

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

6116 HOUSE STATE AFFAIRS

520

includes many of the concepts in both ballot initiatives, but also directs the APUC to fashion a competitive structure that is appropriate to Alaska's circumstances. This approach has some obvious advantages:

1. It could remove both the Alascom and GCI initiatives from the ballot. Neither approach would be precluded by the APUC but both would be objectively compared to other approaches.

2. The APUC could be directed to justify its decision based upon empirical analysis of Alaska's intrastate market. This would reduce the likelihood of future problems resulting from a decision made without complete information on possible consequences.

3. A legislative solution to the current regulatory debate on competition might be warranted even if there were not initiatives headed for the public ballot. The APUC has dealt with this issue for six years without a resolution. The legislature could specify a time frame for a decision. This would ensure full consideration of the competition question and prompt resolution.

4. By fashioning a competitive structure that is less extreme than either GCI's or Alascom's initiatives, this approach might reduce the possibility of a court challenge.

5. A legislative solution implemented by the APUC could allow consideration of any impact of the interstate joint board proceeding on intrastate competition.

APPENDIX

Substantially Similar Legislation

Article XI, Section 4. Initiative Election. An initiative petition may be filed at any time. The lieutenant governor shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filling. If, before the election, substantially the same measure has been enacted, the petition is void. [Constitution of Alaska; Amendment approved August 25, 1970]

"It is clear that the legislative act need not conform to the initiative in all respects, and that the framers intended that the legislature should have some discretion in deciding how far the legislative act should differ from the provisions of the initiative. The question, of course, is how great is the permitted variance before the legislative act becomes no longer substantially the same.

"Upon reflection we have concluded that the legislature's discretion in this matter is reasonably broad. If in the main the legislative act achieves the same general purpose as the initiative, if the legislative act accomplishes that purpose by means or systems which are fairly comparable, then substantial similarity exists. It is not necessary that the two measures correspond in minor particulars, or even as to all major features, if the subject matter is necessarily complex or if it requires comprehensive treatment. The broader the reach of the subject matter, the more latitude must be allowed the legislature to vary from the particular features of the initiative." [Warren v. Boucher. Pacific Reporter, 543 P.2d 731 (1975), p. 736]

HB

273

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
HB 273

Voter Registration and PFD Applications

Received April 5, 1989
by Rep. Spohnholz

Heard April 12, 1989

Committee Substitute adopted April 12, 1989

Passed Out of Committee April 12, 1989
4 Do Pass
2 No Recommendation

TABLE OF CONTENTS

HB 273: Voter Registration and PFD Applications

- Item 1:** HB 273 by Spohnholz
CSHB 273 (SA)
- Item 2:** Fiscal Notes and Analyses by Department of
Revenue and Division of Elections
- Item 3:** Mailing List Comparisons

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 5, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 273

HOUSE BILL NO. 273 [VOTER REGISTRATION AND PFD APPLICATIONS]
 "An Act relating to the revision of voter registration lists by comparison with permanent fund dividend applications."

RECOMMENDATIONS:

- be replaced with 15 HB 273 (SA) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Date/Dept)

- fiscal impact Elections fiscal note(s) _____
- zero fiscal note _____ zero fiscal note(s) _____
- zero with analysis DOR zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

David Souley

Carl Spall

Eileen P. MacLean

Ed C. Burke

	Do Not Pass	No Rec	Amend
<i>Alvin Stanley</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Jim Zwick</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>* We will spend 140,000 TH+ to possibly put 20,000 TH on voter list.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Ed C. Burke

 Chairman's Signature

Introduced: 4/5/89
Referred: State Affairs
and Finance

Item 1
6-1140A

→ savings? PROBLEMS OF COMMISSIONER

1 IN THE HOUSE

BY SPOHNHOLZ

2

HOUSE BILL NO. 273

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the revision of voter registration lists by comparison with permanent fund dividend applications."

7

8

9

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

10

* Section 1. AS 15.07 is amended by adding a new section to read:

11

Sec. 15.07.133. REVIEW OF INFORMATION DERIVED FROM PERMANENT

12

FUND DIVIDEND APPLICATIONS. (a) The director shall compare the

13

register of voters with a list provided by the commissioner of revenue

14

that consists of all permanent fund dividend applicants. If a per-

15

son's permanent fund dividend application ^{mailing} address is different from

16

the person's ^{mailing} address on the master register, the director shall re-

17

quest the voter to provide current information.

18

(b) The director shall establish procedures to challenge a voter

19

whose request for current information under (a) of this section was

20

returned by the post office as undeliverable. A voter challenged

21

under this subsection may vote a questioned ballot.

CHANGES CLEAR LIST + GET ACCURATE INFO ABOUT VOTERS - MOVE CURRENT ADDRESS

Automatic matching of data bases

PROBLEMS: FN based on problems with SEARCH

FISCAL NOTE

REQUEST

Revision Date: _____
Title: An Act revising voter registration lists by comparison with PFD apps.
Sponsor: Spohnholz
Requestor: _____

Agency Affected: Revenue
BRU: Permanent Fund Dividend Division
Components: Permanent Fund Dividend Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
OPERATING						
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LANDS & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: See attached.

Prepared By: Ervin Jones
Division: Permanent Fund Dividend Division

Phone: 465-2323
Date: April 11, 1989

Approved by Commissioner: [Signature]
Agency: Revenue

Date: 4/11/89

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

Department of Revenue
Permanent Fund Dividend Division
Fiscal Note Analysis
HB 273
April 11, 1989

Assumptions:

1. The Department of Revenue will prepare a magnetic tape listing for use by the Division of Elections to carry out the requirements of Section 1. This listing will include the most recent address provided to the Permanent Fund Dividend program.
2. This tape transfer will require no changes to the information fields from which data is captured on the permanent fund dividend application.

Program Summary:

Upon request, the Permanent Fund Dividend Division will prepare a magnetic tape for use by the Division of Elections. This file will be prepared by existing data processing staff.

FISCAL NOTE

REQUEST:

Revision Date: 4/11/89
Title: Relating to Voter Registrations
Sponsor: Spohnholz
Requestor: _____

Agency Affected: Office of the Governor
BRU: Elections
Components: I - Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL	-0-	57.6	57.6	115.3	57.6	115.3
REVENUE	-0-	57.6	57.6	115.3	57.6	115.3

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	57.6	57.6	115.3	57.6	115.3
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	57.6	57.6	115.3	57.6	115.3

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth Phone: 465-4611
Division: Division of Elections Date: _____
Approved by Commissioner: [Signature] Date: 4/12/89
Agency: Division of Elections

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

CONTINUATION OF FISCAL NOTE
HB 270

The costs reflected in this fiscal note represent:

- 1) Those related to the data entry that will be required to process the voter registration forms that will be completed by voters at the time they apply for their permanent fund dividend checks, and;

Based on 536,000 Permanent Fund Applicants

57%	Age Eligible Applicants	305,320
40%	Anticipated Applications Returned and Requiring Processing	122,208

Based on a total of 3 minutes per application, which includes data entry, microfilming time and entry of reel and frame number on master VREMS record:

122,208	Applications	6,110 Man Hours
40	Hours Per Week	152 Man Weeks

COSTS FOR DATA ENTRY (Odd Numbered Calendar Years but reflected in even numbered Fiscal Years)

Range 7 Data Entry Clerks @ \$378.00/Week	57.7
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- 2) IN ODD NUMBERED CALENDAR YEARS/EVEN NUMBERED FISCAL YEARS WHEN APPLICATIONS FOR VOTER REGISTRATIONS ARE INCLUDED IN PFD APPLICATIONS, those related to completing verification of Permanent Fund Applicants who have not voted, to prevent them from being purged for non-activity.

Based on 536,000 Permanent Fund Applicants

57%	Age Eligible Applicants	305,320
40%	Anticipated Applications Returned already processed and not eligible for purge.	122,208
60%	Not submitting applications	183,312

Based on a total of 2 minutes per voter, no
microfilming or reel and frame entry required.

183,312 PFD Applicants Not Submitting Regis- tration Forms	6,110 Man Hours
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40 Hours Per Week	152 Man Weeks
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COST FOR REVIEW

Range 7 Data Entry Clerks \$378.00 Per Week	57.7
--	------

PFD1

03/30/89

LAST NAME AND MAILING ADDRESS MISMATCHES BETWEEN PFD AND VREMS

PAGE: 2

Items 3
 X VREMS: JOHN F ALLEN
 PO BOX 74552 FAIRBANKS AK 99707
 X PFD : JOHN F ALLEN
 BOX 74552 FAIRBANKS AK 99707

X VREMS: JOHN F ALLEN
 PO BOX 231655 ANCHORAGE AK 99523
 X PFD : JOHN F ALLEN
 BOX 231655 ANCHORAGE AK 99523

X VREMS: JOHN K ALLENDER
 17529 KANTISHNA DR EAGLE RIVER AK 99577
 X PFD : JOHN K ALLENDER
 17529 KANTISHNA EAGLE RIVER AK 99577

X VREMS: JOAN L ALLES
 1200 W DIMOND BLVD #422 ANCHORAGE AK 99515
 X PFD : JOAN L ALLES
 1200 W DIMOND #422 ANCHORAGE AK 99515

X VREMS: JOSEPH L ALLEN
 P.O. BOX 2696 SEWARD AK 99664
 X PFD : JOSEPH L ALLEN
 BOX 2696 SEWARD AK 99664

X VREMS: JOHNNIE M ALLEN
 1529 LATOUCHE APT D ANCHORAGE AK 99501
 X PFD : JOHNNIE M ALLEN
 1529 LATOUCHE ST #D ANCHORAGE AK 99501

X VREMS: JOE W ALLEN
 PO BOX 7352 NIKISKI AK 99635
 X PFD : JOE W ALLEN
 BOX 7352 NIKISKI AK 99635

VREMS: JULIA ALLEN ANCHORAGE AK 99501
 917 E 12TH AVE
 PFD : JULIA ALLEN ANCHORAGE AK 99501
 917 EAST 12TH APT #5

X VREMS: J C ALLEN
 611 PINE KETCHIKAN AK 99901
 X PFD : JUNE C ALLEN
 611 PINE ST KETCHIKAN AK 99901

PFD1

03/30/89

LAST NAME AND MAILING ADDRESS MISMATCHES BETWEEN PFD AND VREMS

PAGE:

VREMS: GARNET W ADAMS

PO BOX 872228

WASILLA

AK 99687

X PFD : GARNET W ADAMS

BOX 872228

WASILLA

AK 99687

VREMS: GEORGE ADAMS JR

2055 SARATOGA AVE

ANCHORAGE

AK 99517

X PFD : GEORGE ADAMS JR

2055 SARATOGA AVE

ANCHORAGE

AK 99517

VREMS: GEORGE ADAMS

BOX 313

BARROW

AK 99723

PFD : GEORGE ADAMS SR

GEORGE

BARROW

AK 99723

BOX 11

VREMS: GERTRUDE A ADAMS

BOX 72

KIVALINA

AK 99750

PFD : GERTRUDE A ADAMS

BOX 50072

KIVALINA

AK 99750

VREMS: GERALDINE F ADAMSON

9255 ENDICOTT

ANCHORAGE

AK 99515

X PFD : GERALDINE F ADAMSON

9255 ENDICOTT ST

ANCHORAGE

AK 99515

VREMS: GLORIA L ADAMS

1512 LING CT

JUNEAU

AK 99801

X PFD : GLORIA L ADAMS

1512 LING COURT

JUNEAU

AK 99801

VREMS: GLADYS S ADAMS

BOX 12

KIVALINA

AK 99750

PFD : GLADYS S ADAMS

BOX 512

KIVALINA

AK 99750

VREMS: GLEN W ADAMS

HC 89 BOX 306

WILLOW

AK 99688

PFD : GLEN W ADAMS

HC 89 BOX 306

WILLOW

AK 99688

VREMS: GORDON B ADAMS

BOX 304

SHEMYA (AFS)

AK 98736

X PFD : GORDON B ADAMS

PSC BOX 304

SHEMYA

AK 98736

HB

276

HOUSE COMMITTEE ON STATE AFFAIRS

**RECAP OF
HB 276**

Permanent Fund - Amerada Hess Litigation

Received April 7, 1989
by The Rules Committee by
Request of the Governor

Heard April 18, 1989

Committee Substitute adopted April 18, 1989

Passed Out of Committee April 18, 1989
3 Do Pass
3 No Recommendation

TABLE OF CONTENTS

HB 276: Permanent Fund - Amerada Hess Litigation

- Item 1:** HB 276 by The Rules Committee by
Request of the Governor

CSHB 276 (SA)
- Item 2:** Governor's Transmittal Letter
- Item 3:** Fiscal Notes and Analyses
- Item 4:** Memorandum from Rep. Boucher
April 18, 1989
- Item 5:** Memorandum from Department of Law
April 10, 1989

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 7, 1989

FURTHER REFERRALS: JUDICIARY
FINANCE

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 276

HOUSE BILL NO. 276 [PERMANENT FUND - AMERADA HESS LITIGATION]
"An Act amending the permanent fund dividend fund statutes to permit litigation of State v. Amerada Hess in Alaska courts; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with (SHB 276(SA)) the same title
 a new title
 have attached amendment(s)
 do pass
 do not pass
 no recommendation
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- fiscal impact _____
 zero fiscal note _____
 zero with analysis _____

- fiscal note(s) _____
 zero fiscal note(s) 4/7/89 DAR
 zero fn/analysis 4/7/89 APFC

SIGNING DO PASS:

SIGNING:
(Check approp. column)

	Do Not Pass	No Rec	Amend
<u>Dave Douley</u>		X	
<u>Jim Busch</u>		X	
<u>Scott McManis</u>		X	

D.A. Bush
Chairman's Signature

Item 2

STEVE COWPER
GOVERNOR



cc
248276

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 7, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. Speaker:

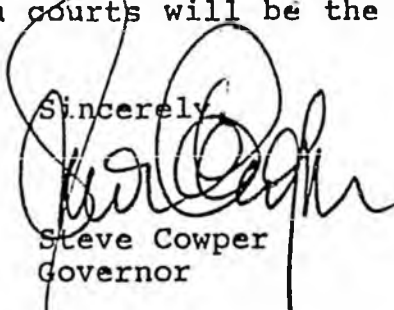
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that amends AS 43.-23.045 by excluding potential revenue from the State v. Amerada Hess case from the permanent fund earnings available for distribution as dividends.

Under current law, the commissioner of revenue must transfer to the dividend fund 50 percent of the income of the Alaska permanent fund which is determined to be available for distribution. Normally this would include income derived from litigation involving the state's royalties. However, in November 1987 three defendants in the State v. Amerada Hess royalty litigation filed suit in federal court to prevent that case from being tried in any court in Alaska. Standard Alaska Petroleum, Exxon, and Chevron USA claim that no judge or jury in Alaska can provide them with a fair trial since all judges and jurors have a financial stake in the outcome and are, therefore, unconstitutionally biased. In particular, the companies assert that these judges and jurors qualify for permanent fund dividends and would financially benefit if the state prevailed in the Amerada Hess case because any money awarded the state would increase the amount available for distribution.

The state Department of Law is vigorously contesting this claim and was successful in having the federal case dismissed in the United States District Court. However, the matter has been appealed to, and is pending before, the Court of Appeals for the Ninth Circuit. Were we to lose this case, the state would be faced with having a non-Alaska court interpreting the meaning of an Alaska lease form and deciding fundamental state policies regarding oil and gas leasing in this state. If the case is still on appeal at the time of trial, now scheduled for April 4, 1990, there would be a cloud hanging over the lengthy proceedings, perhaps compelling enough to lead to further postponements.

This bill would eliminate the due process arguments advanced by the companies, thus making it possible for the trial to stay on schedule in an Alaska court where it belongs. This result is achieved by preventing income earned from any judgment favorable to the state from entering the permanent fund dividend stream. This sacrifice is a small price to pay for assuring that Alaska courts will be the final arbiters of Alaska royalty law.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the word "Sincerely,".

Steve Cowper
Governor

Item 3
No. 1

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Revenue-APFC
 Title: Amending the PF dividend fund
statutes to permit litigation of State v. Amerada Hess
 BRU: _____
 Sponsor: Rules-Request of Governor
 Components: _____
 Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact - see attached

Prepared by: *David A. Rose* Phone: 465-2047
 Division: David A. Rose, Exec. Director Date: April 6, 1989
Alaska Permanent Fund Corporation
 Approved by Commissioner: *[Signature]* Date: 4/6/89
 Agency: _____

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

Continuation of Fiscal Note/Bill Analysis

Permanent Fund Dividend Fund Statute Amendment to Permit
Litigation of State v. Amerada Hess in Alaska

This bill would eliminate certain due process arguments currently advanced by the defendants in State v. Amerada Hess, by neutralizing the impact upon Permanent Fund dividends of a decision favorable to the State. The Alaska Permanent Fund's legally mandated share of all funds received in a settlement of the litigation, including associated interest, would be credited to the principal of the Fund at the time of receipt. It is expected that the settlement could range from \$400 million to \$2.6 billion, the latter number estimated by the defendants.

All future earnings on this portion of Fund principal would be forever excluded from Permanent Fund dividend calculations. In this manner, the bill prevents all income earned from a judgment favorable to the State from entering the Permanent Fund dividend stream, and makes it possible to continue the trial in an Alaska court on schedule.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: HB 276
PUBLISH DATE: HOUSE 4/7/89

FISCAL NOTE

REQUEST

Revision Date: _____
Title: An Act amending the PFD statutes
Sponsor: Rules/Governor
Requestor: Rules

Agency Affected: Revenue
BRU: Permanent Fund Dividend Division
Components: Permanent Fund Dividend Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
OPERATING						
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LANDS & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: This bill would have no affect on the administration of the dividend program.

Prepared By: Ervin Jones
Division: Permanent Fund Dividend Division

Phone: 465-2323
Date: April 5, 1989

Approved by Commissioner: [Signature]
Agency: Revenue

Date: 4/5/89

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

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

April 10, 1989

The Honorable H. A. Boucher
Chair, House State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Re: Proposed committee
substitute for HB 276
Our file: 773-89-114

Dear Representative Boucher:

It has come to our attention that the title of HB 276 could be made more specific and that it would be helpful to make express a point that is now only implied in the amendment in sec. 1 of the original bill. A proposed committee substitute, drafted for possible adoption by your committee, is attached.

The change in the bill title makes clear that the bill is to prevent amounts received as a result of the State v. Amerada Hess litigation from being used for permanent fund dividends. The current title merely indicates that the effect of the bill will be to permit litigation of that case in Alaska courts and thus make moot the current legal challenge to having that case heard by an Alaska court.

With regard to the change in the text, the original version of the bill relies on the application of existing law with regard to oil and gas income. The change offered by this draft committee substitute makes clear that money received as a result of the State v. Amerada Hess litigation will be treated the same as other income of the Alaska permanent fund, except for

Item 5

STEVE COWPER, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701-4679

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600

Honorable H. A. Boucher, Chair
House State Affairs Committee
Our file: 773-89-0114

April 10, 1989
Page 2

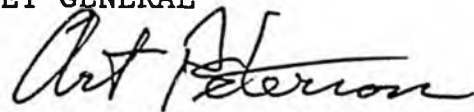
permanent fund dividends. Both versions make clear that that money is not available for distribution to the dividend fund from which permanent fund dividends are paid.

Thank you for your consideration of this matter.

Yours truly,

DOUGLAS B. BAILY
ATTORNEY GENERAL

By:



Arthur H. Peterson
Assistant Attorney General

AHP/cb

Enclosure

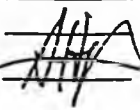
cc w/encl.: Robert A. Evans
Legislative Liaison
Office of the Governor

Bruce Botelho
Assistant Attorney General
Juneau

DRAFT # 2cb

DATE: 4/10/89

BOOKPROOFED: _____

APPROVED: 

IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 276

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act amending the permanent fund dividend fund statutes to prevent amounts received as a result of the litigation of State v. Amerada Hess in Alaska courts from being used for permanent fund dividends; and providing for an effective date."

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

* Section 1. AS 43.23.045(b) is amended to read:

(b) Notwithstanding any contrary provision of law, each year the commissioner shall transfer to the dividend fund 50 percent of the income of the Alaska permanent fund earned during the fiscal year ending on June 30 of the current year and available for distribution. However, income earned on money awarded after trial in State v. Amerada Hess, et. al., 1JU-77-847 Civ. (Superior Court, First Judicial District) shall be treated in the same manner as other income of the Alaska permanent fund, except that it is not available for distribution to the dividend fund.

* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

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STATE OF ALASKA THE LEGISLATURE

BOUCHER STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 14, 1989

SUBJECT: Income earned on money awarded after trial
(CSHB 276(SA))

TO: Representative H.A. "Red" Boucher

FROM: Tamara Brandt Cook
Director *TBC*
Division of Legal Services

You have asked for comments on a draft committee substitute submitted by the Department of Law.

(1) I believe that the title satisfies the requirements of article II, section 13 of the state constitution. Nevertheless, it is not very precise. I would recommend something like:

"An Act relating to income earned on money awarded after trial in State v. Amerada Hess; and providing for an effective date."

(2) I am uncertain as to the effect of the substantive change made to AS 43.23.045(b). The added provision specifically deals with "income earned on money awarded after trial". Should the possibility of settlement be dealt with? The provision appears to apply only to income earned on money awarded after the litigation. Will any interest have been earned on that money during the course of litigation or will any interest be awarded in the case, and should that income be considered in this bill? The provision provides that future income earned on the money awarded will be "treated in the same manner as other income" of the permanent fund. At the same time it is not available for distribution to the dividend fund. Does this mean that the income will not be considered in determining the level of the dividend each year, or only that the physical dollars generated as income of the litigation money will not be the ones used to pay that dividend? The language needs to be clarified, both to achieve the desired result in court and to allow administration of the provision if it becomes law.

TBC:lmb:kb
L7/067

OFFICE OF MANAGEMENT + Budget

4/18/89

ROYALTY COSTS .

TITLE CHANGE - - HB 276

→ 1 Billion to 2 Billion \$

New Title:

An Act relating to transfers to the dividend fund; and providing for an effective date.

\$ 20 mil expended already!
TRIED NEXT YR IN JUNE

9th circuit would rule that move / Judge (Cline Field)
that out of AREA

STANDARD US: S. C. GIGER / LAWSUIT OF COURSE

Risks

- 1) loose right to try A-H. IN STATE
- 2) loose try IN FEDERAL COURT

where case go?

NO ALTERNATE FORUM / JURISDICTIONAL LAW -
MAY BE CAST TRY IN ANOTHER JURISDICTION -
COULD RESULT IN delay - AS IS SCHEDULE
FOR NEXT YR.

IF TAKEN AWAY, OIL CO. WOULD ARGUE
STATUS OF TRANSFERS IN NEW JURISDICTION
COULD RESULT IN STATE NOT HEARING OTHER

CASES BE PRESENTED FROM OTHER JURISDICTION

(U) STATE COURTS -

HB

277

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
HB 277

Gender Balance on Bds, Commns & Other Gps

Received April 7, 1989

by Reps. Boyer, Spohnholz, Koponen, Brown, Ellis,
Ulmer, Menard, Boucher, and Goll

Heard April 20, 1989

Committee Substitute adopted April 20, 1989

Passed Out of Committee April 20, 1989

4 Do Pass

1 No Recommendation

1 Amend

TABLE OF CONTENTS

HB 277: Gender Balance on Bds, Commns & Other Gps

- Item 1:** HB 277 by Boyer, Spohnholz, Koponen, Brown,
Ellis, Ulmer, Menard, Boucher, and Goll
CS HB 277 (SA)
- Item 2:** Fiscal Note
- Item 3:** Memorandum from Rep. Boyer, April 9, 1989
- Item 4:** Letter from NEA - Alaska, April 17, 1989
- Item 5:** Iowa Statute

HOUSE COMMITTEE REPORT

(7)
Date Referred: April 7, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 277

HOUSE BILL NO: 277 [GENDER BALANCE ON BDS, COMMNS & OTHER GPS]
"An Act requiring gender balance on state boards, commissions, and similar groups."

RECOMMENDATIONS:

- be replaced with CS HB 277 (SA) the same title
 have attached amendment(s) a new title
- do pass
 do not pass
 no recommendation
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
 zero fiscal notes off of governor
 zero with analysis _____

- fiscal note(s) _____
 zero fiscal note(s) _____
 zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

[Signature]
[Signature]
[Signature]
[Signature]

	Do Not Pass	No Rec	Amend
<u>[Signature]</u>		X	
<u>[Signature]</u>			X

[Signature]
Chairman's Signature

Item 2

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Office of the Governor
 Title: An Act requiring gender balance BRU: Executive Office
on state boards, commissions, and similar..
 Sponsor: Bover, Soohnholz, Koronen, et al. Components: _____
 Requestor: Representative Bover

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Michael A. Nizich, Director *Man* Phone: 465-3616
 Division: Division of Administrative Services Date: 4-11-89

Approved by Commissioner: Garvey M. Peska *[Signature]* Date: 4-11-89
 Agency: Chief of Staff

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

Item 3

Alaska State Legislature

REPRESENTATIVE
MARK BOYER

VICE-CHAIRMAN, HOUSE
HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

MEMBER, HOUSE LABOR AND
COMMERCE COMMITTEE

CHAIR, CHILDREN'S CAUCUS



House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
(907) 456-6473

JUNEAU

P.O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3466

MEMORANDUM

TO: Representative "Red" Boucher
Chair, State Affairs Committee

FROM: Representative Mark Boyer *MB*

DATE: April 9, 1989

SUBJECT: Scheduling a hearing on HB 277, "An Act requiring gender balance on state boards, commissions and similar groups."

I am requesting that you schedule a hearing on HB 277. I am proud to be a sponsor of this legislation because I believe that equality between the sexes will not be achieved until women are allowed to participate in all walks of life on an equal basis with men. I am appalled that women in Alaska, even though they comprise 48% (Department of Labor statistic, July 1, 1987) of the population, are either not represented or under-represented on the 137 state boards and commissions. To name a few, there are no women on the six member Permanent Fund Board, the seven member Railroad Corporation Board, the fourteen member Forestry Board, and the five member Alaska Housing Finance Corporation. I would also think that of the 21 members of the Alaska Tourism Council, one qualified woman could be found to serve.

Our state has a strong history of equality. The citizens of Alaska voted for equality in 1972 by adopting a constitutional amendment prohibiting sex discrimination. Also, the first act of the 1st Territorial Legislature in 1913 was to give women the right to vote. Though our state has endorsed equality, I think it is clear by the attached list that we have failed to achieve this goal. There are qualified women for each of these boards and commissions.

Red, my sincere thanks to you for being in the forefront by co-sponsoring this "fairness" piece of legislation. If you have any questions or require further information, contact me or my staff, Nancy Groszek at 465-3466.

FAIRBANKS 20B

Representative Red Boucher
House Bill 277
Page 2

Thank you in advance for your prompt consideration.

MB/NJG/bhn

Attachment

cc: State Affairs Committee Members

Compiled by House Research Agency
#s as of March 31, 1989

TABLE 1
FEMALE BOARD AND COMMISSION MEMBERS

BOARD NUMBER	BOARD OR COMMISSION	TOTAL MEMBERS *	FEMALE MEMBERS	PERCENT OF FEMALE MEMBERS AS PERCENT OF TOTAL MEMBERS
1	Accountancy Board	7	3	42.9%
2	Agricultural Revolving Loan Fund Board	7	2	28.6
3	Alcoholic Beverage Control Board	5	1	20.0
4	Review Board on Alcoholism (Terminated)	0	0	0.0
5	Architects, Engineers, Land Surveyors	9	2	22.2
6	Arts Council	11	8	72.7
7	Assessment Review Board	5	0	0.0
8	Athletic Commission	5	0	0.0
9	Bald Eagle Preserve Advisory Council	12	0	0.0
10	Bar Association	12	5	41.7
11	Barbers and Hairdressers	5	4	80.0
12	Bicentennial Commission	20	7	35.0
13	Block Grant Advisory Committee	11	6	54.5
14	Broadcasting Commission	9	6	66.7
15	Building Authority	5	2	40.0
16	Chiropractic Examiners	5	1	20.0
17	Clemency Advisory Committee	3	0	0.0
18	Coastal Policy Council	16	2	12.5
19	Code Revision Commission	8	2	25.0
20	Commercial Fisheries Entry Commission	3	0	0.0
21	Commercial Fishing and Agriculture Bank	7	0	0.0
22	Compensation Commission	7	4	57.1
23	Correctional Industries Commission	7	2	28.6
24	Dental Examiners	9	3	33.3
25	Public Employees and Teachers Disability Review Board	5	0	0.0
26	Dispensing Opticians Board	5	2	40.0
27	Domestic Violence and Sexual Assault	7	6	85.7
28	Advisory Board on Drug Abuse (Terminated)	0	0	0.0
29	Education Board	9	5	55.6
30	Education Commission of the States	7	0	0.0
31	Emergency Medical Services Advisory Council	16	5	31.3
32	Emergency Response Commission	13	4	30.8
33	Employees Retirement Board	5	2	40.0
34	Employment of the Handicapped	12	7	58.3
35	Employment Security Advisory Council	5	2	40.0
36	Federal Areas of Alaska	16	4	25.0
37	Fisheries Board	8	0	0.0
38	Fisherman's Fund Advisory and Appeals Council	6	1	16.7
39	Forestry Board	14	0	0.0
40	Game Board	8	1	12.5
41	Geographic Board	8	3	37.5
42	Guide Board	7	1	14.3
43	Handicapped and Gifted Council	23	9	39.1
44	Historic Sites Advisory Committee	7	5	71.4
45	Historical Commission	6	4	66.7
46	Historical Records Advisory board	7	4	57.1
47	Housing Finance Corporation	5	0	0.0
48	Human Rights Commission	7	5	71.4
49	Humanities Forum	3	0	0.0
50	Industrial Development and Export Authority	5	0	0.0
51	Job Training Coordinating Council	21	7	33.3
52	Judicial Conduct Commission	9	3	33.3
53	Judicial Council	7	2	28.6
54	Juvenile Justice and Family Services Advisory Committee	15	8	53.3
55	Labor Relations Agency	3	1	33.3

TABLE 1 (Continued)
FEMALE BOARD AND COMMISSION MEMBERS

BOARD NUMBER	BOARD OR COMMISSION	TOTAL MEMBERS *	FEMALE MEMBERS	PERCENT OF FEMALE MEMBERS AS PERCENT OF TOTAL MEMBERS
56	Land Use Council Advisors Committee	20	4	20.0
57	Libraries Advisory Council	10	8	80.0
58	Local Boundary Commission	5	2	40.0
59	Marine Pilots Board	7	0	0.0
60	Medicaid Rate Commission	5	0	0.0
61	Medical Board	7	2	28.6
62	Medical Indemnity Corporation of Alaska	9	2	22.2
63	Mental Health Board	13	6	46.2
64	Mental Health Trust Commission	5	2	40.0
65	Minerals Commission	11	1	9.1
66	Municipal Bond Bank Authority	5	0	0.0
67	Nursing Board	7	7	100.0
68	Nursing Home Administrators Board	3	2	66.7
69	Occupational Safety and Health Review Board	3	0	0.0
70	Oil and Gas Conservation Commission	3	0	0.0
71	Older Alaskans Commission	11	6	54.5
72	Optometry Board	5	1	20.0
73	Pacific Marine Fisheries Commission	3	0	0.0
74	Park and Park Monument Subsistency Resource Commissions	20	5	25.0
75	Parole Board	5	1	20.0
76	Permanent Fund Corporation Board of Trustees	6	0	0.0
77	Personnel Board	3	1	33.3
78	Pharmacy Board	7	4	57.1
79	Physical Therapy and Occupational Therapy Board	7	4	57.1
80	Pioneers' Homes Advisory Board	7	1	14.3
81	Police Standards Council	11	2	18.2
82	Postsecondary Education Commission	14	6	42.9
83	Power Authority	7	1	14.3
84	Private Industry Council	15	8	53.3
85	Professional Teaching Practices Commission	9	5	55.6
86	Psychologist and Psychological Associate Examiners	5	2	40.0
87	Public Offices Commission	5	1	20.0
88	Railroad Corporation Board	7	0	0.0
89	Railroad Labor Relations Agency	3	1	33.3
90	Real Estate Commission	7	3	42.9
91	Regents, University of Alaska	11	5	45.5
92	Royalty Oil and Gas Development Advisory Board	6	1	16.7
93	Rural Alaska Television Users Network	14	6	42.9
94	Safety Advisory Council	14	2	14.3
95	Science and Engineering Advisory Commission	7	1	14.3
96	Seafood Marketing Institute	18	2	11.1
97	Soil and Water Conservation Board	6	1	16.7
98	Student Loan Corporation	5	2	40.0
99	Teachers' Retirement Board	5	2	40.0
100	Telecommunications Information Council	19	3	15.8
101	Utilities Commission	5	3	60.0
102	Veterinary Examiners	5	2	40.0
103	Violent Crimes Compensation Board	3	2	66.7
104	Vocational and Career Education Council	13	5	38.5
105	Water and Wastewater Works Advisory Board	9	0	0.0
106	Water Resources Board	9	3	33.3
107	Western Interstate Commission of Higher Education	3	1	33.3
108	Women's Commission	10	9	90.0
109	Wood-Tikchik State Park Management Council	7	0	0.0
110	Worker's Compensation Board	11	1	9.1

TABLE 1 (Continued)
FEMALE BOARD AND COMMISSION MEMBERS

BOARD NUMBER	BOARD OR COMMISSION	TOTAL MEMBERS *	FEMALE MEMBERS	PERCENT OF FE MEMBERS AS PERCENT OF TO MEMBERS
111	Children and Youth Commission	22	15	68.2
112	Health Care	12	0	0.0
113	Housing Market Council	12	4	33.3
114	Trade Alaska Advisors	20	5	25.0
115	Tourism Coordinating Committee	12	2	16.7
116	Tourism Marketing Council	21	0	0.0
117	Science and Technology Foundation Board	9	2	22.2
118	Guiding and Game Task Force	0	0	0.0
119	Mechanical Examiners Board	3	0	0.0
120	Electrical Examiners Board	3	0	0.0
121	Alaska-Soviet Relations Commission	Inactive	0	0.0
122	Clinical Social Work Examiners	5	4	80.0
123	Recreation Rivers Advisory Board	11	0	0.0
124	Finfish Farming Task Force	Inactive	0	0.0
125	Fishing Vessel Safety Interim Commission	Inactive	0	0.0
126	Alcoholism and Drug Abuse Advisory Board	12	5	41.7
127	Native Services Commission	8	1	12.5
128	Small Business Conference Board	22	5	22.7
129	***	0	0	0.0
130	North Pacific and Bering Sea Fisheries Advisory Body **	0	0	0.0
131	Equal Opportunity Advisory Council	12	3	25.0
132	North Pacific Fisheries Management Council **	0	0	0.0
133	Public Defender (Not a Board or Commission)	0	0	0.0
134	Judgeships (Not a Board or Commission)	0	0	0.0
135	***	0	0	0.0
136	Yukon River Salmon Negotiations **	0	0	0.0
137	Health Care Cost Containment Task Force	7	2	28.6
	TOTALS	1,098	338	30.8%

* Total number of members is constantly changing.

** Federal Board

*** Not presently filled.

Prepared by the House Research Agency, April 1989 (89.331).



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

April 17, 1989

MEMORANDUM

TO: Representative Mark Boyer

ATTN: Nancy Groszek

FROM: Sandi Depue *md*
Administrative Officer

RE: Women Serving on Alaska Boards and Commissions
Research Request 89.331

Attached is a revised Table 1 showing the number of women serving on Alaska's boards and commissions. Two changes have been made: one woman serves on board no. 115--the Tourism Coordinating Committee--compared to two previously reported, and five women serve on board no. 116--the Tourism Marketing Council--compared to none being previously reported. Consequently, the percent of female members as a percent of total members changes from 30.8% to 31.1%. Please replace the original table with the attached revised table. I apologize for any inconvenience this error has caused.

TABLE 1
FEMALE BOARD AND COMMISSION MEMBERS

BOARD NUMBER	BOARD OR COMMISSION	TOTAL MEMBERS *	FEMALE MEMBERS	PERCENT OF FEMALE MEMBERS AS PERCENT OF TOTAL MEMBERS
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2	Agricultural Revolving Loan Fund Board	7	2	28.6
3	Alcoholic Beverage Control Board	5	1	20.0
4	Review Board on Alcoholism (Terminated)	0	0	0.0
5	Architects, Engineers, Land Surveyors	9	2	22.2
6	Arts Council	11	8	72.7
7	Assessment Review Board	5	0	0.0
8	Athletic Commission	5	0	0.0
9	Bald Eagle Preserve Advisory Council	12	0	0.0
10	Bar Association	12	5	41.7
11	Barbers and Hairdressers	5	4	80.0
12	Bicentennial Commission	20	7	35.0
13	Block Grant Advisory Committee	11	6	54.5
14	Broadcasting Commission	9	6	66.7
15	Building Authority	5	2	40.0
16	Chiropractic Examiners	5	1	20.0
17	Clemency Advisory Committee	3	0	0.0
18	Coastal Policy Council	16	2	12.5
19	Code Revision Commission	8	2	25.0
20	Commercial Fisheries Entry Commission	3	0	0.0
21	Commercial Fishing and Agriculture Bank	7	0	0.0
22	Compensation Commission	7	4	57.1
23	Correctional Industries Commission	7	2	28.6
24	Dental Examiners	9	3	33.3
25	Public Employees and Teachers Disability Review Board	5	0	0.0
26	Dispensing Opticians Board	5	2	40.0
27	Domestic Violence and Sexual Assault	7	6	85.7
28	Advisory Board on Drug Abuse (Terminated)	0	0	0.0
29	Education Board	9	5	55.6
30	Education Commission of the States	7	0	0.0
31	Emergency Medical Services Advisory Council	16	5	31.3
32	Emergency Response Commission	13	4	30.8
33	Employees Retirement Board	5	2	40.0
34	Employment of the Handicapped	12	7	58.3
35	Employment Security Advisory Council	5	2	40.0
36	Federal Areas of Alaska	16	4	25.0
37	Fisheries Board	8	0	0.0
38	Fisherman's Fund Advisory and Appeals Council	6	1	16.7
39	Forestry Board	14	0	0.0
40	Game Board	8	1	12.5
41	Geographic Board	8	3	37.5
42	Guide Board	7	1	14.3
43	Handicapped and Gifted Council	23	9	39.1
44	Historic Sites Advisory Committee	7	5	71.4
45	Historical Commission	6	4	66.7
46	Historical Records Advisory board	7	4	57.1
47	Housing Finance Corporation	5	0	0.0
48	Human Rights Commission	7	5	71.4
49	Humanities Forum	3	0	0.0
50	Industrial Development and Export Authority	5	0	0.0
51	Job Training Coordinating Council	21	7	33.3
52	Judicial Conduct Commission	9	3	33.3
53	Judicial Council	7	2	28.6
54	Juvenile Justice and Family Services Advisory Committee	15	8	53.3
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57	Libraries Advisory Council	10	8	80.0
58	Local Boundary Commission	5	2	40.0
59	Marine Pilots Board	7	0	0.0
60	Medicaid Rate Commission	5	0	0.0
61	Medical Board	7	2	28.6
62	Medical Indemnity Corporation of Alaska	9	2	22.2
63	Mental Health Board	13	6	46.2
64	Mental Health Trust Commission	5	2	40.0
65	Minerals Commission	11	1	9.1
66	Municipal Bond Bank Authority	5	0	0.0
67	Nursing Board	7	7	100.0
68	Nursing Home Administrators Board	3	2	66.7
69	Occupational Safety and Health Review Board	3	0	0.0
70	Oil and Gas Conservation Commission	3	0	0.0
71	Older Alaskans Commission	11	6	54.5
72	Optometry Board	5	1	20.0
73	Pacific Marine Fisheries Commission	3	0	0.0
74	Park and Park Monument Subsistency Resource Commissions	20	5	25.0
75	Parole Board	5	1	20.0
76	Permanent Fund Corporation Board of Trustees	6	0	0.0
77	Personnel Board	3	1	33.3
78	Pharmacy Board	7	4	57.1
79	Physical Therapy and Occupational Therapy Board	7	4	57.1
80	Pioneers' Homes Advisory Board	7	1	14.3
81	Police Standards Council	11	2	18.2
82	Postsecondary Education Commission	14	6	42.9
83	Power Authority	7	1	14.3
84	Private Industry Council	15	8	53.3
85	Professional Teaching Practices Commission	9	5	55.6
86	Psychologist and Psychological Associate Examiners	5	2	40.0
87	Public Offices Commission	5	1	20.0
88	Railroad Corporation Board	7	0	0.0
89	Railroad Labor Relations Agency	3	1	33.3
90	Real Estate Commission	7	3	42.9
91	Regents, University of Alaska	11	5	45.5
92	Royalty Oil and Gas Development Advisory Board	6	1	16.7
93	Rural Alaska Television Users Network	14	6	42.9
94	Safety Advisory Council	14	2	14.3
95	Science and Engineering Advisory Commission	7	1	14.3
96	Seafood Marketing Institute	18	2	11.1
97	Soil and Water Conservation Board	6	1	16.7
98	Student Loan Corporation	5	2	40.0
99	Teachers' Retirement Board	5	2	40.0
100	Telecommunications Information Council	19	3	15.8
101	Utilities Commission	5	3	60.0
102	Veterinary Examiners	5	2	40.0
103	Violent Crimes Compensation Board	3	2	66.7
104	Vocational and Career Education Council	13	5	38.5
105	Water and Wastewater Works Advisory Board	9	0	0.0
106	Water Resources Board	9	3	33.3
107	Western Interstate Commission of Higher Education	3	1	33.3
108	Women's Commission	10	9	90.0
109	Wood-Tikchik State Park Management Council	7	0	0.0
110	Worker's Compensation Board	11	1	9.1

TABLE 1 (Continued)
FEMALE BOARD AND COMMISSION MEMBERS

BOARD NUMBER	BOARD OR COMMISSION	TOTAL MEMBERS *	FEMALE MEMBERS	PERCENT OF FEMALE MEMBERS AS PERCENT OF TOTAL MEMBERS
111	Children and Youth Commission	22	15	68.2
112	Health Care	12	0	0.0
113	Housing Market Council	12	4	33.3
114	Trade Alaska Advisors	20	5	25.0
115	Tourism Coordinating Committee	12	1	8.3
116	Tourism Marketing Council	21	5	23.8
117	Science and Technology Foundation Board	9	2	22.2
118	Guiding and Game Task Force	0	0	0.0
119	Mechanical Examiners Board	3	0	0.0
120	Electrical Examiners Board	3	0	0.0
121	Alaska-Soviet Relations Commission	Inactive	0	0.0
122	Clinical Social Work Examiners	5	4	80.0
123	Recreation Rivers Advisory Board	11	0	0.0
124	Finfish Farming Task Force	Inactive	0	0.0
125	Fishing Vessel Safety Interim Commission	Inactive	0	0.0
126	Alcoholism and Drug Abuse Advisory Board	12	5	41.7
127	Native Services Commission	8	1	12.5
128	Small Business Conference Board	22	5	22.7
129	***	0	0	0.0
130	North Pacific and Bering Sea Fisheries Advisory Body **	0	0	0.0
131	Equal Opportunity Advisory Council	12	3	25.0
132	North Pacific Fisheries Management Council **	0	0	0.0
133	Public Defender (Not a Board or Commission)	0	0	0.0
134	Judgeships (Not a Board or Commission)	0	0	0.0
135	***	0	0	0.0
136	Yukon River Salmon Negotiations **	0	0	0.0
137	Health Care Cost Containment Task Force	7	2	28.6
	TOTALS	1,098	342	31.1%

* Total number of members is constantly changing.

** Federal Board

*** Not presently filled.

Prepared by the House Research Agency, April 1989 (89.331).

Item 4



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE
ANCHORAGE, ALASKA 99503
(907) 274-0536

JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302
JUNEAU, ALASKA 99801
(907) 586-3090

FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

April 17, 1989

To: Representative Red Boucher, Chair
Members, House State Affairs Committee

Re: House Bill No. 277; "An Act requiring gender
balance on state boards, commissions, and
similar groups."

NEA-Alaska supports and encourages your favorable
consideration of HB 277.

This legislation addresses an area of concern which has been
too long ignored in Alaska and provides an effective means
to positive resolution.

Women comprise 48% of the state population but they hold
only 30% of the appointive positions on the boards and
commissions of the state. Even more significant is the fact
that some of the more prestigious and significant boards and
commissions have no women in their membership.

The basic premise of equal opportunity is just that - equal
opportunity. The opportunity to be involved through active
participation at the board and commission level opens other
doors of opportunity.

Alaska can and must re-affirm its commitment to affirmative
action by passing HB 277.

Thank you for your consideration of our position.

Respectfully submitted,

Bob Manners
Executive Secretary

Judy Salo
President

cc: Representative Mark Boyer



IOWA Statute

1987

69.16A Gender balance.

All appointive boards, commissions, committees and councils of the state established by the Code if not otherwise provided by law shall be gender balanced. No person shall be appointed or reappointed to any board, commission, committee, or council established by the Code if that appointment or reappointment would cause the number of members of the board, commission, committee, or council of one gender to be greater than one-half the membership of the board, commission, committee, or council plus one. If there are multiple appointing authorities for a board, commission, committee, or council, they shall consult each other to avoid a violation of this section. This section shall not prohibit an individual from completing a term being served on June 30, 1987.

87 Acts, ch 218, §8 SF 148
Section amended

AS EACH COO SUNSET,
DO GENDER BALANCE

W. DON - JMS - 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100
M/C Must be gender balanced
Dropped out

BY BOYER, SPOHNHOLZ, KOPONEN,
BROWN, ELLIS, ULMER, MENARD,
BOUCHER, AND GOLL

1 IN THE HOUSE

HOUSE BILL NO. 277

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act requiring gender balance on state boards,
7 commissions, and similar groups."

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

9 * Section 1. AS 39.05 is amended by adding a new section to read:

10 Sec. 39.05.062. GENDER BALANCE ON BOARDS AND COMMISSIONS. (a)

11 → All appointive boards, commissions, committees, councils, task forces,
12 and similar groups established by law must be gender balanced, unless
13 otherwise provided by the law establishing the group.

14 (b) Unless otherwise provided by law, a person may not be
15 appointed or reappointed to a board, commission, committee, council,
16 task force, or similar group established by law if that appointment or
17 reappointment would cause the number of members of one gender to
18 exceed by more than one the number of members of the other gender
19 serving as members of the group.

20 (c) If there are multiple appointing authorities for a board,
21 commission, committee, council, task force, or similar group governed
22 by this section, the appointing authorities shall consult each other
23 to avoid a violation of this section.

24 * Sec. 2. TRANSITIONAL PROVISION. Notwithstanding AS 39.05.062, enact-
25 ed by sec. 1 of this Act, an individual may complete a term as a member of
26 a board, commission, committee, council, task force, or similar group if
27 the term is being served on the effective date of this Act.

gender balance - M/C
Created For M/C Forces not subject Reater
would not be a violation to Restriction
gives us
to consider
to make adjustments
10/26/01
6/15/01

THE NAME
ANY GOAWS WITH
SUBJECT

Who determines who is on the board
→ Board 100% at State

Licensing Boards

Appt process is digging - go into community who fit these qualifications

Donley

MANDATORY MEMBERS: e.g. COMMISSIONER - 3 ♀'s e.g.

- 1) → only public members with specific purpose...
- 2) → BTC APT by you - Leg has idea of structure
his point - ↓ Leg overseeing with this Bill -

MAJOR FOCUS: BOARD with exception

Amend #1

→ public members - no criteria p.m. not uniquely specific within AS -

Leg ↓

↓ Leg not involved
↓ UNWORKABLE

ESTABLISH make-up of com + establish - sunset

also # with unique qualifications
leg. BOARD. WORK - HAVE TO BE COM +

10/20/07

NOTE to + 100

- 1) EXCLUDE public members
- 2) // unique ones -

Reviewed quora dispute
on CLE basis -
less subject to
court decisions



Alaska
legislative
UNACD - 200
FOUCA
OFF.

Alaska State Legislature

House of Representatives
COMMITTEE ON STATE AFFAIRS

TABLE OF CONTENTS

Wednesday, April 19, 1989
HB 277: Gender Balance on Bds, Commns & Other Gps

- Item 1: HB 277 by Boyer, Spohnholz, Koponen, Brown, Ellis, Ulmer, Menard, Boucher, and Goll
- Item 2: Fiscal Note
- Item 3: Memorandum from Rep. Boyer, April 9, 1989
- Item 4: Letter from NEA - Alaska, April 17, 1989
- Item 5: Iowa Statute

to enter the list
for the NEA review

constitution - quota - gender based
supreme court seating -
shifting on supreme court -
case law on quotas -
seem to indicate world
line no of justice quota
→ city of Richmond

deliberation

→ AMEND #1
CONSTITUTION OVER PUBLIC MEMBER
[NON-QUOTA OFFICIAL]



CATEGORY OF PUBLIC MEMBER.

UNIQUE - SINGULAR - ONE PERU.
NEEDS UNIQUE Q. QUALIFICATION

CONG. ONE S SPECIALIA

SINGULAR UNIQUE
QUALIFICATION
PERMITS -

2 PEOPLE GOES BY
to 100

#1 - DOUBLE

#2 ONLY APPLIES TO PUBLIC MEMBERS

HB

280

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "As Am Relating to
Administrative Adjudication . . ."
Sponsor: Representative Boucher
Requestor: House State Affairs

Agency Affected: Department of Law
BRU: Legal Services
Components: Operation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis

Richard I. Pegues

Prepared by: Richard I. Pegues
Division: Administrative Services

Phone: 465-3672
Date: 4/18/89

Approved by Commissioner: *Richard I. Pegues / FOR /*
Douglas B. Bailey, Attorney General
Agency: Department of Law

Date: 4/18/89

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 280

This bill repeals and reenacts various sections of AS 44.77 to provide for administrative adjudication of certain claims against the state. The bill covers claims arising from the furnishing of services or supplies under state procurement contracts. The bill excludes claims covered by the State Procurement Code, an implied warranty, and tort claims.

The bill provides for an initial appeals process by a purchasing agency or department. Denials of a claim at this level may be appealed to the Department of Administration. At this point, a party bringing an appeal may request that that appeal be conducted by arbitration under AS 09.43.010-09.43.180. Under the bill, the Department of Administration would be required to use this binding arbitration method, if such a request is made. If a request for arbitration is not made, the bill provides for an administrative appeals process for claimants, at the Department of Administration level. A claimant may appeal a decision of the Department of Administration to the superior court.

Administrative appeals are generally less expensive for all of the parties concerned. Discovery usually takes place during hearings, and the parties are given adequate time, through continuances to respond to newly discovered evidence. Arbitration proceedings, although less formal than court proceedings, are far more expensive than administrative appeals. Arbitrations include lawyer conducted discovery, depositions, and expert witnesses. The fee charged by arbitrators averages about \$150 per hour, excluding their costs, and excluding the administrative fee charged by the American Arbitration Association. The bill provides for a three member arbitration panel to hear each appeal.

Most claims arising from the state's procurement of services and supplies involve construction projects. Currently, and as provided by this version of the bill, those claims are and will be handled under the State Procurement Code. Consequently, this bill should not have a fiscal impact on the Department of Law. There would probably be a significant impact; however, if the bill's binding arbitration appeal process were to be used for claims that are now handled administratively under the procurement code. The greatest impact would be on the Department of Transportation and Public Facilities.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: 280
PUBLISH DATE: 4/11/89

RECEIVED

APR 19 1989

REQUEST: FISCAL NOTE

Revision Date: 1/10/89
Title: An Act relating to the administrative adjudication of certain claims against the state.
Sponsor: Boucher

Agency Affected: DOT
BRU: Design & Construction Maintenance & Operations & AMHS

Requestor:

Components: Administration

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (THOUSANDS OF DOLLARS)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

There will be some adverse impact from the bill on the department in the form of higher administrative costs and possibly higher than administratively justified payments to the claimants. At this time, it would be difficult to estimate the increase costs.

Prepared by: Loren Rasmussen
Division: Engineering & Operations Standards

Phone: 465-2960
Date: 4/17/89

Approved by Commissioner: Mark S. Hickey
Agency: Department of Transportation and Public Facilities

Date: 4/17/89

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

Department of Transportation & Public Facilities



POSITION PAPER

BILL NO: HB 280

APPROVED: *Mark D. Hyl*

An Act relating to the administrative

TITLE: adjudication of certain claims against the State **DATE:** April 18, 1989

The department is opposed to the bill in the present form.

Section 1 of the bill defines the claims which will be covered by the legislation. It specifically excludes claims made under the existing procurement code.

Section 2 provides for review by the Department of Administration unless the claimant requests arbitration.

The department opposes the general use of arbitration in the settlement of contract claims. Arbitration has not proven to be cost effective or more timely in the resolution of claims. In the past three years the legislature and the administrations have spent considerable time and effort in developing and implementing a new procurement code which includes a complete Article, "Legal and contractual remedies", for the process of resolving claims. We would respectfully suggest that Article 8 of AS 36.30 be expanded to include the claims covered by this bill. We are willing to work with the committee to develop the appropriate committee substitute.

The remaining sections of this bill address technical changes and repealers.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Administrative adjudication of certain claims against the State
 Sponsor: Boucher
 Requestor: _____

Agency Affected: Administration
 BRU: Office of the Commissioner
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0					
---------	---	--	--	--	--	--

REVENUE	0					
---------	---	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Additional fiscal impact is impossible to predict because costs of arbitration are determined by arbitration panel (see AS 09.43.100), and apportioned by that body. These costs, as well as the award, could be levied against the department against which the claim is filed or if the appeal is not supported, the costs could be levied against the appellant.

Prepared by: Robert I. Stewart *Robert I. Stewart* Phone: 465-4418
 Division: Administrative Services Date: 4-13-89

Approved by Commissioner: John M. Andrews *John M. Andrews* Date: 4/14/89
 Agency: Administration

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



Alaska State Legislature

House of Representatives
COMMITTEE ON STATE AFFAIRS

SECTIONAL ANALYSIS OF CSHB 280

SECTION 1. (Concerns eligibility and administrative steps in claims process)

Subsection (a). Establishes a 90 day time limit to file a claim against the state. Lists the kinds of claims that may be filed, i.e., contract claims, procurement claims, reimbursable services claims.

Subsection (b). Excludes claims that are governed by the Procurement Code except for construction contracts with DOT/PF. However, it does not exclude protests relating to the award of contracts. It excludes claims based on implied warranties and tort claims.

Subsection (c). Tells claimant with whom the claim should be filed.

Subsection (d). Claimant has 20 days to furnish related, existing documents.

Subsection (e). Agency has 90 days to decide the claim.

Subsection (f). If agency fails to decide claim within 90 days the claimant wins by default. The 90 day period may be extended by mutual consent.

SECTION 2. (Concerns the appeal process)

Subsection (a). Allows claimant to appeal within 30 days if claim is denied.

Subsection (b). Claimant may request arbitration under the Alaska Uniform Arbitration Act.

Subsection (c). If arbitration is not requested, the Dept. of Administration has 90 days to process and decide the appeal, unless both parties agree to a different period.

Subsection (d). If claimant disagrees with appeal decision, claimant may litigate in Superior Court.

Subsection (e). Provides for parties to select arbitrator by mutual consent or through American Arbitration Association.

Subsection (f). The arbitrator's award is due within 90 days.

Subsection (g). If the Dept. of Administration does not meet its 90 day deadline, or, if the arbitration is not completed within 90 days, the claimant wins by default.

SECTION 3. (Technical change)

This section incorporates the reference to the new 44.77.025(a) from section two of the bill into the authority of the Dept. of Administration.

SECTION 4. (Technical change)

This section makes the claims process in this bill (under Title 44) exclusive and ineligible for civil suit under Title 9.

SECTION 5 and SECTION 6. (Technical change)

These sections remove the reference to construction contract claims from the contract controversy sections of Title 36.

SECTION 7. (Exclusive remedy for procurement code claims)

This section states that the procurement code procedures are the exclusive remedy for all claims arising from a procurement except as provided in Section 8 of the bill.

SECTION 8. (Exclusive remedy for construction contract claims)

Provides that 44.77 is the exclusive procedure for a claim against DOT/PF arising from a construction contract.

SECTION 9. (Repealer)

This section repeals the sections in 44.70 made obsolete by this bill.

Section 10. (Application)

This Act applies to all subject claims made on or after the effective date.

Section 11. (Transitional provisions)

This section allows existing claimants to request arbitration under this bill if their claim is unsettled on the effective date of this Act. Old claims shall be governed by the old statute.



*Department of Transportation
and Public Facilities*

POSITION PAPER

BILL NO: HB 280

APPROVED: Mark D. Hill

TITLE: An Act relating to the administrative
adjudication of certain claims against
the state.

DATE: April 25, 1989

The department would strongly oppose any amendment to HB 280 which would require arbitration as a means of settling construction contract claims.

The legislature and the executive branch have spent three years in developing the new procurement code which includes the article for the legal and contractual remedies. This article was modeled after guidelines set up by the American Bar Association in the model procurement code. For the first time the process for protests, claims, appeals, debarments and suspensions were set up in the statutes.

We have just begun administrating contracts with these new requirements. To date we have had very few bid protests (say 6 or 7 total) and no construction claims. To date all have been settled by the administrative process outlined in AS 36.30. While there are a number of construction claims currently underway, they are not subject to the procurement code due to the date of contract award preceeding the effective date of the code. We have attempted in a few of the on-going claims to adopt the new process. Of interest, the department is trying to have a neutral party perform the second level review for bid protests. This has generally involved persons not from the department serving as a hearing officer.

We belive that we need to give the process established by the new procurement code an opportunity to function before we make drastic changes.

We have received a couple of draft amendments. Besides our general opposition to arbitration, we have not had time to consider the effects of these suggested amendments, and therefore offer no comments at this time.

Although we have only minor involvement with arbitration, within our limited experience the process has not proven to be more timely and it appears to be just a costly as a court proceeding. The administrative process

has proven to be considerably more expeditious and cost effective. We would therefore, ask that additional time be allowed to see if contract disputes can be resolved efficiently under the procurement code before embarking on a significant change in procedures.

CMST
X HB 280

JAMES N. WANAMAKER
1031 WEST 4TH AVENUE, SUITE 401
ANCHORAGE, ALASKA 99501
(907)279-6591

April 19, 1989

RECEIVED
APR 24 1989

Honorable H.A. Red Boucher
Chairman State Affairs
P.C. Box V
Juneau, Alaska 99811

Dear Representative Boucher:

I strongly endorse the arbitration provision set forth in Section 44.77.025(b) on page 3 of House Bill 280.

This arbitration provision would give the contractor a fair and speedy resolution of his claim.

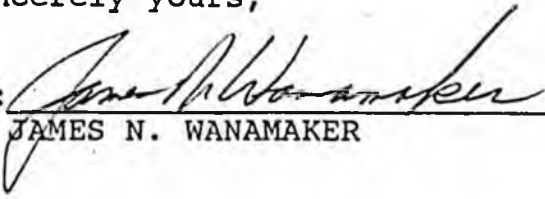
Under current procedures, the appeal is heard before a hearing officer appointed by the State, usually from its own department. The proceedings are subjected to great delay and the end result is a rubber stamping of the original decision by the "in-house" hearing officer.

If the contractor under the current procedure attempts to appeal to the Superior Court, he is met with the "substantial evidence rule" and the hearing officer's decision is affirmed "if there is any substantial evidence to support it", even if it is totally inadequate.

I am a practicing attorney and have seen these vices of the current law first-hand.

It is much better to provide the contractor with a mechanism for a fair hearing early in the proceedings as is done by HB 280. This is an excellent provision.

Sincerely yours,

BY: 
JAMES N. WANAMAKER

JNW/skm JNW/HB280

cc: Blomas

CSHB 280 (SA)

"...relating to administrative adjudication of claims against the state."

The rationale for HB280 is to balance the power between the state and contractors who have disputes with the state arising out of contracts with DOT/PF.

Currently, the dispute settlement mechanism is controlled entirely by the state. The state unilaterally selects hearing officers, sometimes from within the department against whom the claim is made. The state sets the hearing schedule and dictates the rules for conduct of the hearing.

Throughout the process, the state has unlimited administrative and personnel resources, including the Department of Law to advocate their position.

Summarily, the state controls the process and has the unchecked ability to mount costs against the claimant. Consequently, claims are settled because of the comparative financial strength of the state rather than merit of the claim.

CSHB 280 addresses this problem by first allowing DOT/PF the opportunity to resolve the claim administratively. If the claim can't be resolved this way, then the claimant may request arbitration.

If the claimant does not request arbitration, CSHB 280 establishes specific deadlines within which the state must act to resolve the claim. The deadlines may be extended by mutual consent of the parties. The purpose of the deadlines is to prevent the state from stringing out the process beyond the time that a claimant can reasonably afford to pursue the claim. If the state does not meet the deadline, the claimant wins by default.

Another key provision of CSHB 280 is that it requires an annual report to the legislature of the number, dollar value and status of contract claims filed each year.

b. Example / Checklist contact sheet

LEGISLATIVE

SPONSOR: House State Affairs

TC DATE/DAY: Wed, Apr 26

Pub. Hear Work Ses. Inv. Hear Testimony

TIME: 830-10 Am

LEGISLATIVE REFERENCE: HB280

JUNEAU ROOM: C-102

SUBJECT: Admin Adjudication /
Claims Against State

BRIDGE: _____

OF PORTS: _____

CONTACT: Ann PH: 4963

DATE TAKEN/BY: Wendi 4/26/89

TELECONFERENCE SITES:

LIO'S

LTC'S

VTS'S

- Anchorage
- Barrow *
- Bethel
- Delta Junction *
- Dillingham *
- Fairbanks
- Glennallen *
- Juneau
- ~~Verchikan~~
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg *
- Sitka
- Soldotna
- Valdez *

- Homer
- Wrangell

See List on Reverse Side

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

OFFNETS: Greg Edmiston
274-1151

Trajella Binas

CHAIRING SITE: Juneau

CHAIRPERSON: Rob Boucher

[] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

SIGNATURE OF SPONSOR/CONTACT PERSON

DATE

SPECIAL INSTRUCTIONS

b. Example / Checklist Contact Sheet

LEGISLATIVE SPONSOR: House State Affairs

TC DATE/DAY: Tues, Apr 25

Pub. Hear Work Ses. Inv. Hear

TIME: 8:30-10:00

LEGISLATIVE REFERENCE: HB 280

JUNEAU ROOM: C-102

SUBJECT: Admin Adjudication / Claims Against State

BRIDGE: _____

OF PORTS: _____

CONTACT: Ann PH: 4963

DATE TAKEN/BY: Roger 4/20/89

TELECONFERENCE SITES:

LIO'S

Anchorage
Barrow *

LTC'S

Homer
Wrangell

VTS'S

See List on
Reverse Side

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION



DIRECT ADVERTISING

LUIS MARRQUEZ

907-345-4490
FAX: 345-2363

BOX 93057
ANCHORAGE
9 9 5 0 9

Juneau
Boucher

HB280 Arig Edmiston
OFFNETS: 276-5115 Arch
1029 W. 3rd Ave, Suite 500
Anchorage, AK 99501
HB232 Luis Marrquez
per Glenn 345-4490
4/21/89 Robert Mintz
276-3550 (DOL)
Consumer Prof. Section
1031 W. 4th Ave, Suite 110
A/A 99501
HB280 Harry Blaras
4/21/89 5:30pm 659-4604
or Mrs. Blaras 561-8580

[] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

SIGNATURE OF SPONSOR/CONTACT PERSON

DATE

562-2882

SPECIAL INSTRUCTIONS

Amended

→ use name of Boucher ←

6-1139E
Bannister
4/25/89

[Original sponsor: Boucher]

PROCUREMENT CODE

STATE OF ALASKA

One person violation has to significant - may be difficult.

* Appeal process - DOT needs to look outside individuals
IN THE HOUSE NOT SPECIFIED IN STATUTE BY THE STATE AFFAIRS COMMITTEE

PROCUREMENT CODE: CS FOR HOUSE BILL NO. 280 (State Affairs)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the administrative adjudication of, other action on, and disclosure of claims against the state."

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

* Section 1. AS 44.77.010 is repealed and reenacted to read:

Sec. 44.77.010. FILING AND INITIAL ACTION ON CLAIMS. (a) A person shall file a claim against the state within 90 days after the services or supplies are furnished or after the final settlement of the procurement contract, whichever is later, if the claim

(1) is in contract, implied contract, quasi-contract, or quantum meruit;

(2) derives from a procurement by the state; and

(3) is for

(A) reimbursement for services and supplies, including unmanufactured tangible items, obtained for the state by the claimant from another person; or

(B) payment for services, other than as an employee, performed for the state by the claimant.

(b) A claim under (a) of this section does not include a claim

that is

(1) governed by AS 36.30.560 - 36.30.699, unless the claim, excluding a protest relating to the award of a contract, derives from a construction contract with the Department of Transportation and Public Facilities or its delegate under AS 36.30.015;

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1 (2) on an implied warranty; or

2 (3) for negligence, defamation, assault, battery, trespass,
3 false imprisonment, malicious prosecution, intentional or negligent
4 interference with business relations, intentional or negligent inter-
5 ference with prospective economic advantage, or other similar tort
6 claim that might otherwise be covered under (a) of this section.

7 (c) A claim under (a) of this section must be filed with the
8 appropriate officer of the agency administering the procurement.

9 (d) A claim filed under (a) of this section must include a
10 concise, plain, and factual statement of the reasons for the claim.
11 Within 20 days after filing the claim, the claimant shall provide the
12 agency with all documents in the possession of the claimant that
13 support the claim. A claimant shall use the claimant's best efforts
14 to comply with all reasonable requests from the agency for additional
15 existing documentation in the possession of the claimant.

16 (e) The agency officer handling the claim shall decide the claim
17 within 90 days after the claim is filed. If the officer denies the
18 claim in whole or in part, the officer shall state the specific rea-
19 sons for the decision in findings of fact and conclusions of law.

20 (f) Unless the agency and the claimant have agreed to an exten-
21 sion of time or the agency can demonstrate that the agency's delay was
22 excusable, the claim is considered to be allowed in its entirety if
23 the agency officer does not issue a written decision on the claim
24 within 90 days after the claim is filed. If a claim is allowed under
25 this subsection, the Department of Administration shall issue a war-
26 rant to pay the claim. A time extension under this subsection, in-
27 cluding an extension agreed to by the agency and the claimant, may not
28 exceed 60 days, and the agency officer handling the claim bears the
29 burden of proof regarding the existence and nature of the extension.

1 * Sec. 2. AS 44.77 is amended by adding a new section to read:

2 Sec. 44.77.025. PROCEDURE AFTER DENIAL OF A CLAIM. (a) If the
3 agency officer handling a claim under AS 44.77.010 denies all or part
4 of the claim under AS 44.77.010(e), the claimant may appeal the deci-
5 sion by filing a notice of appeal with the Department of Administra-
6 tion within 30 days after receiving notice of the decision. A notice
7 of appeal consists of a plain, concise, and detailed statement in
8 writing of the reasons why the claimant believes that the decision was
9 incorrect.

10 (b) If the claimant requests arbitration in the notice of ap-
11 peal, the appeal shall be conducted under AS 09.43.010 - 09.43.180
12 (Uniform Arbitration Act) as modified by (e), (f), and (g) of this
13 section. Under AS 09.43.030 - 09.43.180 this subsection shall be
14 considered the arbitration agreement between the agency and the claim-
15 ant.

16 (c) If the claimant does not request arbitration under (b) of
17 this section, the Department of Administration shall review the claim
18 on the record established under AS 44.77.010. The department may
19 supplement the record with testimony and other evidence that it deter-
20 mines is appropriate to the determination of the claim. The depart-
21 ment shall issue a written decision on the appeal within 90 days after
22 the notice of appeal is filed, or within another period established by
23 the department and the claimant by agreement. The decision must
24 consist of a short, concise, and plain statement of facts and con-
25 clusions of law indicating the basis for the decision and constitutes
26 the final administrative order for the claim.

27 (d) If a claimant does not accept the decision of the Department
28 of Administration under (c) of this section, the claimant may appeal
29 the decision to the superior court.

1 (e) Binding arbitration requested under (b) of this section
2 shall be conducted by one arbitrator and under the rules of the Ameri-
3 can Arbitration Association. The arbitrator shall be selected by
4 written agreement of the department and the claimant, or if the par-
5 ties cannot agree, under the rules of the American Arbitration Associ-
6 ation.

7 (f) An arbitration award under (b) of this section shall be made
8 within 90 days after the notice of appeal is filed. The decision must
9 consist of a short, concise, and plain statement of facts and conclu-
10 sions of law, if any, on which the decision was based. The decision
11 may be appealed under AS 09.43.010 - 09.43.180.

12 (g) If the Department of Administration does not issue a written
13 decision as provided under (c) of this section, or if the arbitration
14 under (b) of this section is not completed within 90 days after the
15 notice of appeal is filed, the claim is considered to be allowed in
16 its entirety, and the department shall issue a warrant to pay the
17 claim.

18 * Sec. 3. AS 44.77.050 is repealed and reenacted to read:

19 Sec. 44.77.050. AUTHORITY OF THE DEPARTMENT OF ADMINISTRATION.
20 The Department of Administration may authorize by subpoena or other
21 method the taking of the deposition of an absent witness. The depart-
22 ment shall adopt regulations under the Administrative Procedure Act
23 (AS 44.62) governing the procedures for appeals under AS 44.77.025(a).
24 A witness giving testimony shall be under oath and give the testimony
25 under the penalty of perjury.

26 * Sec. 4. AS 09.50.250 is amended to read:

27 Sec. 09.50.250. ACTIONABLE CLAIMS AGAINST THE STATE. A person
28 or corporation having a contract, quasi-contract, or tort claim
29 against the state may bring an action against the state in the

1 superior court. A person who may present the claim under AS 44.77 may
2 not bring an action under this section [EXCEPT AS SET OUT IN AS 44.-
3 77.040(c)]. A person who may bring an action under AS 36.30.560 -
4 36.30.695 may not bring an action under this section except as set out
5 in AS 36.30.685. However, an [NO] action may not be brought under
6 this section if the claim

7 (1) is an action for tort, and is based upon an act or
8 omission of an employee of the state, exercising due care, in the
9 execution of a statute or regulation, whether or not the statute or
10 regulation is valid; or is an action for tort, and based upon the
11 exercise or performance or the failure to exercise or perform a dis-
12 cretionary function or duty on the part of a state agency or an em-
13 ployee of the state, whether or not the discretion involved is abused;

14 (2) is for damages caused by the imposition or establish-
15 ment of a quarantine by the state;

16 (3) arises out of assault, battery, false imprisonment,
17 false arrest, malicious prosecution, abuse of process, libel, slander,
18 misrepresentation, deceit, or interference with contract rights.

19 * Sec. 5. AS 36.30.620(c) is amended to read:

20 (c) The time for issuing a decision under (b) of this section
21 may be extended for good cause by the commissioner of administration,
22 or for a controversy involving a [CONSTRUCTION CONTRACT OR] procure-
23 ment for the state equipment fleet, the commissioner of transportation
24 and public facilities, if the controversy concerns an amount in excess
25 of \$50,000. The procurement officer shall notify the contractor in
26 writing that the time for the issuance of a decision has been extended
27 and of the date by which a decision shall be issued.

28 * Sec. 6. AS 36.30.625(a) is amended to read:

29 (a) An appeal from a decision of the procurement officer on a

1 contract controversy may be filed by the contractor with the commis-
2 sioner of administration, or for a controversy involving a [CONSTRUC-
3 TION CONTRACT OR] procurement for the state equipment fleet, the
4 commissioner of transportation and public facilities. The appeal
5 shall be filed within 14 days after the decision is received by the
6 contractor. The contractor shall file a copy of the appeal with the
7 procurement officer.

8 * Sec. 7. AS 36.30.690 is amended to read:

9 Sec. 36.30.690. EXCLUSIVE REMEDY. Notwithstanding AS 44.77 or
10 other law to the contrary, AS 36.30.560 - 36.30.699 and regulations
11 adopted under those sections provide, except as provided in (b) of
12 this section, the exclusive procedure for asserting a claim against an
13 agency arising in relation to a procurement under this chapter.

14 * Sec. 8. AS 36.30.690 is amended by adding a new subsection to read:

15 (b) AS 44.77 provides the exclusive procedure for asserting a
16 contract controversy claim against the Department of Transportation
17 and Public Facilities, or its delegate under AS 36.30.015, that
18 derives from a construction contract.

19 * Sec. 9. AS 36.90 is amended by adding a new section to read:

20 Sec. 36.90.120. ANNUAL DISCLOSURE OF CLAIMS. By the 15th day of
21 each regular session of the legislature a state agency shall provide a
22 written report to the legislature that lists the claims that were
23 filed against the agency during the preceding fiscal year and the
24 claims that are pending against the agency at the end of the preceding
25 fiscal year. The list must include for each claim the amount of the
26 claim, the party who is making the claim, the date the claim was
27 filed, a description of the basis for the claim, and the current
28 status of the claim. This section applies to claims that are filed
29 under AS 36.30.620 - 36.30.630 and AS 44.77.

1 * Sec. 10. AS 44.77.015, 44.77.020, 44.77.030, and 44.77.040 are re-
2 pealed.

3 * Sec. 11. APPLICATION OF ACT. Sections 1 - 8, 10, and 12 of this Act
4 apply to claims that derive from procurements made by the state on or after
5 the effective date of this Act.

6 * Sec. 12. TRANSITIONAL PROVISIONS. (a) A claimant whose claim
7 derives from a procurement made before the effective date of this Act may
8 request that the claim be submitted to arbitration under AS 44.77.025(b),
9 as enacted by sec. 2 of this Act, if the claim is pending before the
10 Department of Administration on the effective date of this Act and if the
11 Department of Administration has not issued for the claim before the effec-
12 tive date of this Act a decision under AS 44.77.040(b), as that subsection
13 existed before the effective date of this Act.

14 (b) Except as provided by (a) of this section, a claim shall proceed
15 under AS 44.77, as that chapter existed before the effective date of this
16 Act, if the claim is governed on the day before the effective date of this
17 Act by that chapter.

HB 280

BALANCE POWER BETWEEN CONTRACTORS &
DOT PUFF

Previously, contract is by state - state
has unlimited power - Amount contract.

HB 280

- resolve claim Ad Adm. Contract.
- Deadline for claim.
- Present strategy out claim

requires reporting

Zwacki -

to claim out there? Time limit?

→ out first non claim

→ 150 day - for each step - state
can extend deadline

Fiskestein

subject area - DOT Puff - Adm. contract
in process -

claim Adm. contract DOT Puff -

Н В

318

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
HB 318

Code of Fair Campaign Practices

Received April 27, 1989

By Reps. Finkelstein, Wallis, M. Davis, Gruenberg,
Menard, Ellis, Donley, Ulmer, Brown, Goll, Koponen, and
Boucher

Heard May 3, 1989

Heard January 16, 1990

Passed Out of Committee January 16, 1990

3 Do Pass

1 No Recommendation

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HB 318: Code of Fair Campaign Practices

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- Item 2:** Fiscal Note by APOC
- Item 3:** Memorandum from Rep. Finkelstein, January 10, 1990
- Item 4:** Position Statement and Fiscal Note Narrative by APOC, January 17, 1990

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 27, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 318

HOUSE BILL NO. 318 [CODE OF FAIR CAMPAIGN PRACTICES]
"An Act relating to the Fair Campaign Practices Code."

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
[] have attached amendment(s) [] a new title
[X] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [X] fiscal impact ADDC 1/15/90
[] zero fiscal note _____
[] zero with analysis _____

- [] fiscal note(s) _____
[] zero fiscal note(s) _____
[] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
Pass
No Rec
Amend

[Handwritten signatures: David Smith, W.C. Barber]

SIGNING:	Do Not Pass	No Rec	Amend
<i>[Signature]</i>		<input checked="" type="checkbox"/>	

[Signature]
Chairman's Signature

Item 2

FISCAL NOTE

REQUEST:

Revision Date: 1/15/90
Title: An act relating to the Fair Campaign Practices Act
Sponsor: Rep. Finkelstein, et. al.
Requestor: _____

Agency Affected: AK Pub. Offices Commission
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	22.7	22.7	23.4	23.4	24.1	24.1
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	22.7	22.7	23.4	23.4	24.1	24.1
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	1	1	1	1	1	1
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Karla L. Forsythe, Executive Director
Division: Alaska Public Offices Commission
Approved by Commissioner: Burke Riley, Chair
Agency: Alaska Public Offices Commission

Phone: 276-4176
Date: 1/15/90
Date: 1-12-90

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

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act Relating to Fair
Campaign Practices Code
Sponsor: Finkelstein, et. al.
Requestor: House State Affairs Committee

Agency Affected: AK Public Offices Commission
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Karla L. Forsythe, Executive Director
Division: Alaska Public Offices Commission
Approved by Commissioner: Acting Chairman, Burke Riley
Agency: Alaska Public Offices Commission

Phone: 276-4175
Date: 5/2/89
Date: 5/2/89

Distribution (by preparer):

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

FISCAL NOTE

HB 318

NARRATIVE

This measure establishes a fair campaign practices code. It requires the commission to prepare a form for candidates to sign indicating they will abide by the code. The commission would have to send a copy to each candidate who files reports under AS 15.13, and by implication would maintain copies of signed forms for public review. These administrative tasks could be absorbed with existing resources.

The commission has been advised that the bill is not intended to authorize citizens to file complaints alleging that candidates who signed the code have not abided by it. Nonetheless, the commission anticipates a high volume of calls from citizens who will be aware of the code, but will not be aware that APOC's investigatory, quasi-judicial authority does not extend to these types of complaints. Staff time will be expended responding to citizens' confusion and disappointment about APOC's inability to investigate and responding to inquiries about remedies available to a member of the public who believes a candidate has not abided by the code. Although the additional time dealing with these questions cannot be quantified for purposes of this fiscal note, the commission believes this bill would result in a noticeable increase in work which will have to be absorbed by an already overextended staff.

Item 3



Alaska State Legislature

House

Official Business

P.O. BOX V
State Capitol
Juneau, Alaska 99811

January 10, 1990

MEMORANDUM

TO: Representative Red Boucher
State Affairs Committee Chairman

FR: Representative David Finkelstein *DF*

RE: Background on HB 318, Fair Campaign Practices Code

HB 318 is based on the Fair Campaign Practices Code adopted by Montana in 1979. Since that statute was implemented, campaigns are considered to have gotten much cleaner there.

The Montana Commission of Campaign Practices is responsible for providing the code to all local, county and state candidates. Signing the code is voluntary although Commissioner Delores Colberg states no candidate has ever refused to sign the code.

Attachment

MONTANA CODE ANNOTATED

Adopted by Chapter 1, Laws of 1979

Gregory J. Petesch
Code Commissioner
&
Director Legal Services

Staff Attorneys

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H. David Cogley	Valencia Lane
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