

**ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672**

**8460 SENATE STATE AFFAIRS**

SB 129 - CHIEF PROCUREMENT OFFICER AUTHORITY - COMMENTS AND SUGGESTIONS

1 Some procurement authority has also been delegated to agencies.

2  
3 The diversity of organization and structure within the discretion  
4 of the department(s) would not be permitted if AS 36.30.010(c) is  
5 amended as proposed to prohibit delegation by the CPO of the CPO's  
6 statutory duties.

7  
8 Abuse of authority by ANY procurement officer, including the CPO,  
9 should be handled by appropriate discipline and/or enforcement of  
10 existing law.

11  
12 **RECOMMENDATION: Regarding Sec. 2. (d)**

13  
14 Suggest that Sec. 2. (d) should be deleted, and the language  
15 suggested below be substituted in lieu thereof.

16  
17 "(d) The chief procurement officer shall not be assigned additional  
18 duties inconsistent with or outside the functions ascribed to the  
19 position by this chapter."

20  
21 **RATIONALE:**

22  
23 This proposed amendment of AS 36.30.010 to add a new subsection (d)  
24 as drafted will make it impossible for an incumbent CPO to apply  
25 for and/or be hired for any other position with the State, creating  
26 a chilling effect on any potential for career progression during  
27 the term of appointment. The CPO should not be excluded from  
28 consideration for other positions. If the intent is to be certain  
29 that other duties are not added to detract from the full attention  
30 required for performance of CPO functions, or limit the free  
31 exercise of independent judgement, then that is what the amendment  
32 should say. The language recommended above could accomplish the  
33 latter.

34  
35 **- Sec. 4.**

36  
37 **AS PROPOSED:**

38  
39 "AS 36.30.310 is amended to read:  
40 Sec. 36.30.310. EMERGENCY PROCUREMENTS . . . A written  
41 determination by the chief procurement officer of the basis for the  
42 emergency and for the selection of the particular contractor shall  
43 be included in the contract file . . ."

44  
45 **RECOMMENDATION: Regarding Sec. 4**

46  
47 Suggest the proposed amendment of AS 36.30.310 to require written  
48 determination by the chief procurement officer for exercise of  
49 emergency procurement authority be deleted in its entirety.

SB 129 - CHIEF PROCUREMENT OFFICER AUTHORITY - COMMENTS AND SUGGESTIONS

1 RATIONALE:  
2

3 Delay occasioned by referral to the CPO for approval will make it  
4 impossible for procurement officers to respond appropriately in  
5 emergency situations. Timely response to procurement requirements  
6 in an emergency is essential in order to mitigate damage and/or  
7 loss. When urgency of circumstances demands it, procurement must  
8 be accomplished without delay. If routine procedure requires  
9 waiting for approval by the CPO before procurement action can be  
10 taken to satisfy emergency needs, then it cannot meet expected and  
11 appropriate immediate response criteria. The procurement officer  
12 with requisite authority who is nearest to the need is the one who  
13 has the most knowledge of the urgency, and who is in the best  
14 position to exercise independent judgement required to make the  
15 written determination regarding a prospective emergency  
16 procurement. Restriction for only the CPO to make written  
17 determinations for emergency procurement will cripple the State's  
18 ability to provide adequate procurement support in response to  
19 emergency situations.  
20

21 Abuse of authority by ANY procurement officer, including the CPO,  
22 should be handled by appropriate discipline and/or enforcement of  
23 existing law.  
24

25 - Sec. 5.  
26

27 AS PROPOSED:  
28

29 "AS 36.30 is amended by adding a new section to read:

30 Sec. 36.30.315. DETERMINATIONS BY CHIEF PROCUREMENT OFFICER;  
31 CRIMINAL PENALTY. (a) In a determination made by the chief  
32 procurement officer under AS 36.30.300 - 36.30.310, the chief  
33 procurement officer shall independently examine the material facts  
34 of the contract and independently determine whether the contract is  
35 eligible for the procurement procedure selected for the contract.  
36

37 (b) If the chief procurement officer knowingly makes a  
38 false statement in a determination made by the chief procurement  
39 officer under AS 36.30.300 - 36.30.310, the chief procurement  
40 officer is guilty of a class A misdemeanor."  
41

42 RECOMMENDATION: Regarding Sec. 5. (a)

43 Suggest paragraph (a) the proposed addition of new section, (AS  
44 36.30.315) be deleted, and language suggested below be substituted  
45 in lieu thereof. Also, this amendment should be at AS 36.30.935  
46 instead of at AS 36.30.315.  
47

48 "Sec. 36.30.935. PROHIBITION AGAINST SUBSTITUTION OF JUDGEMENT IN  
49 PROCUREMENT MATTERS. Procurement decisions which form the basis of  
50 procurement actions taken within statutory or delegated procurement

SB 129 - CHIEF PROCUREMENT OFFICER AUTHORITY - COMMENTS AND SUGGESTIONS

1 authority are not voidable after the fact, except for reason of  
2 illegality. Decisions taken pursuant to law and regulation by a  
3 procurement officer are of necessity the product of the independent  
4 judgement of such officials. Exertion of undue influence to change  
5 decisions or to adversely affect the competitive and statutory  
6 process of public procurement is a violation of this chapter."  
7

8 RATIONALE:  
9

10 If the intent is to require the independent judgement of the CPO in  
11 making determinations under AS 36.30, the concept should be  
12 applicable to ALL determinations required by and transactions  
13 executed by ANY procurement officer under the authority of AS  
14 36.30. The ABA Model from which the statute was spawned carried  
15 the intent for exercise of independent judgement by the responsible  
16 procurement officer, i.e., the final word and responsibility for a  
17 procurement transaction is vested in the procurement officer who  
18 executes a procurement document within the limits of his/her  
19 delegated authority.  
20

21 There is another side to this concept which should also be  
22 considered. Of course, if the law states that the independent  
23 judgement of the CPO is to be exercised, that precludes anyone's  
24 substituting their judgement for that of the CPO either before or  
25 after the fact. In effect this will strengthen the authority of  
26 the CPO and is a good idea. However, it should be noted that if  
27 the intent is to make the CPO more responsible for the decisions  
28 and approvals rendered in procurement matters, then ENFORCEMENT of  
29 the present law is what is needed, i.e., if ANY procurement  
30 officer, including the CPO knowingly violates AS 36.30, action  
31 should be taken to prosecute pursuant to the law. The present law  
32 adequately covers this, but the proposed amendment actually reduces  
33 the penalty instead of imposing a heavier charge for knowing  
34 violation of AS 36.30 in a procurement matter. If intent is to  
35 lighten the stigma of the potential penalty in hopes that  
36 enforcement is more likely to occur, then perhaps it should be  
37 amended accordingly at AS 36.30.930.  
38

39 If the intent is to be sure that the CPO is not merely rubber-  
40 stamping someone else's product, then language similar to that  
41 recommended above (added at AS 36.30.935) should be used.  
42

43 Abuse of authority by ANY procurement officer, including the CPO,  
44 should be handled by appropriate discipline and/or enforcement of  
45 existing law.  
46

47 The language suggested above will protect procurement officers from  
48 undue pressures and insulate against political influence thereby  
49 reducing potential for circumvention of the Code.  
50

1     **RECOMMENDATION: Regarding Sec. 5. (b)**

2  
3     Suggest that paragraph (b) of the proposed amendment (which  
4     classifies as a class A misdemeanor, a false statement knowingly  
5     made in a determination by the CPO) be added at AS 36.30.930 of the  
6     statute, instead of at 36.30.315, if it is to be added at all.  
7     Recommend it should not be added.

8  
9     **RATIONALE:**

10  
11     The State Procurement Code at AS 36.30.930 already says that  
12     knowing violation of the statute is a class C felony. In addition,  
13     AS 36.30.687(d) states that misrepresentation in connection with a  
14     State procurement is a class C felony. The addition of a section  
15     making such violations of this nature when committed by the CPO a  
16     Class A misdemeanor appears to conflict with sections 687 and 930  
17     and lighten the stigma of the charge when the CPO is the offender.  
18     The opposite should be true. If the CPO violates the statute,  
19     perhaps a more severe penalty should be assessed. At least, if the  
20     emphasis is needed or intended, the class of crime should be  
21     consistent with present law, or the classes stated in the existing  
22     AS 36.30 should also be changed.

23  
24     Abuse of authority by ANY procurement officer, including the CPO,  
25     should be handled by appropriate discipline and/or enforcement of  
26     existing law.

27  
28     - Sec. 6.

29  
30     The effective dates in this section should be reconciled with any  
31     changes which occur as a result of the foregoing comments and  
32     recommendations.

33  
34     THE CHANGES SUGGESTED ABOVE ARE MOSTLY TECHNICAL, BUT SHOULD BE  
35     MADE IN ORDER TO CLEAR UP POSSIBLE MISUNDERSTANDINGS, AND TO  
36     MAINTAIN CONSISTENCY WITH OTHER (UNCHANGED) PROVISIONS OF AS 36.30.

37  
38  
39     - ADDITIONAL COMMENTS ON SECTIONS SUPPORTED WITHOUT CHANGE

40  
41     - Sec. 1.

42  
43     The concept of a six-year appointment for the CPO is a good one,  
44     provided that the person is not restrained from accepting other  
45     positions with the state, i.e., is free to apply for other  
46     positions and vacate incumbency as CPO. It is appropriate that the  
47     CPO not serve in any dual or conflicting role IN ADDITION TO  
48     incumbency as CPO, and that the appointing authority be limited as  
49     to assignment of extra duties to the CPO.  
50

1     - Sec. 2. (e)  
2

3     It is consistent with good management and competent salary surveys  
4     that the compensation of the CPO be set at the proposed range 26,  
5     step 1, of the salary schedule established in AS 39.27.011.  
6     Putting the CPO salary range into law emphasizes the importance of  
7     the role of the CPO. This should make it patently obvious that  
8     State procurement is not merely a clerical function.  
9

10    - Sec. 3.  
11

12    It is consistent with other approval requirements in AS 36.30 to  
13    invest authority in the CPO for limited competition procurement.  
14

15    Explanation of the underlying philosophy for the concept of limited  
16    competition may be helpful in considering how this section of the  
17    Code was originally derived. Limited competition in the context of  
18    the ABA Model Procurement Code as originally conceived is a  
19    function of specification, i.e., whether a purchase description  
20    (specification) allows full and open competition or whether it is  
21    restrictive. The concept of competition goes all the way back to  
22    the basic source of the item, the manufacturer who is the top tier  
23    of the distribution system. Full and open competition does not  
24    restrict competition at any level. A procurement which by its  
25    terms or specification eliminates competition at any tier is  
26    restrictive, i.e. limited competition.  
27

28    - FULL AND OPEN COMPETITION - GENERIC SPECIFICATION  
29

30    Purchase descriptions which are written as a technical  
31    specification setting forth all dimensional, material, structural,  
32    operational, and other characteristics of an item allow for full  
33    and open competition, i.e., any producer who is willing can make  
34    it, and any willing source can bid on it. The technical  
35    specification in this context is written without calling out a  
36    "particular brand name only" or "brand name or equal," and any  
37    product which meets the parameters of the technical data will be  
38    acceptable.  
39

40    - FULL AND OPEN COMPETITION - BRAND NAME OR EQUAL SPECIFICATION  
41

42    Purchase descriptions which specify a brand name or several brand  
43    names, "or equal" permit the offering of items which are equivalent  
44    to the brand name or names specified. This type of specification  
45    permits full and open competition because any product which meets  
46    the parameters, i.e., is one of the brand name(s) specified, or the  
47    equivalent thereof will be acceptable.  
48

SB 129 - CHIEF PROCUREMENT OFFICER AUTHORITY - COMMENTS AND SUGGESTIONS

1 \* The ABA Model Procurement Code R4-202.02.2 (b)(v) is cited as  
2 follows:  
3 "Nonrestrictive Use of Brand Name or Equal Specifications. Where a  
4 brand name or equal specification is used . . . the use . . . is  
5 not intended to limit or restrict competition."  
6 [Emphasis supplied.]

7  
8 - LIMITED COMPETITION - BRAND NAME ONLY - NO SUBSTITUTE  
9

10 A purchase description which requires a particular brand name and  
11 no substitute restricts competition and is not a full and open  
12 competition procurement. "Limited competition" is derived from  
13 this concept. Several lower tier vendors may be able to supply  
14 such an item, but only one manufacturer's product will be  
15 considered. A procurement for "brand name only - no substitute",  
16 thus limits competition in that it restricts all but a single  
17 producer from the distribution pattern, even though it is  
18 competitive in the lower tiers. Therefore, such a procurement is  
19 restrictive of competition. The competition "tree" does not spring  
20 from several production sources and is thus "limited".  
21

22 \* The ABA Model Procurement Code R4-202.02.2 (c)(i) and (ii) are  
23 cited as follows: "Brand Name Specification . . . use . . . is  
24 restrictive . . . The Procurement Officer shall seek to identify  
25 sources from which . . . the designated brand name . . . can be  
26 obtained and shall solicit . . . whatever degree of competition is  
27 practicable. If only one source can supply the requirement, the  
28 procurement shall be made under . . . Sole Source . . ."  
29 [Emphasis supplied.]  
30

31 \* The ABA Model Procurement Code citations at the asterisks above  
32 demonstrate how competitive aspects of procurement are determined  
33 by the degree of competition permitted or dictated by the  
34 specification.  
35

36 NOTE: Based on knowledge and belief the view advanced above in  
37 defining the concept of "limited competition" is not incorporated  
38 in any existing procurement regulations implementing the State  
39 Procurement Code. This is probably due to semantics of discussions  
40 prior to adoption of the Code, i.e., some of the meaning was lost  
41 through well-meaning substitution of terms. Consequently, this  
42 revelation of the underlying philosophy for limited competition may  
43 come as a shock even to some procurement professionals.  
44  
45

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Anchorage, AK 99516  
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**OBJECTIVE:** Qualification information herein is provided as background to an expert opinion rendered on the strength of over 35 years professional procurement and contracting experience gained through continued service and provision of sound procurement leadership in government organizations.

**EMPLOYMENT HISTORY:**

Sep 1988 to Present **Deputy Chief Procurement Officer**  
University of Alaska, Anchorage, AK

Jan 1982 to Present **Owner (Consultant: Contracts and Procurement)**  
Xprt Consultants, 9701 Brien, Anchorage, AK

Jan 1982 - Apr 1987 **Manager, Supply Division**  
Nov 1979 - Jan 1982 **Manager, Supply & Procurement Division**  
The Alaska Railroad, Anchorage, AK

Aug 1979 - Nov 1979 **Municipal Purchasing Officer**  
Municipality Of Anchorage, Anchorage, AK

Feb 1978 - Aug 1979 **Chief, Contracting & General Services Branch**  
U. S. Fish & Wildlife Service, Alaska Region,  
Anchorage, AK

Dec 1976 - Feb 1978 **Chief, Services & Construction Contracts Branch**  
Alaskan Air Command (AAC), Base Procurement,  
Elmendorf AFB, AK

Sep 1973 - Dec 1976 **Deputy Chief, Procurement & Contracting**  
Feb 1972 - Sep 1973 **Chief, Contract Administration Branch**  
Sep 1971 - Feb 1972 **Chief, Supplies Procurement Branch**  
Base Procurement Division, Mountain Home AFB, ID

Jun 1966 - Sep 1971 **Chief, Supplies Procurement Branch**  
Jan 1962 - Jun 1966 **Contract Specialist (Construction)**  
Dec 1960 - Jan 1962 **Purchasing Agent (Supplies/Services)**  
Apr 1958 - Dec 1960 **Housewife, New Mother, Widowed in 1959**  
Nov 1955 - Apr 1958 **Supervisory Purchasing Agent**  
Dec 1953 - Nov 1955 **Procurement Administration Clerk**  
Procurement Offices, Altus AFB, OK & Dyess AFB, TX

**PROFESSIONAL CERTIFICATION:** **Certified Purchasing Manager (C.P.M.)**  
conferred by National Association of  
Purchasing Management

**AFFILIATIONS:** 1983 - Present **Member of MENSA (American Mensa Ltd)**

Current **Purchasing Management Assoc. of AK**

HONORS AND AWARDS

Oct 1965 Outstanding Performance Rating & Quality Salary Increase  
Sustained Superior Performance Award

Nov 1967 Dept. of Air Force Suggestion Program Award

May 1968 USAF Certificate of Achievement - Resources Conservation

Feb 1971 Military Airlift Command Personal Achievement Award

Dec 1972 Dept. of Air Force Suggestion Program Award

Dec 1973 Distinguished Public Service Award, Nationwide Program to  
Keep America Beautiful

Jul 1974 Distinguished Public Service Commendation by Cecil D. Andrus  
Governor, State of Idaho

Jul 1975 Tactical Air Command Certificate of Achievement

May 1976 Outstanding Performance Rating & Quality Salary Increase  
Sustained Superior Performance Award

Jul 1976 Command Achievement Award for Resources Conservation FY 76

Nov 1976 Outstanding Procurement Office Award, Tactical Air Command

1983 Who's Who In America

1981-1983 Who's Who of American Women

1981-1983 World Who's Who of Women

1981-1983 Directory of Distinguished Americans

1982-1983 Personalities of America

1982-1983 Personalities of the West and Midwest

1982-1983 Who's Who in the West

1982-1983 International Who's Who of Intellectuals

1982-1983 Community Leaders of America

1982-1983 Two Thousand Notable Americans

1984-1985 Who's Who of Finance and Industry

1984 International Book of Honor

1984 Dictionary of International Biography

Sen. Randy Phillips  
Chairman  
Rep. Terry Martin  
Vice Chairman  
Sen. Al Adams  
Sen. Steve Frank  
Sen. Steve Rieger  
Sen. Bert Sharp  
Rep. John Davies  
Rep. Mark Hanley  
Rep. Ron Larson  
Rep. Eileen MacLean

# State of Alaska



## Legislative Budget and Audit Committee

### Sectional Analysis

#### CS SB 129 (STA)

Session  
Rm. 103  
State Capitol  
Juneau, AK 99801  
(907) 465-4949

Interim  
P.O. Box 142  
Eagle River AK 99577  
(907) 694-4949

#### **Section 1:**

Changes the term of office of the Chief Procurement Officer from four (4) to six (6) years.

#### **Section 2.**

Prohibits the delegation of the duties of the Chief Procurement Officer.

Prohibits the Chief Procurement Officer from holding more than one state position.

Sets the salary of the Chief Procurement Officer at range 23.

#### **Section 3. NEW Section**

Allows for the delegation of authority for small procurements of professional services.

#### **Section 4.**

Requires the Chief Procurement Officer rather than the Commissioner to make the determination that a sole source procurement is necessary and in the public interest.

*(New) Allows for the delegation of authority for small procurements of professional services.*

#### **Section 5:**

Requires that the Chief Procurement Officer make the written determination on an emergency procurement.

*(New) Allows for delegation of authority when there is insufficient time for the chief procurement officer to make the determination.*

#### **Section 6:**

(a) Requires that the Chief Procurement officer independently examine the material facts of a procurement.

(b) Makes it a Class A misdemeanor for the Chief Procurement Officer to knowingly make a false statement in a determination under AS 36.30.300-36.30.310.

**NEW Section 7:**

Removes the requirement that a cost-reimbursement contract needs to have a written determination by the procurement officer that it is impractical to obtain the supplies or services in another manner.

**NEW Section 8:**

Clarifies the time period for rejection of an appeal.

**NEW Section 9:**

Adds two exceptions to the procurement code.

1. contracts performed outside the U.S.
2. contracts between the Department of Law and outside counsel

**NEW Section 10:**

Deletes the requirement for special determinations for total or life cycle cost contracts.

**Section 11 Transitional Provisions:**

(a) The six year term of the current Chief Procurement Officer shall include the time that the person held the position prior to the effective date of the act.

The other provisions of the act apply the Chief Procurement Officer and to procurements and determinations made after the effective date of the act.

Sen. Randy Phillips  
Chairman  
Rep. Terry Martin  
Vice Chairman  
Sen. Al Adams  
Sen. Steve Frank  
Sen. Steve Rieger  
Sen. Bert Sharp  
Rep. John Davies  
Rep. Mark Hanley  
Rep. Ron Larson  
Rep. Eileen MacLean

# State of Alaska



Session  
Rm. 103  
State Capital  
Juneau, AK 99801  
(907) 465-4949

Interim  
P.O. Box 142  
Eagle River AK 99577  
(907) 694-4949

## Legislative Budget and Audit Committee Sectional Analysis

SB 129

### Section 1:

Changes the term of office of the Chief Procurement Officer from four (4) to six (6) years.

### Section 2.

Prohibits the delegation of the duties of the Chief Procurement Officer.

Prohibits the Chief Procurement Officer from holding more than one state position.

Sets the salary of the Chief Procurement Officer at range 26, step C.

*State may oppose*

### Section 3.

Requires the Chief Procurement Officer rather than the Commissioner to make the determination that a sole source procurement is necessary and in the public interest.

### Section 4

Requires that the Chief Procurement Officer make the written determination on an emergency procurement.

### Section 5:

(a) Requires that the Chief Procurement officer independently examine the material facts of a procurement.

(b) Makes it a Class A misdemeanor for the Chief Procurement Officer to knowingly make a false statement in a determination under AS 36.30.300-36.30.310.

*Department may not like*

### Section 6: Transitional provisions

(a) The six year term of the current Chief Procurement Officer shall include the time that the person held the position prior to the effective date of the act.

The other provisions of the act apply the Chief Procurement Officer and to procurements and determinations made after the effective date of the act.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSSB 129 (STA)

Revision Date: March 17, 1993 Dept. Affected: Administration  
 Title: An Act Relating to State Procurement BRU: General Services  
 Component: Purchasing  
 Sponsor: Senate Rules by Request of LB&A  
 Requestor: Senate State Affairs Committee COMPONENT SERIAL NO. 60

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
-----------------------------	--	--	--	--	--	--

**FUNDING:**

(Thousands of Dollars)



1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact \$ 0

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: Portia Babcock, Committee Staff  Phone: 465-4522  
 Division: Senate State Affairs Committee Date: March 17, 1993  
 Approved by Commissioner: Senator Loren Leman, Chairman  Date: March 17, 1993  
 Agency: Senate State Affairs Committee

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SB 129

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: An Act relating to the State's Chief Procurement Officer. BRU: General Services  
 Component: Purchasing  
 Sponsor: Senate Rules Committee  
 Requestor: Senate State Affairs Committee COMPONENT SERIAL NO. 60

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	11.9	11.9	11.9	11.9	11.9	11.9
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>11.9</b>	<b>11.9</b>	<b>11.9</b>	<b>11.9</b>	<b>11.9</b>	<b>11.9</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	11.9	11.9	11.9	11.9	11.9	11.9
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MF/FA	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>TOTAL</b>	<b>11.9</b>	<b>11.9</b>	<b>11.9</b>	<b>11.9</b>	<b>11.9</b>	<b>11.9</b>

POSITIONS

FULL-TIME	11.9	11.9	11.9	11.9	11.9	11.9
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: \$ 0.00 (Assuming July 1, 1993 effective date.)

ANALYSIS: (attach a separate page if necessary.)

The fiscal impact of this bill is the difference in salary of the Chief Procurement Officer as currently compensated, and Range 26, step C as indicated in the bill. It is assumed that the range and step will remain constant with no yearly merit increases.

Prepared By: Dugan Petty, Director *Dugan Petty*  
 Division: General Services

Phone: 465-2250  
 Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Userra *Nancy Bear Userra*  
 Agency: Department of Administration

Date: 3/3/93

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## SENATE BILL NO. 129

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND  
AUDIT COMMITTEEIntroduced: 2/22/93  
Referred: STA, FIN

## A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the state's chief procurement officer."

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

3 \* Section 1. AS 36.30.010(a) is amended to read:

4 (a) The commissioner shall appoint to the partially exempt service the chief  
5 procurement officer of the state. The chief procurement officer must have at least five  
6 years of prior experience in public procurement, including large scale procurement of  
7 supplies, services, or professional services, and must be a person with demonstrated  
8 executive and organizational ability. The chief procurement officer may be removed  
9 by the commissioner only for cause. The term of office of the chief procurement  
10 officer is six [FOUR] years.

11 \* Sec. 2. AS 36.30.010 is amended by adding new subsections to read:

12 (c) The chief procurement officer may not delegate the duties of the chief  
13 procurement officer established under this chapter.

14 (d) While a person performs the duties of the chief procurement officer under

1 this chapter, the person may not be employed in or appointed to another position with  
2 the state.

3 (e) The annual salary of the chief procurement officer is range 26, step C, of  
4 the salary schedule established in AS 39.27.011.

5 \* Sec. 3. AS 36.30.305(a) is amended to read:

6 (a) A contract for supplies, services, professional services, or a construction  
7 contract under \$100,000, may be awarded without competitive sealed bidding or  
8 competitive sealed proposals, in accordance with regulations adopted by the  
9 commissioner. A contract may be awarded under this section only when the chief  
10 procurement officer [COMMISSIONER], or, for construction contracts under  
11 \$100,000 or procurements for the state equipment fleet, the commissioner of  
12 transportation and public facilities, determines in writing that a situation exists that  
13 makes competitive sealed bidding or competitive sealed proposals impractical or  
14 contrary to the public interest. Procurements under this section shall be made with  
15 competition that is practicable under the circumstance. Except for procurements of  
16 supplies, services, or construction that do not exceed the amount for small  
17 procurements under AS 36.30.320(a), the authority to make a determination required  
18 by this section may not be delegated.

19 \* Sec. 4. AS 36.30.310 is amended to read:

20 Sec. 36.30.310. EMERGENCY PROCUREMENTS. Procurements may be  
21 made under emergency conditions as defined in regulations adopted by the  
22 commissioner when there exists a threat to public health, welfare, or safety, when a  
23 situation exists that makes a procurement through competitive sealed bidding or  
24 competitive sealed proposals impracticable or contrary to the public interest, or to  
25 protect public or private property. An emergency procurement need not be made  
26 through competitive sealed bidding or competitive sealed proposals but shall be made  
27 with competition that is practicable under the circumstances. A written determination  
28 by the chief procurement officer of the basis for the emergency and for the selection  
29 of the particular contractor shall be included in the contract file. The written  
30 determination must include findings of fact that support the determination.

31 \* Sec. 5. AS 36.30 is amended by adding a new section to read:

1           Sec. 36.30.315. DETERMINATIONS BY CHIEF PROCUREMENT  
2 OFFICER; CRIMINAL PENALTY. (a) In a determination made by the chief  
3 procurement officer under AS 36.30.300 - 36.30.310, the chief procurement officer  
4 shall independently examine the material facts of the contract and independently  
5 determine whether the contract is eligible for the procurement procedure selected for  
6 the contract.

7           (b) If the chief procurement officer knowingly makes a false statement in a  
8 determination made by the chief procurement officer under AS 36.30.300 - 36.30.310,  
9 the chief procurement officer is guilty of a class A misdemeanor.

10 \* Sec. 6. TRANSITIONAL PROVISIONS. (a) With respect to the person holding the  
11 position of chief procurement officer on the effective date of this Act, the six-year term of the  
12 chief procurement officer under AS 36.30.010(a), as amended by sec. 1 of this Act, shall  
13 include the time the person holds the position before the effective date of this Act.

14           (b) AS 36.30.010(c) - (e), added by sec. 2 of this Act, apply to the chief procurement  
15 officer on and after the effective date of this Act.

16           (c) AS 36.30.305 and 36.30.310, amended by secs. 3 and 4 of this Act, apply to a  
17 procurement that begins on or after the effective date of this Act.

18           (d) AS 36.30.315, enacted by sec. 5 of this Act, applies to a determination made on  
19 or after the effective date of this Act.

8-LSJ591N  
Bannister  
3/16/93

CS FOR SENATE BILL NO. 129(STA)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND  
AUDIT COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to state procurement."

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

3 \* Section 1. AS 36.30.010(a) is amended to read:

4 (a) The commissioner shall appoint to the partially exempt service the chief  
5 procurement officer of the state. The chief procurement officer must have at least five  
6 years of prior experience in public procurement, including large scale procurement of  
7 supplies, services, or professional services, and must be a person with demonstrated  
8 executive and organizational ability. The chief procurement officer may be removed  
9 by the commissioner only for cause. The term of office of the chief procurement  
10 officer is six [FOUR] years.

11 \* Sec. 2. AS 36.30.010 is amended by adding new subsections to read:

12 (c) While a person performs the duties of the chief procurement officer under  
13 this chapter, the person may not be employed in or appointed to another position with  
14 the state.

1 (d) The annual salary of the chief procurement officer is range 23 of the salary  
2 schedule established in AS 39.27.011.

3 \* Sec. 3. AS 36.30.300(a) is amended to read:

4 (a) A contract may be awarded for supplies, services, professional services, or  
5 construction without competitive sealed bidding, competitive sealed proposals, or other  
6 competition in accordance with regulations adopted by the commissioner. A contract  
7 may be awarded under this section only when the chief procurement officer or, for  
8 construction contracts or procurements for the state equipment fleet, the commissioner  
9 of transportation and public facilities determines in writing that there is only one  
10 source for the required procurement or construction. A sole source procurement may  
11 not be awarded if a reasonable alternative source exists. The written determination  
12 must include findings of fact that support by clear and convincing evidence the  
13 determination that only one source exists. Except for procurements of supplies,  
14 services, professional services, or construction that do not exceed the amount for  
15 small procurements under AS 36.30.320(a) or (b), as applicable [AS 36.30.320(a)],  
16 the authority to make the determination required by this subsection may not be  
17 delegated.

18 \* Sec. 4. AS 36.30.305(a) is amended to read:

19 (a) A contract for supplies, services, professional services, or a construction  
20 contract under \$100,000, may be awarded without competitive sealed bidding or  
21 competitive sealed proposals, in accordance with regulations adopted by the  
22 commissioner. A contract may be awarded under this section only when the chief  
23 procurement officer [COMMISSIONER], or, for construction contracts under  
24 \$100,000 or procurements for the state equipment fleet, the commissioner of  
25 transportation and public facilities, determines in writing that a situation exists that  
26 makes competitive sealed bidding or competitive sealed proposals impractical or  
27 contrary to the public interest. Procurements under this section shall be made with  
28 competition that is practicable under the circumstance. Except for procurements of  
29 supplies, services, professional services, or construction that do not exceed the amount  
30 for small procurements under AS 36.30.320(a) or (b), as applicable  
31 [AS 36.30.320(a)], the authority to make a determination required by this section may

1 \* Sec. 5. AS 36.30.310 is amended to read:

2           Sec. 36.30.310. EMERGENCY PROCUREMENTS. Procurements may be  
3 made under emergency conditions as defined in regulations adopted by the  
4 commissioner when there exists a threat to public health, welfare, or safety, when a  
5 situation exists that makes a procurement through competitive sealed bidding or  
6 competitive sealed proposals impracticable or contrary to the public interest, or to  
7 protect public or private property. An emergency procurement need not be made  
8 through competitive sealed bidding or competitive sealed proposals but shall be made  
9 with competition that is practicable under the circumstances. A written determination  
10 by the chief procurement officer of the basis for the emergency and for the selection  
11 of the particular contractor shall be included in the contract file. The written  
12 determination must include findings of fact that support the determination. Except  
13 when there is insufficient time for the chief procurement officer to make the  
14 written determination required by this section, the chief procurement officer may  
15 not delegate the authority to make the determination.

16 \* Sec. 6. AS 36.30 is amended by adding a new section to read:

17           Sec. 36.30.315. DETERMINATIONS BY CHIEF PROCUREMENT  
18 OFFICER; CRIMINAL PENALTY. (a) In a determination made by the chief  
19 procurement officer under AS 36.30.300 - 36.30.310, the chief procurement officer  
20 shall independently examine the material facts of the procurement and independently  
21 determine whether the procurement is eligible for the procurement method requested.  
22           (b) If the chief procurement officer knowingly makes a false statement in a  
23 determination made by the chief procurement officer under AS 36.30.300 - 36.30.310,  
24 the chief procurement officer is guilty of a class A misdemeanor.

25 \* Sec. 7. AS 36.30.370 is amended to read:

26           Sec. 36.30.370. TYPES OF CONTRACTS. Any [SUBJECT TO  
27 LIMITATIONS OF THIS SECTION, ANY] type of contract that will promote the best  
28 interests of the state may be used, except that the use of a  
29 cost-plus-a-percentage-of-cost contract is prohibited. [A COST-REIMBURSEMENT  
30 CONTRACT MAY BE USED ONLY WHEN A DETERMINATION IS MADE IN  
31 WRITING BY THE PROCUREMENT OFFICER THAT A

1 COST-REIMBURSEMENT CONTRACT IS LIKELY TO BE LESS COSTLY TO  
2 THE STATE THAN ANY OTHER TYPE OR THAT IT IS IMPRACTICABLE TO  
3 OBTAIN THE SUPPLIES, SERVICES, PROFESSIONAL SERVICES, OR  
4 CONSTRUCTION REQUIRED EXCEPT UNDER A COST-REIMBURSEMENT  
5 CONTRACT.]

6 \* Sec. 8. AS 36.30.610(c) is amended to read:

7 (c) The commissioner of administration or the commissioner of transportation  
8 and public facilities, as appropriate, shall, within 15 days from the date the  
9 appellant's comments on the protest report are due under AS 36.30.605(c) and (d)  
10 [AFTER RECEIPT OF AN APPEAL], notify the appellant of the acceptance or  
11 rejection of the appeal and, if rejected, the reasons for the rejection.

12 \* Sec. 9. AS 36.30.850(b) is amended by adding new paragraphs to read:

13 (30) contracts that are to be performed in an area outside of the country  
14 and that require a knowledge of the customs, procedures, rules, or laws of the area;

15 (31) contracts that are between the Department of Law and attorneys  
16 who are not employed by the state and that are for the review or prosecution of  
17 possible violations of the criminal law of the state in situations where the attorney  
18 general concludes that an actual or potential conflict of interest makes it inappropriate  
19 for the Department of Law to review or prosecute the possible violations.

20 \* Sec. 10. AS 36.30.150(b) is repealed.

21 \* Sec. 11. TRANSITIONAL PROVISIONS. (a) With respect to the person holding the  
22 position of chief procurement officer on the effective date of this Act, the six-year term of the  
23 chief procurement officer under AS 36.30.010(a), as amended by sec. 1 of this Act, shall  
24 include the time the person holds the position before the effective date of this Act.

25 (b) AS 36.30.010(c) and (d), added by sec. 2 of this Act, apply to the chief  
26 procurement officer on and after the effective date of this Act.

27 (c) AS 36.30.300(a), 36.30.305(a), 36.30.310, 36.30.370, amended by secs. 3 - 5 and  
28 7 of this Act, and 36.30.850(b)(30) and (31), added by sec. 9 of this Act, apply to a  
29 procurement that begins on or after the effective date of this Act.

30 (d) AS 36.30.315, enacted by sec. 6 of this Act, applies to a determination made on  
31 or after the effective date of this Act.

1 (e) AS 36.30.610(c), amended by sec. 8 of this Act, applies to a protest report filed  
2 under AS 36.30.605 on or after the effective date of this Act.

Dugan Petty  
or

465-2250

Vern Jones

8B129

fax: 465-2189

Proposed substitute language for SB 129 to address the concerns raised in DOA's bill analysis:

## Section 2

Suggest deletion of subsection (c).

Concerns over the delegation of the determination necessary for a sole source procurement are already addressed in AS 36.30.300, which states, "Except for procurements of supplies, services, or construction that do not exceed the amount for small procurements under AS 36.30.320(a), the authority to make the determination required by this subsection may not be delegated."

Similar language is present in AS 36.30.305 which prohibits the delegation for determinations required for limited competition procurements.

Suggested substitute language to prohibit delegations for determining certain types of emergency conditions is included in Section 4.

## Section 4

AS 36.30.310 is amended to read:

Sec. 36.30.310. EMERGENCY PROCUREMENTS. (a) Procurements may be made under emergency conditions as defined in regulations adopted by the commissioner when there exists a threat to public health, welfare, or safety, when a situation exists that makes a procurement through competitive sealed bidding or competitive sealed proposals impracticable or contrary to the public interest, or to protect public or private property. An emergency procurement need

not be made through competitive sealed bidding or competitive sealed proposals but shall be made with competition that is practicable under the circumstances. A written determination by the procurement officer of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The determination must include findings of fact that support the determination.

(b) When emergency conditions exist that make procurements through competitive sealed bidding or competitive sealed proposals impracticable or contrary to the public interest, and there is sufficient time to submit findings of fact and receive a written determination by the chief procurement officer, the chief procurement officer shall determine, in writing, the basis for the emergency and the means by which the procurement shall be made. Except for procurements of supplies, services, or construction that do not exceed the amount for small procurements under AS 36.30.320(a), the authority to make a determination required by this subsection may not be delegated.

#### Section 5

Suggest that subsection (a) be changed as follows:

In a determination made by the chief procurement officer under AS 36.30.300 - 36.30.310, when, in the chief procurement officer's judgment, there is a need to verify the facts as represented by the requesting agency, the chief procurement officer shall independently examine the material facts of the procurement [contract] and independently determine whether the procurement [contract] is eligible for the procurement method [procedure] requested [selected for the contract].

OK

?

NO

NO

A BILL

FOR AN ACT ENTITLED

1 "An act relating to state procurement delegations, protest  
2 appeal responses, printing requirements, establishing  
3 professional services in foreign countries, establishing  
4 professional services contracts for special prosecutors, and  
5 the requirement for certain determinations."

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

7 \* Section 1. AS 36.30.150 is amended to read:

8 [(a)] Bids shall be unconditionally accepted without  
9 alteration or correction, except as authorized in AS  
10 36.30.160. The procurement officer shall evaluate bids based  
11 on the requirements set out in the invitation to bid, which  
12 may include criteria to determine acceptability such as  
13 inspection, testing, quality, delivery, and suitability for a  
14 particular purpose. The criteria that will affect the bid  
15 price and be considered in evaluation for award must be  
16 objectively measurable, such as discounts, transportation  
17 costs, and total or life cycle costs. The invitation to bid  
18 must set out the evaluation criteria to be used. Criteria may  
19 not be used in bid evaluation if they are not set out in the  
20 invitation to bid.

21 [(b) A CONTRACT BASED ON TOTAL OR LIFE CYCLE COSTS MAY BE  
22 AWARDED ONLY WHEN THE CHIEF PROCUREMENT OFFICER OR, FOR

23 CONSTRUCTION CONTRACTS OR PROCUREMENTS FOR THE STATE EQUIPMENT  
24 FLEET, THE COMMISSIONER OF TRANSPORTATION AND PUBLIC  
25 FACILITIES, DETERMINES IN WRITING AT THE TIME OF CONTRACT  
26 SOLICITATION THAT THE CONTRACT PROMOTES OVERALL ECONOMY FOR  
27 THE PURPOSE INTENDED, ENCOURAGES COMPETITION, IS NOT UNDULY  
28 RESTRICTIVE, AND IS IN THE BEST INTERESTS OF THE STATE.]

29 \* Section 2. AS 36.30.300(a) is amended to read:

30 (a) A contract may be awarded for supplies, services,  
31 professional services, or construction without competitive  
32 sealed bidding, competitive sealed proposals, or other  
33 competition in accordance with regulations adopted by the  
34 commissioner. A contract may be awarded under this section  
35 only when the chief procurement officer or, for construction  
36 contracts or procurements for the state equipment fleet, the  
37 commissioner of transportation and public facilities  
38 determines in writing that there is only one source for the  
39 required procurement or construction. A sole source  
40 procurement may not be awarded if a reasonable alternative  
41 source exists. The written determination must include findings  
42 of fact that support by clear and convincing evidence the  
43 determination that only one source exists. Except for  
44 procurements of supplies, services, professional services, or  
45 construction that do not exceed the amount for small  
46 procurements under AS 36.30.320(a), the authority to make the  
47 determination required by this subsection may not be  
48 delegated.

49 \* Section 3. AS 36.30.305(a) is amended to read:

50 (a) A contract for supplies, services, professional  
51 services, or a construction contract under \$100,000, may be  
52 awarded without competitive sealed bidding or competitive  
53 sealed proposals, in accordance with regulations adopted by  
54 the commissioner. A contract may be awarded under this section  
55 only when the commissioner, or, for construction contracts  
56 under \$100,000 or procurements for the state equipment fleet,  
57 the commissioner of transportation and public facilities,  
58 determines in writing that a situation exists that makes  
59 competitive sealed bidding or competitive sealed proposals  
60 impractical or contrary to the public interest. Procurements  
61 under this section shall be made with competition that is  
62 practicable under the circumstance. Except for procurements of  
63 supplies, services, professional services, or construction  
64 that do not exceed the amount for small procurements under AS  
65 36.30.320(a), the authority to make a determination required  
66 by this section may not be delegated.

67 \* Section 4. AS 36.30.370 is amended to read:

68 Subject to limitations of this section, any type of  
69 contract that will promote the best interests of the state may  
70 be used, except that the use of a cost-plus-a-percentage-of-  
71 cost contract is prohibited. [A COST-REIMBURSEMENT CONTRACT  
72 MAY BE USED ONLY WHEN A DETERMINATION IS MADE IN WRITING BY  
73 THE PROCUREMENT OFFICER THAT A COST-REIMBURSEMENT CONTRACT IS  
74 LIKELY TO BE LESS COSTLY TO THE STATE THAN ANY OTHER TYPE OR

75 THAT IT IS IMPRACTICABLE TO OBTAIN THE SUPPLIES, SERVICES,  
76 PROFESSIONAL SERVICES, OR CONSTRUCTION REQUIRED EXCEPT UNDER  
77 A COST-REIMBURSEMENT CONTRACT.]

78 \* Section 5. AS 36.30.610(c) is amended to read:

79 (c) The commissioner of administration or the  
80 commissioner of transportation and public facilities, as  
81 appropriate, shall, within 15 days, beginning at the  
82 conclusion of the time allotted for comments by the appellant  
83 on the protest report, [AFTER RECEIPT OF AN APPEAL] notify the  
84 appellant of the acceptance or rejection of the appeal and, if  
85 rejected, the reasons for the rejection.

86 \* Section 6. AS 36.30.850(b) is amended to read:

87 (b) This chapter applies to every expenditure of state  
88 money by the state, acting through an agency, under a  
89 contract, except that this chapter does not apply to

90 (1) grants;

91 (2) contracts for professional witnesses to provide for  
92 professional services or testimony relating to existing or  
93 probable lawsuits in which the state is or may become a  
94 party;

95 (3) contracts of the University of Alaska where the work  
96 is to be performed substantially by students enrolled in the  
97 university;

98 (4) contracts for medical doctors and dentists;

99 (5) acquisitions or disposals of real property or  
100 interest in real property, except as provided in AS 36.30.080;

101 (6) disposals under AS 38.05;  
102 (7) contracts for the preparation of ballots under AS  
103 15.15.030;  
104 (8) acquisitions or disposals of property and other  
105 contracts relating to airports under AS 02.15.070, 02.15.090,  
106 02.15.091, and AS 44.88;  
107 (9) disposals of obsolete property under AS 19.05.060;  
108 (10) disposals of obsolete material or equipment under AS  
109 35.20.060;  
110 (11) agreements with providers of services under AS  
111 44.47.250; AS 47.07; AS 47.08; AS 47.10; AS 47.17; AS 47.24;  
112 AS 47.25.195, and 47.25.310;  
113 (12) contracts of the Department of Fish and Game for  
114 flights that involve specialized flying and piloting skills  
115 and are not point-to-point;  
116 (13) purchases of income-producing assets for the state  
117 treasury or a public corporation of the state;  
118 (14) operation of the state boarding school established  
119 under AS 14.16, if the State Board of Education or the  
120 commissioner of education adopts regulations for use by the  
121 state boarding school in procurement and contracting;  
122 (15) a contract that is a delegation, in whole or in  
123 part, of investment powers held by the commissioner of revenue  
124 under AS 14.25.180, AS 14.40.400, AS 14.42.200, 14.42.210, AS  
125 18.56.095, AS 22.25.048, AS 26.05.228, AS 37.10.070, AS  
126 37.10.071, AS 37.14, or AS 39.35.080;

127 (16) a contract that is a delegation, in whole or in  
128 part, of investment powers or fiduciary duties of

129 (A) the Board of Trustees of the Alaska Permanent  
130 Fund Corporation under AS 37.13;

131 (B) the Alaska Mental Health Trust Authority under  
132 AS 37.14.001 - 37.14.099;

133 (17) the purchase of books, book binding services,  
134 newspapers, periodicals, audio-visual materials, network  
135 information services access, approval plans, professional  
136 memberships, archival materials, objects of art, and items for  
137 museum or archival acquisition having cultural, historical, or  
138 archaeological significance; in this paragraph

139 (A) "approval plans" means book selection services  
140 in which current book titles meeting an agency's  
141 customized specifications are loaned to the agency  
142 subject to the right of the agency to return those books  
143 that do not meet with the agency's approval;

144 (B) "archival materials" means the noncurrent  
145 records of an agency that are preserved after appraisal  
146 because of their value;

147 (C) "audio-visual materials" means nonbook  
148 prerecorded materials, including records, tapes, slides,  
149 transparencies, films, filmstrips, cassettes, videos,  
150 compact discs, laser discs, and items that require the  
151 use of equipment to render them usable;

152 (D) "network information services" means a group of

153 resources from which cataloging information, holdings  
154 records, inter-library loans, acquisitions information,  
155 and other reference resources can be obtained;

156 (18) contracts for the purchase of standardized  
157 examinations for licensure under AS 08;

158 (19) contracts for home health care and adult residential  
159 and foster care services provided under regulations adopted by  
160 the Department of Health and Social Services;

161 (20) contracts for supplies or services for research  
162 projects funded by money received from the federal government  
163 or private grants;

164 (21) guest speakers or performers for an educational or  
165 cultural activity; or

166 (22) contracts of the Alaska Industrial Development and  
167 Export Authority for a clean coal technology demonstration  
168 project that

169 (A) is attempting to develop a coal-fired electric  
170 generation project;

171 (B) uses technology that is capable of  
172 commercialization during the 1990's; and

173 (C) qualifies for federal financial participation  
174 under P.L. 99-190 as amended.

175 (23) disposals of supplies acquired through foreclosure  
176 of loans issued under AS 03.10;

177 (24) purchases of curatorial and conservation services to  
178 maintain, preserve, and interpret

179 (A) objects of art; and  
180 (B) items having cultural, historical, or  
181 archaeological significance to the state;

182 (25) acquisition of confidential seismic survey data  
183 necessary for pre-sale oil and gas lease analyses under AS  
184 38.05.180;

185 (26) contracts for village public safety officers;

186 (27) purchases of supplies and services to support the  
187 operation of the Alaska state troopers or the division of fish  
188 and wildlife protection if the procurement officer for the  
189 Department of Public Safety makes a written determination that  
190 publicity of the purchases would jeopardize the safety or  
191 personnel or the success of a covert operation;

192 (28) expenditures when rates are set by law or ordinance;

193 (29) construction of new vessels by the Department of  
194 Transportation and Public Facilities for the Alaska marine  
195 highways system.

196 (30) Contracts to be performed in areas outside of the  
197 country requiring knowledge of the customs, procedures, rules  
198 or laws of the area.

199 (31) Contracts between attorneys not employed by the  
200 state and the Department of Law for review or prosecution of  
201 possible violations of criminal law of the state in situations  
202 where the Attorney General concludes that an actual or  
203 potential conflict of interest makes it inappropriate for the  
204 Department of Law to review or prosecute the possible

205 violation.

206 \* Section 7. AS 44.99.200 is amended to read:

207 (a) The publications of a state agency shall be produced  
208 at a [STATE OPERATED] facility located in the state unless  
209 [THE PERSON OR ENTITY DESIGNATED UNDER (b) OF THIS SECTION FOR  
210 THE AGENCY DETERMINES IN WRITING THAT THE NEEDS OF THE STATE  
211 REQUIRE A PUBLICATION THAT DOES NOT COMPLY WITH THE STANDARDS  
212 ESTABLISHED UNDER AS 44.99.230 OR THAT CANNOT BE PRODUCED BY  
213 A STATE OPERATED FACILITY] they would be less costly to  
214 produce at a facility located outside the state.

215 [(b) THE DETERMINATION UNDER (a) OF THIS SECTION SHALL  
216 BE MADE BY THE

217 (1) COMMISSIONER OF ADMINISTRATION FOR A STATE AGENCY IN  
218 THE EXECUTIVE BRANCH, EXCEPT AS PROVIDED IN (4) - (7) OF THIS  
219 SUBSECTION;

220 (2) ADMINISTRATIVE DIRECTOR OF THE JUDICIAL BRANCH FOR  
221 AN AGENCY IN THE JUDICIAL BRANCH;

222 (3) ALASKA LEGISLATIVE COUNCIL FOR AN AGENCY IN THE  
223 LEGISLATIVE BRANCH;

224 (4) BOARD OF REGENTS OR PRESIDENT OF THE UNIVERSITY OF  
225 ALASKA FOR THE UNIVERSITY;

226 (5) [REPEALED, 140 CH 4 FSSLA 1992.]

227 (6) BOARD OF DIRECTORS OF THE ALASKA RAILROAD  
228 CORPORATION FOR THE CORPORATION; AND

229 (7) BOARD OF DIRECTORS OF THE ALASKA AEROSPACE

230 DEVELOPMENT CORPORATION FOR THE CORPORATION.)

231 \* Section 8. AS 44.99.210 is amended to read

232 If a publication of a state agency is [EXEMPTED UNDER AS  
233 44.99.200(a) FROM BEING] not produced at a state-operated  
234 facility and if the actual costs for the publication that are  
235 paid from the general fund exceed \$1,500, the publication must  
236 include a statement that gives the name of the agency  
237 releasing the publication, the purpose of the publication, the  
238 cost for each copy of the publication, and the city and state  
239 where the printing was done. The statement must read: "This  
240 publication was released by ...(name of state agency)...,  
241 produced at a cost of \$..... per copy to ...(statement of  
242 purpose)..., and printed in .....(city and state where  
243 printed)." If the publication is required by law, the  
244 statement must also include: "This publication is required by  
245 ...(appropriate citation to Alaska law)." The statement may  
246 include, if applicable, a declaration of the revenue raised by  
247 the sale of the publication or from the purchase of  
248 advertising in the publication. The statement shall be  
249 printed in one conspicuous place in the body of the  
250 publication in a type size that is not smaller than eight  
251 points and shall be placed in a box composed of at least one  
252 point rule. In this section, "cost for each copy" means the  
253 figure that results after dividing the total contract cost of  
254 producing the publication by the number of copies produced.  
255 This section does not apply to a publication that is intended

256 primarily for foreign or other out-of-state use.

NO

## MEMORANDUM

TO: Tam Cook, Director  
Legislative Legal Division

FROM: Senator Loren Leman, Chairman  
Senate State Affairs Committee

DATE: March 15, 1993

SUBJECT: Proposed Changes for State Affairs Committee Substitute  
For SB 129

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### Section 2:

Page 1, line 12

Delete subsection (c)

Page 2, line 3

Delete "range 26, step C,"  
Insert "range 23"

### Section 4

Page 2, line 20

Following "EMERGENCY PROCUREMENTS", insert (a)

Page 2, line 28

Delete "chief"

Section 4

Insert new subsection:

"(b) When emergency conditions exist that make procurements through competitive sealed bidding or competitive sealed proposals impracticable or contrary to the public interest, and there is sufficient time to submit findings of fact and receive a written determination by the chief procurement officer, the chief procurement officer shall determine, in writing, the basis for the emergency and the means by which the procurement shall be made. Except for procurements of supplies, services, or construction that do not exceed the amount for small procurements under AS 36.30.320(a), the authority to make a determination required by this subsection may not be delegated."

*Deputy  
Barrister  
is  
cleaning  
up this  
draft.*

Section 5

Page 3, line 4

Delete "contract"  
Insert "procurement"

Page 3, line 5

Delete "contract"  
Insert "procurement"

Page 3, line 5

Delete "procurement"  
Insert "method"

Page 3, line 5

Delete "selected for the contract"  
Insert "requested."

## MEMORANDUM

TO: Tam Cook, Director  
Legislative Legal Division

FROM: Senator Loren Leman, Chairman  
Senate State Affairs Committee

DATE: March 15, 1993

SUBJECT: Additional Changes to Incorporate into SB 129

---

Please incorporate the highlighted sections of the attached document into the Senate State Affairs CS for SB 129.



**SB**

**145**

BILL NO: SB 145

DATE: March 18, 1993

TITLE: "An Act establishing the position of state medical examiner. . ."

CONTACT: C.E. Swackhammer  
Deputy Commissioner  
465-4322

SB 145 establishes the position of state medical examiner within the Department of Health and Social Services. It provides that coroners may request the state medical examiner, under regulations to be adopted by the Department, to conduct an external and/or internal examination of the body and to take other appropriate actions to determine the cause of death and to certify it.

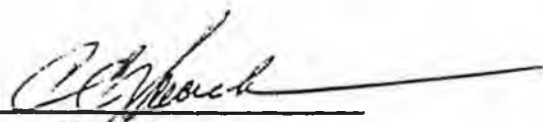
Since 1988, DPS autopsy costs have escalated from 0 to \$225.0 projected for FY93. A state medical examiner can assist in helping to reduce the growth of these costs by being the central point of contact to coroners and law enforcement agencies on forensic medical considerations in death scene investigations, on interpretation of decedents' medical histories, on the interpretation of the findings of external examinations so that a decision can be made to determine:

Which cases require full autopsies or other post mortem examinations and including toxicology screens;

Whether the transportation of the body for post mortem examination is necessary; and if so to what location can autopsy/toxicology screens be performed.

A state medical examiner program will help ensure that appropriate post mortem examinations are performed when necessary for reasons of public safety or public health, while also providing the department with a mechanism to help contain growth in autopsy costs. A state medical examiner will also establish a quality control program to provide training and monitoring of the work of physicians who are appointed as medical examiners in the judicial districts.

The Department of Public Safety strongly endorses SB 145.

  
Richard L. Burton  
Commissioner

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO: SB 145

Revision Date: 4/2/93 Dept. Affected: Public Safety  
 Title: "An act establishing the position  
of state medical examiner: " BRU: DPS Statewide Support  
 Sponsor: Senate HESS Component: Laboratory Services  
 Requestor: Senate STA COMPONENT SERIAL NO. 527

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

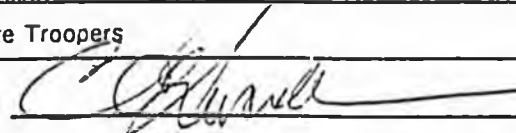
**POSITIONS:**

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

Estimate of current year (FY 93) impact: \$ 0.0

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

The Department's original fiscal note was in error, due to miscommunication. Passage of this bill will help to contain the growing costs for services provided by the Crime Lab. See attached budget amendment.

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 4/02/93  
 Approved by Commissioner:  Date: 4/02/93  
 Agency: Richard L. Burton, Dept. of Public Safety

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AS 12.85.025 assigns the responsibility for designating facilities at which autopsies are performed to the Commissioner of the Department of Health and Social Services. AS 12.85.040 authorizes the coroner to inquire into the cause of death. The Department of Public Safety's Crime Laboratory receives bodies for autopsy but has no authority to question or screen referrals from the coroner. Additionally, the Crime Laboratory has never been permanently funded to perform or assist in a significant number of autopsies.

Due to the tremendous growth in the number of autopsies, resources including forensic professionals are being diverted to assist in autopsies to such an extent that approximately 10% of the Labs resources are now allocated to autopsy work.

The resulting impact limits the major forensic focus of the lab which is to provide forensic support to police in the processing of cases involving latent fingerprints (21,500), criminalistics (6,900), narcotics (11,000), crime scene investigations, administering the breath alcohol program and perform drawings and facial reconstructions.

During the first 6 months of FY 93, 301 autopsies were performed at the Public Safety Crime Laboratory. Of the total \$2,000.5 authorized, an estimated \$226.2 was spent for autopsy support. With the expectation of handling over 800 bodies during FY 93, the Laboratory cannot handle this volume of work with only two autopsy assistants or afford the overtime to receive these remains after hours. During FY 93, other Laboratory caseload has increased to a level where current laboratory personnel can no longer handle this increased workload.

GBA

ADDITIONAL  
EXPLANATION  
FORM

AGENCY Department of Public Safety

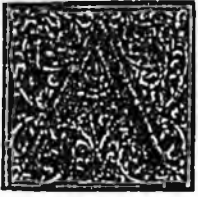
BRU DPS Statewide Support

COMPONENT Laboratory Services

FY 94

Page 2 of 2

Revised Date



# ALASKA STATE MEDICAL ASSOCIATION

4107 Laurel Street • Anchorage, Alaska 99508-5334 • (907) 562-2662

RECEIVED MAR 31 1993

March 30, 1993

Senator Steve Reiger  
Alaska State Senate  
State Capitol  
Interdepartmental Mail Stop: 3100  
Juneau, AK 99801-1182

Dear Senator Reiger:

The Legislative Affairs Committee of the Alaska State Medical Association recently reviewed Senate Bill 145 regarding the position of a State Medical Examiner. After a lengthy discussion we feel it necessary to oppose this bill. It will not represent an improvement over the current system. It was also felt that this would be a more expensive means of dealing with unattended deaths in Alaska. I would encourage you to oppose this bill. If you have any questions regarding this, please feel free to contact me.

Sincerely yours,

Donald R. Lehmann, M.D., A.B.F.P.  
Chairman, Legislative Affairs Committee  
Alaska State Medical Association

DRL:bj



ALASKA STATE MEDICAL ASSOCIATION

DONALD LEHMANN, MD  
Chairman, Legislative Committee

700 Katlian Dr., Suite E  
Sitka, Alaska 99835

(907) 747-5861  
Fax (907) 747-5415

TESTIMONY

PATHOLOGY ASSOCIATES  
P.O. Box 111565  
Anchorage, Alaska 99511  
907-264-1171  
FAX. 907-264-1007

April 2, 1993

Senator Loren Leman  
State Capital  
Room 113  
Juneau, Alaska 99801

Dear Senator Leman:

It is come to my attention that SB #145 is due to for a hearing by the State Affairs committee soon. I write in opposition. For the past 26 years I have been one of the Alaska State Medical Examiners and in my opinion, Alaska has one of the best medical examiner systems in the country. The coroner, an administrator appointed by the presiding judge of the Superior Court of each judicial district is required to investigate deaths in several categories, including homicides, suicides, accidents, those that are work-related, those with potential public health significance, and any other where cause and manner are not obvious. The investigation may or may not include an autopsy, at the Coroner's discretion.

We are fortunate to be able to perform autopsies on most of these deaths since autopsies lead to accuracy in death certificate statistics and leads to few mistakes in classification of death. An attempt will probably be made to compare our autopsy rate to that of jurisdictions in the other states with the implication that fewer is better. Actually, the ideal would be a rate of 100%, not some lesser number. Most workers in those jurisdictions envy us <sup>for</sup> our low numbers and acknowledge that they miss many overdose suicides and occasional homicides as well as misdiagnosing many natural deaths. I have had two cases of gunshot homicides that would have been missed if policy were to conduct "walk-by" viewings of the body. The notes accompanying SB #145 state that its purpose is to lower the cost of the operation by doing fewer autopsies. Dr. Nakamura told me that his real motive is to gain control of the function. The administrative task of handling our bills was turned over to the Department of HSS several years ago because the court administrator wanted to get rid of annoyance. I believe that this function should be returned to the court system. The bill's proponent told me in so many words that he wanted control and cost saving was a lesser motive.

Senator Loren Leman  
SB #145  
Page 2...

I think the fiscal note is deflated and that some costs have been purposely ignored. For example, it is proposed that the State Crime Lab be enlarged to accommodate the Medical Examiner's office and that the autopsy room be enlarged. Further, to assume that a future state medical examiner might choose to do fewer autopsies is questionable since that depends upon the philosophy of the individual pathologist.

The proposed working relationship between the State Medical Examiner, Coroner, and private sector pathologist sounds cumbersome at best. To assume that we would gladly do the night and weekend work is presumptuous. Further, it is advantageous in court to be able to state that we work for the judge instead any law enforcement agency or the District Attorney. To work for the department of HSS would be only slightly better.

I could mention other details but will stop here in the interest of brevity. I urge you to withhold support for this bill. Our system is not broke; it does not need to be fixed.

Sincerely yours,

  
Donald R. Rogers, M.D.  
Forensic Pathologist

DRR/rs

# STATE OF ALASKA

## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

### DIVISION OF PUBLIC HEALTH

WALTER J. HICKEL, GOVERNOR

P.O. BOX 110610  
JUNEAU, ALASKA 99811-0610  
PHONE: (907) 465-3090

March 30, 1993

Honorable Steve Rieger  
Room 516  
State Capital

Dear Senator Rieger:

The department projects the following costs associated with the Post Mortem Program for FY 94. Our latest projections anticipate that the program will have to pay for 824 post mortem exams in FY 94. This new projection is down from our original projection of 880 as a result of more current data. We have prepared an amended fiscal note based upon this new projection. Our analysis is also based upon an average cost of \$1,098.00 per post mortem examination. This average was discussed in the original fiscal note and is still our best estimate of actual costs after all fee increases have been realized in the system.

Table one shows the projected cost of 824 post mortem exams under the existing system is \$905,000. This compares with \$825,000 if SB 145 passes and a State Medical Examiner (ME) is hired.

TABLE 1

	Without Medical Examiner	With Medical Examiner
Personal Services		\$191.0
Travel		\$ 25.0
Contractual		
post mortem exams(824@\$1,098)	\$905.0	
post mortem exams(500@\$1,098)		\$549.0
Toxicological panels(100@\$250)		\$ 25.0
Office and phones		\$ 5.0
Supplies		\$ 5.0
Equipment		\$ 25.0
		_____
Total Estimated Cost	\$905.00	\$825.00

Estimated Savings With Medical Examiner \$80.0

This first year savings of approximately \$80,000 occurs because the ME is expected to do 110 autopsies per year along with other administrative duties and court appearances. The analysis further assumes that approximately 150 deaths will be certified based upon

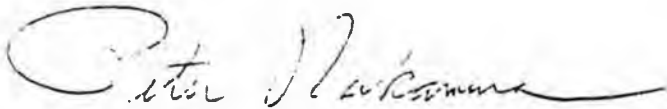
Senator Reiger

-2-

a death investigation alone and (100) can be certified on the basis of a toxicology panel alone at a cost of \$250.

Savings in future years will depend primarily upon the rate of increase in the cost of contracted services. However, with the proposed Medical Examiner system in place these services will be under the administrative and financial control of the Department.

Truly Yours,

A handwritten signature in cursive script, reading "Peter M. Nakamura". The signature is written in dark ink and is positioned above the typed name.

Peter M. Nakamura MD, MPH  
Director

# Alaska State Legislature

Senator Steve Rieger, Chair  
Senator Bert Sharp, Vice Chair  
Senator Loren Leman  
Senator Mike Miller  
Senator Jim Duncan  
Senator Johnny Ellis  
Senator Judith Salo



State Capitol  
Room 516  
Juneau, Alaska 99801  
(907) 465-3762

## Senate Committee on Health, Education and Social Services

MEMORANDUM

March 31, 1993

TO: Senator Loren Leman, Chair  
Senate State Affairs Committee

FROM: Senator Steve Rieger, Chair *SR*  
Senate HESS Committee

RE: Hearing request for SB 145 "An Act establishing the position of state medical examiner; and relating to preparation of death certificates."

I respectfully request a hearing for SB 145 which is in the Senate State Affairs Committee.

Senate Bill 145 is a Senate HESS bill which has the support of the Departments of Public Safety and Health and Social Services and the Alaska Court System. Currently, the coroner determines whether post mortem examinations are necessary. The Department of Health and Social Services pays for the exams. Senate Bill 145 creates a new position of state medical examiner in the Department of Health and Social Services. It provides that coroners may request the state medical examiner, under regulations to be adopted by the department, to conduct an external and/or internal examination of the body and to take other appropriate actions to determine the cause of death and to certify it. It is the expectation of the Committee that a state medical examiner will be able to reduce the total number of post mortem exams performed by eliminating unnecessary exams.

Please contact me or Betty Hargrave on my staff if you have any questions regarding SB 145. Thank you.

SPONSOR STATEMENT



# Alaska State Legislature

## SENATE STATE AFFAIRS COMMITTEE

Official Business

State Capitol  
Juneau, AK 99801-1182

### MEMORANDUM

TO: Senate Secretary

FROM: Senator Loren Leman, Chairman  
Senate State Affairs Committee

DATE: March 31, 1993

SUBJECT: Committee Schedule

State Affairs

Butrovich Room

April 5

Monday 9:00 AM

HB 64, Anti-Stalking Law (Pending Referral)

SB 145, State Medical Examiner

Bills Previously Heard

April 7

Wednesday 9:00 AM

→ SB 5, Medicaid For Certain Disabled Children

→ SB 161, Interest Rates, Taxes, Royalties  
Bills Previously Heard

April 9

Friday 9:00 AM

NO MEETING SCHEDULED

April 12

Monday 9:00 AM

NO MEETING SCHEDULED

# Alaska State Legislature

Senator Steve Rieger, Chair  
Senator Bert Sharp, Vice Chair  
Senator Loren Leman  
Senator Mike Miller  
Senator Jim Duncan  
Senator Johnny Ellis  
Senator Judith Salo



State Capitol  
Room 516  
Juneau, Alaska 99801  
(907) 465-3762

## Senate Committee on Health, Education and Social Services

### Sponsor Statement on:

### **SB 145 "An Act establishing the position of state medical examiner; and relating to preparation of death certificates."**

Senate Bill 145 is a Senate HESS bill which has the support of the Departments of Public Safety and Health and Social Services and the Alaska Court System. Currently, a coroner determines whether post mortem examinations are necessary, physicians conduct the post mortem examinations under a fee for service arrangement, and the Department of Health and Social Services pays for the exams and associated costs.

Senate Bill 145 creates a new position of state medical examiner in the Department of Health and Social Services. It provides that coroners may request the state medical examiner, under regulations to be adopted by the department, to conduct an external and/or internal examination of the body and to take other appropriate actions to determine the cause of death and to certify it.

It is the expectation of the Committee that a state medical examiner will be able to reduce the total number of post mortem exams performed by eliminating unnecessary exams. In the FY 94 Senate Health and Social Services budget, the Senate Finance Committee has incorporated the passage of SB 145 into its funding proposal and shows a reduced post mortem examination cost when compared to the governor's budget proposal.

POSITION PAPER

SENATE BILL NO. 145

A Bill for an Act entitled: "An Act establishing the position of state medical examiner; and relating to preparation of death certificates."

SB 145 establishes the position of state medical examiner within the Department of Health and Social Services. It provides that coroners may request the state medical examiner, under regulations to be adopted by the department, to conduct an external and/or internal examination of the body and to take other appropriate actions to determine the cause of death and to certify it.

BACKGROUND

The existing system for the medical investigation of deaths required to be reported to coroners in Alaska involves four agencies: the Departments of Public Safety, Health and Social Services and Law, and the Alaska Court System.

AS 12.65 specifies the types of deaths which must be reported to coroners and gives coroners the responsibility for establishing the cause of death in these cases. In some of these reported cases, a physician is willing to certify the cause of death and the coroner may determine that no further action is required. In other cases, a physician is not willing to certify the cause or the circumstances of death are such that the coroner may decide to require a post mortem examination which, under current conditions, usually includes an autopsy. Physicians who conduct post mortem examinations work under a fee for service arrangement. Coroners certify that the physician's service has been rendered and DHSS pays the bills. In addition to physician fees, there are also costs for laboratory services, ground or air transportation of bodies for examination and fees payable to funeral homes for the use of facilities and other services provided. The Department of Public Safety provides facilities and support for certain post mortem examinations conducted at it's Anchorage Crime Lab facility .

Historically, the costs of the program for medical investigations of death have been significantly underfunded. Supplementals or revised budget requests have been required each year.

# POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

	<u>Orig Auth</u>	<u>RP/SUPP</u>	<u>Final Auth</u>	<u>Actuals</u>
FY88	463.4	180.6	644.0	618.3
FY89	463.4	333.2	796.6	767.3
FY90	463.4	310.0	773.4	754.5
FY91	463.4	346.6	810.0	809.1
FY92	696.0	102.0	798.0	796.2
FY93	696.0	229.6 (Req)		

The marked projected increase in FY93 is accounted for by an estimated 11 percent increase in the number of autopsies performed and a higher cost per unit of service.

Also historically, Alaska has had a higher rate of autopsy examinations than other states. Contributory factors include the relatively young age of the population and the high incidence of violent deaths, both accidental and deliberate.

## DISCUSSION

The purpose of this bill is to control escalating costs through improving the decision making process for selection of cases to be autopsied. The only way to make significant changes in the rate of cost increases is to limit the number of autopsies and associated transportation expenditures. However, it is absolutely essential that these changes be achieved while simultaneously guaranteeing that autopsies and other types of post mortem examinations be performed where they are necessary for the purposes of law enforcement and public health.

It is anticipated that the number of autopsies can be reduced by focusing on deaths which are classified as accidental or natural. In FY 1991, Alaska autopsied 84 percent of the accidental and 22 percent of the natural death cases reported while the national average for these two categories is 50 percent and 11 percent respectively. In FY 1992, 538 or 68.7 percent of autopsies performed related to accidental or natural deaths at a cost of \$546.6.

There are two critical cost-related issues which can be addressed by a state medical examiner:

- 1) which cases require full autopsies or other post mortem examinations, including toxicology screens; and
- 2) whether transportation of a body is necessary, and if so, to what destination. E.g., can the drawing of body fluids for toxicology screens be done locally or at a regional facility rather than in Anchorage?

The state medical examiner will provide consultation to the coroners and law enforcement agencies on forensic medical considerations in death scene investigations, on

# POSITION PAPER

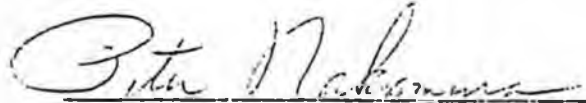
STATE OF ALASKA \* DEPARTMENT OF HEALTH & SOCIAL SERVICES

interpretation of decedents' medical histories, and on the interpretation of the findings of external body examinations. He or she will also perform about 125 autopsies per year while other required autopsies will continue to be done by contract pathologists. A quality control program will also be established. The state medical examiner will also provide training and monitoring of the work of physicians who are appointed as medical examiners in the judicial districts. Once these activities are in place and functioning, it should be possible to contain the costs of the program.

## POSITION

The Department of Health and Social Services strongly endorses SB 145. Discussions have been held with the Court System and the Departments of Law and Public Safety over a period of years to try to arrive at a realistic cost containment strategy. While the Court System has attempted to limit the proportion of cases sent for autopsy examination, significant changes have not occurred. We believe that the establishment of a state medical examiner program will ensure that appropriate post mortem examinations are performed when necessary for reasons of public safety or public health, while also providing the department with the tools it needs to control escalating program costs.

Recommended by:



Peter M. Nakamura, MD, MPH  
Director, Division of Public Health

Date:

March 10, 1993

Approved by:



Theodore A. Mala, MD, MPH  
Commissioner, Department of Health and Social Services

Date:

10 March 1993

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. Senate Bill 145

Revision Date: 3/31/93 Dept. Affected: Health and Social Services  
 Title: Establish a state medical examiner position BRU: State Health Services  
and preparation of death certificates Component: Post Mortem Examinations  
 Sponsor: SHES  
 Requestor: SCRA COMPONENT SERIAL NO. #293

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	191.0	191.0	191.0	191.0	191.0	191.0
TRAVEL	25.0	15.0	15.0	15.0	15.0	15.0
CONTRACTUAL	183.0	183.0	183.0	183.0	183.0	183.0
SUPPLIES	5.0	5.0	5.0	5.0	5.0	5.0
EQUIPMENT	25.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>429.0</b>	<b>394.0</b>	<b>394.0</b>	<b>394.0</b>	<b>394.0</b>	<b>394.0</b>

CAPITAL						
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REVENUE FUND SOURCE						
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	429.0	394.0	394.0	394.0	394.0	394.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>429.0</b>	<b>394.0</b>	<b>394.0</b>	<b>394.0</b>	<b>394.0</b>	<b>394.0</b>

**POSITIONS:**

FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: None

**ANALYSIS:** (Attach a separate page if necessary)

Line 100 -						
Medical Examiner	rg 27	Exempt	Anch	PFT		155.4
Clerk IV	rg 9	GGU	Anch	PFT		35.6
Line 200 -						
Recruitment & Moving Expenses						10.0
Travel to conduct PME's & meeting						15.0

Prepared by: Peter M. Nakamura, MD, MPH  
 Division: Division of Public Health

Phone: (907) 465-3090  
 Date: 3/31/93

Approved by Commissioner: Theodore A. Mala, MD, MPH  
 Agency: Department of Health & Social Services

Date: 3/31/93

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## ANALYSIS (cont.):

Line 300 -	
Post Mortem Examinations(500 x \$1098/ea) + 24 hr. backup	549.0
(This includes the \$396.0 currently authorized for the component)	
Toxicology Panels (100 x \$250/each)	25.0
Office Space & Phones	5.0
Line 400 -	
Office & Lab Supplies	5.0
Line 500 -	
Office Furniture	7.5
Computer Equipment	17.5

The number of autopsies is anticipated to reach 824 in FY93, an 3% increase over FY92. The projected increase in the number of autopsies is due in part to increases in the population, the age of the population and the number of violent crimes in the state. Under the current coroner's system, the courts are responsible for securing a completed death certificate. If the death involves an unattended death where the coroner cannot locate a physician who is willing to attest to the probable cause of death or a death associated with a criminal offense, the coroner orders an autopsy. The Department of Health & Social Services is responsible for paying for these costs. By implementing a State Medical Examiner system, the authority to perform or order an autopsy would rest with the agency also responsible for the budget.

The anticipated cost containment will occur when the ME can make the decision that he/she can attest to the probable cause of death based on (1) the information that is available, or (2) toxicology panels, or (3) by performing an autopsy. In FY91, Alaska autopsied 84% of the accidental and 22% of natural cause deaths while the national average for these two categories is 50% and 11% respectively. In FY92, 538 or 68.7% of autopsies performed related to accidental or natural deaths. The average cost of an autopsy for that fiscal year was \$1,016; \$546.6 was spent on those two categories in FY92. By implementing an ME system, the agency is hoping to reduce the number of autopsies performed after accidental and natural deaths, which will bring Alaska's autopsy ratios for those two categories down comparably.

One of the difficulties that this state experiences (that other states do not) is lack of access in the rural areas. A professional person on staff who can train Public Safety Officers and Village Public Safety Officers in death scene investigations and Public Health Nurses and EMT's in body fluid draws will help contain the costs of shipping bodies to Anchorage.

An ME can perform 100-125 autopsies a year along with other administrative duties and court appearances. The agency will have to continue to contract with other pathologists in order to perform the additional autopsies which the ME determines are necessary and to provide a 24 hour back-up system. Assuming 824 deaths as the base, 110 autopsies will be performed by the ME, 150 deaths certificates can be filed based on the death investigation alone, and 100@\$250/test can be filed based on a toxicology panel. The remaining 500 autopsies will need to be contracted out.

With the unit cost per autopsy going from \$1,017 to \$1,098 with implementation of a new fee schedule for the funeral homes and with the number of autopsies expected to increase, this bill will give the department the tools it needs to control the increasing costs of this program.

Position Title State Medical Examiner		No. of Positions 1	Range/Step 27A	Bargaining Unit Exempt
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District
TYPE of EXPENDITURE		AMOUNT		
Salary		124.2		
Benefits		31.5		
Premium Pay				
Other				
Total Personal Services		155.7		
Travel		25.0		
Contractual		3.5		
Commodities		4.4		
Equipment		16.4		
Other				
Total Cost		205.0		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts			
1003	GF Match			
1004	General Fund	205.0		
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts			
1061	CIP Receipts			
Other				
<p>Justification</p> <p>This position is responsible for the design and implement a statewide system for the investigation of deaths under SB145.</p> <p>The incumbent will:</p> <ol style="list-style-type: none"> <li>1) design a system for medico-legal investigation of unanticipated, sudden, or violent deaths in order to provide accurate, legally defensible determinations of the manner and cause of these deaths;</li> <li>2) serve as chief technical and managerial officer of the forensic medical system;</li> <li>3) perform approximately 125 autopsies per year and maintain quality control for 600-700 autopsies or other postmortem examinations which are performed by contract pathologists; and</li> <li>4) design and train trainers of personnel involved in death investigation including local physicians, state and local police, village public safety officers, etc.</li> </ol> <p>This position is being requested as an exempt position in order to be more competitive with the rest of the United States in recruiting candidates.</p>				

REQUEST for  
NEW POSITION

AGENCY: Health and Social Services  
 BRU: State Health Services  
 COMPONENT: Post Mortem Examinations

Page 1 of 1

Revised Date:

FY94

Position Title Clerk IV		No. of Positions 1	Range/Step 9A	Bargaining Unit GGU
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District
<b>TYPE of EXPENDITURE</b>		<b>AMOUNT</b>		
Salary		25.4		
Benefits		10.2		
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>35.6</b>		
Travel				
Contractual		1.5		
Commodities		0.6		
Equipment		8.2		
Other				
<b>Total Cost</b>		<b>45.9</b>		
<b>FUNDING SOURCE for TOTAL COST</b>				
1002	Federal Receipts			
1003	GF Match			
1004	General Fund	45.9		
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts			
1061	CIP Receipts			
Other				
<b>Justification</b> This position will be the sole clerical support for the State Medical Examiner position. It will be responsible for: 1) office management; 2) data base management; 3) office fiscal responsibilities; and 4) medical transcriptions.				

**REQUEST for  
NEW POSITION**

AGENCY: Health and Social Services  
BRU: State Health Services  
COMPONENT: Post Mortem Examinations

**FY94**

Page 1 of 1  
Revised Date:

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill No. SB 145

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act establishing the position of State BRU: Trial Courts  
medical examiner Components: \_\_\_\_\_  
 Sponsor: Senate HESS  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) impact: None

ANALYSIS: (Attach a separate page if necessary)  
No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228  
 Division: Alaska Court System Date: 03/11/93  
 Approved by: Arthur H. Snowden, II, Administrative Director *AHS*  
 Agency: Alaska Court System Date: 03/11/93

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

SENATE BILL NO. 145

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Introduced: 3/3/93  
Referred: STA, HES, JUD

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the position of state medical examiner; and relating to  
2 preparation of death certificates."

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

4 \* Section 1. AS 12.65 is amended by adding a new section to read:

5 Sec. 12.65.015. STATE MEDICAL EXAMINER. (a) In addition to  
6 appointing medical examiners under AS 12.65.010, the commissioner of health and  
7 social services shall establish in the Department of Health and Social Services the  
8 position of state medical examiner. The state medical examiner is in the exempt  
9 service under AS 39.25.110.

10 (b) The state medical examiner must be a physician licensed to practice in the  
11 state.

12 (c) The state medical examiner shall perform the duties assigned under  
13 AS 12.65.020 and regulations implementing that section and other duties as assigned  
14 by the commissioner of health and social services.

*forensic pathologist*

*licensed forensic pathologist*

1 \* Sec. 2. AS 12.65.020 is amended to read:

2           Sec. 12.65.020. [CORONER'S POWER TO ORDER] EXAMINATIONS BY  
3 STATE MEDICAL EXAMINER AND INQUESTS BY CORONER. (a) When a  
4 person dies unattended by a physician, or when no physician is prepared to execute the  
5 certificate of death prescribed by AS 18.50 (Vital Statistics Act), the coroner assigned  
6 to serve the place where the death occurs may, under regulations of the Department  
7 of Health and Social Services, request the state [, BY WRITTEN ORDER, DIRECT  
8 A] medical examiner to view the remains of the deceased person, [AND TO] perform  
9 the post mortem examination, including an autopsy, or take other actions that are  
10 appropriate under the circumstances [NECESSARY] to make a proper determination  
11 of the cause of death and to execute the prescribed death certificate. When the state  
12 medical examiner has completed the examination, the examiner shall, without delay,  
13 complete, certify, and sign the death certificate and submit a report of the  
14 examiner's findings and conclusions to the coroner.

15           (b) The coroner may order an inquest under this chapter if the findings and  
16 conclusions of the state medical examiner, together with other information available  
17 to the coroner, warrant the inquest. Otherwise the coroner shall enter an order  
18 dispensing with the inquest and shall record the certificate of death as prescribed by  
19 law.

20 \* Sec. 3. AS 12.65.020 is amended by adding a new subsection to read:

21           (c) The Department of Health and Social Services shall adopt regulations to  
22 implement (a) of this section after consultation with the Department of Public Safety  
23 and the Alaska Court System.

24 \* Sec. 4. AS 39.25.110(13) is amended to read:

25           (13) the state medical examiner appointed under AS 12.65.015 and  
26 physicians licensed to practice in this state and employed by the division of mental  
27 health and developmental disabilities in the Department of Health and Social Services  
28 or by the Department of Corrections;



Official Business

**COMMITTEE:**

SENATE STATE AFFAIRS

**DATE:** 4/5/93

**SIGN-IN**

**Subject of meeting:**

SB 145 POSITION OF STATE MEDICAL EXAMINER

**PLEASE PRINT!**

**NAME**

**ADDRESS (MAILING) & (ZIP)**

**PHONE**

**REPRESENTING**

**DO YOU WANT TO TESTIFY?**

✓ Art Snowden	203 K St	267-0547	COURTS	yes
✓ Betty Hangrave	Rm 516 Capitol	465-3767	Sen Rieger	yes
✓ Ken Buschhoff	DPS	465-4336	Public Safety	yes
JAYNE ANDREES	SPWS, Homer	235-7712		
CATHY SCHINDLER	AWAIC ANCH	279-9571	AWAIC	yes
Marylou Papp				
✓ [unclear]	[unclear]	[unclear]	[unclear]	[unclear]
Ann Pence	325 S Spruce			
✓ Al Zangri			OHSS Bureau of Vital Statistics	yes

1. cost  $\rightarrow$  suggestions on how to save?

2. why not work for Court system?

\* Med. by am located same place  
as dec. who should / should not

SB145

PHTS - pediatric pathologist ← PITS considering hiring

Dr. Dan Rogers <sup>against</sup> - 1 of 3 Bd cert. forensic pathologists in AK  
takes several days to get lab work done -  
body decomposes in that time

CO deaths  
fire - used to cover murder

major problem is funding - "that's an accounting problem"

we can reduce costs - should get together w/  
folks to discuss

we are doing a better job than other states  
formerly did autopsies in funeral homes - to justify crime lab  
policy set to do autopsies in crime lab  
SOD cases

Kew Bischoff

> 60% of autopsies done in DPS facilities  
DPS crime lab

Elmer Linstrom

4/5/93 9:25 a SB145

Betty Hargrave - repr. Sen. Kieger

Dr Peter Nakamura - support

good procedure now  
problem w/ budgets - supplemental needed  
projected shortfall of \$200k this yr

Costs

- |                            |             |
|----------------------------|-------------|
| 1. services of pathologist | = 53%       |
| 2. funeral home - support  | 33          |
| 3. transportation to/from  | 14          |
| 4. toxicological exams     | <u>    </u> |
|                            | 100         |

824  
 -110  
 -150  
 -100  
 \_\_\_\_\_

no body internal who can make cause of death determination

have to put cause of death on a death certificate

autopsies - Druc, Fai, Ktn

Art Snowden - support  
suggestion -

- |                             |              |
|-----------------------------|--------------|
| 1. give to Court System     | } not a soln |
| 2. give to health care side |              |

35-40 states have medical examiners

**SB**

**155**

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

March 18, 1993

WALTER J. HICKEL, GOVERNOR

PLEASE REPLY TO:

1031 W. 4TH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501-1994  
PHONE: (907) 269-5100  
FAX: (907) 276-3697

KEY BANK BUILDING  
100 CUSHMAN ST., SUITE 400  
FAIRBANKS, ALASKA 99701-4679  
PHONE: (907) 452-1568  
FAX: (907) 456-1317

P. O. BOX 110300 STATE CAPITOL  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600  
FAX: (907) 462-5295  
465-6735

Hon. Loren Leman  
Alaska State Senate  
State Capitol, Room 113  
Juneau, Alaska 99811

MAR 18 1993

Dear Senator Leman:

We understand that SB 161, relating to interest rates, is before your committee for consideration.

Attached is a sectional analysis for the bill. The bill was proposed by the Department of Law and the Department of Revenue. The bill makes important improvements in Alaska law on interest rates as explained in the sectional analysis.

The Department of Law would appreciate scheduling of a hearing at your committee's earliest convenience.

Sincerely yours,

CHARLES E. COLE  
ATTORNEY GENERAL

By: *Deborah E. Behr*  
Deborah E. Behr  
Assistant Attorney General

DEB:cl

cc: Charles E. Cole  
Attorney General

Bruce M. Botelho  
Deputy Attorney General

Rod Mourant, Legislative Contact  
Department of Revenue

Sam Helms  
1524 Stacia St.  
Fairbanks, Ak 99701

March 22, 1993

Loren Leman, Chair  
State Affairs Committee

Dear Senator Leman:

I want to express my support for SB155. This bill is an effort to equalize the law as it pertains to rentals. Presently the Landlord Tenant Act is an act which predominantly addresses tenants rights.

I have experienced extraordinary damage through malicious destruction by a tenant and his friends. As the law presently exists, there is no recourse for me. I was required to give that tenant 20 days notice to quit destroying my property or at the end of 20 days he would have to vacate the premises. That gave him 20 days within which to do over \$10,000 worth of destruction to my property. I was told it was a "civil matter". I believe malicious vandalism of over \$500 by the tenant should be treated as a criminal act. This is not the case at the present time.

You have before you an explanation of what this bill will do. I want to point out that all the protections for tenants that presently exist continue to exist under this bill. We have taken nothing away from the good tenants that Act is intended to protect. We are interested in protecting ourselves against those few severe cases that we are presently helpless to do anything about. As a member of that minority class in Alaska, the taxpayer, landlords are only asking for a measure of justice that is presently denied them.

Please support SB155. There are a great number of landlords that would be extremely grateful.

Yours Truly,



Sam Helms  
Landlord

cc: Senator Mike Miller, Vice-Chair  
Senator Robin Taylor  
Senator Johnny Ellis  
Senator Jim Duncan

PETITION

(1)

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	Harry Jenkins	HARRY JENKINS	210 10 <sup>TH</sup> AVE	X	1		
2	Don Wadle	DON WADLE	4888 Old Airport Hwy	X	11		
3	Delores Linzner	DELORES LINZNER	1213 Talle St.			✓	
4	Dorothy E. Dallas	Dorothy E. Dallas	450 Sun Way				✓
5	Dois D. Dallas	DOIS D. DALLAS	450 SUN WAY				✓
6	Opal Sleeps	Opal Sleeps	311 Birch St.	X	1		
7	Marrin Bushey	MARRIN BUSHEY	1019 VERNAL				✓
8	Shenni Hutchison	Shenni Hutchison	1019 VERNAL				✓
9	Wilma Wadle	WILMA WADLE	4888 Old Airport Rd.	X	11		
10	Pauline Cornnell	PAULINE CORNELL	921 O'Connor Rd				✓
11	Mathilde Link	MATHILDE LINK	665-10th Ave #206				✓
12	Shirley Christensen	Shirley B Christensen	1616 Maryland				✓
13	Ruby Blair	Ruby Blair	83 Slater Dr #14	Gen. manager	60		
14	Leo V. Blair	Leo V. BLAIR	83 SLATER DR #14	MANAGER	60		
15	Gary Lundgren	Gary Lundgren	3400 Airport Way	OWNER	2.4		
16	James Rathmeyer	JAMES RATHMEYER	4001 Geist Rd Suite 7	OWNER	3		
17	Sulley Rathmeyer	Sulley Rathmeyer	4001 Geist Rd Suite 7	owner	3		
18	Judy Baird	Judy Baird	306 Slater St.				✓

PETITION

(2)

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

#	Signature	Print Name	Address	Landlord	No.Units	Tenant	Other
1	<i>[Handwritten Signature]</i>	TER A. VIGORAN	1026 Evergreen #9-Flt			✓	
2	<i>[Handwritten Signature]</i>	LINDA WOLTING	1025 Evergreen Apt 4			✓	
3	<i>[Handwritten Signature]</i>	Andrea Gillitzer	1026 Evergreen Apt 11			✓	
4	<i>[Handwritten Signature]</i>	Brian Shaw	1028 Evergreen St #2			✓	
5	<i>[Handwritten Signature]</i>	George H. Wilson	Mail P.O. Box 82825-99708 Res. 116 ForgetmeNot Lane Gold Ring			✓	
6	<i>[Handwritten Signature]</i>	Imogene Wilson	Res. 116 ForgetmeNot Lane			✓	
7	<i>[Handwritten Signature]</i>	PATRICIA L. WRATE	1018 Deywood FBKS, AK 99709				✓
8	<i>[Handwritten Signature]</i>	BENJAMIN EDWARDS	1018 Deywood 99709				✓
9	<i>[Handwritten Signature]</i>	John A Pyne	1700 Lataha Cir <sup>2PK</sup> AK 99709				✓
10	<i>[Handwritten Signature]</i>	JO ANN M PYNE	1700 Lataha Cir. <sup>2PK</sup> AK 99709				✓
11	<i>[Handwritten Signature]</i>	Carol Hoewisch	1026 Evergreen St #2			✓	
12	<i>[Handwritten Signature]</i>	MARY EBERHART	1028 EVERGREEN # 3			✓	
13	<i>[Handwritten Signature]</i>	Lisa Shaw	PO Box 15511			✓	
14	<i>[Handwritten Signature]</i>	RITA E GALLAGHER	3504 LISA ANN DR North Pole AK 99705				✓
15	<i>[Handwritten Signature]</i>	ELAINE SIMONIS	1330 WALKWAY LP No. Pole AK 99705				✓
16	<i>[Handwritten Signature]</i>	David Gunn	117 Kantishna Way				✓
17	<i>[Handwritten Signature]</i>	MARY GARRETT	117 Kantishna Way				✓
18	<i>[Handwritten Signature]</i>	Charney A. Garrett	117 Kantishna Way				✓

Sam Hems - 452 3849  
 Ed Willis 456 3900

Terry Hassel

3

PETITION

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	Donald R Blane	Donald R Blane	415 5th Ave Fair 99701	X	66		
2	Theresa Anders	Theresa Anders	160 #2 Syracuse <sup>FBI</sup> AK 99701			X	
3	Mary Reece	Mary Reece	1725 University FBKS			X	
4	Kimberly R Salzer	Kimberly RT Salzer	1658 Fairbanks Ave <sup>B31</sup> 99701			X	
5	Brent Siegel	BRENT Siegel	533 PANORAMA DR. <sup>FBKS</sup> 99701			X	
6	Regina Thomas	Regina THOMAS	5010 Country <sup>Arch 9992</sup> NP				X
7	Nancy A Posolawski	Nancy A Posolawski	543 Craig Ave <sup>FBI</sup> AK 99701				X
8	Tami To Dake	TAMI To DAKE	1941 Christie dr. NP				X
9	Ginnie K Zinza	Ginnie K Zinza	PO Box 74026 FAK 99707				X
10	Jackie M. Shiman	JACKIE M. SHIMAN	P.O. Box <sup>56976</sup> NP 99705				X
11	Terry Rien	TERRY RIEN	PO Box 81570				X
12	Terry Ashcraft	Terry Ashcraft	415 5th Ave Fair 99701				X
13	Sandra George	SANDRA GEORGE	415 5th Ave <sup>#300</sup> FBK 99701			X	
14	David Salmon	David Salmon	Box 54 Chittenden AK 99701				X
15	Jim Nikolai	JIM NIKOLAI	Box 51 Nikolai 99691				X
16	Danita Dates	Danita Dates	29 Glenner Ave #2				X
17	M. Aron Blanc	M. ARON BLANC	415 5th Ave <sup>Box AK</sup> 99701	X	66		

PETITION

4

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	<i>Don Brakfield</i>	Don Brakfield	P.O. Box 73238			X	
2	<i>Lana Wegner</i>	LANA WEGNER	1031 Northwood Flks				X
3	<i>M. Wegner</i>	Michael E. Wegner	1031 Northwood Ln. FBKS AK				X
4	<i>Toni White</i>	Toni White	PO BOX 60081 Flks			X	
5	<i>G. P. Reed</i>	G. P. Reed	P.O. Box Ester AK 99725			X	
6	<i>Joanna Michells</i>	Joanna Michells	DU Box 74804 FBKS 99707			X	
7	<i>Cathy Gabriel</i>	Cathy Gabriel	PO Box 73386 FBKS	X	3		
8	<i>Lynn Porter</i>	Lynn Porter	506 Sprucewood FBKS			X	
9	<i>Bill Melchert</i>	Bill Melchert	3615 BRADDOCK ST FBX	X	1		
10	<i>Donald W. Winters</i>	DONALD W. WINTERS	2133 BRIDGEWATER FBX				X
11	<i>Rick Saddler</i>	Rick SADDLER	1828 KENNEDY				X
12	<i>Steve Farley</i>	STEVE FARLEY	P.O. Box 75148 FBKS 99707			X	
13	<i>Jeff Henry</i>	JEFF HENRY	2045 Lakeview Terrace			X	
14	<i>Teri Melchert</i>	TERI MELCHERT	3615 BRADDOCK ST. FBKS	X	1		
15	<i>Joe Zimmerman</i>	Joe Zimmerman	P.O. Box 56113 NP 99705				X
16	<i>Daniel L. Goreop</i>	DANIEL L. GOREOP	2292 Ptarmigan Ln NP 99705				X
17	<i>Jeff Ehler</i>	JEFF EHLER	P.O. Box 1566 FBKS 99707				X
18	<i>John Ed Smith</i>	JOHN ED SMITH	2519 KEENEY NP 99705			X	

PEITION

5

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	<i>Lee Worsham</i>	Lee WORSHAM	1303 O'Conner	✓	25		
2	<i>Barbara Dowdy</i>	Barbara Dowdy	1051 Eastwood Lane				✓
3	<i>Theresa O'Kelly</i>	THERESA O'Kelly	P.O. Box 70521	✓	3		✓
4	<i>Patricia Kinn</i>	Patricia Kinn	P.O. Box 24466 Ft. Worth, TX 76122	✓	4		
5	<i>Virgil Beuning</i>	VIRGIL BEUNING	996 Coppit Alley	✓	1		✓
6	<del><i>Donna Gatto</i></del>	DONNA GATTO	PO Box 58619 99711				✓
7	<i>Kay L. Hudson</i>	Kay L. Hudson	PO Box 70104 99707	✓	1		✓
8	<i>Audette Koch</i>	AUDETTE KOCH	Box 30 ESTERAK	✓	2		
9	<i>Sam Helms</i>	1524 STACIA	1524 STACIA	✓	7		
10							
11							
12							
13							
14							
15							
16							
17							
18							

PETITION

6

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	<i>Stephan B...</i>	Butler, Stephen	C Co 206 MSB				✓
2	<i>Michelle Hayes</i>	MICHELLE HAYES	3131 SERRA DRIVE	✓	3		
<del>3</del>	<del><i>[Signature]</i></del>	<del>RO STEEPER</del>	<del>1518 27th Ave</del>			✓	
4	<i>[Signature]</i>	JDRM HARRIS	41053 FAIRVIEW CAMP			✓	
5	<i>Jackie Olano</i>	Jackie Olano	613 WAINWRIGHT RD				✓
6	<i>Shawn Perry</i>	SHAWN PERRY	A Co 5/9 FWA				✓
7	<i>[Signature]</i>	CARIS JOHNSON	A Co 9/9 FWA				✓
8	<i>[Signature]</i>	Kenneth R. Edwards	PO Box 72041				✓
9	<i>Kristina Pomeroy</i>	Kristina Pomeroy	1165 Greening Way				✓
10	<i>Johnny Napier</i>	Johnny Napier	240 YALE WAY				✓
11	<i>William T. Simon</i>	William T. Simon	335 Cindy Dr				✓
12	<i>Rob Graves</i>	Rob Graves	320 Wedgewood Dr. #6			✓	
13	<i>John Sawyer</i>	JOHN SAWYER	320 Wedgewood Dr #6			✓	
14	<i>Carol L. Johnson</i>	Carol L Johnson	Corral L Johnson				
15	<i>Genevieve S Gray</i>	Genevieve S Gray	807 2nd	ADP	<i>enough</i>		
16	<i>MANUS MURPHY</i>	MANUS MURPHY	59 COLLEGE 210				✓
17	<i>Sonique Johnson</i>	SONIQUE JOHNSON	5256 N DEBORAH	✓			
18	<i>Marta Jones</i>	MARTA JONES	Quarters - Ft. G. Keely	✓			
	<i>Jacque Childs</i>	JACQUE CHILDS	1773 Kendall, No Pole		1		

MAR 22 '93 09:38 GOLDLINE EXPRESS 907 479 3125

P. 2

PETITION

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

7

#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	Brian Cotoligan	Brian Cotoligan	1300 Moore St Fairbanks AK 99701			✓	
2	Gretta Zito	Gretta Zito	4128 6th St Sols Ft. Wainwright AK 99703				✓
3	Debra L. Thompson	Debra L. Thompson	4427 Mayfield Ct #5 Ft. Wainwright AK 99703				✓
4	Rose Smullen	Rose Smullen	124 Monterey Ct. N.P.				✓
5	Julie Mervyn	Julie Mervyn	4422-2 Mayfield Ct				✓
6	Scott Mervyn	SCOTT MERVYN	4422-2 Mayfield Ct				✓
7	Scott Disseth	SCOTT DISSETH	147 FA06 ROAD C.R.				✓
8	Douglas Tallon	DOUGLAS TALLON	3844 BRANCH AVE				✓
9	Christie Lower	Christie Lower	1715 CLINE PARKWAY				✓
10	Angela Ballet	ANGELA BALLETT	1423 KENNICUT			✓	
11	Jerry A. Hodges	JERRY A. HODGES	11 EUREKA APT. FBK			✓	
12	Cynthia Wilder	CYNTHIA WILDER	1545 EIELSON ST #2 FBK	✓	4	✓	
13	Willard D. Horton	Willard D Horton	500 Ketchikan FBKS AK.				✓
14	Joni Longstre-Tompson	Joni Longstre-Tompson	P.O. Box 152200 WPAAC				✓
15	Anthony M. Beck	Anthony M. Beck	305 Wedgewood Dr FBKS.				✓
16	Bernard A. Smith	BERNARD A. SMITH	414 Bn 901147 FBKS # 49775				✓
17	Tanya Kuhn	TANYA KUHN	Box 902217 FBY AK 99775				✓
18	John A. Roberts	John A Roberts	3040 Davis Rd 12-55				✓

MAR 22 '99 09:39 GOLDLINE EXPRESS 501 412 2167

# PETITION

(8)

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	<i>Larry Dickman</i>	LARRY DICKMAN	1100 KUYUKUK 99701				X
2	<i>John Dickman</i>	JOHN A. DICKMAN	Post/Bx 16087 TWO RIV 99716	X			X
3	<i>Art Dickman</i>	ARTHUR R. DICKMAN	22 1/2 M LECHE ST TWO RIV				X
4	<i>Don Coumml</i>	DON COUMML	1011 DEERE ST FBK	X			
5	<i>Richard F. Koch</i>	RICHARD F. KOCH	PO Box 30 ESTERK	X	2		
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PETITION

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#	Signature	Print Name	Address	Landlord	No.Units	Tenant	Other
1							
2							
3	Ben White	Renee White	320 BRANDT ST Fair AK	✓			
4	<del>Long Hossel</del>	Jerry Hassel	Bx 49, Ester, AK	✓			
5	Deanne Campbell	Deanne Campbell	1108 21 <sup>ST</sup> AVE. FASKS	✓	1		
6	Kim Leonard	KIM Leonard	1644 Willow Fairbanks	✓			
7	David Eklund	DAVID EKLUUD	5122 F NORTH ST ESTER				✓
8	John P Rasmussen	John P Rasmussen	5128 B NORTH ST ESTER				✓
9	Evelyn Franich	EVELYN FRANICH	924 KELLUM				✓
10	Billy Pappa	BILLY PAPPAS	" "				✓
11	Frank Pappa	FRANK PAPPAS	" "				✓
12	Joe Franich	JOE FRANICH	924 Kellum St				✓
13	Agnes Schlotfeldt	Agnes Schlotfeldt	924 Kellum				✓
14	Tok Valenzuela	TOK Valenzuela	1910 TURNER ST				✓
15	Constance RATH	Constance RATH	PO Box 2516 Uklon	1		1	
16	Jehr Petrus	Jehr Petrus	623 Wainwright Rd				✓
17	Su-Hui Stumpf	Su-Hui Stumpf	P.O. Box 60801		✓		
18							

PETITION

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#	Signature	Print Name	Address	Landlord	No.Units	Tenant	Other
1	<i>[Signature]</i>	TAMMI ISAACSON	4450 Dartmouth Fhks.			✓	
2	<i>[Signature]</i>	SUK CHA CAMPBELL	1108 21st Ave FBS			✓	
3	<i>[Signature]</i>	Rowland W. Young	1243 23rd Ave FBS			✓	
4	<i>[Signature]</i>	JOE TURNER	70 2nd Ave FBS				
5	<i>[Signature]</i>	LORENZE J. KELLY	PO BOX 55368 N.P	✓			
6	<i>[Signature]</i>	JAMES W. SCHNEF	P.O. BOX 2416 FBS	✓			
7	<i>[Signature]</i>	THOS. P. WELSBY	P.O. Bx 72157, Fhks. AK-99707				
8	<i>[Signature]</i>	LAURA MCGAUGHEY	P.O. BOX 74847 FBS 99707				
9	<i>[Signature]</i>	JOYCE D. PARKS	P.O. BOX 72623 FBS 99707	✓			
10	<i>[Signature]</i>	LYNNE LITTLE	1522 Cushman St Fhks.	✓			
11	<i>[Signature]</i>	Louise Little	1522 Cushman St. FBS	✓			
12	<i>[Signature]</i>	VICTOR F. SALZBERG	638 CANARD N. P.O. 99705		8		
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PETITION

(11)

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#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	<i>Milton Behr</i>	Milton Behr	P.O. Box 1938 FBUS-99707				✓
2	<i>John Coats</i>	John Coats	2544 Tall Knot Way Fairbanks AK 99709	✓	16		
3	<i>Daniel S Walker</i>	Daniel S Walker	1128 Hess Apt 18 Fairbanks AK			✓	
4	<i>Berline Kuehn</i>	Berline Kuehn	1608 Kennedy St. 99707				✓
5	<i>Barney Fawcett</i>	Barney Fawcett	Box 53 Ester, AK				✓
6	<i>Primo F Bojessa</i>	Primo F Bojessa	Box 74715 Fairbanks AK				✓
7	<i>Wally Burnett</i>	Wally Burnett	1901 Crossan	✓	140		
8	<i>James Masterson</i>	James Masterson	321 Island Dr. So. FA 99701			✓	
9	<i>Clay Ryan Davis</i>	CLAY RYAN DAVIS	Bx. 10412 FBKS AK.	✓	1		
10	<i>Channon D. Wilson</i>	Channon D. Wilson	Bx. 55534 No. Pole AK.			✓	
11	<i>Donna R. Hunt</i>	Donna R. Hunt	2223 20th St Fairbanks AK	✓	20		
12	<i>Genevieve Carby</i>	Genevieve CARBY	266315 Fairbanks, AK	✓	1		
13	<i>Philip J. Carby</i>	Philip J. Carby	2119 31st Fairbanks 99705	✓	1		
14	<i>Mark Schuber</i>	Mark Schuber	3629 Miller St Fairbanks				✓
15	<i>M. Ronald Sheets</i>	M. Ronald Sheets	427 Shore Rd. Fairbanks			✓	
16	<i>M. Ronald Sheets</i>	M. RONALD SHEETS	1028 EVERGREEN ST FAIRBANKS AK	✓	7		
17							
18							