-round, or part of the year (full-time or part-time) as authorized.

LEADERSHIP STAFF

The speaker of the House has a separate allowance for salaries and wages for his personal staff, while the Senate president pro tem is provided staff assistance through the statutory payroll. Personal staff for the leaders are generally integrated with other caucus, legal, research and press aides.

RHODE ISLAND

Staff Services Profile

GENERAL:

The Rhode Island General Assembly has consolidated most legislative staff services under two joint, bipartisan agencies: The Joint Committee on Legislative Affairs and the Legislative Council. The General Assembly depends heavily on session staff to work with joint and standing committees. Session staff is hired by the central management body, the Joint Committee on Legislative Affairs.

SHARED HOUSE/SENATE SERVICES:

Joint Committee on Legislative Affairs -- The joint committee, chaired by the speaker, directs the management services of the legislature. The staff includes an executive director who handles the financial affairs, maintenance, purchasing, session personnel and support services. The committee also includes a press and public information bureau which is responsible for the preparation of press releases, newsletters, radio and television feeds. The auditor general also reports to the legislative affairs committee. The audit staff is charged with conducting audits and examinations of all agencies or units of the executive and judicial branches including districts, boards and authorities.

Legislative Council -- The council staff is the primary research and legal arm of the legislature. The staff responds to members' requests for studies and spot research information. Research assistants monitor the implementation of state statutes. Council attorneys handle bill drafting requests from members and committees. Like the legislative affairs agency, the staff is bipartisan, selected by the director with review by legislative leaders. The council is chaired by the Senate majority leader.

HOUSE:

Reading Clerk of the House -- The clerk is responsible for chambers staff, record keeping, and bill flow tasks. All session support staff are selected by the speaker.

SENATE:

Secretary of the Senate -- The secretary of state serves as the Senate secretary. The secretary's staff is responsible for functions in the chambers and services related to processing of legislation. The majority leader hires Senate employees assigned to this office.

Fiscal Advisory Staff -- Assigned to the House Finance Committee, the fiscal staff reviews the executive budget, makes budgetary recommendations and studies tax and finance issues as assigned. The staff is hired by the speaker and the finance chairman.

COMMITTEE SERVICES:

The six standing committees of each chamber are authorized to hire committee clerks and legal advisors for the session. The research and legal staff are generally employed on a contractual basis. In addition, the five joint standing committees of the legislature hire committee clerks and share session attorneys. The legislative council does not staff the standing committees. The House and Senate Finance Committees are the only committees with year-round professional staff assistance provided by the fiscal advisory staff.

MEMBERS' PERSONAL STAFF:

A stenographic pool is available to members during the session only.

LEADERSHIP STAFF:

The speaker and ranking majority and minority leaders of both chambers are assisted by an administrative assistant, legal counsel and a secretary.

SOUTH CAROLINA

Staff Services Profile

GENERAL:

Both the House and Senate have moved to a decentralized, committee-based staffing pattern. Only library resources, bill drafting, computer services and audit responsibilities remain under joint supervision. In the House, the speaker ultimately decides employment and personnel matters. The Senate Operations and Management Committee was established in 1978 to serve these functions in the Senate.

SHARED HOUSE/SENATE SERVICES:

Legislative Council -- The Legislative Council is under the general supervision of a group composed of the Senate president, speaker, chairmen of the Senate and House Judiciary Committees, and the secretary of state. The council elects a code commissioner who is also the director of the legislative council office. The council provides bill drafting, legal and subject matter research services for the General Assembly, state agencies and departments. Other responsibilities include publication of the Acts and Joint Resolutions of the General Assembly, supervision of the publication of the annual supplement to the code, and the decennial recodification of state laws. The council maintains a legislative library, a duplication service, and generally acts as a clearinghouse for legislative information.

Legislative Audit Council -- The council staff is supervised by a board comprising three citizens elected by the legislature. The council executive director serves a four-year term. The staff audits state agencies for fiscal management and program efficiency and effectiveness.

Legislative Information System -- The legislature's computer system is directed by a joint committee of legislative leaders. The staff is responsible for operating the bill status and statutory retrieval operations.

HOUSE:

Clerk of the House -- Elected by the House members, the clerk is responsible for the preparation and printing of bills, journals, calendars and other documents. The clerk processes members' expense accounts and supervises clerical services of the House.

Office of Research and Personnel -- The House research office supervises and coordinates the work of committee research staff. The office executive director screens prospective committee employees and recommends candidates to the Speaker and chairman for selection. The research office handles research requests from members.

SENATE:

Clerk of the Senate -- The clerk supervises the support services of the Senate including bill printing, record keeping, calendar and journal preparation, maintenance and clerical staff. The clerk also has responsibility for the Senate research office, a small, centralized research staff which conducts short-term studies and answers members' information requests. The clerk's office also coordinates the activities of committee research personnel. The clerk is elected by the Senate membership.

COMMITTEE SERVICES:

The major committees of both the House and Senate are authorized to hire a research director who is responsible for committee management, analysis of legislation and in-depth research projects. Committee executive secretaries are hired by standing committees to handle clerical duties. In the Senate, committee chairmen are the sole hiring authority of committee staff. House chairmen may hire their own secretaries, but must confer with the speaker and House research director on the employment of professional research personnel.

MEMBERS' PERSONAL STAFF: Senate committee chairmen employ personal secretaries while other senators share year-round clerical help. Representatives do not have personal staff but a work processing center is operated year-round for all members.

LEADERSHIP STAFF:

The speaker employs a research assistant to work on special projects and to monitor legislative actions. The speaker is also authorized to hire support staff for his capitol and district offices. The executive director of the House research office is appointed by the speaker and performs a variety of administrative and organizational duties for the leadership in addition to research functions. Other Senate and House leaders employ full-time secretarial support.

SOUTH DAKOTA

Staff Services Profile

GENERAL:

All staff services--full-time and sessional--are provided by two joint, nonpartisan agencies. Both agencies are supervised by the Executive Board, a body of 15 legislators elected by the House and Senate.

SHARED HOUSE/SENATE SERVICES:

Legislative Research Council--The council staff is responsible for session administration, bill drafting, legal research, fiscal analysis, budget review, short-term and in-depth studies and code revision. Three offices--fiscal analyses, research analyses, and code counsel--make up the council structure. All interim committees are staffed only as needed. The director of the council is responsible for recruiting session employees and processing their payroll and records. The council handles printing, record keeping, data processing and library functions.

Department of Legislative Audit--The audit staff is the largest legislative agency. The office is responsible for monitoring the financial practices of state programs and departments. The staff conducts periodic audits and some evaluations of management efficiency and program effectiveness.

SEPARATE HOUSE/SENATE SERVICES:

The posts of House chief clerk and secretary of the Senate are active only during the session. The clerk and secretary supervise the chambers staff, processing of bills and preparation of calendars and journals. The director of the council recruits the staff in these offices, however the appointments are made by the speaker in the House and the Senate majority leader. Compensation is set by a joint select committee.

COMMITTEE SERVICES:

A secretary is assigned to each committee chairman during the session. All other research and support staff are provided by the council. Each staff member has two or three committee assignments, with five staffers sharing responsibility for the money committees.

MEMBERS' PERSONAL STAFF:

A stenographic pool provides secretarial services to members during the session.

LEADERSHIP STAFF:

The Senate majority leader and the speaker are assigned a personal secretary during the session only. Interns are hired and assigned to staff the partisan caucuses during the session. The party leaders select and supervise the interns.

TENNESSEE

Staff Services Profile

GENERAL:

A recent reorganization of staff agencies in Tennessee has led to the creation of the Joint Legislative Services Committee to oversee the operation of most nonpartisan, joint staff services. Other legislative and constitutional officers provide additional staff support on a joint, nonpartisan basis. The speakers of both houses decide all personnel matters in the chambers and together chair the services committee.

SHARED HOUSE/SENATE SERVICES:

Joint Legislative Services Committee--The committee oversees the operations of four offices, each headed by a director who is appointed by and responsible to the committee. The Office of Legal Services is charged with bill drafting, legal research, and short-term research. The legal staff also assists the Tennessee Code Commission with statutory revision projects. The Office of Legislative Services is the service arm of the legislature with responsibility for printing, electronic data processing and computer operations. The Office of Legislative Administration handles payroll, purchasing, financial management and personnel matters. Finally, the Office of Program Evaluation has not yet been activated but, when fully funded, will be responsible for conducting research on selected state programs and monitoring the financial affairs of state agencies.

Fiscal Review Committee--The Fiscal Review Committee, representing both houses, oversees the budget review staff and its executive director. The staff is responsible for estimating revenues, reviewing the governor's budget, preparing fiscal notes and staffing the House and Senate Finance, Ways and Means Committees.

Comptroller of the Treasury--The comptroller is a constitutional officer who is elected to a two-year term by members of the general assembly. The comptroller's staff conducts sunset evaluations, audits the financial condition and management procedures of state and local government agencies, evaluates the performance of selected programs and grants and provides other post-audit information to the legislature and its committees.

HOUSE:

Chief Clerk of the House--As a session employee, the chief clerk is responsible for record keeping, bill processing, calendars, journals, enrolling and engrossing, and session clerical support for members and committees. The clerk is appointed by the House speaker, who also decides all employment matters.

SENATE:

Chief Clerk of the Senate--The Senate clerk is appointed for the session and has the same duties and responsibilities as the House clerk. The lieutenant governor, as speaker of the Senate, hires all Senate employees. The lieutenant governor is an elected member of the body in which he serves.

COMMITTEE SERVICES:

In the Senate, each standing committee is assigned a full-time research analyst and a secretary to do research and handle administrative tasks for the chairman and the committee. House committees are assisted by clerical help only.

MEMBERS' PERSONAL STAFF:

Senate committee chairmen have the assistance of the committee secretary and all other Senators have one secretary each. Every two House members share a year-round personal secretary.

LEADERSHIP STAFF:

The presiding officers each have two full-time aides and secretarial help, assigned to research, press relations, and administrative tasks. The ranking majority and minority leaders of both chambers have the assistance of an administrative aide and a secretary.

TEXAS

Staff Services Profile

GENERAL:

Though much administrative and support is under the direct control of the presiding officers of each chamber, some research services in the Texas legislature are decentralized to the committees. Other professional staff services are provided by joint, central agencies, notably budget and audit and the Legislative Council. Each chamber has formalized personnel procedures, job descriptions and qualifications and personnel management under the auspices of the House and Senate Administrative Committees.

SHARED HOUSE/SENATE SERVICES:

Legislative Council -- The council is co-chaired by the speaker and the lieutenant governor who also appoint the remaining 15 members. The council was created in 1949 to handle the legislature's general research needs particularly during the interim. The council, headed by an executive director, does bill drafting, statutory revision, legal research, research projects for interim committees, and short-term research. The council handles electronic data processing and computer services, printing and distribution of bills, and all document preparation and processing for the House. A legal editing staff does enrolling and engrossing of House bills.

Legislative Reference Library -- The library offers spot research assistance, provides a clipping service, and maintains various reference materials, including sizeable collections of state and federal statutes and session laws, and general reference works. During the session, the library and the Legislative Council jointly operate a toll-free, public information telephone service.

Legislative Budget Board -- With strong budgetary powers vested in the legislature, the budget board plays a critical role in developing the state's biennial budget. The budget is headed by the lieutenant governor as chairman and the speaker as vice chairman. The staff director oversees two divisions: budget and program evaluation. During the session, the staff assists the House Appropriations Committee, substantive House committees responsible for parts of the budget, and the Senate Finance Committee. The staff assists each committee in scheduling hearings, processing bills, and developing information to write each committee's version of the general appropriations bill. During the interim, the staff is assigned to continuing budget analysis, special interim projects, and evaluation of state agency performance and efficiency. The staff helps the budget board prepare a legislative budget for submittal to the legislature.

Legislative Audit Committee -- The audit committee is composed of six members, all of whom serve ex officio by virtue of their elective or appointive positions. The members include the

lieutenant governor and speaker of the House and the chairmen of the Senate Finance Committee, Senate State Affairs Committee, House Appropriations Committee, and House Ways and Means Committee. The audit committee oversees the operation of the largest joint staff agency. The state auditor directs the staff operations and is appointed by the audit committee to a two-year term. The audit office reviews each agency at least once every two years for financial management and compliance and generally performs the post-audit function. The administrative services division provides consultative assistance to the state government in areas such as computation, mailing, and reproduction.

HOUSE:

House Administration Committee -- The committee sets policy for and generally oversees the operation of three divisions including:

Legislative Division -- The legislative division is responsible for scheduling of facilities, session support staff and chambers operations. The House chief clerk operates within this division and handles record keeping, bill processing, calendars, journals, engrossing and enrolling. The clerk is appointed by the speaker.

Financial Division -- The finance office handles the payroll, all personnel records and documentation, and accounting for members' accounts.

Services and Supply Division -- The services division includes the sergeants-at-arms, post office, media operations, purchasing and printing.

SENATF:

Senate Administration Committee -- The Senate Administration Committee is responsible for all support services, chamber operations, financial management, and personnel for the Senate.

Secretary of the Senate -- The Secretary is elected by the members and serves as chief administrative officer of the Senate. The office maintains official records, oversees bill processing secretary's functions, handles enrolling and engrossing, and publishes the calendars and journals. The secretary is responsible for coordinating all Senate staff divisions including the sergeant-at-arms, payroll office, post office, clerical staff, inventory, custodial purchasing and supplies, printing staff services, and the personnel unit. A media services office assists members in editing newsletters, press releases and brochures or preparing radio or photographic material.

COMMITTEE SERVICES:

The administration committee in each house determines the appropriations for each committee. The chairman has complete

autonomy in using the appropriation, however, the chairman must follow minimum job qualifications and standard personnel policies that have been set by the administration committees. The number of staff hired by each committee may range from one to 15 full-time employees in the Senate or from one to six staffers in the House. Staff size may vary from the session to the interim. Working conditions and committee research responsibilities are determined by the chairman.

MEMBERS' PERSONAL STAFF:

Both houses provide each member with an allowance to pay for district and capitol office expenses and staff. Most House and Senate members have year-round staff in both district and capitol offices. Among members, however, staffing patterns vary widely.

Each senator receives \$10,000 per month during the session for office staff and for intrastate travel expenses for staff employees. Any unexpended portion of this amount may be carried forward from month to month. Senators may set staff salaries within the limitations of a job classification schedule, which includes position titles and salary ranges. Senators receive \$6,848 per month during the interim.

Each House member receives \$5,500 per month during the session and \$4,500 per month during the interim for office and staff expenses. Unexpended portions may be carried forward from month to month. A House member may not pay a staff employee a salary in excess of \$1,550 per month.

LEADERSHIP STAFF:

The speaker and lieutenant governor receive additional allowances to hire administrative, research, press and clerical staff. The presiding officers employ 10 to 20 professional and support staff on a year-round basis with additional session staff.

UTAH

Staff Services Profile

GENERAL:

The Legislative Management Committee, a joint bipartisan leadership group, directs the operations of four central but autonomous state agencies which serve the Utah legislature. House and Senate sessional employees are generally considered patronage appointments and hired by a special employment committee of majority party legislators. The employment committees consult with the minority party before hiring sessional employees for the minority.

SHARED HOUSE/SENATE SERVICES:

Office of Legislative Research -- The research office is responsible for staffing interim and standing committees, with each analyst assigned to one or two committees. The staff answers research requests for legislators and conducts short-term and in-depth studies. The research office includes a library.

Office of Legislative Fiscal Analyst -- The fiscal staff is assigned to assist the money committees of both houses. Staff members review the executive budget, recommend budget and tax policies, study revenue or spending issues and monitor state agency expenditures during the interim.

Office of Legislative Auditor General -- The largest of the four offices operating under the Legislative Management Committee, the audit division is responsible for auditing state agencies; conducting studies of department performance and effectiveness, and evaluating selected programs.

Office of the General Counsel -- As the legal advisor of the legislature, the general counsel drafts most legislation, prepares amendments, operates the statutory retrieval system, recodifies state laws, represents the legislature in litigation and provides legal advice and counsel.

HOUSE:

Chief Clerk of the House -- Elected by the members of the House, the clerk is responsible for chamber administration, calendars, journals, record keeping, session personnel and related support tasks. Session employment is determined by a patronage committee composed of legislative leaders. Salaries are set by resolution.

SENATE:

Secretary of the Senate -- The secretary, who is appointed by the Senate president, has duties and responsibilities similar to the House clerk. In addition, the secretary is responsible for public

information services and some research duties. A Senate patronage committee decides session personnel matters.

COMMITTEE SERVICES:

Committees are provided legal, research and fiscal staff drawn from all four central offices, with the research office coordinating both professional and support staff activities.

MEMBERS' PERSONAL STAFF:

A stenographic pool is available to all members year-round.

LEADERSHIP STAFF:

The Senate president and House speaker each employ an administrative assistant who is responsible for session and ongoing administrative duties, organization and training of clerical staff, liaison with other legislative and state agencies, and responding to constituent, public and lobbyists' inquiries. The minority leaders of both houses have a full-time secretary during the session only.

VERMONT

Staff Services Profile

GENERAL:

With the exception of session support staff, all personnel of the Vermont general assembly are jointly organized under the direction of the Legislative Council, an eight member body including the Senate president and House speaker, or the Joint Fiscal Committee with 10 members including the money committee chairmen. Staff is hired on a nonpartisan basis.

SHARED HOUSE/SENATE SERVICES:

Legislative Council -- The staff of the council is responsible for bill drafting, legal and general research, staffing of standing committees (except appropriations) and interim committees, conducting program audits, reviewing agency rules, and providing library facilities. The council hires and supervises committee clerks for the session as well as other clerical help. The council's operations supervisor prepares and monitors the legislative budget.

Joint Fiscal Committee -- The fiscal staff is supervised by the Joint Fiscal Committee and headed by the fiscal analyst. The staff reviews the executive budget, conducts interim fiscal studies, staffs the appropriations committees of both the House and Senate, and monitors state revenues and expenditures.

SEPARATE HOUSE/SENATE SERVICES:

The clerk of the House and the secretary of the Senate are elected by the members of their respective chambers, and each supervises the operations of the chambers, production of the calendar and journal, bill flow tasks, and record keeping responsibilities. With the House and Senate Rules Committees, the secretary and the clerk hire the session support staff. Similarly, the sergeant-at-arms of the general assembly hires doorkeepers and messengers with rules committee approval.

COMMITTEE SERVICES:

The draftsmen of the Legislative Council provide professional and legal assistance when requested to all standing committees, except the House and Senate Appropriations Committees which are assisted by the Joint Fiscal Committee staff. Draftsmen are assigned six to eight standing committees. Clerical help is available to committees during the session only from the Legislative Council.

MEMBERS' PERSONAL STAFF:

A secretarial pool is available to all members through the Legislative Council.

LEADERSHIP STAFF:

The speaker employs a personal secretary.

VIRGINIA

Staff Services Profile

GENERAL:

Two agencies are responsible for the majority of legislative services in the Virginia General Assembly and each agency is supervised by a separate House-Senate legislative committee. The offices of the clerks of the House and Senate provide administrative and clerical support to their respective chambers. A system of modest member allowances has encouraged the growth of personal staff and enabled each legislator to employ assistance at least during sessions.

SHARED HOUSE/SENATE SERVICES:

Division of Legislative Services--The Division of Statutory Research and Drafting originally was created in 1930 as a legal service agency. In addition to bill drafting and providing legal counsel, the division now handles all types of in-depth and short-term research, library services, and provides professional staff for all standing committees and all interim study groups. The Virginia Code Commission, the agency responsible for continuous code revision, is staffed by the division. Subject to confirmation of the General Assembly, the division director is appointed by and serves at the pleasure of the rules committees of both houses. Services are provided by eight organizational teams within the division, each of which specializes in a broad subject area. The director makes all hiring and personnel policy decisions within the agency.

Joint Legislative Audit and Review Commission (JLARC)--free-standing, statutory agency of the legislature, the JLARC has responsibility for conducting and reporting performance evaluations, operational and administrative audits and reviews, and special studies. The JLARC staff is organized into two divisions and work is done by ad hoc teams. A director supervises staff activity and has responsibility for all personnel and organizational management matters. The commission consists of 11 legislators and the auditor of public accounts who is an ex officio and nonvoting member. The commission appoints the JLARC director for a six-year term, subject to confirmation by the General Assembly, and authorizes, reviews, and acts on JLARC reports. The commission also has statutory responsibility for certain supervisory aspects of the office of the auditor of public accounts which makes financial audits of all state agencies and some local jurisdictions. The commission may appoint the auditor in the event of a vacancy, subject to election by the General Assembly for a four-year term, establishes positions and pay scales for audit staff, and receives reports of audit exceptions. The audit and performance evaluation units operate independently from each other.

HOUSE:

Clerk of the House--The clerk's staff is responsible for the calendar, journal, statute indexing, record keeping, bill flow, public information and messengers. The clerk also handles accounting for members' allowances. The clerk hires most session staff with the approval of the speaker. The clerk is elected to a two-year term by the House.

SENATE:

Clerk of the Senate--The clerk of the Senate and his staff are responsible for the daily Senate calendar, journal, statute, indexing, record keeping, bill flow, public information, security, messengers and computer services. The clerk is responsible for hiring the Senate temporary staff for the session and handles accounting for members' allowances. The clerk is also responsible for referring bills and resolutions to the appropriate Senate committee. The clerk is elected by the members of the Senate for a four-year term.

Division of Legislative Automated Systems--The division was created in 1980 in response to growth in automation within the Virginia General Assembly over the past ten years. The division is responsible for providing operations and technical support, systems and programming, and publications management to the House, Senate and various other legislative agencies. Operations include text editing, photocomposition, bill status and reporting, indexing, batch oriented computer processing, and publications handling.

The division director, subject to confirmation by the General Assembly, is appointed by and serves at the pleasure of the rules committees of the House and Senate. The director makes all personnel policy decisions within the agency.

COMMITTEE SERVICES:

The House Appropriations Committee and the Senate Finance Committee are the only committees with their own professional staff. The Division of Legislative Services provides legal and research staff to all other committees. Each team from the services division is assigned to assist two to six committees. Clerical and administrative support is provided through the clerks' offices.

MEMBERS' PERSONAL STAFF:

Every member receives a \$6760 staff allowance to be used for salaries for a part-time aide or clerical person. The members have complete authority to hire their own staff, but the payroll is administered by the clerks' offices.

LEADERSHIP STAFF:

The lieutenant governor, the speaker and ranking majority and minority leaders are authorized to hire a full-time aide who is assigned to administrative tasks, limited research and constituent responsibilities. The lieutenant governor may hire additional full-time professionals and the other leaders are provided with session secretaries.

WASHINGTON

Staff Services Profile

GENERAL:

A 1973 reorganization of staff services in the Washington legislature led to the abolition of the council concept and creation of separate House and Senate research staff, with primary responsibilities to support standing committees. The chief clerk of the House and the secretary of the Senate serve as the top administrative officers of each chamber. The Senate Facilities and Operations Committee and the House Employment Committee determine most personnel policies and make or approve all hiring decisions.

SHARED HOUSE/SENATE SERVICES:

Code Revisor's Office--The agency, under direction of the legislature, is the official bill drafting office charged with technical review of all legislation prior to introduction. The staff also is responsible for supervising the automated legislative information system, publishing the revised code and administrative rules and providing technical legal support. The office is responsible for code revision to the independent Statute Law Committee appointed by the legislature, the governor, the state supreme court and the Washington Bar Association.

Legislative Budget Committee--With membership evenly drawn along partisan and house lines, the committee oversees audit and fiscal staff services. Headed by the legislative auditor, the staff's primary responsibility is to conduct performance evaluations of state programs and agencies. The staff is also responsible for making biennial revenue estimates, handling sunset reviews, and carrying out special assignments relating to the state's economy and government efficiency.

Legislative Evaluation and Accountability Program (LEAP)--Jointly operated by the House and Senate, the LEAP is a computer analysis unit and fiscal information system. Its governing body is a joint eight-member committee.

Office of Actuary--The smallest of the joint offices, the actuarial staff is overseen by a special joint committee of six members. The staff is responsible for monitoring the state's retirement program.

Legislative Transportation Committee--The oldest statutory committee of the legislature, the transportation group is responsible for evaluating long-range transportation plans, monitoring the operations of related state agencies and analyzing the transportation budget. The joint committee staff also supplements the staff support for the standing transportation committees of both houses.

HOUSE:

Office of the Chief Clerk--The chief clerk is elected by a vote of the membership and serves the House as chief administrative officer and advisor. The clerk is responsible for chamber activities, calendars, journals, bill processing, financial management, record keeping, printing, and administrative support to all House staff. The House Employment Committee hires most staff. During the session, both parties have employment committees responsible for hiring a proportionate number of session staff.

Office of Program Research--The program office is responsible for research and legal support for all committees and members. The House research services consist of a staff of: fiscal analysts who serve the appropriations and revenue committees and program analysts assigned to the other standing committees. The staff director reports to the speaker and chief clerk. Staff are hired by a bipartisan employment committee with input by the director. One to five professionals are assigned to each committee. The staff serves both parties, but most instructions and assignments emanate from the chairman. Staff are assigned to short-term and in-depth studies, bill analyses, drafting, and program review.

Caucuses -- Hired and supervised by the respective leaders, the caucuses research staff handle media relations, monitor committee work, deal with constituent problems and conduct spot research.

Senate:

Secretary of the Senate -- Elected by the full Senate, the secretary is the chief administrative officer and also handles the traditional chamber and bill processing duties. Like the House clerk, the secretary serves as an advisor to the Senate and handles financial, personnel, and administrative tasks for all Senate staff. The secretary works with the facilities and operations committee, a bipartisan leadership group responsible for personnel policy, all hiring, salaries, and other expenditures.

Senate Research Center -- The research center provides research and legal staff to most Senate standing committees and special committees. The staff director coordinates committee assignments and recommends prospective employees to the facilities and operations committee for hiring. The staff is primarily responsible to the committee chair for bill analyses, drafting, studies and program review. Spot research assignments from other members are usually assigned by the director. At least one analyst is assigned to each committee with legal support available as needed.

Majority Caucus -- The majority caucus staff is responsible to the majority leader and caucus chairman for direction and supervision. The staff handles constituent casework for majority members, monitors committee work, provides additional support to leaders and

works on liaison activities. A separate staff unit is assigned to media and public information activities.

Minority Caucus -- The director of the minority caucus staff serves as the chief aide to the minority leader, and hires caucus personnel with the approval of the minority leadership. The staff is assigned to research projects, developing policy papers, does legal research, monitors and participates in standing committee assignments, handles constituent affairs and public information.

Committee Services:

Most committees are provided with staff by the House Office of Program Research and the Senate Research Center. Major committees in both houses, however, are allowed to hire their own staff. In the Senate, the committees on energy and utilities, judiciary, ways and means, social and health services, and transportation have independent research staff hired by the facilities and operations committee based upon the recommendations of the committee chairman. In the House, a separate staff is hired by the committee on transportation, with approval by the House employment committee. The two transportation staffs also work in concert with the joint committee.

Members' Personal Staff:

Representatives are provided with a personal secretary during the session only. Senators have a full-time secretary during the session and a part-time secretary throughout the rest of the year.

Leadership Staff:

In addition to the support and research services provided by the caucuses, the speaker and caucus leaders employ an administrative assistant and secretarial staff. The Speaker also has some independent research staff. In the Senate, the minority leader's assistant serves as caucus director.

WEST VIRGINIA

Staff Services Profile

GENERAL:

The West Virginia legislature is provided with professional and support staff services. During the session, committees are provided with legal and support staff hired through the clerk's offices. The Senate president and the speaker play a key role in personnel policy and employment decisions.

SHARED HOUSE/SENATE SERVICES:

Joint Committee on Government and Finance -- The joint committee, staffed by the Joint Legislative Services and Legislative Auditors Offices, oversees the operation of three autonomous legislative staff offices. The committee is co-chaired by the speaker and Senate president. Personnel policy is set by the joint Committee on Joint Rules, a body consisting of the presiding officers and two members they appoint from each house. The three staff offices include:

Office of Legislative Services -- The legislative services staff is responsible for bill drafting, statutory revision, legal counsel, special projects, general research and duplicating services. The office is organized into four research teams who are assigned to interim committee research projects. During the session, the staff is available to assist standing committees either on request or on a continuing basis. The office also administers two internship programs, one for law students and the second for political science and social work graduate students.

Legislative Auditor -- The auditor's office is responsible for post-audits, budget analysis, fiscal studies, and staff support for the House and Senate Finance Committees. The audit office includes the legislative reference library.

Office of Public Information -- The smallest of the professional staffs, the public information office handles media relations and inquiries by citizens. An internship program for undergraduate journalism students is run by the information staff during the session.

Purchasing Practices and Procedures Commission -- Co-chaired by the Senate president and the speaker, the commission oversees an investigative staff assigned to special studies of malfeasance, misfeasance or mismanagement in state government.

Legislative Court of Claims -- The court is an agency of the legislature that hears claims against the state. It makes recommendations to the legislature for its final action on the

payment or non-payment of these claims as moral obligations of the state. A small staff of attorneys and secretarial staff is employed by the court.

Legislative Rulemaking Review Committee -- The committee is staffed by an independent analyst who reviews administrative rules for compliance with legislative intent and consistency with statutory authority.

HOUSE:

Clerk of the House -- Elected by the House members, the clerk is the chief administrative officer in charge of financial affairs, maintenance, purchasing, and stenographic services, as well as the traditional clerk's responsibilities of the journal, record keeping and staff. The number and duties of House employees are specified in the House rules; and the speaker, on the recommendation of the rules committee, is authorized to hire session staff.

SENATE:

Clerk of the Senate -- The Senate clerk is the chief administrative officer with duties and responsibilities similar to the House clerk. The Senate clerk also serves as editor of the West Virginia Blue Book. The clerk is elected by the full Senate. Senate employees are hired by the clerk with approval by the president.

COMMITTEE SERVICES:

Interim committees and standing committees, to some extent, are staffed by the Office of Legislative Services. The legislative auditor provides professional research staff to the finance committees of the House and Senate.

In addition, during the session, standing committees are provided staff assistance by the leadership through the clerk's offices. In the House, each standing committee is supplied with session legal counsel plus support staff.

MEMBERS' PERSONAL STAFF;

A sessional stenographic pool is available to members of the two chambers through their respective clerks' offices.

LEADERSHIP STAFF:

The Senate president hires two full-time aides to work on research projects, constituent problems and administrative tasks. Other Senate leaders are assigned session secretaries, and the minority leader also hires a session attorney to assist with priority legislation. In the House, the speaker has the only year-round staff with an administrative assistant and secretary assigned to constituent and research tasks. The presiding officer and ranking majority and minority leaders are provided with additional legal and clerical staff during the session.

WISCONSIN

Staff Services Profile

GENERAL:

The Wisconsin legislature provides a variety of staff services ranging from non-partisan, joint agencies to partisan, caucus research office and some committee staff. Two policy committees, with the top Assembly and Senate leaders as members of both, oversee the joint agencies. Most chamber services are administered under the chief clerk or the sergeant-at-arms with policy set by the leadership committees on Assembly and Senate organization.

SHARED ASSEMBLY/SENATE SERVICES:

Legislative Council--The 19-member council is composed of Assembly and Senate leaders as well as other members. Headed by an executive secretary, the council staff provides professional, nonpartisan legal and research assistance to standing and study committees. Staff members generally have one primary standing committee assignment plus secondary assignments. The council staff provides legal, scientific and general research assistance. The council provides administrative and secretarial support to the Joint Committee on Legislative Organization (JCLO) and the Commission on Interstate Cooperation.

Legislative Reference Bureau--The bureau is one of four autonomous staff agencies under the general direction of the Joint Committee on Legislative Organization, which is composed of the two presiding officers and the four ranking party leaders. The reference bureau provides bill drafting assistance, legal research on proposed legislation and some general research. The bureau provides library services and maintains a data processing system for indexing legislation and recordkeeping. The bureau chief and staff assist with enrolling and engrossing, and publish the "WISCONSIN BLUE BOOK".

Revisor of Statutes Bureau--Also under the supervision of the JCLO, the revisor's staff edits and publishes Wisconsin statutes and the state administrative code. The bureau has ongoing responsibility for statutory revision.

Legislative Fiscal Bureau--Under the general direction of the JCLO, the fiscal bureau and its director are responsible for analyzing agency budget requests, answering research requests from members, preparing fiscal notes, estimating state revenues, and evaluating agency programs. The bureau provides staff assistance to the Joint Committee on Finance and the finance committees of both chambers.

Legislative Audit Bureau--The audit bureau, headed by the state auditor, is responsible for conducting financial compliance audits of state agency accounts. The audit staff also reviews agency

performance. The bureau is also under the auspices of the JCLO and the Joint Committee on Audit works with the bureau staff.

Joint Survey Committee on Retirement Systems--The 10-member retirement committee is assisted by a small research staff assigned to assess the actuarial soundness of the state's public employee retirement system. The research staff also maintains a library of pension information.

Commission on Interstate Cooperation--The commission is the legislature's official liaison with interstate organizations representing state government officials. The commission staff, the smallest of the joint agencies, assists with the negotiation of interstate compacts and other cooperative agreements.

ASSEMBLY:

Chief Clerk of the Assembly--Elected by the members, the clerk is responsible for chamber functions, recordkeeping, bill processing tasks, production of the calendar and journals, and enrolling and engrossing activities. The clerk is also the chief administrative officer in charge of a typing pool, word processing center, financial matters, payroll, and purchasing. With input by the legislators, the Assembly clerk hires all members' secretaries, except for those assigned to leadership and committee chairmen. The allocation of positions is determined by the Committee on Assembly Organization, chaired by the Speaker.

Sergeant-at-arms--The sergeant is elected by the members and is charged with security, document distribution, bill filing, and mail responsibilities. The sergeant's staff includes a complement of page/aides. Each page/aide is shared by three legislators who are not otherwise entitled to an aide. The page/aides are assigned to messenger and constituent tasks.

Majority and Minority Caucuses--The partisan staffs assist members with research on partisan issues, public information, and constituent affairs. Each caucus provides media services including the preparation of radio feeds, speeches, newsletters, and press releases. In general, each caucus selects the staff director, and the director in turn hires the caucus analysts.

SENATE:

Chief Clerk of the Senate--Like the Assembly clerk, the Senate chief clerk is responsible for both traditional chamber duties and administrative services for the Senate. The Senate office includes a person to handle liaisons with private printing firms for production of newsletters and other documents. In addition, the clerk supervises the management of each senator's staff allowance. In hiring of committee staff, personal secretaries and other aides, the senator selects the employee, but the clerk determines the maximum salary based on the employee's qualifications and the position requirements. The clerk is elected by the Senate and

works closely with the Committee on Senate Organization. The committee establishes the staffing pattern and allocation of positions. The committee, chaired by the President, comprises the five top Senate leaders.

Sergeant-at-Arms--The Senate sergeant has the same powers and responsibilities as the Assembly sergeant. The Senate office, however, does not operate a page/aide program. The sergeants-at-arms and the chief clerks cooperatively staff and operate the document and mail room. The sergeants' office schedules hearing rooms, operates photocopy equipment, provides messenger services, and handles various clerical tasks.

Majority and Minority Caucuses--The Senate caucuses are assigned to partisan research efforts, program development for the caucus, and constituent issues and casework. The caucuses also perform press activities and public information services including speech writing, newsletter preparation and press releases. The staff directors are selected by the caucus and report to both the caucus and the party leaders. The director selects caucus staff members.

COMMITTEE SERVICES:

The council staff provides a professional, nonpartisan legal counsel to each standing committee and certain joint committees. Each council attorney has one or more primary committee assignments and serves as back up to other committees. In the Senate, each committee chairman is authorized by the Committee on Senate Organization to hire a committee assistant who helps with research tasks, liaison with other government agencies and the media, and administrative affairs of the committee. In the Assembly, the major committees are provided with full-time research clerks, and minor committees are assisted by halftime research clerks. In addition, the chief clerk's office provides and supervises an administrative assistant for each senate committee. Chairmen may recommend to the clerk's office candidates for research positions. Assembly chairmen are also provided with a personal secretary to assist with correspondence and other clerical duties.

MEMBERS' PERSONAL STAFF:

Assembly members share full-time secretarial help, unless, because of seniority, committee or leadership responsibilities, they are entitled to a personal secretary. Secretaries for rank-and-file members are hired by the clerk's office. Senior members also are assigned aides, either on a personal or shared basis. Rank-and-file members may use page/aides hired through the sergeant's office.

In the Senate, each member may select a full-time capitol secretary who is part of the clerk's payroll. In addition, each senator has a staff allowance of \$39,000 for capitol or district staff. The allowance may be used to hire two full-time staff members with full benefits and, with the approval of the Senate Organization

Committee, other part-time or contractual employees who do not receive state benefits. The senators are free to hire whomever they wish, but maximum salary levels are determined by the chief clerk based on the prospective employee's qualifications and the position duties. Senate members of the Joint Finance Committee are allowed one additional staff person. On an average, each senator has three to four full-time staff.

LEADERSHIP STAFF:

In the Assembly, the Speaker and majority leader each have a full-time secretary and two aides who assist with administrative work, research requests, press, and constituent affairs. Other Assembly leaders are provided with a full-time aide and a secretary. In the Senate, the presiding officer, majority, assistant majority, minority, and assistant minority leaders are provided with an additional legislative assistant along with the basic staff positions allowed other senators.



**National Conference of State Legislatures
Earl S. Mackey, Executive Director**

**Headquarters Office
1125 Seventeenth Street
Suite 1500
Denver, Colorado 80202
(303) 623-6600**

**Office of State-Federal Relations
444 N. Capitol Street, NW
Washington, D.C. 20001
(202) 624-5400**



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

11/7/89
Date

SB

44

(FILE 1)

BILL FILE LOG

BILL # SB 44

- Original bill (with hand corrections)
- Sectional Analysis (1/23)
- Brief summary of bill's intent - per Halford
- * Cross reference - Bonds Conversion
- * Cross reference - Banking (lists)
- 2/4 List of changes (brindumuttan)
- " newspaper articles
- " Connecticut Common Interest
Ownership Act - Part 1 and 2
- 2/4 Newsrelease - Nat'l Multi-Housing
Council
- 2/4 UCDOA Summary - per
Lincoln Law Commissioners
- 2/4 Vincent Vitale letter to Pat Keeley
- 2/4 Vincent Vitale letter to Sir Atkinson
- 2/4 Sir Atkinson memo to Halford
- 2/4 AHFC letter to Sir Atkinson
- 2/4 Dept of Law letter re. enforcement of
Horizontal Property Regimes Act
- 2/4 RFI/Max letter of endorsement
- 2/6 Letter from Stephen Drieser (2/4)
- 2/14 List from Jim McAllum

MEMORANDUM

TO: SENATOR RICK HALFORD

FROM: ELIZABETH J. HICKERSON

SUBJECT: SB 44

DATE: FEBRUARY 1, 1985

The present Horizontal Property Regimes Act does not adequately address the following problems facing common interest ownership property in Alaska.

1. Only condominiums are regulated under the present Act. Planned unit developments (PUDs) and cooperatives are not governed by the Act. These two types of property ownership, particularly PUDs, are being developed and marketed, and often financed by AHFC, without statutory controls. All three types of ownership are governed under SB 44.
2. There are no statutory warranty obligations for builders. Liability is based on the common law. Substantial construction defects have been found in projects developed in Anchorage. According to the Anchorage Building Safety Division numerous construction defects are associated with drainage problems because wet lands have been developed without proper ground preparation. Usually the defect is not discovered until after the units have been sold. SB 44 contains express and implied warranties, and outlines the liability obligations for developers and realtors.
3. There are no regulations for reserve accounts and association dues. Because of this association dues have been "low-balled" and reserve accounts have been inadequate to cover needed repairs. Some associations, at transition, have found that there are no reserves and that the association assumed the developer's debts. This has forced the dues to be increased, which has been financially disastrous for low income purchasers who cannot afford an increase in dues. Foreclosures have resulted.

AHFC, the Real Estate Commission and the Consumer Protection Agency have stated that "low-balled" dues and inadequate reserve accounts are major complaints received from unit owners. Purchasers of common interest

ownership property have stated that their associations were deeply in debt and dues were subsequently increased 100% to 200%, unfortunately this information was not disclosed prior to the sale. SB 44 requires that budget information detailing reserves, dues, projected budgets and assessments, liens, encumbrances, and other financial matter; be included in the public offering statement which must be provided to the purchaser before conveyance of the unit.

4. There are no statutory guidelines governing the transition period from developer control to association control. This has produced numerous problems because the association often is not given necessary documents. SB 44 provides a detailed list of all documents which must be provided at transition, including articles of incorporation, bylaws, financial records, insurance policies, permits, warranties, employment and service contracts and construction plans. All property, funds and units of the unit owners and the association under the developer's control must also be delivered to the association.

5. There are no statutory guidelines governing insurance coverage of the common areas or the individual units. SB 44 specifies insurance obligations of the association and unit owners.

6. Other problems exist which are too numerous to mention. Many of these problems are associated with nondisclosure of vital information, misrepresentation of unit size, and lack of guidelines for association management. SB 44 provides comprehensive guidelines for these and other problems associated with common interest ownership property.

In summary, with a lack of adequate statutory regulations and local building codes and ordinances, Alaska is sending an inviting message to unscrupulous developers in the lower 48. SB 44 provides a balanced regulatory scheme which will aid consumers, developers, managers, financial institutions (including AHFC), realtors and others involved with the housing industry.

Attached are letters more specifically outlining present problems facing common interest ownership properties.

Alaska HOUSING  FINANCE CORPORATION

February 1, 1985

Ms. Elizabeth J. Hickerson
Senior Advisor
Alaska State Legislature
1024 W. 6th Avenue, Suite #203
Anchorage, AK 99501

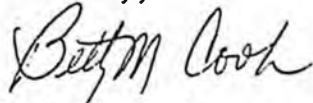
Dear Ms. Hickerson:

In response to your January 28, 1985, letter to Denna Cline:

1. AHFC currently finances 7715 loans in condominiums and PUD's, totaling \$614,232,289.
2. Of those 7715, 168 loans are in a delinquent status. This includes REO's and foreclosures. The 168 loans total \$12,745,425.
3. AHFC has encountered "low balled" association budgets. We generally will require bids to be obtained and a more realistic budget drawn up.
4. The problems AHFC encounters are quite varied. The most common problems relate to transfer of ownership from the developer to the association, lack of home owner participation, and collection of delinquent association dues.

Please let us know if you need any additional information.

Sincerely,



Betty M. Cook
Mortgage Operations Director

su

REPLY TO

XX

1031 W 4th SUITE 110
ANCHORAGE, ALASKA 99501
PHONE (907) 279-0428

1st NATIONAL CENTER
100 CUSHMAN SUITE 400
FAIRBANKS, ALASKA 99701
PHONE (907) 456-6588

S S FULLER BLDG
4th & HARRIS SUITE 214
POUCHK
JUNEAU, ALASKA 99811
PHONE (907) 465-3592

STATE COURTHOUSE ROOM 26
P O BOX 671
VALDEZ, ALASKA 99586
PHONE (907) 835-2462

DEPARTMENT OF LAW
OFFICE OF ATTORNEY GENERAL
CONSUMER PROTECTION SECTION

October 22, 1984

Elizabeth J. Hickerson
Senior Advisor
Senate Advisory Council
Alaska State Legislature
1024 West 6th Ave. Suite 203
Anchorage, Alaska 99501

Dear Liz:

This is in response to a letter to my predecessor Connie Sipe inquiring whether the Consumer Protection Section of the Department of Law has encountered any difficulty enforcing the Horizontal Property Regimes Act or with the lack of regulations under the Act.

First let me share with you the fact that home purchases and home construction problems (which a greater percentage has been condominiums rather than single family homes) are currently the sixth most frequent consumer complaint we receive in this office. This presents a real problem for us because of the unclear status of the law on the jurisdiction and enforcement of the Unfair Trade Practices And Consumer Protection Act in real estate matters. The Supreme Court of Alaska in State v. First National Bank of Anchorage, 660 P.2d 406 (Alaska 1982) held that the sale of real property is not within the regulatory scope of the Consumer Protection Act. Id. 414. State v. First National Bank of Anchorage, arose out of an action the state brought against developers and the bank which financed development of the "Windsong" subdivision for failure to inform buyers of the possibility of flooding of the subdivision. As that case involved the sale of unimproved real property the question is open as to whether or not improved real property is covered by the Consumer Protection Act. As one moves on the continuum from subdivided land to single family homes to condominiums to timeshares it is obvious that more consumer goods and services are included in the purchase of a condominium or timeshare than a lot with no building on it. But the issue of whether the Consumer Protection Act applies in cases of the purchase of a condominium is an issue that has not been yet addressed by our courts. Despite this uncertainty in the law because there really is no other state agency to address consumer complaints about purchases of condominiums, we do take these complaints and attempt to mediate the complaints.

There have been two major areas of condominium complaints that this office has been involved in. These are: (1) the square footage measurement of condominiums and (2) problems with the homeowners monthly association dues. You may want to consider these areas in any review of legislation. In addition to these types of complaints our office has received numerous complaints concerning the quality of construction of the condominium structures. I don't know if that information would be at all relevant to any redrafting of the Horizontal Property Regimes Act but we would certainly be willing to share general information about that type of complaint with you also if you so request.

Square Footage Measurements In Condominiums

There was some misunderstanding in the industry in the past as to the proper method for measuring condominium square footage of each individual unit. The definition of apartment in 34.07.450(1) states: "And the boundaries of an apartment are the interior surfaces of the perimeter walls, floors, ceilings, windows, and doors thereof, and the apartment includes both the portions of the building so described and the air space so encompassed." Based on this definition this office has advised contractors and builders and appraisers that the proper way to measure condominium space is from interior wall to interior wall. (See copy of business advisory enclosed.) By contrast, in a single family dwelling the square footage would be measured from exterior wall to exterior wall.

As far as we are aware most developers, builders, contractors and appraisers are in compliance with the interior square footage measure of condominiums at the present time. Senate Bill 464 introduced last session did not address the proper method for measuring square footage in a condominium. It would be very confusing if the square footage measurements were not uniform. If this provision 34.07.450(1) were eliminated then the same condominium that was 1000 square feet before passage of a new condominium act might suddenly be reported to be over 1000 feet afterward. Therefore, we recommend that the interior boundaries in the condominium be defined as currently in the statute in order to avoid confusion and deception to consumers or purchasers of a condominium.

Homeowner's Monthly Association Dues

34.07.020(11) states:

(The Declaration shall contain)...a provision requiring the adoption of bylaws for the

administration of the property or for other purposes not inconsistent with this chapter which may [emphasis added] include that the property be administered by a board of directors elected from among the apartment owners, or by a manager, or by a managing agent, or otherwise, and the procedures for the adoption and amendments of the bylaws;

When the developer drafts the declaration, s/he is required by AS 34.07.020(11) to adopt by-laws which will provide for the administration of the property. These by-laws "may include" provisions for the management of the property by a board of directors "elected from among the apartment owners." As a matter of regular practice, from the declarations which this office has had the opportunity to review, developers do provide for a board of directors and essentially elect themselves as the initial officers of the association. There is usually stated in the declaration a specified percentage of individual units that must be sold before the association is handed over to those new owners.

In any case, what this translates into is a situation that begs for conflict of interest. These same developers who are going to hire the property manager; for their project and work with those managers in determining the amount of monthly association dues, have a clear financial interest in keeping their own costs down, while at the same time insuring the marketability of their units by quoting low monthly dues to prospective buyers.

Ironically, this clear conflict has become more severe in nature with the State's development of the HOF program. Some developers appear to have quickly adapted to the requirements of this program by carefully selecting construction projects that would result in houses and condominiums within the price ceilings that HOF artificially created. Association dues became more important than ever, because potential buyers are now coming from income brackets where an increase of \$20 a month in dues could conceivably make them ineligible for the mortgage loan. Needless to say, builders were motivated to keep association dues low. Even in other states without these loan programs, the evidence suggests that builders have a tendency to "low-ball" their dues' estimates.

It is the experience of this office that having a builder in the dual role of developer and officer of the homeowner's association does not always work for the benefit of

the buyers of the condominium unit. When one builder was asked by an attorney from this office if he understood that he was under a strict fiduciary duty as president of the Board of Directors, a duty separate and apart from his role as vice-president of a construction company, his response was, "No, I had no idea." Even if he had been aware of the dual responsibilities it is not realistic to expect a builder/developer to commit to a higher monthly amount for homeowner's dues, when good business sense dictates otherwise.

34.07.140. Grantee entitled to statement of unpaid assessments.

A grantee is entitled to a statement from the manager or board of directors setting out the amount of the unpaid assessments against the grantor. The grantee is not liable for, nor is the apartment conveyed subject to a lien for any unpaid assessments against the grantor in excess of the amount of the statement.

AS 34.07.140 provides for the grantee's entitlement to a statement of unpaid assessments against the grantor. It is the clear language of this section that the grantee is not liable for any monies owed against the unit in excess of those reflected in that statement. As a matter of regular practice in the condominium industry, developers interpret their own declarations to require that they begin paying association dues at the point that the "homeowners" take over the "association." Generally, there is language in their declarations which requires that the developer will then "pay as any other unit owner." It is important to note here that some of the declarations which this office has reviewed are ambiguous at best in their language on this point.

It is not difficult to imagine newly empowered homeowners who are shocked to find that their "association" is deeply in debt from the moment they "take over." Needless to say, consumers are not regularly shown the statement referred to in AS 34.07.140 before they've made their purchase, if they buy while the builder is still in control. As a consequence, an extremely material fact is withheld from these individuals (particularly important to low-income purchasers), some of whom have said directly to Consumer Protection staff: "Knowing that the association was deeply in debt and that I would be faced with a dues increase of 100% - 200% after moving in, would have persuaded me not to buy in this complex."

34.07.120: Liability of grantee for unpaid common expenses at time of conveyance.

In a voluntary conveyance the grantee [buyer] of an apartment is jointly and severally liable with the grantor [seller] for all unpaid assessments against the latter for his share of the common expenses up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid or the assessments by the grantee.

AS 34.07.120 establishes that the liability of the buyer and seller for unpaid association dues at the time of conveyance is to be "jointly and severally" construed. This section may have been intended to be further defined in AS 34.07.140 which makes it clear that the buyer is acknowledging liability only for those amounts reflected in the statement to which he is entitled. Some condominium buyers with whom this office has spoken were never shown anything but the theoretical monthly budget upon which the association dues were based. Clearly if it was the legislative intent that these two sections, when read together, would protect buyers from accepting liability for debts not disclosed to them prior to the time of purchase, that protection has failed to materialize.

The solution to these problems must begin from the premise that asking the developer to be both a director of the "homeowner's association" and a corporate manager, responsible for the fiscal health and growth of his/her company is to invite the problems that have been discussed. While there are certainly numerous ways of rewriting this statute the following is one suggestion:

1. Require each recorded declaration to establish an occupancy rate (number of units sold to individual owners) as the point at which the homeowner's association will assume control and responsibility for the common expenses. Nothing about this language will prevent the builder from hiring a property management firm to manage the day-to-day expenses of the project but will clarify that all expenses are the builder's to pay until there is an association in existence (with no room for doubt about when that association comes into being). Dues can still be collected from the individual unit owners who buy before the necessary percentage has been reached, and placed directly into a reserve account to be maintained and protected by the property managers. These funds can then be turned over to the newly elected Board of Directors who can then decide what portion shall

Elizabeth J. Hickerson

October 22, 1984
Page 6

remain in reserves and what portion is needed for immediate expenses (i.e., utilities, upkeep of common areas, etc.)

2. The percentage of ownership that must be attained before the association is formed must be high enough (60% to 75%) to insure that:

- a. the phases of the project are substantially completed
- b. enough units have been sold, and these dues held in reserves, to provide for a financially sound association -- from the day it takes over.

3. Once the "Association" is formed, with all involved in clear agreement as to their rights and responsibilities, the builder pays as any other unit owner on all unsold units.

4. Pursuant to AS 34.07.120 and AS 34.07.140, new owners would be provided this information prior to time of closing but only after the association has been formed. New owners purchasing before there is a homeowner's association would be made aware that while they would still be responsible for monthly dues, those dues would be placed in a reserve account until such time as the association takes over.

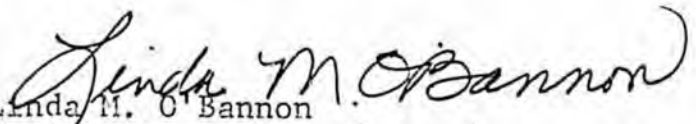
You may also wish to contact the Chair of the Real Estate Section of the Alaska Bar Association for comment by the section members. The Alaska Bar Association could tell you the name of the current chair and section members.

Thank you for your request for information from this office. If we can be of further service, please let us know.

Yours very truly,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By:


Linda M. O'Bannon
Assistant Attorney General
Chief, Consumer Protection
Section

LHO/ssr
Encl.

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION SECTION

1031 W. FOURTH AVENUE
SUITE 110
ANCHORAGE, ALASKA 99501
PHONE: (907) 279-0428

B U S I N E S S A D V I S O R Y

Norman C. Gorsuch, Attorney General, is issuing the following Business Advisory to all persons involved in the development and sale of condominiums in the State of Alaska.

Investigative work done by the Attorney General's Consumer Protection Section indicates that numerous condo developers, and architects, surveyors, appraisers, attorneys, and advertising agencies hired by developers are unlawfully advertising incorrect square footage claims for condominium units.

In several condominium developments investigated by the attorney general, developers or their agents incorrectly claimed that individual units had a larger square foot area than legally correct according to the Alaska statute on condominiums, which defines in detail how the square foot of each unit is to be measured. It appears that some contractors or developers are operating under a misunderstanding as to what type of measurement is an allowable industry standard, and may be mistakenly applying measurement standards from conventional residential housing, when these methods are not allowed by Alaska law for measuring condominiums.

In the cases investigated by the attorney general, developers had claimed that the square footage of condo units started at the outside of exterior walls, or included areas such as balconies, and other inappropriate areas which are not legally considered part of the square footage of an individual condominium unit. Some consumers complained that the developers' incorrect measurements include exterior and interior common walls added as much as 300 square feet to the condo unit's space, but only on paper. Consumers soon found that this space was not actual square footage which was capable of use by the apartment owner.

Attorney General Gorsuch notes that the Alaska "Horizontal Property Regime Act," is not new, and that its definition of apartment unit, which dictates how a condo unit is to be measured, is a legal obligation which must be followed by all persons who work with condominium developments. Developers should also be aware that this Business Advisory and the relevant statute applies to all declarations filed on condominiums in the

past as well as in the future, since the law has been the same since its passage in 1963.

The correct method for measuring condominium units is derived from AS 34.07.450, which defines a condominium unit or "apartment." According to the statute, the boundaries of an apartment start at the interior surfaces (the paint) of the perimeter walls, windows and doors of the unit. It is clear from this definition that the space enclosed in an exterior wall or an interior "common" corridor wall, is not included in the square footage calculation for an apartment. Two other statutory definitions cover other areas which should not be included in the square footage for the individual unit. Areas such as balconies are more properly labeled "limited common areas," areas held in common ownership by all condo members, but which are limited or designated for use by only a specified unit or units. According to the statute, the main exterior walls, corridor walls, roofs, and so on, are considered to be "common areas," held in ownership by all owners.

The condominium statute requires the developer to record a "Declaration," which must contain, among other information, a square foot designation of the area of each apartment, and a percentage interest in the undivided "common" areas and "limited" common areas.

The Attorney General's Office is issuing this Advisory so that all persons involved with condominium developments will become fully aware of these existing measurement standards. It is the Attorney General's position that misstatements of square footage based on a developer's failure to follow the statutory method of calculation can be a misrepresentation of material fact in the sale of a condominium unit. The Attorney General advises developers and their attorneys that they can also avoid private legal disputes over advertised claims of square footage by following the statutory method.

LAW OFFICES OF VINCENT VITALE

A PROFESSIONAL CORPORATION

725 CHRISTENSEN DRIVE
ANCHORAGE, ALASKA 99501-2184
(907) 274-3538
(907) 276-7576

VINCENT VITALE
WILLIAM L. McNALL
DAVID E. GEORGE
KATHLEEN A. WEEKS
EDWARD L. MINER

P.O. BOX 772889
EAGLE RIVER, ALASKA 99577-2889
(907) 694-8050

PLEASE REPLY TO THE ABOVE
ADDRESS.

September 11, 1984

PLEASE REPLY TO THE ABOVE
ADDRESS.

Ms. Elizabeth Hickerson
1024 W. 6th Avenue
Suite 203
Anchorage, Alaska 99501

Re: Lack of Sufficient Statutory or Regulatory Guidelines
Under the Horizontal Property Regimes Act

Dear Ms. Hickerson:

As an Alaska attorney since 1977 I have focused my practice on real estate matters. I coauthored the article Caveat Venditor Comes of Age in Alaska - A Plaintiff's Guide to Defective Home Litigation, Alaska - UCLA Law Review, Volume II, Fall 1981, Number 1. I've written numerous articles for the monthly Alaska Real Estate Commission newsletter. I have also lectured to real estate agents at seminars held throughout the state.

My experience with condominiums and Planned Unit Developments evolved out of the years spent representing unhappy home buyers. A condominium or PUD problem is similar to a large defective house.

In the process of representing homeowner associations and association managers I was repeatedly asked to assist in interpreting documents. It became painfully obvious that the association and managers were operating without guidelines. Too often the enabling documents were void of any authority to assist in problem solving. Also, the statutes usually did not assist the association in resolving disputed matters.

Presently I am organizing a local chapter of the Community Association Institute. The purpose of the association is to educate the builder-developer, association manager, public official, owner controlled associations, and lenders, attorneys, accountants, realtors and so forth in understanding the function of an association.

Ms. Elizabeth Hickerson
September 11, 1984
Page -2-

I believe that an active chapter will enable the condo owner or Board of Directors to understand that a condominium is a corporate neighborhood where everyone agrees to abide by the same set of rules.

I have also been involved in drafting amendments to previously prepared documents. Some of these documents have existed for years but are being reviewed for recertification of AHFC financing or are being reviewed by VA. Much to some condo owner's surprise the documents which the association has been operating under do not comply with Alaska statutes. To allow a unit to be sold immediate changes to the documentation must be made.

Problems created by the present act:

As in most states adopting Horizontal Property Regime Act legislation, the first generation act adopted by Alaska was a developers statute. In short, the act focused on how to dedicate the property, (create the association), protect the lender, handle catastrophic destruction and so forth. The act did not focus on important issues which were not foreseen as problem areas. Some issues ignored by our present act include:

1. Warranty obligations of Builders to association for common areas (generally the entire structure).
2. Obligations of Builder/Developer to provide information to Associations at time of transition.
3. Regulations or statutes covering regular operating problems.
4. Planned Unit Developments (PUDs) and deminimis Planned Unit Developments (dePUDs) are not covered by the statute.
5. There are no guidelines for insurance coverage required for Condominium, PUD's, or dePUDs.

6. Cooperative Housing is not covered by the Act. Cooperative Housing is created by forming a cooperative corporation which owns the building. Each purchaser of space in the building purchases a share in the cooperative corporation. Buyers purchase stock, not real property. This type of housing is often seen near colleges and universities.

7. Commercial condominiums (office and warehouse complex) are not covered by the statute. The often unique problems faced by those associations are simply not addressed.

8. There are no requirements that obligate the developer/builder to educate the Board of Directors of the Association to whom he is turning over management.

9. The statutes do not assist local governments in understanding the process and consequence of community association development.

10. There are no statutory guidelines to aid in the financial management of Community Associations. Budgeting reserves, updating reserve requirements, and investment of reserves, are not discussed and fidelity bonding requirements are ignored.

11. No regulations on community association managers exist. Although these managers may handle several hundred thousand dollars in community association money, they are not licensed, bonded, tested, or subjected to any regulation which might protect the association.

Who pays the price for lack of sufficient statutory/regulatory guidelines?

1. Community Associations do. They are forced to seek legal counsel to interpret the

language of governing documents. This is an unnessecary expense. The option however, is for the Boards to simply guess about the meaning of the confusing language .

2. Property managers do. Managers are consistently asked to practice law by interpreting the governing documents for the association. If they are wrong, they can be liable for the error. Property managers spend an exorbitant amount of time dealing with issues that would not exist if the legislature adopted complete second generation statutes.

3. Developer/Builders do. Needless litigation, arbitration, or disputes are created because there are no rules for the builder/developer to comply with, in selling the units and controlling the association prior to transition.

4. Taxpayers do. Needless and unnecessary litigation costs taxpayers for court time. Also citizens of Alaska are having AHFC funds invested in Community Association developments. These investments should be protected by some statutory guidelines.

5. Lenders do. The more difficulty Associations encounter with developers the more caution lenders show with their involvement with association developments.

6. Realtors do. Realtors often find themselves in the middle of disputes between Builder, developer, property manager, associations, and buyers, due to representation made by the realtor. The realtors also suffer from a lack of statutory or regulatory guidelines to aid them in explaining to new home purchasers what the association is, how it works, and what it is responsible for. Often agents find themselves accused of misrepresenting matters such as warranty obligations.

7. Alaska Housing Finance Corporation does. Too often associations demand that AHFC straighten out developer - association, or association - owner disputes. It takes time for AHFC employees to deal with situations AHFC is not responsible for .

Solution:

There presently exist answers to the problems:

1. The following States either have adopted or are actively considering the Uniform Condominium Act:

Maine, Rhode Island,
Connecticut, Pennsylvania
West Virginia, Virginia
Minnesota, Nebraska,
New Mexico, Oregon
Florida (own version)
California (considering but has
its own version), and
New York (own version)

Under active consideration:

Arizona, Washington,
Colorado, Texas
Missouri, and Tennessee

The legislative acts and research of these states may be of some help.

2. The Uniform Condominium Act, Uniform Planned Community Act, and/or the Uniform Community Interest Act should be adopted for Alaska. These acts and the official comments thereto will answer many of the questions not covered by the present statute.

3. Adoption of a transition statute similar to Florida's statute will further clarify the developer-builder's responsibilities at the time the control of the association is transferred to association members.

4. A builders warranty statute similar to the New Jersey Statute could be implemented. This would clarify the warranty obligation of developers - builders to associations and association members.

5. Insurance requirements should be spelled out for casualty losses, public liability, and fidelity bonding. Some or all of the following insurance should be required by Statute:

Directors and Officers Insurance
Casualty Insurance
Public Liability Insurance
Earthquake Insurance
Workman's Compensation if employees
Fidelity bonding of directors, officers and agents
(property managers)
Reserves in the amount of deductible.

6. Licensing Statutes for association managers should be created. Association managers under contract to collect assessments, pay bills, hire for repairs, etc. are not bonded or licensed by the state yet they handle tens of thousands of dollars of association money. There has been a recent incident of an association manager embezzeling association funds. The associations have no protection for such activity. Anyone can be an association manager. Print a card, purchase an ad, and bid for the contract. The more professional managers believe licensing and bonding will help. The bond should be equivalent to the maximum funds in possession of the manager from all associations in a 30 day period. Licensing should be based upon a test measuring knowledge related to property management.

7. Utilization of guidelines from FNMA, FMHLC, AHFC to create a PUD, deminise PUD, and mobile home park statutes or regulations.

Ms. Elizabeth Hickerson'
September 11, 1984
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Mobile Home Parks

If the legislative intent is to support creation of mobile home developments then the proposed act should include the following:

1. Language which will allow a mobile home to be identified as real property upon the happening of a certain event such as placement of the unit on a cement block foundation and/or removal of wheels and/or axels, etc. If the park is to be a PUD then limits on the lands sold should reflect the needs of mobile home owners. If the park is to be a condominium then a method of selling the airspace should be addressed.

2. Enabling legislation for the mobile home park owners association to require members to remove junk vehicles, trash, etc. Also the association must be allowed architectural controls on storage sheds, Wannigins and so forth. Finally, allowing the association to require maintenance on units and eventual replacement of the units will assure the continued viability of these manufactured housing parks as living space.

Sincerely,

LAW OFFICES OF VINCENT VITALE
A Professional Corporation

William L. McNall

WILLIAM L. McNALL
Attorney at Law

WLM:ail

SB 44

BRIEF SYNOPSIS, BILL INDEX, AND SECTIONAL ANALYSIS

SB44

This bill covers common interest communities (such as condominiums, cooperatives and planned communities).

Current law, written 22 years ago, is dated and deals only with condominiums. This bill is an effort to provide guidelines not included in that law, the Horizontal Property Regimes Act, AS 34.07.

The bill is an attempt to allow maximum certainty and flexibility to all developers, lenders and title insurers (see, for example, Art. 2, which provides the developer rights not dealt with in current law, among them phasing projects and reserving rights to future development.)

At the same time, it provides extensive disclosure and consumer protection to owners of condominiums, cooperatives and planned unit developments, including mobile home condominiums (see Art. 4).

Current law does not provide guidelines for the developer, the lender, the title insurer, the real estate agent or the unit owner. This bill is an attempt to fill that void and eliminate the need for litigation arising from confusion and uncertainty about the law:

SENATE BILL 44
UNIFORM COMMON INTEREST OWNERSHIP ACT
COMMON INTEREST OWNERSHIP

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SENATE BILL 44
Sectional Analysis

This bill creates a new chapter to AS 34, entitled Common Interest Ownership Act, and contains comprehensive provisions designed to unify and modernize the law of common interest communities such as condominiums, cooperatives, planned unit developments, and time shares. Presently, only condominiums are regulated by state law under the Horizontal Property Regimes Act, AS 34.07, which was adopted in 1963. Not only is the Horizontal Property Regimes Act dated, it does not effectively address problems such as: creation, alteration and termination of common interest communities; management of the common interest community; protection of purchasers; warranties; unit boundaries; powers and duties of associations; and numerous other important matters which arise out of the creation, marketing and ownership of common interest property.

The Uniform Common Interest Ownership Act (UCIOA) was adopted at the 1982 Annual Meeting of the National Conference of Commissioners on Uniform State Laws. UCIOA represents the culmination of the Conference's 9 year effort to offer comprehensive legislation to the states which provides a common structural and regulatory scheme equally applicable to all three forms of common ownership. Nearly without exception, UCIOA achieves the goal of uniformity among all three forms of ownership by consolidating the Uniform Condominium Act, Uniform Planned Community Act and the Model Real Estate Cooperative Act.

ARTICLE I. APPLICABILITY

This chapter applies to all common interest communities created in Alaska after the effective date of this act (January 1, 1986). The Alaska Cooperative Corporation Act and the Horizontal Property Regimes Act do not apply to common interest communities created after January 1, 1986. Exclusively nonresidential planned communities are not subject to this chapter, unless they so elect. Exclusively nonresidential condominiums and cooperatives are subject to this act, but purchasers may waive Article IV (Protection of Purchasers) provisions.

Exceptions exist to the general rule of applicability:

1. A common interest community created prior to the adoption of this chapter may elect, under AS 34.08.060, to have the provisions of this chapter apply. Except for preexisting small cooperatives and planned communities which are not subject to development rights, certain provisions under AS 34.08.040, apply automatically to events and circumstances occurring after the effective date of this act, but do not invalidate existing provisions of declarations, bylaws, or plats or plans.

Provisions that automatically apply include: separate titles and taxation, applicability of local ordinances, regulations and building codes, eminent domain, construction and validity of declaration and bylaws, description of units, merger or consolidation, powers of unit

owners' association, tort and contract liability, lien for assessments, association records, resales, effect of violation on rights of action, and definitions.

2. Small cooperatives (no more than 12 units) created after the effective date of this act, are subject only to the provisions regarding local ordinances, regulations and building codes and eminent domain, unless:

future development right are retained or financing through AHFC is utilized, or,

the cooperative's declaration makes the entire chapter applicable.

3. Small (no more than 12 units and not subject to any development rights or AHFC financing) and limited expense liability planned communities (as measured by the size of its common expense assessments) created after the effective date of this act, are subject only to provisions relating to separate titles and taxation, local ordinances, regulation and building codes, and eminent domain, unless the declaration provides that the entire chapter applies.

ARTICLE II. CREATION, ALTERATION, AND TERMINATION OF COMMON INTEREST COMMUNITIES.

Sec. 34.08.090. CREATION OF COMMON INTEREST COMMUNITIES. Creation of common interest communities is accomplished by recording a declaration in each recording district in which a portion of the common interest community is located, and indexing in the grantee's and grantor's index. In cases of cooperatives, the declaration must also convey the real estate to the association. In cases of condominiums, substantial structural construction is also required before the condominium is created.

Sec. 34.08.100. UNIT BOUNDARIES. Except as may be provided in a declaration, unit boundaries for common elements and individual units are defined.

34.08.110. CONSTRUCTION AND VALIDITY OF DECLARATION AND BYLAWS. Construction and validity of the declaration and bylaws are established. All provisions of the declaration and bylaws are severable. In the event of a conflict between the declaration and the bylaws, the declaration prevails, unless the declaration is inconsistent with this chapter. Title to a unit and common elements is not unmarketable or otherwise affected if the declaration insubstantially fails to comply with this chapter.

Sec. 34.08.120. DESCRIPTION OF UNITS. Sufficient legal description of a unit is detailed.

Sec. 34.08.130. CONTENTS OF DECLARATION. The required contents of a declaration are itemized under this section.

Sec. 34.08.140. LEASEHOLD COMMON INTEREST COMMUNITIES. This section sets out provisions and requirements concerning leasehold common interest communities. Leases which may result in terminating the common interest community or reducing its size, must be recorded. Lessors of those leases in condominiums or planned communities must sign the declaration. Required contents of the declaration are itemized. After the declaration for a leasehold condominium or planned community is recorded, the leasehold interest of a unit owner who timely pays rent and complies with relevant covenants may not be terminated. A unit owner's leasehold interest in a condominium or planned community is not affected by failure of any other person to pay rent or fulfill any other covenant.

The acquisition of the leasehold interest of a unit owner by the owner of the reversion or remainder does not merge the leasehold and fee simple interests, unless the leasehold interest of all unit owners subject to that reversion or remainder are acquired. If the number of units in a common interest community are decreased upon expiration or termination of a lease, the allocated interest must be reallocated and confirmed by an amendment to the declaration.

Sec. 34.08.150. ALLOCATION OF ALLOCATED INTERESTS. The required allocation of allocated interests of each unit (common elements, common expenses of the association, and votes in the association) for condominiums, cooperatives and planned communities are outlined and must be included in the declaration. Formulas used to establish or reallocate allocations of interest must be included in the declaration. The allocation of votes may be different depending upon the subject of the vote.

In a condominium, the common elements are not subject to partition, and any purported conveyance, encumbrance, judicial sale, or other voluntary or involuntary transfer of an undivided interest in the common elements made without the unit to which that interest is allocated is void. In a cooperative, any purported conveyance, encumbrance, judicial sale or other voluntary or involuntary transfer of an ownership interest in the association made without the possessory interest in the unit to which that interest is related is void.

Sec. 34.08.160. LIMITED COMMON ELEMENTS. The declaration must specify to which unit or units each limited common element is allocated. An allocation may not be altered without the consent of the affected unit owners. Unless the declaration provides otherwise, a limited common element may be reallocated by an amendment to the declaration, copy to the association and proper recordation. A common element not previously allocated as a limited common element must be allocated according to the declaration. The allocations must be made by amendments to the declaration.

Sec. 34.08.170. PLATS AND PLANS. Plats and plans are a part of the declaration and are required for condominiums and planned communities, but not for cooperative. Items to be included in plats and plans are outlined.

Sec. 34.08.180. EXERCISE OF DEVELOPMENT RIGHTS. This section generally describes the method by which any development rights may be exercised. The development process may continue only within the self-determined constraints originally described by the declarant. Amendments with specific information to the declaration are required to be prepared, executed and recorded. Plats and plans or new certifications must be recorded for condominiums or planned communities.

If the declaration provides that all or a portion of the real estate is subject to a right of withdrawal the following limits apply:

if all the real estate is subject to withdrawal, and the declaration does not describe separate portions of real estate subject to that right, none of the real estate may be withdrawn after a unit has been conveyed to a purchaser; and

if any portion is subject to withdrawal, it may not be withdrawn after a unit in that portion has been conveyed to a purchaser.

Sec. 34.08.190. ALTERATIONS OF UNITS. Permissible alterations of the interior of a unit and impermissible alterations of the exterior of a unit and the common elements are detailed under this section. These rules may be varied by the declaration.

Sec. 34.08.200. RELOCATION OF BOUNDARIES BETWEEN ADJOINING UNITS. Subject to the provisions of the declaration and other provisions of law, boundaries between adjoining units may be altered by an amendment to the declaration upon application to the association by the owners of those units. Any reallocation of allocated interests must be specified in the application and determined reasonable by the executive board.

Sec. 34.08.210. SUBDIVISION OF UNITS. Unless subdivision of the units is expressly permitted by the original declaration, a unit may not be subdivided, unless the declaration is amended to permit it.

Sec. 34.08.220. EASEMENT FOR ENCROACHMENTS. If the physical boundaries of any unit or common element encroach on any other unit or common element, an easement exists. The easement does not effect liability that may exist.

Sec. 34.08.230. USE FOR SALES PURPOSES. This section prescribes the circumstances under which portions of the common interest community - either units or common elements - may be used for sales offices, management offices, or models. The declarant must describe the right to maintain such offices in the declaration. This section is subject to the provisions of other state law and to local ordinances.

Sec. 34.08.240. EASEMENT RIGHTS. This section grants to a declarant an easement across the common elements which may be reasonably necessary for the discharging of the declarant's obligations or exercising of special rights, and is subject to any restrictions in the declaration. This section also grants unit owners in a planned community an easement for access, support and enjoyment in the common elements, but these rights may be limited by the declaration.

Sec. 34.08.250. AMENDMENT OF DECLARATION. This section recognizes that the declaration may be amended by various parties at various times in the life of the project. The basic rule is that the declaration, including the plats and plans, may only be amended by a majority of 67% of the unit owners.

The declaration may be amended by a declarant upon exercising any development right or by the association in cases of eminent domain, reallocations following the termination or expiration of a lease, common element reallocated as limited common elements, relocation of boundaries between adjoining units, or subdivision of units. Unit owners may amend a declaration in cases of reallocation of limited common elements, relocation of boundaries between units, subdivision of units, or termination of common interest community.

A declarant is not permitted to use any device, such as powers of attorney executed by purchasers at closing, to circumvent requirements of unanimous consent under subsection (d). Each amendment to the declaration must be properly prepared, executed, recorded, certified and indexed.

Sec. 34.08.260. TERMINATION OF COMMON INTEREST COMMUNITY. As a general rule, 80% of the votes in the association is required for termination of a project. The declaration may require a larger percentage of the votes and in a nonresidential project a smaller percentage is permitted. A termination agreement is effective only upon recordation, and may provide that all of the common elements and units of the common interest community be sold. Until the sale has been concluded and the proceeds distributed in accordance with this section, the association continues in existence with all powers it had before termination.

Calculations and priorities for creditors which might result upon termination of a common interest community are outlined. This involves competing claims of first mortgage holders on individual units, other secured and unsecured creditors of individual unit owners, judgment creditors of the association, creditors of the association to whom a security interest in the common elements has been granted and unsecured creditors of the association. Different treatment for these interest is provided depending upon the type of common interest community involved.

Sec. 34.08.270. RIGHTS OF SECURED LENDERS. A lender's security may be dramatically affected by acts of the association. For that reason this section permits the declaration to provide that lenders ratify specified actions of the association. No requirement for approval may operate to:

1. prohibit control over the general administrative affairs of the association;
2. prevent the association or executive board from commencing, intervening in, or settling any litigation or proceeding; or,
3. prevent any insurance trustee or the association from receiving and distributing any insurance proceeds except as provided under

this chapter.

Sec. 34.08.280. MASTER ASSOCIATIONS. It is common in large or multiphased condominiums or planned communities for the declarant to create a master or umbrella association which provides management services or decision-making functions for a series of smaller projects. This section details the requirements of a master association. Generally, the powers of a unit owners' association may only be exercised by, or delegated to, a master association if the declaration for the common interest community permits that result. Provisions on notice, voting, quorums, records, meetings and other matters which apply to the unit owner's association would apply to a master association.

Sec. 34.08.290. MERGER OR CONSOLIDATION OF COMMON INTEREST COMMUNITIES. There may be circumstances where common interest communities may wish to merge or consolidate their activities by the creation of a single common interest community; this section provides for that possibility. A merger or consolidation agreement must be prepared, executed, recorded and certified, and must provide for the reallocations of the allocated interests in the new association.

Sec. 34.08.300. ADDITION OF UNSPECIFIED REAL ESTATE. This section was designed to allow developers the ability to add after-acquired parcels of real estate to planned communities. This power is available only if the declarant makes clear in the original declaration that this development right has been reserved. The declarant may impose his/her own time limit on the period during which this development right may be exercised. To foreclose the possibility of an increase in the density of the project beyond that which was originally contemplated, the number of units is limited to the amount specified in the original declaration and the amount of real estate added may not exceed 10% of the real estate originally subjected to the declaration.

ARTICLE III: MANAGEMENT OF THE COMMON INTEREST COMMUNITY.

Sec. 34.08.310. ORGANIZATION OF UNIT OWNERS' ASSOCIATION. A unit owners' association must be organized no later than the date the first unit in the common interest community is conveyed. The first purchaser of a unit is entitled to have in place the legal structure of the unit owners' association. The existence of the structure clarifies the relationship between the developer and other unit owners and makes it easy for the developer to involve unit owners in the governance of the common interest community even during a period of declarant control.

Sec. 34.08.320. POWERS OF UNIT OWNERS' ASSOCIATION. Subject to the provisions of the declaration, the powers of the association are enumerated under this section, and include, the right to: adopt and amend bylaws, rules, regulations, budgets; collect assessments; hire and discharge managing agents, employees, agents, contractor; institute, defends or intervene in litigation; make contracts and incur liabilities; regulate the common elements; acquire, hold, encumber and convey right, title or interest to real estate or personal property; grant easements, leases, licenses and concessions through or over the

common elements; and assign its right to future income. The declaration may extend the powers of the association.

Sec. 34.08.330. EXECUTIVE BOARD MEMBERS AND OFFICERS. Except as provided in the declaration, bylaws, or other provisions of this chapter, the executive board may act in all instances on behalf of the association and are liable as fiduciaries of the unit owners with respect to their actions or omissions as members of the board. A high standard of duty is imposed on the board members because they are vested with great powers over the property interests of unit owners. The duties and powers of the board members and officers are listed. Highlights include:

adoption of proposed budgets and presentation to the unit owners for ratification;

termination of declarant control no later than the earlier of:
60 days after conveyance of 75% of the units,
2 years after all declarants have ceased to offer units for sale, or
2 years after any right to add new units was last exercised.

Sec. 34.08.340. TRANSFER OF ASSOCIATION CONTROL. Before, and not more than 60 days after the unit owners elect a majority of the members of the board, the declarant shall relinquish control of the common interest community and the unit owners shall accept control. At this time the declarant must deliver to the community all property of the unit owners and the common interest community held or controlled by the declarant. A list of items that must be transferred is provided. The records must be reviewed by an independent certified public accountant. Before the transfer an inspection of the common areas and limited common areas must be completed by a certified architect or engineer. The transfer of control to the association shall be based upon the declarant's obligation to complete all repairs and finish all incomplete work within a reasonable time after transfer.

Sec. 34.08.350. TRANSFER OF SPECIAL DECLARANT RIGHTS. This section deals with the manner in which obligations and liabilities imposed upon a declarant by this chapter are transferred to a third party by a transfer of the declarant's interest in a common interest community. This section strikes a balance between the obvious need to protect the interests of unit owners and the equally important need to protect innocent successors to the declarant's rights, especially persons such as mortgagees. The general scheme of the section is to impose upon a declarant continuing obligations and liabilities for promises, acts, or omissions undertaken during the period that he/she was in control of the community, while relieving a declarant, who transfers all or part of his/her special declarant rights in a project, of the responsibilities of a successor over whom he/she has no control.

Sec. 34.08.360. TERMINATION OF CONTRACTS AND LEASES OF DECLARANT. This section deals with a common problem in the development of common interest community projects: the temptation on the part of the developer, while in control of the association, to enter into, on behalf