

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6158 HOUSE STATE AFFAIRS

542

RETIREMENT INCENTIVE PROGRAM
STATUS REPORT
February 27, 1989

Employer	Eligible By Age/Svc	Designated By Empl.	Retired
Governor's Office	30	5	5
Administration	229	174	101
Law	41	18	11
Revenue	55	29	23
Education - PERS	72	71	28
Education - TRS	38	36	19
Health & Social Svc.	335	304	150
Labor	147	138	54
Commerce	88	55	28
Military Affairs	29	6	4
Natural Resources	160	139	65
Fish & Game	160	143	76
Public Safety	193	182	101
Environmental Conv.	36	34	12
Corrections	154	139	38
Comm. & Regional Aff.	21	18	7
Transportation	854	809	355
Ombudsman	1	0	0
Legislative Affairs	53	20	13
Legislative Finance	2	0	0
Legislative Audit	5	3	3
Court System	98	0	0
Total State PERS	2762	2287	1076
Total State TRS	38	36	19
University of Ak - PERS	325	319	107
University of Ak - TRS	372	349	95
Geophysical Inst - PERS	27	27	7
Geophysical Inst - TRS	38	35	8
Total University - PERS	352	346	114
Total University - TRS	410	384	103
Total Poly - Subs PERS	2661	1272	412
Total Schl Dists TRS	1773	1668	603
Grand Total PERS	5775	3905	1602
Grand Total TRS	2221	2088	725
Overall Total	7996	5993	2327

DIVISION OF RETIREMENT AND BENEFITS
 RETIREMENT INCENTIVE PROGRAM (RIP)
 SUMMARY RESULTS OF POLITICAL SUBDIVISION SURVEY
 March 14, 1989

EMPLOYER	NUMBER RETIREED	POS. REFILLED	COST OF POSITIONS FOR 5 YRS (\$1000's)	COST TO RE- FILL POS. (over 5 yrs (\$1000's)	RIP COST (\$1000's)	SAVINGS or (COST) FOR 5 YRS (\$1000's)
S.E. Resource center	3	0	800.0	0.0	83.0	717.0
Unalaska City School District	1	1	322.5	165.8	34.1	122.6
Copper River School District	11	10	2,854.7	1,904.9	279.3	670.5
Galena City School District	1	1	264.6	198.0	60.0	6.6
Petersburg Public Schools	2	2	437.5	330.6	55.1	43.8
Yukon Koyukuk School District	5	4	2,006.5	1,414.4	177.0	414.6
Alaska Gateway School District	4	4	1,055.5	745.0	180.8	129.7
Bristol Bay School District	1	1	273.8	186.7	50.3	36.8
Kodiak Island School District	17	16	4,487.7	3,380.0	579.9	527.8
Delta/Greely School District	2	2	700.9	644.0	96.4	(- 39.6)
Yukon Flats School District	5	4	Not Provided	Not Provided	128.5	Not Provided
L. Kuskokwim School District	31	26	7,535.6	4,637.6	677.2	2,220.8
North Slope School District	28	23	7,643.0	5,600.5	727.0	1,315.5
Dillingham City Schools	6	2	1,231.7	180.0	277.8	773.9
Craig City School District	1	1	277.2	210.1	21.8	45.2

RETIREMENT INCENTIVE PROGRAM (RIP)
 SUMMARY RESULTS OF POLITICAL SUBDIVISION SURVEY
 PAGE 2

EMPLOYER	NUMBER RETIRED	POS. REFILLED	COST OF POSITIONS FOR 5 YRS (\$1000's)	COST TO RE- FILL POS. (over 5 yrs (\$1000's)	RIP COST (\$1000's)	SAVINGS or (COST) FOR 5 YRS (\$1000's)
Wrangell Public School	2	2	455.5	330.6	43.7	81.2
Valdez City Schools	10	3	2,519.1	604.4	284.4	1,630.3
Adak Region School District	3	3	817.1	611.6	111.4	94.1
Fairbanks School District	71	71	17,998.0	13,592.1	1,826.8	2,579.1
Haines School District	5	1	1,529.6	384.8	131.3	1,013.5
Cordova Public Schools	1	1	185.3	112.4	19.3	53.6
Juneau School District	42	40	3,750.0	1,449.0	1,010.6	1,290.4
Lake and Penin. School District	2	2	675.0	600.0	53.6	21.4
Kenai Pen. School District	67	67	16,285.6	11,767.7	1,586.3	2,931.5
Southwest Regional School	4	4	666.5	527.7	91.0	47.8
Anchorage School District	373	368	81,249.1	59,225.1	8,580.7	13,473.2
Nenana City School District	7	7	1,611.1	1,209.2	173.7	228.2
Northwest Arct Bor Sch Dist	31	30	5,562.6	4,046.3	763.2	753.0
TOTAL SAVINGS						31,132.5

RETIREMENT INCENTIVE PROGRAM (RIP)
 SUMMARY RESULTS OF POLITICAL SUBDIVISION SURVEY
 PAGE 3

EMPLOYER	NUMBER RETIRED	POS. REFILLED	COST OF POSITIONS FOR 5 YRS (\$1000's)	COST TO RE- FILL POS. (over 5 yrs (\$1000's)	RIP COST (\$1000's)	SAVINGS or (COST) FOR 5 YRS (\$1000's)
City of Skagway	1	1	18.8	Not Provided	Not Provided	0.0
City of Wrangell	1	0	220.0	0.0	33.5	186.5
City of Palmer	4	3	1,024.1	715.3	101.0	207.8
City of Soldotna	2	1	482.8	212.7	47.8	222.3
City of Ketchikan	11	8	4,093.0	2,358.6	519.5	1,214.9
Kenai Peninsula Borough	14	7	3,234.0	2,270.4	324.2	639.4
City/Borough Juneau	13	9	3,574.1	2,134.8	298.9	1,140.4
City of Valdez	7	4	2,676.3	1,241.1	289.6	1,145.5
TOTAL SAVINGS						4,756.8
University PERS	113	76	26,052.1	15,308.0	2,455.3	8,288.8
University TRS	103	70	39,972.6	22,792.7	3,163.3	14,016.6
TOTAL SAVINGS						22,305.4

Item 6

A REPORT ON THE
DEPARTMENT OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
RETIREMENT INCENTIVE PROGRAM

May 16, 1986 - October 1, 1987

Audit Control Number

02-1327-89-S

Commissioner, Department of
Administration

John M. Andrews

Deputy Commissioners, Department
of Administration

Charles E. Taylor
James J. Fox

STATE OF ALASKA

THE LEGISLATURE
BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811-3300

February 8, 1989

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska
Statutes, the attached report is submitted for your review.

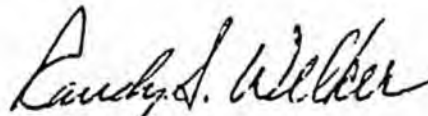
A REPORT ON THE
DEPARTMENT OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
RETIREMENT INCENTIVE PROGRAM

May 16, 1986 - October 1, 1987

Audit Control Number

02-1327-89-S

As stated in the Report Objectives, Scope, and Methodology
Section, the Audit primarily involved determining the
estimated cost savings to the State of Alaska as a result of
state employees enrolled in the Public Employees' Retirement
System and participating in the Retirement Incentive Program
as enacted by Chapter 26, SLA 1986. This audit was con-
ducted in accordance with generally accepted governmental
performance auditing standards.



Randy S. Welker, CPA
Legislative Auditor
Division of Legislative Audit

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REPORT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the provisions of Title 24 of the Alaska Statutes, a review was conducted to determine the estimated cost savings resulting from State of Alaska employees participating in the Retirement Incentive Program (RIP). The objectives, scope, and methodology of our review were as follows:

Objectives

Chapter 26, SLA 1986 created a retirement incentive program for members of the Public Employees' Retirement System and Teachers' Retirement System. The stated purpose of this legislation, effective May 16, 1986 was:

- Since it is necessary for state agencies and may be necessary for other employers who participate in the state retirement systems to reduce their personal services costs because of declining state revenue, a program encouraging employees to retire voluntarily may reduce the hardship of layoffs. This program is intended to realize sufficient economies to offset the cost of administration and benefits to the state agencies and other employers resulting from the award of retirement credits and to result in a net reduction in personal services costs to the state or other employer during a period of declining revenue.

The objective of our review was to determine the amount of cost savings as a result of state employees participating in RIP. The scope of our review and methodology used to meet this objective follows.

Scope and Methodology

All executive branch employees (excluding the University of Alaska) enrolled in the Public Employees' Retirement System, participating in RIP between May 16, 1986 to October 1, 1987, and having position control numbers (PCNs) were reviewed.

In order to calculate the estimated cost savings in personal service costs as a result of employees participating in RIP, we obtained a listing of retirees from the Department of Administration, Division of Retirement and Benefits. The listing, dated November 9, 1987 provided us with the retiring employee's name, social security number, and employer's RIP cost by department.

Limitations

In addition to the methodology used to determine the cost savings of the RIP program, the following are some limitations we identified.

1. Our computation of savings only shows the savings in the position that retired. It doesn't take into account the savings from other positions affected within the State if the position was filled by another state employee.
2. Some positions were reclassified after the employee was retired. Consequently, the cost savings/loss comparison may be skewed for these positions.
3. Our comparison excludes employees in which the PCN had more than one employee participate in RIP. In those instances, only the first employee to participate in RIP and the current occupant were presented on the schedule.
4. The calculation of savings/loss was only determined for annual salaries; employee benefits are not included. In addition, the effect of employee merit increases during the year was excluded.
5. The net cost of RIP represents the employer's cost excluding administrative charges for those positions we analyzed.
6. Some executive branch employees took mandatory and voluntary pay cuts prior to retiring while the current occupant's salary in that position reflects the reinstated salary. We did not adjust our schedule for these differences.

ORGANIZATION AND FUNCTION

Chapter 26, SLA 1986 became effective on May 16, 1986 and created a retirement incentive program for members of the Public Employees' Retirement System (PERS) and the Teachers' Retirement System (TRS). The program provided for vested members of each retirement system, who were eligible to retire within three years, a credit of three years. The aim of the program was to reduce personal service costs and to minimize the number of involuntary layoffs.

The Office of the Governor, Office of Management and Budget (OMB), Division of Budget Review issued detailed guidelines on June 11, 1986 to state agencies to follow in implementing the Retirement Incentive Program (RIP). Employees wishing to participate in the program had to meet three requirement levels in order to qualify for RIP.

1. Personal Eligibility - Basic requirements of age, length of service, and status with regard to PERS or TRS had to be met.
2. Designated Organizational Units - The individual had to be employed in a position falling within an agency assigned job classification, and authorized in and paid from a designated organizational unit. Savings then had to be shown to occur within job classifications within designated organizational units before any individual could retire under the program. Agencies were given complete freedom to select job classifications and organization units of the greatest or least detail.
3. Certification of Savings - Agencies were required to forward evidence of cost savings to OMB based on the job classifications and organizational units participating in RIP. Once OMB certified the savings, funds could be encumbered to pay for the cost of RIP.

In calculating the savings, OMB required agencies to include all those individuals meeting personal eligibility requirements and who wished to participate in the program. Within a job classification and designated organizational unit either all those individuals must have been able to participate or none could. In other words, an organizational unit could not be designated unless all those who met basic requirements and wanted to participate were included in the calculation of savings.

AUDITOR'S CONCLUSIONS

Comparing the salaries of employees participating in the Retirement Incentive Program (RIP) with the salaries of replacement employees and positions remaining vacant shows the State benefited in a reduction of personal service costs. Taking into consideration the employer's cost to credit the retired employees with three years of service produces an estimated net savings of \$14,449,000 over three years. (See Schedule of RIP Cost Savings/(Loss) on page 9 of this report.)

Except for the Department of Corrections and the Department of Community and Regional Affairs, all executive branch agencies we reviewed showed a net savings to the State. For the most part this exception was due to OMB allowing agencies to calculate their savings over a four-year time period whereas our calculations were based over a three-year period. (See Report Objectives, Scope, and Methodology section of this report.) In addition, provisions were made by OMB that agencies could demonstrate savings by keeping open a vacated position even though the employee did not retire through the RIP program. We did not identify these positions or follow that methodology for calculating savings.

Net cost savings by state agency were mainly generated by the replacement of employees whose salary was based on longevity with employees paid at lower rates, the reclassification of positions to lower pay ranges, and leaving positions vacant. Positions employees retired from and currently occupied by an employee resulted in lower annual salaries for all agencies, except for the Office of the Governor. Current salaries in the Governor's Office were greater by \$1,000 in those positions where employees retired. We believe this variance is due to the retiring employee's salary reflecting a 10 percent pay cut while the current occupant's salary is after the pay cuts were restored.

Review of some individual significant variances in pay between the retired employee's salary and the current employee's salary indicated the variances were mainly caused by position reclassifications. We did not determine the justification for these position reclassifications.

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
RETIREMENT INCENTIVE PROGRAM (RIP)
SCHEDULE OF RIP COST SAVINGS/(LOSS)
May 16, 1986 to October 1, 1987

Description	Number of Positions	Salary of RIP Retiree	Current Occupant's Salary of Position Vacated	Difference - Savings (Loss)	Savings (Loss) Over Three-Year Period	Net Cost of RIP	Three-Year Net RIP Savings (Loss)
<u>Department of Environmental Conservation</u>							
Positions Matched with FY 89 Payroll File	10	\$ 435,636	\$ 381,886	\$ 53,752	\$	\$	\$
<u>Positions Not Matched with FY 89 Payroll File:</u>							
Not Budgeted in FY 89 PACS File	1	38,712	-0-	38,712			
Budgeted in PACS File but Currently Unfilled	1	43,248	-0-	43,248			
Budgeted in PACS File with Zero Months Budgeted	0	-0-	-0-	-0-			
<u>Total Positions Not Matched with FY 89 Payroll File</u>	<u>2</u>	<u>81,960</u>	<u>-0-</u>	<u>81,960</u>			
<u>Total Department of Environmental Conservation</u>	<u>12</u>	<u>517,596</u>	<u>381,886</u>	<u>135,712</u>	<u>407,136</u>	<u>241,087</u>	<u>166,049</u>
<u>Department of Corrections</u>							
Positions Matched with FY 89 Payroll File	36	1,482,921	1,292,028	190,893			
<u>Positions Not Matched with FY 89 Payroll File:</u>							
Not Budgeted in FY 89 PACS File	1	45,744	-0-	45,744			
Budgeted in PACS File but Currently Unfilled	0	-0-	-0-	-0-			
Budgeted in PACS File with Zero Months Budgeted	0	-0-	-0-	-0-			
<u>Total Positions Not Matched with FY 89 Payroll File</u>	<u>1</u>	<u>45,744</u>	<u>-0-</u>	<u>45,744</u>			
<u>Total Department of Corrections</u>	<u>37</u>	<u>1,528,665</u>	<u>1,292,028</u>	<u>236,637</u>	<u>709,911</u>	<u>988,196</u>	<u>(278,283)</u>
<u>Department of Community and Regional Affairs</u>							
Positions Matched with FY 89 Payroll File	6	287,112	269,256	17,856			
<u>Positions Not Matched with FY 89 Payroll File:</u>							
Not Budgeted in FY 89 PACS File	1	37,356	-0-	37,356			
Budgeted in PACS File but Currently Unfilled	0	-0-	-0-	-0-			
Budgeted in PACS File with Zero Months Budgeted	0	-0-	-0-	-0-			
<u>Total Positions Not Matched with FY 89 Payroll File</u>	<u>1</u>	<u>37,356</u>	<u>-0-</u>	<u>37,356</u>			
<u>Total Department of Community and Regional Affairs</u>	<u>7</u>	<u>324,468</u>	<u>269,256</u>	<u>55,212</u>	<u>165,636</u>	<u>174,106</u>	<u>(8,470)</u>
<u>Department of Transportation and Public Facilities</u>							
Positions Matched with FY 89 Payroll File	214	9,061,536	8,230,545	830,991			
<u>Positions Not Matched with FY 89 Payroll File:</u>							
Not Budgeted in FY 89 PACS File	31	1,484,571	-0-	1,484,571			
Budgeted in PACS File but Currently Unfilled	35	1,516,269	-0-	1,516,269			
Budgeted in PACS File with Zero Months Budgeted	0	-0-	-0-	-0-			
<u>Total Positions Not Matched with FY 89 Payroll File</u>	<u>66</u>	<u>3,000,840</u>	<u>-0-</u>	<u>3,000,840</u>			
<u>Total Department of Transportation and Public Facilities</u>	<u>280</u>	<u>12,062,376</u>	<u>8,230,545</u>	<u>3,831,831</u>	<u>11,495,493</u>	<u>8,924,609</u>	<u>2,570,884</u>
<u>Total RIP Program</u>	<u>97</u>	<u>540,791,792</u>	<u>526,847,437</u>	<u>13,944,355</u>	<u>541,832,795</u>	<u>527,384,275</u>	<u>14,448,520</u>

See the Report Objectives, Scope, and Methodology section of this report for the methodology used to prepare this schedule and the limitations of this schedule.

CARTA

Item 7

Central Alaska Retired Teachers Association

Advocate for Retired and Pre-Retired Educators

PO Box 11-2827
Anchorage, AK 99511
Phone: 345-1698
March 28, 1989

Representative "Red" Boucher, Chairman
House State Affairs Committee
PO Box V
Juneau, AK 99811

Dear Representative Boucher:

The members of the Central Alaska Retired Teachers Association (CARTA) are very much concerned about the proposal to continue indefinitely the early retirement incentive program for Alaska's teachers as well as for other State employees as presented in SB 73 and HB 77 currently before the Legislature.

Because of this concern, at their regular March meeting, members approved the resolution printed on page four of the attached CARTA Newsletter.

In addition to the reasons stated in the resolution, CARTA members believe that two other legislative proposals should receive approval, proposals that seem to be on a collision course with SB 73 and HB 77 because of cost. Both bills listed below should be approved first.

SB 53 provides an automatic cost-of-living adjustment for retired teachers, a benefit already enjoyed by other retired State employees. It has been suggested that this is too expensive for the Teachers Retirement System fund to bear, and one reason given is the escalating cost of health insurance--especially for early retirees and their families.

SB 13 provides for reimbursing teacher and public employee retirees for Medicare Part B premiums and is important because current practice discriminates against older retirees by requiring them to begin to pay for part of their health insurance when they become 65, although the retirement funds pay in full for younger retirees and their families.

Please give these matters your careful consideration. I would appreciate having a response from you that I can share with CARTA members.

Sincerely,



Marilyn S. Scott, Ed.D., President

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APR 07 1989

ASRTA & CARTA APPROVE RESOLUTION ON EARLY RETIREMENT

At their separate business meetings Saturday, March 18, both the Alaska Retired Teachers Association (ASRTA) and the Central Alaska Retired Teachers Association (CARTA) passed the following resolution designed to discourage legislative approval of the "early retirement" bills now before the Legislature: SB 73 and HB 77.

WHEREAS: Early retirement poses a threat to the fiscal stability and integrity of the Teachers Retirement System inasmuch as all health costs come from the TRS fund and those costs continue to escalate at an alarming rate;

AND WHEREAS: Health care costs are extremely high for early retirees because of the extended period of time the member, spouse and dependents utilize medical services provided by TRS;

AND WHEREAS: The retirement system was set up for the career educator, but teachers in the prime of teaching experience are being lost to the profession, and indeed are being encouraged by the current TRS statutes to retire prematurely;

AND WHEREAS: There has been no study of the impact on student learning resulting from early retirement of those teachers most experienced in effective teaching;

AND WHEREAS: The early retirement incentive program appears to be a willful use of the Teachers Retirement System to solve the present budget problems of Alaska;

AND WHEREAS: Perpetuation of the early retirement incentive program would revamp the Teachers Retirement System to its detriment;

THEREFORE: Be it resolved that (this association) seek legislation requiring 25-year membership service in order to receive immediate benefits and that persons retiring with less than 25 years be required to attain the age of 55 before gaining eligibility for benefits.

This resolution is being forwarded to the Governor, Lt. Governor, and appropriate House and Senate committees considering the early retirement bills.

CARTA
c/o Leah A. Peterson
3307 Greenland Avenue
Anchorage, AK 99517

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APR 03 1989

March 29, 1989

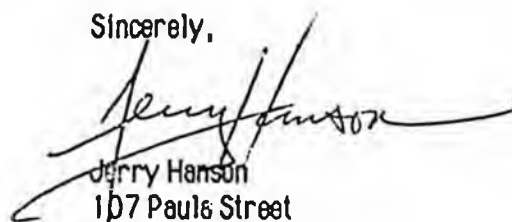
Representative H.A. "Red" Boucher
Box V
Juneau, AK 98111

Dear Representative Boucher:

I would like to ask for your support of HB 77, the retirement incentive program for teachers and other public employees and ask that you schedule it for hearing soon in your committee. This bill, I believe, is a win-win situation for everyone interested in public education. Eligible teachers retain the choice of continuing to teach or accepting the offer. School districts, where around 80% of the budget pays for employee costs, will hire younger and cheaper teachers. Many new jobs will open up for recent Alaskan graduates of teaching schools. Students lose experienced teachers but gain teachers with new enthusiasm and fresh ideas. The money saved with less expensive teachers can be used to fund programs currently scheduled for cuts due to declining revenues. The big negative is the loss of experienced teachers but I think a majority of teachers accepting this offer are teachers who would retire soon anyway.

I note that the House version of this bill opens a window for teachers in the spring of 1990. I would like to see this changed to at least match the latest senate version of this bill which opens a window from June 30, 1989 to December 31, 1989. It wouldn't be unreasonable to make this a 12 month window. Dale Sandahl, personnel director for the Kenai Peninsula School District, thought that there might be 60-70 additional vacancies to fill in this district alone if this program becomes law. With a wider open-period school districts across the state would have a smoother transition and less competition in finding the best replacements. Also it is becoming clear that the need for cutting expenses is now. Our school board has held an unusual number of public hearings this past month getting input into the impending school budget crises. My school district has indicated they might be forced to issue Reduction In Force notices to certified employees this year. When this was last done a few years back, it created havoc.

Sincerely,


Jerry Hanson
107 Pauls Street
Kenai, Alaska 99611

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APR 03 1989

April 6, 1989

The Honorable
State Affairs Committee
House of Representatives
Juneau, Alaska

Dear Mr. Boucher:

We urge you to support expeditious passage of Senate Bill 73.

Senate Bill 73 is fiscally responsible. A study of the results of the retirement incentive bill of 1984 showed substantial savings to the state of Alaska.

Senate Bill 73 provides an opportunity to create flexibility and pertinence in public school programs. The retirement of senior staff members allows responsive change in school staff skills and preferences. The result will be better education for the children of our state.

Thank you for your attention and for your support for Senate Bill 73.

NAME: PRINTED	SIGNATURE	ADDRESS
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LARRY WEAATHERWAX	Larry Weatherwax	4025 Tree Circle Anchorage AK 99502
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HAROLD NAKAGAWA	Harold Nakagawa	P.O. Box 111889 S St Anchorage AK 99511-1889
CHRISTINA SCHMIDT	Christina Schmidt	5901 Tanager Park, Anchorage AK 99516
CAROL M. ...	Carol M. ...	1227 E 27th Anchorage 99502
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DEBRA J. ...	Debra J. ...	1407 River Dr Anchorage AK 99502
JEAN PETERSON	Jean Peterson	6937 Lowell Circle Anchorage 99502
JAYNE ...	Jayne ...	2106 Roosevelt Dr Anchorage 99511

NAME: PRINTED	SIGNATURE	ADDRESS
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MAURIE E. WOODS		4720 ... 99508
WILLIAM E. ...	William E. ...	6910 ... 99516
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DONALD B. BELL	Donald B. Bell	2040 TUDOR HILLS CT. 99500
Diane Loupstra	Diane Loupstra	2970 Dartmouth Dr 99508
Brian Maxwell	Brian Maxwell	4050 E 66th 99507
JOANNE E. WOODS	Joanne E. Woods	3011 E. 42nd #203 99508
Brian Gumbleton	Brian Gumbleton	2527 Glenkerry Anch 99504
MARY ANGAL	Mary Angal	PO Box 210450 99521
Bonnie D. Speir	Bonnie D. Speir	3464 Checkmate 99508
Carol A. McNeil	Carol A. McNeil	3300 W. 31st Ave 99517
Robert S. Wick	Robert S. Wick	19911 SHENKLE, EAGLE RIVER 99577
JIM CURRAN	Jim Curran	4985 Bathampton 99528

**PUBLIC
EMPLOYEES**



DON VALESKO
BUSINESS MANAGER

ALERIE K. BAFFONE
SECRETARY/TREASURER

HEADQUARTERS

2510 Arctic Blvd.
Anchorage, Alaska 99503

208 Wendell, Room 205
Fairbanks, Alaska 99701

710 W. 9th Street
Juneau, Alaska 99801



April 11, 1989

House State Affairs Committee
H.A. Boucher, Chairman
Eileen MacLean, Vice Chairman

Dear Representative,

Public Employees Local 71, LTC, is in support of SB-73, Retirement Incentive Program.

This legislation not only benefits state employees who wish to retire early but also benefits the state through cost-savings and in fact, is a cost-containment measure.

We urge your support of this legislation. Thank you.

Sincerely,

Don Rouleau, Business Representative
Local 71/Juneau

DR/tc

JUNEAU
(907) 586-6993

ANCHORAGE
(907) 276-7211

FAIRBANKS
(907) 452-5024



Parham
ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue
P.O. Box 196614
Anchorage, Alaska 99519-6614
AREA CODE [907] 333-9561

SCHOOL BOARD

William Frick
President

Bettye Davis
Vice President
Past President
1985-88

Carol Stolpe
Clerk

Darryl Jordan
Treasurer

Betty Bruckman

Jean Buchanan
Past President
1983-84, 1986-87

Sharon Richards

SUPERINTENDENT

William Coats, Ph.D.

March 17, 1989

The Honorable Jim Duncan
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator Duncan:

Just a note to indicate that we have reviewed the changes in SB 73 prepared by the State Affairs Committee. We strongly support the change which provides to District employees the opportunity to act this year for appointment to retirement after July 1.

We believe there is cost justification for another Retirement Incentive Plan at the present time. Almost thirty (30) secondary teachers are listed as surplus at the present time and may be subject to lay off next fall if circumstances justifying their retention do not arise. Four Notices of Non-Retention were issued to tenured teachers this week, some of whom have more than five years of experience with us. Moreover, since almost one-third of District teachers are placed at the top of the current salary schedule, replacing those teachers with junior employees would result in cost savings.

Thank you for your continued good work in behalf of public education; if I can be of further help, please let me know.

Sincerely,

Leland C. Wilson
Executive Director, Employee Relations

cc William Coats
Guy Bellville
Mike Malone

LW:ccs

JUNEAU SCHOOL DISTRICT BOARD OF EDUCATION

RESOLUTION #5-89

A RESOLUTION OF THE BOARD OF EDUCATION OF THE CITY AND BOROUGH OF JUNEAU SUPPORTING SENATE BILL 73 OFFERING A RETIREMENT INCENTIVE PROGRAM FOR 1990.

Whereas, many Juneau School District employees participated in the Retirement Incentive Program (RIP) in 1985-87; and

Whereas, the Juneau School District realized a significant savings in salaries because of early retirements; and

Whereas, the economy of the State of Alaska appears to be changing with the decline of certain opportunities for revenues; and

Whereas, adjustments need to be made to reconcile the declining revenues and continued expenses; and

Whereas, personnel costs are the largest item in the budget of the Juneau School District; and

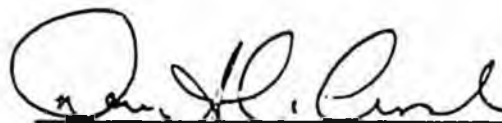
Whereas, a reinstatement of the RIP will allow a cost savings to Juneau School District;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

1. That the Board of Education of the City and Borough of Juneau supports the passage of Senate Bill 73 offering a Retirement Incentive Program for 1990.

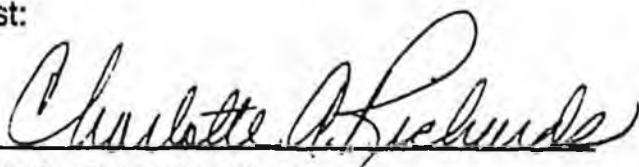
2. Effective date. This resolution shall be effective immediately upon adoption.

Adopted this 7th day of February, 1989.



David Crosby, President

Attest:



Charlotte Richards, Clerk



Paul Fischer

DON VALESKO
BUSINESS MANAGER

VALERIE K. BAFFONE
SECRETARY/TREASURER

HEADQUARTERS

2510 Arctic Blvd.
Anchorage, Alaska 99503

208 Wendell, Room 205
Fairbanks, Alaska 99701

710 W. 9th Street
Juneau, Alaska 99801



March 20, 1989

Senate HESS Committee
Senator Paul Fischer, Chairman
Senator Jim Duncan, Vice-Chairman

Public Employees Local 71, LTC, is in support of SB-73, Retirement Incentive Program.

This legislation not only benefits state employees who wish to retire early but also benefits the state through cost-savings and is in fact, a cost-containment measure.

We urge your support of this legislation. Thank you.

Sincerely,

Don Rouleau, Business Representative
Local 71/Juneau

DR/tc



UAS

University of Alaska Southeast
Juneau • Ketchikan • Sitka

Office of the Chancellor

Juneau Campus
11120 Glacier Highway
Juneau, Alaska 99801-8697
(907) 789-4472
FAX: 789-4595

March 14, 1989

The Honorable James Duncan
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator Duncan:

As Chancellor of University of Alaska Southeast, I want to express my support of SB 73.

At the University of Alaska Southeast, we had 16 employees who took advantage of the retirement incentive program as established in 1986. The early retirement option resulted in a substantial salary saving for our institution. That savings gave us added flexibility in meeting our budget reductions--without major employee layoffs. The desired goal of this legislation was clearly met at UAS.

A renewed opportunity for early retirement may not provide us the same level of savings but would afford us the opportunity for job redesign, program direction changes, and employing at entry level with lower salaries--ultimately resulting in flexibility and salary savings without taking adverse personnel actions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marshall L. Lind".

Marshall L. Lind
Chancellor

sa



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

Ray

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

RECEIVED MAR 28 1989

March 27, 1989

To: Senators Binkley and Uehling, Co-Chairs
Members, Senate Finance Committee

Re: CS For Senate Bill No. 73 (HESS): "An Act
relating to retirement incentive programs for
the public employees' retirement system and the
teachers' retirement system; and providing for an
effective date."

NEA-Alaska endorses, strongly supports, and encourages your favorable consideration of the CS for SB 73.

The probability of funding cuts to the operating costs of government also carry the probability of employee lay-offs. It makes sense to diminish the adverse impact of lay-offs by providing for voluntary attrition through a retirement incentive program.

While employee lay-offs may save some money initially they also represent potential longer term costs to government through unemployment costs and other social services.

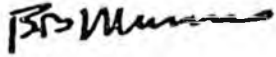
The retirement incentive program provides for immediate and long term cumulative savings as well as providing government the opportunity to reorganize itself more efficiently.

SB 73 responsibly requires that participating agencies of government demonstrate financial savings as a basic requirement for employee participation. It further provides that the program be implemented at no additional cost to the retirement systems.

The data from the last RIP overwhelmingly demonstrates that this is a sound program and is worthy of your favorable consideration.

Thank you for your consideration of our position.

Respectfully submitted,



Bob Manners
Executive Secretary



Judy Salo
President

cc: Senator Jim Duncan

*Nome Education Association
Nome, Alaska 99762*

March 9, 1989

*Reyame
Repl*

Senator Jim Duncan
P.O. Box V
Juneau, Alaska 99811

Dear Senator Duncan:

In response to your letter regarding your sponsorship of Senate Bill 73, the members of Nome Education Association requested at our last meeting that I write you that our membership supports this Bill. When in effect previously, it was not implemented in our school district, but probably could have been with positive results. We want to thank you and the Bill's other sponsors for bringing it back before the legislature.

Yours truly,

Gladys Bibb

Gladys Bibb, President



RECEIVED JAN 17 1989

ALASKA ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
326 Fourth St., Suite 408 Juneau, Alaska 99801 586-9702

RESOLUTION TO ENACT THE RETIREMENT INCENTIVE PROGRAM (RIP)

The Alaska Council of School Administrators urges the Legislature and Governor to again enact the Retirement Incentive Program.

RATIONAL:

- (A) The State of Alaska had initiated an early retirement incentive program which has appeared to be of benefit to the retiree and the State of Alaska.
- (B) It will be established over time that the intent of the previous program has been accomplished.
- (C) That the TRS and PERS will remain financially sound.
- (D) It has provided a positive incentive to long term employees to change careers without penalty.



Matanuska-Susitna Borough

P.O. BOX 1608, PALMER, ALASKA 99645-1608 • PHONE 745-9689

BOROUGH MANAGER

January 4, 1989

RECEIVED JAN 20 1989

The Honorable Jim Duncan
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Senator Duncan:

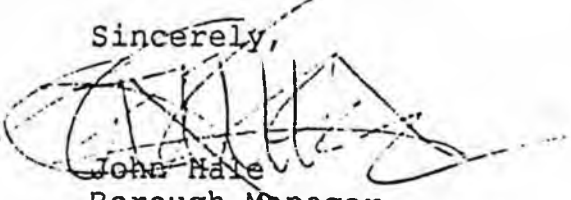
Thank you for the letter informing me of the introduction of your bill, Senate Bill 73 - Retirement Incentive Program.

I support your bill which could result in a savings in personnel services cost.

It will be necessary for the Matanuska-Susitna Borough and the Matanuska-Susitna Borough School District to analyze the possible impact of the program before a recommendation is made whether to participate.

Since your bill allows for each government entity to make the decision whether or not to participate, it provides the needed flexibility. Good luck with the legislature.

Sincerely,


John Hale
Borough Manager

er



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

March 13, 1989

To: Senator Paul Fischer, Chair
Members, Senate HESS Committee

Re: CS for Senate Bill No. 73 (State Affairs); "An Act relating to the retirement incentive programs for the public employees' retirement system and the teachers' retirement system; and providing for an effective date."

NEA-Alaska endorses, strongly supports, and encourages your favorable consideration of the CS for SB 73.

With the probability of substantial funding cuts being made to the state, local government, and school district operating budgets it is essential that an early retirement incentive program be available as a means of reducing the adverse impact from employee lay-offs.

Employee lay-offs may give the appearance of saving money on the front end but there are longer term consequences which can have the effect, through unemployment, of costing government more than was originally saved by the lay-off.

Retirement incentive programs represent not only an initial savings to government but have a long term cumulative savings potential no matter whether the retiring employee is replaced or not.

The data from the last RIP is overwhelmingly conclusive that the financial savings to government was substantial.

SB 73 effectively addresses concerns which pertain to the last RIP and provides the potential for an even greater level of savings in personnel costs. This legislation meets both the financial and the human needs of the people of Alaska.

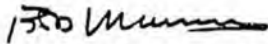
NEA-Alaska asks that the Committee consider an amendment to the window period which will increase the savings potential for school districts more immediately.

On page 6, line 8, we suggest that the window open during the month of June, 1989, so that retirement can be effective on July 1, 1989.

Such a change would provide the potential for additional savings to school districts of at least one month of payroll costs, probably more, and would take into consideration the fact that salary increments and raises, when given, usually occur on July 1.

Thank you for your consideration of our position.

Respectfully submitted,



Bob Manners
Executive Secretary

cc: Senator Jim Duncan

PUBLIC OPINION MESSAGE

DEAR: SENATOR DUNCAN

NAME: PAH MCCARL

TITLE: PRESIDENT; ANCH. EDUCATION ASSOC.

ADDRESS: 1411 WEST 33RD

CITY: ANCHORAGE

ZIP: 99503

PHONE: 274-0536

BILL NO: SB 73

SUBJECT: RETIREMENT INCENTIVE PROGRAM/PERS & TRS

MESSAGE: THE ANCHORAGE EDUCATION ASSOCIATION HAS TAKEN A POSITION IN
 SUPPORT FOR SB 73. LETTER WILL FOLLOW. URGE YOU TO PLEASE SUPPORT AND PASS
 OUT OF COMMITTEE. APPRECIATE YOUR COMMITMENT TO THIS LEGISLATION.

FOMID: 03111049

DATE: 03/01/89

TIME: 11:10:49

LOCATION: ANCHORAGE LIO

COPIES: SENATOR

FOURCHOT

PUBLIC OPINION MESSAGE

DEAR: SENATOR DUNCAN

NAME: TERRY GORLICK

TITLE:

ADDRESS: 1501 WEST 41ST

CITY: ANCHORAGE

PHONE: 563-1962

BILL NO: SB 134

SUBJECT: PRACTICE OF ACUPUNCTURE

MESSAGE: I AM IN SUPPORT OF SB 134 FOR COVERAGE UNDER REIMBURSABLE MEDICAL
 PLANS.

ZIP: 99503

FOMID: 03111052

DATE: 03/01/89

TIME: 11:10:52

LOCATION: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BARNES	DOUCHER	ADAMS
BOYER	BROWN	BINKLEY
CATO	COLLINS	COCHILL
COITEN	DAVIDSON	ELIASON
DAVIS, C.	DAVIS, M.	FARENKAMP
DONLEY	ELLIS	FAIKS
FOSTER	FURNACE	FISCHER
GOLI	GRUENBERG	FRANK
GRUSSENDORF	HANLEY	HALFORD
HOFFMAN	HUDSON	JONES
JACKO	KOFOJEN	KELLY
LARSON	LEMAN	KERTTULA
MACLEAN	MARTIN	PEARCE
MEHARD	MILLER	FOURCHOT
NAVARRE	PETTYJOHN	RODEY
PHILLIPS	RIEGER	STURGULENSKI
SHARP	SHULTZ	SZYMANSKI
SPRINGHOLZ	SHACKHAMMER	UEHLING
TAYLOR	ULNER	ZHAROFF
WALLIS	ZANACKI	



Office of the City Clerk
832-5441

Incorporated November 17, 192

Rafan

City of Nenana

State of Alaska

February 27, 1989

Senator Jim Duncan
P.O. Box V
Juneau, AK 99811

Dear Senator Duncan,

I am quite pleased to see you introduce Senate Bill 73 again, with the addition of SB 14. The Nenana City Schools have saved approximately \$220,000 for the two years period since the original program went into effect. This bill was one of the best things to happen to school finance in a long time. It gave Nenana the equivalent of a 10% increase in funding. The school business manager has stated that the new bill would save Nenana about \$157,000 over the first five years of its operation. It would be less than the first time due to fewer qualifying personnel. SB 14 also fills some needed gaps in the program, especially with part time teachers.

I would make two suggestions to the current bill:

- 1) Open the window for teachers to include this school year as well as next year. Savings to Nenana would be up to \$50,000 this year if the teachers that would qualify took the program.
- 2) The only concern I have with the program is that last time some districts chose not to participate in the program even though it would have saved them money. It seems somewhat unfair to me that those staff members were not allowed to take part in the program. The only way I know that it could be done would be for the Retirement System to offer the program instead of the local districts with an increase in Retirement System contributions to cover the cost plus the retiring members cost paid back by themselves.

Suggestion one would really help the City this year and suggestion two is just something to think about.

RECEIVED MAR 01 1989

RECEIVED

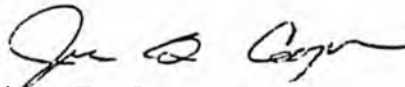
MAR 1989



Senator Jim Duncan, 2/27/89, Page 2

Thanks again for the re-introduction of the bill as it is to me the fairest way to save money in the schools without penalizing the employees with wage cuts.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe B. Cooper".

Joe B. Cooper, Mayor
City of Nenana

North Slope Borough School District



January 31, 1989

RECEIVED FEB 01 1989

Kayanne

Senator Jim Duncan
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

RE: Senate Bill 73, Early Retirement

Dear Senator Duncan:

The North Slope Borough School District supports the passage of Senate Bill 73, related to the retirement incentive program for PERS and TRS employees.

We believe this legislation would be in the best interest of the NSB School District and the North Slope residents. Because of prior legislation on early retirement incentive programs, our retirees have been able to be assured a lifetime income; and at the same time, we have been able to increase the number of local residents in our hiring practices, especially younger employees, at a lower and more affordable salary scale.

However, we respectfully request your consideration to increase the window period to 14 months, making the law effective May 1, 1989 through June 30, 1990. Passing the bill in its present form would discourage employees from retiring this year and instead may encourage them to wait until the following year to receive additional retirement income. Having a larger window period would also allow the District to work with potential retirees and give us more planning time to employ new hires at lower salaries.

Most agencies including the NSB School District, need relief now and forestalling retirements for another year would add more financial burdens. Having the effective date in 1989 through 1990 would allow individual Districts to work out staffing arrangements in FY 90, resulting in additional savings and a smoother transition period.

Senator Jim Duncan
January 31, 1989
Page Two—

Thank you for soliciting our thoughts on SB 73. We appreciate your interest and sensitivity toward school districts throughout Alaska. If you have any questions please feel free to contact me or my Special Assistant Brenda Itta.

Sincerely,



Shirley Holloway, Ed.D.
Superintendent

BI/ma

cc: Senator Al Adams
Representative Eileen MacLean
Brenda Itta, Special Assistant to the Superintendent
Ashley Reed, Lobbyist, NSBSD

NORTH SLOPE BOROUGH SCHOOL DISTRICT

TRAPPER SCHOOL

NUIQSUT, ALASKA 99789

(907) 480-6712 or 480-6620



Barrow Whalers
Barrow High School
Pouch 8950
Barrow, Alaska 99723
(907) 852-8950

Fred Icaalook Elementary School
P.O. Box 450
Barrow, Alaska 99723
(907) 852-4711

Nunamiut Wolves
Nunamiut School
Anaktuvuk Pass, Alaska 99721
(907) 561-3226

Aigasuk Eagles
Meade River School
Aigasuk, Alaska 99723
(907) 633-6315

Kaveolook Pams
Harold Kaveolook School
P.O. Box 10
Kaktovik, Alaska 99747
(907) 640-6626

Nuqsut Trappers
Nuqsut School
Nuqsut, Alaska 99724
(907) 480-6712

Tikigaq Harpooners
Tikigaq School
P.O. Box 125
Point Hope, Alaska 99766
(907) 368-2662 or 368-2653

Quiy School
Point Lay, Alaska 99759
(907) 833-2312

Alak Huskies
Alak School
P.O. Box 10
Wainwright, Alaska 99782
(907) 763-2541 or 763-2551

Dear Senator Duncan,
We are in favor of the early retirement incentive plan for the following reasons:

1) It would encourage high priced teachers to retire, allowing lower priced teachers to enter the job market - a substantial savings to school districts.

2) It would free those teachers who would rather move on to new adventures and open the door for these teachers seeking the Alaska adventure. These new professionals would have fresh ideas to add to our educational base.

3) It provides teachers an option. Those who are still interested in teaching can continue to use their expertise, but those who "want out" can "get out" - instead of just putting in their time. This would provide a much better educational climate for the student.

Benefits:

- 1) Save Money
- 2) Promote fresh ideas
- 3) Provides an Option

We believe this is an educationally sound proposal that would benefit Alaskan education in many ways and not prove detrimental to our state.

Sincerely,
Jack Wilfong



Mentasta
Tetlin
Tok

Northway
Dot Lake
Eagle
Tanacross

Handwritten signature: Stanton

SCHOOL DISTRICT REAA 16
P.O. Box 226, Tok, Alaska 99780
907 - 883-5151

Senator Jim Duncan
State Capital
Room #119
P. O. Box V
Juneau, Alaska 99811

January 30, 1989

Dear Senator Duncan,

Thank you very much for inquiring about our interest in the Retirement Incentive Program.

Several years before the State of Alaska began offering a Retirement Incentive Program, the district had offered two (2) comparable programs. As a result, we have probably had more retirement from our faculty than others and do not have as strong a need as some other school districts may have shown in recent years.

It is obvious that we believe in the concept and as long as the retirement system retains full viability and the districts can enter the program under their own discretion and is not required, we will certainly support your efforts.

There are always a few people who would appreciate the opportunity and if you find the numbers are too few, please take time to reintroduce the concept again in several years.

Sincerely,

Handwritten signature: Spike Jorgensen
Spike Jorgensen
Superintendent of Schools

SJ/lm

"Where Teachers Are The Gateway To Learning"

Dot Lake
907 - 882-2661

Eagle
907 - 547-2210

Mentasta
907 - 291-2317

Northway
907 - 778-6301

Tok
907 - 883-5161

Tetlin



MT. VIEW ELEMENTARY SCHOOL

315 SWIRES ROAD, KENAI, ALASKA 99611
(907) 283-6148

Payan

February 3, 1989

Senator Jim Duncan
P. O. Box V
Juneau, Ak 99811

Dear Senator Duncan:

I am writing in support of S.B 73. Evidence seems to indicate that there are both financial and other benefits associated with the passage of this bill.

Sincerely,

R. L. Boudreau
R. L. Boudreau
Principal

RB:mk

Sterling Elementary School

Kenai Peninsula Borough School District

Drawer 89 • STERLING, ALASKA 99672
Phone 262-4944

February 7, 1989

Rep. Mike Navarre
Box V
Juneau, AK 99811-3101

Dear Rep. Navarre:

I am very much interested in HB77 and the whole issue encompassing the Retirement Incentive Program (RIP).

The concept of RIP is popular and I also believe, fiscally responsible in terms of costs. When all the facts and figures are tallied on the last RIP, we'll be able to recognize a great savings for the State of Alaska.

I don't think we need to worry about the effect of the so called "brain drain" that such a program allegedly causes. In fact, it has been my experience to note a much more negative effect when observing employees who have stayed too long in a particular field or profession i.e. teaching, administration, and related state jobs with similar responsibilities. No telling what long-term health benefits these early out programs will produce for retirees.

Additionally, there are many of us out here in the trenches who feel that the window period should be extended to include 1989. Perhaps a short window period for many of us who do not need another year to plan or wait for the 1990 RIP could be included in the bill. The window period could be, for example, 30 days in May or June, this would allow people time to make their decision this year, thereby presenting no imposition to a school district or agency for staffing next year.

Rep. Navarre, I would certainly hope that you will be able to give your support to this important legislation. I am looking forward to hearing from you regarding this proposed bill and how you feel about it.

Sincerely,



Vic Varick
Principal

sg

Interior Public Employees Coalition

452-2023

2118 Cushman
Fairbanks, Alaska 99701

February 9, 1989



The Honorable Jim Duncan
Alaska State Senate
P. O. Box V
Juneau, AK 99811


Dear Senator Duncan:

The Interior Public Employees Coalition wishes to go on record in support of Senate Bill 73.

The previous retirement incentive program was of great value to local government. In the case of the Fairbanks Fire Department; had nine employees not retired there would have been a dozen or more on permanent layoff status.

If a new "RIP" program is established, a significant number of high seniority city employees have told me they will participate.

Sincerely,



Barry Haight
Chairman

Sponsored by: Meehan

CITY OF SEWARD, ALASKA
RESOLUTION NO. 89-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, SUPPORTING LEGISLATION WHICH WOULD RE-ESTABLISH THE PERS RETIREMENT INCENTIVE PROGRAM

WHEREAS, the 1986 Alaska Legislature enacted legislation which allowed members of the Public Employees Retirement System and the Teachers' Retirement System to take advantage of early retirement; and

WHEREAS, the Retirement Incentive Program resulted in reduced personnel costs for many municipalities and school districts throughout the state; and

WHEREAS, the 1986 Retirement Incentive Program has lapsed; and

WHEREAS, Senator Jim Duncan has introduced SB 73, which would re-establish the Retirement Incentive Program by offering early retirement incentives to public employees in 1990;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, that:

Section 1. The Legislature is hereby urged to give its support to SB 73, re-establishing the PERS Retirement Incentive Program.

Section 2. Copies of this resolution shall be forwarded to Governor Cowper; Senators Duncan, Kerttula and Szymanski; and Representative Cato.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, this 13 day of February, 1989.

THE CITY OF SEWARD, ALASKA


HARRY E. GIESELER, MAYOR

CITY OF SEWARD, ALASKA
RESOLUTION NO. 89-011

AYES: GIESELER, DUNHAM, HILTON, MEEHAN, NOLL, O'BRIEN, SIMUTIS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

ATTEST:

APPROVED AS TO FORM:

PERKINS COIE, Attorneys for
the City of Seward, Alaska

Linda S. Murphy

Linda S. Murphy, CMC/AAE *P. Jones*
City Clerk

Fred B. Arvidson

Fred B. Arvidson
City Attorney

(City Seal)

RECEIVED FEB 16 1989



RESOLUTION 89-2



HOUSTON, ALASKA
A BICENTENNIAL COMMUNITY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOUSTON, ALASKA,
IN SUPPORT OF SENATE BILL 73.

WHEREAS, the City Council is in support of re-establishing the Retirement Incentive Program for members of the Public Employee's Retirement System and the Teacher's Retirement System and providing for an effective date, and

WHEREAS, the City Council feels that re-establishing the Retirement Incentive Program will encourage employees to retire voluntarily and will reduce the hardships of lay offs.

NOW, THEREFORE BE IT RESOLVED that the Houston City Council does fully support and urge the passage of Senate Bill 73.

ADOPTED BY a duly constituted quorum of the City Council of Houston, Alaska this 26th day of January, 1989.

Marcella P. Puckie
MAYOR

ATTEST:

Linda L. Pade
CITY CLERK/TREASURER



CITY OF KOTZEBUE
P.O. BOX 46 • KOTZEBUE, ALASKA 99752

Doyon

RECEIVED FEB 16 1989

February 6, 1989

City Hall
442-3401
Police Dept.
442-3351
Fire Department
442-3404
Public Works
Dept.
442-3465
Day Care Center
442-3157
Planning Dept.
442-3465
Building Inspector
442-2623
George Francis
Memorial Library
442-3816
Recreation Center
442-3066
Teen Center
442-3979
Regional Fire
Training Center
442-3921

The Honorable Jime Duncan
Senator
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator Duncan;

At it's February 2nd, 1989 meeting the Kotzebue City Council reviewed the legislation you have introduced re-establishing the Retirement Incentive Program for members of the Public Employees' Retirement System and the Teachers' Retirement System.

The City has benefited from the program in the past and would like to support it's re-establishment. We appreciate all of your efforts to assist with the financial savings to municipalities. Keep up the good work!

Sincerely,

Zonna Lie
City Clerk

cc: City Manager
File

Senator Jim Duncan
P. O. Box V
Juneau, Alaska 99811

1743 Morningtide
Anchorage, Alaska
January 9, 1989

*R. Williams
Dad -
we review
a Sunday
Pete*

Dear Senator Duncan:

I am writing in reference to SB 73, prefiled by you this year.

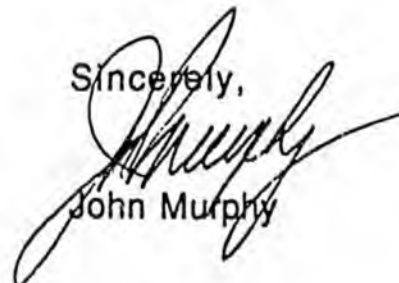
The purpose of this bill is to save money for the state and school districts. It will do this by permitting the long time, higher paid employees to retire and allow districts to replace them with newer personnel at a lower salary. This bill will also reduce the financial and emotional trauma and hardship associated with staff layoffs.

The effective date of this bill is January 1, 1990.

With state revenues being uncertain, why wait until next year to enact this bill? I would encourage you amend to SB 73 to provide a local option for school districts this year. This amendment would give districts and employees a two year transition into the program so those districts facing layoffs could offer the retirement opportunity to their employees this year and those employees eligible to retire this year could do so, but those who are uncertain would have another year to decide. The two or three month application time frame could be kept as recommended in the bill. The suggested amendment would just allow employees to choose it this year or next. This bill would then resemble a successful, similar bill introduced by you three years ago. Providing the option this year would seem to have no detrimental effect on the bill. Indeed, it would seem to provide the expected savings one year earlier than planned.

Any assistance you can provide in this effort will be appreciated.

Sincerely,


John Murphy

STATE OF ALASKA

**DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS**
ALASKA DIVISION OF EMERGENCY SERVICES

RECEIVED MAR 13 1989

STEVE COWPER, GOVERNOR

3501 E. BOGARD RD.
WASILLA, AK 99687
PHONE: (907) 249-1370
(907) 376-2337

March 9, 1989

The Honorable Jim Duncan
Alaska State Senate
P.O. Box V
Juneau, Alaska 99811-3100

Dear Senator Duncan:

I am writing in regards to Senate Bill 73, the Retirement Incentive Program, which you introduced this year. I am in favor of the bill but feel the windows for application and actual retirement are too narrow to provide the savings that seem to be required for the upcoming year.

To provide any savings to the State for the upcoming fiscal year employees should be given the opportunity to retire as early in the State fiscal year as possible. This would require that the period of application start on June 1, 1989, (Retirement Division requires 30 days notice for retirement), with the opportunity to retire beginning July 1, 1989.

The savings to the State with retirements beginning on July 1, 1989, as opposed to May 1, 1990, can be shown using just one case in my Division. The savings for one individual retiring in July 89, has been computed at \$20,000 for the fiscal year whereas if he is allowed to retire on May 1, 1990, the State will realize a savings of only \$3,300.00 for the fiscal year. Taking into consideration, the expected shortfall in the upcoming fiscal year budget, it would seem prudent to allow retirement as early in the year as possible.

An additional concern would be the impact on State government with a large number of senior employees retiring in a relatively short period of time. This loss, with no major corresponding savings to the State for the fiscal year, does not seem to be to the advantage of the State.

I would like to recommend that the window for application for the Retirement Incentive Program for State employees be from June 1, 1989 to June 1, 1990, and that the State employee must retire on or before June 30, 1990.

The Honorable Jim Duncan
Page 2
March 9, 1989

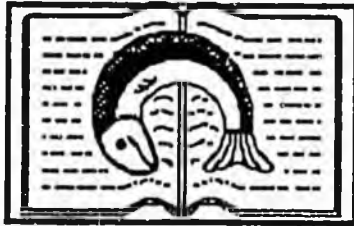
I cannot address the window for application and retirement for the Teachers or University but the current dates seem logical based on the need for the schools to advertise for teachers for the upcoming year and the desire of the teachers to retire at the end of the school year if given the opportunity.

I would like to thank you for your efforts in this matter and your consideration of my proposal. If I can be of any assistance please call me at 249-1370.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ervin Paul Martin', written over a horizontal line.

Ervin Paul Martin
Director



Lower
Kuskokwim
School
District

Rayanne

EEK SCHOOLS

'J' M. Gilman, Principal
P. O. Box 050 Eek, Alaska 99578
(907) 536-5229

Senator Duncan
Alaska State Legislature
Box V
Juneau, Ak. 99811

Dear Senator Duncan:

Thank you for sponsoring SB #73. There are a large number of us here in the field who would like to see an amendment. An amendment which would allow for a "window" in 1989 as well as 1990.

Our feeling is that the school districts and state would save even more money with this additional opportunity. In addition some of us would just plain appreciate having an opportunity to retire this year instead of next. Your support and consideration is greatly appreciated.

Sincerely,

J. M. Gilman

March 6, 1989

Raymond Rapp

Dear Senator Duncan,

I'm writing to thank you for your sponsorship of SB 73 (Early Retirement Incentive Program) and to seek your support for an amendment to allow it to go into effect for the 1989-1990 school year. As a Junior High teacher ripe for the "bumping", I know that the decrease in the number of senior high level students in the Anchorage area will cause many high school teachers to be transferred to the junior high level. Although more elementary students are anticipated, this will do little to alleviate the pressure on those of us with secondary degrees. We can't transfer to the elementary level. I really feel that many junior high teachers will find themselves pushed out of their jobs next year. The effect on the overall economy would not be good. Individually, for many, it would be disastrous.

Offering an Incentive for Early Retirement this next year would not only save the school districts money, but would also offer the younger teachers a chance to stay in Alaska and continue to be a vital part of its economy.

Sincerely,

Kay Abrams

Kay Abrams
13710 Savage Dr.
Eagle River, AK
99577

RECEIVED MAR 08 1989

CITY of HOONAH

P.O. Box 360
Hoonah, Alaska 99829
(907) 945-3663

RECEIVED MAR 06 1989

CCR-89-05

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF HOONAH, ALASKA, SUPPORTING SENATE BILL NO. 73, WHICH WILL RE-ESTABLISH THE RETIREMENT INCENTIVE PROGRAM FOR MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE TEACHERS' RETIREMENT SYSTEM WHICH WAS ENACTED IN THE 1986 SESSION.

WHEREAS, this program is intended to realize sufficient economies to offset the cost of administration and benefits to state agencies and other employers resulting from the award of retirement credits; and

WHEREAS, to result in a net reduction in personal services costs to the state or other employers during a period of declining revenue.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Hoonah, Alaska is in support of Senate Bill No. 73, to re-establish the Retirement Incentive Program for members of the Public Employees' Retirement System and the Teachers' Retirement System which was enacted in the 1986 session.

PASSED AND APPROVED this 27th, day of February 1989.

VOTES: 5 YEAS, 0 NAYS, 1 ABSENT

Liv C. Gray
Liv C. Gray, Mayor

ATTEST:

Sharon A. Parks
Sharon A. Parks, City Clerk

Lee, rip

NORTH SLOPE EDUCATIONAL ADMINISTRATORS ASSOCIATION

*Carlan
Rogel*

Senator Jim Duncan
Alaska State Legislature
Pouch V
Juneau, Alaska
99811

Dear Senator Duncan,

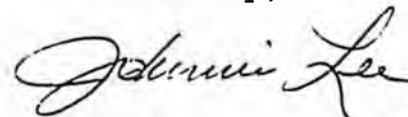
I am writing to express the support of the North Slope Educational Administrators Association for Senate Bill 73 and House Bill 77. However, we concur with the position paper submitted to you by the North Slope Borough School District, and urge you to consider expanding the window for early retirement to include the period May 30, 1989 to June 30, 1990.

We further suggest that, these bills be moved through the legislative process as quickly as possible, in order to allow sufficient time for employees who would become eligible under the provisions of the bills to have sufficient planning time in which to make their decision about early retirement.

We feel that these changes would be in the best interest of our association and our school district.

Your consideration of these suggestions, is appreciated.

Sincerely,



Johnnie Lee, President
NSEAA

3211 Providence Drive
Anchorage, Alaska 99508

March 14, 1988

OFFICE OF THE CHANCELLOR

Senator Jim Duncan
Alaska State Legislature
P.O. Box V (M/S 3100)
Juneau, AK 99811


Dear Senator Duncan:

Thank you for introducing Senate Bill 73, the Retirement Incentive Program. There have been numerous inquiries from the University of Alaska Anchorage (UAA) faculty and staff who are interested in the program which indicates that, if the bill is passed, UAA would realize significant savings in personnel costs.

We support this bill and urge its passage.

Thanks again for your continuing support for the University of Alaska.

Sincerely,



Donald F. Behrend
Chancellor

DFB:ec



UNIVERSITY OF ALASKA FAIRBANKS

Fairbanks, Alaska 99775-0500

March 14, 1989

Senator Jim Duncan
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Senator Duncan:

I am writing in support of SB73, a Retirement Incentive Program For State Employees. As I understand the nature of this bill, it would be similar to the program implemented by the Alaska State Legislature and the State of Alaska a few years ago. The primary difference would be that the cost savings would have to result in personal services over a five year period after the commencement of the program rather than a three year period.

Allow me to address the program from the employees' standpoint. In informal surveys of our support staff and faculty, I find broad support for SB73. It would be fair to state that their general view is that the program would provide an option to employees who have provided a substantial length of service to the University. Additionally, it would be an important morale factor during these difficult financial times when there has been little or no salary movement for these employees.

I realize the purpose of this proposed legislation is not to provide a morale benefit for state employees but, rather, to ultimately save the State of Alaska money. We have now completed our review of the past Retirement Incentive Program. During that program, 104 employees exercised their option to retire. Of these 104 employees, 49 were members of the Teachers' Retirement System and 55 were members of the Public Employees' Retirement System.

In addressing the cost savings as a function of the Teachers' Retirement System, we conclude as follows. Three of the 49 positions were left vacant and then deleted from the University's budget during budget reductions. Over a five year period (following closure of the window for the program), had all 49 employees remained employed, it would have cost the University \$20,040,341. The replacement costs over this same period of time

Senator Jim Duncan
March 14, 1989
Page 2

will actually cost the University \$16,767,874. Additionally, we have deducted \$1,571,262 from the savings as this was the amount the University was required to pay into the retirement system to cover its actuarial costs. Thus, we will have a net savings to the state (over a five year period) of \$1,701,205 .

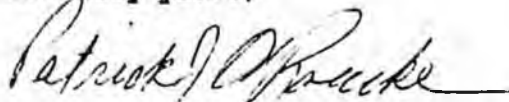
A similar pattern is shown under the Public Employees' Retirement System. Had all 55 employees remained for another five years, it would have cost the University \$13,132,743. The replacement costs for the retirees total \$10,310,685 over that same five year period. We again deducted the amount the University was required to pay to the retirement system which amounted to \$1,378,528. Thus, in the PERS, we count \$1,143,530 as the net savings over a five year period.

In total, for the University of Alaska Fairbanks, we calculate that over a five year period of time, the program will have saved the University approximately \$2,844,735.

These savings have not yet materialized because we are still in the third year of our payments to the various retirement systems. Additionally, replacement employees have not yet been at UAF a period of five years. Thus, there has been some short-term pain to UAF as we have tried to cover our required payments to TRS and PERS. However, although we had to absorb these unbudgeted costs through other temporary reductions, the picture appears clear in the long term. There is a definite savings over a five year period of approximately \$2.8 or roughly \$27,353 per retiree. Clearly, from a financial standpoint, the state benefits in the long term from such a program although, as I said, it has been difficult to cover the short-term costs.

I am hopeful that SB73 will pass this session of the legislature. I imagine there may be detractors, but it cannot be on the basis that there are not long term savings. Clearly, there are.

Sincerely yours,



Patrick J. O'Rourke, Chancellor
University of Alaska Fairbanks

PJO'R/clb

Alaska State Legislature



SENATOR JIM DUNCAN

P.O. Box V JUNEAU, ALASKA 99811-3100
(907) 465-4766

COMMITTEES:
FINANCE
VICE CHAIR -
HEALTH EDUCATION
& SOCIAL SERVICES
BUDGET & AUDIT
BANKING &
ECONOMIC
DEVELOPMENT

M E M O R A N D U M

February 8, 1989

TO: Representative Red Boucher

FROM: Senator Jim Duncan

SUBJECT: Senate Bill 73, an act relating to retirement incentive programs for the public employees' retirement system and the teachers' retirement system

I would like to provide you with information on the Retirement Incentive Program since I know that many of you are receiving calls and letters from your constituents in support of the program. I provide the following background information for your use in answering their questions and yours.

The original Retirement Incentive Program was established in 1986 "to reduce the hardship of layoffs and was intended to result in a net reduction in personal services costs to the state or other employer during periods of declining revenue." The program, running from 1986 to late 1987, allowed an incentive credit of three years to employees in the Public Employees' Retirement System and the Teachers' Retirement System. During that window period, a total of 2,346 public employees including teachers, state employees, university, and municipal employees took advantage of the Retirement Incentive Program.

Senate Bill 73, which I introduced this year, re-establishes the Retirement Incentive Program and will allow three month application periods in 1990 for state employees, teachers, municipal employees, and University of Alaska employees. Those periods are summarized in the following table:

<u>Employee Type</u>	<u>Application Period</u>	<u>Employee must Retire on or before</u>
State	January-February, 1990	May 1, 1990
Teachers	March-May, 1990	July 1, 1990
University	May-July, 1990	September 1, 1990
Municipal	July-September, 1990	November 1, 1990

There has been a great deal of interest expressed by school districts and teachers in beginning the window period for teachers this year and extending it for a longer period of time. Also, many individuals have asked that the window periods be longer and span more than one fiscal year in order to spread the impact of retirements over a wider period. I would like to know your feelings on these suggestions. I expect that changes will be made in the window periods during the committee hearings.

Under the bill, the three year credit can be added to service years or age depending on the individual's requirements for retirement in the following order:

1. to meet the age or service required for eligibility for normal retirement; or
2. to meet the age required for early retirement; or
3. to reduce the actuarial adjustment required for early retirement; or
4. as years of credited service for calculating retirement benefits if the person is already eligible to retire.

Under the program, if the employer elects to participate, long term employees are provided an incentive to retire, but the decision on whether or not each employee chooses to participate in the program is entirely at that employee's option.

A report issued by the Department of Administration in January of 1988 projected the savings of the last Retirement Incentive Program for state employees to be \$19.7 million over a five year period. The Division of Legislative Audit is currently conducting an audit which traces each position vacated as the result of the RIP to determine the actual savings accruing to state government from the last incentive program. This report should be available soon after the next Legislative Budget and Audit Meeting.

The Division of Retirement and Benefits is currently in the process of gathering information from school districts and municipalities about the savings which they realized from the last incentive program. The preliminary report indicates the savings, especially to school districts, was substantial. For example:

Retirement Incentive Program
February 8, 1989
Page 3

Employer	Savings over a Five Year Period (in thousands)
Copper River School District	\$670.5
Yukon Koyukuk School District	414.6
Alaska Gateway School District	129.7
City of Wrangell	186.5
Kodiak Island School District	527.8
Lower Kuskokwim School District	2,220.8
North Slope School District	1,315.5
Dillingham City Schools	773.9
City of Ketchikan	1,214.9
Valdez City Schools	1,630.3
Fairbanks School District	2,579.1
Haines School District	1,013.5
Kenai Peninsula Borough	639.4
Juneau School District	1,290.0
Municipality of Juneau	1,140.0

Not all districts have reported in, Anchorage and the Northwest Artic Schools are working on their reports and should have them to the Division of Retirement and Benefits within a week. I have attached a copy of the latest version of the report from the Division of Retirement and Benefits and will provide you with updates as additional school districts and municipalities report in.

I know that many of you are concerned, as I am, about possible abuses which might have occurred in the last Retirement Incentive Program. For this reason, Senate Bill 73 explicitly states in Section 4 (b), that "the plan may not permit an employee who is the commissioner or a deputy commissioner of a state department to participate."

Another indirect benefit of the Retirement Incentive Program is that compensation dollars are retained in our economy which would otherwise have been lost if employees were laid off. Many employees who are laid off move out of state to find work, whereas around 70 percent of retirees in both the Public Employees and Teachers' Retirement systems choose to remain in Alaska after retirement. Thus, we retain the salaries of the lower level employees who are not laid off and we retain 70 percent of the retirement compensation which is paid out as the result of the Retirement Incentive Program. We estimate that for state employ. alone the net cash gain to our economy of the original incentive program was almost \$30 million.

Retirement Incentive Program
February 8, 1989
Page 4

I have asked that SB 73 be scheduled in the Senate State Affairs Committee as soon as possible after the audit becomes available. I have been awaiting completion of the two studies underway on the financial impact of the last incentive program, because I believe that you should have that information before you as the bill is considered.

If you or your staff have questions on Senate Bill 73, please contact Roxanne Stewart of my staff at 465-4766.

Attachment

DIVISION OF RETIREMENT AND BENEFITS
 RETIREMENT INCENTIVE PROGRAM (RIP)
 SUMMARY RESULTS OF POLITICAL SUBDIVISION SURVEY
 January 30, 1989

EMPLOYER	NUMBER RETIRED	POS. REFILLED	COST OF POSITIONS FOR 5 YRS (\$1000's)	COST TO RE- FILL POS. (over 5 yrs (\$1000's)	RIP COST (\$1000's)	SAVINGS or (COST) FOR 5 YRS (\$1000's)
S.E. Resource center	3	0	800.0	0.0	83.0	717.0
Unalaska City School District	1	1	322.5	165.8	34.1	122.6
Copper River School District	11	1	2,854.7	1,904.9	279.3	670.5
City of Skagway	1	1	18.8	Not Provided	Not Provided	0.0
Galena City School District	1	1	264.6	198.0	60.0	6.6
Petersburg Public Schools	2	2	437.5	338.6	55.1	43.8
Yukon Koyukuk School District	5	4	2,006.5	1,414.4	177.0	414.6
Alaska Gateway School District	4	4	1,055.5	745.0	180.8	129.7
Bristol Bay School District	1	1	273.8	186.7	50.3	36.8
City of Wrangell	1	0	220.0	0.0	33.5	186.5
Kodiak Island School District	17	16	4,487.7	3,380.0	579.9	527.8
Delta/Greely School District	2	2	700.9	644.0	96.4	(- 39.6)
City of Palmer	4	3	1,024.1	715.3	101.0	207.8
Yukon Flats School District	5	4	Not Provided	Not Provided	128.5	Not Provided

RETIREMENT INCENTIVE PROGRAM (RIP)
SUMMARY RESULTS OF POLITICAL SUBDIVISION SURVEY
PAGE 2

EMPLOYER	NUMBER RETIRED	POS. REFILLED	COST OF POSITIONS FOR 5 YRS (\$100's)	COST TO RE- FILL POS. (over 5 yrs (\$100's)	RIP COST (\$100's)	SAVINGS or (COST) FOR 5 YRS (\$100's)
L. Kuskokwim School District	31	26	7,535.6	4,637.6	677.2	2,220.8
North Slope School District	28	23	7,643.0	5,600.5	727.0	1,315.5
City of Soldotna	2	1	482.8	212.7	47.8	222.3
Dillingham City Schools	6	2	1,231.7	180.0	277.8	773.9
City of Ketchikan	11	8	4,093.0	2,358.6	519.5	1,214.9
Wrangell Public School	2	2	455.5	330.6	43.7	81.2
Valdez City Schools	10	3	2,519.1	604.4	284.4	1,630.3
Adak Region School District	3	3	817.1	611.6	111.4	94.1
Fairbanks School District	71	71	17,998.0	13,592.1	1,826.8	2,579.1
Haines School District	5	1	1,529.6	384.8	131.3	1,013.5
Cordova Public Schools	1	1	185.3	112.4	19.3	53.6
Kenai Peninsula Borough	14	7	3,234.0	2,270.4	324.2	639.4
Juneau School District	42	40	3,750.0	1,449.0	1,010.6	1,290.4
Lake and Penin. School District	2	2	675.0	600.0	53.6	21.4
City/Borough Juneau	13	9	3,574.1	2,134.8	298.9	1,140.4

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITAL
BUILDING ALASKA 99511
907 465 3000

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 16, 1989

SUBJECT: Effect of additional credited service received under CSHB 89 (HESS) on the early retirement incentive program under CSSB 73 (Fin) am

TO: Representative Red Boucher

FROM: Teresa B. Cramer *BC*
Legislative Counsel

You have asked whether a teacher who becomes eligible for a normal retirement benefit under CSHB 89 (HESS) may also take advantage of the early retirement incentive program as set out in CSSB 73 (Finance) am. If certain eligibility requirements set out in the early retirement incentive program are met, the answer is yes.

Under CSHB 89 (HESS), a member of the Teachers' Retirement System who has worked for 20 years may take a normal retirement, even if some of those years were part-time employment. This change is accomplished by amending AS 14.25.110, the section of TRS that sets out who is eligible to take a normal retirement. (The bill does not change the number of years of credited service the member has earned or the amount of retirement benefit the member will receive, just when the member may retire).

Eligibility to participate in the retirement incentive program is set out in sec. 2 (c) of CSSB 73 (Finance) am. That subsection states, in pertinent part,

A member is eligible to participate in the retirement incentive program only if the member is vested, is employed in a position in a designated organizational unit, and will be qualified to retire under AS 14.-25.110 . . . after receipt of the retirement incentive.

. . .

Representative Red Boucher
Page 2
April 16, 1989

Since CSHB 89 (HESS) amends AS 14.25.110, persons who qualify for retirement under those changes would also qualify for an early retirement incentive if the employer had designated their job as part of a "designated organizational unit."

Under the retirement incentive program, the school district chooses whether to implement the program for its employees, and, if it decides to do so, which groups (organizational units) of employees will be included. If the school board designated teaching positions to participate in the incentive program, a teacher who has worked part-time for 20 years would be eligible to retire under the program if both CSHB 89 (HESS) and CSSB 73 (Finance) am became law.

If I may be of further assistance, please advise.

TBC:gc
WKG9/071

S B

75

HOUSE COMMITTEE ON STATE AFFAIRS

**RECAP OF
CSSB 75 (Rls) am**

State Publications

Received March 10, 1989
by the Rules Committee

Heard March 29, 1989
Heard March 30, 1989

Committee Substitute adopted March 30, 1989

Passed Out of Committee March 30, 1989
4 Do Pass

TABLE OF CONTENTS

CSSB 75 (Rules): State Publications

- Item 1:** CSSB 75 (Rules) by The Rules Committee
HCS CSSB 75 (SA)
- Item 2:** Fiscal Note
- Item 3:** Example of a Cost Box
- Item 4:** Statutes from Florida and Tennessee
- Item 5:** Alaska State Government Printing Expenditures
December 1986
- Item 6:** Series of Research Analysis
- Item 7:** Letter from Department of Commerce and
Economic Development, March 28, 1989

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 10, 1989

FURTHER REFERRALS: JUDICIARY
FINANCE

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

CSSB 75(Rls)am

CS FOR SENATE BILL NO. 75 (Rules) am

"An Act relating to the identification of and disclosures on and about state publications; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with HCS (CSSB 75 (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 note _____
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) 5 Rules
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Alice Hanley

Scott Wimmer

Jim Sawacki

John P. ...

	Do Not Pass	No Rec	Amend

John P. ...

Chairman's signature

Original sponsors: Pearce, Uehling,
and Faiks

1 IN THE SENATE

BY THE RULES COMMITTEE

2

CS FOR SENATE BILL NO. 75 (Rules) am

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 identification of and disclo-
sures on and about state publications; and providing
for an effective date."

7

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

10

* Section 1. AS 44.99 is amended by adding new sections to read:

11

ARTICLE 3. STATE PUBLICATIONS.

12

Sec. 44.99.130. LIST OF PUBLICATIONS. Each state agency shall
compile a list identifying each publication that the agency produces.
The list must also give the actual production costs for each publica-
tion and be available for inspection by members of the public. An
agency produces a publication under this section even if the agency
contracts with another person or agency to do the production.

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Sec. 44.99.140. DISCLOSURES ON PUBLICATION. A state agency that
produces a publication shall print on the publication the name of the
agency and a statement that gives the purpose of the publication, the
actual annual production costs for the publication, the cost for each
copy, and the city and state where the printing was done. The state-
ment must read: "This publication was produced at an annual cost of
\$....., \$..... per copy, to...(statement of purpose)..., and was
printed in.....(city and state where printed)". The statement may
include, if applicable, a declaration of the revenue raised by the
sale of the publication or from the purchase of advertising in the
publication. The agency identification and the statement shall be
printed in type that is the same size as the main type used in the

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personal costs discussion to estimate
opposed - BOG (1/11/11)
know printing costs -

1 body of the publication. The statement shall be printed next to the
2 agency identification and set in a box composed of at least one-point
3 rule.

4 Sec. 44.99.150. DEFINITIONS. In AS 44.99.130 - 44.99.150,

5 (1) "production costs" means the costs for preparation, # 1
6 printing, and circulation; in this paragraph,

(S) FIN 6
RAG TABULATION 7

7 (A) "preparation" includes personnel costs, materials, ?
8 art work, and typesetting;

9 (B) "printing" includes reproduction, binding, and
10 other services related to the printing that are normally per-
11 formed by the printing industry;

12 (2) "publication" means a written document produced for
13 public distribution and for which the actual annual production costs
14 exceed \$1,500; "publication" includes books, brochures, flyers, man-
15 uals, newsletters, pamphlets, programs, reports, and similar docu-
16 ments, but does not include standard forms, letterhead stationery,
17 letterhead envelopes, the Alaska Statutes, the Alaska Administrative
18 Code, and the Alaska Rules of Court.

19 (3) "state agency" means insert + pub

20 (A) a department, institution, board, commission,
21 division, authority, public corporation, or other administrative
22 unit of the executive branch, including the University of Alaska
23 and the Alaska Railroad Corporation;

24 (B) a committee, division, or administrative unit of
25 the legislative branch, including Legislative Council, the lead-
26 ership of each house, and the office of the ombudsman;

27 (C) an administrative unit of the judicial branch,
28 including the Judicial Council and the Commission on Judicial
29 Conduct.

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

2

3

Item 2

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS SB 75 (Rules)
PUBLISH DATE: 3/8/89

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Administration
Title: An Act relating to identification of BRU: General Services and Supply
and disclosures on and about state publications Central Duplicating/Purchasing
Sponsor: Senator Pearce Components: _____
Requestor: _____

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)

Rules CS is a title change only

Prepared by: McKie Campbell - Rules Committee Staff Phone: 465-3818
Division: Senate Rules Committee Date: 3/7/89

Approved by Commissioner: Senator Arliss Sturgulewski Date: 3/7/89
Agency: Alaska State Senate

Distribution (by preparer):

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

SENATE BILL 75

History of Fiscal Notes

<u>Date</u>	<u>From</u>	<u>Amount</u>
02/28/89	Department of Administration General Services & Supply (SB 75)	\$0
02/28/89	Department of Administration General Services & Supply (CS SB 75)	\$0
03/07/89	Department of Administration General Services & Supply (CS SB 75 [State Affairs])	\$0
03/01/89	Senate Finance Committee (CS SB 75 [Finance])	\$0
03/07/89	Senate Rules Committee (CS SB 75 [Rules])	\$0

This publication was produced at an annual cost of \$9,978, \$4.99 per copy, to discuss economic developments within the state during the past year, and was printed in Juneau, Alaska.

This example of a "cost box" was derived from an actual publication.

CHAPTER 88-32

Committee Substitute for House Bill No. 156

An act relating to public printing; amending ss. 283.31 and 283.315, F.S., raising the threshold level of state agency printing costs which triggers internal oversight and requires a statement of cost and purpose; amending s. 283.53, F.S., providing an exception to bid letting on specified university publications; amending s. 6 of chapter 83-252, Laws of Florida, extending repeal; providing procedures for review; providing for review and repeal of s. 283.422, F.S.; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 283.31, Florida Statutes, is amended to read:

283.31 Internal printing oversight committees.--Each state agency shall establish an internal printing oversight committee which will be responsible for overseeing the printing of all publications produced for public distribution and costing in excess of \$3,000 ~~91,000~~ which are paid for by state tax funds appropriated by the Legislature, whether produced within the agency or by private printers; and for maintaining an accurate index of each such publication, together with the actual costs of preparation, printing, and circulation. The information reflected by such records shall be reported semiannually to the Auditor General on July 31 for the reporting period ending June 30, and on January 31 for the reporting period ending December 31, in the format that he shall require; and the Auditor General shall report annually the information to the President of the Senate and Speaker of the House of Representatives prior to the convening of the regular session, or at any time upon request of the Legislature. A committee may exempt contract documents from the requirements of ss. 283.42 and 287.102. However, the committee shall include justification for such exemptions in its semiannual report to the Auditor General. The semiannual report shall also contain the following: written justification of need, purpose, authority, source of funding, frequency and number of issues, and reasons for choice of either in-house or outside vendor printing.

Section 2. Subsection (1) of section 283.315, Florida Statutes, is amended to read:

283.315 Publications; statement of cost and purpose.--

(1) Every department or agency of the state which prints or causes to be printed publications, as defined in s. 283.30(8) and costing in excess of \$3,000 ~~91,000~~ which are paid for by state tax funds appropriated by the Legislature, shall cause the following statement, with cost data and purpose inserted, to be printed on the publication adjacent to the identification of the agency responsible for the publication: "This publication was produced at an annual cost of \$...., or \$.... per copy to ...(statement of purpose)...." This statement shall be printed in type which is the same size as the type of the body copy of the publication, and the statement shall be set in a box composed of at least a 1-point rule.

Section 3. Subsection (3) is added to section 283.53, Florida Statutes, to read:

283.53 Specified university publications; activities; trust funds.--

(3) Printing of such publications shall be let upon contract to the lowest responsible bidder, in accordance with s. 283.33, except when the additional costs incurred in changing from the current printer to the new low bidder exceed the savings reflected in the bid prices. Such additional costs shall not exceed 10 percent of the lowest bid price.

Section 4. Section 6 of chapter 83-252, Laws of Florida, is amended to read:

Section 6. This act shall stand repealed on October 1, 1990 January-17-1989, and shall be reviewed by the Legislature prior to that date. It is the intent of the Legislature that each section of Chapter 283, including future amendments, be reviewed under this section. The President of the Senate and the Speaker of the House of Representatives shall designate a committee in each respective house to conduct the review. The committees shall evaluate whether chapter 283, Florida Statutes, should be reenacted and develop the criteria to be used for such evaluation; evaluate whether such review is necessary at a future date; and, if so, determine the appropriate entity to conduct it and the appropriate entity to monitor and assign subsequent reviews. The committees shall conduct the reviews and submit a report and recommendations to the appropriate executive officer of each house no later than March 1, 1990.

Section 5. Section 283.422, Florida Statutes, is repealed on October 1, 1990, and shall be reviewed by the Legislature prior to that date, pursuant to the provisions of section 6 of chapter 83-252, Laws of Florida.

Section 6. This act shall take effect July 1, 1982, or upon becoming a law, whichever occurs later.

Approved by the Governor May 12, 1988. -

Filed in Office Secretary of State May 12, 1988.

* This publication was produced at a base cost of \$19.02 per page *
* for 1500 copies or \$.0126 per single page for the purpose of *
* informing the public of Acts passed by the Legislature. *

CHAPTER 283

PUBLIC PRINTING AND STATIONERY

- 283.30 Definitions.
- 283.31 Internal printing oversight committees.
- 283.315 Publications; statement of cost and purpose.
- 283.32 Recycled paper to be used.
- 283.33 Public printing to be let to lowest bidder.
- 283.34 State officers not to have interests in contract.
- 283.35 Preference given printing within the state.
- 283.36 Public printing divided into classes.
- 283.37 Notice requirements when calling for bids.
- 283.38 Separate and combined bid awards; deposit required with a bid.
- 283.39 Term of new contract.
- 283.40 Statements under oath may be required to be filed by the bidder.
- 283.41 False statements; forfeit of deposit as liquidated damages.
- 283.42 Bids required on class B printing.
- 283.422 Printing of test or related materials to preserve test security.
- 283.425 Acceptance for printing; penalty for defective printing.
- 283.43 Public information printing services.
- 283.44 Department of State to classify, number, and furnish copies of general laws, special acts, resolutions, and memorials.
- 283.45 Journals of Legislature.
- 283.49 Public documents; university libraries.
- 283.50 Law libraries of certain colleges designated as state legal depositories.
- 283.51 Public printing; copies to Library of Congress.
- 283.52 Distribution of session laws.
- 283.53 Specified university publications; activities; trust funds.
- 283.55 Public documents; purging of publication mailing lists; copies to State Library.

283.30 Definitions.—As used in this chapter, unless the context clearly requires otherwise, the term:

(1) "Agency" means a separate agency or unit of state government created or established by law and includes, but is not limited to, the following agencies or units and the officers thereof: any authority, board, branch, bureau, commission, department, division, institution, office, officer, or public corporation, as the case may be, except any such agency or unit within the legislative or judicial branch of state government.

(2) "Committee" means the Joint Legislative Management Committee of the Florida Legislature created by s. 11.147.

(3) "Division" means the Division of Purchasing of the Department of General Services.

(4) "Duplicating" means the process of reproducing an image or images from an original to a final substrate through the electrophotographic, xerographic, or offset process or any combination of these processes, by which an operator can make more than one copy without rehandling the original.

(5) "Internal printing oversight committee" means the internal committee created by each cabinet officer

and the head of each executive department of government to oversee the production of publications costing in excess of \$1,000 which are paid for by state tax funds appropriated by the Legislature.

(6) "Printing" is the transfer of an image or images by the use of ink or similar substance from an original image to the final substrate through the process of letterpress, offset lithography, gravure, screen printing, or engraving.

(7) "Public" means those entities and persons other than subordinate and functionally related or connected federal, state, or local governmental agencies.

(8) "Publication" includes all books, brochures, flyers, manuals, newsletters, pamphlets, programs, reports, and other like documents, but excludes items issued for strictly administrative or operational purposes.

History.—ss. 1, 6, ch. 83-252, s. 30, ch. 84-254
Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

283.31 Internal printing oversight committees.—Each state agency shall establish an internal printing oversight committee which will be responsible for overseeing the printing of all publications produced for public distribution and costing in excess of \$1,000 which are paid for by state tax funds appropriated by the Legislature, whether produced within the agency or by private printers; and for maintaining an accurate index of each such publication, together with the actual costs of preparation, printing, and circulation. The information reflected by such records shall be reported semiannually to the Auditor General on July 31 for the reporting period ending June 30, and on January 31 for the reporting period ending December 31, in the format that he shall require; and the Auditor General shall report annually the information to the President of the Senate and Speaker of the House of Representatives prior to the convening of the regular session, or at any time upon request of the Legislature. A committee may exempt contract documents from the requirements of ss. 283.42 and 287.102. However, the committee shall include justification for such exemptions in its semiannual report to the Auditor General. The semiannual report shall also contain the following: written justification of need, purpose, authority, source of funding, frequency and number of issues, and reasons for choice of either in-house or outside vendor printing.

History.—ss. 1, 6, ch. 83-252, s. 31, ch. 84-254
Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

283.315 Publications; statement of cost and purpose.—

(1) Every department or agency of the state which prints or causes to be printed publications, as defined in s. 283.30(8) and costing in excess of \$1,000 which are paid for by state tax funds appropriated by the Legislature, shall cause the following statement, with cost data and purpose inserted, to be printed on the publication adjacent to the identification of the agency responsible for the publication: "This publication was produced at an

annual cost of \$____, or \$____ per copy to statement of our case. This statement shall be printed in type which is the same size as the type of the body copy of the publication, and the statement shall be set in a box composed of at least a 1-point rule.

(2) For the purposes of this section, the following three factors shall be utilized in computing cost data:

(a) *Preparation*.—Expenditure for materials, salaries, and operating expenses of personnel involved in preparing the publication.

(b) *Printing*.—Expenditure for reproduction, whether on bid or in-house.

(c) *Circulation*.—Expenditures for postage and for salaries of agency or department personnel involved in distribution of the publication.

History.—ss. 1, 6, ch. 83-252, s. 32, ch. 84-254.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

1283.32 Recycled paper to be used.—Each state agency shall purchase, when economically feasible, recycled paper if and when recycled paper can be obtained that is comparable to the quality presently used by the agency.

History.—ss. 1, 6, ch. 83-252.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

1283.33 Public printing to be let to lowest bidder.—Except as otherwise provided in this chapter, all public printing of the state shall be let upon contract to the lowest responsible bidder, who shall furnish all paper and other material used in printing and binding.

History.—ss. 1, 6, ch. 83-252.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

1283.34 State officers not to have interests in contract.—No member of the Legislature or other officer of this state may have an interest, directly or indirectly, in any contract as provided for in s. 283.33; however, nothing in this section prohibits a member of the Legislature from receiving such a contract when he or his firm is the lowest bidder of all bidders submitting competitive bids for the contract.

History.—ss. 1, 6, ch. 83-252.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

1283.35 Preference given printing within the state.—Every agency of the state, including agencies within the legislative and judicial branches of government, shall give preference to bidders located within the state when awarding contracts to have materials printed, whenever such printing can be done at no greater expense than the expense of awarding a contract to a bidder located outside the state and can be done at a level of quality comparable to that obtainable from a bidder located outside the state.

History.—ss. 1, 6, ch. 83-252.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

1283.36 Public printing divided into classes.—

(1) Class A printing includes, but is not restricted to, the journal and the calendar for the Senate, the journal and the calendar for the House of Representatives, the bills for the Senate and the House of Representatives,

the bound journals for the Senate and the House of Representatives, the pamphlet laws, the general acts, the special acts, the reports of the Auditor General, and any such items of printing or duplicating which the Legislature or legislative branch agency from time to time may require.

(2) Class B printing includes all printing and duplicating produced or purchased by any other agency of the state for distribution to the public.

(3) Class C printing includes all printing and duplicating of memorandum pads, newsletters, and circulars or similar items which may be used for internal circulation by state agencies. Contracts for class C printing are optional, and such contracts shall be approved by an internal printing oversight committee.

History.—ss. 1, 6, ch. 83-252.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

1283.37 Notice requirements when calling for bids.—The committee shall give reasonable notice of not less than 28 days, by publication in one or more newspapers in the state, of the calling for bids on class A printing in excess of the threshold amount provided in s. 287.017 for CATEGORY FIVE. Persons wishing to receive notice of the calling for bids for procurements which are equal to or less than the threshold amount provided in s. 287.017 for CATEGORY FIVE shall register with the committee and receive such notice by mail.

History.—ss. 1, 6, ch. 83-252, s. 2, ch. 86-204.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

1283.38 Separate and combined bid awards; deposit required with a bid.—

(1) The committee shall enter into all contracts for class A printing.

(2) Each bid for contract or contracts for class A printing shall be made separate and upon a unit bid price for each item to be contracted for or shall be made upon a combined bid price for more than one item or on all items to be contracted for by the committee. In the event the combined bid price is lower than the total of the lowest separate unit bid prices for each item, the combined bid price shall be accepted by the committee, in accordance with this chapter.

(3) The President of the Senate and the Speaker of the House of Representatives have authority to contract for the printing of the rule books required for the Senate and for the House of Representatives, respectively, and they shall not be required to receive bids thereon; but each shall be able to contract for the printing of the respective house rule book without receiving competitive bids.

(4) Each bid for class A printing may be required to be accompanied by a certified check, in an amount to be fixed by the committee, to evidence the good faith of the bidder.

History.—ss. 1, 6, ch. 83-252, s. 67, ch. 85-80.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

1283.39 Term of new contract.—Upon the expiration of the contract or contracts now in force for printing which is designated in this chapter as class A, the committee shall enter into a new contract or contracts, or ex-

tend the existing contract or contracts, for the portion of such printing it determines to let to contract; and such contract or contracts may be made by the committee hereafter for a maximum period of 2 years.

History.—ss 1, 6, ch 83-252

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

283.40 Statements under oath may be required to be filed by the bidder.—The committee, when considering any bids submitted for public printing designated as class A, may require any bidder to submit a statement under oath that:

(1) Such bidder is at the time of making such bid fully and completely able to perform such contract; and

(2) Such bidder is, at the time of submitting the bid actually in the bidder's name, the owner of a printing plant and is in good faith operating such printing plant in the current operation of a printing business.

History.—ss 1, 6, ch 83-252

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

283.41 False statements; forfeit of deposit as liquidated damages.—If any bidder for any contract for public printing designated as class A makes, in the statement under oath required by s. 283.40, false statements concerning any of the information required to be furnished under s. 283.40, the certified check by such bidder submitted with his bid shall be forfeited as liquidated damages.

History.—ss 1, 6, ch 83-252.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

283.42 Bids required on class B printing.—No general contract shall be let to cover the printing designated as class B, but each job coming under this classification shall be let separately under rules adopted by the division to the lowest responsible bidder who will manufacture the same in accordance with s. 283.35. Such contract shall apply only to the work under consideration and shall require competitive bids on all purchases in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO.

History.—ss 1, 6, ch 83-252; s. 3, ch 86-204.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

283.422 Printing of test or related materials to preserve test security.—A contract let for the development, administration, or grading of tests or related materials by the Department of Insurance pursuant to the various agent, solicitor, or adjuster licensing and examination provisions of the Florida Insurance Code may include the printing or furnishing of these tests or related materials in order to preserve test security. Any such contract shall be let as a contract for a contractual service pursuant to s. 287.057.

History.—s. 1, ch 85-208; s. 79, ch. 87-224

283.425 Acceptance for printing; penalty for defective printing.—No printing may be accepted as in compliance with the contract when the printing is not of the grade of workmanship which is usually employed by professional printers on printing of such class, or when the printing is not of the full quantity or acceptable quality

for which it has been contracted. If immediate necessity and lack of time to procure printing elsewhere compel the use of defective printing furnished by a contractor, it shall be accepted without approval, and one-half of the contract price thereon shall be deducted as liquidated damages for breach of contract.

History.—ss 1, 6, ch 83-252

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

283.43 Public information printing services.—Any agency the authorized functions of which include public information programs is authorized to purchase, pursuant to this chapter and subject to its appropriation and any other limitations imposed by law, typesetting, printing, and media distribution services, when the purchase of such services would be less costly than the performance of the same services directly by the agency or when such services are beyond the production limitations established by agency guidelines.

History.—ss 1, 6, ch 83-252.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

283.44 Department of State to classify, number, and furnish copies of general laws, special acts, resolutions, and memorials.—

(1) Immediately after any act of the Legislature or any resolution or memorial is filed in the office of the Department of State, that department shall:

(a) Select, segregate, and classify all acts of the Legislature, including memorials and resolutions, by dividing them into the following two classifications: Volume I, General Acts, and Volume II, Special Acts;

(b) Include in such General Acts all acts passed as general laws and all memorials and resolutions, including proposed constitutional amendments, and include in such Special Acts only those acts passed as special laws and becoming law as such;

(c) Assign a chapter number to each such act; and

(d) Furnish true and accurate copies of such laws, resolutions, and memorials passed by the Legislature to the committee for publication.

(2)(a) The committee shall cause to be printed in pamphlet form a sufficient number of copies of any general act of the Legislature to supply any governmental agency, such copies to be delivered to, kept, and retained in the office of the Department of State until distributed as provided in paragraph (b).

(b) The Department of State shall distribute pamphlet copies of the general laws upon requisition to any official of the legislative, judicial, or executive branches of state or county government in this state. Surplus copies may be distributed to practicing attorneys in the state upon their written request and payment of a nominal fee sufficient to pay for mailing.

(3)(a) The committee shall furnish the contractor with copy for printing and binding the General Acts and the Special Acts in separate volumes broken down into as many books as may be necessary, with a general, alphabetical index to each.

(b) The contractor shall complete and deliver to the committee for distribution such number of copies of the session laws as are required and ordered.

(c) The committee has the authority, in the event of sufficient requests for sales, to provide for the republication of the general session laws of the Legislature, when copies of such laws on hand and available for sale have been exhausted, and to sell such republished laws at a price, to be fixed by the committee, sufficient to cover the cost of printing.

History.—ss 1, 6, ch 83-252

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

1283.45 Journals of Legislature.—The contractor shall complete and deliver to the Secretary of the Senate such number of copies of the bound journal of the proceedings of the Senate and shall complete and deliver to the Clerk of the House of Representatives such number of copies of the bound journal of the proceedings of the House of Representatives as the President of the Senate and the Speaker of the House of Representatives shall determine. The Secretary of the Senate and the Clerk of the House of Representatives shall deliver one copy each to the Governor, each Cabinet officer, each justice of the Supreme Court, and each member of the Senate and the House of Representatives and, upon requisition, one copy each to any official government agency and shall retain in their offices the remaining copies for sale at a price to be determined by the President of the Senate and the Speaker of the House of Representatives.

History.—ss 1, 6, ch 83-252.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

1283.49 Public documents; university libraries.—The general library of each institution in the State University System is entitled to receive copies of reports of state officials, departments, and institutions and all other state documents published by the state. Each officer of the state empowered by law to distribute such public documents is authorized to transmit without charge, except for payment of shipping costs, the number of copies of each public document desired upon requisition from the librarian. It is the duty of the library to keep public documents in a convenient form accessible to the public. The library, under rules formulated by the Board of Regents, is authorized to exchange documents for those of other states, territories, and countries.

History.—ss 1, 6, ch 83-252.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

1283.50 Law libraries of certain colleges designated as state legal depositories.—

(1) The law libraries of the University of Florida, Florida State University, Stetson University, Nova University, and the University of Miami are designated as state legal depositories.

(2) Each officer of the state empowered by law to distribute legal publications is authorized to transmit, upon payment of shipping costs or cash on delivery, to the state legal depositories copies of such publications as requested. However, the number of copies transmitted shall be limited to:

(a) Eight copies of each volume of General Acts and each volume of Special Acts to each of the state legal depositories;

(b) Up to a maximum number of each volume of the Florida Statutes and each supplement volume, computed on the basis of one set for every 10 students enrolled during the school year, based upon the average enrollment as certified by the registrar; and

(c) One copy of each journal of the House of Representatives and each journal of the Senate to each state legal depository.

(3) It is the duty of the librarian of any depository to keep all public documents in a convenient form accessible to the public.

(4) The libraries of all community colleges in the state community college system as defined in s. 240.301 are designated as state depositories for the Florida Statutes and supplements published by or under the authority of the state; these depositories each may receive upon request one copy of each volume without charge, except for payment of shipping costs.

History.—ss 1, 6, ch 83-252.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

1283.51 Public printing; copies to Library of Congress.—Any state official or state agency, board, commission, or institution having charge of publications hereinafter named is authorized and directed to furnish the Library of Congress in Washington, D.C., upon requisition from the Library of Congress, up to three copies of the journals of both houses of the Legislature; volumes of the Supreme Court Reports; volumes of periodic reports of Cabinet officers; and copies of reports, studies, maps, or other publications by official boards or institutions of the state, from time to time, as such are published and are available for public distribution.

History.—ss 1, 6, ch 83-252.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

1283.52 Distribution of session laws.—

(1) Copies of session laws of each session of the Legislature shall be distributed free by the committee as follows:

(a) As many copies as the Governor, the Supreme Court, the district courts of appeal, and the Department of Legal Affairs may require for official use.

(b) One copy as requested by each agency of the Government of the United States, not to exceed a total of 10 copies. A maximum of three copies shall be sent to the Library of Congress in Washington, D.C., on requisition of the library.

(c) A maximum of five copies, upon request, to each institution in the State University System, the University of Miami, Nova University, and Stetson University; and two copies to the University of Tampa, Florida Southern College, and Rollins College, to be mailed to the president of each institution upon request.

(d) Such copies to each of the several Cabinet members of this state (other than the Governor and the Attorney General); all duly constituted state departments, agencies, boards, commissions, and institutions; the Supreme Court of the United States; and the United States Circuit Court of Appeals for the Eleventh Circuit; as they shall request for official use, the maximum number to be determined by the committee.

(e) One copy to each member of the Florida Senate and House of Representatives of each current session of the Legislature; the Secretary of the Senate and the Clerk of the House of Representatives of each current session of the Legislature; the judges of the courts of record, including the county court judges; the prosecuting attorneys and their assistants of the courts of record; the clerks of the courts of record; the public defenders in each judicial circuit; each member of the Congress of the United States from this state; each of the judges, marshals, clerks, and district attorneys of the district courts of the United States within this state, and the county law libraries; and, upon request, to the sheriff, the property appraiser, the tax collector, the superintendent of schools, the supervisor of elections, and the board of county commissioners in each county.

(2) The committee may exchange the Florida Statutes and session laws for copies of statutes and session laws of other states, not exceeding four copies of each to any one state. The copies so procured by exchange shall be deposited in the Supreme Court Library, the Attorney General's Library, the University of Florida Law Library, and the Florida State University Law Library, the copies to become part of the respective libraries.

(3) Prior to October 1, 1970, the Department of State shall take inventory of all officially published Laws of Florida, and the books and records previously kept by it shall be transferred to the committee. However, five sets may be reserved by the Department of State for reference purposes. The committee may, after a period of 10 years, take inventory of such books and may destroy obsolete volumes over 10 years old, reserving five sets for reference purposes. A reasonable number of each volume shall be reserved for sale at a price to be set by the committee. Moneys received shall be deposited in the State Treasury and credited to the appropriation for legislative expense.

History.—s. 1, 6, ch. 83-252, s. 33, ch. 84-254.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

1283.53 Specified university publications; activities; trust funds.—

(1) Subject to the approval of the appropriate university, the University of Florida Law Review, the Florida State University Law Review, the Florida State University Journal of Land Use and Environmental Law, and the Florida International Law Journal of the University of Florida are authorized to engage in the following activities relating to their respective publications, notwithstanding the contrary provision of any statute, rule, or regulation of the state or its subdivisions or agencies:

(a) The grant of reprint rights relating to any or all issues of the University of Florida Law Review, the Florida State University Law Review, the Florida State University Journal of Land Use and Environmental Law, or the Florida International Law Journal of the University of Florida, or any of the materials, articles, or ideas contained therein;

(b) The sale for adequate consideration of any or all past or future stock and inventory of published issues of the University of Florida Law Review, the Florida State University Law Review, the Florida State University Journal of Land Use and Environmental Law, or the Florida

International Law Journal of the University of Florida, or portions thereof; and

(c) The retention of the proceeds obtained under paragraph (a) or paragraph (b), together with all moneys received by the University of Florida Law Review or the Florida State University Law Review from current or future subscriptions, sale of individual issues, sale of advertising, binding service, royalties, donations, and all other sources except direct or indirect appropriations from the state, its subdivisions, or agencies.

(2) Moneys retained by the University of Florida Law Review pursuant to this section shall be placed in a trust fund to be known as the University of Florida Law Review Trust Fund. Moneys retained by the Florida State University Law Review pursuant to this section shall be placed in a trust fund to be known as the Florida State University Law Review Trust Fund. Moneys retained by the Florida State University Journal of Land Use and Environmental Law pursuant to this section shall be placed in a trust fund to be known as the Florida State University Journal of Land Use and Environmental Law Trust Fund. Moneys retained by the Florida International Law Journal of the University of Florida pursuant to this section shall be placed in a trust fund to be known as the Florida International Law Journal of the University of Florida Trust Fund. Such trust funds shall be used to pay or supplement the payment of printing costs or other costs incident to the publication of the respective law reviews and law journals and shall be administered by the dean of each college of law or his faculty designee.

History.—s. 1, 6, ch. 83-252, s. 4, ch. 86-204.

Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

Note.—The words "and law journals" were added by the editors.

1283.55 Public documents; purging of publication mailing lists; copies to State Library.—

(1)(a) Every agency defined in paragraph (d) shall, in the first quarter of each odd-numbered year, audit and purge its publication mailing lists.

(b) Every agency defined in paragraph (d) shall provide each addressee the following form in the first quarter of each year:

(Name of publication)

Do you wish to continue receiving this publication?
Yes No

Should your response to this survey not be received by April 30 next, your name will be automatically withdrawn from our mailing list.

Those addressees who respond either shall be maintained or removed from such mailing list in accordance with the responses. Those addressees not responding by April 30 of each purge year shall be removed from such mailing list forthwith. Agencies are prohibited from supplying addressees with postpaid response forms.

(c) Not later than the following June 30, a report shall be submitted by each agency to the office of the Auditor General, which report provides the following information relating to the results of the survey and purge:

1. The number of copies of each publication regularly obtained or published by the agency.

2. The number of addressees on each mailing list.
 3. The number of persons responding who indicated their desire to continue to receive such publication.
 4. The number of persons responding who indicated their desire to discontinue receipt of such publication.
 5. The number of persons who failed to respond to the survey.
- (d) The provisions of this section apply to any agency of the state, except an agency of state government the mailing list of which consists only of those persons

registered with the agency and the registration fee of which includes payment by the registrants as subscribers for the publication of the agency.

(2) At the time of publication, or as soon thereafter as practicable, each agency, pursuant to paragraph (1)(d), shall forward not fewer than the number of copies required in s. 257.05 of each of its publications to the State Library of the Division of Library and Information Services of the Department of State.

History.—ss. 1, 6, ch. 83-252; s. 63, ch. 86-163

*Note.—Expires effective January 1, 1989, and is scheduled for review by the Legislature before that date, pursuant to s. 6, ch. 83-252.

12-4-707. Payments to subcontractors — Interest. — (a) Upon payment by an agency, a business which has acquired under contract, property or services in connection with its contract with such agency from a subcontractor or supplier, shall pay the subcontractor or supplier within thirty (30) days after receiving payment from the agency.

(b) Interest at the rate of one and one-half percent (1½%) per month shall accrue and is due any subcontractor or supplier who is not paid within thirty (30) days after the business receives payment from the agency, unless otherwise provided by contract between the agency and the business, or by contract between the business and the subcontractor or supplier. Interest begins to accrue on the thirty-first day at the rate specified in this subsection. [Acts 1985, ch. 57, § 1.]

CHAPTER 5 PUBLIC PRINTING

SECTION.

PART 1—GENERAL PROVISIONS

- 12-5-101. [Repealed.]
12-5-102. Supervision by department of general services.
12-5-103 — 12-5-124. [Repealed.]

PART 1—GENERAL PROVISIONS

12-5-101. [Repealed.]

Compiler's Notes. This section (Acts 1909, ch. 348, § 1, Shan., § 1a15; Code 1932, § 45; T.C.A. (orig. ed.), § 12-501), concerning the definition of public printing and the preference

12-5-102. Supervision by department of general services. — The department of general services shall have entire charge and supervision of all printing done for each and every department or branch of government of the state, including all departmental offices and all charitable, penal, educational or reform institutions. [Acts 1915, ch. 45, § 1; Shan., § 1a2; impl. am. Acts 1923, ch. 7, §§ 2, 3, 20; mod. Code 1932, § 29; impl. am. Acts 1937, ch. 33, § 42; impl. am. Acts 1939, ch. 11, § 23; mod. C. Supp. 1950, § 29; impl. am. Acts 1953, ch. 163, § 29; impl. am. Acts 1959, ch. 9, § 5; impl. am. Acts 1961, ch. 97, § 5; impl. am. Acts 1972, ch. 543, § 7; T.C.A. (orig. ed.), § 12-502.]

Cross-References. Powers of department of general services, § 4-3-1106

Section to Sections References. This chapter is referred to in § 8-3-104.

Comparative Legislation. Public printing
Ala. Code § 41-4-130 et seq.
Ark. Stat. Ann. § 14-401 et seq.
Ga. O.C.G.A. § 50-18-1 et seq.

SECTION.

12-5-125. Cost data for public documents.

PART 2—LEGISLATIVE ACTS AND JOURNAL, REPORTS

12-5-201 — 12-5-213. [Repealed.]

for Tennessee printers, was repealed by Acts 1981, ch. 332, § 26. For supervision by the department of general services, see § 12-5-102.

Ky. Rev. Stat. Ann. § 57.011 et seq.

Miss. Code Ann. § 31-1-1 et seq.

Mo. Rev. Stat. § 34.170 et seq.

N.C. Gen. Stat. § 143-48 et seq.

Va. Code § 2.1-484 et seq.

Collateral References. 81A C.J.S. States

§ 164 et seq.

States — 90 et seq.

12-5-103 — 12-5-124. [Repealed.]

Compiler's Notes. These sections (Code 1950, §§ 31, 32, 34-38, 40, 43, 44, 46, 65, 66, 1858, §§ 19-21 (deriv. Acts 1841-1842, ch. 120, § 1-3); Acts 1859-1860, ch. 07, § 2; 1895, ch. 169, §§ 11-13, 15-17, 26; 1916, ch. 45, §§ 3-12; 1927, ch. 48, § 1; Shan., §§ 1a7-1a14, 11-13, 15-17, 28, 38-39; Code 1932, §§ 31-33, 36-38, 40, 41, 43, 44, 46-48, 50-52, 64-68; C. Supp. 1950, §§ 31, 32, 34-38, 40, 43, 44, 46, 65, 66, 68; Acts 1972, ch. 598, § 1; T.C.A. (orig. ed.), §§ 12-503 — 12-516, 12-519 — 12-520, 12-533 — 12-537), concerning public printing, were repealed by Acts 1981, ch. 332, § 26. For supervision by the department of general services, see § 12-5-102.

12-5-125. Cost data for public documents. — (a) Every department or agency of the state which promulgates public documents shall cause the following statement with cost data inserted to be printed on the publication adjacent to the identification of the agency responsible for the publication:

"This public document was promulgated at a cost of \$_____ per copy." This statement shall be printed in either the same size type as the body copy of the publication or in such type style and size to be fully legible and set in a box composed of a light-weight-rule line.

(b) As used in this section, unless the context otherwise requires, "public document" means any annual, biennial, regular or special report or publication of which at least one thousand (1,000) copies are printed and which may be subject to distribution to the public, or any printed material which is controlled by the publications committee established in chapter 7 of this title, regardless of the number of copies produced. Public documents include:

(1) The acts and journals of the legislature, the reports of the Supreme Court and such other courts as shall have their decisions reported by the attorney general and reporter of this state or shall be required by any act or resolution of the legislature;

(2) The periodic reports of officers of the state and any special reports that may from time to time be made by state officers or committees of the legislature or other committees provided for by law; and

(3) Such other reports or statements as may be published under the authority of the state or any official thereof; and

(4) Items exempted from the requirements of this section include letterhead stationery, envelopes, or memoranda and correspondence utilizing a manual signature and not reproduced through a printing related function;

(c) For the purposes of this section, the following two (2) factors shall be utilized in computing cost data whether on bid by a private person or company, or by a state institution:

(1) **PREPARATION.** Included in this is expenditure for material, artwork and typesetting involved in preparing the public document for publication; and

(2) **PRINTING.** Included in this is expenditure for reproduction, binding and other printing industry related functions.

(d) The provisions of this section shall be enforced and administered through the publications committee created pursuant to the provisions of chapter 7 of this title. The publications committee may in its discretion render opinions to agencies as to whether those agencies are in compliance with this section. If the committee decides that those agencies are not in compliance, it shall have authority to direct those agencies to cease publication of the public

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documents which are not in compliance until such time as compliance shall be demonstrated to the committee's satisfaction. [Acts 1977, ch. 398, §§ 1-4; T.C.A., § 12-6-38; Acts 1983, ch. 82, §§ 1-3.]

PART 2—LEGISLATIVE ACTS AND JOURNALS; REPORTS

12-5-201 — 12-5-213. [Repealed.]

Compiler's Notes. This part (Code 1858, § 8, Acts 1871, ch. 83, § 1; 1893, ch. 169, §§ 4, 19-25, 1899, ch. 352, §§ 5, 6, 1901, ch. 72, § 1; Shan., §§ 14, 18-23, 26-27, Code 1932, §§ 49, 53-63, Acts 1935, ch. 181, § 1; C. Supp. 1950, §§ 64, 65, 67, 68, 60; T.C.A. (orig. ed.), §§ 12-5-17, 12-5-21 — 12-5-32; Acts 1981, ch.

109, § 2), concerning reports and legislative acts and journals, was repealed by Acts 1981, ch. 332, § 28. For supervision by the department of general services, see § 12-6-102. For distribution of publications, see chapter 6 of this title.

CHAPTER 6

DISTRIBUTION OF PUBLICATIONS

SECTION	SECTION
12-6-101. Acts distributed to legislators.	12-6-110. Copies to depositories, secretary of state, and other locations.
12-6-102. General distribution of acts.	12-6-111. Exchange copies for university.
12-6-103. Acts and journals retained by secretary of state.	12-6-112. Care of depository copies.
12-6-104. Shipment of acts.	12-6-113. Exchanges by state librarian.
12-6-105. Penalty for failure to distribute acts.	12-6-114. Delivery of exchange copies.
12-6-106. All other public documents — General assembly distribution cancellation card.	12-6-115. [Repealed.]
12-6-107. Libraries as depositories for documents — Legislative library — Copies.	12-6-116. Pamphlet copies of acts.
12-6-108. Publications to be deposited.	12-6-117. Certain resolutions not to be printed or distributed — List in "Acts of Tennessee" — Distribution to state library and archives and legislative reference and law library.
12-6-109. Notice of publications to secretary of state.	12-6-118. Automatic and other distributions.

12-6-101. Acts distributed to legislators. — Each member of the general assembly is entitled to one (1) copy of the printed acts of the general assembly of which he was a member, which shall be delivered to such member's legislative office in Nashville, but only upon written request by such member not later than February 1 of each year. [Code 1858, § 22 (deriv. Acts 1831, ch. 2, § 9); Shan., § 40; Acts 1923, ch. 101, § 2; Code 1932, § 69; T.C.A. (orig. ed.), § 12-6-01; Acts 1981, ch. 191, § 1; 1984, ch. 798, § 2.]

Cross-References. English deemed official and legal language, § 4-1-404.

Section to Section References. This chapter is referred to in §§ 4-4-114, 8-3-104, 12-7-102, 12-7-106.

Comparative Legislation. Distribution of publications

Ala. Code § 41-21-3 et seq.

Ark. Stat. Ann. § 14-401 et seq.

Ky. Rev. Stat. Ann. § 57-151 et seq.

Misc. Code Ann. § 1-6-7 et seq.

Mo. Rev. Stat. § 2-010 et seq.

N.C. Gen. Stat. § 147-46 et seq.

Va. Code § 30-340.

Collateral References. 73 Am. Jur. 2d

Statutes § 84-88.

82 C.J.S. Statutes § 83.

Statutes — 38.

Statutes — 44 et seq.

12-6-102. General distribution of acts. — (a) It is also the duty of the secretary of state to distribute the printed acts, upon written request received not later than February 1 of each year, as follows: to each executive officer and public service commissioner of the state, one (1) copy; to each judge and each clerk of the Supreme, Appeals, circuit and criminal courts, one (1) copy; to each chancellor, each clerk and master, one (1) copy; to each district attorney general and each assistant, one (1) copy; to the attorney general and each assistant, one (1) copy; to each clerk of the probate courts and each judge of the county or probate courts, and to each register and each trustee, one (1) copy; each of the copies to belong to the indicated office, and go to the successor of the incumbent; also to the order of the University of Tennessee, up to thirty (30) copies for the use of the University of Tennessee as a depository and for exchanges.

(b) A copy of the printed acts shall be, upon written request received not later than February 1 of each year, delivered to every organized bar association in the state of Tennessee, provided such bar association maintains a law library and provided the name and address of such bar association shall be certified to the secretary of state by the county clerk of the county in which the association exists; and, provided, further, that should the association cease to function or to maintain a law library, all copies of the acts shall thereupon be turned over and delivered to the county clerk.

(c) Bound volumes of acts or resolutions may be made available to any person, firm, or corporation, requesting same in writing not later than February 1 of each year, at a cost of five dollars (\$5.00) per volume.

(d) Any requests for acts or resolutions received later than February 1 of each year will be accepted subject to availability.

(e) This section and §§ 12-6-101, 12-6-103 shall not apply to Tennessee Code Annotated, any supplement thereto or replacement volume thereof, or any act enacting that Code. [Code 1858, § 30; Shan., § 42; Acts 1923, ch. 101, § 2; mod. Code 1932, § 70; Acts 1935, ch. 181, § 2; 1941, ch. 22, § 1; mod. C. Supp. 1950, § 70; modified; impl. am. Acts 1955, ch. 69, § 1; Acts 1961, ch. 290, § 1; modified; impl. am. Acts 1978, ch. 934, §§ 22, 36; T.C.A. (orig. ed.), § 12-6-02; Acts 1981, ch. 191, §§ 2-5.]

Cross-References. Printing and distribution of school laws, § 49-1-201.

Tennessee Code Annotated, §§ 1-1-105 — 1-1-113.

Section to Section References. This section is referred to in § 12-6-110.

Law Reviews. The Tennessee Court System — Prosecution, 8 Mem. St. U.L. Rev. 477.

12-6-103. Acts and journals retained by secretary of state. — The secretary of state shall also retain for the use of the executive and general assembly, unless a different number shall be prescribed by special law, fifty (50) copies of the acts and as many of the journals of each house, depositing three (3) copies of each in the state library. [Code 1858, § 31; Shan., § 43; mod. Code 1932, § 71; T.C.A. (orig. ed.), § 12-6-03.]

two (2) copies shall be lendable on application, to the persons, if any, allowed to take other books from the library of the depository. The other copy shall not be allowed to be taken from the premises of the depository. [Acts 1917, ch. 42, § 2; Shan. Supp., § 1967a9; Code 1932, § 2285; T.C.A. (orig. ed.), § 12-612.]

12-6-113. Exchanges by state librarian. — The state librarian and archivist may, from time to time, procure from the general government, any foreign government, or from any state or territory within the United States, the public acts, and law and equity reports of such government, state or territory, by exchanging the public acts or reports of this state. [Code 1858, § 32 (deriv. Acts 1843-1844, ch. 135, § 2); impl. am. Priv. Acts 1859-1860, ch. 53, § 2; Acts 1879, ch. 31, §§ 1, 6; Shan., § 55; mod. Code 1932, § 79; impl. am. Acts 1951, ch. 197, § 1; T.C.A. (orig. ed.), § 12-613.]

12-6-114. Delivery of exchange copies. — Each person or persons in charge of making such documents and publications as provided in § 12-6-108(1) shall deliver upon request up to sixty (60) copies to the state librarian and archivist, to enable the librarian to make these exchanges. [Acts 1879, ch. 31, § 8; Shan., § 51; mod. Code 1932, § 80; impl. am. Acts 1951, ch. 197, § 1; T.C.A. (orig. ed.), § 12-614; Acts 1981, ch. 191, § 11.]

12-6-115. [Repealed.]

Compiler's Notes. This section (Code 1858, § 39 (deriv. Acts 1843-1844, ch. 135, § 11; Shan., § 56; mod. Code 1932, § 81; C. Supp. 1960, § 81; T.C.A. (orig. ed.), § 12-615), concerning expense of exchanges, was repealed by Acts 1981, ch. 191, § 13. For present law, see § 8-1-106.

12-6-116. Pamphlet copies of acts. — (a) The secretary of state is authorized to furnish to any person, firm or corporation, so requesting in writing not later than January 1 of each year, copies of the unbound, printed pamphlets containing the public acts of the general assembly which are printed at intervals during and shortly after each legislative session and made available pending publication of the bound volumes of the Public Acts of Tennessee, for that session. Requests received after January 1 of each year will be accepted subject to availability.

(b) The secretary of state shall charge and collect from each person, firm or corporation, except those specified in § 12-6-102, a fee of five dollars (\$5.00) for each complete set of pamphlets. The secretary of state shall fix a reasonable fee to be charged for copies of single pamphlets. Fees collected by the secretary of state shall be paid over to the state treasurer and shall become a part of the general fund of the state. [Acts 1970, ch. 460, § 1; T.C.A., § 12-616; Acts 1981, ch. 191, § 12.]

Cross-References. Report of local action included in published volume, § 6-3-204.

12-6-117. Certain resolutions not to be printed or distributed — Idem in "Acts of Tennessee" — Distribution to state library and archives and legislative reference and law library. — (a) Notwithstanding any provision of the law to the contrary, resolutions of the general assembly which honor or commend individuals or groups or which express sympathy or condolences upon the death of an individual shall not be published in the "Acts of Tennessee" pursuant to part 2 (repealed) of chapter 6 of this title, nor shall such resolutions be distributed in accordance with this chapter, unless the secretary of state, in consultation with the speaker of the senate and speaker of the house of representatives, determines that the resolution requires publication due to the prominence or contributions made by such person or group. The secretary of state shall cause a list of all such resolutions which are not printed to be included within the "Acts of Tennessee."

(b) At the time at which the secretary of state delivers the enrolled copies of acts and resolutions to the printer for publication pursuant to § 8-3-104, he shall deliver one (1) copy of all resolutions which are not printed pursuant to the provisions of this section to the state library and archives and to the legislative reference and law library. [Acts 1981, ch. 109, § 5.]

Compiler's Notes. Part 2 of chapter 6 of this title, referred to in this section, was repealed by Acts 1981, ch. 332, § 28.

12-6-118. Automatic and other distributions. — Except for exchange and depository copies provided for herein, there shall be no automatic distribution of any state report or publication, unless such distribution is required by an act or resolution enacted after May 25, 1984. Any other distribution must be approved by the state publications committee, as provided for in chapter 7 of this title, or be upon individual request of a person entitled or desirous of receipt of any such publication or report. [Acts 1984, ch. 798, § 4.]

CHAPTER 7 STATE PUBLICATIONS COMMITTEES

SECTION.		SECTION.	
12-7-101.	State agencies publication committee — Establishment.	12-7-106.	Higher education and technical institutions publication committee — Establishment — Duties.
12-7-102.	Duties of publications committee.	12-7-107.	Approval procedure.
12-7-103.	Approval required.	12-7-108.	Application.
12-7-104.	Publications information required.		
12-7-105.	Cooperation required.		

12-7-101. State agencies publication committee — Establishment. — In order to control the cost and proliferation of publications and report printed by state agencies, and to provide a permanent record of publication issued by state government, there is hereby created a publications committee which shall consist of the commissioner of finance and administration, the commissioner of general services, the director of the governor's information office, the comptroller of the treasury, one (1) member of the senate, one (1) member of the house appointed by the respective speakers and the secretary of

state. The commissioner of finance and administration, or his representative, shall be the chairman of this committee, and the secretary of state, or his representative, shall be the secretary and as such shall keep a permanent and accurate record of the committee's proceedings. The members of this committee shall serve without additional compensation. The commissioner of finance and administration, the commissioner of general services, the secretary of state and the comptroller are authorized to designate an alternate representative who shall have full authority to vote and participate in all other activities of the committee under this chapter. Such designations must be made in writing to the chairman of the committee, with copy filed with the staff director and the secretary of state. The committee shall have authority to issue regulations implementing provisions concerning designation in such a manner as to provide for maximum continuity of such representation. [Acts 1976, ch. 694, § 1; 1979, ch. 296, § 1; T.C.A., § 12-1001.]

Compiler's Notes. The publications committee created by this section and § 12-7-106 will terminate June 30, 1990. See also §§ 4-29-112 and 4-29-211.

Section to Section References. This chapter is referred to in §§ 12-5-125, 12-6-110.

Sections 12-7-101 — 12-7-106 are referred to in § 4-29-211.

Comparative Legislation. State publications committees.

Ky. Rev. Stat. Ann. § 67.04 at seq.

Va. Code § 2-1-464 at seq.

Collateral References. 81A C.J.S. States

§§ 132, 162.

12-7-102. Duties of publications committee. — (a) It shall be the duty of the publications committee to establish rules and regulations to control costs and quantity of all publications, and to promulgate rules and regulations governing the printing and distribution of state agency reports and publications issued by agencies and departments of the government of the state of Tennessee, excluding the institutions of higher education, the judicial branch of state government, and those state institutions and facilities exempted from public purchase laws in § 12-3-103.

(b) The rules and regulations on distribution shall include a provision stipulating that there shall be no automatic distribution of reports or publications, except the distribution provided for in chapter 6 of this title, or otherwise by law or resolution enacted after May 25, 1984, but that all distributions must either be approved in general by the committee or be made upon request by the recipient.

(c) Further, it shall be the duty of the publications committee to establish a procedure for reviewing all publications as hereinafter defined, and to approve or disapprove the printing of existing publications and planned publications which come under the provisions of this chapter.

(d) The publications committee shall determine the need for existing and planned publications based upon agency's goals and purpose or statutory requirements, and the quantity and distribution of each approved publication.

(e) The publications committee shall also prepare and submit once every two (2) weeks a list of available publications and a brief synopsis of such publications to each member of the general assembly.

(f) Upon receiving such list, a member of the general assembly may request a copy of a publication from the publications committee.

(g) Publications herein shall be defined to include any newsletter, stationery, greeting card, any report printed at facilities not operated by the state any report or printed material produced for distribution outside the department or agency for which the report is to be printed. (Acts 1976, ch. 694, § 1; T.C.A., § 12-1002; Acts 1980, ch. 742, §§ 1, 2; 1982, ch. 563, § 4; 1984, ch. 798, § 5.)

Section to Section References. This section is referred to in § 12-7-103.

12-7-103. Approval required. — (a) No publication, coming within the jurisdiction of the publications committee as provided by § 12-7-102, shall be printed unless it has been approved in accordance with rules promulgated by the publications committee. Rules of the publications committee shall be promulgated in accordance with the Uniform Administrative Procedures Act compiled in title 4, chapter 6.

(b) The publications committee shall require any publication printed to include the number of copies printed.

(c) The publications committee shall not approve any publication which purports to contain a citation to or a reproduction of a duly promulgated agency rule (as defined by the Uniform Administrative Procedures Act § 4-6-102) prior to receiving a written statement from the secretary of state or his representative verifying the fact that the rule so cited or reproduced has been duly promulgated and is currently in effect.

(d) A printing authorization number shall be assigned to each publication which has been approved as required by this section. The printing authorization number shall be affixed to the publication adjacent to the identification of the agency responsible for the publication. No printing facility operated by the state shall print any publication, coming within the jurisdiction of the publications committee as provided by § 12-7-102, unless the printing authorization number has been affixed as required by this subsection. No contract shall be entered into, nor requisition issued, nor acted upon, by any state department or agency, including, but not limited to, the division of purchasing, of the department of general services, for printing of any publication, coming within the jurisdiction of the publications committee as provided by § 12-7-102, at any facility unless the printing authorization number has been affixed as required by this subsection. All state contracts or grant agreements including, but not limited to, all contracts for personal, professional and consultant services entered into under §§ 12-4-109 and 12-4-110, which involve or may involve the printing of any publication, coming within the jurisdiction of the publications committee as provided by § 12-7-102, shall contain a provision whereby the contractor or grantee agrees that no publication shall be printed unless a printing authorization number has been obtained and affixed as required by this section.

(e) Whenever any department, institution or agency of the state government contracts for the printing of a publication, coming within the jurisdiction of the publications committee as provided by § 12-7-102, and such publication has not been approved in accordance with rules promulgated by the

publications committee, such contract shall be void and of no effect. [Acts 1976, ch. 694, § 3; T.C.A., § 12-1003; Acts 1980, ch. 455, § 1; 1982, ch. 563, §§ 5, 6; 1983, ch. 80, §§ 1, 2.]

12-7-104. Publications information required. — The publications committee shall, as a minimum, keep the following information on each approved publication:

- (1) Name of publication;
- (2) Department producing publication;
- (3) Purpose and brief description of publication contents;
- (4) Number of copies authorized to be printed;
- (5) A general list of distribution; and
- (6) Estimated cost of printing and distribution. [Acts 1976, ch. 694, § 4; T.C.A., § 12-1004.]

12-7-105. Cooperation required. — It shall be the duty of all departments, institutions or agencies of state government to furnish to the publications committee all material requested from the committee regarding publications and reports. [Acts 1976, ch. 694, § 5; T.C.A., § 12-1005.]

12-7-106. Higher education and technical institutions publication committee — Establishment — Duties. — (a) To control publications of higher education institutions and technical institutes, there is hereby established a publications committee which shall consist of the executive director of the Tennessee higher education commission, the president of the University of Tennessee system, the chancellor of the state board of regents, and the commissioner of education or his designee. This committee shall review publications of higher education institutions and technical institutes to determine the necessity of the publications, and shall promulgate rules and regulations governing the printing of such publications by higher education institutions and technical institutes. The rules and regulations shall include a provision stipulating that there shall be no automatic distribution of reports or publications, except the distribution provided for in chapter 6 of this title, or otherwise by law or resolution enacted after May 25, 1984, but that all distributions must either be approved in general by the committee or be made upon request by the recipient. The publications committee shall require each higher education institution and technical institute to keep, as a minimum, the following information on each approved publication:

- (1) Name of publication;
 - (2) Department producing publication;
 - (3) Purpose and brief description of publication's contents;
 - (4) Number of copies authorized to be printed;
 - (5) A general list of distribution; and
 - (6) Estimated cost of printing and distribution.
- (b) The publications committee shall require any publication printed at facilities not operated by the state or higher education institution or technical institute to include the printer's name, address, and the number of copies printed.

(c) The publications committee shall not approve any publication which purports to contain a citation to or a reproduction of a duly promulgated agency rule (as defined by the Uniform Administrative Procedures Act § 4-5-102) prior to receiving a written statement from the secretary of state or his representative verifying the fact that the rule so cited or reproduced has been duly promulgated and is currently in effect.

(d) A printing authorization number shall be assigned to each publication which has been approved as required by this section. The printing authorization number shall be affixed to the publication adjacent to the identification of the higher education institution or technical institute responsible for the publication. No printing facility operated by a higher education institution or technical institute shall print any publication unless the printing authorization number has been affixed as required by this subsection. No contract shall be entered into, no requisition issued, or acted upon, by any higher education institution or technical institute for printing of any publication at any facility unless the printing authorization number has been affixed as required by this subsection. All contracts or grant agreements entered into by a higher education institution or technical institute which involve or may involve the printing of a publication shall contain a provision whereby the contractor or grantee agrees that no publication shall be printed unless a printing authorization number has been obtained and affixed as required by this section. [Acts 1976, ch. 694, § 6; T.C.A., § 12-1006; Acts 1980, ch. 455, § 2; 1982, ch. 563, §§ 7-9; 1984, ch. 798, § 6.]

Compiler's Notes. The publications committee created by § 12-7-101 and this section will terminate June 30, 1990. See §§ 4-29-112 and 4-29-211.

Section to Section References. Section 12-7-101 — 12-7-106 are referred to in § 4-29-211.

12-7-107. Approval procedure. — The approval procedure established by the publications committee created by this chapter may allow one-time approval of a publication which is printed on a periodic basis and which conforms to the format, design, and purpose of the publication as originally presented to the appropriate committee for approval without requiring review and approval of subsequent issues of the publication. [Acts 1976, ch. 694, § 7; T.C.A., § 12-1007.]

12-7-108. Application. — The requirements of this chapter shall not apply to any student newspaper publication or annuals and/or yearbooks. [Acts 1976, ch. 694, § 8; T.C.A., § 12-1008.]

CHAPTER 8 SALE OF PRODUCTS

SECTION.	SECTION.
12-8-101. Stone products and hot mix asphalt — Prohibitions.	12-8-103. Gratuitous work for nonprofit organizations — Sales to farmers.
12-8-102. Penalty — Injunctive relief.	